



THE FEDERATION OF THE ROYAL COLLEGES OF PHYSICIANS OF THE UNITED KINGDOM

ACADEMIC AND PROFESSIONAL MISCONDUCT REGULATIONS

1 INTRODUCTION

- 1.1 These Regulations apply to all candidates for examinations of the Royal College of Physicians of Edinburgh, the Royal College of Physicians and Surgeons of Glasgow, and the Royal College of Physicians of London since 1 January 2009 (when these Regulations came into effect).
- 1.2 Candidates should note that by virtue of entering to sit an examination they are deemed to have understood and agreed to respect and abide by all relevant regulations, including these Misconduct Regulations.
- 1.3 The Colleges reserve the right to withhold the issuing of results while investigations are ongoing. Depending on the outcome of the investigation, results may be released, amended or permanently withheld. The Colleges also reserve the right to conduct retrospective investigations, and consequentially to amend or cancel results after they have been issued to candidates.
- 1.4 These Regulations do not apply to anyone employed by or acting in any official capacity on behalf of the Colleges, including invigilators or centre staff (unless they are also a candidate for examinations of the Colleges). In such cases staff and officials should expect their conduct to be investigated under Disciplinary Procedures and/or for the facts to be reported to their manager, supervisor or equivalent.
- 1.5 Throughout these Regulations, the Head of Academic Division in the Central Office may delegate any of the duties ascribed to him/her to another appropriate member of College staff.
- 1.6 Any dispute as to the interpretation of these Regulations shall be referred to the Medical Director, whose decision in the matter shall be final.

2 DEFINITIONS

- 2.1 These Regulations are to be used to investigate all aspects of misconduct in the Colleges' examinations. Misconduct includes, but is not restricted to:
 - (a) Introduction into any examination of any materials other than those specifically permitted for the examination;
 - (b) Removal from any examination of any materials other than those specifically permitted, except by a person with authority to do so;
 - (c) Any attempt to communicate with another candidate;
 - (d) Any attempt to gain access to or read the work of another candidate;
 - (e) Any attempt to gain or pass on information about the contents of the examination in advance of the date of the examination;
 - (f) Impersonation or attempted impersonation of a candidate;
 - (g) Bribery (of another candidate, examination official, actual or simulated patient)

- (h) Unacceptable or disruptive behaviour during an examination;
- (i) Failure to abide by the reasonable instructions of an invigilator or other examination official, or breaching of Examination Regulations;
- (j) Falsification or alteration of any results document or qualification;
- (k) Any other form of cheating or conduct likely to give an unfair advantage to the candidate or others;
- (l) Aiding or abetting any of the above.

3 REPORTING PROCEDURES

- 3.1 Suspected misconduct may be reported to the Colleges by examiners, invigilators, examination officials, candidates, patients, simulated patients and any other person who becomes aware of suspected misconduct.
- 3.2 In addition to these direct patterns of reporting, the Colleges also use computer software to detect cheating, by automatically reviewing all candidates' answers after every examination to identify correlations in response patterns between pairs of candidates beyond what could be expected to occur by chance. This software is known by the generic term 'Anomaly Monitoring System' (AMS). The Colleges recognise that such software does not always make immediately apparent which of the two candidates has copied from the other, or whether collusion was taking place. For this reason the Colleges will always require corroboration from another source, or require a candidate to be included in a second AMS report from another examination, before continuing an investigation under these Regulations.
- 3.3 Anonymous reports of misconduct will be acted upon only if there is supporting evidence. In such cases invigilators and any other relevant officials may be informed of the allegation and asked to comment.
- 3.4 **Reporting Procedure for Multiple Choice Examinations**
- 3.4.1 Where an invigilator suspects a candidate of infringing examination hall rules, he/she shall:
- (a) Confiscate any unauthorised material in the possession of the candidate;
 - (b) Make a formal and contemporaneous note of the time when the alleged infringement was discovered. Wherever possible an invigilator should invite another invigilator to act as witness to the suspected infringement, and then countersign the note to confirm this;
 - (c) Allow the candidate(s) in question to continue the examination. *Ejection from the examination hall should only take place in the event of a candidate's conduct causing disruption to other candidates;*
 - (d) Inform the candidate(s) in question at the end of the examination, that a written report of the incident will be submitted to the Head of Academic Division;
 - (e) Prepare within three working days of the examination a written report on the alleged incident and send it with any confiscated materials to the Head of Academic Division.
- 3.4.2 Candidates must on request surrender to the invigilator any materials or aids that are reasonably believed by the invigilator not to be permitted. The invigilator can, on request, issue a brief receipt for such articles. The invigilator must include all such materials with his/her report, which may be copied or retained by the Head of Academic Division at his/her absolute discretion.
- 3.5 **Reporting Procedure for Clinical Examinations**

