

Ashoka University Guidelines and Regulations on Disciplinary Proceedings, 2021

1. Preamble

Ashoka University is committed to providing an inspiring and intellectually stimulating learning environment, and a safe and supportive space with a culture of respect for all members of the university community. By choosing to become members of this community, students affirm their commitment to its philosophy, ethos and values and understand the responsibility placed upon them. The University expects all students to honour this commitment.

To this end, the University has rules and regulations that define actions and behavior consistent with these ideals. Violations and deviations from the same will jeopardise the values and culture of this institution. The University may initiate disciplinary action in the event of any breach or violation of these rules and regulations.

2. Actions liable for Disciplinary Action by CADI

- I. Violation of University Policy specifying injunction against possession and/or consumption of substances including drugs and alcohol.
- II. Violation of Residence Life Policies that have been created to ensure a safe and nurturing campus environment.
- III. Engaging in behavior likely to cause harm, mental or physical.
- IV. Any other actions of a student that are in violation of the University's mission of ensuring a humane, just and safe campus and ethical conduct on the part of all members of the University community.

*Note:

- i. Any violation of Policy against Sexual Harassment, Anti Ragging Policy and Academic Integrity Policy **will not be considered by CADI**. These will be referred to the relevant committee for determination of both the violation and sanction/penalty.
- ii. All violations and breaches in categories other than the 3 mentioned above (in **Note:**), will be referred to CADI for determination of both the violation and sanction/penalty. (Process elaborated in section titled **5. Formal Disciplinary Proceeding And Course Of Action**)
- iii. Students may refer to the category list of policies and above stated violations and breaches in their Student Handbook shared at the time of Orientation. Correspondingly, the detailed policies documented and published are uploaded on the student portal (AMS) and Student Information System (SIS) for student's reference. They are expected to read and understand each of these very carefully. Any ignorance or lack of knowledge of the University's policies, rules and regulations will not be accepted as valid excuse for any violations.
- iv. The determination of violations and sanctions/penalty will also be governed

by State and National laws, **wherever applicable.**

3. Membership and composition of the University Disciplinary Committee– The Committee Against Disciplinary Infractions (CADI)

Members of CADI will be drawn from amongst the faculty, staff and students of the university. The Committee will consist of 13 members.

- I. Faculty and staff membership: the appointment of faculty and staff members to CADI will be made by the Vice-Chancellor.
 - Four permanent faculty,
 - Four staff members and
 - One either faculty or staff member
 - Their tenure will be for 2 full academic years
- II. Student membership:
Student members will be elected from the following programmes:
 - Undergraduate Programme- 2 members from the senior most batch (1 representative each from amongst women and men)
 - YIF Programme- 1 member
 - ASP, MLS, PhD and Masters Programme- 1 member

The Dean of Student Affairs and Director of Student Affairs will be responsible for facilitating the election process. The names of elected student members will be forwarded to the Vice-Chancellor by the Dean of Student Affairs. Students members will be elected to CADI for a tenure of 1 full academic year.

- III. Quorum for all proceedings (including hearings, meetings, etc):
For faculty and staff – minimum 5 out of 9 members
For students – minimum 2 out of 4 members
- IV. Tenure: as mentioned above (faculty and staff members have a tenure of 2 full academic years and student members a tenure of 1 full academic year)
- V. Office bearers in CADI:
 - a) The Vice-Chancellor shall appoint one member of the Committee as the Chair of CADI - the Chair will preside over all meetings of CADI and facilitate its proceedings. The Chair will be either a faculty or a staff member.
 - b) The Vice-Chancellor shall appoint one member of the CADI Committee from amongst the staff as the Member Secretary of CADI who shall convene meetings and keep the Minutes of meetings.
The Member Secretary will be responsible for maintaining detailed records including statements and minutes of meetings. While the statements and minutes of meetings need not be transcribed verbatim, they must be transcribed to keep their truthfulness and essence intact.

4. Complaints Process

a. Receipt of complaint

Any student, faculty, or staff of Ashoka University may file and submit a complaint to CADI against any student(s) reporting an incident/s violating University rules and

regulations.

Complaints made by office bearers of the University while exercising their fiduciary responsibilities shall not be considered as a complaint made by an individual but by the relevant office/department.

