

# NIIT UNIVERSITY

## NU FACULTY CODE OF CONDUCT

### **1. Objective**

1.1 To define the Professional Rights, Responsibilities and minimal standards of professional and personal conduct expected from all Teaching and Research Faculty, directly or indirectly, employed by NIIT University; and Procedures for Enforcement and Sanctions for Unacceptable Professional or Personal Conduct.

### **2. Applicability**

2.1 The provisions contained in this “**NU Faculty Code of Conduct**” shall apply to all faculty members of the University which includes all Teaching, Adjunct, Visiting and Research Faculty. It shall also apply to other academic professionals involved in the instructional and research activities of the University such as Instructors, Senior Research Associates, Graduate Teaching/Research Assistants etc; but limited to matters within purview of their respective responsibilities.

2.2 All directly appointed University employees are required to comply with the expectation set out in this document and conduct in a manner that fulfils objectives of the University and upholds its ethos. All indirectly employed persons are required to comply with the Code in respect of their activities relating to or impacting upon the University and its stakeholders. The University may take disciplinary action against any breach of the Code as deemed fit.

### **3. Guiding Principles**

3.1 NIIT University as a leading centre of learning and innovation in the emerging areas of the knowledge society seeks to provide and sustain an environment that is conducive to:

- a) Sharing, extending and critically examining knowledge and values and furthering the search for wisdom;
- b) Education of students through the pioneering use of technology;
- c) Development of talent for sustainable growth of industry and society; and
- d) Nurturing of a culture of seamlessness in all facets of life.

3.2 Preservation of the highest standards of teaching and scholarship and the effective advancement of the mission of NIIT University as an institution of higher learning is crucially dependent on protection of academic freedom which means ‘**the freedom to conduct research, teach, speak and publish, subject to the norms and standards of scholarly inquiry,**

**without interference or penalty, wherever the search for truth and understanding may lead'** (as defined by a Committee of The Colloquium of University Presidents in 1950). Academic freedom in teaching is essential for the protection of the rights of both the faculty and the student whilst academic freedom in research is essential for the true advancement of knowledge.

3.3 In view of the essentiality of the precepts of academic freedom for both teaching and research, it is clear that the fundamental pre-conditions that need to be satisfied if NIIT University is to effectively carry out its central functions, as enumerated in sub-clause 3.1, are:

- a) Internalization of the values and precepts of **ACADEMIC FREEDOM** in the academic functioning of the University; and
- b) A commitment on the part of the University and all its Academic Areas to the highest ethical and professional standards of conduct as an integral part of its mission, i.e., the **PROMOTION OF LEARNING AND ETHICAL CONDUCT.**

3.4 The 'NU Faculty Code of Conduct' as defined in the following paragraphs elaborates the standards of ethical professional and personal behaviour that must guide the faculty members in the performance of their daily professional activities. Any deviation from these ethical precepts is clearly unacceptable and may result in the initiation of disciplinary proceedings against the delinquent individual and as a consequence the imposition of a penalty.

#### **4. Responsibility of the University Management**

4.1 It is both a responsibility and an obligation on the part of the University's Board of Management (BOM) as well as its Executive Management to protect the rights of its employees to academic freedom in support of the pursuit of University's central functions of teaching, research and extension. Clearly the authority of the University's BOM to discipline an errant faculty member for inappropriate professional conduct stems from the mutual recognition on the part of the management as well as the faculty that protection and preservation of the prerogatives/rights of the faculty emanating from the precepts of academic and operational freedom is central to the University's quest for excellence.

#### **5. Professional Prerogatives of Faculty**

5.1 The professional prerogatives/rights of the faculty in the light of the precepts of academic freedom are briefly enumerated hereunder:

- a) The right to freedom in the classroom to present teaching material in his/her field of competence as per his/her own perception without restriction on content or method,

subject to it being relevant to the assigned course and meeting of institutional requirements with respect to the prescribed syllabus, number of hours of teaching standards and guidelines for student academic performance evaluation, etc. Clearly while exercising academic freedom, individual members of the University's faculty need to take care not to introduce controversial matter which has no relation to the subject matter of the course.

