



CODE OF CONDUCT FOR EXAMINATION CANDIDATES

Conduct and Academic Integrity during CMSA examinations

This Code shall apply to all candidates and all examinations held under the auspices of the Colleges of Medicine of South Africa (the "CMSA").

1.0 RESPONSIBILITY AND OBLIGATION

Candidates for examination by the CMSA (examination candidates) accept a responsibility and obligation to abide by this Code of Academic Integrity. Academic integrity violations include all forms of academic dishonesty, including but not limited to the following:

- 1.1 Communicates or attempts to communicate with any other candidate or any person other than the invigilator on duty;
- 1.2 Makes use of or has in his possession or under his control any notes, books or any devices;
- 1.3 Disrupts the conduct of the examination in any manner;
- 1.4 Conducts himself in any other dishonest or improper manner, including but not limited to offering bribes, going to the wards immediately before the examination and accessing electronic or written patient files or information;
- 1.5 Behaves or conducts themselves in such a manner which has or might have the effect of bringing the CMSA into disrepute;
- 1.6 Collusion – helping or allowing another candidate to commit any act of academic dishonesty;
- 1.7 Unauthorised assistance – Candidates must rely upon their own abilities and refrain from obtaining assistance in any manner that the CMSA does not explicitly allow. This includes but is not limited to providing or receiving answers to an examination, use of faculty materials or answer keys, or a candidate having someone else taking their examination;
- 1.8 Misrepresentation – Falsely representing the candidate's situation to the CMSA when
 - 18.1 justifying an absence from the examination; or
 - 18.2 requesting a substitute or re-examination.

2.0 CONDUCT

Examination candidates are also expected to conduct themselves ethically, honestly, and with integrity as responsible members of the CMSA's academic community. This requires the demonstration of mutual respect and civility in academic and professional discourse.

Actions, oral statements, and written statements which threaten or violate the personal safety of any member of the examinations board/panel/team, staff, or other candidates include but are not limited to:

- 2.1 Harassment, sexual or otherwise, that has the effect of creating a hostile or offensive examination environment for any candidate, examinations board/panel/team, or staff member.
- 2.2 Stalking, persistently pursuing another person that has the effect of imposing unwelcomed contact and/or communication.
- 2.3 Disruptive behavior that hinders or interferes with the conduct of the examination.
- 2.4 Violation of any applicable professional codes of ethics or conduct.
- 2.5 Failure to promptly comply with any reasonable directive from examinations board/panel/team or CMSA officials.
- 2.6 Failure to cooperate in a CMSA investigation.

- 2.7 Carrying of weapons on property/campus, at property/campus-sanctioned events, or when meeting with property/campus personnel.
- 2.8 Using, dealing in, or being under the influence of alcohol or illegal drugs while in a CMSA examination
- 2.9 Failure to maintain confidentiality and respect the privacy of personal or professional information communicated about patients, employers, other Examinations.
- 2.10 Falsification, alteration or invention of information, including, but not limited to, any third party document used to apply for examination credentialing.
- 2.11 Violation of national, provincial, or local laws or regulations that impacts the CMSA's educational environment.
- 2.12 Violations of the code of conduct of the HPCSA

3.0 COMPLAINANT

In any suspected violation of the code an investigation of a prima facie case for violation of the code of conduct will be initiated, thereafter any staff member of the CMSA, who suspects or has been advised that a candidate is in breach of or has breached the Code ("the Respondent"), may immediately once such staff member becomes aware of the alleged breach, initiate disciplinary proceedings as set out hereunder.

- 3.1 If the Respondent is suspected of violating the Code at any time when the examination process has been commenced and is still in progress, the Respondent shall be advised of the suspected breach and offered the opportunity of discontinuing the examination in question.
- 3.2 As far as possible, at least two members of the CMSA staff engaged as invigilators shall immediately after the examination document the circumstances and the reasons for suspecting the Respondent of the alleged breach.
- 3.3 If at any time after an examination has been completed, it comes to the attention of any staff member of the CMSA that a candidate has acted in breach of the Code, the staff member who acquires such information shall immediately document the circumstances and the reasons for suspecting the Respondent of the alleged breach.
- 3.4 The written complaint, as provided for in clauses 3.2 and/or 3.3 ("the Complaint") will be submitted as soon as possible and without delay to the office of the Academic Registrar of the CMSA ("the Registrar").
- 3.5 The Registrar shall forthwith and without delay advise the Respondent in writing of the Complaint and the fact that it is alleged that the Respondent may have breached the Code. The Respondent shall be afforded a period of 10 (ten) days, from receipt of couriered notification, to respond thereto in writing ("the Response").
- 3.6 On receipt of the Response, or in the absence of a response after the 10 day period, the Registrar and a senior nominated member of the Examinations and Credentials Committee (ECC) will meet to consider the Complaint and the Response, if any. If it is decided that prima facie the Complaint, having regard to the Response, if any, evidences a breach of the Code, a suitable charge will be formulated. If not, no further action will be taken and the Respondent and the complainant will be advised accordingly.
- 3.7 If a charge is formulated ("the Charge"), the Registrar shall forthwith and without delay advise the Respondent in writing of the Charge. The Registrar shall simultaneously advise the Respondent of the opportunity to request the Disciplinary Sub-Committee to allow the Respondent legal representation.
- 3.8 The Registrar shall place the Complaint, the Response and the Charge before the Disciplinary Sub-Committee as provided below.

