

Order on conduct of exams and assessment of participants at the maritime educations

Pursuant to Sections 12 and 24 in Act no. 226 on maritime educations, Section 29, cf. Section 42(2) in Act no. 421 of 6 June 2002 on radio frequencies, and by authority of the Minister of Economic and Business Affairs and in Order no. 143 of 1 March 2000 on delegation of power with regard to determining the rules for certain exams to the Danish Maritime Authority and the Civil Aviation Administration, the following provisions are laid down:

Chapter 1

Application

Section 1. This Order is applicable to education approved in accordance with Act no. 226 on maritime educations unless otherwise specified in the regulations laid down for the individual educations and exams.

Chapter 2

Responsibility and definitions

Section 2. "Education" means any educational sequence planned in order to provide the participant with knowledge, qualifications and/or skills laid down in the purpose and goal descriptions. The term "education" comprises long-term educational sequences as well as short courses, regardless of them being held as basic, advanced or supplementary training.

Section 3. "Assessment" means an evaluation of whether the participant has obtained the knowledge, qualifications and/or skills that are laid down in the educational purpose and goal descriptions.

Section 4. In relation to all education, the institution shall ensure that assessment is planned, carried out and documented in accordance with Section 3. In this regard, the institution shall:

- 1) ensure that the form and content of the assessment is in accordance with the purpose and goal of the education as well as the planning of the education,
- 2) establish when during the educational sequence the assessment is to be carried out and the form of the assessment, including the form of exams, the number of tests and the opportunity to choose between various types of exams, and
- 3) establish the conditions for conducting exams, including preparation time and supplementary materials, which the participant is expected to have at his disposal and any limitations for which supplementary materials may be used and the number of participants in group exams.

Subsection 2. At the beginning of an educational sequence, the institution shall ensure that the participant is informed of the conditions mentioned in Section 1.

Chapter 3

Assessment and forms of exams

Section 5. Assessment may be carried out as:

- 1) exams,

- 2) continuous assessment
- 3) merit, or
- 4) combinations of no. 1, 2 and 3.

Section 6. Exams may be carried out as internal or external exams.

Subsection 2. The management of the institution may decide that an exam in a given subject is assessed overall on the basis of several exams (partial exams). If the partial exams are not assigned equal importance, the weighted score shall be established and announced to the participant before the exam is conducted.

Subsection 3. An external exam is a test, where an external examiner participates in the assessment and:

- 1) is not hired by the institution, and
- 2) has not participated in the education of the participants in the exams.

Subsection 4. With regard to educations corresponding to 10 weeks duration (20 ECTS points) or more, at least one external individual exam shall be held, which covers essential parts and subjects in the education and in particular the parts that have a safety-related importance.

Section 7. Exams may be organized as individual exams or group exams. At group exams, participants shall be assessed individually.

Section 8. Assessments are carried out in Danish, unless the purpose of the assessment is to evaluate the student's skills in a foreign language.

Subsection 2. The management of the institution may allow students or classes, who wish to take an exam in a foreign language to do so. However, this does not apply to exams, where presentation in Danish is presupposed.

Chapter 4

Assessment and marking

Section 9. At the assessment, marks are given in accordance with the Danish 13-scale or as the mark Passed/Not passed, cf. Order no. 513 of 22 June 1995 issued by the Ministry of Education on marking scales and other forms of assessment.

Subsection 2. Partial exams that have been marked with the mark 5 or above may not be taken again when the subject is passed. Partial exams with the mark 03, 00 or "Not passed" have not been passed regardless of what is laid down in the Order issued by the Ministry of Education on marking scales and other forms of assessment.

Subsection 3. Parts of the education, which are solely approved on merit, will get the mark "Passed". Subjects that are partially approved on merit will be given the mark, which is obtained in connection with assessment of the objectives that are not approved on merit.

Section 10. Each subject, module or similar into which the training is divided shall be passed individually.

Subsection 2. Students may not retake an exam, which has already been passed.

Section 11. Assessors, including examiners and external examiners, shall take notes in connection with the assessment of the performance and the marking for use in a statement in case of a complaint. The notes shall be kept until the deadline for submitting a complaint has expired.

Subsection 2. With regard to assessments, it shall be ensured that participants are treated equally and justly, and that their performances are truthfully assessed in accordance with the regulations on marking.

Chapter 5

Merit

Section 12. The Danish Maritime Authority may lay down general regulations on educations or parts of educations approved on merit.

