

Procedures for Handling Cases of Cheating, Attempted Cheating on Examinations and Tests

Approved by the board of the Norwegian University of Life Sciences (UMB) on 19 March 2007, pursuant to the Act Relating to Universities and University Colleges of 1 April 2005 no. 15, §§ 4-7, 4-8 and 4-11, as well as the Guidelines for the Appeals Committee at the Norwegian University of Life Sciences (UMB) of 8 December 2005.

Last revised on 17 October 2008.

Chapter 1: Introduction

The Norwegian University of Life Sciences (UMB) considers cheating to be a serious offence, since it represents a breach of confidence by the student towards UMB as an institution. Illegally acquiring a grade or an improved grade is a violation of expected honesty.

All cases of suspected cheating shall as a rule be presented to the University Director, who in turn decides whether or not the individual case shall be treated by the University Board's Appeals Committee (hereinafter referred to as Appeals Committee).

Only the Appeals Committee has the power of decision in cases regarding suspected cheating / suspected attempted cheating. The Department of Academic Affairs and the secretary of the Appeals Committee prepare the case prior to its treatment by the Appeals Committee.

The case is to be treated as a case of suspected cheating, not as a case of cheating. This applies even if the student has admitted cheating / attempted cheating. The case must be dealt with as quickly as possible. The case must be presented extensively and well-documented, not only in order to enable the Appeals Committee to come to a correct decision, but also with regard to the possibility of appeals to the National Appeals Committee and judicial review, cf. the Act relating to universities and university colleges § 4-8 subsection four, § 4-7 subsection three and § 4-11 subsection one.

In cases for which it may seem appropriate, the basis for filing a formal complaint to the police for violation of the Criminal Code should be considered.

All information related to cases of suspected cheating / attempted cheating is confidential, cf. the Freedom of Information Act, § 5a. All executive officers dealing with the case are under duty not to disclose confidential information, cf. the Public Administration Act, § 13. The public does not have access to case-related documents.

The student is entitled to legal assistance by a lawyer or other authorised representative throughout the entire procedure, cf. the Public Administration Act, § 12, subsection one. The right to have these expenses covered according to the Act relating to universities and university colleges, § 4-8, subsection five, applies from the date on which the legal proceedings regarding expulsion/exclusion were instituted.

Chapter 2: Act Relating to Universities and University Colleges, § 4-7 and relevant subsections under § 4-8

§ 4-7. Annulment of examinations or tests

(1) The board itself or the board's appeals committee, cf. section 5-1, may annul an examination or test or recognition of a course if the student

- a) by using a false diploma or by other dishonest means, has gained admission to the examination or test or to attend the course concerned, or*
- b) has attempted to cheat or wilfully or through gross negligence has cheated in the course of or prior to the final assessment of the examination or test concerned, or while taking the course in question.*

(2) The board itself or the institution's appeals committee, cf. section 5-1, may annul credit for or recognition of a course or exemption from an examination or test if the student obtained it by using a false diploma or by other dishonest means.

(3) Annulment decisions pursuant to the first and second paragraph may be appealed to the Ministry or to a special appeals body appointed by the Ministry, cf. section 5-1, seventh paragraph.

(4) The right to annulment has no time limit.

(5) An annulment decision entails an obligation to return any diplomas or mark transcripts to the institution. If such diploma or mark transcript is not returned to the institution at the proper time, the institution may obtain the assistance of an enforcement officer (namsmann) to secure its return, pursuant to the provisions laid down in Chapter 13 of the Enforcement Act.

(6) If the diploma can form the basis of authorization for the exercise of a profession or trade, the institution shall notify the authority concerned of the annulment.

(7) Other institutions under the present Act may be informed of the annulment of an examination or test. The Ministry issues specific provisions concerning information routines, etc.

§ 4-7, subsections 1 (a) and (b) cover:

- cheating in connection with registration for an examination or admission to a course
- cheating while taking an examination
- cheating before an examination or test has been finally graded
- cheating while taking a course

With regard to cheating during examinations, these guidelines define "examinations" as including everything from larger compulsory assignments required to gain admission to an examination to the actual examination itself. Cheating prior to final grading includes cases in which the student attempts to or succeeds in changing his/her submitted paper after the examination. This can also occur after the results of the examination are announced, i.e., the graded examination is changed and the student files a complaint regarding the grade of the examination, and the altered reply is then submitted to the Appeals Committee.

