

ANNEXURE-8

COMOS POLICY ON CODE OF CONDUCT FOR MEMBERS

Version 01: / /

Proposed by:

Approved by:

Each COMOS member shall be bound to comply with the Rules and Regulations of COMOS as outlined in its Memorandum of Association and Standard Operating Procedures and Guidelines as well as Statement of Ethical Commitment adopted by ICOMOS in Madrid in 2002 and abide by it at all times.

1.0 : Code of conduct for the Executive Committee/National Scientific counsellors/coordinators of NSCs /working groups/advisory groups:

All members of the COMOS Executive Committee and its Associated Committees are bound by this Code of Conduct. Members of the Committees should familiarize themselves with this Code of Conduct. The objective of this Code of Conduct is to outline fundamental values and principles that define the high standards of corporate and individual behavior expected of members representing COMOS in association with their respective roles in the Executive Committee and its Associated Committees. In all our operations and relationships we value COMOS's mission to lead conservation, management and enhancement of cultural and natural heritage (tangible and intangible) in India by raising standards, encouraging dialogue and collaborations and generating innovative ideas. As a member of the COMOS Executive Committee and its Associated Committees, are expected to:

- i. **Act ethically with honesty and integrity:**
The members should be open and transparent in their dealings; powers and position should be responsibly used, members should avoid or disclose any conflict of interest
- ii. **Exercise due care, diligence and skill:**
The members should ascertain all relevant information and make reasonable queries before taking important decisions and should understand the financial, strategic and other implications of decisions.

- iii. **Act in good faith in the best interest of COMOS:**
The members should allow necessary time to prepare for meetings and they should try to attend all the meetings of Executive Committee. They should avoid activities that may bring the member or the Organisation into disrepute.
- iv. **Act fairly and impartially:**
The members should avoid being biased, discrimination, caprice or self-interest and members should act in professional and courteous manner.
- v. **Use information appropriately:**
The Members should ensure that information obtained as member of Executive Committee or Associated Committees are applied for the purpose only and be kept confidential. The members should also ensure that any personal information coming to knowledge as a member of the Executive Committee and its Associated Committees is handled in compliance with the COMOS communication policy ensure that you decline gifts or favours that may cast doubt on ability to apply independent judgment as a member of the Executive Committee and its Associated Committees.
- vi. **Comply with the governance rules of ICOMOS:**
The members should be well aware of COMOS's governing documents pertaining to role of member of Committees and act accordingly. The members should follow code of conduct of the Organisation.

2.0 Conduct for Members

- i. All members of COMOS, Individual Members, Associate Members, Young Professional Members, Student Members, Sustaining Members and Honorary Members shall pay an annual subscription fee for membership of COMOS (and thereby ICOMOS) failing which membership is subject to cancellation.
- ii. All members of COMOS are subject to the authority of the President/ Secretary of COMOS in matters related to the workings of the COMOS
- iii. By accepting to become a member of COMOS and agreeing to undertake work given to him/her by the Executive Committee of COMOS, the member shall regulate his/her conduct with the interest of the COMOS in view
- iv. In providing his/her service, the member shall neither seek, nor accept, any gifts or fees from any government or any authority external to the COMOS. COMOS is a non-profit society and therefore each member is required to contribute to its activities on voluntary pro bono basis.
- v. The member can at no instance represent COMOS as an institutional representative unless duly authorised in writing by the President / Secretary which in turn represents the view of the Ex Com.

- vi. The member will ensure that all communication undertaken in the capacity of an office bearer (Ex Com member/ NSC coordinator/ National Scientific Counsellor) with individuals and/or organisations for institutional collaborations will be copied to the Secretary COMOS.
- vii. The member shall conduct him/herself at all times in a manner befitting his membership status. He/she shall not engage in any activity that is incompatible with the performance of his/her work for COMOS. He/she shall avoid any action and in particular any kind of public pronouncement that may adversely reflect on his/her status, or on the integrity, independence and impartiality that is required by that status.
- viii. In all matters related to the workings of COMOS, the members shall maintain the confidentiality of information and refrain from any kind of activity that could undermine the interests of COMOS. The member shall exercise the utmost discretion in regard to all matters of official business. He/she shall not communicate to any person, any kind of unpublished information known to him/her by reason of his/her assignment, except by authorization of the President COMOS.
- ix. Members of COMOS are to refrain from projecting themselves as "consultants/ experts/advisors/employees" to COMOS or ICOMOS International. If any member is found to malpractice or falsehood, his/her membership would be revoked immediately.
If the member, by malice, culpable negligence or failure to observe any applicable rule, involves COMOS in unnecessary loss, expenses of liability, he/she shall be held responsible and may be required to pay compensation.
- x. In the scenario where a member of COMOS (individual or institutional) also holds official authority in another body of similar mandate, the member shall maintain high levels of confidentiality with regards decisions, rulings, programs and activities of COMOS and will work in the interest of COMOS. Failure to do so, may attract expulsion from the membership of COMOS
- xi. Member shall not offer any direct or indirect benefit to any member of the Executive Committee of COMOS in lieu of any work or position in any of the statutory bodies of COMOS.
- xii. The members of the Executive Committee will abide by the rules of the Organization. Should any member of the Executive Committee violate the constitution; he/she shall face the disciplinary measures in terms of the provisions relating to disciplinary enquiries.
- xiii. The Disciplinary Committee of the Organization shall comprise of the following members: the President, the Secretary and any one Zonal representative
- xiv. The member of the Executive Committee is entitled to appeal within the period of five days if he/she is not satisfied with the decision of the Disciplinary Committee. The rule of law shall be taken into consideration during disciplinary enquiries/ matters.

