



MEKELLE UNIVERSITY

**ACADEMIC STAFF CODE OF CONDUCT,
DISCIPLINARY AND GRIEVANCE HANDLING
PROCEDURE**

March 2016



Preamble

WHEREAS, teaching, researching and/or providing community services in a university require a high standard of personal as well as professional ethics and responsibility;

WHEREAS, a clear provision of substantive code of conduct, disciplinary and grievance handling procedure for the academic staff and the corresponding procedural mechanisms of enforcement is of vital importance for the protection of the rights of the academic staff and the academic environment from arbitrariness;

WHEREAS, the legal regime governing the academic staff in our university does not provide specific codes of conduct required from such staff along with the corresponding implications of failure to adhere thereto and the procedures to be followed in handling disciplinary cases;

WHEREAS, the absence of clearly stated ethical and professional standards as well as disciplinary procedures for the academic staff resulted in inconsistent and at times unpredictable disciplinary decision-making process concerning the academic staff in our University;

WHEREAS, the Higher Education Proclamation No. 650/2009 in its Article 49/3/ and the Federal Universities Council of Ministers Regulation No.210/2011 in its article 6/a & b/empowers the University's senate to issue rules of academic and disciplinary matters or rules governing academic staff affairs

THEREFORE, this Academic Staff Code of Conduct, disciplinary and grievance handling procedure of Mekelle University is prepared and proclaimed by the University Senate as follows:



Chapter 1 : General Provision

Article 1. Nomenclature

This Code can be cited as "Academic staff Code of Conducts, Disciplinary and Grievance Handling Procedure"

Article 2. Definition of Terms

- i. Unless the context specifically requires otherwise, the following terms shall refer to the respective meanings ascribed to them in the following paragraphs:
 - a) **Academic staff** means member Mekelle University employed in the capacity of teaching and/or research, and any other professional of the University who shall be recognized so by senate statute;
 - b) **"Academic Staff Disciplinary Proceeding Adjudication Committee"**, hereinafter ASDPAC, shall mean a committee established at the Mekelle University to hear issues related to staff conduct and disciplinary breaches.
 - c) **Autonomy** shall mean self rule, fully informed decision; a state of having right of thought, intention and action when making decision;
 - d) AVP shall mean the Vice President for Academics.
 - e) **Characteristic** shall mean characteristic of somebody or something. E.g. *Honesty*
 - f) **Continuing education** shall mean all instructions offered outside the regular full-time program through formal and non-formal means such as evening programs, summer in-service programs, distance education, correspondence and radio programs as well as seminars and workshops to working adults and those who, for various reasons, are not enrolled in the regular programs.
 - g) **Dean** shall mean dean of colleges or schools.
 - h) **Director** shall mean the executive manager of an institute or University offices.



- i) **Effectiveness** shall mean producing favorable impression: successful, especially in producing a strong or favorable impression on people;
 - j) **Freedom** shall mean a state in which somebody is able to act and live as he or she chooses, without being subject to any undue restraints or restrictions; the right to speak or act without restriction, interference, or fear ; the state of being unaffected by, or not subject to, something unpleasant or unwanted;
 - k) **Head** shall mean head of departments, schools within colleges, or of any other equivalent units.
 - l) **Hospital** shall mean the Mekelle University Ayder Referral Teaching Hospital entrusted with teaching, research and community services.
 - m) **Justice** shall mean Fairness; the moral obligation to act on the basis of fair adjudication between competing claims;
 - n) **Legislation** shall mean the Senate legislation of Mekelle University which is effected as of Sene 25, 2006 E.C.
 - o) **Module** shall mean a set of courses with in a program. A set of modules would enable one to finish a program of study and graduate thereof.
 - p) **Outstanding feature** shall mean a feature or respect in which somebody or something is superior and outstanding;
 - q) **Quality** shall mean the general standard or grade of something;
 - r) **Registrar and Alumni** shall mean an executive manager responsible for operations pertaining to student admission, placement, registration and academic records
 - s) **Superiority** shall mean the quality or state of being outstanding and superior;
 - t) **VPRCS** shall mean the Vice President for Research and Community Service
- ii. The definitions provided under Article 2 of MU Legislation or Higher Education Proclamation; shall be applicable



Article 3. Gender Reference

Unless the context requires otherwise, the provision of this code of conduct, disciplinary and grievance handling procedure set out in the masculine gender shall also apply to the feminine gender.

Article 4. Scope of Application

This legal document is applicable to all academic staff designated as such pursuant to Article 2(3) of the Higher Education Proclamation No.650/2009, herein under referred as the Proclamation.



Chapter 2 : Basic Ethical standards, Duties, and Responsibilities of

Academic staff

Article 5. Basic Ethical Standards of Conduct

- i. In addition to particular ethical standards provided in this Code of Conduct, the following standards shall be taken as ethical standards and observance shall be the duty of all academic staff of the University:
 - a) **Integrity:** Integrity requires that MU academic staff adhere to acceptable standards of conduct and professional ethics in carrying out their duties and responsibilities of teaching-learning, research and community services. Integrity is of paramount importance particularly in respect to staff-student relationship. This relationship vests considerable trust in the staff member, who, in turn, bears authority and accountability as mentor, educator, and assessor. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between academic staff and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the university. A personal relationship between staff and student of a romantic or sexual nature, even if consensual, is inappropriate. Any such relationship jeopardizes the integrity of the educational process.
 - b) **Honesty:** An academic staff should advance the quest for truth, knowledge, scholarship and understanding by requiring intellectual and personal honesty in learning, teaching and research. Honesty prohibits behavior that can broadly be described as lying, cheating, or stealing. Violation of canons of intellectual honesty, such as research misconduct and/or intentional misappropriation of the writings, research, and findings of others is unacceptable conduct that should always be



avoided. Also, academic staff need to always have good faith in exercising their professional duties and responsibilities.