Please note that this procedure only applies in cases of suspected misconduct (that is, where the candidate's conduct appears to be intended to result in an unfair advantage being gained). It does not apply to all other instances of unprofessional behaviour (such as

roughness to patients) which must be dealt with in accordance with the Academic Regulations and other applicable procedures.

- 3.5.1 Where an examiner or other representative of the MRCP(UK) Central Office has grounds to suspect that a candidate has attempted to acquire information about the content of the examination in advance of it commencing, he/she must notify the Nominated Visiting Examiner and/or the MRCP(UK) Central Office immediately. After consultation with the MRCP(UK) Central Office, the NVE shall determine what action is necessary to safeguard the integrity of the exam.

If an allegation to this effect is received immediately before or during an examination, and it is not possible to contact the MRCP(UK) Central Office in advance of the examination commencing (for instance because it is taking place in a different time-zone), the NVE shall try and establish the facts of the case and then shall be solely responsible for determining what action is necessary to safeguard the integrity of the exam.

In both instances, it should be presupposed that the examination will go ahead as scheduled, and that any necessary action will be taken after the event when the facts are known. The NVE shall conduct an investigation and then ensure that a written report is submitted to the Head of Academic Division within three working days of the matter first coming to their attention.

- 3.5.2 Where an examiner considers that a candidate is acting in a way intended to result in an unfair advantage to themselves at any point during their examination, they shall alert the NVE as soon as possible. If necessary, and if in the view of the examiner the candidate's conduct is likely to endanger, distress or disrupt patients, surrogates or any other individual(s) the examination may be temporarily suspended by the NVE. The candidate must be informed at the end of the examination that a written report of the incident shall be submitted to the Head of Academic Division, which shall be done within three working days.
- 3.5.3 Where misconduct is suspected after the examination, including where an examiner or other representative of the MRCP(UK) Central Office has grounds to suspect that a candidate has attempted to pass on information about the content of an examination to another candidate or other third party, he/she must notify the Nominated Visiting Examiner and/or the MRCP(UK) Central Office immediately. A written report of the incident shall be submitted to the Head of Academic Division, which shall be done within three working days.

3.6 **All Other Instances of Academic or Professional Misconduct**

The examiner or person(s) identifying the misdemeanour shall prepare a written report on the alleged incident and send it with any confiscated materials to the Head of Academic Division within three working days of the examination.

4 **PROCEDURES FOR INVESTIGATION**

- 4.1 The Head of Academic Division shall review all reports of alleged cases of misconduct, and, after consulting with other members of staff where necessary, shall determine whether there is sufficient evidence of a *prima facie* case to be answered. This should not preclude a letter of reprimand being issued in cases deemed to be of a very minor or technical nature where no further action is appropriate.
- 4.2 In all other cases, and within 10 working days of receiving a report of suspected misconduct, the Head of Academic Division will inform the candidate in writing of the allegations that have been made about them, and provide them with a copy of these Regulations. The candidate shall thereby be invited to admit or deny the charge, and be informed that the establishment

of a Misconduct Hearing Panel can be dispensed with should they choose not to question the allegations.