- xv. Each member of the Executive Committee facing disciplinary allegations shall be given an opportunity to submit his/her representation as to why he/she should not be suspended or dismissed.

3.0 Conduct of Institutional Members

- i. All Institutional members of COMOS shall pay annual subscription fee for membership of COMOS (and thereby ICOMOS) failing which membership is subject to cancellation.
- ii. Institutional members of COMOS shall abide with the obligations set out in the ICOMOS Statutes and Ethical Principles, non-compliance by members shall be reviewed by COMOS and if required by the International Scientific Committees or the Bureau of ICOMOS, and may lead to sanctions as further detailed.
- iii. In all matters related to the working of COMOS, the Institutional members shall maintain the confidentiality of information and refrain from any kind of activity that could undermine the interests of COMOS
- iv. Institutional members would need to collaborate with the various NSCs and at least hold one dissemination event/symposium/conference/exhibition of the work done by them during the financial year.

Students of academic institutions, which are members, should be encouraged to actively participate in the activities of COMOS. Moreover COMOS members should be able to give/expert lectures to the students.

4.0 Conflict of Interest

CONFLICT OF INTEREST: No officer bearers, members of the Executive Committee, National Scientific Counsellor, Coordinators of NSC or Working Groups as well as any employees nor others acting for or on behalf of COMOS shall engage in any activity which is in conflict with, or appears to be in conflict with, the interest of COMOS.

Conflict of Interest. A conflict of interest exists when a covered person (as defined below) proposes to act on any issue, matter, or transaction in which COMOS has an interest, and the covered person may have an interest separate from COMOS that may compromise or appear to compromise the covered person's judgment in the performance of his or her duties, create actual or apparent impropriety, create negative publicity and or have a potential loss or harm to COMOS, including but not limited to, loss of confidence in COMOS monetary loss, or erosion of employee and volunteer morale. A conflict of interest also exists in situations in which there is an appearance that a covered person is utilizing inside information that is proprietary to COMOS for his or her personal benefit, is acting in his or

her own interest rather than the best interest of COMOS, has the ability to exercise undue influence over COMOS decisions, or is receiving favorable treatment by COMOS because of his or her status as a covered person.

Covered Person. A covered person includes officer bearers, members of the Executive Committee, National Scientific Counsellor, Coordinators of NSC or Working Groups as well as any employees or others acting for or on behalf of COMOS and close relatives thereof.

Close Relative. A close relative includes a spouse, partner, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law or step relation, or any person who shares living quarters under circumstances that closely resemble a marital relationship or who is financially dependent upon the office bearer or employee.

Inside Information. Inside information includes any material information that is identified as confidential and proprietary, pertaining to the business and affairs of COMOS, whether related to a specific transaction or to matters pertaining to COMOS interests, activities, and policies. When a potential conflict occurs, it shall be addressed as follows:

i. Office bearers of COMOS (President, Vice President, Secretary and Treasurer):

When a potential conflict of interest occurs on behalf of an office bearer, the interested office bearer, in advance of initiating the activity giving rise to the conflict, shall inform the Board of the details of the potential conflict for the purpose of causing the Board to determine whether such a conflict of interest exists to the degree that the individual director should be excused from the Board during debate and voting on matters relating to the conflict. At the appropriate time, the Board, having been informed of the potential conflict of interest, may question the director concerning the identified special interest. After the Board determines it has all of the necessary information, the Board will then conduct debate on the issue as needed and vote to determine whether the circumstances described amount to a conflict of interest of sufficient degree to bar the director from debate and vote on the particular matter affected by the special interest. The office bearer identified as having a potential conflict of interest shall not participate in the debate or vote of the Board on the existence of a conflict and may be excluded during such debate or vote by vote of a majority of the Board. A majority vote of the Board is required to bar the member. The minutes of the meeting of the Board shall reflect the disclosure of the potential conflict of interest, the Board's decision regarding the conflict, and the presence or absence of the interested director during the debate on the issue of whether a conflict exists and during any action by the Board following the vote regarding the existence of a conflict.

ii. Members of the Executive Committee, National Scientific Counsellor, Coordinators of NSC and Working Groups:

Members of the Executive Committee, National Scientific Counsellor and Coordinators of NSC and Working Groups will follow the same procedure within the Executive Committee to resolve potential conflicts of interest regarding their duties as members of the Committee.

iii. Employees of COMOS:

