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Office of the Academic Registrar

REVIEWED KYAMBOGO UNIVERSITY EXAMINATION REGULATIONS

At its 2nd session of the 58th meeting of Senate held on 28th October, 2015, Senate reviewed some sections of the examination regulations.

Senate noted that:

i) Some sections of the current regulations especially the section dealing with examination malpractices needed to be reviewed so that penalties for specific offences are clear and loopholes that lead students to take the University to Court are blocked, and
ii) The Regulations lacked an appeal mechanism

Senate agreed that:

i) Examination malpractice cases be categorized, each with a range of sanctions,
ii) A section on procedure for hearing of malpractice cases be introduced, and
iii) A section on policy regarding Appeals on decisions made on examination malpractices should be introduced.

1. CATEGORIES OF EXAMINATION MALPRACTICE BY STUDENTS

(a) Entering the Examination room with unauthorized materials in any form

This is material not permitted and not needed in the examinations room. It includes but is not limited to handbags, purses, clipboards, communication equipment e.g microcomputers, cellphones, i-pads/mini-tablets, papers written on or not written on, magazines, sweaters, jackets, lighters, matches, food, drinks, handkerchiefs on which information is written or information written on any part of the body,

mathematical sets, Registration cards, firearms, books except for open examinations and others.

It shall be an offence for a student to enter the examination room with unauthorized material.

Sanctions/Penalty

Any student found guilty of entering the examination room with unauthorized material 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 academic years, or

(iii) Cancellation of the relevant examinations, disqualification from the programme and discontinuation from the University.

(iv) A Government sponsored student found guilty of contravening (a) above, may have the Government sponsorship cancelled besides any other punishment except in cases where the student is discontinued from the University.

(v) Any student found guilty of entering the examination room with unauthorized material on second conviction shall be discontinued from the University.

(vi) Any student who is disqualified from the programme due to entering the examination room with unauthorized materials shall never be readmitted to Kyambogo University.

If the unauthorized material is a phone:

(i) Confiscate the phone/ipad/minitablet and microcomputer of any form.

(ii) Caution and cancellation of the relevant examination or

(iii) Cancellation of the relevant examination and suspension from the University for a period not exceeding two academic years, or

(iv) Cancellation of the relevant examinations, disqualification from the programme and discontinuation from the University.

(v) A Government sponsored student found guilty of contravening (a) above, may have the Government sponsorship cancelled besides any other punishment except in cases where the student/candidate is discontinued from the University.

(vi) The student should not be re-admitted to any programme at Kyambogo University if disqualified.

(vii) Dispose of the phone guided by the Records Information Management Policy.

(b) **Copying from one another**

It shall be an offence for a student to copy from another during the examination.

Sanctions/Penalty

Any student found guilty of copying from another 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, disqualification from the programme and discontinuation from the University.

(iii) A Government sponsored student/candidate found guilty of contravening (b) above, may have the Government sponsorship cancelled besides any other punishment except in cases where the student is discontinued from the University.

(iv) A discontinued student due to this malpractice shall not be re-admitted to any programme at Kyambogo University.

(c) **External assistance given by Invigilators/ any other person**

It shall be an offence for a student to get external assistance during an examination.

Sanctions/Penalty

Any student found guilty of external assistance 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, disqualification from the programme and discontinuation from the University.

(iii) A Government sponsored student found guilty of contravening (c) above, may have the Government sponsorship cancelled besides any other punishment except in cases where the student is discontinued from the University.

(iv) Not to be re-admitted to any other programme at Kyambogo University.

(d) **Prior knowledge of examination questions**

This is fraudulently accessing or attempting to access examination questions before the examination is due.
It shall be an offence for a student to have prior knowledge of examination questions.

Sanctions/Penalty

Any student found guilty of having had a prior knowledge of examination questions 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, disqualification from the programme and discontinuation from the University.

(iii) A Governm**e**nt-sponsored student found guilty of contravening (d) above, may have the Government sponsorship cancelled besides any other punishment except in cases where the student is discontinued from the University.

If the entire group/class is found guilty of having prior knowledge of examination questions for a particular paper, the following sanctions shall apply:

(i) Caution and cancellation of the respective results for all the students.

(ii) Set another paper for the group/class.

(e) **Impersonation**

This is to pretend to be someone else.
It shall be an offence for a student to impersonate another or to willingly accept to be impersonated.

