



RULES OF PROCEDURE

2024

IIT MADRAS

STUDENT ETHICS AND CONSTITUTION COMMISSION

FORWARD

The Student Ethics and Constitution Commission was set up with aims to complete the Student Government branches at IIT Madras. SECC plays the pivotal role in ensuring that the IITM Students' Constitution of IIT Madras is enforced on ground and provides channels for students to resolve conflicts, in matters under purview of the Constitution, in a procedural manner. It equips them to formally frame and argue issues on their merits, and to seek enforceable orders.

In the process of tending to the business of the SECC, we have been following procedures and standards that aided the process. Solidifying these procedures are important for a body that concerns itself with regulatory functions. Hence this "Rules of Procedure of Student Ethics and Constitution Commission" has been formulated to establish standard practice, which will complement the functioning of SECC as outlined in the Students' Constitution.

We thank our Faculty Advisor, Prof Sudarshan Padmanabhan, whose advice and the hours spent with him in discussions and deliberations has helped in laying the foundation to SECC. We also thank all past members of the commission, who have added value to it.

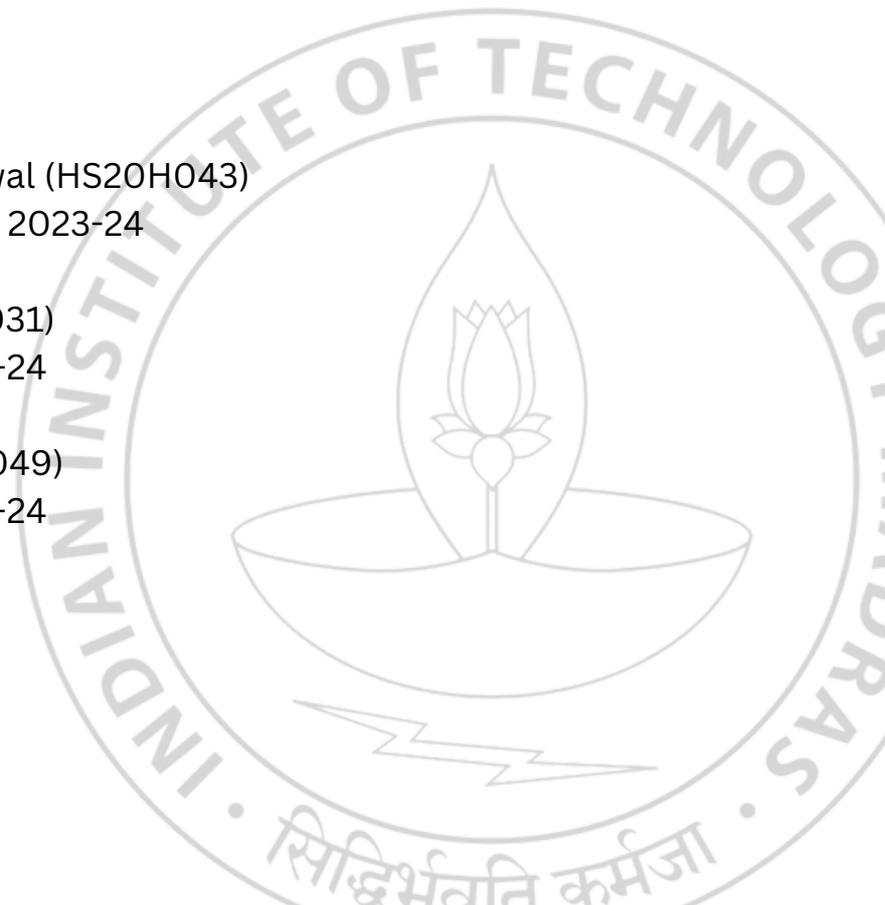
We hope SECC will function in accordance with these rules, and respects the authority accorded to it. We envisage SECC taking an active role in educating the GSB on their rights, responsibilities and etiquettes of dealing with a formal complaint redressal mechanism. We wish all future commissions the best.

