

DEPARTMENT OF TECHNICAL EDUCATION
RULES IN RESPECT OF STUDENT CONDUCT AND DISCIPLINE

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RULES IN RESPECT OF STUDENT CONDUCT AND DISCIPLINE

A: INTRODUCTION:

Note: Definitions of expressions used in these Rules are set out in Section F

1. PURPOSES AND SCOPE

1. In the Polytechnic/ diploma level institutions the Principal has overall responsibility for the maintenance of student discipline and, within rules and procedures established by the Department for the suspension and expulsion of students on disciplinary grounds. Students on admission to the Polytechnic/ institutions give written undertakings to abide by its rules regulations and disciplinary requirements.
- 1.2 This document outlines
 - (i) the conduct expected of students,
 - (ii) the framework and procedures for dealing with allegations of student misconduct,
 - (iii) the procedure with respect to the suspension or expulsion of students on disciplinary grounds, and
 - (iv) the procedure for the conduct of appeals against the decisions of the Principal.
- 1.3 The procedures provide for the Principal's responsibilities for student discipline to be delegated as regards minor matters to staff designated by the Principal. The Principal's involvement is directly required in cases deemed to warrant consideration of suspension or expulsion. Suspensions or Expulsions are actioned by the Principal on the recommendations of the Student Disciplinary Committee (Section D), and are subject to a right of appeal to the Student Disciplinary Appeals Committee established by the Deptt. (Section E). All Hearings under these Rules shall be conducted in accordance with the principles of natural justice.
- 1.4 These Rules are concerned with conduct and discipline in Polytechnic /Institutions for individual/group cases etc..
- 1.5 Appropriate steps are taken within the Polytechnic/ institutions to draw the attention of staff and students to the rules and regulations, codes of conduct and procedures, in matters of student conduct and discipline. Students have a responsibility to make themselves familiar with these rules and regulations, etc.
- 1.6 These Rules will normally apply in respect of alleged misconduct in relation to activities engaged in, or services and facilities enjoyed, as a student of the Polytechnic/ institutions, or occurring on or in the vicinity of the premises of the Polytechnic/ institutions - which includes residential accommodation owned or leased by the Polytechnic/ institutions. However the Polytechnic/ institutions reserves the right to take disciplinary action against a student in respect of any misconduct wherever it may have taken place when it is considered necessary to

protect the interests and reputation of the Polytechnic/ institutions, its staff, or students.

2. CONDUCT - EXPLANATORY STATEMENT

2.1 Students are expected to conduct themselves generally in a manner which does not hinder the Polytechnic/ institutions's purposes or proper operation, nor damage its reputation. Compliance is required with policies relating to behaviour and with rules, regulations, codes of conduct, procedures and directions regulating conduct generally, or with regard to particular matters, activities and services.

2.2 Disciplinary action may be invoked against a student where an allegation is made, by any person, either from within or without the Polytechnic/ institutions community, that a student has committed misconduct, examples of which include the following:

(i) disruption of, or interference with, academic, administrative, sporting, social or other activities of the Polytechnic/ institutions;

(ii) sexual, racial, physical or other harassment, or behaviour which causes fear or distress to others; threatening, abusive, disorderly, irregular or unreasonable behaviour;

(iii) behaviour which contravenes the Polytechnic/ institutions's principles of dignity and respect or is a form of harassment or bullying.

