

JSS UNIVERSITY
Sri Shivarathreeshwara Nagara, Mysore

Regulations Pertaining to Malpractices in the University Examinations.

In exercise of the powers conferred by Rule (a)(xiv), 15(c)(ix) and 26(h), (n) and (p) of JSS University Rules and Bye Laws, JSS University has framed Regulations pertaining to Malpractices in University Examinations.

1. Short Title and Commencement

- a) These regulations shall be called the “JSS University students (Disciplinary Control: Examination) regulations, 2009.”
- b) They shall come into force with immediate effect.

2. Definitions

- a) ‘Chief Superintendent’ shall mean any person appointed by the University, to be overall in charge of the examination Centre.
- b) ‘University’ shall mean JSS University.
- c) ‘Disciplinary Authority’ shall mean the authority competent under these regulations to impose penalties on the student indulging in malpractice.
- d) ‘University Students’ or ‘Students’ shall mean and include all students studying in the Constituent Colleges/Departments/Faculties of the University, as well as candidates who register themselves for any super specialty courses, M.Phil, PhD or other programs.
- e) ‘Examination Centre’ shall mean any premises consisting of examination halls used for conduct of examinations.
- f) ‘Examination Hall’ shall mean any Room, Hall, Laboratory, Workshop or such other premises that may be used for holding of examinations.
- g) ‘Misconduct’ is a generic term and shall mean conduct that is amiss, wrong or improper behavior or conduct and includes misdemeanor, delinquency, indiscipline and other acts amounting to offences involving moral turpitude or acts which adversely affect the prestige of the institution or University.
- h) ‘Malpractice’ shall mean misconduct in relation to the conduct of any examination conducted by the University and includes any acts of omission or commission mentioned in these regulations.
- i) ‘Malpractice and Lapses Enquiry Committee’ hereinafter referred to as MPLEC shall mean the Committee or standing committee appointed by the BOM or the Vice Chancellor for enquiring into any malpractice, misconduct or lapses committed by a University student.
- j) ‘Preliminary Enquiry’ shall mean a fact finding enquiry in the nature of an investigation into any complaint or report, before initiating a regular enquiry under these Regulations and none of the provisions of these Regulations shall be applicable to such preliminary enquiry.
- k) Any other expressions, words or phrases that may have been used in these regulations but not defined, shall have the meaning assigned to them in the regulations.

3. General

- a) Every University student shall at all times take reasonable steps to ensure and protect the interest and prestige of the University, pursue his/her studies diligently in accordance with the rules, regulations, ordinances, bye laws and statutes of the University, maintain discipline and do nothing which is unbecoming of a University student, contravention of which shall be deemed to be tantamount to misconduct.
- b) During the examination, candidates shall be under the disciplinary control of the Chief Superintendent of the Centre.

- c) Every day, before commencement of the examination, instructions shall be given to all the candidates to search their persons, desks etc and to hand over all papers, books, notes, photo copies, reference material of any kind, mobile phones, pen scanners, blue tooth equipment or any other material that may be used to copy. Late comers may be repeated the same instructions. Being in possession of any of these items shall be construed as intent to use unfair means and shall be dealt with as malpractice and action taken as per the regulations.

4. **Some Acts of Commission and Omission amounting to malpractice are as under:-**

