RNS INSTITUTE OF TECHNOLOGY
CHANNASANDRA. R.R. NAGAR BANGALORE -98

RNSIT EMPLOYEES (TEACHING &NON-TEACHING) CONDUCT REGULATIONS & PROCEDURE

PART – I
Introduction, Meaning , Causes & Types of Indiscipline

Maintenance Of Discipline At Workplace- GENERAL

Maintaining discipline in the workplace is the duty and right of the employer. He /She draws up the rules on the ' workplace conduct' and makes sure that discipline is maintained.

An employee who deliberately breaches a rule of workplace discipline is guilty of misconduct. If this is serious enough, it may lead the employer to terminate the employment relationship between the parties; the employer dismisses the employee.

Obedience to authority in a workplace is not slavery. It is not violative of one's natural rights. *It is essential for the prosperity of the organization as well as that of its employees. When in a situation severe misconduct / indiscipline, a punishment of termination is awarded for unacceptable behavior/deeds, with no extenuating(forgivable/excusable) circumstance established, it cannot be said to be not justified. It cannot certainly be termed unduly harsh or disproportionate.*

What is Indiscipline in an organization (MEANING) ?

At times indiscipline and misconduct have been more or less used as synonym.
An act of indiscipline or misconduct is the deviation or by passing of the established rules which should be followed without any discretion. It is an act or a conduct which is prejudicial to the interests of the employer or which is likely to impair his/her reputation or create unrest among other employees.

Misconduct

"Though this expression is not capable of precise definition, its reflection receives its connotation from the context, the delinquency in its performance and its effect on the discipline and the nature of duty. ***It may involve moral turpitude, it must be improper and wrong behavior; unlawful behavior, willful in character; forbidden act, a transgression of established and definite rule of action or code of conduct*** *but not mere error of judgment, carelessness or negligence in performance of duty; Its ambit has to be* ***construed with reference to the subject matter and the context.****"*

MISCONDUCT is inconsistent with the fulfillment of the express or implied conditions of service or, is directly linked with the general relationship of employer and employee or, has a material bearing on the smooth and efficient working of the institution. If the answer of these criterion is in affirmative, the act in question would amount to an act of misconduct.

Indiscipline *means disorderliness, insubordination and not following the rules and regulations of an organisation.*

RNSIT Channasandra, B'lore-98

'A' & 'B' broadly explains as to what constitutes ***'MISCONDUCT' leading to Indiscipline. The decision on Misconduct can be based on these explanation/interpretation.***

A. *In every general term, an act or conduct of an employee, which is*

1) Prejudicial or likely to be prejudicial to the interest of the employer as also that of the other employees;

2) Inconsistent or incompatible with the normal norms of discharge of his /her duty;

3) Such that it makes it unsafe and undesirable for the employer to retain him in service;

4) Such that the employer cannot rely on his/her faithfulness; or

5) Such that it amounts to insubordination to such a degree as to be incompatible with the employer – employee relationship;

B *Following ACTS and OMISSIONS as misconduct/s for which the delinquent employee can be punished.*

1). ***Willful insubordination or disobedience****, whether or not a combination with another, of any lawful and reasonable order of a superior.*

2). Going on an ***illegal strike or abetting, inciting,*** *instigating or action in furtherance thereof.*

3). ***Willful slowing down in performance of work****, or abetment or instigation thereof;*

*4).****Theft (including data), fraud or dishonesty*** *in connection with the employer's business or assets, investments,property or the theft of property of another employee within the premises of the establishment.;*

5). Taking or giving bribes or any illegal gratification;

6). ***Habitual absence without ' leave sanction'****, or absence without leave for more than ten consecutive days or overstaying the sanctioned leave without sufficient grounds or satisfactory explanation;*

7). ***Late attendance*** *on not less than three occasions within a month;*

8). ***Habitual breach of any standing order*** *or any law applicable to the establishment of any rules made there under;*

9). Engaging in trade within the premises of the establishment;

10). ***Drunkenness, riotous, disorderly or indecent behaviour*** *on the premises of the establishment;*

11). ***Habitual neglect of work****, or gross or habitual negligence;*

12). Habitual breach of any rules or instructions for the maintenance and running of any department, or the maintenance of the cleanliness of any portion of the establishment;



13). **Willful damage to any property** of the establishment;

14). Holding meetings inside the premises of the establishment which is expressly detrimental to the interest of Institution and unconnected with the duty/service.

15). **Disclosing to any unauthorized person any information** in regard to the process of the establishment which may come into the possession of the employee in the course of his /her work;

16). **Refusal to accept a charge-sheet or other communication served** in accordance with these and other service rules/guidelines/circulars/letters/office notes/office memos or official communication etc.

17). Unauthorized possession of any lethal weapon / harmful materials in the establishment.

(**"Habitual":** No act of misconduct, which is committed on less than three occasions within a space of one calendar year, shall be treated as habitual.)

C. DUTIES AND RESPONSIBILITIES AND FUNCTIONAL CODE OF CONDUCT OF MEMBERS OF FACULTY.

ANNEXURE-II

Discharging the obligation towards 'Duties and Responsibilities' contained in ANNEXURE-B are part and parcel of the SERVICE RULES. It evaluates functional efficiency and appraises the performance and therefore falls within the purview of 'DISCIPLINE & FUNCTIONAL CODE OF CONDUCT'.
In other words, Deficiency, Deviation, Negligence and Casual approach towards discharging their DUTIES AND RESPONSIBILITIES as a faculty on the one hand and non-adherence to Code of Conduct on the other shall amount to indiscipline attracting action. Hence, the stipulated "DUTIES AND RESPONSIBILITIES AND CODE OF CONDUCT OF TEACHING FACULTY" is a part of Service Rules and Regulations. If faculty falls below minimum acceptable measure of performance under different parameters, the disciplinary measures take its own course.

The Annexure-II on " DUTIES AND RESPONSIBILITIES AND CODE OF CONDUCT OF TEACHING FACULTY " contains following classifications.

1. Teaching & Learning
2. RESEARCH AND DEVELOPMENT,
3. CONSULTANCY AND EXTENSION ACTIVITIES,
4. Involvement in Development Activities
5. Academic Audit.

Types of Disciplinary Problems.

Disciplinary problems may be classified on the basis of the severity of the consequences. They are generally divided into FOLLOWING categories. They are:

1. Minor Infractions (synonyms: infringement, contravention, breach, violation, transgression)

Minor infractions refer to those acts which do little or no harm or which, when viewed in isolation result in very few serious consequences, but which may become serious if they are accumulated. For example, negligence, failure to be present when needed, carelessness, minor violation of the rules; etc.

NSIT Channasandra, B'lore-98

2. Major Infractions

These are acts which substantially interfere with the orderly operations of an organization. These acts create apparently serious consequences which any reasonable man shall agree. Refusal to carry out the instructions, cheating, stealing or violating safety rules are some of the examples of major infractions.

3. Intolerable Offenses

These are offenses of such illegal or drastic nature that they severely strain or endanger employment relationship. They are full of threat and menace to most people. Use of weapons, theft, fighting which result in serious harm to others, etc., are notable examples of this type.

4. Shortcomings in discharge of Duties and Responsibilities and non-adherence of Code of Conduct by Teaching Faculty.

Discharging the obligation towards 'Duties and Responsibilities' contained in ANNEXURE-B *are part and parcel of the SERVICE RULES. It evaluates functional efficiency and appraises the performance and therefore falls within the purview of 'DISCIPLINE & FUNCTIONAL CODE OF CONDUCT'.*

Deficiency, negligence and casual approach towards discharging their 'DUTIES AND RESPONSIBILITIES' as a faculty amount to their dearth of efficiency leading to ineligibility

5. Instructions given in internal note, circulars, guidelines by the Institute and AICTE/VTU/DTE/GOVT.

The rules and regulations written / unwritten hitherto practiced and those instructions which are referred to in various Guidelines, Internal Note/Memo and circulars issued from time to time and instructions issued by AICTE/VTU/HIGHER EDUCATION DEPT/DTE on staff matters/service regulations are forming part of "Conduct & Discipline" codes . Some of rules and practices are listed in 'ADDENDUM' i.e. ***ANNEXURE-I.***

RNSIT Channasandra, Bl'ore-98

PART –II

PROCEDURE, DISCIPLINARY PROCEEDINGS, PUNISHMENT

The procedure for taking disciplinary action to be followed by an employer, is not an empty formality. It is, in substance, the adherence to the principles of ***natural justice.*** *Legalities and technicalities apart, equity demands that these principles are followed by every employer.* ***The Management must, therefore, fully acquaint themselves with principles and practices in conducting domestic enquiries and taking disciplinary action.***

It is well settled that the domestic enquiry has to be a quasi-judicial inquiry held according to principles of natural justice and the inquiry officer has a duty to act judicially, because the charges of misconduct, if proved, will result not only in deprivation of livelihood of the workmen but will also attach stigma to his/her character.

Principles of Natural Justice

a) *An opportunity must be given to the delinquent employee to refute the charges and to establish his /her innocence; this can be done only when he/she is told in unambiguous terms what is the charge leveled against him.*

b) *An opportunity to conduct his/her defense must be available to him by cross-examining witnesses in support of the charge leveled against him and by allowing him to examine witnesses in his /her own defense.*

c) *The enquiry against the delinquent employee should be fair and should be conducted by an impartial person.*

d) *The evidence at the enquiry should be adduced in the presence of the employee charged.*

e) *Punishment awarded should not be out of proportion to the misconduct committed.*

Procedure for Disciplinary Action

It is the responsibility of the management to follow standard measures of disciplinary action to provide justice to all aggrieved. In other words, the judicious function on the part of management must be free from all bias, privileges or favoritism.

