

MODY UNIVERSITY OF SCIENCE AND TECHNOLOGY
LAKSHMANGARH, DIST. SIKAR, RAJASTHAN - 332311

**EXAMINATION: RULES AGAINST USE OF UNFAIR MEANS / MISCONDUCT DURING
UNIVERSITY EXAMINATION**

Use of Unfair Means (UFM) during examination is considered a very serious offence. Such acts not only tarnish the image of the institution, but also undermine the sanctity of the examination system. The cases of use of unfair means and misconduct during examination shall be referred to the Standing Committee for Unfair Means and the Committee shall investigate the matter and recommend necessary action(s), as per the Rules given hereunder to the Academic Council for approval. These Rules Shall be applicable to end term examination, theory, practical examination and related evaluation.

Definitions - Unless the context otherwise requires:

- (a) “Academic Council” means the Academic Council as defined at Section 23 of the Mody University of Science and Technology Lakshmangarh (Sikar) Act, 2013 (Act No.29 of 2013)
- (b) “Material related to the subject/course of examination” means and includes, if the material is produced as evidence, any material certified as related to the subject of the examination by a competent person or authority; and, if the material is not produced as evidence or has become illegible, it shall be presumed that the material recovered from the possession of the student is related to the subject of the examination.
- (c) “Possession of unfair means materials by a student” means having any unauthorized material on her/ his person or desk, or chair or table or at any place within her / his reach at the examination centre and its premises at any time from the commencement of examination till its conclusion.
- (d) “Standing Committee for Unfair Means” will mean the Committee as referred to under Rule R.35 of the Ordinances and Regulations of Postgraduate Programmes and under R.26 of the Ordinances and Regulations of Undergraduate Programmes.
- (e) “Student” means and includes a person who is enrolled as such by the University for receiving instructions, qualifying for any degree, diploma or certificate awarded by the University. This includes ex-student and a student registered as candidate (examinee) for any of the degree, diploma or certificate examination.

- (f) “Student found in possession of unfair means materials” means a student reported in writing as having been found in possession of unfair means material by the invigilator, flying squad or any examination staff even if the said material is not produced as evidence because of its being reported as swallowed, destroyed, snatched away or otherwise taken away or spoiled by the student or by any other person acting on her/his behalf to such an extent that it has become illegible, provided that the destruction/snatching or tampering of the said material has been duly reported by the invigilator / flying squad to the authorized official.
- (g) “Unfairness relating to examination” means and includes directly or indirectly committing or attempting to commit or threatening to commit any act or coercion, undue influence or fraud or malpractice with a view to obtain a wrongful gain to the student / candidate or any other person or causing wrongful loss to other person(s).
- (h) “Unfair means” will mean and include any material whatsoever related to the subject of the examination, printed, typed, handwritten or otherwise, on the person, or on clothes, or body of the student (examinee) or on wood, or any other material, within his / her reach at the place of examination in any manner, or in the form of chart, diagram, map, or drawing or electronic aid etc. which is not allowed in the Examination Hall.
- (i) “President” will mean the President of Mody University of Science and Technology as defined in the Mody University of Science and Technology Lakshmangarh (Sikar) Act, 2013 (Act No. 29 of 2013).

The following acts shall constitute use of Unfair Means and Misconduct during the Examination. However, the list is only illustrative, not exhaustive.

Level-I

- (a) Whispering / talking to another student or any person other than the members of the examination staff /, in the examination hall during examination, or
- (b) Glancing/ Looking/ Staring with an intent to copy from others answer sheet or any other source, or
- (c) Responding to the whispers of other students and assisting others in seeing his or her answer sheet, or
- (d) Found in possession of unauthorized material not related to the subject / course of examination, or
- (e) Any other act of similar nature or intensity.

Level-II

- (a) Receiving providing assistance by exchange of personal items like calculators, pencil box etc. including receiving / sending SMS or any electronic message related to subject / course of examination, or
- (b) Carrying mobile phone or any other electronic device inside the examination hall, unless otherwise authorized by the competent Academic / Examination Staffs even in switched-off condition against the rules laid down in the Examination Conduct Rules & Regulations, or
- (c) Having possession of books, papers, notes, pen drives electronic devices or any unauthorized materials related to the subject / question paper accessible to them , or
- (d) Found in possession of unauthorized material related to the subject / course, but does not match with the answers written in the answer sheet, or
- (e) Submitting to the examiner, a practical or assignment or class work not prepared by the student herself, or
- (f) Repeat act as enumerated under level I, or
- (g) Any other act of similar nature and intensity.