- c) **Transparency:** In all of their professional careers, academic staff should be open to their fellow and the society at large so that their activities are monitored by same.
- d) **Avoid Conflict of Interest:** In performing their career, a conflict of interest may arise between their duty as a staff member to serve the public interest and their personal interests. Conflicts of interest may include situations involving financial interests, personal relationships, personal benefits or conflicts between duties to MU and other organizations. Where conflicts of interest arise, staff members have a duty not only to identify and declare a conflict but to take positive steps to manage the situation in an appropriate manner.
- e) **Fairness:** Academic staff should observe the principles of fairness in all aspects of their decision making. Fairness requires an absence of bias or partiality due to any factor other than merits of a given case. In respect to, for instance, student assessments, an academic staff is expected to make every effort to foster honest academic conduct and to assure that the evaluation of students' scholastic performance reflects their true achievement, with reference to criteria appropriate to the field of study. Also, academic staff should be objective in their professional judgment of colleagues and other persons whenever they are in a position to assess their performance or any other professional undertakings.
- f) **Equality:** Equality forbids treatment of a person less favorably than others on equal position because of an attribute or imposing unreasonable terms or conditions for which individuals with a particular attribute are unable to comply. Academic staff should not thus discriminate students, other service recipients or colleagues based on actual or perceived characteristics including race, ethnicity, color, religion, socioeconomic status, language, gender, political or ideological view or any other irrelevant factor .



- g) **Accountability:** Academic staff are expected to carry out their duties in a professional, responsible, legal and conscientious manner and are accountable for their conduct and decisions.
- h) **Pursuit of truth:** An academic staff is supposed to always seek and to state the truth without bias. It's a professional duty of the staff to improve his/her scholarly competence, exercises critical self-discipline and judgment in using, extending, and transmit knowledge and practice intellectual honesty. Although subsidiary interests may be followed, these must never seriously hamper or compromise freedom of inquiry.
- i) **Serving the public:** As a public higher education institution, MU has a special obligation to serve the public in different ways and the professional enterprises of academic staff need to always serve the public by, mainly, supporting the national development endeavors of the nation. An academic staff should also prioritize the public interest above his/her personal interest.
- j) **Respect:** An academic staff should show respect towards all persons, including other staff, students and the general public and their rights, interests and opinions. A Staff member must not engage in behaviors which are unwelcome or which may be distressing, offensive or humiliating to others regardless of whether this occurs face-to-face, in writing, via email or via social networking sites. While undertaking their responsibilities or activities, academic staff members are also supposed to comply with the letter and the spirit of the laws of the Constitution and other laws of the country.
- k) **Professionalism:** Due to its special contribution and exceptional role in accomplishment of the university's missions, academic staff's enterprises need to be guided by professionalism which is mainly characterized by correct and responsible application of theoretical knowledge and practical skills to carry out duties.
- l) **Responsiveness:** Academic staff are expected to be responsive, well-mannered and prompt in dealing with requests or enquiries from students, leadership, staff or other concerned people/bodies at all times.



- m) Confidentiality:** By virtue of their professional position, academic staff members have access to private or secret information, and, anything carried out or revealed in connection with their profession should remain confidential unless law requires otherwise. Also, they must ensure that confidential information owned or managed by the university is accessed and used only for university purposes and is not disclosed except where appropriately authorized in accordance with the University's policies or appropriate legal frameworks. Staff members have a general duty to maintain the confidentiality, integrity and security of the University's information. Where particular confidentiality obligations exist due to the nature of the information, or contractual or legal obligations, staff members are expected to exercise proper care in understanding their obligations and complying with specific requirements.
- n) Efficiency and economy:** It's obvious that academic staff are endowed with a range of resources that belong to the university and they are expected to manage such resources effectively, efficiently and economically as a good owner. In view of this, they have a responsibility to ensure that resources are used only for legitimate purposes and not wasted, abused, used improperly or extravagantly. Also, staff are required to use university work-time for activities related to the university.
- o) Independence:** In addition and related to their special duty of seeking the truth, academic staff are expected to have an objective attitude, neutral to any political, economic, religious or other interests in exercising their professional duties.
- p) Exemplariness:** In discharging their teaching, research and community service responsibilities, an academic staff has a particular obligation to their students, fellow staff and the public to maintain high standards of conduct and to lead by example. With regard to their relation with their students, they need to respect their students as individuals, establish a relationship of mutual trust and adheres to the proper role as intellectual guide and counselor. They are also expected to protect their academic freedom and serves as an example of this principle by assuring that each student and colleague is free to voice opinions openly and to exchange ideas free from interference.



- q) **Diligence and care:** Academic staff have a responsibility to perform their duties to the best of their ability with proper diligence, care and attention. They need to carry out their duties in a professional manner, strive to continually improve performance, seek to provide high standards of service to the university clients and manage official information as freely as possible within the legal framework.
- r) **Avoid Abuse of Power:** An academic staff inherently exercises power over students, whether in giving them praise or criticism, evaluating them, making recommendations for their further studies or their future employment, or conferring any other benefits on them. They need to therefore exercise their special positions objectively and should always avoid conflict of interest. Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power and academic staff should always avoid such abuse in discharging their academic, research, community service or administrative positions.

Article 6. Rights of Academic Staff

- ii. Without prejudice to the rights and freedoms recognized by the Proclamation and the Senate legislation, every academic staff is entitled to
 - a. pursue truth on the basis of the academic freedom he/she enjoys
 - b. take study and research leave in accordance with the Senate Legislation
 - c. comment on the quality and appropriateness of the teaching-learning process
 - d. know what is kept in his/her personal file and have access to the same at any time
 - e. demand the confidential maintenance of his/her personal file and pieces of information kept therein
 - f. get protection from administrative reprisals and prosecution for views expressed in classes and other university forums so far as they are not aimed at imposing one's religious convictions and political ideologies on students and the university community at large.



- g. due process of law in times of disciplinary proceedings or decisions involving him/her personally.

