



PRESIDENCY UNIVERSITY
KOLKATA

Code of Conduct

86/1, College Street, Kolkata, 700073



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Preamble

The Code of Conduct of Presidency University have been drawn up to ensure maximum benefits to its faculty, officers and non-teaching staff within permitted norms while safe-guarding the interests of the University.

This is one part of the Service Rules and conditions of The Presidency University.

1. Discipline and conduct:

(i) All employees shall devote themselves to the duties of their office with utmost diligence and obedience and comply with orders and directions as may be issued by the Vice-Chancellor or any other competent authority.

(ii) Every employee of the University shall maintain absolute integrity, and do nothing which is unbecoming of an employee of the University.

(iii) No employee shall, in the performance of his official duties or exercise of power conferred on him, act otherwise than in his best judgment except when he is acting under the direction of his official superior which direction should, whenever possible, be recorded in writing.

(iv) No employee of the University shall, without express permission of the Vice-Chancellor, engage directly or indirectly in any trade or business whatsoever or any other work which in the opinion of the Vice-Chancellor may interfere with the proper discharge of his duties, provided, however, that this clause shall not apply to any work undertaken by any member of the staff in connection with the work of a University or a corporate body other than those engaged in trade and industries.

(v) No employee of the University shall join or continue to be a member of an association the objects of which are prejudicial to the interest of the University or public order or morality.

(vi) Save in cases mentioned below no employee of the University shall serve in, or give evidence before, any Committee or Commission without obtaining prior permission of the Governing Board/Presidency University Council:

a. Committee or Commission appointed by the Government, Central or State, the Parliament or the State Legislature;

b. A Judicial enquiry;

c. A departmental enquiry ordered by the Chancellor, the Vice-Chancellor or any authority of the University.

(vii) No employee of the University shall divulge, either directly or indirectly, any matter of official secrecy concerning the University

2. Act of Misconduct:

Any of the following acts of an employee shall be construed as an act of misconduct:

- (i) gross negligence in the discharge of duties;
- (ii) willful insubordination or disobedience to a reasonable order of a higher authority or breach of discipline;
- (iii) theft, fraud or dishonesty in connection with the property of the University;
- (iv) misappropriation of University funds;
- (v) tampering with official records;
- (vi) giving false information regarding one's name, spouse's name, father's name, age, qualifications, previous service etc. at the time of employment;
- (vii) habitual late attendance or willful absence from duty without leave or sufficient causes;
- (viii) taking or giving bribes or any illegal gratifications or indulging in corrupt practices;
- (ix) indecent behaviour or any other act subversive of discipline;
- (x) assaulting or intimidating any employee of the University;
- (xi) sabotage or willful damage to or causing loss of goods or properties of the University;
- (xii) spreading false information with a view to causing disruption of the normal work of the University;
- (xiii) unauthorized use of land and building of the University;
- (xiv) conviction in a Court of Law for offence involving moral turpitude;
- (xv) breach of rules and regulations, orders and circulars of the University or of any of the higher authorities;
- (xvi) abetment or attempt to commit any of the acts of misconduct;
- (xvii) any other ground which may be considered by the Governing Board/Presidency University Council to be detrimental to the interest of the University or the institution he is serving.
- (xviii) Plagiarism

3. Disciplinary Action

Disciplinary action, including imposition of penalties, may be taken by the Governing Board/Presidency University Council against an employee for any of the reasons enumerated in clause 2 above.

4. Disciplinary Authority

Subject to the provisions hereinafter the Vice-Chancellor of the University shall be the disciplinary authority in respect of employees other than those belonging to the non-teaching staff and in the case of non-teaching staff, the Registrar of the University shall be disciplinary authority provided that the disciplinary authority shall not be entitled to impose any punishment other than “censure” on any employee and in case the disciplinary authority is of opinion that the gravity of offence probed may warrant imposition of any punishment other than censure, it shall be the duty of the disciplinary authority to place all papers including the findings of the disciplinary authority on an enquiry, if any, before the Governing Board/Presidency University Council for passing the final order as the Governing Board/Presidency University Council may deem appropriate. It shall be for the Governing Board/Presidency University Council in such case, to decide whether the finding of the disciplinary authority should be accepted or not.