Level III

- (a) Writing on the desk or the wall before the commencement of the examination by any student, or
- (b) Writing the answers of the questions printed on the question paper on any paper other than the answer sheet, any portion of the question paper or anywhere during the examination, or
- (c) Intentionally sitting contrary to the seating plan despite appropriate instructions or repeated warnings by the examination staff, or
- (d) Being caught talking while outside the examination hall during examination when allowed to go to the washroom, or any other placed, or
- (e) Non-submission of the answer sheet to the invigilator e.g. taking away the answer sheet or any part thereof out of the examination hall, either blank or written, or in any manner whatsoever, or
- (f) Deliberately disclosing of one's identity or making any distinctive mark in the answer sheet, or making an appeal to the examiner through the answer sheet, or using any abusive language in the answer sheet, or communicating or attempting to communicate directly or indirectly through a person, friend, relative or parents with the examination staff or any other official with the intention of influencing them to obtain wrongful gain to the student, or
- (g) Repeat acts as enumerated under Level II, or
- (h) Any other act of similar nature and intensity.

Level IV

- (a) Using premeditated chits containing materials related to the subject / course of examination, or
- (b) Misbehaving with the examination staff or indulging in the acts of indiscipline during examination, or
- (c) Possessing any unauthorized material in bulk related to subject / course of examination with intention of using the same during the examination, or
- (d) Consulting any unauthorized material inside the examination hall, or

- (e) Possessing of any unauthorized material related to subject / course of examination, the contents of which are similar to the answers written by the student in the answer sheet, or
- (f) Using mobile phone or any mode of communication for getting any aid or assistance relating to examination, or
- (g) Proxy sitting in the examination hall for another student or engaging another person to sit as a Proxy for self, or
- (h) Carrying written materials on clothes, hands, arms or other body parts during the examination, or
- (i) Exchanging or attempting of question papers, or
- (j) Destroying evidence of possession of unauthorized material when caught with the same, or
- (k) Repeat acts as enumerated under Level III, or
- (l) Any other act of similar nature and intensity.

Level V

- (a) Exchanging answer sheets or papers or any other related material etc. during examination, or
- (b) Intentionally writing another students Roll No. on the answer book, or
- (c) Replacing answer sheets with another answer sheets not distributed during the examination, or
- (d) Unauthorized taking out of, or bringing in, the examination hall, an answer sheet or a continuation sheet or any part thereof, or
- (e) Copying from unauthorized materials and indulging in argumentative, rude or aggressive behavior with the examination staff.

Level VI

- (a) Mass copying in the examination duly reported by the invigilators / examination staff to the Controller of Examination , or
- (b) Assaulting / manhandling with any member of the examination staff or any students during examination / examinees, or
- (c) **Disruption** - Where an examinee/any person individually, jointly or in collusion with other examinees or any other person, either before or after having entered the examination hall, and either before or after distribution of the answer- sheet and the question paper commits any act or abets any other examinee/person for commission of acts such as assaulting, manhandling, using abusive language, creating rowdyism, snatching and tearing of answer- sheets, etc. so as to cause disturbance in the smooth conduct of the examination either at the centre in which he/she is scheduled to appear or is appearing or at any other centre of the examination he / she shall be said to have caused a “disruption” in the said examination.
- (d) **Walk out** - Where the examinees, after having entered and taken their seats in the examination hall and after the distribution of the answer sheets or question papers or both, decide not to appear in the examination under one or more of the pleas that the question paper was stiff, out of course, not taught, change in the trend etc. and further decide to leave their seats of the examination individually or jointly with or without making protests of any kind, with or without signing the attendance sheet (Roster), with or without submitting the answer sheets to

the examination staff of the concerned examination and without creating any disruption in the examination, they shall be said to have staged 'walk-out' in the said examination.

- (e) **Boycott** - If the examinee individually or jointly decides to refrain from appearing in the examination on or before the day of an examination to compel the authorities to accede to any demand, they are said to 'boycott' the said examination.

Provided that, an absence from the examination for any purpose other than the above shall not be deemed to 'boycott' the said examination.

