



CMSA

**EXAMINATION POLICIES AND
PROCEDURES FOR CANDIDATES**

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1. CANDIDATE RIGHTS POLICY

This policy document aims to outline the rights of candidates for the CMSA examination. These rights are subject to the limitations contained or referred to in other CMSA policies documents and shall be read in conjunction with the other policy documents of the CMSA.

1.1 **Right to Equality**

All candidates have a right to a fair examination, free of intimidation and discrimination.

Discrimination on the grounds of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth with reasonable consideration of the prescriptions of the CMSA policies, shall not be permitted.

1.2 **Right to dignity**

1.2.1 The dignity of all candidates shall be respected.

1.2.2 All candidates shall have the right to appropriate protection by the CMSA against harassment or the infringing of his or her dignity during the examination process.

1.3 **Right to privacy**

All candidates have a right to privacy, except as prescribed by law or CMSA policies.

2. GUIDELINES ON PRACTICAL/CLINICAL/ORAL EXAMINATIONS AND POLICY ON REVIEWS OF ORAL EXAMINATIONS OF THE COLLEGES OF MEDICINE OF SOUTH AFRICA

2.1 Context and background

The primary function of the Colleges of Medicine of South Africa (CMSA) is to conduct exit examinations for specialist, subspecialist and/or post graduate diploma qualifications in South Africa. Successful completion of the CMSA examination together with the completion of the University administered research component are required for specialist and subspecialist (where relevant) registration and practice in South Africa.

In conducting the exit examination, the CMSA is cognisant of a number of factors which have an influence on its mandate delivery.

2.2 Importance of the policy and guideline

The policy and guideline on the post-written components of the examination will protect both the examination candidate and the examiner by providing clear guidelines on the procedure to follow in the event there is a dispute arising during the conduct of these components.

2.3 Principles governing the conduct of practical/clinical/oral examinations

2.3.1 Rules and instruction on how the examination is conducted are given to all candidates upon registering for the examination. Constituent Colleges supply the ECC with specific rules and instructions for their examinations or may use the CMSA generic rules and instructions for practical/clinical/oral examinations

2.3.2 In all matters, if the Council cannot make a ruling, ECC will make the ruling.

2.3.3 No new rules can be formulated and implemented whilst the examination is in progress.

2.3.4 An oral examination is one where only the examiner/s and the candidate are present, no visual aids are used and no actual patient, either at the bedside or elsewhere, is discussed or involved. The review can only be regarding the manner in which the examination was conducted.

2.3.5 Candidates are reminded that all orals are recorded. Where a candidate refuses recording of an oral examination, he/she must complete and submit the Refusal of Audio Recording of Oral Examinations form:

https://www.cmsa.co.za/force_download.aspx?documentid=69656F6132343231383069656F61&Name=Refusal%20of%20audio%20recording%20form&direct=y

2.3.6 Please note that clinical, OSCE, OSPE and practical examination will NOT be recorded.

2.3.7 If a candidate refused to have their oral examination recorded, he/she cannot request a review of the manner in which the examination was conducted. Refusal forms will also be available from the convenor.

2.4 Procedure to be followed by the candidate or examiner requesting a review of an oral examination (it is important to note that there is no appeal or review available in respect of practical or clinical examination).

2.4.1 The candidate who wishes to apply for the review of an oral examination, must lodge the request for the review of the oral examination in writing with the CMSA Academic Registrar within 10 days of the examination.

- 2.4.2 The Academic Registrar will advise the President of the relevant Constituent College of the review request.
- 2.4.3 The Constituent College President will then obtain the recording from the Examinations Office.
- 2.4.4 The President of the Constituent College will ensure that at least three members of the Constituent College will convene as soon as possible to review the manner in which the oral examination was conducted. Following such review it can:
 - 2.4.4.1 Dismiss the complaint and advise the complainant accordingly; or
 - 2.4.4.2 Uphold the complaint in which event the President of the Constituent College will advise the CMSA and the candidate that the candidate will be eligible to sit for the oral/clinical examinations at the next sitting of the Examination without writing the written component of the examination.
 - 2.4.4.3 Request the CMSA to apply the applicable policies in the case of examiner/candidate misconduct.

