

Misconduct Policy

1. Introduction

- 1.1 It is a matter of fundamental importance that the RCR maintains the integrity of its examinations. It is crucial that all candidates are judged on their ability, and no candidate be allowed to obtain an advantage unfairly over others. By virtue of entering an examination, a candidate is deemed to have understood and agreed to abide by and respect all examination regulations and policies, including this Misconduct Policy.
- 1.2 Any aspect of misconduct at FRCR examinations will be investigated and acted upon in accordance with the following Misconduct Policy. At the same time, the College recognises the importance of being fair to all candidates and in such an investigation the RCR will be careful to respect the rights of those under investigation. The RCR acknowledges that any case of misconduct can have an adverse effect on a candidate's reputation and career. Therefore all matters of the reporting and process of alleged misconduct will be kept strictly confidential. However, where misconduct is deemed to have occurred the College reserves the right to forward details of the case to the GMC and in the case of UK trainees, their Training Programme Director and employer.
- 1.3 This policy applies to all candidates for examinations of the Royal College of Radiologists.

2. Definitions

- 2.1 This policy and procedure covers all aspects of academic and professional misconduct in FRCR examinations. Misconduct includes, but is not restricted to:
 - a. Using any electronic device¹ (other than those provided) during the examination
 - b. Having an electronic device on a candidate's person during the examination
 - c. Continuing to write after the allotted examination time
 - d. Using notes (in any form) or other unauthorised materials during the examination
 - e. Attempting to copy or record the details of examination questions or cases
 - f. Attempting to release or releasing examination content to a third party (this includes making examination content available online)
 - g. Removing examination materials from an examination room
 - h. Attempting to gain access to or read the work of another candidate
 - i. Making work available to another candidate for copying
 - j. Attempting to communicate with another candidate during the examination
 - k. Failing to abide by the reasonable instruction of invigilators, examiners or staff
 - l. Engaging in physical or verbal abuse of invigilators, examiners or staff
 - m. Engaging in unacceptable or disruptive behaviour during an examination
 - n. Falsifying or altering admission or identification documents
 - o. Impersonating, or attempting to impersonate, another candidate
 - p. Falsely obtaining examination materials before the examination
 - q. Falsifying or altering results documents

¹ Electronic devices include, but are not restricted to, mobile phones; calculators; laptops; electronic tablets; recording devices; beepers; timing devices that make audible sounds.

r. Any other form of cheating, deception, fraud or conduct that is likely to give an unfair advantage to a candidate or candidates.

2.2 Any invigilator, examiner or staff present shall be empowered to stop candidates completing an examination on grounds of misconduct (subject to the guidance given in other areas of this procedure – see paragraphs 3.1, 3.2 and 3.3). The procedure for enacting these regulations is set out below.

3. Reporting procedures

3.1 Under normal examination conditions suspected misconduct should be reported to the RCR through the submission of a Misconduct Incident Report Form (MIRF). MIRFs can be completed by invigilators, examiners, staff or candidates. Forms completed by examination candidates must be countersigned by a by witness such as an invigilator, examiner or staff member.

3.2 Any materials that are reasonably believed by invigilators, examiners or staff not to be permitted as part of the exam will be confiscated. Electronic devices will be returned at the end of the examination with details logged on the MIRF. At the end of the examination, the candidate concerned will be asked to acknowledge agreement of the confiscation of other materials on the MIRF². All such materials will be included as part of the report.

3.3 Where misconduct is suspected after an examination or outside examination conditions, such as where a candidate is suspected of passing on or unauthorised use of examination content that has not been released into the public domain, then a written report³ of the incident should be submitted to the Examinations Manager. Such reports should give full details of the person suspected of misconduct and the person submitting the report.

4. Review of alleged misconduct

4.1 MIRFs that allege misconduct and written reports received as described in paragraph 3.3 will be given to the Examinations Manager who will carry out a review of the alleged misconduct to determine if there is sufficient evidence to warrant the incident being passed to the Examinations Misconduct Panel.

4.2 Where, in the opinion of the Examinations Manager, the allegation of misconduct is deemed to be erroneous or the incident is judged to be of a minor issue, the matter will not be processed and no further action will be taken. However, this does not preclude an official letter being issued to the candidate to advise him/her of behaviour expected in examinations.

4.3 Where, following the review of the MIRF and consultation with staff/witnesses as necessary, the Examinations Manager deems that there is sufficient evidence to prove a case, the Examinations Manager will inform the candidate of the allegations in writing. The candidate will be allowed 10 working days from the date of the letter to accept or challenge the case against them.

² We need to consider what to do if a candidate refuses to acknowledge the confiscation of materials.

³ The written report can take the form of an MIRF, a letter or an email to the Examinations Manager.

- 4.4 Examination results of candidates who are alleged to have committed misconduct will not be released until a decision has been made. (If a candidate is found to be guilty of misconduct, a possible penalty is the withholding of examination results).
- 4.5 If, within 10 working days, a candidate admits in writing to the allegations made against them, then the matter will be forwarded to the Chair of the relevant Examinations Board and the Medical Director, Education and Training, for their formal consideration and the award of an appropriate penalty in accordance with paragraph 6.1. A decision will be reached as soon as possible and normally within 10 working days of the candidate's letter.
- 4.6 If a candidate denies an allegation of misconduct in writing to the Examinations Manager, either in whole or in part, then the matter will be referred to the Misconduct Panel.