(iv) behaviour which interferes with freedom of speech, thought, action or enquiry of any other student or member of staff or lawful visitor to the Polytechnic/ institutions;

(v) fraud, deceit, deception, dishonesty or misappropriation of Polytechnic/ institutions funds or assets, misuse or falsification of any records or documents held by the Polytechnic/ institutions, its staff, students or visitors, or any improper access to, transmission, use, or disclosure of computerised or other data held by the Polytechnic/ institutions or accessible through Polytechnic/ institutions equipment or networks;

(vi) conduct which constitutes a criminal offence where that conduct -

(a) took place on or in the vicinity of Polytechnic/ institutions premises, or

(b) affected or concerned other members of the Polytechnic/ institutions, or

(c) damages or threatens the reputation of the Polytechnic/ institutions, or

(d) itself constitutes misconduct within the meaning of these Rules, or

(e) is an offence of dishonesty, where a student holds an office of responsibility within the Polytechnic/ institutions;

(vii) damage to, or wrongful treatment of, the property or equipment of the Polytechnic/ institutions or any of its staff, students or visitors, or any action likely to cause injury to any person or impairing the health and safety of the premises or its occupants, or contravening Polytechnic/ institutions policies on Health Safety and the Environment;

(viii) action or omission which could cause loss, damage or injury or put others at risk.

(ix) a breach of any Polytechnic/ institutions Rules Regulations Codes of Conduct or Procedures, or any failure to comply with any ruling made as a result of disciplinary proceedings whether formal or informal

3. CRIMINAL PROCEEDINGS

The following procedures shall apply where the alleged conduct would also constitute a criminal offence if proved in a court of law:

3.1 Where the alleged offence under the criminal law is considered to be not serious, action under these Rules may proceed, but such action may be deferred at the discretion of the Principal pending any police investigation or prosecution,

3.2 In the case of all other alleged offences under the criminal law, no action (other than suspension under para 7.2) should be taken under these Rules, until the matter has been reported to the Police and a decision whether or not to prosecute has been taken, following which the Principal may decide whether disciplinary action should continue or be deferred pending the result of any proposed criminal proceedings

3.3 Where a finding of misconduct is made and a Court in respect of the same facts has also sentenced the student, the Court's penalty shall be taken into account in determining any penalty imposed under these Rules.

3.4 Where in any particular case there is a doubt as to whether or not the alleged offence should be referred to the Police, the decision should normally rest with the Principal.

B: DISCIPLINARY ACTION - DEALING WITH ALLEGATIONS OF MISCONDUCT

4 Preliminary - Informal Actions

4.1 Staff at all levels have their part to play in assisting in the maintenance of student discipline, and it is to be expected that most cases of a minor nature will be dealt with in the first instance by an individual member of staff. In many cases, complaints of a minor nature can be dealt with by the member of staff/class tutor most closely involved, simply and quickly on an informal basis of counselling in the correct behaviour or conduct.

- 4.2.1 Where the allegation is more serious, or if it calls for an investigation of the facts, or the alleged offence is outside the normal jurisdiction of the member of staff directly involved, the matter should be referred to the Head Student Disciplinary Committee/ Principal.
- 4.2.2 The Head student Disciplinary Committee shall have the facts investigated as quickly as possible and a report prepared for consideration of the committee..
- 4.2.3 The head student disciplinary committee should consult with all the members of committee & where appropriate the Academic Incharge also before deciding what action to take on the report.

5. Formal Disciplinary Action

- 5.1 On receipt of the report of the investigation into an allegation of misconduct, the Head student Disciplinary Committee shall arrange a Hearing of the allegations of misconduct, unless he/she decides that the matter is not sufficiently serious to justify formal disciplinary action, in which case he may deal with the matter under Rule 4.1.
- 5.2 **If he/she considers that there is good cause to suspend the student pending a Hearing the Head student Disciplinary Committee may recommend the Principal to suspend the student under Rule 7.2**
- 5.3 Where a Hearing is to be held, the Head student Disciplinary Committee shall send a Notice to the student specifying generally the matters into which the Hearing will be held, and stating the day, hour and place appointed for holding the Hearing. The Notice shall be sent not less than 5 working days before the day appointed for holding the Hearing, provided that where the Principal feels the necessity the period of notice may be reduced. The student shall be informed that he/she may be accompanied, and represented, along with parent/guardian (in exceptional cases only) at the Hearing.
If the student does not appear, and the Head student Disciplinary Committee is satisfied that notice of the Hearing was duly sent to him/her, he/she may proceed with the Hearing in the student's absence, or may adjourn the Hearing. The facts shall be established as fully as possible, calling any witnesses where necessary. A member of administrative staff shall be in attendance to record the proceedings.
- 5.4 Having determined the facts, the Head student Disciplinary Committee shall make a determination thereon, and may impose one or more of the following warnings or other penalties as he/she thinks appropriate in the circumstances:
 - (a) assn oral warning (not recorded on the student's file)
 - (b) a formal written warning or reprimand (recorded on the student's file for such period as the Head student Disciplinary Committee may consider appropriate)
 - (c) an order for restitution and/or compensation for damage or loss;

