

MADHYA PRADESH BHOJ (OPEN) UNIVERSITY

Statute NO. 14

QUALIFICATIONS FOR TEACHERS AND OTHER ACADEMIC POSITIONS IN THE UNIVERSITY (Refer Section 5-(v), (xx), (xxi))

[As approved by the coordination committee in the 64th meeting held on December,20, 2000 at item and adopted by the Board of Management in theth meeting held on and further amended as per approval vide Government of M.P., Higher Education Department Memo No. F-1/4/05/cc/38 dated 3.2.2005]

I. TEACHERS OF THE UNIVERSITY: Terms and Conditions of service and the code of conduct of the teachers.

1. All the teachers and other academic staff (i.e. full time officers of the University who have completed at least 10 years of P.G. Teaching and research as a full time employee in a University or a P.G. College recognized by UGC or DEC) of the University shall in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as specified in the Statutes and the Ordinances.
2. Teachers and Other Academics as Directors/Regional Directors/Deputy Directors/Assistant Directors (full time) shall be appointed by the Board of Management on the recommendations of a selection committee as prescribed for appointment of Professors/Readers/Lectures in other Universities of the State".Every teacher or other academic of the University shall be appointed on a written contract, the form of which is as specified in Appendix I.
3. A copy of every contract referred to in clause 2 shall be deposited with the Registrar.
4. Teacher or other academic *to be a whole time employee*—No whole time salaried teacher of the University shall, without the permission of the Board of Management, engage directly or indirectly in any trade or business whatever or any private tuition or other work to which any emolument or honorarium is attached.

Provided that nothing contained in the Statute shall apply to the work undertaken in connection with the examination of the University or learned bodies or Public Service Commissions or to any literary work or publication or radio/television talk or extension lectures or with the permission of the Kulapati to any other academic work.

5. *Nature of duties*— Every teacher or other academic shall take part in the activities of the University and perform such duties as may be required by, and in accordance with the Act, Statutes and Ordinances framed thereunder and in particular his duties shall be:

- (a) Preparation of the course material, content editing and scrutiny, linguistic editing etc. from the point of view of requirements of distance education and liaison of the work of outside experts associated;
 - (b) His academic duties shall be to give guidance, and instruction to students in the form of counselling, conducting of tutorials, seminars, practical and assessment/examination/evaluation and such other work assigned to him relevant to the academic activities of the University by its competent authority. He shall not ordinarily remain absent from work without prior permission or grant of leave;
 - (c) A teacher or other academic in the University shall fully and enthusiastically participate in the corporate life of the University;
 - (d) Every teacher or other academic shall be required to submit a personal appraisal report at the end of each year as per Appendix 2.
6. *Probation*—Teachers or other academic shall be appointed on probation ordinarily for a period of 2 years, but in no case shall be total period of probation exceed 3 years.
- Provided that the Board of Management may, for reasons to be recorded, waive the condition of probation;
- Provided also that a Lecturer/Asstt. Director appointed on probation would be confirmed only after he has satisfactorily completed a proper short-term orientation programme as may be determined by the University and that his performance appraisal reports are satisfactory.
7. *Confirmation*—
- (a) It shall be the duty of the Registrar to place before the Board of Management the case of confirmation of a teacher on probation not later than forty days before the end of the period of probation.
 - (b) The Board of Management may then either confirm the teacher or decide not to confirm or extend the period of probation so as not to exceed thirty six months in all. In case the Board of Management decides not to confirm the teacher whether before the end of two years period of probation or before the end of the extended period of probation, as the case may be, he shall be informed in writing to the effect.
8. *Increment*—Every teacher or other academic shall draw increment in the scale of pay unless it is withheld or postponed by a resolution of the Board of Management on a reference by the Kulapati and after the teacher or other academic has been given sufficient opportunity to make his written representation.
9. *Age of Retirement*—
- (a) Save as otherwise provided in the Act, Statute and Ordinances, all teachers or other academic of the University shall retire on completing the age of 62 years.

