

CONDUCT OF THE EMPLOYEES OF THE VIDYAPEETH

This bye law shall be applicable to all employees: Teaching and Non-teaching working in the Vidyapeeth including its constituent College/Institute.

1. Employees' obligations:

The employee of the Vidyapeeth shall be at the disposal of the Vidyapeeth for full time and shall serve in such capacity and at such places as he/she may, from time to time, be so directed.

i) Every employee shall: -

- (a) conform and abide by the provisions in the Bye-laws, circulars of the Vidyapeeth and regulations, directives and decisions of the competent authorities . He shall also observe, comply with and obey all orders and instructions which may from time to time be given to him/her by the officer under whose jurisdiction, superintendence or control, he/she has been placed from time to time.
- (b) maintain at all times absolute dignity, integrity and devotion to duty and loyalty to the Vidyapeeth and shall do nothing that would or is likely to tarnish the image or reputation of the Vidyapeeth, or adversely affect its interests.
- (c) carry out duties and responsibilities assigned to him/her post and shall also carry out any other duties that may be assigned to him/her from time to time.

ii) No employee shall: -

- (a) use his/her position or influence, directly or indirectly, to secure employment for any person in the Vidyapeeth including its constituents, college or institute.
- (b) bring or attempt to bring any influence to bear upon the appointing authority or the concerned head of the department to further his/her personal interest in the Vidyapeeth including its constituent college or institute.
- (c) misuse or use for personal benefit, gain or profit, the amenities facilities, infrastructure or intellectual, property belonging to the Vidyapeeth including its constituents, college or institute.
- (d) demand or accept any gratis payments or any other favour from any person or organization that could directly or indirectly affect reputation or functions of the Vidyapeeth.
- (e) Without prior permission, cause to or disclose / divulge or use any information gained, in the course or connected with his / her employment, in the Vidyapeeth for personal gains / profit or for advantage for himself or any other person.
- (f) engage directly or indirectly in any trade, business, vocation or undertake any other employment, without prior permission of the competent authority, provided, the same is not detrimental to the interest of the Vidyapeeth.
- (g) engage in or conduct private tuitions or coaching,
- (h) indulge in an act of plagiarism in any form.

- (i) Indulge in any criminal act where he/she is arrested or prosecuted.
- (j) Propagate/indulge in any sectarian activity or cause to disturb communal harmony.
- (k) discriminate against any person on the grounds of religion, caste, gender, language.
- (l) indulge in or encourage any form of malpractice.

2. Property of the Vidyapeeth:

Every employee shall –

- i) take due care of the property, materials, instruments, equipments, machines, furniture, cash, etc. of the Vidyapeeth and shall take all reasonable precautions to safeguard them against accident, damage, loss, pilferage, etc. Where damage or loss is attributable to the intentional mishandling or misuse by an employee, the employee shall be liable for disciplinary action as may be deemed appropriate by the competent authority. Besides, the competent authority shall be entitled to recover the assigned / assessed value of such breakage / damage or loss from the employee.
- ii) take appropriate precautions against hazards and shall make proper use of safety devices and preventive measures, as prescribed and provided by the administration.
- iii) observe canons of financial expenditure and inventory control, wherever applicable.

3. Unauthorized Possession of Goods:

If the employee is found in unauthorized possession of any goods, equipment, implements, articles, materials, etc., which are in use in the Vidyapeeth, or kept in stock, and are not normally carried by the said employee, he/she shall be deemed to have got into possession of such goods by improper means. The concerned authority may confiscate; such goods; and such unauthorized possession shall attract disciplinary action as well as any other action as deemed fit by the Competent Authority. Authorized possession should be reasoned and authenticated.

4. Suspended Employees on the Premises:

The employee, who has been suspended or deemed to have been suspended, shall not enter the premises of the Vidyapeeth without prior permission of the competent authority, unless otherwise invited for the enquiry. However, the premises does not include residential premises.

