

**NATIONAL UNIVERSITY, SUDAN [NUSU]**

**BY-LAWS OF THE GOVERNING  
BODY**

**CHARTER, ACTS, REGULATIONS AND  
EXTERNAL DOCUMENTS**

**2020**

## INTRODUCTION

This manual contains the most important documents on which the systems of NUSU are based. It includes the Charter which outline the mission and structure of the university. It is followed by the acts and regulations which established the relations between the institution and the employees and students. Relevant external documents have been added: Sudan Labor Law and Sudan Child Act. This is to show NUSU's legal compliance. The Child Act addition is justified since more younger students now joint universities.

Universities grow with time. Young institutions like NUSU, which commits itself to comprehensiveness and quality, will not be able to develop a comprehensive list of documents. Most texts and figures need continuous updating. Many will show internal and external mismatch, in addition to inconsistency and typing errors. Future revisions and editions will result in perfecting the essential documents. The readers will help NUSU to detect the errors and incomplete documents. The advice of every one is welcome.

Prof. Qurashi M. Ali

President of NUSU

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## HR-EX-01

### NATIONAL UNIVERSITY CHARTER 2015

Pursuant to the provisions of the Sudan Interim Constitution for the Year 2005, the National Assembly has passed, and the President of the Republic signed the following Charter:

#### Chapter one

##### Preliminary rules

##### Name of Act & Date Effective

1. This Act shall be called ‘the National University Charter of 2015’ and shall go into force as of date signed.

##### Application & Prevalence of High Education Regulation Act

2. The high education regulation act of 1990 shall apply to the national university and its provisions shall prevail in case of contradiction with the provisions of this Act.

### Interpretation

3. In this Charter, unless the context otherwise requires, the following phrases shall carry the meaning assigned opposite each:

<b>University</b>	Means the National University, established in accordance with the provisions of Article 4
<b>Patron</b>	Means the University patron as stated for in Article 7
<b>Council</b>	Means the National Council of Higher Education & Scientific Research
<b>Board of Trustees</b>	Means the Board of Trustees established in accordance with the provisions of Article 8.1
<b>Committee</b>	Means the financial & Administrative Committee established pursuant to the provisions of Article 21
<b>President</b>	Means the University official, appointed as chairperson pursuant to the provisions of Article 17
<b>Vice President</b>	Means the President's deputy, stated for in Article 19
<b>Principal</b>	Means the University administrative official, appointed according to the provisions of Article 23.1
<b>Academic Council</b>	Means the Academic Board established according to the provisions of Article 11
<b>Dean of Student Affairs</b>	Means the Dean of Student Affairs, appointed according to the provisions of Article 31
<b>Board of Scientific Research &amp; Graduate Study</b>	Means the Board for Scientific Research & Graduate Study, established pursuant to the provisions of Article 14
<b>Librarian</b>	Shall mean an employee in charge of libraries, appointed as per the provisions of Article 29

<b>Faculty</b>	Means any academic unit that includes a number of departments specializing in teaching, research, training and community service and that provide study programmes qualifying for granting an academic degree
<b>Department</b>	Means any academic unit specialized in any of the disciplines of knowledge and community service that are delivered by one of the faculties or institutes
<b>Centre</b>	Means any independent academic unit that belongs to a faculty and is concerned with graduate studies, training, scientific research and community service
<b>Institute</b>	Means any independent academic unit concerned with graduate studies, training and scientific research
<b>Student</b>	Means any person registered with any of the faculties, institutes or centres, with the intent of obtaining an academic degree from the University
<b>Graduate</b>	Means any person holding an academic degree from the University
<b>Employee</b>	Means any of the employees of the University, including the teaching staff
<b>Teaching Staff</b>	Means the professors, associate professors, assistant professors, lecturers, librarian and assistant librarians, who meet the terms and conditions for teaching staff
<b>Founders</b>	Means the owners (investors) of the National Company for Advanced Education Systems, registered in accordance with the provisions of the Companies Ordinance 1925

## Chapter Two

### The University

#### University Establishment, Domicile, Formation and Logo

- 4.1 A university shall be established to be called ‘the National University’, which shall be of a legal character and sequential nature, a general seal and the right to litigate in its own name.
- 4.2 The head office of the University shall be in the state of Khartoum and it may establish colleges inside the Sudan and abroad, in accordance with the rules and regulations.
- 4.3 The University shall consist of a Board of Trustees, Academic Council (Senate), Teaching Staff, Academic Secretariat, employees and students.
- 4.4 The University shall have a logo to be approved by the Board of Trustees.

### **University Objectives**

5. The University aims at the application of modern visions in the field of high education in accordance with policies approved by the state’s competent authorities. In implementation thereof, the University seeks to fulfill the following objectives:
  - a. To confirm the nation’s identity and unity, and to embed the same in all University programs and curricula;
  - b. To qualify students in all disciplines of knowledge, to contribute to the realization of a comprehensive scientific revival in the homeland and the building of a society of science and knowledge ad bridging the technological gap;
  - c. To keep abreast of scientific research and to conduct original research work and publish the findings;
  - d. To enhance the academic partnership with similar institutions in the country and abroad; and
  - e. To shoulder responsibility towards society and responding the society’s needs within limits of specializations available in the University.

### **Freedom of Faith, Thought & Research and Non-Discrimination**

- 6.1 Members of the teaching staff, employees and students at the University shall have freedom of faith, research and non-discriminatory treatment within the University campus, in accordance with the provisions of the Constitution and the Law.
- 6.2 No Sudanese national may be deprived of study at the University or assume a post herein because of faith, ethnicity, race, ideology or disability, unless as required by the nature of work or study.

### **Patron**

- 7.1 The President of the Republic shall be the Patron of the University;
- 7.2 The Patron, or deputy thereof, shall chair University celebration events;
- 7.3 The Patron shall have the right to get any information related to the University and the University administration shall have to periodically provide the Patron with the same.

## Chapter Three

### University Structures

#### Board of Trustees

- 8.1 The University shall have a board of trustees to be formed as follows:
- a. A chair of the Board of Trustees, to be selected by the Board of Trustees out of the founding members of the Board;
  - b. Eight members out of founders;
  - c. ex officio members, as follows:
    - i. The President
    - ii. Vice President;
    - iii. University Principal
    - iv. academic secretary
    - v. dean of students affairs;
    - vi. the librarian;
    - vii. Director General of the general directorate on private & Foreign High Education.
  - d. Members to be selected from within the university, as follows:
    - i. Three members to be selected by the academic secretariat out of their numbers;
    - ii. One member out of employees, other than teaching staff, to be selected according to what regulations specify;
    - iii. A representative of students to be selected in accordance with what regulations specify.
  - e. Three members from outside the University, who possess academic capability and interest in issues of higher education, to be selected by the founders in consultation with the Chair of the Board.
- 8.2 The Board of Trustees' term in office shall be four years.

#### Board of Trustees' Competence & Powers

- 9.1 The Board of Trustees is in charge of the academic, administrative and financial performance of the university and may take what they deem fit of decisions and arrangements towards realizing the university objects within the framework of the Board's policies. Without prejudice to the powers, competences and tasks of the academic secretariat, the Board of Trustees shall have the following powers:
- a. To approve future policies and plans aimed at developing the university and upgrading it academically, administratively and finance wise;
  - b. To appoint employees to upper management posts, upon recommendation from the chair;

- c. To draft regulations, rules and controls required for ensuring soundness of the university accounting system and correctness of financial actions;
  - d. To establish colleges, institutes, centers, departments, academic chair programs, academic programs and specialized technical departments, upon recommendation from the academic secretary;
  - e. To conclude contracts and agreements required for realizing, on behalf of the University, the objectives it seeks;
  - f. To own property and movables to realize the University objects and to set up arrangements required for their safe keep;
  - g. To invest University moneys and to make the same grow in value through subscribing/investing into companies or any other projects the Board deems appropriate;
  - h. To establish and cancel posts and to determine terms of service for employees of the University in accordance with standards set by the Board;
  - i. To determine tuition fee and grants;
  - j. To grant honorary degrees in accordance with regulations;
  - k. To withdraw any honorary degrees granted to a person or entity, if holder is convicted in a violation that involves moral deviation, indecent conduct or infringing on honor or integrity;
  - l. To approve the draft annual budget estimates;
  - m. To appoint the authorized auditor of the University and discuss their annual report or any other report the auditor presents;
  - n. To approve the annual report on academic, administrative and financial performance of the University;
  - o. To form committees to assist the Board with tasks assigned;
  - p. To issue regulations/rules required to organize the Board's business and meetings.
- 9.2 The Board of Trustees may delegate any of its powers or competencies to any of its committees, under terms and conditions the Board deems fit.

### **Board Meetings**

- 10.1 The Board of Trustees shall convene at least twice a year, and the Board's Chair may call for extraordinary meeting upon recommendation from the President or per a written request from two thirds of the Board's members;
- 10.2 The Board of Trustees Chair shall head the meeting. In his absence, meeting shall be chaired by the University Principal. In case both are absent, the Board shall select one of its members present at the meeting to chair it;



- 10.3 At Board meetings, quorum shall be attained by the presence of half the Board’s members and its resolutions shall be passed with a majority vote by those present. At a tie, the chair shall have a casting vote;
- 10.4 The Board of Trustees may invite any person to attend any of its meetings, without having the right to vote therein.

**Academic Council Establishment and Formation**

- 11 An academic affairs board shall be established, to be formed as follows:
- |    |  |                        |
|----|--|------------------------|
| a. | Chair  | Chairperson            |
| b. | Deputy chair (designated by Chair)   | Deputy chair           |
| c. | Wakeel (Principal)   | Member                 |
| d. | Academic secretary   | Member &<br>Rapporteur |
| e. | Dean, Graduate Study & Research  | Member                 |
| f. | Dean, student affairs  | Member                 |
| g. | Librarian  | Member                 |
| h. | Deans of faculties and directors of institutes and centers   | Members                |
| i. | Heads of departments   | Members                |
| j. | Ten, at most, of members of the teaching staff with professorship  | Members                |
| k. | Five persons who are qualified and competent, selected by the Chair in consultation with the Board of Trustees | Chair<br>Members       |

**Academic Council Powers & Competences**

- 12.1 The academic affairs board shall have the following powers and competences:
- a. To approve study programs and academic reform proposals presented by faculties, institutes, centers and standing committees;
  - b. To draft controls related to exams and to pass lists of internal and external examinees referred to the board by faculties, institutes and standing committees;
  - c. To pass exam results, grant academic degrees and prizes for students who successfully complete all approved study requirements in accordance with the provisions of regulations;
  - d. To recommend to the Board of Trustees on the establishment of faculties, institutes, centers, departments and specialized academic chairs for the Board’s approval;
  - e. To pass terms and conditions for the appointment and promotion of teaching staff in accordance with the standards determined by the academic board;

- f. To draft strategies and plans of research, authoring and publishing;
- g. To grant title of ‘distinguished professor’ (chair professor) in accordance with the provisions of the regulations organizing the matter;
- h. To pass resolutions of disciplinary panels of academic nature formed in accordance with the provisions of regulations;
- i. To provide advice and consultation for the Board of Trustees on the number of students planned to enroll with the University;
- j. To present an annual report before the Board of Trustees on the University’s academic performance;
- k. To form committees, standing or temporary, to assist the board with performing its tasks;
- l. To issue regulations required for organizing the board’s business.

**Academic Council Meetings**

- 13.1 The academic board shall have at least four meetings per year and may be invited to a meeting as per a request by the chair or two thirds of the board’s members.
- 13.2 The chair shall preside over the meetings of the academic board and, in case of the chair’s absence, the meeting shall be chaired by the deputy chairperson.
- 13.3 At academic board’s meetings, quorum shall be attained by the presence of half the members and its resolutions shall be passed upon a majority vote by members present. In case of tie, the chair shall have a casting vote.
- 13.4 The academic board may invite any person to attend any of its meetings without having the right to vote thereat.

**Establishment & Formation of the Board of Scientific Research and Graduate Study**

14 A scientific research board shall be established to be called ‘the Scientific Research & Graduate Study Board’ and shall be formed as follows:

a. Chair	chairperson
b. Deputy chair (designated by chair)	member
c. Dean, Graduate Study & Scientific Research	member and rapporteur
d. Academic secretary (academic affairs secretary)	members
e. Deans of faculties, institutes and centers	members
f. Editors-in-chief of academic journals	members
g. Director of publishing unit	member

### **Powers and Competences of the Board of Scientific Research and Graduate Study**

- 15.1 The Board of Scientific Research & Graduate Study shall have the following competences:
- a. To draft policies related to scientific research, graduate study and publishing;
  - b. To effect partnerships with parallel academic institutions, research work agencies and publishing houses of relevance, in the country and abroad;
  - c. To publish the teaching staff scientific research in academic journals in accordance with the regulations organizing the matter;
  - d. To technically supervise the publishing house towards realizing plans and programs approved by the Board of Trustees;
  - e. Any other powers that regulations may specify.
- 15.2 The Board of Scientific Research & Graduate Study may form committees to assist it with performing its tasks.

### **Meetings of the Board of Scientific Research and Graduate Study**

- 16.1 The Board of Scientific Research & Graduate Study shall convene four times a year and may be invited to convene upon a request from the chair or two thirds of its members;
- 16.2 The chair shall preside over the meetings of the Board of Scientific Research & Graduate Study and, in case of absence thereof, the meeting shall be headed by the deputy chair;
- 16.3 At meetings of the Board of Scientific Research & Graduate Study, quorum shall be attained by the presence of more than half the members and its resolutions shall be passed upon a majority vote of those present. At a tie, the chair shall have a casting vote;
- 16.4 The Board of Scientific Research & Graduate Study may invite any person to attend its meetings without having the right to vote thereat.

### **The President**

- 17.1 the University shall have a President, appointed by the Patron out of five candidates selected by the Board of Trustees of academic qualification and experience, holders of PhD or professor degrees, to be referred to the Patron, for a non-renewable term-in-office of four years and upon the recommendation of the chair of the Board of Trustees, in accordance with the terms of service determined by the Board of Trustees;
- 17.2 The President shall assume the post for a non-renewable term-in-office of four years.

### **President's Competences and Powers**

- 18.1 The President shall be the University chief executive officer and shall report to the Council and the Board of Trustees in charge of the university's academic, administrative and financial performance and doing what is required to realize the University's objectives, in coordination with the University's different organs, in accordance with the provisions herewith and the regulations issued

pursuant thereto. Without prejudice to the generality of the foregoing, the president shall have the following competences and powers:

- a. To upgrade the academic, administrative and financial performance of the University, by innovating modern and effective means to realize the same;
- b. To chair the Academic Council and its standing committees and any other committees assigned the task of residing over, in accordance with the provisions herewith and the bylaws and regulations issued pursuant hereto;
- c. To appoint members of the teaching staff and employees of the University, in accordance with standards approved by the Board of Trustees;
- d. To refer new curricula and study programs before the academic board (academic secretariat) for its approval;
- e. To present an annual report on the academic, administrative and financial performance before the Board of Trustees;
- f. To preserve public order in the University, in coordination with the competent authorities inside the University and outside of it;
- g. To suspend study in any faculty, institute or center, or shut down the University, if need be, upon recommendation from the competent authorities;
- h. To sign agreements and contracts on behalf of the University, speak on behalf of the University in accordance with the provisions herewith, as the lawful representative of the University.

#### **Vice President**

- 19.1 The University shall have a deputy for its President, who shall be of academic qualification and experience, to be appointed by patron, upon recommendation from the Board of Trustees, following consultation with the University President, in accordance with the regulations;
- 19.2 The term-in-office for the vice president shall be four years and they may be reappointed for another term.

#### **Vice President's Competences and Powers**

- 20 The vice president shall have the following competences and powers:
  - a. To carry out tasks of the President in his absence or when the post is vacated, in accordance with the provisions of the law and regulations organizing that matter;
  - b. To assist the President in performing his asks;
  - c. To carry out any other tasks assigned to by the President or so authorized by regulations to perform.

#### **Financial and Administrative Committee**

21 A committee shall be formed to be called ‘the financial & administrative committee’, formed as follows:

a. Chairperson of the Board of Trustees	Chairperson
b. The President	Member and alternate Chair
c. Deputy chair (designated by the Chair)	Member
d. Principal	Member & Rapporteur
e. Two members representing the founders	Members
f. Two members selected by the Board of Trustees out of their members other than founders	Members

### **Committee Competences and Powers**

22.1 The committee shall have the following competences and powers:

- a. To prepare draft annual budget estimates and refer the same to the Board of Trustees for approval;
- b. To provide advice and consultation to the Board of Trustees on financial and administrative matters the Board so refer thereto;
- c. To issue internal regulations to organize its business and meetings.

22.2 The Committee may invite any person to attend any of its meetings without having the right to vote therein.

### **The Principal**

23.1 The President shall appoint, in consultation with the chair of the Board of Trustees, a wakeel for the University from among senior administrators or members of the teaching staff in the University, or out of those with qualifications and expertise from outside the University;

23.2 The Wakeel’s term-in-office shall be four years and he may be reappointed for another term;

23.3 The Wakeel shall keep the University seal and special record of all University property be they real estate or money;

23.4 The Wakeel shall be responsible before the President for the University’s administrative and financial performance, in accordance with the bylaws and regulations.

### **Principal Competences and Powers**

23.5 The Principal shall have the following competences and powers:

- a. To supervise the administrative and financial performance of the University;

- b. To draft plans necessary for perfecting financial and administrative performance, in coordination with members of the Committee and the Board of Trustees;
- c. To present periodical report to the President on the financial and administrative performance;
- d. To follow up on meetings of the Committee and the implementation of its resolutions;
- e. To safe keep title deeds and preserve the University's assets;
- f. To carry out any other tasks assigned to by the President.

### **Academic Council**

- g. The president, in consultation with the head of the Board of Trustees, shall appoint one of the members of the teaching staff as a Academic Council, who shall be of qualification, knowledge and expertise, for a term-in-office of four years and the secretary may be reappointed for another term.

### **Secretary of Academic Affairs Competences and Powers**

23.6 The secretary for academic affairs shall have the following competences and powers:

- a. To be responsible for all matters related to academic performance in faculties, institutes, centers and programs;
- b. To serve as rapporteur for the Academic Council and responsible for follow up on the plans and resolutions of the academic affairs board;
- c. To present, to the President, regular reports on the academic performance;
- d. To follow up on the implementation of the resolutions and recommendations of the academic affairs board;
- e. To keep results of students and graduates and to ensure their confidentiality, safety and correctness;
- f. To issue certificates approved by the Academic Council;
- g. To carry out any other tasks assigned to by the President.

### **Dean, Graduate Study and Research**

27 The President, in consultation with the head of the Board of Trustees, shall appoint a dean for graduate studies and scientific research, out of members of the teaching staff, of qualification, knowledge and expertise, for a term-in-office of four years. The dean may be reappointed for another term.

### **Competences and Powers of Dean**

28 The Dean of Graduate Study & Research shall have the following competences and powers:

- a. To follow up on the implementation of the plans and resolutions of the Graduate Study, Research & Publishing unit, and to develop the same in coordination with the competent agencies inside the University and outside of it;

- b. To propose policies and projects related to graduate studies, research and publishing;
- c. To provide required means for graduate study programs and research needs, in accordance with allocated budgets, in coordination with competent authorities inside and outside of the University;
- d. To ensure regularity of getting academic journals published and to monitor impact of each of them;
- e. To present to the President biannual reports on graduate study, research and publishing;
- f. To carry out any other tasks assigned to by the President.

### **Librarian**

29 The President, in consultation with the head of the Board of Trustees, shall appoint one of the teaching staff to serve as a librarian. Candidate shall be of qualification, knowledge and expertise and shall have a term-in-office of four years and may be reappointed for another term.

### **Librarian's Competences and Powers**

- 30 The Librarian shall have the following competences and powers:
- a. To present to the President an annual plan for developing the libraries;
  - b. To coordinate with faculties, institutes, centers to identify their needs of reference books and periodicals in all disciplines;
  - c. To provide main and branch libraries with required hard and soft copies of reference books and periodicals;
  - d. To technologically develop library services to become info hubs;
  - e. To present to the President biannual reports on the University libraries and needs thereof;
  - f. To carry out any other tasks assigned to by the President.

### **Dean, Student Affairs**

31 The President, in consultation with the head of the Board of Trustees, shall appoint one of the teaching staff to serve as Dean for Student Affairs. Candidate shall be of qualification, knowledge and expertise and shall have a term-in-office of four years and may be reappointed for another term.

### **Dean of Student Affairs' Competences and Powers**

- 32 The Dean of Student Affairs shall have the following competences and powers:
- a. To present to the President plans and proposals for student activity;
  - b. To follow up on the implementation of the Code of Activity & Conduct and any other rules related to student affairs;
  - c. To follow up on the implementation of student activity in coordination with faculties, institutes and centers;
  - d. To provide students with guidance educationally, socially and sport wise;

- e. To assist students with forming their academic and cultural societies, in coordination with faculties, institutes and centers;
- f. To strive for strengthening relations between the University and graduates, through specialized committees;
- g. To carry out any other tasks assigned to by the President.

### **Faculty, Institute and Centres' Boards**

33 Each faculty, institute and center shall have a Board to manage them, to be formed pursuant to the provisions of regulations.

### **Boards' Competences and Powers**

- 34 In addition to the competences and powers stated for in the regulations, a faculty, institute or center's board shall have the following competences:
- a. To prepare study programs and present to the academic affairs board;
  - b. To recommend to the academic affairs board to approve student results, academic degrees and prizes, excepting honorary degrees;
  - c. To recommend to the academic affairs board to approve internal and external examiners;
  - d. To provide advice and consultancy on any matter related to academic affairs, upon referral to by the academic affairs board;
  - e. To pass the proposals of departments' boards on academic curricula and academic reform and to refer the same before the academic affairs board for its approval.

### **Department Boards**

- 35.1 A board shall be established in each department, to be headed by the head of the department and membered by all members of the teaching staff at the department in question;
- 35.2 In addition to the competences and powers stated for in the regulations, the boards of departments shall be in charge of organizing academic activity under the supervision of the said department, in accordance with the regulations organizing the matter and upon approval of the board of the faculty concerned.

## **Chapter Four**

### **Financial Provisions**

#### **University Sources of Finance**

- 36.1 The financial sources of the University shall consist of the following:
- a. tuition fee and fees of training programs;
  - b. endowments, bequest and grants; and
  - c. any other sources approved by the Board of Trustees.



36.2 The University moneys shall be kept in current and investment accounts with any banks or finance institutions accredited by the Board of Trustees;

36.3 The University moneys shall be spent to realize its objects, in accordance with the provisions of the financial regulations organizing such matters;

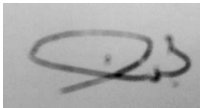
37 The University final accounts and its asses shall be subject of an audit at the end of each fiscal year, by an authorized auditor to be appointed by the Board of Trustees.

**SIGNED ON: 31/12/2015**



**HE PROFESSOR IBRAHIM A. OMER**

CHAIRPERSON OF NATIONAL COUNCIL (PARLIAMENT)



**HE OMER H.A. ELBASHIR, PRESIDENT OF THE SUDAN -31/12/2015**

## **STAFF EMPLOYMENT REGULATIONS**

### **Recruitment Policy**

The National University, Sudan (NUSU) aims to be a prominent higher educational centre and summit in service, research, innovation and community service. NUSU recognizes that the ability and enthusiasm employees is one of the first requirements of total quality. This requires high-quality in the selection of its teachers and staff. That is attainable through sound recruitment requirements, good working environment and satisfactory terms and conditions of service that are conducive to retaining good employees. Positive feedback from the students, families, peers and the community at large will generate satisfaction with their contribution to the objectives of NUSU. The university accounts on development of continuous professional training opportunities of personnel to achieve quality and expands their knowledge and skills in teaching, supervision, research and community service.

The following are the requirement that directs employment practice.

### **Article (1): Prevailing Laws and Regulations**

- 1.1 In case of conflict between this policy and any rules issued by the National Council for Higher Education and Scientific Research, Sudan, the latter shall prevail unless an exception thereof so permits.

### **Article (2): Terms of Employment**

- 2.1 It is required in recruitment to have a vacant post allocated for in the NUSU's budget, with specific job description, and lack of qualified university employee who can be promoted to the fill the vacancy.
- 2.2 Vacant posts are announced in the media every before summer vacation.
- 2.3 Applicants are expected to have academic and experience qualifications suitable to the duties of the job, good manners, medical fitness as per a medical examination prior to recruitment procedures, verified criminal record, and ready to commit full-time for the full-time job or almost complete devotion for a part-time jo. In the absence of prior medical examination, an employee/labourer shall bear ensuing obligations.
- 2.4 Applicants are required to be no less than eighteen, and not more than sixty years of age. The Board of Trustees may waive the maximum age limit by ten years for professors and associate professors, five years for assistant professors, and three years for the other

categories. Any appointment for candidates above seventy shall be deemed a monthly recruitment, including subsequent benefits and obligations.

- 2.5 When contracting those of distinguished academic or career reputation, specified academic terms and conditions of employment may be waived, with the consent of the Board of Trustees.
- 2.6 Jobs must be advertised on the Website and newspapers and job interviews conducted with transparency; except in cases of hunting for rare competencies, and the waiving of procedures.

#### **Article (3): Employment Contracts**

- 3.1 The version of contract attached hereto shall be signed, and the content of Regulations pertaining to the post contracted shall be considered an integral part of the contract.
- 3.2 The contractor signs a contract which is automatically renewed in the case none of the parties (Contractor and University) otherwise serves the other a month notice at any time during the probationary period, or before two months in any other period.
- 3.3 The contractor shall be in an initial probationary period of three months in case of administrators, or one year for members of the faculty. The trial year ends after twelve months from its start, provided that the contract continues thereafter if the contractor meets conditions for inclusion into permanent service.

#### **Article (4): Salaries and other Entitlements**

- 4.1 Salaries are determined according to the pay scale, safe for exceptions herewith. The scale may be waived when contracting candidates with distinguished expertise or academic repute, at the initiative of the Dean and the approval of the University Board of Trustees, and the granting of special pay raise for rare specialties, not exceeding 25%, which is not to be counted when calculating annual leave.
- 4.2 Salary stated in the attached contract (Annex 2) is deemed a gross salary, with no bonuses or allowances of any kind added to, except as provided in the paragraph above.
- 4.3 The University guarantees to the contractor the cost of emergency treatment for twenty-four hours, should neither the state nor health insurance do so. After the period specified, the contractor shall have to be among the signatories of health insurance to be entitled to any compensation for the additional cost of an emergency, or any cost of any other illness.
- 4.4 Health insurance premiums are deducted from the amount specified in the unified pay scale, and the University contributes the additional amount as determined by the insurance agency.

#### **Article (5): Working Hours and Holidays**

- 5.1 Faculty members and their equivalent work for forty hours per week (eight hours a day for 5 days, or less than eight hours a day provided that total hours reach 40 by working on Saturdays, or Fridays if necessary) which they spend in preparation, and teaching, research, academic supervision, exam proctoring and other administrative and academic tasks they asked to perform in different sites of the University. other categories work for 48 hours per week (8 hours per day for 6 days) which they spend in the performance of what they are tasked with in the administrative regulations of the various units, with the exception of workers in jobs manned by rotating shifts (the guards, libraries, museums, healthcare centers, hospitals, public relations, vehicle drivers, engineering, workshops, maintenance, and workers whose jobs require they work for long). These are to be rewarded overtime pay appropriate to their post grades.
- 5.2 Faculty member and their equivalents are entitled, in addition to weekends and official holidays, to annual leave of 30 days with a salary paid at its beginning. The Board of Trustees, with the approval of the academic board, may modify the period of annual leave from one year to another in accordance with the requirements of the academic calendar.
- 5.3 A leave is entitled at the end of the contracting year, and may be divided into two periods, the first period of which is only granted after six months of continuous work, except for compelling personal circumstances.
- 5.4 In exceptional cases, and upon written consent, a contractor may defer their leave for the following year, once, with the balance of accrued leave days of over three months forfeited. The university may cancel some or all of the contractor's leave and compensate them therefor, with their consent in normal situations, and without such consent when deemed absolutely necessary in its own discretion, including the creation of a vacuum in study schedules, or safety of university property or staff and paying consideration for that when compensating.
- 5.5 The university may grant the contractor emergency leave that does not exceed a total of ten days each year with full pay, to be dropped if unused by the end of the contracting year. a contractor may be granted an exceptional leave without pay for no more than one semester, with his service considered uninterrupted and calculated in their end of service award if such leave taking does not recur within five years.
- 5.6 A contractor with an illness that prevents them from performing their work is entitled to leave of one month with full pay, and may be extended for six months at half salary, unless the contract expires before that. The President may adjust the day of the weekend for some

contractors or categories, with their consent, in accordance with work requirements or shift rotation schedules.

- 5.7 The nature of work of some categories requires night shift, working during the weekends and holidays, and those workers are not entitled to claim other than allocated salary, unless the number of weekly hours exceeds 48 hours.
- 5.8 The President may, in accordance with work requirements, cancel weekends or holidays for any contractor of any other category, with their consent in normal circumstances, and without such consent in cases of necessity in his own discretion especially matters related to the continuity of study or the safety of University property and employees.

**Article (6): Promotions, Warnings and Dismissal**

- 6.1 Promotion of faculty members is governed by Regulations issued by the National Council for Higher Education, and signed by the Minister of Higher Education. Promotion for other categories is based on performance and annual reports.
- 6.2 Those who receive three warnings for poor performance, tardiness and absences (see penalty list) shall be dismissed from work. The annual allowance specified in the consolidated pay scale may be forfeited in cases of poor performance and poor appraisal reports which fall short than requiring serving a notice/warning. Annual incentives will not be paid to those who commit offenses within the penalty list issued by the Ministry of Labor.

**Article (7): Travel and Secondment for Faculty Members and and quivalents**

- 7.1 The University shall pay the value of economy class ticket for a non-Sudanese-national contractor and their spouses each year from their point of origin to Khartoum at the start of the contract and during annual leave.
- 7.2 The Dean of a faculty, the Principal, and the Financial Manager are entitled to a round-trip first-class ticket for them and their spouses for Arab states every two years during annual leave; after the first year, if you the University conditions so allow. They are also entitled to receive the cost of travel to represent the University and attend conferences or agreements, as a member of the teaching staff in accordance with the following:
- 7.3 Faculty members and equivalents are entitled to leave of absence and a ticket to attend a scientific conference in their specialty or related to their duties with appropriate petty cash once in a year, if University conditions so allow, provided that they have completed the

first year of work in College, their academic papers were accepted to such conference, and they obtain an entry visa to the country of destination.

- 7.4 The University may assist, with a limited sum, a faculty member and equivalents thereof for any conference in addition to the above, if their academic contribution is deemed distinguished. Faculty members and equivalents shall present a report before the President, through the Program Coordinator, on the conference they partake into.
- 7.5 The President may approve the Secondment or loaning of a contractor to another institution, either fully (entitling them to no pay) or partially (entitling them to part of pay) provided that such period of service is not to be counted as uninterrupted service but entitling them to an end-of-service award pro-rata to part-time work for the University.
- 7.6 Travel entitlements for the President shall be determined by the Board of Trustees in accordance with a special contract.

#### **Article (8): Duties and Responsibilities**

- 8.1 Each contractor, of each category, receives an official that document contains a list of duties and responsibilities and signed by their direct superior; which is considered, together with these Regulations, an integral part of the contract signed - in addition to a job description, Employment Regulations, and the Faculty Guide.
- 8.2 A contractor shall be committed to comply with the regulations, rules and instructions issued by the University and the Ministry of Higher Education and related institutions in the state and local authorities. They, together with dependents thereof, shall have to respect the University, the state, good beliefs, customs and traditions in force in the society, and not to compromise beliefs, and not to practice politics in college facilities and vehicles.
- 8.3 A contractor, in matters not stated for in these Regulations, when committing a functional or behavioral wrongdoing, is subject the provisions of discipline and accountability in the civil service system.
- 8.4 A week salary shall be deducted for each day of unauthorized absence, with a notice/warning served. And, if the period of absence extends for more than two weeks, they shall be dismissed from work (cf. Penalty Table). A week salary is deducted from those who absent themselves from exam proctoring.
- 8.5 No Contracting may engage in any additional work, be that teaching or otherwise, in any other institution unless per a written consent from the President.