- b) The right to full freedom in research, inquiry and exchange of ideas as well as in the publication of the research results thereto subject to constraints of institutional policies with respect to research for financial return, consultancy practice and the exploitation of intellectual property rights resulting from such research.
- c) The constitutionally protected right of freedom of expression and extramural action as a private citizen. Provided, however the individual faculty member must keep in mind that the special position he/she commands as a person of learning imposes a special demand on him/her to measure, at all times, his/her rights and obligations as a private citizen against his/her rights and responsibilities to his/her field of specialization, to his/her students, to his/her profession and to the University before making a public utterance on any public issue. Furthermore, when speaking, writing or acting as a private person the individual faculty member must avoid the creation of an impression that he/she is speaking or acting on behalf of the University.
- d) The right to be judged by one's colleagues and/or fellow professionals, in accordance with fair procedure and due process, in matters of promotion, tenure/continuing appointment, and discipline solely on the basis of the faculty member's professional qualifications, performance, professional and personal conduct.
- e) The right to participate in the governance of the University, as per provisions of the University's Act and/or the Statutes and/or the Ordinances and/or the Rules & Regulation framed there under and/or any standing orders issued by the Authorities of the University, including amongst others the following matters:
  - i) Approval of course content and manner of instruction;
  - ii) Establishment of the requirements for graduation and for the award of degrees;
  - iii) Selection of Area Directors and certain other academic administrators including the Deans in accordance to laid down procedures;
  - iv) Appointment and promotion of faculty;
  - v) Establishment of norms for teaching responsibilities and for student academic performance evaluation including adjudication of cases of violation of academic integrity;
  - vi) Establishment of norms for evaluation of faculty achievements;
  - vii) Determination of the form of Area Governance;
  - viii) Formulation of rules and procedures for regulating the discipline of students and the adjudication of disciplinary cases there under;

- ix) Participation in adjudication of cases of alleged faculty misconduct in terms of the provisions of the 'NU Faculty Code of Conduct' based on the precepts of academic freedom.

## **6. Professional Accountability of Faculty**

6.1 The professional responsibilities and the underlying ethical behavioural norms of the University's faculty devolve around the relation of the faculty towards:

- a) Teaching, Instruction and Students;
- b) Research and Scholarship;
- c) The University;
- d) Colleagues; and
- e) The Community/Society-at-large.

6.2 Teaching, Instruction and Students. The integrity of the relationship between a faculty member and his/her students is the foundation of the University's educational mission. This relationship vests considerable trust on the faculty and in turn reposes accountability on them as mentors, educators and evaluators. In view of the above, individual members of the faculty are accountable for meeting the following standards of behaviour:

- a) Encourage the free pursuit of learning by their students;
- b) Uphold the best scholarly standards of their respective disciplines before their students;
- c) Respect the right and dignity of the students in expressing their opinion;
- d) Inculcate among students scientific and logical outlook and respect for democracy, patriotism and peace;
- e) Protect the academic freedom of students, be affectionate to them and not behave in a vindictive manner towards any of them for any reason;
- f) Foster honest academic conduct by ensuring that their evaluation of student academic performance reflects each student's true merit;
- g) Deal justly and impartially with students regardless of their religion, caste, political, economic, social and physical characteristics;
- h) Recognise the difference in aptitude and capabilities among students and strive to meet their aspirations;
- i) Encourage students as intellectual guides and counsellors to improve their achievements, develop their personality and at the same time contribute to community welfare;
- j) Acknowledge significant assistance from their students;
- k) Avoid development of a personal relationship of any kind, including that of a romantic or sexual nature, with a student (or a potential student) which may or is likely to impair

the judgment of the concerned faculty member in the exercise of his/her academic responsibilities, be they instructional or evaluative or supervisory in nature;

- l) Scrupulously adhere to University rules with regards the conduct of courses including the holding of scheduled classes, keeping of office hours, holding of scheduled midterm tests/final examinations, timely evaluation of student work, etc.;
- m) Make themselves available to the students even beyond their class hours and help and guide students without any remuneration or reward;
- n) Avoid use of position of power as a faculty member to coerce the judgment/conscience of a student or to exploit/harass a student for arbitrary or private/personal advantage; and
- o) Avoid participation in and/or deliberately abetting the disruption or interference in classroom activities either individually or collectively, along with other faculty members, by withholding academic services.