- (d) the withdrawal of any benefit, facility or privilege; for such period as the Principal/Head student Disciplinary Committee may consider appropriate
 - (e) a fine or penalty not exceeding Rs. 5000/- (or such revised sum as the Principal or Director may from time to time determine);
 - (f) in relation to halls of residence/hostel; expulsion from halls/hostels, or
 - (g) alternatively, the Head student Disciplinary Committee may decide to refer the matter to the Principal for consideration.
- 5.5 A note of the decision (other than an oral warning) should be recorded on the student's file, and a copy sent to the Principal and parents of the students responsible for student affairs.
- 5.6 The student shall be given written notification of the decision, and be advised of his/her right to appeal against the decision of the Head student Disciplinary Committee to the Principal of the Polytechnic in so far as it imposes any written warning or other penalty.
- 5.7 Notwithstanding the foregoing provisions, the Principal shall always have the right, where the circumstances, seriousness or urgency of the alleged misconduct warrant it, to require that the allegation be considered directly by the Student Disciplinary Committee.
- 5.8 The Chairman appellate committee with responsibility for student affairs may from time to time, after consultation with the members of the committee, lay down rules of guidance for Head student Disciplinary Committees/Principal on the exercise of their powers under these Rules, and the imposition of any penalties, etc., there under.

C: APPEALS AGAINST DECISIONS OF HEAD STUDENT DISCIPLINARY COMMITTEES

- 6.1 Any student dissatisfied with a decision of a Head student Disciplinary Committee (other than under 5.4 (g) above) may give written notice of intention to appeal to Principal; such notice to be received by the Principal within 5 days of the student being sent notification of the original decision. The Notice of Appeal must specify clearly the grounds under which the student wishes to appeal, which would normally include one or more of the following:
- (a) Evidence at the Hearing was factually incorrect,
 - (b) Fresh evidence is available,
 - (c) The Hearing was flawed on procedural grounds
 - (d) The findings of the Hearing were inconsistent with the evidence provided to the Hearing, or

- (e) The decision was not reasonable in the circumstances.
- 6.2 A Principal, and a Head of Deptt. (neither of whom shall have been previously concerned in the matter) shall together constitute the Appeals Panel. The student must be given at least five days' notice in writing of the date and place of the Appeal Hearing. The student will be entitled to attend the Appeal Hearing to present the appeal, accompanied and represented, along with parents. The Appeal may be made by way of written submission only by the student. If the student does not appear and the Panel is satisfied that notice of the Hearing was duly sent to him/her, it may proceed with the Hearing in the student's absence, or may adjourn the Hearing.
- 6.3 The Appeals Panel may:
- (a) allow the appeal
 - (b) confirm the decision of the Head student Disciplinary Committee,
 - (c) impose such other warning or penalty as it may think fit (within the Head student Disciplinary Committee's powers under Rule 5.4), or,
 - (d) if it is considered that suspension or expulsion would be appropriate then the Principal shall take appropriate action with information to Chairman Appellate committee
- 6.4 The decision of the Appeals Panel shall be communicated to the Student in writing by the office of the Principal within five working days.
- 6.5 For all penalties other than suspension or expulsion, the decision of the Appeals Panel headed by the Principal shall be final. In case of suspension or expulsion the decision of the appellate committee shall be final provided the appeal is pending with the appellate committee till the decision of appellate committee is made the decision of the Principal shall remain imposed.

