

GOVERNMENT OF KERALA
HIGHER EDUCATION (...) DEPARTMENT
NOTIFICATION

G.O(P) No.....

Dated2018

SRO No...../2018.- In exercise of the powers conferred by section 69 of the Kerala University Act,1974 (Act 17 of 1974), the Government of Kerala hereby makes the following rules, namely:-

RULES

**Terms and Conditions of Service of the Teaching and Non-Teaching Staff of
Unaided Colleges**

1. **Short title and commencement.-** (i) These rules may be called the Kerala University (terms and conditions of service of the teaching and non-teaching staff of unaided colleges), Rules, 2018.

(ii) They shall come into force at once.
2. **Definitions.-** In these rules, unless the context otherwise requires,-
 - (a) 'Act' means the Kerala University Act, 1974 (Act 17 of 1974)
 - (b) 'College' means an institution maintained by or affiliated to the university in which instruction is provided in accordance with the provisions of the statutes, ordinances and regulations.

- (c) 'Educational Agency' means any person or body of persons who or which establishes and maintains an unaided college or colleges.
- (d) 'Government' means the Government of Kerala
- (e) 'Non-teaching staff' of the unaided college means employees of the unaided college other than teachers.
- (f) 'private college' means a college maintained by an educational agency other than the Government or the university and affiliated to the university.
- (g) 'Teacher' means a person employed as a teacher in any unaided college and includes a Principal, Professor, Associate Professor, Assistant professor, Reader, Lecture or such other persons imparting instructions or supervising research in any of such college.
- (h) 'Unaided College' means a private college which is not entitled to any financial assistance from the Government or the university.

PART – A GENERAL

- 3. **Appointment.-** (1) All appointment of teachers and non-teaching staff of the unaided college shall be made by the Educational Agency.
- 4. **Method of appointment.-** (1) Appointment to the lowest grade of teacher shall be made by the educational agency by direct recruitment on the basis of merit.

(2) Appointment of Principals, Professors and Associate Professors shall be made by the educational agency by promotion from among teachers of the unaided college on the basis of seniority cum fitness or, as the case may be, by direct recruitment:

Provided that fifty percent of the cadre strength of each promotion post shall be filled only on promotion from qualified persons in the lower category of post.

5. **Appointment of temporary, contract and guest teachers.-** The Educational Agency may appoint temporary contract or guest teacher in each category of posts subject to the condition that the teachers so appointed shall not exceed forty percent of the cadre strength of the posts of teachers under each category.

6. **Qualifications.-** (1) The minimum qualifications prescribed for the post of Assistant Professor, Associate Professor, Professors, Principals, Assistant Directors of Physical Education and sports, Assistant librarians and librarians shall be those as prescribed by the UGC Regulations applicable to Teachers, and other academic staff in the universities and colleges affiliated to the university.

(2) No teacher shall be eligible for appointment as such, whether permanent or temporary or on contract basis, unless he possesses the qualifications as mentioned in the above sub –rule.

(3) No teacher shall be allowed to continue in the service of the unaided college as a teacher beyond six months unless the qualifications possessed by him at the time of appointment are approved by the university.

7. **Mode of appointment.-** (1) Every teacher shall be appointed by a written order by the Educational Agency.

(2) A copy of the appointment order together with copies of the qualifications produced by the candidate at the time of appointment shall be forwarded to the University for Approval of his qualifications for being a teacher in the category to which he is appointed.

(3) The Education agency shall remit such fee as may be prescribed by the University for Approval of such qualifications of the persons so appointed.

8. **Qualifications of Non-teaching staff.**- No person shall be qualified to be appointed to an unaided college unless he possesses such qualifications as may be specified by the University/ Government.

9. **Leave.**- The teachers and non-teaching staff are entitled to such kinds of leave as are admissible to teacher and non teaching staff of aided colleges.

10. **Grant of Leave.**- (1) The Principal shall be the authority to grant casual leave.

(2) Other kinds of leave shall be granted by the educational agency on the recommendation of the principal.

