

19th March 2007

To: All Staff and Students
Makerere University

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 any other 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) A Government-sponsored student/candidate found guilty of contravening Rule 3. above, may have the Government sponsorship cancelled besides any other punishment taking into account the gravity of the offence except in cases where the student/candidate is dismissed from the University.
- (vi) 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:
 - (i) Pass off the words or ideas of someone else as his/her own without proper acknowledgement or crediting the original source.
 - (ii) Replicate one's own work which one has presented elsewhere for assessment.
- (d) Aid and/ or abet another candidate/student to copy from a script/ book of another person.
- (e) Exchange answers with another candidate/student in or outside the examination room.
- (f) 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) A Government-sponsored student/candidate found guilty of contravening Rule 4 above, may have the Government sponsorship cancelled besides any other punishment except in cases where the student/candidate is dismissed from the University.
- (v) Any student/candidate found guilty of cheating in examinations on second conviction shall be dismissed from the University.
- (vi) 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.
- (vii) Where several paragraphs or ideas have been plagiarized the student shall be warned and awarded a grade "D" for the submitted work.
- (viii) 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.
- (ix) On a third and subsequent time of the offence of plagiarism as defined in (a) above, the student shall be suspended for a year.
- (x) 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:

- (e) Import into the examination hall/room, in person or by agent, a pre-prepared answer script/booklet.
- (f) Substitute an answer script/booklet prepared outside the examination room/hall for the one already submitted to the Invigilator/ Examiner.

- (g) Falsify or alter marks awarded on an examination script/book.
- (h) Impersonate another student/candidate.
- (i) Procure or induce another person to sit for him/her.
- (j) Utter false documents in relation to eligibility to sit University examinations.
- (k) Sit or attempt to sit an examination without authority.
- (l) Deliver to the Examiner's office or residence an examination script/booklet outside the scheduled time for delivery without due authority.
- (m) Fraudulently receive examination papers/questions which have been illegally procured or made available.
- (n) Fraudulently access or attempt to access examination questions before the examination is due.
- (o) 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.
- (iii) A Government-sponsored student/candidate found guilty of contravening Rule 5 above, may have the Government sponsorship cancelled besides any other punishment except in cases where the student/candidate is dismissed 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 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.

Rule 8: Procedure for Hearing of Malpractice Cases.

(i) Guidelines on Apprehension of a Suspect

1. When a student/candidate is suspected to be engaging in examination malpractices, he/she should be apprehended immediately. In the apprehension of a suspect, the following should be taken into account:
 - a. A suspect should be handled in the appropriate manner to ensure that the privacy and bodily integrity of a person is not violated. Body searches should be done in the presence of another person.
 - b. The materials should be taken away as soon as they are found and kept as exhibits.
 - c. Identity of the suspect and possible witnesses should be recorded immediately.
 - d. A suspect should be allowed to proceed with the examination since he/she is presumed to be innocent until proved guilty.

(ii) Rules of Natural Justice

2. In the handling of examination irregularities and malpractices, the Faculty/School/Institute Committee shall take into account the following principles of natural justice:
 - (a) Fair and equal treatment of all students/candidates,
 - (b) The opportunity to enter a plea of guilty or not guilty,
 - (c) Fair hearing accorded to all students/candidates,
 - (d) Right of students/candidates to appear and to defend themselves,
 - e. Staff not to sit in judgment of their own cause, and
 - f. Consistency in punishments.

(iii) Pre- Hearing

3. The Member of Staff who alleges that a student/candidate was involved in a malpractice shall make a formal written report to the Chairperson of the Committee. Any materials allegedly found on the student/candidate should be given to the Chairperson for safe custody.
4. The Chairperson of the Committee shall inform the student/candidate in writing of the allegation. A copy of the Rules shall be availed to the student/candidate with the letter of the Chairperson.

5. The student/candidate shall be allowed to make a formal defence to the allegations in writing addressed to the Chairperson of the Committee.
6. The student/candidate shall then be invited in writing or by whatever expedient method to appear before the Committee to defend himself/herself.
7. The student/candidate shall be given adequate notice of the date of appearing before the Faculty/School/Institute Committee to enable him/her time to prepare his/her defence.
8. (a) A student/candidate who fails or 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.
- (b) The suspension shall remain in place until the Chairperson of the Committee formally notifies the Academic Registrar that the student/candidate has appeared and answered the allegations.

iv) Hearing

9. The Committee shall be properly constituted by the Chairperson and six other members. The membership of the Committee shall be drawn from the Deans/Directors and Deputy Deans/Directors and Heads of Departments in each Faculty/School/Institute. Quorum of the Committee shall be five members present.

(Note: (a) The membership and quorum should be determined in such a way as to ensure that members do not sit in judgement of their own cases.)

(b) The Board of Studies in each Faculty/School/Institute should determine the membership of the Faculty/School/Institute Appeals and Irregularities Committee.)
10. The student/candidate shall appear in person before the Committee and identify himself/herself as the subject of the proceedings. The Member of Staff /Invigilator concerned should also be present.
11. The Committee shall formally charge the student/candidate. The student/candidate shall be informed by the prosecutor of the allegations against him/her and the Rule in the Rules on Examination Malpractices and Irregularities he/she is alleged to have breached. In addition, he/she shall be informed of the possible punishments.
12. The student/candidate shall formally respond to such allegations.