3. CMSA APPEALS MECHANISM

3.1 APPEAL MECHANISM FOR WRITTEN EXAMINATIONS

- 3.1.1 After the ratified examination results are published, all candidates will be sent a breakdown of his/her examination marks. It is understood and accepted by all candidates that all examination results need to be ratified by Senate before such examination results will be regarded as final. At the discretion of the CMSA, it may release provisional examination results prior to the ratification process on the strict condition that such results are not the final results. Although every effort will be taken to ensure that such provisional results reflect the correct results, there will be no recourse against the CMSA, or any of its employees or officers, should it there be any error in the released provisional examination results.
- 3.1.2 Any candidate who has passed the examination may not lodge an appeal against the outcome of his/her examination results.
- 3.1.3 Any candidate who has failed the written examination and wishes to lodge an appeal against the outcome of his/her written examination results must, within 21 (twenty one) days from the date of receiving the breakdown of his/her examination results advise the Academic Registrar in writing (“the appeal notice”). Such re-mark will be final and binding on the candidate.
- 3.1.4 A candidate who has failed the examination shall also be entitled to request the Academic Registrar, when giving the appeal notice referred to above, to permit the candidate to have sight of the examination memorandum in respect of which a re-mark is requested and to exercise the right to have his/her examination questions re-marked. For each examination question to be viewed with the memorandum, the candidate will lodge the applicable fee in the amount R300 plus VAT (R330) **per question**.
- 3.1.5 Only failed sections of a written examination may be re-marked up to a maximum of 75% of the questions, and the candidate will lodge the applicable fee in the amount R2 000 plus VAT (R2 300) **per paper**, with the CMSA in a bank account to be advised. Please note that no passed questions will be re-marked.
- 3.1.6 If the outcome of the written examination should change and there is an oral/clinical component to the examination, then the candidate may attend the oral/clinical at the next sitting.
- 3.1.7 Re-mark examiners are appointed by the relevant constituent college at the time that the panel for a specific semester is appointed. All re-marks will be conducted by an examiner in the same specialty and with the same expertise as the original examiner. Re-marks should be conducted within 14 days of the receipt of proof of payment.
- 3.1.8 Should the marks of a candidate change after a re-mark has been conducted, the original marker, the re-mark examiner and the convenor need to meet to discuss the outcome of marks altered. This will ensure quality assurance

3.2 MCQ Questions

Candidates who have failed the MCQ examination may request a recalculation at no additional cost. Upon such recalculation of the MCQ script, the outcome of such recalculation will be final and binding. The MCQ scripts will not be made available to the candidate.

3.3 Electronic copy of Examination Scripts

With the exception of MCQ scripts, a candidate who has failed the written examination will be entitled to request an electronic copy of his/her written examination scripts, after the candidate

has indicated that no re-mark is required or, in the event of a re-mark having been requested, after the re-mark process has been completed. All scripts are marked electronically and there will therefore be no marks or notes on the candidates' scripts.

3.4 **Emergency evacuation of an examination**

Should it be necessary during an examination to evacuate an examination room in any one of the regions, candidates must leave their scripts as well as the examination question paper on the desk and exit the venue as quickly as possible. In such event, the disrupted examination for this venue will be declared null and void and will be deferred to the next semester at no extra charge to the candidate.

4. CODE OF CONDUCT FOR EXAMINATION CANDIDATES

4.1 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”). Candidates for examination by the CMSA (examination candidates) accept a responsibility and obligation to abide by this Code of Conduct and to Academic Integrity.