- 4.3 The candidate shall provide their response in writing to the allegations within 10 working days from the date of the Head of Academic Division's letter. If no response is received within 10 days, then a warning letter shall be sent. If no response to this warning letter is received within another 10 working days, then full details of the case shall be passed to the Chair of the relevant examining board for a final decision along with a recommendation of an appropriate penalty.
- 4.4 Where a candidate admits in writing to the allegations, full details of the case shall be passed to the Chair of the relevant examining board for a final decision along with a recommendation of an appropriate penalty. The candidate shall have the opportunity to include with their response a written statement which may be taken into account by the board.
- 4.5 Where a candidate responds within the time limit and denies the allegations (in whole or in part) the Head of Academic Division will convene a Misconduct Hearing Panel as soon as possible to formally consider the case.
- 4.6 The establishment of a Misconduct Hearing Panel under paragraph 4.5 does not preclude the candidate from, at any point, admitting the allegation in writing for action to be taken in accordance with paragraph 4.4, except that the fact of the candidate's initial denial will also be communicated to the Chair of the relevant examining board to take into account. However, all candidates who have committed misconduct should note that promptly admitting guilt, taking responsibility and expressing contrition for their actions is viewed by the Colleges as an important and appropriate step, and that this will be kept in mind whenever any penalty is being determined.
- 4.7 Decisions will be reached on cases passed to the Chair of an examining board (in accordance with paragraphs 4.3, 4.4 and 4.6) as soon as possible, and candidates should normally have received notification of the action to be taken in regard to their case within 15 working days of their letter. In exceptional circumstances a decision may be deferred until the next scheduled meeting of the relevant board of examiners, but candidates must be informed of this within 15 working days of their letter; and then be notified of the action to be taken in regard to their case within 5 working days of the examiners' meeting.

5 ESTABLISHMENT OF A MISCONDUCT HEARING PANEL

- 5.1 A Misconduct Hearing Panel shall be convened if a candidate denies an allegation in whole or in part.
- 5.2 The purpose of the Panel is to examine the facts of a case, and the strength and veracity of the evidence being presented. It is to determine on the balance of probabilities whether the allegation of misconduct has been proven, to the satisfaction of the majority of the Panel. Where an allegation is found to be so proven, it is to determine an appropriate penalty based upon established guidelines.
- 5.3 The Misconduct Hearing Panel shall be constituted with one member from each of the following categories, or their nominee:
 - (a) The MRCP(UK) Medical Director, Deputy or Associate Medical Director
 - (b) The Chair or Medical Secretary of the relevant Board of Examiners
 - (c) A Chair or Medical Secretary of another of the Colleges' Board of Examiners
 - (d) A Lay Representative*

* To be an individual not directly employed by or acting in any official capacity on behalf of the MRCP(UK) Central Office. It may include individuals already acting as Lay Representatives on other Central Office or College committees.

