



Institute  
and Faculty  
of Actuaries

## Disciplinary Tribunal Panel Hearing

23 & 24 January 2024

### Institute and Faculty of Actuaries Online Hearing

<b>Respondent:</b>	Tamanna Goel Present and not represented
<b>Category:</b>	Lapsed Member (Student)
<b>Region:</b>	India
<b>IFoA Case Presenter:</b>	Ayanna Nelson, Barrister, instructed by the IFoA.
<b>Panel Members:</b>	Peter Wrench (Chair/Lay member) Rebecca Sardar FFA (Actuary member) Catriona Whitfield (Lay member)
<b>Legal Adviser:</b>	Julian Weinberg
<b>Judicial Committees Secretary:</b>	Hinna Alim

**Charge:**

**Tamanna Goel**, being at the material time a member of the Institute and Faculty of Actuaries, the charge against you is that:

1. In advance of and/or during the Institute and Faculty of Actuaries' CM2 Online Examination on 19 April 2019, you
  - a. received unauthorised assistance by discussing the examination paper and/or sharing your answers with (an)other candidate(s); and/or
  - b. submitted to the Institute and Faculty of Actuaries an examination paper which was not entirely your own work
2. Your actions at paragraph 1 were in breach of Section 13 (Inappropriate Conduct) of the Institute and Faculty of Actuaries' Assessment Regulations (November 2018)
3. Your actions at paragraph 1 were dishonest
4. Your actions at paragraphs 1 and/or 2 were in breach of the principle of Compliance under the Actuaries' Code of the Institute and Faculty of Actuaries version 2.0 (August 2013)
5. Your actions at paragraphs 1 and/or 3 were in breach of the principle of Integrity under the Actuaries' Code of the Institute and Faculty of Actuaries version 2.0 (August 2013)
6. Your actions, in all or any of the above, constituted misconduct in terms of Rule 4.2 of the Disciplinary and Capacity for Membership Schemes of the Institute and Faculty of Actuaries (Effective 1 February 2018).

**Plea:**

1. The Respondent attended the hearing and did not admit any part of the charge.

### **Panel's Determination:**

2. The Panel found parts 1a, 2, 3, 4, 5 and 6 of the charge proved.  
The Panel found part 1b of the charge not proved.

The Panel determined that the most appropriate and proportionate sanction(s) were:

- Reprimand
  - Requirement to complete the Online Professional Awareness Test if the Respondent wishes to re-join the IFoA
3. The Panel made no order in respect of costs.

### **Background:**

4. The Respondent was admitted as a student member of the IFoA on 15 December 2016. On 19 April 2019 she sat an online IFoA examination, CM2, on Financial Engineering and Loss Reserving. The examination lasted one hour and forty five minutes and comprised of four questions. Candidates entered their answers on Excel spreadsheets. No irregularities in the Respondent's entry were identified at the time, but subsequent concerns about potential collusion between candidates led to the Board of Examiners referring her entry for investigation.
5. On 3 September 2019 Witness 2, Head of Assessment at the IFoA, sent an email to Person E, the Chief Examiner of CM2, asking him to review the Respondent's exam submission. Person E responded noting there were similarities between the Respondent's submission and those of Student A, Student B, Student C and Student D. The Respondent's exam submission and the exam submissions for Students A-D were then considered by Witness 1, Education Actuary for the IFoA.
6. Witness 1 concluded that it was more likely than not that the Respondent had colluded with the other four students whose submissions had been compared with hers. Witness 1 reported that:

*"On the balance of probability, my opinion is that it is more likely than not, that the Respondent has colluded in this examination, when comparing their responses to those submitted by Students A, B, C, and D. Question 2 presents the strongest evidence, in my*

*opinion, followed by Question 4. Questions 1 and 3 present some evidence, though the evidence in Question 3 in isolation is weak.”*

7. The IFoA then proceeded to investigate the matter further, including through corresponding with the Respondent. The Respondent has consistently denied that she colluded with anyone else and has maintained that her examination submission was entirely her own.

