



Republic of Namibia
Annotated Statutes

REGULATIONS

RULES MADE IN TERMS OF

Education Act 16 of 2001
section 15

Rules relating to minimum requirements and minimum standards for conducting and administration of National Examinations for Junior Secondary Certificate (Grade 10) and National Senior Secondary Certificate (Grade 12)

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PART 1
DEFINITIONS

Definitions

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Rules relating to minimum requirements and minimum standards for conducting and administration of National Examinations for Junior Secondary Certificate (Grade 10) and National Senior Secondary Certificate (Grade 12)

1. In these rules, a word or an expression to which a meaning has been assigned in the Act has that meaning and unless the context indicates otherwise -

“candidate” means a person registered with the Ministry for examinations;

“cashier” means a person collecting examination fees in respect of full-time and part-time candidates;

“centre” means -

- (a) a school; or
- (b) an education institution, whether full-time or part-time, registered with the Ministry for the purpose of conducting an examination;

“DNEA” means the Directorate of National Examinations and Assessment in the Ministry;

“examination” means the national junior secondary certificate examination also referred to as “JSC examination” or the national senior secondary certificate examination also referred to as “NSSC examination”;

“examination material” means examination material authorised by the Ministry for the purpose of an examination, but excludes material which the Ministry officially release to the public;

“head of examination centre” means a person appointed to conduct and administer the JSC and NSSC examinations for both full-time and part-time candidates at a centre;

“malpractice” means an act of malpractice referred to in rule 20;

“regional examination official” means a person appointed at a level of an education officer to oversee the administration of examinations at a regional level; and

“the Act” means the Education Act, 2001 (Act No. 16 of 2001).

PART 2
REGISTRATION FOR EXAMINATIONS

Registration for examinations

2. Every full time and part-time centre that is registered with the Ministry must ensure that every learner enrolled in the tenth grade and the twelfth grade at that centre is registered with the Ministry for the purposes of an examination.

PART 3
POWERS AND DUTIES OF BOARD

Powers and duties of Board

- 3.** The Board -
 - (a) must ensure that examinations are conducted in a fair and transparent manner;

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- (b) may in writing designate as a restricted area -
 - (i) an area in which examination material is to be prepared, packed and stored or from which examination material is to be distributed or in which examination answer books are to be marked or in which examination-related information is to be kept in any form; or
 - (ii) any other area, which may include a vehicle, which the Board considers necessary as an area or vehicle to which access to examination material must be restricted in order to protect the security or integrity of the examination; and
- (c) may issue directives for the conducting and administration of examinations.

PART 4
POWERS AND DUTIES OF REGIONAL EXAMINATION OFFICIAL

Powers and duties of regional examination official

- 4. The regional examination official must in respect of examinations -
 - (a) secure the timely delivery of question papers and other documents related to examinations;
 - (b) ensure timely collection from centres or circuit offices and secure the timely dispatch of the following documents to the DNEA -
 - (i) answer books;
 - (ii) registration forms;
 - (iii) year mark sheets for continuous assessment and school based assessment; and
 - (iv) other relevant documents;
 - (c) ensure that the policies, rules and regulations for the conduct of examinations are implemented by centres;
 - (d) ensure that revenue collected from the registration of candidates is paid in at the receiver of revenue offices and dealt with according to treasury instructions referred to in section 24 of the State Finance Act, 1991 (Act No. 31 of 1991);
 - (e) scrutinise and verify applications for the establishment of institutions which intend to be registered for purposes of examinations and determine whether or not such institutions comply with the applicable policies and requirements;
 - (f) ensure the timely receipt and dispatch of application forms of markers, moderators, examiners, invigilators and heads of examination centres for submission to the DNEA;

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- (g) check the correctness of claims of invigilators and heads of examination centres for submission to the DNEA for payment and disseminate cheques to recipients on receipt from DNEA;
- (h) investigate malpractice cases referred by the DNEA;
- (i) oversee the registration for examination of full-time and part-time candidates in the region concerned;
- (j) liaise with area managers of Namibian College of Open Learning, known as NAMCOL and other institutions registered with the Ministry, in respect of examinations relating part-time candidates at that institution;
- (k) act as a link for the secure and timely exchange of examination related materials between DNEA and centres;
- (l) train principals, heads of examination centres and chief invigilators on the conducting of examinations;
- (m) arrange transport for officials appointed to render services in the administration of examinations; and
- (n) ensure that transport used for the delivery and collection of question papers and answer books between the DNEA, regional offices, circuit offices and centres meets the security requirements, such as having a canopy and lockable door.

