

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Miss Ruohan Zhang

Heard on: Tuesday, 01 April 2025

Location: Remotely via Microsoft Teams

Committee: Ms Ilana Tessler (Chair)
Ms Andrea White (Accountant)
Dr Louise Wallace (Lay)

Legal Adviser: Ms Valerie Charbit

**Persons present
and capacity:** Ms Michelle Terry (ACCA Case Presenter)
Miss Mary Okunowo (Hearings Officer)

Summary Removed from the student register.

Costs: £4500 in costs be paid by Miss Zhang to ACCA.

PRELIMINARY APPLICATIONS/SERVICE OF PAPERS

1. The Committee convened to consider the following four allegations:

Miss Ruohan Zhang, a student of the Association of Chartered Certified Accountants ('ACCA'):

1. Was in possession of unauthorised materials in the form of notes during the TX UK examination on 08 June 2021, contrary to Exam Regulation 4.

2. Intended to use the unauthorised materials set out in 1 above to gain an unfair advantage, in accordance¹ with Exam Regulation 6(a).
 3. Miss Zhang's conduct in respect of 2 above was:
 - I. Dishonest, in that Miss Zhang intended to gain an unfair advantage; or in the alternative,
 - II. Demonstrates a failure to act with integrity.
 4. By reason of her conduct, Miss Zhang is:
 - I. Guilty of misconduct pursuant to bye-law 8(a)(i), in respect of any or all of the matters set out at 1 to 3 above; or
 - II. Liable to disciplinary action pursuant to bye-law 8(a)(iii), in respect of 1 ²above.
2. The Committee had before it a bundle of papers numbering 1-72 and a service bundle numbering 1-24.
 3. Miss Zhang was not present and she was not represented.

PROCEEDING IN ABSENCE

4. Miss Zhang had sent emails to ACCA on 25 March 2025 regarding her attendance at the hearing

"Hello, I do not accept any charges and I will not participate in any subsequent ACCA exams or hearings. I am still a student and do not have the money to pay any fees."

"I am a student with no source of income, I will not take any subsequent exams, I have no money to pay any fees, and I do not accept charges"

¹ Amended from "contrary to" to "in accordance with"

² Amended from "1 and 2" to 1

“Hello, I don’t have any financial resources to hold the hearing, and I don’t have the money to bear the hearing costs. I once again state that even if you convene, I don’t have any money to pay. I will not take the ACCA follow-up exam, you can remove me.”

5. The Committee noted that the hearing notice and accompanying paperwork had been sent to Miss Zhang 28 days prior to the hearing to her email address as registered with ACCA. Miss Zhang had indicated in her emails on 25 March 2025, that she was aware of the hearing.
6. The Committee was therefore satisfied that notice had been properly served on Miss Zhang in accordance with The Chartered Certified Accountants’ Complaints and Disciplinary Regulations 2014 (Amended 01 January 2025), (CDR), Regulation 10.
7. The Committee went on to consider whether it should proceed in the absence of Miss Zhang under Regulation 10(7) of the CDR. It noted that Miss Zhang had indicated in her emails that she would not be attending any hearing and so it considered that there was no purpose in adjourning the hearing as it was unlikely to secure her future participation or attendance in a hearing.
8. The Committee was satisfied that Miss Zhang had voluntarily absented herself from the hearing by choosing not to attend it when she knew it was taking place.
9. The Committee further decided that it was in the public interest that disciplinary hearings are heard expeditiously, and it noted that there had already been some delay in having this hearing heard. It also decided that it was in Miss Zhang’s interest that the hearing proceed forthwith in her absence.
10. The Committee emphasised that it would take into account all of her written representations in order to ensure proceedings were fair despite her absence.