5. Penalties:

The following penalties or any of these may be imposed on any employee for misconduct, for good and sufficient reasons and after completing with the procedure laid down hereinafter.

- (i) Censure
- (ii) Withholding of increment or promotion including the stoppage of increment and efficiency bar, if any.
- (iii) Reduction to a lower stage in the time-scale of pay for a specified period with further direction as to whether or not the employee will earn increment of pay during the period of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing of the future increments of his pay.
- (iv) Reduction to a lower time-scale of pay, grade, post or service which shall not ordinarily be a bar to the promotion of the employee to the timescale of pay, grade, post or service from which he was reduced, with or without further directions regarding conditions to the restoration to the grade or post or service from which the employee was reduced any seniority and pay on restoration to that grade, post or service.
- (v) Recovery from pay of the whole or part of any pecuniary loss caused to the University by negligence or breach of order.
- (vi) Compulsory retirement
- (vii) Removal from service, which shall not be disqualification for future employment under the University.

(viii) Dismissal from service, which shall ordinarily be a disqualification for future employment under the University.

6. Preliminary Enquiry:

Whenever a complaint is made against an employee of the University about the committing of an act of misconduct, it shall be competent for the disciplinary authority described hereinbefore, to carry out a preliminary enquiry before commencing the formal disciplinary proceedings referred to hereinabove. Such preliminary enquiry may be made either by the disciplinary authority himself or by some other person (s) authorized by the said authority to carry out the enquiry. Such person(s) need not be connected with the University. This preliminary enquiry will be in the nature of a fact finding enquiry for the purpose of enabling the disciplinary authority to ascertain whether there is a prima facie case which will justify the commencement of formal disciplinary proceedings. The disciplinary authority, however, need not carry out such preliminary enquiry, if the said authority does not consider it to be necessary.

It shall be competent for the Governing Board/Presidency University Council for good and sufficient reason, to direct the Vice-Chancellor or the Registrar (for non-teaching staff only) to initiate either a preliminary enquiry or formal disciplinary proceedings against any of the employees of the University.

7. Procedure for Penalties:

(i) No order imposing of the penalties specified in clause 5 shall be made except after an enquiry held in the manner provided above.

(ii) The disciplinary authority shall draw or cause to be drawn up-

(a) the substance of the imputation of misconduct or misbehaviour into definite and distinct article or articles of charge;

(b) a statement of imputation of misconduct or misbehaviour in support of each article of charge which shall contain-

i. a statement of relevant facts including any admission or confession made by the employee;

ii. a list of documents by which, and a list of witnesses by whom, the article (s) of charge are proposed to be sustained;

(iii) the disciplinary authority shall deliver or cause to be delivered to the employee, a copy of the article (s) of charge and the statement of imputation of misconduct or misbehaviour prepared under sub-paragraph (ii) and shall require the employee to submit to the disciplinary authority, or to the

enquiring authority where an enquiring authority has been appointed by the disciplinary authority, within such time as may be specified, a written statement of his defense and to state whether he desires to be heard in person ;

(iv) the disciplinary authority may in a case for the purpose of enquiry, appoint an Enquiring Authority and forward to it :- .

(a) a copy of the article (s) of charge and the statement of the imputation of misconduct or misbehaviour.

(b) a copy of the statement of witnesses, if any,

(c) evidences proving the delivery of the documents mentioned in subparagraph (ii) to the employee;

(v) the employee shall appear in person before the disciplinary/inquiring authority on such day and at such time within ten working days from the date of receipt by him of the articles (s) of charge and the statement of imputation of misconduct or misbehaviour as the disciplinary/inquiring authority may fix by a notice in writing or within such further time as the disciplinary/inquiring authority may allow;