**6.3 Research and Scholarship:** The research and scholarship element of a faculty member's work concerns various types of creative activities that result in the generation of new knowledge and/or the development of techniques or products or tools or new methods of adaptation and communication in areas of expertise of the faculty member. It is guided by a deep sense of conviction of the worth of the advancement of knowledge towards human progress. In this regards an individual faculty member is accountable for meeting the following behaviour standards:

- a) Recognising the special responsibility of faculty for the advancement of knowledge;
- b) Seeking and speaking the truth as one sees it;
- c) Accepting responsibility for the improvement and development of one's personal scholarly competence;
- d) Exercising critical self-discipline and judgment in using and/or extending and/or transmitting knowledge;
- e) Practicing the principles of intellectual honesty by refraining from indulgence in research misconduct and/or indulgence in intentional plagiarism as well as by ensuring that students for whom one has supervisory responsibilities also strictly adhere to the precepts of intellectual honesty;
  - i) Acknowledging any significant academic and/or scholarly contributions made by one's students and associates; and
  - ii) Maintaining a balance between research and other academic responsibilities on the one hand and between any subsidiary interests on the other hand.

**6.4 The University:** As a member of the University's academic community, an individual faculty member has a responsibility towards fulfilment of the University's educational

mission. Towards this end individual faculty are accountable for maintaining the following behaviour standards:

- a) Discharge the professional responsibilities according to the existing rules and adhere to procedures and processes consistent with their profession.
- b) Scrupulously adhering to University policies and regulations governing faculty professional conduct including policies applying to instructional activities, research & scholarly activities, outside professional activities, conflicts of commitment, etc. while continuing to maintain one's right to criticize and to seek revisions to such regulations especially if one perceives them to be in violation of the tenets of academic freedom;
- c) Giving due regard to one's paramount responsibilities within the University in determining the quantum and character of outside work that one may undertake;
- d) Avoiding intentional disruption of functions and/or activities that are sponsored and/or authorized by the University;
- e) Eschewing the unauthorized use of University resources or facilities on a significant scale for personal, commercial, political or religious purposes;
- f) Refraining from inciting faculty colleagues, other University staff and/or students to wilfully disobey University rules and/or to disrupt University activities;
- g) Giving adequate notice of one's intention to proceed on leave or to seek termination of one's appointment with the University keeping in mind the possible detrimental effect of one's decision on the University's programmes;
- h) Scrupulously adhering to University policies on non-discrimination on grounds of political belief, religion, caste, medical conditions, sexual orientation, gender, etc.
- i) Alerting appropriate University functionaries with regards any alarming or threatening behaviour of colleagues and students that comes to one's notice and/or violence in the workplace; and
- j) Participating in formulation of policies of the University by accepting various offices/appointments and discharge responsibilities which such offices/appointments may demand.

6.5 Colleagues: As fellow members of the community of scholars, individual members of the faculty have responsibilities and obligations towards their fellow faculty members. Towards this end each member of the faculty is accountable for maintaining the following behaviour standards:

- a) Eschewing discrimination and harassment of fellow faculty;
- b) Respecting and defending the right of free inquiry of associates as long as such inquiry is not in violation of University regulations;

- c) Showing professional courtesy and respect to the contrary opinions of fellow faculty especially while functioning as members of broad-based academic decision-making bodies;
- d) Acknowledging academic debts;
- e) Exhibiting objectivity in judging the professional competence of colleagues;
- f) Following established norms governing confidentiality of personal communications with colleagues;
- g) Actively assisting in the professional development of colleagues;
- h) Willingly accepting a fair share of responsibilities for the governance of one's area as well as the University as a whole; and
- i) Treating non-teaching staff as colleagues and equal partners and help in the function of joint staff-councils covering both faculty and the non-teaching staff.