#### **Article (9): Contract Renewal, Cancellation an Termination**

- 9.1 The contract is automatically renewed if none of the parties otherwise notifies the other, in writing, of their wish not to renew the contract before a period of no less than one month prior to renewal.
- 9.2 A contractor may terminate the contract before its expiry by resigning without expressing causes thereof, and they shall have to pay the University a two-month salary to be paid to the replacement contractor. The University may also terminate the contractor's contract before it expires, without giving reasons, and shall have to pay them a two-month salary, in addition to their entitlements for end-of-service benefits. A contract expires before the end of its term, in the following cases:
- a. if a contractor does not start work within two weeks of the deadline set by the University when hiring them;
  - b. if the contractor absent themselves from work without a valid excuse for more than fifteen consecutive days or non-consecutive twenty-one days;
  - c. if the contractor is served a sentence related to *shari hidood* or convicted of a crime of honor and integrity;
  - d. if found out to have provided incorrect information on the basis of which they were appointed;
  - e. if they are proved of low performance or incompetent, based on results of performance-appraisal tools approved by the Board of Trustees and Academic Board;
  - f. permanent inability to perform work;
  - g. resignation;
  - h. if duration of illness exceeds the period of six months;
  - i. death; or
  - j. the abolition of the post.
- 9.3 A contract expires without any responsibility upon the University, except for the end-of-service benefits, in the cases described in Article 9.2 ('a' to 'j') above, and the University shall pay them a compensation equivalent to a two-month salary in the case stipulated for in sub-Para 'i'.
- 9.4 In the cases described in sub Article 9.2 ('b', 'd' and 'g'), all costs incurred as a result of annulment or the sudden termination of the contract are to be deducted from the retired employee's entitlements, which are then paid to the replacement contractor for two months.
- 9.5 A contractor (or family of a retired) whose inability (or death) are resultant of work shall be paid all that the civil service system so authorizes.
- 9.6 The University may, in exceptional cases, upon the Dean's own discretion, exempt a contractor of some or all of the expenses arising from their annulment of the contract, or any loss they expose the University to, by parting with their job.

## Chapter Two: Senior Management Positions

### Article (10): Appointment and Benefits

- 10.1 **President:** the President is appointed in accordance with the provisions of Article 17.1.
- 10.2 **Vice President:** the Vice President is appointed in accordance with the provisions of Article 19.1.
- 10.3 **Principal:** The Principal shall be appointed according to the provisions of Article 24.a of the National University and Charter for the year 2015, and must be a staff member, and preferably a professor or associate professor, and their salary shall be calculated in a grade of the pay scale/structure for which their academic degree so qualifies, and the President shall determine any other provisions or privileges to be added thereto.
- 10.4 **Secretary of Academic Affairs:** shall be appointed by the President and shall have to hold a PhD or equivalent thereof, preferably in the degree of professor or associate professor, and their salary shall be calculated within limits of the special first grade in the pay scale, and the Board of Trustees shall determine any other benefits or privileges for them.
- 10.5 **Dean:** the Dean is appointed by the President, and must hold a PhD or equivalent, preferably in the degree of professor or associate professor, and their salary shall be calculated within the limits of the special first grade in the pay scale, with the Board of Trustees determining any benefits or other privileges.
- 10.6 **Financial Manager:** a financial manager is appointed with experience in accounting, financial and banking procedures – an experience of no less than 20 years - and shall preferably be from the international or local private sector institutions. Their salary shall be calculated in a grade of the pay scale/structure for which their academic degree so qualifies and the President shall determine any other provisions or privileges to be added thereto.
- 10.7 **Quality Manager:** or the Total Quality Manager is to be appointed according to the provisions of Article 24.b of the Charter. They shall have to be a holder of a bachelor's degree at a minimum, with relevant experience in the field of quality management, and their salary shall be calculated within the grade of the pay scale/structure for which their academic degree so qualifies and the President shall determine any other provisions or privileges to be added thereto. This function can be part-time in the first stages of growth of the University.
- 10.8 **Human Resources Manager:** a human resources manager shall be appointed in accordance with the provisions of Article 24 (b) of the Foundation Order, and their salary shall be calculated within a grade of the pay scale/structure for which their academic degree



so qualifies and the President shall determine any other provisions or privileges to be added thereto.

10.9 **Registrar:** the registrar shall be appointed in accordance with the provisions of Article 24 (b) of the Foundation Order, and their salary shall be calculated in a grade of the pay scale/structure for which their academic degree so qualifies and the President shall determine any other provisions or privileges to be added thereto.

10.10 **Librarian:** a Librarian shall be appointed out of those qualified with a bachelor's degree at minimum, and who have experience of no less than ten years in libraries of relevance to University programmes. Their salary shall be calculated within limits of a grade of the pay scale/structure for which their academic degree so qualifies, with the President determining any other provisions or privileges to be added thereto.

#### **Article (11): Other Provisions**

11.1 With the exception of the provisions stated in Article (10), those mentioned in Articles 10.1 through 10.5 shall be subject to the provisions pertaining to faculty members.

#### Chapter Three: Faculty Members

#### **Article (12): Professor**

12.1 An applicant to the post of professor shall be appointed if they assumed such position at any other recognized university or college inside Sudan or abroad, and are qualified with a doctoral degree and have sober authentic research published, after passing a job interview and their references contacted. After their appointment, they are to be officially addressed by the title of professor, and are granted a First Grade post of the Salary Scale.

12.2 The University may appoint a person who never worked in the status of professor, if they hold a PhD, and their appointment is approved by a special committee formed by the President to consist of the college dean and two other professors of another institution - based on applicant's research or outstanding service, their passing the job interview and after contacting their references. In this case, they are granted a second grade post for a year, after which they are automatically promoted to first degree.

#### **Article (13): Associate Professor**

13.1 An applicant shall be appointed to the post of associate professor if they have assumed this position at any other recognized university or college in Sudan or abroad, hold a doctorate, have solid research published, and after passing a job interview and their references been contacted.

After their appointment, they are to be officially addressed by the title of Doctor, and are granted a second grade post in the pay structure.

- 13.2 The university may appoint a person, who had no experience working as associate professor, in this grade if a special committee, formed by the President, composed of the coordinator of the program concerned and two professors (associate professors at minimum), and after subjecting then to a job interview and contacting their references. After their appointment, they are to be granted a third grade for a year, after which they are automatically promoted to the second grade.

#### **Article (14): Assistant Professors**

- 14.1 An applicant shall be appointed to the post of Assistant Professor if they have filled the post in any other recognized university or college in the Sudan or abroad, hold a PhD (or master's degree with long teaching experience), preferably having solid research published. Following a job interview and contacting their references, they are to be granted a third grade post.
- 14.2 The university may appoint a person, who had no experience working as assistant professor, in such grade if a special committee, formed by the Dean, composed of the coordinator of the program concerned and two professors (assistant professors at minimum), provided that the applicant has a PhD ( or a master's degree coupled with long teaching record), pass a job interview and their references been contacted. After their appointment, they are to be granted a fourth grade for a year, after which they are automatically promoted to the third grade.

#### **Article (15): Lecturer**

- 15.1 An applicant to a lecturer post shall be appointed if they have assumed the position at any other recognized university or college in the Sudan or abroad and is qualified with a master's degree. They are to be officially addressed by the title of lecturer and are granted a fourth grade post.
- 15.2 The University may appoint a person, who had no experience working as lecturer, in such grade if they hold a master's degree and if approved by a special committee, formed by the Dean, composed of the coordinator of the program concerned and two teaching staff members (lecturers at minimum). They are to be granted a fifth grade post for a year, after which they are automatically promoted to the fourth grade.

- 15.3 The University shall contribute towards the equivalent of 50% of doctoral fees inside Sudan, provided that the applicant signs a pledge to continue working for the College for four years after receiving their doctorate degree.

**Article (16): Teaching Assistant' Appointment**

- 16.1 An applicant to the post of teaching assistant if they have filled the position at any other recognized university or college in the Sudan or abroad, and are formally to be address by the title of teaching assistant, and if the doctor was a doctor, pharmacist or doctor druggist, and is housed in the fifth degree.
- 16.2 The University may appoint a person, who never worked before in the post of teaching assistant, in this degree if they are holder of a bachelor's degree with a grade point average of at least 3 (in the 4-year track) or an honors second class division one (very good) at a minimum, were approved by a special committee formed by the Dean, to consist of the coordinator of the program in question and two other faculty members. They are to be granted a post in the sixth grade for a year, then automatically promoted for the fifth grade.
- 16.3 The University shall contribute towards the equivalent of 50% of the master's fee, provided that the applicant signs a pledge of commitment to continue working for three years for the College after earning their master's degree.

**Article (17): Demonstrators, Language Instructors and Technicians' Appointments**

- 17.1 An applicant is appointed to the post of demonstrator, language teacher or technician if they have filled such post in any other recognized university or college in the Sudan or abroad, and they are to formally be addressed by titles of Demonstrator, Language Teacher or technician, respectively; or by 'physician' or 'pharmacist' should they be physician or pharmacists. They are to be granted a sixth grade post.
- 17.2 The University may appoint a person, who never worked before in the post of demonstrator, language instructor or technician, in such grades if they are holder of a bachelor's degree with a grade point average of at least 2 (in the 4-year track) or an honors second class division one (good) at a minimum, were approved by a special committee formed by the Dean, to consist of the coordinator of the designated program and two other faculty members. They are to be granted a post in the seventh grade for a year.

**Article (18): Other Administrative Functions**

- 18.1 Other functions include physicians (doctors), engineers, accountants, secretaries, registrar assistants, and librarian assistants, service employees, and clerks. These shall have to be holders of BA degree at minimum; and an appropriate salary shall be determined in accordance with the job grade in the functional job log (cf. document).

**Article (19): Laborers' Jobs**

- 19.1 Laborers' jobs include service assistants, gardeners, messengers, technician assistants, janitors/cleaners, maintenance workers, and university guards. They all can be holders of secondary school certificate at a minimum. Appropriate salaries shall be subject to the grade in the functional job log (cf. document).

**Article (20): Temporary Jobs**

- 20.1 The University may contract with a (collaborator) faculty member, an administrative employee, or a laborer for a limited period or to perform a specific task in exchange for a lump-sum reward conditional to end of duration or completion of said task, completion of credit hours, or according to the provisions of the contract and job description. Entitlements or benefits are to be paid as soon as the task is accomplished.
- 20.2 Such contractor may be Sudanese or non-Sudanese national and, in the second case, the University shall be committed to providing housing for one person, and a travel ticket if the task duration exceeds two months.

**Article (21): End-Of-Service Benefits and Pension Service**

- 21.1 An employee who does not complete a year in the service for the University shall not be entitled to receiving the end-of-service reward.
- 21.2 An office worker or laborer shall be entitled to a half-month salary for each year of service after the first year, if they work for four continuous years, and a month's salary for each year if they work of five consecutive years or more. Bonus for part of the year shall not be calculated, and those dismissed for poor performance or misconduct shall be deprived of this bonus.
- 21.3 An office employee or worker shall receive their pension entitlements according to the Social Insurance Act, and they have to make sure that their name was included in the subscription into the social insurance scheme.

These Regulations were passed at the University's Board of Trustees' meeting No. 1 on Saturday, January 16<sup>th</sup>, 2015

(Signed)

Chairman of the Board of Trustees

NUSU-BY-LAWS

## EMPLOYEES DISCIPLINARY (PENATY) REGULATIONS

### Classification of Offences

Below is a classification of offences with prescribed penalties as part of a progressive warning system. This list is not exhaustive and penalty will depend on the specific circumstances of the case:

No	Description of Offence	1 <sup>st</sup> Warnings	2 <sup>nd</sup> Warnings	3 <sup>rd</sup> Warnings	4 <sup>th</sup> Warnings	5 <sup>th</sup> Warnings
01	Late arrival or early leaving work by 15 minutes or more without permission or accepted reason	Verbal Warning	Written warning	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
02	Intermittent departure of work during working hours without permission	Verbal Warning	Written warning	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
03	Reading news papers, etc. in the office, chatting, "rooming around" or misuse of telephone or internet for personal matters during working hours.	Verbal Warning	Written warning	Written Warning	Final written warning	Dismissal Under Article 51 of the Labour Act
04	Negligence in parking vehicles or motor cycles in specified places after working hours	Verbal Warning	Written warning	Written Warning	Final written warning	Dismissal Under Article 51 of the Labour Act
05	Negligence of putting on required uniform or having inappropriate appearance	Verbal Warning	Written warning	Written Warning	Final written warning	Dismissal Under Article 51 of the Labour Act
06	Sleeping during working hours excluding times designated for meals or rest	Verbal warning	Written Warning	Final Written Warning	Dismissal under article 51 of the Labour Act	
07	Smoking in the Office	Verbal	Written	Final	Dismissal Under Article 51 of	

	or any prohibited areas.	Warning	Warning	Written Warning	the Labour Act
<b>08</b>	Drivers driving before checking the vehicle for cleanness or accessories (fuel, oil, water, brakes, tires, spare parts, etc.	Verbal Warning	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>09</b>	Delaying or reducing the performance rate of work or provoking others to do.	Verbal Warning	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>10</b>	Absence from work without permission or accepted reason for one to three working days	Written Warning and Cut of Pay of the Period of Absence	Written Warning and Cut of Pay of the Period of Absence	Final Written Warning and Cut of Pay of the Period of Absence	Dismissal Under Article 51 of the Labour Act
<b>11</b>	Inaccuracy in writing in files or records or inventory	Verbal warning	Written Warning	Final written warning	Dismissal Under Article 51 of the Labour Act
<b>12</b>	Inaccuracy in the registration of accounting documents or cash notes	Verbal warning	Written Warning	Final written warning	Dismissal under article 51 of the labour Act
<b>13</b>	Refusal or negligence to abide by or carry out instructions or to comply with regulations rules and guidelines	Written Warning	Final Written Warning	Dismissal Under Article 51/53 of the Labour Act	
<b>14</b>	Misrepresenting in the attendance sheet	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act	
<b>15</b>	Performing any tasks other than the agreed upon in the Contract	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act	
<b>16</b>	Searching, without permission, offices, drawers, desks that belong	Written Warning	Final Written	Dismissal Under Article 51 of the Labour Act	

	to other employees.		Warning	
17	Coming back to offices, stores, or premises after working hours without permission	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
18	Failure to present stamped sick reports after 48 hours from commencing work.	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
19	Unauthorized collection of funds, donations and signatures in the work place without permission.	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
20	Late return from any kind of leave without accepted reason	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
21	Failure to deposit office funds scheduled without accepted reason	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
22	Letting NUS vehicle or equipment be used by any person other than the assigned without permission or carrying unauthorized passenger	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
23	Obstructing other employees during the performance of their duties ( after proof)	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
24	Committing repetitive Traffic violations	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
25	Absence from work without permission or accepted reason for more than three days and less than seven days	Written Warning and Cut of Pay of the Period of Absence	Final Written Warning and Cut of Pay for the Period of Absence	Dismissal Under Article 51 of the Labour Act



<b>26</b>	Using NUSU property (cars, phones, radio, fax, internet, computers, etc) for personal use without permission (including giving unauthorized persons NUSU assets)	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>27</b>	Taking away NUSU property outside NUSU premises without permission.	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>28</b>	False reporting including making accusative statement(s) which defame another member of staff's character.	Written Warning	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>29</b>	Unauthorized photo copying or use of NUSU reports, documents, or software.	Final Written Warning	Dismissal Under Article 51 of the Labour Act	
<b>30</b>	Using job authority or office for self benefit or special benefit for relatives or particular clients	Final Written Warning	Dismissal Under Article 51 of the Labour Act	
<b>31</b>	Refusal to sign letters of warning or answering explanations or testifying in investigations related to NUSU work	Final Written Warning	Dismissal Under Article 51 of the Labour Act	
<b>32</b>	Working outside NUSU for any other employee without permission (paid or unpaid)	Final Written Warning	Dismissal Under Article 51 of the Labour Act	
<b>33</b>	Careless driving that ends with vehicle damage	Final Written Warning	Dismissal Under article 51/53 of the Labour Act	
<b>34</b>	Failure / Refusal of submission to medical check when requested	Final Written Warning	Dismissal Under Article 51 of the Labour Act	

<b>35</b>	Quarrelling, discriminating or insulting managers, colleague or beneficiaries or in subordination or rudeness to line managers or stakeholders.	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>36</b>	Negligence Misuse of NUSU property which causes minor loss.	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>37</b>	Carrying weapons (guns, pistols, knives, or any other sharp weapon) to place of work or allowing any other person to do so.	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>38</b>	Compromising the reputation, damaging the image or miss representing NUSU or any conduct likely to bring the name of NUSU into disrepute	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>39</b>	Failure to report any harassment, theft or damage of NUSU assets	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>40</b>	Refusal to work overtime as required in emergencies	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>41</b>	Failure to report any illegal activity or conduct by any staff or contractor, or vender or supplier, or partner of NUSU	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>42</b>	Refusal to furnish up to date personal information and present relevant documents as required by	Final Written Warning	Dismissal Under Article 51 of the Labour Act

	NUSU		
<b>43</b>	Performing any task other than the agreed upon in the job description without permission	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>44</b>	Involvement in any political activities or at any NUSU location	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>45</b>	Failure to get the approval for a process. This includes going on unapproved leave, or exceeding one's own approval limits etc.	Final Written Warning	Dismissal Under Article 51 of the Labour Act
<b>46</b>	The worker brings to office or work place alcohol or drugs or found in an obvious state of drunkenness or under influence of intoxicating drugs, provided the Medical Practitioner so decides.		Dismissal Under Article 53 of the Labour Act
<b>47</b>	Stealing or embezzlement to NUSU property or money including goods in kind for distribution to beneficiaries		Dismissal Under Article 53 of the Labour Act
<b>48</b>	Assaulting or causing injury to managers or supervisors or colleagues, or any other worker		Dismissal Under Article 53 of the Labour Act
<b>49</b>	Carelessness or negligent use of NUSU property which causes heavy financial losses as determined by Senior management		Dismissal Under Article 53 of the Labour Act
<b>50</b>	Disclosure of NUSU confidential information or making unauthorized press statement about		Dismissal Under Article 53 of the Labour Act

	NUSU business or Interest.	
<b>51</b>	Asking for or accepting bribes or gifts	Dismissal Under Article 53 of the Labour Act
<b>52</b>	Giving false testimony in any investigation concerning NUSU	Dismissal Under Article 53 of the Labour Act
<b>53</b>	Conviction in court for any crime related to criminal laws or immoral deed, or any crime or act inconsistent with morality at place of work	Dismissal Under Article 53 of the Labour Act
<b>54</b>	Fraud, forgery, falsification of official documents for any purpose	Dismissal Under Article 53 of the Labour Act
<b>55</b>	Repeated different contraventions (three offences or more) in continuous six months durations	Dismissal Under Article 53 of the Labour Act
<b>56</b>	Refusal to executive transfer orders	Dismissal Under Article 53 of the Labour Act
<b>57</b>	Doing or starting to do any act that may endanger the lives or property of NU- S (after proof)	Dismissal Under Article 53 of the Labour Act
<b>58</b>	Child abuse (after proof)	Dismissal Under Article 53 of the Labour Act
<b>59</b>	Failure to report a known case of sexual harassment and exploitation perpetrated by an employee	Dismissal Under Article 53 of the Labour Act
<b>60</b>	Sexual harassment of staff and/or sexual exploitation of beneficiaries, black mailing, bullying and discrimination of staff	Dismissal Under Article 53 of the Labour Act
<b>61</b>	Continuous absence	Dismissal Under Article 53 of the Labour Act and Deduction of the Period

	from work without permission or accepted reason for 10 working days or more	Absence
<b>62</b>	Failing to carry out duties specified in the job description according to the Contract ( Probation period )	Dismissal Under Article 53 of the Labour Act

### General Provisions

1. These Regulations shall be effective as from the date of being approved by the Labour Office until any subsequent document replaces it.
2. These Regulations shall be applied to all **NUSU** national staff at its various Offices in Sudan.
3. It shall also be applied to staff working for **NUSU** on the basis of secondment from other Organization or consultancy or partnership, or temporary Staff.
4. **NUSU** President or any person whom she/he may delegate has the power to formulate panels for investigations or discipline action.
5. Any staff working for **NUSU** , who violates the Labour Act, violates Regulations or Policies or Procedures may be subject to disciplinary action.
6. **NUSU** President or any person whom she/he may delegate has the power to suspend any national staff from work for the purpose of investigations.
7. All warning letter shall be in writing and should be signed by the staff member and kept in his personal file.
8. Verbal and written warning shall expire after **6** months if no other offences have been committed during this period.
9. Final written warning shall expire after **12** months if no other offence has been committed during this period.
10. Any National Staff who has received a final warning may be dismissed if he/she commits any other offence for which he/she has received the final warning.
11. The provisions of the Labour Act 1997 shall prevail in all cases not covered in these Regulations or in case of any contradictions to the law.

12. **NUSU** has the right to amend these Regulations by deletion or addition after the approval of the State Labour Office.
13. These Regulations shall be accessible for all National Staff, so that they can be read, understood and become binding.

**Legal Action**

**NUSU** reserves the right to take legal action under Sudanese laws against an employee who is dismissed for serious offence if the circumstances warrant.

NUSU-BY-LAWS

## PROMOTION REGULATIONS FOR ACADEMIC STAFF

Pursuant to the provisions of Article (12A ) of the Charter of National University-Sudan (2015), the Academic Council has issued the following regulations.

### Chapter One

#### 1. Preliminary Provisions

##### 1.1 Name and Date

Promotion Regulations for Academic Staff and shall come into force at the day it is duly approved by the University Council.

##### 1.2 Definitions

The following words and phrases, wherever mentioned in these Regulations, shall have the meanings respectively, assigned to each in the Law

**University:** National University-Sudan

**Academic Staff:** Professors, Associate Professor, Assistant Professors, Lecturers

**Member:** Academic Staff

**Journals:** Peer Reviewed Journal with ISSN

**Academic Production:** Research outcomes including; published research papers and scientific reports, Conferences peer reviewed papers or papers accepted for publication in peer reviewed periodicals

**Academic Book:** Books accredited by the University for teaching a subject

**Community Service:** Services offered by the Academic Staff to the community including; education, teaching, research, planning, execution of policies,  
Scientific Research:

**Council:** The Scientific Council of the University constituted in accordance with Article (11) of the University Law

**Committee:** The Promotion Committee of the University

**Academic Management:** Contribution of academic staff member in development of curricula, laboratories and facilities for enhancing the scientific performance; participation in the specialized scientific committees and in solving the problems facing the University

##### 1.3 Application

1.3.1 The provisions of these Regulations shall apply to all academic promotions in the University

1.3.2 The provisions of these Regulations shall be the minimum, and the Council may approve additional criteria and conditions for promotion

### Chapter Two

#### 2. Criteria of Promotion:

**The following criteria should be met when applying for academic promotion:**

##### 2.1 Teaching is measured by:

2.1.1 Acquire sufficient knowledge in the concerned specialization and the related ones

2.1.2 Able to convey knowledge to the students

2.1.3 Capable to prepare lectures subject matters

- 2.1.4 Attract the attention of the students to the subject of the lectures
- 2.1.5 Able to stimulate and guide the students to self learning
- 2.1.6 Design and execute teaching courses
- 2.1.7 Participate in preparation, designing and development of curricula
- 2.1.8 Able to evaluate the performance of the students
- 2.1.9 Shoulder the assigned academic load

## **2.2 Scientific production is measure by:**

- 2.2.1 Innovation and leading research
- 2.2.2 Quality of research (methodology and value)
- 2.2.3 Benefits of community from research outcomes
- 2.2.4 Participation in researches of postgraduate students (supervision and assessment)
- 2.2.5 Writing or participation in writing scientific books
- 2.2.6 Translation or participation in translation of specialized scientific books
- 2.2.7 Publications or acceptance of research papers or reports in peer reviewed journals

## **2.3 Community service is measured by: Services and usefulness to community**

## **2.4 Academic Management is measured by participation in:**

- 2.4.1 Developing curricula, laboratories and means for the development of scientific research
- 2.4.2 Specialized scientific and administration committees
- 2.4.3 Solving the problems facing the university
- 2.4.4 S strengthening the relations of the University with other universities

## **Chapter Three**

### **3. Conditions for Academic Promotion**

Abidance by the promotion conditions of Chapter Two together with the following:

#### **3.1 Promotion from lecturer to assistant professor**

- 3.1.1 Hold a doctorate degree (PhD)
- 3.1.2 Attend a training course in teaching methods

#### **3.2 Promotion from assistant professor to associate professor**

##### **3.2.1 Promotion by scientific research only:**

- 3.2.1.1 Hold PhD in the concerned specialization
- 3.2.1.2 Spend three years in the status of assistant professor, two of which in service of the University
- 3.2.1.3 Publish ten papers in peer reviewed journals four of which in international journals

##### **3.2.2 Promotion by multiple criteria (teaching, scientific research, community service and academic management):**

- 3.2.2.1 Spend five years in the status of the assistant professor, two of which in service of the University
- 3.2.2.2 Publish six research papers in peer reviewed journals two of which in international journals



**3.2.3 Promotion by distinguished long term service (meritorious service)**

- 3.2.3.1 Hold PhD
- 3.2.3.2 Spend twelve years or more in the academic status of assistant professor
- 3.2.3.3 Spend, at least, three years in service of the University after obtaining the PhD
- 3.2.3.4 Contribute effectively to: teaching, academic management and to related university and social activities
- 3.2.3.5 Perform excellently in teaching
- 3.2.3.6 Participate in postgraduate studies and scientific research activities
- 3.2.3.7 Publish one research paper, at least, in a peer reviewed scientific journal
- 3.2.3.8 Contribute to the organization and development of the facilities of the concerned department and/or the concerned faculty
- 3.2.3.8 Participate with studies in scientific forums

**3.3 Promotion to the status of Professor**

- 3.3.1 Spend at least five as an Associate Professor two of which in the University
- 3.3.2 Show evidence through publishing at least twelve outstanding original research papers in peer reviewed journals
- 3.3.3 Contribute in supervision of postgraduate students

**Chapter Four****4. Procedures and Processes for Promotion**

- 4.1 Follow the assessors system in all promotion steps
- 4.2 The assessors consultancy committee is composed of three staff members
- 4.3 The President of the University, on consultation with the concerned dean faculty, appoints the assessors
- 4.4 For promotion to the status of Professor, two assessors , at least, should be from outside Sudan
- 4.5 For promotion to the status of Associate Professor there must be, at least, two positive recommendations from the assessors
- 4.6 For promotion to the status of Professor the recommendations the three assessors must be positive
- 4.7 All process of promotion must be run by the Promotion Committee

**Chapter Five****5. Promotion Committee: Constitution and Functions:****5.1 Constitution of the Committee:**

The University President shall form a Promotion Committee as follows:

- |                              |                       |
|------------------------------|-----------------------|
| • University President       | Chairperson           |
| • University Vice-President  | Member                |
| • Principal                  | Member                |
| • Academic Affairs Secretary | Convenor / Rapporteur |

- |  |         |
|--|---------|
| • Deans of Faculties ( Academic Status)  | Members |
| • Two Professors from outside the University appointed by the University President for 4 years | Members |
| • Two members from the University appointed by the University President                        | Members |
| • Concerned Head Department  | Member  |

## **5.2 Functions and Procedures of the Committee:**

### **5.2.1 Receive applications for promotion**

### **5.2.2 Consider the applications for promotion**

5.2.2.1 Reject the application for promotion

5.2.2.2 Not to assign a prima facie

5.2.2.3 Assign a prima facie

### **5.2.3 Refer the applications to the three assessors, from outside the University, appointed by the University President among five assessors proposed by the concerned faculty or institute:**

- One of the three assessors should be a professor in case of promotion to assistant or associate professor
- The three assessors should be professors in case of promotion to the status of professor

### **5.2.4 Consider the assessors reports and recommendations**

### **5.2.5 Issue the decisions of promotions:**

5.2.5.1 Assign final approval of the promotion

5.2.5.2 Reject the promotion

5.3 Decisions of the committee are signed by the University President

5.4 The committee issues bylaws to organize its duties and meetings

5.5 The committee convenes twice a year

Issued on ( ) under the signature of: Prof. Qurashi Mohamed Ali, President of NUSU, Chairman of the Academic Council.

## PURCHASING REGULATIONS

### **Article (1): Purpose**

To clarify all the requirements and steps to secure purchases of the National University.

### **Article (2): Scope**

This procedure is applied to all purchases of the National University, which include purchases related to buildings' furnishings/equipment, laboratory equipment, books, academic references, stationery and the like.

### **Article (3): Main Items**

#### **1. Approving Procurement Budget:**

The procurement budget is approved annually by the Board of Trustees, and is included in the general budget of the University. Taken into account are all the recommendations and reports on procurement in previous years.

#### **2. The Procurement Committee**

This is a standing committee, whose membership is approved or amended by the Board of Trustees. Its mission is:

1. to oversee the collection and preparation of needs of the major purchases of the University, in coordination with the departments and faculties deans.
2. to supervise and follow-up on the implementation and processing of orders; and
3. to prepare periodic reports including the assessment of suppliers.

#### **3. Suppliers**

These include all suppliers who are dealing with the university in the supply of instruments, apparatus and all other equipment. New suppliers are approved and former suppliers are re-assessed.

1. all suppliers are evaluated based on their ability to provide University requirements, taking into account all the other requirements relating to quality, speed of response to requests, after-sales service, and the like;
2. a Procurement Committee team, or a representative thereof, may visit a supplier site to confirm the supplier's ability to provide requirements;
3. new suppliers must be approved based on the results on the form of Supplier Selection Form, and finally accredited by the Procurement Committee and the Principal prior to dealing with them;
4. Newly accredited suppliers are to be entered into the list of Accredited Suppliers designated for that purpose which is finally approved by the University President. The Finance

Department is provided with a copy of that list, which prohibits dealing, in supply of materials to College, with suppliers other than those accredited in the list;

5. the re-evaluation of all approved suppliers of the University is annually carried out, based on the Supplier Re-Evaluation Form, in which the supplier(s) performance is analysed during the year on basis of the following:
  - i. Speed, on part of supplier, in responding to requests;
  - ii. Efficient procurement of materials;
  - iii. Quality of products/services provided;
  - iv. Any other observations made by the panel (the Procurement Committee).

#### **4. Procurement Regulations**

Procurement Regulations apply as follows:

1. Procurement bills of 500 Sudanese pounds or less: to be directly secured through University Imprest approved by the Financial Manager.
2. Procurement bills of over 500 Sudanese pounds: to be made through a Purchase Order and directly approved by the University President or Principal.
3. All purchases are approved and allocated for in the general budget with approved order limits determined.
4. When there is need to secure purchases not stated for in the budget, such are approval by the Administrative and Financial Committee of the University.

#### **5. Purchase Request**

This is a request which is initially prepared by the requesting unit within the University, approved by the head of Administration/Department, and is subject to the approval or rejection of the Finance Committee and the principal, after confirmation of non-availability of requested materials in the warehouse.

#### **6. Purchase Order:**

This is the final request which is to be accredited and approved on basis of the information stated in the Purchase Order, following review and approval by the Finance Committee and the Principal.

The accuracy of the data stated in purchase orders is to be validated by the President of the University through direct contact with all concerned parties within and outside the University before sending orders to approved suppliers.

**7. Analysis of Offers:**

A stage/step which is performed to analyze the offers received from suppliers (provided that all suppliers are accredited) for three accredited suppliers, to choose the best offer. Recommendation is made for the best offer by the Procurement Committee. This is subject then to the final approval of the University President or the Principal.

In the case of non-availability of any of the materials required from an accredited supplier, but were availed with another supplier, an evaluation of the new supplier is made in this case, and the approved supplier is then added to the record of approved suppliers before subjecting such to the offer analysis stage.

**8. Receipt and Inspection (Rand I)**

The receipt and inspection of all purchases from suppliers is made through a committee recommended to be formed by the President of the University and constituted of at least three people (the requesting party, representative of finance department and any other person to be nominated) so as to match the materials that were purchased based on the following:

1. The bill received from the supplier;
2. A copy of the Purchase Order sent to the supplier.
3. A copy of the shipping invoice (Packing List), and
4. A copy of the Certificate of Origin showing data of the order.

All orders non-compliant with standards are be isolated in a particular area, with a (non-compliant) label placed thereon, and are searched for reasons of non-conformity, and are decided upon in one of the following manners:

1. To be returned to the supplier if not sure that the supply error came from the supplier.
2. withdrawn from use, with the right decision taken whether such is to be destroyed, sold, or used in accordance with terms that can mitigate the effects of such non-compliance (in the event that the error was on the part of the College management).

In all cases, non-conformity reports are to be prepared and corrective and preventive actions taken to avoid recurrence thereof in the future, and to prevent the causes of such recurrence in any of the university purchases.

**Article (3) Appendices**

1. Procurement Process Flowchart (see POLICIES AND PROCEDURES)
2. Supplier Selection Form
3. Supplier Re-Evaluation Form.
4. Purchase Request Form.
5. Purchase Order Form.

## ACADEMIC REGULATIONS

Pursuant to the provisions of Article 12 of Charter of the National University (formerly National College), the Academic Council issued the following Regulations:

### Interpretation

The following words shall have the meanings listed opposite each, unless the context otherwise requires.

