

SRI SIDDHARTHA ACADEMY OF HIGHER EDUCATION

("Deemed to be University u/s 3 of the UGC Act, 1956")

Accredited 'A' Grade by NAAC

Agalakote, B.H.Road, Tumkur - 572 107. KARNATAKA, INDIA.



No.SSAHE/ACA/17/2019

Date: 01/03/2019

NOTIFICATION

Regulations pertaining to Malpractices in the Academy Examinations

1. Short Title and Commencement:

- a) These regulations shall be called the SSAHE Malpractice Regulations.
- b) They shall come into force with immediate effect.

2. Definitions

- a) "Chief Superintendent" shall mean any person appointed by the Academy to be overall in charge of the examination centre.
- b) "Academy" shall mean Sri Siddhartha Academy of Higher Education.
- c) "Disciplinary Authority" shall mean the authority competent under these regulations to impose penalties on the student indulging in malpractice.
- d) "Academy Students" or "Students" shall mean and include all students studying in the constituent colleges / Departments / Faculties of the Academy, as well as candidates who register themselves for any super specialty courses, Ph.D 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 a miss, 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 Academy.
- h) "Malpractice" shall mean misconduct in relation to the conduct of any examination conducted by the Academy and includes any acts of omission or commission mentioned in these regulations.
- i) "Malpractice Enquiry Committee" hereinafter referred to as MEC 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 Academy 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.

Contd...2

3. In General

- a) Every Academy student shall at all times take reasonable steps to ensure and protect the interest and prestige of the Academy, pursue his/her studies diligently in accordance with the rules, regulations, ordinances, by-laws and statutes of the Academy, maintain discipline and do nothing which is unbecoming of a Academy 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 examination, instructions shall be given to all the candidates to search their pockets, 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 considered as intent to use unfair means and shall be dealt with as malpractice and action will 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 Academy, to 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 in the examination.
- d) Copy answers of another candidate, or assisting any other candidate in copying answer either from his/her 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/herself 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, crease, 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/her 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 sized.
- j) Re-entering or attempting to re-enter examination hall, during the hours of examination, after he/she 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 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 favor 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.
- p) 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 30% students involved in copying) at a particular examination centre, he may cancel the examination of all candidates concerned.

5. Constitution of MEC

- a) The Vice-Chancellor shall constitute a Committee known as Malpractice Enquiry Committee (MEC)
- b) The Committee shall consist of five members including the Controller of Examinations 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.
 - a. The other members may be nominated by the Vice-Chancellor from the following
 - b. Dean of Faculties
 - c. Principals of the Constituent Colleges
 - d. Chairpersons of Academy Board
 - e. Persons of eminence among members of Public
 - f. 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 case of alleged malpractices in Academy Examinations, in accordance with procedure outlined in these regulations, and based on its finding to recommend the imposition of appropriate penalties by the Disciplinary Authority, on the concerned student.

6. Procedure for imposing Penalties:

- a) No penalties may be imposed on a candidate except after an enquiry is held by the MEC.
- b) The Controller of Examinations 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 MEC on a fixed date, time and place, to show cause as to why action under the Regulations should not be taken against him. The Controller of Examinations shall place all relevant documents or other items before the MEC for enquiry.
- c) The MEC 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/she 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 upon the date fixed, the MEC, unless it decides to issue fresh notice to the concerned, may proceed *ex parte* 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 charges of malpractices as set out in the show cause notice, in his/her written reply to the charges, the MEC 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 charges of malpractices, the MEC shall record the statement of the person accused of malpractices and fix a date for hearing and summon and examine the witness cited in the report/proceedings of the Controller of Examinations 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 here after as "Presenting Officer", to present on behalf of the Academy 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 MEC may in its discretion, summon and examine any person not cited or any documents not produced before it already.
- j) The statements of each witness shall be recorded separately. The MEC shall proceed to record its findings on each charge after taking into consideration the representations contained in the students written reply in his defense, citing reasons for arriving at the finding. 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 MEC finds that any other person or persons, ought to have been named as accused of malpractice, the MEC 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/she shall have access to the papers or other materials produced during the inquiry. However, he/she shall not be entitled to get copies of any such documents or proceedings.
- m) The MEC discretion, may also do 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 MEC shall not rest its findings on the documents or material whose inspection is denied to the accused student.
- n) Where the MEC 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 witness, the MEC 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 MEC 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 traveling allowance, if any of the concerned witness or parties.
- p) On completion of the enquiry, the MEC 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 Academy student has admitted the facts constituting them or had the opportunity of defending himself against them.
- q) The MEC may also express its views on the role played by any staff members of institutions, in the malpractice alleged, for appropriate action by the Academy.
- r) If on receipt of the report of MEC the Vice-Chancellor disagrees with the findings of MEC on any of the charges, he/she shall record his/her reasons for such disagreement and record his/her 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 MEC he/she need not record his reasons for so agreeing.
- s) On the basis of such findings arrived at the Vice-Chancellor, he/she may proceed to pass one or more penalties specified in the annexure due consideration of the recommendations made by MEC. 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 proceeding and record of the MEC shall be presented for a minimum period of 5 years from the date of submission of report of MEC to the Academy.