Article 7. Duties and Responsibilities of Academic Staff

In addition to those provided in the Senate Legislation and the Proclamation every academic staff shall have the following duties responsibilities:

- a. conduct classes, laboratory and field works as are appropriate to courses he/she is assigned to teach
- b. renounce violence as a source of meeting his/her objectives
- c. refrain from inflammatory and hate speeches
- d. avoid unwarranted intimate and sexual relations with students specially under the pretext of favoring students on their overall achievement and class performance
- e. serve the University for the contractual term after returning from trainings fully or partly sponsored by the University
- f. respect students and members of the University Community
- g. respect cultural, ethnic and religious differences
- h. avoid conflict of interest and on the event of one give precedence to the interests of the University and the public
- i. act as positive role model for students and the community at large
- j. report perceived misconduct to the appropriate organ
- k. refrain from engaging in activities that damage the reputation of the University



Chapter 3 : Acts, Categories and Degrees of Disciplinary Breaches

Article 8. Acts of Disciplinary Breaches

- i. Without prejudice to the acts considered as disciplinary breaches by the Legislation and the Proclamation, the acts listed out in Article 9 of this chapter shall be deemed to be disciplinary breaches.
- ii. The competent disciplinary committee may take the under stated disciplinary measures based on the existence of multiple breaches (major/minor) by one staff as a ground to impose severe penalties.
 - a) Oral warning
 - b) Written warning
 - c) A month's salary fine
 - d) Three months salary fine
 - e) Three months salary fine or promotion delay
 - f) Deny or refund research or community service grant
 - g) Demotion
 - h) Dismissal
- iii. The disciplinary committee may take an appropriate measure to extent of dismissal if an academic staff breaches certain disciplinary acts more than three times.

Article 9. Acts, Degree of Disciplinary Breaches and Measures

The following general principles shall be considered as general presumptions upon which the degree of disciplinary breaches and categorizations has been made.

- i. The objective of categorization of disciplinary breaches into major and minor is to help disciplinary committees decide the appropriate penalties in case of disobedience.



- ii. This shall not deprive them a reasonable discretion in such a determination since a gross breach of a minor code of conduct may make the category major and the vice versa.
- iii. Subjective considerations of cases based on the circumstances shall always be done especially not to impose undue penalties just for reasons of technicality.
- iv. The corresponding penalties shall therefore be imposed based on the gravity or otherwise of the matter at hand.
- v. Taking Disciplinary Measures
- vi. Mekelle University shall establish a disciplinary committee which shall investigate disciplinary charges brought against academic staffs and thereby submit recommendations to the concerned officials.
- vii. Disciplinary measures may be taken irrespective of any court proceedings or decisions
- viii. Where an academic staff is charged with disciplinary misconducts punishable under this sub article of this legal document, the charge shall be investigated and measures should be taken as follows, which encompass disciplinary breaches on teaching and learning, on student-staff relationships, on personality and behaviour, on property utilization, on leadership and guidance, on obedience and discharge of duty with their categorizations as major or minor, respectively.

a) On Teaching and Learning

No.	Type of Disciplinary Breach	Categor y	1 st Incidence	2 nd Incidence	3 rd Incidence
1	Failure to compensate missed classes	Minor	Oral warning	Written warning	A month's salary fine
2	Failure to hand over copy of final exam paper/s to department for exam bank	Minor	Oral warning	Written warning	A month's salary fine
3	Conducting non-scheduled classes by	Minor	Oral	Written	A month's



	merging two or more sections		warning	warning	salary fine
4	Unauthorized assignment of responsibility (example Experimental classes)	Minor	Oral warning	Written warning	A month's salary fine
5	Changing class schedule without the consent of immediate authority	Minor	Oral warning	Written warning	A month's salary fine
6	Unauthorized or non consented extra classes or skipping of course content with an intention of early finish	Minor	Oral warning	Written warning	A month's salary fine
7	Failure to use available appropriate teaching materials	Minor	Oral warning	Written warning	A month's salary fine
8	Failure to use appropriate teaching method when feasible	Minor	Oral warning	Written warning	A month's salary fine
9	Un-agreed or non informed alteration of examination schedules	Minor	Oral warning	Written warning	A month's salary fine
10	Delay in preparing or submitting exam questions	Minor	Oral warning	Written warning	A month's salary fine
11	Failure to submit grades and/or assessment outcomes at the required time	Minor	Oral warning	Written warning	A month's salary fine
12	Denial of access to instructions and course outlines for students	Minor	Oral warning	Written warning	A month's salary fine
13	Failure to submit exam questions with model answers/solutions when requested by the appropriate body.	Minor	Oral warning	Written warning	A month's salary fine
14	Failure to report continuous assessment plan to the appropriate body within the required time.	Minor	Oral warning	Written warning	A month's salary fine



15	Failure to submit continuous assessment results as appropriate before the commencement of final exam.	Minor	Oral warning	Written warning	A month's salary fine
16	Failure to consider reasonable comments given by the exam committee.	Minor	Oral warning	Written warning	A months salary fine
17	Failure to finish thesis advising in due time without good cause.	Minor	Oral warning	Written warning	A month's salary fine
18	Failure to give thesis feedback to advisees within reasonable time.	Minor	Oral warning	Written warning	A month's salary fine
19	Delay without good cause and prior notice, from invigilation or thesis defense.	Minor	Oral warning	A month salary fine	Three months salary fine or promotion delay
20	Missing classes without reasonable justifications	Major	Written warning	A month's salary fine	Three months salary fine or promotion delay
21	Major alteration of a given course (Significant inclusion of unrelated content to or exclusion of related content from a given course) with out	Major	Written warning	A month's salary fine	Three months salary fine or



	authorization.				promotion delay
22	Administering final examination without the approval of exam committee/team.	Major	Written warning	A month's salary fine	Three months salary fine or promotion delay
23	Evaluation of students' work by criteria not directly related to performance	Major	A month's salary fine	Three months salary fine or promotion delay	Dismissal
24	Negligence to report cheating of exams by students	Major	A month's salary fine	Three months salary fine or promotion delay	Dismissal
25	Denial of explanation on students' results and grades when requested by responsible body	Major	A month's salary fine	Three months salary fine or promotion delay	Dismissal
26	Absence, without good cause and prior notice, from invigilation or	Major	A month's salary fine	Three months	Dismissal



	thesis defense.			salary fine or promotion delay	
27	Failure to give thesis advising after willingly assuming the responsibility with out justifiable reason.	Major	A month's salary fine	Three months salary fine or promotion delay	Dismissal
28	Leaking of exam questions before delivery either intentionally or through manifest gross negligence.	Major	Three months salary fine or promotion delay	Dismissal	
29	Academic Dishonesty & Plagiarism	Major	Three months salary fine or promotion delay	Dismissal	

