



## Candidate misconduct policy

© Australian Dental Council Ltd  
PO Box 13278  
Law Courts Victoria 8010  
Australia

**Tel:** +61 (0) 3 9657 1777  
**Fax:** +61 (0) 3 9657 1766  
**Email:** [info@adc.org.au](mailto:info@adc.org.au)  
**Web:** [www.adc.org.au](http://www.adc.org.au)  
**ABN:** 70 072 269 900

## Document Version Control

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## 1. Introduction

The ADC is committed to both promoting candidate behaviour that is consistent with that outlined in the Dental Board of Australia's (DBA) *Code of conduct*, and to discouraging inappropriate candidate behaviour.

This policy sets out the rules applicable to possible cases of ADC candidate misconduct and applies to all candidates undertaking ADC assessment processes.

The ADC aims to provide fair and just procedures for:

- informing candidates of expected levels of behaviour;
- identifying cases of misconduct; and
- imposing penalties for identified misconduct.

## 2. Misconduct

ADC candidates are expected to conduct themselves in a manner which is consistent with the *Code of conduct* and to abide by the current ADC written and practical examination conduct policies. Contraventions (or attempted contraventions) of the *Code of conduct* or examination policies are considered misconduct and may be categorised as:

- examination misconduct; and/or
- general misconduct.

### 2.1. Examination misconduct

Examination Conduct policies are in place for both the ADC written and practical examinations. Contraventions of Examination Conduct policies are considered as misconduct.

Examples of examination misconduct include (but are not limited to):

- allowing another person to complete an examination on behalf of a candidate;
- communicating with, or copying from, another candidate during an examination;
- bringing unauthorised materials into, or receiving unauthorised materials during, an examination;
- removing materials from an examination;
- accessing unauthorised copies of examination materials in advance;
- unauthorised access to an examination venue;
- sharing, selling or attempting to sell ADC examination questions;
- taking actions which may impact on the ability of others to complete their examination tasks.

## 2.2. General misconduct

Candidates are expected to display courtesy and professionalism in all matters when dealing with ADC staff or delegates, either personally or via correspondence.

Examples of general misconduct include (but are not limited to):

- presenting untrue or falsified statements or documents;
- disruptive conduct or conduct that is considered to be outside the bounds of reasonable and decent behaviour.

## 3. Determination of misconduct

### 3.1. Reporting a complaint of misconduct

Any person may report a complaint of misconduct by a candidate to a member of the ADC staff.

### 3.2. Dealing with a complaint of misconduct

A member of the ADC staff who receives a complaint of misconduct (either examination or general misconduct) must refer the matter to the Manager, Examination Delivery (or their delegate) for preliminary investigation.

#### 3.2.1. Preliminary investigation

Based on relevant evidence, the Manager, Examination Delivery will make an initial determination as to whether:

- the matter does not warrant further investigation;
- misconduct is likely to have occurred and that the matter should be investigated further.

On completion of the preliminary investigation the Manager, Examination Delivery will:

- complete a report outlining the action to be taken and refer the matter to the appropriate decision maker where appropriate;
- notify the candidate(s) involved that a complaint of misconduct has been received and whether the matter will be subject to further investigation.

Preliminary investigations must be completed within four weeks of notification.

#### 3.2.2. Level of misconduct

For matters requiring further investigation, the Director, Assessments and Examinations will make an initial assessment of the level of misconduct. The level of misconduct will establish which decision-maker(s) determine(s) the disciplinary action and the penalties available.

- Level 1 misconduct – minimal – Director, Assessments and Examinations

- Level 2 misconduct – moderate - Director, Assessments and Examinations and Chief Executive Officer
- Level 3 misconduct – serious – Misconduct Panel

### 3.2.3. Factors for determining the relevant level

Decision makers may take the following factors into account when determining the level of the misconduct:

- the nature and extent of the misconduct;
- the candidate's disciplinary record;
- perceived intent to commit misconduct;
- the impact of the misconduct on other candidates;
- any mitigating circumstances;
- whether the misconduct is a legal offence.

### 3.2.4. Misconduct panel

A Misconduct Panel will comprise a minimum of two representatives of the ADC Assessment Committee (one of whom will be the Chair of the Assessment Committee), a representative of the ADC Accreditation Committee and the ADC Chief Executive Officer (CEO). The Chair of the Assessment Committee will be the chair of the Panel.

Panel members may not have any significant conflicts of interest (perceived or otherwise) in relation to the candidate alleged to have engaged in misconduct.

When a case of misconduct is referred to the Misconduct Panel, the following will occur:

- the Director, Assessments & Examinations will make available to the Misconduct Panel all relevant information and records related to the misconduct;
- the Misconduct Panel will consider all relevant information (excluding any relevant examination results in a case of examination misconduct);
- the Misconduct Panel may accept the level of misconduct assigned by the Director, Assessments and Examinations or may assign an alternative level;
- the Misconduct Panel will make a recommendation on behalf of the ADC and the candidate will be advised of the outcome within six weeks of the matter being lodged.

A candidate does not have the right to appear before a Misconduct Panel.

## 4. Penalties for misconduct

When misconduct is identified, there is a range of penalties available to decision makers. The type of penalty that can be applied is dependent on the level of misconduct.

### 4.1. Penalties for examination misconduct include:

- a) Level 1 examination misconduct may attract one or more of the following penalties:
  - i. a written warning;
  - ii. satisfactory completion of an appropriate remediation task, prior to progressing in the ADC process.
  
- b) Level 2 examination misconduct may attract one or more of the following penalties:
  - i. any level 1 examination misconduct penalty;
  - ii. results of the examination will be recorded as a fail.
  
- c) Level 3 examination misconduct may attract one or more of the following penalties:
  - i. any level 2 examination misconduct penalty;
  - ii. suspension of progress in the ADC process for a specified period of up to 12 months;
  - iii. exclusion from the ADC process.

### 4.2. Penalties for general misconduct include:

- a) Level 1 general misconduct may attract one or more of the following penalties:
  - i. a written warning;
  - ii. requirement that the candidate provides a formal written apology to an offended party (including acknowledgement of the misconduct and its impact), prior to progressing in the ADC process.
  
- b) Level 2 general misconduct may attract one or more of the following penalties:
  - i. any level 1 general misconduct penalty;
  - ii. Suspension of progress in the ADC process for a specified period of up to 12 months.

- c) Level 3 general misconduct may attract one or more of the following penalties:
- i. any level 2 general misconduct penalty;
  - ii. exclusion from the ADC process.

#### 4.2.1. Factors for determining the relevant penalty

Decision makers may take the following factors into account when determining the level and the relevant penalty for misconduct:

- the nature and extent of the misconduct;
- the candidate's disciplinary record;
- perceived intent to commit misconduct;
- the impact of the misconduct on other candidates;
- any mitigating circumstances;
- whether the misconduct is a legal offence.

## 5. Candidates' rights

The ADC provides all candidates with copies of examination conduct policies on the ADC website and in examination handbooks and all candidates are expected to be familiar with the content of these policies.

In accordance with procedural fairness, candidates can expect that:

- a case of alleged candidate misconduct will be dealt with promptly;
- affected candidates will be informed of any cases of alleged misconduct ;
- candidates will be provided an opportunity to respond to alleged misconduct requiring further investigation.

Appeals against the outcome of a misconduct investigation can only be made on the basis of procedural error or new evidence. In such cases, candidates may access the ADC Review/Independent Appeals process. Such a request must be made in writing for the consideration by the Director, Assessments and Examinations. The decision of the Director, Assessments and Examinations will be final.