Sincerely,

Thakur Sushant Singh Jaswal (HS20H043)
Chief Commissioner, SECC 2023-24

Meenakshi Anoop (HS21H031)
Commissioner, SECC 2023-24

Tejaswini Jagtap (HS21H0049)
Commissioner, SECC 2023-24



FORWARD

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on Monday, 25 May 2020

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The previous version was approved by the SLC of 2020-21 in April, 2021

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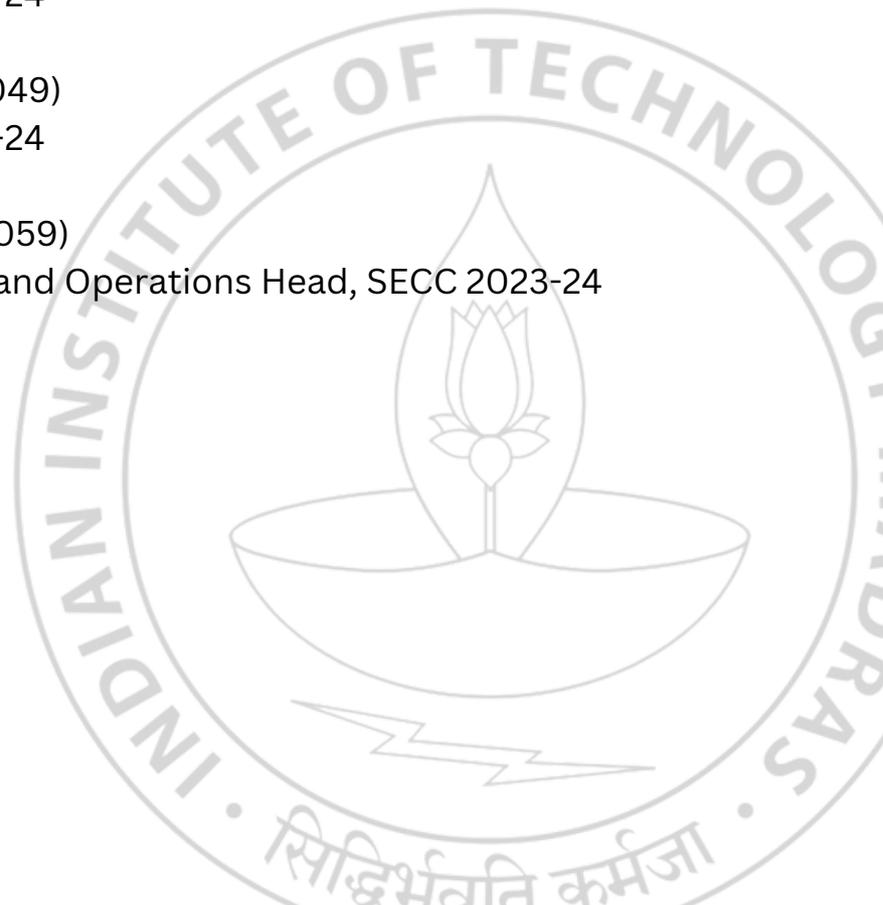
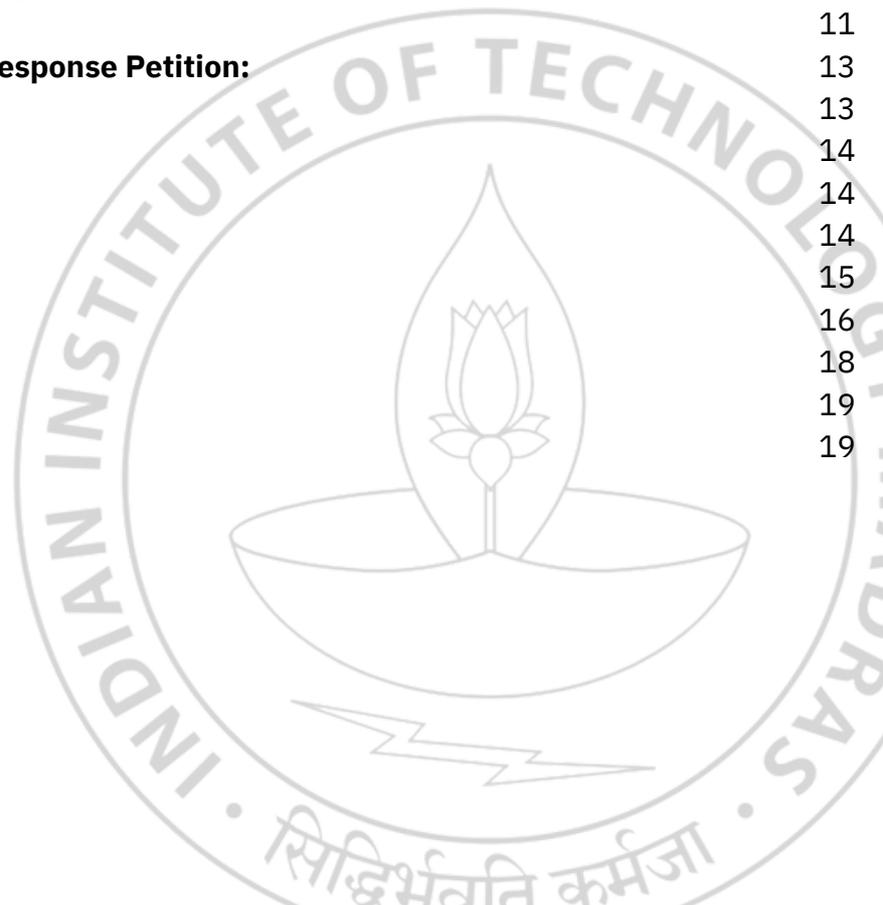