PART 5
POWERS AND DUTIES OF HEAD OF EXAMINATION CENTRE

Powers and duties of head of examination centre

- 5.** (1) The head of examination centre is responsible for the overall administration and security of examinations written at the centre.
- (2) The head of examination centre must in respect of examinations -
 - (a) ensure compliance by centres with the applicable policies, rules and regulations;
 - (b) train and supervise invigilators;
 - (c) control the examination registration process and the collection and handling of examination registration forms and examination registration fees in compliance with the treasury instructions as contemplated in section 24 of the State Finance Act, 1991 (Act No. 31 of 1991);
 - (d) check, handle and complete all ensuing examination documentation to and from centres as well as to and from regional education offices and the Ministry;
 - (e) control and handle remuneration forms of persons appointed as invigilators of centres where part-time candidates are registered;
 - (f) provide a service to candidates relating to the release of examination results and examination related enquiries;

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- (g) issue and re-issue certificates and certifying statements for lost certificates in respect of examinations when received from the DNEA;
- (h) register candidates, issue credit notes and handle examination fees, if appointed as cashier, in compliance with the treasury instructions referred to in section 24 of the State Finance Act, 1991 (Act No. 31 of 1991);
- (i) train cashiers in order to enable them to correctly collect examination registration fees on the submission of entries, issuing of credit notes or receipts and handling of collected fees;
- (j) oversee and exercise control over cashiers in respect of collection and handling of examination and related fees;
- (k) check examination registration forms for completeness and accuracy and submit completed entry forms and receipts as proof of payment through the regional examination official to the DNEA;
- (l) oversee the verification of registered candidates and the processing of late registration, if any;
- (m) provide candidates with important information, rules, regulations and dates pertaining to examinations;
- (n) arrange for transfer of candidates from one centre to another if such requests are received in good time;
- (o) apply for special arrangements to be made in cases where a candidate has a disability whether physical, mental or visual;
- (p) issue admission permits to candidates when received from the DNEA;
- (q) receive, store, issue, control and take responsibility for the safekeeping of question papers, examination material and related documentation at centres;
- (r) exercise control over persons appointed as invigilators and the administration of examinations at a centre, to ensure that policies, rules and regulations are correctly and all target dates are strictly adhered to before, during and after the examination period;
- (s) ensure that high-quality invigilation is done by persons appointed as invigilators;
- (t) pack and arrange for the dispatch of answer books and other related documentation;
- (u) check, verify and on time submit completed claim forms of invigilators at centres where part-time candidates are registered to the regional examination officials;
- (v) provide preliminary statements of results and certificates to candidates after results have been published and handle enquiries related to results, lost certificates; and

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- (w) receive and distribute certificates relating to examinations and return unclaimed certificates to the DNEA.

PART 6
DUTIES OF INVIGILATORS

Duties of invigilator in respect of examination room

- 6.** The invigilator must, in respect of an examination room -
- (a) ensure that candidates' tables and chairs are spaced 1,25 m apart in all directions;
 - (b) check that any display materials such as charts, diagrams, teaching aids and any other learning material have been cleared or removed from the walls of the examination room;
 - (c) check that the following are displayed -
 - (i) Notices to Candidates;
 - (ii) a clock clearly visible to all candidates;
 - (iii) a board showing -
 - (aa) the name of the centre, subject, subject code, paper and date;
 - (bb) starting time and finishing time of the examination and the time intervals;
 - (d) check that the following are at hand -
 - (i) a copy of the handbook for centres;
 - (ii) any subject-specific instructions;
 - (iii) a seating plan of the examination room; and
 - (e) check the lighting, ventilation and conditions inside the examination room and level of noise outside the examination room.

Duties of invigilator in respect of identification documents

7. The invigilator must verify identification documents and admission permits of candidates as the candidates enter the examination room.

Duties of invigilator before examinations

- 8.** Before an examination starts, the invigilator must -
- (a) obtain the question papers, multiple-choice answer sheets and stationery from the safe, 45 minutes before the examination starts;

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- (b) complete the relevant form, to certify that the question paper envelopes were sealed and intact on the day of the examination, when taking the question paper envelopes out of the safe;
- (c) ensure that candidates arrive at the examination venue 30 minutes before the examination starts;
- (d) ensure that candidates are seated 15 minutes before the starting time;
- (e) ensure that candidates are seated according to their examination numbers;
- (f) tick (✓) off the names of the candidates on the check list as they enter the examination room;
- (g) inform candidates of the policies, rules and regulations of the examinations that apply to them and draw their attention to the Notices to Candidates;
- (h) inform candidates that all unauthorised materials must be handed in before entering the examination room;
- (i) instruct candidates to complete their details on the front of the answer books;
- (j) draw the attention of candidates to the instructions on the front of the question paper and inside the cover of the answer book;
- (k) ensure that any time, specially allocated for candidates to read question papers and study maps, is included in the writing time and no additional time is allowed;
- (l) open the plastic question paper envelopes in the examination room in front of candidates by cutting the top part of the envelope with scissors where indicated, but ensure that the strip is not cut off completely;
- (m) count the question papers before handing them out to candidates;
- (n) remind candidates to write in blue or black ink; and
- (o) inform candidates when they may begin and how much time they have.

