



GUJARAT NATIONAL LAW UNIVERSITY
ADMINISTRATIVE DIRECTIVE
GNLU/AD/06/10

Subject: Code of Conduct for GNLU Staff Members

Introduction

1. The purpose of this administrative directive is to provide guidance to GNLU staff members on the standards of conduct expected of them while they are employed by the GNLU, pursuant to relevant GNLU Regulations.
2. The principles and standards contained in the present directive are the practical outcome of the proper application of the GNLU Regulations, best practices, and administrative issuances, insofar as they relate to the conduct of staff members. These principles and standards help in interpreting the GNLU Regulations, and contain the core values governing the work of staff members of the GNLU. The observance by each staff member of these values and principles will accordingly be taken into account in their performance appraisals.
3. Defining the standards of conduct of University employees, both academic and non-academic, is an ongoing process, which necessarily takes into account ongoing changes in the society and applicable laws which are themselves a response to the redefinition of what constitutes acceptable behaviour amongst University employees.

Main elements of the code of conduct

4. The main elements of the code of conduct consist of core values, basic principles, and examples of specific conduct expected of GNLU staff members in given situations, as well as of examples of prohibited conduct.

Core values

5. GNLU is established to “advance and disseminate learning and knowledge of law and legal processes and their role in national development: to develop in the students and the research scholars sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, parliamentary practice, law reforms and such other matters; to make law and legal processes efficient instruments of social development; and to promote inter-disciplinary study of law in relation to management, technology, international cooperation and development.” These lofty ideals and values are derived, directly or indirectly, from the Constitution of India, statutes and acts establishing various national law universities, acts and bills pertaining to higher education among others:
 - (a) belief in fundamental human rights and in the dignity and worth of the human person;
 - (b) belief in the equal rights of men and women and of nations large and small;
 - (c) integrity, which includes loyalty, probity, impartiality, fairness, honesty, incorruptibility and truthfulness;
 - (d) competence;

(e) efficiency; and

(f) independence.

Basic principles

6. In order to realise the above core values and to meet the high standards of conduct demanded of them, GNLU staff members are expected to:
 - (a) uphold the highest standards of efficiency, competence, integrity, commitment, and transparency;
 - (b) discharge their functions with the interests of the GNLU only in view;
 - (c) neither seek nor receive instructions from any other source external to the GNLU;
 - (d) ensure that their personal views and convictions do not adversely affect either their official duties or the interests of the GNLU;
 - (e) refrain from participating in any public or political activity that is incompatible with the proper discharge of their duties;
 - (f) treat all individuals and groups of individuals equally, without distinction of any kind with regard to age, race, colour, sexual orientation, disability, gender, national or social origin, language, religion or political opinion;
 - (g) treat all persons fairly in an environment free of all forms of harassment;
 - (h) treat other staff members, and members of the public, in a courteous and professional manner at all times;
 - (i) exercise the utmost discretion and confidentiality with regard to all matters of official business, student information, and to any private transactions which, in one way or another, may reflect on the GNLU;
 - (j) refuse any advantage, honour, decoration, gift, remuneration or any economic benefit, whether explicitly stated or not, except when authorised by the GNLU;
 - (k) separate strictly the performance of official duties from private affairs in order to avoid any real, potential or apparent conflict of interest;
 - (l) respect the rule of law and the administration of justice in the conduct of all administrative tasks; and
 - (m) respect the property of the GNLU as if it were the staff member's own.

The foundations of the standards of conduct for GNLU staff members

Standards of conduct within the GNLU

7. In accordance with GNLU regulations, GNLU staff members are required to be efficient, competent, honest and trustworthy in dealing with others.

Integrity

8. Integrity is fundamental to the work of any employee. It includes such basic qualities as honesty, truthfulness, loyalty, probity, impartiality and freedom from corrupting influences.

Impartiality

9. Impartiality is a very important principle in dealing with academic and non-academic activities with any internal or external person, including students, parents, teaching and non-teaching staff, service providers etc.. In the exercise of their functions, staff members must exhibit objectivity, lack of bias, tolerance, and restraint, particularly when disputes or differences arise. Impartiality on the part of its staff can increase the GNLU public acceptance and confidence. Staff members' personal views and convictions remain inviolate, but such staff members, unlike private individuals, do not have the freedom to take sides, or to publicly express their convictions on matters of a controversial nature, since such behaviour might give the impression that staff members are partial. The need to remain impartial is also an essential part of the concepts of loyalty and independence. Impartiality in dealing with colleagues is particularly important when assessing the work of others or when trying to resolve disputes.

