

Policies and Procedures for Disciplinary Action Related to Education, Examinations and e-Learning

Introduction

The examinations of the SOA are a very significant component of a candidate's career. Therefore, equitable administration of the examinations and enforcement of the highest standards of conduct cannot be emphasized too strongly. The SOA has a responsibility to maintain these standards in support of the profession and for the majority of candidates whose conduct is of the highest caliber. It is extremely important that no candidate have an unfair advantage over another and that no candidate give or receive assistance of any kind during an examination.

The registration process requires that candidates agree to be bound by the [Exam Rules and Regulations](#) or the [SOA Terms and Conditions Agreement](#) for e-Learning Candidates. **For the purpose of this document the term "examination" or "exam" will refer to any and all means of education or evaluation (e.g., exams, modules, exercises, assessments, validations or courses) related to the completion of a designation of Associate of the Society of Actuaries (ASA), Fellow of the Society of Actuaries (FSA) or the Chartered Enterprise Risk Analyst (CERA) certification.**

The Society of Actuaries (SOA) will follow up on any evidence that a candidate has cheated or failed to follow the Exam Rules and Regulations or the SOA Terms and Conditions Agreement for e-Learning Candidates either in letter or spirit. Any irregularity or suspected infraction will be investigated. If we determine an infraction has occurred, appropriate discipline will be imposed including, but not limited to, disqualification of the candidate's examination and a prohibition against participation in any SOA examination for a specified period. The following information outlines the policies and procedures for disciplinary action related to SOA education, examinations and e-Learning.

Investigation

Reports of possible infractions may come from many sources. For instance, individuals may submit an [infraction report](#) to the SOA if they believe a candidate has violated the Exam Rules and Regulations or the SOA Terms and Conditions Agreement for e-Learning Candidates. Reports of infractions also come from exam supervisors, graders and e-Learning staff. Supervisors who observe irregular conduct during the actual administration of an exam are required to report such conduct, while at the same time avoiding any disruption in the administration of the exam.

The Managing Director of Education supervises the SOA staff investigation of all examination-related disciplinary matters. The staff initially determines whether there is evidence that an infraction occurred and whether under all of the circumstances disciplinary action is appropriate. Staff collects all material pertinent to the investigation and conducts follow-up interviews with supervisors or other parties who have reported the misconduct. A report of the interviews is prepared.

The Managing Director reviews with staff all evidence of misconduct and recommends a course of disciplinary action or a dismissal of charges for each instance. For cases involving cheating (e.g. collaboration between candidates or one candidate copying from another), a statistical analysis/assessment of the similarity between candidates' responses and a written opinion of the strength of the evidence of cheating are produced. Staff expertise is brought to bear on this initially, with volunteer content experts consulted as needed.

The results of the investigations, including supporting analyses and reports, along with recommendations of the Managing Director are presented to the General Chairperson. Clarification of circumstances and refinement of recommended action occurs during dialogue with this officer. When additional guidance is needed, the appropriate Education Board Partner (Vice President or member with responsibility for Education) and where applicable their counterparts in the other organizations, are consulted for a decision.

In the case of a candidate who is already a member of the SOA, the Actuarial Board of Counseling and Discipline (ABCD), or the CIA if the candidate resides in Canada, will be advised about the member's conduct when the final penalty invoked is more than disqualification of the examination.

Actions

If a warning is issued or a penalty is invoked, the candidate is advised by letter from the General Chairperson. The letter informs the candidate about the relevant evidence and describes any disciplinary action. The letter is sent to the candidate with every reasonable effort being made to send the letter at the same time that grades for the examination(s) in question are released. In some cases the preliminary investigation phase may extend past the release date of results for the particular examination. In such instances, the candidate will receive written notification that the result is being withheld pending the outcome of the investigation of the circumstances surrounding that particular examination administration.

If there is not sufficient evidence to prove an infraction, but an infraction is strongly suspected, the candidate is informed of the suspected infraction in a warning letter and is reminded of the SOA's position regarding an infraction of the [Exam Rules and Regulations](#) or the [SOA Terms and Conditions Agreement](#) for e-Learning Candidates. If a penalty is invoked, the candidate will be advised that a current examination is disqualified and/or that the candidate is banned from taking examinations for a specified period of time.

