

**FINANCIAL PLANNING STANDARDS BOARD IRELAND
DESIGNATED ACTIVITY COMPANY**

Formerly FINANCIAL PLANNING STANDARDS BOARD IRELAND LIMITED

**BYE-LAW No 7
(REVISED)**

Examination Regulations Bye Law

1 Introduction and Registering for examinations

This Bye-Law (as amended and updated) is made by the Council of Financial Planning Standards Board Ireland DAC ("FPSB Ireland") pursuant to article 32 of the articles of association of FPSB Ireland on 14 September 2023.

References to the Articles of Association refer to the Constitution of FPSB Ireland DAC dated 22 January 2022.

- (a)

- (b) The Council shall from time to time appoint a person to be Examination Administrator and to perform all functions of the Examination Administrator prescribed in this Bye-Law. The Examination Administrator may hold any other office in FPSB Ireland.

- (c) Candidates must fulfil all of the following requirements in order to be entered for examinations in each academic year. Candidates must;
 - (i) be properly registered, and
 - (ii) have no outstanding fees or debts of any kind due to FPSB Ireland,
 - (iii) have satisfactorily attended or otherwise pursued as prescribed an approved programme of study, and
 - (iv) have satisfactorily completed all programme requirements as stipulated by the Examinations Committee.

Candidates who are unsuccessful (who failed to reach the pass mark or who did not sit) in the initial diet of examinations in any year and who are permitted by the Examinations Committee to present for

repeat/re-sit examinations are required to inform FPSB Ireland of their intention to present for the repeat examinations by the completion of the appropriate form.

- (d) Candidates will be registered for the repeat examinations on receipt of the appropriate form duly completed and the repeat examination fee by the date specified (which in all circumstances is no later than 6 weeks before the examination date). It is the responsibility of each candidate to ensure that up to date email contact details are supplied to FPSB Ireland and that he/she is registered for relevant examinations, including, where necessary, repeat examinations by the relevant deadline date.
- (e) Candidates registering for an examination should note that the examination will be set and assessed in English. Candidates whose first language is other than English should ensure that their standard of English is such that they are comfortable being assessed no differently to candidates whose first language is English. Lack of fluency/literacy in English will not be admitted later as grounds for Review/Appeal of an examination result. FPSB Ireland facilitates candidates whose first language is other than English by allowing the use of foreign language to English dictionaries in the examinations. This is permitted provided the candidate has applied for and has been granted permission by the Examination Administrator to do so, in accordance with Section 4(h) of these examination regulations.

2 Examination Timetable, Special Case Candidates

- (a) The examination timetable for each academic year is published on FPSB Ireland's website and/or in such other manner as the Council or the Examinations Committee may from time to time decide.
- (b) All FPSB Ireland examinations are conducted remotely. In good time before the relevant examinations are due to take place (no later than three weeks before the exam), candidates will be provided with the CFP® Examination Guidelines (Online) document. The Guideline document is updated for each exam sitting and outlines in detail the exam format, technology requirements and practical information regarding the sitting of the examination. FPSB Ireland will liaise with the candidates in the lead up to the examination with details on the practicalities of sitting the examination but it is the candidate's responsibility to ensure that he/she is aware of the date and time of his/her examinations.
- (c) FPSB Ireland shall attempt to provide, where practical, a range of supports to examination candidates who have a physical or sensory disability, or a specific learning difficulty (e.g., dyslexia).
- (d) Similar facilities can be made available to candidates who have particular requirements because of an accident, illness, medical condition or pregnancy.
- (e) All special cases candidates sit examinations at the same date and time as other candidates but additional time to complete the

examination may be granted. The granting of additional time will necessitate that candidate are invigilated separately.

- (f) Where candidates wish to avail of these supports they are required to notify the Examination Administrator's office no later than 8 weeks prior to the exam date so as to facilitate the provision of the required supports. Applications for such supports must be made in writing and be accompanied by supporting medical or educational psychologist's report.