AMENDMENT TO THE ALLEGATIONS

11. Ms Terry applied to amend the allegations in two aspects:

- Regarding allegation 2 to remove the words “in breach of” and to substitute “in accordance with”
 - Regarding allegation 4 to remove the word “2” as allegation 4 related only to allegation 1.
12. Ms Terry submitted that these amendments would not cause Miss Zhang any prejudice.
13. The Committee decided that the amendments did not alter the substance of the allegations and it therefore decided to allow the amendments on the basis that this did not cause any prejudice to Miss Zhang.

BRIEF BACKGROUND

14. Miss Zhang first registered as an ACCA student on 03 November 2020. She had no previous attempts at the TX UK examination and has not previously passed any ACCA examinations.
15. On 08 June 2021, Miss Zhang attended the ZJ Open Exam Centre to sit the TX UK examination, which commenced at 9.00am. Prior to an examination, all candidates for ACCA examinations are made aware of the Exam Regulations as they receive an exam attendance docket which contains the ACCA Exam Regulations and Guidelines.
16. In a form, “SCRS 1B – Unauthorised Material”, completed on the day of the exam by Invigilator A, Invigilator A confirms “A small piece of paper (7x3cm) with writing on it was found on the ground by an invigilator. Another two (8x6cm, 7x4cm) pieces of paper with writing on them were found by supervisor.” The unauthorised materials were found at 11:22am, June 08, 2021.
17. Invigilator A also provided an account of the incident and stated “*When paroled in the room, I found a small piece lying on the ground and I handed it to Invigilator B...The student was asked to stay in the test room after the exam... Student confirmed it was her*”.

18. The SCRS 1B form was signed and dated by Invigilator A and a tick was placed in the box asserting that the facts as specified were a true reflection of the incident. Invigilator B also completed a SCRS 1B form on the day of the exam.
19. In a further SCRS 1B form, completed on the day of the exam by the Supervisor, they confirm that *"A small piece of note (7x3cm was found on the ground by an invigilator. Another two (8x6cm, 7x4cm) were found by supervisor"*. The Supervisor also states in their account of the incident that *"At the end of the test, the CDD [student] was interviewed by the Supervisor, who asked the CDD whether the note belonged to her and the CDD admitted. When she left the room, two other notes pieces of paper were found on the ground of the floor and the CDD also admitted they were hers"*.
20. The SCRS 1B form was signed and dated by the Supervisor and a tick was placed in the box asserting that the facts as specified were a true reflection of the incident. In the SCRS 1B forms completed by the Supervisor and Invigilators A and B it was confirmed that Miss Zhang had signed the exams attendance docket which contained the exam regulations including that possession of notes was an unauthorised material which was not allowed.
21. On the day of the examination, Miss Zhang completed a form "SCRS 2B – Unauthorised Material" in relation to the incident (although this form is dated "2020.6.8", the examination took place on 08 June 2021 as set out above). When asked to confirm whether she was in possession of unauthorised materials whilst the exam was in progress, she answers "No" and states *"Sorry I just borrow my thing by accident and I found it when I am in exam. So I know it's a fault and I want to throw it away when I was bee (sic) found"*.
22. In the SCRS 2B form, Miss Zhang was also asked to confirm whether she used, attempted or intended to use the unauthorised materials found in her possession, and whether she had attempted to use these materials to gain an unfair advantage, in which she responded "No".
23. Furthermore, when asked to confirm the purpose for which she had the unauthorised materials, Miss Zhang states *"I am not on purpose and I am just borrow it by accident"*. She further stated *"I am sincerely sorry that I accidentally*

borrow my review thing into the exam room. I'm not deliberately borrow it and I even not looked at it. Please give me one more chance, I promise I will not let it happen again".