### **Preliminary Application**

8. At the start of the hearing the IFoA made an application to amend the charge. The proposed amendment was to insert the words “*and/or provided*” into paragraph 1a, so that it would read: “*received **and/or provided** unauthorised assistance by discussing the examination paper and/or sharing your answers with (an)other candidate(s)*”. The IFoA’s Case Presenter said that the proposed amendment was for clarity; it would not add any new matter to the charge and so there would be no unfairness to the Respondent. The Respondent opposed the amendment, on the basis that it was unreasonable to make changes to the charge at such a late stage in the proceedings against her. The Panel decided that the proposed amendment should not be made. In its assessment the current wording was sufficiently clear, and the change would make no significant change to its meaning. Given the Respondent’s opposition, the Panel concluded that it would be preferable to retain the existing wording.

### **Findings of Fact:**

8. The Panel was aware that the burden of proof rests on the IFoA, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that the facts will be proved if the Panel was satisfied that it was more likely than not that the incidents occurred as alleged. There is no requirement for the Respondent to prove anything.
9. In reaching its decisions on the various parts of the charge, the Panel took into account the oral and documentary evidence in this case together with the submissions of the IFoA’s Case Presenter and those of the Respondent. The Panel accepted the advice of the Legal Adviser.

10. The Panel heard oral evidence from Witness 1, Witness 3 (the IFoA's Case Manager), Witness 2 and the Respondent. The Panel found the IFoA's three witnesses to be credible and reliable. They each gave a clear account of the parts they had played in investigating and assessing the matters underlying the charge, and these accounts were fully consistent with the documentary evidence. The Respondent's evidence was also clear, and consistent with the position she had taken throughout the investigation: she said that her exam submission was entirely her own work and that she could only speculate about how the identified similarities between her script and those of Students A, B, C and D might have arisen. She suggested, in her evidence, that cultural similarities or use of the same study aids might have led different students to use similar language. She also said that she did not know who Students A, B, C and D were, or whether they might have had access to her system, although she had not suspected at the time that anyone else had accessed it.

11. In the course of the evidence and submissions on the facts it became clear that Students A, B, C and D had been dealt with by the IFoA for breaches of the Assessment Regulations but had not been subject to disciplinary investigation. The Respondent made clear that she considered it discriminatory and unfair that she alone was facing a public hearing, a significant time after the time of the relevant events. The Panel asked the IFoA for information about the outcome of the cases against Students A, B, C and D under the Assessment Regulations. The IFoA informed the Panel that all four had been sent similar outcome letters on 10 September 2019 which stated that the Board of Examiners had concluded that there was evidence that each had been engaged in collusive activities, which went beyond any reasonable coincidence. These findings did not specify with whom Students A, B, C and D had colluded. The IFoA also explained that the Respondent's case had been referred for investigation at a point when another matter had also been alleged against her. That other matter had subsequently fallen away, but, once an investigation was underway, the Disciplinary Scheme did not allow a case to be dismissed unless there was a finding that a charge showed no prima facie case of Misconduct.

12. Charge 1a. The Panel was satisfied that this charge was proved, on the balance of probabilities, since the analysis of the Respondent's answers to the exam questions alongside those of Students A, B, C and D showed similarities of a number and significance which, in the Panel's assessment, could only be explained by collusion. The Panel was satisfied that it was more likely than not that the Respondent had either

received unauthorised assistance, or had shared her own answers with other candidates, or that she had done both. However, the Panel could not reach any conclusion as to whether it was more likely that she had given or received unauthorised assistance, or that she had done both. This is because there was no evidence before the Panel as to who had been the original author of the material in the similar answers.

13. The Panel considered carefully the evidence of Witness 1 and shared her assessment that there were close similarities between many of the answers of the Respondent and Students A, B, C and D, but that the strongest evidence came from the answers to Questions 2 and 4. The Panel also shared Witness 1's assessment that the strongest evidence came from the answers written in prose, rather than the mathematical calculations, given the greater possibility with the latter that unconnected candidates might independently make similar errors of reasoning. By way of example, the Panel took particular note of this section of Witness 1's witness statement, concerning her analysis of Question 2:

*"Furthermore, the Respondent and three of the other candidates (A/B/C) had written comments in their answers with exact phrase matches, including typographical errors, for example:*

*(a) Respondent's answer for Q2(v):*

*"The bank might split the borrowing amount equally because the individually (sic, grammatical error) probability after splitting (sic spelling error) the amount is greater than (grammatical error, missing "the") probabilty (sic, spelling error) if the whole amount is given to one company."*

