

**NATIONAL LAW UNIVERSITY, ASSAM
ACADEMIC MISCONDUCT REGULATIONS**

**Chapter-I
General**

1. Short Title and Commencement :

- (a) This regulation may be called “National Law University, Assam Academic Misconduct Regulation, 2015
- (b) This Regulations shall come into force from July 1, 2015

2. Interpretation: These Regulations, unless there is anything repugnant in the subject or context:

- (a) ‘Appellate Authority’ means the Vice-Chancellor of the University;
- (b) ‘Disciplinary Authority’ means the Registrar of the University, who is empowered to impose punishment for academic Misconduct
- (c) ‘Examination Committee’ means the Examination Committee constituted by the Vice-Chancellor for the purpose of conducting the examinations of the University. The Examination Committee consists of five faculty members, who would also function as class teacher to monitor overall academic growth of the students.
- (d) ‘Unfair Means Committee’ means the Unfair Means Committee constituted by the Vice-Chancellor for the purpose of enquiring into the unfair means conduct matter of the students as defined in the National Law University, Assam Academic Misconduct Regulations, 2015.

3. Academic Misconduct: ‘Academic Misconduct’ includes, but is not limited to, plagiarism; cheating or use of unfair means; misrepresenting work prepared by another as one’s own; facilitation of academic misconduct; collusion / inappropriate collaboration; multiple submission and use of inappropriate methods; falsification of work product; tampering with materials; and deception.

- (a) ‘**Plagiarism**’ means failure to acknowledge ideas or phrases from another source. Such source is not limited to published text. Acknowledgement of others’ work is expected even if the source was a discussion (whether oral or written) with another person, or the use of materials on the internet.

Note (i) –The right to be acknowledged is not something that may be waived by the person in whom the right vests as the concomitant duty is towards the academic community as a whole.

Note (ii)–This provision will not be applicable to moot court competitions, i.e., students can use information available from previous competitions.

- (b) **‘Cheating or use of unfair means’** involves giving or receiving assistance, or impermissible use of information from written material, other people, or any other source (except as explicitly allowed by the instructor) in an evaluated exercise.

Note– This provision will not be applicable to moot court competitions, i.e., students can use information available from previous competitions.

- (c) **‘Misrepresenting work prepared by another as one’s own’** means submitting work that has been prepared by someone else (whether for payment or not) as one’s own work.

Note (i)–This would include instances where excessive help is taken from another person such that the assessment objective and intention of the assignment/ exercise is frustrated.

Note (ii)–It is assumed that work submitted is represented as being authored by the person on whose behalf it is submitted.

Note (iii)–This provision will not be applicable to moot court competitions, i.e., students can use information available from previous competitions.

- (d) **‘Facilitation of Academic Misconduct’** means abetting academic misconduct by intentionally enabling another/ others to engage in such behaviour.

Note (i)– This would enable the University to take action against any existing student found to be intentionally facilitating another student’s Academic Misconduct and would include (but not be confined to) students who procure projects that other students can copy from, students who give assessed projects to other students who have declared an intention to use them for Academic Misconduct and students who use their knowledge of technology to facilitate Academic Misconduct.

Note (ii)–This provision will not be applicable to moot court competitions, i.e., students can use information available from previous competitions.

- (e) **‘Collusion/ Inappropriate Collaboration’** means colluding or collaborating for projects, Seminar papers, other evaluated exercises, moot court competitions, law journal selections, or any other co-curricular activity in such a manner as to obtain wrongful advantage and wrongful credit for the work submitted.

Note (i)–This would include (but not be limited to) any discussion of any assignment or essay in which the whole or part of the class is given the same question, but students are expected to come up with an answer individually and not through collusion or collaborative discussion.

Note (ii)—This provision does apply to moot court competitions targeting all collusion and inappropriate collaboration between participants competing in open-challenges and selection moots in the same year.

- (f) **‘Multiple Submissions and Use of Inappropriate Methods’** means submitting the same, or largely the same, piece of work for credit (academic or other) in more than one course, exercise, journal or competition, without written permission from the instructors involved and consent of the Vice-Chancellor; or recycling of any part of a previously written piece of work whether or not published without appropriate reference to your own prior work.

Note – Prior permission shall be required if the recycled work forms more than 5% of the new work.

- (g) **‘Falsification of Work Product’** is falsifying, concocting or misrepresenting of data, statistics, or other observations/ information.
- (h) **‘Tampering with Materials’** is removing, hiding, destroying or altering without permission, another person’s materials or materials that are common resources, such as library books, journals, reports, periodicals or databases.
- (i) **‘Deception’** entails giving false information to a teacher to receive extra credit or time or otherwise benefit illegitimately in relation to a formal evaluated academic exercise. This would include but not be limited to false claims of illness, submission within the deadline or of participation in competitions.

Chapter-II

Submission of Report on Academic Misconduct

4. **Report of Academic Misconduct:** Any member of the University community (including guest faculty) may report any form of Academic Misconduct. Teachers would be required to take special care to detect Academic Misconduct. In addition, any student or other member of staff who evidence of someone’s Academic Misconduct may present the same to the concerned faculty member and request that proceedings be initiated.
5. **Misconduct during in-class Examinations:** When a student is suspected of indulging in Academic Misconduct during the course of an in-class examination, the invigilator shall immediately be informed of the same. On receipt of such information, the invigilator shall issue the student with a fresh sheet, confiscate the material (if any), and shall report the matter to the Examination Committee.

