



Policy and Procedures for Disciplinary Action Related to the *Code of Conduct for Candidates*

*Revised November 1, 2015
Further Revised July 20, 2018*

Introduction

The Society of Actuaries (SOA) adopted a [Code of Conduct for Candidates](#) on December 1, 2008 (the "Candidate Code"). At its October 2015 meeting the SOA Board approved revisions to the Candidate Code. This policy outlines the procedures the SOA will follow in the review of potential violations of the Candidate Code and the assessment of disciplinary action for violations.

- *Scope:* The Candidate Code contains eight Rules. Violations of Rule 5, which requires compliance with the SOA rules for examinations and the terms and conditions for e-Learning, are subject to the [Policies and Procedures for Disciplinary Action Related to Education, Examinations and e-Learning](#). This policy therefore covers procedures for other potential violations of the Candidate Code, unrelated to Rule 5.
- *"Actuarial Candidate" defined:* The Candidate Code and this policy apply to every Actuarial Candidate, defined as "a person who has contacted the SOA with an intent to register for, has registered for or completed any SOA educational or evaluative activity (e.g., exams, modules, exercises, assessments, validations or courses), but is not a member of the SOA..." Every person who registers for an SOA exam, e-Learning course or other educational activity acknowledges that he or she has read the Candidate Code and agrees to adhere to it.

Making a Report

Individuals who believe they have evidence of a possible violation of the Candidate Code may submit an [Infraction Report](#) to the SOA detailing the alleged violation. Evidence supporting the alleged violation should be submitted with the report. Infraction Reports must be submitted to the attention of the SOA Managing Director-Education, within a reasonable period after learning of the alleged violation.

Review of Candidate Conduct and Disciplinary Actions

The SOA may initiate a review of an Actuarial Candidate's conduct at any time, at its sole discretion, with or without the receipt of an Infraction Report.

The SOA reviews available information and determines whether there is evidence that a violation occurred. If the SOA determines that a violation has occurred, appropriate remedial or disciplinary action will be taken. Such action will be communicated in writing to the Actuarial Candidate.

Actions may include:

- Warning – the Actuarial Candidate is issued a warning, reminding him/her of the importance of strict adherence to the Candidate Code and advising him/her of the possibility of disciplinary action for future violations of the Candidate Code.
- Ban – the Actuarial Candidate is banned from writing, attending and/or applying for credit for any exam, course, module, validation or assessment sponsored by the SOA for a specified period of time, up to a lifetime ban.
- Other measures the SOA believes will appropriately address the violation.

If an individual commits a violation of the Candidate Code while an Actuarial Candidate, the SOA may take appropriate disciplinary action under the Candidate Code even if the Actuarial Candidate has become a member of the SOA before the violation is reported or before the SOA has acted on it.

Contesting Disciplinary Action

An Actuarial Candidate may appeal the SOA's determination that he/she violated the Code. Appeals must be submitted in writing to the SOA Managing Director - Education within 35 days of the date on which the Actuarial Candidate received notice of the violation from the SOA. Appeals must include a statement of the factual basis of the appeal and any other materials in support of the Actuarial Candidate's position.

Entitlement to a Hearing

An Actuarial Candidate subject to a lifetime ban is entitled to an in-person hearing, upon request.

An Actuarial Candidate facing a disciplinary action, other than a lifetime ban, may request an in-person hearing, which will be granted at the discretion of the SOA.

An Actuarial Candidate requesting a hearing must still submit a written appeal, including a statement of the factual basis of the appeal and any other materials in support of the Actuarial Candidate's position. A request for a hearing must be made at the time the appeal is submitted.

Panel

An Actuarial Candidate who is subject to a disciplinary action and requests, and is granted, a hearing is required to submit pertinent materials that will be reviewed by a three-member panel consisting of the Board Partner for Education, a member of the Admissions Committee, and an SOA member-at-large selected by the SOA (the "Panel"). The Panel will determine by majority vote whether to uphold, reverse, or modify the SOA's determination that a violation has occurred

and any remedial or disciplinary action taken. The Panel will communicate its decision in writing to the Actuarial Candidate within 45 days of convening the Panel.

Hearings

The SOA may, at its discretion, conduct the hearing by telephone or allow the Actuarial Candidate to appear by telephone. The Actuarial Candidate may present relevant witnesses and evidence in support of the appeal. Witnesses may be presented in person, or with prior approval of the SOA, by telephone. The Actuarial Candidate and any witnesses presented by the Actuarial Candidate may be examined by the SOA or its representative. Any witnesses presented by the SOA may be examined by the Actuarial Candidate or his or her representative.

The format of the hearing will be established by the SOA based upon the nature of the subject matter, the number of participating witnesses (if any) and any other relevant circumstances. No less than 30 days prior to the start of the hearing, the SOA shall send written notice to the Actuarial Candidate and his or her representative, stating:

1. The time and place of the hearing.
2. The length of the hearing and the amount of time allotted for presentations or arguments.
3. The order in which the hearing will be conducted.
4. Whether the hearing will be recorded and/or transcribed.
5. Any pre-hearing submission requirements.

In-person hearings will be conducted at the SOA's offices, or at such other location as may be selected by the SOA, at its discretion. Travel costs and all other expenses incurred by the Actuarial Candidate and his or her witnesses and representatives will be the responsibility of the Actuarial Candidate.

Cooperation with Other Organizations

The SOA may disclose the results of its review and any resulting remedial or disciplinary actions to any other bona fide actuarial organizations having a legitimate interest, which may result in disciplinary action by such organizations. The SOA may, at its discretion, provide to such organizations its disciplinary files, or portions of such files, if requested by such other organizations in connection with the application of disciplinary actions by such organizations, or the appeal of such actions by an affected Actuarial Candidate.