- a) Bringing in or being in possession of any document, paper, book photocopy, or any other material including electronic devices such as cell phones, digital diary, programmable calculator, pen scanner, Bluetooth equipment etc. other than those permitted by the University, in the examination hall, at any time during the examination.
- b) Taking or giving or attempting to take or give, any help from, or to any person or from any material, written, recorded, typed, printed or electronic or in any other form whatsoever.
- c) Removing original sheets of an answer book and/or inserting new ones, or taking outside the examination hall any answer book issued at the examination or writing answers in any form on the question paper or admission ticket.
- d) Copying answers of another candidate, or assisting any other candidate in copying answers either from his own answer book or from common or different sources.
- e) Being a party to mass copying, that is to say, where, barring minor or insignificant deviations, the question chosen for answering, or the answers of himself and two or more students appearing simultaneously for the examination in the same centre are almost identical in content, sequence, or pattern, or are having such other telltale features in common.
- f) Using impersonation technique in any form to write answers in answer books
- g) The presence of unusual marks, folding, creases, wrinkles or soiled appearances in one or more answer scripts or any other attempt to disclose identity; or writing on the question paper or any other paper some answers to the questions set in the question paper.
- h) Altering, defacing, tampering with the answer book, identity card, or admission ticket or any other relevant document or handing over or parting with his identity card or admission ticket to a third party during the examination period.
- i) In case of apprehension or attempt at apprehension by authorized persons or authority, for any suspected act of malpractice, offering resistance to such apprehension or escaping or attempting to escape or disobeying instructions, or declining to give written explanation when asked to do so, or destroying or substantially altering any material evidence seized, or about to be seized.
- j) Re-entering or attempting to re-enter examination hall, during the hours of examination, after he had left the same earlier, without permission or without proper escort.
- k) Being in possession of answer book outside the examination hall.
- l) Using abusive or obscene language, or behaving in a disorderly or unruly manner or using physical violence, in or around the examination hall.
- m) Using any means to communicate or attempting to communicate with the examiners, or officers of the examination, directly or indirectly with requests, threat, inducement, appeal or undue influence upon them for favour in the examination.
- n) Using or attempting to use any other unfair means to deceive, mislead or induce the authorities.
- o) Communicating with any candidate or any other person in or outside the examination hall with a view to take unfair assistance or aid to answer in the examination, by use of any means of communication.

5. Disciplinary Authorities

- a) The powers regarding discipline, disciplinary action and imposing punishments in regard to University students shall vest with the Vice-Chancellor.
- b) The Vice Chancellor is empowered to impose any of the punishments given at appendix-A to these regulations.
- c) The Vice Chancellor may refer any case for the decision of the Board of Management.
- d) The Vice Chancellor may delegate any of the powers of discipline as he deems fit.

6. Procedure for Reporting of Malpractice

- a) When a case of malpractice is detected at an examination Centre by any person appointed to supervise the examination other than the Chief Superintendent (eg: Invigilator, Room superintendent, squad member, Dy Chief Superintendent, etc) he shall immediately send intimation to the Chief Superintendent and seize all documents and materials concerned which are suspected to be evidence of the malpractice and detain the Candidate. On arrival of the Chief Superintendent, he shall hand over the candidate and the evidence along with a brief report.
- b) If the candidate refuses to hand over the incriminating material, or destroys or runs away with the material, the facts shall be recorded and duly witnessed by two members of the supervisory staff and the matter reported to the Chief Superintendent. If the candidate runs away, the assistance of police may be sought to apprehend and securing the presence of the candidate.
- c) The Chief Superintendent when he himself detects the malpractice or on getting the report, shall conduct a preliminary enquiry. Should the enquiry indicate the commitment of malpractice, he shall obtain written statement from the candidate along with the report of the Room Superintendent/invigilator.
- d) If the candidate refuses to give a written statement, the candidate shall be asked to record in writing his refusal to give a written statement. If he refuses to do even that, the facts shall be recorded and signed by the Chief Superintendent, duly witnessed by two members of the Supervisory staff.
- e) The Chief Superintendent shall forward a report, along with the answer script and all other incriminating documents, materials or substances, report of the Room Superintendent, statement of the candidate and any other relevant material, in a sealed envelope, to the Registrar (Evaluation) by name, who shall place the same before the MPLEC.
- f) . The answer book of the candidate suspected of indulging in malpractice shall be seized by the Chief Superintendent. However he may permit the candidate to write the examination in a separate answer book, both of which shall be sent to the Registrar (Evaluation) in a separate sealed cover along with his report. This will not affect the candidate appearing in the rest of the examinations.
- g) The Chief Superintendent may instead expel the candidate detected of indulging in malpractice/ using unfair means in the examination, depending on the gravity of the malpractice and may also score off the answer book in front of the candidate and forward the same to the Registrar (Evaluation) in a separate sealed cover along with his report.
- h) If any case of malpractice is detected in the valuation Centre by the Custodian, coordinator or other staff, the Custodian shall report the matter in writing along with all incriminating material and report of the staff who detected malpractice to the Registrar Evaluation, by name.
- i) In case the malpractice is detected by an examiner while evaluating an answer script, he shall return the script and other incriminating material, without further valuation, with reasons in writing, to the Registrar Evaluation, through the custodian. If already valued, wholly or partially, the marks shall not be entered in the valuation sheet in which marks awarded to other candidates are furnished, but entered in a separate list which is sealed in a separate cover and sent along with other documents.