Sanctions/Penalty

Any student found guilty of impersonation 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 examination, disqualification from the programme and discontinuation from the University.

(iii) If the impersonator is a student, he/she should not be re-admitted to any other programme at Kyambogo University.

(iv) If the impersonator is not a student, he/she should be handed over to Police.

(v) If the impersonator is a Kyambogo University staff, he/she should be referred to the Staff Disciplinary Committee.

(f) **Substitution of examination answer scripts**

It shall be an offence for a student to substitute an answer booklet/answer script for the one already issued to the student/invigilator/examiner.

Sanction/Penalty

Any student found guilty of substitution of answer scripts 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 examination, disqualification from the programme and discontinuation from the University.

(iii) A Government-sponsored student found guilty of contravening (f) above, may have the Government sponsorship cancelled besides any other punishment except in cases where the student is discontinued from the University.

(iv) If a student is discontinued from the university due to substitution of examination answer scripts during

examination, he/she shall not be re-admitted to Kyambogo University.

(g) **Collusion**

(i) This is the secret activities of people who work together to do something dishonest, or

(ii) Aid and/abate another candidate/student to copy from a script/answer booklet of another person, or

(iii) Exchange answers with another student in or outside the examination room. It shall be an offence for a student to indulge in collusion during examinations.

Sanctions/Penalty

Any student found guilty of collusion 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 examination, disqualification from the programme and discontinuation from the University.

(iii) A Government-sponsored student found guilty of contravening (g) above, may have the Government sponsorship cancelled besides any other punishment except in cases where the student is discontinued from the University.

(iv) If a student is discontinued from the university due to collusion during examinations, he/she shall not be re-admitted to Kyambogo University.

(h) **Plagiarism**

This is the act of passing off words or ideas of someone else as one's own without proper acknowledgement or crediting the original source or replicating one's work which one has presented elsewhere for assessment.
It shall be an offence for any student to be involved in plagiarism as defined above.

Sanction/Penalty

Any student found guilty of plagiarism 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 academic years **BUT** if found guilty after graduation, the award shall be cancelled.

(i) **Falsification/omission of Registration Number on any examination answer script/ attendance sheet.**

This is writing another person's Registration number on one's script or avoiding to write one's Registration number on an answer booklet.

It shall be an offence for any student to be involved in falsification/omission of Registration number.

Sanctions/Penalty

Any student found guilty of falsification/omission of Registration number 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 examination(s), disqualification from the programme and discontinuation from the University.

(iii) A Government-sponsored student found guilty of contravening (i) above, may have the Government sponsorship cancelled besides any other punishment except in cases where the student is discontinued from the University.

(iv) If a student is discontinued from the university due to falsification/omission of registration number on any examination answer script/attendance sheet, he/she shall not be re-admitted to Kyambogo University.

(j) **Entering the examination room without valid documents/ authorization**

The authority to enter an examination room is given by fulfilling academic requirements, full payment of fees and being registered.
It shall be an offence for a student to sit or attempt to sit an examination without authority.

Sanctions/Penalty

Any student found guilty of entering the examination room without valid documents/authorization as defined above shall be liable to:

(i) Cancellation of the relevant examination.

(ii) Suspension from the University for a period not exceeding two academic years, or

(iii) Cancellation of the relevant examinations, disqualification from the programme and discontinuation from the University.

(iv) A Government-sponsored student/candidate found guilty of (j) above, may have the Government sponsorship cancelled besides any other punishment except in cases where the student is discontinued from the University.

(k) **Forging a Registration card/authority letter for entry into examination room**

This is fraudulently accessing a registration card when you do not qualify to get one or by getting a registration card by fraudulent means.

It shall be an offence for a student to forge a registration card or authority letter.

Sanctions/Penalty

(i) Cancellation of the relevant examinations (done with the forged card) and suspension from the University for a period not exceeding two academic years, or

(ii) Cancellation of the relevant examination(s), disqualification from the programme and discontinuation from the University.

(iii) If (ii) above is applied, he/she shall not to be readmitted to any other programme at Kyambogo University.

(l) **Destroying evidence related to an alleged malpractice**

It shall be an offence for a student to attempt to or destroy evidence by tearing, chewing, or stealing or any other form of destruction.

Sanctions/Penalty

Cancellation of the relevant examinations and suspension from the University for a period not exceeding two academic years.