b) On Student / Academic Staff Relationship

No.	Type of Disciplinary Breach	Category	1 st Incidence	2 nd Incidence	3 rd Incidence
1	Intimidating student / group of	Major	Written	A month's	Three months



	students while teaching or in the university premises or elsewhere		warning	salary fine	salary fine or promotion delay
2	Insulting, harassing or mistreating student/s while teaching	Major	Written warning	A month's salary fine	Three months salary fine or promotion delay
3	Display / exposure of items or words offensive to certain group of students	Major	Written warning	A month's salary fine	Three months salary fine or promotion delay
4	Discriminating between and among students on the basis of sex, religious beliefs, ethnicity, political stance or any other status	Major	Written warning	Three months salary fine or promotion delay	Dismissal
5	Incitement of others to participate in disruption, interference or intimidation in a classroom	Major	A month's salary fine	Three months salary fine or promotion delay	Dismissal
6	Abuse of power	Major	Written warning	Three months salary fine or promotion	Dismissal



				delay	
7	Fighting or physically attacking a student in a classroom	Major	A month's salary fine	Three months salary fine or promotion delay	Dismissal
8	Insulting a disabled student	Major	A month's salary fine	Three months salary fine or promotion delay	Dismissal
9	Engaging in sexual relationship with students	Major	Dismissal		

c) On personality and Behavior

No.	Type of Disciplinary Breach	Category	1 st Incidence	2 nd Incidence	3 rd Incidence
1	Presence under the influence of alcohol or any other intoxicating substance	Minor	Oral warning	Written warning	A month's salary fine
2	Manifest sexually provoking style of dressing	Minor	Oral warning	Written warning	A month's salary fine
3	Verbally abusing, insulting or harassing a staff member in a workplace,	Major	Written warning	A month salary fine	Three months salary fine or promotion



					delay
4	Disturbing a workplace	Major	Written warning	A month salary fine	Three months salary fine or promotion delay
5	Lying for personal benefit or intentional harm	Major	Written warning	A month salary fine	Three months salary fine or promotion delay
6	Gambling in a work place	Major	A month's salary fine	Three months salary fine or promotion delay	Dismissal
7	Drinking alcohol, smoking or chewing chat in prohibited areas including classrooms, laboratories, workshops, office, clinics, library and other working places in the University.	Major	A month's salary fine	Three months salary fine or promotion delay	Dismissal

d) On University Property

No.	Type Disciplinary Breach	Category	1 st Incidence	2 nd Incidence	3 rd Incidence
1	Use of office computers for playing games, religious or political displays and songs	Minor	Oral warning	Written warning	A month's salary fine



2	Use of university resources or facility for personal or commercial purpose	Major	A month's salary fine	Three months salary fine or promotion delay	Dismissal
3	Acts of theft or misappropriation of University property	Major	Final Written warning	Three months salary fine or promotion delay	Dismissal

e) On Leadership and guidance

No.	Type of Disciplinary Breach	Category	1st Incidence	2nd Incidence	3rd Incidence
1	Abuse of power	Major	Written warning	Three months salary fine or promotion delay	Dismissal
2	Use of position or powers to cause harm for personal reason or benefit others	Major	Final Written warning	Demotion	
3	Use of power or position to deny one's right and privileges (example delay of staff promotion)	Major	Final Written warning	Demotion	
4	Failing to take measures within reasonable period despite the existence of a disciplinary breach	Major	Final Written warning	Demotion	
5	False accusation of an academic staff	Major	Final	Demotion	



			Written warning		
	Use of position or powers for sexual, religious, ethnic or political relations	Major	Demotion		

f) Other Disciplinary Breaches

No.	Type of Disciplinary Breach	Category	1 st Incidence	2 nd Incidence	3 rd Incidence
1	Unjustifiable, systemic refusal to accept assignments	Minor	Oral warning	Written warning	A month's salary fine/
2	Intentional delaying of tasks or negligence to discharge or perform assigned duties	Minor	Oral warning	Written warning	A month's salary fine/
3	Non respect for punctuality of office / work hours or repeated absence in meetings.	Minor	Oral warning	Written warning	A month's salary fine/
4	Failure to declare any conflict of interest in advance while he/she has sufficient knowledge of the matter	Minor	Oral warning	Written warning	A month's salary fine
5	Failing to report any serious incident/accident	Minor	Oral warning	Written warning	A month's salary fine
6	Revealing confidential department / university matters designated as such	Minor	Oral warning	Written warning	A month's salary fine
7	Unauthorized or non notified leave or absence from duty or	Major	Written warning	A month's salary fine/	Three months salary fine or



	repeated absence from workplace				promotion delay
8	Incitement of others to disobey university rules and regulations	Major	Final Written warning	A month's salary fine	Three months salary fine or promotion delay
9	Any act of discrimination based on religious, ethnic, gender, political and other basis	Major	A month's salary fine	Three months salary fine or promotion delay	Dismissal
10	Unauthorized representation of the university or its working units	Major	A month's salary fine	Three months salary fine or promotion delay	Dismissal
11	Imposing religious, political or cultural beliefs on others	Major	Final Written warning	Three months salary fine or promotion delay	Dismissal
12	Video or audio taping or photographing students, staff or patients for display without permission	Major	A month's salary fine	Three months salary fine or promotion delay	Dismissal
13	Forging a document	Major	Final Written	Three months	Dismissal



			warning	salary fine or promotion delay	
14	Taking bribes or any other advances in return for doing or not doing a particular assignment	Major	Dismissal		
15	Committing or attempt to commit rape related with university duties	Major	Dismissal		
16	Intimidating or attempting to kill or killing someone	Major	Dismissal		

g) Breaches Related to Research & Community Service

No.	Type of disciplinary breach	Category	1 st Incidence	2 nd Incidence	3 rd Incidence
1	Disrespect or mistreating of clients	Minor	Oral warning	Written warning	A month's salary fine
2	Delay to submit financial and physical progress report of research or community service projects when requested within reasonable time.	Minor	Oral warning	Written warning	No research award for the next three years
3	Failure to submit financial and physical progress report of research or community service projects when requested within	Major	Refund the budget	Refund the budget and three months salary fine or	Refund the budget and no research award for the



	reasonable time.			promotion delay	next three years
4	Failure to settle research or community service finance in due time.	Major	Refund all the unsettled budget	Refund all the unsettled budget and three months salary fine or promotion delay	Refund all the unsettled budget and no research award for the next three years
5	Failure to make presentation, after winning research grant, on University annual research conference.	Major	A month's salary fine	Three months salary fine or promotion delay	Dismissal
6	Falsifying research results or act of plagiarism	Major	Refund the budget and a month's salary fine	Refund the budget and a three months salary fine or promotion delay	Refund the budget and a dismissal
7	Abuse of research or community service funds or money	Major	Refund the budget and a month's salary fine	Refund the budget and a three months salary fine or promotion delay	Refund the budget and a dismissal