7. Communication of Orders, Imposing Penalties

The Controller of Examinations shall communicate the final decision of the Vice-Chancellor / BOM to the concerned Academy student, to his/her parents as well as to the heads of the college/ institution to which he/she belongs.

8. 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/she may refer the case to the MEC, 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.

SRI SIDDHARTHA ACADEMY OF HIGHER EDUCATION

(“Deemed to be University u/s 3 of the UGC Act, 1956”)

Accredited 'A' Grade by NAAC

Agalakote, B.H.Road, Tumkur – 572 107.KARNATAKA, INDIA.



MALPRACTICE CASE REPORT FORM

(To be sent to the Controller of Examinations by name in sealed cover)

PART - I

College	
Examination	
Subject	
Paper	
Date	
Name of the Candidate	
Register No. of Candidate	
Name of the Father	
Permanent Address	

- The case took place in the room as shown in the copy of the seating plan on (Date)..... (time).....
- The distance between the offending candidate(s) and the Superintendent's table was approximately.....
- The following attached :
 - The Superintendent's / Invigilators' report and diary
 - The Chief Superintendent's detailed report
 - Statement of the Candidate / refusal to give statement
 - Seating plan
 - Materials seized from the candidate
 - Answer book and question paper

Place :

CHIEF SUPERINTENDENT
(with seal)

Date :

PART - II
Report of the Room Superintendent / Invigilator

Certified that the statement given by me is based on my personal observation.
Before commencement of the examination, I warned the candidates stating " You should search your pockets, benches, desks, purses and handover any paper, book, notes or electronics equipment of any kind which you may find therein before starting to answer your paper of examination". This warning was given individually to late comers also.
While performing my duty on (date)..... at about (time)..... detected this case of Malpractice in Room No. The Candidate's Register Number is

Place : _____ Signature of the Room Superintendent / Invigilator
Date : _____

PART - III
Statement of the Candidates

- 1) Statement of the candidate shall be obtained from the candidate by the Chief Superintendent in the presence of a responsible witness.
- 2) The statement shall be in candidate's own handwriting and shall be signed by the candidate and attested by the witness and the Chief Superintendent.
- 3) If the candidate refuses to give his / her statement, the candidate shall be asked to record in writing his refusal to give a statement.
- 4) If he/she refuses to do even that, the fact shall be noted duly witnessed by two members of the supervisory staff.

Signature of the Candidate.

PART - IV

Report of the Chief Superintendent

Place :

Signature of the Chief Superintendent

Date :

PART - IV

Report of the Squad / Observer

Place :

Signature of the Squad / Observer

Date :

Malpractices and Corresponding Punishments

SI No.	Nature of Malpractice / Use of unfair means	Punishments
1	Persistent talking to another candidate or any person inside or outside the examination hall	<ul style="list-style-type: none"> • Warning • Fine not exceeding Rs.5000/- • Cancel the particular paper only of the candidate concerned.
2	Leaving the examination hall without handing over the answer book and / or continuation sheet, if any, to the invigilator and taking tearing off or otherwise disposing off the same	<ul style="list-style-type: none"> • Warning • Fine not exceeding Rs.5000/- • Cancel the particular paper only of the candidate concerned.
3	Communicating in any manner, electronic or otherwise, answers or information, either from inside the hall or from outside thereby helping the candidate or getting help to copy	<ul style="list-style-type: none"> • If the person concerned is a candidate taking the examination, cancel the particular paper only • If the person concerned is a student not taking the examination, the matter shall be referred to the Head of the institution for necessary action. • If the person concerned is a staff of the institution, disciplinary action shall be initiated against him by Head of the institution and he may be debarred from examiner ship permanently.
4	Deliberately disclosing one's identity, writing name or college name, using colour thread, marking in colour pencil or making any distinctive marks in the answer book for the purpose.	<ul style="list-style-type: none"> • Warning • Fine not exceeding Rs.5000/- • Cancel the particular paper only of the candidate concerned.