Duties of invigilator during an examination

- 9.** During examinations, the invigilator must -
- (a) if a candidate arrives late, cheats or creates disruptions, read to that candidate the rules for invigilators;
 - (b) not allow candidates to read through question papers and other examination materials before the starting time as the reading allowance is included in the total time of the question papers;
 - (c) be vigilant and not be occupied with any other activity during examinations;
 - (d) supervise the candidates by moving around the examination room to prevent cheating and disruptions;

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- (e) not give any information to candidates about -
 - (i) suspected errors in the question papers unless directed to do so by means of a note from the Ministry;
 - (ii) any format in the answering of a question or particular question; or
 - (iii) translations of a question for clarity or simplification;
- (f) ensure that a candidate does not leave the examination room until half of the total time shown on the question paper has expired and also not during the last 15 minutes of the examination;
- (g) ensure that no question paper is removed from the examination room before half of the total time of the question paper has expired;
- (h) ensure that a staff member of the centre or an invigilator is available to accompany any candidate who needs to leave the examination room temporarily;
- (i) refer candidates to the rules for invigilators if there is an emergency or malpractice;
- (j) inform candidates when they have 15 and 5 minutes remaining; and
- (k) instruct candidates to stop writing at the end of the examination.

Duties of invigilator after examinations

- 10.** After an examination, the invigilator must -
- (a) instruct candidates to check that -
 - (i) all the required information has been entered on their answer books; and
 - (ii) the questions are correctly numbered;
 - (b) collect all answer books, multiple choice answer sheets and all unused stationery while candidates remain seated and complete the number of books column on the check list as the answer books are received or collected after the examination session has expired;
 - (c) complete the absent column on the check list in respect of absent candidates;
 - (d) complete and sign the check list and head of examination centre certificate;
 - (e) ensure that for every candidate ticked present an answer book has been received;
 - (f) arrange answer books in check list order and divide the answer books into manageable bundles;
 - (g) staple the check lists and head of examination centre certificate to the front page of the first answer book on top of the first bundle of answer books of the component;

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- (h) complete a bundle identification form for each bundle of answer books, place the form on top of each bundle and bind the bundles;
- (i) ensure that -
 - (i) control forms are completed while packing bundles of answer books into boxes;
 - (ii) boxes are appropriately labelled with labels, and
 - (iii) boxes are sealed with wide buff tape; and
- (j) ensure that answer books are packed immediately and sealed in boxes after each examination session and kept in a secure place before despatch.

PART 7
DUTIES OF CANDIDATES

General duties of candidates

11. (1) Failure to attend an examination, without reasonable cause, may result in the award of no marks for that examination.

(2) It is the responsibility of the candidate to be aware of the details of the examination timetable.

(3) If a candidate is unable to attend an examination because of illness, he or she must obtain a medical certificate from a registered medical practitioner as soon as reasonably practicable and submit it to the head of examination centre.

Duties of candidates before examinations start

12. Candidates must comply with the following rules -

- (a) before entering the examination room, candidates must present proof of identification such as original passport, original driving license or original national identity card and the relevant timetable;
- (b) a candidate must arrive at least 30 minutes before the start of each examination session;
- (c) a candidate may not enter the examination room to sit for a written examination after it has been in progress for more than 30 minutes;
- (d) a candidate who arrives late for an examination may not be given additional time to sit for the examination;
- (e) a candidate may take into the examination room only the materials and equipment which are allowed and may not take into the examination room any unauthorised materials or equipment such as calculators, bags, personal stereos, MP3 players, iPods, cellular phones, food, drinks or cigarettes;

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- (f) if, due to unforeseen circumstances, a candidate is unable to reach the examination room in time, he or she must contact the head of examination centre immediately; and
- (g) if, on the day of the examination, a candidate feels that his or her work may be affected by ill health or any other reason, the candidate must inform the invigilator.

Duties of candidates during examinations

13. In the examination room -

- (a) during an examination -
 - (i) candidates are permitted to use calculators unless their use is prohibited in the syllabus for the subject; and
 - (ii) dictionaries are not allowed;
- (b) a candidate may not smoke, eat or drink or behave in a disruptive manner;
- (c) a candidate may not talk to or disturb other candidates once the examination has started;
- (d) a candidate must comply with the instructions of the invigilator;
- (e) a candidate must only write the subjects which appear on his or her admission permit;
- (f) a candidate must inform the invigilator immediately if he or she has not been given the right question paper or all the materials listed on the front of the question paper;
- (g) candidates must carefully read the instructions printed on the question paper or on the answer book;
- (h) candidates must fill in the correct details required on the front of the question paper or the answer book before the start of the examination;
- (i) candidates must write in blue or black ink, except when otherwise instructed on the question paper;
- (j) a candidate may not borrow anything from another candidate during the examination;
- (k) a candidate may not communicate with any other person except the invigilator during the examination;
- (l) a candidate must, before the start of the examination, ensure that his or her calculator is in good working order and that the calculator memory has been cleared;
- (m) for examination sessions longer than one hour, candidates are not allowed to leave the examination room until at least half of the total time for the session has expired

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and if a candidate is allowed to leave before the end of the examination, he or she may not be allowed to return;