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Mission and Purpose

“Bonum commune communitatis”

To serve the students of IIT Madras by exercising powers of judicial review, regulation, accountability and corrective measures to aid the cause of a more harmonious union of students at IIT Madras, guided by the principles of liberty, equality and justice under the constitution.

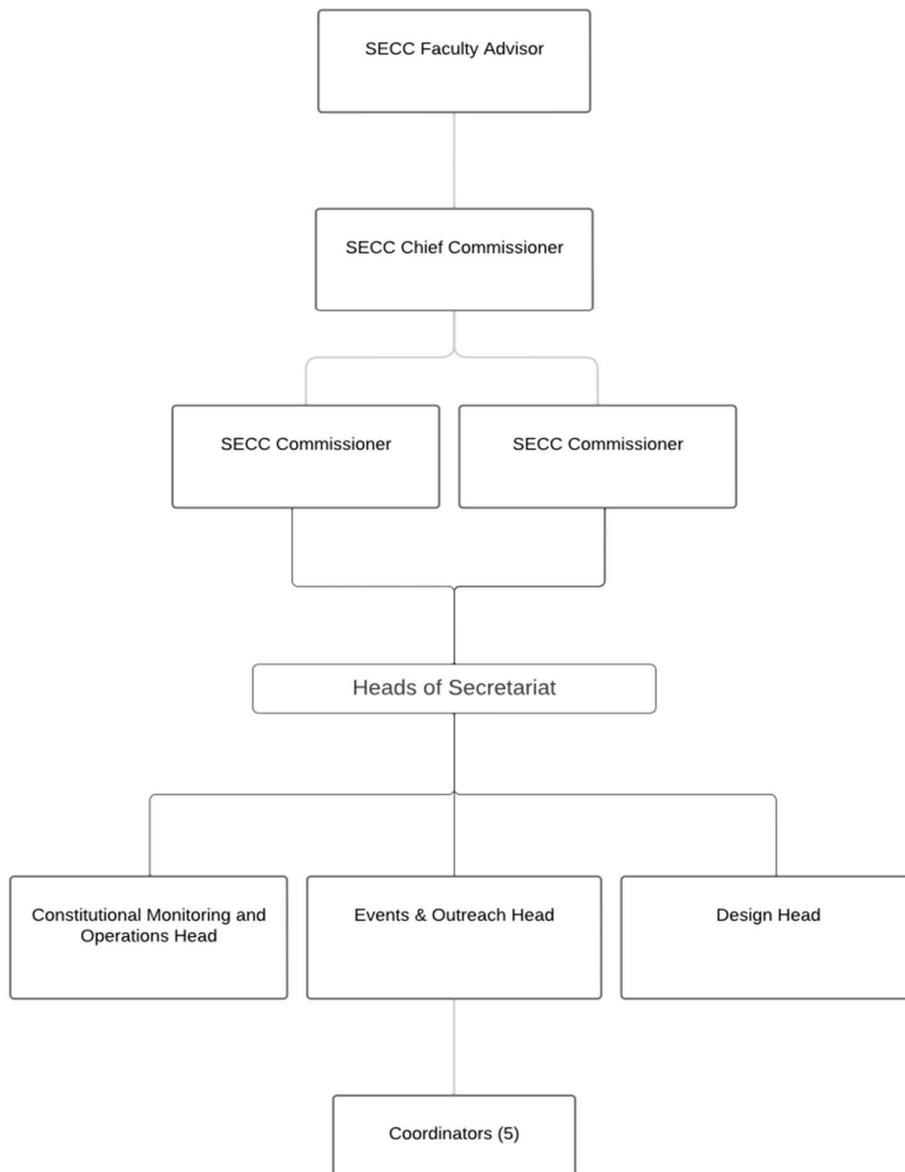
1. General Rules

- a. Rules of Procedure of the Student Ethics and Constitution Commission shall not conflict or override any provisions in the IITM Students’ Constitution.
- b. The SECC shall not attempt to exercise its power or jurisdiction over any case involving parties it has no authority over or offer a remedy it does not have the power to grant.
- c. Expectations
 - i. All Commissioners shall meet the constitutional requirements for the Student Government Officials.
 - ii. Members of SECC shall not disclose the findings or facts of an ongoing investigation to persons outside the commission through unapproved private channels.
- d. Initiation
 - i. New Commissioners shall be initiated after ratification by the Student Legislative Council. The following oath shall be administered by the Faculty Advisor in the presence of other members of the SECC.

Oath: “I, <name>, solemnly affirm that I have read, understood and internalised the IIT Madras Students’ Constitution. I will scrupulously uphold the values enshrined in it, and shall execute the duties of Commissioner of Student Ethics and Constitution Commission faithfully, conscientiously, untiringly and uncompromisingly for maintaining the glory, fair name and welfare of IIT Madras and her students.”

2. Team Structure

SECC Organisational Structure



3. Quorum

- a. Full Quorum - Comprises the Chief SECC Commissioner and the two SECC Commissioners. In case any post is vacant, the quorum shall be met excluding the same.
- b. Partial Quorum - Any two of the three commissioners of SECC.

4. Business of SECC

- a. All operational or other business of SECC shall be decided in a General Meeting.
- b. Semester plan for meetings will be prepared by the Commissioners, with inputs from the Secretariat at the start of the semester.
- c. As SECC also functions as the Student Election Commission, care must be taken to ensure that the business of SECC does not suffer during the period. At least one commissioner shall actively handle the business of SECC during the period.