5. Possession/Consumption of Intoxicating Drinks and Narcotics

No employee shall possess or be under the influence of intoxicating drinks/drugs while on duty and on campus.

6. Participation in Politics and Elections

No employee shall, without prior permission, in writing, by the competent authority, be actively associated with any political party or any organization, which takes part in politics; or which has got political implications nor shall he/she take part in or assist in any other manner any political movement or activity (such as election and demonstration, strikes, etc).

7. Demonstrations

No employee shall organize or participate in any demonstration, agitation any nature whatsoever like for social, political or religious cause, academic in the premises of the Vidyapeeth.

8. Connection with Media of Mass Communication (Print or electronic etc.)

No employee shall participate in a radio/television programme, give speech to public, or contribute any article or write any letter to any newspaper or periodical or publish any pamphlet anonymously, pseudonymously or in his own name, which is detrimental to the image/interests of the Vidyapeeth. However the employee may be allowed to participate in radio, TV programmes or contribute article for academic purpose with prior permission.

9. Unauthorized Communication of Information

Except in accordance with any general or special order of the Vidyapeeth otherwise in bona fide performance of the duties assigned to him/her, no employee shall communicate directly or indirectly, any official document or information to any employee, any other person or organisation.

10. Unauthorized Publication of Official Documents

While in service of the Vidyapeeth or after retirement, resignation, dismissal or discharge, no employee shall make public or publish, any documents, papers or information, which might have come into his / her possession in his/her official capacity, without obtaining prior written permission from the Vidyapeeth

11. Invention and patents

No employee shall, without the prior consent of the respective competent authority, either during his/her service or thereafter, apply for patent or exclusive privilege in respect of any invention/discovery made by him/her while performing his duties in his/her service in the Vidyapeeth . Every publication/ patent and research shall be duly acknowledged.

12. Grounds for taking any disciplinary action against a employee:

Disciplinary action shall be taken or punishment inflicted on the employee in service on one or more of the following grounds:

- (i) Misconduct
- (ii) Act or omission involving moral turpitude
- (iii) Wilful and persistent neglect of duty
- (iv) Engaging in/and or conducting private tuitions/ coaching.

13. Misconduct: The following is the illustrative list of acts of misconduct:

- (i) Insubordination or disobedience of any lawful and reasonable order of the superior.
- (ii) Commission of any act subversive of discipline or good behaviour.
- (iii) Participation in any strike, Dharna, candle march, Gherao, any form of protest.
- (iv) Committing theft, fraud, dishonesty, embezzlement, misappropriation.

- (v) Negligence or subversive or unethical practices, causing damage to or loss of property.
- (vi) Demanding or accepting or giving bribe or any illegal gratification whatsoever.
- (vii) Absence without leave for more than thirty consecutive days or persistent absence from duty without leave.
- (viii) Habitual late attendance or habitually leaving work before time or absence from place of work.
- (ix) Negligence or neglect of work i.e. dereliction or failure to discharge the duties assigned to him, wilful and persistent neglect of duty.
- (x) Accepting employment for any consideration inside or outside the Vidyapeeth / Hospital / establishment/ and/ or under the constituent colleges/ institutes or under any person without the approval of the appointing authority.
- (xi) Drunkenness, fighting, riotous, disorderly or indecent behaviour in the premises of the Vidyapeeth.
- (xii) Giving false evidence or statement in any enquiry held by the Vidyapeeth, by college or by institute or in a case conducted in a Court of Law in which the Vidyapeeth is a party.
- (xiii) Travelling or carrying unauthorized passengers, materials in any of the vehicles of the Vidyapeeth.
- (xiv) Collection or canvassing for collection of any money for any purpose within the Vidyapeeth premises without prior permission.
- (xv) Smoking or consumption of tobacco in any form on the premises of the Vidyapeeth.
- (xvi) Sleeping while on duty.
- (xvii) Distributing or exhibiting handbills, pamphlets or posters inside the premises of the Vidyapeeth without prior permission of the head of the respective departments or the establishment.
- (xviii) Holding or participating in any unauthorized meeting within the premises of the Vidyapeeth.
- (xix) Gambling or canvassing for sale of any commodities, chit funds, lottery tickets, coupons or shares or any other financial instruments, etc. within the premises of the Vidyapeeth.
- (xx) Any criminal offence, resulting into conviction in any court of law.
- (xxi) Making false statements on matters germane to his/ her employment in the Vidyapeeth or wilful suppression of facts at the time of employment or during the course of service in Vidyapeeth.
- (xxii) Threatening, intimidating, coercing, assaulting and quarrelling with any person in the premises of the Vidyapeeth.
- (xxiii) Using of foul or abusive language or misbehaving.
- (xxiv) Refusing to accept memorandum or charge sheet or any other communication issued by the superior or Disciplinary Authority.
- (xxv) Using the facilities and properties of the Vidyapeeth without authority for personal gains.
- (xxvi) Preventing the Vidyapeeth employees/officers/superiors either from entering or coming out of the premises, e.g. Dhraane/ Gherao.