6.6 The Community/Society-at-Large: As citizens of a free nation, faculty members have the same rights and obligations as all fellow citizens. They are free, in a like manner as are other citizens, to express their views on any issue of concern to them and also to participate in the political processes of the community subject to adherence to University Rules with regards such participation. At the same time the faculty is accountable for maintaining the following behaviour standards with respect to their relationship with the community/society-at-large:

- a) Conducting oneself as a responsible, productive member of the community;
- b) Recognizing that education is a public service and be sensitive to the responsibilities and obligations placed on all citizens by a free society;
- c) Refraining from intentionally presenting one's personal opinions/views on any matter as being the opinions/views of the University or any of its academic units;
- d) Conducting one's public and private lives in a manner that avoids bringing dishonour to oneself and the University;
- e) Showing respect for contrary opinions that may be expressed by fellow members of the community;
- f) Eschewing participation in or subscribing to or assisting in any way activities which tend to promote feeling of hatred or enmity among different communities, religions, linguistic groups, sexual orientation/gender, medical/physical conditions or caste, but actively work for National Integration;
- g) Adhering to University Rules with regards the joining of political parties and of seeking elective office;
- h) Eschewing indulgence in criminal acts irrespective of whether such acts lead to conviction or not in a court of law; and
- i) Eschewing participation in any form of disruptive activity that is likely to lead to a breach of law and order in the community.

## **7. Types of Unacceptable Faculty Behaviour**

7.1 The ethical behavioural standards outlined in sub-clauses 6.2 to 6.6 hereinabove represent a world-wide consensus of the ideal conduct/behaviour expected from faculty. Behaviour which is contrary to these precepts is viewed by faculty in all parts of the world as being unacceptable. Only if individual members of the faculty of institutions of higher learning work towards the achievement of these ideals can one expect their institutions to fulfil their mission. Types (not necessarily exhaustive) of unacceptable faculty behaviour derived from the above listed ethical behavioural standards are enumerated hereunder as examples of what constitutes unacceptable faculty conduct. Indulgence in such behaviour may result in imposition of penalties under the University's 'NU Faculty Code of Conduct':

- a) Failure to meet the responsibilities of instruction, including:
  - i) Arbitrary denial of access to instruction and/or instructional material to registered students;
  - ii) Significant inclusion of material unrelated to the approved course curriculum;
  - iii) Significant evidence of a pattern of failing to adhere, without legitimate reason, to the Rules of the University with respect to the conduct of courses or to hold classes or to keep scheduled office hours or to hold examinations as per the announced time table;
  - iv) Evaluation of student work by criteria not directly reflective of course performance;
  - v) Undue and unexcused delay in evaluating student work;
  - vi) Discrimination against a student on grounds of political affiliation or caste or religion or sex or sexual orientation or medical disability, etc.;
  - vii) Use of position of power to coerce the judgment/conscience of a student or to cause harm to a student for arbitrary or personal reasons;
  - viii) Participating in or deliberately abetting disruption or interference or intimidation in the classroom;
  - ix) Entering into an Amorous Relationship with a student;
  - x) Breach of privacy rights of students; and
  - xi) Unauthorized/Inappropriate use of self-authored instructional material.
- b) Violation of the precepts of intellectual honesty such as intentional acts of plagiarism and misappropriation of the research of others.
- c) Intentional disruption of functions or activities sponsored by the University.
- d) Deliberate violation of University Policies/Rules & Regulations and inciting fellow members of the University community to do likewise.
- e) Unauthorized use of University resources and/or facilities.
- f) Forcible Detention/Physical Abuse/Harassment/Intimidation of fellow members of the University community.



- g) Interfering with academic freedom of fellow faculty member operating in accordance with University policy.
- h) Violating established rules governing confidentiality in personal communications.
- i) Deliberately misrepresenting personal views as the official position of the University.
- j) Using the University's name and logo to create an impression of University sanction for private activities.
- k) Committing a felony or any other serious violation of the law of the land demonstrating unfitness to continue to be a faculty member of the University.