(3) A leave account shall be maintained for every teacher and non-teaching staff.

11. **Provident fund.**- Teachers and non-teaching staff shall be admitted to the provident fund scheme under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

12. **Probationary and temporary teachers and non – teaching staff.**- A teacher or non teaching staff appointed on probation or for temporary service shall be eligible for such scales of pay and increments as are admissible to permanent staff.

13. **Increments.**- (1) A permanent teacher or a teacher on probation or a non-teaching staff shall be entitled to annual increment in the scales of pay of the post in which they are appointed and it shall be paid by the educational agency as a matter of course, unless it is withheld.

14. **Preference in appointment.**- (1) A permanent teacher or a teacher on probation for a specified period if thrown out of service for reasons other than disciplinary action shall be given preference in the matter of future appointment in the unaided college or any unaided college under the same educational agency.

(2) The provisions in the sub rule (1) shall also apply to non-teaching staff of the unaided college.

(3) If there are more claimants under sub-rules (1) and (2) the order of preference shall be according to the seniority among them the senior being appointed first.

15. Salary and allowance.- (1) The salary and other allowance of various categories of teachers and non-teaching staff shall be the same as are applicable to the corresponding categories of posts in the aided colleges.

(2) The salary and other allowance of teacher and non-teaching staff shall be paid by the educational agency before the fifth of the succeeding month.

16. Vacation salary.- (1) A teacher who has been confirmed in a permanent post shall be entitled to full vacation salary and a teacher who has completed his probation and who has not been confirmed in a permanent post, due to the fact that the post in which he is working is not permanent one, shall be paid full vacation salary in case the duration of the vacancy subsists beyond the period of vacation.

(2) A teacher who has been appointed temporarily to a post, the duration of which exceeds eight months shall also be entitled to full vacation salary in case his service is not terminated on the closing of the academic year.

17. Workload.- (1) The workload of the teacher shall be as per UGC/AICTE/NCTE etc. norms and regulations. The work load of teachers in temporary and contract employment should not be less than 40 hours a week. It should be necessary for the teacher to be available for at least 7 hours daily in the department. The direct teaching hours will be as follows:

Asst. Professor/ Reader/ Associate Professor	:	16 hours a week
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(2) Relaxation of two hours in the workload will be given to the Professors who are actively involved in Research, Extension and Administration.

18. Teaching Days.- (1) Notwithstanding anything contained in rule 17, the workload and the number of working days shall be such as may be specified by the University.

(2). Proper records should be maintained by the teachers as well as the College authorities on the number of working hours and teaching days attained and these records will be made available for inspection by any officer authorized by the Government or the University authorities.

PART – B THE CODE OF PROFESSIONAL ETHICS

19. Teachers and their Responsibilities.- (1) Whoever adopts teaching as a profession assumes the obligation to conduct himself in accordance with the ideals of the profession. As a teacher he is constantly under the scrutiny of his students and the society at large, every teacher should see that there is no incompatibility between his precepts and practice. The national ideals of education which have already been set forth and which he/she should seek to inculcate among students must be his/her own ideals. The profession further requires that the teachers should be calm, patient and communicative by temperament and amiable in disposition.

(2) Every teachers should.-

- (i) adhere to a responsible pattern of conduct and demeanor expected of them by the community;
- (ii) manage their private affairs in a manner consistent with the dignity of the profession;
- (iii) seek to make professional growth continuous through study and research;

- (iv) express free and frank opinion by participation at professional meetings, seminars, conference etc towards the contribution of knowledge;
- (v) perform his duties in the form of teaching, tutorial, practical's and seminar work conscientiously and with dedication;
- (vi) co-operate and assist in carrying out functions relating to the educational responsibilities of the college and University such as assisting in appraising application for admission, advising and counseling students as well as assisting in the conduct of University and college examinations, including supervision, invigilation and evaluation; and
- (vii) Participate in the extension, co-curricular and extra-curricular activities including community service.

