

National Board of Examiners in Optometry (NBEO®) Ethics Policy

The Bottom Line at the Top:

The NBEO has a zero-tolerance policy with respect to cheating and other improper conduct at any point before, during, or after NBEO examinations. Cheating or improper conduct includes any conduct which subverts, contravenes or is inconsistent with the NBEO's purpose of ensuring that each candidate's exam score accurately reflects the candidate's actual knowledge base and competence. For example, such purpose would be subverted by mere short-term memorization of actual confidential exam content, or by copying from another candidate's answer sheet.

A primary concern of the **NBEO Ethics Policy** is the confidentiality and security of exam items and materials. All NBEO exam items (such as questions, answers, case scenarios, images and Clinical Skills Examination (CSE) patient data, scripts, or other materials) contained in past, current, or future exams are strictly confidential and are the copyrighted property of the NBEO. Confidentiality of exam items is especially important because past exam items are sometimes repeated on future exams. Any candidate access to or use, copying or sharing of any such confidential exam content for any purpose whatsoever is cheating and improper conduct.

Some examples of cheating or other improper conduct include:

- Gaining access to any NBEO exam items used on any past, current, or future exams. All such materials are strictly confidential and are copyrighted by NBEO.
- Copying another candidate's answer sheet or obtaining outside assistance during the exam (such as via cell phone contact), instead of working entirely independently on the exam.
- Using NBEO exam items in a candidate's own preparation for an exam or to assist others in exam preparation.
- Copying or reconstructing NBEO exam items or distributing or sharing NBEO exam items with anyone else (whether it be other candidates, optometry school faculty or administration, commercial exam preparation entities, or otherwise) for the purpose of preparing for any current or future exam or for the purpose assisting other candidates' preparation for any current or future exam.
- Encountering cheating or other improper conduct of others and **then failing to report such cheating or misconduct to the NBEO.**

Everyone who participates in the exam process, including students, professors, administrators, commercial exam preparation entities, etc. has an affirmative responsibility to avoid cheating and improper conduct of any nature and to report any known cheating or improper conduct by others.

Candidates who do not accept this reporting responsibility or who otherwise do not abide by this **NBEO Ethics Policy** may be subject to serious penalties, including score cancellation and/or being barred from taking future NBEO exams.

The National Board of Examiners in Optometry (“NBEO”) has adopted this **NBEO Ethics Policy** (hereinafter called the “**Ethics Policy**”) to establish rules regarding the proper conduct of exam candidates for all NBEO examinations and to protect the confidentiality of all National Board exam items and materials in order to ensure the validity of candidates’ test scores and of the examination as a whole. This **Ethics Policy** is accompanied by the **Potential NBEO Examination Security Dilemmas** (hereinafter called the “**Dilemmas**”) and the **NBEO Candidate Exam Conduct and Exam Security Agreement** (hereinafter called the “**Candidate Agreement**”). The **Dilemmas** present various student-to-student or student-to-school-official scenarios, followed by candidate reactions that would be considered ethically permissible as well as reactions that would be deemed unethical. The **Candidate Agreement** is a legally binding agreement which every exam candidate must sign as a precondition to registering for and taking any NBEO examination.

All exam candidates should thoroughly review these three documents prior to signing the **Candidate Agreement**. Violations of the **Ethics Policy** and the **Candidate Agreement** are serious matters which go to the heart of the integrity of the National Board examination process and will not be tolerated by the NBEO. Any candidate found to have engaged in Improper Conduct as defined in the **Candidate Agreement** will be subject to NBEO penalties and possible legal action, as explained in more detail in the section below entitled “**Penalties and Legal Liability for Improper Conduct.**”

Definition of “exam item”: The term “exam item” is used frequently throughout the **Ethics Policy**, the **Candidate Agreement**, and the **Dilemmas**. Wherever so used, “exam item” means and includes any content or material contained or to be contained in any past, current, or future NBEO examination, as well as any exam content under any stage of development by NBEO, including without limitation any question or stem, in whole or in part; any answer option; any case scenario; any image; and any CSE data scripts or other scoreable material. All NBEO exam items are the confidential and copyrighted property of NBEO and may not be obtained, reviewed, copied, shared, or used by anyone for any purpose whatsoever. “Exam item” does not include any sample item posted on the NBEO’s website or any item released by NBEO prior to the establishment of NBEO’s item database in 1981. Such materials are not confidential and may be reviewed, copied, shared or used for NBEO exam preparation.

