

PROVINCIAL NOTICE No. 155 of 2001
REGULATIONS RELATING TO EXAMINATION IRREGULARITIES AND
DISCIPLINARY ACTION AS WELL AS PROCEDURE FOR REMARKING
OF EXAMINATION PAPERS

Under section 62(5) of the Free State School Education Act, 2000 (Act No. 2 of 2000), I, DA Kganare, Member of the Executive Council responsible for Education, hereby make the Regulations contained in the Schedule.

SCHEDULE

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned to it, unless the context indicates otherwise, and -

"**Board**" means Examination Board established in terms of section 6(1) of the Act;

"**candidate**" means a learner who has entered for an examination;

"**Committee**" means the Irregularities Committee established in terms of the Regulations relating to Examination Boards;

"**examination officials**" includes people officially appointed by the Department to execute examination duties;

"**invigilator**" means the person responsible for the conducting of the

examination in the examination room;

"irregularities" means any technical or dishonest malpractices relating to the and writing of examinations;

"the Act" means the Free State School Education Act, 2000 (Act No. 2 of 2000).

Composition of Committee

2. (1) The Committee is a sub-committee of the Examination Board.

(2) The members of the Committee must be elected from the members of the Board at a meeting where the majority of the members of the Board are present.

(3) The Committee shall elect the Chairperson.

(4) The Committee must co-opt 2 representatives of the representative council of learners of the school concerned where irregularities have been identified.

Functions of Committee

3. The functions of the Committee are the -

- (a) identification of irregularities;
- (b) investigation of irregularities and the gathering of evidence;
- (c) recommendation to the Head of Education in regard to the action to be taken with regard to irregularities;
- (d) establishing of investigation units.

Nature of irregularities in regard to candidates

4. Irregularities in regard to candidates include but are not limited

to -

- (a) the possession of unauthorised material in the examination room;
- (b) the unauthorized copying from notes or textbooks during an examination;
- (c) the copying from fellow candidates during an examination;
- (d) trying to obtain help from other candidates during an examination;
- (e) attempting to assist another candidate during an examination;
- (f) receiving assistance from any other person during and prior to examination;
- (g) creating intimidation and disturbance during and prior examinations;
- (h) disregarding the arrangements and lawful instructions of the invigilator during an examination;
- (i) writing on the incorrect grade;
- (j) failure to produce identification documents during an examination if such a candidate was notified prior to the examination to produce identification documents during an examination;
- (k) late arrival at the examination centre during an examination;
- (l) the erroneous handing in of blank examination scripts during an examination;
- (m) the unauthorized provision of assistance by the invigilator to candidates during an examination;
- (n) the writing of an examination of a candidate by another person;
- (o) the submission of an answer book different from the one issued by the invigilator during an examination
- (p) the writing of the examination outside the examination centre;
- (q) registration at more than one examination centre;
- (r) the submission of two examination scripts for one candidate;
- (s) leaking or theft of examination papers; and
- (t) any other action which is in contravention of the rules governing the administration of examinations.

Stages when irregularities in regard to examination officials occur

5. Irregularities by examination officials can occur during the following stages of the examination process:

- (a) setting and moderation;
- (b) typing, printing and distribution;
- (c) invigilation;
- (d) marking;
- (e) data processing; and
- (f) releasing of results.

Procedure to be followed in dealing with irregularities in regard to candidates

6. (1) In the case where irregularities occur before the writing of the examination paper the committee must -

- (a) identify the irregularity and the extent thereof; and
- (b) make a recommendation to the Head of Education in regard to the action to be taken.

(2) In the case where irregularities occur while the examination is being written the following procedure must be followed -

- (a) The invigilator must remove the script of the candidate and write the word "irregularity" on the cover, noting the time of the removal and give the candidate another answer book, which must be endorsed with the words "new answer book" and the time.
- (b) The invigilator must take possession of any unauthorised material which the candidate has in his or her possession.
- (c) The candidate must be informed by the invigilator that the fact that he or she may continue with the examination is not a condonation of his or her contravention of the examination rules and that the incident will be reported to the Committee
- (d) A candidate who, having been subjected to the procedure described in paragraphs (a) to (c), persists in contravening the rules of the examination, may be removed from the examination room and his or her script may be confiscated.

