

ASSESSMENT RULES

ASSESSMENT BOARD COMPOSITION

1. The Assessment Board shall be comprised of:
 - a) The following members, representing exam developers:
 - i) Assessment Expert (1); and
 - ii) Psychometrician (1).
 - b) The following members, representing the Bar Council of the Maldives (BCM):
 - i) Chief of Examinations (1);
 - ii) Chairperson of the Bar Exam Committee of Experts (CoE) or their or Nominee (1); and
 - iii) Chairperson of the Executive Committee (ExCo) of the BCM or their or Nominee (1).
2. The Assessment Expert or their nominee shall be the Chair of the Assessment Board.
3. The Assessment Board may ask for professional advice as appropriate, including for professional advisors to attend the Assessment Board.

MEETING QUORUM

4. The quorum for a meeting of the Assessment Board shall be 3 members, including either the Chairperson of the Exco or the Chief of Examinations of the BCM.

ROLES AND RESPONSIBILITIES

5. The roles and responsibilities of the Assessment Board shall be:
 - a) To set the pass mark for the Bar Exam and to make consequential decisions regarding the results of examinees.
 - b) To review and make decisions regarding applications for mitigating circumstances.

- c) To review and make decisions regarding allegations of malpractice and improper conduct.
- d) To review and make decisions on any other matter referred to it.

**REASONABLE
ADJUSTMENTS/
SPECIAL
ACCOMODATIONS**

6. Examinees who wish to make a request for reasonable adjustments or special requests to assessment methods and arrangements to accommodate a disability should do so in accordance with the Special Accommodations Policy.

FIT TO SIT

7. The process and procedure to apply for the reasonable adjustments are laid down in the Special Accommodations Policy of the BCM.

8. Examinees who present themselves for the Bar Exam will be deemed to declare themselves fit to take that Bar Exam and that they know of no reasons why they might subsequently make a claim for mitigating circumstances.

**MITIGATING
CIRCUMSTANCES**

9. Mitigating circumstances are defined as:

- a) A mistake or irregularity in the conduct or administration of the Bar Exam; or
- b) An examinee's illness or other personal circumstances beyond their reasonable control which materially and adversely affect an examinee's performance in the Bar Exam.

10. Examinees who wish to make a claim for mitigating circumstances should do so in accordance with the Mitigating Circumstances Policy.

11. The process and procedure to apply for mitigating circumstances are laid down in the Mitigating Circumstances Policy.

**MALPRACTICE AND
IMPROPER
CONDUCT**

12. In these Assessment Rules, the term "malpractice" refers to any activity carried out by an examinee before, during, or after the Bar Exam, in violation of the Bar Exam rules and/or which could result in either the examinee, or another examinee of the same or a future Bar Exam, obtaining an unfair and/or undue advantage in connection with the Bar Exam. The contents of the Bar Exam are confidential, and malpractice includes discussing the content of the Bar Exam with anybody or obtaining or attempting to obtain a copy of the questions.

13. "Improper conduct" refers to any disruptive activity carried out by an examinee before, during or after any Bar Exam.
15. Where an allegation of malpractice or improper conduct has been made the Chief Invigilator (or their nominee) will be informed as soon as practicable. The Chief Invigilator (or their nominee) will decide whether there is a *prima facie* case to answer.
16. Where the Chief Invigilator (or their nominee) decides that there is a *prima facie* case of malpractice or improper conduct, the case will be referred to the Assessment Board for a decision. The examinee will be given the opportunity of making written representations to the Assessment Board.
17. Where a finding of malpractice or improper conduct is made by the Assessment Board, the BCM will be informed. An examinee who is found by the Assessment Board to have engaged in malpractice or improper conduct in connection with the Bar Exam will fail that Bar Exam, and the BCM reserves the right to not let that examinee sit the Bar Exam in the future.

