



## **Disciplinary Scheme Guidance: Breaches in Education Assessment Regulations**

### **Introduction and purpose of this document**

The Code of Conduct and Disciplinary Scheme of the Institute of Actuaries of Australia (the Institute) applies to all categories of Membership. There may also be times when the rules or regulations of another professional association apply. For example, when a Member sits an assessment with the Institute and Faculty of Actuaries (IFoA), then they are bound by the rules and regulation set by the IFoA in respect of that assessment.

Whilst the principles in this document form the basis of how the Institute will consider breaches in the assessment regulations of another professional association or university, it will focus on the Institute's agreement with the IFoA and how breaches in their Assessment Regulations are handled under the Institute's Disciplinary Scheme.

The Disciplinary Scheme is not changed by issue of this guidance.

### **1.0 Referrals from the IFoA and application of the Disciplinary Scheme**

- 1.1 Under the Mutual Recognition Agreement between the IFoA and the Institute, the Institute will be notified by the IFoA of any breaches in the IFoA Assessment Regulations when the decision relates to a Member of the Institute. A copy of the decision will be provided to the Institute at or around the same time it is issued to the Member.
- 1.2 Under the Disciplinary Scheme, a breach of this nature would generally be considered *prima facie* evidence of misconduct. This applies whether the matter is referred to the Institute by the IFoA, or notified by the Member under Sec. 4.1 (d) "...the subject of an adverse determination by a... professional association" of the Disciplinary Scheme; this section being a general requirement in any circumstance.

### **2.0 Process for review under the Disciplinary Scheme**

- 2.1 After fourteen days of being made aware of a breach of the IFoA Assessment Regulations, the Institute will contact the relevant Member to advise that is has been made aware of the breach in the IFoA Assessment Regulations, if the Institute has not already been notified by the Member as discussed in item 1.2 of this guidance.

The IFoA advises that Disciplinary Actions of this nature will include, but are not limited to:

- Disqualification from sitting an exam(s) with the IFoA for a certain period of time (typically 6 to 24 months);

- Being ineligible to claim exam exemption with the IFoA for any exams taken and passes with another awarding body; and/or
- A requirement to take or re-take the Stage 1 Professionalism exam within a specific timeframe.

2.2 The Institute will ask the Member if they intend to appeal the IFoA decision. If the Member lodges an appeal, the Institute will put on hold its review pending outcome of that appeal. The outcome of any appeal relating to breaches in the IFoA Assessment Regulations should be shared with the Institute by the Member and will normally be confirmed by IFoA.

- a) If the appeal is successful in full, the Institute will conclude the matter without any further action.
- b) In all other instances, including where an appeal is not fully successful, the review will proceed according to item 2.3 of this guidance.

2.3 If the Member does not lodge an appeal with the IFoA, or an appeal was not fully successful, the Institute will determine that the Member has engaged in Misconduct and apply comparable Disciplinary Action to that of IFoA's under the Disciplinary Scheme (see 2.1) from the date of notification of the original IFoA decision about breaches in their Assessment Regulation. For example, this could include preventing the Member from sitting an assessment with the Institute for the same period as specified in the IFoA decision.

2.4 If the Member is dissatisfied with the decision at item 2.3, they can request for the matter to be investigated further and dealt with under the full processes of the Institute's Disciplinary Scheme. Once this commences the Member is bound to the process and any subsequent determination and order. It will not be possible to then accept the original decision under item 2.3.

2.5 A Member is always permitted to enrol in a subject that forms part of the Institute's Education Program and is entitled to access all study materials. If the final examination occurs before the end of the ban on sitting assessments, then the Member may not submit any assessable material. If the final examination occurs after the end of the ban on sitting assessments, then the Member may submit any assessable material.

The Member retains the right to withdraw from a subject in accordance with our published conditions.

### **3.0 Publication of the determination and Member name**

3.1 Any determination of Misconduct and Disciplinary Action referred to in this guidance and applied under the Disciplinary Scheme is considered to be a determination and order by the Tribunal. This provides the option to publish the determination and order (including a Member's name) on the Institute's website or any other locations as may be considered appropriate by the CEO.

The following applies to Members of the Institute who are not Fellows or Associates and in the context of this guidance only.

Where a determination or order under the Disciplinary Scheme is published, the inclusion of the Member's name will be treated as follows:

- a) If the Disciplinary Action is accepted at item 2.3 of this guidance, the Member's name will not appear; or
- b) If the Disciplinary Action is determined after escalating the matter for review under the full processes of the Disciplinary Scheme, the Member's name may appear.

The publication of names of Members in any other instance not covered by this guidance is handled by the general rules of the Disciplinary Scheme.

#### **4.0 Universities**

- 4.1 The Institute has active relationship with a number of Universities. Where breaches in assessment regulation or similar are reported to the Institute by a University or by the Member as required under the Disciplinary Scheme, we will review the matter in accordance with the principles set out in this guidance document.

#### **End of guidance**

*Enclosed: Sample letter to be issued by the Institute at item 2.0 of this guidance*



[INSERT DATE]

**CONFIDENTIAL**

**By e-mail only:** [INSERT DETAILS]

Ref:[INSERT DETAILS]

DS: [INSERT DETAILS]

Dear [INSERT NAME]

### **Notification of a Breach of Exam Assessment Regulation**

We have been notified by the Institute and Faculty of Actuaries (**IFoA**) that you have breached its Education Assessment Regulations and or the Exam Rules.

