



# THE WEST BENGAL UNIVERSITY OF HEALTH SCIENCES

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## **Procedure/Rules for conduction of Examination, Unfair Means, Misconduct etc.**

Disciplinary regulations/guidelines as mentioned hereunder can be used to deal with “**Students Discipline Matters**” reported on or after January, 2017 and this guideline is applicable to all students admitted to a course of study in any affiliated Colleges/Institutes under WBUHS, Kolkata. The “Procedures” as mentioned in the regulations/guidelines shall be followed when an allegation is made to determine whether breach of code of conduct has been proven beyond reasonable doubt.

### **(A) Definition of Unfair Means (UFMs):**

- (i) “Unfair means (UFM) relating to examination” means and include directly or indirectly committing or attempting to commit or threatening to commit any act and coercion, undue influence or fraud or malpractice with a view to obtain wrongful gain to him/her or to any other person or causing wrongful loss to other student(s) [examinee(s)].
- (ii) “Unfair means material” means and includes any material whatsoever, related to the subject of the examination, printed, typed, handwritten or otherwise, on clothes, or body of the student(s) [examinee(s)] or on wood or other material, in any manner, or in the form of chart, diagram, or electronic aid etc. which is not allowed in the examination hall.
- (iii) “Possession of unfair means material by a student” means having any unauthorized material on his/her personal custody or desk or chair or table or at any place within his/her reach in the examination centre and its environs or premises at any time from the commencement of the examination till its conclusion.
- (iv) “Student found in possession” means a student, reported in writing, as having found in possession of unfair means materials by invigilator(s), Centre In-charge or member of the Examination (observer) Squad or any other person authorized for this purpose, even if the unfair means materials are not produced as evidence because of it being reported as swallowed or destroyed or snatched away or otherwise taken away or spoiled by the student or by any other person acting on his/her behalf to such an extent that it has

become illegible. Provided, report to that effect need to be submitted by invigilator(s), Centre In-charge or member of the Examination (observer) Squad or any other person authorized for this purpose to the Principal or Head of the Institution and Controller of Examinations.

## **(B) Reporting an act of Misconduct:**

The discipline guidelines **make it an offence** in respect of a student if engage in any of the following misconduct:

- i) **General misconduct**
- ii) **Academic misconduct (UFMs adopted during University Examination)**
- iii) **Research misconduct: Plagiarism** – defined as work which purports to be a candidates own but which is taken without acknowledgement from Published/Unpublished work of others.  
It does not matter in what format /medium the work is completed e.g. computer programmed or performance.

A student may be a subject of report of any of the above mentioned misconduct when involved in a activity conducted by or on behalf of the University.

An act of misconduct should be reported to the concerned officer in writing.

**[A(i)] General misconduct:** The matter should be reported to the **Principal/Dean of Student affairs** of the concerned institution affiliated under WBUHS. **All powers** relating to disciplinary action against a student of an affiliated college or institute **shall vest in the Principal/Head of the Institution.**

**[A(ii)] Academic misconduct:** The matter should be reported to the Controller of Examination, WBUHS

**[A(iii)] Research misconduct:** The matter should be reported to the Chairperson of the concerned faculty i.e. Dean or Officer-in-charge

## **(C) Standard Operating Procedure to be followed at spot (examination centre) in the case of Unfair means (UFMs):**

- (i) As soon as any case of Unfair means (UFM) comes to the notice of the Centre Superintendent/Centre in-Charge of the examination centre, he/she shall take **possession of the Answer Book** of the candidate along with paper or other materials found in his/her possession and immediately provide the candidate a **second Answer Book marked ‘Duplicate –using Unfair Means to attempt answers’.**

The word “**Second Answer Book**” should be super scribed on the **top of second Answer Book**. The Centre Superintendent /Centre-in-charge shall record on the first Answer Book the time when the case was brought to his/her notice. S/He shall also record the time of issue on the second Answer Book.

