

UNIVERSITY CALENDAR

Volume - III

Rules & Regulations and Ordinances
other than Examinations

(As amended upto 12.06.2014)



MAHARSHI DAYANAND UNIVERSITY, ROHTAK

(Established under Haryana Act No. 25 of 1975)

('A' Grade NAAC Accredited)

M.D. UNIVERSITY, ROHTAK

CALENDAR

**Volume - III
2014**

**(Rules & Regulations and Ordinances
other than Examinations)**

(As amended upto 12.06.2014)

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(Haryana - India)

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FOREWORD

I am glad that Calendar Volume-III containing Rules, Regulations and Ordinances incorporating amendments upto 27.6.2013 is being brought out.

The University has taken long strides over the last 37 years transforming itself from a residential University with only 11 colleges at the time of its inception into an academic behemoth with over 500 colleges and institutes already affiliated with it. As of now, the University offers 84 undergraduate and postgraduate courses in 39 disciplines and permits pursuit of research in as many areas.

The expansion of the University at such a massive scale since its inception has indeed made it imperative for its administration to amalgamate and codify its own rules and regulations in all important areas and then to publish them in a single volume for convenience of users.

We are sure that the publication of Volume-III of the Calendar will be of immense help to the faculty and administrative staff of the University, affiliated colleges and other stakeholders to acquaint them fully with rules, regulations, Ordinances, etc. contained in the Volume.

The Registrar and all others connected with this important task deserve all appreciation for their hard work in preparation and compilation of this volume.


14/6/13.
(H.S. CHAHAL)
Vice-Chancellor

FOREWORD

This University Calendar Volume III in your hands is the updated version of the one previously published more than a year back incorporating the latest rules and regulations. That edition was modified and another document christened as University Accounts Code was published by separating the appropriate contents that needed to be given place in the new one by moving out of this. I do fervently remember how tirelessly and ardently our zealous personnel worked to give final shape to this massive document, which is obviously a very important one for accomplishing day to day activities and for consultations as a rule book.

As you all are well acquainted with the fact that the University is governed by the rules and regulations which have been institutionalized in a formal manner and framed over a long passage of time in the manner that these may take an impeccable black and white shape. Though interpretations of various clauses or virtually any statement depend on the interpreters yet the University has made every effort to keep the provisos completely translucent leaving little scope for tilting of the rules and thereby binding virtually every single act in a constructive frame. The norms and values have been incorporated in the present updated and revised edition in an ideal and comprehensible manner. It obviously acts as a handbook for all the University officials to be guided by it in taking every step in the ultimate interest of the Institution percolating to our studentship.

Our Academic branch and Press have done a tremendous job in preparation of this document. I distinguish and appreciate the efforts undertaken by them in this regard. While all efforts have been made to ensure that no error finds place in this; nevertheless in case any slip-up is noticed or brought to the notice by any well-wisher the same shall be instantly set right.


S.P. Vats
Registrar

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Chapter - 9

[ORDINANCE : RULES AGAINST SEXUAL HARASSMENT]

1. Short Title, Extent and objectives

These rules are based on the Policy against Sexual Harassment of women at work-place by University in accordance with Hon'ble Supreme Court's guidelines with Vishakha vs. State of Rajasthan case. The Supreme Court had held that sexual harassment of women at work-place is against the dignity of women and violates Articles 14, 15 (1), 19 (1) (g) and 21 of the Constitution of India. The rules seek to maintain and create an academic and work environment free of sexual harassment for students, academic and non-teaching staff of the University and its affiliated colleges. These rules will also apply to outsiders and residents, on the University/ College campus, to the extent specified herein.

2. Definitions

- i) "University" means Maharshi Dayanand University, Rohtak
- ii) "College" means Govt. and private college.
- iii) "Committee" means the committee to check the menace of sexual harassment & violence against women at their work-place.
- iv) "Students" include regular students as well as ex-students of University/ College.
- v) "Teaching staff" includes any person on the staff of the University or any colleges affiliated to or maintained by it, who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation and shall also include employees employed on a casual or project basis.
- vi) "Non-Teaching staff" includes any person on the staff of the University or any college maintained or affiliated to it, who is

not included in teaching staff. It includes employees who are full time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation and shall also include employees employed on a casual or project basis.