Penalties

Any cheating, attempt to cheat, assisting others with cheating or participating therein, or engaging in any conduct prohibited by the SOA is a serious infraction and will generally result in disqualifying the candidate's examination, and such other disciplinary action as may be deemed appropriate.

Disqualification - The minimum penalty invoked is the disqualification of the examination. Examinations are disqualified when candidates commit infractions such as writing before or after time, using an unauthorized calculator or failing to acknowledge that they have read and agree to be bound by the Exam Rules and Regulations or the SOA Terms and Conditions Agreement for e-Learning Candidates. These infractions involve actions that could give the candidate an unwarranted advantage.

Disqualification with a ban - The standard penalty for a candidate who has cheated on an examination where the cheating is **not** determined to be premeditated or collaborative is disqualification of the examination and a ban on writing another examination for a period of two years. Where there is sufficient evidence that a candidate cheated on more than one examination in a single session or other circumstances warrant a more severe penalty, the penalty may be increased to three or more years.

Disqualification with a long-term ban - Premeditated cheating is considered to be a very serious infraction. Example of such infractions include attempts to gain access to examination questions or solutions before the examination, gaining access to an e-Learning system prior to registering for a course, prearranged transfers of examination information between a candidate and someone else, attempts to use concealed notes during the examination and plagiarism. A ban for premeditated cheating will normally range from two years to life.

When a ban is invoked a candidate may proceed with any exams¹ for which he/she has previously registered (i.e., the candidate registered for the exam prior to the date of the ban notification letter). However, if at the end of the 35-day appeal timeframe no appeal has been filed or an appeal was filed, but the penalty is upheld, no credit will be awarded for exams passed after the date of the ban notification letter (exam fee will be refunded upon request). The SOA will not release the grade for that exam and no credit will appear on the candidate's transcript. To receive credit for that exam the candidate will have to pass the exam again following the expiration of the ban. If a ban decision is overturned on appeal, the grade(s) for any exams taken in the interim will be released and any credit earned will be added to the transcript at that time.

Candidates receiving a ban notification letter while in the process of completing an e-Learning course will not be permitted to continue with any e-Learning activity until the ban has been lifted.

When an infraction is determined after results for the examination have been published, any passing grade earned on that examination will be revoked and notice of such revocation will generally be published with subsequent examination results. If by virtue of such a revocation a candidate no longer meets the educational requirements for the ASA, CERA or FSA designation, removal of the designation will be automatic, and notice of the removal will be published. The removal of the designation is effective on the date that the appeal timeframe is exhausted or if an appeal is filed, when the penalty is upheld.

The SOA may, at its sole discretion, disclose to any other bona fide actuarial organization having a legitimate interest, information on the identity of any candidates determined to have committed a serious examination infraction (those requiring more than an exam disqualification) and the specific penalties imposed on those candidates.

Where an actuarial organization with which the SOA has a direct working relationship invokes a ban against a candidate for an examination-related infraction on an examination for which the SOA is **not** a joint sponsor or administrator, the SOA will invoke the same ban on the candidate with respect to writing any SOA examinations.

¹ In this case the word "exam" refers specifically to multiple-choice (CBT and pencil/paper) and written answer exams only.

Contesting the Action

The affected candidate may contest the factual basis for the action taken by the Education Committee. The penalty for a given an infraction may not of itself be contested. In the cases of a simple infraction, we will not release any of our evidence to the candidate. In other instances, where in our opinion, the sharing of specific evidence with the candidate or the candidate's representative is appropriate, we may do so.

If the candidate contests the factual basis for the determination, the candidate may make a written appeal to the Vice President (or Board designate) of Education within 35 days of the date of the letter from the General Chairperson. The Managing Director and staff will make a recommendation to the Vice President to the appropriate course of action. Actions taken may include, but are not limited to, requesting additional information from the candidate or the Education Committee, and/or in rare instances offering the candidate an administrative hearing before three Fellows to consider the evidence presented by the candidate and by the Education Committee.

Candidates also have the right to appeal the SOA's application of the disciplinary decision of another actuarial organization. Where a candidate makes such an appeal, the SOA will request the transfer of the appropriate disciplinary case files, including all direct evidence, from the other organization to the SOA for disposition of the appeal under the general provisions of the SOA disciplinary process.

