



NCRD's Sterling Institute of Management Studies

Approved by AICTE, New Delhi, DTE, Govt. of Maharashtra

Affiliated to University of Mumbai

Established in 2004

Code of Conduct Handbook for Employees

Prepared By

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Dr. Arjita Jain (IQAC Member)
Dr. Murlidhar Dhanawade (IQAC Member)

Approved By

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NCRD's Sterling Institute of Management Studies

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NCRD's STERLING INSTITUTE OF MANAGEMENT STUDIES

CODE OF CONDUCT FOR EMPLOYEES

This bye-law shall be applicable to all employees of NCRD's Sterling Institute of Management Studies (NCRD's SIMS) : teaching, non-teaching and technical working in self-financed institutions managed by National Centre for Rural Development (NCRD).

The employee shall be at the disposal of the Institute where he / she is deputed for full time and shall serve in such capacity and at such places as he / she may, from time to time be so directed.

Definitions:

"Institute / Institution" means Sterling Institute of Management Studies managed by NCRD.

"Appointing Authority" is any members of the Executive Committee of NCRD or any person who is either a member of NCRD or a full-time employee of NCRD and has been duly authorized by the Executive Committee of NCRD (Director) through a resolution to make appointments.

1) Employee's Obligations

1.1 Every employee shall

- 1.1.1 confirm and abide by the provisions in the Rules and Bye-laws of institute and regulations, directives and decisions of the competent authority. He shall also observe, comply with and obey all orders and instructions which may from time to time be given to him by the officer under whose

jurisdiction, superintendence or control, he/she has been placed from time to time.

- 1.1.2 maintain at all times absolute dignity, integrity and devotion to duty and loyalty to institute and shall do nothing that would or is likely to tarnish the image or reputation of institute or adversely affect its interests.
- 1.1.3 carry out duties and responsibilities assigned to his/her post and shall also carry out any other duties that may be assigned to him/her from time to time

1.2 No employee shall:

- 1.2.1 use his/her position or influence, directly or indirectly, to secure employment for any person in the institute.
- 1.2.2 bring or attempt to bring any influence to bear upon the appointing authority or the concerned head of department to further his/her personal interest in the Institute.
- 1.2.3 misuse or use for personal benefit, gain or profit the amenities provided to his/her to discharge his/her official duties.
- 1.2.4 demand or accept any gratis payments or any other favour from any person or organization that could directly or indirectly influence / damage / harm the interest/goodwill or reputation of the institute.
- 1.2.5 cause to or disclose / divulge or any information gain, in the course of his/her employment, in the Institution for personal gain / profit or for advantage for himself or any other person or outside organizations.
- 1.2.6 engage directly or indirectly in any trade, business, vocation or undertake any other employment, without prior permission of the competent authority, provided, the same is not detrimental to the interests of institute.
- 1.2.7 engage in or conduct private tuitions or coaching
- 1.2.8 indulge in an act of plagiarism in my form.
- 1.2.9 propagate/indulge in any sectarian activity or cause to disturb communal harmony
- 1.2.10 discriminate against any person on the grounds of religion, caste, gender, language
- 1.2.11 indulge in or encourage any form of malpractice

2) Property of the Institute

2.1 Every employee shall:

- 2.1.1 take due care of the property, materials, equipment, machines, furniture, cash, etc. of the institute entrusted to his/her care and shall take all reasonable precautions to safeguard them against accident, damage, loss, pilferage, etc. Where damage or loss is attributable to the intentional mishandling or misuse by an employee, the employee shall be liable for disciplinary action as may be deemed appropriate by the competent authority. Besides, the competent authority shall be entitled to recover the assigned assessed value of such breakage / damage or loss from the employee
- 2.1.2 take appropriate precautions against hazards and shall make proper use of safety devices and preventive measures, as prescribed and provided by the administration.
- 2.1.3 observe cases of financial expenditure and inventory control, wherever applicable.

3) Unauthorized Possession of Goods

If the employee is found in unauthorized possession of any goods, equipment, implements, articles, arials, etc., which are in use in any institute managed by the institute, or kept in stock and are not normally carried by the said employee, he/she will be deemed to have got into possession of such goods by improper means. The concerned authority may confiscate, such goods and such unauthorized possession shall attract disciplinary action as well as any other action as deemed fit by the Competent Authority.

4) Suspended Employers on the Premises

The employer, who has been suspended or deemed to have been suspended, shall not enter the premises of the institute without prior permission of the competent authority, unless otherwise invited for the enquiry.

5) Possession/Consumption of Intoxicating Drinks and Narcotics

No employee shall possess or be under the influence of intoxicating drinks/drugs while on duty and on campus.