Loyalty

10. GNLU staff members shall subscribe to the following oath or declaration: "I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion and conscience the functions entrusted to me as an employee of the Gujarat National Law University, to discharge these functions and regulate my conduct with the interests of the GNLU only in view, and not to seek or accept instructions in regard to the performance of my duties from any authority external to the GNLU".
- 11 Loyalty entails placing the interests of the GNLU above private interests or personal advantage. Any appearance of disloyalty is incompatible with a staff member's status as an employee.

Working in a multicultural environment

12. GNLU staff members are required to demonstrate a national and/or global outlook, as per the requirements and circumstances. They must be tolerant of different points of view, cultural patterns and work habits, and must also be conscious of how statements of opinion may affect persons of other states/nationalities. They should avoid any expressions that could be construed as biased or intolerant. Staff members should not promote the attitudes, the working methods, or the work habits of their own states, regions as the standard for judging the work of their colleagues or the University.
13. Respect, tolerance and humility in interacting with colleagues in the workplace are indispensable as the foundations of acceptable conduct. In dealings with other staff members, - have their most immediate opportunity to learn and practice "national-mindedness". Given its national character, with men and women from different parts of India working for it, the GNLU is, in a certain sense, a testing ground for the coexistence of employees from different states/regions and cultural backgrounds.

Gender equality and non-discrimination

14. GNLU shall not tolerate any form of discrimination, be it based on nationality, race, ethnic origin, cultural background, gender, religious belief, sexual preference, and/or appearance. GNLU is bound by the principle of the equality of men and women, of all races and nationalities. All barriers to gender equality must be removed. Assumptions about capabilities based on stereotypes must be avoided. In assessing performance, care should be taken to choose assessment tools that are gender neutral.

Harassment

15. Staff members have the right to work in an environment that is free of harassment, whatever its source or nature. In general, harassment consists of any improper behaviour that is directed at, and that is offensive to, any staff member, and which a reasonable person would know to be unwelcome. It comprises comments or displays of behaviour that demean, belittle, or cause personal humiliation or embarrassment to another person. Harassment takes various forms, including verbal or physical abuse, threats, insults, taunting, derogatory comments, racist and offensive language or physical representations, epithets, jokes in poor taste, offensive statements or pictures, sexual demands accompanied by threats or any form of blackmail, unwanted sexual advances, and the transmission or display of pornographic materials.
16. In particular, GNLU shall not tolerate sexual harassment, which comprises any conduct, comment, gesture or contact of a sexual nature that might reasonably be expected to cause offence or humiliation to any staff member. Behaviour or language that suggests the superiority of one gender over another must be avoided. Harassment in any form is an affront to human dignity, and negatively affects the workplace. It can create feelings of guilt and isolation on the part of the victim and of doubt and embarrassment on the part of any other staff members present.

Responsibilities of the supervisors and the supervised

17. Each staff member holding a position of authority is obliged to set the highest standards in all aspects of his/her behaviour, and should be guided by the principles of impartiality, fairness, justice, tolerance and understanding. He/she must provide leadership, must uphold the code of conduct by personal example, and by accepting responsibility for the guidance of other staff.
18. Supervisors must find a proper balance between the need to maintain discipline in the workplace and the need for understanding and fair treatment of their staff. They must allow all views to be heard, giving due recognition to the hard work and achievements of each individual. Supervisors have a responsibility to support their staff when they are carrying out their functions in accordance with their work plan and within their authority. Intimidation is not acceptable as an instrument of administration, nor is the practice of selective punishments and rewards.
19. Staff members have an obligation to keep their supervisors fully informed of all aspects of their tasks. This will help to ensure that decisions are taken on the basis of facts and rules. No decisions shall be properly taken if they are taken outside the regulations of the GNLU.
20. All GNLU staff members are responsible for familiarising themselves with the GNLU Act, regulations, and administrative issuances, particularly those relating to the conduct expected of staff members. Staff members may not avoid personal responsibility simply by claiming that they were carrying out the instructions of their supervisors. Those who are supervised have an obligation to inform their supervisors, should they have doubts about the compatibility of an instruction which they have received with the statutes, regulations of the GNLU, as well as with applicable agreements and decisions of the GNLU statutory bodies, such as the General Council, Executive Council, Academic Council, Finance Committee, etc. If supervisors insist on proceeding with instructions which have been called into question, staff members not in agreement may ask for written instructions. Once such instructions have been received, staff members are obliged to

carry out the instructions. Failure to obey such instructions could result in disciplinary measures. If staff members disagree with a written instruction, they may record their disagreement for the official files.