- j) If the Vice Chancellor is satisfied based on the report of the Chief Superintendent or otherwise that there has been copying on a mass scale (more than 33.33% students involved in copying) at a particular examination centre, he may cancel the examination of all candidates concerned.

7. Constitution of MPLEC

- a) The Vice Chancellor shall constitute a Committee known as Malpractices Lapses Enquiry Committee (MPLEC)
- b) The Committee shall consist of five members including the Registrar (Evaluation) who shall be the member- secretary.
- c) At least one of the members shall be either a lawyer or an advocate, who has practiced at the Bar for not less than 10 years.
 - i. The other members may be nominated by the Vice Chancellor from the following
 - ii. Deans of Faculties
 - iii. Principals of Constituent Colleges
 - iv. Chairpersons of University Boards
 - v. Persons of eminence among members of public
 - vi. Senior officers/Retired Officers in the state or Central Government.
 - vii. At least one member should be a Lady member
- d) One of the members so nominated shall be appointed as Chairman, by the Vice Chancellor.
- e) The term of the Committee shall be three years, unless otherwise specified in the order constituting the committee.
- f) The committee shall enquire into cases of alleged malpractices in University examinations, in accordance with procedures outlined in these regulations, and based on its findings, to recommend the imposition of appropriate penalties by the Disciplinary Authority, on the concerned student.

8. Procedure for Imposing Penalties

- a) No penalties may be imposed on a candidate except after an enquiry is held by the MPLEC.
- b) The Registrar Evaluation, on getting a report of a case of malpractice, shall issue a notice in writing to the accused student concerned, setting forth the relevant facts in brief and asking him to appear before the MPLEC on a fixed date, time and place, to show cause as to why action under the Regulations should not be taken against him. The Registrar Evaluation shall place all relevant documents or other items before the MPLEC for enquiry.
- c) The MPLEC shall frame definite charges and communicate such charges together with a statement or allegations on which they are based, to the candidate in writing and he shall be required to submit a written statement in his defense within the time specified by the committee and also to state whether he desires to be heard in person.
- d) If the accused student fails to reply in writing and to turn up on the date fixed, the MPLEC, unless it decides to issue fresh notice to the concerned, may proceed exparte and base its findings on the reports and other proceedings in the case and make appropriate recommendations to the Vice-Chancellor.
- e) Where the accused student admits the charge of malpractices as set out in the show cause notice, in his written reply to the charges, the MPLEC may in its discretion, accept the same and make suitable recommendations to the Vice-chancellor including the proposed penalty. The student may appear in person or chose not to appear in person for the hearing.
- f) Where the student appears on the fixed date, but denies the charge of malpractices, the MPLEC shall record the statement of the person accused of malpractices and fix a date for hearing and summon and examine the witnesses cited in the report/proceedings of the Registrar (Evaluation) or other authority and also mark as exhibits the relevant documents and registers.

