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EAST WEST UNIVERSITY

Disciplinary Policy of East West University

2024

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1. Introduction

Whereas East West University is a public Institution having special responsibility for providing higher education for advancing knowledge and for providing other related services to the community.

And, whereas, as a center of learning, East West University also has obligation to maintain conditions conducive to freedom of inquiry and expression to the maximum degree with the orderly conduct of its functions.

And whereas, admission to East West University carries with it the presumption that all the members, i.e. employees and students, will conduct themselves as responsible members of the Academic Community and as a condition of enrollment all members assume responsibility to observing standards of conduct that will contribute to the pursuit of academic goals and to the welfare of the academic community.

And whereas it is expedient to frame the Code of conduct for maintaining and upholding the standards of conduct of members of the East West University.

And, now therefore, under the strength of section 37 of the Private University Act, 2010 the East West University makes the following Statute:

2. Title

This statute shall be called "Disciplinary Policy of East West University for Members, 2025".

3. Definitions

3.1 '**University**' means East West University.

3.2 '**Code**' means the East West University Disciplinary Code for members.

3.3 '**Vice Chancellor**' means the Vice Chancellor of East West University including Acting Vice Chancellor.

3.4 '**Registrar**' means the Registrar of East West University.

3.5 '**Proctor**' means the Proctor of East West University.

3.6 '**Prosecutor**' means an employee of the University appointed by the Proctor to conduct the case for and present the evidence on behalf of the University at the Disciplinary Committee.

3.7 '**Board of Trustees**' means the Board of Trustees of East West University.

3.8 '**Syndicate**' means the Syndicate of East West University.

3.9 '**Teacher**' includes any person of any grade or status providing teaching or is employed to teach by the university or under the authority of the university

whether remunerated or not, and/or any other person who is recognized as teacher by the university.

3.10 '**Officer**' means any officer of the university.

3.11 '**Member**' means any employee or student at the university.

3.12 '**Employee**' means a permanent or temporary employee of the University

3.13 '**Student**' means any person, who at the time of the alleged misconduct is or was.

- a. registered for a qualification listed in the University's calendars, or
- b. taught or evaluated on any University premises by an employee or someone contracted by the University for that purpose, or,
- c. any other person who is deemed to be a student of the University for the purpose of this Code as per notification of the University.

3.14 '**Disciplinary Committee (DC)**' means a committee of East West University constituted under Section-28 of the Private University Act, 2010, to adjudicate charges of misconduct relating to employees/students.

3.15 '**Disciplinary Appellate Authority**' means the Syndicate to consider appeals from decisions of the Disciplinary Committee.

3.16 '**University premises**' include any premises, including nearby roads/shops or places/buildings or which is the property of the University or is controlled and/or occupied on a rented basis or otherwise for hour(s) or day(s) by the University for University activities including regional offices, centers and examination venues.

3.17 '**Unfair or Illegal means**' Clauses/acts that constitute of unfair means as elaborated in the detail version of "Disciplinary Policy of East West University".

3.18 '**Examination**' includes all assessments, whether written, oral or practical, unseen or assignment or research based, of a student's performance organized and/or conducted in the name of the University.

3.19 '**Duration of Examination**' means the time when the answer book or the question paper or the assignment whichever is earlier has been made available to the student till it is declared the end.

3.20 '**Sexual Harassment**' means sexual harassment as defined in para-4 of the High Court's Directives given against Writ Petition No.5916 of 2008. These Directives, hereinafter, will be referred to as the High Court's Directives.

4. General Principles and Rules

4.1 The Disciplinary Policy is aimed at

4.1.1 upholding the name and reputation of the University

4.1.2 maintaining order, discipline, safety and security at the University

4.1.3 ensuring the integrity of the academic processes of the University

- 4.1.4 assuring the quality of the assessment processes at the University
- 4.2 The general supervision and control of discipline at the University vests with the Proctor and are administered in terms of this Disciplinary Policy of the University.

4.3. Every member shall.

- 4.3.1 Conform to and abide by these rules.
- 4.3.2 Observe, comply with and obey all orders and directions which may, from time to time, be given by the University and any person or person under whose jurisdiction, superintendence or control s/he may be.
- 4.3.3 Serve the University and discharge her/his assigned duties faithfully, honestly and diligently.
- 4.3.4 Use her/his utmost endeavors to promote the interests of the University.
- 4.4.5 Observe proper decorum and show courtesy in all matters to all concerned; and
- 4.3.6 Maintain strict secrecy regarding the affairs of the University and not divulge the contents of any documents to anybody, except to her/his own section head, the VC, and persons involved in the processing of the document.