It would thus be seen that it is an elementary principle of natural justice that no man should be condemned or punished without being given an opportunity to explain the circumstances standing against him. Based on this elementary principle of natural justice, following important steps are indicated

Steps

1.Issue of a ***letter of charge*** *to the employee calling upon him to submit his /her explanation.*

2.Consideration of explanation.

RNSIT Channasandra, Bl'ore-98

3.Giving a **notice of an Enquiry** into the charges, if the explanation is not found satisfactory.

4. Holding of a **full-fledged Enquiry** giving all facilities to the employee for being heard.

5. **Recording of the findings** by the Enquiry Officer.

6. Consideration of the enquiry proceedings and the findings by the authorities empowered to take a decision and make **the final order of punishment**.

7. **Informing the employee of the punishment** decided to be awarded to him.

Note: The Procedure indicated above is mainly for major misconducts, such as willful insubordination, disobedience, theft, fraud, dishonesty, willful damage to employer's property, taking or giving illegal gratification, riotous or disorderly behaviour during working hours, habitual negligence of work, striking work or inciting other to strike in contravention of the provisions of law etc.

For minor misconducts, for instance, unpunctuality, late attendance, minor acts subversive of discipline, absence without permission, (Provided it is not habitual), etc, the entire procedure listed above need not be followed. In such cases, it will be sufficient to issue a show cause notice to the employee concerned, ask for his /her explanation and if the explanation is found unsatisfactory he/she may be issued a warning note straightaway. (Draft 'show cause notice' 'warning notes' are marked as Annexure **'A' and 'B' respectively**.)

1. First step – Issuing of the Letter of Charge

As soon as the Management comes to the conclusion, on the basis of the **report received and the necessary preliminary investigation made**, that an act of misconduct committed by an employee, in the circumstances of the case, warrants disciplinary action, the employee concerned should without any delay be issued a charge sheet clearly and precisely setting forth particulars of misconduct committed by him, and calling upon him to submit his/her explanation in writing within a reasonable period of time. (A draft charge-sheet is marked as **Annexure 'C'**)

Note: No hard and fast rule can be laid down for providing time for submitting explanation. The only consideration should be that in the circumstances of the case the time given to the employee should be sufficient to enable him to prepare and submit his/her explanation. Usually, for minor misconducts 24 hours and for major misconducts 48 hours time may be allowed. Extension of time for genuine reasons, if specifically requested for, should be granted in the normal course.

Important

It is essential that the charges made in the charge-sheet should not be vague. The charges should be specific and clearly state that nature of misconduct, the date on which the misconduct was committed and the time of its commission, place and other relevant details. **Great care should be taken in framing the charge-sheet for, on the proper framing of the charge-sheet the validity or otherwise of a subsequent enquiry proceeding and dismissal or any other punishment may entirely depend.**

RVSIT ★ 86-98 ★ Channasandra, B'lore

Refusal to Accept the Charge-sheet

If an employee refuses to accept the charge-sheet or to acknowledge its receipt, it should be sent to him by Registered Post, A.D.- at his/her last known address or alternatively the act of refusal to accept should be recorded in the presence of at least two witness. This procedure is essential to be adopted so that the employee may not at a later stage deny the service of the charge-sheet. A copy of the charge-sheet may also be displayed on the Notice Board inside the establishment premises, with noting as to when displayed and when removed, etc., before filing with appropriate papers. In appropriate cases, publishing the charge-sheet in newspapers can also be adopted.

Note: Misconduct, which is also Subject Matter of Criminal Proceedings

There may be cases where the misconduct which besides being subject of a domestic enquiry is also the subject of criminal proceedings in Court of Law. For such cases the principles of natural justice do not require that the employer must await the decision of the Criminal Court before taking disciplinary action against the employee though there may be peculiar cases where it would be advisable for the employer to await the decision of the trying court. ***Thus a pending criminal case is no bar for holding domestic enquiry.*** *However, in general, if an employer proceeds with an enquiry in spite of the fact that a criminal case is pending, the domestic enquiry for that reason would not be vitiated.* ***Similarly, acquittal in criminal case does not affect the validity of the punishment awarded after a domestic enquiry by the employer.***

Suspension Pending Enquiry

If in the preliminary investigation it is established that the nature of misconduct committed by the employee concerned is such that his/her physical presence inside the establishment premises might endanger the safety of any individual or a group or aggravate the misconduct already committed or if it is apprehended that the employee might tamper with the evidence or intimidate the witnesses, the employer may suspend an employee pending the full-fledged enquiry. *During such suspension, the employee is entitled to suspension wages or subsistence allowance as laid down in Service Rules/ guidelines, if applicable. If there is no specific provision for such payment during suspension period, it must be noted that the employee is entitled to full wages even if he/she is under suspension. Similarly, payment of wages due for the period of suspension is required to be made even if the employee is ultimately dismissed after the enquiry. On the other hand if the employee is found not guilty of the charges he/she becomes entitled to full wages for such suspension period, as if he/she was not guilty. Suspension wages are "wages" within the meaning of the Payment of Wages Act and should be paid on due dates. It* ***must be noted that suspension pending enquiry is not a punishment. Punishment follows only after*** *the enquiry.*

2. Second Step – Consideration of the Explanation

The employee in reply to the charge-sheet may:

a) Submit his/her explanation admitting the charge and ask for leniency;

b) Submit his /her explanation refuting the charge;

c) Apply for an extension of time for submitting the explanation;

d) Fail to submit his/her explanation.

R V S I T
Channasandra, B'lore-98

When the employee Admits the Charge(s)

It may sometimes happen that the employee might admit the charge (s) leveled against him, asking for leniency. Even if admission of the charge (s) by the employee is unqualified and unambiguous, it may not ***be advisable for the employer to straightaway proceed to award punishment to the employee without holding an enquiry for the simple reason that the employee may later on disown his/ her earlier confession and allege that it was obtained by the employer under coercion or duress and that it was not voluntary confession.*** *In such case, an enquiry should be fixed as any other enquiry, the only difference being that it will not be necessary for the Enquiry Officer to record evidence to bring home the charge, but he/she can give his /her findings on the basis of admission made by the employee in his /her presence which he /she must record and obtain the signature of the employee on it instead of relying on the letter of such admission produced by the Management.*

When the Employee Submits his/her Explanation Refuting the Charge (s)

When an employee submits his/her explanation refuting the charge(s), it is to be carefully considered whether or not the explanation offered is satisfactory. If it is found satisfactory, further proceedings in the matter should be dropped and the employee should be informed accordingly. However, if it is found that the explanation submitted is not satisfactory and it felt that punishment (other than warning note) would be warranted, further steps regarding the holding of an elaborate enquiry should be taken

When the Employee Asks for an Extension of Time

When the employee asks for an extension of time to submit explanation on reasonable grounds it should preferably be granted, so that any future controversy on this issue is avoided.

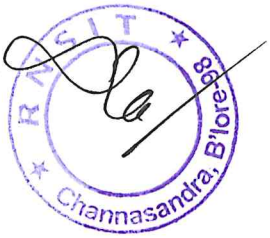
If the Employee Concerned Fails to Submit His /Her Explanation

If the employee fails to submit his/her explanation, the employer may proceed to take further proceedings as indicated herein. However, in such a case also it is important ***to bear in mind that failure to submit an explanation by the employee would not entitle the employer to dispense with the holding of an enquiry into the charges levelled against the employee, and to proceed straightaway to award the punishment to him.*** *The enquiry has to be held as per the procedure, if punishment is to be awarded.*

3. Third Step – Giving Notice of Holding of Enquiry

If the explanation submitted by the employee is found unsatisfactory, the next step is to issue him a notice of holding an enquiry, giving him information as to the name of the Enquiry Officer, the date, time and venue of the enquiry as also notifying to him that he/she should have ready with him on the date of enquiry the witnesses that wishes to examine or any other relevant information that he/she may like to give. (A draft notice of holding an enquiry is marked as Annexure 'D')

Note: In certain cases, it is advisable that instead of straightaway issuing a charge-sheet as such, only a show-cause notice should be issued to the employee, requiring him to submit his/her explanation. On the basis of the explanation submitted, it is possible to issue a specific charge-sheet to the employee, in which case the notice of holding an enquiry can also be incorporated therein. Thus, in



such cases first step would be the issue of show-cause notice, the second, consideration of the explanation and the third, issue of a charge-sheet as well as notice of an enquiry.

On the other hand, in certain cases where prima-facie case is established it is possible and permissible to combine the show-cause notice, charge-sheet and intimation of holding enquiry in one and the same letter, to avoid delay in disciplinary action.

4. Fourth Step – Holding of the Enquiry

The object of holding an enquiry is to give an opportunity to the charge-sheeted employee to establish his/her innocence by explaining the circumstances alleged against him, and understanding his /her defense.

