

INTERNATIONAL UNIVERSITY OF EAST AFRICA

RULES ON EXAMINATION MALPRACTICES AND IRREGULARITIES

Rule 1: Malpractices in Relation to Coursework

It shall be an offence for a student/ candidate to avail to another student/candidate his/her prepared coursework with a view to assisting the latter to do his/her coursework or to negligently expose his/her coursework to another candidate to use.

Penalty

Any student/candidate found guilty of the offence under Rule. 1 above shall be liable to:

- i) Caution and Cancellation of his/her coursework, or
- ii) Caution and Cancellation of his/her coursework and suspension from his/her studies for a period not exceeding one academic year.

Rule 2: Fraud in Relation to Coursework

It shall be an offence for a student/candidate to:

- a) Submit coursework not prepared by him/her.
- b) Substantially plagiarise the work of another person.
- c) Solicit/purchase any coursework from any other person.
- d) Falsify/alter marks awarded on a coursework script.

Penalty

Any student/candidate found guilty of involvement in fraudulent conduct related to coursework as set out in Rule. 2 above shall be liable to:

- i) Caution and Cancellation of his/her coursework , or
- ii) Cancellation of his/her coursework and suspension from his/her studies for a period not exceeding one academic year, or
- iii) Cancellation of his/her coursework and dismissal from the University.

Rule 3: Malpractices in the Conduct of Examinations

It shall be an offence for a student/candidate involved in an examination/test to:

- a) Sit or attempt to sit the examination without valid documentation.
- b) Enter the examination hall/room later than half an hour after the examination/test has commenced.

- c) Leave the examination hall/room earlier than half an hour after the examination has commenced except in emergencies with the express permission of the Invigilator.
- d) Carry out a conversation or any other communication with another student/candidate once the examination has commenced.
- e) Indulge in any disruptive conduct including, but not limited to, shouting, assault of another student/candidate, using abusive and or threatening language, destruction of university property or the property of another student/candidate.
- f) Take out of the examination room/hall answer booklet(s), used or unused.
- g) Neglect, omit or in any other way fail to follow lawful instructions or orders issued by the Invigilator.
- h) Physically assault or insult an Invigilator or any University Official involved in the conduct of the examination.

Penalty

Any student/candidate found guilty of contravening Rule 3 above, shall be liable to:

- i) Caution and Cancellation of the relevant examination, or
- ii) Cancellation of the relevant examination and suspension from the University for a period not exceeding two years, or
- iii) Cancellation of the relevant examination and dismissal from the University.
- iv) A student/candidate who contravenes Rule 3(e) shall be liable to a fine as well as any penalty specified above.
- v) Any student/candidate found guilty of contravening Rule 3(h) above by physically assaulting an Invigilator or a University Official shall be dismissed from the University.

Rule 4: Cheating in an Examination

It shall be an offence for any student/candidate involved in an examination to:

- (a) Take into the examination room/hall, in person or by agent, unauthorized materials including, but not limited to, plain papers, condensed/summarized notes, books, and handkerchiefs on which information is written or information written on any part of the body, recording apparatus, mobile phones or any unauthorized electronic equipment.
- b) Copy from any other candidate/student
- c) **Involve oneself in plagiarism, that is:**

Pass off the words or ideas of someone else as his/her own without proper acknowledgement or crediting the original source.

- d) Replicate one's own work which one has presented elsewhere for assessment.
- e) Aid and/ or abet another candidate/student to copy from a script/ book of another person.
- f) Exchange answers with another candidate/student in or outside the examination room.
- g) Collaborate with another candidate/student in the examination room to use telephone discussions and share material including calculators and other electronic equipment.

Penalty

Any student/candidate found guilty of cheating in examinations as defined above shall be liable to:

- i. Caution and Cancellation of the relevant examination, or
- ii. Cancellation of the relevant examination and suspension from the University for a period not exceeding two years. or
- iii. Cancellation of the relevant examinations and dismissal from the University.
- iv. Any student/candidate found guilty of cheating in examinations on second conviction shall be dismissed from the University.
- v. On conclusion of the malpractice case, the confiscated unauthorized material shall be destroyed within sixty (60) days from the date of the letter communicating the decision.
- vi. Where several paragraphs or ideas have been plagiarized, the student shall be warned and awarded a grade "D" for the submitted work.
- vii. On a second charge of the offence of plagiarism as defined in (a) above, the examination shall be cancelled and the student awarded a grade F" for the submitted work.
- viii. On a third and subsequent time of the offence of plagiarism as defined in (a) above, the student shall be suspended for a year.
- ix. Where the entire material has been lifted from another source verbatim or with only slight alterations the student shall be dismissed from the University.