4.4 No member shall-

- 4.4.1 Associate herself/himself with any political organization, front organization of political parties or otherwise take active part in politics;
- 4.4.1 Keep herself/himself absent from duties, or leave her/his station without obtaining permission from the controlling officer;
- 4.4.2 Make any public statement pertaining to EWU through any media including press, radio or television unless specifically authorized to do so by the University, except on University's Day to day routine matters.
- 4.4.3 Accept or seek any other employment or office or part-time work, whether on payment, stipendiary or honorary, without prior sanction of the appointing authority. If a member works purely part time, with the permission of the authority and earns remuneration, s/he will deposit 10 percent of the earnings to the university
- 4.4.4 Engage in any trade or business without specific approval of the appointing authority.
- 4.4.5 Indulge in parochialism, favoritism, victimization, willful abuse of office, seizure (Gherao) of office or any officer or coercion to officer/staff in a body or individually.
- 4.4.6 Demonstrate sexually oriented behavior (indecent gestures, teasing through abusive language, stalking, joking having sexual implications),

attempt or effort to establish physical relation having sexual implication by abuse of administrative, authoritative or professional powers.

- 4.4.7 Notwithstanding anything contained in clause (d) and (e) of sub-rule (3.3.2) an employee may undertake occasional work of purely literary or artistic nature provided such work does not cause any embarrassment to the University.

4.5 No member or his/her relative shall-

- 4.5.1 Accept any gift or concession from any person having or likely to have dealings with the University; and
- 4.5.2 Lend money to, or borrow money from, or place himself under any pecuniary obligation to, any person or firm having or likely to have dealings with the University.

4.6 Applicability

This policy will be applicable to conducts and discipline of the members of East West University provided that if a member is accused of 'sexual harassment', without prejudice to amenability of the said member to the High Court's Directive/enactment the said member shall, for the purpose of inflicting punishment under this policy, be deemed to be guilty of misconduct under this policy on being determined to have committed 'sexual harassment' under the High Court's Directives or any policy/guidelines/order for the time being in force or any law in this regard that may be in place.

5. Misconduct

Any conduct of a member that contravenes the Disciplinary policy and/or negatively impacts on the goals of the policy may be regarded as misconduct and subject to disciplinary measures as elaborated in the detail version of “Disciplinary Policy of East West University”

6. Composition and Terms of Reference of The Disciplinary Committee (Dc)

6.1 Composition: As per section 28(1) of the Private University Act, 2010 there shall be a Disciplinary Committee comprising as follows:

- 6.1.1 Chairperson:** One member of the Board of Trustees nominated by the Board

6.1.2 Members:

- a. Vice Chancellor
- b. All Deans
- c. One Chairperson nominated by the Syndicate
- d. Registrar
- e. Proctor-Member Secretary

6.2 Terms of Reference

- a. **Jurisdiction:** The Disciplinary Committee is authorized to deal with and adjudicate any offence(s) of misconduct under this policy; but implementation of its disposal/recommendation is subject to the approval of the Syndicate.
- b. **Assembly:** The Disciplinary Committee may assemble any time as and when required and be convened with a written notice, but in exceptional circumstances the Vice Chancellor may convene its meeting impromptu.
- c. **Quorum:** Presence of 5 (five) members of the Disciplinary Committee shall constitute the Quorum of a meeting of the Disciplinary Committee.
- d. **Hearing:** The Disciplinary Committee will hear the case as per the General Procedure as laid down later in this policy.
- e. **Arriving at Decision/Disposal:** The Disciplinary Committee shall follow the steps as laid down later in this policy.
- f. **Award of Punishment:** Where applicable the Disciplinary Committee is authorized to award any or combination of the Punishments within the Scale of Punishments mentioned later in this policy.

7. Absence of Disciplinary Committee Members

- a. If at any stage during the sitting of the Disciplinary Committee a member of the Committee is no longer able to participate in the proceedings or is absent for any reason, the hearing will continue, provided that the Committee has the quorum.
- b. In all other cases, the hearing should be terminated and will commence de novo.

7.1 Chairperson to Determine Procedures

Subject to the provisions of this policy, the procedure adopted at the Disciplinary Committee is determined by the Chairman of the Disciplinary Committee.

8. Lodging Complaint

Complain lodging procedure is elaborated in the detail version of "Disciplinary Policy of East West University".

9. Procedure in the Case of a Complaint of Misconduct Not Related with Sexual Harassment

Complain lodging procedure is elaborated in the detail version of “Disciplinary Policy of East West University”.

10. Procedure in Case of Complaint Related with Sexual Harassment

The 'Complaint Committee' will deal with and investigate any complaint related with Sexual Harassment in the manner described in para-8 and 10 of the High Court's Directives and submit its report with specific recommendation(s) to the Vice Chancellor within the time stipulated in the Directives.

11. Convening of the Meeting of the Disciplinary Committee

If the Vice Chancellor's endorsement is in favour of proceeding with the case against the member(s), the Proctor (as Member Secretary), in consultation with Chair, Disciplinary Committee, shall convene meeting of the Disciplinary Committee for disposal of the case giving at least 7 days' notice generally.