5. Establishment of a Misconduct Panel

- 5.1 A Misconduct Panel shall be convened if a candidate denies an allegation in whole or in part.
- 5.2 The Misconduct Panel will be constituted with the following members (or their nominated deputies):
 - a. The Chair of the relevant Examinations Board (Chair)
 - b. A Senior Fellow of the RCR
 - c. The Examinations Manager.
- 5.3 Terms of Reference of the Misconduct Panel
 - 5.3.1 The purpose of the Misconduct Panel is to examine the facts of a case, and the strength and veracity of the evidence. It is to determine on the balance of probabilities whether the allegation of misconduct has been proven, to the satisfaction of the Panel. Where an allegation is found to be proven, it is to determine an appropriate penalty based upon established guidelines detailed in paragraphs 5.1 and 5.2.
 - 5.3.2 The Examinations Manager will act as the Panel secretary. The purpose of the Panel secretary is to:
 - a. Advise all parties on the deadline for submission of further evidence and the date on which the Misconduct Panel will announce their decision.
 - b. Coordinate and prepare documentation/evidence for all parties.
 - c. Provide secretarial support to the Misconduct Panel as required.
 - d. Maintain communication with the candidate and provide advice as required.
 - e. To produce and distribute the decision document to all parties.
- 5.4 The candidate has the right to submit written evidence for consideration by the Panel up to the deadline given by the Panel Secretary.
- 5.5 The Panel Secretary will acknowledge receipt of all evidence submitted by the candidate and confirm the date scheduled for the Misconduct Panel to make its decision. This will not be more than 20 working days following the written confirmation of denial of the allegation of misconduct (see paragraph 4.6).

5.6 The decision of the Misconduct Panel is to be confirmed in writing to the candidate (the decision document) within 5 working days of the decision date. A copy will be provided to each Panel member and a copy will be held on RCR files.

6 Penalties

6.1 The Misconduct Panel may consider awarding one of the following standard penalties or may give a more specific penalty where appropriate:

- a. No further action
- b. Issuing a written warning
- c. Annuling/withholding the result of an examination, or part of an examination
- d. Barring the candidate from entry to an examination for a specified period
- e. Barring the candidate from entry to any future FRCR examinations
- f. Informing the candidate's Training Programme Director of their offence against the RCR
- g. Informing the candidate's employer of their offence against the RCR
- h. Informing the GMC of the candidate's offence against the RCR.

6.2 Table of typical offences and example penalties (the nature of misconduct may determine a more severe penalty)

Description		Further information	Normal range of penalties
2.1a/b	Having an electronic device This includes an electronic device which is not on the candidate's person (e.g. in a bag/coat) and which emits a noise during the examination	With proof of attempt to use (written exams)	c Candidate will be informed on day of exam
	Candidates for written exams are told that they must switch off electronic devices and if asked to surrender them, they must do so	With no proof of attempt to use (written exams)	b
	For electronic exams, all electronic devices must be given to invigilators/exams staff during registration	An electronic device going off in an electronic exam (CR1A and CR2B) results in immediate disqualification	c Candidate will be informed on day of exam
2.1c	Continuing to write after the allotted time		c Candidate will be informed on day of exam
2.1d	Notes or unauthorised materials It is difficult for invigilators (who do not have radiology or oncology knowledge) to decide whether materials are relevant or not The materials will be confiscated Materials in languages other than English will be assumed to be relevant For written examinations, candidates are asked to place their timetable and passport	Material irrelevant to subject, with no proof of attempt to use	b
		Material relevant to subject, with no proof of attempt to use	b and/or c If c, candidate will be informed on day of exam
		Material relevant to subject, with proof of attempt to use	d

	under their desks		
2.1e	Copying examination materials		c, d, e, f, g, h
2.1f	Releasing examination content to third parties		c, d, e, f, g, h
2.1g	Removing examination materials		c (b if done in error)
2.1h	Copying from another candidate		b and/or c If c, candidate will be informed on day of exam
2.1.i	Making work available to another candidate		b and/or c If c, candidate will be informed on day of exam
2.1j	Communicating with another candidate		b Candidate to be warned at time
2.1k	Failing to abide by reasonable instructions		b and/or c
2.1l	Inappropriate behaviour	The severity of punishment would depend on the behaviour (e.g. abusing staff would be d)	c and/or d
2.1m			c
2.1n	Falsifying or altering admission or identity documents		b, c, d, e, f, g, h
2.1o	Impersonating another candidate	If the candidate who is impersonated has colluded with the impersonator, s/he would also be punished	c, d, e, f, g, and h
2.1p	Falsifying or altering results documents		d to h

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 have reasonably have been presented before
- c. Where there is evidence that the Misconduct Panel acted unreasonably.

- 7.2 The appeal must be submitted in writing within 20 working days of the date on which the candidate was notified of the Misconduct Panel's decision. Appeals should be addressed to the Examinations Manager, and must include the following:
- a. Grounds on which the appeal is made
 - b. Appeal fee of £200.

Appeals will be acknowledged within 10 working days. This correspondence will advise whether the appeal fulfils the criteria for convening an Appeals Panel and, if so, when that Appeals Panel will convene and when a final outcome can be expected.

- 7.3 The Appeals Panel will be constituted independently to the Misconduct Panel and will comprise the following (or their nominated deputies):
- a. The Medical Director, Education and Training (Chair)
 - b. A senior Fellow of the College (who has expert knowledge of the examination process)
 - c. The Executive Director of Specialty Training.
- 7.4 The Appeals Panel will consider paper-based submissions only and the appellant is not required to attend the College in person. The Appeals Panel may take into account fresh evidence presented by either side in accordance with paragraph 7.1.
- 7.5 The Appeals Panel will review the appellant's submission and follow a set, objective process.
- 7.6 The Appeals Panel shall have the power to confirm, reverse or amend the original decision in any way. The decision of the Appeals Panel is final.
- 7.7 Appellants will be notified of the outcome of their appeal within 10 working days of the Appeal Panel's meeting.