## **8. Personal Conduct**

8.1 All faculty members of the University are required to display highest level of personal conduct. Following will be termed as Inappropriate Personal Behaviour/Misconduct:

- a. Use of scurrilous, profane, abusive or obscene language.
- b. Make remarks or engage in conduct that is racist, sexist or in other ways discriminatory.
- c. Promote personal, religious, political, social, or business agendas.
- d. Spread negative, malicious or unkind remarks or rumours about University or its stake holders.
- e. Bullying, threatening or violent/aggressive behaviour.
- f. Wilful damage, theft or misuse of University property.
- g. Being under the influence of illegal drugs, prohibited/controlled substances used for non-medical purposes, consumption of alcoholic beverages, gambling, smoking and disorderly behaviour in the Campus or outside the Campus and coming to the Campus under the influence of drugs or alcohol.
- h. University has a separate "Sexual Harassment Policy" that prohibits unwelcome advances, requests for sexual favours or other verbal or physical conduct, where such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating/hostile environment.
- i. Conduct of personal lives in a manner that brings dishonour to oneself and the University.
- j. Indulgence in criminal acts irrespective of whether such acts lead to conviction or not in a court of law and failing to inform the Registrar/Competent NU Authority about the same.

k. Interference or tampering with any safety device installed in the Campus eg; Fire Safety/Access Control/CCTV Systems etc.

l. Taking recourse to press or social media for the vindication of any official act / notice/ circular/ policy and character of employees leading to defamation or adverse criticisms or otherwise.

m. Use, distribution, sale or possession of illegal drugs or any other prohibited substance, except for approved medical purposes.

## **9. Professional Conduct**

9.1 All faculty members are expected to display highest level of professional conduct. Following will be termed as Inappropriate Professional Behaviour/ Misconduct:-

a. Insubordination.

b. Pilferage.

c. Involvement in financial irregularities and fraud.

d. Accepting and giving Gifts and Entertainment in order to seek undue favours.

e. Sharing confidential information with the competitors, including discussing propriety information which the University considers confidential and has not been made public with, or within earshot of, any unauthorized person. Activities where inadvertent disclosure could occur including a conversation (in person or by telephone) in any public area, in a blog or within a social network. Also, discussing such information with family members or friends. They might innocently or otherwise pass the information on to someone else.

f. Obtaining information/data/documents for which the faculty member is not authorized, without knowledge/ concurrence of the authorized person.

g. Hindering others work and obstructing work/routine functioning in the University.

i. Intentionally presenting one's personal opinions/views on any matter as being opinion/view of the University.

j. Furnishing false information regarding name, age, father's/mother's/spouse name, qualification, previous service or any other matter germane to the employment at the time of joining or during the employment.

k. Join or continue to be a member of an association, the objects or activities of which are prejudicial to the interest of the University, Public Order, Decency or Morality.

l. Being a signatory to any joint representation addressed to the University authorities or redress of any grievance or for any other matter.

m. Indulging in or undertaking Private Trade or another parallel Employment.

n. Non-observance of scheduled hours of work, during which he/she must be present at the place of his/her duty. Marking of attendance on the employee attendance portal should be from the designated place of work only, unless authorized by competent authority.

## **10. Special Responsibilities of Area Directors**

10.1 These are:

a) Formulate instructions in a precise, complete and binding manner, especially with a view to ensure compliance.

b) Review the work of faculty/team members on continual basis.

c) Treat all faculty members in the team with absolute fairness.

d) Communicate to the faculty members that any violation of the applicable laws/regulations are not appreciated and would have disciplinary implications.

e) Bring to notice of higher authorities any unauthorized activity taking place in respective area.

f) Motivate and guide faculty members to innovate in teaching, undertake research and develop academic interaction with other Areas.

g) Be a role model.

## **11. Ethical Standards**

11.1 NU encourages faculty members to report to their Area Heads/ Leadership, concerns and suspected violations of the Code, internal policies, external legal and regulatory requirements etc.

## **12. Conflict of interest**

12.1 All faculty members of the University must:

a) Ensure that there is no actual, potential or perceived conflict between their personal interests or their duties to other parties and their duties and responsibilities as faculty of the University.

b) Promptly make full disclosure to the University of all relevant facts and circumstances giving rise to an actual, potential or perceived conflict of interest and cooperate with the University to ensure that appropriate steps are taken to eliminate

or manage such conflicts in accordance with various policies and guiding principles of the University.