D: PROCEDURES FOR SUSPENSION OR EXPULSION

7. Preliminary

- 7.1 If the Principal is satisfied with regard to a disciplinary recommendation from a Head student Disciplinary Committee or the Appeals Panel that there is a prima facie case of serious misconduct in respect of which suspension or expulsion may be the appropriate penalty, s/he shall give a hearing to a student in appeal panel.
- 7.1.1 If the Principal is not satisfied that there is a prima facie case of serious misconduct, he/she may:
- (a) rule that no further action shall be taken, or

- (b) refer the matter back to the Head student Disciplinary Committee for action under Rule 5.4, or for an informal warning or reprimand as may be thought appropriate, or
 - (c) if s/he considers that the alleged misconduct may be dealt with by a short period of suspension, suspend the student for a period not exceeding 4 weeks, provided always that prior notice of his/her intention to do so shall have been given to the student under Rule 7.2.
- 7.2 If the Principal is satisfied that there is good cause to suspend the student, either under 7.1.1 (c), or pending further consideration of the case, s/he shall inform the student accordingly.
- 7.2.1 No student shall be suspended unless he/she has been given the opportunity to make representations to the Principal. Where for any reason it appears to the Principal that it is not possible for the student to attend in person he/she shall be entitled to make written representations Provided that in cases of urgency the Principal may suspend a student with immediate effect, provided always that the student shall be given the opportunity to make personal or written representations to the Principal thereafter, and the decision to suspend shall be reviewed within five working days of receipt of such representations.
- 7.2.2 A suspension shall be subject to review by the Chairman appellate committee every two weeks in the light of developments and of any written representations made by the student, or anyone else on his or her behalf. Such a review may or may not involve a Hearing. The Chairman Appellate committee shall be entitled to cancel the suspension or amend the terms thereof in consultation with the Principal of the concerned Polytechnic(s).

8. RULES RELATING TO HEARINGS BEFORE THE STUDENT DISCIPLINARY PANEL

- 8.1 Where a Hearing is to be held before the Student Disciplinary Committee as a result of allegations made against a student, the Head SDC shall send him/her a Notice and to parents also, in duplicate specifying generally the matters into which the Hearing will be held, and stating the day, hour and place appointed for holding the Hearing. The Notice shall also inform the student that he/she may be accompanied, and represented, along with the parent if required so at the Hearing. The Notice shall be sent not less than 5 working days before the day appointed for holding the Hearing, provided that where the Principal feels the period of notice may be reduced.
- 8.2 The Notice sent to any student in accordance with Rule 8.1 may be amended with the consent of the Principal, and written notice of the amendment shall be sent to such student before the Hearing is held or in the course of the Hearing, provided that the student shall have the right to request an adjournment of the Hearing if reasonable notice of any amendment materially affecting the matters into which the Hearing is being held has not been given to him/her

- 8.3 The student has the right to submit in writing in advance of the Hearing any answer, explanation or other representation which he/she may wish to offer. The Head SDC shall provide with a copy of any answer explanation or representation submitted by the student in pursuance of this Rule.