- The **First answer book shall be cancelled for UFM**s and sent to the O/o Registrar by centre superintendent/in charge along with other confiscated materials and filled up Performa for reporting UFMs.
- **Only the second answer book shall be sent for evaluation marked as ‘Duplicate –using Unfair Means to attempt answers’.**

- (ii) **Candidate shall not be debarred (as a spot decision) from appearing in the rest of the examination in subsequent papers including practical examinations, if any. Reporting of Unfair means (UFM) must be sent to O/o Registrar on the same day or on the next working day of occurrence by the Centre Superintendent/Centre-in-charge of examination centre.** Candidates’ identity, communication details must be noted by the invigilator(s) for reporting of UFMs by students. **In regard to all examination related activities in Examination centre, decision of Centre Superintendent / Centre-in-charge shall be final.** Copy of the same report may be forwarded to the O/o Controller of Examinations for necessary information.
- (iii) Normal practice for a student to be allowed to continue on their programme of study and sit / re-sit examinations until the outcome of any disciplinary hearing and any subsequent appeal is known.
- (iv) In case of cheating/receiving or giving/taking assistance from fellow students or from outside – strict prohibitive warning shall be issued in first instance. If the same candidate is again found guilty on similar act(s) repetitively, he/she shall **be expelled from examination hall immediately and said examination shall be treated as cancelled under intimation to Controller of Examinations, WBUHS.** WBUHS reserves right to inform guardian of such candidate.

**Explanation of the candidate & Statement of the Invigilator:**

- (i) While issuing the second Answer Book, the candidate shall be asked by the Invigilator(s)/Centre Superintendent/Centre-in-charge of the Examination to submit his/her explanation in writing. In case the candidate refuses to give his/her statement, s/he should not be forced to do so, only the fact of refusal and time of occurrence of the

incident should be recorded by the invigilator(s) on duty. Statement of the candidate, if any and the report/statement of invigilator(s) be attested by the Centre-in-charge/Centre Superintendent with **Unfair means pro-forma (Annexure-A)**.

- (ii) The Invigilator, who detects the use of unfair means by a student, shall also submit his/her statement which shall be verified and signed by the Centre-in-charge/Centre Superintendent and forwarded to the O/o Registrar, WBUHS.

**Material recovered from the Candidate:**

- (i) Precise information as to from where material was recovered (i.e. from pocket, shoes, socks, desk etc.) should be mentioned in the statement of Invigilator(s). The copying material so detected by the Invigilator(s) should be signed by the Invigilator(s) as well as by the accused student(s) concerned and countersigned by the Centre Superintendent/Centre-in-charge of the Examination on each page and the total number of pages so detected should be mentioned in the instant Answer book, duly signed by the accused student(s), Invigilator(s) and Centre Superintendent/Centre-in-charge of the Examination.

**Procedure to be followed in case of smuggling out an Answer Book:**

- (i) In case a candidate has smuggled out an Answer book, the invigilator(s)/Centre Superintendent/Centre-in-charge of the Examination should call the student directly and try to secure the Answer Book. In case of non-availability of the Answer book, the matter should be reported to the **Police and a copy of FIR** be sent to the **O/o Controller of Examination, WBUHS along with the statement of the Invigilator(s) present in the examination hall and also of the candidate, duly countersigned by the Centre Superintendent / Centre-in-charge of the Examination.** The statement of Peon(s), if any, should also be forwarded.

**Impersonation:**

- (i) In case of impersonation, Invigilator(s)/Centre Superintendent/Centre-in-charge present in the examination hall shall arrange to collect the Identity, communication details and take photographs of the impersonator from all the angles.
- (ii) Invigilator(s)/Centre Superintendent/Centre-in-charge present in the examination hall should also report the matter immediately to the **Local Police Authority**. He /She shall collect a statement in writing from the **impersonator** as well as from **the actual**

**candidate**, if possible. Invigilator(s) / Centre Superintendent/Centre-in-charge of the Examination should forward a complete report, duly countersigned by Centre Superintendent/Centre-in-charge of the Examination to the O/o Controller of Examination, WBUHS along with the statement of the Invigilator(s) present in the examination hall and also of the statements of impersonator and actual candidate including Identity, communication details, photographs of the impersonator and a copy of **FIR. The examination of such candidate shall be terminated /cancelled.**

**Misconduct:**

- (i) In case the misconduct is of a serious nature, the matter may be reported to the **Police Authority**, if necessary. Statement of the Invigilator(s), Peon(s) , Police authority may be obtained and forwarded to the O/o Controller of Examination, WBUHS for further course of action.

**Documents required to be sent in Unfair means cases and dispatch thereof:**

All the cases of Unfair means should be recorded in the '**Form**' (as per Annexure-A) for reporting Unfair means cases. The form shall be accompanied by the following documents:

- 1) **First Answer Book which is marked Cancelled for UFM along with confiscated materials.**
- 2) Statement/Explanation of the candidate.
- 3) Statement of the Invigilator(s)
- 4) Copy of FIR & Identity, Communication details, Photographs of impersonator, if any.  
(Unfair means materials found from the candidate, duly signed by the alleged student, Invigilator(s) and Centre Superintendent/Centre-in-charge of the Examination.)

