

# CHAPTER - 6

# CONDUCT RULES FOR ALL EMPLOYEES

### **Conduct Rules:**

1. The Employees shall not engage themselves either directly or indirectly in conduct of any business, trade, running of educational institution, engaging in private tuition Or part time job in any other concern Or any other activity not related to VIT.
2. The Employees shall not involve themselves in activities not related to the assigned Institute work, during working hours. The habit of reading irrelevant magazines, papers, books, browsing irrelevant websites, etc., during working hours is to be avoided.
3. The Employees shall not use their mobile phones, to engage in personal conversation/ messaging in the class room / laboratory/ office during work hours.
5. The Faculty members are strongly encouraged to take up consultancy projects. However permission of the Management should be obtained for the same.
6. The Employees are prohibited from accepting gifts in any form from the Students / Parents / Vendors and/or Service Providers having business transaction with VIT.
7. The salary / perks received from the Management shall be treated as confidential and shall not be revealed and compared with the peers salary / perks.
8. The Employees shall not interfere in any matter not connected to their job requirement.
9. The details of student feedback forms and performance appraisal reports given by the superiors shall be treated as confidential.

## **6.1 Disciplinary Proceeding:**

### **6.1.1 Misconduct:**

An Employee who commits misconduct shall be liable to be dealt with in accordance with the provisions of these Rules.

For the purpose of these Rules without prejudice to the general meaning of the term, the following acts and omissions shall constitute misconduct and the term 'habitual' shall mean as defined hereinabove.

1. Willful insubordination or instigation thereof, disobedience or instigation thereof whether alone or in combination with another, of any lawful and reasonable order of a superior.
2. Participation in an illegal or unjustified strike or abetting, inciting, instigating or acting in furtherance thereof, whether alone or in combination with others.
3. Willful slowing down in performance of work or abetment or instigation thereof.

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4. Theft, fraud or dishonesty in connection with VIT's business or property or theft of another Employee's property or theft of any kind.
5. Taking or giving bribes or any other illegal gratifications whatsoever.
6. Habitual absence from work without permission or absence without permission for a period exceeding three consecutive working days.
  - (a) On the fourth day the Registrar's Office will send out the First Show cause Notice advising the Employee to report back immediately on receipt of the Registrar's communication.
  - (b) If the Employee does not report back after the First Show cause Notice, the Second and the Third show cause Notice would be dispatched with a week's interval in between the Second and the Third Show Cause Notice.
  - (c) Even after the Third Show Cause Notice, if the Employee fails to report back, the Registrar's Office would take necessary approvals from the Management and the Employee's name would be removed from the Rolls of the Institute, thereby terminating him from the services in accordance with these Rules.
7. Frequent or Habitual late attendance.
8. Habitual breach or gross and deliberate violation of any standing orders, or any law applicable to the Institute or any rules made there under.
9. Collecting contributions for any purpose whatsoever at any time in the Establishment without the permission of the Registrar.
10. Engaging in trade within the Establishment without the written permission of the Registrar.
11. Drunkenness or riotous, disorderly, indecent or improper behavior, use of abusive language, threatening, intimidating, coercing other Employees or interfering with the work of other Employees, assault or threat of assault either provoked or otherwise within the Institute or the commission of any act subversive of good and proper behavior within the Institute.
12. Commission of any act or conduct subversive of discipline of VIT whether within the premises or outside in connection with VIT's work.
13. Habitual negligence or neglect of work.
14. Habitual breach of any rules or instructions for the maintenance and operation of any department or the maintenance of the cleanliness of any portion of the Establishment.
15. Damages, whether willful or due to irresponsible action or damage due to negligence or carelessness to work in process or to any property of the VIT or within the VIT or any instigation or abetment thereof.

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16. Organizing, holding, attending or taking part in any meeting within the Establishment without the prior sanction of the Registrar.
17. Disclosing to any unauthorized person any information in regard to the processes or any interests of the Institute which may come into the possession of an Employee in the course of his employment.
18. Gambling within VIT.
19. Smoking within VIT.
20. Failure to observe duly notified safety instructions or normal safety precautions or interference with any safety device or equipment installed within VIT.
21. Engaging in other employment (full time/part time) whilst still in the service of VIT without the prior written permission of the Registrar.
22. Sleeping during working hours.
23. Loitering, idling or wasting time during working hours or being within the Establishment after authorized hours of work without permission.
24. Marking attendance of any Employee other than his own (proxy)
25. Marking attendance and or giving additional marks for any Student for Monetary Benefits (in the form of cash, gifts, etc.,)
26. Declared and being carried in the registers of Police as a bad character or conviction by any court of law for any criminal offence involving moral turpitude.
27. Doing private or personal work, within VIT with or without tools or materials belonging to the Institute without the prior written permission of the Registrar.
28. Distribution or exhibiting within VIT - handbills, pamphlets, posters or causing to be displayed by means of signs or writing or other visible representations any matter without the prior written sanction of the Registrar.
29. Making false, vicious and malicious statements in public or otherwise against the Institute or any member or Employee of VIT.
30. Willful falsification, defacement or destruction of any records of the Institute, whether maintained by himself or by other Employee.
31. Knowingly making false or misleading statement or misrepresentation at the time of employment.
32. Unauthorized possession of any weapon in VIT.
33. Failure to report damage or defects noticed in machinery, equipment and processes.

