

## The Equitable Treatment of Examination Irregularities

### Introduction

1. The Hong Kong Diploma of Secondary Education Examination (HKDSE) is taken by around 50,000 candidates a year, who sit hundreds of thousands examination papers in a few hundred examination centres under the guidance of thousands of invigilators. While we make every effort to provide standard conditions and regular conduct for our examinations, operations on this scale will inevitably give rise to a number of irregularities each year. Some examples of irregularities include but are not exclusive to the following: certain examination centre environments may not turn out to be quite acceptable, some procedures may not be precisely followed on occasion, and certain candidates may not behave as well as they should.
2. It is our duty to take full account of such irregularities, and ensure that they are fairly handled in such a way that the candidates involved should not gain advantage nor suffer disadvantage from the impact of such events on their examination results. Clearly, it is better if such irregularities can be resolved immediately on the spot, in the context of an ongoing examination, so that normal circumstances are resumed as quickly as possible and there is less need for subsequent investigation and corrective follow-up.
3. However, despite such measures, there may still arise circumstances under which candidates might suffer some significant disadvantage, gain unfair advantage or engage in inappropriate behaviour, situations which can only be remedied by a post-examination analysis and adjustment made to candidates' marks or results. There is information in the *Handbook for Candidates* on how they can raise their concerns on such matters with the HKEAA.
4. There may be hundreds of such cases each year. Cases with substantiated evidence are individually considered by a Standing Committee on behalf of the Public Examinations Board (PEB). It is vital that there is a standard set of internal guidelines that assist the Standing Committee in making consistent decisions and recommendations to the PEB over the years and over a range of possible circumstances. This document describes, in abbreviated form, the basic structures of these guidelines and the main pattern of corrective measures available for the principal varieties of irregularity. It should not be regarded as definitive and does not attempt to cover every possible circumstance that may arise, but should provide a good indication to candidates of the general manner in which irregularities are dealt with. It should also be noted that the procedures for dealing with irregularities are regularly evaluated and reviewed.

## **Applications for special consideration**

5. There are two main categories under which special consideration may be given to candidates who have experienced some disadvantage during the conduct of an examination. If a candidate has still been able to complete the examination, (s)he may be granted a slight upward mark adjustment or in certain circumstances be offered the option of taking a re-sit in a speaking examination, if the application is approved. A candidate who is absent from an examination for a valid reason, such as a serious accident or a family bereavement, may still be given a result constructed from other information about their level of performance.

### ***Re-sit option***

Where a candidate's performance on a speaking examination is adversely affected by procedural, technical or human errors, or when the unsatisfactory quality of the recording makes it impossible to remark the candidate's performance, the candidate may be provided with an option to re-sit the speaking examination at a re-scheduled time in order to provide a replacement mark since mark adjustment is not applicable to speaking examinations. However, there is no compulsion on the candidate to take such a re-sit. (*Note: A compulsory re-sit may, however, be required if a situation arises that gives a candidate an unfair advantage in a speaking examination.*)

### ***Mark adjustment***

Where there is strong evidence that a candidate's performance on an examination is significantly affected by incidents, for example, loud noise, poor lighting or other environmental conditions, inappropriate conduct of centre staff, or sudden illness or injury which could not be resolved on the spot after reporting the case to invigilators, upward mark adjustments may be applied. These adjustments are on a sliding scale, rarely exceeding 4% of the maximum examination paper mark, according to the level of disturbance. On the other hand, candidates who suffer from interference during listening component broadcasts should transfer to the special room provided (applicable for centres using radio or infra-red (IR) transmission system only), for better reception. A slight mark adjustment may be applied in case where the candidate misses part of the examination contents due to the transfer to the special room, or changes the earphones/receivers of the IR system provided by the HKEAA during the broadcast of examination contents. Mark adjustment is not applicable to candidates who claim to have encountered reception problems but still insist on taking the listening component in the original centre.

### ***Constructed result***

If a candidate is hospitalised, seriously ill (with a medical report), suffering from a highly contagious disease, obviously unwell in the examination centre and unable to continue, seriously injured after an accident, affected by a recent family tragedy, or physically unable to be present in the examination centre for a valid reason such as undergoing mandatory quarantine or awaiting test results of COVID-19 compulsory testing, etc., then provided that their application is supported by written evidence and approved, the missing part(s) of a subject examination will be covered through the use of constructed results.