3 Admission to Remote Examination Session

- (a) Candidates will receive a link to the Remote Exam Session in advance of the exam day. Full details on joining the remote examination session will be outlined in the CFP® Examination Guidelines (Online) document.
- (b) Candidates will not be admitted to the examination session any later than one hour after the start of the examination.
- (c) In exceptional circumstances, and provided that no other candidate has previously left the examination session, candidates may be admitted at the discretion of the Chief Invigilator. Extra time will not be allowed in such circumstances and the short exam time will not be admitted as a reason for the appeal of the exam result nor will the examiner be made aware of the short exam time utilised by candidates.
- (d) Candidates will not be allowed to return to the Remote Examination Session once they have exited. When they have submitted their answer material o they should only leave after the invigilator has confirmed receipt.
- (e) Only properly registered candidates will receive a link to the examination session.
- (f) Candidates will be required to submit photographic identification (with their name printed and their signature) or other conclusive evidence of identity in advance of the exam day.

4 Conduct During an Examination

- (a) Invigilators are present in the Remote Examination Session to ensure the proper conduct of the examination (including the recording of the attendees) and to deal with problems which might arise. If during the examination candidates should have a question or query then these should only be addressed to the invigilator. Under no circumstances should they leave their places unless directed to do so

by the invigilator. All instructions of the invigilator must be complied with.

- (b) Candidate shall not have in his/her possession while in the examination session, any materials other than those expressly permitted by FPSB Ireland for that examination.
- (c) Smoking breaks are not permitted during the examination.
- (d) Mobile phones should be switched off during the examination session unless required to contact FPSB Ireland in the event of a connection failure.
- (e) Candidates are required to provide their answers to the examination questions in the provided Answer Book which they should print out in advance of the exam.
- (f) Candidates are required to enter carefully the several particulars required on the Answer Book. In all cases, candidates must sign the declaration that they have read, understood, and agreed to be bound by these Examination Regulations. The Invigilator will advise candidates on the correct completion of the cover sheet of the Answer Book. Candidates are requested to read the instructions and directions on the cover of the Examination Paper before starting work.
- (g) In writing their examinations, candidates may only bring into the examination session and use the hard copy written materials authorised by the FPSB Ireland examiner for the examination they are sitting. Candidates may not use dictionaries unless FPSB Ireland expressly approves these in advance. Such approval will only be granted in special circumstances and must be sought in writing from the Examination Administrator of FPSB Ireland not later than 3 weeks in advance of the examination in which its use is being sought, and submitting the dictionary in question to FPSB Ireland. Where approval has been sought by, and granted to, a candidate to use a specified dictionary, the letter granting the permission must be shown to the Chief Invigilator of the exam center prior to the commencement of the examination. Writing or other notes on the face or in the body of the written material authorised by the examiner or a specified dictionary is strictly forbidden. The foregoing material is subject to review by the invigilator. Mathematical / statistical tables will be supplied, if required. Mathematical and statistical tables are the property of FPSB Ireland.

- (h) Silent personal (battery operated) electronic calculators may be used except in circumstances where their use is expressly forbidden. An invigilator has the right to examine these devices as he or she sees fit. Programmable or text storing calculators are not permitted. The use of PDAs as calculators is also expressly prohibited. Those in possession of any such device or of a mobile phone will be in breach of Examination Regulations and the device may be removed from the candidate. It is the responsibility of each candidate to ensure that his/her calculator is in working order. It is advisable to bring a spare battery. It is the responsibility of each candidate to ensure that he/she has an adequate supply of pens, pencils, ink, etc., required for an examination.

- (i) Candidates wishing to leave the examination session temporarily may must first seek the permission of the invigilator. In any event, any person seeking to enter or leave the examination room shall only do so with the invigilator's permission. During this absence from the examination room, the Examination Regulations as set out herein still apply and candidates can not communicate or attempt to communicate with another person or access or attempt to access unauthorised material. Candidates may not leave the examination room within the last fifteen minutes of the examination period.

- (j) Candidates must not for any reason, or on any pretext whatsoever, speak to or have any communication with any other candidate nor aid nor attempt to aid another candidate; such communications will be regarded as a breach of these Bye-Laws. If a candidate needs to ask a question, he/she should notify the Invigilator.