- vii) "Member of the University" includes all those included in categories (iii) - (v) above.
- viii) "Resident" includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted to an employee by the University or by any of its affiliated/maintained colleges.
- ix) "Outsider" includes any person who is not a member or resident of the University/College. It also includes, but is not limited to, any private person offering residential, food and other facilities to students, teaching staff or non-teaching staff of the University or any college or affiliated to or maintained by the University.
- x) "Campus" includes all places of work and residence in the University or any college affiliated to or maintained by the University. It includes all places of instruction, research and administration, as well as hostel, health centres, sports grounds, staff quarters and public places (including shopping centres, eating places, parks, streets and lanes) on the University campus or the campus of any college affiliated to or maintained by the University.
- xi) "Sexual harassment" includes any unwelcome sexually determined behaviour, whether directly or by implication and includes physical contact and advances, a demand or request for sexual favours, sexually-coloured remarks, showing pornography or any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Explanation : "Sexual Harassment" shall include, but will not be confined to the following :

- a) When submission to unwelcome sexual advances, requests for sexual favours, and verbal or physical conduct of a sexual nature are made, either implicitly or explicitly, a ground for

any decision relating to employment, academic performance, extracurricular activities, or entitlement to services or opportunities at the University / Colleges.

- b) When unwelcome sexual advances, and verbal, non-verbal and/or physical conduct such as loaded comments, remarks or jokes, letters, phone calls or email, gestures, exhibition of pornography, lurid stares, physical contact, stalking, sounds or display of a derogatory nature have the purpose and/or effect of interfering with an individual's performance or of creating and intimidating, hostile, or offensive environment.
 - c) When a person uses, with a sexual purpose, the body or any part of it or any object as an extension of the body in relation to another person without the latter's consent or against the person's will, such conduct will amount to sexual assault.
 - d) When deprecatory comments, conduct or any such behaviour is based on the gender identity/sexual orientation of the person and/or when the classroom or other public forum of the University/College is used to denigrate/discriminate against a person or create a hostile environment on the basis of a person's gender identity/sexual orientation.
3. **Scope :** These rules shall be applicable to all complaints of sexual harassment made :
- i) by a member of the University / College against any other member of the University / College irrespective of whether the harassment is alleged to have taken place within or outside the campus.
 - ii) by a resident against a member of the University/College or by a member against a resident irrespective of whether the harassment is alleged to have taken place within or outside the campus.
 - iii) by an outsider against a member of the University/College or by a member of the University/College or by a member of the University/College against an outsider if the sexual harassment is alleged to have taken place within the campus.

- iv) by a member of the University/College against an outsider if the sexual harassment is alleged to have taken place outside the campus.

4. Establishment of Committee

At University level : The Vice-Chancellor shall constitute a Committee to check the menace of sexual harassment & violence against women at their work place.

The qualifications, tenure, terms and conditions of the Chairperson and members of the committee shall be determined by the Vice-Chancellor. The chairperson of the committee shall be a woman appointed by the Vice-Chancellor from the Senior Professors of the University.

At College level : The Principal shall constitute a Committee to check the menace of sexual harassment & violence against Women at their work place.

Composition of the Committee

At University level : The composition of the committee shall be as under:

- i) Chairperson
- ii) Two teachers members (out of them one shall be a woman).
- iii) The topper student of concerned faculty.
- iv) The female representative of Non-Teaching Association of M.D.U., Rohtak
- v) Head of the Department to which the case relates. In case involving the non-teaching employees, the Registrar or his nominee shall be the member.

At College level :

- i) Chairperson / Principal
- ii) One Teacher Incharge Women Cell.
- iii) One female student who is topper of B.A. (II). In case of P.G. Colleges the topper of M.A. (Previous) may be taken.

- iv) The Chairperson can co-opt a non-teaching female employee, if the complaint concerns with non-teaching section.

At least half of the number of members of Committee shall be the Quorum for holding a meeting of committee.