**All the materials** along with properly filled in Form (Annexure-A) should be put in a **separate cover, duly sealed, and marked 'Unfair Means'**, & send it to the O/o Registrar WBUHS for further course of action.

**(D) Standard Operating Procedure (SOP) to be followed by the Advisory Committee on Discipline:**

- (1) For the purpose of **investigation of UFM cases**, there shall be an '**Advisory Committee**' to deal with the discipline of students which shall be constituted as follows with reference to **Para 10.(1)**

**of First Ordinances - 2003, WBUHS:**

- (i) Pro-Vice Chancellor - will act as Chairman/Chairperson (ex-officio).
- (ii) Dean(s) of the faculties – Members (ex-officio).
- (iii) Two Principals of affiliated colleges of whom one shall be a woman provided there is such a Principal, nominated by the Vice Chancellor.
- (iv) Inspector of colleges – Member-Secretary.

Provided that in case of absence from duties of the Inspector of Colleges for any reason, whatsoever, or in case the post remaining vacant, **the Registrar shall perform** the duties and functions of the Inspector of colleges as Member-Secretary of the Committee.

The **term** of the Committee shall be for **4 (Four)** years.

The Committee will function as a **recommendatory body**. The committee will submit its recommendation for penal/disciplinary action to be taken against the alleged student after ensuring that reasonable opportunity was given to the student concerned for his/her defense, the principles of natural justice have been followed and quantum of punishment is in accordance with the guidelines as prescribed in this regard.

- (2) On receipt of a complaint, O/o the Registrar /Controller of Examination, WBUHS will intimate the **Convener (Member-Secretary) of Advisory Committee on discipline** in writing within **3 (three)** working days from the date of receipt of complaint.
- (3) **Convener of Advisory Committee on discipline (i.e. Member Secretary)** will consult with the Chairperson to fix a date for convening a meeting and send notification to all concerned (i.e. members, concerned college/institute authority, alleged student etc.)
- (4) If Inspector of Colleges (IOC) is not available, the Registrar shall perform the duties/functions etc. of IOC as Member Secretary of said Advisory Committee on discipline.
- (5) **Notification** (regarding meeting of Advisory Committee) **shall contain the following:**
- (a) Information regarding specific indiscipline/offence committed by a student during examination.
  - (b) Date, Time & Venue of meeting of Advisory Committee on discipline.

(c) Written communication must be sent to the student concerned informing him / her to appear before the Advisory Committee on discipline regarding his/her alleged misconduct. He/She shall be given an opportunity to respond the allegation(s) in writing.

(6) **Ascertain the degree of misconduct:** Advisory Committee on discipline, after going through the case thoroughly, shall ascertain whether breach of code of conduct has been proven beyond reasonable doubt. If so, determine the degree/severity of misconduct of the accused student i.e. whether it is significant (i.e. serious or moderate in nature), insignificant (i.e. minor in nature), whether it is the first breach of code of conduct or whether the candidate has admitted the breach of code of conduct.

(7) **Provision of a support person for accused student:** A support person from the same institute, as recommended by the Head of Institute, may be provided to assist the student during disciplinary proceeding. In no circumstances he/she will be permitted to represent on behalf of accused student before Advisory Committee on discipline.

(8) **Recommendation of the Panel (Advisory Committee on discipline):** Panel after making a decision on a report of Unfair means (UFM), shall submit its recommendation for penal action to be taken against the student concerned **to the Hon'ble Vice Chancellor for approval**. Upon approval of same, the committee shall provide a written notice setting out the decision and penalty imposed within **5 (Five)** working days through the **office of the Registrar, WBUHS** to the Head of the College/Institute concerned with intimation to the student under receipt. A copy of such notice may also be sent to the Chairperson of 'Advisory Committee on discipline' for information.

**Note:** Entire process to deal unfair means (UFM) complaint should preferably be completed within a period of **ONE month** from the date of receipt of written complaint (before publication of result).