<b>Minister</b>	Minister of Higher Education and Scientific Research
<b>University</b>	The National University
<b>Charter</b>	The Law of the National University- Sudan
<b>University Council</b>	.The Council formed in pursuant to Article 11 of the Charter
<b>Academic Council</b>	.The Council, composed pursuant to Article 20 of the Charter
<b>President</b>	The Chief-Executive Officer of the National University, appointed in accordance with Article 17 (1) of the Charter
<b>Faculty</b>	.Specialized unit that grants bachelors or diploma degree
<b>Dean</b>	The official In charge of the faculty, which awards a Bachelor or Diploma in Specialization appointed in accordance with Article 18(1) of the Charter.
<b>Faculty Board:</b>	The Board responsible for the academic and administrative aspects formed according to Article 28 of the
	Charter
<b>Department</b>	A scientific unit of the tasks of teaching and training and scientific research faculty
<b>Student (Learner):</b>	Anyone registered in the university for a scientific degree granted by the academic Council
<b>Semester:</b>	The period of study of a duration of at least 15 weeks.
<b>Academic year:</b>	The duration equal to two semesters of study.
<b>Course:</b>	A learning unit which carries a title, number and a symbol and contains a specific number of credit hours and runs for a specific period of time.

<b>Mandatory Course:</b>	Unit that has to be studied passed by students and his/her final success depends on it.
<b>University requirements:</b>	Include subjects like Islamic studies, Arabic language , English language, principles of computer science and Sudanese studies, imposed by the Ministry of Higher Education.
<b>Elective (Optional) Course:</b>	Unit chosen by the student in addition to the mandatory, and he/she is entitled to delete it, It is counted in the calculations of GPA
<b>Course Committee:</b>	An interdisciplinary faculty committee oversees the implementation of a specific course.
<b>Exam Paper:</b>	is the paper that includes questions of the examination, It can be virtual run on a computer or online.
<b>Answer Booklet:</b>	is the paper or papers in which the student answers the exam questions or a computer equivalent.
<b>Credit Hour GPA:</b>	The unit of measuring the weight of the course calculated from total contact hours divided by weeks in a semester Grade point average is the score of student as calculated from their grades in all courses in a semester
<b>CGPA:</b>	Cumulative grade point average is the score of more that one semester
<b>Study Load:</b>	The number of credit hours (for mandatory or optional courses) taken by the student in one semester.
	Bottom of Form

### Article (1): Educational Strategy :

(See “Learning, Teaching and Assessment Policy (LTAP))

- 1.1. The Council adopts credit hours’ system, Grade Point Average (GPA), semester instruction, clear behavioural objectives, detailed timetables, summative and formative assessment, and Cumulative GPA in evaluating the academic achievement. All details are guided by the “Teaching, Learning and Assessment Policy (TLAB)”-see below.
- 1.2. For each course, a multi-disciplinary committee is appointed to work on coordination and integration of scientific material and to oversee the implementation of the course up to evaluating the students, presenting results and evaluating the course.
- 1.3. Each faculty must develop internal systems and regulations for the work of the course committees in accordance with these regulations.

- 1.4. Each course has a list of objectives that should be achieved by the end of the duration of the course, and the committee is to set the means to achieve objectives, whether coverage is through teaching, assignments, or self-learning.
- 1.5. A prescribed proportion of grades (not less than 30% and not more than 50%) have to be designated to continuous evaluation (attendance, participation, midcourse examinations, assignments and the like) through the duration of the course.
- 1.6. The academic year begins on the first Sunday of the month of July each year and ends on the third Saturday of the month of April, with the exception of first-year students whose admission may be delayed until August or beyond, according to the national admission procedures. First year students will start in September.
- 1.7. Regular study continues at the university for six days a week, from Saturday to Thursday, according to schedules set. Exceptional emergency notices of assignments, visits, and practical duties, may require calling on those concerned to report to office or class on Fridays and public holidays.

### **Article (2) Registration Requirements & Procedures**

- 2.1. Nomination is done by the General Directorate of Admission and the admission form to be received, and no student shall be admitted unless he/she gets the approval of the General Directorate of Admission.
- 2.2. Students are to report physically for registration on the exact day of the registration, bringing with them the following supporting documents:
  - 2.2.1. Passports, (for non-Sudanese), Civil Rolls' National Number, nationality or identity card (for Sudanese nationals), in addition to the birth certificate.
  - 2.2.2. Six recent, colour photographs images (passport size).
  - 2.2.3. Matching data on identity papers with what is stated in the admission forms.
  - 2.2.4. Receipt (from the University) or deposit note (from the bank) to certify payment of tuition fees.
- 2.3. Proceedings shall be conducted according to the following order:
  - 2.3.1. Candidates are to check with Admission Department in case of non-arrival of the admission form.
  - 2.3.2. Students are to make sure that the names in the admission form match those in supporting documents.
  - 2.3.3. Candidates are to meet the faculty registrar to receive the registration form and fill it in. The registrar shall copy the admission number onto the registration form, in addition to the student's name (four names), academic year, the desired college, family's postal address and phone, address and phone of closest relatives in Khartoum.
  - 2.3.4. Payment of fees into the University's designated bank account, and presenting proof of such payment. Half the sum of fee may be accepted in cash and receive a check in lieu of outstanding half for registration purposes (see Tuition Fee Regulations).
  - 2.3.5. Candidates are to obtain notice of the medical checkup from the Registrar.
  - 2.3.6. Take the medical examination at the University, or in other places approved by the University.
  - 2.3.7. Show at the interview in the Dean's office or another office as determined in the announcement.



- 2.3.8. The signature of the student and their guardian on the Code of Conduct & Activity.
- 2.3.9. Receipt of the university ID card, which allows students to enter the university gate and use laboratories and libraries.
- 2.3.10. Wear the prescribed uniform within a week from the date of the interview.
- 2.4. The above procedures are subject to change depending on policies of the Ministry. These and the details of the announcements issued at the beginning of each year, constitute the current code for that year.
- 2.5. Registration is done in the places and times specified in the announcement, and period may be extended, for tardiness with accepted excuses.
- 2.6. A student who does not complete the registration procedures in the specified period is deemed unwilling to study at the university, and his/her Form shall be returned to the Admission Administration at the Ministry, and his place is announced vacant for other applicants.
- 2.7. Students who fail to register on the first day lose the opportunity to of free medical checkup and subsidized investigations, and shall have to bear expenses of such checkup at specified centres accredited.
- 2.8. A student who completes registration procedures then absent themselves from studies is not entitled for refund of the fees or any part of these fees.
- 2.9. A student who fully registered but could not attend class for acceptable reasons of which the university is informed from day-one (e.g. being in hospital) could considered absent with acceptable reason, treated as deferral (see below) or allowed to freeze (repeat) the year.
- 2.10. A student who is medically unfit, or who is rejected by the Interview Committee shall have her/ his form returned to the Admission Administration. Their fees will be returned to them.
- 2.11. Students of subsequent semesters, after Semester one, are not subject to medical checkup, and are to directly meet the Registrar on the day announced for registration and start the proceedings. The registration of those shall only last one day after which studies start immediately. Students who are not registered shall have their names stricken off the list after three days of the day set for registration, and other applicants are considered to replace them.
- 2.12. No student shall be entitled to enter the University nor attend lectures or other scholastic activities, inside or outside the University, nor use libraries unless after receiving their university card. Students must always carry the ID card with them, and must show it when requested to do so (see Code of Conduct & Behavior).
- 2.13. A registered student should not allow others to carry or use his/her university ID card, for any purpose. He/she is subject to penalty against such conduct, if and when proven, and are brought for questioning that may lead to their dismissal. A student is not allowed to carry or use others IDs. The non-student impostor will be taken through law procedures to bear all consequences resultant thereof. In case of loss of the ID card, students must immediately report the matter to the police and the University, in order to cancel it and issue a replacement card.

### **Article (3) Withdrawals, Resignations and Deferrals**

- 3.1. A student may withdraw from a particular course after less than half the duration of the course, dated from the end of the course registration procedure, provided they are to bear the burden of repeat registration and the study of the course in a subsequent period.
- 3.2. A registered students can voluntarily resign from study with the consent of the university administration (see Student Resignation Form), and subject to completing the procedures, after the approval, the Faculty concerned shall withdraw the student card and close his/ her file.
- 3.3. A voluntarily resigning student can apply for the resumption of the study with the consent of the university, if he has studied successfully for more than two semesters before resigning, and was absent from classes for less than five years. This requires the Council's approval of the new registration procedures and the payment of special fees, as determined by the Council.
- 3.4. Each student registered for a specific semester is entitled to apply for deferral (see Deferral Form and complete the proceedings, if they present justification permissible by regulations, provided that such deferral period is not to exceed four academic semesters - combined or sporadic, with renewal of registration each semester without paying a fee if successive semesters are deferred, and payment of said fees if dispersed semesters are deferred. After approval, the student's file is archived and their card temporarily withdrawn.
- 3.5. Deferrals are not allowed in the first year, except in special cases approved by the university President.
- 3.6. Deferral requests are not accepted after more than a month from the beginning of the semester, or the date of registration of the student, except for compelling reasons as the university President may deem acceptable.
- 3.7. Students can cancel deferrals upon their own wish, within the period specified in the preceding (see Deferral Form in the), and shall have to complete the procedures during the registration period.

### **Article (4) Suspension of Academic Regulations**

- 4.1. The President of the University may suspend the Regulations in whole or in part in emergency circumstances provided that she/he duly notifies the Council at the earliest meeting, which shall have to be done within one month.

### **Article (5) Means of Conducting Examinations**

- 5.1. The final exams (if any) for students are done by means of written questions (multiple choice, short problems and short answers), practical laboratory tests, objective-structured practical or clinical examinations (OSPE/OSCE), written and oral assignments, seminars, field work, research, or any combination of those, or otherwise as determined by the internal regulations of the faculties.
- 5.2. Long or short essays are to be used only within narrow limits, perhaps in the problem-solving questions, and are to be corrected by more than one teacher in accordance with a typical answer list agreed on (defined allotted marks) with the Course Committee.
- 5.3. Oral examinations are not to be used but to confirm failure or excellence of a particular student, or for other reasons submitted by the Faculty before the Board that approves it before the examination takes place. They can be part of a formative assessment.

5.4. Formative assessment is not included in the final results of the examinations.

### **Article (6) Dates of Holding Examination and Announcing Results**

- 6.1. Examinations are held at the end of the block courses, longitudinal exams are conducted at the end of the semester. The dates of the mid-and end-of course examination should be specified in the Academic Calendar Form at the beginning of each year. Under exceptional circumstances, the concerned faculty can present a request to hold alternative exams within a period not less than three weeks prior to the date of the exam.
- 6.2. The examination date determined in the schedule of the block or longitudinal courses is sacred and not subject for change without the approval of the Secretary of Academic Affairs.
- 6.3. Timetables and schedules of courses are the responsibility of the Dean and the Coordinators of the courses. These are signed by the Secretary of Academic Affairs well before the start of the courses. A course beginning before the publication of its schedule is deemed a serious violation of quality of the institution, and offenders will be penalized.
- 6.4. The Board approves dates for each semester examinations in all faculties and are then declared, and may not be rescheduled. The Faculty Board approves all the results before being signed by the Secretary of Academic Affairs. The only results brought before the Academic Council are at the end of the year (student progression).
- 6.5. The results of each course are announced in a period not exceeding three weeks from the end of said course.
- 6.6. Index numbers are used in the announcement of the results, and may, in the case of excelling students, be announced by name. Students will receive results in their electronic mail .
- 6.7. Mid-term exam will be scheduled in about half the period of time specified for the course, and may not be left for the end of the period, whatever the circumstances.

### **Article (7) Conditions for Permission/Denial to Sit for the Exam**

- 7.1. The course Committee in each Faculty lists the names of all faculty students who are entitled to sit for the exam at least two days before the end of the course, and publishes a list of students who are denied sitting for it.
- 7.2. The Committee may deprive a student who did not complete the registration procedures, who is absent for more than 20% of the duration of the study, including the practical and field studies, or is unable to meet the requirements of continuous evaluation through the course (sit for tests, do assignments, exercises, and the like), and based on the recommendation of the Committee the Faculty Council decides to consider the student failing the course.
- 7.3. Students may in specific cases, and by way of exception, be exempted from attending the course, so they sit directly for the exam.

### **Article (8) Examinations and Permissible Absence**

- 8.1. Permissible absence from the tests includes the following cases: (a) disease, certified by a medical service unit approved by the Board, (b) the week following notification of the death of a relative of the first degree, (c) absence due to testifying before a court of law, and (d) any other reason approved by the Council.

- 8.2. Medical certificates are accepted only if issued by the health unit of the faculty or a medical facility approved by the said health unit.
- 8.3. The medical report should be brought to the attention of the course coordinator within 24 hours of the its issue which should be while or immediately after receiving the medical care
- 8.4. No medical certificates or any other documents, for any excuse, are accepted after the end of the exam.
- 8.5. Medical certificates and documents for any (legitimate or illegitimate) excuse, put before the Course Committee after the passage of half an hour of the exam start are not considered and shall be referred to the Council by the Dean of the Faculty.
- 8.6. In the case of legitimate absence only from exam (incomplete course) a student may be allowed to sit for the 'alternative' exam to complete the course.
- 8.7. In the case of legitimate absence from study for a period of more than 20% of the course duration, a student shall be deprived of sitting for the exam without being deemed failing. This is referred to as 'course deferral', and such student is allowed to repeat the course when offered, subject to payment of course fees in full.
- 8.8. In the case of legitimate absence from study for a long period of time that does not exceed 20% a semester of longitudinal courses, the student is allowed to sit for the exam or the 'alternative' exam.

#### **Article (9) Exam Preparation & Examiners**

- 9.1. The Course Committee transforms into the course-exam committee by adding a number of course teachers as committee members, the course coordinator becomes a chairman of the Committee.
- 9.2. In the development of theoretical and practical exams, it shall be taken into account that the exam covers the objectives of the course, diversity of questions, the variety of assessment tools and its credibility in measuring student capabilities.
- 9.3. A course is not deemed complete unless exams are drafted and answers thereto graded. Part-time teachers' remuneration is deferred until the results of course exams are finalized.
- 9.4. Course Committee receives examination questions from their authors, and approves the paper a week before the scheduled end of the short courses (2-4 weeks) and two weeks before the end of longer courses (more than 4 weeks).
- 9.5. The Course Committee authorizes theoretical and practical examination papers, which should be drafted or reviewed by more than one examiner.
- 9.6. Examination papers must bear the following lines: (a) name of National University, (b) name of the faculty, (c) course name, code and number, (d) type or format of examination, (e ) the semester in question, and (f) the date, time and duration of the exam.
- 9.7. Examiners and the Course Committee may, in their own discretion, increase the time of the exam, but may not shorten the time written on the exam paper.
- 9.8. The course Committee nominates (an) external examiner according to External Examiner Policy and Practice document. For external examiners specialty, the complementary nature of most of the courses of the University's programmes should be taken into account. Names of the examiners shall

be referred by the university President to the Directorate General of National & Foreign Higher Education (DGNFHE).

- 9.9. In the case of the appointment of an external examiner the exam question papers may be referred to him/her to evaluate. He/she may recommend amendments in a manner not incompatible with achieving the objectives of the course, not in conflict with the philosophies of the university, and does not contradict with its strategies. The report of the external examiner should be itemized as stated in the External Examiner Policy.
- 9.10. Examination Course Committee selects a number of teachers and teaching assistants as invigilators to help the members of the Committee in proctoring, upon approval of the Secretary of Academic Affairs.

### **Article (10) Instructions for Examinees**

- 10.1. Candidates are allowed to enter the exam room five minutes before the time announced for the beginning of the exam, if they present University ID and are part of the students allowed to sit for the examination.
- 10.2. Candidates are not allowed to enter the examination hall after the passage of half an hour after the start of the exam, or half the exam time if the duration of the examination is less than an hour.
- 10.3. Candidates are to comply with the directions of invigilators in the hall.
- 10.4. Examinees are to read and follow the instructions on the outer cover of the answer booklet.
- 10.5. Inside the hall, examinees are allowed to drink water only.
- 10.6. No candidates are allowed to bring with them any book, paper (with writing thereon or otherwise), storage or communication devices, or the likes, into the exam room nor receive any of such inside the hall. Students are allowed to bring pens, pencils, eraser (rubber), and ruler, and other items required by the nature of the exam.
- 10.7. Should a candidate need anything from another student or others, they shall have to refer their request to the invigilators and are not allowed to receive or borrow such from their colleagues, nor offer them such items.
- 10.8. Candidates are not to leave their place without the permission of the proctors/invigilators, and are not allowed to leave the exam room and return but only with the consent of the Chair of the Course Exam Committee, and are to be accompanied by one of the invigilators for the duration of their stay outside the hall until they return to their seat.
- 10.9. Candidates are not allowed to provide or receive help, direct or indirect, from any other source.
- 10.10. Candidates are not to write answers in pencil unless instructed to do so.
- 10.11. Candidates are not allowed to hand in their answer papers and leave the examination hall unless after the passage of 60% of the time.
- 10.12. Candidates are not allowed to remove any sheet out of their answer booklets. Such removal will prevent the acceptance of the answer booklet for grading.

### **Article (11) Guidance for Invigilators**

- 11.1. The Chairman of the Committee on the course exam shall prepare all that is required for the exam, keep the exam papers in sealed envelopes, inspect the examination room(s) at most a day before the date of the exam, and again right before the exam.

- 11.2. Invigilators shall have to be inside the examination hall half an hour before the time set for the beginning of the exam.
- 11.3. The Chair of the Committee and invigilators shall alert candidates to place their university ID on their tables, and to write down their names and index numbers and any other required information.
- 11.4. The Chair of the Committee and invigilators shall alert candidates about the time the exam is to begin, at half-time, passage of three-quarters of the time, a quarter of an hour before the end, and five minutes before the end of the exam.
- 11.5. The Chairman of the Committee and invigilators shall count present candidates after the passage of half an hour from the beginning of the exam, as well as duly inspecting the university ID and its validity. the Chair of the Committee is to divide responsibilities among invigilators inside the hall, and be responsible for the overall progress of the process, control the time, act when issues arise, collect answer booklets in the end, make sure that the examinees filled out the required information, match the number of answer booklets with the number of those who sat the test, organize the exit of students out of the hall, and supervise the rearrangement of the hall.
- 11.6. Invigilators are not to discuss the exam questions with students, and, in the case of any doubt about any question, this shall be referred to the Chair of the Committee and Teacher concerned to act upon.
- 11.7. The Chair of the Committee invigilators are to impose calm and seriousness in the room, and they (and other employees) are not allowed to raise their voices, browse newspapers, magazines, or books, or get distracted, for any reason, from the duty of proctoring (e.g. use of cellphone, in particular). They must refrain from smoking, use of chewing tobacco, eating food or drinking - except for drinking water inside the hall.
- 11.8. If any candidate is caught cheating, offering or receiving help from another examinee, teacher, or invigilator, or committing any violation; the invigilators shall have to:
- 11.1.1 Confiscate all the papers and items that have been used in the process of fraud or said violation and attach them to the answer booklet, which is immediately taken from offender, and use another invigilator as witness as much as possible;
- 11.1.2 Write a report on the case and hand it over to the Chair of the Committee, or a proctor/invigilator that is academically higher ranking, together with the documents and answer booklet, for the chair/proctor to write another report on the case, to be added to the documents;
- 11.1.3 Such candidate shall be allowed to continue the exam with a new answer booklet given to them, in which they complete the rest of the exam answers. This booklet is collected at the end of the exam together with documents and evidence described in sub-Para (a) and (b) above. They are also allowed to enter other following exams, until the case of cheating is decided on; and
- 11.1.4 All documents and evidence on the violation or case of fraud are to be delivered to the dean of the concerned faculty. If the exam was of a course part of the university requirements, the case shall be raised to the Secretary of Academic Affairs

## **Article (12) Procedures for Cases of Fraud and Plagiarism**

- 12.1. Cases of fraud and theft of intellectual property (plagiarism) include the following:
- 12.1.1. Possession of any document, material or medium containing information relating to – directly or indirectly – the subject of the exam.
- 12.1.2. Providing or receiving any help during the examination

- 12.1.3. Collusion with another or others in any wrongdoing or violation.
- 12.1.4. Impersonating another student or allowing a student to impersonate another during the examination, or not reporting them, the use of vocabulary or perceptions of the results of another person without reference to the source, or presenting academic work, completed as a requirement for one course to another course, or twisting, fabricating, or switching data from legitimate or illegitimate sources.
- 12.1.5. Hiding the answer booklet, or part thereof, and not handing it over to the invigilators at the end of the exam.
- 12.1.6. The theft of text or written material or other theoretical or practical assignments, or the likes, and claiming them for themselves without adhering to principles of quotation.
- 12.2. The concerned Dean, or the university President, upon receipt of the documents and evidence, shall form a committee of inquiry of three members, one of whom is to be the Legal Advisor or a designee of him, to investigate and access documents and evidence and question the invigilators whose names are listed in the investigation, together with the student, and submit recommendations to the Dean or the President in a period not exceeding one week from the date of the incident of fraud or theft of intellectual property.
- 12.3. If there is evidence of a violation committed, the Dean or Secretary of Academic Affairs shall form, within two days of receipt of the recommendation, a disciplinary panel of two members of the teaching staff in addition to the legal adviser, to be headed by the most academically senior among members. The Committee shall look into the offense and provide its recommendations to the Dean, who in turn refers them to the Secretary of Academic Affairs for final decision. The student may be convicted of intellectual theft or plagiarism, even if charge is verified later, any time before his/her graduation.
- 12.4. A student accused of fraud or theft of intellectual property shall have to follow up daily on the bulletin board for news on investigation, which may be within just 24 hours from the date of the announcement. The student is deemed notified should they choose not to refer to the noticeboard, and may be sentenced in absentia.
- 12.5. in the case of student conviction, the Dean shall present a recommendation to the Secretary of Academic Affairs or President to impose one or more of the following penalties:
- 12.5.7. Warning the student and having him/her sign a pledge of non-repetition.
- 12.5.8. The reduction of the grade he obtained in the examination.
- 12.5.9. Cancelling the exam and considering the student failing (only) the exam in question.
- 12.5.10. Suspending the student from study at the faculty for a period, suggested by the Secretary of Academic Affairs, and approved by the President of the University, which is not less than a full term of study, and the student shall have to bear additional expenses as the Board may determine.
- 12.5.11. Dismissal of the student from the faculty and the removal of their name from faculty records, final decision of that is with the President.
- 12.5.12. The imposing of any one or more than one of the foregoing.

12.5.13. Announcing the offense attributed to the student and the penalty prescribed, in the official bulletin board if the President deems it appropriate.

1.2. Notifying the student's guardian of details of the violation.

1.3. In case of clear violation admitted by the student(s), penalty is immediately imposed by the President and the Board is to be notified later.

1.4. A teacher or invigilator, proved to be involved with helping or covering up on a cheating student, the matter shall be immediately be raised to the President for the decision regarding dismissal.

1.5 For both teachers and students penalized for cheating, fraud or plagiarism, appeal is allowed in cases of doubtful evidence and accusation. If dissatisfied, the legal advisor will try to help explain all possible choices.

### **Article (13) Other Irregularities**

13.1. No student is entitled to refrain from sitting for an exam for reasons other than those set forth in these Regulations, nor to incite others not to sit for the exam, or do any acts affecting the conduct of examinations, such as sit-ins, or the occupation of halls, buildings, or gateways.

13.2. In the case of any wrongdoing as per the previous Para, the Chair of the Course Committee Exam shall raise a memorandum to that effect to the Dean of the Faculty. The Dean shall then form a committee of inquiry to include the Dean of Student Affairs, the Legal Advisor, the Chair of the Committee of Course Examination, and the Dean of the Faculty, or a deputy thereof, on the same day the offense occurred.

13.3. The Committee of Inquiry is to investigate, look at the evidence, cross-examine witnesses and submit its recommendations to the Dean who passes them to the President with copy to the Secretary of Academic Affairs..

13.4. in the event of a violation, the University may impose one or more of the following penalties:

13.4.1. Considering the student(s) failing the exam, and all of the course, if the exam was part thereof.

13.4.2. Depriving the student (s) of sitting for any other exam, for a period to be determined, which shall not cover less than exams of a complete semester.

13.4.3. Temporarily suspending students' study for a period to be specified by the Board for not less than a full semester. Such students shall have to bear extra tuition fee as the Board determines.

13.4.4. Final dismissal from the university, in addition to any legal action in relation to any disruptive behavior associated with the violation (see Code of Conduct & Behavior).

13.5. The President of the University may, on behalf of the Board, inflict the appropriate punishment, which may extend to include dismissal; especially in cases of incitement to boycott exam, or premeditated annoyance during the exam sessions especially if delay in the penalty is likely to result in further damage. The President shall so notify the Board at the earliest meeting,

### **Article (14) Grading, Examiners' Reports & Results Approval**

14.1. Examiners correct answer booklets, monitor other evaluation means (including the semester work) and review the results and agree thereupon on the final grade. In the case

of disagreement, the opinion of the Chair of the Committee course and the external examiner (if any) shall prevail. In case of disagreement between these, the matter shall be referred to the Dean of the Faculty to take a decision.



- 14.2. The results of the course are to be prepared and approved by the Committee, and signed by Committee head, then referred to the Faculty Board, so the chair of the board recommends their being approved to the Secretary of Academic Affairs if delegated by the President.
- 14.3. Faculty Board is to take its decisions in the different cases of examination (e.g. excused or unexcused absence).
- 14.4. Results may be announced by use of index numbers, before their approval by the Academic Council, provided that such results are labeled ‘preliminary results’, signed by the Dean and Secretary of Academic Affairs and this is subject to the approval or disapproval.
- 14.5. Results are to be sent, signed by the Dean and the Registrar of the Faculty, to the Secretary of Academic Affairs and accompanied by external examiners reports (if any).
- 14.6. The external examiner’s report should include the following; (a) the appropriateness of the exam and its tools to verifying the fulfillment of the objectives of the course, (b) students level in light of the reality of the result, (c) the overall level of students compared to other universities, (d) capacities available in the faculty running the course in question, and (e) any other matter related to the academic regulations and the running of examinations and any other points specified in the External Examiner Policy.
- 14.7. Answer booklets shall be kept for one semester by the Registrar, for reference when needed.
- 14.8. A student’s answer booklet may be re-corrected at their request and such requested is to be treated in accordance with the following procedures:
- 14.8.1. The student fills the re-correction request form and present to the Faculty Registrar within only two weeks of the announcement of the result. No requests shall be accepted after this date unless upon an excuse approved by the Dean.
- 14.8.2. The student pays the fees prescribed for re-correction according to the instructions of the Registrar, and attaches the payment receipt together with the request form.
- 14.8.3. The Dean forms a committee of three or more specialists in the subject matter of the course, which may include one person from outside the faculty to re-do the said grading review, without changing the grade distribution system set by the original examiner.
- 14.8.4. In case changing the grades becomes imperative, even after their approval by the Academic Council, the Dean writes sufficient justification for such and submits it to the President to issue his/her decision, on behalf of the Board, on amending results. The Council is to be notified of that at its earliest meeting.
- 14.8.5. A student who applies for re-correction for three times during their study without such re-correction affecting their results shall be denied submitting any more requests.

### **Article (15) Evaluating Student Performance in the Examination**

- 15.1. Grades allocated for exam at the end of the course shall not exceed 70% nor fall short of 50%. the grades allocated for continuous assessment during the course shall not exceed 50% and not less than 30%, provided that dealing with grades shall be within the limits of these figures according to the Course Committee’s opinion on course content. Academic assignments (outside the scope of lecture notes and textbooks) may be within the percentage allocated to continuous assessment.
- 15.2. Teachers must prepare model answers before or on the day of the exam and put these, together with the exam paper, in the course file in the Office of the Dean concerned.

- 15.3. Pass marks are calculated according to the minimum pass level (MPL), on the exam questions paper, before conducting the exam. In case it is not possible; correction is based on the assumption that the pass mark is 50%. The Dean of the Faculty and the Course Coordinator shall have to train teachers involved on how to calculate the MPL.
- 15.4. The Faculty Board may amend a student result from failure to pass, pass to excellent, if grades fall no more than two marks short of the average, if such student is punctual and actively participates, polite and disciplined. Those known to lack interest, are idle, and reckless when dealing with rules and staff are not given this privilege.
- 15.5. Grades are transformed into letter-values. Such letter values shall have the following weight, as per the Table below:

Grade Scored by Examinee	Letter Grade	Weight in Points
80 and above	A	4.00
Less than 80 and up to 75	B+	3.50
Less than 75 and up to 65	B	3.00
Less than 65 and up to 60	C+	2.50
Less than 60 and up to 50	C	2.00
Less than 50	F	Zero

Absent from course without acceptable reason FF\* zero (re-do the course)

Absent from course with acceptable reason I\* (re-do the course)

Absent from exams with acceptable reason I (re-sit the exams)

Absent from exams without acceptable reason F zero (re-do exams)

15.6. The Academic Council may modify the grades calibration any time if the Council deems it appropriate; and such amendment shall apply effective the following academic year.

15.7. Students result are announced at the end of each course in the form of letter-grades and index numbers. Semester and cumulative averages are calculated on the bases thereof.

The Registrar shall keep the details of each student. Results may be delivered digitally via e-mail to each student or their guardian.

15.8. A student fails with an (F ) letter grade in a mandatory course shall have to re-sit the course exam at the earliest date it is offered, even if the student’s cumulative GPA is more than 1.50 points. In the case of passing, the last grade is granted to him/her without doubling the credit hours. This is done by including the letter (F) in detail certificate (Thus: F/+B).

15.9. Failure for the first or second time, failure to complete any course(s) with total hours exceeding 18 hours shall lead to a student shall have to repeat the academic year; without redoing the courses which he/she sat for and passed. A student failure for the third time in any mandatory course (8 credit hours or more) leads to the student repeating the year.

15.10. A student whose attendance was acceptable during one course or more, who did not sit for the exam because of legitimate excuse shall receive an assessment of ‘Incomplete’ (I) for the said course or courses. They are allowed to sit for an alternative exam the first opportunity such an

exam is offered. The term (I\*) is used for students transferring in the second year or later, whose attendance does not meet the required proportion of a particular course, or did not study, the courses that the University curricula are characterized by, such as behavioral sciences, introduction to medicine, professionalism and the like. In this case they have to do the course and the examination.

- 15.11. A student who did not pass an elective course may register for another alternative course, without their cumulative GPA being negatively affected. Passing the optional course shall be calculated towards the GPA, if the student so wishes.
- 15.12. From the first year to the third year: The student repeats the academic year if he/she failed in (4) subjects and his/her cumulative average is less than (2.00). For example, “if he/she fails (4) subjects and his/her cumulative average is (1.99), he/she is required to repeat, and if fails (5) subjects and his/her cumulative average is (2.00) or more, he/she is not required to repeat unless one of these required subjects is a prerequisite for upcoming courses for which he/she is expected to register. In this case, the student repeats the courses in which he/she failed. The student is dismissed after repeating the academic year if he/she does not achieve the required average of (1.50).after the approval of his/her case to the Scientific Council.
- 15.13. From the third year to the fourth year; In all faculties - except for faculty of medicine and surgery - the student is recommended to repeat if he/she fails in one or more basic subjects with the total number of credit hours is more than (8) (9 credit hours or more). **For the Faculty of Medicine and Surgery**, students are not allowed to carry any subject to the phase of clinical clerkships. If the student clears his/her failures, he/she is allowed to catch up any clerkship during fourth year. **From the fourth year to the fifth year** in all faculties - **except for the Faculty of medicine and Surgery** - the student is required to repeat if he/she fails in one or more basic subjects whose total number of credit hours is more than (8) (9 hours or more). **For the Faculty of Medicine and Surgery**, the student proceeds to the fifth year regardless of the number of subjects he/she failed, if his/her cumulative average is (1.50) or more. He/she can sit for examination of any clerkship if he/she attended previously
- 15.14. A student is considered a repeater of an academic year, if he/she did not obtain a cumulative GPA of (1.50) or if, for acceptable reasons, the credits of the courses he/she did not pass reached 18 hours, with the exception of Clause (15.13). The repetition is considered a final “academic” warning. The student is dismissed from the university if he/she does not achieve the minimum cumulative average after approval of the Scientific Council. The dismissed student is allowed to sit as an external student after the approval of the scientific council. The Scientific Council may take into consideration the case of the dismissed student, and therefore may allow the student to attend and pay half the fees of batch he/she joins.
- 15.15. A student repeating for the first time shall have to pay half of the tuition fees of the cohort he/she joins, and may repeat any other year after fully paying tuition, at the rate which applies to the batch they are joining. If a student repeats a year for the third or fourth time at any level, he/she shall have to pay the fee in full, according to the batch he/she joins.
- 15.16. Student with ‘FF\*’ grades in any course may sit for a substitute exam or do the course in any faculty with similar syllabi, upon the approval of the Deans. With the consent of the Dean, any student registered at another similar university may do the courses and sit for exams at a faculty of

the University. Results of such students shall be sent, in due confidentiality, to the university concerned.