- (k) At the end of the examination each candidate must remain in the Remote Exam Session until the invigilator has confirmed receipt of his/her answer material. The invigilator will individually confirm to each candidate when they can leave the exam session. It is the responsibility of each candidate to ensure that his/her answer book is received by the Invigilator.

- (l) In the case of personation, the personator and the personated shall be liable to permanent exclusion from FPSB Ireland's examinations.
- (m) Plagiarism in any form is forbidden in all examinations and assessments, theses or other academic exercises.

5 Absence from examinations

If a candidate is absent from an examination for which they have registered, the candidate will be treated as having sat the exam and will be awarded the grade of DNS and a result of FAIL. If a candidate is absent from an examination and wishes to claim that such an absence is on the grounds of extenuating circumstances (e.g. illness or bereavement), a detailed written explanation of the absence must be received by FPSB Ireland within 10 working days after the examination, together with a medical certificate if the absence was due to the candidate's illness. In the case of it being accepted that a candidate was absent due to extenuating circumstances (as defined above) then the candidate will not be treated as failing the examination and the next attempt will be treated as a first sitting.

6 Illness during an examination

- (a) A distressed or ill candidate should seek permission from the invigilator to leave the remote examination session temporarily during an examination, and may subsequently return to complete the examination, provided that the continuity and quality of invigilation is not affected. The Chief Invigilator may, following consultation with the Examination Administrator or his or her nominee, if deemed necessary, give a time extension to such a candidate at the end of the examination equal to the period of absence, or arrange for such a candidate to complete the examination in a separate online session under separate supervision.
- (b) Each candidate shall bring any extenuating circumstances which may have affected his/her performance in any examination or part of an examination to the attention of FPSB Ireland within 10 working days of the date of the examination. The Examination Administrator shall be informed and may decide to take such circumstances into account with respect to that candidate. Extenuating circumstances which could have been brought to the attention of the Examination Administrator may not necessarily be admitted later as grounds for appeal of an examination result.

7 Communication of examination results

- (a) All examination results shall be subject to final ratification by the Examinations Committee and the Council of FPSB Ireland.
- (b) Results shall be formally communicated to students individually via email, after the relevant meeting of the Examinations Committee.
- (c) In order to preserve confidentiality, examination results shall not be disclosed by telephone or to personal callers to FPSB Ireland's offices.

8 Breaches of examination regulations

- (a) Candidates who have unauthorised materials in his/her possession during their examination is in breach of the Examination Regulations.

Any written or printed materials and any material stored in an electronic device shall be considered to be unauthorised materials.

- (b) Any unauthorised materials shall be documented by the Invigilator who shall make a written report to the Examination Administrator. The candidate shall be allowed to complete the examination.
- (c) The same procedure will be followed where a candidate or candidates is/are considered by the invigilator to have copied or to have attempted to copy and/or to have assisted in copying.
- (d) In cases of impersonation, the personator and the personated shall both be deemed to be in breach of the Examination Regulations.
- (e) Cheating means an attempt to benefit oneself, or another, by deceit, fraud or other breach of the exam regulations. This shall include personation and plagiarism. Plagiarism, the presentation of another person's material, concepts, arguments etc., whether published or unpublished, as one's own without appropriate attribution, is a serious breach of these Bye-Laws. Where it is considered that a candidate may be guilty of plagiarism, a comprehensive written report thereon shall be submitted to the Examination Administrator.
- (f) If any candidate shall be adjudged to have violated any of these Bye-Laws, or in any other way acted improperly, the Examination Administrator shall deal with such matters in accordance with the code of examination discipline (section 9 of this Bye-Law).