24. Miss Zhang was also asked if she had the exam attendance docket and if she had read the reverse of the docket with the exam guidelines in the form, in which she responded "Yes" to both questions. Miss Zhang signed the SCRS 2B form and a tick has been placed in the box asserting that the facts as specified are a true reflection of the incident.
25. In the SCBE Examiner Feedback Sheet, the Examiner confirms the unauthorised materials were relevant to the syllabus and to the examination. In response to whether the notes had been used by Miss Zhang when attempting the examination, the Examiner stated "Maybe," providing further comments asserting: *"The first set of notes just seem to be some worked answers. The other two (in part) relate to the questions allocated to this student for part C of the exam. The student's performance for this section is quite good. However, with questions being mainly answered on spreadsheets, there is no way to state whether the notes were actually used in the exam. The notes also cover material which might have been examined in parts A and B of the exam, consisting of 60 objective test marks. I do not see these questions and there are no workings in any case. It is therefore not possible to comment on these sections, especially as a student could have simply guessed at the correct answer for any question where there is a one from four choice".*
26. The SCBE Examiner Feedback Sheet was signed and dated 02 July 2021 by the Examiner.
27. Photograph copies of the unauthorised materials were provided to the Committee. The original unauthorised materials consisting of handwritten notes have been retained by ACCA.
28. On 08 July 2021, ACCA's Exam's Conduct Department wrote to Miss Zhang in relation to the incident and invited her to make comments.
29. On 17 July 2021, Miss Zhang provided a response, stating:

"I'm so deeply sorry for my behavior in TX examination held on the morning of June 8, when I was thought by supervisor to have carried unauthorized materials. I sincerely apologize for this and I'd be very grateful if you could spend a few minutes reading my explanation as follows. My university was exempted from the first five examinations of ACCA by ACCA headquarters, so it was my first time participating in the official ACCA computer-based examinations. I was actually rather inexperienced and lacked a good understanding of ACCA examination regulations. As I have the habit of making notes and have them attached to the back of my calculator in class so that I can refer to them conveniently. Besides, I was rather nervous before this exam and wasn't told not to carry a calculator case during the exam so that I did not carefully check my calculator and forgot to remove the notes attached to it. And our supervisor did not check the back of my calculator either, so I entered the test room without knowing that I had the notes with me. In the middle of the exam, I noticed the notes stuck to the back of my calculator. So, out of panic, I tried to throw them away. That's when the teacher found it. To be an accountant has always been my dream. And to acquire the ACCA certificate, which is definitely a cornerstone on the way to become an accountant, has always been my career dream. Though in the beginning I was not admitted to my university to major in accounting, with a strong will, I passed very strict selection and later transferred to my ideal major accounting, which was a hard journey. Seeing that my dream is about to come true, I am so regretful that I have made such a terrible mistake, but it is a good lesson to me. Sincerely, I took the examination seriously. And I never meant to bring my notes into the exam room. I would be so grateful to you and the committee of ACCA if I could have a second chance to correct my mistake and please allow me to take the examinations in the future considering my lack of experience and poor understanding of examination regulations in my first official ACCA examination. If given the opportunity, I shall never make the same mistake again in any exams. I shall obey the regulations of the examination strictly and always stick to the principle of being honest, which is crucial to an accountant. And from now on, I will study harder to acquire the qualification soon and become an excellent accountant. Also, I will shoulder my social responsibilities as an accountant to keep a close focus on the relationship between accounting and social development, do social good and help vulnerable groups, and make my contribution as a member of ACCA".