*This phrase was identical to the answers submitted by Students A, B and C.*

*(b) Respondent's answer for Q2(v):*

*"combined probability may have decreased but the individual probability has increased."*

*With the exception of the word "decreased", this phrase was identical to the answers submitted by Students A, B, and C (who all wrote "decrease" instead of "decreased").*

*(c) Respondent's answer for Q2(v):*

*“it also helps the company to diversify the risk”*

*This phrase was identical to the answers submitted by Students A and C. Student B wrote the same point but with the additional words “of company and bank” at the end.*

*(d) Part (v) was a higher skills/application question, and the matched text contained a number of typographical and grammatical errors. It is extremely unlikely that the text, with all the wording errors would have been lifted from a common external source, coincidentally, by all four candidates, or that all four candidates would have written exactly the same three points in their answers.*

*Therefore, for Q2 there is stronger evidence of collusion given the extent of the matching among the candidates, and specific matching of typographical and grammatical errors, particularly given that the questions were testing application skills rather than straight recall of learning material.”*

14. In the Panel’s assessment, there is no plausible explanation for the degree of similarity that Witness 1 identified other than there having been some form of collusion between the Respondent and Students A, B, C and D. The Panel heard that the Respondent is of good character, which might make it less likely that she would behave in this way. However, any such assumption cannot outweigh the clearly documented evidence which strongly suggests collusion. The Panel cannot say exactly what form that collusion took, or who was its instigator. However, it is more likely than not that there was collusion, and so the Panel is satisfied that charge 1a has been proved.

15. Charge 1b. For this charge to be found proved the Panel would need to be satisfied that someone else had contributed material which formed part of the Respondent’s exam submission. However, as noted above, there was no evidence before the Panel as to who had been the original author of the material in the similar answers. The Panel’s findings in relation to paragraph 1a leave open the possibility that the Respondent was the original author of all the material in her submission. The Panel would have no evidential basis for finding it more likely that not than she was not the original author. Accordingly, paragraph 1b is incapable of proof.

16. Charge 2. Section 13 of the Assessment Regulations deals with inappropriate conduct and includes colluding as an example, defining the term as follows:

*“b) Colluding - assisting another candidate to gain advantage by any means, facilitating or receiving such assistance.”*

The behaviour found proved at paragraph 1a falls squarely within the terms of this definition. In the Panel's assessment, it therefore follows that this was behaviour in breach of Section 13, and so paragraph 2 of the charge is proved.

17. Charge 3. The Panel's findings in relation to paragraph 1a leave open the precise role which the Respondent played in the collusive activity which the Panel has found proved. However, collusion of any sort must be conscious, in order to merit the use of that term. Since the Panel has found that the Respondent was party to collusion, it follows that she must have known she was either giving or receiving unauthorised help, to or from at least one other candidate. The Panel has no doubt that by the standards of ordinary, decent people it is dishonest to cheat in an examination which forms part of the process of obtaining a professional qualification. It follows that charge 3 is proved.

18. Charge 4. The version of the Actuaries Code which was in force at the relevant time describes compliance in the following terms:

*“Members will comply with all relevant legal, regulatory and professional requirements, take reasonable steps to ensure they are not placed in a position where they are unable to comply, and will challenge non-compliance by others.”*

The breach of the Assessment Regulations which has been found proved at paragraph 2 of the charge necessarily involves a failure to comply with relevant legal and professional requirements. It follows that charge 4 is also proved.

19. Charge 5. This charge is also self-evident given the findings which have already been made. The version of the Actuaries Code which was in force at the relevant time describes compliance in the following terms:

*“Members will act honestly and with the highest standards of integrity.”*

Since dishonesty has been found proved under paragraph 3 of the charge, it follows that charge 5 is also proved.



20. Misconduct Charge. The Panel considered whether the actions of the Respondent amounted to Misconduct. In considering this matter, the Panel took account of the definition of Misconduct, for the purposes of the Disciplinary Scheme, which is:

*“any conduct by a Member, whether committed in the United Kingdom or elsewhere, in the course of carrying out professional duties or otherwise, constituting failure by that Member to comply with the standards of behaviour, integrity, competence or professional judgement which other Members or the public might reasonably expect of a Member having regard to the Bye-laws of the Institute and Faculty of Actuaries and/or to any code, standards, advice, guidance, memorandum or statement on professional conduct, practice or duties which may be given and published by the Institute and Faculty of Actuaries and/or, for so long as there is a relevant Memorandum of Understanding in force, by the FRC (including by the former Board for Actuarial Standards) in terms thereof, and to all other relevant circumstances.”*

Misconduct needs to be serious, falling well below the standard expected of a Member in the circumstances. It has been described as being conduct which fellow professionals would find deplorable.