6) Participation in Politics and Elections

No employee shall, without prior permission, in writing of the competent authority, be actively associated with any political party or any organization, which takes part in politics; nor shall he/she take part in or assist in any other manner any political movement or activity.

7) Demonstrations

No employee shall organize or participate in any demonstration on the premises of the institutions managed by the institute.

8) Connection with Media of Mass Communication

No employee shall participate in a radio/television programme, give speech to public, or contribute any article or write any letter to any newspaper or periodical or publish any pamphlet anonymously, pseudonymously or in his own name, which is detrimental to the image / interests of the institute.

9) Unauthorized Communication of Information

No employee shall, except in accordance with any general or special order of the institute or in bonafide performance of the duties assigned to him/her, communicate directly or indirectly any official document or information to any employee, any other person or organization.

10) Unauthorized Publication of Official Documents

No employee shall, while in service of the institute or after retirement, resignation, dismissal or discharge make public or publish any document, papers or information which might have come into his/her possession in his/her official capacity, without obtaining prior written permission from the competent authority.

11) Invention and patents

No employee shall, without the prior consent of the appointing authority, either during his / her service in thereafter, apply for patent or exclusive privilege in respect of any invention / discovery made by him/her while performing his duties in his/her service in the institute.

12) Misconduct

"Misconduct" shall mean an act of commission or omission or indiscipline, express or implied, or any act or conduct, unbecoming of an employee of the institute, committed within or outside the premises of the institute, which adversely affects the reputation or prestige of the institute.

The following is the illustrative list of acts of misconduct:

- i) Insubordination or disobedience of any lawful and reasonable order of the superior.
- ii) Commission of any act subversive of discipline or good behavior.
- iii) Participation in any strike.
- iv) Committing theft, fraud, dishonesty, misappropriation.
- v) Negligence of subversive or unethical practices, causing damage to or loss of property.
- vi) Demanding or accepting or giving bribe or any illegal gratification whatsoever.
- vii) Absence without leave for more than thirty consecutive days or persistent absence from duty without leave.
- viii) Habitual late attendance or habitually leaving work before time or absence from place of work without informing authority.
- ix) Negligence or neglect of work i.e., dereliction of failure to discharge the duties assigned to him.
- x) Accepting employment for any consideration inside or outside the institute or establishment or under any person without the approval of the appointing authority.
- xi) Drunkenness, fighting, riotous, disorderly or indecent behavior in the premises of the institute and other public places.
- xii) Giving false evidence or statement in any domestic enquiry held by head of the institute, or in a case conducted Court of Law in which Institution is a party,
- xiii) Travelling or carrying unauthorized passengers, materials in any of the vehicles of the institute.
- xiv) Collection or canvassing for collection of any money for any purpose within the premises of the institute without prior permission.
- xv) Smoking or consumption tobacco is any from on the premises of the institute.
- xvi) Sleeping while on duty.
- xvii) Distributing or exhibiting handbills, pamphlets or posters inside the premises of institutions without prior permission of the head of the respective departments or the establishment.

- xviii) Attending or holding any unauthorized meeting within the premises of the institutions.
- xix) Gambling or canvassing for sale of any commodities, chit funds, lottery tickets, coupons or shares or any other financial instruments, etc within the premises of the Institutions.
- xx) Any criminal offence, resulting into correction in my court of law,
- xxi) Making false statements en matters related to his/her employment in the institute or willful suppression of facts at the time of employment or during the course of service in institute.
- xxii) Threatening, intimidating, coercing, assaulting and quarrelling with any person in the premises of the institute.
- xxiii) Using of foul or abusive language or misbehaving.
- xxiv) Refusing to accept memorandum or charge sheet or any other communication issued by the superior or Disciplinary Authority.
- xxv) Using the facilities of the institute without authority for personal gains.
- xxvi) Preventing the institute employees/officers/superiors either from entering or coming out of the premises.
- xxvii) Preventing ingress or egress of the material or equipment of the institute.
- xxvii) Punching of attendance card or forging the signature of another employee in the attendance register.
- xxix) Tampering with any of the records of the institute.
- xxx) Slowing down in performance of work or instigating other employees to slow down or adopting work-to-rule practices.
- xxxi) Acts of immorality or involving moral turpitude within the premises of the institute or outside.
- xxxii) Unauthorized occupation/illegal or immoral use of the premises of the institute.
- xxxii) Not wearing uniform, if specified, while on duty.
- xxxiv) Refusal to work beyond the stipulated period of work or to work on holidays when specifically instructed to do so by the head of the department or establishment or institute.
- xxxv) Failure to keep up-to-date knowledge in the field in spite of repeated instructions in that behalf and provisions of facilities.
- xxxvi) Possessing of unlicensed weapons, dangerous chemicals or illicit drugs.

xxxvii) Sexual harassment of co-employee, student, parents/guardians of students, party or any other person who would be involved with the institute including unwelcome sexually detrimental behaviour (whether directly or by implication) as

- (a) Physical contact and advances
- (b) A demand or request for sexual favours
- (c) Sexually colored remarks
- (d) Showing pornography
- (e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

xxxviii) Participating in any activity prejudicial to the interests of the institute.