20. Teachers and the Students.-Teachers should.-

- (i) respect the right and dignity of the students in expressing his/ her opinion
- (ii) deal justly and impartially with the students regardless of their religion, caste, political economic, social and physical characteristics;
- (iii) recognize the difference in attitude and capabilities among students and strive to meet their individual needs;
- (iv) encourage students to improve their attainments, develop their personalities and at the same time contribute to community welfare;
- (v) inculcate among students scientific outlook and respect for physical labour and ideals of democracy, patriotism and peace;
- (vi) be affectionate to the students and not behave in a vindictive manner towards any of them for any reason;

- (vii) pay attention to only the attainment of the student in the assessment of merit;
- (viii) make themselves available to the students even beyond their class hours and help and guide students without any remuneration or reward;
- (ix) aid student to develop an understanding of our national heritage and national goals; and
- (x) refrain from inciting students against other students, colleagues or administration.

21. Teachers and Colleagues.- Teachers should.-

- (i) treat other members of the profession in the same manner as they themselves wish to be treated;
- (ii) speak respectfully of other teachers and render assistance for professional betterment;
- (iii) refrain from lodging unsubstantiated allegations against colleagues to higher authorities ;
- (iv) refrain from allowing consideration of caste, creed, religion, race or sex in their professional endeavor.

22. Teachers and Authorities.- Teachers Should.-

- (i) discharge their professional responsibilities according to the existing rules and adhere to procedures and methods consistent with their profession;
- (ii) refrain from undertaking any other employment and commitment including private tuitions and coaching classes which are likely to interfere with their professional responsibilities;
- (iii) co-operate in the formulation of policies of the institution by accepting various offices and discharge responsibilities which such offices may demand;

- (iv) co-operate with the authorities for the betterment of the institutions keeping in view of the interest and in conformity with dignity of the profession;
- (v) should adhere to the conditions of contract;
- (vi) refrain from availing themselves of leave except on unavoidable grounds and as far as practicable with prior intimation keeping in view their particular responsibility for completion of academic schedule.

23. Teachers and Society.- Teacher should.-

- (i) recognize that education is a public service and strive to keep the public informed of the educational programmes which are being provided;
- (ii) work to improve education in the community and strengthen the community's moral and intellectual life;
- (iii) be aware of social problems and take part in such activities as would be conducive to the progress of society and hence the country as a whole;
- (iv) perform the duties of citizenship, participate in community activities and shoulder responsibilities public offices;
- (v) refrain from taking part in or subscribing to or assisting in any way activities which tend to promote feeling of hatred or enmity among different communities, religion or linguistic groups but actively work for National Integration.

24. Duty of teachers etc in connection with University Examinations.- It shall be the duty of a teacher or a member of the non-teaching staff to do any work in connection with an examination conducted by the Institution/ University which he is required by the competent officer or authority of the Institution/ university.

25. Duties of temporary/contract/guest University Teacher:

It shall be the duty of temporary/contract/guest University Teacher:

- (i) To deliver lectures, conduct classes, engage in research and do such other academic work as relates to his subject and departments;
- (ii) To direct and supervise the work of students in branches of knowledge relating to his subjects and departments working under him; and

DISCIPLINARY ACTION AGAINST THE TEACHERS OF UNAIDED COLLEGES

26. **Certain lapses of teachers to be punishable.-** The following lapse on the part of teachers of the University shall constitute misconduct inviting disciplinary action, namely:-

- (1) Failure to perform his academic duties such as coming to the class without preparation for conducting lecture classes, demonstration, assessment, guidance , invigilation etc.
- (2) Gross partiality in assessment of students deliberately over marking/ under marking or attempting a victimization on any ground whatsoever;
- (3) Inciting students against other students, colleagues or against the staff and officers of the University or the State Government or the Central Government:

Provided that a temporary/contract/guest teacher may express his difference of opinion on principles in seminars or other places where students are present;
- (4) Raising questions of caste, creed, religion, race or sex in his relationship with his colleagues and trying to use the above considerations for the improvement of his prospects;
- (5) Refusal to carry out the decisions by appropriate administrative and academic bodies and / or functionaries of the unaided college or the University.