Section 13. Students may be awarded merit by submitting an application documenting the required qualifications on the basis of an approved education. To be awarded merit, the applicant shall document that he or she has received the mark 6 or more or the mark "Passed" at the same level or a higher level than the education or part of an education for which merit is applied.

Subsection 2. Qualifications obtained by other than approved educations e.g. by working experience may only be awarded merit by separate assessment, including for instance taking a test.

Section 14. The institution determines merit-approval of Danish educations or parts hereof.

Subsection 2. Only the Danish Maritime Authority may determine merit-approval of foreign educations or parts hereof.

Section 15. Merit entails that students are exempted from training and assessments - including exams - with regard to the educational objectives for which merit is approved.

Subsection 2. The institution may decide that a student shall participate in the education, even if the individual complies with some of the objectives in the educational plan. This is only possible if it appears from the institution's educational plan that the objectives form a part of a multi-disciplined course, subject or module in the training with the purpose of providing the student with a cross-functional understanding of the theoretical and practical parts of the education.

Subsection 3. The students are exempted from assessment in accordance with (2), unless it is an integrated exam, where it is not possible to separate the objectives.

Section 16. Certificates may not be issued for a maritime education on the basis of education exclusively obtained from lessons or exams pursuant to the regulations on other education.

Chapter 6

External examiners

Section 17. The institution's management appoints external examiners in connection with the planning of the individual exams.

Subsection 2. It shall be ensured that assessors, including external examiners:

- 1) possess an educational background on at least the same level as the test where the person in question is external examiner,
- 2) have knowledge of the education's prerequisites, objectives and methods,
- 3) possess relevant professional qualifications within the area, where the person in question is external examiner, and
- 4) are familiar with the applicability of the education.

Subsection 3. If conditions are present that may give rise to doubt the impartiality of the evaluators, for instance family relations, the person in question shall not take part in the assessment. The assessor is obligated to inform the institution hereof.

Subsection 4. At external exams, the institution's management shall make an effort to ensure that:

- 1) external examiners from the industry, with relevant professional background and occupation, participate, and

- 2) no reciprocal censorship occurs, i.e. that educators do not mutually act as evaluators, including external examiners, to each other within the same exam period.

Section 18. The institution's management shall ensure that the external examiner receives all relevant information allowing the person in question to carry out the marking. The information material shall be sent at an early stage in order to provide the external examiner with the possibility to seek additional information and possibly comment on the submitted information.

Chapter 7

Conduct of exams etc.

Section 19. The institution's management shall determine methods to ensure that:

- 1) the delegation of responsibility with regard to making, controlling, approving and producing assignments or other material that is used in assessments, including exams, is defined, and
- 2) participants and other unauthorized persons do not obtain knowledge of assignments or questions etc. prior to the exam.

Section 20. The institution's management shall ensure cheating does not take place during the exam and that written test answers can be identified.

Section 21. In accordance with these regulations, the institution's management establishes provisions on:

- 1) time limits within which signing up for and withdrawal from exams shall take place,
- 2) the possibility to use computers at the exams,
- 3) the exam language,
- 4) student illness guidelines,
- 5) the possibility to conduct extraordinary exams, including make-up exams,
- 6) guidelines on the consequences of cheating at an exam and lack of compliance with the rules for conduct of exam,
- 7) time limits for publication of marks,
- 8) any special exam conditions for participants, and
- 9) guidelines for handover of copy of answers to assignments and other documentation that form the basis of assessment.

Subsection 2. Prior to signing up for an exam, the institution shall ensure that participants are informed about the numbers mentioned in (1), which furthermore shall be publicly available.

Section 22. Documentation for assessment, including exams and answers to exams, shall be kept by the institution for at least a year after the end of the term. On request, students or graduates may have the material handed over when the period has expired. Material for which no requests have been made may subsequently be shredded.

Subsection 2. The regulations in (1) do not apply for notes made in accordance with Section 11.

Section 23. When conducting exams, a student that has been prevented from taking the exam due to illness shall be given the opportunity to sign up for the exam again in the same or following examination period.

Section 24. When an exam or assessment has not been passed, the institution shall guide the student on how he or she may qualify to comply with the missing objectives.

Section 25. When an absolute timeframe is laid down for an education, the Danish Maritime Authority may grant exemption for an educational sequence, which expands beyond the timeframe.