(9) **Imposition of penalties:** No penalties shall be imposed without giving the student concerned reasonable opportunity to explain himself / herself against the action proposed against him/her. Penalties for different types of offences under **Unfair means** shall be taken in the "**Advisory Committee on discipline**" depending on the severity/gravity of the case as under:

<b>Type of offence</b>	<b>Quantum of punishment</b>
(i) Misbehaving /Refusing to obey the legitimate orders of invigilator, centre-in-charge, observer or any other authorized person from University or changing the seat without permission or occupying the seat not allotted to him/her.	Written warning: Intimation of fact to the legal guardian of student concerned stating that the candidate acted with impropriety with a copy to the Head of the Institute of concerned college/institute.
(i) Possession of papers, books, notes or writing on any part of the body/clothes of candidate or table / desk / instrument etc. which may be or intended to be Possible help to the candidate in the examination.	A) Cancellation of examination in the concerned subject <b>AND</b> B) <b>Allowed</b> to appear in <b>next</b> examination in concerned subject.
(i) Carrying mobile/smart phone even in switch off mode or other electronic gadget other than Permissible calculator.	A) Cancellation of examination in the concerned subject <b>AND</b> B) <b>Debarred</b> from appearing in <b>next</b> examinations in concerned subject.
(i) Communicating or trying to communicate directly or through person with an examiner with the object of influencing him/her in the award of marks <b>OR</b> (ii) Swallowing or attempting to swallow a note or paper or running away with it and causing its disappearance or destroying it in any manner.	A) Cancellation of examination concerned. <b>AND</b> B) <b>Allowed</b> to appear in <b>next</b> examination.
(i) Smuggling out or smuggling in the answer script pages or supplementary sheets or tearing them off and/ or inserting pages written outside examination hall into the answer scripts <b>OR</b> (ii) Leaving the examination hall without submitting the answer book or taking away the same or tearing it or otherwise disposing it of or tearing the answer book of other candidate(s) or otherwise disposing it of <b>OR</b> (iii) Carrying prohibitory items and weapon like knife, scissors etc. in to the examination hall.	A) Cancellation of entire examination <b>in all subjects AND</b> B) <b>Debarred</b> from appearing in <b>next</b> examination.
(i) Participating directly or indirectly in violence or loss of property within examination hall <b>OR</b> Impersonating any candidate or getting impersonated by any person for taking the examination.	A) Cancellation of <b>entire examination</b> in all subjects <b>AND</b> B) <b>Debarred</b> from appearing in next examination for a period of 1 or 2 or more years from the date of <b>commencement of said examination.</b>
(i) Any other offence in examination hall which are not covered in above clauses but tantamount to directly or indirectly committing or attempting to commit or threatening to commit any act and coercion, undue influence or fraud or malpractice with a view to obtain wrongful gain to him/her or to any other person or causing wrongful loss to other student(s)	Quantum of punishment may be determined keeping in view the nature and gravity of offence.



- (c) **Right to appeal:** The alleged student should be given an opportunity to appeal against the disciplinary action taken against him / her before Hon'ble Vice Chancellor within a period of ONE **month** from the date of issue of punishment order.

**Mechanism of returning Confiscated mobile/electronic gadget etc.:** The student should apply to the Hon'ble Vice Chancellor through proper channel requesting to return the confiscated mobile or electronic gadget (if any) within a period of **60days** from the date of issue of punishment order along with an Undertaking as per format [**“The confiscated article was found in my possession in examination hall and accordingly disciplinary action was correctly and legitimately taken against me. The punishment was awarded in favour of me after admitting the fault I committed during said examination”**] and in presence of **2 (two) witnesses**.

The materials will be handed over to student as mention the after completion of course of study.

In case of non-receipt of appeal within the stipulated period, the materials will be kept along with the 'Answer Script' of the concerned examination in the O/o Controller of Examination, WBUHS for a period up to the standard preservation period of Answer Scripts, as per regulation of in this regard.

## **ANNEXURE – A**

### **Pro-forma for Unfair means (UFM) Cases**

**1.Name of Examination and Centre of Examination with:**

**2.Name of Candidate & Roll No.:**

**3.Subject:**

**4.Date & Time of Incident:**

**5.Mode of Unfair means used in examination and circumstances in which caught:**

**6.Confiscated material(s) found from the candidate:**

( i.e. help book, loose printed/hand written sheets, mobile/smart phone, prohibitory items etc. found should also be indicated)

**7.Any other information:**

<b>Signature of the candidate</b>	<b>Signature of Invigilator(s)</b>	<b>Signature of Centre Superintendent</b>
(Name in full & Roll No.)	(Name in full & Designation)	(Name in full & Designation)
<b>University Registration No</b>	<b>Contact details</b>	<b>Contact details</b>
<b>Contact details</b>		

