



(Formerly ITM University, Gurugram)

STANDARD OPERATING PROCEDURE (SOP) FOR ACTION AGAINST TEACHERS (STATUTE – 32)

1. BACKGROUND:

(i) Statute No. 32 lays down the 'Action against Teachers' where any allegation of misconduct is made against a faculty or technical staff and is to be proceeded with. The statute covers the following:-

- a. *"Where there is an allegation of misconduct against a teacher, the Chancellor/ Vice-Chancellor shall constitute a Fact Finding Committee and, if necessary, based on the finding of the Committee, may institute an Inquiry Committee for the purpose.*
- b. *Based on the Fact Finding Committee/Inquiry Committee report, the Vice Chancellor may decide the course of action depending on the severity of the misconduct; the action will be reported to the Board of Management at its next meeting, whenever it is held.*
- c. *An appeal against any action taken of the Vice-Chancellor or Board of Management can be made to the Chancellor within 30 days from the date of receiving the communication of the action taken. For termination of services, prior approval by the Chancellor or empowered Committee nominated by him will be necessary."*
- d. *For termination of services, prior approval by the Chancellor or empowered Committee nominated by him will be necessary."*

(ii) Based on the said Statute, the under mentioned Standard Operating Procedure (SOP) is detailed out to elaborate the procedure to cover faculty and technical staff of THE NORTHCAP UNIVERSITY.

2. TYPES OF MISCONDUCT:

While no definitive list is feasible, the under mentioned violations are enumerated, in order to cover different types of cases:

- (i) Violation of ethics and professional misconduct of faculty/ technical staff, including but not limited to policies applying to teaching, research, plagiarism, copy rights, violence in the workplace and all service rules/regulations of the University.
- (ii) Harassment of any staff and/or students on grounds of caste, race, religion, sex ethnic origin or sexual orientation.
- (iii) Physical and/or sexual abuse.
- (iv) Significant and sustained failure in the conduct of classes/ courses/ any other academic work or to attend examination or any other duty assigned from time

- to time.
- (v) Evaluation of student work by criteria other than course performance or an unacceptable delay in evaluation of student work or discrimination against a student or fraudulent marking of attendance.
 - (vi) Leaking out question paper or its material.
 - (vii) Use of the position or power of a faculty/ technical staff to coerce the judgment or to cause harm to a student for arbitrary or personal reasons.
 - (viii) Intentional disruption of functioning or activities sponsored or authorized by the University or incitement to others in this regard.
 - (ix) Misbehavior with any member of the University.
 - (x) Gross unauthorized use of University resources or facilities.
 - (xi) Any other misdemeanor or unbecoming conduct of a faculty/technical staff.

3. INVESTIGATION PRINCIPLES:

- (a) Any contravention to Rules and Regulations of The NorthCap University and/ or any action by a faculty/ technical staff falling in any of the categories of misconduct at para 2 above, or any action, which brings discredit to The NorthCap University directly or indirectly, shall be proceeded with due investigations with approval of the Vice – Chancellor.
- (b) Where feasible the Fact Finding Committee and the Investigation Committee can be combined into one.
- (c) Confidentiality of investigative and disciplinary proceedings should be ensured.
- (d) Investigating and adjudicating functions should be separated.
- (e) Time frame for investigation and action must be specified and should be reasonable.
- (f) The nature and circumstances of the offense should determine the severity and type of disciplinary action.
- (g) The records of discipline must be kept in custody in a confidential manner.
- (h) The affected faculty/technical staff's meaningful participation should be ensured, based on principles of natural justice.
- (i) The concerned faculty/technical staff should be given a full opportunity to clear his/ her name by the Committee including submission of any documentary evidence in support of his/ her defense.

4. INVESTIGATION PROCEDURE:

- (a) Whenever any allegation against a faculty or technical staff is reported verbally or in writing to the Head of Department (HOD) or any other authority of the University, such authority would satisfy itself with the facts of the case, put up the same to the Director of School (DOS) who may seek additional inputs before reporting to the Vice – Chancellor of the University.
- (b) The Registrar, based on the written report and documents submitted as evidence received by the Vice – Chancellor and on his directions, obtain a written sanction of the Vice – Chancellor to conduct of formal proceedings in a time bound manner. The Registrar would be required to issue a Convening order for a Fact Finding/Inquiry Committee to proceed with the investigation. The concerned faculty shall be given a copy of the Order.
- (c) The Chairman of the Committee shall hold meetings and undertake investigations for the fair conduct of proceedings. The witnesses may be asked to write their own statements, which must be signed by them. The

alleged faculty/technical staff must be given full opportunity to state his/ her own case and submit supporting documents in support where he/ she deems fit. The Chairman of the Committee shall be free to devise his/her own procedure to conduct the investigations, following the principles of natural justice by affording opportunity to the alleged faculty/technical staff. However, a suggested method for the conduct of inquiry is broadly as under:-