Procedure for Holding an Enquiry *.*

At the appointed time and date the following should be present at the venue of the enquiry proceedings:

i) ***The Enquiry Officer:*** *The Enquiry Officer and the authority empowered to issue letter of charges and punishment should be different persons. The Enquiry may be held by any responsible official of the Institute or even by an outsider while the letter of charge and the letter awarding the punishment should be issued by the Manager. This is necessary from the point of view that the judge and the prosecutor should not be the same person. It is also essential that the Enquiry Officer does not import his/her knowledge of facts in the enquiry proceedings. He/ She should, therefore, preferably be a person who is neither a witness nor a party to the incident which has resulted into the charge-sheet.*

ii) ***The Management Representative:*** *This is the person who presents the Management's case before the Enquiry Officer by adducing all the relevant evidence, documentary and oral, in support of the charge. He / She has a right to cross-examine the employee as well as the defense witness with a view to establishing the charge.*

iii) ***The Charge-sheeted employee:*** *It is absolutely necessary that the enquiry should be held in the presence of the charge-sheeted employee. If, however, the employee fails to report for the enquiry at the appointed time, despite reasonable opportunity, the Enquiry Officer may proceed with the enquiry ex-parte provided the charge-sheeted employee turns up and affords sufficient cause for his/her failure to report for the enquiry at the appointed time, the enquiry may be proceeded with the de novo (anew, afresh), after making appropriate note in the proceedings to this effect.*

iv) ***A representative of the charge-sheeted employee:*** *If the charge-sheeted employee wishes another employee of his/her choice to represent him and assist him at the enquiry in the conduct of his/ her defense, it should be normally allowed. Normally, it is provided in the Standing orders/ service rules that an employee can be defended by another employee working in the same department as himself.* ***However, the Enquiry Officer may allow at his/her discretion an employee from another department.*** *Often a request is made for a non-employee or a lawyer or union official to be allowed to be present to assist the charge-sheeted employee.* ***It is absolutely in the discretion of the Management to grant or refuse such a request.*** *The law does not require admission of non-employees or lawyers in the domestic enquiry and, therefore, requests for allowing an outside or Lawyer or union official to be present at the*

RNSIT Channasandra, B'lore-98

enquiry to assist the charge-sheeted employee can be refused. Normally, persons who are not employees of the establishment and lawyers are not allowed in domestic enquiries.

v) ***An interpreter, if necessary:*** *The presence of an interpreter, from amongst the employees, would be desirable though not mandatory, in case the charge-sheeted employee pleads that he/she is not familiar with the language in which the Enquiry Officer intends to conduct the proceedings. The enquiry should be as far as possible to be conducted in the language understood by the majority of employees.*

Proceedings *:The Enquiry Officer should begin with recording the date of holding the enquiry, the persons present on the date of holding the enquiry, the persons present at the enquiry, a statement making reference to the charges, as per the letter of charge issued to the employee, a statement to the effect that the procedure of enquiry was explained to the charge-sheeted employee, and any other relevant statement, such as, a statement relating to a request by the charge-sheeted employee to allow an outsider or Lawyer to be present at the enquiry and the Enquiry Officer's refusal to grant such a request, whether the employee admits charges or not, etc. He/ She should then ask the Management's representative to present the case in detail, which should be recorded.*

Examination of Witnesses in Support of Charge(s)

It is advisable that ***none other than those who are to participate in the enquiry, should be present****. In particular, presence of a superior of the charge-sheeted employee should be discouraged unless he/she is the management representative or a witness and enters the proceedings at the appropriate time of his /her evidence, so that the employee later on does not allege that an attempt was made to bring pressure on him during the enquiry.*

Witness in support of charge(s) should be examined one by one. ***A witness should not be present when another is being examined****. After the witness has finished his/her evidence the charge-sheeted employee should be asked to cross-examine the witness, if he / she so desires. If the charge-sheeted employee does not wish to cross-examine the witness a statement to that effect should be recorded in the proceedings. After the first witness has finished his /her evidence the second witness should be called in and then the third witness and the same procedure should be repeated.* ***At the end of his/her evidence the signature of the witness should be obtained. Also the signature of the charge-sheeted employee should be obtained, preferably after inserting the following remarks:***

"Read over, explained and admitted that the above, statement has been recorded in my presence"

If the charge-sheeted employee refuses to sign, a remark to that effect should be recorded. At the end of the cross-examination also signatures and dates of both the charge-sheeted employee and the witness should be obtained. If the charge-sheeted employee refuses to sign, once again a statement to this effect should be recorded.

There is no rule regarding the order in which the witnesses in support charge(s) should be examined. ***However, normally, it is refused to examine the most important witness first.***

Statement of the Charge-sheeted Employee

After the evidence of all the witness(es) in support of the charge is over, the charge-sheeted employee should be asked to give his/her statement in defense. After he/she has finished his /her statement he/she should be asked to sign after inserting the following remarks:

"Read over, explained and admitted that the above statement has been given by me"

If he/ she refuses to sign or refuses to give a statement, a remark to that effect should be recorded in the proceedings.

Cross-examination of the Charge-sheeted Employees:

Examination of the Witnesses in Defense

The charge-sheeted employee should then be cross-examined by the Management's representative in the same manner as other witnesses.

After the statement of the charge-sheeted employee and his /her cross-examination, he/ she should be asked to examine his/her witnesses, if any. If the employee has no witnesses to examine, or refuses to examine them, a statement to that effect should be recorded so that it could be proved later that the employee was given an opportunity to bring his /her own witnesses but he/she declined to do so. If, however, the charge-sheeted employee wishes to examine witnesses in defense he/she should be given every reasonable opportunity to do so. If ***he/she cites witnesses who are his/her fellow employees, arrangements should be made to call them. If, however, the witnesses cited by him are outsiders over whom the employer has no control, it is the responsibility of the employee alone to present them at the enquiry.*** *Witnesses tendered by the charge-sheeted employee should be examined one by one just as in the case of witnesses in the support of charge.* ***The only difference here would be that the charge-sheeted employee would first examine his/her witnesses and then the Management's representative would have the right to cross-examine them.*** *At the end of the evidence of each witness, the witness concerned should be asked to sign and after inserting the following remark, the charge-sheeted employee should be asked to put his/her signature also.*

"Read over, explained and admitted that the above statement has been recorded in my presence"

If the witness or charge-sheeted employee refuses to sign, a remark to this effect should be recorded. In case it is not possible to examine all the witness on the same day, the enquiry may be continued the next day or may be adjourned to another day according to the convenience of all concerned. A suitable endorsement to this effect will have to be made by the Enquiry Officer in such cases in the enquiry proceedings.

After all the witnesses on behalf of the Institute and those tendered by the charge-sheeted employee have been examined, the enquiry would come to a close. (A draft enquiry procedure step by step is marked ***as Annexure 'E') Though the evidence in an enquiry can be recorded in a narrative form of statement, it is advantageous to record it in question-answer form so as to bring out the true implication of the questions and the answers thereto and the proper analysis of the evidence.***

NSIT Channasandra, B'lore-98

The whole procedure relating to holding enquires, as given above, has to be followed as closely as possible, if it is intended by the Management to exercise its right of punishment of delinquent employees without fear of its being upset later on by any Tribunal/judiciary. However, it is not intended to say that unless the above procedure is followed strictly, the decision of the Management punishing the delinquent is bound to be upset. The rules and procedure are only handmaids of justice and unless it could be shown that the employee was misled or prejudiced in his / her defense and consequently there has been a failure of justice on account of some error or omission on the part of the Enquiry Officer in the observance of the correct rules of procedure for holding enquiries, such error or omission would not be deemed to be material enough to vitiate the enquiry proceedings and become cause for upsetting of the decision of the Management based thereon. ***Moreover, it is generally realized by the Tribunals that the persons holding domestic enquiries are not generally versed in law and as such a rigid observance of the rules of procedure prescribed by the Criminal Procedure Code or the Evidence Act cannot be expected of them. As a matter of fact, as long as it can be shown that a fair opportunity was given to the accused employee, (1) to remain present at the enquiry; (2) to cross-examine witnesses in support of charges and (3) to examine his/her own witnesses, minor irregularities will not vitiate the enquiry proceedings, which nevertheless should be avoided.*** *The procedure for holding domestic enquiries. Set out above in great detail, clearly indicates as to when and where the Enquiry Officer should enter the necessary remarks in the records of the proceedings which would bear out that a fair opportunity for the purposes aforesaid was duly given to the charge-sheeted employee and it can be said that if the Enquiry Officer follows the above procedure in essence, even though not strictly to the letter, he/she should have little fear that his/her findings will be upset on grounds of procedure.*

A few Hints

(1) Enquiry Officer should acquaint himself about the procedure to be followed before he /she embarks on the enquiry proceedings.

(2) If at any stage of cross-examination of the witness the Enquiry Officer feels that a particular question asked is irrelevant in as much as that it has no bearing whatsoever with the charge, he/she may disallow such a question, but a statement to this effect setting forth the reasons for disallowing such a question will have to be recorded. Similarly, no leading questions should be asked or allowed, which tantamount to forcing an answer from a witness.

(3) If at any stage of enquiry, the charge-sheeted employee withdraws from the enquiry, ***the further proceedings of the enquiry should be held ex-parte.*** *It is to be borne in mind that mere withdrawal of the charge-sheeted employee from an enquiry would not entitle the Management to dispense with the holding of further enquiry into the charges.*

(4) If the charge-sheeted employee behaves rudely or does not cooperate in the enquiry proceedings in the manner he/she should, a statement to this effect should also be recorded.