13) Punishment Against Misconduct

The employee shall be liable to be punished on one or more of the acts of misconduct enlisted above,

13.1 Disciplinary Authority:

The Appointing Authority shall be the Disciplinary Authority. He / She may delegate his / her powers to the Head of the Department to administer these conduct rules, order or carry out an enquiry and submit report to the Director.

13.2 Procedure

13.2.1. The employee, who has committed any act(s) of misconduct, shall be served a show cause notice as to why suitable action should not be taken against him / her. The employee shall be given an opportunity to explain and answer the charges levied against him / her within the stipulated period which shall not be less than 72 hours. If the Disciplinary Authority is satisfied with the explanation, the charges against him / her shall be dropped.

13.2.2 If the Disciplinary Authority is satisfied that the misconduct committed by the employee is of minor nature, the Disciplinary Authority shall serve him another notice as to why the minor penalty should not be inflicted on him/her, and on receipt of the explanation within the stipulated period, which shall not be less than 10 days, award the minor penalty.

13.2.3 If the Disciplinary Authority is of the opinion that the misconduct is of serious nature, which if proved, would attract major penalty, he shall appoint an Enquiry Committee.

13.2.4 The Disciplinary Authority shall appoint another employee as the Presenting Officer to present the case in support of the charges, before the Enquiry Committee. The employee may be permitted to defend himself/herself and not by a person who shall be a legal practitioner or otherwise.

13.3 Suspension:

13.3.1 If the Disciplinary Authority is of the opinion that,

- (a) the employee, if proved guilty, is likely to be awarded any of the major penalties,
- (b) the employee is likely to tamper with the record or evidence,
- (c) the employee is likely to threaten those who are to depose against him / her, in the enquiry, and thus,
- (d) vitiate the enquiry, in any manner, the Disciplinary Authority shall recommend to the Appointing authority to put the employee under suspension. If the appointing Authority issues the order of suspension, it shall take effect immediately on its serving to the employee.

13.3.2 The employee under suspension shall be entitled to subsistence allowance at the rate of 25% of his pay and the allowance admissible thereon for the period of initial three months.

13.3.3 If the enquiry is prolonged beyond this period, that the delay is entirely attributable to the employee, the subsistence allowance shall be reduced to zero% of his pay and allowance(s) thereon for further any time till the end of enquiry and its decision.

13.3.4 The employee who is detained in police custody, whether on criminal charge or otherwise for a period exceeding 48 hours, shall be deemed to have been suspended, with effect from the time of detention by an order of the Appointing Authority, till the order is revoked. The employee shall not be entitled to any subsistence allowance.

13.3.5. The employee under suspension shall not be entitled to leave the headquarters and to accept any employment during the suspension. If the employee tenders his / her resignation while under suspension, the same

shall not be accepted and all the allowance(s) if any payable to his/her will cease all the enquiry conducted by the concerned authority.

13.3.6 If the employee, who has been under suspension is proved not guilty, the period of suspension shall be treated as "on duty" and he / she shall be paid the salary for the period at the rate of 50% of the salary payable to him, had he not been suspended.

13.3.7 if the employee, who has been under suspension, is found guilty and is inflated with minor penalty/ies, the period of suspension shall be regulated as per the provisions of sub-clause 13.3.6 of Bye-law 13.3

13.3.8 If the employer, who has been under suspension, is found guilty and is inflicted with major penalty/ies, the period of suspension shall be regulated as follows:

- (a) In case of withholding or stoppage of increment with cumulative effect, the period of suspension shall be treated in the period of leave on half pay.
- (b) In case of reduction in rank, the period of suspension shall be treated as the period of leave on half pay.
- (c) In case of termination, dismissal or compulsory retirement from service the employee shall be deemed to have been absent from duty for the period of suspension and shall not be entitled to any remuneration for such period.

14) Enquiry

14.1 The Disciplinary Authority shall prepare a charge-sheet containing statement of specific allegations, the supporting documents and the list of witnesses to be examined, and supply the same to the employee, to the Enquiry Committee and to the Presenting Officer.

14.2 The Enquiry Committee shall seek explanation of the employee as to whether he/she accepts the allegations or otherwise, and shall state the reasons thereof.