Rule 5: Fraud in Examinations

It shall be an offence for a student/candidate involved in an examination to:

- a) Import into the examination hall/room, in person or by agent, a pre-prepared answer script/booklet.
- b) Substitute an answer script/booklet prepared outside the examination room/hall for the one already submitted to the Invigilator/ Examiner.
- c) Falsify or alter marks awarded on an examination script/book.
- d) Impersonate another student/candidate
- e) Procure or induce another person to sit for him/her.
- f) Utter false documents in relation to eligibility to sit University examinations.
- g) Sit or attempt to sit an examination without authority.
- h) Deliver to the Examiner's office or residence an examination script/booklet outside the scheduled time for delivery without due authority.
- i) Fraudulently receive examination papers/questions which have been illegally procured or made available.
- j) Fraudulently access or attempt to access examination questions before the examination is due.
- k) Pay or induce another person to illegally procure or make available examination questions/papers.

Penalty

Any student/candidate found guilty of fraudulent conduct as defined above shall be liable to:

- i. Cancellation of the relevant examination and suspension from the University for a period not exceeding two academic years, or
- ii. Cancellation of the relevant examinations and dismissal from the University.

Rule 6: Offences relating to the Conduct of Irregularities Hearing

It shall be an offence for any student/candidate whether or not he /she has been accused of an irregularity to:

- a. Interfere with the conduct of investigations into the matter or the hearing of an irregularity by the Faculty Appeals and Irregularities Committee.
- b. Intimidate members of the Committee or other members of the University Staff or witnesses in the irregularity matter.
- c. Destroy evidence relating to an alleged irregularity.
- d. Forge or utter false documents in relation to an alleged irregularity.
- e. Bribe or attempt to bribe a University official, witness or any other person in relation to an alleged irregularity.
- f. Harass or procure others to harass on his /her behalf a University official, witnesses or any other person in relation to an irregularity by making constant telephone calls, visits, etc.

Penalty

Any student/candidate found guilty of interference with the conduct of an irregularity hearing as defined in Rule 6 above shall be liable to:

- i. Cancellation of the relevant examinations, or
- ii. Cancellation of the relevant examinations and suspension from the University for a period not exceeding one academic year. or
- iii. Cancellation of the relevant examinations and dismissal from the University.

Rule 7: Possession of firearms during the examination period

It shall be an offence for a student/candidate involved in an examination/ test to:

- a) Bring within the precincts of the examination room any firearm or potentially dangerous weapon.
- b) Use a firearm or any potentially dangerous weapon with the purpose to intimidate, threaten or otherwise deter investigations into any examination irregularity.

Penalty

Any student found guilty of the offence defined in Rule 7 above shall be liable to:

- i) Caution and cancellation of the relevant examination, or

- ii) Cancellation of the relevant examination and suspension for a period not exceeding two years, or
- iii) Cancellation of the relevant examination and dismissal from the University.

NOTE: The term “potentially **lethal** weapon” for purposes of Rule 7 includes, but is not limited to, pangas, machetes, daggers, switch blades, spears, swords, bows & arrows, brass knuckles and any incendiary device. This definition also includes imitations of potentially dangerous weapons such as fake guns.

Mitigating and Aggravating Factors When Determining the Appropriate Punishment

Where the Rule provides a range of punishments, the Committee may take into account the following mitigating and aggravating factors in determining the appropriate punishment.

(a) Mitigating Factors.

- Remorse on the part of the student/candidate.
- Truthfulness
- Lack of substantial benefit from the malpractice
- Student/candidate first offender
- Plea of guilty therefore not wasting the Committee’s time.

(b) Aggravating Factors.

- Substantial benefit from the malpractice.
- Lack of credibility.
- General misconduct.
- Frivolous and vexatious denials.
- Allegations of misconduct on the part of University staff which are subsequently proved to be false.
- Second conviction.

Procedure for Hearing of Malpractice Cases

1. Guidelines on Apprehension of a Suspect

Any candidate suspected of being engaged in an examination malpractice should be apprehended immediately but the following should be taken into account:

- a) The privacy and bodily integrity of a suspect should not be violated. Body searches should be done in the presence of another person.
- b) Materials got with the suspect should be removed from him/her and kept as exhibits.
- c) The identity of the suspect and possible witnesses should be recorded immediately.
- d) The suspect should be allowed to continue with the examination since he/she is presumed to be innocent until proved guilty.