Relations with External Authorities

21. The independence of an employee is put to the most crucial test in the day-to-day relations between staff members and external authorities. The basic guide for GNLU staff members is their oath, which pledges them not to seek or accept instructions with regard to the performance of their duties from any other authority external to the GNLU. All GNLU staff members, regardless of the nature of their appointment are, during their period of service, GNLU employees. They must clearly understand that they are not, in any sense of the word, representatives of external authority.
22. Conduct which facilitates good relations with the representatives or institutions of executive, legislature, judiciary and all stakeholders, and which contributes to trust and confidence in the GNLU, strengthens the GNLU and promotes its interests. Courtesy and tact are obviously required.
23. It is also the duty of staff members to avoid any action which would impair good relations with any stakeholder or which would undermine or destroy confidence in the GNLU - such as public criticism of, or any kind of interference with, the policies or affairs of executive, judiciary or legislature. For GNLU employee, either individually or collectively, to engage in any active criticism of any stakeholder or in any activity that undermines or discredits its authority, is incompatible with their status.
24. It should be understood that GNLU staff members have no general authority or justification for considering themselves as liaison agents between any stakeholder or authority external to the GNLU and the GNLU.
25. Officials whose opinion is requested on an important subject on which the position of the GNLU is not yet known have a clear responsibility to ascertain that position before expressing their view on it. Should this not be possible, and if the situation in any external body is such that some expression of opinion by them is unavoidable, they should make it clear that they are expressing a tentative view which must be referred to the Director for a definitive position. It is to be hoped that, for their part, any external authority, will refrain from requesting the personal views of staff members, particularly after the position of the Director has been made known on the issue in question.

Public and private life

26. In principle, the private life of staff members is their concern, and should not be intruded upon by the GNLU. At the same time, in order to avert situations in which their private lives will bring the GNLU into disfavour, they must set themselves a high standard of personal conduct. They must bear in mind that their conduct, whether or not it is connected with official duties, must not infringe upon any demonstrable interests of the GNLU which they serve, must not bring it into discredit, and must not cause offence in the community in which they live. Such restraint must be exercised even when invoking rights recognised by existing legislation, if this is likely to reflect unfavourably on the GNLU. Not only must staff members of the GNLU be careful and discreet, they should also impress upon members of their households the necessity of maintaining a similar high standard of conduct, in order to avoid any incidents that may reflect negatively on the GNLU.

27. Staff members who are not clear about their authority to carry out certain instructions, or to contact external authorities, private individuals or institutions about any matter that may impinge upon the interests of the GNLU, shall seek clarification, preferably in writing, from their supervisors or the Director.
28. Scrupulous compliance with the laws of the host state of Gujarat - including the consumption of alcohol, avoidance of illicit or speculative dealings in currencies, and the honouring of financial obligations - these are only a few of the obvious requirements that shall be fully observed. Violations of the law can range from trivial to serious criminal activities, and standards for judgement can best be developed in the light of the nature and the circumstances of individual cases.

Additional guidelines

29. GNLU staff members are expected to bear in mind that their conduct, whether or not it is connected with their official duties, may not infringe upon any demonstrable interests of the GNLU, or bring it or their colleagues into discredit or cause offence in the community in which they live.
30. The use of GNLU property and facilities should be seen in the light of the requirements for proper conduct. It goes without saying that the use of GNLU property and facilities in an improper or offensive manner is in conflict with the code of conduct.
31. Staff members are expected, as a matter of proper conduct, to meet their legal and financial obligations without the need to involve the GNLU.

Misconduct and disciplinary measures

32. Violations of any of the standards of conduct set out above could be subject to disciplinary proceedings under relevant GNLU Regulations.
33. The above code of conduct shall be suitably adapted, interpreted and practiced in relation with students, their parents, local guardians, in letter and spirit.

Conflict of Interest

34. Confidence in the University and its members is put at risk when the conduct of a member does, or may reasonably appear to, involve a conflict between their private interests and their obligations to the University.

Members of the University should:

- a) declare any actual or potential conflict of interest in any matter under discussion by a University committee or body of which he or she is a member prior to the discussion of that matter. The member should withdraw from the meeting unless given leave to remain and must abstain from voting on the matter.
- b) take care that their financial and other interests and actions do not, or may not reasonably seem to, conflict with the obligations and requirements of their University position.

Private and Consultative Practice

35. Conflicts of Interest: A Private Consultancy must not give rise to a real or potential conflict of interest with a University Entity. In particular, a Private Consultancy must not:

36. be undertaken during University time or utilising University resources without compensation to the University;
37. compete with services provided by a University Entity on a commercial basis; or
38. offer services within an area where a University Entity would normally offer services on a commercial basis.
39. Employees should also be conscious of their duty of loyalty to the University. In particular, it would be a breach of that fiduciary duty if an Employee was to treat an approach to undertake a Consultancy as a Private Consultancy without disclosing it and obtaining approval in accordance with this policy.