When a potential conflict of interest occurs on behalf of an employee, the interested employee, in advance of the activity giving rise to the conflict, shall inform the Executive Committee of the details of the potential conflict. The Executive Committee, shall evaluate the circumstances disclosed by the employee and conduct further inquiry as the Executive Committee deems necessary for the purpose of determining whether a conflict of interest exists to the degree that the individual employee should be excused from and directed not to participate in mailers relating to the special interest of disclosed or given the choice of ceasing the activity causing the conflict or terminating the employment relationship with COMOS. The Executive Committee will respond to the employee in writing setting forth the facts surrounding the special interest, a determination regarding the existence of a conflict of interest and, if necessary, instructions to the employee restricting the employee's duties in matters relating to the special interest. A copy of the letter will be placed in the employee's personnel record.

iv. Others acting for or on behalf of COMOS:

When a potential conflict of interest occurs involving an individual acting for or on behalf of COMOS the individual, in advance of the activity giving rise to the conflict, shall inform the President of the details of the potential conflict. The President, in consultation with Executive Committee, shall evaluate the circumstances disclosed by the individual and conduct further inquiry as the President deems necessary for the purpose of determining whether a conflict of interest exists to the degree that the individual should be excused from and directed not to participate in mailers relating to the special interest disclosed by the individual. The President will respond to the individual in writing setting forth the facts surrounding the special interest, the President's determination regarding the existence of a conflict of interest and, if necessary, instructions to the individual restricting the individual's duties in matters relating to the special interest. A copy of the letter will be provided to the members of the Executive Committee.

1. The intellectual contribution of COMOS Members in any of the activities of COMOS would be duly acknowledged in all activities. However the intellectual property rights for work would rest with COMOS and not with the individual member. In case, an

individual member or members have contributed, then they would be duly acknowledged by COMOS. Work done as part of COMOS NSCs will be projected as the work of the committee and not as individual research work.

2. All members involved in policy/scientific work with COMOS and its scientific committees are required to disclose COMOS any professional, contractual or voluntary work done on the subject of the policy/scientific work in question to avoid any conflict of interest and duplication of work.
3. COMOS members must avoid being judges in their own cause: when they are involved in work concerning a specific site and also participating in advisory or decision-making bodies of local or national authorities, they must not take part in any decisions relating to that site.

v. Members standing for elections for a position in the Executive Committee of COMOS India

Member who is an office bearer in organization with similar mandate or related/comparable mandate as COMOS India and wishes to stand in the election for a position of an office bearer in COMOS India would be required to submit to the secretariat of COMOS a detailed note on his/her role in the said organization and how his position will not compromise COMOS India. The view of President ICLAFI would be taken by the Election Officer on the matter of Conflict of Interest for the said nomination.

5.0 Sanctions and Loss of Membership

- i. Non-compliance by members with the obligations set out in the ICOMOS Statutes and Ethical Principles shall be reviewed by COMOS as recommended by the International Scientific Committees or the Bureau of ICOMOS, and may lead to sanctions
- ii. Sanctions that may be imposed are admonishment, suspension of membership for a period of time, loss of ICOMOS membership
- iii. COMOS and International Scientific Committees and the Bureau of ICOMOS shall confer when the sanction is envisaged. Only COMOS and the Bureau of ICOMOS may impose sanctions; the International Scientific Committees shall transmit the results of their review to COMOS for further action as appropriate
- iv. A member of ICOMOS shall be considered to be of dormant status, if the membership dues are not paid by 1st May of the current year until **three** successive years after which it lapses (and membership application would need to be submitted again by that person whose membership has lapsed); by written notice of resignation addressed to COMOS having paid dues for the current year; by death; by dissolution of COMOS; if struck from the register by COMOS or the Bureau of ICOMOS as per its Statutes.
- v. Before a sanction is imposed and prior to being struck from the register for a serious cause, the member concerned shall be informed of the charges and shall be called to

- provide explanations. In the event of a sanction or when struck off from the register, the member concerned may appeal to COMOS. The appeal shall suspend the decision. The decision of COMOS and ICOMOS would be final and binding.
- vi. All proceedings with regard to sanctions and loss of membership shall be confidential, as is the imposition of an admonishment; all other sanctions shall be made public
 - vii. In the event of a suspension of the membership, the member concerned shall not have any membership rights during the suspension period
 - viii. A person, institution or COMOS struck off the register for non-payment of membership dues shall resume membership when the dues for the year shall have been received
 - ix. The Executive Committee shall have the power of expel a member from the society on the following terms & conditions:-
 - a. On his/her death or insanity
 - b. Non-payment of subscription fee on expiry of three years from due date.
 - c. Where Membership has lapsed for a period of up to 3 years, it will be reinstated at the previous membership level, following payment of all fees due for the period lapsed plus the current year. If membership has lapsed for 3 years or more, a new membership application is required.
 - d. On his/her written resignation.
 - e. If he/she has not attended three consecutive meetings of the general body without any intimation.
 - x. If he/she or it is formally struck off the register by the General Assembly or Executive Committee of ICOMOS, or by resolution of the Executive Committee of COMOS, for failure to comply with the Code of Ethics and Standards of Practice or for any other valid cause.