Where one or more written examination papers for a subject have been completed, the candidate's performance on these will be used to predict the most likely outcome for their missing paper(s), based on the average trends shown over all other relevant candidates. A limit will be applied to the difference between the subject level before and after assessment,

depending on the weighting of the part assessed to the whole subject based on the relevant syllabus/assessment framework. Where such a candidate is unable to attempt any of the examination papers for a subject, then in special circumstances it may be possible to construct a final subject result derived from that candidate's performance in school, on internal assessments and/or mock examinations based on the average trends shown among other candidates from the same school (this is known as an 'aegrotat'). The assessed subject results are confined to levels 1, 2, 3 and 4 for Category A core subjects and levels 2, 3 and 4 for Category A elective subjects, based on the approved methodology (no assessed result will be given if the assessed level is below level 1 and level 2 for core subjects and elective subjects respectively). (*Note: In view of special circumstances resulting from the COVID-19 pandemic, the Public Examinations Board has approved that the assessed subject result may be awarded up to Level 5 in the 2023 HKDSE.*)

### **Penalties for not following examination regulations or not meeting examination requirements**

6. There are a number of categories of behaviour shown by candidates who do not follow the examination regulations or who do not meet the examination requirements. For each of these categories of behaviour, there is generally a range from mild cases that merit only a slight penalty to severe cases that deserve a heavy penalty. The same level of penalty applies to all candidates including SEN candidates. Some of the more common kinds of irregularity are listed below, grouped according to the increasing level of penalty applied. Unless otherwise stated, the penalties are only applied to the particular examination paper for which the incident occurred.

#### ***Warning letter***

- A candidate brings in a permitted calculator that is not correctly labelled;
- A candidate has access to a small amount of unauthorised material that provides no possibility of any advantage being gained (e.g. *HKEAA circulars*).

#### ***Mark penalty***

Mark penalties are normally 1%, 2% or 5% of the total mark for the relevant paper, or a one mark penalty if this percentage comes to less than a mark. There are a large number of contexts in which the different levels of mark penalty are applied to the candidate's mark for a given examination paper. Some illustrative examples for each level of penalty are as follows:

#### ***1% mark penalty***

- A small amount of unauthorised material, not directly relevant to the subject being sat, is found accessible to the candidate, with no evidence of cheating but there is a satisfactory explanation for its presence;
- A candidate brings into the examination centre a device (e.g. a mobile phone) that sounds during the examination even though it is not in operating mode, or any other article that emits sound;
- A candidate who leaves the examination centre during the allowable time without permission, or who carelessly removes examination material;
- A candidate who does not stick a barcode label on his/her examination script;
- A candidate who arrives late or is not properly equipped for a listening examination (applicable to centres using radio or IR system only).

### ***2% mark penalty***

- A small amount of unauthorised material, not directly relevant to the subject being sat, is found accessible to the candidate, with no evidence of cheating;
- A candidate has ready access to an electronic device, not in operating mode, regardless of whether there are any extenuating circumstance;
- A candidate who disobeys invigilator instructions relating to the start or finish of an examination paper (e.g. start/continue working or holding any stationery despite warnings given);
- A candidate writes his/her own name or identification document number on an examination script which can be seen by markers;
- A candidate who communicates briefly with another candidate, but where cheating is not suspected.

### ***5% mark penalty***

- A candidate brings in an unauthorised calculator or other electronic device, but there is no evidence of unfair advantage being gained;
- A candidate leaves the written/speaking examination centre at a time when this is not allowed;
- A candidate brings in an electronic device left in operating mode, puts it under the chair/inside the bag, with no evidence of cheating;
- A candidate takes photographs (including screen capture of the barcode label during pilot run of the Second Generation Public Examinations Support System # (PESS2)), audio-records or video-records in an examination room (including the Reporting Room and Preparation Room for speaking examinations) before/during/after the examination, but deletes the clips at the end of the examination after being warned by the centre staff;
- A candidate attends the wrong examination centre more than once within the same examination year.