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34. Refusal to submit for medical examination when required to do so by the Registrar in the event of suffering from infectious diseases.
35. Applying for leave or seeking ratification of absence for reasons found to be false.
36. Running of chit funds or other schemes for raising loans within the establishment.
37. Refusal or failure to wear uniforms/work dress (as applicable) within the premises with a view to intimidate or coerce or threaten the Management of the Institute or any other fellow worker in connection with his employment.
38. Squatting or remaining anywhere within the premises of the establishment with a view to intimidate or coerce or threaten the Management of the Institute or any other fellow worker connection with his employment.
39. Shouting any slogan within the establishment whether alone or in combination with others.
40. Spitting in the establishment.
41. Refusal to leave the work premises at the conclusion of duty hours.
42. Refusal to wear or show the identity card.
43. Willful or deliberate wasting of Water and Electricity in the premises.
44. Threatening any Employee alone or in combination with others or through any outside agency in connection with the employment in VIT.
45. Willful or deliberate misuse of any amenity provided by the Institute.
46. Gaining admission to the premises by impersonation or by production of false identity card or fake certificates.
47. Conduct on the part of Employee likely to endanger the life or safety of other Employee or VIT.
48. Habitual overstaying sanctioned leave without sufficient grounds and satisfactory explanation or leaving the premises or work spot when leave is refused.
49. Refusal to receive charge sheet, order or other lawful or proper communications served in accordance with these Rules.
50. Making malicious statements against the Institute or its Officers verbal, printed materials, electronic means or online internet / intranet facilities.
51. Lending or collecting money or canvassing loans etc.
52. Sexual harassment.
53. Contesting any election for local body or others and engaging in Political activities.
54. Consumption or possession of alcohol/narcotics.
55. Bringing disrepute to VIT either directly or indirectly.

## 6.2 Procedure to be followed in conducting enquiries:

### 1. Introduction :-

None of the provisions contained herein-below shall apply to proceedings before the Internal Complaints Committee constituted under the provisions of the Sexual Harassment in Workplace (Prevention, Prohibition & Redressal) Act, 2013, except to the extent specifically provided for.

### 2. Misconduct :-

- a. Any act of deviation or transgression from an established Code of Conduct as contained in the HR Manual is a 'Misconduct'. An employee may be punished for misconducts as more fully contained in this Manual.
- b. A Misconduct committed within the premises or the precincts of the Institute shall be acted upon. Any misconduct committed outside the premises but has a direct nexus to the employment, shall also be proceeded with.

### 3. Charge Memo :-

- a. Disciplinary action shall be initiated with issuance of Charge Memorandum which shall broadly contain the allegations intended to be proceeded.
- b. Where the employee is not conversant in English, it shall be provided for in vernacular. The Charge Memorandum may be issued by the Registrar of the Institute; the Dean of respective schools or such other officer as may be duly authorized.
- c. When Charges are admitted:- The condition precedent to the exercise of power of dispensing with the services of an employee on the ground of misconduct, is holding of enquiry for the purpose of establishing the misconduct by recording evidence at an enquiry. When Law requires that a particular thing should be done in a particular manner it impliedly prohibits the doing of the same in any other manner. Hence, despite admission of guilt, the enquiry has to be conducted and completed as more fully contained herein.
- d. When charges are not admitted:- On receipt of the Charge Memo, when the reply of the Delinquent is found unsatisfactory and the employee is to be punished, Enquiry should be conducted and such decision shall be informed to the employee in writing. Such notice of enquiry shall reveal the name of the Enquiry Officer /Committee, date and the venue of enquiry, which normally is within the premises of the Institute.
- e. Right of presentation: Except under exceptional circumstances to be recorded in writing, the Employee does not have a right to be represented by a Legal counsel or a co-employee or an outsider in the Enquiry.