- 4.1.1 Candidates are to have their examination cards on their desks at all times.
- 4.1.2 Candidates are to put their examination number on all their answer scripts. Please ensure that this is done as incorrectly numbered scripts will not be marked.
- 4.1.3 Use a new examination script for each question unless otherwise instructed on your question paper.
- 4.1.4 No cell phones, smart watches or palm tops are allowed. Candidates must hand them in, switched off, or lock them in their cars.
- 4.1.5 Disciplinary Procedure shall be implemented in the event that during an examination a candidate:
 - 4.1.5.1 communicates or attempts to communicate with any other candidate or any person other than the invigilator on duty;
 - 4.1.5.2 makes use of or has in his or her possession or under his or her control any notes, books or devices which contain information or could provide access to information that might be relevant to the examination;
 - 4.1.5.3 disrupts the examination in any manner;
 - 4.1.5.4 conducts himself/herself 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;
 - 4.1.5.5 behaves or conducts himself/herself in such a manner which has or might have the effect of bringing the good name of the CMSA into disrepute; and/or
 - 4.1.5.6 collusion – helping or allowing another candidate to commit any act of academic dishonesty.
- 4.1.6 The following could also lead to disciplinary action being taken against a candidate:
 - 4.1.6.1 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;
 - 4.1.6.2 Misrepresentation – Falsely representing the candidate’s situation to the CMSA when
 - 4.1.6.2.1 justifying an absence from the examination; or
 - 4.1.6.2.2 requesting a substitute or re-examination.

4.2 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. Failure to adhere to these standards may lead to disciplinary action being taken.

- 4.2.1 Actions, oral statements, and written statements which threaten or violate the personal safety and/or dignity and/or reputation of any member of the examinations board/panel/team, staff, or other candidates.
- 4.2.2 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.
- 4.2.3 Stalking, persistently pursuing another person that has the effect of imposing unwelcomed contact and/or communication.
- 4.2.4 Disruptive behavior that hinders or interferes with the conduct of the examination.
- 4.2.5 Violation of any applicable professional codes of ethics or conduct.
- 4.2.6 Failure to promptly comply with any reasonable directive from examinations board/panel/team or CMSA officials.
- 4.2.7 Failure to cooperate in a CMSA investigation.
- 4.2.8 Carrying of weapons on property/campus, at property/campus-sanctioned events, or when meeting with property/campus personnel.
- 4.2.9 Using, dealing in, or being under the influence of alcohol or illegal drugs while on CMSA property or in a CMSA examination.
- 4.2.10 Failure to maintain confidentiality and respect the privacy of personal or professional information communicated about patients, employers, other examinations.
- 4.2.11 Falsification, alteration or invention of information, including, but not limited to, any third party document used to apply for examination credentialing.
- 4.2.12 Violation of national, provincial, or local laws or regulations that impacts the CMSA's educational environment.
- 4.2.13 Contravene any of the provisions of any applicable policy document published by the CMSA.
- 4.2.14 Violations of the code of conduct of the HPCSA.

4.3 VIOLATION OF THE CODE

In any suspected violation of the Code an investigation of a prima facie (on a first impression) case for violation or breach of the Code will be initiated. Any staff member of the CMSA, who suspects or has been advised that a candidate has violated or is in breach of the Code (“the Respondent”), may immediately once such staff member becomes aware of the alleged breach, initiate proceedings as set out hereunder.

- 4.3.1 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 Moderator of the examination in question shall be advised of the suspected violation or breach and the Moderator shall then advise the Respondent of the suspected breach and the Respondent will not be permitted to continue with the examination in question.

- 4.3.2 As far as possible, 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.
- 4.3.3 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.
- 4.3.4 The written report, as provided for in clauses 4.3.2 and/or 4.3.3 (“the Complaint”) will be submitted as soon as possible and without delay to the office of the Academic Registrar of the CMSA (“the Registrar”).
- 4.3.5 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 the notification, to respond thereto in writing (“the Response”).
- 4.3.6 On receipt of the Response, or in the absence of a response after the 10 day period, two or more senior nominated members (excluding the Chair of the ECC) of the Examinations and Credentials Committee (ECC) will meet to consider the Complaint and the Response, if any. The members referred to above will be nominated and appointed by the Registrar. 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.
- 4.3.7 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.
- 4.3.8 The Registrar shall place the Complaint, the Response and the Charge before the Disciplinary Sub-Committee as provided below.