§ 4-8. Exclusion

(Only those parts of § 4-8 which are relevant for dealing with cases of cheating / attempted cheating on examinations/tests are included in the following excerpt).

(3) A student who has behaved as described in section 4-7, first or second paragraph, if the board itself or the institution's appeals committee so decides, cf. section 5-1, may be excluded from the institution and deprived of the right to sit examinations at institutions under this Act for up to one year. The Ministry issues specific provisions concerning information routines, etc.

(4) A decision to exclude a student requires a majority of at least two-thirds. The student may appeal against such a decision pursuant to the provisions laid down in the Public Administration Act. The Ministry or a special appeals body appointed by the Ministry is the appeals body.

(5) The student is entitled to seek the assistance of a lawyer or other spokesman from the date the question of exclusion is raised or from the date of any written warning pursuant to the first paragraph. The cost of such assistance shall be met by the institution.

(For translation of the entire act, please refer to: www.ub.uio.no/ujur/ulovdata/lov-19950512-022-eng.pdf)

When considering the initiation of proceedings according to § 4-8, with the intention of possible exclusion, and if an unreasonably long time has elapsed between the discovery of the case and its treatment by the Appeals Committee, or if the actual case occurred long ago, a discretionary assessment must be conducted in order to determine whether or not it is reasonable to conduct the case. In cases where the student has left UMB or is in the process of doing so, the Appeals Committee can, instead of exclusion, rather decide to deny the student to return to UMB for further studies for one or two semesters.

Chapter 3: Relevant Types of Student Assessments

Based on the *Regulations for Examinations at the Norwegian University of Life Sciences (UMB)*, the different types of examinations/student assessments are listed below:

- Written examination/test under supervision
- Written examination/test without supervision (e.g., term papers)
- Oral examination/test
- Master's thesis
- Individual course work
- Project papers, experimental work

Chapter 4: Criterion of Liability / Standard of Proof

The mildest form of response is the annulment of an examination. Annulment by itself is used in the least serious cases of cheating. Annulment does not require intent, i.e., that the student has

deliberately carried out the act that can be characterized as cheating. It is sufficient that the student has acted grossly negligent. This implies that an examination can be declared null and void even if no evidence has been produced that the student intended to cheat. The decision to annul an examination is made by the Appeals Committee and requires a simple majority vote. An examination that has been declared null and void counts as one attempt.

Pursuant to Section 4-8 no. 3 of the Act relating to universities and university colleges, a student who has cheated can be excluded from the institution and deprived of the right to sit examinations at institutions under this Act for up to one year. It is sufficient that the student has acted grossly negligent. A decision to exclude a student is made by the Appeals Committee and requires a majority of at least two-thirds.

Chapter 5: Examples of Acts Considered as Cheating / Attempted Cheating

a) Written examination/test under supervision

All written examinations/tests must state whether or not the use of aids is permitted. If the use of aids is permitted, these must be specified in the Course Catalogue and on the actual examination/test paper. Such aids must be in accordance with the aid codes specified in chapter 12 *Use of aids in final, written examinations, in Supplementary Provisions to the Regulations for Examinations at the Norwegian University of Life Sciences (UMB)*. Anything else of scientific relevance is classified as an unauthorised aid. Having access to such aids during an examination/test is to be treated as suspected cheating / attempted cheating, even if the examinee has not made use thereof or was caught in the act. Having access to unauthorised aids during an examination/test outside of the actual premises of the examination, e.g., on the toilet, is also considered to be suspected cheating / attempted cheating.

Unauthorised aids include:

- Sheets or bits of paper containing information related to the curriculum
- Relevant information as sheets of paper or text written or pasted into permitted aids such as dictionaries or law books
- Own scratch paper with a pre-written draft
- Books (from the reading list) or other books relevant to the subject in question
- Calculators (or PCs) with a capacity exceeding the permitted contents or programmability
- Mobile phone

b) Written examination/test without supervision

Cheating or attempted cheating in an unsupervised written examination/test includes cases in which the submitted assignment:

- has been used by the examinee in a previous examination/test
- has been used by another person in a previous examination/test
- was written by another person for the examinee
- reproduces or quotes text from books, articles, websites, other students' assignments, etc. without source reference (plagiarism).