Subsection 2. A student, who has been assessed three times in the same part of the education and who has not passed may be dismissed from the education in question. However, the institution's management may allow more than three attempts if special conditions are present. If an extra attempt causes the timeframe for the education to be exceeded, cf. (1), any exemption shall be granted by the Danish Maritime Authority.

Subsection 3. When a participant is prevented from participating in an assessment, including an exam, due to illness, the assessment, including the exam, is not taken into account when considering the number of attempts.

Subsection 4. A student, who is dismissed pursuant to (2) may not normally begin a similar maritime education until two years after the dismissal date.

Section 26. If significant errors or deficiencies occur at an exam, the management of the institution may:

- 1) lay down guidelines for how the error may be compensated for in consultation with examiner(s) and external examiner(s),
- 2) cancel the exam and arrange an extraordinary exam, or
- 3) offer another exam.

Subsection 2. A student's acceptance of an offer to retake the exam or to do an extraordinary exam, cf. (1), is not considered as signing up for the exam again.

Section 27. The Danish Maritime Authority may impose on an institution to cancel an assessment, including an exam, and to carry out extraordinary assessment, including an exam, if:

- 1) significant errors in the procedure with regard to the assessment occur, and
- 2) significant deficiencies at the assessment, including the exam, occur.

Section 28. A participant, who in relation with an answer or at an exam is caught wrongfully obtaining or providing another participant aid in the solution or answer of an assignment or exam, bringing non-authorized supplementary materials, or passing off someone else's work as his or her own or in other ways cheat, may be dismissed by the institution's management.

Subsection 2. If there is reason to believe that a participant has wrongfully obtained or provided help or passed off someone else's work as his or her own during or after an assessment, this will be reported to the institution's management. If the conjecture is confirmed, the institution's management will decide on a possible dismissal from the assessment. Dismissal means that any marks for the assessment in question will be withdrawn.

Subsection 3. The institution's management may decide that the student shall be dismissed from the institution for one or more terms. The Danish Maritime Authority shall be informed of these sorts of dismissals.

Subsection 4. The Danish Maritime Authority may in particularly serious cases of cheating or recurrences decide that a participant is permanently dismissed from the education.

Section 29. Institutions that provide the same education may conduct exams with assignments, which are shared between the institutions.

Subsection 2. Use of these assignments in accordance with (1) does not exempt the institution from responsibility pursuant to these regulations.

Section 30. Oral examinations are public, cf. however (2).

Subsection 2. At oral examinations, the institution's management may limit the access to the exam rooms for reasons of space, and individuals may be denied access or be dismissed if this is found

necessary to ensure the appropriate silence and order during the exam. Furthermore, the institution's management may deviate from the regulation in (1) if special conditions are present, including out of consideration for the participant.

Subsection 3. Sound or image recordings during the exam are not allowed, unless they form a part of the exam.

Subsection 4. Only the examiner and the external examiner may be present during the discussion of an examinee's performance.

Chapter 8

Certificates etc.

Section 31. The institution issues certificates for completed education, including diplomas, which are protected against copying, for instance by holograms.

Subsection 2. In addition to containing information on the graduate's name, social security number and the name of the issuing authority, certificates shall contain:

- 1) the title of the education in Danish and English,
- 2) an appendix with a list of marks that indicates the obtained results at all exams,
- 3) an appendix containing a description of the educational elements that are a part of the completed education. It shall be appear from the list which educational elements the institution has awarded merit. The appendix shall be worked out in Danish with an associated English translation,
- 4) indication of the exam language, if the test is taken in a foreign language, and
- 5) the scope of the individual educational elements, cf. no. 3, given in hours, ECTS points, or similar.

Subsection 3. The institution's management certifies certificates with associated appendixes.

Subsection 4. Appearances and contents of certificates cf. (1) with associated appendixes shall be approved by the Danish Maritime Authority.

Subsection 5. For students who have left the education without having completed it, the institution shall, on request from the participant, issue documentation for the completed educational sequence, including a list of the passed parts of the education.

Section 32. When a person has completed an education, the institution registers the completion in the Danish Maritime Authority's Student Administration System with indication of date of completion and name of the person who has signed the diploma for the education.

Subsection 2. When submitting lists to the Danish Maritime Authority, the institution shall report persons, who have completed an education/passed an exam. The reporting shall indicate which educational plan has been completed, which exam and qualification certificates have been issued in relation hereto, the date for the issue and social security number and full name of each graduate. The reporting shall be certified by the day-to-day manager of the institution and submitted immediately after the end of the education/exam.