Chapter 4 : DISCIPLINARY AND GRIEVANCE HANDLING PROCEDURE

SECTION I: Setting in Motion, Safeguards and Proceedings

Article 10. General Principles

- i. All forms of disciplinary proceedings involving an academic staff shall be based on the rules and procedures as well as principles envisaged under this part.
- ii. All fresh disciplinary proceedings shall be instituted before the appropriate discipline committee with jurisdiction subject to the fulfillment of the relevant compulsory conditions stipulated under this Code.

Article 11: Initiation of Case, form of charge and discontinuance of charge

- i. The victim, the department head, the dean or any person with a vested interest shall initiate a disciplinary proceeding on an academic staff.
- ii. The content of the charge shall be in accordance with schedule of this Code.
 - a. A disciplinary charge should contain the following:
 1. the name of the accused;
 2. Particulars of the offense;
 3. the time and place of the commission of the offense;
 4. the contravened provisions of the law; and
 5. the list of evidence /material evidences and witnesses/
 - b. Where an academic staff is charged with more than one offense, each count shall be described separately
- iii. The disciplinary charge shall be amended at any time before decision either at the request of the complainant or the Committee. When a motion for amendment is



submitted by the complainant, the Committee shall make the necessary evaluation and can either allow or deny the motion.

- iv. The charge shall be discontinued upon the death or termination of employment of the accused.

Article 12: Service of Charge

- i. The charge shall indicate the place, time and date of hearing and shall be served at least ten days before the date of the hearing.
- ii. The charge shall be served to the person of the accused, to a legal representative or in the absence of the two other forms of notice which the Committee deems appropriate shall be employed.
- iii. The disciplinary committee shall cause the charge to be served on the accused together with copies of evidence attached therewith and summon him to appear with his statement of defense.
- iv. Where the charge could not be served either because the whereabouts of the accused is unknown or he is unwilling to receive it, the summons shall be posted on the notice board of the his work unit or other appropriate places in the University for fifteen days.

Article 13: Preliminary Objection

- i. An accused who has been served with a charge in. Accordance with Article 11 of these Regulations may raise objection to the hearing of the charge on the ground that
 - a. it has been barred by limitation period; or
 - b. the alleged misconduct does not fall under disciplinary breach; or
 - c. a decision has previously been given on the same charge.



- ii. The disciplinary committee shall:
 - a. submit recommendation on the dismissal of the charge to the dean or director office where it upholds the objection; or
 - b. order the accused to submit his statement of defense, where it dismisses the objection.

Article 14: Statement of defense

Once a disciplinary case is initiated and a charge is instituted, an academic staff has the right to defend in accordance with the following procedures:

- i. He/she has to give his/her opinion about the case instituted against him/her, **within ten consecutive working days**, specifying whether he/she admits or denies the allegation;
- ii. If the tenth consecutive day is not a working day, the statement of defense shall be produced on the next working day;
- iii. He/she may come up with a written statement of defense addressed to the concerned disciplinary committee with a copy to his/her department specifying how he/she claims not to be responsible for the alleged breach of discipline;
- iv. If the accused, after being duly served of the charges, fails to appear on the date of hearing, he loses his right to defend himself.
- v. If a written statement of defense is produced, he/she has to specifically reply whether to admit or deny the allegation;
- vi. The statement of defense has to be signed by the academic staff producing the same;
- vii. The statement of defense shall also include all relevant evidences supporting the arguments by the defendant;



- viii. When the statement of defense is only presented orally, it has to be recorded by the concerned disciplinary committee;
 - a. Where an accused academic staff admits or denies a disciplinary charge, he shall do so in writing and by specific admission or denial of every element of the alleged offense
 - b. The accused shall annex to his statement of defense copies of documentary evidence in his possession and indicate the custodians of those documents he wished to be produced at the request of the disciplinary committee.

Article 15. Admission or Denial of Charge

- i. Where the accused admits the charge, the disciplinary committee shall, unless it finds it necessary to make further investigations, examine the charge and the statements of the accused and thereby give its recommendation.
- ii. Where the accused denies the charge the disciplinary committee shall investigate the charge by hearing the testimony of witnesses of both parties and by examining the documentary and/or material evidences.

Article 16: Production of Evidence

The disciplinary committee shall require the concerned body to produce copies of documentary and/or material evidences demanded by the accused.

Article 17: Summoning of Witnesses

- iii. The disciplinary committee shall summon the witnesses of both parties to give their testimonies.



- iv. Witnesses required to testify on the same or related issues shall be summoned to appear at the same time and be heard separately.
- v. The disciplinary committee may, on its own motion, call any additional witness where it deems it necessary.

Article 18: Examination of Witness

- i. The disciplinary committee shall examine witnesses in the presence of the accused and the representative of the concerned office.
- ii. Notwithstanding the provisions of Sub-Article (1) of this Article, where either party fails to appear while being informed of the date of the hearing:
 - a. witnesses may be examined in the absence of the accused; or
 - b. defense witnesses may be examined in the absence of the representative of the concerned office.
- iii. The disciplinary committee shall question the witness to explain facts related to the charge on the basis of what he has personally seen, heard or observed and record his testimony in a form of direct speech.
- iv. Notwithstanding the provisions of Sub-Article (3) of this Article, the party that called the witness may further question him and demand the additional testimony to be recorded.
- v. Applicant and defense witnesses may be cross-examined by the accused and the representative of the concerned office respectively, and those additional witnesses called by the disciplinary committee may be cross-examined by both parties.
- vi. Questions put in cross-examination shall tend to show to the disciplinary committee what is untrue in the answers given in the examination-in-chief.