- g) The Disciplinary Authority or the Vice Chancellor may appoint any person, to be known hereafter as "Presenting Officer", to present on behalf of the university the case in support of the charges framed.
- h) The presenting officer and the accused student shall have the right to examine and to cross-examine the witnesses who may have been summoned.
- i) The MPLEC may in its discretion, summon and examine any person not cited or any document not produced before it already.
- j) The statements of each witness shall be recorded separately. The MPLEC shall proceed to record its findings on each charge after taking into consideration the representations contained in the student's written reply in his defense, citing reasons for arriving at the findings. For purposes of proper identification, each witnesses examined and document exhibited shall bear an identifiable connotation and number (such as PW or DW or Exhibit No).
- k) During the course of the inquiry, or on the completion of the inquiry, if the MPLEC finds that any other person or persons, ought to have been named as accused of malpractice, the MPLEC may in its discretion submit its report against the persons already before it, or postpone the further hearing till notice to such other person to show cause. The evidence already on record shall subject to all just exceptions be read as evidence against the person subsequently summoned.
- l) The accused person shall not have the right or liberty to be assisted or represented by any legal practitioner or other person in the inquiry. But he shall have access to the papers or other materials produced during the inquiry. However, he shall not be entitled to get copies of any such documents or proceedings.
- m) The MPLEC in its discretion, may also deny inspection of any document, or material, on grounds such as preserving the confidentiality and secrecy associated with valuation or on other similar grounds and in such cases, the MPLEC shall not rest its findings on the document or material whose inspection is denied to the accused student.
- n) Where the MPLEC finds that the accused student is trying to delay the proceedings by arising any tactic, or by unreasonably lengthy or irrelevant examination or cross examination of witnesses, the MPLEC shall have the discretion to terminate the proceedings and proceed to give its findings with appropriate recommendations.
- o) Where the proceedings relate to two or more students, the MPLEC may jointly inquire into such cases, and where one of the cases has been commenced or inquired into earlier, the evidence on record may be read as evidence in the other case, with liberty to the accused student or students to recall and examine any witness subject to their paying travelling allowance, if any of the concerned witness or parties;
- p) On completion of the enquiry, the MPLEC shall prepare a report recording its findings on each charge, together with reasons therefore and submit its report to the Vice Chancellor with its recommendation regarding the proposed penalty. However, if the proceedings of the inquiry establish a charge different from those originally framed, it may record its findings on such charges, provided that the findings on such charges shall not be recorded, unless the accused university student has admitted the facts constituting them or had the opportunity of defending himself against them.
- q) The MPLEC may also express its views on the role played by any staff members of institutions, in the malpractice alleged, for appropriate action by the University.
- r) If on receipt of the report of MPLEC the Vice Chancellor disagrees with the findings of MPLEC on any of the charges, he shall record his reasons for such disagreement and record his findings on each charge, provided the evidence on record is insufficient for the purpose. If however, the Vice-Chancellor agrees with the findings of the MPLEC, he need not record his reasons for so agreeing.
- s) On the basis of such findings arrived at by the Vice Chancellor, he may proceed to pass one or more penalties specified in the annexure after due consideration of the

recommendations made by MPLEC. In case, the Vice Chancellor feels that, it is necessary or advisable to leave the matter for the decision of the Board of Management, he may direct the case to be placed before the Board of Management for its decision and the Board of Management may consider and impose one or more of the said penalties.

- t) If the charges framed against the student are not established and if the student was under suspension during the enquiry, the number of days of suspension shall be added to his attendance.
- u) The proceedings and records of the MPLEC shall be preserved for a minimum period of 5 years from the date of submission of report of MPLEC to the University.

9. Communication of Orders, Imposing Penalties

The Registrar (Evaluation) shall communicate the final decision of the Vice-Chancellor / BOM to the concerned University student, to his parents as well as to the heads of the College/Institution to which he belongs.

10. Review of the Case

A candidate may within fifteen days of the receipt of the above orders file a petition in writing to the Vice Chancellor for a review of the case. If the Vice Chancellor is satisfied that the representation merits consideration he may refer the case to the MPLEC, which shall re-examine the case including fresh evidence and documents and submit its report. The Vice Chancellor shall pass orders, which shall be communicated to the candidate.