

## ALLEGATIONS OF CHEATING, MISCONDUCT AND FRAUD IN EXAMINATIONS

FRCOphth, Refraction Certificate and the Certificate in Laser and Refractive Surgery (CertLRS)

Candidates should note that by entering to sit an examination they are deemed to have read and understood and agreed to abide by all relevant examination regulations.

### 1.0 Introduction

1.1 Cheating, fraud and other misconduct, whether attempted or successful, will be penalised very severely by the Council of the Royal College of Ophthalmologists. Candidates found to be in possession of unauthorised material or equipment, including mobile phones and/or other smart devices, during an examination will be deemed to be guilty of misconduct whether the items have been used or not. Cheating and misconduct includes, but is not restricted to:

- Plagiarism (for further information see Appendix )
- Taking unauthorised material into the examination
- Taking unauthorised material from the examination
- Copying from other candidates or unauthorised material
- Talking to other candidates during the examination
- Passing notes
- Failure to respond to the instructions of an invigilator or examiner
- Bribery
- Unauthorised access to examination papers
- Copying or alteration of certificates
- Discussing clinical cases with other candidates (if either party has not yet sat the examination)
- Unacceptable or disruptive behaviour, including, but not limited to
  - Use of inappropriate language
  - Verbal or physical aggression

1.2 Candidates may not take the following items into a written, oral or practical examination:

- Spare paper, including revision notes
- Electronic equipment, including smart watches
- Calculators

In addition:

- All mobile phones must be switched off and not on the candidate's person. Candidates should note that invigilators may employ the use of a device to detect the use of mobile phones. Candidates who have no other personal effects with which to store their switched off mobile phone, should surrender the device to the Senior Invigilator for the duration of the examination.
- Alarms on watches/clocks/mobile phones must be turned off

- Personal belongings must be left with an invigilator or in a designated area, as instructed by the invigilator. Valuables should not be brought to the examination as the College cannot take responsibility for any loss of or damage to personal belongings.
- 1.3 Candidates are not permitted to talk to, pass information to, or signal to another candidate whilst the examination is in progress.
- 1.4 Candidates are reminded that it is a serious sanctionable offence to attempt to impersonate another person or to have another person impersonate you during any part of the College's examinations. Photographic identification will be checked by College Staff at the start of every examination.
- 2.0 Preliminary Procedure
- 2.1 In the event that a candidate is suspected of cheating, misconduct or fraud by an invigilator or College Examiner, the Senior Invigilator shall confiscate any unauthorised materials or equipment in the possession of the candidate. Candidates must, on request, surrender to the Senior Invigilator any materials or equipment reasonably suspected by the invigilator not to be permitted. The Senior Invigilator shall include all such materials with their report and they may be retained at the absolute discretion of the Chair of the Examinations Committee. If candidates fail to surrender materials or equipment requested by the Senior Invigilator it will be deemed that the alleged offence has occurred.
- 2.2 Details of the allegation will be made known to the Director of Examinations Department. The following procedures will be followed:
- i. The invigilator will submit a written report outlining the particulars of the allegation. If an allegation is made during a practical examination, the examiner concerned will record detailed information and submit this to the College for investigation.
  - ii. If the Director of the Examinations Department considers the suspicion of cheating, misconduct or fraud to be well founded, they will submit a report to the Chair of the Examinations Committee immediately following the examination.
  - iii. Upon receipt of the Director of the Examinations Department's report, the Chair of the Examinations Committee will undertake any further investigation that they think appropriate.
  - iv. If the Chair of the Examinations Committee believes there to be no grounds or insufficient evidence to support the allegation of cheating, misconduct or fraud no further action will be taken. Any confiscated items will be returned.