### **13. Privacy and Confidentiality**

13.1 Intellectual property of the University such as trade secrets, patents, trademarks and copyrights, as well as business, research and objectives and strategies, records, databases, salary and benefits data, employee medical information, and any data not in public domain should be protected.

### **14. Media/ Social Media Policy**

14.1 Should not use defamatory language against University or its stakeholder in media or post such comments on social media or mails.

14.2 Any opinion posted on social media should be in personal capacity unless specifically authorized by the University.

### **15. Disciplinary Penalties**

15.1 The following disciplinary penalties in order of increasing severity may, for good and sufficient reasons, and as hereinafter provided, be imposed on a member of the University's teaching/research faculty and other academic professionals to the extent they are covered, for **professional/personal misconduct** resulting in a breach of the ethical behavioural norms broadly spelt out in sub-clauses 6.2 to 6.6 hereinabove (this is exclusive of cases pertaining to 'Sexual Harassment' and 'Plagiarism', which will be governed by separate committees constituted specifically for those violations):

- a) Written Censure, which constitutes a formal written statement of rebuke (in contrast to an informal written or spoken warning) and shall contain a brief description of the censured conduct. Authority to impose the penalty of 'written censure' vests with the President and cannot be delegated further. It shall be delivered confidentially to the errant faculty member under the signature of the President and shall also be placed in the personal file of the concerned faculty for an indefinite period.
- b) Temporary Reduction in Salary, wherein the salary of the delinquent faculty member shall be lowered by a specified amount for a specified period, keeping the designation unchanged, with the salary being restored to the prevailing level on completion of the period of penalty. The authority to impose the penalty of reduction in salary shall vest with the President and will be further delegated.
- c) Demotion/Permanent Reduction in Salary, wherein the delinquent faculty member shall be either demoted to a lower post in the hierarchy with a corresponding reduction in salary or his/her salary reduced to a lower stage on a permanent basis without change in post/designation. The authority to impose the penalty of reduction

in rank/permanent reduction in salary shall vest with the BOM on the recommendation of the President.

- d) Suspension from Service, wherein the errant faculty member is suspended for a stated period from the continuance of his/her appointment at the University with complete loss of pay as well as all other normal faculty privileges including campus housing during the entire duration of the suspension from service unless continuance of any particular privilege is specifically allowed in the suspension order. The authority to impose the penalty of suspension from service shall vest with the BOM on the recommendation of the President.
- e) Dismissal from Service, wherein the errant faculty member shall be dismissed from University service on a permanent basis. The authority to impose the penalty of dismissal from service shall vest with the BOM on the recommendation of the President.

15.2 More than one disciplinary penalty may be imposed for a single act of misconduct, for example, a written censure and suspension from service. In addition, to imposition of a penalty under the 'NU Faculty Code of Conduct', the President shall be empowered to take appropriate administrative action on the errant faculty member such as recovery of the whole or part of any pecuniary loss caused to the University or to a fellow member of the University community by negligence or breach of orders.

15.3 Individuals such as visiting and adjunct faculty or reemployed superannuated faculty, whose engagement with the University is only of a temporary nature, may be removed from University service for indulgence in a proven act of professional/personal misconduct irrespective of the severity of the misconduct.

15.4 A faculty member who has a concurrent appointment as an administrator shall normally be subject to administrative action for any misconduct on their part in their administrative role but may, in addition, be subject to disciplinary sanctions under the 'NU Staff Code of Conduct' if the misconduct in their administrative role also violates the norms of ethical and professional standards specified in the 'NU Staff Code of Conduct'.

15.5 The 'NU Faculty Code of Conduct' pertains only to personal and professional misconduct. **STRIKES** by members of the University faculty and the issues of **FACULTY INCOMPETENCE/ GENERAL MISBEHAVIOUR OF A SOCIAL NATURE** are outside its purview. Such issues would need to be dealt with directly by the University's Executive Management and BOM.

