

# **SOP FOR CONDUCT OF INQUIRIES AND DISCIPLINARY PROCEEDINGS IN AIT**

## **Introduction.**

1. With a strength of almost 1300 students and over 200 staff, management of HR and maintenance of discipline amongst students and staff is an important management function.
2. As most of the functionaries in the college are from the academic field, their knowledge of legal and administrative procedures is limited. There is hence a requirement of laying down comprehensive SOP for conduct of Enquiries and disciplinary proceedings.

## **AIM.**

3. To lay down SOP on conduct of enquiries in r/o instances of indiscipline / insubordination and unwanted activities as well as relevant disciplinary proceedings post such enquiries.

## **Provisions and Committees.**

4. Such conduct of enquiries and disciplinary proceedings in AIT are governed by University Act 2016, AICTE rules and Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013. Being an AWES institution, it is also governed by article 53 of Blue Book.

## **Committees.**

5. As per existing orders and instructions, various committees are formed to look into the various aspects of Discipline and Grievances. These are given in succeeding paras:-

6. **The Internal Complaints Committee (ICC) (Anti-Sexual harassment)** The Internal Complaints Committee for prevention of sexual harassment of women at workplace, as per 'The Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013' to deal with the sexual harassment complaints of women at workplace has been established in the college.

### **(a) Composition.**

- (i) **Presiding Officer.** As per the act the Presiding Officer shall be a woman employed at a senior level at workplace from amongst the employees. Either a Woman HoD, or at-least a Woman Associate professor will be the PO.

- (ii) Two employees with experience in social work or have legal knowledge.
- (iii) An external member from an NGO or any association committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- (iv) Atleast half members to be women.
- (v) For any further clarification refer to the Act mentioned above.

(b) **Role.** The committee has to ensure enough steps are taken to create awareness on the topic. If in case any person approaches any of the committee member, the member is immediately required to inform others. A written complaint is required to be taken from the aggrieved person. The aggrieved person is within her rights to submit complaint within 90 days of the incident / last incident. Necessary action to be taken will include settling the matter through counseling and conciliation (only on request of the complainant) as soon as possible. In case the matter is not so resolved, inquiry to be conducted and matter to be sorted out within 10 days from the date of complaint. The members to be vigilant all the time and ensure that there is no such incident taking place in campus by creating awareness and having an open dialogue with all the students.

(c) **Sexual Harassment.** This includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:—

- (i) Physical contact and advances; or
- (ii) A demand or request for sexual favours; or
- (iii) Making sexually coloured remarks; or
- (iv) Showing pornography; or
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

**7. Grievance and Discipline Committee For Employees.** This will consist of the following:-

- (a) Jt Director
- (b) Principal
- (c) One HoD (in rotation)
- (d) One senior staff member (in rotation)

8. **Handling of Grievances, Complaints / Disciplinary Proceedings for Employees.**

On receipt of grievance from / complaint against or report of an act in violation of college rules / regulations / ethical and moral code, the Director will examine the same. If suitable merit is found, he/she will order the inquiry to be conducted by appropriate committee. Such inquiry should be ordered within seven days of grievance / complaint received unless found infructuous. The inquiry must be completed within 30 days of such order, and extension if any will be sought only if deemed unavoidable, from the Director. In case of disciplinary inquiry for faculty and staff the informal inquiry will only be a preliminary enquiry, as per Para 171 of AWES rules and regulations.

9. **Grievance and Disciplinary Committee for Students.** This committee is empowered to handle both the serious grievances of the students and disciplinary issues of the students. Handling of “grievances” of the students will be on the lines of As per All India Council for Technical Education (AICTE) (Establishment of Mechanism for Grievance Redressal) Regulations, 2012, F.No. 37-3/Legal/2012 dated 25 May 2012. Details are at **Appx A**. The composition of the committee will be as follows:-

- (a) Chief Rector
- (b) Rector Boys’ Hostels / Warden Girls’ Hostel
- (c) Teaching Faculty (Male)
- (d) Teaching Faculty (Female)
- (e) General Secretaries Boys and Girls

10. **Anti-Ragging Committee.** Alleged/ suspected cases of ragging amongst students will be dealt by this committee. The committee will be as follows:-