6. Jurisdiction

The committee at University and college shall have the jurisdiction to entertain the complaints of Sexual Harassment on the campus.

7. Limitation

The complaints may be entertained by the committee within a period of ten days from the day of alleged event of Sexual Harassment.

8. Manner in which complaints shall be made

The complaint may be made by any member against any other member in writing before the committee. The complaint shall contain the facts and specific allegations supported by evidence.

At college level, the complaint is made to the Principal/Chairperson of the Committee. A copy of the complaint is also to be submitted with Chairperson of this Committee at University level.

9. Procedure

After receiving the complaint the meeting of the committee shall be convened by the Chairperson at the earliest at college/University level. The complaint shall be placed before the committee. After considering the complaint the committee shall follow the procedure as considered just and appropriate to meet the ends of justice. The burden of proving the allegation shall lie on the complainant(s). No decision shall be taken by the committee against any one without giving the opportunity of hearing. In case of the colleges, if the matter is not resolved in the College Complaint Committee, the complaint may be referred to Complaint Committee at University level.

10. Findings

The committee shall decide the complaints at the earliest and recommend the punishment / action to the Vice-Chancellor for

approval / decision/ consideration. The punishment / action shall be commensurate with the nature or gravity of incidents.

A. In case of University / college employees : disciplinary action may be in the form of :

- i) Warning
- ii) Written apology
- iii) Bond of good behaviour
- iv) Adverse remarks in the Confidential Report
- v) Debarring from supervisory duties
- vi) Denial of membership of statutory bodies
- vii) Denial of re-employment
- viii) Stopping of increments / promotion
- ix) Reverting, demotion
- x) Suspension
- xi) Dismissal
- xii) Any other punishment as may be warranted by the case.

B. In case of students : disciplinary action may be in the form of :

- i) Warning
- ii) Written apology
- iii) Bond of good behaviour
- iv) Debarring entry into a hostel / campus
- v) Suspension for a specified period of time
- vi) Withholding results
- vii) Debarring from exams.
- viii) Debarring from holding posts
- ix) Expulsion
- x) Denial of admission

- xi) Declaring the harasser as "person non gratia" for a stipulated period of time.
 - xii) Any other punishment as may be warranted by the case.
- C. In case of third party harassment, the University/college authorities shall initiate action by making a complaint with the appropriate authority as per law.

The recommendation of the committee on punishment / action shall be forwarded to the Vice-Chancellor, whose decision shall be final. Orders of the Vice-Chancellor shall be executed by the respective Head of the Department/Principal of College.

11. Appeal

Any person / member, dissatisfied / aggrieved by the decision of the committee (University / College) may make an appeal to the Vice-Chancellor within 15 days from the date of notification or communication of decision to him. The Vice-Chancellor may give opportunity to the concerned persons/ members and decide the matter accordingly. The decision of Vice-Chancellor shall be final.

12. Enforcement of orders

The enforcement of orders / decisions passed above shall be the responsibility of concerned Head of the Department / Principal of College. In case of non-teaching employees the orders shall be implemented / enforced by the Registrar.

13. Administrative control

The Vice-Chancellor shall have the supervisory and administrative control over the committee.

14. Removal of difficulties

If any difficulty arises in giving effect to the provision of these rules the chairperson may remove the difficulties.

15. Savings

No officer / member shall be liable for any legal proceedings for anything done in good faith in discharge of duties under these rules.

Aggarwal College Ballabgarh

Working Rules for Internal Complaints Committee

In pursuance of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 and the Rules framed there under, the Institute hereby adopts the following procedure for determining complaints filed to the Internal Complaints Committee (ICC) constituted under the Act. The procedure complies with the basic principles of natural justice and fair play and has to be adhered to in all complaints, though, in individual complaints, for reasons to be stated in writing, the ICC reserves the right to make exceptions to the procedure stated hereunder.

1. Any aggrieved woman may make, in writing, a complaint of sexual harassment at work

place to the ICC, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. 6 copies of a written complaint should be submitted to the Committee or any of its members along with list of witnesses and supporting documents. Additional documents and list of witnesses can be submitted to ICC at a later stage during the proceeding.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any other member of the ICC shall render all reasonable assistance to the woman for making the complaint in writing.