- 5.4 A Secretary to the Hearing Panel shall be appointed by the Head of Academic Division. The Secretary's role shall be to record the proceedings and deliberations of the Panel, and he/she may not attempt to guide or influence the discussions or decisions of the Panel in any way but may advise on procedural matters.
- 5.5 The first task for members of each Hearing Panel shall be to elect one of their number to act as Chair.
- 5.6 The Head of Academic Division will present the details of the allegation and all available evidence to the Panel.
- 5.7 The candidate shall have the right to be present at all proceedings of the Panel subject to the procedures detailed below in paragraphs 6.1, 6.6 and 6.8, and to present written or oral evidence to the Panel. Such evidence may include references attesting to previous good character, although candidates are advised to keep in mind that those approached to supply such references may then subsequently expect the candidate to provide them with details of the outcome of the Hearing.
- 5.8 Proceedings of the Panel shall not be invalidated by reason of the absence of the candidate, provided that the procedure detailed below has been observed.
- 5.9 The candidate has the right to be accompanied at the Hearing by a Friend. The Friend may advise and counsel the candidate, but may not make any statements to, or cross-examine, any other person present at the Hearing. If the candidate wishes to be accompanied by a Friend they must provide the Secretary to the Misconduct Hearing Panel with the name, address and roles of the nominated person, and the reasons for their involvement, not less than five working days before the hearing.
- 5.10 The Head of Academic Division shall inform the candidate of the scheduled date of the Misconduct Hearing Panel as soon as possible and not less than 15 working days before the date of the Hearing. The Head of Academic Division will then arrange for a copy of each document that he/she shall present to the Panel to be sent to the candidate not less than 10 working days before the date set for the Hearing, which shall include a list of any witnesses that may be called. Such documents shall include any statement(s) provided by the candidate, whose responsibility it is to ensure any such documents and list of witnesses they intend to call are received by the Head of Academic Division at least 12 working days before the date set for the Hearing. No documents or witnesses may be presented to or referred to by the Panel, unless details have been circulated in this manner, except with the consent of the Panel, the candidate and Head of Academic Division. All documents will also be circulated in advance to members of the Panel so that they may familiarise themselves with the evidence before the date of the Hearing.
- 5.11 No confirmation of whether the candidate has provisionally passed or failed the examination in question shall be provided to either the candidate or the members of the Panel.

6 MISCONDUCT HEARING PANEL PROCEDURE

- 6.1 The Panel may, at its discretion, meet before the scheduled start of the Hearing for preliminary discussions. The Head of Academic Division, the candidate, their Friend and any witnesses may not be present, although the Secretary shall be present and keep a record of proceedings.

- 6.2 At the start of the Hearing Panel all present shall introduce themselves. The Chair shall ask the Head of Academic Division to outline the allegations, and shall then ask the candidate whether they admit or deny misconduct. If, at this stage, the candidate decides to admit to the allegations in full, the Panel has the authority to proceed immediately to consideration of the penalty to be imposed as detailed below in paragraphs 6.7 and following.
- 6.3 In all cases other than those covered by 6.2 above, the Chair shall then invite the Head of Academic Division to present his/her documentary material and call witnesses. The Chair shall then invite the candidate to question the Head of Academic Division and his/her witnesses, after which members of the Panel may do the same.
- 6.4 The Chair shall then invite the candidate to present their documentary material and call witnesses in support of their case. The Head of Academic Division may then question the candidate and his/her witnesses, after which members of the Panel may do the same.
- 6.5 The validity of proceedings shall not be affected by the unwillingness or inability of any party to reply to questions or to appear before the Panel. Where the Panel concludes that an individual is unwilling to reply to a question, it may make reasonable inferences from that refusal.
- 6.6 The Hearing Panel may, at its discretion and at any time, interrupt proceedings to ask questions, or to order the room to be vacated for private discussions. Neither the Head of Academic Division, the candidate, their Friend or any witnesses are entitled to be present at such times, although the Secretary shall be present and keep a record of proceedings.
- 6.7 Before they are dismissed, the Chair shall give the Head of Academic Division and the candidate the opportunity to make a closing statement. Before leaving, the candidate shall be reminded that he/she will be notified of the outcome within five working days.
- 6.8 The Panel shall then consider the matter in private, as soon as the Chair has reminded the Panel of its role and purpose as detailed in paragraph 5.2. The Secretary shall be present.
- 6.9 The decisions of individual Panel members shall always be treated as confidential.
- 6.10 Exceptional or mitigating circumstances shall not be considered by the Panel when determining whether an allegation has been proven, but may be referred to when an appropriate penalty is being discussed.
- 6.11 Following the meeting the Secretary shall prepare a written report summarising the proceedings and the decisions of the Panel (including where the decision is that no misconduct has been committed). This shall be sent to the candidate within five working days of the Hearing, and a copy presented to the next meeting of the relevant Board of Examiners.