- d. Budget for the year shall be prepared by SECC with inputs from the Secretariat.

5. Mode of Conduct of business

- a. SECC shall ordinarily conduct its business through physical meetings. SECC shall use [this Logo](#) for representational purposes.
- b. Under circumstances where it is not possible to conduct the meetings physically, owing to semester breaks, unavailability of commissioners/parties on campus, it may carry out its business online or allow parties to join the meetings online.

6. Non-availability of Members of SECC

- a. If Commissioners, SECC be unavailable to contact for more than 5 days they shall, in writing, inform the commissioner of the same at least 5 days in advance.
- b. In the case of the Chief Commissioner, SECC they shall inform, in writing, the Commissioners, SECC and the Faculty Advisor. The Commissioners shall be jointly responsible to discharge the duties of the Chief Commissioner in this period.

7. Responsibilities of Chief Commissioner, SECC

- a. Call for a general meeting and chair all such meetings of the commission. Delegate the workload to the Commissioners and the Secretariat.
- b. Prepare a bi-annual report on the working of SECC and activities undertaken by it.
- c. Choose the representative to meetings SECC is an invitee and set the advocacy agenda. SECC, when needed, shall advocate for restorative justice, corrective measures and definitive yet just retribution in disciplinary committee hearings.
- d. The Chief Commissioner shall be selected by the outgoing Chief Commissioner in consultation with the outgoing SLC Speaker, SECC Faculty Advisor/SEC Faculty Advisor & Office of the Dean (Students) through a due process as defined by the outgoing Chief; the newly appointed Chief Commissioner has to be ratified by the outgoing SLC.

8. Responsibilities of the Commissioners, SECC

- a. Attend all meetings, unless otherwise specified.
- b. Assist the Chief Commissioner in conducting the business of SECC.
- c. The Commissioners shall be selected by the outgoing Commissioners in consultation with the incumbent SLC Speaker, SECC Faculty Advisor/SEC Faculty Advisor & Office of the Dean (Students) through a due process of application & interview; the newly appointed Commissioners have to be ratified by the SLC.