All complaint(s) must be filed within 10 working days from the occurrence of the incident and may be submitted in writing by email (to complaint.cadi@ashoka.edu.in).

b. Conflict of Interest:

All members of CADI should be aware of any potential conflict of interest between themselves and all the parties involved, including the complainant and the defendant. Committee members with past or present personal or professional relationship and proximity to any of the parties involved will notify the Chair that a conflict of interest exists, without disclosing the nature of relationship. The Committee member(s) will then recuse themselves from all further involvement in deliberation/preliminary investigation/ formal proceedings and decision making by CADI regarding the particular case.

c. Deliberation and Preliminary Investigation

With assistance from the Member Secretary, all written complaints received through email will be first taken up for deliberation and preliminary investigation by CADI. The purpose of this first stage of screening would be to determine if the matter comes within the ambit of CADI or whether the complainant should be directed to other disciplinary committees such as CASH (ICC) or ARC.

Following this, either (a) the complainant will be guided towards such other committee by the Chair of CADI or (b) the matter will be taken up for further proceedings by CADI.

d. Process and stages of complaint screening:

- i. The Committee will begin its preliminary investigation to verify the facts of the complaint. CADI will ask the complainant for a written statement.
- ii. CADI will collect evidence related to the complaint
- iii. Upon preliminary investigation, if the complaint is adjudged invalid, the complainant will be notified of the same within 24 hours of such decision by the Chair of CADI or by the Member Secretary with copy to the Chair of CADI. The complainant will send the acknowledgement of receipt of the above communication through email within 24 hours of the intimation.
- iv. The complainant will reserve the right to appeal for reconsideration with additional facts and arguments within 48 hours of receiving the intimation.
- v. If the complaint is adjudged valid, the formal process will begin.
- vi. At the preliminary investigation stage, the potential defendant/accused or the witnesses will not be notified or called for any hearing before CADI.
- vii. The entire process of screening and establishing validity of the complaint (as outlined above) is confidential and should be completed **within 10 working days** from receipt of the written complaint.

5. Formal Disciplinary Proceeding and Course of Action

a. Communication with the complainant and defendant

- i. Within 24 hours of formalization of the complaint, an email communication is to be sent to both the complainant and the defendant notifying them that Formal Disciplinary Proceedings are being initiated.

- ii. The written complaint filed by the complainant will be re-shared with the complainant and shared for the first time with the defendant.
- iii. From the start of the Formal Disciplinary Proceedings, the complainant and defendant, will be bound by clause of confidentiality with immediate effect. The confidentiality clause, which will remain effective until the closure, will be communicated to both parties in writing.
- iv. During the period of investigation, there will be a restraining order on the defendant to prevent any contact, influence, pressure or intimidation towards complainant/witnesses involved.
- v. Both complainant and defendant will send within 24 hours an intimation of acceptance of notification of communication of initiation of Formal Disciplinary Proceedings.
- vi. If the defendant does not acknowledge the communication within the specified time frame, they will forfeit their right to participate in the proceedings and CADI will go ahead with the process.

Note: both the complainant/s and defendant/s will have all fundamental rights, including fair representation and investigation, right to information, university support and right to appeal.

b. Hearing of the complainant and defendant

A hearing of both the complainant and defendant will be scheduled within 15 working days from receipt of acknowledgement of the written complaint, depending on the availability of the parties and the Committee members. The Member Secretary will notify the complainant and defendant of the time and location of hearing. Hearing of the complainant and defendant will be scheduled separately at different times in order to prevent any face to face contact. The complainant will be heard first.

At the time of hearing each party will be given the chance to respond, present and explain their case with respect to the complaint. A written statement of both the hearings will be recorded and duly attested by the concerned parties.

c. Hearing of the Witnesses, Supporting Witnesses and other relevant Staff or Faculty

Within 15 working days of the hearing of both complainant and defendant, the Member Secretary will schedule and notify all witnesses, supporting witnesses and other relevant Staff or Faculty of their hearing before the Committee. All parties will be given a chance to testify on the complaint with facts and evidence. A written statement of these hearings will also be recorded and duly attested by the parties concerned.

d. Procedure of the Hearing

The Committee will begin the proceedings by explaining the substance of the complaint and the specific University regulation allegedly violated. All hearings will be private and confidential. The hearing of parties will entail the following:

- i. Opening Statements: This will be a chance for the parties (Complainant will be heard first) to present all issues raised in the complaint at length, express thoughts and discuss facts of the complaint threadbare.
- ii. Presentation of Evidence: The parties may present statements, records and other material evidence to validate their case. They may also refer to other witnesses.
- iii. CADI will have the right to collect and verify further evidence and meet such other members of Ashoka including faculty and staff as may be required for a full and fair investigation.
- iv. Rebuttal: The parties may contest and record counter arguments by presenting facts and material evidence in their support.