- (a) Principal, AIT
- (b) Member NGO
- (c) Media Member
- (d) Rep Civil Administration
- (e) Rep Police Authorities
- (f) Chief Rector, AIT
- (g) Rector, Girls Hostel
- (h) Rector, Boys Hostel
- (i) Warden, Boys Hostel
- (j) Warden, Girls Hostel
- (k) 2 Rep Parents
- (l) Rep Non Teaching Staff
- (m) President/General Secretary of Student Council
- (n) Rep FE Students (Boys & Girls)

11. **Regulations and Notifications.** As per All India Council for Technical Education (AICTE) notified Regulation for Prevention and Prohibition of Ragging in AICTE approved Technical Institute vide No. 37-3/Legal/AICTE/2009 dated 01 Jul 2009. Relevant extracts of the regulations are given in **Appx B.**

12. **Composition of Anti Ragging Squad (AIT).** An anti-ragging squad is required to be established for immediate action and measures to prevention of ragging. The squad will be as follows:-

- (a) Teaching Faculty (Male)
- (b) Teaching Faculty (Female)
- (c) Rector Boys Hostel
- (d) Warden Girls Hostel

13. **Tasks and Role of Anti-Ragging Squad.** As per AICTE regulations at Appx B.

### **Conduct of Inquiry**

14. **Preliminary Actions.** As and when the inquiry is ordered the Presiding Officer will assemble the committee for the following actions:-

- (a) Studying the complaint / initial report leading to the ordering of inquiry.
- (b) Ensuring the complainant is safe and initiating all necessary actions to ensure this.
- (c) Deciding upon the witnesses to be called for recording of the evidence and deciding on the sequence of witnesses to be called. List of material evidence which needs to be produced including audio/video/CCTV evidence should also be decided.
- (d) Deciding on the date, time and place for conduct of the actual inquiry.
- (e) The list of witnesses/evidence and the date/time/place of inquiry be intimated in writing to the Joint Director / Registrar for making the necessary arrangements.
- (f) Study relevant orders / statutes/ rules and legal provisions if any relevant to the case.

15. **Calling Witnesses.** Apart from the complainant, accused person/persons other relevant witnesses should be called to give evidence. The aim of an inquiry is

getting to the bottom of the case and unearthing the truth. All relevant witnesses must be called. These include:-

- (a) Person or official who first received the complaint or who was the first witness to an incident.
- (b) Superior or the care taker (e.g hostel warden in case of students in the hostel) of the hostel.
- (c) In the event of an injury/medical-legal case /death of any individual, the medical officer and /or attendant as the case demands.
- (d) Likely individuals who could have witnessed the incidence.
- (e) In any case of a student misbehavior, his/her councilor.
- (f) Witnesses should be called in a sequence, which aids in ascertaining the truth, and not based on availability or convenience.

16. **Conduct of Inquiry.** The inquiry will commence on assembly of all members on the date and time fixed. In case of absence of individual member, the reason of absence will be recorded and consent of all other present members will be taken to proceed with the inquiry and recorded. However this would be an exception only. The procedure to be followed will be as follows:-

- (a) The Witness so called will be permitted to give out his statement. He/ She can be permitted to read out a written statement. The Witness will be given a statutory warning as follows:-

**“ .....is giving this statement without any compulsion/ coercion//prejudice/. I am fully responsible for whatever is being stated by me”**

- (b) The witness will be allowed to narrate the statement without any interruption/ cross-question. However the committee may guide the witness to remain relevant and factual. One member of the committee will record the entire statement, in the “First Person”.
- (c) The members of the Committee may question each Witness with the aim of extracting the complete facts and filling the gaps in the statement narrated. All questions and answers should be recorded.
- (d) Any witness may be called again for further questioning, should the committee feel so while statement of another witness is being recorded.

(e) On completion of Statements and questions / answers, the Witness will sign with a statement “ The statement recorded / questions and answers during the proceeding have been read by me or read over to me and understood. I sign the same as correct”. All members will sign below the witnesses signature

17. **Presence of the Accused.** If any employee is accused of an act which is likely to affect his character/reputation, he will be present during the recording of the relevant witness. He/She will be permitted to cross-question the Witness. Such a person may be read out the statements of witnesses, if he was not able to attend previously.

18. **Re-examining witnesses.** If the inquiry committee feels the necessity of re-examining (questioning) a witness due to new facts emerging during the inquiry, they may do so.

