

EXAMINATION MALPRACTICE AND DISCIPLINARY SANCTIONS

- I The Board reserves the right to alter or cancel examinations. The Board may change the date, time or condition of the administration of the examination or cancel the administration of the examination to protect the safety of candidates and or ***THE INTEGRITY OF THE BOARD***. Such alterations or cancellation may also occur if the examination is hindered by any cause that could not be reasonably prevented by the Board , including natural disasters such as fire , flood, earthquake, storm, outbreak of disease, or by acts of military insecurity: political or government authority. If any such event occurs, candidates shall be notified as soon as possible. This is in accordance to *Regulations 20 of the Business, Technical, Vocational Education and Training (Establishment of the Nurses and Midwives Examinations Board (UNMEB)) Regulations, 2009*.
- 2 For purposes of these rules, “*Examination malpractice*” shall mean any act, default or practice which is in breach of these rules or which compromises, attempts to compromise or may compromise the process of assessment, the integrity of the Board examinations and the validity of the certificates awarded.
- 3 In order to maintain its high standards, the Board shall not hesitate to take disciplinary action against any person, candidate or centre who may indulge in examination malpractice. Examination malpractice shall include the following:
 - (a) Smuggling or bringing foreign material into the examination room. Smuggling occurs when a candidate without permission takes into the examination room written information which is relevant or irrelevant to the examination questions with intention to cheat in the examination. Smuggling includes but may not be limited to taking into the examination hall text books, note books, charts, written notes on pieces of paper and on palms, thighs, desks, clip boards, handkerchiefs, shirts etc.
 - (b) Leakage/prior knowledge of examination questions. This is the worst form of malpractice which occurs when candidates have prior knowledge of examination questions before they sit the examinations

- (c) Irregular activities inside or outside the examination halls (e.g Stealing scripts of other candidates, refusing to submit script, tearing part of answer booklet/question paper and causing disturbances during an examination.);
- (d) Collusion or copying from one another. Collusion occurs when two or more candidates in an examination room secretly agree to assist each other to answer all or part of an examination question e.g candidates whispering or talking or communicating in any other way to each other about an examination question, exchanging answer scripts, passing notes to each other to copy from, exposing their written work in such a position that another candidate can read or copy from it.
- (e) Impersonation. Impersonation occurs when a registered candidate hires or arranges for some other person to sit the examination on his/her behalf.
- (g) External assistance. This usually happens when another person helps a candidate verbally, in writing or in any other way to answer all or part of an examination question. External assistance includes but is not limited to dictation of answers to candidates, writing solutions to questions for candidates to copy, writing answers to all or part of a question in candidate's answer scripts.
- (h) Improper behavior. This includes causing disturbance in the examination room, disobedience, insulting or assaulting officials, using indecent language, shouting, jeering and any other behaviour that disrupts the smooth conduct of the examination.
- (i) Substitution of examination scripts. This occurs when a candidate or some other person removes from the script envelope the work originally submitted by the candidate and replaces it with work done by another candidate or another person inside or outside the examination room and during or after the examination.
- (j) Failure to present the clinical record books. This occurs when a candidate's clinical record books have not been handed over to the examiners within the prescribed time;
- (k) Presenting incomplete or fraudulent record books. This is when the books which are presented are incomplete or they lack signatures, or the signatures thereon are forged and/or cannot be authenticated

- 6.4 Any person appointed by the Board in any capacity to facilitate the conduct of the examination process, shall perform their responsibilities to the satisfaction of the Board and such a person, shall be held personally accountable for any damage or loss that may arise out of their negligent actions. The Board reserves the right to terminate services of any such person on grounds of unsatisfactory performance or misconduct, and the Board may further pursue the offender in court of law, depending on the gravity of the malpractice.
- 6.5 The Board further reserves the rights to withhold release of results of the examination of any candidate or centre suspected of having been involved in examination malpractice pending completion of investigation and the final disposal of any consequent disciplinary or other proceedings.
- 6.6 In hearing cases of examination malpractice, the Board shall observe rules of natural justice and fairness. Before any sanction is communicated, the Board shall determine whether or not the alleged malpractice actually occurred. Evidence from all parties concerned like the Principal, overall Monitor, Coordinator, Invigilator and Examiners shall be gathered and an investigation report submitted to the Board by the person employed by the Board at the concerned Examination Centre. During the investigations all concerned parties shall be given the opportunity to be heard and shall be informed of the outcome of the investigations.
- 6.7 The Board may at its discretion apply any of the following sanctions and penalties against a candidate guilty of examination malpractice or breach of these rules depending on the gravity of the offence committed:
- (a) A written warning regarding future examination sittings;
 - (b) Deduction of Marks;
 - (c) Disqualification from the Examination concerned;
 - (d) Disqualification from the whole of the examination series;
 - (e) Prohibition from entering one or more examinations of the Board for a set period of time
 - (f) Disqualify the candidate from taking the examination and cancel entire results.
 - (g) Police and/or other relevant authorities may be informed for further action and subsequent prosecution in Courts of Law.
- 6.8 For the following cases of malpractice, the Board shall execute the following sanctions:

- (a) **External Assistance:** Where any other person is found assisting a candidate, or in possession of examination material, that person shall be arrested and handed over to police for prosecution. A report shall be made to the Executive Secretary UNMEB for action. The entire results of the candidate assisted shall be cancelled and such a candidate may not be allowed to sit for the other examinations.
- (b) **Smuggling:** Any candidate found with smuggled materials inside the examination room shall be required to write and sign a statement admitting that the materials were found with him/her. Such a candidate shall have his/her entire results cancelled. Any candidate who refuses to write and sign a statement or destroys evidence shall have his/her results cancelled.
- (c) **Leakage:** Any person found to have had prior knowledge of the examination papers or found buying or selling questions or what is purported to be questions for the examination, shall be arrested and taken to police for prosecution. In case that person is a candidate, he/she shall be expelled from the examination room and refused to continue to sit any more examination papers. His/her entire results shall be cancelled and shall be barred from sitting any future examinations for the next calendar year.
- (d) **Impersonation:** Any candidate involved in hiring another person to sit examinations for her/him shall be arrested together with the impersonator and taken to police for prosecution. The Supervisor shall take a statement from the impersonator for submission to the Board before handing him/her to the police. Such a candidate shall not be allowed to continue with examinations and shall be barred from sitting any subsequent examinations.
- (e) **Collusion and Copying:** Any candidate found colluding or copying from one another person shall be required to write a statement accepting the malpractice. The entire results of such candidates shall be cancelled even when they refuse to make a written statement.

6.9 The Board may at its discretion apply any of the following sanctions and penalties against an examination centre where evidence of malpractice is found:

- (a) Formal reprimand recorded
- (b) The cohort of candidates concerned in the centre may be disqualified and/or all involved candidates recorded as failed;
- (c) Centre registration may be withdrawn, suspended or cancelled;
- (d) Ban on involvement with the administration of examination for a set period;
- (e) Punishment to the Head of centre;

- (f) Police and/or other relevant authorities may be informed for further action and subsequent prosecution in courts of law.
- 6.10 The Board may in addition to the above sanctions, decide to
- (a) Make a public declaration of the names of schools and/or candidates involved in malpractice
 - (b) withdrawal accreditation of an examination centre where malpractice or an irregularity has occurred
 - (c) Report the Head of such a centre and the invigilators to the relevant organs of the ministries for appropriate action
- 6.11 In all extreme cases, the Board shall seek the Minister's approval before decisions are communicated. *Regulations 9(3) and 21(2) of the Business, Technical, Vocational Education and Training (Establishment of the Nurses and Midwives Examinations Board (UNMEB)) Regulations, 2009*, provide that the Board may, with the prior approval of the Minister, delay, nullify, or withhold the examination results for a reasonable cause and the Board may also suspend or withdrawal an examination centre that fails to maintain the requirements, regulations and ethical standards of an accredited examination centre respectively.
- 6.12 In addition to the above and in accordance with *Regulation 21(1)*, any person who-
- (a) knowingly or negligently reveals the contents of any examination material to unauthorised persons, whether a candidate or not;
 - (b) with intent to fail or pass a candidate, alters the work, data, or information or scores of a candidate;
 - (c) wilfully and maliciously damages examination material;
 - (d) with intent to impersonate, presents or attempts to present or herself in the place of an enrolled candidate;
 - (e) with intent to gain employment or admission, presents a forged certificate or diploma purported to have been issued by the Board;
 - (f) sells, buys, borrows, lends or steals certificates or diplomas issued by the Board with intent to impersonate;
 - (g) withholds any information which is prejudicial or likely to be prejudicial to the proper functioning of the Board;

Commits an offence and is liable, on conviction, to a fine not exceeding twenty currency points or imprisonment not exceeding one year or both.

- 6.13 A candidate who is aggrieved by the decision of the Board of examination conduct or results may appeal to the Board for reconsideration in accordance with *Regulation*

19. An appeal made by a candidate shall be by petition stating the facts and grounds of appeal. The Board may confirm, modify or reverse its decision and its decision shall be final.