9. Powers of the SECC

1. Types of Sanctions:

The SECC shall possess the authority to impose the following sanctions:

- a. Disciplinary Warning: A formal cautionary measure issued to students.
- b. Suspension from Events: Temporary exclusion from specific events for a stipulated time period can be awarded to both individuals and organisations.
- c. Restrictions on Participation: Limitations imposed on a student's involvement in certain activities.
- d. Fines: Monetary penalties.

- e. Compensation for Losses: Obligation to compensate for damages incurred.
- f. Dismissal of Elected Representative: Removal of an individual holding an elected position.

2. Criteria for Sanction Application:

Sanctions shall be applied based on the following criteria:

- a. Severity of Violation: The magnitude and impact of the transgression on the institute's norms and values.
- b. Repetition of Offence: Whether the violation is a recurring pattern of behaviour.
- c. Intent Behind Violation: Determining whether the violation was intentional or inadvertent.

3. Alignment with Legislative Framework:

a. Sanctions imposed by the SECC shall adhere to and align with the legislative framework established by the Student Legislative Council (SLC).

b. A periodic review shall be conducted by SECC Commissioners to ensure ongoing conformity with any modifications in the SLC's legislative framework.

4. Communication of Sanctions:

Communication of sanctions shall adhere to the following procedures:

a. A written document detailing the reasons behind each judgment shall be provided to affected parties.

b. Timely notification shall be issued, allowing parties the opportunity to comprehend, question, and adhere to the decisions.

5. Documentation and Reporting:

The SECC shall maintain meticulous documentation, including:

- a. Records of all deliberations, discussions, and decisions related to sanctions.
- b. Comprehensive archives of applied sanctions, justifications, and subsequent actions taken.
- c. These records shall be accessible while ensuring the privacy of the concerned parties.

6. Contempt of Court

All the sanctions that are applicable to a normal hearing shall also be applicable in the case of Contempt of Court. However, if any student or organisation is not abiding by the sanctions imposed under the scenario of contempt of court by SECC then their respective Faculty Advisor shall be informed about the same.

Further, failure by a student or an organisation to comply with the decision(s) issued by the court will result in that student being in violation of a disciplinary policy of the Institute and hence the case shall be forwarded to the appropriate disciplinary committee.

7. Charges, Subpoenas, and Orders

- a. The issuance of charges, subpoenas, and orders shall be conducted in a manner that upholds the principles of fairness, due process, and the right to be heard.
- b. Charges may be issued based on violations of the Students' Constitution, constitutional amendments, or legislations passed by the SLC. The charges shall be communicated clearly, specifying the alleged violations.
- c. Subpoenas and orders may be issued by the SECC to students, faculty members, or staff when their presence or cooperation is deemed essential for the proceedings. The issuance of subpoenas and orders shall be conducted judiciously and only when necessary for the resolution of the matter at hand.
- d. The SECC shall ensure that all parties involved are provided with adequate notice and an opportunity to respond to charges, subpoenas, and orders before any formal actions are taken.
- e. Deliberations on procedural decisions related to charges, subpoenas, and orders shall be meticulously conducted, ensuring that the SECC has considered all relevant factors within the bounds of its jurisdiction.

10. Meetings

There will primarily be three kinds of meetings: General Meetings, Constitutional Panel, Arbitration Panel.

a. General Meetings

- i. Meetings will cover general matters of office and functions necessary to discharge

SECC's mandate. These meetings can also be called for on request for advice from members of the GSB or Student Government officials in matters under the purview of the IITM Students' Constitution. Members of Secretariat, SECC shall also attend the meeting unless otherwise specified. Partial Quorum is sufficient.

b. Constitutional Panel

- i. The panel shall be convened to hold a hearing and discuss matters related to interpretation of the Students' Constitutions, constitutional amendments, constitutionality of legislations passed into a law, and offer legally binding advice or ruling along the writs of Mandamus or Prohibition.
- ii. A panel shall be convened to hold the hearing within 48hrs of the cognizance of SECC on the issue either through a complaint or on it's own. A full quorum shall be mandated.

c. Arbitration Panel

- i. SECC shall hold arbitration panel hearings in matters involving disputes and controversies, and charges of violations under its jurisdictions (IITM Students' Constitution, Jurisdictions of SECC: D, E).
- ii. Hearings require a full quorum, however, sections of it may be undertaken in partial quorum under the mutual consensus of the Commission.
- iii. SECC shall notify the accused of their alleged violations and ask for a preliminary admission of guilt upon which an investigative hearing shall not be held.