- (b) The Board of Management if it is satisfied, on the recommendation of the Kulapati, may, in the interest of the University, re-employ a teacher or other academic who has retired until he has attained the age of 65 years.
10. *Variation in terms and conditions of service*—Every teacher or other academic of the University shall be bound by the Statutes, Ordinances for the time being in force in the University.
11. *Resignation*—A teacher or other academic may, at any time, terminate his engagement by giving the Board of Management three months notice in writing.
- Provided that the Board of Management may waive the requirement of notice at its discretion.
12. *Members of the Teaching or other academic Staff*—The members of the teaching staff shall be designated as:
- (1) Professor/Director
 - (2) Reader/Deputy Director
 - (3) Assistant Professor/Assistant Director/Lecturer (selection grade)
 - (4) Assistant Professor/Assistant Director/Lecturer (senior scale)
 - (5) Assistant Professor/Assistant Director/Lecturer
13. *Scale of Pay*—The scale of pay of Professors/Readers/Lecturers and other academic such as Directors/Dy.Directors/Asstt. Directors, shall be at par with the other Universities of the State and as approved by the UGC/DEC/State Government. That is the scales of pay will be as those existing in other universities of the State for these categories of posts. The scheme of revision of pay scale and fixation of pay shall be at par with the other Universities of the State and as approved by the UGC/DE/State Government.
14. *Career Advancement*: The Career Advancement Scheme for teachers and other academic shall be the same as at par with the other Universities of the State and as approved by the UGC/DE/State Government.

II. OTHER ACADEMIC POSITIONS

A. Visiting Professors, Emeritus Professors and Fellows

The Act (Section 5-(xx)) provides for appointment under the above categories. Distinguished scholars, academicians and others who have made significant contributions in areas relevant to the University's objectives only, would be considered for recognition as Visiting Professors, Emeritus Professors and Fellows of the University. Visiting Professors could be appointed by the Board of Management on the recommendations of the Academic Council, Planning Board with suitable terms and conditions. Normally, not more than one distinguished person in the areas relevant to the objectives of the University, could be nominated as Emeritus Professor and not more than two persons as Fellows of the University per year. The nomination will be initiated by a search committee under the chairmanship of the Kulapati, which shall consist of one nominee each of the Chairperson, University Grants Commission and the Chairperson, Distance

Education Council, two distinguished persons nominated by the Board of Management of the University. The Board of Management of the University, shall take a final decision in the matter and will also decide the terms and conditions for such nominations from time to time. Fellowships will be honorary.

B. Recognised teachers of the University

As per provisions of the Act (Section 5-(xxi)), persons working in other Universities, Institutions and organisations could be considered for recognition as Recognised Teachers of the University. The process of recognition for teachers working in other Academic institutions and organisations and other details are indicated below in subsections B-(1) and B-(2).

B-(1) Teachers working in other academic institutions

Professors, Readers, Lecturers working in other Universities/Institutions and those working in comparable scale of pay in standard organisations with strong component of knowledge based research or its application or work based innovations would be eligible to be considered for recognition as a Recognised Professor/Director /Reader/Deputy Director / Assistant Professor/Assistant Director/Lecturer of the University subject to the condition that their knowledge and experience is relevant to the objectives of the University. More specifically, teachers working in other Universities/Institutions and others as specified above, who have been associated with the course content generation/design, course delivery system, promotion of research, scholars working in thrust areas identified by the University and other academic work connected with the University will be considered for the purpose of recognition. The bio-data of such persons shall be placed before a committee consisting of the following for assessing the merit of the person concerned, extent of his contribution to the University and for making recommendations to the Board of Management for recognition as a Professor/Reader/Lecturer (Assistant Professor) of the University. Teachers recognised under this category could be eligible to receive honorarium as may be decided by the Board of Management on the basis of the work expectations from such teachers notwithstanding any other provision and in accordance with the Act and the Statutes. All Recognised Professors and Readers shall be eligible for being recognised supervisors for the purposes of research programmes of the University.

B-(2) Persons working in other organizations

The section 4-(ii) of the Act includes the following as one of the objectives of the University “to provide opportunities for higher education to a larger segment of the population and to promote the educational well-being of the community generally”. This provides for a very large span of programmes some of which will depend on work/field experience in a variety of areas and University would require the collaboration and cooperation of knowledgeable persons working in other organizations in such areas. Even for professional and work related programmes, active participation of user agencies and providers of employment has become very essential. In this background,

individuals working in other organisations could be considered for recognition as Adjunct Professors and Adjunct Associates of the University.

For Adjunct Professor, the individual should have at least a Post Graduate Degree with experience of not less than ten years work, in a relevant professional field. The capacity and scope of the person to meaningfully and significantly contribute to the system of the University will be one of the main criteria for consideration. For Adjunct Associate, the above work experience shall not be less than 5 years. Adjunct Professors and Adjunct Associates recognised under this category would be eligible to receive honorarium as may be decided by the Board of Management on the basis of the work expectations from such persons notwithstanding any other provision and in accordance with the Act and the Statutes.