APPEALS

18. An examinee may only make an appeal of the decision of the Assessment Board on one or more of the following grounds:
 - a) there are mitigating circumstances which could not have been put before the Assessment Board before it made its decision; or
 - b) the decision of the Assessment Board, or the manner in which that decision was reached involved material irregularity and/or was manifestly unreasonable and/or irrational; or
 - c) the examinee disputes the Assessment Board's finding of malpractice or improper conduct.
19. An examinee who wishes to make an appeal must do so in accordance with the Appeals Policy.

MISCELLANEOUS

20.

There is no restriction on the number of attempts in respect of the Bar Exam. Examinees can appear as many times as required to qualify.

ENDS

APPEALS POLICY

1. Grounds of appeal

1.1 An examinee may only make an appeal of the decision of the Assessment Board on one or more of the following grounds:

1.1.1 there are mitigating circumstances which could not have been put before the Assessment Board before it made its decision; or

1.1.2 the decision of the Assessment Board, or the manner in which that decision was reached involved material irregularity and/or was manifestly unreasonable and/or irrational; or

1.1.3 the examinee disputes the Assessment Board's finding of malpractice or improper conduct.

1.2 For the purposes of 1.1.1, the fact that the examinee was not yet aware of their results is not a reason why mitigating circumstances could not have been put before the Assessment Board.

1.3 No appeal will be considered solely on the grounds of:

1.3.1 Disagreement with academic judgement;

1.3.2 Disagreement with the outcome of the examinee's mitigating circumstances claim; or

1.3.3 A claim that the examinee did not understand or was not aware of the Bar Exam Assessment Rules or the Bar Exam Standards.

2. Procedure for making an appeal

2.1 An examinee wishing to appeal on one or more of the grounds in 1.1 must submit their appeal to the Bar Council of the Maldives within **5 working days** from receipt of the official notification of the decision of the Assessment Board. The appeal must:

2.1.1 State whether the claim is made under ground 1.1.1, 1.1.2 or 1.1.3 above;

2.1.2 Include a statement setting out the claim;

2.1.3 Include any supporting evidence. Where evidence cannot be provided within the timeframe, the appeal should be submitted on time with evidence to follow; and

2.1.4 Be signed and dated, and include a declaration that states as follows: "I confirm that the facts set out in this appeal and in any supporting documents are true and accurate to the best of my knowledge".

2.3 The appeal will be considered by a panel of 3 members (the “**Appeal Panel**”). The Appeal Panel members must have no material connection with the appeal or the examinee and must not have sat on the Assessment Board that considered the examinee’s results. One must be a senior lawyer, licensed in the jurisdiction of the Republic of Maldives OR a member of the Executive Committee of the Bar Council of the Maldives.

2.4 The Appeal Panel will determine whether the appeal:

2.4.1 is made on one or more of the grounds set out at 1.1; and

2.4.2 is substantiated by the evidence provided.

2.5 The Appeal Panel may consult with the Chair of the Assessment Board, Assessment Board members and any other relevant persons for evidence and information.

2.6 Where the Appeal Panel upholds the appeal, they may recommend further action. Except in the case of a successful appeal against a finding of malpractice or improper conduct (in which case the examinee’s mark in the Bar Exam will stand), examinees whose appeals are successful will ordinarily have their fees waived for a further attempt at the Bar Exam. The marks of an examinee whose appeal is successful will not be adjusted where the request relates to illness or personal circumstances beyond their reasonable control.

2.7 Except in wholly exceptional circumstances such as manifest error, the Assessment Board will ratify the Appeal Panel’s findings, either by decision of the Chair of the Assessment Board (acting under the authority of the Board as a whole) or by a decision at an Exceptional Meeting of the Board.

2.8 The decision of the Appeal Panel and the subsequent ratification of the decision by the Assessment Board is final. There is no further right of appeal within these processes.