- (n) if a candidate has used more than one answer book or any loose sheets of paper, these must be placed in the correct order;
- (o) for examination sessions shorter than an hour a candidate is not allowed to leave the examination room until the end of the session;
- (p) candidates must remain seated until the invigilator has collected or checked the answer books;
- (q) a candidate may not leave the examination room during the last 15 minutes of the examination, except in exceptional circumstances and with the permission of the invigilator;
- (r) a candidate may not leave and return to the examination room during an examination unless supervised by an invigilator or a staff member while absent;
- (s) a candidate may not take from the examination room any examination stationery, used or unused, rough work or any other materials provided for the examinations;
- (t) a candidate may not leave the examination room until the invigilator tells them to do so;
- (u) a candidate must behave properly inside the examination room and not participate in any malpractice and if a candidate commits a malpractice the head of examination centre may request the candidate to leave the examination room; and
- (v) if during the examination a candidate has a problem and is in doubt as to what he or she must do, feels ill, needs another answer book or more answer books, the candidate must raise his or her hand.

Absence from examination due to illness or other condition

14. (1) If a candidate leaves an examination room because of illness, he or she must obtain a medical certificate from a registered medical practitioner within 72 hours from the date of absence and submit it immediately to the head of the examination centre.

(2) If a candidate is unable to write the examinations for reasons apart from illness or injury, a written report in which the reasons are set out, must be submitted to the head of the examination centre.

Examination material

15. (1) It is the responsibility of the candidate to ensure that all his or her answer books are appropriately marked with an identifying name and number.

(2) When a candidate has completed the examination, the candidate must hand in all the answer books and examination material handed to him or her to the invigilator.

(3) A candidate may not remove any answer books or examination material from the examination room.

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PART 8
ACCESS TO AND DISPOSAL OF EXAMINATION MATERIAL

Access to answer books and examinations materials

16. (1) Examination materials are confidential and after the examination concerned they become the property of the state, but access to answer books and examination materials may be allowed in accordance with this rule.

(2) A candidate or his or her parent or guardian intending to request access to that candidate's answer book and examination materials must in writing submit such a request to the head of examination centre and the request must set out detailed reasons for the request.

(3) The head of examination centre must submit the request referred to in subrule (2), to the Board.

(4) The Board must consider the request referred to in subrule (3) and -

(a) if satisfied that the reasons provided are valid and plausible, must grant the request; or

(b) may refuse the request and give written reasons to the person who made the request.

(5) Access to answer books and examination materials under this rule, may only be allowed to determine that -

(a) the answer books and examination materials belongs to the candidate concerned;

(b) the answer books and examination materials has been completely marked; or

(c) all parts of the answer books and examination materials are intact.

(6) Access to answer books and examination materials under this rule is only allowed under the following conditions -

(a) the request to access answer books and examination materials will only be accepted after a re-mark and re-check of the answer book or books concerned have been carried out;

(b) the request to access answer books and examination materials must be made within 14 days of the release of the results of the re-mark or re-check;

(c) the answer book and examination materials must be viewed in the presence of an examination official of the Ministry and may not be removed from the viewing room; and

(d) no other documents, except the answer books and examination materials of the candidate concerned will be allowed in the room where the viewing takes place.

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(7) The candidate or the candidate's parent or guardian have seven days to lodge a complaint, relating to the viewing of answer books and examination materials, to the Board and the Board must make a final decision in that respect.

Disposal of answer books and examination materials

17. (1) For the purpose of this rule, terminated answer books and examinations materials are documents of the examinations that have been written the previous year and are regarded by the Ministry to have no administrative value after all examination queries had been attended to.

(2) An official authorised by the Minister must dispose of terminated answer books and examination materials six months after examinations had been written.

(3) The answer books and other examination material used in malpractice cases must only be disposed after the case has been solved.

(4) Disposal of answer books and other examination material must be made in accordance with the Archives Act, 1992 (Act No. 12 of 1992).

PART 9
REPORTING MALPRACTICES AND INVESTIGATIONS

Reporting malpractices

18. (1) A malpractice detected by invigilators or candidates must be reported to the principal of a school or head of the examination centre immediately after the examination session.

(2) If a candidate ignores a request from an invigilator to not behave disruptively, the invigilator may request the candidate to leave the examination room.

(3) If a candidate is requested to leave an examination room in terms of subrule (2), the invigilator must submit the candidate's answer book or books and examination material to the head of examination centre as they were at the time when the candidate was requested to leave.

(4) The invigilator must record the time the candidate left the examination room in terms of subrule (2) on the answer book or books and examination material and must submit a report on the matter to the head of examination centre.

Investigations

19. (1) Officials authorised by the Minister must investigate malpractices.

(2) For the purpose of an investigation, the official contemplated in subrule (1), may -

(a) at any reasonable time enter the premises of a centre;

(b) if he or she has reason to believe that any person is able to give evidence on any matter related to the investigation order that person to appear at a stated time and place to answer questions;

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- (c) question the person contemplated in paragraph (b) under oath or affirmation;
- (d) if he or she has reason to believe that any person is able to produce any article, document, book, video or audio-recording or anything relevant to the investigation or hearing, order that person to deliver to him other that article, document, book, video or audio-recording or thing;
- (e) examine and make copies of any article, document, book, video or audio-recording or anything referred to in paragraph (d), or
- (f) remove any article, document, book, video or audio-recording or thing referred in paragraph (d) if, in his or her opinion, it may provide evidence which will assists in the investigation of a malpractice.