The Examination Committee shall recommend to the Vice-Chancellor to constitute an Unfair Means Committee consisting of three faculty members other than those belonging to the Examination Committee. The Unfair Means Committee shall make its recommendations to the Registrar after hearing the student upon taking due consideration in the matter. The Unfair Means Committee shall issue written notice to the student concerned asking him to reply to it within 10 days and appear before the Committee for

personal hearing. The proceedings in the matter shall be completed within fifteen days. The Registrar shall pronounce an appropriate punishment in case the student is found guilty of Academic Misconduct. However, the student may appeal against the order of the Registrar to the Vice-Chancellor within a week.

- 6. Misconduct with regard to submissions of Seminar Papers, Project Reports, or Take-Home Examinations:** When a student is suspected of an Academic Misconduct with regard to the submission of a Seminar paper, project report, or take-home examination, the student shall be required to show cause as to why his or her actions would not amount to a case of Academic Misconduct. In such a situation, the faculty concerned may take *suomoto* action with regard to the penalty that would be applicable.

In case a student may appeal against such a decision to the Examination Committee, which shall then recommend to the Vice-Chancellor to constitute an Unfair Means Committee in accordance with para 5. The procedure of investigation and appeal as specified in para 5 shall then apply.

Chapter-III Proceeding before Disciplinary Authority

7. The Disciplinary Authority, after receipt of the report from the Examination Committee or the Faculty Member, as the case may be, fix a date of hearing within 7 days informing the students to appear before him and after the hearing shall pass appropriate orders either dropping the proceeding or imposing appropriate penalty
8. The student concerned, in case of imposition of any punishment, if feels aggrieved, may prefer an appeal before the Appellate Authority within 7 days of the communication of the order passed by the Disciplinary Authority and the Appellate Authority shall thereafter fix a date for hearing and complete the proceeding within a period of 15 days from the date of receipt of the appeal. The order passed by the Appellate Authority shall be final.

Chapter - IV Punishment for Academic Misconduct

9. Category-A

Forms of Academic Misconduct punishable under Category A would be punishable by:

- (a) Automatic failure in the examination for the subject under question for the first offence;
- (b) Repetition of the year along with a note in the student's marks sheet indicating that he/ she was found guilty of using Academic Misconduct for the second offence;
- (c) Rustication for three years for the third offence of Academic Misconduct.

Forms of Academic Misconduct punishable under this category are:

Cheating or use of Unfair Means, Collusion/ Inappropriate Collaboration, Multiple Submissions and Use of Inappropriate Methods, Misrepresenting Work prepared by another, Falsification of Work Product, Tampering with Materials, Deception, and Plagiarism (15% or more of total work plagiarised, OR 10% or more of total work plagiarised from a single source).

Provided that in case of any act(s) of Academic Misconduct perpetrated in a student's interactions outside the institution (e.g., moots, conferences, submissions for publication), a first offence would be deemed to have been committed and the punishment would apply as though it were a second offence.

Note—Each instance of Academic Misconduct is regarded as a separate offence. Therefore, a student found committing any of the offences mentioned above in three different examinations / submission of reports in one Semester would be committing three separate offences and would be putting himself / herself at risk of rustication.

Category-B

Forms of Academic Misconduct punishable under Category-B would be punishable by:

- (a) Re-doing the assignment under question for the first offence;
- (b) The table of punishments under Category A would apply from the second offence, as though the second offence was the first offence.

Forms of Academic Misconduct punishable under this category are:

Plagiarism (less than 15% of the total work plagiarised or less than 10% of total work plagiarised from a single source)

Provided that in case of any act(s) of Academic Misconduct perpetrated in a student's interactions outside the institution (e.g., moots, conferences, submissions for publication), a first offence would be deemed to have been committed and punishment would apply as though it were a second offence.

Note—Each instance of Academic Misconduct is regarded as a separate offence. Therefore, a student found plagiarising in three different assignments in one Semester would be committing three separate offences and would be putting himself/ herself at risk of rustication.

Category-C

Forms of Academic Misconduct punishable under Category-C would be punishable by:

- (a) Community Work and / or a fine up to Rs.25,000;
- (b) The table of punishments under Category-A would apply from the second offence, as though the second offence was the first offence.

Forms of Academic Misconduct punishable under this category are:

Facilitation of Academic Misconduct

Provided that in case of any act(s) of Academic Misconduct perpetrated in a student's interactions outside the institution (e.g., moots, conferences, submissions for publication, creation of databases intended to facilitate plagiarism of project reports across National Law Universities), a first offence would be deemed to have been committed and punishment would apply as though it were a second offence.

Note—Each instance of Academic Misconduct is regarded as a separate offence. Therefore, a student found facilitating in three different instances of Academic Misconduct in one Semester would be committing three separate offences and would be putting himself / herself at risk of rustication.