9. CONDUCT OF THE HEARING

- 9.1 The Hearing shall be conducted in private.
- 9.2 At the opening of the Hearing, the Head SDC/ Secretary shall read the Notice of Hearing and, if the student be not present or not represented, satisfy the Panel that the Notice was duly sent to him/her. If the student does not appear and the Panel is satisfied that notice of the Hearing was duly sent to him/her, it may proceed with the Hearing in the student's absence, or may adjourn the Hearing.
- 9.3 The order of proceedings shall be as follows: -
- (a) Statement of the case against the student and production of evidence in support of it,
 - (b) Statement of the case of the student and production of evidence in support of it.
- 9.4.1 Evidence may be received by the SDC by oral statement, written and signed statement, or statutory declaration.
- 9.4.2 Members of the SDC shall have the right at each stage of the Hearing to ask questions of the Polytechnic/ institutions representative, the student (or his/her representative), and any witnesses who may be called by either party.
- 9.5 If a Hearing is adjourned, when the Hearing is resumed, no fresh evidence shall, except by leave of the SDC, be produced unless:-
- (a) the substance thereof has, not less than five days before the resumed Hearing, been communicated to the Head SDC and to the person against whom it is to be produced, or
 - (b) it is in the nature of a reply to any such evidence.

10. DECISIONS AND PENALTIES

- 10.1 On the conclusion of the Hearing, the SDC shall determine whether the allegations made are proved and, if so, make recommendations to the Principal as to: -
- (a) whether the conduct is such as to render the student unfit to be a student of the Polytechnic/ institutions, hence requiring his/her expulsion by the Principal therefrom;

- (b) whether the student should be suspended by the Principal for a term or terms, or part thereof, provided that any decision to suspend shall not exceed two semesters;
 - (c) whether any reprimand or admonition should be addressed to the student; and/or
 - (d) whether any fine or other penalty or order should be imposed.
- 10.2 The Principal shall within five days of receipt of the SDC recommendations give written notice to the student, the SDC, of his/her decision in the matter. Such notice shall include reference to the student's right of appeal to the Student Disciplinary Appellate Committee.
- 10.3 Any student dissatisfied with the decision of the Principal may give written notice of intention to appeal, such notice to be given to the Chairman appellate committee or through Principal within 14 days of the student being sent notification of the original decision.
- 10.4 The Notice of Appeal should specify clearly the grounds under which the student wishes to appeal, which would normally include one or more of the following:
- (a) Evidence at the Hearing was factually incorrect,
 - (b) Fresh evidence is available,
 - (c) The Hearing was flawed on procedural grounds
 - (d) The findings of the Hearing were inconsistent with the evidence provided to the Hearing, or
 - (e) The decision was not reasonable in the circumstances.
- 10.5 Except in respect of suspensions under Rule 7.2, the operation of any decision to suspend or expel, or the implementation of any penalty imposed, shall be deferred pending the hearing of any appeal in respect of which proper notice has been given under these Rules.

E: THE STUDENT DISCIPLINARY APPELLATE COMMITTEE

- 11.1 Any appeal by a student against a decision of the Principal under Rule 10 shall be heard by the Student Disciplinary Appellate Committee
- 11.2.1 Notice of the Appeal Hearing shall be given to the student by the Secretary appellate committee and Rule 8 shall apply, except that the period of notice as given in Rule 8.1 shall be not less than 14 days before the day appointed to hold the Appeal Hearing.

11.2.2 At the opening of the Hearing, the Secretary appellate committee shall read the Notice of Hearing and, if the student be not present or not represented, satisfy the Appellate committee that the Notice was duly sent to him/her. If the student does not appear and the Appellate committee is satisfied that notice of the Hearing was duly sent to him/her, it may proceed with the Hearing in his/her absence, or may adjourn the Hearing.

11.3 **Conduct of Appeals against Decisions of Principal**

11.3.1 This procedure provides a framework for the consideration of Appeals. The prescribed sequence may exceptionally be varied at the discretion of the Chairman where to do so would assist the Appellate Committee in hearing the appeal, but in all cases hearings shall be conducted in accordance with the principles of natural justice.

Any papers to be referred to during the Appeal shall be issued in advance of the Hearing to the Appellate Committee and the parties involved. These will be accompanied by a summary statement on behalf of the Polytechnic/ institutions of the events leading to the decision of the Principal, and by copies of the written decision, and the written reasons for appeal submitted by the student.

Members of the Appellate Committee shall have the right at each stage of the Hearing to ask questions of the Appellant (or parent), the Polytechnic/ institutions representative, and any witnesses who may be called by either party.