5. Fifth Step – Recording of the findings by the Enquiry Officer

After the conclusion of the enquiry proceedings the Enquiry Officer should give his/her findings as to whether or not the charges leveled against the employee are proved on the evidence recorded at the enquiry. The findings should be supported by an analysis of the evidence for his/her conclusion and each item of the charge – i. e., why he/she agrees or disagrees with the management's or employee's

RNSIT Channasandra, B'lore-98

contention on each of the charges. ***The Enquiry Officer should, as far as possible, refrain from recommending any particular type of punishment, but should leave it to be considered by the Authority empowered to decide the punishment and make the order.***

6. Sixth Step – Consideration of the Enquiry Officer Report and Findings by the Authority: Management's Note : *After the Enquiry Officer has submitted his /her report and the findings, management's note should be prepared by the Authority empowered to decide punishment. In this note it is to be indicated whether the Management concurs with the findings of the Enquiry Officer, what is the past record of the employee charged, what punishment should be awarded and so on. The authority should decide the suitable punishment warranted on the proven charges, taking into account the gravity of the misconduct on the part of the employee. Such authority may also take into consideration whether or not any extenuating or aggravating circumstances exist. The past record of service of the employee must be looked into in this connection. If the past record is clean it may be regarded as a mitigating circumstance, while if it is not so, it would be an aggravating circumstance.* ***(A draft Management's note is marked as Annexure 'F')***

7. Seventh Step –Informing the employee in writing of the punishment decided to be given to him.

After the decision as to the punishment to be awarded to the employee has been made, it has to be communicated to the employee concerned as expeditiously as possible. (Draft letters of punishment are marked as ***Annexure 'G' & 'H'****.) The letter communicating the punishment should make a reference to the letter of charge issued to the employee, the enquiry held into the charges leveled against him, the findings of the enquiry officer, extenuating or aggravating circumstances, if any, the decision as to the punishment, and the date from which the punishment is to be effective.*

Punishments: Kinds of Punishments

The various punishments which may be usually awarded to employees for the misconducts committed by them are set out below.

1. Dismissal

2. Discharge

3. With holding increments

4. Demotion to a lower grade

5. Suspension

6. Fine

7. Warning or censure

Of the above dismissal, discharge, suspension, may be called as 'major punishment', while fine warning or censure, may be called as 'minor punishment'.

RNSIT Channasandra, B'lore-98

Dismissal and Discharge

Discharge : *As a normal rule punishment should be commensurate with the gravity of misconduct. Thus an employee found guilty of an act of gross misconduct like theft, assault, etc., may be justifiably awarded the extreme punishment of dismissal, while an employee found guilty of an act of minor misconduct like unpunctuality may be warned or censured.*

In the establishments, the various punishments that may be awarded are normally specified in the service rules/guidelines/circulars/administrative orders etc. or the Certified Standing orders/ service rules and as such no punishment other than that so specified can be awarded. For instance, punishment by way of withholding of an increment or demotion cannot be awarded unless they are allowed by the service rules, applicable to the establishment. However, ***the Management has discretion to award any appropriate punishment for a particular misconduct subject to the obvious qualification that the punishment should not be unduly excessive.***

Dismissal: *Dismissal the extreme punishment. Infliction of this extreme punishment on an employee would be justified if any conduct on the part of an employee may be deemed to be incompatible with the faithful discharge of his /her duties, and it is considered undesirable or against the interest of the employer to continue him in employment.*

On the basis of the above principle serious misconduct like willful insubordination, riotous and a disorderly behaviour, dishonesty, willful negligence of work, would justify dismissal of an employee.

In its legal sense discharge is not a punishment as such, but merely an incidence on employment and denotes operation of such part of the contact between them as relates to terminating it by giving agreed notice or by payment and acceptance of money in lieu of such notice. ***When the contract of service is thus terminated the reciprocal promises and obligations are said to be discharged****. Therefore, at common law the term discharge is used to describe the termination of an employee's service for any reasons, which do not imply any act of misconduct, or does not cast a slur on him. Though the right of the employer to put an end to the contract of employment between him and his /her employee is recognised, it must be noted that if the employee challenges the termination of his /her services as being not a bona fide exercise of the right of the employer but as a colourable exercise of such right in the form or a discharge simpliciter(simply; unconditionally.) when in effect it is a dismissal for some misconduct, the employer is required to prove his /her bona fide is this respect. However it is significant that the term 'discharge' has come to acquire a meaning analogous to 'dismissal' and an employee may be punished by way of discharge also, in which case it is not considered as discharge simpliciter (*simply; unconditionally. *)but discharge in lieu of dismissal.* ***Therefore, though discharge or dismissal, both have the same result, i.e., termination of the services of an employee, discharge is considered a punishment less severe than that of dismissal. The stigma attached to the expression 'dismissal' is not attached to the expression 'discharge'. In the case of discharge, the agreed notice or payment in lieu thereof has to be given but in the case of dismissal no such notice or payment in lieu thereof is required to be made.***

Withholding of Increments

Some Standing orders/ service rules prescribe ***withholding of an increment or demotion to a lower grade as one of the punishments,*** *which can be awarded for misconduct. As a normal rule, the*

NSIT Channasandra, B'lore-98

employees in the graded scales enjoy benefit of regular annual increments. These increments accrue automatically until the maximum of the scale is reached, and stoppage of annual increment on any occasion when it is normally due, would amount to punishment of the employee concerned. Annual increments constitute recognition of not merely the growing needs of an employee's family, but also the growing experience and consequent efficiency of the employee. ***The questions of efficiency, therefore, is a very relevant consideration for the Management for awarding annual increments.*** *The employer has the right to expect from his/her employees a certain* ***minimum level of efficiency*** *and, therefore, if he/she finds that a particular employee has failed to attain that level, he/she would be justified in withholding the increment. However, this cannot be suddenly done at the end of the year.* ***The employee concerned should be informed in writing from time to time about his/her deficiencies and given opportunity to improve his/her efficiency. If in spite of his/her being informed about his/her deficiencies from time to time there is no improvement in his/her efficiency then withholding increment will be perfectly justified. Withholding of increment for continued inefficiency in normal course may not, therefore, be considered as punishment for misconduct, but an implied service condition. However it would amount to a punishment if it is specifically awarded as a punishment for a specific misconduct after holding an enquiry which may be milder punishment than dismissal or discharge.***

Important

Withholding of annual increment as punishment is deemed to be a major punishment as the cumulative effect of losing an increment would be considerable and generally speaking, the acts of misconducts for which this punishment may be awarded are the same as those for which the extreme punishment of dismissal of discharge may be awarded.

Fine

Fine means a deduction from the wages of an employee by way of punishment.
Power to make penal deductions from the remuneration of the employee is not an implied term or ordinary contract between the master and servant. In Certified Standing orders / service rules of certain establishments, such power is given to the employer but here again this power is not absolute in as much as the Payment of Wages Act, comes in the way and places several statutory restrictions on the exercise of such power.
The restrictions inter alia are:
a) No fine shall be imposed on any employee until he/she is given an opportunity of showing cause against the fine;

b) All fines and realizations shall be recorded in a register in the prescribed form and should be employed only to such purposes beneficial to the employees as are approved by the prescribed authorities; and

c) The amount of fine to be imposed shall not exceed the statutory limit, or unreasonably high.

Suspension

Suspension means prohibiting an employee from performing his/her duties and withholding wages for that period as punishment. During the period of suspension the contract of employment between the employer and the employee is said to be under suspension.

NSIT Channasandra, B'lore-98

The period of suspension should not, however, exceed the maximum period stipulated in the Standing orders/ service rules. In the Model Standing orders/ service rules framed by the Maharashtra Government, there is a provision of awarding punitive suspension (subject to maximum of 4 days).

It shall however be noted that suspension as punishment is quiet distinct from suspension pending enquiry.

Warning

Warning is an admonition of an employee for a minor misconduct warning him against commission of misconduct of a familiar nature or any other misconduct in future.

Warning may be issued orally or in writing. But in cases of habitual minor misconducts or inefficiency it is desirable that these are issued in writing and brought on record so that they may support, if necessary, any substantial punishment that may have to be given to the employee in future.

Since warning is not considered as a substantive punishment, the elaborative procedure prescribed for the award of punishment like dismissal, discharge, etc., need not be followed. But it is desirable that the employee is asked to explain his/her conduct before the warning is issued. Whether his/her explanation is satisfactory or not is for the Management to decide and to that extent issuing of warning after receipt of explanation (if found unsatisfactory) will be perfectly in order.

Probationers- How to deal with ?

Probation means 'proving' and accordingly an employee on probation or a probationer means a person who has been given an opportunity to prove his/her worth before he/she is admitted to the regular employment.

*Apart from cases of victimization, it is the exclusive jurisdiction of the employer to decide whether or not the work of a probationer during the period of probation has been satisfactory and to that extent to confirm him. However, it is to be borne in mind that probationer comes within the definition of 'employee' and a dispute relating to his/her discharge can be validly raised and adjudicated upon by an judicial/quasi-judicial body. The Court decisions in earlier cases clarifies that an appointment on probation gives an employer no right to terminate the services of an employee before the expiry of the probationary period, **except on the ground of misconduct or other sufficient reason** in which case even services of a permanent employee can be terminated.*

In view of the above observation of the Court and its earlier decisions , it will therefore be advisable:

a) to terminate the services of a probationer only on the expiry of his/her probationary period and not earlier;

*b) that if the performance of his/her duties during probationary period is found to be unsatisfactory, it should be brought to his/her **notice in writing from time to time**. This will strengthen the Management's case, inasmuch as that a fair opportunity was given to him to show marked improvement in his/her performance. If a probationer, **however, commits misconduct during the probationary period**, he/she can be punished like any other permanent employee, by following the required disciplinary procedure.*



17. Whether Act Subversive of Discipline Committed <u>Outside the Establishment</u> can be deemed to be Misconduct.

Normally, the employer is not the general custodian of the morals of his/her employee. However, if the act subversive of discipline committed outside the establishment or outside the working hours is found to

a) be inconsistent with the fulfillment of the express or implied conditions of service, or

b) be directly linked with the general relationship of employer and employee, or

c) have a direct connection with the contentment or comfort of the men at work, or

d) have a material bearing of the smooth and efficient working of the concern,

the employer will be well within his/her rights to take disciplinary action against the employee concerned.