- (xxvii) Preventing ingress or egress of the material or equipment and manpower of the Vidyapeeth.
- (xxviii) Punching of attendance card or forging the signature of another employee in the attendance register.
- (xxix) Tampering with any of the records of the Vidyapeeth.
- (xxx) Slowing down in performance of work or instigating other employees to slow-down or adopting work-to-rule practices.
- (xxxi) Acts of immorality or involving moral turpitude within the premises of the Vidyapeeth or outside.
- (xxxii) Unauthorized occupation/illegal or immoral use of the premises of the Vidyapeeth.
- (xxxiii) Not wearing uniform, if specified, while on duty.
- (xxxiv) Refusal to work beyond the stipulated period of work or to work on holidays when specifically instructed to do so by the head of the department or establishment.
- (xxxv) Incompetence shall include failure to keep his/ her knowledge up-to-date inspite of repeated written instructions in that behalf and despite the availability of requisite facilities and failure to complete the assigned work by the competent authority because of inability.
- (xxxvi) Possessing of unlicensed weapons, dangerous or illicit drugs.
- (xxxvii) Sexual harassment of co-employee, student, patient, person accompanying patient, party or any other person who would be involved with the Vidyapeeth including unwelcome sexually detrimental behaviour (whether directly or by implication) as (a) Physical contact and advances (b) A demand or request for sexual favours (c) Sexually colored remarks (d) Showing pornography (e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- (xxxviii) Participating in any activity prejudicial to the interests of the Vidyapeeth.
- (xxxix) Shall include breach of the prescribed terms and conditions of service and violation of the provisions of the Act, Bye- laws, circulars, guidelines, directives, etc. or standing orders of the Vidyapeeth, rules and regulations relating to the duties and responsibilities of employees and violation of code of conduct.

14. Penalties: The employee shall be liable to be punished on one or more of the acts of misconduct.

Without prejudice to the provisions of these Rules, an employee guilty of misconduct as indicated as above, shall be liable to any of the following penalties, namely;

14.1 Minor Penalties:

- (a) Caution, censure or reprimand.
- (b) Withholding or stoppage of increment without cumulative effect.
- (c) Withholding promotion for a period not exceeding one year.
- (d) Recovery from pay of the amount as may be due on account of any pecuniary loss caused to the Vidyapeeth, by negligence or breach of orders.
- (e) Fine, not exceeding an amount equivalent to 15 day's basic salary.

14.2 Major Penalties:

- (a) Withholding or stoppage of increment with cumulative effect.
- (b) Demotion to a lower grade or reduction in post or to a lower stage in a time scale of pay for a specified period or permanent reduction in rank.
- (c) Termination, by way of removal, dismissal from service.