MITIGATING CIRCUMSTANCES POLICY

CLAIMS FOR MITIGATING CIRCUMSTANCES

1. Definition

1.1 Mitigating circumstances are defined as:

1.1.1 A mistake or irregularity in the conduct or administration of the Bar Exam; or

1.1.2 An examinee's illness or other personal circumstances beyond their reasonable control which materially and adversely affect an examinee's performance in the examination.

1.2 An examinee who considers that their performance is likely to be affected by mitigating circumstances as described in 1.1.2 which arise before the Bar Exam is normally expected to withdraw from the Bar Exam and sit it at a later date. A mitigating circumstances claim made in respect of circumstances existing before the Bar Exam will not usually be accepted or considered.

1.3 The following is a non-exhaustive list of examples of circumstances which would not usually meet the definition of mitigating circumstances:

1.3.1. transport issues;

1.3.2. holiday/family events;

1.3.3. misreading the examination timetable; or

1.3.4. employment.

2. Procedure for Making a Claim

2.1 An examinee who believes that their performance has been materially and adversely affected by any of the circumstances outlined in 1.1 above and who wants the Assessment Board to take this into account in reaching its decision, may make a claim for Mitigating Circumstances.

2.2 All such claims must be made in writing to the Bar Exam Assessment Board, Bar Council of the Maldives, within **3 working days** of the Bar Exam in question. The claim must:

2.2.1 State whether the claim is made under grounds 1.1.1 or 1.1.2 above;

2.2.2 Include a statement setting out the claim;

2.2.3 Include details of whether an invigilator was informed of the matter before the examinee left the exam room;

2.2.4 Include any supporting evidence. Where evidence cannot be provided within the timeframe, the claim should be submitted on time with evidence to follow; and

2.2.5 Be signed and dated, and include a declaration that states that: "I confirm that the facts set out in this claim and in any supporting documents are true and accurate to the best of my knowledge".

3. Consideration of Claim

3.1 All claims will be considered by the Assessment Board, who will determine (a) whether the claim amounts to mitigating circumstances; and (b) whether the evidence presented substantiates the claim. Where necessary, the Assessment Board may call for further evidence.

3.2 Marking of the Bar Exam will not be considered as completed until the Assessment Board has concluded. **Examinees who make a claim for mitigating circumstances on ground 1.1.2, namely illness or other personal circumstances beyond his/her reasonable control, should note that if the Assessment Board accepts the claim, the examinee will not receive a mark. If the Assessment Board does not accept the claim, marking will be completed, and the examinee will receive their mark.**

3.3 Examinees whose claims for mitigating circumstances are accepted by the Assessment Board will ordinarily have their fees waived for a further attempt at the Bar Exam.

SPECIAL ACCOMODATIONS POLICY

1. Introduction

1.1 The Bar Exam conducted in the Maldives is a competency-based examination. The Bar Exam Syllabus and the Descriptive Narrative of Competency published on the Bar Council of the Maldives' (BCM) website set out the competencies and knowledge which all examinees must achieve to demonstrate their ability to practise. All examinees must be assessed against the Syllabus and the Descriptive Narrative of Competency, but reasonable adjustments can be made to the way these are assessed to accommodate a disability.

2. Making a request for reasonable adjustments

2.1 Examinees requesting reasonable adjustments to the Bar Exam arrangements to accommodate disabilities should submit their requests, and medical and/or other relevant supporting evidence to the BCM upon the list of examinees being published, and at least 5 working days prior to the date of the Bar Exam.

2.2 Where a disability arises after the timeframe provided in 2.1, or where it is not possible to provide evidence within the timeframe provided in 2.1, although every effort will be made to accommodate the examinee concerned, the BCM shall not be held responsible for providing additional arrangements beyond the routine operations of the Bar Exam.

2.3 The supporting evidence should be provided by an independent medical or other appropriately qualified professional and identify:

2.3.1 the nature of the disability;

2.3.2 the effect of the disability on the examinee's ability to perform in the multiple-choice test; and

2.3.3 the reasonable adjustments requested and how these adjustments will address the examinee's disability.