15.6 Besides the imposition of a penalty, as provided in sub-clause 15.1 (a-d), an errant faculty member may be required to undergo **Counselling/Mentoring**, to be conducted by a senior member of the University faculty or by a distinguished retired faculty of the University, so as to preclude, as far as possible, recurrence of the misconduct. Counselling/Mentoring may also

be advised even if no penalty is proposed to be imposed. Counselling/Mentoring shall, however, not be construed as a penalty.

## **16. Investigation Procedure**

### **16.1 Lodging of an Allegation of Professional Misconduct:**

a) An allegation of professional misconduct under the 'NU Faculty Code of Conduct' may be made by any member of the University community --- the faculty, the administrators, other staff and students. It should be lodged along with all supporting documents with the Dean of Faculty Affairs with a copy to the President for his/her information.

### **16.2 Appointment of the Investigation Officer:**

a) On receipt of a complaint alleging faculty misconduct under the 'NU Faculty Code of Conduct', the Dean of Faculty Affairs shall, on the basis of documents on record, determine if there is probable cause to believe the occurrence of misconduct. In case the Dean of Faculty Affairs determines that there is probable cause to justify disciplinary action, he/she shall file a formal charge against the accused and also designate a faculty member from amongst the Professorial members of the Academic Council, whose primary affiliation is with an area other than that of the accused faculty member, as an Investigation Officer. The person so appointed shall be responsible to investigate the allegation and determine if the misconduct is established.

b) Secretarial/Clerical assistance shall be provided to the Investigating Officer by the office of the Dean of Faculty Affairs.

### **16.3 Conduct of the Investigation:**

a) The inquiry into the alleged misconduct shall include examination of pertinent documents in support of the alleged misconduct and oral depositions of those making the allegation as well as the individual against whom the allegation of misconduct has been made. A record of the oral depositions shall be kept either in the form of recordings or written notes. Confidentiality to the maximum extent possible shall be maintained in the conduct of the investigation. The Investigating Officer shall report the findings of the investigation in writing within 60 days of his/her appointment unless the Dean of Faculty Affairs determines that circumstances of the case warrant a shorter/longer period.

b) Prior to reporting a determination of misconduct to the Dean of Faculty Affairs, the Investigation Officer shall notify the accused member his/her intention to report such a determination and the reasons thereof and invite the concerned faculty member to reply to the determination within 7 working days of the receipt of the notice. Such

notification shall be sent to the residence of the accused by registered mail. The accused faculty member may reply either in writing and/or request for a personal discussion with the Investigating Officer. If the accused faculty member requests for a personal discussion the proceeding of the discussion shall be kept in the form of a written transcript or a recording.

c) After the accused faculty member has had an opportunity to reply to a determination of misconduct, the Investigation Officer shall submit a report of his/her findings to the Dean of Faculty Affairs enclosing therewith the documentary evidence presented by the individuals alleging the misconduct, the record of all depositions made and the written reply and/or recording of the discussion in response to the final notification of the Investigating Officer. Irrespective of a finding of guilt or otherwise, the Investigating Officer shall refrain from making any recommendation as to a possible penalty to be imposed.

#### 16.4 Internal Review of Investigation Report:

- a) Depending on the nature/seriousness of the case, within 15 working days of receipt of the Investigation Report, the Dean of Faculty Affairs may place the said Report in its totality, for **INTERNAL REVIEW** before the '**Academic Council Committee on Professional Ethics**' giving the Committee 30 days to complete the review.
- b) The '**Academic Council Committee on Professional Ethics**' shall be a Standing Committee of the Academic Council and shall comprise of the Dean of Faculty Affairs who shall be its ex-officio Chairperson and four other members of the Academic Council, preferably in the rank of Professor, to be nominated by the Academic Council for a term of two years each as per a procedure that may be determined by the Academic Council itself. For purposes of maintaining continuity two members of the said Committee shall relinquish their membership every year.
- c) After completion of the review, the Academic Council Committee on Professional Ethics shall make a recommendation to the President on the guilt or otherwise of the accused faculty member and propose a possible penalty. Provided, however, before deciding on the matter the Committee shall invariably give a hearing to the errant faculty member unless he/she decides not to participate in the hearing. The Committee may also, at its discretion, interview the Investigating Officer and/or the individuals who originally filed the allegation.
- d) The Committee may, at its discretion, also recommend that the errant faculty member undergo Counselling/Mentoring as provided in sub-clause 15.6 and name a possible counsellor/mentor.