(vi) if the employee who has not admitted any of the article (s) of charge in his written statement of defense appear before the disciplinary /enquiring authority, such authority shall ask him whether he admits or pleads guilty to any of the articles of charge and shall record the plea, sign the record and obtain the signature of the employee thereon. Thereupon the disciplinary/enquiring authority shall return the findings of guilt or otherwise in respect of these articles of charge to which the employee pleads guilty. The disciplinary/enquiring authority shall, if the employee fails to appear within the specified time or refuses or omits to plead guilty or claims to be tried, require the University or its representatives to produce the evidence by which it is proposed to prove the article (s) of charge and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the employee needs such time for the purpose of preparing his defense;

(vii) the employee shall thereafter-

(a) inspect within five working days of the order or within such further time not exceeding five working days as the disciplinary/enquiring authority may allow, the documents specified in list referred to in clause (ii);

(b) submit a list of witnesses to be examined on his behalf;

(c) give a notice within ten working days of the order or within such time not exceeding ten working days as the disciplinary/enquiry authority may allow asking for the discovery or the production of any document which are in the possession of the authority but not mentioned in the list mentioned in clause (ii);

(viii) The disciplinary/enquiring authority shall on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or

possession the documents are kept with a requisition for the production of the document by such date as may be specified in such requisition;

Provided that the disciplinary/enquiring authority may, for the reasons to be recorded by it, in writing, refuse to requisition such of the document as are, in its opinion, not relevant to the case;

(ix) On receipt of the requisition referred to in clause (viii) every authority having the custody or possession of the requisitioned document shall produce the same before the disciplinary/enquiring authority;

Provided that if the authority having the custody or possession of the requisitioned document is of the opinion for reasons to be recorded by it, in writing, that the production of all or any of such documents would be against the interest of the University, it shall inform the disciplinary/inquiring authority accordingly and the disciplinary/inquiring authority on being so informed communicate the opinion to the employee and withdraw the requisition made by it for the production or discovery of such documents;

(x) The disciplinary/inquiring authority shall allow the employee an opportunity to cross examine the witnesses, if any, examined on behalf of the University in support of the charge and shall also allow the employee to examine such witnesses in support of his defense as may be considered relevant in the context of the charge;

(xi) After the completion of the enquiry, the disciplinary/enquiring authority shall prepare its report which shall contain the following:-

- (a) the article(s) of charge and the statement of imputation of misconduct or misbehavior;
- (b) the defense of the employee in respect of such article of charge;
- (c) assessment of the evidence in respect of each article of charge;
- (d) the findings on each article of charge and the reasons therefor;

(xii) (a) In such a case where the disciplinary authority is not authorized to impose the required penalty upon the employee; he shall forward his report together with records of the disciplinary proceedings to the Governing Board/Presidency University Council for consideration and necessary action. The Governing Board/Presidency University Council shall decide provisionally as to the punishment to be imposed upon the employee concerned, if it is proposed to punish the employee with any of the punishments viz. dismissal, removal from service, reduction in rank or in grade or compulsory retirement. In all other cases, the Governing Board/Presidency University Council shall be entitled to pass a final order imposing any of the punishment upon the employee except those mentioned above;

(b) if the inquiry has been conducted by an enquiring authority other than the disciplinary authority, then the enquiring authority shall forward the enquiry report together with the records of the enquiring proceedings to the disciplinary authority and the disciplinary authority shall consider the

records of the enquiry and record its findings on each charge and thereafter the procedure mentioned in the clause (xii)(a) shall be followed;

(c) if the Governing Board/Presidency University Council having regard to the findings on the charges, is of the opinion that any of the punishments mentioned in subparagraph (xii)(a) should be imposed and has recorded the provisional findings in that regard in the manner herein before provided, it shall

i. furnish to the employee a copy of the report of the enquiry and a statement of its findings together with brief reasons for Governing Board/Presidency University Council's agreement, if any, with the findings of the disciplinary/enquiring authority;

ii. give him a notice stating the punishments proposed and the grounds therefor and calling upon him to submit, within a specified time, such representation as he may wish to make on punishment proposed, only on the basis of the evidence produced during the enquiry;

(d) The Governing Board/Presidency University Council shall consider representation, if any, made by the employee in response to the notice under sub-clause (ii) of clause (xii)(c) and determine the penalty, if any, that should be imposed on the employee and pass such order as it may deem fit ;

(e) An order passed by the Governing Board/Presidency University Council under clause (xii)(d) shall be communicated to the employee in writing by the Vice Chancellor or Registrar (as applicable);

(xiii) If more than one employee is involved in the allegations contained in the charge or charges for misconduct, the disciplinary authority may make enquiry in a common proceeding or direct that the enquiry in respect, of these employees be held in a common proceeding.