- 15.17. Students sitting for the alternative examination (with ‘failure’ or ‘incomplete’ grades) are not entitled to miss it unless per an excuse acceptable to the University.
- 15.18. A student may, with the consent of the Dean, sit more than once for an examination they have successfully passed, with the intent of uplifting their letter evaluation grade. Such Re-sit results, even if ‘F’, shall be the one to count. Promotion of such a student, with pass marks in exams taking the exam at another university, shall not be accepted, even if the said university has syllabi matching those of the National University.
- 15.19. A student is deemed failing a course, if:
- 15.19.1. Refrained from attending the course, through strike or sit-in, for three days, be these successive or intermittent;
- 15.19.2. suspended from study due to disgraceful conduct.
- 15.19.3. Absent for a period equal to (or greater than) 25% of the duration of the course; or
- 15.19.4. missed the exam with or without an acceptable excuse. (if the excuse found, after verification, to be falsified or fabricated, or present medical certificate with the intent of postponing the exam. In this case, in addition to listing them failing, they are subject to penalties stated in the Code of Activity and Conduct).

#### **Article (16) Study Continuation, Warnings & Dismissals**

- 16.1. A student must get a GPA of at least 1.50 points in order to continue in the study, after the second semester.
- 16.2. A student is subject to a ‘First Academic Warning’ if their cumulative GPA drops to less than 1.50 points with the exception of the first semester. If they are unable to raise the cumulative GPA to the 1.50-point threshold in the next year, they are subject to a ‘Second Academic Warning’, and are dismissed if still unable to raise their average in the following year.
- 16.3. Students are stricken off the warning list if they raise their cumulative GPA to 1.50 points, and are placed under warning in another later session that starts with the first warning if they fail once again to achieve the required minimum average.
- 16.4. The academic supervisor shall have to focus on students receiving academic warnings and help them being removed from the warning list.
- 16.5. For a student to re-do any course, due to (failure or illness), they shall have to pay an additional fee commensurate with the hours of the courses which they failed or were absent there from.
- 16.6. A student dismissed for academic causes may apply to externally sit for an exam in an appropriate semester. They are allowed to externally sit again if they fail the first time they re-sit, and may join the relevant class immediately after they pass. After joining, they are entitled to externally sit for exams if dismissed once again, provided that the duration of study at the University does not exceed double the period prescribed to get the degree in faculty concerned; and, in case such students reach their final year, their cases are to be referred to the Academic Board to decide upon.
- 16.7. A student who remains in repetition with the following batch of students, will be required to re-sit for courses which he/she passed previously, she/he can only sit for the courses in which he/she failed.

A student shall be dismissed from the University if he/she are absent for two consecutive semesters without an acceptable excuse.

16.8. A student guardian shall be informed of any warning, repeating or dismissal the student is subjected to.

### Article (17) Bachelor Degree Classification & Credential Granting

17.1. Diploma and Bachelor's degrees, be they general or honors, are classified as shown in the table below:

17.2. Degrees are awarded as of the date of their approval by the Academic Council, or such other date as the Academic Council determines.

CGPA at Last Semester	General evaluation	
	Grade	Level
points and above 3:50	Excellent	First class honors
less than 3.50 and down to 3.00	Very good	Second class honors – division I
Less than 3.00-to-2.50	Good	Second class honors – division II
Less than 2.50-to-1.50	Pass	Third class honors

17.3 A student transferring from another institution shall have to spend a period of at least four semesters (two academic years) at the University in order to become eligible to obtain a Bachelor degree in a faculty thereof. They need to spend three semesters for a diploma degree.

17.4. A student who was awarded a degree shall have to fill out the 'Clearance' Form immediately after results are approved by the Council.

17.5. Students who pass their final exams shall receive certificates of degrees, bearing the University seal, during the month following the Academic Council meeting, unless there are legal issues preventing such delivery. A ceremony may be held for that, as appropriate. If a student does not attend the ceremony, they are to receive their certificates later from the Secretary of Academic Affairs, after being the graduation fees.

17.6. A graduating student should pay the graduation fees, even if he did not intend to be there. In this case she/he should pay both graduation and certificate fees which he/she applies for them.

17.7 The Council may modify the evaluation of a student who fails the exam of honors degree to the non-honors class credentials, according to the evaluation they are entitled to, after meeting conditions thereof.

17.8. The University prize or any other prizes or honorary awards shall be awarded to student (s) obtaining the highest cumulative average in their batch upon graduation, provided they do not breach any of the provisions of Regulations of Academic Activity, the Code of Conduct and Activity and the Tuition Fee Regulations, throughout their years of study. The Academic Council decision in this matter is final and is not subject to any appeal.

## Article (18) External Transfers

- 18.1. External transfers' refers to the process of accommodating students transferred from other educational institutions or to such institutions.
- 18.2. For external transfers, students must have successfully completed two semesters. A student is deemed 'new' if they do not successfully complete two semesters in their original university. The President may relieve them of courses which they successfully passed (with a grade higher than 'pass' if the courses are found similar to those of the University, and accredit the letter-grade evaluation they obtained at their original institution, particularly with 'university requirements'.
- 18.3. A student may be transferred after successfully completing the second professional exam in the Faculty of Medicine or the equivalent in other faculties. In this case, they are enrolled in semester V (the beginning of the third year), and their cumulative GPA is calculated out of the courses they passed (even with a Pass mark). Their letter-grade evaluation shall be calculated according to their marks (in numerals), All the subjects students did not take in their original colleges, such as introductions to Pathology and Microbiology.. etc are to be addressed to. They are assigned an initial GPA set at 2.00 points for those who obtained a 'pass' mark 'acceptable', 2.50 for those scoring 'good'. No higher points are granted whatever results they obtain from the other institutions.
- 18.4. In case of applying for transfer to the University from another institution, students are to obtain preliminary approval from their institutions before receiving the 'External Transfer Form'. They are not to be registered until after the receipt of their file in full, including original documents, from the other institution. The approval of the university where they are transferring from is not required if a student transfers before completing the first two semesters; so their registration shall be done on bases of their secondary school certificate.
- 18.5. In the case of applying to transfer from the university to another institution, applicants shall have to obtain the approval of the academic supervisor and the Dean of the faculty, according to the 'Form', with initial approval from the other institution, and 'Clearance' from the University.
- 18.6. It is permissible to consider and approve on the transfer of a student academically struggling in another institution, to first year class, on basis of their secondary school certificate.
- 18.7. A student who has a Bachelor degree in any discipline may apply for enrollment into another appropriate Bachelor programme, and to be exempt from first year study, as per the resolutions of the National Council for Higher Education.
- 18.8. Cases not stated here are subject addressing through a resolution from the Academic Council, upon recommendation from the Dean of the faculty concerned, in accordance with the following controls:
- 18.8.1. A student enrolled at the National University at any level after the first year, are responsible for making up for what they missed of course material, and shall have to apply for an exemption or for the transfer of credits, to the President immediately after being registered. Any documents not submitted within the same academic year in which he/she joined the University shall not be accredited.
- 18.8.3. Evaluation of the results of transferred students obtained in other institutions are accredited and entered into their academic file (see 18.2 and 18.3 above) and they are allowed to sit for the exam in any course at the earliest date such exams are offered.

18.8.3. No student at the National University at a level higher than semester VI may be transferred, unless per the exception of the competent Committee of the Ministry, in their own discretion, and the approval of the Academic Council.

#### **Article (19) Academic Appeals**

19.1 Student academic complaints and appeals start from the respective dean of faculty. If no satisfaction, d student may document the dean's response and raise his appeal to the Secretary of Academic Affairs, and the President of NUSU.

#### **Article (20) Examination Committee**

20.1 The Dean shall form a committee for final exams (for clinical clerkship courses) to be headed by himself and the membership of others, including the coordinators of the courses concerned; to for exam preparation, control and facilitating its procedures.

## CODE OF (STUDENTS) ACTIVITY AND CONDUCT

Pursuant to the provisions of Article 9 (1) of the National University Charter the University Board of Trustees issued the following Code of Conduct and Activity:

### Interpretations

The following words and phrases shall have the meanings ascribed thereto hereunder, unless the context indicates otherwise:

<b>University</b>	<b>National University</b>
Charter	The National University Charter
University Council	The Council of the National University, composed pursuant to Article 8 (1) of the Charter.
President	The Chief Executive Officer of the National University, appointed in accordance with Article 23 of the Charter
Dean of Student Affairs	A staff member appointed by the President to oversee the affairs of the students' affairs.
Faculty	Specialized unit granting Bachelors or diploma in a particular specialization
Dean	A staff member in charge of the Faculty appointed pursuant to Article 27 of the Charter.
Student (Learner)	Any person registered in the University to obtain an academic credentials granted by the Academic Council, the words student/learner refer to both male and female students.
Semester	The period of study, with a duration of a minimum of 15 weeks.
Academic Year	A duration equal to two semesters of study.



## Introduction

The National University aims at becoming a peak in the realm of knowledge, research and creativity, not a haven for loitering, rebellion, wasting time, losing money and loosening values. Educational and academic activities at the University rely on group handling of this goal and creating a team spirit among specialized technical cadres, interaction between individuals, in a manner that qualifies students to lead professional teams of service, research or creative tasks. This is done through meetings and questionnaires distributed at the end of each activity and course; to reflect the views, suggestions and aspirations of the students. The University monitors predominant trends as an essential part of the assessment of programmes, which lead to the amendment in said programmes and their means, whenever such modification is likely to shorten the distance to realize the objective. Therefore, there are many opportunities for students to express, in a more civilized manner, what matters to them in terms of the environment and programmes, in the same scientific method and discipline, which we look forward to be practiced by graduates of the University. Accordingly, sit-ins, strikes, protests and demonstrations have no place in this institution, so that study is not interrupted and do follow the consciously drafted timeframe, programmes are not to be interrupted, and academic years end timely. In order for a student to begin a serious, scientific life in a serious institution they have to be aware of the limits of their responsibilities, and will find that the regulations listed below are what their own right nature and proper upbringing. The University expects frequent visits from parents and/or guardians to check on the behavior of students, and to cooperate with the University in the early rectification of the products of negligence and idleness.

### Article (1): Prevailing Laws and Regulations

- 1.1. Each student must adhere to the laws prevailing in the country, regulations of the University and the Faculty they are affiliated to, and regulations of the universities, faculties and other institutions that the University cooperates with for training and research purposes, and others, and the student shall not at any time or place mar the reputation of the country, University or faculty or other institutions or its employees.

### Article (2) Discipline & General Behavior

- 2.1. The student behavior must be disciplined and benevolent at all times, all places and types of activity, with all employees of the University, and members of community, family and neighbors.
- 2.2. Students must respect the beliefs and religions and places of worship by refraining from saying or doing what would offend them.
- 2.3. Students must behave with respect and responsibility towards the teachers, staff, visitors and business associates, and not to object to any of the staff members, especially during the performance of their official duty.
- 2.4. The student relationship with fellow students must be based on tolerance and mutual respect, and to have a habit of pardon, forgiveness, finding excuses and accept the same. Threats, insults or beatings are prohibited at any time and place.
- 2.5. The student exhibits no attitude or behavior that would appear to threaten the security, health or safety of others, be they students or others.

- 2.6. Students are required to comply with the uniform during formal times of study, which shall be clean and tidy all the time. The person in charge of study and training shall have powers to send away students not complying with prescribed attire, and to determine whether the uniform is clean and well-kept or otherwise. His discretion there and then shall be final. **Jeans and stretchy fabrics are permanently prohibited.**
- 2.7. Student must care for their appearance and comply with modest and decent attire in all university facilities, and in the exercise of any activity outside the official hours of study (scientific, cultural, sporting, social, or other activity) and the person responsible for that activity (Guards, supervisors or teachers) shall have powers to determine whether the attire is modest and is appearance acceptable or not, and their decision, based on their own discretion, there and then shall be final.
- 2.8. The items below describe the specifications for the appearance of female students:
- 2.8.1. The dress shall not be transparent, or sticks to body, or describe (simulate) the details of the body.
- 2.8.2. The bottom piece (pants) is not to fall short of covering the ankle joint, and top piece (shirt or blouse) has to extend to below the knee region. Trousers are to be black, without frills or appendages, and the shirt to be long-sleeved, white without lines, no ornaments, mottled or embroidery, and with no zigzag cuttings.
- 2.8.3. Shirts or petticoats with openings are not allowed, unless such openings start at the knee-level or below.
- 2.8.4. A head cover is to cover hair, ears, and neck, and remains stable and does not fall nor recede. Head cover colour is black, non-perforated, nor lined, or embroidered, or mottled, nor serrated.
- 2.8.5. Face veils (niqab) are prohibited during class hours, and so are gloves in practical lessons, as well as striking colors and fragrances.
- 2.9. Male students are to comply with wearing black pants, short-sleeved white shirt, without lines, nor appendages, or embroidery. They shall avoid applying powders and ointments on their body and hair, and get used to combing head hair and not use creams and stabilizers for the purpose of effecting curlings, or 'Falfalah'. Students shall not get preoccupied with their appearance at the expense of their studies, and not to be addicted to attracting attention. **Students should avoid odd and bizarre haircuts. Student Affairs employee will define the limits of decency or haircuts.**
- 2.10. Students are not to deal in, make, sell or keep any kind of intoxicating beverages or narcotic substances, at any time or place, inside or outside the University.
- 2.11. Students are prohibited from bringing, or possessing, displaying, making, carrying, or concealing any kind of weapons of any description whatsoever, or any other materials and tools feared for their safety, the safety of others, or the safety of property, buildings, gardens, or the electrical installations while in the University premises.
- 2.12. A student must have manners when dealing with their own sex or the other sex, and students are also prohibited from indulging in trivialities of expression, seduction, committing any obscenity or foul play.
- 2.13. A student may not allow any person who is not a member of the University to enter, remain in, or take advantage of University facilities without written permission from the Dean of the faculty or whomever they so authorized. In which case the visitor shall be issued a visitor card, with all respect and appreciation due to guests.

- 2.14. Fraud or manipulation of documents of the University or other institutions, such as records, certificates and official documents, is prohibited.
- 2.15. Students shall have to pay full attention to University property and be keen to follow all regulations and instructions issued in their regard and to preserve them. Such show of care may include the following:
  - 2.15.1 They are not allowed to write on walls, columns, ceilings or floors, nor fix posters, however insignificant it may be. Students are not allowed to stick such material in the university.
  - 2.15.2. It is prohibited to tamper with electric or water connections with the intent of installing additional connections, as well as tinkering with gardens/parks and plants, at all times.
  - 2.15.3. The misuse of Library and its contents, laboratories and their instruments is prohibited, and students are to ask for help if they fail to operate instruments, equipment or tools or deal with any materials.
  - 2.15.4. It is not allowed to write or engrave on University furnishings. Furniture may not be moved outside where placed, for whatever reason, unless per a written permission from the Dean or authorized personnel.
- 2.16. Students are not to issue leaflets, or distribute the same, without informing the University and obtaining its approval of contents thereof. They are not entitled to raise funds, or obtain signatures, without obtaining the approval of the Dean of Student Affairs.
- 2.17. Smoking is strictly prohibited within boundaries of the University, **its campus and the surrounding streets and squares to comply with the** World Health Organization's guidelines. It shall be deemed disgraceful if the University comes to learn of such acts.
- 2.18 Each student should take care of his/her own properties, and those of others and the university, and knows that he/she has to compensate any if he/she contributed to loss of any property.

### Article (3) Academic Conduct

- 3.1. Students must persevere to attend the lessons and practical and discussion sessions, seminars, fieldwork, assignments, research all all academic profuilre announced by the college. Hanging around outside classrooms, libraries and museums during official study hours is strictly prohibited.
- 3.2. Students must always carry their University ID with them and present ID whenever requested to do so by an authorized individual, without showing discontent or bad manners with the one requesting.
- 3.3. Students leaving cell phones open and operative during lectures, or inside labs and the library, shall be deemed justifying a warning, warning twice is coupled with a fine. Afterwards, such phone shall be confiscated to be reclaimed upon graduation from University.
- 3.4. Fraud or initiation thereof, in relation to any test or procedure is prohibited. The same applies for fraud in reports and studies, research and academic projects.
- 3.5. Sitting for exams by a student in place of another, or entry by another in place of student is prohibited; whether such imposter belongs to the University or otherwise.
- 3.6. It is forbidden to carry a mobile phone, or any similar device with storage or retrieval capabilities, inside the examination hall, and severe penalties, which mount to dismissal, will be applied

### Article (4) Student Activity

- 4.1. Specialized scientific/academic societies may be established, as well as service-provision leagues, for the benefit of the students and the community, after University approval of such associations' regulations and objectives. The Dean of Student Affairs shall have the right to approve, or deny approval for any individual or association whose establishment may adversely impact the stability of the University or exert prejudice to the rights of others. In such matters, the students' Dean's decision shall be final.
- 4.2. Students are encouraged to engage in sporting, **cultural and social activities** and University shall assist students in that regard as much as possible.
- 4.3. Students may be allowed to organize cultural or scientific/academic lectures under the supervision of a faculty teaching-staff member, and after obtaining written permission from the Dean of Student Affairs and upon approval of the University President.
- 4.4. Students, as individuals or groups, may be allowed to organize drawing or science exhibitions at the University, only during the annual 'Scientific/Academic Week' of the University, so such activity may not serve as a source of distraction from study.
- 4.5. Students, be they individuals or in groups, may not be allowed to issue bulletins, newspapers, posters or articles without the permission of the Dean of Student Affairs and the of the University. Approved material shall only be placed in specified locations, and on noticeboards dedicated to this purpose.
- 4.6. Political activity, of any colour and type, by students, visitors and University staff, is strongly prohibited. Debates and debating panels, whether of political content or otherwise, are not allowed within the University and its surroundings streets and squares.
- 4.7. The use of loudspeakers by students, for any purpose, is strictly prohibited inside or outside the lecture halls.
- 4.8. Students are prohibited to organize music concerts at the University or its surrounding streets, except after a written permission from the President or Dean of students' affairs.
- 4.9. It is strictly forbidden to hold graduation ceremony or ceremonial entrance outside the university, other than official ceremony (as decreed by the Ministry of Higher Education), the sort of which is coordinated with external companies of private halls and limousines. Any graduate who contributes directly or indirectly to these parties will be penalized by delay of his/her issuance of his/ her certificates or recommendation letters, or verification requests. Their services after graduation will not be given a priority.

### Article (5) Types of Irregularities

- 5.1. Offenses by students, that are punishable, include:
  - 5.1.1. All grave offenses, according to the Laws of the Sudan, committed by a student, inside or outside the University, shall have to be referred to President through official legal entities, or by trusted employees of the university;
  - 5.1.2. Breaches of public order influencing or disrupting the course of study, or a public nuisance such as the use loudspeakers inside or around the University;
  - 5.1.3. Abuse and defamation of University, as an institution, leadership, teachers, other students, any of the employees of the University or citizens, orally or in writing. This shall include arrogance in dealing with, or ridicule or disregard of other mem-

bers of staff, visitors, patients or co-patients. Students with grievances who decided to complain, if not committed to accuracy and truthfulness.

- 5.1.4. The destruction of any of the property of the University, inside and outside its boundaries, or the property of its employees or property of students and staff. This includes defacing plastered walls and columns.
- 5.1.5. All acts directly or indirectly related to weapons and materials and tools that are harmful, intoxicating or narcotic substances.
- 5.1.6. All fraud, manipulation or alteration of documents of the University or other entities.
- 5.1.7. The practice of politics, inside and around the University, and all that indicates an affiliation or call for tribal, regional or partisan bias.
- 5.1.8. Strikes, picketing, demonstrating and mob-style protesting in and around the University.
- 5.1.9. Non-compliance with the specified uniform and **refined hair** within the official hours of study **in-campus and outside campus**.
- 5.1.10. All that is agreed on as manifestations of loitering, bullying, slander, contempt, disregard for laws and the people, whether resulting in violence or otherwise.
- 5.1.11. All that infringes on due decency in dealing with the opposite sex and what undermines chastity, in word and deed; whether perpetrated inside or outside the University.
- 5.1.12. Violation of behavioral code in hostels and collective housing buildings, as well as exercise of bad manners dealing with those in charge thereof.
- 5.1.13. Smoking and chewing tobacco within the confines of the University **and the surrounding streets and squares**.
- 5.1.14. Leaving cell phones open while attending lectures, in laboratories, laboratories, dissection room, museums, hospitals or around, **examination halls or surrounding streets** and squares.
- 5.1.15. Delay in informing a Guardian of the University's desire to meet him/her to alert him/her to a disgraceful behavior. Failure to inform the guardian on dates of payment of tuition fee and registration and required steps towards all that, including the consequences of delay.
- 5.1.16. Violations of Order issued by Minister of Higher Education and Scientific Research, concerning prohibition of holding graduation ceremonies outside the premises of their universities (before or after the official ceremony).
- 5.1.17.** Not to bring the ID card or refuse or reluctance to show it when asked by a university employee, at entrance or while within premises or training or sport facilities.

## Article (6) Penalties

- 6.1. Concerned authorities may be informed in cases of violation of the laws prevailing in the country, or in cases of the rights of others from outside the University. The University shall neither offer help or initiate disciplinary procedures in relation to violations attributed to students unless the concerned authorities have decided on the matter, except for the case of forgery of certificates qualifying for admission to the university. In the latter case, students in question shall immediately be dismissed, and the Directorate General of Admission duly notified.

- 6.2. The President of the university, wherever need requires in his/her own discretion, may order any student to temporarily leave the University, whenever the President believes the presence of said student(s) poses a risk to their health and safety, safety of their colleagues, the safety of the University or the health and safety of its employees. President shall be entitled to conduct necessary investigations and impose appropriate penalties, in agreement with such students' guardians, and by amicable means and forgiveness, as substitute for taking legal actions.
- 6.3. In ordinary cases, penalties are to be suggested by a disciplinary panel formed by the Dean of Students' Affairs and appropriate penalty issued by the said panel through a decree thereof.
- 6.4. In cases of simple irregularities, draw-of-attention, temporary/permanent deprivation of any privilege/specific-service provided by the University, payment of compensation for slight damage to property of the University or its employees or a do-good-to-environment type punishment –such as planting trees or tree hedges- may be considered. Management may not have to take disciplinary steps in all cases. In said simple cases, a point of 'disgraceful behavior' shall be filed against perpetrator and they shall be finally dismissed from the University if and when they have committed three such infractions.
- 6.5. In cases of grave irregularities, one or more of the following penalties may be imposed, after the disciplinary panel issues a resolution and upon approval of the University President :
  - 6.5.1. Giving the offender a public warning, in front of students and in presence of the guardian, and the filing of a point of 'disgraceful behavior'.
  - 6.5.2. Payment of financial compensation for damage inflicted onto the property of the university or its employees, with said compensation sufficiently covering damage and disruption, and the filing of a point of 'disgraceful behavior'.
  - 6.5.3. Imposing a do-good-to-environment penalty such as funding, procuring and planting trees, civic-education service such as a literacy campaign to target specified location and volume, and the likes of other acts of charity.
  - 6.5.4. Suspension from classes for a period no less than one semester and not exceeding four semesters.
  - 6.5.5. Dismissal from the university.
  - 6.5.6. Dismissal may be instant and automatic against those who already had three points of 'disgraceful behavior' entered to file in connection to violations of the provisions of Article 5 and against those implicated as demagogue leaders or rioters (as eye-witnessed the university higher administration (President, Vice President, Principal, Secretary of Academic Affairs, or Deans) in connection to a single violation of the provisions of Article 5.
  - 6.5.7. Delay in issuance of graduation certificates, or recommendation letters, or verification request by regulators , professional authorities or employers,

#### Article (7) Disciplinary Panel

- 7.1. The University President or faculty Dean shall, whenever he deems fit, issue a decision to form a Disciplinary Panel whenever a complaint is filed to him by the Dean of Student Affairs, or one of the teachers, students or employees, especially if such could initially be described as a major violation.
- 7.2. The President of the University may, in his/her own discretion, order the accused student to temporarily leave the university pending the Disciplinary Panel deciding on the said offense, if he deems the student's presence at the University in harmful to the integrity of the investigation

or leading to complications and further damage, or adversely impacting the interests and reputation of the University.

- 7.3. The President of the University may request police or security protection for the University or its students and employees or the students accused pending disciplinary action.
- 7.4. A Disciplinary Panel of all or some of the following:
  - 7.4.1. The Dean of Student Affairs or any other dean, chairing the panel, provided that they are not the violation under investigation.
  - 7.4.2. The academic supervisor of student concerned.
  - 7.4.3. A senior teacher of the faculty where the said student studies.
  - 7.4.4. The commander of the University Guards.
  - 7.4.5. A representative of the students.
  - 7.4.6. The Legal Advisor or his/her representative
- 7.5. Defending themselves before the Disciplinary panel, the accused student may enlist the help of one of their teachers, a student or their guardian.
- 7.6. The student shall be notified of the time set for disciplinary panel convening through the official board minimum of 24 hours before said Panel meeting. The Panel may decide on said violation in absentia in the case of the student's failure to present themselves before Panel. Said student's authorizing any other person to deputize for them shall not suffice.

**Article (8) Action by Aggrieved Student (Please see Student's Appeal Procedure poster)**

- 8.1. A student harmed by the behavior of any of the University's students, workers, employees, teachers or decisions of the University, may write a complaint or a petition to the President of the University, only once, and wait for the answer and adjudication on the complaint without rushing the judgment. Reclaiming her/his right by violent means, may lead to more violence and damage. The response of the university President to that incident shall be deemed final, within the university. It may also be challenged by writing to the British Accreditation Council (BAC) to [www.the-bac.org](http://www.the-bac.org), email: [info@the-bac.org](mailto:info@the-bac.org). (please see "Student Appeal Procedure")
- 8.2. A student harmed by the behavior of any of the members of the community, from outside the University, or from rules and regulations, may appeal to legal and administrative authorities, provided they notify the President of the University of so in writing and brief the academic supervisor and the Dean of Student Affairs, the Legal Advisor and their guardian, for the purpose of seeking advice, guidance and arranging the requirements of absence from study, and study the effect of all that, positively or negatively, on their own future and dignity. The student should not go along the street and fools, nor slide to lowly standards of behavior or violence, irrespective of the degree of provocation.
- 8.3. A student complained against by others, or summoned to testify before a judicial authority, shall have to notify the University and all those parties mentioned in Para 8.2 above, of such incident; with the intent of seeking the best outcome for them and their future.
- 8.4. A student may continue in his complaint, suit or testimony outside the university without notifying or engaging the University. However, their resultant absence, from study to follow-up on such suits or because of repercussions thereof, shall be considered absence without excuse.

These regulations were passed at the first meeting of the Board of the National College on April 16, 2005 AD and have gone into force effective the date they were passed, and edited and embraced by the National University upon promotion from the College status.

NUSU-BY-LAWS



## TUITION-FEE REGULATIONS

Pursuant to the provisions of Article 9 (1) of the National University Charter the University Board of Trustees issued the following Fee Regulations :

### Interpretations

The following words shall have the meanings stated opposite each, unless the context otherwise requires:

University	National University- Sudan.
Charter	The National University Charter
Board of Trustees	The Council of the National University formed according to Article 8 (1) of the Charter.
President and Vice-President	The Chief Executive Officers of the National University appointed under Article 17 (1) of the Charter. Replaces the President in his/her absence, appointed according to Article 19 (1)
Secretary of Academic Affairs:	The senior officer concerned with academic affairs.
Dean of Student Affairs	A staff member appointed by the President to oversee the affairs of students.
Faculty	Specialized unit granting Bachelor or Diploma.
Dean	A staff member in charge of the faculty which grants a Bachelor or Diploma degree in a specific Specialization; appointed pursuant to Article 18 (1) of the Charter.
Faculty Members	These are professors, associate professors, assistant professors, lecturers, teaching assistants, demonstrators, technical instructors and technicians;
Quality Manager	The officer responsible for total quality management of the University.
Principal	The officer responsible for the financial and administrative affairs.
Financial Manager	The officer responsible for the financial affairs, second to the Principal.
Human Resource	The officer responsible for employees' affairs

Manager	
Other Categories	Employees and workers who are not members of Teaching Staff or their likes [see Appendix No. (1)].
Year	Calendar year or twelve Gregorian calendar months.
Academic Year	Class year of ten months, or the equivalent of two semesters.
Student (Learner)	Anyone registered with the University with the intent of obtaining academic credentials granted by the Academic Council. The term 'student' or 'learner' shall refer to both male and female students.
Son[s]	Siblings biologically attributable to someone, in a direct manner. The word is intended to refer to male and female students.
Semester	The period of study of a duration of at least 15 weeks (including exams thereof).
Credit Hour	The time-based unit of study equivalent to 15 (theoretical) contact hours or 30 (practical) contact hours in a single semester.
Contact Hour	An hour during which a student receives a theoretical or practical lesson under the supervision of any of the Faculty members.
Tuition Fee	What each student/learner pays in a specific time period in exchange for a Normal or Additional contact hours

**Preamble:** The National University aims at be a summit in science, research, creativity and high quality in the selection of teachers and staff, and to fulfill its national and international obligations. That does not come handy unless it has potential of outstanding human resources, facilities and equipment. In turn, that requires an appropriate financial ability, leading staff and employees professionally satisfied, so the University can effect a desirable repute in its local and international environment, and help founders to recover some of what they salvaged for advancing higher education in Sudan. The University imposes tuition fees for college study which are precisely calculated, taking into account the difficult circumstances of Sudanese families. With such consideration paid, it is not expected that those who invested capital in the project will soon reap profit, especially in the first founding years. The University is aware that striking a balance between considering the hardship of some families and looking forward to attaining total quality management shall certainly pass through a thorny and curvy way, which cannot be rectified unless by developing rules that establish justice. The means to that takes the form of a set of provisions that preserve the rights of each party, affix to each service an appropriate value, and implement the financial regulations with fairness, firmness and equality.

## Chapter One: General Provisions

### **Article (1): Prevailing Laws, Regulations and Constants**

1.1. In the case of conflict between this act and any regulations issued by the University Council or Academic Council, the latter shall prevail, unless an exception is stated therein.

1.2. Tuition fees do not include fees of registration, lodging, subsistence, transportation, residence procedures, university uniform, issuing of certificates or the cost of relocation and accommodation to perform academic field tasks (outside the University), nor the financial implications of penalties imposed for academic and behavioral violations.

1.3. Other fees are calculated by dividing the time and the approved annual fees over credit hours per year. This is used for the purpose of cases of academic failure and absenteeism and irregularities stipulated.

1.4. The compensation fee is an additional expense independent of the annual expenses, of which no student shall be relieved of, and which may be reduced in a percentage to be determined by the President.

1.5 A student repeating a year for the first time he/she pays 50% of that of the cohort joined. Repeating for the second or third time she/he has to pay the full fees of the group studying with.

### **Chapter Two: Regulations**

#### **Article (2) Terms of Tuition Fee Determination**

2.1 Tuition and registration fees are issued for each academic year by a suggestion from the Scholarships and Fees' Committee (or subcommittee) and resolution from the Academic Council, that is approved by the Board of Trustees.

2.2 Tuition fees (but not the registration fees) are not to be increased for students after their admission in the first year, unless in exchange for hours or additional assessment resulting from absence, failing exams or repeating the year. Repeaters for the first time pay 50% of the fees subscribed for their new batch. Repeaters for the second time pay 100% of the fees subscribed for their new cohorts. Repeaters for the third time pay the fees subscribed for the freshmen in that year.

2.3 It requires the approval of the Board of Trustees to add or subtract any fees, not stated in these regulations.

#### **Article (3) Fee Payment**

3-1 The fees for every two semesters (one academic year) are paid once as a condition of registration. The payment of the prescribed fees for exams or additional hours are at the time fixed by the rules. The President may divide fees over two installments, one in each semester, in certain cases of exceptional circumstances.

3-2 It shall be permissible, even in the absence of exceptional circumstances, to collect fees in two installments after students concerned have studied for two years in University without facing academic hardship or fees problems.

3-3 Fee payment in cash, by certified check, or receipt of deposit into the University's bank account shall be accepted, provided that the University shall not bear any transfer charges.

3-4 In the case of the adoption of a two-installment plan, a student should pay the first installment before June 25 and the second before October 30 of each year. Students who have not paid the

first installment by the end of June 25 shall be removed from installment-payment plan, and be required to pay the fee of a full year, in no later than the first of July.

3-5 Tuition-fee payment shall not be accepted after the expiration of the time of registration for first-year students. A student who is not registered shall be deemed unwilling to continue studies, and their cases are to be referred to the President in a period not exceeding a week to process their denial of access into campus, to permanently close their files and inform the Directorate General for Admission accordingly.

3-6 Payment of semester fees for (second year onwards) students paying after the day fixed for registration shall not be accepted. The President may extend the registration period for one day to three days. A student's failure to register until the third day indicates lack of desire to continue studies at the University, upon which steps to close their files shall commence and the vacancy created shall be filled with reserve students referred by the office of the Directorate General for Admission. Suspended students may, in special cases, resign and receive the details of their academic performance with the intent of transfer to any other institution, after paying a quarter of the fees.