- v. Closing Arguments: The parties will make a final statement based on their presentations and evidence.

e. Final meeting and decision of CADI

After all the hearings, a final meeting of the committee will be convened as per the defined quorum within 10 days of completion of all procedures and receipt of closing arguments. This meeting will be to deliberate upon all the facts, statements, discussions and evidences presented, in order to determine the preponderance of evidence.

In case the alleged violation is determined through a clear preponderance of evidence, CADI will determine its consequent sanctions and penalties. These will be presented as recommendations of CADI, duly signed and attested by the Chair and all members present at the meeting.

The recommendations will be communicated to both the complainant and defendant verbally by calling them separately to a meeting. They will be notified with a written communication of final decision/recommendations for appropriate action.

f. Written communication of final decision/recommendations to all concerned

Within 24 hours of verbal intimation, a copy of the written statement of final decision/recommendations will be sent to the complainant and defendant/s for appropriate action and a copy of the same will be sent to the Office of the Registrar for confidential records.

g. Parental Notification

Parents of students found in violation of university policy will be notified only in cases where a suspension or an expulsion order is made as penalty.

Under circumstances deemed fit and advised by the CADI, parental notifications can also be sent for other penalties levied on the defendant/s.

6. Appeal

Both the defendant/s and/or complainant/s may exercise their right to appeal the findings of violation or sanctions assigned or both by CADI, within 5 working days from the receipt of its written communication, clearly stating the ground for their appeal. The appellate authority is vested in the Appeals Committee chaired by the Vice Chancellor (VC) of the University. The Appeals Committee will comprise of the following members- VC (Chair), Pro-VC (Administration) and the Dean of Academic Affairs. There should be a quorum of at least 2 members.

After due diligence of all records of hearing, the Appeals Committee's decision will be communicated in writing, within 15 working days from receipt of appeal. The Vice Chancellor reserves the right to call for a fresh hearing.

Please note:

While filing an appeal no student/s will be provided access to any evidence, records or documents of CADI's disciplinary proceedings. In order to facilitate the process and decision on appeal, the Committee however, will be obliged to present all facts, documents and evidence to the appellate authority.

The decision of the Vice Chancellor will be final and binding on the appellant.

7. Disciplinary Sanctions and Penalties

Sanctions and penalties imposed on student/s are intended to provide an opportunity for learning, evolving and becoming accountable. Once the violation of University rules and regulations is determined by CADI, it may impose sanctions and penalties on the student/s. Given below is a non-exhaustive list of sanctions and penalties in order of their increasing severity. The severity of breach and violation will determine the severity of the sanction or penalty. While determining violations, CADI reserves the right to modify or combine sanctions and penalties listed below. More than one sanction or penalty may be imposed at one time.

- i. Probationary warning
- ii. Sanctions against participation in the role of TA/TF, and consequent denial of NOC from the University, for which CADI will specify a time period depending on the nature of the violation.
- iii. Restriction and revocation of privileges: exclusion from representation at events and programmes on and off campus, participation in student leadership role, etc, and consequent denial of NOC from the University.
- iv. Interim Suspension from the University for a specified period of time which shall be less than a full semester/term. This will be to safeguard the wellbeing and safety of the community and property and prevent any disruption in the normal functioning of the University.
- v. Suspension for one or more semesters/terms from the University, including restrictions on access to the campus or University events.
- vi. Expulsion: permanent termination of student's enrolment at the University, including no further access to the campus or University events.

Additional Sanctions and Penalties

- i. Compensation through reimbursement
- ii. Fines

These may be recommended for the appropriate situation.

8. Documentation

CADI shall be responsible for recording, maintaining and preserving all minutes of the meetings and other documents of the disciplinary proceedings, at least for a period of 4 years from the submission of CADI's final recommendations.

9. Confidentiality of Records

All minutes of meetings, documents and records developed in the course of disciplinary proceedings will be kept confidential. These may be copied or removed for administrative or legal compliance only with an approval of Member Secretary or Chair

10. Review and Amendment

There will be an annual review of CADI regulations. The Board of Management (BOM) of the University reserves the right to amend the guidelines and regulations on disciplinary proceedings whenever a need arises.