19. **Preparation of Findings.** Findings in an inquiry, is a logical summary of facts emerging out of the process of inquiry. Findings will also bring out the circumstances leading to the incident/s. Specific references to the statements of relevant Witnesses and/or documentary evidence produced must be made while stating the fact.

20 **Opinion of Inquiry.** The opinion will be derived out of the findings. It will clearly bring out deductions which include, declaring individual/individuals blameworthy for misconduct/ omissions; if blamed the gravity of the offences/ omissions; alternatively can also excoriate individuals who have been accused of misconduct etc. Opinion can also bring to the notice procedural lapses/ weaknesses as well as organizational issues.

21. Opinion should clearly bring out the verdict whether a particular individual is guilty or not guilty of a specific charge.

22. **Recommendations.** Specific recommendations will be included as to the punishments(s) to be awarded to each individual who was found guilty of an offence. The recommendations should also include any change/improvement in procedures needed to prevent such occurrences.

Sd/xxxxx

File No: AIT/0025/Discp(Stu)/Adm

21 Jun 2018

KE Vijayan)  
Col (Retd)  
Jt Director  
For Director

## **Appx A**

(Refer to Para 9 of SOP for Conduct of Inquiries and Disp Proceedings in AIT)

### **GRIEVANCE REDRESSAL COMMITTEE FOR STUDENTS**

#### **Reference**

As per All India Council for Technical Education (AICTE) (Establishment of Mechanism for Grievance Redressal) Regulations, 2012, F.No. 37-3/Legal/2012 dated 25 May 2012.

#### **Grievances**

The following complaints of the aggrieved students namely –

- (a) Making admission contrary to merit determined in accordance with the declared admission policy of the Institute.
- (b) Irregularity in the admission process adopted by the Institute.
- (c) Refusing admission in accordance with the declared admission policy of the institute.
- (d) Withhold or refuse to return any document in the form of certificates of degree, diploma or any other award or other document deposited with it by a person for the purpose of seeking admission in such institution, with a view to induce or compel such person to pay any fee or fees in respect of any course or programme of study which such person does not intend to pursue.
- (e) Demand of money in excess of that specified in the declared admission policy or approved by the competent authority to be charged by such institution.
- (f) Breach of the policy for reservation in admission as may be applicable.
- (g) Complaints of alleged discrimination by students from Scheduled Caste, Scheduled Tribes, OBC, women, minority or disabled categories.
- (h) Nonpayment or delay in payment of scholarships to any students that such institution is committed, under the conditions imposed by AICTE, or by any other authority.
- (j) Delay in conduct of examinations or declaration of results beyond that specified in the academic calendar.
- (k) On provision of student amenities as may have been promised or required to be provided by the institution.

- (l) Denial of quality education as promised at the time of admission or required to be provided.
- (m) Non transparent or unfair evaluation practices.
- (n) Harassment and victimization of students including sexual harassment; and
- (o) Refund of fees on withdrawal of admissions as per AICTE instructions from time to time.

### **PROCEDURE IN REDRESSAL OF GRIEVANCES**

- (a) Each Technical institution shall establish a registry, headed by an employee of the institute of appropriate rank as the Ombudsman may decide where an aggrieved student or person may make an applicant seeking redressal of grievance.
- (b) The address of the registry so established shall be published widely including on the notice board and prospectus and placed on the website of the institution.
- (c) On receipt of an application by the registry, the employee-in-charge shall inform the Ombudsman and shall immediately provide a copy to the institution for furnishing its reply within seven days.
- (d) The Ombudsman shall fix a date for hearing the complaint which shall be communicated to the institute and the aggrieved person either in writing or electronically, as may be feasible.
- (e) An aggrieved person may appear either in person or represented by such person as may be authorized to present his case.
- (f) The Ombudsman shall be guided by principles of natural justice while hearing the grievance.
- (g) The Ombudsman shall ensure disposal of every application within one month of receipt for speedy redress of grievance.
- (h) The Technical institution shall be expected to co-operate with the Ombudsman in redress of grievances and failure to do so may be reported by the Ombudsman to AICTE.
- (j) On the conclusion of proceedings, the Ombudsman shall pass such order, with reasons for such order, as may be deemed fit to redress the grievance and provide such relief as may be desirable to the affected party at issue.
- (k) Every order under clause (9), under the signature of the Ombudsman, shall be provided to the aggrieved person and the institution and shall be placed on the website of the Technical institution.