3-7 The following categories shall be excluded from the closure-of-file action, in accordance with Article 3-5: (1) students failing one or more of the exams on first-year who have register for these subjects only and wait for next batch and, (2) students with exceptional suspension of study, approved by the President.

3-8 In special cases and agreed circumstances, a student's late payment of tuition fee shall be accepted if they, together with their guardians, paid all the amount of fee until their graduation, in advance.

3-9 A student applying to study or sitting for exams, as a result of absence or failing exams, shall have to pay an amount (in exchange for the teaching, supervision, exam drafting or additional grading of exam answers) equivalent to accredited-hour costs, calculated out of full fees, provided compliance with the provisions of 1-4 above.

3-10 A student who has been classified as an A1 or A2 in English Language Test of the British Council shall have to bear the expenses of a course in English language studies towards obtaining the required level certified from the British Council, according to the European rankings of linguistic levels of at least B1.

3-11 A dismissed student applying to externally sit for exams shall have to pay half the amount of tuition fees determined for the year in which they sit for said exams. They shall not be entitled to attend classes, but may be allowed to use libraries, museums and hospitals, after the paying the fees.

3.12 A graduating student should be graduation fees, even if not intending to attend, and in this case he/she will pay the graduation fees with the certificate fees.

3.13 A student may pay all fees for the coming years, if she/he opted to do so. In this case he/she will be graduation fees, and a deposit to cover compensations for re-sit examination and repetition.

#### **Article (4) Fee Refund**

4-1 A new student may recover the fees paid, if they do not complete the registration procedures in full, and before the expiration of the admission period announced, without University incurring bank transfer charges.

4-2 25% of the total payable annual fees shall be deducted if such students complete the registration procedures, or if they apply later than the end of the date announced for registration process completion, while 50% of total annual fees shall be deducted if a full month has elapsed, and 80% if two months have elapsed, from the date of registration. No part of fees is reclaimed later than two months, or after the expiry of admission period announced by the Ministry

4-3 Students registered on the basis of acceptance of post-dated checks or a fixed-term pledge shall have their register canceled and files closed once said check bounces, or if they fail to honor the pledge at the time set therefor. Checks are not accepted after the first year of study, unless per an exemption from the President.

#### **Article (5) Partial/Full Exemption from Fee Payment**

5-1 No first-year student shall be exempt from full payment of full-year tuition fee, at the beginning or after transferring to the University in any year except per an exceptional resolution of the Board of Trustees.

5-2 Tuition fee payment shall be reduced by 40%, for the sons/daughters of the founders and members of the Board of Trustees, after the first year, or one year after they transfer to the University. Such reduction shall be cancelled upon end of entitling status or failure, on the part of beneficiary, to meet their obligations towards the University.

5-3 Sons/daughters of full-time faculty academic staff shall be exempt of payment of 40% of tuition fees. Percentage of reduction of fees to part-time staff depends on the load of teaching they take. Sons/daughters of part-time staff are exempted from 20%, if they work for 4 hours/week on average. This is continued as long as they maintain that. Otherwise it will be withdrawn and not returned with the return of their services.

5-4 No beneficiary may combine the benefits in Para 5-2 with any other Para or more.

5-5 Payment of tuition fees shall be reduced by 50% for a Hafiz (those who memorize the Holy Quran, or 50% of other Holly Books) upon presenting a certificate of such, and sitting for a test determined by the University. Such reduction shall apply from the second year onwards, and the fees paid in the first semester of each academic year. Beneficiaries who breach the Code of Conduct and Activity risk having the subsidy denied.

5-6 Fees are reduced from first year for students who achieved over 92% in the school certificate, and all will be competing for the 1% of the slots offered in each programme, on condition that they have chosen NUSU as their first and only choice.

5-7 The President of the University may, upon the approval of the University Board, reduce the fees for special circumstances that, in the President's own discretion, are permissible. Such consideration shall not serve as precedent nor shall it apply except for the year such fee-reduction takes place. This reduction shall apply after the first academic year, or a full year after the transfer of said student to the University. The percentage of students so exempted shall not exceed 2% of total in each batch, and applicable only for students who log a cumulative average of 3 points at minimum. This subsidy shall be denied in cases of conduct offenses, or delinquency in payment of tuition fees.

5-8 Outstanding students, receiving a cumulative average of about 3.5 or better, may, by the end of the fourth semester (or the end of three semesters for those transferred, in any year), apply for a total or partial exemption from payment of tuition fee for the next semesters. This shall be done

through a resolution to this effect issued by the Board of Trustees upon the recommendation of the Academic Council, with a pledge by applicant to pay the remainder of the fees, all at once, in the first semester.

5-9 The President may approve one partial exemption each year, after the first academic year, in consideration for circumstances such as death or insolvency (occurring after students concerned have already registered at the University or at any other university). In cases of partial exemption, the payment of the outstanding fee for the 2<sup>nd</sup> year may be spread over following years in the form of installments. All said benefit granted shall be (fully or partially) cancelled if and when the cause for said insolvency ceases to exist or the student mal-conduct.

5-10 The University Rector/Chancellor shall not be entitled to grant any student an exception to payment of fees for repeating courses or exams, in situations not stated for in these regulations, unless per the permission of the Board of Trustees.

#### Article (6) Committee on Scholarship and Fees

6-1 A committee on fees shall be formed under the chairmanship of President as shown in the Committee Structure, Duties and Responsibilities document.

## REGULATIONS OF AWARD OF HONORARY DEGREES

### 1. Preliminary Provisions

Pursuant to the provisions of Article (9-1 J) of the National University Charter (2015), the Scientific Council has issued, in its meeting (1/2022) on (26/2/2022), the following Regulations, which apply to all Honorary Degrees offered by the University.

### 2. Name and Date

Regulations and Procedures of Conferral of Honorary Degrees - National University-Sudan for the year 2022 and shall be effective at the day of its approval by the Board of Trustees (BOT) of University

### 3. Definitions

- University: National University – Sudan (NUSU)
- Charter: The Charter of the University (2015)
- Board: The Board of Trustees of the University constituted in accordance with Article (8-1) of the Law
- Committee: Honorary Degrees Committees
- Regulations: Regulations of award of Honorary Degrees
- Principal: The Principal of the University
- Academic Affairs Secretary: Academic Affairs Secretary of the University

### 4. Titles of Honorary Degrees

- Master in Arts and Sciences
- Doctor of Humane Letters (L.H.D.): Humanitarianism and Social Sciences
- Doctor of Laws (LL.D.): Law
- Doctor of Science (Sc.D.): Science; Public Health; Education; Community Services; Economics; and related Fields

### 5. Entitlement of the Award Honorary Degrees

Those entitled for the award are:

- 5.1 Honorary Degrees stated in Article (3) are awarded without examinations.
- 5.2 Entitled personnel are those who:
  - 5.2.1 Volunteered sizeable and exceptional support to the NUSU, financial or otherwise.
  - 5.2.2 Worked in the NUSU and offered a long meritorious service that deserved appreciation.
  - 5.2.3 Contributed outstanding achievements in their field of specialization, or in the benefit of this nation or humanity.
  - 5.2.4 Offered exceptional contribution to their communities.

### 6. Committee: Formation and Duties (Tasks)

#### 6.1 Members

- Chairperson of the Board Chairperson

- |  |          |
|--|----------|
| • President of the University                | Member   |
| • Principal                                  | Member   |
| • Two Deans of University relevant Faculties | Member   |
| • Academic Affairs Secretary                 | Convener |

## 6.2 Duties:

- 6.2.1 Receive nominations for candidates during the set specified period
- 6.2.2 Screen the documents of the nominees
- 6.2.3 Recommend, with supporting rationale, the eligible candidates
- 6.2.4 Submit the nominees to the Board

## 7. Procedures of Nominations

7.1 Nominations for candidates may come from:

- Individual Faculty Members
- Faculties
- Institutes
- Departments
- Units
- Programs

7.2 Nominations must be submitted to Committee during the set scheduled period

7.3 Nominations should provide a brief summary of the individual's accomplishments including contributions to society, culture, scholarship, science, or art etc... and reasons for considering the individual for an honorary degree

7.4 The initial nomination should be signed by the proposer (s)

## 8. General Provisions

### 8.1 Revocation and Exemption

- When the Regulations of the Award of Honorary Degrees of the National University-Sudan, being revoked, all decisions issued under their provisions remain in effect until amended or revoked.



**APPENDIX 1****SUDAN LABOUR ACT 1997**

(Act No.20- 1997)

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2. Repeal and saving
3. Exemption
4. Interpretation

**PART II: THE MANPOWER**

5. The Commission and its constitution
6. Function of the Commission
7. Financial resources

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8. Establishment of employment exchange
9. Private employment exchange and employment exchange agencies
10. Prohibition of employing unregistered persons
11. Furnishing particulars
12. Nomination of employment
13. Notification of the employment exchange of appointment
14. Employment of Sudanese abroad
15. Inspection and investigation
16. Training of workers
17. Training Contract
18. Termination of training contract

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20. Hours of work of women
21. Employment of juveniles
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- 53. Termination of the Contract of Service without notification to the worker
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- 60.Calculation of the gratuity
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- 63.Additional of the period of the previous service

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- 64.Work Regulations and Penalties
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- 70.Labour Relation Council
- 71.Priority of entitlement of the workers
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**PART XIV GENERAL PROVISIONS**

Amendment of schedules  
 Penalties  
 Power to make Regulations and rules  
 In the name of God the Merciful and Compassionate,  
 According to the Constitution Decree No. 3 of 1995 the National Council has passed and the President of the Republic has ratified the following Act:

**Part I: Preliminary Provisions**

**Title**

1. This Act may be cited as "Labour Act 1997 and shall take effect as from the date of its signature.  
 Repeal and saving
  - 2.1. The following Acts shall be repealed :
    - a. The Manpower Act 1974.
    - b. The Industrial Relations Act 1976.
    - c. The Industrial Safety Act 1976.
    - d. The Individual Labour Relations Act 1981.
  2. Provided that all rules and regulations made thereunder shall be deemed valid as if incurred or made under the provisions of this Act until they are repealed or amended under this Act.
- Exemption
  3. The following categories of persons shall be exempted from the applications of this Act: -
    - a. The Members of the Judiciary;

- b. The Counsels of the Ministry of Justice;
- c. Persons of Disciplinary Forces ;
- d. Persons of National Security Organ;
- e. Persons employed in the federal and states governments and public corporations whose conditions of employment are governed by special laws save the rules concerning the industrial relation and industrial safety ;
- f. Domestic servants according to the definition specified in the Domestic Servants Act 1955;
- g. Agricultural worker, other than persons employed in the operations, repair or maintenance of mechanical appliances and devices, and other than persons employed in factories, ginneries, diaries and similar establishments in which agricultural products are processed or adopted for marketing and other than persons employed in the administration of agricultural undertakings or doing clerical accounts work, stores, gardens, and poultry;
- h. members of the employer s family residing with him and wholly dependent upon him;
- i. casual workers;
- j. Any class of persons, the Ministry Council may declare by an order that they are exempted totally or partially from the provisions of this Act.

### Interpretation

4. In this Act, unless the context otherwise requires:

*"wage"* means the aggregate of the basic pay, and all other remuneration payable to the worker by an employer and includes the value of any food, fuel or residence and any over time, payments or other remuneration for any work done, and any other bonus; provided that it shall not include any ex-gratia payments, or gift or travelling allowance or privilege or any subscription paid by employer for the work in any social insurance project such as provident fund, or pension, or life insurance, or special expenses paid by the employer to the worker.

*"members of the family"* means husband or wife, father, mother, grandfather, grandmother, daughter, granddaughter, grandson, brother, sister, half-brother, half-sister, stepfather, stepmother, stepson, and stepdaughter.

*"dependent family"* means those members of the family of the worker who are wholly or partly dependent upon his earning.

*"Licensing"* means obtaining license in the prescribed form for erecting a new factory or an extension to an existing one or carrying out other industrial operations and it includes also obtaining a license for making alterations relating to the arrangement, erection or organisation of machinery.

*"Accident"* means any injury or occupational disease set out in schedule No. (6) hereto, which occurs to the worker in the course of employment or being caused thereby; and disables him from performing his work and also means any fire, explosion or collapse which occurs in the factory.

*"Serious Accident"* means any accident causing death or 50 percent or more disability, or causing injury to more than one worker, and also fire, explosion or collapse that causes damage in the means of production or places of work.

*"Infant"* means any person under 16 years of age.

*"Continuous service"* means continuous service with same employer starting from the date of employment and includes the period of training and the probationary period specified in section 29 (4).

*"Worker"* means any person male or female not less than 16 years old who performs work in return for wages of whatever type in service and subject to the management or supervision of the employer, whether his contract of service is written or oral, expressed or implied or for the purpose of training or probation, or who performs manual or semi manual work whether skilled or unskilled in consideration of wage of whatever kind.

*"Production Worker"* means the worker whose wage is based on the amount of daily work or piecework.

*"Casual Worker"* means any person who performs temporary work in a factory for a period not exceeding fifteen days and of a nature, which is not included within the activity performed in the factory.

"*Contract of service*" means any contract whether written or oral, expressed or implied, where under any person is employed under the supervision and control of an employer for a wage of any kind but shall not include contracts of apprenticeship and under the apprenticeship and Vocational Training Act, 1974

"*Competent authority*" means the Minister or Wali whatever so requires

"*Employee*" means any person who employs by contract of service one person or more for a wage of any kind.

"*Medical Practitioner*" means a medical practitioner registered under the Medical Council Act 1992.

"*Commission*" means the Federal Commission for manpower established under section 5(1) of this Act.

"*Sub-Commission*" means the Sub-Commission for manpower established under section 5(2) of this Act.

"*Substance*" includes any solid, liquid, gas or any other compound.

"*The Council*" means the Council of Labour Relations established by section 70 (1)

"*Labour Office*" means any office established by the competent authorities for the enforcement of the functions of this Act

"*Employer*" in the case of

a. The private and mixed sector it means: every natural person or body corporate who employs one or more employees under contract of service and it includes:

First: The heirs and successors and assignees of an employer as the case may be .

Second: The owner of any establishment or the chairperson or any person authorised by him

b. The Federal Government and the federal government organ; the Minister of Finance or any person authorized by him.

c. The public sector companies; the chairperson or any person authorized by him.

"*Basic Salary*" means the salary plus the cost of living allowance excluding other allowances.

"*Project*" means any project under the management of any person; wherein one or more workers are employed in return for wage of whatever type in the federal or states governments, public, private, corporation or mixing sector.

"*Factory*" means any industrial establishment or corporation or scheme under the management of a natural or corporate person, wherein one or more workers are employed in return for wages of whatever type and includes all the industrial operations set out in schedule No.(2) hereto, and any places, whether in open space or otherwise where any of following are carried out, directly or indirectly, for trade purpose or for gain :

a. manufacturing any substance wholly or partially;

b. changing, repairing, ornamenting, finishing, cleaning, washing, preparing, any substance for the sale or the demolition thereof;

c. printing by a printing press, lithography, photo-engraving, bookbinding,

d. or any other similar process;

e. generation of electricity, transforming its current or its distribution or use in factories and electrical schemes.

"*Dependants*" means those members of the family of an employer who have no work, profession or income by which they earn a living and his relatives or the relatives of his wife, who depend wholly on him for their livelihood

"*Industrial Safety Inspector*" means the official appointed under section 87 hereto,

"*Civil Servants*" means any civil servant who occupies a position set out in the first section of the public budget of the state;

"*Trade dispute*" means any dispute between employers and employees, between employees and employees, between employers and employers respecting the employment or non-employment or the terms and circumstances of employment of any person.;

"*Trade Union*" means any trade union formed under the Employees Trade Union Act 1992

"*Minister*" means the Central Minister of Manpower;

*"Intimidate"* means to cause in the mind of the employee or employer a reasonable apprehension of injury to him or any member of his family or to any of his dependants or of violence or damage to any employer or employee or to his property.

## **PART II: THE MANPOWER**

### **The Commission and its Constitution**

5.1 The Minister may, by an order made by him, constitute a commission to be cited as the Federal Commission for manpower, consisting of a president, specialised members representing the state s organs concerned, workers and employers.

5.2. The Commission provided in section (1) may constitute subcommittees for it in the states

5.3 3. The Federal Commissions and its subcommittees in the states are subject to the supervision of the Minister

### **Function of the Commission**

6.1. The Commission shall have the following functions:

- a. Co-ordination of the activities of the executive organs concerned with manpower in accordance with the prescribed general policy
- b. Compiling and maintaining up to date statistics and submission of all information and recommendations, as it thinks fit, to the minister who submits them to the Minister s Council
- c. Supervising over the prescribed manpower programs in such manner as may be compatible with the development plans
- d. Performing any other functions in the field of the manpower which the minister entrusts to it within the general policy prescribed by Minister s Council.

6.2 .The Commission may authorise any of its functions to the subcommittees in the states.

Financial resources

7. Funds shall annually be appropriated for the activities of the commission and its sub committees from specific percentage of the development budget recommended by the National Council for planning to enable the Commission to perform its functions

## **PART III ORGANISATION OF EMPLOYMENT**

### **Establishment of employment exchanges**

8.1. The minister may establish employment exchange and determine the areas or groups for the service of which such exchanged are concerned

8.2. The employment exchange is subject to the supervision of the competent authority.

8.3. Every unemployed person willing and able to work or every workman desirous of changing his work , may apply for the registration of his name for such purpose at the employment exchange concerned, presenting all the necessary particulars and documents in proof thereof

8.4. The employment exchange may require any person willing to work or change his work to pass a vocation test which it thinks appropriate for proving his skills or to produce any necessary documents including the personal identity card in the places in which The Identity Cards Act, 1981 applies

8.5 The employment exchange shall register every application presented to it which satisfied the conditions and shall give the applicant a certificate free of charge within a maximum period of two days from the time of presenting the application; provided that the validity of such certificate shall not exceed one year

8.6. No person shall register his name at one time in more than one employment exchange or furnish false particulars at the time of registration.

### **Private employment exchange and employment exchange agencies**

9. 1. The Minister may in the cases of extreme necessity which so require and accordance to the rules and conditions determined by him permit any person to establish private employment or carry on employment business; provided that the exchange shall not charge any commission or obtain any fees from the workman in consideration for getting him employed

9. 2. Subject to section (1) no person or body shall carry on an employment business Prohibition of employing unregistered persons

10. Without prejudice to the provisions of this Act, no project shall employ any person falling within the jurisdiction of any of the employment exchanges unless he has obtained a certificate of registration in accordance with the provision of section 8(4)

### **Furnishing particulars**

11. Every project shall furnish the competent authority or the commission of the employment exchange concerned with any particulars required within two weeks from the date of request

**Nomination of employment**

- 12.1 Subject to the provisions of the Public Service Act 1994 and the regulations made thereunder: -
- a. No notice for any post for the purpose of employment shall be issued by any means of publication or publicity except after obtaining a written permission from the competent employment exchange; and there shall be mentioned in the notice the serial number of the permission issued by the employment exchange
  - b. Every project which employs ten persons or more and desires to employ any of the persons to whom this Act applies and who falls within the jurisdiction of any employment exchange shall apply to the competent employment exchange for nominating a person or persons who possess the required qualifications for the post; and the appointment shall be made from those nominated by the employment exchange; provided that the provision of this sub-section shall not apply to the employment of the following categories:
    - (i) employment of persons for casual work the performance of which does not take more than three months or any period determine by the Minster;
    - (ii) employment by the employer of the members of his family or his dependants; (iii) principal posts the holders of which are considered as authorised representatives of the employer and the determination thereof shall be made by a decision of the Minister;
    - (iv) employment by an administrative body concerned with the welfare of ex-convicts
- 12.2. The Minster may make a decision to increase or reduce the number referred to in sub-section (1) hereof or order the exemption of any categories of workman from the provision thereof
- 12.3 . Any project may publish a notice for any post under sub-section (I) in accordance with the condition of the post submitted to the employment exchange; and if the employment exchange notifies the project, to which the provision of sub-section (2) of this section apply, that there is no person among those registered therein who possesses the required qualification or the employment exchange has failed to submit a suitable nominee within two weeks from the date of the receipt of the application, in such case the project shall notify the competent employment exchange with the name and the qualification of the person who has been chosen for the post within a week from the date of his employment Notification of the employment

**Exchange of appointment**

13. Every project appointing a person registered at an employment exchange shall return the certificate of registration of such person to the exchange after recording the required particulars thereon within a period of two weeks from the date of appointment.

**Employment of Sudanese abroad**

14. Every Sudanese willing to work abroad shall obtain a permit therefor from the Commission according to the Regulation made under this act without prejudice to any other condition, or procedure, which shall, be required to be satisfied under any other Acts Inspection and investigation
- 15.1 For the implementation of the provisions of this Act, the officials authorised by the Commission who shall carry cards evidencing their authorisation shall have power to visit projects at any time to carry out the functions of inspection or investigation or examining documents or cards relating to the workmen and to require the necessary particulars from the employers or persons acting on their behalf or to summon them if they decide it is necessary, and the employers or their agents or person shall facilitate the work of such officials and shall furnish them with the honest and correct information in relation to their work. The competent authorities shall give effective assistance to such officials in carrying out their functions if the situation so requires
- 15.2. The Minster shall issue the orders necessary for the regulation of methods and procedure of inspection and the cards of the officials carrying out inspection

**Vocational Training****Training of workers**

16. The employer may perform training to his workers for learning or training a designated trade within a specific period of time according to the requirements and needs of the work Training Contract
17. The training shall be made in a writing contract, the obligation of the two parties in the period and the stages of training shall be prescribed, provided that the wage during the period of training shall not be less than minimum standard wage according to the Minimum Standard Wage Act 1974.

**Termination of training contract**

18. The employer may terminate the training contract when has proof of the incapacity and preparedness of the worker for training in a designated trade or working in satisfying manner

**PART IV. EMPLOYMENT OF WOMEN AND JUVENILES**

**Requirements of employment of women**

19. No women shall be employed in works which are dangerous, demanding great bodily effort or prejudicial to health such as carrying heavy weights and work done under the ground or under water and also work which would expose them to poisonous substances, cold, or heat exceeding the reasonable limits women can withstand.

**Time of employment of women**

20.1 No women shall be allowed to work between 10 p.m. and 6 a.m. with the exception of employment of women in administrative, professional, technical work or social or health services work.

20.2 Notwithstanding the provision of subsection (1) the competent authority in consultation with the Commission may allow under the conditions prescribed by it, any class of women to work at night in response to the requirements of public interest.

20.3 The daily total rest intervals for women shall not be less than one hour with pay and the intervals shall be regulated so that the interval of rest extends for half an hour or more; provided that the working period shall not extend for five consecutive hours without such interval

**Requirements for employment of infants**

21.1. No infants shall be employed in any of the following works:

- a. Carrying heavy weights;
- b. Steam boilers and pressure receptacles;
- c. Blast furnaces and foundries;
- d. Works done under the ground, or under water and mines or quarries work;
- e. Works in the composition of which lead and its compounds enter;
- f. Works in which workers are exposed to poisonous or injurious materials whether organic or inorganic such as lead, mercury, cyanide, calcium, petrol and its compounds;
- g. Radiation works and ionising radiation,
- h. Maintenance of machinery and the belts thereof

21.2 Subject to the sub-section (1) hereinbefore. Juveniles shall not generally be employed in dangerous industries and works injurious to health or those which require physical effort, or in works and jobs which are injurious to their morals.

**The Minister may specify certain works and jobs as such.**

21.3 No infants shall be required to work at night between 8 p.m. and 6 a.m. and the commissioner may, where he deems it fit, exempt any infant between fifteen and sixteen years of age from the application of the provision of sub-section (1),

21.4 Juveniles under twelve years of age shall not be employed with the exception of:

- a. the vocational schools of the State;
- b. training workshops not for the purposes of profit;
- c. members of the employer's family who work under his supervision in an enterprise in which no other person is employed;
- d. workers under apprenticeship contract;

21.5 The Minister or any person authorised by him may refuse the employment of juveniles under the age of 15 years in such industries and enterprises as he may specify by decision.

21.6 Subject to subsection (5) a juvenile under fifteen years of age shall not be employed unless he has a guardian who resides with him in the place of work. And the contract with the juvenile shall not be binding on him unless his guardian has approved his employment and presented to the employer what proof of his guardianship over the juvenile, and his address.

21.7 Juveniles shall not be employed for additional hours and shall not be employed in the weekly or officials holiday or waive their right to annual leave or postpone or break the same.

**Medical Examination for Juveniles**

22. Full medical examination shall be made for every juvenile before his employment and at periodic intervals after employment in the manner specified by the Commissioner according to the nature of work. a medical practitioner shall carry out the appropriate examination and issue the necessary medical certificates.

**Hours of work of the juvenile**

23. The normal working hours for juveniles shall be seven hours during which there shall be an interval of one hour for rest with pay, and the juvenile shall not be employed for more than four consecutive hours without interval for rest.

**Fixing the conditions and regulations concerning the juveniles in a conspicuous place**

24. The employer shall fix in a conspicuous place in the place of his work a copy of the regulations concerning the employment of juveniles provided for in his Act, and a list showing the hours of work and the periods of rest.

**Competent authority s notification**

25. The employer shall notify the Competent authority of any infant who appears to be an unnaturally violent delinquent, who attempts to damage materials or machinery, or is habitually negligent and repeated an absent from work without acceptable excuse

**Termination of the juvenile s contract of service**

26. The contract of service of any juvenile shall be terminated if it is proved that he is unfit for work according to a medical certificate issued under section 22 hereof.

**Establishment and Constitution of the Special Committees**

27. The Minister may establish and constitute special committees for any industry, or specific occupation, to lay down conditions of service for juveniles and for specification of weights that juveniles of less than fifteen years of age shall be asked to carry, pull or push. Such committees shall submit their recommendations to the Minister to make the appropriate decision thereon.

**PART V: CONTRACT OF SERVICE**

**Writing of the Contract**

28.1 Any contract which exceeds three months in duration shall be made in writing by the employer. Such contracts shall be written in three copies, signed by the two parties. Each party shall keep one copy and the third copy shall be deposited with the Commissioner.

28.2 .The contract made under sub-section (1) shall not be deemed beneficial to the employer unless and until the worker takes cognizance of and signs it, either by writing his names or putting his thumb impression or stamp on it. He may call a witness to read the contract over and sign it by writing his name or impressing his thumb or stamp thereunder.

28.3. In case the worker is not able to read the contract, the employer shall read the contract in the presence of the witness selected by the worker; provided that such witness is able to write and read.

28.4. In the absence of a written contract, the worker may prove his entitlements by any kind of evidence.

28.5. When a dispute arises between the employer and a worker working without contract of service for solving the dispute, they may be guided by one or more similar contracts that have been made with a number of workers, working with the same employer for the same period, for the same work and in the same enterprise.

**Types and Terms of Contracts**

29.1. The contract of service may either be for a definite or indefinite period, and it may be for the performance of a specific work.

29.2. The duration of a definite period contract shall not exceed two years, and it may be renewed only once in the same enterprise. Such new period shall be considered continuous with the previous service and in case the worker continues in service after the duration of the period of renewal, he shall be deemed as contracting for an indefinite period contract.

29.3. Any written contract shall be considered indefinite unless it is clearly stated therein that it is for a definite period or it is for performing a specific work, or for the substitution of a worker for another.

29.4. The probationary period shall not exceed three months with the exception of the training period and the contract of service is considered an indefinite contract if the period is not specified and the probationary period has elapsed, without the contract being terminated by either party.

**Contents of the Contracts of Service**

30. The contract of service shall be written in clear and unambiguous terms where the rights and obligations of the two parties are to be clearly specified. Without prejudice to the generality of the foregoing, the contract of service shall contain the following particulars:

- (a) the name of the employer, and the name of the enterprise, its place and address;
- (b) The full name of the worker, his age, domicile, and any other particulars necessary for identification and his qualifications;
- (c) The nature and kind of work agreed upon to be performed; the starting date, and the place of work;
- (d) The agreed wage and the mode of payment;
- (e) Period of notice for the termination of the contract;
- (f) Any other terms of service to be agreed upon;
- (g) Any other particulars under the provisions of this Act.

**Terms inconsistent with the provisions of this Act**



31. Any term in the contract which is inconsistent with the provisions of this Act shall be void even if it proceeded the date of its commencement, unless such term is more favorable to the worker who can claim all his entitlements under this Act.

**Work that differs from that agreed upon**

32. The employer shall not ask the worker to do without his consent work basically different from the work agreed upon in the contract of service unless necessity so requires for prevention of an accident or repair of what arises from that accident, or in the case of *force majeure* provided that such request shall be temporary for a period not exceeding two weeks.

**Presenting of Contracts**

33. The Commissioner may, if he deems it necessary, ask the employer to present to him all contracts of service or of those of the same categories of workers working with him, for the purpose of perusal and checking.

**Receipt for the papers of the worker and his certificates deposited**

34. The employer shall give the worker a receipt for documents or certificates deposited with him

**PART VI: WAGES, LOANS AND OTHER EMOLUMENTS**

**General provisions about payment of wages**

35.1. The wages of the worker shall be paid in cash, and there may be exempted therefrom what is included into the wages such as providing the worker with food, fuel, lodging, transportation or clothing.

35.2. The wage may be paid daily, weekly, fortnightly, or monthly, in the manner agreed upon unless the Commissioner directs otherwise.

35.3. The employer and the production worker contracting to work for an indefinite duration shall agree to a specific wage for the minimum amount of the daily work and according to such wage there shall be calculated the entitlements of the worker other than the gratuities, and for the purposes of this section the wage of the production worker shall be calculated at a rate equivalent to that received by any other labourer carrying on a similar work and the wage shall be paid to him after certain periods of time under sub-section (2).

35.4. Notwithstanding any agreement between the employer and the production worker on the changes of the system of employment by transferring the worker from the monthly to the daily, the weekly or the fortnightly pay, or to the wage based on production, the worker shall continue to be entitled to all rights which he gained during the period in which he worked on the basis of the monthly pay.

35.5. Subject to sub-section (2) the wages of the daily workers shall be paid daily, unless there is an agreement between the employer and the worker, payment will be at the end of the working day in the place of work and during the working hours.

35.6. With the exception of what was provided for in sub-section (5) the wages shall be due at the end of the week, the fortnight, or the month as the case may be and shall be paid in the place of work and during the working hours. The payment of wage shall not be delayed to after the third day, from the date of entitlement as agreed upon.

35.7. In the case of termination of the contract of service, all entitlements of the worker shall be paid within a week from the date of termination.

35.8. The wages shall be paid to the worker personally, or to any person authorised by him in writing without any deduction. Unless, when such deduction is agreed upon in writing by the parties or such deduction is made under the provisions of this Act or any other Act. In the case of making any deduction, the employer shall give the worker a statement of such deduction if the worker so requests.

**Deductions for Absence**

36. 1. The worker shall not be entitled to his wage for the period of his absence from work, except in cases specified under this Act or where the employer consents to pay during absence from work.

36.2. The worker who completes three months in continuous service is entitled to a wage during his absence from work for any of the following reasons:

- (a) The unavailability of the ordinary means of transportation;
- (b) Occurrence of catastrophes or events that prevent him from attending to the work;
- (c) Summons by the Court, or any other public authority authorised by law so to do;
- (d) Death of husband, or wife, or any of the sons, or any of the parents, or any of the brothers or sisters;
- (e) Any other reason accepted by the employer.

**Loans**

37.1. The employer may grant loans to the workers provided that: -

(a) Such loans shall be without interest but the employer may charge a reduced percentage to meet expenses concerning such loans;

(b) The periodical deduction for the settlement of the loan shall not exceed 15% of the basic salary.

37.2. Subject to paragraph (b) of sub-section (1) the worker shall pay the instalments of the loan granted to him at the termination of the contract of service, through the manner specified in the contract of the loan or by any other legal means.

37.3. Courts shall not accept any claims raised by an employer against any worker concerning any loan unless such loan was granted to him under a written contract.

37.4. Loans for workers shall be without interest

### **Travelling Allowance**

38. 1. Any worker asked by the employer to do work outside the area of his work or outside the station of his work the employer shall bear the expenses of transport of the worker to and from. When the worker spends a whole night outside the place of his work for the purpose of his duty, the employer shall pay him travelling allowance at the rate specified in the conditions of his service. If there is no agreement thereto, the employer shall pay the reasonable expenses which the worker spends every night provided that in all cases what the employer pays for one night shall not be less than the wage of three days. For the purpose of this section the transfer of the worker for a period of six months or less shall be considered as travelling on duty.

### **Expenses of Transportation**

39.1. The employer shall transport the worker or pay the expenses of transportation to the area where he was initially employed within seven days from the date of the termination of the contract of service.

39.2. If the employer, during the commencement of contract of service, transported the worker from the place of his work to another place, he shall pay the expenses of transporting the worker, members of his family who totally depend upon his earnings and their luggage to that place according to the prescribed rates of transportation.