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#### 4. Enquiry Officer / Committee :-

- a. The Appointing Authority shall appoint an Enquiry Officer or a Committee as may be considered expedient. Any person may be appointed as an Enquiry Officer.
- b. Legal principles namely 'No man can be a judge in his own cause'; 'No one should be condemned unheard'; 'One who hears must decide', shall be followed in conduct of enquiries and imposing of punishments.
- c. The role of Enquiry Officer is not that of a Judge like in a court of law. He has to merely state whether the charges against the employee are proved or not, as in a fact-finding mission.

#### 5. Presenting Officer :-

- a. The Assistant Director – HR or such other person as may be authorized for this purpose may be the Presenting Officer. He can produce witnesses and documents on behalf of the Institute, during the enquiry. Where the Presenting Officer is qualified in Law, the employee proceeded against shall be afforded with opportunity to engage assistance of a Lawyer.

#### 6. Evidence :-

- a. It involves
  - examining the Management Witnesses;
  - the cross-examination of Management Witnesses, by the employee proceeded against and
  - examination of the Witnesses by the employee proceeded against, including himself;
  - their cross-examination by the Presenting Officer.
- b. The Presenting Officer shall furnish to the delinquent, a list of documents and witnesses he wishes to rely on before commencement of the Enquiry. Additional lists may be furnished as and when necessary.
- c. Therefore, the Presenting Officer shall examine his witnesses at the first instance. The employee proceeded against shall be afforded with opportunity to cross-examine the witness.
- d. Strict and sophisticated rules of evidence under the Indian Evidence Act shall not apply to these proceedings. All materials, which are logically probative for a prudent mind, are permissible. But basic principles of Evidence Law shall not be flouted. The Witnesses shall be examined by the Presenting Officer in the presence of the employee proceeded against.
- e. Copies of statements recorded during the enquiry should be furnished to the delinquent.
- f. Any conclusion reached by the Enquiry Officer / Committee must be based on acceptable material placed before him.

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7. Ex Parte Proceedings :-

- a. When Charge Memo, Notice of Enquiries etc. are refused to be received by the Delinquent, the disciplinary authority shall proceed with the disciplinary action *ex parte*.
- b. Normally, when the delinquent refuses to receive notice/s in person, they are to be sent to his last known address by registered post with acknowledgment card. Postal endorsements like 'refused to receive', 'intimation given - not collected', 'left without intimation', are to be considered as sufficient service of notice, i.e. the delinquent deliberately refuses, knowing the contents. But return of postal cover with endorsements like 'left without notice', will not amount to sufficient service. In such cases, it shall be necessary to publish the notice in a Daily Newspaper having sufficient circulation in the area where the delinquent last resided. It is suggested that such advertisement be given in vernacular. In spite of such advertisement, if no intimation is received from the delinquent or he does not participate in the enquiry, it can be conducted *ex parte*.
- c. There are circumstances where the delinquent, in spite of receiving the notices will choose to remain in *cognito*. In such cases, sufficient opportunities may be given by adjourning the enquiry, before the enquiry is conducted *ex parte*

8. Enquiry Report :-

- a. The Enquiry Officer / Committee has to submit its report and findings based on the charges and the evidence presented before him/it. It is not for them to suggest punishments.
- b. The Disciplinary Authority may independently come to a different conclusion supported by necessary evidence available during the enquiry that have been over-looked by the Enquiry Officer/Committee. The difference in conclusion should be based on sound reasoning and should be mentioned in the show cause notice.

9. Multiple Proceedings :-

- a. When an employee is habitual in committing misconducts, action against him for more than one misconduct for different instances may be conducted, simultaneously.

10. Show cause notice :-

- a. Once the Report & Findings are received, the Disciplinary Authority shall issue a show cause notice to the delinquent. Copy of the Enquiry Report & Findings of the Enquiry Officer, should be furnished to the delinquent. Non-furnishing of the Enquiry Report amounts to violation of principles of natural justice and make the final order liable to be set aside.
- b. Even if the delinquent does not ask for a copy of the report, it shall be furnished.



11. Domestic Enquiry & Criminal Trial :-

- a. Where misconducts are offences under penal laws, criminal action may also be initiated.
- b. There is no hard and fast rule that disciplinary action and criminal action should not be held simultaneously.
- c. Where the disciplinary authority finds it fit to defer the domestic enquiry, pending criminal proceedings. The substantive difference in both these proceedings is the degree of proof required. Acquittal by criminal Court shall not be a bar on the departmental proceedings

12. **Suspension** - Where disciplinary proceedings against an Employee is contemplated or pending or where criminal proceedings against him is in progress and the Institute is satisfied that it is necessary or desirable to place the Employee under suspension, the Registrar or such other Officer, may by order in writing suspend him with effect from such date as may be specified in the order. A statement setting-out in detail the reason for such suspension shall be supplied to the Employee while placing him under suspension. An Employee, who is placed under suspension under this clause shall during the period of such suspension be paid a subsistence allowance as per provisions of Tamil Nadu Payment of Subsistence Allowance Act, 1981.