Article 19: *final Opinion of the Accused*

Prior to the conclusion of the inquiry, the disciplinary committee shall give the accused an opportunity to express his final opinion.

Article 20: Production of Evidence

- i. Once the statement of defense is produced, witnesses, if any, named by the concerned academic staff will be summoned by the concerned discipline committee;
- ii. Everyone who is a staff of the University has duty to appear as a witness when summoned by a discipline committee;
- iii. The accused shall examine his/her witnesses to ascertain his innocence;
- iv. The organ initiating the case as well as members of the disciplinary committee can also examine the defense witnesses to avail the truth;
- v. When the accused failed to appear at the arranged date for the examination of his defense witnesses, without good cause, he/she shall lose his/her right to examine his witnesses to defend him/her.
- vi. Documentary evidences produced by the accused shall be authenticated by chairperson of the respective disciplinary committee;

Article 21: Primary Resolution of Disciplinary Proceedings and its Effects

- i. After duly following all the necessary procedures of hearing, the Committee shall reach timely at a specific resolution regarding the outcome of the proceeding.
- ii. The Committee can either acquit or find the accused guilty solely on the basis of the law and the relevant facts of the case. The recommendation shall state the alleged breaches, the particular fines imposed, the measures to be taken and the effective date of execution.
- iii. Once a resolution is reached, the Committee shall forward its recommendation to the Dean/Director or Academic Vice President as the case may be.



- iv. The Academic Vice President or the dean/director, as the case may be, may endorse , remand or amend the recommendation of the Committee.
 - a. If endorsed, the recommendation shall be effective forthwith.
 - b. If amended, the Academic Vice President or the dean/director, as the case may be, shall give strong justification for doing so.
 - c. If remanded, the Committee shall review the case and make the necessary evaluations and forward its finding to the Academic or the dean/director within one month. Remand shall not be made twice for a given case.
- v. Any party dissatisfied with the decision of the Committee endorsed by the Academic Vice President or the dean/director may lodge an appeal to the Academic Staff Appellate Disciplinary Adjudication Committee within the time frame stipulated under this Code.
- vi. A fresh suit shall not be instituted against any person on grounds already considered and resolved by the Committee.

Article 22: Establishment

- i. A two layer Disciplinary Adjudication Committee with the object of entertaining cases that involve the academic staff in the event of acts of breaches and violation pertaining to the various standards of good conduct and rights and liabilities accompanying the lists of wrongdoings and corresponding penalties as governed by this Code is hereby established.
- ii. Pursuant to the jurisdictional rules set out under the subsequent provisions of this section, there are two levels of functional Disciplinary Proceeding Adjudication Committees established on permanent basis as the only appropriate bodies holding specific powers and responsibilities as entrusted under this Code. These are the various adjudication bodies called Academic Staff Disciplinary Proceeding Adjudication



Committee acting at the lower level and one central adjudication body called the Academic Staff Appellate Disciplinary Adjudication Committee at the higher level.

- iii. The term of office of disciplinary committee members shall be two years; provided, however, that they may be reappointed at the end of their term of office.

Article 23: Jurisdiction

- i. The College/Institute/School Academic Staff Disciplinary Proceeding Adjudication Committee (C/I/S/ ASDPAC) is competent over cases of academic staff parties on all lists of wrongdoings or breaches categorized as wrongdoings in this Code.
- ii. Central Academic Staff Disciplinary Proceeding Adjudication Committee may be established for academic staffs working under the AVP, VPRCS or President offices.
- iii. The Central Academic Staff Disciplinary Proceeding Adjudication Committee shall also have a jurisdiction over all wrongdoings or breaches categorized as inter-college/Institute, or disciplinary breaches arising in institutes merged for the purpose of disciplinary matters.
- iv. The Academic Staff Appellate Disciplinary Adjudication Committee (ASAADC) shall have appellate jurisdiction over the decisions of College/Institute/School, Central Academic Staff Disciplinary Proceeding Adjudication Committee.
- v. Disciplinary measures may be taken irrespective of any court proceedings or decision.

Article 24: Organization, Structure, Composition and Powers & Responsibilities of C/I/S/Central ASDPAC

- i. The C/I/S/ and central ASDPAC is established at colleges, institutes and schools and is directly accountable to the deans of the respective colleges, institutes or schools.
- ii. The C/I/S/central ASDPAC consists of five permanent members appointed by the Academic Unit Council. The merit, good conduct and exemplariness of the person shall be the governing principles while selecting candidates for membership to the C/I/S/central ASDPAC.



- iii. In addition to the above requirements, a member of the committee shall be an academic staff who:
 - a. has commendable performance;
 - b. has no disciplinary record in the last two years;
 - c. has more than two years of service in the University
- iv. The C/F/S/central ASDPAC shall undertake its activities as set out under this code impartially and independently without any form of interference or influence from any of the organs of the university in implementing the functional jurisdiction vested upon it.
- v. Members of the College/Institute/School ASDPAC shall be elected by academic staff and appointed by heads of College/Institute/School
- vi. Members of the Central ASDPAC shall be elected by the academic and research staff working under the President, AVP and VPRCS and appointed by the Academic Vice President.
- vii. The C/I/S/Central ASDPAC shall have powers to the calling and hearing of witness investigation of evidence, requesting evidences, amendment and withdrawal of charges.
- viii. The central ASDPAC shall submit its recommendations to the AVP who may uphold or reverse the recommendation.

Article 25: Organization and Structure of Appellate Academic Staff Disciplinary Adjudication Committee (AASDAC)

- i. The Appellate Academic Staff Disciplinary Adjudication Committee is organized centrally and is directly accountable to the president.
- ii. The AASDAC consists of five permanent members appointed by the President. In doing so the president shall directly appoint the chair and secretary, and taking fair representation of academic units shall elect the remaining three.