<u>When judicial Authority could Interfere?</u>

Important: *It must be noted that any judicial / tribunal interference may happen with the decision of the Management in regard to* ***dismissal or discharge*** *when such competent authority finds that:*

a) there is a want of bone fides, or

b) it is a case of victimization or unfair labour practice, or

c) there is violation of principles of natural justice, or

d) there is a basic error of facts, or

e) there has been a perverse findings on the materials placed at the enquiry.

If any disciplinary action by the employer does not suffer from any of these infirmities, there is no possibility of it being upset by any judicial / quasi-judicial Authority/ Tribunal.

<u>Procedure for Disciplinary Action</u>

The rule that the case should be 'heard in a judicial spirit and in accordance with the principles of substantial justice, has been infused as an essential concomitant of disciplinary procedure, even though there is no obligation to adopt the regular forms of legal procedure. In all cases of detrimental action taken against an employee for misconduct, the employer has to establish whether the action was taken for 'just and sufficient reasons'. Mere form of enquiry would not satisfy the requirement of legality to protect the disciplinary action against an employee and following observation is to be adhered to:

An inquiry cannot be said to have been properly held unless:

The employee proceeded against has been informed clearly of the charges leveled against him;

RNSIT Channasandra, B'lore-98

The witnesses are examined – ordinarily in the presence of the employee – in respect of the charge;

The employee is given a fair opportunity to cross examine witnesses;

He/ She is given a fair opportunity to examine witnesses including himself /herself in his/her defense if he/she so wishes on any relevant matter; and

The inquiry officer records his/her findings with reasons for the same in his/her report.

References & Clarification derived from Government Rules and Court Decrees

Under the Industrial Employment (Standing orders/ service rules) Central Rules, 1946 framed under the Industrial Employment (Standing orders/ service rules) Act, 1946, the central government has prescribed the model standing orders/ service rules in schedule 1, Clause 14(3) of which provides that the following acts and omissions shall be treated as misconduct. This is by and large adopted by all the organizations as a broad guidelines for interpreting misconduct along with guidelines framed by individual organization.

14(3) Inter alia, the Following acts and omissions shall be treated as misconduct:

- *Willful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior.*
- *Theft, fraud or dishonesty in connection with the employer's business or property;*
- *Willful damage to or loss of employer's goods or property;*
- *Taking or giving bribes or any illegal gratification;*
- *Habitual absence without leave, or absence without leave for more than 10 days;*
- *Habitual late attendance;*
- *Habitual breach of any law applicable to the establishment;*
- *Riotous or disorderly behavior during working hours at the establishment or any act subversive of discipline;*
- *Habitual negligence or neglect of work;*
- *Striking work or inciting others to strike in contravention of the provisions of any law, or rule having the force of law.*

Frequent repetition or any act or omission for which a fine may be imposed to a maximum of two percent of the wages in a month; or

***From the language of the Model Standing Order it is clear that it neither defines misconduct nor illustrate it exhaustively. These are only illustrative and there can be many more acts which can constitute misconduct**. The Management reserves the right to decide any act/s of its employees whether harmful to the Institute's interest or otherwise and accordingly interprets whether it can be considered as an act of misconduct or not.*

What Constitutes Breach of Discipline:

	Misconduct Relating to Duty	***Misconduct Relating to Discipline***	***Misconduct -Morality related***
1	*Non observance of Duty*	*Acts of substantive Discipline*	*Theft*

RNSIT Channasandra, B'lore-98

2	Non performance of Work	Insubordination or 3Disobedience	Dishonesty and Fraud
3	Negligence of Duty	Riotous and disorderly behavior	Disloyalty
4	Absence without leave	Damage to property and reputation	Corruption
5	Engaging in work similar to that of Employer	--	Moral Turpitude
6	Late attendance	--	--
7	Strikes	--	--
8	Gherao	--	--

It should bear in mind the principle of proportionality between the gravity of the offence and the stringency of the punishment

Use of Abusive language

This Court stated "punishment of dismissal for using abusive language cannot be held to be disproportionate".

Unauthorized absence

"It is now well-settled that principles of law that the High Court or the Tribunal in exercise of its power of judicial review would not normally interfere with the quantum of punishment. Doctrine of proportionality can be invoked only under certain situations. It is now well-settled that the High Court shall be very slow in interfering with the quantum of punishment, unless it is found to be shocking to one's conscience."

Exhaustive "Narrative/Details" given above has to be considered as the fundamental guidelines for implementing / enforcing DISCIPLINE AND GOOD CONDUCT in to the System among all Teaching, non-teaching and other staff.
The management reserves the right to change, amend, add, delete , modify any or all the instructions/guidelines given here above at its absolute discretion as and when found necessary to ensure Good Conduct, and maintain discipline in the Institute.
The guidelines come into effect from 01/04/2019

Registrar

Principal

Director

Approved.

Chairman .
Date:

R.N.S.I.T. RNS Channasandra, Bangalore-560 098

Specimen Forms

Show Cause Notice

ANNEXURE 'A'

Shri.....

Designation .....

.....Dept.

.....

Show Cause Notice

It has been reported against you as under:

On .....* at .....** you .....*** The act(s) as above alleged to have been committed by you amount to misconduct.

Accordingly, you are hereby called upon to submit your written explanation and show cause why disciplinary action should not be taken against you.

Your explanation must reach the undersigned by .....****Should you fail to submit your explanation as required, the matter will be disposed of without any further reference to you.

*. Date of the incident

**. Time of the incident

***. Full details of the alleged misconduct

****. Allow 2 days for submission of the explanation.

PRINCIPAL/DIRECTOR

Date: _____

Simple Warning

ANNEXURE 'B' 1

Shri.....

Designation .....

.....Dept.

.....

Warning

Your explanation dated ..... in reply to show cause notice dated ..... has been found to be unsatisfactory.

You are accordingly hereby warned.

You are further advised in your own interest to be cautious and not to repeat such an act in future.

DIRECTOR / PRINCIPAL

Date:.....

Stern Warning

ANNEXURE 'B' 2

Shri.....

Designation .....

.....Dept.

.....

Stern Warning

Your explanation dated .....in reply to show cause notice /letter of charge dated..... has been found to be unsatisfactory.

The gravity of misconduct committed by you is such that it warrants severe punishment. However, we are taking a lenient view this time and have decided to award you this stern warning.

Should you repeat any such thing in future or commit any other misconduct we will not hesitate to take strict disciplinary action against you.

PRINCIPAL / DIRECTOR

Date:.....

Charge – Sheet

ANNEXURE 'C'

Shri.....

Designation .....

.....Dept.

.....

Charge – Sheet

It has been reported against you as under:

On .....* at .....** you.....***. The above act(s) on your part constitute serious misconducts as indicated hereunder:

1 .....

2 .....****

* Date of the incident
** Time of the incident
*** Full details of the alleged misconduct.
****. Look into the service rules/GUIDELINES framed by MANAGEMENT of the Institute and reproduce the wording of misconduct(s) which match an incident.
For example: **a)** Suppose the employee is involved in theft case, the wording of the misconduct given in service rules is : "Theft, fraud or dishonesty in connection with the employer's property."
b) Suppose an employee has used abusive language to his/her supervisor – the wording of misconduct given in the GUIDELINES/ service rules is:
"Riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline."

Accordingly you are hereby called upon to submit your written explanation for the above misconducts. Your explanation must reach the undersigned by .....*

** Since the charge(s) levelled against you is/are of grave and serious nature, you are hereby suspended pending further proceedings.

PRINCIPAL/DIRECTOR
Date:.....

Note: It is advisable to attach vernacular translation of the above charge – sheet.
* Give at least 48 hours for submission of the explanation.
** This clause should be inserted only if it is felt necessary to suspend the employee pending enquiry.

Notice of Enquiry

ANNEXURE 'D'

Shri.....

Designation .....

.....Dept.

.....

Enquiry

a) We are in receipt of your explanation dated ..... in reply to our letter charge dated ..... Which has been found to be satisfactory.

Note:
Should the employee fail to submit explanation, as required, write:

(b) we find you have failed to submit your explanation in reply to our letter of charge dated ..... issued to you on ..... * It has therefore been decided to hold and enquiry into the charge(s) levelled against you. The enquiry will be held by Shri. ..... on .....(date) at .....(time) at .....(place). Accordingly, you are hereby required to present yourself at .....(place) at .....(time) on .....(date) for the purpose of enquiry.

At the enquiry you will be given full opportunity to contact your defence by examining your witness and cross-examining witnesses in support of charge.
* Separate para applicable in both (a) & (b)
You are permitted to be defended by an employee working in the same department as yourself, if you so desire.
Please note that if you fail to present yourself at the enquiry as advised, the Enquiry Officer will proceed against you ex-parte.