If, on the conclusion of the enquiry, or as the case may be, of the criminal proceedings, the Employee has been found guilty of the charges framed against him and it is considered, after giving the Employee concerned a reasonable opportunity, of making representation on the penalty proposed that an order of punishment, the Employer shall pass an order accordingly.

Provided that when an order of dismissal or termination is passed under this clause, the Employee shall be deemed to have been on loss of pay during the period of suspension and shall not be entitled to any remuneration for such period and that subsistence allowance already paid to him shall not be recovered.

The Appointing Officer shall be the competent person to impose punishment.

Provided also that when an order imposing fine or stoppage of annual increment or reduction in rank is passed under this clause, the Employees shall be deemed to have been on duty during the period of suspension and shall be entitled to the same Wages/Salary as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period.

If on the conclusion of the enquiry or as the case may be of criminal proceedings, the Employee has been found to be not guilty of any of the charges framed against him, he shall be deemed to have

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been on duty during the period of suspension and shall be entitled to the same Wages/Salary as he would have received if he had not been paid for such period.

In awarding the punishment under these Rules, the Registrar shall take into account the gravity of the misconduct, and any other extenuating or aggravating circumstances that may exist.

A copy of the order passed by the Registrar or such other Competent Officer shall be communicated to the Employee concerned.

Authorities who impose penalties and the Appellate Authority are tabulated below

Sl. No	Penalties / Punishments	Authorities who impose Fine / Punishment		
		Faculty (1 <sup>st</sup> Level)	Staff (1 <sup>st</sup> Level)	Appellate Authority for Faculty/Staff
1.	Censure	Registrar	Registrar	Vice-Chancellor
2.	Fine	Registrar	Registrar	Vice-Chancellor
3.	Withholding Increment	Registrar	Registrar	Vice-Chancellor
4.	Withholding Promotion	Vice-Chancellor	Registrar	Registrar
5.	Removal from Service	Vice-Chancellor	Registrar	Registrar
6.	Suspension	Vice-Chancellor	Registrar	Registrar
7.	Dismissal/Termination	Vice-Chancellor	Registrar	Registrar

Whenever it is proposed to impose, on an Employee, any of the penalties specified, he may desire to make representations, and such representations if any, shall be taken into consideration before the order, imposing penalty is passed. A show cause notice may be given before any penalty is imposed.

**13. Punishment:** An Employee guilty of misconduct may be -

- (i) Warned, or Censured, or
- (ii) Suspended without pay on order in writing for a period not exceeding thirty days, or
- (iii) Dismissed or terminated, with notice and without compensation subject to the provision of Law :
- (iv) Withholding of increment with or without cumulative effect or promotion.
- (v) Demotion to a lower post or pay scale or to a lower stage in the pay scale
- (vi) Fine.

If an Employee refuses to receive the charge sheet, it may be sent to his last known address by post or email, and put up in the Institute notice board. This would be deemed as appropriate to serving of the charge-sheet. He shall be informed, the time and place at which the enquiry into his alleged misconduct is to be held and if he refuses to accept or fails to present himself at that time and the enquiry shall be concluded ex-parte.

### 6.3 Redressal of Grievance:

The Grievance Redressal Committee shall comprise of the Registrar, a representative from among Employees, preferably a Senior Employee with not less than 10 years of service in VIT and Senior Member of the Faculty, preferably with not less than 10 years of Service and external member.

Any Employee desirous of redress of a grievance arising out of his employment or relating to unfair treatment or wrongful exaction on the part of a superior shall in the first instance, submit a complaint in writing to the Registrar, or any Officer appointed by the Registrar on this behalf.

The Registrar shall constitute the Committee and inform the Complainant in writing about such constitution. The Committee shall inquire and investigate the complaint at such times and places as they may fix. An Employee working in the same department as the Employee, who presented the Complaint, shall have the right to be present at such inquiry.

A copy of the recommendations finally made by the Committee shall be supplied to the complainant. Provided that complaints relating to assault or abuse by any person holding a supervisory position shall be inquired into immediately by the Registrar or such other Officer or Officers as he may appoint.

### 6.4. Sexual Harassment in Workplaces:

It shall be the duty of the Institute or other responsible persons in work places to prevent & deter the commission of acts of sexual harassment by taking all steps required.