(m) **Moving out of the examination room with an answer booklet.**

It shall be an offence to move out of the examination room with an answer script/booklet or to fail to hand in an answer script.

Sanctions/Penalty

Suspension from the University for a period not exceeding two years.

(n) **Possession of answer booklets outside the examination room.**

It shall be an offence to be in possession of answer booklet(s) outside the examination room.

Sanctions/Penalty

Suspension from the University for a period not exceeding two academic years.

2. **MITIGATION AND AGGRAVATING FACTORS WHEN DETERMINING THE APPROPRIATE PUNISHMENT(S)**

The Committee may take into account the following mitigating and aggravating factors in determining the appropriate punishment:

(a) **Mitigating Factors**
- (i) Remorse on the part of the student.
- (ii) Truthfulness.
- (iii) Lack of substantial benefit from the malpractice.
- (iv) Student is a first offender.
- (v) Plea of guilt therefore not wasting Committee's time.

(b) **Aggravating Factors**
- (i) Substantial benefit from the malpractice.
- (ii) Lack of credibility
- (iii) General misconduct.
- (iv) Denials against overwhelming incriminating evidence.

(v) Allegations of misconduct on the part of University staff which are subsequently proved to be false.
(vi) Second conviction.
(vii) Attempts to deface or destroy or hide evidence.
(viii) Influence peddling.
(ix) Proven evidence of refusal to respond to summons.

3. PROCEDURE FOR HEARING OF MALPRACTICE CASES

1. Guidance on Apprehension of a Suspect

When a student is suspected to be engaging in examination malpractice(s), 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 an 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 taking into account gender issues.

(b) The materials should be taken away as soon as they are found and kept as exhibits. However the student shall sign on the exhibits thereby acknowledging that they are his or hers.

(c) Identity of the suspect and possible witnesses should be recorded immediately.

(d) The student/suspect shall write a statement.

(e) A suspect should be allowed to proceed with the examination since he/she is presumed to be innocent until proved guilty.

2. Rules of Natural Justice

In the handling of examination malpractices, the Senate Examinations Committee shall take into account the following principles of natural justice:-

(a) Fair and equal treatment of all students.

(b) The opportunity to enter a plea of guilt or not guilty,

(c) Fair hearing accorded to all students,

(d) Right of students to appear and to defend themselves,

(e) Staff not to sit in judgment of their own cases, and

(f) Consistency in punishments.

3. Pre-Hearing

(a) The Member of Staff who alleges that a student was involved in a malpractice shall make a formal written report to the Academic Registrar. Any materials allegedly found on/with the student should be given to the Academic Registrar for safe custody.

(b) The Academic Registrar shall inform the student in writing of the allegation/charge. A copy of the Regulations (the relevant parts) shall be availed to the student.

(c) The student shall then be invited in writing or by whatever expedient method to appear before the Committee to defend himself/herself.

(d) The student shall respond to the charge in writing.

(e) The student shall be given adequate notice of the date to appear before the Senate Examinations Committee to give him/her time to prepare his/her defence.

(f) (i) A student who fails or refuses or omits to appear after being effectively summoned three times shall have her/his case concluded by the Senate Examinations Committee.

(ii) A student 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 Committee shall be properly constituted by the Chairperson with Quorum. The membership of the Committee shall be drawn from the Dean of Students, Faculty/School Representatives and Students Guild.

(**Note:** The Chairperson and four (4) other members shall constitute a quorum).

(b) The student 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.

(c) The Committee Chairperson shall formally read the charge to the student. The student shall be informed by the Chairperson of the charge against him/her and the section of the Regulations on Examination Malpractices he/she is alleged to have breached. In addition, he/she shall be informed of the possible punishments.

(d) The student shall formally respond to such allegations/ charges.

(e) **When the student responds in the affirmative, a plea of guilt shall be recorded by the Chairperson.**

(i) On a plea of guilt, the Member of Staff/Invigilator reporting the malpractice shall present the facts constituting the malpractice to the Committee in the presence of the student.

(ii) Where the student is alleged to have been found with unauthorized 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 whether they are the materials he/she is alleged to have been found in the possession of the student.

(iii) The student 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.

(f) **Where the student responds to the allegations of facts and the Committee has 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 admits the offence with an explanation or makes a plea that is vague, the Committee should record a plea of not guilty).

(i) The student shall be allowed to plead mitigating factors, which the Committee should take into account in prescribing punishment.