- 1) **Please make the report in duplicate. One copy shall be sent to the University (O/o the Registrar) while the other copy will be with the O/o Centre Superintendent/In-charge of the Examination as Office copy.**
- 2) In case the candidate is caught copying, please encircle the portion copied in the Answer book as well as in the copying material and mention its page number on the top of the Answer book and the copying material.
- 3) The 2<sup>nd</sup> Answer book should be issued to the candidate immediately and the candidate should not be debarred from taking the future examinations. If the candidate refuses to accept the 2<sup>nd</sup> Answer book, write down this fact on the top cover page of the 1<sup>st</sup> Answer book of the candidate and obtain signature of the candidate therein.
- 4) The Centre-in-charge should record on the Answer book the fact that Unfair means (UFM) was adopted.

## Annexure-B

### Important Notes

- (1) No candidate shall be allowed to leave the examination room till all the answer scripts are collected and found in order.
- (2) If a candidate forces his/her way out with answer scripts/books, a complete statement explaining the details of incidents along with Roll number, Name of Student, Name of Examination, Date, Time and Venue, duly signed by invigilator(s), centre-in-charge and Centre Superintendent of the Examination, must be sent to Controller of Examination, WBUHS.
- (3) In no case this provision should be used to cover up the loss of answer script.
- (4) Proper procedure must be followed while reporting the Unfair Means (UFM) cases.
- (5) Teacher and staff posted at examination centers that are found to be abetting the use of un-fair means to the examinees or accused of inappropriate behavior should be reported to appropriate authority for necessary action.

In the event of following happenings in examination centers, prompt enquiry must be initiated by the Head of the Institution and reports may be sent to the O/o Controller of Examinations at the earliest.

- (i) The candidate decamps with the answer scripts.
- (ii) Missing answer books/scripts vis-à-vis, the number of students present.
- (iii) Incidence of cases of mass copying.
- (iv) Allowing candidates of other centers to appear in examination without written permission of Controller of Examination, WBUHS.

**Unfair Means (UFM) Register:** A central student discipline register shall be maintained in University wherein brief of each incident of UFM in month and year wise manner will be recorded.

### **Important Note:**

If a candidate is reported against for any academic misconduct, plagiarism, adoption of UFM in examinations, Ragging, or police enquiry for any offence—he /she will not be considered for any award, ranking, medals by the university.

## Annexure-C

The **activities** as mentioned hereunder may be **considered as Unfair Means** during any examination conducted by WBUHS, Kolkata:

### **1. During examination time having in possession or access to:**

- a) Any paper, book, note or any other like material which has relevance to the syllabus of the examination paper concerned.
- b) Mobile/Smart phone or any electronic gadget other than permissible calculator, even in SWITCH OFF mode, which can potentially be used for communication or copying.
- c) Anything written on any other instrument or any kind of furniture or any other substance which may have relevance to the syllabus of the examination paper concerned.
- d) Anything written or signs made on the body of the candidate or his/her clothes/garments/handkerchief etc. which may have relevance to the syllabus of the examination paper concerned.
- e) Anything written on the question paper which may have relevance to the syllabus of the examination paper concerned.
- f) Giving or receiving assistance in answering the question papers to or from any other candidate/person in the examination hall or outside during the examination hours.
- g) Talking to another candidate or any unauthorized person inside or outside the examination room during the examination hours without the permission of the invigilating staff.
- h) Swallowing or attempting to swallow or destroying or attempting to destroy a note or paper or any other material.
- i) Impersonating any candidate or getting impersonated by any person for taking the examination.
- j) Smuggling in or out of the examination hall an answer book etc. and tearing leaf/leaves from the answer book or tampering with the answer book in any way.
- k) Using abusive/derogatory language orally or in the answer book against the invigilator/Centre-in-Charge/ Centre Superintendent/Examiner or threatening/using violence towards Invigilators or Centre-in-Charge/Centre Superintendent.
- l) Writing questions or answers on any paper other than the Answer book.
- m) Taking breaks to move out of his/her allotted seat at the test Centre without the consent of the invigilator.
- n) Pestering the invigilator for issues including extra time allotment, allowing sitting for examination without necessary ID proofs/documents etc. even the invigilator has turned down the request at first instance.
- o) Carrying any other consumables **excluding** drinking water is strictly prohibited inside the examination hall.
- p) Carrying or using prohibitory items, weapons like scissor/knife etc. inside the examination hall.
- q) Any other type of misconduct or activities other than above that appears objectionable and unfair in the eyes of Invigilator(s) or Centre-in-Charge/Centre Superintendent of the examination.