7 APPEALS PROCEDURE

- 7.1 Appeals may only be allowed on the following grounds:
- (a) Where there is evidence of administrative or procedural irregularity;
 - (b) Where there is new evidence of extenuating circumstances that could not reasonably have been presented before;
 - (c) Where there is evidence that the Misconduct Hearing Panel acted unreasonably.
- 7.2 Appeals against the decision of an Examining Board or Misconduct Hearing Panel must be received in writing by the Head of Academic Division no later than 10 working days after the date on which the candidate was notified of the decision. A College Officer (normally a Vice-President), who must have no prior involvement in the case, will then review the appeal and

determine whether there is sufficient evidence for an Appeals Panel to be convened based on the grounds given in 7.1.

- 7.3 The establishment and conduct of an Appeals Panel will be the same as for a Misconduct Hearing Panel, except that no member of the Panel or their Secretary may have been previously involved with the case.
- 7.4 The Appeals Panel may hear and take into account fresh evidence presented by either side as long as it is circulated in accordance with the provisions of paragraph 5.8.
- 7.5 The Appeals Panel shall have the power to confirm, reverse or amend the original decision of the Misconduct Hearing Panel in any way.

8 GUIDELINES FOR PENALTIES

8.1 As stated in paragraphs 4.3, 4.4 and 5.2 of these Regulations, where an allegation of misconduct is sustained, the relevant authority will decide the appropriate penalty. In making these decisions, all involved are expected to have regard to the recommendations listed below. However, these are guidelines for normal circumstances and not binding, and do not preclude the relevant authority from determining a lesser or more severe penalty to be appropriate should the circumstances warrant this. However, in all cases the responsible authority shall consider:

- (a) The risks to patient safety of the candidate's actions
- (b) The need to preserve the integrity of the examination
- (c) Natural justice and consistency with previous sanctions
- (d) Evidence of contrition and an understanding of the gravity of the offence

8.2 Summary of Standard Penalties

- (a) No further action;
- (b) A written warning;
- (c) Results for an examination or Part of an examination to be annulled/withheld;
- (d) Candidate barred from entry for a specified period;
- (e) Candidate barred from entry to any future exams of the Colleges;
- (f) Candidate reported to regulatory body; normally the General Medical Council or equivalent overseas body.
- (g) Any combination of any of the above, apart from (a).

8.3 Table of Typical Offences and Recommended Penalties

Description	Further Information	Normal Range of Penalties
Introduction of unauthorised material into an exam	Material irrelevant to subject, with no proof of attempt to use	b
	Material relevant to subject, or of general use (e.g. a mobile phone), with no proof of attempt to use	b and/or c
	Material relevant to subject, or of general use, with proof of attempt to use	b, c and/or d, and/or f
Contact with others	Talking during an exam	b
	Colluding with another candidate	b, c and/or f
	Copying from another candidate	b, c and/or d, and/or f
	Soliciting information about an exam	b and/or c

	(usually clinical) from other candidates	
	Soliciting information about an exam (usually clinical) from patients, simulated patients, examiners or other source	b, c and/or d, and/or f
	Impersonation, deliberate use of wrong name and/or exam number, arranging to be impersonated	b, c - f
Breach of Regulations	Ignoring invigilators' instructions	b and/or c
	Repeatedly ignoring invigilators' instructions, misuse of or removal of examination material from the venue	b, and/or c, and/or f
Inappropriate behaviour or answers	Obscene language or drawings, aggressive or offensive comments	b, c – e, f
Certification	Falsification or forgery of any document or record	b, c – e, f
Bribery	Attempting to obtain information, answers, certification or qualifications by some form of incentive	b, c – e, f
Notification from Regulatory Body	Suspension or removal from the General Medical Council's list (or other equivalent regulatory body)	b, c – e
Repeated Misconduct	Multiple acts of misconduct, either at the same or different occurrence	b, c –e, f

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