### 3.0 Investigation Procedure

3.1 If the Chair of the Examinations Committee believes there are grounds that require further investigation, they will notify the candidate to inform them:

- i. They are under investigation following an allegation of cheating, misconduct or fraud and that the results of their examination will be withheld pending an investigation.
- ii. The candidate will be sent a copy of the Director of the Examination Department's report and any further evidence obtained by the Chair of the Examinations Committee. The candidate will be invited to submit a response to the allegations within a period of 28 days.
- iii. The Chair of the Examinations Committee will call an Investigatory Board consisting of two examiners, who are not Senior Examiners or current Council Members, and one member of the Lay Advisory Group or a Lay Trustee who will review all the particulars of the case. The investigatory process will be kept confidential. The candidate's identity and provisional examination result will not be disclosed to the Board.
- iv. The Director of the Examinations Department will act as Secretary to the Investigatory Board and will attend the Board as an observer. The Investigatory Board will otherwise conduct its inquiry in private and will decide whether it finds the allegation of cheating, misconduct or fraud proved on the balance of probabilities.
- v. Where the Investigatory Board finds an allegation of cheating, misconduct or fraud proved on the balance of probabilities, the Director of the Examinations Department shall notify the candidate of the outcome and inform them they have 28 days from the date of the outcome letter to appeal the Investigatory Board decision.
- vi. If, after 28 days, no further communication has been received from the candidate, the findings of the Investigatory Board shall be reported to the College Council at their next meeting. The College Council shall impose penalties on the candidate as it sees fit. Penalties for cheating, misconduct or fraud include, but are not restricted to:
  - a. Ruling the candidate's examination attempt as invalid, without discounting the attempt from their examination history
  - b. Referring the matter to the candidate's employer and, if in Ophthalmic Specialist Training, their deanery
  - c. Referring the matter to the General Medical Council or relevant Medical Board.

The candidate will be informed of the College Council's decision within 14 days after the Council meeting.

- vii. Where the Investigatory Board finds an allegation of cheating, misconduct or fraud not proven, the Director of the Examinations Department shall notify the candidate of this decision and publish any outstanding examination result.

- 4.0 Appeal against the Outcome of the Investigatory Board.
- 4.1 If the candidate wishes to appeal the findings of the Investigatory Board, a notice of appeal must be sent to the Chair of the Examinations Committee to arrive within 28 days of the date of the outcome letter following the Investigatory Board. Included in the notice of appeal must be the detailed grounds of appeal and all of the evidence that the candidate wishes to be considered.
- 4.2 A fee of £1000.00 must be received which will be refunded should the appeal be successful.
- 4.3 If reasonably practicable, the Chair of the Examinations Committee will convene an Appeal Panel within 8 weeks of a notice of appeal being received. The Appeal Panel shall be comprised of two examiners and a member of the Lay Advisory Group or a Lay Trustee who have not previously been involved in any aspect of the candidate's examination or the Investigatory Board and have no current or previous connection with the candidate. One of the members of the Panel shall be appointed Chair.
- 4.4 The Director of the Examinations Department will act as Secretary to the Appeals Panel and attend the Panel as an observer. They will agree the date of the hearing with the candidate.
- 4.5 The candidate will be invited to present their case in person or remotely to the Appeal Panel and is entitled to be accompanied by a friend whom the candidate shall identify in advance, providing 10 days' notice. The friend may advise and counsel the candidate but will not be allowed to make statements or take any part in the proceedings.
- 4.6 The Appeal Panel will review the findings of the Investigatory Board and may invite the Investigatory Board or the candidate to produce further evidence prior to the hearing. The Appeal Panel may summon any person to give evidence before it. Members of the Panel and the candidate may question any person summoned.
- 4.7 The candidate will be informed of the outcome within 28 days of the hearing by the Secretary to the Appeal Panel. If the appeal is rejected, the Secretary to the Appeal Panel will inform the candidate of the reasons for the Panel's decision.
- 4.8 If the finding of the Appeal Panel is that the decision of the Investigatory Board be overturned no further action will be taken and the candidate's examination result will be published and their appeal fee refunded.
- 4.9 If the finding of the Appeal Panel supports that of the Investigatory Board, the Panel's findings shall be reported to the College Council at their next meeting as per Regulation 3.1vi above.

The candidate will be informed of the College Council's decision within 14 days of the date of the Council meeting.

4.10 There is no further right of appeal.

4.11 Any question arising in connection with the conduct of an appeal shall be determined fully and finally by the Chair of the Appeal Panel, who may take whatever steps they consider necessary to ensure that the appeal is handled fairly and efficiently.

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