- i. On receipt of Convening Order by the Chairman Inquiry Committee he/ she shall call for a meeting of the Committee to discuss the modalities of conduct of inquiry to include the following:-
 - (1a) Handing over of copy of the order and concerned documents to the person(s) involved.
 - (1b) Discuss terms of Reference of the Convening Order.
 - (1c) Arrange to collect all available evidence viz. documentary, cctv, e-mail, text message proofs etc.
 - (1d) Formulate sequence of conduct of inquiry, including the schedule of witnesses to be summoned and inform all concerned.
 - (1e) Information to the witness/s giving date and time of appearance before the Committee including submission of written statement, if required.
 - (1f) Any other information document / or evidence required in the case.
- ii. Having received statements of witnesses and of those allegedly involved, frame suitable questions and record replies to the same during interaction and obtain signatures of the individuals concerned, thereon.
- iii. Where an individual has been blamed for moral turpitude and his/ her character questioned, an opportunity must be provided to the affected person/s to cross examine the witness/s making such allegation/s.

5. FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE:

The Committee will express its findings and opinion as regards the offence/ indiscipline committed, wherein the opinion must be patently based on the Findings of the Committee with respect to the complaint and not reflect on the past record of the alleged.

6. PUNISHMENTS:

One or more of the following punishments/ penalties may be awarded by the Vice Chancellor depending on the gravity of the offence and keeping in mind any mitigating factors related to the age, maturity, professionalism, contributions to the University etc.:-

- (a) Censure;
- (b) Withholding of increments or promotion;
- (c) Recovery from the whole or part of any pecuniary loss caused to the University by negligence or breach of orders;
- (d) Reduction to lower service, grade or post or to a lower time – scale or to a lower stage in a time – scale;
- (e) Removal from service;
- (f) Termination from service which shall be a disqualification for future employment in the University.

For serial No. (e) & (f) prior approval of the Chancellor shall be necessary, for the others, Governing Body's ratification would be required.

7. **When an offence is of a grave criminal nature**, the Vice Chancellor may consider forwarding the case to the Civil Police and direct lodging of an FIR.
8. **RECORD OF PUNISHMENT:**
 - (a) The effected faculty must be intimated the award of punishment and the punishment so awarded must be recorded in the Faculty/ Technical staff's dossier, keeping the concerned HOD informed.
 - (b) Where it involves finance, the Accounts Branch must be intimated.
9. **APPEAL & AMENDMENTS:**
 - (a) The faculty proceeded against can appeal in writing to the Chancellor within ten (10) days of the issue of letter informing him of the administrative action. Within thirty (30) days of the issue of said letter, the case be closed including financial effects, if any.
 - (b) Any amendments to this SOP shall be made with the written approval of the Governing Body.
 - (c) Interpretation of the Vice – Chancellor of any part of this SOP shall be final & binding.

The above SOP is applicable with immediate effect.

COL BIKRAM MOHANTY (RETD)
REGISTRAR



(Formerly ITM University, Gurugram)

STANDARD OPERATING PROCEDURE (SOP) FOR ACTION AGAINST NON TEACHING EMPLOYEES (STATUTE – 33)

1. BACKGROUND:

(c) Statute No. 33 lays down the 'Action against Non-Teaching Employees' where any allegation of misconduct is made against them and is to be proceeded with. The Statute covers the following:-

(v) *Where there is an allegation of misconduct against a non-teaching employee, the Registrar shall constitute a Fact Finding Committee and, if necessary, based on the finding of the Committee, may institute an Inquiring Committee for the purpose.*

(vi) *Based on the Fact Finding Committee/Inquiry Committee report, the Registrar may decide the course of action. However, he should get prior approval of the Chancellor or nominated Committee before removal/termination of services.*

(vii) *An appeal against any action taken by the Registrar can be made to the Chancellor within 30 days from the date of receiving the communication of the action taken.*

(d) Based on the said Statute, the under mentioned Standard Operating Procedure (SOP) is detailed out to elaborate the procedure to cover non-teaching employees of The NorthCap University i.e. Administrative Staff.

2. TYPES OF MISCONDUCT:

While no definitive list is feasible, the under mentioned violations are enumerated, in order to cover different types of cases:

(l) Violation of the University Act, Statutes, Ordinances, Rules, Regulations, Policies and Guidelines, all as applicable to non-teaching staff.

(m) Sustained unsatisfactory work or lack of improvement or poor attendance at work including unauthorized or unreported absence or persistent lateness.

(n) Willful refusal to carry out the duties assigned.

(o) Breach of confidentiality of work including leaking of any document/e-material, including question papers or an act of abetment to such leakages.

(p) Willful and serious breach of University safety rules/regulations.

(q) Unauthorized use of University resources or facilities on a significant scale for personal or commercial purposes.

(r) Intentional disruption of functioning or activities sponsored or authorized by the University.

(s) Using or threatening the use of physical violence against any member or employee of the University or any person legitimately present within the University premises, or against any property of the University.

(t) Incitement of others to disobey University rules when such incitement presents danger or violence against persons or property.

(u) Theft or misappropriation of University property, or the property of any member, employee, or visitor to the University or forgery of any document.