39.3. In the case of the worker's death, the employer shall transport the wife or wives and children of the deceased worker who depend wholly upon his earning together with their luggage to their original place of residence if they so request.

39.4. A certificate from the competent authority shall prove the legal bail of the members of the family of the worker.

### **Statement of entitlements**

The employer shall, at the termination of the contract of service, give the worker a detailed statement of his entitlements.

41. Violability of reconciliation, discharge or waiver Unless it is otherwise provided in this Act, every acquittal or reconciliation or waiver concerning prescribed entitlements hereof shall be deemed void.

## **PART VII: WORKING HOURS AND LEAVES**

### **Normal working hours**

42. 1. The normal working hours shall be forty eight hours per week, or eight hours per day provided that an interval of not less than half an hour with pay shall be allowed during the working hours either for taking a meal or for rest.

42.2. The competent authority may an order made by it after consultation with the Council, amend the weekly or the daily working hours or the intervals of rest for some periods of the year or for some categories of workers according to the nature and kind of work.

42.3. The daily working hours shall be reduced by one hour with pay, during the month of Ramadan in relation to the fasting workers and to wet nurses for two years from the date of the birth provided that such an hour shall be payable by the employer

### **Overtime work**

43.1. With the exception of the cases where the competent authority otherwise decides and subject to the provisions of section 21(7), the employer, in pressing emergency may ask the worker to do over-time work for a period not exceeding four hours and except in cases of imminent emergency the overtime work shall be an agreement of the two parties; provided that 1. its period shall not exceed four hours per day and twelve hours per week. In all cases, the overtime work shall be optional for women within the periods specified in sub-section (1).

43.2. The overtime work wages shall be paid on the date of payment of the normal wage as follows:

(a) In cases of normal working days, the hour is calculated to be equal to one and half-hour;

(b) In cases of official holidays and weekly holidays, the hour is calculated to be equal to two hour.

43.3 The overtime wage shall be calculated on the basic salary.

#### **Annual leave**

44.1. The annual leave is a right for the worker and shall be due according to sub-section (2) after the completion of one year of continuous service with the employer, provided that it shall be with full pay and its time shall be tabled during theyear according to the needs of work and shall include the official holidays and vacations.

44.2. The annual leave shall be calculated as follows:

- (a) If the worker completed from one year up to three years of continuous service, he shall be entitled to an annual leave equal to twenty days;
- (b) If the worker completed eight years and less than fifteen years of continuous service he shall be entitled to an annual leave of twenty-five days;
- (c) If the worker completed fifteen years or more of continuous service he shall be entitled to an annual leave equal to thirty days.

44.3. Subject to the provisions of sub-sections (1) and (2), in case of the termination of the contract of service for any reason or in the case of resignation, the worker shall be entitled to a wage for all the days of the annual leave or the proportionate part of the period he spent and had not been granted leave therefor.

44.4. The worker, with the consent of the employer, may postpone his annual leave for a year, or he may divide it between the year in which it was due and the following year and such leave shall not be postponed ( all or any part thereof) for more than one year, and the worker shall be entitled to his annual leave plus the postponed leave in the following year.

#### **Travelling leave and official occasions and holidays**

45.1. The worker shall be entitled to a travelling leave with full pay for travelling to and from between his place of work and his original home once per year.

45.2. The travelling leave shall be calculated according to the time shown by the Sudan Railways trains or the River transport Corporation steamers, or by any means available for land transportation to the original home of the worker; provided that in all cases the period shall not exceed ten days.

45.3. During the official occasions and holidays the worker shall be entitled to a leave with full pay, after the completion of three months of continuous service.

#### **Maternity leave**

46.1. A women worker after the completion of one year s service from the date of her appointment and for any subsequent year of service shall be entitled to a delivery leave on full pay calculated as follows:

- (a) Four weeks before delivery and four weeks after delivery provided that the probable date of delivery and the actual date on which delivery takes place shall be certified by the Medical Practitioner;
- (b) A permission may be given optionally for the same period of leave as provided in paragraph (a) to be two weeks before delivery and six weeks after delivery;
- (c) If the women worker absents herself after the completion of the period mentioned in paragraphs (a) and (b) above due to illness resulting from pregnancy or delivery which makes her unable to resume work with a certification of the medical practitioner, in such case she is considered to be on a sick leave.

46.2. Without prejudice to the provisions of paragraphs (a) and (b) of section 34 (1) and the provisions of section 50, the women worker shall not be dismissed during the period of pregnancy or during the delivery leave.

#### **Sick leave**

47.1 Subject to the provisions of the Work Injuries Compensation Act. 1981, if the worker completed a period of not less than three months of continuous service and he is unable to come to the place of work because of a certified illness the reason of which is not due to his misconduct or negligence, he shall be entitled to a wage for all the days of his absence due to such illness and the wage shall be calculated on every subsequent twelve months he spends in the continuous service as follows:

- (a) Three months with full pay;
- (b) Three months with half pay;
- (c) Three months with quarter pay.

47.2. The worker shall not be on a sick leave with reduced pay unless he has exhausted his normal leave.

47.3. If the illness continue for a period of more than stated above, the worker shall be on a sick leave without pay until he is sent during a reasonable period to the medical commission to decide promptly his fitness for work

#### **Mourning leave**

48. A women worker whose her husband has died shall be granted a mourning leave with a full salary starting from the date of death of the husband and the period of leave shall be as follows:

- (a) Four months and ten days where a women worker is not pregnant
- (b) if she is pregnant, the mourning leave continues till her delivery, in this case, permission may be given for maternity leave for eight weeks starting from the date of delivery

#### **Pilgrimage leave**

49. The worker who spend three years of continuous service, he shall be entitled to a leave on full salary once during the period of his service, and the worker shall furnish the employer with the documents which proved his intention to perform this religious task

### **PART VIII: TERMINATION AND EXPIRY OF THE CONTRACT OF SERVICES:**

#### **Termination of Contract of Service by Notice**

50.1. The contract of services shall terminate by notice for any of the following reasons:

- (a) In case of disability of the worker to perform his work, or if he is so ill that he ceases to work even if after the completion of his annual sick leave whether such leave be with or without pay; provided that the illness of the worker be proved by the Medical Commission;
- (b) The completion of the work contracted for, or expire of the period of the contract;
- (c) The total destruction of the establishment;
- (d) Attaining the age of sixty years, unless the two parties agree otherwise; provided that such period shall be considered continuous service;
- (e) The dismissal of the worker, or his desertion of the work during the probationary period;
- (f) Agreement of the two parties in writing to terminate the contract of service.
- (g) Dissolution or liquidation of the establishment provided that is proven by official certificate from the competent authority
- (h) Resignation of the worker
- (i) Death of the worker

50.2. Except in cases where the contract of service provides for a longer period of notice the contract of service shall terminate for the reason mentioned in sub-section (1) by a written notice by either party, and the period of notice shall be as follows:

- (a) One month, where the worker works on the basis of a monthly wage;
- (b) Two weeks, where the worker is appointed on the basis of a fortnightly wage, and has completed less than five years of continuous service;
- (c) One week, where the worker is appointed on a weekly wage and has completed less than two years of continuous service and two weeks if he has completed two years and less than five years of continuous service;
- (d) Where the worker is appointed on the basis of a daily wage the period of notice shall be as follows: -
  - Firstly, if he has not completed three months of continuous service, at the end of any working day and it is not essential that the notice be in writing;
  - Secondly, One week, if the worker completed between three months and two years of continuous service;
  - Thirdly, Two weeks, if the worker completed between two and five years of continuous service;
- (e) One month if the worker is appointed on a daily, weekly or a fortnightly wage, and has completed not less than five years of continuous service;
- (f) Six months, directly before expiration of the contract by reason of reaching the age of pension.

50.3. If either party did not notify the other of the expire of the contract of service and under sub-section (2) the injured party shall be paid a compensation equivalent to the wage of the period of notice.

50.4. The worker may after the completion of half of the period of notice, leave the work for starting other work; provided that he is paid a full wage for the remaining period of notice.

50.5. If the worker at the expiry of the contract of service is entitled to his annual leave, the period of such shall not be calculated in the period of notice.

50.6. For the purpose of pension the age shall be proved by any of the following means and according to the following

requirements:

- (a) The admission of the age recorded by the employer in the document of the social security or pension. Or life insurance signed by the worker;
- (b) The original certificate of birth;
- (c) Certificate of birth by assessment from the medical commission.

#### **Termination of the Contract of Service in the case of repeated contraventions**

51.1. In the case of repeated contravention, if the worker is notified of dismissal where all or the maximum penalties prescribed were exhausted, the employer in the case of any succeeding breach, may terminate the indefinite contract of service by notice, the duration of which shall be fixed according to the provisions of sub-section (2) of section 50: provided that the employer shall give the worker a letter showing the reasons of the termination of the contract of service, and shall pay him all his entitlements.

51.2. The notification shall be automatically lapsed if the worker has received a final notification and has not committed any contravention within the year which follow the date of notification.

#### **Appeals**

52.1. Any of the two parties may appeal to the Commissioner against the order of termination of the contract of service under sections 50 or 51 within a period of two weeks starting from the date of notification.

52.2. The competent authority shall make his decision within a period of two weeks starting from the date of receiving the application of appeal.

52.3. If the competent authority approves the termination of the contract the employer shall pay to the worker all his entitlements. If the Commissioner did not approve the termination he shall order the return of worker to his work; provided that all his entitlements for the period of suspension shall be paid to him. In case that the employer objects to carrying out the decision made by the competent authority, the employer shall give the worker all his legal entitlements including his wage during the period of suspension, plus a compensation equalling to six months pay.

#### **Termination of the Contract of Service without notification to the worker**

53. The employer may terminate the contract of service without notice in the following cases:

- a. If the worker assumes the personality of another, or if he presents for the purpose of work forged papers;
- b. If the worker made a mistake resulting in gross negligence that caused heavy financial loss to the employer;
- c. If the worker in spite of being notified in writing does not comply with any instructions made for the safety of the workers and of the undertaking; provided that such instructions be in writing and fixed in a conspicuous place;
- d. If the worker deliberately omits to carry out his obligations under the contract of service;
- e. If the worker discloses any industrial or commercial secrets which come to his knowledge in the course of his duties, save what the law permits;
- f. If the worker is convicted of an offense concerning honour or morality or conduct or if he commits in the place of work an act inconsistent with morality;
- g. If the worker commits an assault on his employer or the responsible manager which is punishable by law or if in the course of or during his work commits any grievous assault to any of his superiors or any other worker;
- h. If the worker is found in an obvious state of drunkenness or was under the influence of an intoxicating drug; provided that the medical practitioner so decides.

#### **Termination of the Contract of Service without notification to the employer**

54. The worker may terminate the contract of service without giving notice to the employer in the following cases:

- a. If the employer or the person on his behalf cheated the worker in relation to the contract of service;
- b. If the employer has not satisfied his obligations towards the worker in accordance with the provision of this Act or the terms of the contract of service;
- c. If the employer or the person acting on his behalf commits an assault punishable by law on the worker;
- d. If there is a serious danger threatening the safety of the worker or affecting his health, provided that the employer knows the danger and does not take the measures and procedure necessary to prevent it.

**Referring of disputes to the Competent Authority**

55.1. In all cases specified in sections 53 and 54, the contract of service shall not be terminated before referring the dispute to the competent authority to obtain his approval. The Commissioner shall make the appropriate investigation concerning that case or cases, and he shall make his decision thereon within a maximum period of two weeks starting from the date of referring the dispute to him.

55.2. In case of proof of any of the cases specified in section 53, the employer may suspend the worker until the competent authority makes its decision.

55.3. When the employer terminates the contract of service before referring the dispute to the competent authority or before the competent authority make its decision, the following steps shall take place:

- a. The worker shall be returned to his work together with payment of full wage for the period during which he was suspended; or
- b. Payment of all entitlements of the worker including his wage for the period of suspension plus the payment of compensation equal to six months wages.

55.4. If the worker leaves the work before referring the dispute to the competent authority or before the competent authority makes its decision, no wage is to be paid to him for the days during which he left the work.

55.5. If the competent authority is not convinced with the reasons of termination of the contract of service under section 53, the competent authority shall make its decision that the contract of service is to continue in force, and the worker shall start his work and shall be paid all his entitlements for the period during which he was suspended. If the decision is the termination of the contract of service under section 53, the employer may terminate the contract of service and shall pay the worker not less than three quarters of the gratuity entitled to in addition to his other entitlements, except his wage for the period of notice.

**Reduction of the number of workers for economic and technological reasons**

56.1. The employer may apply to the competent authority for the reduction of the number of workers or to shut down the place of work for economic or technological reasons.

56.2. The competent authority shall submit the application to the competent commission to consider it

56.3. The competent authority shall make its decision on such application within a period of three weeks from the date of receiving the same in the light of the recommendation of the commission mentioned in subsection (6)

56.4. If the Governor (wali) approves it, the employer may make the reduction according to the Governor's decision. The employer has the right to make the reduction according to what was specified in his application if he did not receive the direction of reduction from the Governor after the expiry of four weeks from the date of receiving the application by the Governor; provided that no harm shall ensue to the reduced workers in relation to their rights.

56.5. If the employer reduced the number of workers without regard to the procedure specified in this section or if that reduction was made in contravention of the Commissioner's decision, or before his decision or before presenting his application, the following steps shall take place:

- a. The worker shall be returned to his work together with payment of full wage for the period during which he was suspended; or
- b. Payment of all entitlements of the worker including his wage for the period of suspension plus the payment of compensation equal to six months wages.

56.6. The competent authority shall constitute three commissions, the concerned state's organs are represented by the numbers which are prescribed as well as the employers and employees organisations in equal manner to consider and direct the applications concerning reduction of the number of workers or shutting down the place of work according to this Act and the regulations made hereunder.

**Termination of the Contract of Service with notice by the worker**

57. The worker, in cases other than those specified in section 53 may terminate the contract of service by notice according to the provision of sub-section (2) and (3) of section 50.

**Termination of Service when the worker is on a journey or voyage connected with his employer's business**

58. If the worker is engaged in a land or sea journey connected with his employer's business and the period of service contract expires or that the worker notifies the employer of the termination of the contract of service for the purpose of completing such journey, the employer may extend the period of service for another period not exceeding one month, starting from the date of the expiry of the contract of service. In such a case the worker shall be entitled to the quarter of the wage in addition to the wage agreed to in the contract of service, for any additional period of service.

**Certificate of Service**

59. The employer shall give the worker whose service has expired or terminated a certificate containing the name of the employer, the work he was performing, the period he spent in his service, and his wage without mentioning the reasons which lead to the expiry or termination of the contract of service.

#### **PART IX: AFTER SERVICE BENEFITS**

##### **Calculation of the gratuity**

60.1. Subject to the provision of the Social Insurance Act 1990 or any other beneficial scheme, the worker who completed a period of not less than three years of continuous service shall be entitled to a gratuity for the period of his service to be calculated as follows:

- a. If he has completed a period of not less than three years, and not more than ten years he is entitled to one months basic salary in respect of each year of service;
- b. If he has completed more than ten years, he shall be entitled to one month and half of the basic salary and if he has completed more than fifteen years, he shall be entitled to one and three quarters of a month s basic salary in respect of each additional year of service; provided that the gratuity shall not exceed thirty six months basic salary.

60.2. The gratuities are calculated on the last month s basic salary

60.3. The gratuity of the production worker shall be calculated on the average of the actual income during the last three years.

##### **Termination of Contract of Service by the worker**

61.1. The worker who has completed a period of not less than three years of continuous service, and terminates the contract of service under section 57 shall be entitled to a gratuity calculated as follows:

- a. If he has completed five years he shall be entitled to the quarter of the gratuity;
- b. If he has completed five years but less than fifteen years he shall be entitled to half the gratuity;
- c. If he has completed fifteen years but less than twenty years in continuous service, he shall be entitled to the three quarters of the gratuity;
- d. If he has completed twenty years or more he shall be entitled to the full gratuity.

61.2. "Gratuity" in this section means the gratuity entitled under the provision of section 60.

##### **Gratuity of the Seasonal Worker**

62.1. Every worker doing each year a seasonal work for a period of not less than three months shall be entitled to a gratuity if the total of the days of the actual service with the same employer is not less than three years.

62.2. The gratuity is calculated according to the provisions of section 60 taking into consideration that the season is a complete year.

62.3. For the purposes of this section, the monthly salary shall be calculated on the basis of the actual income from the same employer during the last three years divided by thirty-six months.

62.4. The provision of this section shall be applied to the first season after the commencement of this Act. Additional of the period of the previous service

63. The employer may, at the request of the worker who is re-appointed, add the previous service of that worker to his succeeding service and shall be considered continuous service if the worker refunded the gratuity which he had received at the end of his first service, or he has agreed with the employer on manner of refunding the gratuity without satisfying his obligation to refund the same.

#### **PART VIII: MISCELLANEOUS PROVISIONS**

##### **Work Regulations and Penalties**

64. 1. Every employer shall make basic regulations and penalties regulations to be fixed in a conspicuous place in the place of work; provided that the basic work regulations shall include at least the hours of work and its time.

64.2. The employer shall deposit the basic work regulations with the Commissioner. The penalties regulations shall not be valid unless they are approved by the Minister.

64.3. The Minister may make standard penalties regulations according to the nature of every work for the employers to be as a guide in drafting their regulations.

64.4. The money obtained from fines shall be spent as for the benefit of the workers according to such terms and conditions as the Minister may prescribe.

##### **Keeping of Workers Records**

65. Every employer shall keep a record for each worker containing particulars about wages, deductions, annual leave, sick leaves, their dates and numbers and other conditions stipulated in the contract of service and any other detailed regulations made under this Act; provided that the keeping of such particulars shall

be at least for one year after the termination of the contract of service. The employer shall produce any of such particulars to the competent authority whenever he so requests.

#### **Validity of Contract of Service with the successor**

66. If another person replaces the employer who contracted with the worker for the reason of selling the enterprise or transferring it to a company or partnership or by the reason of transferring the ownership by means of inheritance, or gift or will, or by reasons of transferring the power of supervision and administration, in these cases the worker's contract of service shall be valid with such other person.

Prohibition of enforcing certain contract

67. The Court shall not enforce any contract under which the worker undertakes to pay the employer whole or part of any amounts, which the employer has paid or agreed to pay in connection with employment of such worker.

#### **Payments payable on the death of the worker**

68. 1. In the event of the death of the worker, his family members shall be entitled to the wages, gratuities or other payments which the deceased was entitled to under the provision of this Act at the time of his death.

68.2. The employer shall pay such wages, gratuities or other payments to a competent family court.

68.3. The family court distributes the wages, gratuities or other payments mentioned in subsection (2) to inheritors of the deceased.

#### **Inspection**

69.1. For the achievement of the purposes of this Act, the competent labour office or any person authorized by the competent authority may enter during working hours into any place whenever he has the reason to believe that there is work in that place, in which one worker or more are employed and he may ask the employer or any responsible person on his behalf to give any information for the implementation of the provisions of this Act. The employer or the responsible person or the worker shall give such information whenever possible.

69.2. The competent authority may call the employer or any person acting on his behalf or the worker at the labour office for the purpose of settling any matter for the implementation of the provision of this Act.

69.3. The competent authority shall not disclose any information given to him according to the provision of this section, except in cases which necessitate the disclosure of such information for the purpose of performing his obligations. It is prohibited to any person carrying out an inspection according to subsection (1) to carry out such inspection if he has an interest or may benefit from a private relation.

#### **The National and Federal Labour Relation Council**

70.1.1. Council shall be established to be called "the National Labour Relations Council" by an order made by the Minister.

70.1.2. Council shall be established to be called "the Federal Labour Relations Council" by an order made by the competent authority

70.1.3. The two Councils, in addition to what is provided for in this Act, shall be responsible for the following:

- a. To give advice and consultation in matters referred to it by the Minister or the Governor ;
- b. To help the Minister or the Governor in the framing of the general policy for labour relations, and in the supervision of the implementation of such policy;
- c. To help the Minister in regulating, developing, consolidating labour relation and improving the relation between the employer and workers to create favourable conditions for work and production.
- d. To make studies and submit recommendations in the field of labour relations, to the Minister or the Governor for their decision.

70.2. The governor shall submit periodic reports on the performance of them Labour Relations Council in his state to the Minster in the framing of the general policy for labour relations

Priority of entitlement of the workers

71. Payments due under the provision of this Act for the workers and those claiming under them shall have priority over any other debts after the judicial fees.

Exemption from the Judicial fees

72. 1. In all stages of litigation, suits raised by the worker or members of his family, or the trade unions, in respect of disputes connected with the provisions of this Act shall be exempted from judicial fees.

72.2. In the case that the judgement is not in favour of the worker the Court may order the worker to pay all or part of such fees.



**Lapse of right by prescription**

73. The right of the worker to raise a claim in respect of the acquired entitlement, according to the provisions of this Act shall lapse:
- a. in case of claims for gratuity, after the expiry of five years from the termination of the contract of service;
  - b. in case of claims for wages or the other entitlements after the expiry of one year from the termination of the contract of service.

**Conditions of Service and better Benefits**

74. The Act shall not be interpreted in such a way so as to prevent the employer from making conditions more beneficial to the worker than the conditions of service and benefits prescribed by this Act.

**PART X1: INDUSTRIAL SAFETY****Application**

75. The provisions of this Chapter shall be applied to the factories and other industrial operations in set out in Schedule No. 1 attached hereto.

**Registration of factories**

- 76.1. Every factory and every industry in any factory shall be registered in accordance with the provisions of this Act.
- 76.2. Every owner of an existing factory shall submit to the competent authority within one month of the date of commencement of this Act an application in the form set out in Schedule No. (2) hereto.
- 76.3. The factory shall be granted a registration Certificate in the form set out in Schedule No. (3) hereto.

**Records of factories**

77. As from the date of coming into force of this Act the competent authority shall keep registers of factories including all the particulars, which he thinks necessary for every factory.

**The Licence**

- 78.1. No factory shall be erected or an extension to a factory is built except after obtaining a license therefor from the competent authority.
- 78.2. The competent authority may close any factory or extension thereof if the same is being run without a licence.
- 78.3. The provisions of sub-section (1) shall apply to every alteration in any existing factory, the extension thereof, conversion of any existing premises into a factory or the installation or addition of new machinery.
- 78.4. Any thing which affects a factory internally or externally or which results in the addition of a new activity of the power or the alteration of the sections of the factory shall be deemed to be an alteration.

**Requirements of Licence**

79. 1. No license for erecting any factory or for carrying out any alteration therein shall be issued except after it is proved to the Commissioner that all the necessary requirements for erecting and running the factory have been satisfied.
- 79.2. The Minister shall specify, by an order to be published in the Gazette, the general requirements, which shall be satisfied in every factory.
- 79.3. The Commissioner shall specify the special requirements, which shall be satisfied in every factory.
- Presentation of Applications for Licence
80. An application for obtaining a licence shall be presented to the competent authority in the form set out in Schedule No. (4) hereto and shall be accompanied by the site plans, drawing particulars of the machinery to be installed and the positions thereof, the raw materials to be used, the various building designs and all papers and documents required by the competent authority in according with the regulations and decisions made under the provisions of this or any other Act.

**Inspection fees**

81. The applicant shall be notified with the receipt of his application and shall be required to pay the inspection fees prescribed by the regulations.

**Approval of an application**

- 82.1. The applicant shall be notified after inspection of the approval or rejection of his application.
- 82.2. In the case of approval of erecting a factory, the applicant shall be notified with the requirements necessary to be complied with the factory and the period for satisfying them. The applicant shall notify the competent authority with this acceptance and satisfying such requirements. The competent authority shall, on ensuring that the said requirements have been satisfied, issue the required licence.

82.3. The licence holder shall obtain the final approval of the existing buildings from the Commissioner on the buildings being completed.

**Relinquishment of application**

83. On the expiry of one year from the date at which the period specified for satisfying the requirements, without the applicant notifying the competent authority with the same, the applicant shall be deemed to have relinquished his application.

**Rejection of application and appeal**

84.1. The decision of the competent authority refusing the issue of a licence shall state the reasons therefor.  
84.2. An appeal against the decision of refusal shall lie to the Minister within a period not exceeding fifteen days of the date of notification of the applicant therewith.

**Particulars required from the licence holder**

85. Every licence holder shall present to the competent authority within a period not exceeding one year, a proper statement specifying therein the number of workers, the conditions of the work, the means of work, protection measures and any other particulars required by the Commissioner.

**Assignment and transfer of a licence in case of death**

86.1. The licence holder may assign his licence to any other person; provided that the assignee shall present an application, within fifteen days of the date of the assignment agreement, for transferring the said licence to his name, accompanied by the assignment agreement.

86.2. In the case of the death of a licence holder, the persons in whom the factory vests shall notify the competent authority, within fifteen days of the date of death, with their names and the name of their authorized agent in accordance with the provisions of this Act and shall carry out the procedure necessary for the transfer of the licence thereto within six months of the date of death.

**Appointment of the industrial Safety Inspection**

87.1. For the purpose of implementation of the provisions of this Act, the competent authority shall appoint industrial safety inspectors.

87.2. The competent authority shall have supervision over all factories and other industrial operations set out in Schedule No. 1 attached hereto.

**Powers of Industrial Safety Inspections**

88. 1. For the purpose of this Act and the Regulations made thereunder, an Industrial Safety Inspector shall have the power to enter the factory premises during working hours, by day or at night in order to inspect, inquire into accidents, examine the equipment and materials, and take samples thereof or to verify any other particulars, he thinks necessary.

88.2. The factory owner, his agent, or his deputy shall furnish the Industrial Safety Inspector with all the particulars and information he requires.

**The Central Advisory Committee for Industrial Safety**

89. 1. There shall be established a committee to be known as "The Central Advisory Committee for Industrial Safety" which shall have regional committees under it in such districts as may be specified by the Minister.

89.2. The Minister shall specify the functions and powers of the central Committee and of the regional committees under it.

89.3. The committee may constitute subcommittees in the states and it may authorise any of its functions to such subcommittees

**Appointment of Industrial Safety Officers**

90.1. Every-factory owner employing not less than 30 and not exceeding 150 employees , shall appoint a part-time Industrial Safety Officer, and if the number of workers employed in the factory exceeds 150 he shall appoint a full-time Industrial Safety Officer.

90.2. The Commissioner may specify the qualifications of Industrial Safety officers.

**Industrial Safety Committee**

91.1. There shall be established in every factory the number of workers wherein is 500 or more, an Industrial Safety Committee which shall be constituted of the factory managers as Chairman, heads of productive sections in the factory and two representatives of the workers trade union as members and the Industrial Safety officers shall be the referee thereof.

91.2. The Industrial Safety Committee shall be responsible for planning the industrial safety policy in the factory and supervising the implementation thereof in accordance with the provisions of this Act and decisions made thereunder. The Committees shall notify the competent authority and the employer with

everything relating to industrial safety conditions within the factory and its recommendations in this respect.

91.3. The Industrial Committee shall hold a meeting on the occurrence of a serious accident or within a week of the discovery of any occupational disease.

#### **Reporting Accidents**

92. When any accident occurs in any factory within the course of the daily work or as a result thereof:

- a. Causes death of any worker; or
- b. Causes fire or explosion; or
- c. Causes a serious accident; or
- d. Disables any worker from performing his work for one or more days, the factory owner shall report the same at the end of the day on which the accident occurs in the Form set out in Schedule No. (5) hereto.

#### **Medical Complexes**

93.1. The governor, in consultation with the Minister of Health in the state, may order the establishment of medical complexes in industrial areas for medical treatment and supervision of workers in factories.

93.2. The Order referred to in sub-section (1) shall specify the establishment costs, financing the services, the functions and powers of the complexes. It may also include the rules and requirements which ensure the efficient carrying out of the duties thereof.

#### **Notification of workers with occupational dangers**

94. Every factory owner shall bring to the notice of his workers the occupational dangers and the protection means therefrom and shall take such precautions as may be necessary for the protection of his workers against industrial accidents or from occupational diseases.

#### **Training of workers**

95. No factory owner shall assign any work to a worker unless he has received sufficient training therein or unless such work is performed under the supervision of a person or persons of experience in such field of work.

#### **Duties of workers**

96.1. No worker employed in any factory shall perform any work of such nature as may expose him or others to danger. He shall have the benefit of all means of protection provided for him.

96.2. No worker shall intentionally damage or misuse materials, machinery, and other property of the factory

#### **Stopping factories and industrial operations**

97.1. The Commissioner may prohibit the operation of any factory if, he is of the opinion that:

- a. Any part of the passages, works or machinery used in any factory is in such a condition or so constructed or positioned that it cannot be used without risk of bodily injury or injury to the health of workers therein, unless the same is repaired, altered or moved so that such risk is removed;
- b. Any industrial operation in the course of completion or anything being made in any factory is in such state as may cause bodily injury or injury to the health of workers therein, unless the factory owner has taken the necessary measures for the removal of the danger.

97.2. The competent authority may prohibit the manufacture, modification, or finishing of any machinery or any other thing which is manufactured, modified or finished locally if it is feared that it may cause bodily injury to the health or workers in any factory or place of work.

#### **Responsibility of the factory owner**

98. Where any contravention of the provisions of this Act has been committed in any factory, the owner of such factory shall be deemed responsible for committing such contravention unless he proves otherwise; provided that where such contravention has been caused by the breach of any person employed in the factory of any of his duties, the owner of the factory shall not be responsible for such contravention in respect of such breach unless it is proved that he failed to take all reasonable means to prevent such breach.

### **PART XII: TRADE DISPUTE AND STAGES OF SETTLEMENT OF DISPUTES**

#### **Application of this chapter**

99. This provisions of this chapter shall apply to every trade dispute which arises between one or more employers and all their workmen or officials or any group thereof whether members of a trade union or not; provides that an employer shall not negotiate with any group of employees whenever they are represented by a lawful trade union save through such an organization.

#### **Immunity of Trade Unions from actions in tort**

100. 1. No action shall be entertained against a trade union or against any of its members or officials whether such action is instituted by workmen or employers on behalf of themselves or all other members of a trade union in respect of tort act alleged to have been committed by or on behalf of a trade union.

100.2. Nothing in the provisions of sub-section (1) shall absolve from any civil or criminal liability which may be incurred in accordance with the laws in force in respect of any act committed by a member or official of the trade unions or federations in violation of the rights and property of trade unions or federations.

**Conspiracy in relation to a trade dispute**

101.1. No action shall be entertained in respect of any act done pursuant to an agreement between two or more persons if done in contemplation or instigation of a trade dispute.

100. 2. Any activity which constituted an offense against state security, integrity or basic rules in accordance with the laws in force shall be an exception to sub-section (1).

100.3. For the purposes of this section an "offense" means any act which exposes the offender to penalty of imprisonment whether absolutely or at the discretion of the Court.

**Permanent official of the Government subject to penalty.**

102. Nothing in this Act shall be construed as exempting from disciplinary measures any permanent official of the Government who breaks his duties in contemplation of a trade dispute.

**Immunity from actions for inducing breach of contract**

103. No action shall be instituted in the civil courts against any employer or employee because of his doing any act in contemplation or furtherance of a trade dispute.

**Intimidation and annoyance**

104. Nobody shall compel any person to do or refrain from doing any act which such person has a legal right to do or refrain from doing the same, through:

- a. The use of violence, provocation, insulting such person and his wife or children or damaging his property;
- b. Following such person about from place to place;
- c. Concerning any tools, clothes, or property owned or used by such person or depriving him of their use;
- d. Watching or annoying any person at his home or any other place wherein he resides or on any road leading to such home or place.

**PART XIII: STAGES OF SETTLEMENT OF DISPUTES**

**Negotiations**

105.1. In case of a trade dispute arising the parties to the dispute shall, within a period not exceeding two weeks enter into amicable negotiations for settlement of such dispute; provided that period of negotiations shall not exceed three weeks after the date of commencement of negotiations; and provided further that subject to agreement of the parties the period of negotiations may be extended for an other two weeks

105.2. The competent authority or any person acting on his behalf may attend at negotiations of any trade dispute. He shall not take part in negotiations save by agreement of the negotiators.

105.3. An agreement shall be drawn in three copies signed by the parties. Each party shall keep a copy and the third copy shall be sent to the competent authority within 15 days after the date of signature.

**Mediation**

106.1. In case of failure of the parties to the dispute to reach an agreement for settlement of the dispute under section 105, each party may, by himself or through his representative, apply to the competent authority, to endeavor to settle the dispute amicably

106.2. An application shall specify the names of the parties to the dispute or their representatives, their addresses, the subject and circumstances of the dispute, and the names of the negotiators; provided that the number of representatives of each party shall not exceed three persons

106.3. Whenever one of the parties to the dispute applies for intervention of the competent authority the other party shall be bound by his intervention.

106.4. If neither of the parties to the dispute applies for mediation, the competent authority may make a decision to refer the dispute for mediation without obtaining their consent. The two parties shall be bound by such decision.