14.3 If the employee accepts the allegations, the Enquiry Committee shall record his statement and prepare a report thereof and shall submit the same to the Disciplinary Authority.

- 14.4 In case the employee denies any of the allegations, the Enquiry Committee shall, within fifteen days, hold a meeting and advise Presenting Officer to substantiate the allegations with the help of the documents and of the witnesses by examining them. The Enquiry Committee shall record the statement of witnesses at verbatim. The employee shall be entitled to refuse the allegations, based on documents, by presenting the evidence to that effect. The employee shall be entitled to cross-examine the witnesses examined by the Presenting Officer.
- 14.5 The employee, who has denied the statement of allegations, shall furnish documentary and other evidence and list of witnesses that he/she proposes to examine in order to defend himself/herself with copies to the Presenting Officer.
- 14.6 The employee shall be entitled to lead documentary evidence and witnesses in his / her support. The Enquiry Committee shall provide adequate opportunity to substantiate the evidence provided by him/her and examine the witnesses. The Presenting Officer shall be entitled to state his opinion on the documentary evidence laid by the employee and cross examine the witnesses.
- 14.7 The members of the Enquiry Committee, the Presenting Officer and the employee shall be entitled to re-examine the witnesses.
- 14.8 In case the employee fails to attend the enquiry without giving in writing specific reason thereof, the enquiry may at the discretion of the Enquiry Committee be conducted *ex-parte*.
- 14.9 The employee shall be entitled to depose himself before the Enquiry Committee and the Presenting Officer shall be entitled to cross-examine him. The employee may submit his say in the form of an affidavit.
- 14.10 The Enquiry Committee shall provide adequate opportunity to both the Presenting Officer and the employee and conclude the enquiry only after the Presenting Officer and the employee rest their arguments.
- 14.11 The Enquiry Committee shall prepare a detailed report by evaluating the evidence and the witnesses produced before it. The report shall contain as to which of the allegations are proved or otherwise.

15) Action on Enquiry Report

- 15.1 The Disciplinary Authority shall evaluate the Enquiry Report. If the Disciplinary Authority is of the opinion that the employee should be inflicted with any of the minor penalties, he shall issue a show-cause notice to the employee as to why such penalties be not inflicted on him/her. On receipt of reply of the employee, not later than 15 days from the date of receipt of such notice by the employee, on such show-cause notice, the Disciplinary Authority shall determine the quantum of punishment.
- 15.2 If the Disciplinary Authority is of the opinion that the employee deserves any of the major penalties, he shall recommend the same to the Appointing Authority along with the reasons thereof.
- 15.3 The Appointing Authority shall consider the Enquiry Report and the recommendations of the Disciplinary Authority and if decides to inflict any of the major penalties, he shall issue a show-cause notice to the employee along with die copy of the Enquiry Report. On receipt of explanations of the employee the Appointing Authority shall decide the quantum of punishment.
- 15.4 The Appointing Authority shall ordinarily not inflict a penalty more severe that that recommended by the Disciplinary Authority. The Appointing Authority shall also specify in his order the manner in which the period of suspension of the employee be regulated.

16) Penalties

Without prejudice to the provisions of these Rules, an employee guilty of misconduct as indicated in Rule 12 above, shall be liable to any of the following penalties, namely,

1. Minor Penalties

- a) Caution, censure or reprimand.
- b) Withholding or stoppage of increment without cumulative effect.
- c) Withholding promotion for a period not exceeding one year.
- d) Recovery from pay of the amount as may be due on account of any pecuniary loss caused to the Institute, by negligence or breach of orders.
- e) Fine, not exceeding an amount equivalent to 10 days' salary.

2. Major Penalties

- a) Withholding or stoppage of increment with cumulative effect.
- b) Demotion to a lower grade or reduction in post or to a lower stage in a time scale of pay for a specified period or permanent reduction in rank.
- c) Termination, discharge, removal, dismissal or compulsory retirement from service.

17) Other Penalties

a) The employee shall also be liable for disciplinary action against him / her for incompetence, provided that the ground of incompetence shall not be used against an employee after he / she has served the institute for five years or more including the period of probation.

b) If the employee is convicted under criminal prosecution, in respect of crime involving moral turpitude with imprisonment of more than 48 hours, the Appointing Authority shall issue an order of dismissal. The Appointing Authority as the Disciplinary Authority may decide whether an enquiry be conducted or completed in respect of the employee convicted by the criminal court under the same allegation.

18) Interpretation

If any question / difference of opinion arises relating to the interpretation of these Conduct Rules, it shall be referred to the Appointing Authority, whose decision thereon shall be final and binding.



Director

Authorised Signatory



IQAC Coordinator



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