Provided further that the ICC for the reasons to be recorded in writing, can extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

2. Any complaint received by the members should be immediately forwarded to the

Presiding Officer, and this must be notified to other committee members at the earliest and not later than 3 days and a meeting should be called for discussing the matter.

3. The Committee shall discuss and decide on its jurisdiction to deal with the case or reject the complaint prima facie and recommend to the Institute that no action is required to be taken in the matter.
4. Notice shall be issued to the respondent within 7 working days of receipt of the complaint and 10 working days shall be given for submission of reply (along with the list of witnesses and documents.)
5. The Committee will provide assistance to the aggrieved woman, if she so chooses, to file a police complaint in relation to an offence under Indian Penal Code.
6. The Committee may, before initiating an inquiry, at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation.
7. No monetary settlement shall be made as the basis of conciliation. Where a settlement has been arrived at, the ICC shall record the settlement so arrived and forward the same to the employer for necessary compliance.
8. The Committee shall provide the copies of the settlement as recorded under (7) to the aggrieved woman and the respondent. Where a settlement is arrived at, no further inquiry shall be conducted by the ICC.
9. If conciliation is found to be not feasible, notice will be issued to both parties for hearing.
10. The Committee may direct the Registrar to ensure the safety and protection of the aggrieved woman if and when required.
11. As an interim measure, ICC may recommend
 - a) the transfer of the aggrieved woman or the respondent to another section or Department as deemed fit by the Committee.
 - b) grant leave to the aggrieved woman upto a period of three months or :
 - c) restrain the respondent from exercising any administrative authority or supervision or academic evaluation of the aggrieved woman.
 - d) grant such other relief to the aggrieved woman as the case may require.
12. The Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent considering sexual harassment as misconduct.

13. The Presiding Officer shall convene the first hearing of the enquiry. The respondent, the aggrieved woman, and the witnesses shall be intimated at least 7 working days in advance in writing of the date, time and venue of the enquiry proceedings. The subsequent proceedings may be on a day to day basis, to be decided by ICC.
14. The Committee shall provide reasonable opportunity to the aggrieved woman and the respondent for presenting and defending her/his case.
15. The Committee may at any time during the enquiry proceedings, preclude the face-to-face examination of the respondent and the aggrieved woman and/or their witnesses keeping in view the need to protect the aggrieved woman or the witnesses from facing any serious health and/or safety problems.
16. The Committee may call any person to appear as a witness if it is of the opinion that it shall be in the interest of justice. The aggrieved woman/respondent has to submit the written reply before the committee within the specified time given.
17. The Committee shall have the right to summon, as many times as required, the respondent, aggrieved woman and/or any witnesses for the purpose of supplementary testimony and/or clarifications.
18. The Committee shall have the power to summon any official papers or documents pertaining to the aggrieved woman as well as the respondent.
19. The past sexual history of the aggrieved woman shall not be probed into as such information shall be deemed irrelevant to a complaint of sexual harassment.
20. The Committee shall have the right to terminate the enquiry proceedings and to give an ex party decision on the complaint, should the respondent fail, without valid ground, to be present for three consecutive hearings convened by the Presiding Officer.
21. The aggrieved woman and the respondent, or any one person on her/his behalf, shall have the right to examine written transcripts of the recordings with the exclusion of witnesses' names and identities. Any person nominated by the aggrieved woman and/or the respondent on her/his behalf shall be (only) either a student, or a member of the academic or non-teaching staff. No person who has been found guilty of sexual harassment shall be accepted as a nominee. The aggrieved woman/respondent should inform the Presiding Officer specifically if they wish to exercise this right. The Presiding Officer shall allow access to such documents on a specific date to be intimated at least two days in advance to each of the parties concerned. At no point in time, however, can the concerned parties take these documents outside the office.