11. Modus Operandi of Hearings

The modes of communication used in case of official email not being in operation, shall be declared official prior to communication using that medium.

Information directly heard by the Commissioners and can be corroborated by one additional witness shall be considered part of the record.

i. Investigative Hearing

1. SECC shall make itself aware of the circumstances, documents pertaining to the issue through voluntary disclosure by the parties or through compliance of subpoenas issued.
2. This hearing shall be used to gain further insight into facts pertaining

to the matter through testimonies of witnesses, accusers or the accused though proffers or subpoenas.

3. SECC can invite the parties involved, with an implicit order to testify at the hearings with prior intimation of no less than 24hrs.
4. SECC can call expert witnesses pertaining to the matter. If the expert witness is a member of the administrative staff, the request shall be routed through the faculty advisor.
5. *Actus Reus* and *Mens rea* shall be the primary focus during the course of the investigation.
6. "Best evidence rule" shall be applied.
7. The participants of the hearings shall give the following declaration prior to their testimony
"I, _fullname_, _rollnumber_, make this declaration believing that the contents of my testimony are true and honest"
8. The testimony given shall be recorded through notes, or audio with the consent of the testifier.
9. All participants who incidentally might come to know of confidential information while participating in a hearing as a witness shall be allowed to participate in the meeting only after they are on record to have taken the Oath of Secrecy

"I shall not divulge any information that has been gathered by me at this hearing. I shall be liable for any violation of the oath above"
10. The hearing may not last for more than 2hrs on a single day but can continue for multiple settings.
11. A motion for Continuance can be made by the defendants and shall be granted if SECC deems it appropriate.

ii. Judgement Hearing

1. This can be a continuation or a part of the Investigative hearing. This shall not be held without following the doctrine of "*audi alteram partem*" at least once.
2. SECC shall deliberate and make an assessment on the degree of violation or dispute in interpretation based on information gathered

on record. A conclusion shall be made on this matter with blame distributed.

3. Full quorum is mandated for judgement hearings.
4. A Judgement hearing can be called upon the approval by SECC for a motion made by any party for Summary Judgement.
5. Judgement shall be issued to all the parties who are expected to abide by the contents of it and the ones who have suffered any damages due to lack of this judgement.

iii. Charge hearing

1. SECC can charge the testified with
 - a. Perjury, if it deems their testimony false or intentionally misleading or any violation of their declaration oath
 - b. Contempt of the court, upon refusal to testify or belligerent disrespect toward authority
2. The assessment made in Judgement hearing is taken into account and a reasonably proportionate punishment shall be devised with the available sanction options granted by the constitution.
3. Double Jeopardy is prohibited. Judgement may be issued by *Nunc Pro Tunc* if so decided on an appropriate timing.
4. A distinction shall be made if any along the lines of *malum prohibitum* or *malum in se* and shall be accounted in charging.
5. The charges or lack thereof will be communicated to the defendant. The parties not charged will be communicated about the charges made to the defendant or involved parties based on SECC's discretion and public interest kept in mind.
6. A Judgement hearing shall be held before or concomitantly with the charging hearing unless SECC decides by a unanimous vote to follow *res ipsa loquitur*.

iv. Equity Appeal:

1. If the respondent feels that the demographic representation of SECC is not equipped to understand the situations and quandaries involved in the life of the respondent, they can ask for an Equity Appeal.

2. The Appeal should clearly mention the following
 - a. List of reasons for appeal with SECC's shortcomings in context
 - b. A list of demographics or a list of students who the respondent should demonstrate overcomes the shortcomings of SECC
3. SECC can but is not required to consider this appeal and allow installation of an ad-hoc member as a part of the decision-making process.
4. The Equity member can cast a vote. But in case of a tie, two commissioners out vote a commissioner and the equity member.

v. Re-Appeal

1. If the respondent feels that the verdict issued by SECC has not taken into account the situations and quandaries involved in it then the respondents can ask for Re-Appeal.
2. The Re-Appeal should clearly mention the following
 - a. List of reasons for re-appealing
 - b. A list of expectations about the outcomes from re-appealing
3. SECC can but is not required to consider this appeal and reopen the case with the aim of investigating on those parameters which the respondent feel were not considered earlier.
4. For the acceptance of re-appeal all the three commissioners have to agree to it. In the case of denial, the particular commissioner has to give a written explanation to the respondent.