Section 33. For the purpose of reconstructing an educational and/or exam sequence for a given individual, who is or has been a student or course participant at the institution, or who has been to an exam at the institution, the institution shall register and file following information:

- 1) the educational plan in accordance with which the education of the person in question have been conducted and a description of the content and structure of the education, and
- 2) place, date and achieved marks for all exams taken.

Subsection 2. The information mentioned in (1) shall be kept for at least 20 years after the issue of the exam certificate or the end of the exam. The information may be stored electronically.

Section 34. With regard to supervision, planning and assessment of an educational or exam sequence for a given individual, the institution shall register and file the following information:

- 1) the individual's previous education and completion of in-service training,
- 2) parts of the educations that are approved based transfer of merit from other educations, including which education forms the basis of this and the date for the approval,
- 3) name(s) of examiner(s) and external examiner(s), and
- 4) place and date for completion of special courses.

Subsection 2. The information mentioned in (1) shall be kept for at least two years after the issue of the exam certificate or the end of the exam. The information may be stored electronically.

Chapter 9

Complaints regarding exams or assessments

Section 35. In accordance with these regulations, the institution prepares guidelines on the students' and the course participants' possibilities to complain about assessments, including exams.

Subsection 2. The students and course participants shall be informed of the option to make a complaint and the guidelines for doing so.

Section 36. Complaints regarding exams or assessments shall be referred to the management of the institution.

Subsection 2. A complaint shall be submitted in writing. The complainant shall state the reasons for the complaint. The complaint may relate to:

- 1) the basis of the exam or assessment, including the questions asked or assignments in relation to the purpose and goal description of the educational plan
- 2) the exam or assessment sequence, or
- 3) the assessment.

Section 37. Complaints submitted in accordance with Section 36 (2) no. 1 and 2 shall be submitted no later than one week after the exam or assessment, while complaints submitted in accordance with Section 36 (2) no. 3 shall be submitted no later than one week after the assessment has been made public.

Subsection 2. The management of the institution shall sign a receipt for the reception of the complaint and inform the complainant about an expected date on which a decision in the matter will be available.

Section 38. When reviewing a complaint, the institution's management shall present this to the examiner(s) and external examiner(s) with a request for a statement.

Subsection 2. No later than one week after receiving the complaint, the examiner(s) and external examiner(s) shall present their statement to the management of the institution.

Subsection 3. As soon as possible, the institution shall present the assessors' statements to the complainant, who shall be given opportunity to put forward comments, if any, within a time limit of one week.

Subsection 4. The institution's management shall finish the review of the complaint and announce the decision to the complainant no later than two weeks from the presentation cf. (3).

Subsection 5. If the complaint can not be reviewed before the date cf. (2), the institution shall inform the complainant and state the reason for this as soon as possible, and provide information regarding when the review of the complaint is expected to end.

Section 39. The decision of the institution, which shall be in writing, may concern:

- 1) cancellation of the exam or assessment,

- 2) conducting a new assessment, which may lead to a change of the given mark to a higher or lower grade,
- 3) offering a new assessment or exam, for instance at an extraordinary exam period, or
- 4) rejection of the complaint.

Subsection 2. The institution may decide that new assessors may be appointed to a new assessment and a new exam.

Subsection 3. It shall be substantiated in writing, if the complaint is rejected completely or partially. In addition, information about the decision of the institution shall be presented to the Danish Maritime Authority.

Subsection 4. Decision of a new assessment or an offer of a new exam is made if the institution finds that significant procedural errors have occurred in at the exam or assessment, or there are other conditions that may cause reasonable doubt regarding the assessment, including considerable disagreement between the assessors' estimation.

Subsection 5. A new assessment and new extraordinary exam period shall take place as soon as possible.

Section 40. Complaints over the decision of the school, cf. Section 39 (3) shall be presented to the Danish Maritime Authority no later than two weeks after it has been submitted.

Section 41. Complaints over the Danish Maritime Authority's decision regarding radio exams may be presented to the Telecommunications complaint board in accordance with the regulations in the Ministry of Science, Technology and Innovation's Order on the work of the Telecommunications complaint board.

Section 42. The student may continue the education during the review of the complaint and appeal if necessary, except for the cases mentioned in Section 28.

Subsection 2. Certificates for completed education may be detained until the complaint and appeal if any has been reviewed.

Chapter 10

Enforcement

Section 43. This Order will enter into force on 29 May 2004.