15. Infliction of major penalties without holding enquiry:

If the employee is convicted under criminal prosecution, in respect of crime involving moral turpitude, the Vice-Chancellor shall issue an order of dismissal without holding an enquiry.

16. Disciplinary Authority:

The power to inflict penalties shall vest with the Vice Chancellor. The Vice Chancellor may delegate his powers to the Registrar of the Vidyapeeth, Dean/Director/ Principal of the constituent college/ Institute, Medical Superintendent of the hospital or any other person's who he thinks deems fit to conduct or carry out enquiry and such person shall conduct an enquiry as per the bye laws and submit report to the Vice-Chancellor.

17. Procedure for inflicting penalties:

On a complaint being received against an employee or suo moto, the competent authority shall first determine itself or committee appointed by it for the purpose, if there is a prima facie case against the employee for infliction penalty/ penalties.

- i) The employee, who has committed any act(s) of misconduct, shall be served a show cause notice as to why suitable action be not taken against him/her. The employee shall be given an opportunity to explain and answer the charges leveled against him/her within the stipulated period which shall not be less than 15 days. If the Disciplinary Authority is satisfied with the explanation, the charges against him/her shall be dropped.
- ii) If the Disciplinary Authority/authorized person, is satisfied that the misconduct committed by the employee is of minor nature, the Disciplinary Authority shall serve him/her another notice as to why the minor penalty should not be inflicted on him/her, and on receipt of the explanation, within the stipulated period, which shall not be less than 15 days, award the minor penalty.
- iii) If the Disciplinary Authority is of the opinion that the misconduct is of serious nature, which if proved, would attract major penalty, he/she shall appoint an Enquiry Committee.
- iv) The Disciplinary Authority shall appoint another person as the Presenting Officer to present the case in support of the charges, before the Enquiry Committee. The employee may be permitted to defend himself / herself.

18. Suspension:

- i) If the Disciplinary Authority is of the opinion that,
 - (a) the employee, if proved guilty, is likely to be awarded any of the major penalties,
 - (b) the employee is likely to tamper with the record or evidence,

- (c) the employee is likely to threaten those who are to depose against him/her, in the enquiry, and thus vitiate the enquiry, in any manner,

The Disciplinary Authority shall recommend to the Vice-Chancellor to put the employee under suspension. If the Vice-Chancellor issues the order of suspension, it shall take effect immediately on its serving to the employee.

- ii) The employee under suspension shall be entitled to subsistence allowance at the rate of 50% of his salary and the allowance(s) admissible thereon for the period of initial six months.
- iii) If the enquiry is prolonged beyond this period, and the delay is entirely attributable to the employee, the subsistence allowance shall be reduced to 25% of his salary and allowance(s) thereon. If the enquiry is prolonged beyond the period, otherwise, the subsistence allowance shall be increased to 75% of his salary and allowance(s) thereon.
- iv) The employee who is detained in police custody, whether on criminal charge or otherwise for a period exceeding 48 hours, shall be deemed to have been suspended, with effect from the time of detention by an order of the Appointing Authority, till the order is revoked. The employee shall be entitled to subsistence allowance at the rate of Re.1/- per month.
- v) The employee under suspension shall not be entitled to leave the headquarters and to accept any employment during the suspension. If the employee tenders his / her resignation while under suspension, the same shall not be accepted.
- vi) If the employee, who has been under suspension, is proved not guilty, the period of suspension shall be treated as “on duty” and he/she shall be paid the difference between subsistence allowance, and the salary payable to him, had he not been suspended.
- vii) If the employee, who has been under suspension, is found guilty and is inflicted with minor penalty/ies, the period of suspension shall be regulated as per the provisions above.
- viii) If the employee, who has been under suspension, is found guilty and is inflicted with major penalty/ies, the period of suspension shall be regulated as follows:
- (a) In case of withholding or stoppage of increment with cumulative effect, the period of suspension shall be treated as the period of leave on half pay.
- (b) In case of reduction in rank, the period of suspension shall be treated as the period of leave on half pay.
- (c) In case of termination, dismissal or compulsory retirement from service, the employee shall be deemed to have been absent from duty for the period of suspension and shall not be entitled to any remuneration for such period.