12. Complaint Petition and Response Petition:

- a. Complaint Petition: These will be the available methods for the GSB and student government officials to file a complaint with SECC.
- b. The Complaint Petition shall be submitted to SECC in the format as prescribed in **Annexure I** format by emailing secc@smail.iitm.ac.in from the institute student email id of the complainant.
- c. In case the complainant is unable to do so by email, the same shall be handed over to anyone of the Commissioners in a closed envelope, along with a proof of identification of the complainant.
- d. A complaint that is incomplete, anonymous, or not adhering to the format prescribed, shall not be considered if it fails to provide a reasonable foundation for making an allegation or any directions as to where to gather the information.
- e. On receiving a complaint, the Commission shall acknowledge the receipt of the complaint within 48 hours, if sent by email. In case the complaint disqualifies as per 10(d), the complainant shall be informed of the same within 48 hours of its receipt and may be directed to make corrections as required.
- f. Response Petition: On verifying the validity of the complaint, the defendants shall be required to submit their response prior to any hearing.
- g. Details of the complaint with a request to respond in the format prescribed in **Annexure II** will be sent to the person(s)/Organisation named in the complaint. Five days will be given for the defendant(s) to send their written response in the same manner as Complaint Petition.

13. Suo Motu

- a. SECC can take *suo-motu* cognizance of matters in its original jurisdiction.
- b. In case of violations of Students' Constitution and/or laws and/or statutes made under it, charges framed shall be sent to the violator. The violator shall be given at least 48 hours to respond to the charges. In instances where the violation has immediate and severe consequences, the writs of Mandamus or Prohibition can be issued.
- c. Investigation shall be undertaken following appropriate procedure.

14. Vacancy

- a. In case of vacancy or a forthcoming prospect of vacancy to the post of commissioners, the Chief Commissioner shall initiate a call for applications within two weeks or reporting of such vacancy.

15. Secretariat

a. General Structure

- i. The Secretariat shall be composed of Heads, in the capacity of cores, and Coordinators.
- ii. All meetings and activities of the Secretariat shall be documented by the respective Head.
- iii. Heads shall estimate budgets for activities under their purview and assist the SECC in preparing a budget.
- iv. Monthly Report of activities undertaken, persons involved, and other details shall be prepared by the heads.
- v. Members of SECC secretariat shall not be privy to any information on any matters under investigation of SECC unless approved by all the three commissioners.
- vi. Members not approved shall not attempt to secure this information or disseminate confidential information to parties outside SECC. The people responsible for breach of confidentiality shall be punished with measures, not limited to removal from their position.

b. Heads

Heads will function under the guidance of the SECC Commissioners and assist in the functioning of the Commission.

i. Head: Events and Outreach (1 Position)

Duties and Responsibility

- Events: Conducting workshops, forming communal groups of like minded individuals, talks and discussions on topics and themes relevant to SECC and of benefit to the Student Community.
 - Publicity: Publicity of SECC, its activities and events.
 - Outreach: Liaison with SLC, and other bodies in spreading awareness of the Students' Constitution and legislations enacted under it. Coordinating with organisations and persons outside IITM.
 - Logistics: Facilities and Requirements and other functional requirements of the Commission and its events.

ii. Head: Constitutional Monitoring and Operations

Duties and Responsibility:

- Documentation and Operations: Assist the Commission in functioning by undertaking documentation of its proceedings and assist in procedural requirements. Liaison with SLC and EC in maintaining an up-to-date repository of Legislations and activities.
- Constitution Monitoring: Monitor the activities of student groups and ensure that the Student Constitution and the laws and rules enacted under it is followed.
- Make a timeline and call for demonstration of constitutionally mandated accountability measures taken by SLC and Executive Council

iii. **Design Head**

- Shall handle the design requirements of SECC in conjunction with the coordinators under the supervision of the commissioners
- Shall also handle the posters and design requirements for Elections

c. Coordinators

Five coordinators will undertake all activities required for the functioning of the Commission. The coordinators are not specific to a head, work may be allocated as decided by the Heads in consultation with the Commissioners:

- Publicity and Design: Undertake the on ground and online publicity functions of the Commission.
- Documentation and Constitution Monitoring: Assist the Head in their duties.
- Facilities and Requirements: Arranging logistics of Commission and its activities.