30. On 25 February 2022, the Investigations Officer wrote to the British Council, in relation the SCRS 1B forms that were completed by Invigilators A and B and the Supervisor on the day of the exam. The parties were asked to confirm how they knew for certain the notes belonged to the student and how her admission had come about. The Investigations Officer also asked the parties to provide an account of the incident, focusing on what was said when the notes were discovered between the student, the Invigilators and the Supervisor, and whereabouts on the ground the notes were found.
31. On 25 February 2022, Invigilator A provided a response (page 43), stating:
- “I found the note on the ground of the aisle in the exam room while patrolling across the aisle after Invigilator B led the student to the toilet. I was not sure whose note it was, because it was not near the desk of the student, I showed it to Invigilator (sic) B after she were back. We guess that maybe the student dropped it from the pocket when she went to the toilet. Then we reported to the supervisor. Later, I knew that the supervisor found the other two notes while talking to the student after the exam and the student admitted the notes were hers. Above were the details about things happened on that moment.”*
32. No response was received from the British Council, Invigilator B or the Supervisor. Another email was sent by the Investigations Officer to the Supervisor on 19 April 2022, but no response was again received.
33. On 04 May 2022, the Investigations Officer wrote to Miss Zhang to advise her of the referral which had been received from ACCA’s Exams Conduct Department and requested her comments in this regard.
34. Miss Zhang was also asked the following questions and on 16 May 2022 she gave the following replies set out below in italics:
- 1) Do you accept that the enclosed handwritten notes are those that were in your possession during the TX UK examination on 8 June 2021? If you do not accept, please explain why?
- Yes*
- 2) Do you accept that the enclosed handwritten notes consisted of unauthorised

materials? If not, please specify what the unauthorised materials comprised of?

Yes

3) Do you accept the unauthorised materials were relevant to the syllabus for the TX UK paper and this particular examination?

Yes

4) Please confirm if you used the unauthorised materials during the exam.

No

5) Please confirm the time the unauthorised materials were discovered.

2022.6.8

6) Please confirm whereabouts the unauthorised materials were discovered and who they were discovered by.

In the examination room of Zhejiang Open University, it was found by the examiner.

7) Please could you provide an account of what was said between yourself, the Invigilators and Supervisor once the notes were discovered.

Time past too long and I cannot remember.

8) Please confirm whether you admitted the handwritten notes were yours to the Invigilators and Supervisor during the examination

Yes

9) According to the SCRS 2B form you completed you were not present when the Supervisor's announcements were made. Please could you confirm your whereabouts during this time?

Because there were a lot of people in the exam that day, we were divided into two groups, and I was in the second group, and the exam announcement was announced in the first group, so I did not hear it.

ACCA's CASE

35. ACCA submitted that intending to use unauthorised materials, such as handwritten notes that are relevant to the syllabus or examination, in order to gain an unfair advantage is behaviour which amounts to misconduct under by-law 8(a)(i). ACCA further submitted that Miss Zhang has breached Examination Regulation 4 by being in possession of unauthorised materials during the exam. It is also submitted that her purpose for so doing was that she intended to use the unauthorised materials to gain an unfair advantage. ACCA relies on Exam

Regulation 6(a) that once a student is found in possession of unauthorised materials relevant to the syllabus being examined, it will be assumed that they intended to use the unauthorised materials to gain an unfair advantage in the exam. The student admitted to being in possession of handwritten notes that were relevant to this particular exam, therefore Exam Regulation 6(a) is engaged. Although Miss Zhang confirms she did not use the notes and she had mistakenly brought these unauthorised materials into the exam, it is submitted that she has failed to discharge the requisite burden of proof as her explanation is not sufficient to prove there was no intention to gain an unfair advantage with the unauthorised materials.

36. ACCA submitted that seeking to and/or intending to cheat in a professional exam would be regarded as dishonest by the standards of ordinary decent people and that Miss Zhang clearly realised that she possessed unauthorised materials for the purpose of gaining an unfair advantage in the exam, as she admitted she panicked and had tried to discard the notes during the exam but they were later found. It therefore invited the Committee to find that her actions amounted to misconduct.

DECISION ON FACTS/ALLEGATIONS AND REASONS

Allegation 1 - Was in possession of unauthorised materials in the form of notes during the TX UK examination on 08 June 2021, contrary to Exam Regulation 4.