III. Suspension, Penalties & Disciplinary Authority

15. (1) The appointing authority may by an order place an employee, under suspension :
- (a) When a disciplinary proceeding against him/her is completed or is pending.
- OR
- (b) Where a case against him/her in respect of any criminal offence is under investigation, inquiry or trial.
- (2) An employee shall be deemed to have been placed under suspension by an order of the appointing authority :
- (a) With effect from the date of his/her detention, if he/she is detained in custody, whether on a criminal charge or otherwise for a period exceeding forty eight hours.
- (b) With effect from the date of his/her conviction, if in the event of a conviction for an offence, he/she is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.
- (3) An order of suspension made or deemed to have been made shall continue to remain in force until it is modified or revoked by the appointing authority.
- (4) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him/her during the continuance of the suspension may, for reasons to be recorded by him/her in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.
16. (1) The appointing authority may for good and sufficient reasons, impose on

an employee the following penalties :

- (a) Censure;
 - (b) Recovery from his/her pay of the whole or part of any pecuniary loss caused by him/her to the University by negligence or breach of orders;
 - (c) With-holding of increments of pay;
 - (d) Reduction to lower time scale of pay, grade or post;
 - (e) Compulsory retirement;
 - (f) Removal from service;
 - (g) Dismissal from service which shall ordinarily be a disqualification for future employment in the University. Besides the above, the penalty or fine not exceeding rupees Five may be imposed on a Class - IV employee for petty carelessness, unpunctuality, idleness or similar misconduct of a minor nature.
- (2) The appointing authority may institute disciplinary proceeding against an employee of the University.
 - (3) No order imposing any of the penalties specified in sub paragraph (1) above other than fine, shall be made except in accordance with the procedure for imposing penalties on Government servant prescribed by the Madhya Pradesh Government and in force at the time of appointing authority orders an inquiry against the employee concerned.
17. (1) Where any penalty is imposed on an employee by the Registrar the employee concerned may prefer an appeal to the Board of Management within thirty days from the date on which a copy of the order appealed against is delivered to the appellant.
- (2) Where any penalty is imposed on an employee by the Board of Management he/she may prefer an appeal to the Kuladhipati within thirty days from the date on which a copy of the order appealed against is delivered to the appellant.
 - (3) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material, statements and argument on which the appellant relies shall not contain any disrespectful or improper language and shall be completed in itself.
 - (4) The authority which made the order appealed against shall on receipt of a copy of the appeal forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay and without waiting for any direction from the appellate authority.
 - (5) (i) The appellate authority may confirm enhance, reduce or set aside the penalty or remit the case to the authority which imposed the penalty with such directions as it may deem fit in the circumstances of the case.

- (ii) The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

18. A University employee under suspension shall not be granted any leave.

19. (a) An employee under suspension is entitled for the first year of suspension to subsistence allowance at one half of the amount of leave salary, which he/she would have drawn under the leave rules, if he/she had been on earned leave and in addition dearness allowance if admissible on such leave salary.

Provided that where the period of suspension exceeds one year the authority who ordered the suspension (a) shall increase the amount of subsistence allowance by an amount not exceeding 50% of the amount paid during the first year, if the period of suspension has been prolonged for reasons not attributable to the University employee, or (b) may reduce the subsistence allowance by a suitable amount, not exceeding 50 percent of the amount paid during the first year, if the period of suspension has been prolonged due to reasons directly attributable to the University employee.

- (b) He/she shall also be entitled to any other allowance admissible from time to time on the basis of pay of the employee continues to meet the expenditure for which they are granted.

No payment shall be made unless the employee furnishes a certificate that he/she is not engaged in any other employment, business, profession or vocation.

20. When a University employee who has been dismissed, removed or suspended, is reinstated, the authority competent to order reinstatement shall make a specific order :

- (a) regarding the pay and allowances to be paid to the employee for the period of his/her absence from duty, and
- (b) whether or not the said period shall be treated as period spent on duty for all purposes.

Miscellaneous

21. Every employee shall at all time :

- (a) maintain absolute integrity;
- (b) show devotion to duty; and
- (c) do nothing which is unbecoming of an employee of the University.

22. No employee shall join or continue to be a member of such association, the objects or activities of which are prejudicial to the interest of the University or public order decency or morality.