#### 6.4.1 Definition:

For this purpose, sexual harassment includes any unwelcome sexually determined behaviour (whether directly or by implication) as:

- ⇒ physical contact and advances;
- ⇒ a demand or request for sexual favours;
- ⇒ sexually coloured remarks;
- ⇒ showing pornography;
- ⇒ any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

where any of these acts is committed in circumstances in relation to the victim's employment or work or course of study, whether he/she is drawing salary, or honorarium or voluntary or a Student

pursuing Education, when the Employee/ Student has reasonable grounds to believe that his/her objection would disadvantage his/her employment or work or disrupt the course of study in the Institute including when it creates a hostile environment, adverse consequences might be visited if the victim does not consent to the conduct in question or raises any objection thereto - such conducts amount to sexual harassment.

#### **6.4.2 Preventive Steps:**

All Employees or persons in charge of various work places, within the Institute or at any place where the work of the Institute takes place or at the places of residence of the Institute Employees, should take appropriate steps to prevent sexual harassment, without prejudice to the generality of this obligation and should take steps towards express prohibition of sexual harassment as defined above at the work place; provide and ensure appropriate work conditions in respect of work, leisure, health and hygiene to ensure that there is no hostile environment towards the Employee at work places /Student inside the campus and no Employee/ Student should have reasonable grounds to believe that he/she is at disadvantage in connection with his/her employment or the course of study in the Institute.

#### **6.4.3 Proceedings:**

In particular, VIT shall ensure that victims or witnesses are not victimized or discriminated against, while dealing with complaints of sexual harassment. The victims of sexual harassment shall have the option to seek transfer of the perpetrator or their own transfer.

#### **6.4.4 Disciplinary Action:**

Any act of sexual harassment as more fully contained hereinabove shall amount to misconduct and appropriate disciplinary action shall be initiated in accordance with these rules.

#### **6.4.5 Internal Complaints Committee:**

The Internal Complaints Committee (ICC) shall ensure time bound treatment of complaints. The ICC while inquiring into complaints of Sexual Harassment, shall be headed by a Woman and not less than half of its members should be women.

To prevent the possibility of any undue pressure or influence from Senior levels, such Complaints Committee shall involve an outsider familiar with issues of sexual harassment as provided for under the Sexual Harassment of Women at Workplace [Prevention, Prohibition & Redressal] Act, 2013.

#### **6.4.6 Employees' Initiative:**

Employees shall raise issues of sexual harassment at other appropriate forums and shall be affirmatively discussed in such meetings.

#### **6.4.7 Awareness:**

VIT shall create awareness of the rights of Women Employees in this regard by prominently notifying these guidelines in a suitable manner.

#### **6.4.8 Third Party Harassment:**

Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the Institute shall take all steps necessary and reasonable to assist the affected person in terms of support and action.

#### **a.4.9 Punishment & Procedure:**

- a. Before any Employee is punished for any complaint of sexual harassment, he/she shall be extended with opportunities in an Enquiry in accordance with the said Act.
- b. The proceedings of the Committee shall be held *in-camera*.
- c. The Internal Complaints committee shall ensure that the victim / complainant, as the case may be, is not subjected to any sort of harassment by adopting any procedure that is likely to cause embarrassment to such victim / complainant.
- d. The Internal Complaints committee shall exercise caution while providing opportunity of cross examination of the victim / complainant by the opposite party.

- e. If the victim / complainant is subjected to cross examination, the victim / complainant may be extended with similar opportunity.
- f. The Internal Complaints Committee shall be at liberty to provide for its recommendations in its Report & Findings.
- g. Every party to these proceedings including the members of the Committee are prohibited from disclosing in any manner whatsoever any part of the proceedings to any person, including the names or other identification of those subjected to the enquiry except to the extent as may be directed by a Court of Law of competent jurisdiction.

### **6.5. Injuries:**

All Employees shall immediately report any injury sustained during the course of their work, to the Departmental Head. No cognizance will be taken of any injury not reported immediately.

### **6.6. Uniform & Safety Gears:**

- i. Employees are required to report to work wearing the prescribed Uniform and Safety gear (as applicable) during their hours of work.
- ii. Employees not complying with the above shall be sent out of VIT and also liable for disciplinary action.
- iii. Employees riding a motorized two wheeler within VIT shall wear helmets. Failure to use helmets shall be sufficient cause for refusal of entry into VIT.
- iv. Employees driving car within the Institute shall wear safety belt. Failure to comply shall be sufficient cause for refusal of entry into VIT.

Employees who are willing to come in their own vehicles should apply and take the vehicle pass from the Security Office to get access into VIT premises. They should park in the designated areas and should follow traffic rules.