PRINCIPAL/DIRECTOR

Date:

Note:
It is advisable to attach vernacular translation of the above notice.
C.c.: Shri .....(indicate the name of the official who has to conduct the enquiry) with the request to hold an enquiry and submit his/her findings.

ANNEXURE 'E'

Record of the Enquiry Proceedings into the Charge-sheet No.....dated .....issued to Shri..... (Designation) .....Employee No.....held on .....at .....in the office of Shri.....

Present:

Shri.....(designation) Enquiry Officer.

Shri.....(designation) Management's representative.

Shri.....(designation) Representative on behalf of the employee charged, if any.

Shri..... Employee charged.

The contents of the Charge-sheet No.....dated ..... were read out and explained to the Employee charged by the Enquiry Officer.

As the employee charged does not admit the charge(s) the Enquiry proceed.

1. Statement by the Management's representative. This should be re recorded first. In this statement the Management representative. This should be recorded first. In this statement the Management representative should narrate in detail the circumstances leading to the charge-sheet. He/She may support it by documentary evidence, if any. Copies of all such documents should also be allowed an examination of the originals of all documents. If any pre-recorded statements are to be used in evidence the charge-sheeted employee must be given an opportunity to cross-examine the person whose statement is so recorded. In the alternative such person can be examined as a witness de novo (NEW/FRESH). 2. Examination of the witnesses in support of Charge

Or

As the Employee admits the charge(s) levelled against, him, it is not felt necessary to hold the further enquiry.

In support of his/her contention, he/she has then to examine his/her witness, as shown in (2) below.

Witness No. 1.

Statement of Shri.....

(Designation).....(Department).....

(Recorded statement)

Signature of the Witness:

.....

Date:.....

Read over, explained and admitted, that the above statement has been recorded in my presence.

(Signature of the Employee charged)

.....

Date:.....

(Signature of the employee's representative)

.....

Date:.....

(Signature of the Enquiry Officer)

.....

Date:.....

At this stage, the employee charged Shri..... may be asked by the Enquiry Officer that if he /she wishes to cross-examine Shri..... he/she may do so.

Q . (By the Employee Charged)

A. (By Shri..... Witness)

and so on.

(If the Employee charged refuses or has no questions to ask the witness, then statement to this effect should be recorded as under:)
"The Employee Charged refuses to put any question to the witness/he/she has no question to ask the witness"
Read over, explained and admitted, that whatever is recorded above, it has been recorded in my presence.

(Signature of the Employee Charged)

.....

Date:.....

(Signature of the Witness)

Date:.....

(Signature of the Enquiry Officer)
Date:.....

Note: If there are some clarifications to be sought from the witness(es) in support of charged the INSTITUTE's representative may put specific questions to seek those clarifications. It is important that these clarifications are recorded at the enquiry.

Witness No. 2,3,and so on.

Q. .....

(The same procedure as mentioned above is to be repeated). At this stage the examination of witnesses for support of charge(s) is over and Shri.....the employee charged, is asked to make a statement.

(Record Statement of the Employee Charged)

Signature of the Employee Charged)

.....

Date:.....

(Signature of the employee's representative)

.....

Date:.....

(Signature of the Enquiry Officer)

.....

Date:.....

At this stage the Enquiry Officer asked the INSTITUTE's representative whether he/she would like to cross-examine Shri.....(Employee charged).

A. .....

Q. .....

A. ..... and so on .

(Signature of the Employee Charged)

.....

Date:.....

(Signature of the employee's representative)

.....

Date:.....

(Signature of the INSTITUTE's representative)

.....

Date:.....

(Signature of the Enquiry Officer)

Date:.....

Note : If the INSTITUTE's representative has no question to ask the employee charged a statement to this effect should be recorded. "INSTITUTE's representative had no question to ask the employee charged Shri....."

After this the employee should be asked to produce his/her witness, if any.

3. Examination of Witnesses in Support of Defence of the Employee Charged

Witness No. 1

Statement by Shri..... (Designation) .....(Staff No.....).....

(Record the Statement)

Signature of Shri.....

Date:.....

Read over, explained and admitted, that the above statement has been recorded in my presence.

(Signature of the Employee Charged)

.....

Date:.....

(Signature of the employee's representative)

.....

Date:.....

(Signature of the Enquiry Officer)

Date:.....

At this stage, the Enquiry Officer asked the Management's representative whether he /she would like to cross-examine Shri.....(witness in support of defence)

Q. .....

A. .....

Q. .....

A. .....

and so on.

(Signature of the Employee Charged)

.....

Date:.....

Signature of the employee's representative)

.....

Date:.....

(Signature of the INSTITUTE's representative)

.....

Date:.....

(Signature of the Enquiry Officer)

.....

Date:.....

Note: If the Management's representative does not want to cross-examine the witness, a statement to this effect should be recorded. "Management's representative had no question to ask Shri....."

Witnesses 2, 3 and 4 and so on.

Same procedure as mentioned above is to be repeated. After the examination of the witness produced by the employee is defence is over the enquiry should be formally concluded with the following remark:

"At this stage the Enquiry was closed."

Date.....time.....

(Signature of the Employee Charged) ..... Date:.....

(Signature of the representative of the employee)

Date:.....

(Signature of the INSTITUTE's representative)

.....

Date:.....

(Signature of the Enquiry Officer)

.....

Date:.....

Note: It may be noted that in a domestic enquiry no arguments are required to be made by either of the parties after leading evidence for or against the charge, as in a Court of Law. In a domestic enquiry the procedure adopted is simple, viz., the management's representative first presents his/her case in detail, then produces evidences, oral or documentary, in support of the charge. The witnesses produced are cross-examined by the charge-sheeted employee after their examination-in-chief. After the evidence in support of the charge the charge-sheeted employee makes a statement in defence and then produces evidence, oral or documentary, in support of his/her contentions. The Witness produced by the employee are cross-examined by the management's representative. The enquiry then comes to an end. It may also be noted that though the enquiry officer can ask questions to the witness by way of clarification he /she should not cross-examine the witnesses as such.
Cross-examination of the witness is the function of the parties concerned and not of the enquiry officer.

ANNEXURE 'F'

Management's note (this is to be prepared after the receipt of the enquiry officer's report and findings and must be placed on the record).

I have carefully perused the record of the enquiry proceedings and findings of the Enquiry Officer.

Shri..... was present and participated in the enquiry proceedings throughout. I am satisfied that Shri..... Was given full opportunity to conduct his/her defence by cross-examining witnesses in support of charge and producing witnesses in his/her defence.

I concur with the findings of the Enquiry Officer and hold Shri.....guilty of the misconduct(s).

I have looked into Shri.....'s past record and find there is nothing against him* and find that on .....occasion(s) he/she was given warning note(s) for committing misconduct(s). Having regard to the gravity of the misconduct, I feel that it warrants, extreme punishment, that of dismissal / discharge. Accordingly I hereby order that he/she be dismissed / discharged from the INSTITUTE's service with immediate effect.

Delete whichever is not applicable.•

ANNEXURE 'G'

Shri.....

Designation .....

.....Dept.

.....

DISMISSAL

This refers to the letter of charge-sheet No..... dated ..... and the subsequent enquiry held on ..... in the office of Shri.....

We find from the proceedings of the enquiry that full opportunity was given to you for conducting you defence by cross-examining witnesses in support of charge(s) and producing witness in you own defence. Also you participated in the enquiry proceedings throughout.

We have carefully gone through the record of the enquiry proceedings, other connected papers and findings of the Enquiry Officer. We concur with the findings of the Enquiry Officer inasmuch as that on the evidence recorded in the enquiry the charges levelled against you have been sufficiently proved.

Having regard to the gravity of misconduct(s) and in view of your unsatisfactory past record * we have decided to dismiss you from the INSTITUTE's services. Accordingly you are hereby dismissed from the INSTITUTE's services, with effect from .....

Please collect all your dues from .....at 2

(Dues should be paid in 24 hours.)

Manager.

Date: .....

Note: It is necessary to attach vernacular translation of the above.

*. This should be recorded only when the past record is not satisfactory and he/she has been awarded some kind of punishment, not otherwise.

---------- ---------- ----------

ADDENDUM

ANNEXURE - I

DISCIPLINE - GENERAL

1. Every employee shall at all times take suitable steps to ensure and protect the interest of RNSIT and discharge his / her duties with utmost integrity , diligence and devotion.
2. Every employee shall conduct himself/herself with utmost dignity , respect , moral standards and courtesy and imbibe good mannerism all through.
3. Every employee shall maintain punctuality and discharge his/her duties diligently and to the satisfaction of his superiors.
4. Every employee shall be punctual mark his/her attendance promptly .
5. All employees are required to keep abreast / conversant with all the rules and procedures of the Institute and keep updated from time to time as and when new guidelines are issued. No excuses of any nature shall be accepted when it comes to the DISCIPLINE AND CONDUCT.
6. Every employee is bound to maintain strict confidentiality of all important matters / discussions/ reports / orders /communications/ financial status etc. which may harm the interest of the Institute if leaked to outsiders / unconnected persons .
7. No employee shall seek, solicit or accept any outside employment whether honorary or otherwise , part-time or full time without proper written permission from the competent Authority.
8. No employee shall directly or indirectly engage in any trade, business or Commission Agency or any profitable engagement which may disturb his duties in the Institute.
9. Leave Rules which are already circulated should be strictly adhered to. The authority vested with sanctioning of Leave should judiciously exercise their authority so that the Institute's work is not jeopardized.
10. Using of any type of banned materials ,tobacco, drugs , intoxicants shall be considered as serious offense and dealt with accordingly.
11. Committing offense or act of abetment to commit offence shall amount indiscipline attracting highest punishment .
12. Damaging the property of the Institute either directly or encouraging others to do is also falling within purview of disciplinary action.
13. It is obligatory on the part of all employees to safe guard the property of the Institute and stop others from causing loss to the Institute either financially or otherwise.
14. Moral Turpitude amounts to serious issue of Conduct / Discipline and deserves the highest punishment.
15. The Institute expects that all employees uphold the Respect and Reverence of the Institute and shall not tolerate anything that brings disrespect to the Institute or its Management.