- quotes text from books, articles, websites, other students' assignments, etc. without indicating this by the use of quotation marks, italics or indented margin

Students shall learn how to use sources and references. Students shall become acquainted with the rules that apply to the use of references in connection with examinations without supervision: master's theses, semester assignments, project assignments, home assignments, etc. This can be pointed out to the students when handing out assignments, approving assignment topics, assigning supervisors, etc. Students must also be warned that the lack of bibliographical references could imply suspected cheating (plagiarism).

Experience shows that the notion of "cheating" has to be evaluated and distinguished from various forms of poor scholarship. Such an assessment, however, depends on the level of the individual student, and applies mostly to beginning and undergraduate students.

It could be appropriate to make the following distinction:

- Directly copying or slightly rewriting text from generally known textbooks without proper source acknowledgement is not necessarily considered as cheating / attempted cheating, but is considered – depending on the circumstances – as an academically immature and non-independent submission.

Each student shall submit a declaration together with her/his paper.

c) Cheating/attempted cheating prior to and after the examination/test

In cases of suspected cheating before or during an examination/test, the student shall be notified thereof. Usually, the examination/test is to be continued as planned, if the student so desires, since no sanctions can be implemented before the Appeals Committee has dealt with the case and come to a decision. The examination/test is marked as usual. The student will not receive the grade of the examination/test before it has been decided on whether or not to proceed with the case. If so, the grade is not disclosed. Otherwise, the grade is relayed to the student in the usual way. If the student as the result of the case procedures is found guilty of cheating /attempted cheating, the examination/test can be declared null and void.

Chapter 6: Documentation

In cases of suspected cheating, one shall immediately:

- Assess the situation
- Secure any available evidence
- Record important dates and times
- Talk with involved witnesses

Relevant documentation:

- Examination/test paper, set of answers, external examiner's notes, etc.
- Any documents used in the suspected case of cheating; e.g., unauthorised bits of paper, loose sheets, notes, etc.

- Relevant regulations (Act relating to universities and university colleges, Regulations for Examinations at the Norwegian University of Life Sciences (UMB), Instructions for Invigilators at UMB (for supervised written examinations/tests), etc.
- Statements and comments from relevant persons, e.g., invigilators, external examiners, students, etc.

A precise and detailed overview of all circumstances that may be of importance should be prepared, including a list of all involved persons.

Chapter 7: Administrative Procedures

The case shall not be treated in other relevant fora at UMB before being dealt with by the Appeals Committee.

The Department of Academic Affairs is responsible for basic documentation and investigation of the case. This includes contacting the student and informing him/her of his/her rights. A case description, documentation and a proposed response is then sent to UMB's Appeals Committee, which then deals with the case – if the committee finds there are reasons for doing so.

Chapter 8: Rules of Procedure – Student Rights

The Department of Academic Affairs shall inform the student that a case is being prepared, and allow him/her to comment the case. In this connection, it may be useful and desirable to have a meeting with the student in order to further clarify the circumstances of the case. The student is to be informed of the details of the suspicions, of the case's further procedures and of his/her rights. This information must also be presented to the student in writing, cf. the Public Administration Act, § 16. The student must be given a reasonable amount of time to prepare and submit a written statement.

The student is entitled to legal assistance by a lawyer or other authorised representative throughout the entire procedure, cf. the Public Administration Act, § 12 first subsection. This means that all communication with the student can be conducted via the student's representative. When the student has selected an authorised representative, and informed UMB thereof, all communication is to be conducted via that person. In accordance with the Act relating to universities and university colleges, § 4-8 subsection five, UMB is required to cover the expenses of such assistance.

The student or his/her authorised representative have partial right of access to the case documents, in accordance with the Public Administration Act, §§ 18-20. This does not include internal assessments that are part of the case procedures, cf. the Public Administration Act, § 18 subsection two. During the preparation of the case, the student or his/her authorised representative will normally have right of access to factual documents, e.g., the student's own examination papers, an account of the course of events, testimonies by witnesses, guidelines, etc.

When the case is submitted to UMB's Appeals Committee, the committee shall notify the student before the case is treated by the Appeals Committee. The committee's notification shall - no matter what information the student has previously received - include a brief description of the suspected case, case procedures and possible resolutions that can be passed by the Appeals

Committee (annulment and exclusion). The notification shall also include information about the student's rights in accordance with the Act relating to universities and university colleges, §§ 4-8 and 4-1. If there is a possibility that the student will be prosecuted, this must also be mentioned.