Research

40. The University expects all those engaged in research to observe high ethical standards in the conduct of that research and, when relevant, to comply with the obligations imposed by the codes of practice of the State/Central Government.
41. The University's "Code of Conduct for Research" (See Annexure A of the directive) shall provide a framework for sound research procedures and for the protection of individual researchers from possible misunderstandings. The Code also draws the attention of staff and students to their obligations concerning the retention and location of data, authorship and conflict of interest in research activities.

Use of the University's Resources

42. It is expected that staff will be efficient and economical in their use of University resources, and not permit the abuse of these resources by others.
43. University property must not be used for private purposes unless this is approved in accordance with University policy.

Use of the University's Name

44. Members of the University's staff are encouraged to contribute to public debate as concerned citizens. Members of staff writing or speaking publicly in professional or expert capacities may identify themselves by their University appointment or qualifications and may, for that purpose, use the name of the University, at the same time making it clear that any views expressed are their own.
45. Members of staff commenting publicly on public issues other than in professional or expert capacities must do so from private addresses and should not use the name of the University, or otherwise identify themselves as members of the University.
46. The use of the University's name in the promotion or advertising of commercial products will only be approved if seen to be of direct benefit to the University. Members of staff may not use or allow the use of the name of the University or identify themselves as employees of the University in the public promotion or advertising of commercial products without prior approval.

Financial Reporting

47. All University accounts, financial reports, tax returns, expense reimbursements, time sheets and other documents, including those submitted to government agencies, must be accurate, clear and complete. All entries in University books and records, including

departmental accounts and individual expense reports, must accurately reflect each transaction.

Compliance with Laws

Members of the University community must transact University business in compliance with applicable laws, regulations and University policy and procedure. Managers and supervisors are responsible for teaching and monitoring compliance. When questions arise pertaining to interpretation or applicability of policy, contact the individual who has oversight of the policy. Unresolved questions and/or interpretation of laws and regulations should be referred to the Director.

- a) **Contractual Obligations** - The acceptance of an agreement, including sponsored project funding, may create a legal obligation on the part of the University to comply with the terms and conditions of the agreement and applicable laws and regulations. Therefore, only individuals who have authority delegated by an appropriate University official are authorized to enter into agreements on behalf of the University.
- b) **Environmental Health & Safety, including Workplace Health and Safety** - Members of the University community must be committed to protecting the health and safety of its members by providing safe workplaces. The University will provide information and training about health and safety hazards, and safeguards. Community members must adhere to good health and safety practices and comply with all environmental health and safety laws and regulations.
- c) **Non- University Professional Standards** - Legal professions and disciplines represented at the University are governed by standards and codes specific to the profession. Members of the University are expected to adhere to University policies and codes of conduct in addition to any professional standards. If a community member believes there is a conflict between a professional standard and University policy, he/she should contact the Office of the Director.

Bimal N. Patel
Director

--- 0 ---

Annexure A
GNLU/AD/06/10 (GNLU Directive)
Research Code of Conduct

1. Introduction

The University has a responsibility and is committed to ensuring that the research conducted by its staff and students maintains the highest possible standards of integrity. This code of conduct provides guidelines on the standards of work performance and ethical conduct expected of all persons engaged in research at the University. This code is linked to other policies and regulations, including the University's Code of Practice for Dealing with Allegations of Research Misconduct, Ethical Conduct of Research, Guidelines on Ethical Practice, Whistleblowing Code of Practice and Data Protection Guidelines, Freedom of Information Guidelines, Health and Safety Guidelines and provides an appropriate set of criteria to establish a framework which promotes good research practice and creates a culture in which integrity in research can be observed.

2. Observance and Breach

Teaching staff, researchers and research students must familiarise themselves with this code and other complementary policies of the University and ensure that its provisions are applied. Dean of Academic Affairs has a general responsibility to seek to ensure adherence to research integrity in academic department and encourage attendance at all relevant training opportunities. Failure to comply with the University's code may be grounds for instigating disciplinary proceedings.

3. Legal/ Contractual Requirements

3.1 Any special standards of work performance and ethical conduct imposed by law, professional bodies or by the University in relation to particular categories of research are deemed to be included in this Code in its application to persons engaged in that research in the University.

3.2 Researchers have a responsibility to read the terms and conditions of funders before the University accepts a contract and to ensure they understand the implications of those terms for the undertaking of such research and that they agree to, and accept, these terms as the basis for that research.