For R.N.S. Institute of Technology

Director Managing Trustee

R.N.S.I.T. Channasandra, Bangalore-560 098

RNS INSTITUTE OF TECHNOLOGY.
R R NAGAR. CHANNASANDRA. BANGALORE – 98

ADDENDUM

ANNEXURE - II
Date: 26.03.2019

DUTIES AND RESPONSIBILITIES AND CODE OF CONDUCT OF TEACHING FACULTY

As faculty members of RNSIT , each one of them is responsible for contribution and sustenance of standards of the Institution.

While the individual member is accountable for his/her action, as the member of the faculty community all are collectively accountable for upholding highest standards of behavior and for adherence to all rules, regulations and code of conduct.

Code of Conduct *(connected with the discharge of their Duties)*

Scope*: These rules and regulations applies to all full time faculty members, visiting faculty members , faculty members on contract/part time employment, research scholars attached with teaching assignments.*

Adherence to these rules and regulations and code of conduct is mandatory for all faculty members. Also each of them is responsible for bringing forth the suspected infringement of any of the provisions under the rules to the knowledge of competent authority of the Institute. Raising such alarm will be considered as SERVICE to the institute and in no way will jeopardize one's position/employment. If violations are found and confirmed, suitable disciplinary action shall follow upto and including termination from service / employment. If need be legal recourse shall be resorted to against the concerned in restoring DISCIPLINE in the system.

Teaching & Learning

a) Duty related responsibility of faculty

i) Teaching of both core and elective courses in the field of his/her specialization as allocated by the Head of the Department/ Institute for various programs offered. It is expected that equal importance and emphasis is given to BASICS, FUNDAMENTALS & CONCEPTS. Also every faculty should cover 100% syllabus in time. That apart,20% additional knowledge to be imparted covering innovative ideas, logical thinking and reasoning so as to enhance their competitive capability and employability.

ii) *Conducting Laboratory courses, tutorials and seminars of the Programmes assigned to him / her in an effective manner, so as to improve practical knowledge and skill of the student with particular emphasis on design, simulation and in conceiving of projects. Each staff member shall guide quality projects and encourage students towards patents and publications.*

iii) *Making the teaching more effective and interesting to the students using innovative methods and covering the subject comprehensively with the latest development. The use of multi-media teaching aids wherever necessary may be adopted effectively.*

RNSIT ★ 86 ★ Channasandra, B'lore

iv) *Conducting the Core /elective course as project based / experimental / activity based learning.*

v) *Making the Laboratory and seminar classes more purposeful by examining the students orally either before or after the experiment / seminar to improve the student's understanding of the subject.*

vi) *Providing proper guidance and supervision of the Project work undertaken by students and development of proper rapport with the Industry/Organization if the Project is Industry related.*

vii) *On the whole, the teaching learning shall be* ***learner centered*** *ensuring learning outcome of different courses.*

b) Course Planning and Material Preparation

i) *The faculty member is required to plan and make complete preparation well in advance to effectively teach the theory and practical courses.*

ii) *He/she should prepare the schedule of lectures with topics, tests, assignments, demonstrations, screening of video or power point presentation etc., in advance and the students should be kept informed.*

iii) *The faculty member has to design experiments for laboratory classes so as to improve the students creative skills besides properly understanding the physical phenomena or concept.*

c) Examination, evaluation and grading.

i) *A faculty is required to set standard question papers to test the knowledge / analytical thinking of students and evaluate the answer scripts of courses not only taught by him/her, but also those assigned to him/her by the Head of Dept / Principal / Other Authority designated for the purpose. Bloom's taxonomy is to be followed in line with course outcome.*

ii) *Faculty member should be available to lend his/her service for discussion at the time of examination.*

iii) *A faculty is required to conduct and invigilate any exam/test in the Insitute. Such test / exam may be for the course taught by him/her or for any other course assigned by the HoD / Principal.*

iv) *A faculty member while evaluating answer scripts, oral examination/project work evaluation, should scrupulously be objective in his/her approach so that the student can earn the marks / grading for his her performance only. Besides, he/she should indicate the mistakes on the script wherever marking is permitted to be made on the script. Answer scripts should be corrected and not just valued.*

d) Maintenance of Records:

i) *Each faculty member is required to maintain the record of class work, attendance and continuous assessment neatly, properly and in time. This should be produced to the HoD/Principal as and when called for or for academic audit.*

RNSIT Channasandra, Bl'ore-98

ii) Each faculty member is required to keep a file containing question papers set by him/ her for the course handled, copy of answer sheets of the students after evaluation , for academic audit.

iii) If the faculty member is assigned to be the Class Adviser / Teacher by the HoD, he / she should maintain the list of students under him/her, their parent / local guardian contact address/ phone/ mail ID etc., so that the student's progress could be monitored and communicated to them. The Class Adviser / Teacher shall also maintain cumulative record of attendance for the courses. The Class Adviser / Teacher should also help the HoD in counseling 'poorly performing students' and the follow-up action taken to improve the students' performance.

e) Monitoring of Students' progress.

i) The faculty of any course is required to watch the attendance and academic performance of each student of his/her course and take necessary steps at his / her command to improve the student's progress. If his/her effort fails, the faculty member should bring it to the notice of the HoD and the Class Adviser / Teacher so that the information can be sent to the parents / guardians.

ii) A faculty member is required to attend/organize the Class Committee Meeting consisting of colleagues in the class and student representative (if necessary) and should actively participate in the deliberations there to improve the teaching – learning process.

iii) A faculty member may be required to be a faculty advisor to a group of students . He/she should serve as Counselor and mentor for each the student.

iv) A faculty member has to be thorough with the regulations of the academic programme offered by his/her Department and other instructions issued from time to time so that he / she can effectively guide the student.

v) As a Faculty Advisor, the faculty member is required to motivate students in securing Ranks under his/her care.

f) Participation in Academic Developments

i) A faculty member should actively participate in the curriculum preparation for new activities involving research /innovation.

ii) Contribution to the preparation of new areas of study pertaining to his / her specialization & relevant with the Course is also the responsibility of a faculty member.

iii) A faculty is expected to be creative so as to contribute to the introduction of new academic programmes in the emerging areas relevant to the curriculum, work with centre of excellence to expand the knowledge base so that the employability of students get enhanced.

RNSIT Channasandra, B'lore-98

iv) *In order to be an effective faculty, he/ she is required to to update his / her knowledge by attending faculty development programs, short term courses, professional society meetings , national and international conferences , reading recent technical journal articles and periodicals and going thru the websites of world class universities. They may also enroll in one or more professional societies / Associations.*

v) *Every faculty should use the Library optimally and induce students to use Library effectively.*

g) Punctuality and regularity

i) *The faculty member should strictly adhere to the timings and shall not permit any student to attend the class after the stipulated time specified by the Institute so as to ensure punctuality in attending the class by the students.*

ii) *A faculty member is required to make alternative arrangement to handle his/her scheduled course work and other works whenever he/she goes on leave.*

iii) *As far as possible a faculty member should not miss the scheduled class and only under unavoidable circumstances alternative arrangement can be made.*

iv) *A faculty member shall be punctual in attending class and leave the class room after his / her class is over only after the arrival of the faculty for the next period or instruct the students to go to the Laboratory / workshop for practical classes, as the case may be.*

v) *The faculty member shall carry out any other academic related activity that may be assigned to him by the HoD / Principal / Higher Authorities from time to time.*

vi) A faculty member shall refrain from going on Long Leave of Absence, especially when the Semester is in Progress, unless it is an extraordinary situation.

RESEARCH AND DEVELOPMENT

I. Academic research

i) *As research is an inherent component of learning process, every faculty member shall take active efforts to make research contributions in his /her field of specialization.*

ii) *A faculty member should identify specific aspects relating to his/her area of specialization in which there is considerable scope for further working , so that he/she either do it by himself/herself or motivate undergraduate and post graduate scholars or a junior colleague to take up the study under his / her supervision.*

iii) *Senior Faculty members may assume the responsibility of RESEARCH SUPERVISORS. Faculty members who act as research supervisors should spare adequate time for discussion with research scholars and*

RNSIT Channasandra, Bl'ore-98

monitor their progress, so that not only the quality of work is improved but also time-overrun can be avoided.

Iv) *As the scope for doing research work from the undergraduate and postgraduate students' project work is wide, active involvement of the faculty member is helpful for the students.*

v) *If the student project work is industry related, the faculty member shall visit the industry to know the problem in its perspective so that he/she can guide effectively. In fact this will help to develop contact with the Industry.*

vi) *Interdisciplinary and collaborative research is assuming enormous proportions. A faculty should take efforts to identify such areas with the help of researchers in established R&D laboratories for collaborative research purposes.*

vii) Book writing should be one of the requirement of every teacher. A teacher who has a taught a particular subject for more than 5 years need to write a book in that subject and publish through standard publishers.