4.4 **DISCIPLINARY SUB-COMMITTEE (“DSC”)**

- 4.4.1 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”).
- 4.4.2 The DSC shall comprise a member of the Examinations and Credentials committee as Chairman, and up to three other members co-opted onto the DSC. Such co-opted members of the DSC need not necessarily be members of the CMSA.
- 4.4.3 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.
- 4.4.4 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. The CMSA shall similarly be entitled to legal representation.
- 4.4.5 The Chairman of the DSC shall advise the CMSA, through the office of the Registrar, and the Respondent:

- 4.4.5.1 The Charge which the Respondent would have to answer;
 - 4.4.5.2 the date, time and venue of the disciplinary hearing;
 - 4.4.5.3 any decision the DSC has reached in respect of legal representation;
 - 4.4.5.4 which witnesses the DSC requires to be made available by the CMSA at the hearing and what additional documents, if any, the DSC requires to be submitted; and
- 4.5 the Respondent shall be advised that he/she is entitled to give evidence and to call and cross examine witnesses at the hearing.

4.6 **PROCEDURE AT THE DSC HEARING**

- 4.6.1 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 led, 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.
- 4.6.2 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:
 - 4.6.2.1 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;
 - 4.6.2.2 Ineligibility to write any future CMSA examinations;
 - 4.6.2.3 Eligibility to write future examinations subject to certain conditions;
 - 4.6.2.4 That the matter be reported to the Health Professionals Council of South Africa or appropriate and relevant /Professional Board; and/or
 - 4.6.2.5 Inform the appropriate training platform /Faculty of Health Sciences of the relevant college of the CMSA.
 - 4.6.2.6 In the event that the Respondent is an examiner, that he/she be suspended for a stipulated period of participating in the examination process; and that his/her college be informed of the violation and penalty imposed.
- 4.6.3 If the DSC finds that the Charge has not been proved:
 - 4.6.3.1 the Charge against the Respondent will be withdrawn; and
 - 4.6.3.2 if applicable, a free examination will be awarded to the Respondent.
- 4.6.4 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.
- 4.6.5 The DSC shall inform the Respondent of its finding, decision or penalty imposed as soon as possible after the hearing.
- 4.6.6 Every finding, decision or penalty imposed by the DSC shall be referred to the Board who will report the outcome to Senate 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.
- 4.6.7 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:
 - 4.6.7.1 act in accordance with the Code;

- 4.6.7.2 discharge its duties honestly and impartially;
 - 4.6.7.3 afford the Respondent a proper hearing, including the opportunity to adduce evidence and to contradict or correct adverse statements or allegations;
 - 4.6.7.4 make fair and bona fide findings on the facts; and
 - 4.6.7.5 conduct an active investigation into the truth of allegations made against the Respondent.
- 4.6.8 The Chairman of the DSC shall be entitled to allow one or more observers to be present at the DSC hearing provided that there is a valid acceptable reason, in the opinion of the Chairman, for such observers to be present and such observers agree not to participate in the proceedings and agree to be bound by confidentiality. The Respondent and /or the CMSA may object to such observers being present and the Chairman shall, in deciding whether to allow such observers to be present, take these objections into account in exercising his/her discretion.

4.7 **PROCEDURE FOR APPEAL**

A Respondent has 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 7 (seven) days after the outcome of the DSC hearing has been communicated to the Respondent.

4.8 **CODE OF CONDUCT - APPEAL PROCEDURE**

4.8.1 **APPEAL PROCESS**

- 4.8.1.1 An appeal against a finding by the DSC shall lie to an Appeal Board and to no other body. All decisions, penalties, rulings, determinations or findings of an Appeal Board shall be final and binding on the party or parties concerned.
- 4.8.1.2 The Respondent shall give notice in writing of his/her intention to appeal within 7 working days from the date on which the finding to be appealed against has been communicated to him/her. The notice of intention to appeal shall be addressed to the Registrar and shall be delivered within the prescribed time limit to the Registrar.
- 4.8.1.3 On receipt of a notice of intention to appeal, the Academic Registrar shall as soon as possible thereafter make a copy of the record of the DSC hearing to which the appeal relates available to the Respondent.
- 4.8.1.4 The Respondent shall lodge, in writing, the grounds of appeal within 10 working days, from the date on which he/she is furnished with a copy of the transcript of the DSC hearing. The notice of appeal shall set out the penalty, decision or finding appealed against and the grounds of such appeal.
- 4.8.1.5 A determined administrative fee is payable as a deposit on receipt of the written notice of the intention to appeal. The paid administrative fee will be forfeited to the CMSA in the event that the Respondent's appeal is unsuccessful
- 4.8.1.6 Where an appeal has been lodged, the DSC may within 10 working days after being provided with a copy of the Respondent's notice of appeal, lodge a written response with the Registrar. A copy of such response by the DSC, if any, shall be furnished to the Respondent who shall be entitled to reply thereto within 5 working days.

