

Assessment (including Examination) Rules for Schools with Consent to Assess 2019

7.1.9 Breaches of the Rules - External Assessment

- a These breaches of the rules for external assessment apply to all externally assessed standards, but excluding Visual Arts Level 1 or 2, Verified Languages, and assessment by a Common Assessment Task for which the School's [Breaches of the Rules - Internal Assessment](#) procedures must be used.
- b In relation to external assessment NZQA may undertake an investigation into any report of the following kinds of conduct (called a “breach of the rules of external assessment”):
 - i **failure to follow instructions** - a Candidate or another person is reported to have failed to follow the instructions of NZQA (such as those of an examination supervisor) whether knowingly or unwittingly, or to have failed to follow any requirements of the Instructions to Candidates 2019, the supervisor’s instructions or instructions on the Candidate’s admission slip:
 - ii **influencing/assisting/hindering candidates or disrupting the external assessment** - a Candidate or person is reported to have influenced, assisted or hindered one or more Candidates, or otherwise disrupted an external assessment, whether knowingly or unwittingly:
 - iii **dishonest practice by a Candidate** - a Candidate or another person is reported to have knowingly or unwittingly:
 - 1 accessed, or attempted to access, information, materials, or help from another person
 - 2 altered returned materials prior to seeking a review or reconsideration;
 - 3 used any document or certificate produced by NZQA in a way that provides them with an advantage (monetary or otherwise); or
 - 4 engaged in any other practice that might result in an advantage to the Candidate or other Candidates:
 - iv **inauthentic material** - a Candidate is reported to have submitted material for assessment that is not their own, whether knowingly or unwittingly:
 - v **impersonation** - a person is reported to have impersonated or dishonestly claimed to be a Candidate entered for an externally assessed standard, in which case these Rules may apply to the alleged impersonator, to the Candidate who has allegedly been impersonated, and to any other person who may have assisted or concealed the impersonation.
- c Before deciding whether or not to undertake an investigation, NZQA may seek to clarify the reported conduct.
- d Where NZQA has initiated an investigation, a Candidate or other person whose reported conduct may have possibly breached these Rules will be sent a letter with copies of any relevant information or reports, indicating the:
 - i conduct that may have been in breach of the rules;
 - ii rule/s that the conduct may have breached;
 - iii process that will be followed; and
 - iv entries and any results that may be withheld until the investigation is completed and a decision is reached -

and will be invited to make written comment to NZQA about their conduct within 15 business days of the date of the letter.

- e Investigation into a possible breach of the rules of external assessment by a Candidate or other person may involve consultation with the Principal's Nominee from the Candidate's school or Candidate's school(s) or any other person able to provide relevant information.
- f While NZQA is investigating a possible breach of the rules of external assessment it may suspend the release of all or part of the results of any Candidate who is believed to be involved, until a decision is made as to whether or not a breach has occurred.
- g If, at any stage of the investigation, NZQA receives written comment from the Candidate or any other person which explains their conduct and satisfies NZQA that a breach by the Candidate or other person has not occurred or is not proven, any entries and results which may have been withheld will be released and **no further action** will be taken.

Decision-making process

- h After any written comment is received from the Candidate or other person within the 15 business days, or on or after the expiry of the 15 business days if no written communication is received, a decision will be made by the relevant staff member of NZQA (with delegated authority from the Chief Executive) on the reported breach of the rules of external assessment, taking into consideration all the information received, when the staff member of NZQA reasonably believes there is sufficient information upon which to make an informed decision.
- i The Candidate or other person will be informed in writing of the decision by NZQA, and, if a breach is found, the penalties (if any) to be imposed.
- j Where NZQA considers a formal **face-to-face meeting** would assist in eliciting information upon which an informed decision can be made, the Candidate or other person will be invited to the meeting and may bring a support person with them. The meeting will be chaired by an independent appointee of the Chief Executive (for example, a former school principal), and the following procedure will apply:
 - i the Candidate or other person will be given reasonable notice of the date of any face-to-face meeting, will be given copies of any relevant new reports or information held by NZQA, and may provide written submissions prior to the meeting;
 - ii the Candidate or other person may choose to provide written submissions and not attend the face-to-face meeting;
 - iii the Candidate or other person may choose to neither provide written submissions nor attend a face-to-face meeting.
- k Where the Candidate or other person chooses not to –
 - i provide written submissions; or
 - ii accept the offer of a face-to-face meeting; or
 - iii reply to the offer of a face-to-face meeting; or
 - iv attend the face-to-face meeting after accepting the offer of a meeting –

the decision making process will be as provided for in paragraphs n (i) and n (ii) of this Rule 7.1.9.

- l Where the Candidate provides a written submission, but does not attend the face-to-face meeting, the decision making process will be as provided for in paragraphs n (i) and n (ii) of this Rule 7.1.9.
- m Where the Candidate or other person attends the face-to-face meeting, the independent appointee chairing the meeting will:
 - i outline to the Candidate or other person the reported conduct that may be in breach of the rules and the possible penalties; and
 - ii listen to, discuss and clarify:
 - 1 any issues in relevant submissions and views of NZQA, and of the Candidate or of the other person in relation to the reported conduct;
 - 2 any issues in respect of breaches of the rules of external assessment, and
 - 3 any issues in respect of penalties.

- n Following the meeting with the Candidate or other person or where paragraph l. of this Rule 7.1.9 applies -
 - i the independent appointee will make one or more recommendations on whether the reported conduct was a breach of the rules of external assessment, and if a breach is found, on relevant penalties; and
 - ii the recommendation will be given to the NZQA staff member with the delegated authority who will proceed to make a decision and will document the decision with reasons.
- o NZQA will, within 15 business days of the decision being made (unless there is good reason not to) notify the Candidate or other person of that decision.

Penalties that may be imposed

- p Where the decision is that the Candidate or other person has breached the rules of external assessment, the Candidate or other person will be given a formal warning and any one or more of the following actions may be taken:
 - i permanent withholding of the entries and results of the Candidate or other person in relation to the externally assessed standard/s where breaches were established (note that this will not include results in other externally assessed standards from the current or previous years unless justified by the investigation outcome):
 - ii conditions placed on the Candidate or other person when entering further external assessments including, but not limited to, an agreed code of conduct:
 - iii disqualification of the Candidate or other person from entering further external assessment for national or New Zealand qualifications in specified assessments or for a specified period of time.
- q NZQA may refer any breach of the rules to relevant authorities (including the Police where criminal behaviour is believed to have occurred) for consideration by those authorities (for example in the case of impersonation).