(v) Harassment or discrimination of any staff and/or students on grounds of caste, race, religion, sex ethnic origin or sexual orientation or sexual orientation.

(w) Physical and/or sexual abuse

(x) Marking attendance fraudulently.

(y) Behavior resulting from drunkenness or unauthorized drug – taking which endangers the health and safety of others.

(z) Any other act of misconduct unbecoming of an employee of a University.

- (aa) Inciting students/ employees either directly or indirectly, distributing leaflets, handbills or any other act against the University.

3. INVESTIGATION PRINCIPLES:

- (j) Any contravention to Rules and Regulations of The NorthCap University by any Administrative Staff, falling in any of the categories of misconduct at para 2 above, or any action, which brings discredit to The NorthCap University directly or indirectly, shall be proceeded with due investigations by the Registrar.
- (k) Where feasible the Fact Finding Committee and the Investigation Committee should be combined into one.
- (l) Confidentiality of investigative and disciplinary proceedings should be ensured.
- (m) Investigating and adjudicating functions should be separated.
- (n) Time frame for investigation and action must be specified and should be reasonable.
- (o) The nature and circumstances of the offense should determine the severity and type of disciplinary action.
- (p) The records of discipline must be kept in custody in a confidential manner.
- (q) The affected administrative staff's meaningful participation should be ensured, based on principles of natural justice.
- (r) The concerned administrative staff should be given a full opportunity to clear his/ her name by the Committee including submission of any documentary evidence in support of his/ her defense.

4. INVESTIGATION PROCEDURE:

- (c) Any allegation against any Administrative Staff should be reported to the Registrar.
- (d) The Registrar, based on the written report and documents submitted as evidence, obtain a written sanction of the Vice – Chancellor to conduct of formal proceedings in a time bound manner and issue a Convening order for a Fact Finding/Inquiry Committee to proceed with the investigation, a copy of which shall be given to the concerned employee.
- (e) The Chairman of the Committee shall hold meetings and undertake investigations for the fair conduct of proceedings. The witnesses may be asked to write their own statements, which must be signed by them. The alleged non-teaching employee must be given full opportunity to state his/ her own case and submit supporting documents in support where he/ she deems fit. The Chairman of the Committee shall be free to devise his/her own procedure to conduct the investigations, following the principles of natural justice by affording opportunity to the alleged Administrative staff. However, a suggested method for the conduct of inquiry is broadly as under:-
 - iv. On receipt of Convening Order by the Chairman Inquiry Committee he/ she shall call for a meeting of the Committee to discuss the modalities of conduct of inquiry to include the following:-
 - (1a) Handing over of copy of the order and concerned documents to the person(s) involved.
 - (1b) Discuss terms of Reference of the Convening Order.
 - (1c) Arrange to collect all available evidence viz. documentary, cctv, e-mail, text message proofs etc.
 - (1d) Formulate sequence of conduct of inquiry, including the schedule of witnesses to be summoned and inform all concerned.
 - (1e) Information to the witness/s giving date and time of appearance before the Committee including submission of written statement, if required.
 - (1f) Any other information document / or evidence required in the case.

- v. Having received statements of witnesses and of those allegedly involved, frame suitable questions and record replies to the same during interaction and obtain signatures of the individuals concerned, thereon.
- vi. Where an individual has been blamed for moral turpitude and his/ her character questioned, an opportunity must be provided to the affected person/s to cross examine the witness/s making such allegation/s.

5. FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE:

The Committee will express its findings and opinion as regards the offence/ indiscipline committed, wherein the opinion must be patently based on the findings of the Committee with respect to the complaint and not reflect on the past record of the alleged.

6. PUNISHMENTS:

One or more of the following punishments/ penalties may be awarded by the Vice Chancellor depending on the gravity of the offence and keeping in mind any mitigating factors related to the age, maturity, professionalism, contributions to the University etc.:-

- (g) Censure;
- (h) Withholding of increments or promotion;
- (i) Recovery from the whole or part of any pecuniary loss caused to the University by negligence or breach of orders;
- (j) Reduction to lower service, grade or post or to a lower time – scale or to a lower stage in a time – scale;
- (k) Removal from service;
- (l) Termination from service which shall be a disqualification for future employment in the University.

7. When an offence is of a grave criminal nature, the Vice Chancellor may consider forwarding the case to the Civil Police and direct lodging of an FIR.

8. RECORD OF PUNISHMENT:

- (c) The effected faculty must be intimated the award of punishment and the punishment so awarded must be recorded in the employee's dossier, keeping the concerned HOD informed.
- (d) Where it involves finance, the Accounts Branch must be intimated.

9. APPEAL & AMENDMENTS:

- (d) The faculty proceeded against can appeal in writing to the Vice Chancellor within ten (10) days of the issue of letter informing him of the administrative action. Within thirty (30) days of the issue of said letter, the case be closed including financial effects, if any.
- (e) Any amendments to this SOP shall be made with the written approval of the Governing Body.
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