The student shall be allowed a reasonable amount of time to prepare a statement. When the Appeals Committee – after possibly having received such a statement – decides to deal with the case, the committee notifies the student and his/her authorised representative thereof, including the date on which the case will be heard. Case documents and the proposed resolution are to be enclosed together with this notification. The student and his/her authorised representative have the right to attend the Appeals Committee meeting. The meeting should be fixed in agreement with the student's representative, and in due time before being held. The notification about the date and venue of the Appeals Committee meeting shall be sent by registered mail.

Chapter 9: Appeals Committee Hearing and Implementation of the Resolution

At the Appeals Committee's hearing of the case, the procedural rules according to the Civil Procedure Act shall be applied, where appropriate. The Appeals Committee chairperson, or the deputy chairperson, presents the case and a proposed resolution. Thereafter, the student's representative is allowed speaking time, before the student presents his/her version of the case and answers questions. The Appeals Committee thereafter discusses the case internally and puts the matter to a vote. Annulment of an examination/test requires a simple majority vote, where the chair's vote decides in case of an equality of votes, cf. the Act relating to universities and university colleges, § 9-7. Exclusion requires a two-thirds majority vote, cf. the Act relating to universities and university colleges, § 4-8 subsection four.

The Appeals Committee informs the student of the committee's decision. This notification is to be sent by registered mail with a receipt, and shall include the actual decision, the justification thereof (cf. the Public Administration Act, § 24 and 25), a specification of what the decision implies, as well as information about the student's rights according to § 4-8 (subsection four) and § 4-11 of the Act relating to universities and university colleges. This also includes the terms of appeal to the National Appeals Committee and the deadline for taking the resolution to court. The student shall furthermore be informed that he/she is him/herself responsible for following up the decision, and that all compulsory practical courses, examinations/tests, etc. that he/she succeeds in completing within the period of exclusion will be declared null and void. It must also be mentioned if an exclusion of the student is to be registered in the national student administration system (*Felles Studentssystem*, FS). If the student is represented by a lawyer or another person, the Appeals Committee's decision is to be sent to that person in the same way.

If considered necessary, communication with the student at an earlier stage of the case procedure can also be sent by registered mail. Otherwise, the decision is to be relayed to the student according to the current regulations.

Chapter 10: Types of Response and Implementation of Individual Decisions

Annulment (only)

Annulment is no penal sanction, and should only be applied in the least serious cases of cheating. Nevertheless, annulment can have relatively significant consequences if the annulled examination/test counts as one of the three attempts a student is entitled to per examination/test.

The Department of Academic Affairs is responsible for implementing the decision.

If the annulled examination/test represents a necessary part of an awarded degree, the diploma shall be returned by the student, cf. Act relating to universities and university colleges, § 4-7. If this does not occur voluntarily, UMB's University Director sends a request to the enforcement officer for legal enforcement according to the Enforcement Act, § 13.

Exclusion for one or two semesters

In accordance with the Act relating to universities and university colleges (§ 4-8, subsection three), the board of an institution or its appeals committee can decide to exclude a student that has cheated or attempted to cheat from the institution and deprive the student of his/her right to take examinations/tests at institutions covered by the Act relating to universities and university colleges for up to one year. Exclusion from taking examinations/tests includes that the student is also not permitted to register for and attend courses.

Decisions made before the deadlines for course (examination/test) registration, i.e., 15 February and 15 September for the spring and fall semesters, respectively, are usually implemented immediately and apply to the remainder of the semester (and the following semester, if the decision was exclusion for two semesters). Decisions made after the deadlines mentioned above are implemented as of the following semester. (UMB's academic year is divided into 2 semesters: autumn and spring semester. The semesters are in turn subdivided into a January block, spring parallel, June block, August block and autumn parallel).

Exclusion from attending courses means such instruction where it is practically possible to control that an excluded student is not participating. Exclusion for one or two semesters shall have as much actual effect as possible for one or two semesters, respectively. In cases for which the Appeals Committee finds a 2-semester exclusion to be appropriate, but where the student's study programme would lead to a *de facto* loss of three semesters, the Appeals Committee can consider excluding the student for one semester, if this leads to a *de facto* loss of two semesters. In case of exclusion for two semesters, of which the first is a spring semester, any summer courses should be included as part of the spring semester in the exclusion. If the summer courses are extremely important for the student in question, this must be taken into consideration when determining the period of exclusion.