2. Principles of Natural Justice

The Examinations Committee shall take into account the following principles of natural justice whilst examination irregularities and malpractices:

- a) Fair and equal treatment of all the candidates.
- b) The opportunity to enter a plea of guilty or not guilty.
- c) According fair hearing to all candidates.
- d) The right of candidates to appear and to defend themselves.
- e) Ensuring that a staff member does not sit in judgement of his/her own cause.
- f) Consistency in punishments.

3. Pre-Hearing

- a) The member of staff who alleges that a candidate was involved in a malpractice shall make a formal written report to the Chairperson of the Examinations Committee. He/She should hand over to the Chairperson of the Examinations Committee all the materials allegedly found on the candidate.
- b) The Chairperson of the Committee shall inform the candidate in writing of the allegation and attach a copy of the rules to the letter.
- c) The student shall be allowed to make a formal defence to the allegations in writing to the Chairperson of the Committee.
- d) The candidate shall then be invited in writing or by any other expedient method to appear before the Committee to defend himself/herself.
- e) The student shall be given adequate notice of the date he/she shall appear before the Committee to defend himself/herself.
- f) A student who fails, refuses, or omits to appear after being effectively summoned three times shall be suspended indefinitely from the University pending his/her appearance before the Committee.
- g) The suspension shall remain in place until the Chairperson of the Committee formally informs the Academic Registrar that the candidate has appeared and answered the allegations.
- h) A candidate who is alleged to have been involved in an examination malpractice shall not be registered until such a time that the case has been disposed of.

4. Hearing

- a) The Examinations Committee shall be chaired by a member appointed by the Senate. The Senate shall also appoint other members to the Committee from among its membership. All members shall serve for two years renewable.
- b) The quorum for the Committee shall be three quarters of its total membership.
- c) The candidate alleged to have been involved in an examination malpractice shall appear in person before the Committee and identify himself/herself as the subject of the

proceedings. The staff member who reported the case to the Chairperson of the Committee should also be present.

d) The suspect shall be formally charged. The prosecutor shall inform the suspect of the allegations against him/her and the Rule in the Rules on Examination Irregularities and Malpractices he/she is alleged to have breached as well as the possible punishments.

e) The suspect shall formally respond to such allegations.

4.1 Hearing on a Plea of Guilty

f) When the suspect responds in the affirmative, a plea of guilty shall be recorded by the prosecutor.

g) On a plea of guilty, the member of staff who reported the malpractice shall present the facts constituting the malpractice to the Committee in the presence of the suspect.

h) Where the suspect is alleged to have been found with unauthorised materials, the materials shall be brought before the Committee and the member of staff making the report shall state formally in the presence of the suspect whether they are the materials he/she is alleged to have found in the possession of the suspect.

i) The suspect shall be given an opportunity to respond to the allegations of fact. He/She may disagree with them and he/she has a right to cross-examine the person making the report.

j) Where the suspect responds to the allegations of facts and the Committee is of the considered opinion that in substance he/she is pleading not guilty, it shall direct that a plea of not guilty be substituted for the plea of guilty (Here the suspect admits the offence with an explanation or makes a plea that is vague thereby making the Committee record a plea of not guilty).

k) The suspect shall be allowed to plead mitigating factors which the Committee should take into account in prescribing punishment.

l) The Committee shall then deliberate in the absence of both the member of staff who reported the case and the suspect.

m) A recommendation shall be made with regard to the punishment and reasons should be assigned for such a recommendation.

n) The report of the Committee shall be submitted to the Senate for a decision.

4.2 Hearing on a Plea of Not Guilty

o) On a plea of not guilty by the suspect, the member of staff making the report shall present the facts to the Committee with the guidance of the prosecutor in the presence of the suspect who has a right to cross-examination.

p) Where the suspect is alleged to have been found with unauthorised materials, the materials shall be brought before the Committee and the member of staff making the report shall state formally in the presence of the suspect whether they are the materials he/she is alleged to have found in the possession of the suspect.

- q) The suspect shall be given an opportunity to respond to the allegations of fact. He/She has a right to cross-examine the member of staff making the report.
- r) The prosecutor may call witnesses whose presence he/she considers important for the just and fair disposal of the case.
- s) The suspect shall present his/her defense to the Committee in the presence of the member of staff who made the report who also has a right of cross-examination.
- t) The suspect may call witnesses to substantiate his/her defense.

5. Nature of Evidence

- a) The Committee may admit oral and material evidence, which may be direct or circumstantial.
- b) The Committee may not admit hearsay evidence unless there is independent evidence that lends credence.
- c) After the closure of the evidence and before a recommendation is made, the suspect shall be given an opportunity to present to the Committee mitigating factors.