37. The Committee noted that when first confronted Miss Zhang had admitted that the pieces of paper found were hers. It further noted that Exam Regulation 4 states '*You are not permitted during the exam to possess, use or attempt to use any books, notes or other materials except those expressly permitted in the guidelines below. These are known as 'unauthorised materials'.*
38. It noted that Miss Zhang answered yes on 16 May 2022 to the question asking her if she was in possession of unauthorised materials. Although Miss Zhang had more recently suggested in her email of 25 March 2025 that she denied the charges, the Committee concluded that she was in possession of unauthorised materials. The Committee relied on the fact that Miss Zhang's

name was noted on one of the pieces of paper and that the pieces of paper were small enough to be concealed in Miss Zhang's calculator case which was what she had described when responding to ACCA about the allegations. It also noted that the materials contained writing which was relevant to the examination that Miss Zhang was sitting that day. It therefore was satisfied that the pieces of paper were unauthorised materials, and that Miss Zhang was in possession of them contrary to Exam Regulation 4.

39. The Committee accordingly found Allegation 1 proved.

Allegation 2 - Intended to use the unauthorised materials set out in 1 above to gain an unfair advantage, in accordance with Exam Regulation 6(a).

40. The Committee noted that Miss Zhang had said that she didn't intend to use the notes during the examination and that she realised during the examination that she had them and that was why she had thrown one of them to the floor. The Committee noted that there was no evidence to confirm that Miss Zhang had actually used the notes but that some of the material on the notes were relevant to the examination she was sitting.
41. Exam Regulation 6(a) states that *'If you breach exam regulation 4 and the 'unauthorised materials' are relevant to the syllabus being examined; it will be assumed that you intended to use them to gain an unfair advantage in the exam. In any subsequent disciplinary proceedings, you will have to prove that you did not intend to use the unauthorised materials to gain an unfair advantage in the exam.'* Miss Zhang had not attended the hearing and the only evidence she had given about her intention was submitted in writing to ACCA. This account had not been tested by the Committee with questions because she had chosen not to attend the hearing. The Committee was satisfied that the small size of the pieces of paper with information written on them which was relevant to the examination Miss Zhang was sitting meant it was likely that Miss Zhang intended to use them during the examination to gain an unfair advantage.
42. Further the fact that Miss Zhang did not volunteer all of them to an invigilator but waited until she was confronted about them led the Committee to conclude

it was unlikely she had them innocently and that it was more likely she intended to use them to gain an unfair advantage. The Committee concluded that her explanation that she had them by mistake was not credible in the circumstances and that it was likely she was purposefully trying to conceal them during the examination.

43. The Committee also noted that Miss Zhang had said that she had read the exam regulations and then later said she had not. It did not find her to be a consistent historian regarding what had happened during the examination.
44. The Committee was therefore not persuaded that Miss Zhang had the notes in the examination room by mistake nor was it persuaded that she had not intended to use them. It therefore found Allegation 2 proved.

Allegation 3(1) - Dishonest, in that Miss Zhang intended to gain an unfair advantage

45. The Committee was satisfied that Miss Zhang had acted dishonestly. When considering her state of mind, it decided that she had brought the notes into the examination in order to cheat. It had rejected her account that she had done so by mistake. It therefore concluded that an intention to cheat was likely to allow Miss Zhang to gain an unfair advantage and that in doing so she must have known that she was acting dishonestly. It also determined that ordinary members of the public would consider these actions as cheating and dishonest. It therefore found Allegation 3 proved.
46. Having found Allegation 3(1) proved the Committee did not consider Allegation 3(2) because it was an alternative to Allegation 3(1).

Allegation 4 (1) - Misconduct

47. The Committee went on to decide if Allegations 1-3 amounted to misconduct. The Committee was satisfied that intending to cheat in an examination to gain an unfair advantage was dishonest conduct which amounted to a fundamental breach of one of the main tenets of being an accountant – being an honest accountant. It was satisfied that in preparing the notes she had in all likelihood

planned to cheat and that such premeditated dishonest conduct amounted to serious misconduct.

48. The Committee therefore found Allegation 4 (1) proved.
49. The Committee did not go on to consider Allegation 4(2) since this was an alternative Allegation to Allegation 4(1).