### ***Downgrading***

When a candidate has retained ready access to large quantities of advantageous unauthorised material (e.g. revision notes or textbooks in written/electronic form), but there is no evidence that cheating has actually taken place, (s)he may receive a downgrade. The same outcome applies to the following situations:

- A candidate brings in an electronic device left in operating mode, puts it on the body/desk, with no evidence of cheating;
- A candidate repeatedly disobeys invigilators' reasonable instructions, or is excessively rude towards examiners/invigilators;
- A candidate takes photographs (including screen capture of the barcode label during pilot run of the Second Generation Public Examinations Support System # (PESS2)), video-records or audio-records in an examination room (including the Reporting Room and Preparation Room for speaking examinations) before/during/after the examination and displays the clips electronically or publicly;
- A candidate who takes photographs/screen capture of any barcode labels or removes one or more barcode labels from the examination centre and displays them electronically or publicly;
- A candidate takes away a question paper before the end of an examination.

The candidate's result is generally downgraded by one level (e.g. level 5\*\* to level 5\*, or level 4 to level 3).

*# The Second Generation Public Examinations Support System (PESS2) is a newly developed digital platform, which consists of a mobile application for candidates to check their examination schedules and perform self check-in at the examination centres via their own mobile phones. For details, please refer to the Handbook for Candidates.*

### ***Work not accepted***

- A candidate who cannot produce sufficient identification documents for verification of identity within a prescribed period after failing to produce the required documents at the time of the examination;
- A candidate attempts the wrong language version/elective paper/module of an examination;
- A candidate removes an answer script/page(s) of the answer script from the examination centre before submitting it;
- A candidate who draws or writes the answers on unauthorised papers (e.g. own drawing paper) in the Visual Arts examination.

### ***Zero marks for plagiarised work with subject downgrading***

Zero marks will be given to the task(s) concerned in which serious plagiarism is proven. In addition, a penalty of downgrade by one level will be imposed in the subject concerned. The same outcome applies to plagiarised work in externally marked projects/portfolios (e.g. Visual Arts).

### ***Subject disqualification***

A candidate will be disqualified from the subject concerned if (s)he engages in spontaneous cheating, for example, receiving help from a dishonest invigilator or peeping at a neighbouring candidate's work, or has through oversight retained access to large quantities of unauthorised material in written/electronic form that can be used for cheating during an examination, or uses any electronic device to communicate with others or access examination-related information in order to gain an unfair advantage. The same outcome will apply to repeated offence of serious plagiarism cases, and also if a candidate misbehaves in such a serious way that the general conduct of an examination is upset.

### ***Full disqualification***

Where a candidate is impersonated by another person, gains improper access to examination material before the examination or engages in clearly pre-meditated cheating, (s)he will be disqualified from the whole Examination so that no results for any subjects are issued. A candidate found to have cheated through use of an electronic device will receive the same penalty. External parties such as the police may be informed in certain cases.

## **Procedures after decisions have been made about irregularities**

7. The above information is indicative only, and does not represent a comprehensive or prescriptive list of the response measures that can be taken when an irregularity occurs. The Standing Committee and the Public Examinations Board reserve the right to making judgments in response to the particular details of individual cases of irregularity or when unusual cases arise.

The Standing Committee's decisions made in accordance with the general guidelines for handling irregularities will be sent to the candidates concerned before the release of their examination results. For those cases that are referred to the Public Examinations Board, the decisions will be sent to candidates on the date of release of their examination results.

It is possible that candidates may feel unfairly treated when notified of the decision of the Standing Committee for their irregularity case. They should provide new/additional evidence within 5 calendar days upon the issue of the notification. The Standing Committee would reconsider these cases based on the evidence provided, as appropriate, and make recommendations to the Public Examinations Board for consideration/decision.

Candidates who are not satisfied with the Public Examinations Board's decision and feel they have valid reasons or new/additional evidence to substantiate their claims can, within 5 calendar days of the release of their results, apply for an appeal review by the independent Appeal Review Committee.

Full details of the above procedures are given in the *Handbook for Candidates*, which is available on the HKEAA website in mid-December.

Hong Kong Examinations and Assessment Authority  
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