9 Code of examination discipline

- (a) The Examinations Committee shall in each year appoint a Disciplinary Board and appoint one or more Disciplinary Appeals Sub- Committees.
- (b) The Examinations Committee may, from time to time, prescribe regulations and procedures governing such board and sub-committees.
- (c) Regulations may prescribe the terms of appointment, constitution, quorum, powers, responsibilities and procedures of such boards and sub-committees. Such regulations may also, without limitation, provide for
 - (i) notice to be given with respect to disciplinary proceedings,
 - (ii) representation at disciplinary meetings,

- (iii) the procedure for calling and cross-examining witnesses,
- (iv) the procedure to be followed in making a disciplinary order,
- (v) appeal procedures in relation to disciplinary orders made, and
- (vi) orders for the payment of fines and/or costs of any disciplinary process where a complaint is proved in whole or in part.

(d) **Period for Action on Disciplinary Offences**

The Examination Administrator shall, within 10 working days of receipt of notice in writing, investigate and if appropriate, deal summarily with what he/she considers to be a minor offence or refer what he/she considers to be a major offence to the Disciplinary Board established by the Examinations Committee. Where a candidate admits to having committed a major offence, the Examination Administrator, if he/she deems it appropriate, may, with the consent of the candidate, deal with the case in a summary manner.

- (e) If the Examination Administrator is of the opinion that in all the circumstances the case ought to be referred to the Disciplinary Board, he or she shall make a formal complaint to the Disciplinary Board and shall send to the Board a summary of the facts and matters of the case together with a summary or copy of any representations made by the candidate.

- (f) On receipt of a formal complaint from the Examination Administrator, the Disciplinary Board shall as soon as practicable notify the candidate of the nature of the complaint and of the time and place fixed for the hearing. The Disciplinary Board shall give him or her the opportunity of attending the hearing, of being heard before it, of calling witnesses to give evidence on his or her behalf, of adducing documentary evidence, and, if he or she so desires, he or she shall be permitted to be represented at the hearing by counsel or by a solicitor or by a CERTIFIED FINANCIAL PLANNER professional.

(g) **Disciplinary Board established by the Examinations Committee**

The Disciplinary Board shall be appointed each year by the Examinations Committee, and shall be constituted as follows:

- (i) Nominee of the Examinations Committee, who will chair the Disciplinary Board.
- (ii) Not less than four other persons.
- (iii) The Disciplinary Board shall ordinarily be comprised of academic staff of educational establishments exclusive of FPSB Ireland.
- (iv) Three members of the Board shall constitute a quorum.
- (v) The Disciplinary Board shall endeavour to reach its decision by majority if not unanimously. In the event that there is a tied

vote of the Disciplinary Board, the Chairperson shall exercise a casting vote.

- (vi) The Disciplinary Board shall in its discretion decide the appropriate penalty, if any, that should be imposed in each case in which an offence is established to have taken place.

(h) **Appeals to the Disciplinary Appeals Sub-Committee of the Examinations Committee**

- (i) The decisions of the Disciplinary Board may be appealed to a Disciplinary Appeals Sub-Committee appointed by the Examinations Committee which shall be constituted as follows:
 - (1) Chair of the Examinations Committee, who will chair the Sub-Committee,
 - (2) Not less than three members of the Examinations Committee,
 - (3) Three members shall constitute a quorum,
 - (4) The Chair may nominate an alternate when he/she is unavailable,
 - (5) In the event of a tied vote the Chair or nominee shall exercise a casting vote.
- (ii) Notice of appeal from decisions of the Disciplinary Board shall be lodged in writing by a candidate within 10 working days of receiving notification of the decision or penalty of the Disciplinary Board. Where such notification is sent by post to a candidate, the notice shall be deemed to be received by the candidate two business days after the date on which it was posted. The written notice of appeal must state briefly the grounds on which the appeal is made.
- (iii) As soon as practicable after the receipt of any such notice of appeal, the Disciplinary Appeals Sub-Committee shall determine and shall notify the subject of the time and place fixed for the hearing of the appeal. The Disciplinary Appeals Sub-Committee shall give him or her the opportunity of attending the hearing, of being heard before it, of calling witnesses to give evidence on his or her behalf, of adducing documentary evidence and, if he or she so desires, he or she shall be permitted to be present at the hearing of the appeal by counsel or by a solicitor or by a CERTIFIED FINANCIAL PLANNER professional.
- (v) The Disciplinary Appeals Sub-Committee shall endeavour to reach its decision by majority if not unanimously. In the event that there is a tied vote of the Sub-Committee, the Chair shall exercise a casting vote.
- (vi) The Disciplinary Appeals Sub-Committee shall in its discretion decide the appropriate penalty, if any, that should be imposed in each case in which an offence is established to have taken place.