#### 16.5 Imposition of Penalty:

- a) On consideration of the recommendations of the Academic Council Committee on Professional Ethics, the President shall reach a determination on the case and a decision

on the penalty to be imposed. In the event the President disagrees with the conclusion of the Committee he/she may ask the Committee to reconsider the case, taking into account the President's particular reasons or objections to the Committee's determination giving the Committee 14 days to reconsider their recommendation.

b) The President shall arrive at a final determination on the case, taking into account the findings/reconsidered findings and conclusions of the Committee.

c) After the President comes to a decision regarding the guilt of the accused faculty member and the penalty to be imposed, he/she shall issue a notice to the said accused faculty member indicating the quantum of penalty proposed to be imposed and ask him/her to show cause as to why the proposed penalty should not be imposed giving a period of 14 working days to file the reply. On receipt of the explanation from the accused or in the event of non-receipt of any explanation within the stipulated 14 working days period, the President shall finally decide upon the penalty to be imposed and communicate the same to the errant faculty member forthwith and take further necessary action thereon. Provided, however, if the penalty proposed to be imposed is outside the authority of the President, he/she shall seek prior approval of the BOM before notifying the imposition of the said penalty.

#### **17. Imposition of Involuntary Leave with Full/Partial Pay**

a) The President may place a faculty member, who is under investigation for alleged misconduct, under involuntary leave with full or partial pay for a stipulated period as may be decided by the President prior to the initiation of a disciplinary action, if it is found that there is a strong risk that the accused faculty member's continued assignment to his/her regular duties or presence on the University Campus will cause immediate and serious harm to the University community or impede the investigation of his/her professional misconduct; or when a case of a crime or felony against him/her is under investigation or under trial in a court of law.

b) Provided, however, when an errant faculty member is detained in custody of the police for a period exceeding forty-eight hours, whether in connection with a criminal offence or under any law, for the time being in force, providing for preventive detention, such a faculty/staff member shall be deemed to have been placed under involuntary leave with effect from the date on which he/she was so detained. In such an event the pay to be paid to the concerned faculty member during the period of involuntary leave shall be in the form of a subsistence allowance, which may be decided by the President, based on the guidelines for subsistence allowance prescribed in the Central Civil Services Conduct Rules --- CCS (CCA) Rules.



## **18. Appeal Procedure**

18.1 A faculty member who is aggrieved by any order imposing a penalty under the 'NU Faculty Code of Conduct' passed against him/her by the President shall be entitled to prefer an appeal against the said order to the BOM and there shall be no further appeal on the decision of the BOM. A faculty member who is aggrieved by any order imposing a penalty against him/her under the 'NU Faculty Code of Conduct' passed by the BOM, shall be entitled to prefer an appeal to the Chancellor against the said order.

18.2 No appeal under sub-clause 18.1 shall be entertained, unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order being appealed against. Provided, however, the Appellate Authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant has sufficient reason for not having submitted the appeal in time.

## **19. Record of Investigations and Imposition of Penalties**

19.1 The entire record of an investigation, including the final order imposing the penalty, undertaken for alleged faculty misconduct under the 'NU Faculty Code of Conduct' shall be maintained in the office of the Dean of Faculty Affairs as a confidential document.

19.2 A copy of the final order imposing a penalty for an alleged professional/personal misconduct shall also be placed in the personal file of the errant faculty member. Furthermore, a Selection Committee/Internal Promotion Committee or a Performance Review Committee that considers the case of the concerned faculty member for promotion or performance review subsequent to the imposition of the penalty shall be advised, by the office of Dean of Faculty Affairs, of the imposition of the penalty when the case of the said faculty member is under consideration.

## **20. Interpretation**

20.1 The decision of the BOM on all questions relating to interpretation of any provision of the 'NU Faculty Code of Conduct' shall be final.