- iii. The AASDAC shall have its own permanent office with all the necessary facilities and budget provided by the administration of the University.
- iv. The AASDAC shall undertake its activities as set out under this code impartially and independently without any form of interferences or influence from any of the organs of the university in implementing the functional jurisdiction vested upon it.
- v. The Appellate Academic Staff Disciplinary Adjudication Committee shall have appellate power to review appeals from the decision of the college/institute/school and central ASDPAC on merits of law. The committee shall submit its findings and recommendation for final approval to the President who may uphold or reverse the decision of the ASDPAC.

Article 26: Removal, Withdrawal, Dismissal and Substitution of Members

- i. No member of the above Committees shall sit in any case where:
 - a. He is related to one of the parties by consanguinity or by affinity up to a second degree;
 - b. The dispute relates to a case in which one of the parties is a person for whom he acted as tutor, legal, advisor, coach, representative or agent;
 - c. He has previously acted in some capacity in connection with the case or the subject matter of the dispute;
 - d. He has officially registered dispute with one of the parties or the representatives thereof;
 - e. There are sufficient reasons, other than those specified under sub-Article i. (a to d) hereof, to conclude that injustice may be done.
- ii. The member shall withdraw forthwith upon knowledge of the existence of one of the conditions listed above. The Committee shall decide over the appropriateness or otherwise of the decision of the member.



- iii. A party to a disciplinary proceeding may apply in writing before trial for the removal of a committee member if one of the conditions listed under sub Article (i) of this Code appears to be evident.
 - a. If the Committee is convinced that the conditions of removal exist, it shall automatically decide to remove the member from sitting in the committee proceedings. Another ad hoc member shall be substituted under such circumstances, provided the sitting members are lesser than three in number.
 - b. If the Committee finds that the application for removal is unacceptable, it shall make its decision for the rejection of the application forthwith.
- iv. Any member of the committee may be dismissed from membership where he has:
 - a. disclosed secrets involving cases under inquiry;
 - b. obstructed in any manner the activities of the committee; or
 - c. failed to meet the requirements specified under sub Article (i) of this Article.
 - d. Dismissal measure shall be taken by the appointing body.

Article 27: Meeting and Decision Making Rules

- i. The ASDPAC shall meet at least once in every two weeks unless exceptional situations demand conducting extraordinary session.
- ii. Appellate Academic Staff Disciplinary Adjudication Committee shall meet at least once in every two weeks unless exceptional situations demand conducting extraordinary session.
- iii. The Committees shall always strive to reach decision based on mutual consensus among the members. However, failure to ensure such shall lead to undergoing votes and pass decision based on simple majority principle.
- iv. In case of a tie, the chair person shall have a casting vote. A dissenting Member shall clearly write down the reasons thereof.



Section II. Disciplinary Suspension of Accused

Article 28: Grounds for Suspension Actions by the AVP

- i. Any academic staff who commits grave disciplinary offence will be suspended from duty if it is presumed that:
 - a. He/she may obstruct the investigation by concealing, damaging or destroying evidence related to the alleged offence; or
 - b. He/she may commit additional offence on the property of the university; or
 - c. the alleged offence is so grave as to demoralize other academic staffs or negatively affect the public trust towards the academic staffs in general;
 - d. the disciplinary offence may lead to dismissal
- ii. An academic staff can be suspended from duty and may not get his salary according to Sub article (i) of this article only for a maximum period of not exceeding two months.
- iii. The decision given in accordance with Sub article (ii) of this Article shall be notified to the academic staff in writing, with the grounds and duration of his suspension signed by the Academic Vice President.
- iv. Unless a decision of dismissal is rendered against a suspended academic staff, the salary withheld at the time of suspension shall be paid to him without interest.
- v. The suspension of an academic staff shall not deprive him of other rights and duties that are not affected by the suspension.



Article 29: Effects of Expiry of the Period of Suspension

The academic staff shall report for work on the working day following the date of expiry of suspension; and the concerned office shall reinstate the academic staff who so reports for work.

Section III: Establishment, Powers and Responsibilities of Grievance Handling Committee

Article 30. *Establishment of Grievance Handling Committee*

- i. A Grievance handling Committee shall be established at University level that reviews the grievances of academic staff.
- ii. The grievance handling committee shall have five members.
- iii. The members of the committee shall be nominated by deans and directors council and appointed by the President.

Article 31. *Objectives of the Establishment of Grievance Handling Committee*

The objectives of the academic staff grievance procedure shall be to promote the maintenance of smooth employment relations by providing:

- i. speedy redress to complaints;
- ii. corrective measures to mistakes and weaknesses causing grievances; and
- iii. fair and equal treatment to all academic staff.

Article 32. Powers of the Grievance Handling Committee

The Grievance Handling Committee shall:

- i. hear individual or group complaints of members of colleges/institutes/schools/academic directorates who have grievances against practices, acts and decisions of the administrative units;



- ii. Investigate allegations of discrimination on the basis of ethnic origin, religion or disability or any similar grounds;
- iii. Investigate alleged violations of the human rights of academic staff;
- iv. review employment-related issues such as unlawful termination of contracts of academic staff;
- v. review undue delays or irregularities regarding academic promotion;
- vi. review any other administrative malpractices of academic unit heads;

Article 33. Requirement for Membership

A member of the committees shall be an academic staff who:

- i. is commendable for his ethical conduct and performance;
- ii. has no disciplinary record in the last two years;
- iii. Has more than two years of service in the University.

Article 34. Term of Office

The term of office of the grievance handling Committee members shall be two years; provided, however, that they may be reappointed at the end of their term of office.

Article 35. Meetings of the Committee

- i. The Grievance Committee may meet as frequently as required for discharging its duties.
- ii. There shall be a quorum where the chairperson and two other members are present at a meeting of the committees.
- iii. Any recommendation of the committee shall be passed by a majority vote; in case of a tie, the Chairperson shall have a casting vote.
- iv. A dissenting Member shall clearly write down the reasons thereof.