4.0 DISCIPLINARY SUB-COMMITTEE ("DSC")

- 4.1 As provided for in the rules of the CMSA, the Senate shall appoint an Examinations and Credentials committee, which committee shall in turn delegate its disciplinary power to a Disciplinary Sub-Committee ("DSC").
- 4.2 The DSC shall comprise the Chairman of the Examinations and Credentials committee as Chairman, where possible the Honorary Registrar, and up to three other members co-opted onto the DSC.

- 4.3 The powers of the DSC are to inquire into, investigate, and adjudicate upon any alleged breach or contravention of the Code, and impose appropriate findings and penalties.
- 4.4 The DSC shall exercise its powers in the following manner: The DSC shall consider the Complaint, the Response and the Charge, and if applicable, the request for legal representation. If the DSC is of the opinion that, having regard to the complexity of the evidence and the legal issues likely to be involved, the serious nature of the matter inquired into and the penalty likely to be imposed, it may in its sole discretion decide to allow the Respondent the right to be represented by only a practising attorney or advocate or both. In such event the CSMA shall similarly be entitled to legal representation.
- 4.5 The Chairman of the DSC shall advise the CMSA, through the office of the Registrar, and the Respondent:
 - 4.5.1 The Charge which the Respondent would have to answer;
 - 4.5.2 the date, time and venue of the disciplinary hearing bearing in mind that all disciplinary matters should be finalised as far as possible within 21 days;
 - 4.5.3 any decision the DSC has reached in respect of legal representation;
 - 4.5.4 which witnesses the DSC requires to be made available by the CSMA at the hearing and what additional documents, if any, the DSC requires to be submitted; and
 - 4.5.5 the Respondent shall be advised that he is entitled to give evidence and to call and cross examine witnesses at the hearing.

5.0 PROCEDURE AT THE DSC HEARING

- 5.1 At the hearing the DSC shall, at the commencement of the hearing, put the Charge to the Respondent and allow the Respondent to plead thereto. After hearing and considering all the evidence lead, the DSC shall make a finding on whether the Charge has been proved and whether there has been a breach of the Code by the Respondent.
- 5.2 If the DSC finds that the Charge has been proved, it may after hearing evidence on the appropriate penalty, impose one or more of the following penalties:
 - 5.2.1 Disqualification from the examination in question and future examinations in the same subject/discipline or any other subject/discipline, for a period to be determined;
 - 5.2.2 Ineligibility to write any future CMSA examinations;
 - 5.2.3 Eligibility to write future examinations subject to certain conditions; and/or
 - 5.2.4 That the matter be reported to the Health Professionals Council of South Africa or appropriate and relevant /Professional Board.
 - 5.2.5 Inform the appropriate training platform /Faculty of Health Sciences of the relevant CMSA.
- 5.3 If the DSC finds that the Charge has not been proved:
 - 5.3.1 the Charge against the Respondent will be withdrawn; and
 - 5.3.2 a free examination will be awarded to the Respondent.
- 5.4 Before making any decision in respect of penalty, the DSC may adjourn the hearing to allow for an evaluation by a relevant specialist/s of the DSC's choice and a similar specialist/s of the Respondent's choice.
- 5.5 The DSC shall inform the Respondent of its finding, decision or penalty imposed as soon as possible after the hearing.
- 5.6 Every finding, decision or penalty imposed by the DSC shall be referred to the Board who will report the outcome to Senate (whichever meets first) as soon as practically possible from the date that the DSC rendered its finding, decision or penalty, together with a summary of the proceedings prepared by the Registrar, for noting and information purposes only.
- 5.7 In exercising its disciplinary powers, it is the duty of the DSC to adhere to the principles of natural justice. In particular, the DSC shall:
 - 5.7.1 act in accordance with the Code;
 - 5.7.2 discharge its duties honestly and impartially;
 - 5.7.3 afford the Respondent a proper hearing, including the opportunity to adduce evidence and to contradict or correct adverse statements or allegations;
 - 5.7.4 make fair and bona fide findings on the facts; and
 - 5.7.5 conduct an active investigation into the truth of allegations made against the Respondent.

6.0 PROCEDURE FOR APPEAL

- 6.1 Respondents have the right to appeal the finding(s), decision(s) or penalties imposed by the DSC by giving written notice of this intention to appeal to the Registrar of the CMSA within 10 (ten) days after the outcome of the DSC hearing has been communicated to the Respondent.
 - 6.1.1 A determined administrative fee is payable as a deposit on receipt of the written notice of the intention to appeal.
 - 6.1.2 The paid administrative fee will be forfeited to the CMSA in the event that the Respondent's appeal is unsuccessful.
- 6.2 Responded and Appeal procedure according to the CMSA policy
- 6.3 If a Respondent remains dissatisfied with the outcome of the Appeal Procedure, the matter under consideration can be referred for arbitration
 - 6.3.1 Written notice of the intent to refer the matter for Arbitration must be made to the Registrar of the CMSA, with the payment of a determined fee payable within 10 (ten) days after the outcome of the appeal hearing has been communicated to the Respondent. Such fees will be utilised by the CMSA to cover any costs incurred in the event of the CMSA being awarded costs in the arbitration award.
 - 6.3.2 Such arbitration process shall be governed by the rules of the Arbitration Foundation of Southern African.
 - 6.3.3 If a Respondent still remains dissatisfied with the outcome of the Arbitration process, the matter under review may be referred to a court of law.