

# DISCIPLINARY / ETHICS COMMITTEE (DC) (Faculty and Staff)

Policy #HR425

Disciplinary / Ethics Committee (DC) – Faculty and Staff

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## **DISCIPLINARY / ETHICS COMMITTEE (DC)**

### **1. Overview**

Shiv Nadar IoE is committed to providing an encouraging and intellectually stimulating working environment and a safe and supportive space with a culture of respect for all members of the university community. It is a multidisciplinary, student-centric, research & innovation-focused University with the goal of being among the leading institutions of higher learning globally. As the members become a part of this community, they endorse their commitment to its philosophy, ethos, and values and understand the responsibility placed upon them. The University and its members mutually commit to honour their respective responsibilities.

The university has rules and regulations that define actions and behavior consistent with these ideals. The values and culture of this institution need to be safeguarded against any violations and deviances. Disciplinary Committee redressal is one such mechanism. All the university members need assurance that fair redressal will occur in case of a genuine complaint. To this effect, the university may initiate disciplinary action in the event of any breach or violation of the code of conduct/employment terms and conditions specifying the rules and regulations. The committee aims to provide opportunities for the redressal of certain complaints by faculty and staff members. All members of the Disciplinary Committee and the members involved during the process shall maintain strict confidentiality regarding all matters discussed, documents reviewed, and decisions made during the proceedings.

### **2. Scope:**

This policy would encompass a variety of issues like indiscipline, professional misconduct, malpractice, financial embezzlement/irregularities, and any actions in violation of the Code of Conduct of the University or any other relevant policies issued by the University for ensuring a humane, just, and safe campus and ethical conduct. Dissatisfaction becomes an issue when the complaint is formally registered in accordance with the redressal process.

Matters related to students will be managed as per the Student Code of Conduct, which is available on the University website and SNUlinks.

ICC (for Prevention Prohibition and Redressal of Sexual Harassment), Whistleblower, Human and Animal Research shall not come under the purview of this committee. These will be referred to the relevant committees to determine the violation and sanction/penalty.

### **3. Applicability:**

All Regular, Full-time, and Part-time Contractual

- a) Faculty members
- b) Staff members

### **4. Composition of the DC:**

The Vice-Chancellor will constitute the DC, which will be further ratified by the BOM in Shiv Nadar IOE to maintain discipline and ethics amongst the University members and hold inquiries.

#### **4.1. The constitution of the DC:**

The DC shall have a maximum of 6 (six) and a minimum of 3 (three) voting members, and it shall be as follows:

- 4.1.1. The Vice-Chancellor will nominate the Chairperson of the committee.
- 4.1.2. Up to 4 (four) members to be nominated, as the case may be. Faculty-related matters are to have faculty as members, and for staff-related matters, faculty and staff both may be as members.
- 4.1.3. In case the matter is academic in nature, the Dean of Academics is to be one of the members of the committee.
- 4.1.4. Registrar, who shall be the ex-officio member.
- 4.1.5. Head, Human Resources shall be the Member Secretary.

#### **4.2. Term of the DC:**

- 4.2.1. The term of membership of the nominated members shall be 3 (three) years and may be renewed for 1 (one) more successive term.
- 4.2.2. The ex-officio members shall continue as long as they hold their respective offices.
- 4.2.3. Any nominated member shall cease to be a member of the DC on the date that he is removed or replaced by the BOM at its sole discretion.
- 4.2.4. No person against whom any disciplinary action is pending shall serve as a member of any of the committees/councils of Shiv Nadar IOE.
- 4.2.5. The Vice-Chancellor will form/renew the DC in consultation with BOM, and the Registrar will notify them of the same.

#### **4.3. Meetings of the DC:**

- 4.3.1.** The Committee shall convene at least once annually and additionally at the behest of the Chairperson or by a written requisition signed by at least 3 (three) members.
- 4.3.2.** The presence of 3 (three) members, including the Chairperson, shall be necessary to constitute a valid quorum for a meeting of the DC.
- 4.3.3.** All decisions of the DC shall be by a resolution passed by a majority of the members present at a duly quorate meeting.
- 4.3.4.** The decisions passed shall be recorded by the secretary and circulated to the members of the DC and the BOM or the Vice-Chancellor, as the case maybe, within 10 (ten) days of the scheduled annual meeting or conclusion of a disciplinary proceeding convened at the behest of the Vice-Chancellor or the BOM.
- 4.3.5.** The positions of the members of the DC shall, as such, be honorary. However, the members may be paid such honorarium out of the funds of Shiv Nadar IOE as the BOM may deem fit. The members of the DC shall be reimbursed for the expenses incurred in carrying out their functions as committee members.