(3) The official contemplated in subrule (1) must after an investigation in terms of this rule, submit a comprehensive report to the malpractice committee of the Board.

(4) The malpractice committee of the Board must after analysing and considering the information relating to the malpractice in question submit all the relevant information to the Board for a decision.

PART 10
MALPRACTICES, HEARING AND APPEALS

Malpractice

20. A candidate, centre or any other person commits a malpractice if that candidate, centre or person acts or fails to act as set out in Annexure A to these rules.

Malpractice hearing

21. (1) On receipt of the relevant information and documents under subrule 19(4), the Board must conduct a hearing and may -

- (a) find the candidate, centre or any other person guilty of a malpractice and in writing inform the candidate, centre or persons accordingly; or
- (b) make a decision that the candidate, centre or person is not guilty of a malpractice and in writing inform the candidate, centre or person accordingly.

(2) Information on the process for hearing of malpractice cases will be sent to the candidate, centre or person involved in the matter.

(3) If a candidate, centre or any other person is found guilty of a malpractice the Board may impose penalties depending on the malpractice concerned as set out in Annexures B and C to these rules.

(4) The Board will impose penalties on a candidate, centre or person found guilty of a malpractice in order to -

- (a) minimise the risk to the integrity of examinations both in the present and in the future;

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(b) maintain the confidence of the public in the delivery and awarding of qualifications; and

(c) deter others from doing likewise.

(5) Penalties imposed by the Board must be justifiable and reasonable in their scale and consistent in their application.

(6) All other information relating to specific instances of malpractice must be disposed of, but only after the case concerned has been solved.

(7) The head of examination centre must inform persons found guilty of a malpractice that certain information relating, may be passed onto other educational institutions.

(8) The information referred to in subrule (7), includes information relating to the names of the offender and offences in respect of which the offender has been found guilty.

Appeals

22. (1) A person aggrieved by a decision taken by the Board may appeal within 14 days against that decision to the appeal committee of the Board.

(2) For the purpose of subrule (1), the following persons may appeal as contemplated in that subrule -

(a) heads of examination centres may appeal against a penalty imposed on the centre or on a staff member of the centre as well as on behalf of candidates registered at the centre;

(b) staff members of the centre or examining personnel contracted to a centre, may appeal against penalties imposed on them personally;

(c) candidates; and

(d) parents or guardians on behalf of candidates.

(3) A candidate or a candidate's parent or guardian may appeal to the Board if not satisfied with the results awarded in a subject to the candidate.

(4) Information on the process for submitting an appeal in terms of this rule will be sent to the candidate, centre or person involved in the matter of appeal.

ANNEXURE A
MALPRACTICES

PART 1
CENTRE OR STAFF MALPRACTICES

The following is a list of malpractices that may involve examination centres or its staff members:

1. Breach of security

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Breach of security involves breach of confidentiality in respect of question papers or examination materials and their electronic equivalents or the confidentiality in respect of candidates' answer books or their electronic equivalents.

Breach of security includes:

- Failing to keep examination material secure prior to an examination.
- Discussing or otherwise revealing confidential information relating to examinations in public, such as on internet forums.
- Moving the time or date of a fixed examination, beyond the arrangements permitted by the DNEA for conducting examinations or conducting an examination before the date determined by DNEA.
- Failing to adequately supervise candidates who have been affected by a timetable variation or deviation from an approved timetable schedule.
- Permitting, facilitating or obtaining unauthorised access to examination material prior and during the examination.
- Failing to retain and secure examination papers after an examination in cases where the life of the paper extends beyond the particular session.
- Tampering with candidate answer books or coursework materials after collection and before despatch to the DNEA.
- Failing to pack examination materials in the strong room according to the time table.
- Failing to verify examination materials from the strong room before handing them to the candidates;
- Opening question paper bags containing question papers prior to the specified time as indicated on the examination time table;
- Invigilating the subject one has taught to the candidates; or
- Leaving candidates unattended during an examination session.

2. Deception

Deception involves any act of dishonesty in relation to an examination or an assessment, including but not limited to:

- Inventing or changing marks for internally assessed components such as coursework where there is no actual evidence of the candidates' achievement to justify the marks being given.
- Fabricating assessment or internal verification records or authentication statements of results.
- Entering fictitious candidates for examinations or assessments or otherwise subverting the assessment or certification process with the intention of financial gain.

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3. Improper assistance to candidates

Giving assistance to candidates through some of the following actions:

- Sharing or lending candidates' controlled assessments or coursework with other candidates in a way which allows malpractice to take place.
- Assisting or prompting candidates with the production of answers during an examinations.
- Permitting candidates in an examination room to access prohibited materials such as dictionaries and calculators.
- Prompting candidates in language speaking examinations by means of signs or verbal or written prompts.
- Assisting candidates granted the use of an oral language modifier, a practical assistant, a prompter, a reader, a scribe or a sign language interpreter beyond that permitted by the applicable policies, rules or regulations.