12. Notice to the Accused Member(S)

When proceedings against a member/members are instituted in terms of section 9 above, the Proctor on behalf of Disciplinary Committee will give the member concerned not less than 7 days notice in writing of the date, time and place of the hearing by the Disciplinary Committee along with full description of the charges and the provision of the policy regarding misconduct for breach of which the proceeding has been initiated.

13. General Procedures at the Hearing of a Charge of Misconduct and Punishment

In the interest of transparency, all hearings are open meetings unless the Chairperson of the Disciplinary Committee is persuaded by the circumstances of the case to direct that the hearing be closed to the University community/public. The detail procedure of hearing and possible imposed punishment are elaborated in the detail version of “Disciplinary Policy of East West University”

14. Implementation of Decision(S) of the Disciplinary Committee

- a. If the Disciplinary Committee finds an accused member:
- b. guilty, the student is notified by the Registrar in writing of the finding and the punishment(s) imposed by the Disciplinary Committee. In the Notice, the

- student is further informed of her/his right to appeal against the finding(s) and/or the punishment(s) imposed.
- c. not guilty, the member is notified in writing of the findings of the Disciplinary Committee.
 - d. if the member is a minor or insane, no disciplinary measure(s) will be taken against that member before her/his parent or guardian has also been informed in writing of her/his alleged misconduct and has been given a proper opportunity to make a written statement and, if she/he wishes, to appear before the Disciplinary Committee in person.

15. Disciplinary Appeal

- a. If the accused member found guilty is aggrieved by the order of the Disciplinary Committee s/he may file an appeal before the Syndicate against the finding of guilt or punishment or both.
- b. If the victim of the accused member is aggrieved by the order of the Disciplinary Committee, he may file an appeal before the Syndicate against the order passed by Disciplinary Committee, for enhancement of punishment. The victim shall not have the right to appeal against the order of acquittal of the accused member. The victim neither shall have the right to appeal for securing expulsion of the member from the university forever.

16. Powers of the Disciplinary Appellate Authority (Syndicate)

- a. The Syndicate is responsible for the hearing of appeals in respect of the decisions of the Disciplinary Committee whether based on factual findings, matters relating to procedure and/or the sanctions imposed.
- b. The Syndicate has the powers to approve, review, reverse, nullify or replace decisions of the Disciplinary Committee in all respects, and can also order that hearings be held de novo except expulsion of a member forever and reversing the order of acquittal.
- c. Presence of 7 members of the Syndicate will form the Quorum of the Appellate authority.

17. Restrictions on Appellate Authority

A member of the Disciplinary Committee shall not be eligible to sit on appeal before Syndicate against the order of the Disciplinary Committee in which the said member of the Disciplinary Committee was party either in favour of university or accused member(s).

18. Procedure for Disposal of a Case, Where an Employee has been Convicted by the Court of Law:

- a. When a member is convicted by a court of law on charge of a criminal offense the Appointing authority may dismiss or remove him/her from the service of the University or reduce him/her in rank, or impose any other penalty upon him/her without following the usual investigation/hearing

procedure laid down in the detail version of the policy or may not impose any penalty, if the Appointing authority decides that the offense for which he is convicted is not liable to disciplinary action under these rules.

- b. Any penalty imposed upon a member under sub-rule 16.1 shall take effect from the date of communication of the order of imposition of the penalty to the member and not from the date of her conviction or suspension.

19. Procedure of Appeal

A member intending to file an appeal must submit a memorandum of appeal along with an order of the Disciplinary Committee setting out the grounds upon which she/he challenges the order of the Disciplinary Committee. The said member shall submit the said memorandum of appeal with the Registrar within 7 days from the date of receipt of the order. On receipt of the memorandum of appeal the Registrar shall place it in the next meeting of the Syndicate.

20. Reinstatement

When a member who was dismissed, removed or suspended is reinstated, the punishing or appellate authority may grant her/him for the period of her/his absence from duty:

- (a) If s/he is honorably acquitted of the charge against her/him and is reinstated with retrospective effect, the full pay to which s/he would have been entitled had s/he not been dismissed, removed or suspended; or
- (b) If otherwise, such leave with full pay or with half-pay or without pay as the punishing or appellate authority may prescribe.

Explanation- except in case of leave without pay, the subsistence allowance, if any paid to an employee during suspension shall be recovered from her/his salary on reinstatement.

21. Bar to Resign or Retire

A member under suspension or prosecution on charge of offenses, under these rules, shall not resign or retire at her/his own option from service until the case is finalized.

22. Educating the Students on this Code

The university shall arrange an educational session for newcomers and fresh members to enlighten them on this policy. On completion of such session, a declaration shall be obtained from the said member to the effect

that s/he participated in the said session and understood the importance of the policy in letter and spirit.

23. Review of the Policy

This policy will be reviewed as needed with due process with the consent of the Disciplinary Committee or in every 3 years time.

24. Commencement of this Code

This policy comes into effect immediately after, under the strength of section 37 of the Private University Act, 2010 it is approved by the Chancellor of East West University.

Disciplinary Policy of East West University

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