27. **Certain lapses of non-teaching staff to be punishable.-** The following lapse on the part of non – teaching staff of the unaided college shall constitute misconduct inviting disciplinary action, namely:-

- (1) Failure to perform duties assigned to him.
- (2) Misbehavior and insubordination
- (3) Inciting students against other students, colleagues, or against the staff and officers of the University or the State Government or the Central Government.
- (4) Raising questions of caste, creed, religion, race or sex in his relationship with his colleagues and trying to use the above considerations for the improvement of his prospects;
- (5) Refusal to carry out the decisions by appropriate administrative and academic bodies and or functionaries of the unaided college or the University.

28. **Penalties.-** The following Penalties may for good and sufficient reasons and as hereinafter provided be imposed on teachers and non-teaching staff of unaided college (*hereinafter referred to as employee*) namely:-

- (i) Censure
- (ii) Withholding of increments or promotion
- (iii) (a) Recovery from pay of the whole or part of any pecuniary loss caused to the unaided college by his negligence or breach of orders;
- (b) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of increments ordered to be withheld where such an order cannot be given effect to.

Explanation.- In cases, of stoppage of increments with cumulative effect, the monetary value equivalent to three times the amount of increments ordered to be withheld may be recovered.

(iv) Reduction to a lower rank in the seniority list or to a lower grade or post or time scale or to a lower stage in a time-scale;

(v) Compulsory retirement;

(vi) Removal from the unaided college which shall not be a disqualification for future employment;

(vii) Dismissal from the unaided college which shall be a disqualification for future employment in any of the institutions maintained by or affiliated to the University

(j) **Disciplinary Authority.-** The Educational Agency shall be the disciplinary authority in respect of employees of a unaided college as regards the penalties specified above.

(k) **Procedure for imposing major penalties.-** (1) No order imposing any of the penalties specified in items (iv) to (vii) of rule 28 shall be passed except after an enquiry held in accordance with the provisions of this rules.

(2) Whenever a complaint is received or on consideration of the report of an investigation or for other reasons, the Educational Agency is satisfied that there is a prima facie case for taking action against the employee such authority shall frame definite charge or charges which shall be communicated to the employee of the unaided college, together with the statement of the allegations on which each charge is based, and of any other circumstance which it is proposed to take into consideration in passing orders on the case. The employee concerned shall be required to submit within a reasonable time to be specified in that behalf a written statement of his defence and also to state whether he desires to be heard in person.

The Educational Agency of the unaided college may on his request be permitted to peruse or take extract from the records pertaining to the case for the purpose of preparing his written statement provided that the educational agency, may, for reasons to be recorded in writing, refuse him such access if in its opinion such records are not strictly relevant to his case. After the written statement is received within the time allowed, the Educational Agency is satisfied that a formal inquiry shall be held into the conduct of the employees of the unaided college, it may pass an order accordingly.

(3) The formal inquiry may be conducted by:-

(i) The Educational Agency of the unaided college:-

(ii) Any authority or person authorized by the Educational Agency

(4) Any authority or person conducting the inquiry (hereinafter referred to as the inquiring authority) may during the course of the inquiry, if it deem necessary, add to, amend, alter, or modify the charges framed against the teacher concerned in which case the employee shall be required to submit within a reasonable time to be specified in that behalf any further written statement of the defence.

(5) The employee of the unaided college shall, for the purpose of preparing his defence, be permitted to inspect and take extract from such records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the inquiring authority such records are not relevant for the purpose. On receipt of the further written statement of defence under sub-rule (4) or if no such statement is received within the time specified therefore or incase where the accused is not required to file a written statement under the said clause, the inquiring authority may inquire into such of the charges as are not admitted.

(6) The disciplinary authority, if it is not the inquiring authority, may nominate any person to present the case in support of the charges before the inquiring authority. The employee may engage a legal practitioner to defend his case if he so desires.