4. Maladministration

Maladministration involves that failure to adhere to the rules as stipulated in the handbook for centres and syllabuses regarding the conduct of controlled assessments, coursework and examinations or malpractice in the conduct of the examination or assessments or the handling of examination papers, candidate answer books, mark sheets, cumulative assessment records, results and certificate claim forms, including but not limited to -

- Failing to ensure that candidates' coursework or work to be completed under controlled conditions is adequately monitored and supervised.
- Failing to use current assignments for assessments.
- Failing to supervise invigilators adequately, leading to non-compliance with rules and policies for the conducting of the examinations.
- Failing to issue to candidates the appropriate notices and warnings.
- Failing to inform the National Examination, Assessment and Certificate Board of alternative sites for examinations.
- Failing to post notices relating to the examination or assessment in all rooms, including music and art rooms, where examinations and assessments are held.
- Not ensuring that the examination venue conforms to National Examination, Assessment and Certification Board requirements.
- Introducing unauthorised material into the examination room, either during or prior to the examination, but this excludes the use of the examination room to coach candidates or give subject-specific presentations, including power-point presentations, prior to the start of the examination.

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- Failing to ensure that mobile phones are placed outside the examination room and failing to remind candidates that any mobile phones or other unauthorised items in their possession must be handed to the invigilator prior to the start of the examination.
- Failing to invigilate in accordance with the handbook for centres and instructions for conducting examinations.
- Failing to keep accurate and up to date records in respect of access arrangements.
- Granting access arrangements to candidates who do not meet the requirements of the access arrangements, reasonable adjustments and special NEACB consideration.
- Granting access arrangements to candidates where prior approval has not been obtained from the Board or in the case of a more complex arrangement from the DNEA.
- Failing to supervise effectively the printing of computer based assignments when this is required.
- Failing to retain candidates' controlled assessments or coursework in secure conditions after the authentication statements have been signed.
- Failing to maintain the security of candidate answer books prior to despatch to the DNEA.
- Failing to despatch candidate answer book or controlled assessments or coursework to the DNEA in a timely way.
- Failing to report suspected malpractice in examinations or assessments to DNEA as soon as possible after such an instance occurred or is discovered.
- Failing to conduct a thorough investigation into suspected examination or assessment malpractice when asked to do so by the DNEA.
- The inappropriate retention or destruction of certificates relating to examinations.

PART 2
CANDIDATE MALPRACTICES

The following is a list of malpractices which may involve candidates:

1. General acts of malpractices

- The alteration or falsification of any coursework, assessment or examination results, certificates or documents.
- A breach of the instructions or advice of an invigilator, supervisor or the DNEA in relation to the administration and conduct of the examination or assessment.
- Failing to abide by the conditions of supervision designed to maintain the security of the examinations or assessments.
- Collusion, meaning working collaboratively with other candidates, beyond what is permitted during examinations.

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- Copying from another candidate, including the use of information communication technology to copy.
- The deliberate destruction of another candidate's examination material.
- Disruptive behaviour in the examination room or during an assessment session, including the use of offensive language.
- Making a false declaration of authenticity in relation to the authorship of controlled assessments or coursework.
- Allowing others to assist in the production of controlled assessment, coursework or assisting others in the production of controlled assessments or coursework.
- The misuse or the attempted misuse of examination and assessment material and resources such as exemplar materials.
- Being in possession of confidential material prior to examinations.
- Bringing into the examination room notes in the wrong format, where notes are permitted in examinations, or inappropriately annotated texts, in open book examinations.
- The inclusion of inappropriate, offensive or obscene material in answer books, controlled assessments or coursework.
- Pretending to be someone else or arranging for another person to take one's place in an examination or an assessment.
- Theft of another candidate's examination material.
- Bringing into the examination room or assessment situation unauthorised material, for example: notes, study guides and personal organisers, own blank paper, calculators, dictionaries, when prohibited, instruments which can capture a digital image, electronic dictionaries, reading pens, translators, wordlists, glossaries, iPods, mobile phones, MP3 players, pagers or other similar electronic devices.
- The unauthorised use of a memory stick where a candidate uses a word processor.
- Behaving in a manner so as to undermine the integrity of the examination.
- Having access to examination materials prior and during the examination without permission from the DNEA or officials in the Ministry authorised to handle such material.

2. Cheating

Cheating is associated with any inappropriate behaviour during tests or examinations. Cheating may include -

- The copying of someone coursework material.
- The submission of work presented previously in another course.

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- The altering or interference with grades.
- The using or consulting, during an examination, any sources or other persons, the use of electronic equipment or materials not authorised in an examination room.
- Having unauthorised items or texts at his or her desk in the examination room during an examination.
- Making use of unauthorised items or texts during an examination.
- Having loose sheets of paper in the examination room.
- Making use of cell phones, iPods, MP3 players or any equipment with text or digital facilities during an examination.
- Copying from the answer book of another candidate during an examination.
- Dishonestly receiving assistance from another person during an examination.
- Dishonestly giving assistance to another person during an examination.
- Acting dishonestly in any way, whether before, during or after an examination, in order to obtain an unfair advantage in the examination.