(ii) The Committee shall then deliberate in the absence of the student and the Member of Staff/Invigilator/ Monitor making the report.

(iii) A decision shall be made with regard to the punishment and reasons should be assigned for such a decision.

(iv) The Senate Examinations Committee recommends its decision to Senate for consideration.

(v) On a plea of not guilty by the student, the Member of Staff/Invigilator making the report shall present the facts to Senate Examinations Committee with the

guidance of the Chairperson in the presence of the student who has a right of cross-examination.

(vi) The Member of Staff/Invigilator/Monitor reporting the malpractice shall present the facts constituting the malpractice to the Committee in the presence of the student.

(vii) Where the student is alleged to have been found with unauthorized 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 whether they are the materials he/she is alleged to have found in the possession of the student.

(viii) The student shall be given an opportunity to respond to allegations of fact. He/she may disagree.

(ix) The Examinations Committee may call witnesses whose presence he/she considers important for the just and fair disposal of the case.

(x) The student 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.

(xi) The student may call witnesses to substantiate his/her defence.

5. **Nature of Evidence General**

(a) The Committee may admit oral or material evidence, which may be direct or circumstantial.

(**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 provides 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).

(b) After the close of the evidence and before a decision is made; the student shall be given an opportunity to present to the Committee mitigating factors.

6. **Post-Hearing**

(a) The Senate Examinations Committee shall deliberate on the matter preferably before the next examination sitting.

(b) The Senate Examination 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.

(c) The proceedings, the Examinations Committee deliberations and the decisions/recommendations should be recorded and a signed record should be forwarded to the Senate.

(d) The student shall be officially informed of such decision and availed a copy of the decision as well as the record of the proceedings.

(e) The student shall be informed of his/her right of appeal and the procedure to be followed.

(f) Where the Committee recommends discontinuation/ disqualification of a student, the decision must be communicated to the student by Senate and then the student shall be officially informed of the final decision/ and confirmed by the University Council.

4. POLICY ON APPEALS ON DECISIONS MADE ON EXAMINATION MALPRACTICE CASES

1. General Principles

(a) Students will have full opportunity to raise individually or collectively matters of proper concern to them without fear of disadvantage and in the knowledge that privacy and confidentiality will be respected.

(b) The rights of staff members and students should be taken into account and protected when handling appeals. There should be policy on protection of information/data regarding appeals.

(c) The University will ensure that its procedures are fair and that decisions made are reasonable and have regard to any applicable law.

(d) The University will address student complaints and appeals in a timely manner, using simple and transparent procedures. Informal resolution should be an option at all stages of the complaints procedure.

(e) Information on complaints and appeals procedures will be published accurately, completely, clearly presented, readily accessible and issued to students and staff.

(f) Sources of impartial help, advice, guidance, and support will be advertised widely within the university.

(g) The complaints and appeals procedures should identify the persons or bodies from whom authoritative guidance may be sought on the applicability and operation of the procedures.

(h) Those responding to investigating or adjudicating upon complaints or appeals must do so impartially and must not act in any matter in which they have a material interest or in which any potential conflict of interest might arise.

(i) A complainant or appellant should be entitled to be accompanied at all stages of the complaints or appeals process by a person of his/her choosing.

(j) The documentation should indicate what further internal procedures, if any, are open to a student dissatisfied with the response to a complaint or outcome of an appeal.

(k) The University shall ensure that where a complaint or appeal is upheld appropriate remedial action is implemented.

(l) The University shall have in place effective arrangements for the regular monitoring evaluation and review of complaints and appeals.

(m) The appeals system should be viewed as mediating arbitration, monitoring process which should go beyond handling the current examination malpractice.

(n) The University shall keep their monitoring, evaluation and review arrangements under scrutiny, taking into account good practice.

2. **Grounds for Appeals**

These are grounds on which the University will consider an appeal against the decision on examination malpractice.

(a) Suspension of a student as a result of indulgence in examination malpractice.

(b) Discontinuation/disqualification based on examination malpractice.

(c) Irregularities or administrative errors in the conduct of an examination.

(d) Administrative omissions and oversights.

(e) When a student has reason to believe that one or more of the invigilators/supervisors/Head of Department/Monitor was prejudiced or baised.

(f) That in reaching its decision, the Committee was unaware of factors beyond the student not to attend a hearing of the Senate Examinations Committee.