- (e) The invigilator must complete a full report concerning the irregularity immediately after the examination.
- (f) The invigilator must send the report contemplated in paragraph (e), together with a report from the Chief Invigilator to the Committee.
- (g) After receiving the reports contemplated in paragraph (f), the Committee must request the candidate to submit a written response to any charge of irregularity during the examination, which must be signed by the parent or guardian, when he or she is a minor. If the candidate does not submit a written response, the Committee must note it.
- (h) The Committee must determine a time period within which all irregularity reports and representations must be submitted.
- (i) Committee may after receiving irregularity report and representation of the learner, investigate the matter further.
- (j) The Committee may call upon any official of the Department, invigilator or pupil to appear before the Committee to give evidence.
- (k) The Committee has access to any room or place at an examination centre and may examine any book, register or other document and may take possession of any book, record, document or any article which in the opinion of the Committee may in any way be concerned with the investigation.
- (l) The Committee must report the matter and make a recommendation to the Head of Education on the action to be taken.

(3) In the case where irregularities occur or are discovered while the scripts are being marked -

- (a) a marker who suspects that there has been an irregularity, must consult with the examiner,
- (b) in the case where the marker and the examiner are of the opinion that an irregularity has taken place, they must report the matter to the Committee;
- (c) the script of a candidate suspected of an irregularity must be marked and the candidate must not be penalised;
- (d) the Committee may investigate the matter and will have the same powers as stated

in subregulation 6(2)(i) to (k);

(e) the Committee must report the matter and make recommendation to the Head of Education on the action to be taken.

Procedure in dealing with irregularities of examination officials

7. (1) The Committee must investigate, report and make recommendations to the Head of Education on action to be taken in regard to examination officials that are not educators in terms of the Employment of Educators Act, 1998, or officers in terms of the Public Service Act, 1994.

(2) The Head of Education must take a decision after considering the report and recommendation of the Committee referred to in subregulation (1).

(3) In the case where an educator or officer are suspected of an irregularity the procedures of the Employment of Educators Act, 1998, or the Public Service Act, 1994, relating to misconduct apply.

Powers of the Head of Education relating to action to be taken against candidates and examination officials

8. (1) The Head of Education may after deciding that a candidate is guilty of an irregular

(a) declare that a candidate be expelled or prevented from writing the examination or being awarded a certificate;

(b) declare that a candidate be required to repeat the examination;

(c) suspend or cancel the results of a candidate.

(2) The Head of Education may after deciding that an examination official referred to in subregulation (1) is guilty of an irregularity -

(a) suspend an official's services;

(b) suspend an official from all future examination-related work;

(c) charge an official with misconduct, if he or she is employed by the State.

(3) These regulations do not prohibit the Head of Education to also lay a criminal charge against candidates or officials in appropriate circumstances.

(4) The Head of Education may provide the names of candidates that were found guilty of committing an irregularity, together with information relating to the type of irregularity that was committed, to Education Departments of other Provinces.

Procedure for remarking of examination papers

9. (1) Any candidate who has not satisfied the pass requirement of an examination of a subject or who believes that he or she should have acquired a higher mark than awarded to him or her, may apply for the remarking of his or her paper or the rechecking of the marks awarded to him or her, subject to the following:

- (a) that such candidate obtained a minimum percentage as determined by the responsible Member; and
- (b) that the application be made within 30 days of the release of results.

(2) The candidate must apply and pay a fee, as prescribed by the responsible Member, at the relevant district office, which must forward the application to the examination division of the Department.

(3) In the case where the remarking of a paper or the rechecking of marks results in an improvement of the symbol obtained by a candidate, the fee must be refunded to the candidate.

(4) In the case of a candidate obtaining fewer marks for a particular subject when scripts have been remarked or rechecked the candidate's symbol will be adjusted accordingly.

(5) Candidates who are not satisfied with the result of a remarking or rechecking

process, may appeal to the Head of Education to view the scripts.