Exclusion can be implemented immediately, even if the student appeals to the National Appeals Committee, and thereafter takes the case to court. UMB's Appeals Committee can, either on its own initiative or upon petition by the student, decide to postpone the implementation of the decision if the committee considers it reasonable, cf. the Public Administration Act, § 42. The student also has the option to apply for an interim court order. At the same time, a writ must be issued with the statement of claim to postpone the implementation of the decision until a final and conclusive judgement is made.

The Department of Academic Affairs is responsible for implementing the decision.

Chapter 11: Appeals and Court Examination

The student can challenge the decision of UMB's Appeals Committee to the National Appeals Committee. If the National Appeals Committee supports the UMB Appeals Committee's decision, the student can, pursuant to the regulations in the Act relating to universities and university colleges, § 4-11, request a judicial examination of all aspects of the decision. In that case, the student must file a civil suit against UMB within three months after having received the National Appeals Committee's rejection of the student's appeal.

It would make sense that the student appoints a lawyer for the case, since UMB has to cover the student's expenses for legal assistance, pursuant to the Act relating to universities and university colleges, § 4-11. The lawyer is the student's legal representative in the case. The lawyer is paid according to national rates in accordance with the Free Legal Aid Act.

The summons contains a summary of the case (based on evidence), procedural comments and a statement of claim. The court sends a copy of the summons to UMB, who, via its legal representative, gives notice of its intention to defend in the form of pleadings. There may be several rounds of pleadings.

UMB's treatment of such cases is the responsibility of the University Director. As soon as UMB is informed that a case has been or presumably will be taken to court, a responsible executive officer shall be appointed in order to coordinate all work relating to the case, including communication with both parties' legal representatives.

When the case comes to court, UMB appears with a legal representative with authorisation from the Vice-chancellor, cf. the Act relating to universities and university colleges, § 12-1 subsection two. As representative, a head of office or other leading administrative staff member familiar with the case should appear in court. The actual trial consists of opening speeches by both parties (plaintiff and defendant), statements by the litigant parties, examinations (witnesses and experts) and argument by counsel. The court trial is to be conducted according to the regulations laid down in the Civil Procedure Act.

When the case has been taken to court, all communication with the student and his/her legal representative shall be carried out via UMB's legal representative.

Chapter 12: Filing a Formal Complaint According to the Criminal Code

Annulment and exclusion are not considered penalties in the sense of the Criminal Code. These forms of response are associated with serious study-related offences, pursuant to the provisions of the Act relating to universities and university colleges. In cases of (suspected) cheating, certain forms of behaviour/acts could occur which may necessitate the filing of a formal complaint according to the Criminal Code. Such behaviour/acts could include forgery, false statements, burglary, etc.

The person reporting the offence to the police, and possibly applying for a prosecution, needs an authorisation for this from UMB's University Director.

Chapter 13: Information

While treating a case of (suspected) cheating and after a decision has been made by the Appeals Committee, UMB may receive enquiries about the case from newspapers, local radio stations, etc. The Freedom of Information Act regulates public access to the case by the press and other external parties. If the student chooses a journalist as his/her legal representative, the Public Administration Act regulates the journalist's right of access instead of the Freedom of Information Act.

UMB employees shall not comment enquiries from anyone other than the student and his/her representative on whether or not a case of (suspected) cheating is being dealt with. Enquiries from the press or other parties shall generally be referred to the University Director at UMB.

When the decision has been made, the type of cheating and the extent of UMB's response can be stated. Considering the deterrent effect of such measures, it is important that information about the case and the Appeals Committee's decision is passed on to the students.

When the case has been treated by a court, the actual judgement is public. For other uses than specific administrative procedures, e.g., informational activities at UMB, the student's name shall be deleted.

Chapter 14: Coming Into Force

These regulations come into force as of 19 March 2007.

Norwegian acts (*lov*) mentioned in the preceding document:

<u>English name used</u>	<u>Norwegian Act</u>
Civil Procedure Act	<i>Tvistemålsloven</i>
Enforcement Act	<i>Tvangsfullbyrdelsesloven</i>
Free Legal Aid Act	<i>Lov om fri rettshjelp</i>
Freedom of Information Act	<i>Offentlighetsloven</i>
Public Administration Act	<i>Forvaltningsloven</i>
Act relating to universities and university colleges	<i>Universitets - og høyskoleloven</i>