21. The Panel has found two specific breaches of the Code proved. It has found that the Respondent’s actions were dishonest. The Panel is satisfied that other members of the profession and the wider public would consider that cheating in the course of a professional examination is behaviour falling well short of what is expected of a Member. The profession and the public need to rely on the qualifications which actuaries obtain, and which help to demonstrate their competence to do their jobs. Cheating in exams inevitably risks undermining trust in the profession and its regulator. The Panel is satisfied that the Respondent’s actions, as found proved in paragraphs 1a, 2, 3, 4 and 5 amounted to Misconduct.

**Sanction:**

22. In considering the matter of sanction, the Panel had regard to the submissions of the IFoA’s Case Presenter and the Respondent. The Panel accepted the advice of the Legal Adviser. The Panel also had careful regard to the Indicative Sanctions Guidance (November 2021). The exercise of its powers in the imposition of any sanction is a

matter solely for the Panel to determine and it is not bound by the Indicative Sanctions Guidance.

23. The Panel was aware that the purpose of sanction is not to be punitive although it may have that effect. Rather, the purpose of sanction is to protect the public, maintain the reputation of the profession and declare and uphold proper standards of conduct and competence. The Panel is mindful that it should impose whatever sanction, or combination of sanctions is necessary to achieve those objectives and in so doing it must balance the public interest with the Respondent's own interests.
24. At this stage of the hearing the Panel was informed of the penalties imposed on Students A, B, C and D after the consideration of their cases under the Assessment Regulations. Letters of 10 September 2019 informed each of the students, in identical terms, that they were disqualified from the April 2019 CM2B exam; unable to sit future examinations until September 2021; ineligible to apply for exam exemptions until September 2021; and were required to complete the Online Professional Awareness Test prior to September 2021.
25. In considering sanction in relation to the Respondent, the Panel took into account the following aggravating factors:
- the Respondent had been found to be dishonest in a context directly relating to her profession;
  - while the Panel did not fully accept the IFoA's submission that this was necessarily dishonesty for personal gain, given the uncertainty about the precise nature of the Respondent's role in the collusion, it did accept that this was behaviour intended to gain and/or give an unfair advantage in the exam;
  - collusion in an IFoA examination is liable to undermine its integrity and thereby to damage trust in the profession and its regulator.
26. The Panel also took into account the following factors in mitigation:
- the Respondent had no previous regulatory findings against her and was previously of good character;
  - had it not been for another disciplinary matter, which was not taken forward, her case would have been dealt with as those of Students A, B, C and D were, under the Assessment Regulation. Her case would then have been dealt with much

more quickly, there would have been no public hearing, and the range of possible outcomes for her would have been very different.

27. The Panel considered the extent of the Respondent's insight. Whilst she had denied the facts prior to the Panel's determination of them, she had not sought to maintain that denial in making submissions on sanction. The Panel was satisfied that she understood the importance of maintaining the integrity of the examination system and noted that she had cooperated with the IFoA's investigation and disciplinary process, remaining engaged throughout. She had allowed her membership of the IFoA to lapse but was currently employed as an actuarial assistant and she told the Panel that she hoped to become an actuary in the future, if she was allowed to do so.

28. The Panel noted the wording of the Indicative Sanctions Guidance that:

*"Dishonesty will usually lead to expulsion or exclusion, but it is important to bear in mind that there is a small residual category of cases where the particular circumstances are such that the well informed member of the public would not regard dishonesty as a bar to continued membership of the profession."*

In its assessment this is a case which falls into the "small residual category". The Panel took the view that a key factor in its consideration of sanction was to avoid too great a disparity between the treatment of the Respondent under the Disciplinary Scheme and that of Students A, B, C and D under the Assessment Regulation. There was no evidence that the Respondent's culpability in the identified collusion was any greater than that of any of Students A, B, C and D; and there was no dispute that it was an entirely procedural matter that had led to there being a disciplinary hearing in her case when there was none in the cases of Students A, B, C and D. The Panel accepted that a finding of dishonesty in a regulatory hearing would normally result in the imposition of a sanction towards the top of the range, but it was satisfied that a well-informed member of the public would accept that there were compelling reasons for departing from normal practice in this case.