23. No employee shall
- (i) engage himself/herself or participate in any demonstration which is prejudicial to the interest of the University. Public order, decency or morality or which involves contempt of court, defamation or incitement to an offence.
 - (ii) resort to or in any way abet 'X' any form of violence in connection with any matter pertaining to his/her service or the service of any employee.
24. (i) No employee shall except with the previous sanction of the University own wholly or in part or conduct or participate in the editing or management of any newspaper or periodical publication.
- (ii) No employee shall except with the previous sanction of University or the prescribed authority or in the bonafide discharge of his/her duties participate in a radio broadcast or contribute any article or write any letter either in his/her own name or anonymously, pseudonymously in any news paper or periodical or write a book.
- Provided** that no such sanction shall be required if such broadcast or such contribution or writing is of a purely literary, artistic or scientific character.
25. No employee shall except in accordance with any general or special order of the University or in the performance in good faith of the duties assigned to him/her communicate, directly or indirectly, an official document or any part thereof or information to any other employee or any other person to whom he/she is not authorised to communicate such document or information.
26. No employee shall bring or attempt to bring any political or other influence to bear upon any superior authority to further his/her interests in respect of matters pertaining to his/her service under the University.
27. No University employee shall except with the previous written sanction of the University, join any college/school or appear at any examination conducted by the University or any other University or Board. Permission to attend classes or take an examination will be granted only, if it is consistent with University interest and it cannot be claimed as or right.
28. No University employee except those specifically employed on a part time basis shall, without the previous permission of the University, apply for any post outside the University.
29. Any infringement of provisions of paras 21 to 28 of this Statute, shall be regarded as subversive of good discipline and misconduct and will well justify the initiation of disciplinary action against such employee.

APPENDIX I

Agreement of Service between the teachers of the University and the University.

Agreement made this.....day of.....19..... between.....of the first part and the University being a body corporate constituted under the **Madhya Pradesh Bhoj Vishwavidyalaya Adhiniyam 1991**, (hereinafter called the University) of the second part.

Whereas the University has engaged the party of the first part (hereinafter called the Executant) to serve it as..... subject to the conditions and upon the terms hereinafter contained. Now this agreement witnesseth that the party of the first part and the University hereby contract and agree as follows :-

1. That the agreement shall begin from the day of.....19..... and shall be determinable as here in after provided.
2. That the executant is employed in the first instance on probation for a period of two years. This period of probation may, however, be extended by such further period as the Board of Management may deem fit, but the total period of probation shall, in no case exceed three years. During the period of probation the executant shall be paid a monthly salary of Rs..... in the scale..... He shall be entitled to annual increment of the grade, during the period of probation.

Provided further that the executant shall not be confirmed in the service of the University till he has submitted the necessary documents in proof of his age and the same has been accepted by the Board of Management.

3. That after confirmation the University shall continue the executant's services in the scale of Rs.....

Provided that no increment of the executant shall be withheld or postponed save by a resolution of the Board of Management on reference made to it by the Kulapati after the executant has been given sufficient opportunity to make his written representation and the same has been duly considered by the Kulapati.

4. That the executant will be entitled to the benefit of the Provident Fund in accordance with the Statutes of the University for the time being in force, and as amended from time to time.
5. That the age of superannuation shall be sixty-two years.

Provided that on a reference by the Kulapati made either on his own initiative or at the request of the executant, the Board of Management in special case may grant to the executant who has reached the age of superannuation an extension, for a further period not exceeding three years, if the Board of Management is satisfied that such extension is in the interest of the University.

6. That the executant shall be entitled to such leave as may be due in accordance with the Rules of the University for the time being in force, and as amended from time to time.
7. That the executant shall devote his whole time to the duties of his appointment and shall not engage, directly or indirectly, in any trade or business without the sanction of the Executive Council, or take up any occupation which, in the opinion of the Kulapati is likely to interfere with the duties of this appointment.
8. After confirmation, the service of the Executant can be terminated only on the following grounds :-
 - (a) Misconduct.
 - (b) Permanent physical or mental unfitness to be determined by a Medical Board constituted by the Board of Management.
 - (c) Breach of any of the terms of the contract.
 - (d) Abolition of the post.
9. Except when termination of service has taken place under clause 8(a) above, neither the executant nor the University shall terminate this agreement when entitled to terminate it, except by giving to the other party three months notice of his intention to do so, or a sum equivalent to three times the monthly salary, which the executant is then earning, in lieu thereof, unless in a special case the Board of Management agrees to release the executant of his obligations under this clause. The period of three month's notice on the part of the executant may, however, be reduced or waived altogether by the Board of Management.
10. Nothing in this agreement shall affect the right of the Executant of the University to refer any difference or dispute arising out of this agreement to the Kuladhipati for reference to a Tribunal of Arbitration constituted under the provisions of section 59 of the Adhiniyam.
11. Notwithstanding anything contained in the aforesaid terms, the executant shall be bound by the provisions of the various sections of the Act, Statutes, Ordinances and regulations for the time being in force and as framed from time to time.

Signed thisday of.....19.....

.....
Signature

In the presence of-

- (1)
- (2)

.....
REGISTRAR

In the presence of-

- (1)
- (2)