4.8.2 APPEAL HEARING

- 4.8.2.1 Once the process set out in clause 4.8.1 has been completed, the Academic Registrar shall advise the Chairman of the CMSA who shall appoint at least three persons (who may be Senate members or such other persons whom the Chairman believes would be suitable to be appointed), who shall not have participated in any hearing relating to the Respondent insofar as the matter and finding under consideration is concerned, to serve on the Appeal Board to hear the appeal.
- 4.8.2.2 The quorum for an Appeal Board shall be three. The Chairman shall not have a casting vote.
- 4.8.2.3 Should the number of members of an Appeal Board fall below the quorum stipulated in the Code then the proceedings before that board shall be a nullity and another Appeal Board may be constituted to hear the appeal de novo.
- 4.8.2.4 Save where otherwise provided in the Code, an Appeal Board, when hearing an appeal, shall adopt such procedures as it, in its sole discretion, may determine. The appeal will be decided on the record of the DSC hearing and the representations filed by the parties. Only in exceptional circumstances should the Appeal Board call on the parties to appear before it to argue the appeal. In such a case the Respondent shall be entitled to have legal representation by a practicing attorney or advocate or both. The DSC shall also be entitled to be represented by a practising attorney or advocate or both.
- 4.8.2.5 The Respondent and the DSC (and their respective legal representatives, if any) shall be bound by and confined to the record of the DSC hearing and shall not be entitled to introduce new evidence save with the permission of the Appeal Board, which may determine such matter in its sole discretion and on such terms and conditions as it may deem fit.
- 4.8.2.6 The operation of the finding, penalty or decision of the DSC concerned shall be suspended:
- 4.8.2.6.1 during the 7 day period referred to in clause 1.1 above; and/or
- 4.8.2.6.2 when a notice of intention to appeal has been lodged, pending the final determination of such appeal by an Appeal Board, or the lapsing of the appeal or the withdrawal thereof.

4.8.3 POWERS OF AN APPEAL BOARD

- 4.8.3.1 An Appeal Board on hearing an appeal, shall have the powers:
- 4.8.3.1.1 to allow the appeal;
- 4.8.3.1.2 to dismiss the appeal;
- 4.8.3.1.3 substitute any finding or decision as it deems fit or substitute such sanction as it deems fit, including any amended penalty;
- 4.8.3.1.4 to make such order as in its opinion the circumstances may require including an order to remit the matter for the hearing of further evidence or an order for the hearing de novo;
- 4.8.3.1.5 to hear further evidence or receive any documents on such terms and conditions as it in its discretion may decide;
- 4.8.3.1.6 at any time to order the Respondent and/or the DSC to pay all or a portion of the actual costs and other expenses reasonably incurred

by CMSA in connection with an appeal or any postponement thereof, in addition to any other sanction, if it is of the opinion that such order is warranted and to determine the amount of such costs and other expenses;

4.8.3.1.7 to make such rulings as it in its sole discretion shall determine.

- 4.8.4 In exercising its disciplinary powers, it is the duty of the Appeal Board to adhere to the principles of natural justice. In particular, the Appeal Board shall act in accordance with the Code and shall discharge its duties honestly and impartially.
- 4.8.5 Every finding, decision or penalty imposed by the Appeal Board shall be referred to the Senate or EXCO as soon as practically possible from the date that the Appeal Board rendered its finding, decision or penalty, together with a summary of the proceedings prepared by the Academic Registrar, for noting and information purposes only.