Procedure for Punishment:

1. While reporting a case of use of unfair means detected in the University examination, the concerned member of examination staff or flying squad shall be required to sign the incriminating papers / unauthorized materials recovered from the possession of the student and the same shall also be required to be signed by the concerned student. If the student refuses to do so, it shall be reported in the prescribed form to the Standing Committee for UFM in writing.
2. Examination Staff / Central Superintendant /Dean shall report the cases of unfair means to The Controller of Examination (CoE) who shall forward all cases of use of UFM/Misconduct reported during examinations to the Standing Committee for Unfair Means within 24 hours.
3. A notice of hearing shall be sent to the student alleged to have used any UFM / misconduct during examination by the respective Dean asking the student to appear in person before the Standing Committee for UFM at the appointed time and place as directed by the Chairman of the Committee.
4. The CoE shall place the cases of UFM before the Standing Committee for UFM during its meeting at the appointed time and place. The Committee shall hear both, the student and the concerned members of the examination staff or flying squad. All the relevant evidences shall be adduced before the Committee. Based on the evidences adduced and the gravity of the offence, the Committee shall decide the cases and recommend actions to be taken against the students.
5. In case a student booked for using UFM fails to appear before the Committee at the appointed time and place, an ex-parte decision may be taken on the basis of facts of the case and evidences on records. No further chance shall be given to the student to be heard by the Committee, unless and until there is a compelling reason for absence.
6. The decisions of the Committee shall be communicated to all concerned authorities, including the Registrar and concerned Deans who in turn shall inform the concerned students individually through a letter to their parents or guardians.
7. If the charges are not proved during the hearing before the Standing Committee on the basis of evidences and statements presented before it, the charges against the students may be dropped.

8. A student who is found guilty of committing any act enumerated / provided under Level I shall be given a strict oral warning or his seat may be changed by the examination staff.
9. A student who is found guilty of committing an offence / act enumerated under clause (a) and (b) shall be removed from the examination hall and the mobile phone and electronic device shall be confiscated.
10. A student found guilty of committing any offence / act enumerated under clause (c) to (g) shall be punished by the Standing Committee for UFM with a F- grade in the course of examination.
11. A student who is found guilty of committing any offence / act enumerated under Level III shall be punished by the Standing Committee for UFM with any or any combination of the following punishments:
 - (a) Cancellation of the student's registration to the examination of the particular course, or
 - (b) F grade to the student in the course of examination.
 - (c) Debarred from appearing in the examination of the particular course for one semester.
12. A student who is found guilty of committing any offence / act enumerated under Level IV shall be punished by the Standing Committee for UFM with any or any combination of the following punishments:
 - (a). Cancellation of the student's registration to the examination of all courses in the semester, or
 - (b). F grade to be awarded to the student in all courses opted by her in the semester, or
 - (c). To be debarred from appearing in the examination of those courses for one semester.
13. A student who is found guilty of committing any offence / act enumerated under Level V shall be punished by the Standing Committee for UFM with any or any combination of the following punishments:
 - (a). Rustication from the University, or
 - (b). Cancellation of the student's registration to the examination of all courses opted by her in the semester, or
 - (c). F grade to be awarded to the student in all courses opted by her in the semester, or
 - (d). To be debarred from appearing in the examination of all the courses of that semester for two semesters.

14. In case of Mass Copying, cancellation of the entire examination of the particular course and no re-examination. Furthermore, closing the Examination Centre by the Examination Incharge on duty in case of continuous mass copying despite repeated warnings by the invigilators and other officials on examination duty or such other action as may be recommended by the Standing Committee on UFM.
15. A student who is found guilty of staging walk out as defined under clause (d) of (14) shall not be allowed to appear in re-examination except for some cogent reasons to be decided by a competent committee.
16. A student who is found guilty of staging walk out as defined under clause (e) of (14) shall not be allowed to appear in re-examination.
17. A student who is found guilty of committing offence provided under clause (b) and (c) of (14) shall be punished by the Standing Committee for UFM with by Cancellation of the examination and rustication from the University for one year.
18. Notwithstanding anything contained in the above mentioned rules the Standing Committee shall be free to determine any penalty / punishment either in totality for a particular level of offence or may award one or any combination of the punishments prescribed at a particular level depending on the gravity of the act. In exceptional cases, the Standing Committee may award such punishment as it deems fit depending on the gravity of the act.
19. In case a student is found using unfair means in the examination in which she is appearing to improve her previous performance, the punishment prescribed for various malpractices/ unfair means as mentioned above will apply to her previous examination.
20. In cases of UFM or misconduct not covered as mention above, the Standing Committee for UFM may decide suitable punishment to the student.

Appeal

- (a) If a student is not satisfied with the decision of the Standing Committee for UFM, the examinee may approach the Appellate Authority. The appeal shall be considered only in the light of any new evidence / material submitted by the student.
- (b) A student may appeal in writing to the Appellate Authority within three days of issue of notification of punishment by the Standing Committee.

Appellate Authority:

The Appellate Committee shall consist of:

- (a) Chairperson- Senior most Dean of the College other than the one to which the student belongs
- (b) Members:
 - i. One Dean of the College other than the one to which the student belongs
 - ii. Two senior most female Professors / Associate Professors from the College other than the one to which the student belongs
 - iii. One senior most Professor from the College of Law and Governance