**The attendance of representatives of Minister of Finance at the mediation and negotiation sittings**

107. When any public institution and corporation in which the government owns more than 50% is party to a trade dispute, the Minister of Finance appoints a representative for him to attend the mediation and negotiation sittings

**Condition of Application**

108. If the application is submitted by the employer it shall be signed by him or by his authorised agent. If it is submitted by the workmen, it shall be submitted by the president of the trade union to which they belong subject to approval of the executive committee of the trade union or half the number of the workmen or officials if they have no trade union.

**Function of the Competent Authority**

109. The competent authority shall, within a period not exceeding three weeks after the date on which he receives an application, endeavour to settle a dispute amicably guided by the information and documents presented by the parties to the dispute.

**Amicable settlement of a dispute**

110. If a dispute is amicably settled the agreement reached shall be signed by the competent authority and the representatives of the parties. A copy shall be given to each of them and the third copy shall be kept by the competent authority. The agreements shall be binding on the parties during the period of its continuance in force.

**The period of continuance in force of an agreement**

111. The agreement shall provide for the period of its continuance in force; provided that it shall not exceed three years unless the agreement deals with fixing of wages and working hours in which case such period may extend to a period not exceeding five years.

**Reference of the dispute to Arbitration**

112. If the competent authority becomes unable to settle a dispute amicably within the period referred to in section 109 it shall refer the dispute to an arbitration tribunal without the approval of the parties to the dispute; for determination whenever it deems it necessary.

**Constitution of the Arbitration Tribunal**

113.1. The competent authority shall, by a decision made by him, constitute an arbitration tribunal as follows:

- a. A judge whose grade is not less than Province judge, to be nominated by the Chief Justice in the state as Chairman;
- b. In case of private sector an employer who has no connection with the dispute to be nominated by the employer; in case of public sector a representative of Minister of finances as Member;
- c. a representative of a trade union which has no direct connection with the subject of the dispute to be nominated by the trade union party to the dispute as member;
- d. a representative of the Ministry of Manpower as member;
- e. a person experienced in industrial relations as member .

113.2. Subject to subsection (1) and in cases where any public institution and corporation in which the government own more than 50% of its shares party to a trade dispute concerning the conditions of service of workers, the Minister of Finance appoints a representative in arbitration tribunal and in cases of federal public institution and corporation the competent governor appoints a representative for him in arbitration tribunal

**The first session of the Arbitration tribunal and quorum**

114.1. The Chairman of an arbitration tribunal shall, within a period not exceeding one week from the date of reference of the dispute to arbitration, fix a date for hearing thereof.

114.2. Presence of four members including the Chairman shall constitute a quorum of an arbitration tribunal.

**The period for settlement of a dispute**

115. An arbitration tribunal shall consider and decide a dispute referred thereto within a period not exceeding four weeks after the date of reference to arbitration and the Chairman of an arbitration tribunal may require the competent authority to extend the period for settlement of a dispute not exceeding four weeks

**Powers of the Arbitration Tribunal**

116. An arbitration tribunal shall have powers to summon witnesses, administer an oath to them, compel them to produce documents and books which it deems necessary to pursue, summon experts, move to the places of work and to take all necessary measures which enable it to determine the dispute without adhering to the means of proof applicable in the civil courts.

**Appearance of Advocates and consultants**

117. A party to a dispute may engage an advocate to represent him before an arbitration tribunal. The laws to be applied by Arbitration Tribunal

118. An arbitration tribunal shall apply the laws in force, and may in so doing resort to custom and the principles of equity in accordance with the general economic and social conditions in the area.

**Award**

119. An arbitration tribunal shall make its awards according to the opinion of the majority. A dissenting opinion may be given and its reasons shown.

**The Award shall be binding**

120.1. An award of an arbitration tribunal shall be final and shall not be challenged in any way whatsoever.

120.2. The Chairman of an arbitration tribunal shall notify the parties to the dispute of the award and give them a copy thereof. He shall send a copy of the award with all the documents relating to the dispute to the Commissioner to be kept by him. He shall give extracts thereof to those concerned.

**Residence expenses of the representatives of workmen and unions**

121. In case an award is made in favour of workmen, officials or unions the arbitration tribunal shall bind the employer to pay the expenses it decides to meet the transportation and residence expenses borne by representative of workmen, officials or unions.

**Rectification or amendment of an award**

122. The competent authority or any of the parties to a dispute may request the arbitration tribunal to explain any matter of confusion or vagueness appearing in an award and make a decision in respect thereof. The arbitration tribunal shall make its decision after re-hearing the parties to the dispute or without doing so. The subsequent award it makes shall be deemed an amendment of its first award.

**Remuneration of the Chairman and Members of an Arbitration Tribunal**

123. The Minister shall determine the remuneration of the Chairman and members of an arbitration tribunal and the manner of their payment.

**Stoppage of work or closure of place of work prohibited**

124. Workmen and officials are prohibited from stoppage of work, whether total or partial and no employer shall close up the place of work whether totally or partially by reason of a trade dispute in the following cases:

- a. Before entering into negotiations;
- b. Immediately after any party applies for mediation;
- c. During mediation proceeding;
- d. Immediately after the decision of the Minister or the Commissioner to refer a dispute to arbitration;
- e. During arbitration proceedings;
- f. After making and summon the decision of the arbitration tribunal.

**PART IV: FINAL PROVISION**

**Amendment of schedules**

125. The Minister may, by an order published in the Gazette make any Amendment in schedules hereto.

**Penalties**

126.1. Without prejudice to any more severer penalty provided for in any other law, any person shall be punished with imprisonment for a term not exceeding six months or with fine or with both who: -

- a. Causes or takes steps to incorporate any wrong information in the worker's record of service with intention to defraud or causes or permits the delay of payment of the worker's entitlements depending on that record knowing of such fraud; or
- b. Provides or permits the introduction of any information or documents to the competent authority knowing that it is not correct.

126.2. It shall be deemed an offence if any contravention or abstention of the implementation of any of the provisions of this Act or the provisions of any order or regulations or rules made thereunder is punishable where a certain punishment is not provided for under this Act or any other law, with imprisonment for a term not exceeding six months or with both and in case of repetition of the contravention the fine may be to doubled.

126.3. The competent Court may order that a part of the fine be paid to the injured person.

**Power to make regulations**

127. The Minister may make the necessary regulations for implementation of the objects of this Act.

**SCHEDULE No. 1**

**FACTORIES AND INDUSTRIAL OPERATIONS**

(See Section 75)

1. Factories

2. Electrical works.
3. Building operations which are carried out on a commercial basis or business conducted for the purpose of a commercial or industrial scheme. The same includes construction, demolishing, alteration, repairing, or maintenance of premises or preparations for laying the foundations of a building such as making of barricades or excavation and other construction works including paving and macadamizing roads.
4. Works and operations done in ships or streamers including any warehouse of the owners of such ships or steamers and docks supervisors, or for purposes wherein mechanical power is used such as the operations of loading or unloading, or supplying any ship with fuel in the docks or harbor and also all machinery used in such operations

**Machinery includes any gangway or ladder used by any person to load, unload, supply ships with fuel or otherwise.**

5. Loading, unloading, laying and transport of goods operations or any other operations inside or outside the warehouse or place of storage thereof which are conducted on commercial basis or conducting business or for the purpose of a commercial or industrial scheme.
6. Agricultural and forestry works and the like.
7. Mining and quarries works.
8. Land, sea, river or air transport works.
9. Office, shops or places of amusement works and the like.
10. Occupational health works.

**SCHEDULE No. 2**

**APPLICATION FOR REGISTRATION**

Section 76 of Labour Act 1997

With respect to the registration of the factory under section 76 of the Labour Act. 1997.

1. Name of the factory owner: .....
2. Address of the Factory:.....
3. Site of the factory: .....
4. Economic and Industrial activity: .....
5. Type of machinery: .....
6. Where boilers or pressure receptacles are used, there shall be stated therein:
  - a. Type: .....
  - b. Date of manufacture:.....
  - c. Pressure: .....
1. Number of workers:
  - a. Men: .....
  - b. Women: .....
  - c. Infants: .....
  - (i) Males: .....
  - ii. Females: .....
- Date: .....Signature of the factory owner: .....

**SCHEDULE No. 3**

**FACTORY CERTIFICATE OF REGISTRATION**

1. Name of the Factory:.....
2. Name of the Factory owner: .....
3. Address of the Factory:.....
4. Site of the factory:.....
5. Date of establishing the factory: .....
6. Registration number of establishment of the factory:.....
7. Date of issue:.....

I certify that this factory has been duly registered by virtue of section 6 of the Industrial Safety Act. 1976.

Date: ..... (Signature)

Commissioner of Labour

**SCHEDULE No. 4**

Application for license for building a factory or extensions in a factory in accordance with section 80 of the Labor Act.1997.

1. Name of the factory owner: .....
2. Name and address of the Factory:.....

3. Economic and Industrial activity: .....
  4. Number of the Plot: .....Block: ...../
  - Area: .....Site: .....
  5. Building materials used in:
    - a. Floors: .....
    - b. Walls: .....
    - c. Roofs: .....
  1. The types of machinery used in the factory:
    - a. Are they run by electricity?
    - b. Are they run by diesel?
    - c. Are they run by steam?
    - d. Whether run manually?
  1. Are steam boilers and pressure receptacles used; if so state their:
    - a. Number: .....
    - b. Serial No: .....
    - c. Pressure: .....
    - d. Date of manufacture: .....
  1. Storage:
    - a. Chemical substances;
    - b. Organic substances;
    - c. Other waste.
- Workers employed.
- | Stages | Men | Women | Infants | Total |
|--------|-----|-------|---------|-------|
| 1st    |     |       |         |       |
| 2nd    |     |       |         |       |
| 3rd    |     |       |         |       |
- Date: ..... Signature of Factory owner: .....

**SCHEDULE No. 5**

**REPORT OF AN ACCIDENT**

In accordance with section 92 of the Labour Act. 1997.

1. Name of the factory owner: .....
  2. Address: .....
  3. Economic activity: .....
  4. Date of accident: .....
  5. Nature of accident: .....
  6. Duration of accident: .....
  7. If caused by a machine, give name and part causing the injury:.....
  8. State whether the machine is operated by mechanical power at the time of Accident: .....
  9. State briefly how the accident occurred: .....
  10. Particulars of injured person or persons:
    - a. Name: .....
    - b. Sex:.....
    - c. Age: .....
    - d. Address: .....
    - e. Pay: .....
    - f. Appointment date: .....
- Date: ..... Signature of factory owner: .....

**SCHEDULE No. 6**

**OCCUPATIONAL DISEASES, TYPE OF DISEASE, OPERATION AND WORKS CAUSING IT**

1. Lung disease caused by Inhalation of dust or sand (fibrosis).
  - (a) Silicosis: Any occupation involving exposure to silica dust or other substance which contains more than 5 percent of silica;
  - (b) Asbestosis: Any work in mining, quarrying, engraving, stone crushing, stone grinding, polishing of metals with sand or any other work involving the same exposure, or exposure to asbestos dust to an extent that causes such disease;



- (c) Byssinosis: All industries and works wherein the workers are exposed to cotton dust to an extent that causes the disease such as spinning, ginning and weaving industries;
- (d) Bagasosis: All industries and works wherein the workers are exposed to sugar cane dust to the extent that such disease is caused as working in sugar refineries.
2. Pulmonary dust disease. Inhalation of sand or dust accompanied by pulmonary tuberculosis; provided that the pulmonary dust disease is the original cause of the tuberculosis infection: Industries wherein the workers are exposed to sand or dust containing silica.
  3. Poisoning by lead in the extract or compound thereof: Any occupation involving the use of or handling lead or lead compounds or substances containing lead. This includes:
    - a. Lead extract;
    - b. Work in metals containing lead or galvanized lead;
    - c. Manufacture of used lead alloy;
    - d. Making of any articles out of lead alloy or mixture thereof;
    - e. The use of lead in the manufacture of polygraph cylindrical instrument for making copies out of originals;
    - f. Manufacture of lead compounds;
    - g. Manufacture or repair of acid lead accumulators;
    - h. Preparation or use of glaze containing lead;
    - i. Lead filing or glass glue containing lead;
    - j. Any other occupation involving use of lead or its compounds.
  1. Poisoning by arsenic and its complications such as neurotic tremors, kidney and liver physiological tremors, Dermatitis and other diseases and complications resulting from poisoning by arsenic: Any work involving the use or handling of arsenic, its compounds or substances containing it or any occupation involving exposure to fumes or vaporous of arsenic or its compounds or any substance containing it. This includes processes where arsenic or its compounds is generated or work in the manufacture of arsenic or its compounds.
  2. Poisoning by chrome, ulceration and other disease resulting from work in chrome metal or its compounds: Any work involving preparation or generation, use or handling of chrome substance containing it.
  3. Poisoning by Nickel; its compounds or derivatives: Any work involving preparation or generation, use or handling of Nickel or its compounds. This includes exposure to Nickel carbonyl gas.
  4. Poisoning by manganese, its compounds or derivatives: Any work involving the use of or handling manganese, its compounds or substances containing it or any work involving exposure to manganese fumes, dust, its compounds or any substances containing it. This includes work in extraction, preparation, crushing or packing manganese or its compounds.
  5. Corneal Ulceration, skin inflammation or Ulceration, malignant skin diseases caused by asphalt, mineral oil, paraffin oil, compounds, products or by products of the above mentioned substances: Any occupation involving extraction use, generation or work in such substances, their compounds or derivatives or exposure to their fumes or dust.
  6. Dermatitis, skin inflammation or ulceration resulting from dusts or liquids: Cement works, building by cement or exposure thereto, sieving and mixing of cement. Work in or the use of sieving or mixing of turpentine and its derivatives, glazing of carnet or synthetic paint. Work in the production of or using of alkaline salts, and work involving products or any other work from which such diseases may arise.
  7. Fibrosis of the lens cornea resulting from exposure to excessive heat or glaze: Any work which involves continuous exposure to glaze or radiation emitted from melting glass, hot metals, melting metals or exposure to excessive heat or glaze that may lead to fibrosis of the eye or defective vision.
  8. Poisoning by carbon Monoxide: Any work involving exposure to carbon monoxide. This includes processes of its preparation, use or generation and that which is produced in garages, brick and lime burning.
  9. Poisoning by carbon Dioxide: Any work involving preparation generation or handling of carbon dioxide or exposure to the fumes or vapours pours containing it.
  10. Poisoning by mercury or its compound, derivatives or ad-mixtures: Any work involving the use the of or handling mercury or its compounds or any substance containing it or any work involving exposure to mercury dust, vapour compounds or a substance containing it. This includes handling of mercury as a raw material, mercury industries or its compounds, the manufacture of measuring and laboratory instruments,

raw material necessary for making hot mercury glaze, the use of mercury sprayers in the manufacture of electrical lamps. The manufacture of explosives containing mercury.

11. Poisoning by phosphorous or its compound or resulting ad-mixtures: Any work involving the use of or handling phosphorous or its compounds or a substance containing it or any occupation involving exposure to phosphorous fumes, dust to its compounds or any substance containing it.

12. Poisoning by sulphur or its gaseous compounds or resulting ad-mixtures: Any work involving the use or handling of sulphur or its compounds or any substances containing it or any work involving exposure to sulphur, fumes or its compounds or any substance containing it, including any gaseous or non-gaseous exposure to sulphur.

13. Poisoning by benzene or similar substances or derivatives of nitrogen, ammonia and pathological admixtures: Any work involving the extraction, use handling, touching, preparation, discharge or benefit by benzene or similar substances and derivatives of nitrogen (azote) and ammonia or exposure to its fumes or dust.

14. Poisoning by derivatives of hydrocarbons (type A): Any work involving extraction or use of hydrocarbon salts (Type A) or similar substances or derivatives.

15. Poisoning by Carbon Tetrachloride: Any work involving extraction use or handling of carbon tetrachloride or any work involving exposure to fumes or vapours containing it. This includes work in painting, varnish and synthetic fabrics.

16. Poisoning by Carbon Disulphide: Any work involving extraction, preparation, use or handling of carbon disulphide or the exposure to its fumes or to vapours containing it.

17. Poisoning by methyl Bromide: Any work involving use or handling of methyl bromide or exposure to its fumes or vapours. This includes fumigation, insecticides and dock workers who are exposed to this gas.

18. Poisoning by Sulphuric Acid: Any work involving preparation or handling of sulphuric acid or exposure to its fumes or to vapours containing it. This includes battery workers, glass factories and laboratory workers.

19. Onset of systems caused by: (a) Radium or its active compounds (Radium): (b) Ionizings: Any work involving exposure to radium or any radioactive substance. Rays or ionized radium e.g. workers in radio-isotope-treatment, workers in X-rays and those exposed to ionized radiations.

20. Depression, sickness, affection of bones, muscles or joints caused by compressed air: Any work involving exposure to air compressed by artificial methods to an extent that causes such disease.

21. Anthrax: Any work involving handling of anthrax infected animals or handling the shipping or transportation of carcasses, skin, hides, horns, hooves, including unloading and transport of such by-products.

22. Anxiety Sclerosis compensation neurosis: Any work and industries involving symptoms arising from such hazards. 23. Poisoning by Sulphur Dioxide: Any work involving the use, handling or preparation of sulphur dioxide or exposure to its fumes or vapours containing it. This includes car repairing workshop, pesticides and artificial fertilizers.

## Khartoum Public Order Act 1998

[This decree was originally issued by the Governor of Khartoum State but later ratified by the Assembly of Khartoum State in 1996. See the end of the Act for more details]

In the name of the God, the compassionate the merciful,

In Pursuance of section (41) of the Eleventh Constitution Decree, the Government of Khartoum State has issued the Decree stated here under

### **Chapter One**

Preliminary Provisions

Title and Commencement

1. This Act may be cited as Khartoum Public Order Act 1998 and shall come into Force from the date of its signature.

Scope of Enforcement

2. Enforcement of the provisions of this Act is restricted to Khartoum State geographical boundaries.

Repeal

3. From the date of its enforcement, this Act hereby repeals any legislation or state law regulating the same subject.

Interpretation

4. In this Act, unless the context otherwise requires, the following words and expressions shall have the meaning assigned thereto:

- a) State: means Khartoum State.
- b) Locality: means the locality established Pursuant to section 6 of the local Government Act 1995.
- c) Peoples Committee: means the Committee established Pursuant to section 1(1) of the Peoples Committee Act 1992.
- d) Public Place: means a place where people come to and includes restaurants, cafes markets, cafeterias, places of entertainment, public streets and clubs.
- e) Public Party: means having a party in a public place whether it charges admission or not.
- f) Private Party: means having a party inside or outside a house in which loud speakers are used.
- g) Trivial Songs: means songs that use words or expression contradicting religion morality good taste and good conscience.
- i) Vagrant: Means person who has no apparent place of residence, no profession, or no whereby he earns a living.
- h) Beggar: means person who is usually earns his living by asking people, directly or indirectly by collecting for charities, for money.
- j) Markets: means the central local markets that are allowed by law and prescribed by law in each case.

### **Chapter Two**

Having Parties with Music

Permission for Private Parties with Music

5. There shall be no private parties unless permission is obtained from the locality in which the intended party is to take place.

Prior Notification of Public Order Police Required

6. Permission for having public musical party public musical party shall not be granted unless given by the locality under whose jurisdiction the intended party will take place and, furthermore, the Public Order Police have been notified.

Restrictions on Public or Private Parties with Music

7. (1) Every person granted permission for a party with music shall respect the following restrictions:

- a) The party shall end by 11 p.m..
- b) There shall be no dancing between men and women and women shall not dance in front of men.
- c) There shall be no shooting.
- d) The singing of trivial songs is prohibited.

(2) In cases where the restrictions mentioned in paragraph (1) are violated, the police may take the necessary steps, include stopping the party.

8. Musical parties, cinema or theatre shows, exhibitions or other such events, as well as the continuance of the above mentioned during the hours of 12 a.m. to 2 p.m. on Fridays is prohibited.

### **Chapter Three**

Public Transportation

Restrictions on using public transportation

9. (1)(a) Each vehicle used for public transportation within the state shall specify a door to be used by women and reserve ten seats for women, (b) men may not sit in the seats reserved for women, (c) writing any expression, or sticking any picture or sketches, that contradict religion morals and good taste is prohibited on public transportation, and (d) darkening or shading the windows of public or private transportation is prohibited. (2) Twenty five percent of the total seats in public transportation other than the mentioned in paragraph 1(a), shall be reserved for women.

### **Chapter Four**

Prohibition of Begging and Vagrancy

10. Begging

- a) Practising begging, earning a living by begging or abetting begging is prohibited.
- b) Collecting donations for charity, without written permission from the competent locality, is prohibited.

11. Vagrancy

a) Vagrancy or the abetting thereof is prohibited.

b) The police may collect vagrants and take them to housing where they will receive social care.

#### 12. People of unsound mind

The police gather people of unsound mind from public places and order them be sent to hospitals or to their families who must undertake to care for them and to give them medical treatment.

#### Chapter Five

##### Places of women s hair dresses

The necessity of obtaining a license

13. (a) No person shall practice the profession of women hair dressing unless a license is obtained from the competent peoples committee and after obtaining the required recommendation issued by the competent people s authority committee,

(b) application for a license shall be made on the forms prescribed by the locality after obtaining the health and commercial licenses.

##### Requirements for Working as a Hairdresser

14. (a) Men may not be employed in the hairdressing business, (b) Men may not start a hairdressing business, (c) a sign explaining the provisions of this subsection must be placed in a public place, (d) the sole entrance of a business must be facing the street and any other entrances or exits are prohibited except in buildings with many floors.

##### Granting a License to Men

15. (1) Men may own hairdressing businesses in accordance with the conditions and requirements that are prescribed by the competent local authority, (2) to grant a license pursuant to this subsection, the business must be managed by women.

##### Requirements for Employing Women in a Hairdressing Business

16 (a) The owner or managers of the business shall not employ any woman in the business unless being sure of

righteousness and good reputation, (b) an employee must be technically qualified and have been awarded a certificate from the competent authorities, (c) the manager must not be less than 35 years of age.

##### Inspection of Business

17. The license authority and Public Order Police may enter the hairdressing business at any time for the purpose of inspecting and making sure of the compliance with the provisions of this Act.

##### Tailors of Womens' Dresses

18. (a) The profession of making women s dresses is prohibited unless a license is obtained from the local authority, (b) the local authority shall prescribe the regulations which shall have regard to the public morality of the employees and the business.

#### Chapter Six

##### Miscellaneous Provisions

##### Prohibition of Using Loud Speakers

19. (a) Using loud speakers in commercial business in such away that is likely to cause public nuisance is prohibited, (b) using load speaker for any purpose after 11 p.m. is prohibited.

##### The Separation of Men and Women Queuing

20. Every authority requiring citizens to queue must separate between men and women and the public must adhere to this provision.

##### Prohibition of Doing Commercial Business in Friday during the Hours of Prayer

21. Operating a commercial business between the hours of 12 a.m. and 2 p.m. on Friday is prohibited.

##### Prohibition of Fraud

22. Imposture, fraud, magic and *Zaar* are prohibited.

##### Prohibition of Bathing or Washing Cars

23. (a) No person is permitted to bath naked in the Nile, (b) washing cars on beaches, streets and public parks is prohibited unless that area is prescribed for that purpose by the locality.

##### Restrictions of Ramadan

24. Owners of restaurants and cafeterias and everyone selling food or drink must not sell during the day during Ramadan.

##### Issue or Renewal of a Business License

25. Having regard to the Traders License Act 1995, the issuing or renewal of a license is prohibited if the business name would contradict religion, good values or customs.

#### Chapter Seven

Penalties

26. In the case of any contravention of this Act, a person may be punished by one or more of the following punishments:

- a) Imprisonment for a term not exceeding five years.
- b) A fine.
- c) Both of the above.
- d) Whipping.
- e) Forfeiture of any instrument used in such contravention.
- f) Closure of the premises for a term not exceeding 2 years.

Issued under signature of Badr Eddin Taha Ahmed, Governor of Khartoum State on 28 March 1996 by Decree. On 22 October 1996, the Khartoum State Council ratified in session No. 27 in term No. 4 the temporary Decree known as the Khartoum State Public Order Act 1996 in its original form. Attested to by Retired Major General Kamal Abashr Yasin, President of Khartoum Council (deputy).

NUSU-BY-LAWS

## SUDAN CHILD ACT 2010

Be it hereby approved by the National Assembly, and signed by the President of the Republic, in accordance with the provisions of Interim constitution of the Republic of the Sudan, 2005, the following Act :-

### Chapter One: Preliminary Provisions, Title and Commencement

1. This Act may be cited as the, "Child Act, 2010", and shall come into force, as of the date of signature.

### Repeal and Saving

2. The Child Act, 2004 shall be repealed; provided that all the regulations and orders made thereunder shall remain in force, until revoked, or amended in accordance with the provisions of this Act.

### Scope of application and prevalence of Provisions of the Act

3. The provisions of this Act shall prevail over any other provision in any other law, upon inconsistency thereof, to the extent of removing such inconsistency.

### Interpretation

4. In this Act, unless the context otherwise requires, :- "Maintenance Family", means the substitute family, which is assigned with provision of spiritual, social, psychological, and health care of the Child, whose circumstances prevented his upbringing in his natural family;

"Military actions", mean the actions the nature of which requires joining a military body, or disciplined, or non-disciplined military forces;

"Child Traffic", means any act, or transaction by which a Child is transferred, on the part of any person, or group of persons, to one person, or another group, for recompense, or any of the forms of consideration;

"Delinquent", means every Child, who completes the age of twelve years, and does not attain eighteen years of his age, upon his commission of an act in contravention of the laws;

"Remand Homes", mean the homes, provided for in section 59;

"Instruction Homes", mean the homes, provided for in section 68(d);

"Nurseries", mean any appropriate place allocated for custody of Children, below the age of four, and subject to the supervision and control of a body having competence;

"Care Homes", mean the homes provided for in section 26 ;

"Youth Homes", mean the homes, provided for in section 72;

"Child", means every person, who is not above the age of eighteen years;

"Child Soldier", means the Child, who does attain eighteen years of age, and who is appointed, admitted or forced to join any military, or para-military

force,	whether disciplined, or non- disciplined;
"Working Child",	means the Child, who practices work, and his age is between fourteen
and	eighteen years;
"Vagrant Child",	means the Child, who is expose to delinquency, by reason of his
un-	natural presence in the street, to the extent of endangering his
moral,	psychological, physical or instructional safety;
"Maintenance",	means any of the types of compensatory care,
which	aim at the sound upbringing of a Child;
"Council",	means the Childhood (Care) National Council, established under the
"Court",	Childhood ( Care) National Council Act;
"Social probation officer"	means the Child Court, provided for in section 62;
"Social Probation",	means the probation officer specified by the court to
delinquent	undertake the duties provided for in section 82;
"Prosecution Attorneys	means the judicial measure, through which a
Bureau"	Child is accommodated in the society;
"Having special needs",	means the Child Prosecution Attorneys Bureau, provided for in
Family and Child	section 60;
Protection Unit",	means any Child, who by reason of
protection of	a bodily, kinetic, mental, visual or auditive disability, that affects
" Children development	him wholly or partially;
Center "	means the Police Force, concerning the
"Child exposed to	the Family and Child, provided for in section 54;
Delinquency "	means the children development center established by the Ministry
" Moral justice "	according to the provisions of section 22;
" community committees"	means the child who attained seven but not reaches twelve years,
and the	who is found in an environment endanger his moral, psychological,
Ministry",	physical or instructional safety;
"Minister",	means the justice which concentrates on the
	rehabilitation of vagrant child and re accomodate him in the society,
	and deal with the victim in a way aiming to compensate him or the
	society on the damage suffered thereby ;
	means the joint committees between the police force
	community of the area or village;
	means the Ministry responsible for the Child affairs;
	means the responsible Minister specified by the President of the
	Republic;

## Chapter Two: General Principles

5.(1) In application of the provisions of this Act, and interpretation of

the words and phrases, set out therein, guidance shall be resorted to the principles and provisions, set out in the Interim Constitution, 2005, the ratified international agreements, the policies, decisions and directives, laid down by the Council .

(2) Without affecting the generality of the provisions of sub- section (1), the following general principles shall be the fundamental rules for application of the provisions of this Act :-

- (a) the State shall be assigned with care and protection of Children, and strive to prepare the appropriate circumstances for the proper upbringing thereof, from all sides, in the framework of freedom, human dignity and spiritual and social values, and in a healthy environment;
- (b) the sound upbringing of Children is a public responsibility; and the State shall respect the rights and duties of the parents and the family, by virtue of the religion and local custom;
- (c) the Child has the right of protection against all forms of discrimination;
- (d) the protection of the Child and his best interests shall have the priority in all the decisions, or measures, relating to Childhood, the family or environment, whatever may be the body, which issues, or exercises the same;
- (e) the State shall guarantee all the lawful rights of the Child, in particular his right to prove his affinity and his right to life and growth , the name, nationality, breast- feeding, custody, clothing and accommodation, and his right to education and care of his conditions, in accordance with the provisions of the law;
- (f) a Child, who is affiliated to an ethnic, religious or linguistic minority shall have the right to enjoy, with the rest individuals of the group, his culture or declaration of his religion and practice of its rites, or use of his language;
- (g) a Child born outside the framework of marriage shall have the right to registration in the Birth Registers, affiliated to whoever of his parents admits his affiliation or any other name in case of their denial;
- (h) a Child shall have the right not to change his name in the Birth Registers, where there is degrading thereto, insult of his dignity, or where the name is in contradiction of religious creeds;
- (i) a born Child shall have the right to extract a birth certificate thereto, in the form prepared therefore, and deliver the same to his folks, without fees;
- (j) there shall be guaranteed , for a Child, the right to express his opinions and desires with every freedom, and to actually take part in the special judicial, administrative, social or instructional procedure, in accordance with the age of the Child and degree of his maturity ;
- (k) this Act ensures the protection of a male, or female Child, against all types and forms of violence, injury, inhuman treatment, or bodily, ethical or sexual abuse, or neglect or exploitation;
- (l) a Child, who is alleged to have violated the Penal Code, or is charged therewith, or the same is proved against him, shall have the right to be treated in such way, as may be compatible with upgrading his sense of his dignity and status; and he is innocent, until his conviction is proved; and his trial aims at his social re-accommodation, and shall not criminally be responsible, unless he attains twelve years of his age, but shall be subject to one of the care measures, in accordance with the provisions of this Act;
- (m) there shall be upon shoulders of the parents the primary responsibility of instructing the Child; and the State shall endeavour to provide the appropriate assistance to the family;
- (n) development and care of Childhood is a religious, human, patriotic and national obligation; and the natural family consisting of both spouses is the nucleus of the society,



- and it is the first best environment for upbringing Children;
- (o) custody is a right of the Child; and the Child right thereto shall not be renounced, where his parents refuse his custody.
  - (p) the child homelessness is deemed to be considered in violation of the sound values of the community, and the state shall endeavour to prevent the reasons lead thereto, and reform the existing ones.

### **Chapter Three: Health Care Application**

6. In cases not expressly provided therefore in this Chapter, the provisions of the Public Health Act, 2008, and any other law concerning human health shall apply.

#### **Right of Child to Breast Feeding**

7. (1) A Child has the right to breast-feeding, for the period of two years, other than particular cases specified by the physician;  
 (2) The State shall grant a suckling working mother a maternity leave for a period, to be specified by the laws and regulations of civil service.

#### **Right of Child to Immunization**

8. (1) A Child shall have the right to be immunized by serums and vaccines protecting from infectious diseases, at the competent health offices and health units, free of charge, as to such systems and dates, as the health authorities may specify, by a decision thereof; and the decision shall set forth the diseases for the protection against which immunization is made; provided that the State shall strive to provide immunization aids.  
 (2) Child immunization shall be a duty upon his parents, or the person under custody, or guardianship of whom the Child is placed.  
 (3) A Child may be immunized by protective serums by a person physician licensed to practise the profession.

#### **Health Card**

9. Every Child shall have a health card, the data of which shall be registered in a special register, at the competent health office, and shall be delivered to the parent, or guardian of the Child, within one month, of the date of birth, as the laws and regulations of public health may specify.

#### **Health Care Presented**

10. The health card shall be presented upon every medical examination of the Child, at the Childhood Care Centres, the health units or otherwise, by which the health condition of a Child shall be proved; and there shall be registered therein the immunizations conducted to the Child and the dates thereof.

#### **Then card attached upon joining school**

11. The Child parent, or his guardian shall present the health card among the papers of the Child joining school, at the pre- university education stages; provided that the physician shall register therein the results of the periodical medical examination of the Child, and such as may occur in his health condition of diseases or afflictions; provided that it shall be kept in the school file.

#### **Periodical medical examination procedure**

12. The health authority, by a decision thereof, shall specify the procedure of periodical medical examination of school Children and the dates of conducting the same, in accordance with the laws and regulations organizing that.

**Addition of substances inconsistent with specifications to child food prohibited**

13.(1) No coloured or preservative substances, nor food additives

shall be added to the foods and preparations specified for the nutrition of Children, unless they are identical to the conditions and specifications validated by the competent bodies.