If a candidate appeals an SOA examination-related disciplinary penalty to another actuarial organization invoking the same penalty based on a reciprocal agreement between the SOA and the other actuarial organization, the SOA will provide the relevant disciplinary case files upon receipt of formal written request from the organization, subject to the applicable SOA policies and procedures (and respecting the legitimate protection of all SOA attorney/client privileged communication). By filing an appeal, the candidate acknowledges and agrees that the appeal requires the exchange of the confidential information between the SOA and the other organization.

Hearings

A candidate contesting a **lifetime ban** on writing examinations is entitled to a hearing. In other circumstances, a hearing may be requested, but is granted rarely, and only at the discretion of the Vice President (or Board designate) of Education. Hearing requests must be made in writing and must be sent to the Vice President of Education. Requests for hearings must be received within the 35-day appeal timeframe provided for in the above section or within 35 days of the date of a letter from the Vice President denying an initial appeal.

Depending on the nature of the evidence, including the circumstances of any witnesses, a hearing, if undertaken, will be convened at the SOA's administrative office or in a location which the SOA in its sole discretion selects. The hearing will take place before three Fellows selected by the candidate from a list of not fewer than six Fellows provided by the SOA. Efforts will be made to eliminate from consideration any Fellow directly connected with the examination administration in question or with a past or present employer of the candidate.

At the hearing the candidate may appear personally and represented by counsel, examine the evidence presented, examine adverse witnesses and present witnesses and evidence in his or her

behalf. The Education Committee's position will be presented, witnesses questioned and evidence introduced by a member or members of the Education Committee or by staff. The hearing will be recorded. All expenses incurred by the candidate will be the responsibility of the candidate.

If the three Fellows selected to be present at the hearing determine (by at least a majority vote) that the evidence presented substantiates that an infraction occurred, they will confirm the penalty invoked; otherwise they may reduce or rescind the penalty as deemed appropriate under the circumstances. The decision of the three Fellows is the final decision in the matter and there is no further right to appeal.

Involvement of the Other Organizations

The CAS, CIA, and the SOA jointly administer certain examinations. Where an examination infraction occurs on one of the jointly administered examinations, the CAS and/or CIA may be directly involved in the determination of the appropriate action and penalty to be taken. Similar processes involve ASPPA and the Joint Board for the EA examinations.

The CAS and/or CIA are brought into the process when the investigation of misconduct involves any interpretation of facts or circumstances. Upholding the penalty for failure to sign an answer sheet, by contrast, involves no such interpretation and so is addressed administratively by the SOA staff. The SOA staff provides the CAS and/or CIA designee with the relevant material assembled during the investigation and recommendation phase at the same time the material is provided to the SOA representative. The CAS and/or CIA designees determine whether the CAS and/or CIA agree with the determination made by the SOA. Where there is disagreement between the two bodies, an attempt will be made to effect agreement. However, the SOA will not compromise the uniform treatment of candidates in order to effect agreement with the CAS and/or CIA. In a case in which there is no agreement, any communication with the candidate will state that the action reported is being taken by the SOA only, and the CAS and/or CIA may communicate independently its decision in the matter.

Where a hearing is convened to consider the evidence of a candidate relating to one of the jointly administered examinations, the CAS and/or CIA will be represented on a three-person hearing panel. The candidate will be provided with a list of not less than six Fellows, two of whom will be Fellows of the CAS and/or CIA, and will be instructed to include one FCAS and/or one FCIA among the three Fellows selected for the hearing.

For the Enrolled Actuary (EA) examinations, ASPPA and the Joint Board for the Enrollment of Actuaries have agreed to leave with the SOA the treatment of infractions that if substantiated do not warrant a penalty beyond simple disqualification of the examination. The Joint Board generally cannot for its part prohibit a candidate from writing future examinations; their disciplinary action may instead postpone the eligibility of a successful candidate to attain EA status. ASPPA has an independent process to approve disciplinary actions. Where necessary to effect timely communication and response to candidates, the SOA may elect to inform candidates of the action taken by the SOA, advising candidates that ASPPA and the Joint Board have not provided a decision and may contact the candidates separately.

If you have questions regarding the information provided in this document, please contact the SOA staff at education@soa.org.