II, Research publications and books

i)*As research publications in refereed journals of international importance not only improve the individual's image but also of the institution, every faculty member should strive to bring out such quality publications.*

ii) *Faculty members should publish their research output only in SCI or SSCI journals and publications in non-refereed journals will not will not be recognized.*

iii) *Faculty members shall also strive to file patents if their research output is felt new and novel.*

iv)*Depending upon the research content, the faculty member may also present papers in International /National level conferences, but the impact they command compared to publications in refereed journals is considered much less.*

v)*Faculty member should also take efforts to bring out his/her research work other than refereed journal papers, in the form of books or chapters in the books –published by the international / National level publishers with ISBN/ISSN numbers.*

vi)*The faculty members will be provided financial incentives for publications in refereed journals taking into account the impact factor, total citations, immediately index , half-life , etc.*

II. Sponsored and funded research projects.

i)*An important source of financing the professional pursuit to the Institute is sponsored and funded research Projects. Therefore, every faculty member should search the web sites of various funding*

RNSIT Channasandra Bangalore

agencies, advertisement, etc., periodically and submit research proposals in the proper format to those agencies to secure funding assistance for research and acquiring facilities such as equipment, instruments, etc.

ii)*The faculty member, who is a Principal Investigator, can also use the services of students and research scholars, wherever possible. Besides, project may also allow employing Project Associates for which funding agencies approvals are necessary.*

iii)*Many funding agencies provide funding assistance for establishment of centres of excellence. A faculty member may also examine and send proposal pertaining to his/her department or interdisciplinary ones for establishment of such centres.*

iv)*Students should also be encouraged by faculty members to submit proposals for securing funding assistance for student projects from Science and Technology Councils of the State and Centre and other agencies.*

v)*The effort of the faculty member must be to convert his/her creative idea into a product either physical, conceptual or a computer software. In order to get recognition not only for the faculty but also for the institution, he/she should take efforts to obtain Patent/ Intellectual Property Right (IPR) so that nobody could copy them.*

vi)*Cash incentives, as may be decided by the Management, will be given to those faculty members for funded research / projects secured and patents obtained.*

CONSULTANCY AND EXTENSION ACTIVITIES

a) Consultancy Projects

i)*Executing consultancy works for the state and private organizations is another important source of financial resource to the Institute. A faculty member should take efforts to secure consultancy works in his/her area of specialization from industries and business or from State agencies.*

ii)*To secure consultancy work, the individual's capacity in solving practical problem in his / her area of specialization besides development of good rapport is very essential . Guiding industry oriented student projects is an easy way of establishing contacts with the industry counterparts. Hence, faculty member guiding such project works should establish proper, healthy and positive rapport with the concerned industry from where such project work is undertaken.*

iii) *A faculty member should constantly update his/her knowledge, familiarize himself/herself with the problem of Industry by going through industry publications, attending professional society meetings etc., to establish contact and get to know the problem of Industry.*

iv) *Attending seminars and conferences organized by professional institutions such as confederation of Indian Industries (CII), Federation of Indian Chamber of Commerce & Industry (FICCI) , The Institution of*

RNSIT Channasandra, Bl'ore-98

Engineers (IEI), the institute of Electrical and Electronics Engineers (IEEE) or other Industrial Associations will also help to understand the problem of Industry.

b) Extension activities. (People oriented programmes to build rapport with society)

i) *A faculty member should take efforts to organize refresher courses , seminars, workshops not only for the benefit of faculty members but also for participants of industry and society at large. Such programmes could be self supporting or sponsored ones.*

ii) *Conduct of continuing education programmes, structured courses to meet specific requirement of the Industry and society is yet another way of augmenting resource for the Institute. A faculty member can organize such programmes either one time or on continual basis year on year.*

iii) *Extension activities could include various community oriented services, preferably using the expertise in the field of Core Engineering, science and technology, and such activities should be addressed the requirements of weaker sections of the society.*

Involvement in Development Activities

a) Laboratory Development & Maintenance.

i) *A faculty is required to involve in the laboratory development activities of the Department by introducing innovative experimental setups/instruments/ computer software /computer control of machines or processes etc.*

ii) *Whenever new courses or new topics are proposed in the curriculum and syllabi in the emerging areas, the faculty member can design and fabricate or assemble new experimental set up for use by students.*

iii) *As a member of faculty , he / she should ensure that the various machinery and equipment in the laboratory and workshop are maintained in working condition and are used effectively both for academic requirement, project works and research related activities.*

iv) *In case, a faculty member is assigned to be in charge of laboratory or workshop, he/she has to oversee the work of the technical staff of the laboratory, besides arranging for periodical maintenance / repair and recalibration wherever necessary.*

v) *As one in charge of laboratory, he/she has to ensure proper maintenance of stock registers , both consumable and non-consumable , periodical stock verifications and proposal for replacement of over aged/ unserviceable equipment , besides their safe custody. Necessary steps like proposal, sanction, indent, procurement etc. (follow-up action) should be taken up and completed.*

SNSIT Channasandra, Bl'ore-98

b) Purchase of items for the laboratory

i) *As one in charge of laboratory has to prepare budget every year after taking into account the academic course requirements, research needs and discuss with the HoD and finalize it before inclusion in the overall budget proposal of the Department.*

ii) *As one in charge of laboratory has to initiate proposals for the purchase of consumable and equipment for his/her laboratory and take follow up action till it is procured and taken into stock.*

iii) *The faculty member shall follow the detailed guidelines / procedure issued by the Institute with regard to purchase of consumable and non-consumable items both indigenous as well as imported.*

c) Co-Curricular activities

i) *A faculty member is required to arrange guest lectures, seminar etc. ,to supplement regular lectures and also help in the conduct of faculty development programmes, short term programmes, workshops , open houses , exhibitions organized by the Department or Institute.*

ii) *A faculty member is required to organize industrial visits, educational tours and accompany the students to visits/tours as and when required by the HoD*

iii) *A faculty member if nominated as an office-bearer such as Treasurer, Advisor of Professional Society functioning in the Department/Institute he/she shall perform such duties accordingly.*

iv) *A faculty member is required to help the Professional Societies in Organizing annual events such as symposium, technical contest, quiz, and also in the interaction with the parent bodies (e.g ASME, IEEE etc.) to promote the student chapter of the professional bodies.*

v) *A faculty member is required to coordinate National / International conferences/seminars/ symposium / workshop.*

vi) *A faculty member should submit project proposals to the funding agencies for financial* ***assistance to conduct seminars, conferences etc.***

d)Extra-curricular activities (Co-administrative activities)

i) *A faculty member should see that the class rooms, department buildings, laboratories and surroundings are kept neat and tidy with the help of personnel assigned for this purpose.*

ii) *A faculty member should ensure that lights and fans are switched off after the class is over, and if there is no lecture class for the students in the next period to save energy consumption.*

iii) As discipline in the campus is very essential, every faculty member should interfere if they notice indulgence by students in activities of condemnable in nature.

RNSIT Channasandra, B'lore-98

iv) *A faculty member if required to help the HoD in all administrative matters like distribution of Hall Tickets, mark sheets etc., and compilation of departmental replies to higher authorities etc.*

v) *The faculty member has to serve as a member of any enquiry committee or as a member of various committees whenever the Department/Institute organizes major events such as Sports Day, Annual Day, Technical and Cultural Festivals etc.*

vi) *Faculty members are liable to be assigned the responsibility of residential tutor / Deputy Warden of the Hostels run for the benefits of students for a specific period of time and for this services they shall be given perquisites in addition to their salary.*

vii) *All faculty members are expected to oversee the students go to the class on time and are not loitering in the campus.*

viii) *Faculty members should also take part in activities related to NCC, NSC, NSO, Red Cross Society, Alumni Association, etc., as office bearers/organizer and shall discharge the duties assigned*

ix) *Faculty should assist the HoD in preparing the required material for the Governing Council /LIC / NAAC / NBA as and when required*

x) *The faculties are required to keep harmonious relationship with their colleagues and cooperate well with seniors / higher up in the department in particular and all the faculties of RNSIT in general.*

xi) *Any other Activity(s) related to Department or Institutional Development that may be assigned to the faculty member depending on the need.*

Academic Audit *: Academic Audit is the ladder for achieving career growth. Hence fulfilling the requirement of it is indispensable and inevitable. This is directly linked to financial benefits that a faculty is going to receive and retain.*

i) Self appraisal report to be submitted under different stipulated parameters.

ii) Every Faculty should undergo Academic Audit which shall be examined and evaluated by the Committee.

Under various parameters reflecting performance, a faculty has to get qualified to receive the financial benefits. The parameters stipulated may change with the time depending on the mission statement of the Institute.

Above mentioned 'DUTIES AND RESPONSIBILITIES' AND 'CODE OF CONDUCT' of teaching faculty comes into effect from 01/04/2019. The changes to the guidelines such as, Addition, deletion, modification, as and when necessary shall be incorporated by issuing necessary NECESSARY INSTRUCTION / NOTE / GUIDELINES ETC.

Recommended for Approval by Chairman.

REGISTRAR ***CHAIRMAN*** ***PRINCIPAL*** ***DIRECTOR.***

R.N.S.I.T. Channasandra, Bangalore-560 098

For R.N.S. Institute of Technology

Director Managing Trustee