(2) No advertisement of the foods and preparations specified for nutrition of Children shall be made, save after their registration and obtaining a licence to circulate the same from the competent bodies, in particular the mother milk substitutes .

**Child right to primary health care**

14. A Child shall have the right to the provision of primary health care free of charge, at government hospitals and centres; as specified by health authorities.

**Children protected from infectious diseases and provision of treatment free of charge in emergency cases**

15. A Child shall have the right to protection from infectious diseases, and provision of treatment in emergent cases, at the government hospitals and centres.

**Medical examinations in cases of marriage**

16. Those desirous of marriage shall submit themselves to examination, to prove their freedom of infections and hereditary diseases, in protection of the Child.

**Children afflicted with mental or psychological diseases**

17.(1) A Child found in the street, and it transpires through inquiries his exposure to neglect, that he has no family and suffers from a mental, or psychological disease, shall be lodged with one of the specialized government hospitals.

(2) The regulations shall specify the procedure that have to be followed and the bodies competent to lodge.

**Sale of tobacco and volative substances to children prohibited**

18. There shall be prohibited sale, use or distribution of volatile substances, such as rubber adhesive and other narcotic substances, or alcohol to Children except in necessity and for legitimate cause.

**Chapter Four: Social care nurseries licenced**

19.(1) No person shall establish a Nursery , or change the site

thereof, before obtaining a prior licence from the Ministry concerned.

(2) The regulations, made under the provisions of this Act, shall organize Nurseries, and the procedure of licensing, specifications, control and supervision thereof.

**Objectives of Nurseries**

20. Nurseries aim at achievement of the following objectives :-

- (a) social care of Children, and development of their abilities and gifts;
- (b) bodily, psychological, cultural and moral sound preparation of Children, in such way, as may be compatible with the aims of the society and its religious values;
- (c) disseminate awareness between families of Children, to upbringing them in a sound way;

- (d) strengthening and development of social ties between Nurseries and Children families.

#### **Employer bound to establish a nursery**

21. Every employer, who employs one hundred working women, and more shall establish a Nursery, in which there shall be satisfied the conditions and specifications, prescribed in the regulations made under the provisions of this Act.

#### **Objectives of children development centres**

- 22.(1) There shall be established, by the Ministry, centres for Children development, which aim at the social, instructional and cultural upbringing of Children, through filling their leisure times by sound instructional means and styles.
- (2) Without prejudice to the generality of the provisions of sub- section (1), Children Centres shall have the following objectives :-
- (a) social, instructional and cultural care, through their leisure times and during holidays, and before the beginning of the school day and after its end;
  - (b) complementing the message of the family and school in the Child care, and assisting the working mother in protecting her Children, against bodily and psychological neglect, and protecting them, against exposure to delinquency;
  - (c) preparing the chances for a Child to grow in an integrated way, from all bodily, mental and emotional sides, to acquire new skills and reach the greatest amount of development of his potential abilities;
  - (d) helping the Child to increase his study achievements, and knowledge and cultural comprehension;
  - (e) strengthening the ties between the Child Development Centre and the Child family;
  - (f) supplying the Child family with knowledge and awareness about Child instruction, and the factors of his upbringing, in accordance with valid instructional styles.

#### **Vagrancy**

23. Vagrancy of Children shall not be deemed an offence punishable by law.

#### **Care measure for a vagrant child**

24. The competent bodies, in case of finding a vagrant Child, shall hand him over to whoever satisfies the moral guarantees for his care, in accordance with the following arrangement :-
- (a) his parents, or one of them;
  - (b) whoever has guardianship, or trusteeship thereon;
  - (c) one of his family members, or relatives;
  - (d) a Maintenance Family, to be entrusted with his care according to the provisions of Islamic Sharia and the non-Muslim status law as the case may be;
  - (e) an official body competent to care for Children.

#### **Substitute care**

- 25.(1) Substitute care shall be presented to Children, who suffer from difficult family circumstances, which hinder their upbringing , or restitution to their natural families, in accordance with the following arrangement :-
- (a) relatives of the mother, or father ;
  - (b) Maintenance Families, in accordance with ordinances of Islamic Sharia, and adoption in

accordance with the Non-Muslims Personal Status Act; provided that the regulations shall specify the safeguards and conditions organizing Maintenance Families, and the categories benefiting thereby;

(c) Care Homes.

- (2) The social care institutions such as the Zakat Fund, and other of funds shall subsidize the Substitute Care Institutions and programmes.
- (3) Upon selecting Substitute Care, due consideration shall be had to continuity of Child instruction, in accordance with his religious, ethnic, cultural and linguistic background, according to his beliefs.

#### **Care homes established**

26. The Ministry shall establish Care Homes for the Children, who are deprived of family care ; and the regulations made under the provisions of this Act shall specify the tasks, functions and manner of organizing the same.

#### **Instruction home**

27. There shall be established Instruction Homes for delinquent Children, and the regulations shall specify the tasks, functions and manner of organizing them.

#### **Chapter V: Child education, child right to education**

28.(1) Every Child shall have the right to general education.

- (2) The State shall provide the capabilities for availing the chances of the compulsory basic education, free of charge.
- (3) The State shall endeavour to provide education free of charge, at the government secondary schools, for orphans, and the disabled and those of unknown parents.
- (4) The State shall endeavour to include, into the educational curricula, the following :-
- (a) the spiritual and religious instruction;
  - (b) national instruction;
  - (c) principles of Human Rights.

#### **Prohibited sanctions at school**

29.(1) No one of the following sanctions shall be inflicted on Children at schools :-

- (a) cruel penalties;
- (b) reprimand by expressions, which are degrading dignity;
- (c) deprivation of attending the class, unless attendance of the pupil causes impediment to the progress of study;
- (d) expulsion from the school during the progress of study .

- (2) The Ministry of Instruction and General Education shall specify such sanctions, as may be appropriate, for whoever contravenes the provisions of sub-section (1), under the regulations, to be made thereby in this respect.

#### **Excellent children rewarded**

30. Children at schools may be rewarded for academic excellence and cultural and artistic creation, as the regulations made by the Ministry of Instruction and General Education may specify.

#### **Chapter Five: Child Culture**

**Child cultural needs satisfied**

31. There shall be guaranteed for the Child the satisfaction of his cultural needs, such as literature, knowledge and information, and the same shall be connected to values of the society, in a framework of human heritage and the modern scientific and technological advancement.

**Libraries established**

- 32.(1) libraries for the Child, shall be attached to at towns, quarters and villages.  
 (2) The regulations shall specify the conditions and procedure of establishment of Child libraries and organizing work thereat.

**Publications of some printed material and literacy words prohibited**

33. There shall be prohibited the publication, exhibition, circulation, photographing or possession of any printed materials, or visual or audio artistic works, concerning the Child, which address his lower desires, or embellish therefor the conduct inconsistent with values and traditions of the society, or by nature encourage him to be delinquent .

**Viewing shows organized**

- 34.(1) There shall categorically be prevented entry of Children into cinema houses, and viewing clubs, during the school day, and their entry shall be prohibited save they are accompanied with their parents or guardians .  
 (2) The regulations shall specify organizing viewing of shows for Children at cinema houses, viewing clubs and public places; and the responsibility of managers and supervisors of such places, and holding such shows, and those responsible for entry of the public, and the sanctions inflicted on those contravening, from owners and those responsible for the houses.

**Advertisement of prohibited shows**

35. Managers of cinema houses, viewing clubs and similar public places shall advertise, on a conspicuous place, in both Arabic and English languages, by all the available mass media the shows viewing of which is prohibited for Children.

**Chapter Six: Child Labour****Envolvement of children organized**

- 36.(1) There shall be prohibited work of Children, who are under the age of fourteen years. Notwithstanding the provisions of sub- section (1), the Minister may exclude work of Children in agricultural works, which are not dangerous, or harmful to health.  
 (2) A Child may join apprenticeship at industrial schools, and vocational education, and training institutes and centres, which are subject to the supervision of the State, where he attains fourteen years of his age.  
 (3) In cases not expressly provided therefor in this Act, the provisions of the Labour Act, and the regulations made thereunder shall apply.

**Works unhealthy to child prohibited**

37. There shall be prohibited works by its nature or for the circumstances around may damage child health, safety or moral conduct and the Minister of Labour or any person authorized by him shall specify these business or industries.

**Medical examination conducted**

- 38.(1) An employer shall conduct medical examination to working Children free of fees before joining work, to verify the extent of suitability of their bodily and health fitness for the required work.  
 (2) The competent authority shall specify the medical approved body to conduct medical examination and

issuing the required medical certificate.

#### **Daily work hours**

- 39.(1) The daily work hours of a working Child shall not be more than seven hours, intercepted by one rest period, or more, not less in total, than one hour, in such way that the Child shall not work for more than four consecutive hours, and not remain at the place of work for a period, which is more than seven hours.
- (2) A working Child shall not work over time, or be employed on the weekly rest days, or official holidays, or by night between six P.M and eight a.m.

#### **Leaves**

40. A working Child shall be entitled to a paid leave according to laws and regulations regulating the same.

#### **Benefitting by social services**

- 41.(1) A working Child may benefit by the workmen social services, which are compatible with his age.
- (2) The employer shall be bound to insure the working Child at the Social Insurance Fund; and present health and medical care, as to such manner, as the bodies of competence may specify, and train him on the manner of use of means of safety and vocational health, and control application thereof, and his benefiting by such means

#### **Child training**

42. An employer shall not assign the working Child with work, placing him under the control of a person, or persons from those possessed of experience in such work.

### **Chapter Seven: Employment or Participation of children in Military Actions:**

#### **Prohibited recruitment of children**

- 43.(1) There shall be prohibited the recruitment of Children in the armed forces, or in armed groups, or employment thereof to participate in war actions.
- (2) The military laws and regulations shall specify the appropriate measures to whoever contravenes the provisions of sub- section (1).

#### **Demobilization, rehabilitation and re-accommodation**

- 44.(1) The competent body of demobilization and re-accommodation shall guarantee the design of special programmes for the demobilization of Child soldiers, and that in co-ordination with the bodies concerned (military, security institutions and the armed groups) for social and economical re-accommodation, and shall take a special care of the demobilized Child soldiers specially those having special needs, during their presence at demobilization centres.
- (2) The competent body shall rehabilitate the child, who is the victim of armed conflicts, psychologically and mentally and re- accommodate him socially and economically.

### **Chapter Eight: Exploitation of Children in Prostitution, Pornographic Materials and Forced Labour**

#### **Use of children in prostitution and pornographic material prohibited**

45. There shall be deemed committed an offence whoever:-
- (a) kidnapping of , traffic in and transfer any organ or organs of any child;
- (b) rape of Children.

- (c) sexual harassment or sexual abuse of Children .
- (d) the production, circulation, publication, import, export, exhibition, sale or possession of pornographic materials, relating to the Child..
- (e) employment of Children, for the purpose of sexual activities, for remuneration, or any of the forms of consideration.
- (f) Photograph by any means any child exercises actually or by imitation express sexual activities, or photo genitals of a child for gratifying sexual lust.

#### **Employment of children in forced labour prohibited**

46. (1) There shall be committed an offence whoever employ Children in traffic in slavery, of all the forms thereof; and no Child shall be enslaved, or subjected to forced labour, or compelling him to perform work by force.
- (2) Whoever smuggle or assist in smuggling any child or children across borders for the purpose of forced labour, in traffic, compelling use, or use any form of violence .

#### **Children re-accommodation and rehabilitation**

- 47.(1)The Ministry shall take appropriate measures to achieve the physical and psychological rehabilitation, and social re- accommodation of the Child, who is the victim of any of the forms of neglect, exploitation, abuse , torture, or any of the forms of harsh treatment, or severe, inhuman, or degrading punishment, or armed conflicts.
- (2) Such rehabilitation and re-accommodation shall be conducted in such environment, as may strengthen the Child health, and self and dignity respect.

### **Chapter Nine: Care of Those Having Special Needs**

#### **Care and protection of a Child having a special need**

- 48.(1) Subject to the National Disabled ( Care and Rehabilitation) Act, 2009, or any law replacing it a Child having a special need shall have the right to social, health and psychological care, aiming at training him to depend upon himself; and the State shall protect him against any work, as may impede his education, or prejudice his health or his bodily, mental, spiritual or social growth.
- (2) A Child having a special need shall have the right to rehabilitation, by rendering the social, psychological, medical and vocational services; and the facilitation means, which have to be provided therefore, without consideration, aiming at enabling him to overcome the effects arising out of his disability, within the limits to the amounts allocated for such purpose in the general budget of the State, as to such conditions, as the regulations may specify.

#### **Education for children having special needs**

- 49.(1) Children having special needs shall be re-accomodated in the different levels of education, depending on the extent of disability.
- (2). Developing and encouraging of training and vocational rehabilitation institutions for the children having special needs, and rehabilitate the existing centers.
- (3). There may be established schools and classes for teaching the children having special needs, as may be compatible with their abilities and readiness, as to such conditions and specifications as the Minister responsible of such education may specify.

#### **Certificates granted**

50. Every Child, from those having special needs, who has been rehabilitated, shall be granted a certificate ,wherein there shall be set forth the vocation, for the practice of which he has been qualified, in addition

to any other data, as the Minister of Labour may deem the addition thereof necessary.

### **Registration at labour offices**

51. The labour office, which lies within the local limits of jurisdiction, shall register the name of the Child, from those having special needs, who has been rehabilitated, into a special register, upon notification from the body, which has rehabilitated him.

### **Employment of children having special needs**

52. The Minister of Labour shall allocate jobs in the public sector for the children having special needs subject to the required scientific qualifications, and he shall encourage the public sector to employ them, subject to their qualifications.

### **Exemption from fees**

53. The facilitation and assisting means, and means of transport, which are necessary for Children having special needs, shall be exempted from all types of custom fees, upon approval of the Minister of Finance and National Economy, upon recommendation of the Minister.

## **Chapter Ten: Competent Justice and Judicial Organs**

### **Family and child protection unit**

54. There shall be established, under the provisions of the Sudan Police Act, 2008, or any other law replacing it specialized police for Children, to be known as the, "Family and Child Protection Unit", and the regulations made thereunder shall specify the budget and administrative system thereof.

### **Functions of the family and child protection unit**

- 55.(1) The Family and Child Protection Unit shall have competence to :-
- (a) conduct inquiries in the contraventions attributed to Children, in accordance with the provisions of this Act, or any other law;
  - (b) conduct inquiries in the contraventions and offences committed against children.
  - (c) take such measures, as may ensure guarding and protection of Children, against all forms of violation, and conduct inquiries, and submit the same to the Children Prosecution Attorneys Bureau;
  - (d) search for missing and kidnapped Children and escapees from their families, or instructional and charitable institutions, or any other institutions concerned with Children affairs, upon the information issued by such bodies;
  - (e) conduct the necessary co-ordination, with the bodies having competence, to present the social and psychological treatment, to victim and aggrieved Children, upon what the inquiries and reasons for decision in the trial have reached;
  - (f) conduct researches and statistics, by seeking the help of those specialized, on cases of delinquency and violations, in respect of Children, and submit the same to the bodies of competence, together with the appropriate recommendation with respect thereto.

### **Inquiry with children**

- 56.(1) Upon inquiry with any Child, there shall attend his guardian, or whoever may deputize therefor, whoever may stand for him, his advocate or the social researcher from the Social and Psychological Service Office, referred thereto in section 57.



- (2) Notwithstanding the provisions of sub-section (1), due regard, upon the impossibility of attendance of the Child guardian, whoever may deputize, or stand therefore, a delegate of the social care shall be attended .

#### **Social service office**

57. (1) There shall be established social service offices within the family and child protection unit, and shall comprise of appropriate number of social and psychological researches, whether they are from the state employees or volunteers.
- (2) The Social Service Office shall have competence on the following, to :-
- (a) prepare the social and psychological file of the Child, preserve its secrecy; provided that it shall contain such information, as the regulations may specify.
  - (b) submit recommendation of the appropriate measure, which the Office deems necessary to take, against a delinquent Child;
  - (c) prepare and submit reports about delinquent Children, and submit the same to the Prosecution Attorneys Bureau and the Court;
  - (d) visit the Child at Remand Homes, Social Institutions and Instruction Homes;
  - (e) take all procedure and measures, which help the delinquent Child;

#### **Arrest and detection**

- 58.(1) No procedure of arrest, or detention shall be taken, against a Child, save after summoning the guardian, and no arrest warrant shall be executed, save by the Family and Child Protection Unit.
- (2) The Prosecution Attorney, or Magistrate, who has issued the arrest warrant, shall write a record, wherein he shall show the reasons, which justify the same.
  - (3) The Family and Child Protection Unit, upon arrest of the Child, shall, as far as possible, forthwith notify both, or one of his parents, his guardians, or those, who exercise supervision over him.
  - (4) There may not :-
    - (a) detain or keep any child upon his precautionary detention, with adult persons;
    - (b) detain the child in the Remand Homes for a term exceeding seven days.

#### **Remand homes**

- 59.(1) The Ministry of interior shall establish Remand Homes, in accordance with the international standards to the children who are waiting inquiry or trait .
- (2) Children, during the period of their remaining at Remand Homes, shall receive care and protection, and all types of legal, social, educational, vocational, psychological and medical aids, which are requisite therefor, subject to their gender, character and special circumstances.

#### **Children Prosecution Attorney's Bureau**

- 60.(1) There shall be established, under the provisions of the Criminal Procedure Act, 1991, and the Ministry of Justice (Organization) Act, 1983, or any other law replacing it a Prosecution Attorneys Bureau, to be known as the, "Child Prosecution Attorneys Bureau", and shall have competence to supervise the inquiries, conducted by the Family and Child Protection Unit.
- (2) The Prosecution Attorneys Bureau shall give due regard to the good treatment of Children in the inquiries, which it supervises.
  - (3) The Prosecution Attorneys Bureau shall be subject to specialized courses in the field of Sociology, Psychology, the laws and international agreements concerning Children, before the assignment of any one of them with any tasks, relating to Children.
  - (4) The Prosecution Attorneys Bureau may seek the help of experts on Psychology and Sociology, to assist

in any inquiries, as may be conducted thereby, whether the experts belong to official or voluntary bodies.

- (5) Inquiry of the delinquent Children, or victims cases shall be conducted by the Child Prosecution Attorneys Bureau.

### **Functions of the Child Prosecution Attorney's Bureau**

61. (1) Subject to the provisions of the Criminal Procedure Act, 1991, and the Ministry of Justice ( Organization) Act, 1983, or any law replacing it the Child Prosecution Attorneys Bureau shall have the following functions, to :-
- a) supervise inquiries in Children cases, and direct inquiry therein;
  - b) supervise the progress of the criminal suit;
  - c) address charge in the offences, committed against, or by Children;
  - d) conduct prosecution before the Court.
- (2) The child Prosecution Attorney Bureau shall transfer the cases to any competent bodies, to take whatever it deems necessary of measurements and procedures.

### **Child Court established**

- 62.(1) There shall be established, under the Judiciary Act, 1986, or any other law replacing it a court, to be known as the, "Child Court".
- (2) The Child Court Magistrate shall be subject to specialized courses, in the field of Sociology, Instruction, Psychology and the styles of dealing with Children, and the laws and international agreements concerning the Child.

### **Functions of the Child Court**

63. In addition to any other functions, provided therefor in this Act, the Child Court shall be competent to consider :-
- (a) the cases submitted, before it on part of the Prosecution Attorneys Bureau, the Social and Psychological Service Office or the Child next-of- kin, with respect to Children , who are victims of violations;
  - (b) the cases transferred thereto, by other courts, against delinquent Children;
  - (c) transfer outside the judicial system.

### **Precautionary remand of a child**

64. A Child may precautionally be remanded, by an order of the Child Prosecution Attorneys Bureau, or the Child Court Magistrate, at a Remand Home, where the circumstances of the Child, or the nature of the punishable act require the same.

### **Trial procedure**

- 65.(1) The Child Court shall apply the procedure, concerning trial, provided for in this Act; and in case non-provision for any procedural matter before it, the Child Court shall follow the UN Minimum Rules on Juvenile Courts, and Peking Rules, by which a circular is issued by the Chief Justice.
- a) Notwithstanding the provisions of this Act, with respect to the procedure, which have to be followed by the Court, the procedure may take such form, as may not be followed in the ordinary trial procedure; and the Court may likewise convene at any appropriate place, or time, where the said Court deems there is an interest of the Child therein.
  - b) A child shall not be tried, save in the attendance of a person deputed by the Social and Psychological

- Service Office, and endeavor, as far as possible, to secure the attendance of his guardian, or whoever may stand therefor.
- c) Trial of a Child shall not be conducted, save in the attendance of an advocate, or pleader therefor, as far as possible; and the Court may allow the attendance of any other person, as a friend.
  - d) The Court may exempt a delinquent Child, or the witness, from attending the trial by himself, where it deems that his interest requires the same.
  - e) Every procedure, which the law demands its service on a Child shall, as far as possible, be served on his parent, or guardian, whoever may be entrusted with care thereof, or his advocate; and those shall have the right to contest, by all the available legal ways, the judgement passed against the Child.
  - f) Where the Court deems that the health, bodily, mental or psychological condition of the Child requires his examination, before determining the suit, it shall transfer him to the competent official medical bodies, together with staying the suit, pending the examination being made, and receipt of a report thereon.
  - g) Where a Child and adults jointly commit one act, his trial shall be separated; and the Child shall not be brought in the criminal trial of the adults. Where the same is not possible, a representative thereof shall be appointed to attend the trial sittings.

#### **Visit to remands and instruction homes**

66. The prosecution attorney and magistrate of child court shall visit remand homes, instruction homes and social care institutions within their jurisdiction continuously to see Children arrested or convicted and any of them may take appropriate directives.

#### **Sentences transferred from Criminal Court to Child Court**

- 67.(1) A Criminal Court, in case of conviction of a Child, shall not pass any sentence, or measures against the Child, and shall send the record to the Child Court, or any body, as it may deem fit, to decide as the same may deem appropriate in respect thereof.
- (2) The Child Court, to which the copy of the trial record is transferred, in pursuance of the provisions of sub-section (1), may order conducting any inquiries, or social researches, and summon the Child, before it, to consider taking such measures, as may be appropriate in respect thereof.

#### **Care measures for children exposed to delinquency**

68. (1) There shall not be taken any criminal proceedings against the children exposed to delinquency .
- (2) The Family and Child Prosecution Unit, the child prosecution attorney Bureau, social care or community committees, shall take the following reform measures against the child exposed to delinquency, namely :-
  - a) moral influence or social justice or any other,
  - b) appropriate methods subject to the recommendation of competent social or psychological expert;
  - c) deliver him to his parents or one of them, guardian or whoever may be entrusted with his care;
  - d) deliver him to the charity committee taking care of children or any other charitable body .
- (3) A written permission from the child court shall be obtained in order to implementation the measures mentioned in sub-section (2).

#### **Reform measures for a delinquent child**

- 69.(1) The Court may pass any of the reform measures, against the delinquent Child, namely :-
  - (a) reprimand and warning;
  - (b) placement under Social Probation, in his social environment;
  - (c) binding by performing service to the society, or joining appropriate vocational, cultural, sports or

- social training courses;
- (d) lodging at Instruction Homes.

(2) The Court may inflict such reform measures, to the term as it may deem necessary and appropriate.

#### **Child age to be considered upon inflicting measures**

70. The Court shall have due regard to the age of the delinquent Child, appropriateness of the sentenced measure and the term thereof, for reform of the juvenile and socially rehabilitate him.

#### **Lodging at instruction homes**

71. the Minister of Interior shall establish Instruction Homes, for keeping the Children sentenced to reform measures, under judicial sentences, in accordance with the provisions of section 69(1)(d).

#### **Youth homes**

72. The competent Minister shall establish Youth Homes, to be allocated for the delinquent children who attain the age of eighteen and did not finish the term of reform measurement in the instruction home.

#### **Power of court to stop measures**

73. The Court, at any time, according to the condition of the delinquent Child, may exempt from measures, by a grounded decision, if it is proved the righteousness of the delinquent child.

#### **Reports of the instruction homes**

- 74.(1) The Director of the Instruction Home shall present, to the Court, a report every three months, wherein he sets forth the condition of the delinquent Child, together with recommending in respect thereof.  
 (2) The Court, upon recommendation of the Instruction Home, or any specialized body, may amend, or quash any reform measure taken in regard of the delinquent child.

#### **Appeal**

- 75.(1) The sentences and orders passed by the Child Court shall be subject to appeal before the Court of Appeal.  
 (2) The Child parents, his guardian, whoever may be entrusted with his care or his advocate shall have the right to contest, by all the available legal ways, the sentence passed against the Child interest.

#### **Procedure in case of victim child**

- 76.(1) Where it transpires, to the Child Court, in any proceedings before it, or before any other court, that the Child has been exposed, or may be exposed to danger, or any harmful influence, it may assign any specialized body, with the study of his case, and prepare the recommendation and the appropriate treatment thereof, and the body having competence on such treatment.  
 (2) The Child Court shall pass the appropriate decision, in accordance with the recommendation of the body, referred thereto in sub-section (1).  
 (3) A Criminal Court, or any other court, before which a suit is submitted, which reveals the occurrence of an offence against a Child, shall write a record thereof, and submit the same to the Child Court.

#### **Principles of passing sentences**

77. The Court, upon passing sentences, shall give due regard to the following principles :-  
 (a) that the measure is appropriate to the circumstances and needs of the Child, and the act he has committed;  
 (b) it does not inflict restrictions upon the personal freedom of the Child, save after sufficient study; provided that such restrictions shall be limited to the lowest possible limit;

- (c) that the Child is not deprived of personal freedom, save where it is proved that he has committed an act involving the use of violence, or persistence, and there is no other appropriate measure;
- (d) the sentence of whipping is not inflicted on the Child;
- (e) death sentence is not inflicted on the Child;
- (f) that the Child interest is the purpose of the measures, to be inflicted thereon.

#### **Follow up the execution of sentences**

- 78.(1) The Court shall supervise execution of the sentences passed thereby.
- (2) The Social probation officer shall submit, to the Court, a periodical report and a monthly report, on the development of the Child conduct, and the Court, in the light of the reports submitted thereto, by the Social and Psychological Service Office, may amend the measures taken on the part thereof, whenever the same is necessary.

#### **Secrecy of sittings**

- 79. The privacy right of the Child shall be respected, during the sittings of trial, to avoid any injury, as may affect him; and no information, relating to his appearance before any court, shall be published, save by permission of the Child Court.

#### **Transfer outside the judicial system**

- 80. The Court may transfer the suit of the delinquent Child, to be treated by a social association, or institution, without recourse to his trial before it; provided that it shall set forth, in the transfer decision, the standards and conditions, which have to apply to the said treatment.

#### **Records**

- 81.(1) Records of Children cases shall be kept in full secrecy, and they shall not be perused, save by permission of the Court.
- (2) Where a Child is brought for trial, before the Child Court, such court shall assure joining the papers of previous trials (if any), before other courts, for the purpose of benefiting thereby in knowing the background and circumstances of the Child.
- (3) Notwithstanding any other rules, relating to burning cases papers, Children cases papers shall be burnt forthwith attainment thereby of the age of eighteen years.
- (4) Notwithstanding the provisions of any rules concerning the extermination of the papers of cases, the papers of the children cases shall be exterminated forthwith attainment the age of eighteen.

#### **Role of the Social Probation Officer in cases of placing a child under social probation**

- 82. The Social Probation Officer shall discharge the following duties, to :-
  - (a) inquire into the conditions, pertaining to the delinquent Child, who is placed under Social Probation, and the condition of his family, the reasons of his delinquency and the ways of treatment thereof;
  - (b) set forth the conduct of such delinquent Child in the file concerning him, during the period of Probation, and strive to obtain written certificates, from all the bodies concerned, setting forth his performance and conduct;
  - (c) supervise the delinquent Child, during performing the work entrusted thereto, under the measure issued to him by the Court;
  - (d) notify the Court of the non-obedience, by the delinquent Child, who is placed under Social

- Probation, of the Probation order;
- (e) be responsible for keeping the Probation records;
  - (f) present a monthly report, on the form prepared for this purpose about the extent of enhancement of the delinquent Child placed under Social Probation;
  - (g) visit Remand Homes, to know the delinquent Children;
  - (h) contact the Police Authorities to expedite cases of the delinquent Children;
  - (i) notify the Social Probation Officer, in the area to which the delinquent Child, who is placed under Probation travels, to follow-up the Probation of such delinquent Child, and supply him with a report thereon, and in case of final departure of such juvenile, the Social Probation Officer shall transfer the file concerning the juvenile, to the Social Probation Officer in the area, to which he has moved, for follow-up of his Probation, in accordance with the provisions of this section;
  - (j) submit an annual report, to the court, on the extent of development and Probation work.

### **Victim children right**

- 83.(1) The Justice Organs shall guarantee the protection of the rights and interests of the Children, who are victims of the practices, prohibited under the provisions of sections 43, 45 and 46, at all the stages of the judicial proceedings ; in particular the following :-
- (a) recognition of weakness of the victim Children, and adapt the proceedings, to render them recognize their special needs, including their special needs, as witnesses;
  - (b) informing the victim Children of their rights, role, the progress of proceedings and the timing thereof and determination of their cases;
  - (c) allowing the showing of opinions of victim Children, their needs and the occupations thereof, and consider the same during the suits, which affect their personal interests, in such way, as may be compatible with the procedural rules of the law;
  - (d) provision of the appropriate legal and social aid services to the victim Children, throughout the progress of the legal proceedings;
  - (e) protection of privacy and identity of the victim Children, and taking the necessary measures, to avoid publication of such information, as can lead to recognize such victim Children;
  - (f) guaranteeing the protection of the victim Children, their families and witnesses, who testify to their benefit, against exposure to terrorism and revenge;
  - (g) avoidance of unjustified delay in determining the cases, and execution of the orders and decisions, which grant compensation to victim Children.
- (2) The Justice Organs shall guarantee to all Children, who are the victims of the offences, provided for in sections 45 and 46 , availing the appropriate procedure to obtain, without discrimination, compensation for the injuries they have suffered, by the persons legally responsible for such offences.

## **Chapter Eleven: General and Final Provision**

### **Information of violation of the right of care**

- 84.(1) Any person, who has reasonable cause to believe that there is violation of the rights of any Child, or that any one of the Child parents, his guardian, or whoever may be entrusted with his care, refuses, or neglects supplying the Child with adequate food, clothing, medical care or education, while he is able to provide the same , shall inform that to the nearest official authority.
- (2) The competent authority, which has been informed of the matter, under the provisions of sub-section (1), may summon the person, against whom the information is made, and verify the matter therewith; and the competent body may order such , as it may deem achieving the Child interest.
- (3) Where the person, to whom any order has been issued , under the provisions of sub-section (2), refuses executing such order, the competent body may submit the matter to the nearest Family and Child Protection Unit, together with such recommendations, as it may deem fit, to treat the situation, and the body, to which the matter has been submitted may :-

- (a) issue any order, as it may issue under the provisions of this Act, or any other law;
- (b) where the person, to whom the order has been issued, is one of the Child parents, in addition to the order it has issued under the provisions of paragraph (a), require such parent to sign an undertaking to provide the needs of the Child, according to his need therefore .

#### **Means of informing violations**

- 85.(1) There shall be established a hot telephone line, or any other means of communication, to receive information, suits and complaints of any violation to any of the Child rights, set out in this Act, provided that the official authorities which receive the information shall be certain of the informant and his address.
- (2) The police shall establish a centre of receiving information , and co-ordination with the competent bodies, to intervene.
  - (3) If it appears that there is a false information, the informant shall be tried under the criminal law .

#### **Penalties**

- 86.(1) There shall be punished whoever contravenes the provisions of :-
- a. section 13, with imprisonment, for a term, not less than six months , or with fine , or with both, and in all cases there shall be confiscated foods stuffs , racetracks and instruments used.
  - b. sections 18, with imprisonment , for a term, not less than three months, or with fine, or with both;
  - c. sections 33, with imprisonment, for a term, not less than six month, or with fine, or with both;
  - d. sections 34, 35, and 36, and 37 with imprisonment, for a term, not less than one month, or with fine, or with both.
  - e. sections 45(a), with death penalty or for the term not exceeding twenty years and with fine;
  - f. section 45(b) with death penalty or with imprisonment for a term of twenty years and with fine;
  - g. section 45(c)(d)(e)(f)and section 46(1) with imprisonment for a term not exceeding fifteen years and with fine;
  - h. section 46(2) with imprisonment for a term not exceeding twenty years and with fine;
  - i. section 45 and 46 in addition to the imprisonment and the fine, ceasure and confiscation of property such as the materials used in the commission of the offence facilitates there in, and closing the premises used in the commission of the crime, and the court may allocate part of the fine to compensate the aggrieved persons

#### **Power to make regulations, rules and orders**

87. The Council may make such regulations, rules and orders, as may be necessary, for implementation of the provisions of this Act.

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