#### **4.4. Powers and Functions of the DC:**

The functions of the DC shall be as follows:

- 4.4.1.** To hold inquiries into matters referred to it by the Vice-Chancellor or BOM or any matter or incident reported to it by any officer, body, or authority of Shiv Nadar IOE with respect to any member.
- 4.4.2.** The Disciplinary Committee may take suo moto cognizance of any case that comes to its notice through any source. Upon receiving such information, the Committee may initiate a preliminary review to determine whether a formal inquiry is required.
- 4.4.3.** To present its findings to the Vice-Chancellor or BOM, as the case may be.
- 4.4.4.** Evaluate the processes in place in Shiv Nadar IOE to maintain discipline and highest level of ethics amongst the members of Shiv Nadar IOE and make recommendations to the BOM regarding the same.

#### **4.5. Duty of the DC:**

On receiving the complaint, the DC must:

- 4.5.1.** Seek the approval of the Vice-Chancellor to initiate the Disciplinary proceedings.
- 4.5.2.** In case of a fraudulent or frivolous complaint, appropriate action can be taken against the complainant.

## **5. Pre-requisites:**

- 5.1.** Anonymously registered complaints will not be recognized. The names of the complainant and the accused must be specifically mentioned.
- 5.2.** Persons must register complaints individually, not collectively, as a group.
- 5.3.** Complaints against posts on social media must be filed with the cyber branch of the local police. (The university reserves the right, though, to protect its image and interests against such damaging posts and act against the perpetrators.)

## **6. Redressal Levels for registering the complaints:**

- 6.1.** Informal resolution at the first level of authority / Reporting Manager/ HoD
- 6.2.** Senior Management of the School (Dean) / University (Executive Director)
- 6.3.** Grievance Cell
- 6.4.** Disciplinary Committee

On a case-to-case basis, the Vice-Chancellor may refer the complaint to the DC for initiation of the disciplinary proceedings.

Note: The resolution must be found at each authority level within 10 to 15 working days.

## **7. Process to file the complaint:**

### **7.1. Receipt of the complaint:**

- 7.1.1.** Any faculty or staff of Shiv Nadar IoE, after going through the above authority levels, may file and submit a complaint in writing to the DC against any other member(s) reporting an incident/s violating the university's code of conduct rules and regulations.
- 7.1.2.** All complaint(s) must be filed within 10-15 working days of the occurrence of the incident. The complaint may include documentary evidence supporting the complaints, along with a list of witnesses (if any). This needs to be submitted in writing by email using the Complaint Redressal Form to ([employeedisciplinary.committee@snu.edu.in](mailto:employeedisciplinary.committee@snu.edu.in))
- 7.1.3.** Conflict of Interest: All members of the DC should be aware of any potential conflict of interest between themselves and all the parties involved, including the complainant and the defendant. Committee members with past or present personal or professional relationships and proximity to any of the parties involved will notify the Chair that a conflict of interest exists without disclosing the nature of the relationship.
- 7.1.4.** If any member of the Disciplinary Committee has a conflict of interest in a particular case, they shall not participate in the inquiry. The Chair of the

Committee shall ensure that the member concerned recuses themselves to maintain impartiality and fairness in the proceedings.

**7.2. Preliminary Investigation:**

- 7.2.1.** With assistance from the secretary, all written complaints received through email will first be taken up for preliminary investigation by the DC. The purpose of this first stage of screening would be to determine if the matter comes within the ambit of the DC or whether the complainant should be directed to other committees.
- 7.2.2.** The entire process of screening and establishing the validity of the complaint (as outlined below) is confidential and should be completed within 10 (ten) working days from receipt of the written complaint.
- 7.2.3.** Following this, either (a) the complainant will be guided towards such other committee by the Chair of the DC or (b) the matter will be taken up for further proceedings by the DC.
- 7.2.4.** In case the complaint does not fall under the ambit of the DC, the complainant will be informed who reserves the right to appeal for reconsideration with additional facts and arguments within 48 hours of receiving the intimation from the DC.
- 7.2.5.** If the complaint is adjudged valid, the formal process will begin.
- 7.2.6.** At the preliminary investigation stage, the potential defendant/accused or the witnesses will not be notified or called for any hearing before the DC.