(7) The inquiring authority shall in the course of the inquiry, consider documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The employee or his advocate shall be entitled to cross examine witness examined in support of the charges and to give evidence in a person and to have such witness as may be produced, examined in his defense. The person presenting the case in support of the charges shall be entitled to cross examine the teacher of the unaided college and the witnesses examined in his defence. If the inquiring authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

Explanation.- If the inquiring authority proposes to rely on the oral evidence of any witness the authority shall examine such witness and give an opportunity to the employee to cross-examine the witness.

(8) The employee may present to the inquiring authority a list of witnesses whom he desires to examine in his defence. The inquiring authority shall issue written request to secure the presence of such witnesses unless he is of the view that such witnesses, evidence are irrelevant to the case of inquiry and shall arrange to examine such witnesses in accordance with the general principles of taking evidence.

(9) At the conclusion of inquiry, the inquiring authority shall prepare a report of the inquiry, recording its findings on each of the charges together with the reasons therefore. If in the opinion of such authority, the proceedings of the inquiry establish charges different from those originally framed, it may record its findings on such charges, provided that

finding on such charges, shall not be recorded unless the employee has admitted the fact constituting them or has had an opportunity for defending himself against them.

(10) The record of inquiry shall include:-

- (1) the charges framed against the employee and the statement of allegations furnished to him:
- (2) his written statement of defence, if any:
- (3) the summary of the oral evidence considered in the course of the inquiry:
- (4) the documentary evidence considered in the course of the inquiry:
- (5) the orders including order of refusal, if any, made by the disciplinary authority or the inquiring authority in regard to the inquiry and
- (6) a report setting out the findings on each charge and the reasons therefore.

(11) The disciplinary authority where it is not the inquiring authority, shall consider the record of the inquiry and record its findings on each charge.

(12) If the disciplinary authority having regard to the findings on the charges is of the opinion that any of the penalties specified in items (i) to (vii) of rule 26 shall be imposed it shall

- (a) furnish to the employer a copy of the report of the inquiring authority and where the disciplinary authority is not the inquiring authority, a statement of its findings together with brief reason for disagreement, if any, with the findings of the inquiring authority: and
- (b) give him a notice stating the action proposed to be taken in regard to him and calling upon him to submit within a specified time which may not exceed one month, such representation as he may wish to make against the proposed action.

(13) The disciplinary authority shall consider the representation, if any made by the employee in response to the notice under sub-rule (12) and determine the penalty, if any, to be imposed on the employee and pass appropriate orders on the case.

(14) If the disciplinary authority having regard to its findings is of opinion that any of the penalties specified in items (i) to (iii) of rule shall be imposed, he shall pass appropriate orders on the case.

(15) Orders passed by the disciplinary authority shall be communicated to the teacher

(I) Procedure for imposing minor penalties.- (1) No order imposing any of the penalties specified in items (i) to (iii) of sub-rule shall be passed except after:-

(a) The employee is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given an opportunity of showing cause against the action proposed to be taken against him:

(b) Such representation, if any, is taken into consideration by the Educational Agency.

(2) The record of proceedings in such cases shall include:-

(a) A copy of intimation to the teacher of the proposal to take action against him:

(b) Copy of the statement of allegations communicated to him:

(c) His representation, if any:

(d) The orders of the case together with the reasons therefore.

(m) **Appeal against penalties.**- An appeal from any order imposing any of the penalties by the Education Agency shall lie to the university.

Provided that no appeal under this rule shall be entertained unless it is made within a period of sixty days of the receipt of the order appealed against;

Provided further that the University may entertain the appeal after the expiry of the short period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time

(n) **Submission of the appeal.**- Every appeal shall be submitted to the authority as may be specified by the University in this regard.

(o) **Termination of service.**- Notwithstanding 'anything' contained in these rules, if the work and conduct of a probationer or a temporary employee are found unsatisfactory his service may be terminated by the Educational Agency after giving him a reasonable opportunity of showing cause against the action proposed to be taken.