22. The aggrieved woman and the respondent shall be responsible for presenting their witnesses before the Committee. However, if the Committee is convinced that the absence of either of the parties to the disputes is on valid grounds, the Committee shall adjourn that particular meeting of the Committee for a period not exceeding five days. The meeting so adjourned shall be conducted thereafter, even if the person concerned fails to appear for the said adjourned meeting without prior intimation/valid ground.
23. All proceedings of the ICC shall be recorded in writing. The record of the proceedings and the statement of witnesses shall be endorsed by the persons concerned as well as the committee members present in token of authenticity thereof. In case the minutes cannot be reduced in writing the same day, as audio recording of the proceedings may be made, and the written proceedings will be authenticated on a next available opportunity.
24. If the aggrieved woman desires to tender any documents by way of evidence, the Committee can supply true copies of such documents to the respondent. Similarly, if the respondent desires to tender any documents in evidence, the Committee shall supply true copies of such documents to the aggrieved woman.
25. In the event the Committee thinks that supplementary testimony is required, the Presiding Officer shall forward to the persons concerned a summary of the proceedings and allow for a time period of seven days to submit such testimony, in person or in writing, to the Committee.
26. The aggrieved woman and the respondent shall have the right of cross-examination of all witnesses. However such cross-examination shall be conducted in the form of written questions and responses via the Committee only. **The respondent shall have no right to directly cross-examine the aggrieved woman or her witnesses.**
27. The respondent/aggrieved woman may submit to the Committee, a written list of questions that he/she desires to pose to the aggrieved woman/witness. The Committee (ICC) shall retain the right to disallow any questions that it has reason to believe to be irrelevant, mischievous, slanderous, derogatory or gender-insensitive.
28. Amicus Curie can be called for helping the committee if and when required.

29. After concluding its investigation, the Committee shall submit a detailed reasoned report to the Institute.

30. If the Committee finds no merit in the allegations, it shall report to the Institute.

31. In the event the Committee finds that the allegation(s) against the respondent have been proved, it shall recommend the nature of action to be taken by the Institute. The following actions may be recommended:

- a. A written apology
- b. Warning
- c. Reprimand or censure
- d. Withholding of promotion
- e. Withholding of pay rise or increments
- f. Undergoing a counseling session
- g. Carrying out of community service
- h. Terminating the respondent from service
- i. Any other punishment according to the service rules applicable to the respondent

32. When the Committee arrives at the conclusion that the allegation against the respondent is malicious or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the Institute to take action against such falsification.

33. Nothing precludes the Institute authority from taking cognizance of any new fact or evidence which may arise or be brought before it during the pendency of the inquiry proceedings or even after the communication of the findings to appropriate Institute authorities.

34. If the allegation(s) is/are proved against the respondent, the Committee may direct the Institute to ensure the payment of compensation to the aggrieved woman by the respondent. The determination of compensation to the aggrieved woman shall be decided based on the following facts:

- i. The mental trauma, pain, suffering and emotional distress caused to the aggrieved woman.
 - ii. The loss of career opportunity due to the incident of sexual harassment.
 - iii. Medical expenses incurred by the victim for physical or psychiatric treatment
 - iv. The income and financial status of the respondent
 - v. Feasibility of such payment in lumpsum or in installments
35. The Institute authorities will file a compliance report to the Committee within 30 days of issuance of such recommendation.
36. ICC shall have the necessary powers to take suo motu notice of incidents of sexual harassment and/or gender injustice in the Institute campus and act against the same in such manner as it deems appropriate.
37. The identity of the aggrieved woman, respondent, witnesses and proceedings of the Committee and its recommendations and the action taken by the Institute shall not be published, communicated or made known to the public, press or media in any manner and it will be outside the purview of the Right to Information Act, 2005.
38. No legal practitioner will be allowed to represent either the aggrieved woman or the respondent in proceedings before the Complaints Committee.
39. The Committee has the powers of a civil court in the following cases
 - i. Summoning and enforcing the attendance of any person related to the incident.
 - ii. Requiring the discovery and production of any documents
 - iii. Any other matter relating to the incident as decided by the Committee from time to time.
40. The aggrieved woman or respondent may prefer an appeal to the competent authority.