**7.3. Procedure to be followed by the Disciplinary Committee to investigate the cases:**

- 7.3.1.** An email communication is to be sent to both the complainant and the defendant within 24 hours of the formalization of the complaint, notifying them that Formal Disciplinary Proceedings are being initiated.
- 7.3.2.** Within 4 (four) working days, the defendant will send an intimation of acceptance. As part of being a member of the University, it is binding.
- 7.3.3.** Both the Complainant and the Defendant are not to engage a legal practitioner for this purpose.
- 7.3.4.** A show cause notice and the written complaint filed by the complainant to be served to the defendant for a written statement of defense within 10 (ten) working days of receiving the show cause notice.
- 7.3.5.** The complainant and defendant will be bound by a confidentiality clause with immediate effect. This confidentiality clause will remain in effect as long as the members are part of the University and will continue even after their exit from



the University.

- 7.3.6.** There will be a restraining order on the defendant to prevent any contact, influence, pressure, or intimidation towards the complainant/witnesses involved during the period of investigation.
- 7.3.7.** The DC shall ask the defendant whether they are guilty. If they plead guilty, the DC shall record the plea, sign the record, and obtain the defendant's signature. If not, then the inquiry will proceed. The DC may cross-examine all concerned, including witnesses.
- 7.3.8.** Depending on the availability of the parties and the Committee members, a hearing of both the complainant and defendant and witnesses (if any) will be scheduled within 15 (fifteen) working days from the receipt of the written response from the defendant. The complainant will be heard first. The DC may cross-examine witnesses and the defendant.
- 7.3.9.** Written statements of these hearings will also be recorded and duly attested by the parties concerned.
- 7.3.10.** After the conclusion of the inquiry, the DC shall prepare a detailed report and submit the following to the Vice-Chancellor:
  - a. Copy of Complaint and Show Cause Notice
  - b. Defendant response on the Show Cause Notice
  - c. The signed statements of the complainant, defendant and witnesses
  - d. An assessment of the evidence
  - e. The findings and recommendations of the committee

#### **7.4. Disciplinary Sanctions and Penalties:**

The disciplinary authority, as applicable, shall impose the penalty, and the HR department shall implement the decision.

The following penalties may be imposed on any employee:

##### **7.4.1. Minor Penalties:**

- a) Issuing a Warning Letter
- b) Withholding salary increment
- c) Withholding promotion
- d) Recovery from member's, whole or part of any financial loss caused

##### **7.4.2. Major Penalties:**

- e) Demotion
- f) Removal from service.

**7.5. Imposition of penalty:**

- 7.5.1. Major Penalty for Faculty and Non-Faculty (Group Manager and above):** The Vice-Chancellor shall recommend the Major Penalty to the Chancellor, who will be the disciplinary authority.
- 7.5.2. Major Penalty for Non-Faculty (up to Senior Manager):** The Vice-Chancellor shall be the disciplinary authority.
- 7.5.3. Minor Penalty for all employees:** The Vice-Chancellor shall be the disciplinary authority.

**7.6. Appeal:**

- 7.6.1. Appeal Against Major Penalty for Faculty and Non-Faculty (Group Manager and Above):** The complainant or defendant may appeal to the Board of Management (BOM) if they find the decision unsatisfactory. The appeal must be submitted within 10 working days from the date of receipt of the final decision.
- 7.6.2. Appeal Against Major Penalty for Non-Faculty (Up to Senior Manager):** An appeal may be made to the Chancellor if the decision is deemed unsatisfactory. The appeal must be filed within 10 working days from the date of receipt of the final decision.
- 7.6.3. Appeal Against Minor Penalty for All Members:** An appeal may be made to the Chancellor if the decision is considered unsatisfactory. The appeal must be submitted within 10 working days from the date of receipt of the final decision.

**8. Documentation and Confidentiality of Records:**

- 8.1.** The DC shall be responsible for recording, maintaining, and preserving all minutes of the meetings and documents of the disciplinary proceedings for a period of 3 years from the submission of the DC's final recommendations.
- 8.2.** Any audits to be managed by the DC.
- 8.3.** All members of the disciplinary committee agree that any discussions, materials, and evidence presented during disciplinary proceedings shall be kept strictly confidential.

**9. Review and Amendment of the DC:**

An annual review of the DC regulations will be conducted. The Vice-Chancellor reserves the right to amend the guidelines and regulations on disciplinary proceedings whenever a need arises, which will be further ratified.