3. Plagiarism

Any assignment work must be the candidate's own work and may not contain plagiarized material. Plagiarism is the intellectual theft of another person's creative work, composition or ideas without permission and without proper acknowledgment of the original source. It constitutes serious academic fraud.

Types of plagiarism, include -

Complete plagiarism

When a candidate knowingly submits someone else's essay, artwork, design, music composition, or any other intellectual work as his or her own. The original work may be in the form of a published article, chapter from a book or pamphlet, an unpublished work, for example, thesis, dissertation, laboratory research results. It could also be the work of another candidate, lecturer's lecture notes, a manual, study guide or any similar material.

Semi-complete plagiarism

A candidate presents portions or sections of another person's work. In order to deceive the lecturer, such candidate may disguise the material by either adding his or her own introduction or conclusion or even both to the original section of work. This could also involve adopting another person's text and combining it with diagrams or illustrations from another source or from the candidate himself or herself and presenting the seemingly 'new-look' work as his or her own.

Patchwork plagiarism

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A candidate subtly uses other people's ideas, phrases, sentences and paragraphs from various sources and knits them together into an essay or any type of document, which he or she then presents as his own work.

Lazy plagiarism

This is referred to as research shortcuts. It includes the unintentional, improper use of someone else's language, use of footnotes or material quoted in other sources as if they were the outcome of that particular candidate's research. It also includes inadequate footnoting which leaves out sources or page references.

Self plagiarism

A candidate uses an essay, research report, laboratory results, artwork, music composition, etc., which is written or carried out for one course or subject, to satisfy the requirements of another one. This could take the form of completely using or adapting the original work or even revising, updating the original work to enhance its quality and subsequently submitting it for the intended purpose. To do this, the prior consent of both lecturers must be sought and obtained.

ANNEXURE B
SOME OF THE INDICATIVE SANCTIONS AGAINST A CENTRE

| Proposed sanction | Broad reason for the sanction |
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| Written warning. | Minor non-compliance with the rules or maladministration with no direct or immediate threat to the integrity of an examination or assessment. A breach of rules or policies which if left unchecked could result in a threat to an examination or an assessment. |
| Additional monitoring or inspections by the Ministry. | A failure of the centre systems resulting in poor management of the examination or assessment or inadequate invigilation. |
| Recommend the de-registration of centre to the Minister. | A loss of confidence in the ability of the institution to assess and verify candidates' portfolios satisfactorily. |
| Restrictions on examination or assessment materials. | A failure to maintain the security of examinations or assessment materials. |
| The deployment of independent invigilators. | A loss of confidence in the centre's ability to invigilate examinations. |
| Suspension of candidate registration. | Threat to the interest of candidates registered for a particular grade. |
| Recommend the suspension of centre registration to the Minister. | Loss of the integrity of assessment. |
| Recommend the de-registration of centre to the Minister. | Repeated breach of the rules relating to a specific qualification or a breakdown in management and quality assurance arrangements for a specific qualification or sector or subject area. Loss of confidence in the head of examination centre or senior management of the centre. |

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| | <p>Breakdown in management and quality assurance arrangements for some or all accredited qualifications offered by the centre.</p> <p>A failure to co-operate with the Ministry's requests to investigate thoroughly suspected malpractice.</p> <p>A failure to implement a specified action plan.</p> |
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ANNEXURE C
TABLE OF MALPRACTISE OFFENCES GRADED ACCORDING TO LEVELS OF SERIOUSNESS AND SHOWING APPROPRIATE RANGES OF PENALTIES APPLIED TO CANDIDATES

NOTE: In instances where a box is blank the standard penalties may be imposed.

| MALPRACTICE | PENALTIES | | |
|---|---|---|---|
| Type of offence | Warning | Loss of marks (Aggregation still Permitted) | Loss of aggregation or certification opportunity |
| Introduction of unauthorised material into the examination room, for example - | | | |
| Own blank paper | used for rough work | Used for final answers | |
| Calculators, dictionaries (when prohibited) | | Used or attempted to use | |
| Bringing into the exam room notes in the wrong format or prohibited annotations | Notes or annotations go beyond what is permitted but do not give an advantage | Notes or annotations are relevant and give unfair advantage | Notes or annotations introduced in a deliberate attempt to gain an advantage |
| Notes and study guides | Notes irrelevant to subject | Notes relevant to subject, but no indication of attempt to use | Notes relevant and prepared for use or evidence of use |
| Personal stereo (including MP3, iPod) or and other similar electronic/digital devices | | | Used or not used |
| Mobile phone or other electronic communicating devices | | | Used or not used |
| Breach of examination policies and rules | | | |
| A breach of the instructions or advice of an invigilator, supervisor, or the DNEA in relation to the examination policies and rules | Minor non-compliance; for example sitting in a non-designated seat; continuing to write for a short period after being told to stop | Major non-compliance; for example refusing to move to designated seat; significant amount of writing after being told to stop | Repeated non-compliance |
| Failing to abide by the conditions of supervision designed to maintain the security of | Leaving examination early (no loss of integrity); removing script from examination | Removing answer book t from examination room but with no proof that the script is safe; taking | Deliberately disagree with supervision; removing script from the examination room and |