8. Suspension:

i. The Governing Board/Presidency University Council may place an employee under suspension on recommendation of the disciplinary authority

a) where the disciplinary proceedings against him is contemplated/ pending or;

b) where a case against him in respect of any criminal offence is under investigation; enquiry or trial.

ii. An employee shall be deemed to have been placed under suspension by an order of the disciplinary authority-

- (a) with the effect from the date of detention, if he is detained in police custody on a criminal charge for a period exceeding 3 working days
- (b) with effect from the date of his conviction, if upon such conviction, he is sentenced to term of imprisonment exceeding 3 working days;
- (c) where the penalty of dismissal or removal from service imposed upon an employee, under suspension, is set aside on appeal or on review under any order of the Court of Law and the case is remitted for further enquiry or action with any other direction his suspension shall be deemed to have continued and in force from the date of the original order of the dismissal and shall remain in force until further orders of the disciplinary authority,
- (d) during the period of suspension, the employee concerned shall be entitled to a *subsistence allowance* of an amount equal to one half of his basic pay and allowances in full. In the event of his suspension being followed by punishment he shall not be entitled to any further emolument other than what he had already being paid from the date of his suspension unless the Governing Board/Presidency University Council directs otherwise.
- (e) An order of suspension shall not be deemed to be or construed as punishment for any purpose whatsoever.

9. Pay and Allowances on Reinstatement

When an employee who has been dismissed, removed or suspended is reinstated, the Disciplinary, Appellate or Reviewing Authority, as the case may be, may grant him the following for the period of his absence from duty.

- (i) if he is acquitted, the full pay and allowances other than the travelling allowance to which he would have been entitled, if he had not been dismissed or removed or suspended, less the subsistence grant,
- (ii) if otherwise, such proportion of pay and allowances as the Disciplinary, Appellate or Reviewing Authority may determine;
- (iii) in a case falling under clause (i) the period of absence from duty will be treated as a period spent on duty. In a case falling under clause (ii) the period may be treated as on duty or leave as may be due to him, but it will not be so treated unless the Disciplinary, Appellate or Reviewing authority directs accordingly.

10. Appeal against Order of Penalties:

An appeal against the order imposing any of the penalties by the Governing Board/Presidency University Council except the punishment involving termination of service by way of dismissal or removal or compulsory retirement shall lie to an Appellate Authority to be constituted with three persons by a resolution of the Governing Board/Presidency University Council. At least one of these three persons shall not hold a post. Such Appellate Authority shall be appointed for such term and on such other terms and conditions with regard to the holding of office by the members of the committee and such staff as the Governing Board/Presidency University Council may determine by resolution.

However, an appeal against the order of dismissal, removal or compulsory retirement shall be made to the Tribunal constituted as follows:

- (i) Chairperson – To be nominated by the Chancellor
- (ii) One person to be nominated by the Governing Board
- (iii) One person to be nominated by the teacher/officer/employees concerned.

No appeal preferred under this clause shall be entertained unless such appeal is preferred within the period of three months from the date on which a copy of the order, appealed against, is delivered to the employee concerned.

Every person preferring an appeal shall do so separately and in his own name and shall submit five copies of the appeal. The appeal shall be presented to the authority to whom the appeal lies and it shall contain all materials statements together with a copy of the order sought to be appealed against and documents on which the appellant wants to rely. The language in the petition of appeal shall not be disrespectful or improper and shall be complete in it.

The authority which made the order appealed against, on receipt of a copy of the appeal shall forward its comments thereon, if any, together with the relevant records to the Tribunal or Appellate Authority without any avoidable delay. The Tribunal/Appellate Authority shall regulate its own procedure in the matter of hearing and disposal of the appeal.