Article 36. Dismissal and Removal of Members

- i. Any member of the committees who has been proved to have an officially recorded dispute with the claimant or the accused or to be related to him by consanguinity or by affinity up to a second degree shall be removed from the sessions on which the charge against the accused is heard.
- ii. Any member of the committees may be dismissed from membership where he has:
 - a. Disclosed secrets involving cases under inquiry;
 - b. Obstructed in any manner the activities of the committees

Article 37. Petitions

- i. An academic staff seeking a redress to his grievance may lodge a petition to the grievance review committee.
- ii. Any petition shall contain the following:
 - a. the name and address of the petitioner;
 - b. causes of his grievance;
 - c. supporting evidences (if any);
 - d. the redres sought;
 - e. date and signature
- iii. Academic staffs having the same cause of action for their grievances may petition in group.

Article 38. Period of Limitation

- i. An aggrieved Academic staffs may lodge his petition to the grievance handling committee of the University within ten working days from the date the action that gave rise to the grievance was taken against him.



- ii. An Academic staff who is unable to lodge his petition within the period specified under Sub-Article (i) of this Article due to force majeure may lodge his petition within ten working days after the ceasure of the force majeure.

Article 39. Review of Grievances

- i. The grievance review committee of the University shall receive and register a petition after ascertaining its' compliance with the provisions of Article 37 of this code.
- ii. The committee shall review a grievance by:
 - a. examining petition and relevant evidence;
 - b. holding discussions with the applicant and with his immediate supervisor or the comittee who has decided the case; and
 - c. referring to the relevant laws, regulations,directives,legislation and practices.
- iii. The committee shall submit a report containing its findings and recommendations to the President not later than 15 working days from the date of receipt of the petition.

Article 40. Decisions

- i. The President shall, within ten working days from the date of receipt of the committee's report, approve the recommendation of the committee or, if he has good reasons:
 - a. give a decision different from the recommendation of the committee; or
 - b. instruct the committee to further review the case.
- ii. The decison given in accordance with Sub-Article (1) of this Article shall be communicated to the petitioner in writing.



Article 41. Delegation

The president may delegate the Appellate Academic Staff Disciplinary Adjudication Committee powers and responsibilities vested on Grievance Handling Committee

Section IV: Miscellaneous Provisions

Article 42: Appeal Procedure and Period of Appeal

- i. Any appeal to be submitted by an academic staff shall clearly indicate the grounds of the appeal and the redress sought.
- ii. Any appeal to be made in accordance with the grounds stipulated in this code of conduct shall be barred unless submitted within 30 days from the date the decision is communicated to the academic staff in writing.
- iii. The period of limitation stated in preceding sub article will be extended up to three months if there is force majeure on the side of the academic staff.
- iv. An academic staff who is unable to lodge his petition within the period specified under Sub-Article (i) of this Article due to force majeure may lodge his petition within ten working days after the ceasure of the force majeure.
- v. Any appeal brought by the academic staff in accordance with this provision shall be instituted in the form prescribed as 'Memorandum of Appeal'.

Article 43: Memorandum of Appeal

- i. A memorandum of appeal shall be signed by the appellant and shall contain the following:
 - a. the name and address of the appellant;
 - b. the name of the respondent ;
 - c. the grounds of appeal;
 - d. the redress sought;



- ii. A memorandum of appeal to be submitted by more than one appellant shall be signed by all of them or by their representatives.

Article 44: Amendment of Memorandum of Appeal and Reply

- i. An amendment of a memorandum of appeal or a reply may be requested by the parties to the dispute
- ii. Where an amendment of a memorandum of appeal or a reply is filed, the other party shall be invited to reply or counter-reply as the case may be.
- iii. The Committee may, where it finds it necessary to reach at a proper decision, allow the amendment of a memorandum of appeal or reply at any time before judgment.
- iv. Academic staffs having the same cause of action for their grievances may petition in group through their representative.

Article 45: Presence of Parties.

- i. The Grievance Handling Committee or Appellate Academic Staff Disciplinary Adjudication Committee shall hear the appeal in the presence of the parties.
- ii. Notwithstanding the provisions of Sub-Article (i) of this Article:
 - a. the hearing of the appeal shall proceed in the absence of the respondent if it fails to appear on the day of the hearing;
 - b. the appeal shall be struck out if the appellant fails to appear on the day of the hearing.
- iii. The appellant may, where he is unable to appear to a hearing on justifiable grounds, apply to the concerned committee within ten days from the secession of such grounds, to restore the appeal.



Article 46: Withdrawal of Appeal

- i. The appellant may, at any time before judgment, withdraw his appeal by notifying the concerned body in writing.
- ii. An academic staff who has withdrawn an appeal shall be precluded from lodging a fresh appeal in respect of the same cause of action.

Article 47: Summoning and Examination of Witnesses

- i. Where the witnesses of any of the parties are working in the respondent office, the Committee may, without issuing summons to each of them, communicate its order through the office.
- ii. Where the concerned body summons a witness other than those working in the respondent office, the party calling the witness shall be responsible to serve the summons.
- iii. The examination of witnesses shall be heard in the presence of both parties

Article 48: Additional Evidence

The Appellate Academic Staff Disciplinary Adjudication Committee or Grievance Handling Committee may, on their own motion, order the production or appearance of additional evidence or witnesses, where it is of fundamental importance to reach at a proper decision.

SECTION V- Final Disposition of Decisions and Execution Matters

Article 49: Execution

- i. Decisions of the committees shall be executed immediately and no later than fifteen working days from the date of the decision.
- ii. Where the Office the President or the Academic Vice President, as the case may be, upon receiving the complaints of the appellant, believes that the execution of its decision has been delayed on unjustifiable grounds, it shall hold the concerned office holder accountable.



Article 50: Period of Limitation

- i. A disciplinary action for minor breaches shall be instituted within one month of the knowledge of the breach thereof.
- ii. A disciplinary action for major breaches shall be instituted within six months of knowledge of the breach thereof.
- iii. An official of the University who, while having full knowledge of the commission of a disciplinary breach, fails to institute a disciplinary action shall be responsible as per this Code.

Article 51: Pending Cases

This Code shall apply prospectively and pending cases shall remain to be entertained as per previously operative laws.

Article 52: Effective Date

This Code of Conduct shall come into force as of[THE DATE OF APPROVAL]..... per the approval of the Senate.

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