- (l) The Technical institution shall comply with the order of the Ombudsman.
- (m) Any order of the Ombudsman not complied with by the institution shall be reported to the AICTE for appropriate action as deemed fit by the Council.
- (n) A complaint shall be filed by the aggrieved student, his / her parent or with a special permission from the ombudsman, by any other person.
- (o) In case of any false/frivolous complaint, the ombudsman may order appropriate action against the complainant.
- (p) The principles and procedures outlined above shall apply to the working of the Grievance Redressal Committee in the Technical Institute except
- (q) In case of lack of unanimity, the Grievance Committee shall take decisions by majority;
- (r) The Grievance Committee shall communicate its decisions within ten days of receipt of complaint.

**Appx B**

(Refer to Para 11 of SOP for Conduct of Inquiries and Disp Proceedings in AIT)

**AICTE REGULATION ON ANTI RAGGING COMMITTEE**

**Objective**

In view of the directions of the Hon'ble Supreme Court in SLP No. 24295 of 2006 dated 16-05-2007 and in Civil Appeal number 887 of 2009, dated 08-05-2009 to prohibit, prevent and eliminate the scourge of ragging including any conduct by any student or students whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness a fresher or any other student, or indulging in rowdy or undisciplined activities by any student or students which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in any fresher or any other student or asking any student to do any act which such student will not in the ordinary course do and which has the effect of causing or generating a sense of shame, or torment or embarrassment so as to adversely affect the physique or psyche of such fresher or any other student, with or without an intent to derive a sadistic pleasure or showing off power, authority or superiority by a student over any fresher or any other student, in all higher education institutions in the country, and thereby, to provide for the healthy development, physically and psychologically, of all students, the All India Council for Technical Education,(AICTE) brings forth these Regulations.

Monitoring mechanism in Technical Institution, University including Deemed to be University imparting Technical Education

**Anti-ragging Committee**

(a) Every institution University including Deemed to be University imparting technical education shall constitute a Committee to be known as the Anti-ragging Committee to be nominated and headed by the Head of the Institution, and consisting of representatives of civil and police administration, local media, Non-Government Organizations involved in youth activities, representatives of faculty members, representatives of parents, representatives of students belonging to the freshers' category as well as senior students, non-teaching staff; and shall have a diverse mix of membership in terms of level as well as gender.

(b) It shall be the duty of the Anti-Ragging Committee to ensure compliance with the provisions of these Regulations as well as the provisions of any law for the time being in force concerning ragging; and also to monitor and oversee the performance of the Anti-Ragging Squad in prevention of ragging in the institution.

### ***Anti-Ragging Squad***

#### **Composition of Anti-Ragging Anti Ragging Squad (AIT)**

- I. Teaching Faculty (Male)
- II. Teaching Faculty (Female)
- III Rector Boys Hostel
- IV Warden Girls Hostel

(c) Every Institution University including Deemed to be University imparting technical education shall also constitute a smaller body to be known as the Anti-Ragging Squad to be nominated by the Head of the Institution with such representation as may be considered necessary for maintaining vigil, oversight and patrolling functions and shall remain mobile, alert and active at all times, provided that the Anti-Ragging Squad shall have representation of various members of the campus community and shall have no outside representation.

(d) It shall be the duty of the Anti-Ragging Squad to be called upon to make surprise raids on hostels, and other places vulnerable to incidents and having the potential for ragging and shall be empowered to inspect such places.

(e) It shall also be the duty of the Anti-Ragging Squad to conduct an on-the-spot inquiry into any incidents of ragging referred to it by the Head of the institution or any member of the faculty or any member of the staff or any student or any parent or guardian or any employee of a service provider or by any other person, as the case may be; and the inquiry report along with recommendations shall be submitted to the Anti-Ragging Committee for action. Provided that the Anti-Ragging Squad shall conduct such inquiry observing a fair and transparent procedure and the principles of natural justice and after giving adequate opportunity to the student or students accused of ragging and other witnesses to place before it the facts, documents and views concerning the incidents of ragging, and considerations such other relevant information as may be required.