19. Enquiry:

- 19.1 The Disciplinary Authority shall prepare a charge-sheet containing statement of specific allegations, the supporting documents and the list of witnesses to be examined, and supply the same to the employee, to the Enquiry Committee and to the Presenting Officer.

- 19.2 The Enquiry Committee shall seek explanation of the employee as to whether he/she accepts the allegations, or otherwise, and the reasons thereof.
- 19.3 If the employee accepts the allegations, the Enquiry Committee shall record his statement and prepare a report thereof and shall submit the same to the Disciplinary Authority.
- 19.4 In case the employee denies any of the allegations, the Enquiry Committee shall, within fifteen days, hold a meeting and advise Presenting Officer to substantiate the allegations with the help of the documents and of the witnesses by examining them. The Enquiry Committee shall record the statement of witnesses ad verbatim. The employee shall be entitled to refute the allegations, based on documents, by presenting the evidence to that effect. The employee shall be entitled to cross-examine the witnesses examined by the Presenting Officer.
- 19.5 The employee, who has denied the statement of allegations, shall furnish documentary and other evidence and list of witnesses that he/she proposes to examine in order to defend himself/herself with copies to the Presenting Officer.
- 19.6 The employee shall be entitled to lead documentary evidence and witnesses in his/her support. The Enquiry Committee shall provide adequate opportunity to substantiate the evidence provided by him/her and examine the witnesses. The Presenting Officer shall be entitled to state his opinion on the documentary evidence laid by the employee and cross examine the witnesses.
- 19.7 The member/s of the Enquiry Committee, the Presenting Officer and the employee shall be entitled to re-examine the witnesses.
- 19.8 In case the employee fails to attend the enquiry without giving in writing specific reason thereof, the enquiry may at the discretion of the Enquiry Committee be conducted ex-parte.
- 19.9 The employee shall be entitled to depose himself before the Enquiry Committee and the Presenting Officer shall be entitled to cross-examine him. The employee may submit his say in the form of an affidavit.
- 19.10 The Enquiry Committee shall provide adequate opportunity to both the Presenting Officer and the employee and conclude the enquiry only after the Presenting Officer and the employee rest their arguments.
- 19.11 The Enquiry Committee shall prepare a detailed report by evaluating the evidence and the witnesses produced before it. The report shall contain as to which of the allegations are proved or otherwise.

20. Action on Enquiry Report:

- 20.1 The Disciplinary Authority shall evaluate the Enquiry Report. If the Disciplinary Authority is of the opinion that the employee should be inflicted with any of the minor penalties, he shall issue a show-cause notice to the employee as to why such penalties be not inflicted on him/her. On receipt of reply of the employee on such show-cause notice, the Disciplinary Authority shall determine the quantum of punishment.

- 20.2 If the Disciplinary Authority is of the opinion that the employee deserves any of the major penalties, he shall recommend the same to the Vice-Chancellor along with the reasons therefor.
- 20.3 The Vice-Chancellor shall consider the Enquiry Report and the recommendations of the Disciplinary Authority and if decides to inflict any of the major penalties, he shall issue a show-cause notice to the employee along with the copy of the Enquiry Report. On receipt of explanations of the employee the Vice-Chancellor shall decide the quantum of punishment.
- 20.4 The Vice-Chancellor shall ordinarily not inflict a penalty more severe than that recommended by the Disciplinary Authority. The Vice-Chancellor shall also specify in his order the manner in which the period of suspension of the employee be regulated.

21. Appeal

- i) The employee aggrieved by the decision of the authorities may prefer an appeal in the appellate authority.
- ii) Appellate Authority shall be the Chancellor
- iii) The aggrieved party shall prefer an appeal within 30 days from the date of receipt of decision of the disciplinary authority.