13. When the student/candidate responds in the affirmative, a plea of guilty shall be recorded by the prosecutor.
- (a) On a plea of guilty, the Member of Staff/Invigilator reporting the malpractice shall present the facts constituting the malpractice to the Committee in the presence of the student/candidate.
 - (b) Where the student/candidate 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 student/candidate whether they are the materials he/she is alleged to have found in the possession of the student/candidate.
 - (c) The student/candidate shall be given an opportunity to respond to allegations of fact. He/she may disagree with them and he/she has a right to cross-examine the person making the report.
 - (d) Where the student/candidate 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.
(Note: Where the student/candidate admits the offence with an explanation or makes a plea that is vague the Committee should record a plea of not guilty).
 - (e) The student/candidate shall be allowed to plead mitigating factors, which the Committee should take into account in prescribing punishment.
 - (f) The Committee shall then deliberate in the absence of the student/candidate and the Member of Staff/Invigilator making the report.
 - (g) A decision shall be made with regard to the punishment and reasons should be assigned for such a decision.
 - (h) The report shall be forwarded to the Senate Examinations Committee for information for any other decisions apart from dismissal. Where, on the face of the record, the Senate Examinations Committee realises that the Faculty/School/Institute Committee erred in its decisions, the Committee has a right to review the decision.
14. On a plea of not guilty by the student/candidate, the Member of Staff/Invigilator making the report shall present the facts to the Committee

with the guidance of the prosecutor in the presence of the student/candidate who has a right of cross-examination.

- (a) The Member of Staff/Invigilator reporting the malpractice shall present the facts constituting the malpractice to the Committee in the presence of the student/candidate.
 - (b) Where the student/candidate 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 student/candidate whether they are the materials he/she is alleged to have found in the possession of the student/candidate.
 - (c) The student/candidate shall be given an opportunity to respond to allegations of fact. He/she may disagree with them and he/she has a right to cross-examine the person making the report.
- 15. The prosecutor may call witnesses whose presence he/she considers important for the just and fair disposal of the case.
 - 16. The student/candidate shall present his/her defence to the Committee in the presence of the Member of Staff who made the report who also has a right of cross-examination.
 - 17. The student/candidate may call witnesses to substantiate his/her defence.

v) Nature of Evidence General

- 18. (a) The Committee may admit oral and material evidence, which may be direct or circumstantial.
 - (Note:** direct evidence is the account of the eyewitnesses or the original documents while circumstantial evidence is that which is inferred from the circumstances of the case e.g. the student/candidate running away when approached by an Invigilator.)
- (b) The Committee may not admit hearsay evidence unless there is independent evidence that lends it credence.
 - (Note:** hearsay evidence is indirect in the sense that it is given by a person who was not an eye witness e.g. where a witness reports what was told to her/him by another person or photocopies of documents produced where the original is not produced with no adequate explanation as to why. Such evidence should only be accepted where there is other direct evidence which supports the hearsay.)

19. After the close of the evidence and before a decision is made, the student/candidate shall be given an opportunity to present to the Committee mitigating factors.

vi) Post-Hearing

20. The Committee shall deliberate on the matter preferably on the same day as the hearing.
21. The Committee shall make findings of fact with respect to the evidence and make a decision based on those facts. The Committee must assign reasons for each decision.
22. The proceedings, Committee deliberations and the decision/recommendation should be recorded and a signed record should be forwarded to the Senate Examinations Committee for information for decisions other than dismissal.
23. The student/candidate shall be officially informed of such decision and availed a copy of the decision as well as the record of the proceedings.
24. The student/candidate shall be informed of his/her right of appeal and the procedure to be followed.
25. Where the Committee recommends dismissal of a student/candidate, the decision must be confirmed by the Senate Examinations Committee and then the student/candidate shall be officially informed of the final decision.

vii) Appeal Procedures

27. A student/candidate who is dissatisfied with the decision of a Committee may appeal to the Senate Examinations Committee within 30 days from the date of the letter communicating the decision.
28. The appeal shall be in writing addressed to the Academic Registrar and copied to the Faculty/School/Institute Committee stating clearly the grounds of appeal. The Academic Registrar shall acknowledge in writing to the student/candidate and Chairperson of Faculty/School/Institute Committee receipt of the appeal.
29. A student/candidate who pleaded guilty to an offence before the Faculty/School/Institute Committee shall have a right of appeal only with respect to the penalty.
30. The Senate Examinations Committee shall hear the appeal expeditiously. The student/candidate appealing shall be notified in writing of the date

when the appeal will be heard and should be given an opportunity to appear before the Senate Examinations Committee and be heard.

31. The Academic Registrar shall officially notify the Faculty/School/Institute Committee that made the decision in the first instance of the date of hearing of the appeal. The Faculty/School/Institute Committee shall have a right of representation.
32. At the hearing of the appeal, the student/candidate shall have an opportunity to be heard and the Faculty/School/Institute Committee shall have a right to respond to the student/candidate's presentation.
33. The Senate Examinations Committee shall have power on cause being shown to allow the student/candidate present additional evidence before it.
34. Where additional witnesses are called, they will be subject to cross-examination by the representative of the Faculty/School/Institute Committee. The Faculty/School/Institute Committee may also adduce additional evidence, which may be responded to by the student/candidate.
35. The Senate Examinations Committee will then deliberate in the absence of the student/candidate and Faculty/School/Institute Committee representative preferably on the date of hearing.
36. The Senate Examinations Committee may confirm, vary or set aside the decision of the Faculty/School/Institute Committee.
37. The Senate Examinations Committee shall take into account the rules of natural justice set out in Rule 8(ii) 2 of these Rules.

Amos Olal Odur
ACADEMIC REGISTRAR

- C.C Vice Chancellor
Deputy Vice-Chancellor (Academic Affairs)
Deputy Vice-Chancellor (Finance and Administration)
University Secretary
University Librarian
University Bursar
Dean of Students
Director, Planning and Development.