(vii) Decisions of the Disciplinary Appeals Sub-Committee shall be final.

(i) **Penalties**

Without prejudice to its right to impose such penalties or make such recommendations as are considered appropriate, the Examination Administrator or Disciplinary Board or Disciplinary Appeals Sub-Committee as the case may be shall be empowered to, but are not limited to:-

- (i) Deem the candidate not to have passed his / her examination,
- (ii) Declare void other examinations taken by the candidate at the same examination sitting,
- (iii) Declare void other forms of assessment undertaken in that academic year by the same candidate,
- (iv) Prohibit a candidate from sitting any examination,
- (v) Impose such fines as are considered reasonable,
- (vi) Require a candidate to attend additional or other lectures or courses or undertake additional academic work.

10 Guidelines for Examination Re-check

(a) Re-check Definition

A recheck of the examination materials shall mean to verify that all sections of the examination materials have been marked and that these marks have been entered and combined accurately in arriving at the final examination result and attributed to the correct candidate.

(b) Procedures to be followed to request a re-check

- (i) A written request for a recheck must be received by the Examination Administrator not later than ten working days after the date on which the examination results are posted by FPSB Ireland.
- (ii) The Examination Administrator may retrospectively exempt a candidate from the application of this rule, where he/she is of the opinion that it is appropriate.
- (iii) FPSB Ireland will charge a fee of €35 for a re-check of each examination paper. In the event of the re-check resulting in an upward revision of marks, this fee is refundable.
- (iv) The outcomes of all re-checks must be presented to the Examinations Committee where all grade changes and awards (where applicable) are ratified.

11 Guidelines for Examination Review

(a) Definition of Review

An examination review means the reconsideration in detail of all or part of the existing examination material by the examiner. The examiner will provide a detailed report on the candidate's script indicating, by sub part of each question, where the candidate lost marks vis a vis the marking scheme.

- (b) A Review can also mean the consideration of other pertinent information where the application has been made based on various grounds specified in 11(c)(ii). This consideration may involve reconsideration of examination material in light of the extra information.
- (c) The grounds for review
 - (i) Before a review procedure is initiated, a detailed written submission in accordance with the following paragraphs must be received from the candidate.
 - (ii) The submission must identify the element or elements of the examination on which the review is sought. It must also specify the grounds on which the review is sought and must contain all information which the candidate wishes to have taken into account in the review.
 - (iii) An application for a review will be considered only if it is based on one of the following grounds:-
 - (a) The Examination Regulations of FPSB Ireland have not been properly implemented.
 - (b) The regulations do not adequately cover the candidate's case.
 - (c) That his/her performance in the assessment was adversely affected by illness or other factors which he/she for valid reasons was unwilling to divulge before a decision was made.
 - (d) The candidate had formally notified FPSB Ireland of extenuating circumstances prior to or during the course of an examination, however, the examiner(s) and the Examinations Committee were not advised of such extenuating circumstances prior to considering the candidate's examination results or that sufficient weight was not given to such extenuating circumstances previously notified to FPSB Ireland.
 - (e) That there was a substantial error of judgement on the part of the examiner(s) with the result that the assessment given was totally at variance with previous assessments and performance levels.
 - (f) That there was a material administrative error or a material irregularity in assessment procedures which have made a real and substantial difference to a candidate's result.

12 Procedures to be followed to request a review

- (a) A written request to email address info@fpsb.ie for a review must be received by the Examination Administrator, not later than 10 working days after the date on which the examination results are issued by FPSB Ireland.
- (b) Where he/she is of the opinion that such is appropriate the Examination Administrator may retrospectively exempt a candidate from the application of the rule in 12(a).
- (c) FPSB Ireland will charge a fee of €65 for a review of each examination paper. In the event of a review resulting in an upward revision of marks, this fee is refundable.
- (d) The review submission shall be considered by the examiner and the Examination Administrator. The candidate shall have the right, to appear personally before the Examination Administrator, and may be accompanied if desired by another person.