5	Willfully writing wrong Register Number	<ul style="list-style-type: none"> • Warning • Fine not exceeding Rs.5000/- • Cancel the particular paper only of the candidate concerned.
6 (a)	Possession by candidate or having access to books, notes (on any paper, question paper, hall ticket, ruler, cloths or on the person), paper, another student's answer book or any other material, whether written, inscribed, engraved or electronic or any other devices such as cell phone, digital diary, programmable calculator, pen scanner, Bluetooth equipment etc, which could be of help of assistance to him in answering any part of the question paper.	<ul style="list-style-type: none"> • Warning • Fine not exceeding Rs.5000/- • Cancel the particular paper only of the candidate concerned
(b)	Found copying using any of the material mentioned in 6(a)	Cancel the particular paper only of the candidate concerned.
7	Mass copying by candidates	Cancel the entire examination of all the candidates concerned for that session.
8	Attempting to or concealing, destroying, disfiguring, rendering illegible, swallowing, running away with answer script, notes paper or other material or device, used or attempted to be used for assistance in answering a question.	Cancel the entire examination of the candidates for that session.
9	Passing on or attempting to pass on, a copy of a question paper or a part thereof or solution to a question paper or a part thereof, to any candidate or to any person.	Cancel the particular paper only of the candidate concerned.

10	Smuggling into the examination hall an answer book or a continuation sheet or taking out or arranging to send an answer book or continuation sheet or replacing or attempting to get the answer book or continuation sheet replaced, during or after the examination with or without the help of any person or in connivance with any person connected with the examination or through any other agency.	<ul style="list-style-type: none"> • If the person concerned is a candidate taking the examination, cancel the particular paper only • If the person concerned is a student not taking the examination, the matter shall be referred to the Head of the institution for necessary action • If the person concerned is a staff of the institution, disciplinary action shall be initiated against him by Head of the institution and he may be debarred from examiner ship permanently. • If the person concerned is an outsider the Police may be informed for necessary action
11	Making an appeal for consideration with or without any promise of consideration to the Examiner through the answer book or by any other means.	<ul style="list-style-type: none"> • Cancel the particular paper only of the candidate concerned.
12	Approaching or influencing directly or indirectly a question paper-setter, examiner, evaluator, moderator, tabulator or any other person connected with the Academy examination to leak out the question paper of any part thereof or to enhance marks of favorably evaluate or to change the award in favor of the candidate.	<ul style="list-style-type: none"> • Cancel the particular paper only of the candidate concerned.
13	Presenting a thesis, dissertation, practical or class work note-book not prepared by the candidate himself.	Cancel the entire examination of the candidate of that session and also his thesis, dissertation, practical or class work note –book etc.

14	For offering or actually giving in cash or in kind any form of inducement to anyone connected with the conduct of Academy examinations or the valuation of the answer books or other tests to secure unfair or unlawful advantage.	Cancel the entire examination of that candidate of that session and also debar for next two exams.
15	Insertion of pre-written answer papers	Cancel the entire examination of that candidate of that session and also debar for next two exams.
16	Forging a document or using a forged document knowing it to be forged in any matter relating to the examination.	Cancel the entire examination of that candidate of that session and also debar for next two exams.
17	Tampering in the statement of marks provisional and degree certificates issued by the Academy	<ul style="list-style-type: none"> • The tampered certificates be retained in the Academy and duplicate be not given. • Matter be referred to police for further action, if warranted.
18	Impersonating any candidate at the examination, by present or past candidate or others or outsiders	<ul style="list-style-type: none"> • Cancel the entire examination of that candidate of that session and also debar for next two exams. • In case of person other than student, matter to be referred to Police for further action.
19	A candidate or anyone on his behalf abuses, insults, intimidates, assaults any member of the supervisory or inspecting staff or threatens to do so or abuses, insults, intimidates, assaults any other candidate or threatens to do so.	<ul style="list-style-type: none"> • Cancel the entire examination of that candidate of that session and also debar for next two exams. • In case of other students, staff, outsiders, etc. the Head of the Institution shall report the matter to the Police
20	For manhandling or injuring the Chief Superintendent, Invigilator and other examination officials or personnel (college or academy)	<ul style="list-style-type: none"> • Cancel the entire examination of that candidate of that session and also debar for next three exams. and report the matter to the Police • In case of other students, staff, outsiders, etc. the Head of the Institution shall report the matter to the Police

21	Committing malpractices for the second time or repeatedly.	<ul style="list-style-type: none"> • Cancel the entire examination of that session of the candidates and also debar them for next two exams.
22	All other malpractices not covered in the above categories	<ul style="list-style-type: none"> • Punishment as deemed fit.
23	<p>Malpractice by examiners, question paper setters or Academy / College staff</p> <ul style="list-style-type: none"> • Permitting or assisting in Mass copying • Helping or assisting the candidate in using unfair means or to copy or by giving answers to question or tutoring • Accepting or demanding bribe and other considerations to boost or alter marks • Tampering with the marks by the examiners or other staff • Influencing and being influenced by Examiners to the boost marks of candidates, during Central valuation • Demanding money or gift to assist the candidate in Theory / Practical Examination • Any other malpractice in examination work 	<ul style="list-style-type: none"> • Debar from examiner-ship permanently • Authority concerned to be informed • Police complaints to be given, if necessary.

This regulation shall come into force with immediate effect.

By Order,

Sd/-
REGISTRAR