The University will not consider appeals on grounds other than the above, particularly:-

(a) Those made against the judgment, properly exercised, by the Senate Examinations Committee.

(b) Those made mischievously or frivolously without justifiable ground.

(c) Those based on ill-health or other circumstances which could and should have been reported to the Faculty/school at the time of their occurrence except where a student has been prevented to do so.

3. **Procedures for Appeals**

(a) If a student decides to submit an appeal against the decision of the university, he/she should do so within 30 days of formal publication or otherwise receiving notification of the results.

(b) The appeal should be addressed to the Deputy Vice Chancellor (AA) setting out in writing, the specific grounds on which the appeal is being made. The Deputy Vice Chancellor Academic Affairs' office will treat any personal information which is received in the course of dealing with students appeal as confidential. Such information will be kept, used and shared where necessary and appropriate with other members of university staff.

(c) If a student requires advice on whether he/she has proper grounds for an appeal or if he/she needs help to present the grounds of the appeal, she/he can seek assistance from the students' guild or from the Deputy Vice Chancellor Academic Affairs' office.

(d) In the first instance, the Deputy Vice Chancellor Academic Affairs will normally refer the appeal to the Academic Registrar for comment and for any further information required to enable it to be considered and to establish whether there are grounds for appeal.

(e) If it is decided that the grounds for appeal do not accord with those prescribed in the general regulations, the Deputy Vice Chancellor Academic Affairs shall inform the student the decision and the reasons in writing usually within 15 working days of receiving the initial appeal. The appeal will be dismissed and no further action will be taken.

(f) If it is decided that the grounds for appeal do accord with those prescribed in the general regulations, the Deputy Vice Chancellor Academic Affairs shall take one of the following courses of action, depending on the grounds of the appeal:-

(i) In the case of an appeal involving irregularities in the handling of malpractice, circumstances which had not been known at the time a decision was made or allegations of bias, the matter is referred to Appeals Committee.

(ii) A student who is dissatisfied with the decision of a Committee may appeal to the Appeals Committee within 30 days from the date of the letter communicating the decision.

(iii) The appeal shall be in writing addressed to the Deputy Vice Chancellor Academic Affairs and copied to the Chairman Examinations Committee, and Academic Registrar stating clearly the grounds of appeal. The Deputy Vice Chancellor Academic Affairs shall acknowledge in writing to the student.

(g) A student who pleaded guilty to an offence before the Committee shall have a right of appeal only with respect to the penalty.

(h) The Appeals Committee shall hear the appeal expeditiously. The student 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 Appeals Committee and be heard.

(i) The Deputy Vice Chancellor Academic Affairs shall officially notify the Examinations Committee that made the decision in the first instance of the date of hearing of the appeal. The Committee shall have a right of representation.

(j) At hearing of the appeal, the student shall have an opportunity to be heard and the Examinations Committee shall have a right to respond to the student's presentation.

(k) The Appeals Committee shall have power on cause being shown to allow the student present additional evidence before it.

(l) Where additional witnesses are called, they will be subject to cross-examination by the representative of the Examinations Committee. The Senate and Council Examinations Committee may also adduce additional evidence, which may be responded to by the student.

(m) The Appeals Committee will then deliberate in the absence of the student and the Senate Examinations Committee representative preferably on the date of hearing.

(n) The Appeals Committee may confirm, vary or set aside the decision of the Examinations Committee, and Senate.

(o) The Appeals Committee shall take into account the rules of natural justice.

4. **Appeals Committee**

(a) The Appeals Committee shall be composed of members who will not have been directly involved in the University's original decision.

(b) It will include student members except the Guild President and the Vice President.

(c) The Appeals Committee shall have authority to determine the way in which it will consider the appeal before it.

5. **Code of Practice**

(a) A student appealing and other parties involved in the appeal shall have access, prior to the meeting of the

Committee, relevant papers, including written commentaries on the appeal and responses to the appeal.

(b) A student applying, will be given adequate notice of the date, time and venue for the meeting and also be invited to attend.

(c) The appellant is entitled to be accompanied by a person of his/her choosing during the hearing.

(d) The appellant shall be informed in writing of the result of the appeal within 10 working days of the meeting.

(e) Staff shall not sit in judgment of their own cause.

Signed at: Kyambogo University on the……day of……2018

Chairperson Senate

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(Signature)

Secretary Senate

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malpractice categories