Following receipt of the Examination Review Report the candidate may request to view their examination script.

13 Appealing the Outcome of a Review

- (a) The outcome of a Review can be appealed to the Examinations Appeals Sub-Committee of the Examinations Committee.
- (b) Notice of Appeal of the outcome of a Review shall be lodged in writing by candidates within 10 working days of receiving notification of the outcome of the Review. Where such notification is sent by post to candidates, the notice shall be deemed to be received by candidates two business days after the date on which it was posted. The written notice of Appeal must state the grounds on which the Appeal is made.
- (c) As soon as practicable after the receipt of any such notice of Appeal, the Examination Committee shall appoint an Examinations Appeal Sub-Committee to hear the Appeal.
- (d) As soon as is practicable after the appointment, the Examinations Appeals Sub-Committee shall notify the subject of the time and place fixed for the hearing of the Appeal. The Sub-Committee shall give the subject the opportunity of attending the hearing, of being heard before it, of calling witnesses to give evidence on their behalf, of adducing documentary evidence and, if the subject so desires, shall be permitted to be represented at the hearing of the Appeal by counsel, a solicitor, or by a CERTIFIED FINANCIAL PLANNER professional.
- (e) All outcomes of the Examinations Appeals Sub-Committee shall be reported as soon as possible to the Examinations Committee.

14 Examinations Review Sub-Committee

The Examinations Review Sub-Committee shall be appointed each year by the Examinations Committee and shall be constituted and conduct its business as follows:

- (i) Nominee of the Examinations Committee, who will chair the Sub-Committee.
- (ii) Not less than four other persons.
- (iii)
 - (a) The Sub-Committee shall ordinarily be comprised of academic staff of educational establishments exclusive of FPSB Ireland. The members are not necessarily experts in the content of the assessment under appeal and do not themselves read assessment material which is the subject of the appeal, having regard to the functions of the external examiner in respect of the relevant examination and the conduct of the review by the examiner and the Examination Administrator as set out in section 12 above.
 - (b) For each examination conducted by FPSB Ireland an external examiner will have been appointed, who will review in advance the examination paper(s), the supplied solutions or answers and marking scheme to determine if they are satisfactory. He or she will also review a sample of examination scripts or answer books following the examination to determine if the marking scheme and suggested solutions or answers have been satisfactorily followed.
- (iv) Three members of the Sub-Committee shall constitute a quorum.
- (v) The Sub-Committee shall endeavour to reach its decision by majority if not unanimously. In the event that there is a tied vote of the Sub-committee, the chair shall exercise a casting vote.
- (vi) The Sub-Committee shall consider each appeal on the grounds on which it is based, in accordance with the principles of natural justice. To assist it in coming to a decision, the Sub-Committee shall be provided with the report of the examiners and all reports and commentary of the external examiner(s). Copies of all such correspondence shall be made available equally to the appellant and the Examination Administrator.
- (vii) The Sub-Committee may require evidence of any medical or other circumstance which may have adversely affected the candidate's performance at the assessment.
- (viii) The Sub-Committee shall make known its decision in writing to the candidate and shall notify the Examinations Committee of its findings. There shall be no appeal from the decision of the Sub- Committee.
- (ix) The decisions of any committee of or appointed by the Examinations Committee shall not be invalidated by reason of the fact that such bodies may from time to time comprise some or all of the same members.

- (x) While every effort is made to have the process carried out as speedily as possible, delays may arise. Consequently, it is imperative that students who have appealed against a failure in an assessment should not assume a favourable outcome to an appeal or assume that the appeal will be decided prior to the sitting of a repeat assessment. They should register for such repeat assessments and prepare themselves to sit it. In the event of a successful appeal, any fee paid will be refunded.