The Secretary shall be present throughout to provide advice to the Appellate Committee on matters of procedure or as otherwise required.

11.3.2 The Appeal hearing shall be opened by a statement by the Polytechnic/ institutions representative summarizing the events leading to the Principal's decision, the evidence given at the disciplinary hearing, and of its findings and the basis for these findings.

11.3.3 The Appellant (or parent) shall submit the appeal, which must be based upon the specific grounds of appeal previously notified in writing by the Appellant to the Principal of Polytechnic/ institutions, calling witnesses as appropriate.

11.3.4 The Appeal must be made in the presence of the Polytechnic/ institution's representative who shall have the opportunity to ask questions of the appellant and any witness he/she may have called.

11.3.5 The Polytechnic/ institution's representative shall have the opportunity to make a response to the Appellant's appeal, calling witnesses as appropriate.

11.3.6 The Appellant (or parent) shall have the opportunity to question the Polytechnic/ institution's representative and any witnesses called by the Polytechnic/ institutions.

11.3.7 The Polytechnic/ institution's representative and subsequently the Appellant (or parent) shall have the opportunity to make a closing statement.

11.3.8 The Appeals Committee will deliberate in private.

11.3.9 In the event that clarification is required on points of uncertainty on evidence already given the Chairman may request the Polytechnic/ institution's representative and the Appellant (and representative) to rejoin the Hearing with a view to clarifying such points.

11.4.1 The decision of the Appellate Committee shall, if possible, be announced in the presence of the Appellant, with the decision of the Appellate Committee being confirmed in writing to the student by the Secretary within five working days of the Appeal Hearing.

11.4.2 The decision of the Appellate Committee in all matters shall be final.

DEFINITIONS

12. For the purposes of these Rules the following expressions have the meanings indicated:-

'Head student Disciplinary Committee'	Head student Disciplinary Committees of Polytechnic/ Institutions, and Services, and such other Heads of Departments or senior members of staff as may be designated by the Principal
'the Principal'	the Principal or officiating Principal of the polytechnic /institutions appointed by the Govt.
'the Secretary'	any person designated as Secretary of the committees to the Student Disciplinary Committee, or the Student Disciplinary Appellate Committee, as the case may be
'Suspension'	the banning of a student from attendance at or access to any or specified Polytechnic/ institutions premises or facilities, and/or participation in Polytechnic/ institutions activities, for a specified or indefinite period - save that specific exceptions may be agreed by the Principal, e.g., for a resident student as regards presence in his/her hostel, or so as to afford the student access to work files on the computer network/college premises, or to take academic examinations or assessments
'Expulsion'	Permanent exclusion from all premises, courses, services and facilities of the Polytechnic/ institutions and the termination of all mutual obligations except as regards any undischarged financial liabilities of the student to the Polytechnic/ institutions
Parent or guardian	Parent of the student as per record or authorized person by the Parent

'The Student Disciplinary Committee'	the SDC established by the Principal to advise the Principal on disciplinary action to be taken under these Rules, which shall consist of 1. Head of the Deptt. as Head student Disciplinary Committee 2. Hostel Warden 3. Head of the concern deptt. 4. Class tutor. 5.any other faculty as deemed fit by the Principal of the polytechnic.
Principal's Appeal Committee/Panel	Consist of 1. Principal/ Chairman 2. Chief Warden 3. Two Head of Deptt. Not member of SDC 5. Office Supdt.
'The Student Disciplinary Appellate Committee'	<p>the Committee established by the Deptt. to hear appeals against decisions by the Principal under these Rules, which shall consist of</p> <ol style="list-style-type: none"> 1. Director Technical Education – Chairman 2. ADIII –Member 3. JD (I)- Member 4. JD(II) -Member 4. JD(III) –Member -Secretary. <p>The quorum to be three members including the Chairman.</p>