29. The Panel considered whether this was a case that warranted no sanction but concluded that this would be incompatible with its finding of dishonesty. The Panel recognised that this is a matter which has been hanging over the Respondent for over four years and which has resulted in this public hearing. In her evidence the Respondent said that this had been stressful and had impacted on her financially. The Panel is satisfied that the

result of all this, and of the Respondent's developing insight, is that the risk of repetition is now low. However, the seriousness of a regulatory finding of dishonesty is such that the public interest requires the imposition of a sanction in order to declare and uphold proper standards of behaviour and to maintain confidence in the profession.

30. The Panel considered whether to impose a Reprimand and determined that this would be an appropriate sanction in this case. There is no evidence that the Respondent's collusion in the exam in April 2019 was not a one-off event. She was of previous good character and there is no evidence of a deeper attitudinal problem. A Reprimand will, in the particular circumstances of this case, meet the need for a clear public declaration that the Respondent's Misconduct was unacceptable.
31. The Panel considered whether to impose a Fine. It determined that this would be inappropriate, given evidence it had seen that the Respondent's income was low and its assessment that a Reprimand could send the necessary message to the profession and the wider public.
32. The Panel considered whether to impose a period of education, training or supervised practice. This would not normally be appropriate in a case which did not involve any issue concerning the Respondent's professional competence. However, the Panel decided that it would be very helpful in seeking some degree of parity between the Respondent and Students A, B, C and D to impose a requirement in similar terms to that imposed upon them. The Panel determined that, if the Respondent seeks to resume Membership of the IFoA, she should complete the Online Professional Awareness Test prior to her Membership being confirmed.
33. Before finalising its decision on sanction, the Panel considered whether any more severe sanction was necessary. Since the Respondent is not currently a Member of the IFoA, it would not be possible to impose a sanction of suspension. However, it would be open to the Panel to exclude her from Membership for a period of up to five years before any application for readmission could be made. The IFoA's Case Presenter invited the Panel to consider whether a period of two years' exclusion might achieve broad parity with the fact that Students A, B, C and D had been prevented from progressing for a period of two years. In the Panel's assessment it is not necessary to strain for such parity, given the passage of time during which the Respondent has been facing the disciplinary process and that this process has already had a significant impact on her. Furthermore,

exclusion would entail a heavier impact on her than had the outcomes for Students A, B, C and D, in that any readmission following exclusion is not automatic but requires consideration by a Readmission Panel. The present Panel was satisfied that no properly informed observer could conclude that the Respondent had got away lightly in comparison with Students A, B, C and D, and that exclusion would be disproportionate.

**Costs:**

34. The IFoA made an application for costs of £8206 incurred in preparation for the hearing and attendance at the hearing by the IFoA's Case Presenter. The Panel noted that costs included administrative costs and costs incurred in respect of the Panel and Legal Adviser. The Panel considered the costs sought to be at a reasonable level, and that the work done and costs incurred justified that amount of cost. However, the Panel was conscious of two significant factors weighing against the usual presumption of making a costs order. In the first place, the great majority of the costs had only arisen because the Respondent's case was locked into the disciplinary process and there had been no mechanism for shifting back to seeking resolution under the Assessment Regulation. Secondly, the Panel took account of evidence submitted by the Respondent which showed that her annual income was significantly lower than the level of costs sought.

35. In all the circumstances the Panel concluded that it would be inappropriate and disproportionate to order costs against the Respondent.

**Right to appeal:**

36. The Respondent has 28 days from the date that this written determination is deemed to have been served upon her in which to appeal the Panel's decision.

**Publication:**

37. Having taken account of the Publication Guidance Policy (May 2019), the Panel determined that this determination will be published and remain on the IFoA's website for a period of five years from the date of publication. A brief summary will also be published in the next available edition of *The Actuary Magazine*.

That concludes this determination.

**Publication date: 9 February 2024**