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| the examinations | room, but with proof that the script has not been impaired; breaching supervision (candidate unaware of policies and rules) | home materials | with proof that the script has been tampered with; leaving examination room early so integrity is impaired |
| Disruptive behaviour in the examination room or assessment session (including the use of offensive language) | Minor disruption lasting short time; calling out, causing noise, turning around. | Repeated or prolonged disruption; unacceptably rude remarks; being removed from the room; taking another's possessions | Warnings ignored; provocative or aggravated behaviour; repeated or loud offensive comments; physical assault on staff or property |
| Two answer books submitted for one candidate | | | When two answer books of a candidate are received without any supporting evidence from the invigilator |
| Answer books removed from examination room and resubmitted later | | | When a candidate removes the answer books from the examination room |
| Answer books with more the one or different handwriting | | | Where the handwritings of a candidate differs |
| Exchanging, obtaining, receiving, or passing on information which could be examination related (or the attempting to carry out such acts) | | | |
| Talking | Isolated incidents of talking before start of exam or after papers had been collected | Talking during exam about matters not related to exam; accepting exam related information | Talking about exam related matters during the exam; whispering answers to questions |
| Written communication | Passing written communications (such as notes) which clearly have no bearing on the examination | Accepting exam-related information | Passing exam related notes to other candidates; helping one another; swapping scripts, buying and selling of prohibited examinations materials prior and during the examinations |
| Offences relating to the content of candidates' work | | | |
| The inclusion of inappropriate, offensive or obscene material in answer books, controlled assessments coursework or portfolios | Isolated words or drawings, mildly offensive, inappropriate approaches or responses | Frequent mild obscenities; Isolated strong obscenity; Isolated mild obscenities or mildly offensive comments aimed at the examiner or member of staff | Offensive comments or obscenities aimed at a member of staff, examiner or religious group; racist or lewd remarks or drawings |
| Collusion: Working collaboratively with other candidates beyond | Collaborative work is apparent in few areas, but possibly due to | Collaborative work begins to affect examiner's ability to | Work of candidates reflects extensive similarities and identical |

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| what is permitted | teacher advice; candidate unaware of the rules and regulations | award a fair mark to individual candidates | passages, possibly due to deliberate attempt to share work |
| Plagiarism: unacknowledged copying from published sources (including the internet); incomplete referencing | | Plagiarism from published work listed in the bibliography or minor amount of plagiarism from a source not listed in the bibliography | Plagiarism from published work not listed in the bibliography OR plagiarised text consists of the substance of the work submitted and the source is listed in the bibliography |
| Cheating: Copying or presenting false work amongst others | Isolated incidence of cheating but not related to the subject | Copying and presenting information but related to the subject | Work of candidate shows complete information related to the other candidates |
| Making a false declaration of authenticity | | Sections of work done by others, but most still the work of the candidate | Most or all work is not that of the candidate |
| Copying from another candidate (including the misuse of information communication technology | Lending coursework, not knowing it would be copied | Permitting examination script/coursework to be copied; showing other candidates the answers | Copying from another candidate's answer book/ coursework; borrowing coursework to copy |
| Undermining the integrity of examinations or assessments | | | |
| The deliberate destruction of documents or work | | Defacing answer books; destruction of candidate's own document or work | Significant destruction of another candidate's document or work |
| The alteration or falsification of any results document, including certificates | | | Falsification or forgery |
| Writing a wrong subject | | | Where a candidate writes the subject of which he or she is not registered for examination or wrong paper. |
| Misuse of, or attempted misuse of, examination material and resources | | | Misuse of examination material or exam related information, including: attempting to gain or gaining prior knowledge of examination information; improper disclosure (including electronic means); receipt of examination information or removal of secure information from examination room |

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| Theft (where the candidate's work is removed or stolen) | | | Taking somebody else's work (project/ coursework) to pass it off as one's own |
| Personation | | | Deliberate use of wrong name or number; impersonating another individual; arranging to impersonated |
| Behaving in a way as to undermine the integrity of the examination/ assessment | | | For example, attempting to obtain certificates fraudulently; attempted bribery; attempting to obtain or supply exam materials fraudulently |

| STANDARD PENALTIES |
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| 1. Warning. |
| 2. Loss of marks gained for a section of the question. |
| 3. Loss of all the marks gained for a component or paper. |
| 4. Loss of all the marks gained for a whole question. |
| 5. Disqualification from the subject. |
| 6. Disqualification from all aunits in one or more qualifications taken in the series. |
| 7. Disqualification from the whole qualification. |
| 8. Disqualification from the all the qualifications in the series. |
| 9. Barred from entering for examinations for a set period of time. |