#### **Right to appeal**

As an IFoA candidate, you have the right to appeal its decision against you. The IFoA website publishes guidance on the process for lodging an appeal and includes what are considered reasonable grounds for appeal.

### **The Institute of Actuaries of Australia Disciplinary Scheme**

As a Member of the Institute of Actuaries of Australia (**the Institute**) you are bound by the Institute's [Code of Conduct](#) and [Disciplinary Scheme](#) (**the Scheme**). Under the Scheme your IFoA breach would be considered an adverse determination by another professional association and requires you to make disclosure of the breach to the Institute.

#### **A. Review under the Institute's Disciplinary Scheme**

The Institute's '[Disciplinary Scheme Guidance: Breaches in Education Assessment Regulations](#)', sets out the Institute's position relating to IFoA breaches of this nature and IFoA findings. Please read these carefully.

If you appeal the IFoA decision we will put our review of this matter on hold until the IFoA appeal has been concluded. Please note that the outcome of any appeal should be shared with the Institute by you and will be confirmed by the IFoA.

If your appeal is successful in full we will conclude the matter without any further action.

## ***B. Comparable Disciplinary Action***

As set out in clause 2.3 of the '[Disciplinary Scheme Guidance: Breaches in Education Assessment Regulations](#)', if you do not appeal the IFoA decision, or your IFoA appeal is unsuccessful, then the Institute will:

- a. accept the IFoA findings made against you; and
- b. will determine that you have engaged in misconduct; and
- c. apply comparable Disciplinary Action to that of the IFoA's from the date of notification of the original IFoA decision about breaches in their Assessment Regulations as follows:

- *[INSERT DETAILS OF IFoA DETERMINATION].*

This comparable disciplinary action means that:

*[INSERT DETAILS e.g. ineligibility to sit any Institute examinations or apply for any exemptions or recognition over the same period]*

Please also note that under clause 2.5 of the '[Disciplinary Scheme Guidance: Breaches in Education Assessment Regulations](#)', and in these circumstances:

- a. *[INSERT DETAILS e.g. you remain permitted to enrol in a subject that forms part of the Institute's Education Program and may access all study materials; and]*
- b. *if your final examination in that subject(s) occurs before the end of the ban on sitting assessments, then you may not submit any assessable material;*
- c. *if your final examination in that subject(s) occurs after the end of the ban on sitting assessments, then you may submit any assessable material; and*
- d. *you retain the right to withdraw from a subject in accordance with our published conditions]*

Where a member is dissatisfied with the Institute's determination and decision to apply any comparable Disciplinary Action, they may ask for the matter to be investigated further and dealt with under the full processes of the Institute's Disciplinary Scheme. Once this commences however, the member is bound to the process and any subsequent determination and order. That is to say, it will not be possible to then accept the original decision under clause 2.3 under the regulations.

## ***Publication***

If you accept the IFoA's adverse determination and the Institute's consequent finding and Disciplinary Action, then under clause 3 of '[Disciplinary Scheme Guidance: Breaches in Education Assessment Regulations](#)', we will publish our decision in accordance with the Disciplinary Scheme but exclude your name from the publication

## ***Next steps***

It should be clear that the outcome of this process may result in Disciplinary Action being made against you under the Institute's Disciplinary Scheme. However, if anything is unclear, please re-read the content of this letter before proceeding.

**Would you please advise us within 21 days of the date of this letter of the following:**

1. Whether you have lodged, or intend to lodge, an appeal with the IFoA; **and**
2. If you do not intend to appeal the IFoA's decision:
  - a. Do you accept the Disciplinary Action at item B above?; **or**
  - b. Do you request for the matter to be reviewed under the full processes of the Disciplinary Scheme?

To assist, please see the table below summarising the possible outcomes explained in this letter.

Your response to the IFoA determination	Next steps under the Institute's Disciplinary Scheme
If you do not lodge an appeal with the IFoA	<ul style="list-style-type: none"> <li>• Accept the Disciplinary Action at item B of this letter; or</li> <li>• Escalate to full review under the Disciplinary Scheme (please note clause 3.1 b of the <a href="#">Disciplinary Scheme Guidance: Breaches in Education Assessment Regulations</a> re publication)</li> </ul>
If you lodge an appeal with IFoA	<ul style="list-style-type: none"> <li>• Institute will place the matter on hold pending IFoA appeal outcome</li> </ul>
If your IFoA Appeal is unsuccessful.	<ul style="list-style-type: none"> <li>• Accept the Disciplinary Action at item B of this letter; or</li> <li>• Escalate to full review under the Disciplinary Scheme</li> </ul>
If your IFoA appeal is <i>successful in full</i>	<ul style="list-style-type: none"> <li>• Provide a copy of the appeal outcome letter to the Institute; and</li> <li>• The matter will be concluded without any further action by the Institute.</li> </ul>
If your IFoA appeal is <i>not fully successful</i> .	<ul style="list-style-type: none"> <li>• Provide a copy of the outcome letter to the Institute; and</li> <li>• The matter will be considered further.</li> </ul>

A copy of this letter will be kept on your Member record for a period of 5 years and made accessible only to individual staff/committees involved in the Disciplinary Scheme.

I look forward to your reply within 21 days. If you do not respond to this letter, the Disciplinary Action at item B remains in force for the period of time specified.

Yours sincerely,

[INSERT STAFF MEMBER NAME]  
**Professional Standards Manager**