SANCTION AND REASONS

50. The Committee noted that Miss Zhang did not have any previous disciplinary findings against her. It further noted as a mitigating factor that Miss Zhang had expressed some regret about what had happened and that she had engaged with the investigation.
51. However, the Committee decided that Miss Zhang's premeditation and preplanning in preparing notes that were relevant to the examination showed a lack of insight into the seriousness of what she had done. Further she appeared to not appreciate the seriousness of her conduct and the impact it had on ACCA, the public interest and the reputation of the profession. The Committee noted that ACCA's Guidance on Disciplinary Sanctions (GDS) stated that 'lack of insight' can amount to an aggravating factor.
52. The Committee firstly considered whether it should impose a sanction or take no further action. It decided that allegations proved which involved dishonesty and misconduct were at the higher end of the spectrum of disciplinary allegations and therefore it was necessary to impose a sanction.
53. The Committee referred to the GDS and decided that since it had found that Miss Zhang had acted deliberately and with a lack of insight the sanction of 'admonishment' was not an appropriate sanction for this case. Although she had expressed some regret, she had not shown that she was remorseful, nor had she maintained her early admissions.
54. The Committee went on to consider whether a reprimand was a proportionate sanction in this case. It noted that there had only been a risk of harm to others

resulting from the misconduct found proved but overall, it determined that the other factors relevant in the GDS for a reprimand were not present. The Committee had found Miss Zhang had acted deliberately and it had rejected that her actions were the result of misfortune or a mistake. It therefore concluded that this sanction was not appropriate and did not reflect the seriousness of the misconduct it had found proved.

55. The Committee went on to consider whether a sanction of a 'serious reprimand' was the proportionate sanction to impose. However, it decided that such a sanction would fail to protect the public from any future misconduct by Miss Zhang. It was not persuaded that Miss Zhang had full insight into her misconduct and therefore there was a risk of repetition in the future. It also found that dishonest conduct which was deliberate justified a serious sanction and it was not satisfied that Miss Zhang had taken corrective steps to prevent such conduct taking place in the future. It therefore decided that a severe reprimand was not a sufficient sanction to impose for serious misconduct and dishonesty where there was a lack of insight.
56. Miss Zhang had at the earliest stage in her accountancy career, by attempting to cheat, shown a complete disregard for a fundamental tenet of the accountancy profession i.e. honesty. She had also failed to maintain her admissions and had even at one stage much earlier tried to cover up her conduct by throwing a piece of paper to the floor instead of handing it to an invigilator. Having decided that Miss Zhang had acted dishonestly the Committee considered that the only proportionate and appropriate sanction which would protect the public in the future was a sanction of removal from the student register.

COSTS AND REASONS

57. Miss Zhang has not submitted any documents relating to her financial position for the Committee to consider. Although she had told ACCA in an email that she could not afford to pay any costs she had not filled out a statement of means.

58. ACCA applied for costs of £5679 inviting the Committee to reduce the figure slightly because the hearing had lasted less than half a day.
59. The Committee has not received any documentary evidence to support her assertion regarding being unable to meet a costs order despite ACCA inviting her to fill out a statement of means. Having considered ACCA's guidance as to costs, accordingly, it has inferred that Miss Zhang is largely able to meet the costs as assessed by the Committee. It decided to reduce the costs payable to take account of the fact that the hearing lasted less than half a day and because Miss Zhang had said she had limited financial ability to pay any costs order. It therefore ordered Miss Zhang to pay costs to ACCA of £4500.

EFFECTIVE DATE OF ORDER

60. Ms Terry did not make an application for an immediate Order.
61. The Committee was satisfied that it is not in the interests of the public that its Order to exclude Miss Zhang from the student register should have immediate effect under Regulation 20. The Committee was satisfied that the effective date of the order should be at the conclusion of the appeal period.

Ms Ilana Tessler
Chair
01 April 2025