4. Good Practice

The University cannot be prescriptive about individual approaches to research, however the University expects the following general principles to be understood and observed.

4.1 Integrity and Professionalism: Researchers must be honest in respect of their own actions in research and in their responses to the actions of other researchers. This applies to a whole range of work, including experimental design, generating and analysing data, publishing results and acknowledging the direct and indirect contributions of colleagues, collaborators and others.

4.2 Accountability: Researchers are accountable to society, their profession, the University, the staff and students involved and the funder of the research for the work they undertake. They must ensure that research undertaken is consistent with terms and conditions defined or negotiated and must adhere to all current safety practices, ethical considerations and legal regulations applicable to their specific research.

4.3 Conflicts of Interest: A conflict arises when a person's judgment concerning a primary interest, such as legal knowledge, could be unduly influenced by a secondary interest, such as financial gain. As much attention should be paid to perceived and potential

conflicts as to actual conflicts. Researchers are expected to fully disclose conflicts relating to financial matters in accordance with the University Regulations and must adhere to the University's policy regarding additional consultancy work University Regulations. Conflicts of interest which fall outside these Regulations, but could have actual or perceived bearing on the research, must be disclosed and discussed with colleagues in the first instance and then to the Director as soon as possible and a researcher must comply with direction made, in consultation with the relevant Department, to manage identified conflicts.

4.4 Openness, subject to confidentiality and commercial protection: Research methods and results must, subject to the appropriate confidentiality applicable to personal or commercially protected information, be open to scrutiny.

4.5 General: Researchers have an obligation to inform the University of any issues arising relating to their research which may damage the University's interests and/or reputation.

5. Data

5.1 Personal Data: All processing of personal data must comply with the terms and principles of the Data Protection Act of India and researchers must be aware of the Data Protection Guidelines.

5.2 Research Data

- Data must be stored safely, in a way that permits a complete retrospective audit if necessary.
- Retention of accurately recorded and retrievable results is essential for the research. This is necessary not only as a means of demonstrating good research practice, but also in situations where questions are subsequently asked about either the conduct of the researcher or the results obtained.
- Data must be retained intact in paper or electronic format as appropriate, normally for a period of at least 10 years from the date of any publication which is based upon it. Where funders or professional bodies have specific regulations with regard to the period of data retention or with regards to where you should place/publish data (e.g. specific archives), these regulations should prevail.
- Researchers must ensure their team is aware of any confidentiality provisions applying to specific projects and whether there are any obligations with respect to these provisions.
- Researchers who are leaving the University who wish to retain data/copies of data for personal use must obtain written permission prior to leaving from the Director to do so. Where personal data is processed in connection with the research involved, the request must be refused unless it is clear that future use will be consistent with the terms of the participant's original consent.

6. Publications

- Any person, including research students, research assistants, research officers, technical officers and other support staff, who has participated in a substantial way in conceiving, executing or interpreting the relevant research must be given the opportunity to be included as an author of a publication derived from that research.
- In addition to meeting the above requirements regarding publication, an author must ensure that the work of any relevant person is recognised and appropriately acknowledged in all publications derived from research to which they have made a contribution.
- Any person who has not participated in a substantial way in conceiving, executing or interpreting the relevant research must not be included as an author of the publication derived from that research.
- A publication which is substantially similar to other publications derived from the same research must contain appropriate reference to the other publications.
- A researcher who submits substantially similar work to more than one publisher should

disclose that fact to the publishers at the time of submission.

- Publication and dissemination of work electronically or on the web should be treated with the same degree of integrity as every other form of publication.

7 Leadership/Supervision

- Dean, Professors, Associate Professors, Assistant Professors and all academic staff should ensure that a research climate of mutual co-operation is created in which all members of a research team are encouraged to develop their skills and in which the open exchange of ideas is fostered.
- A supervisor must observe the responsibilities set out in this Code of conduct.
- A supervisor must decline appointment as a supervisor of a research programme unless that person expects to be able to discharge the responsibilities set out in these Code of conduct.

8 Misconduct

8.1 Misconduct in research is constituted by a failure to comply with the provisions above and, without limiting the generality of the foregoing provisions includes:

- a) the fabrication or falsification of research data;
- b) the use of another person's ideas, work or research data without appropriate acknowledgement;
- c) misleading ascription of authorship to a publication.

8.2 Members and employees of the University have a duty to report misconduct and such reports shall be managed as prescribed in the University's Code of Practice for dealing with allegations of Research Misconduct.

8.3 Any failure to comply with this code or proved allegation of misconduct could lead to disciplinary actions as set out in the University Regulation for indiscipline or employees terms and conditions as appropriate.