Coordination with Commissioners

- The Secretariat shall maintain open lines of communication with the SECC Commissioners, providing regular updates on ongoing activities, logistical requirements, and any challenges encountered.
- Commissioners may delegate specific responsibilities to the Secretariat members, necessitating clear communication channels and prompt responses.

ANNEXURE I Complaint Petition

This is a complaint petition with a request for hearing to the Students Ethics and Constitution Commission IIT Madras.

Date:

Complainant:

Name/Title of alleged Complainant:

Roll Number/Organisation Name:

Hostel Address/Department (for day scholars):

Smail ID/Email ID(for organisations):

Phone:

Respondent(s):

(For each of the respondents against whom petition is filed:)

Name/Title of alleged Respondent:

Roll Number/Organisation Name:

Hostel Address/Department (for day scholars):

Smail ID/Email ID(for organisations):

Phone:

This petition is being filed for the alleged violation of the following:

(What is this a violation of? Mention yes/no as applicable)

Document	Yes/No
IIT Madras Students' Constitution	
Department Charter/Hostel Rules/Any legislation of SLC	
Rule Book of Secretary/Organisation	
Not able to determine	

Specific provision from the above document(s) that might have been violated are:

1. Document Name: Chapter: Section: Quote exact phrases
2. ..
3. ..(as applicable)

Alleged violation in detail:

(Write in detail the alleged violation. These must be based on facts.)

...

Remedy sought for:

(Write in brief numbered bullets the remedy/action being sought for)

1. ..
2. ..

ANNEXURE II

Response Petition

This is a response petition on the complaint dated <dd/mm/yyyy> to the Students Ethics and Constitution Commission IIT Madras.

Date:

Respondent(s):

Name/Title of alleged Respondent:

Roll Number/Organisation Name:

Hostel Address/Department (for day scholars):

Complainant:

Name/Title of alleged Complainant:

Roll Number/Organisation Name:

Hostel Address/Department (for day scholars):

Response:

Mention provisions allegedly violated and refute/accept against each provision.

1. I/We refute/accept the allegation made in point <as per complaint> on the violation of <Document>, <Section/Provision>
2. ..(as many as in complaint petition)

Detailed Response:

Detail each refutation/acceptance with supporting facts.

This response petition should specifically deny the allegations, which respondent thinks are false. Any allegation not specifically denied is deemed to be admitted unless otherwise argued during the investigation/hearing.

Appendix

1. **Bonum commune communitatis** - Good of the common community
2. **Quorum** - The minimum number of members required for a meeting to be valid
3. **Modus Operandi** - Mode of operation or method of operation
4. **Suo Moto** - On its own motion or initiative
5. **Actus Reus** - The guilty act or wrongful deed
6. **Mens Rea** - The guilty mind or criminal intent
7. **Audi Alteram Partem** - Hear the other side or let the other side be heard
8. **Nunc Pro Tunc** - Now for then, retroactively
9. **Res Ipsa Loquitur** - The thing speaks for itself
10. **Double Jeopardy** - Being tried twice for the same offence
11. **Equity Appeal** - An appeal based on considerations of fairness and justice
12. **Mandamus** - A judicial writ issued as a command to an inferior court or ordering a person to perform a public or statutory duty
13. **Prohibition** - A writ issued by a higher court to prevent a lower court from exercising jurisdiction not authorised by law
14. **Ad-Hoc** - Created or done for a particular purpose as necessary
15. **Perjury** - The offence of wilfully telling an untruth in a court after having taken an oath or affirmation
16. **Contempt of Court** - Disobeying or showing disrespect for the authority, justice, and dignity of a court
17. **Nunc Pro Tunc** - Now for then, retroactively
18. **Malum Prohibitum** - Wrong because prohibited by law
19. **Malum In Se** - Wrong in itself, inherently evil