Preservation of examination integrity is of the utmost importance as the National Board strives to fulfill its primary mission, which is to protect the public health and safety by ensuring competence among the candidate population that passes NBEO examinations. There is a direct link between NBEO scores and the protection of public health and safety. State licensing boards and other licensing bodies are charged with ensuring that only qualified candidates become licensed to practice optometry. Such licensing boards rely on the results of NBEO exams in assessing candidates’ qualification for a professional license to practice optometry. The NBEO has the responsibility to ensure that each candidate’s exam score accurately reflects the candidate’s actual knowledge base and competence, as it is crucial to the validity and integrity of NBEO exams to ensure that each successful candidate passes the exam based on the candidate’s own merit and without improper assistance or unfair advantage. A candidate who copies another test-taker’s answers or takes the exam based on memorization of confidential inside information does not demonstrate independent mastery of the knowledge base or competence required of a professional optometrist. (There are certain NBEO exams, e.g., ACMO, CPDO, standalone TMOD and standalone Injections) which are not directed toward initial licensure but rather are given for other specific purposes. The above general principles apply to those exams as well. The third party bodies for whom such exams are given rely on the results for assessment of the exam candidates, and the NBEO has the responsibility to ensure that each candidate’s exam score accurately reflects the candidate’s actual knowledge base and competence, and that each successful candidate passes the exam based on the candidate’s own merit and without improper assistance or unfair advantage.)

The validity and integrity of NBEO exams is dependent upon maintaining strict confidentiality and security of all NBEO exam items. All NBEO multiple-choice exams will contain some exam items that have appeared on prior exams. This re-use of a certain number of prior exam items is necessary in order to enable the NBEO to employ various statistical and equating psychometric methods to assess whether, and to ensure that, the overall examination difficulty is stable over time. In addition, the cost of developing new exam items is substantial, and NBEO has a compelling interest in protecting its investment in its exam items in light of the organization's dedication both to protect the public welfare through examination validity and to maintain reasonable candidate exam fees over time.

For these reasons, all NBEO exam items are copyrighted by NBEO and are strictly confidential. All NBEO exam items, examination booklets, answer sheets, examination materials, grading materials, unpublished clinical skills exam materials, and all processes used in the NBEO written or clinical skills examinations are the sole and confidential property of NBEO and are protected by trade secret, contract, and federal copyright laws.

In general terms, NBEO exam items and other copyrighted and confidential NBEO exam materials, in whole or in part, may not be obtained, reviewed, copied, shared, or used by anyone for any purpose whatsoever, and such prohibited purposes include without limitation:

- For a candidate's own preparation for or taking of any current or future NBEO examination.
- For use by any other candidates in preparation for or taking of any current or future NBEO examination.
- For use by anyone else for the instruction or preparation of any candidate for any current or future NBEO examination.
- For purchase, sale, or other direct or indirect financial gain of a candidate or anyone else, or for any offer for or attempt at such purchase, sale, or other financial gain.

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This prohibition applies to exam candidates, board preparation course instructors, publishers of study guides and other study materials, optometry school faculty and administration, and anyone else; and it applies at all phases of the NBEO examination process, whether occurring before, during or after an examination.

More specifically, as provided in the **Candidate Agreement**, any of the following acts or omissions are considered cheating and are violations of the **Ethics Policy** and the **Candidate Agreement**, and will subject the offending exam candidate to NBEO penalties and other possible legal liability:

- Receiving, accepting, obtaining, or otherwise gaining access to or being exposed to, any NBEO exam items, in whole or in part, for any purpose whatsoever (excepting a candidate's access or exposure to exam items while taking the exam itself, which is permissible for the sole purpose of such candidate taking that exam administration).
- Any review or use of NBEO exam items or other exam materials for any purpose whatsoever.
- Any copying, reproduction, reconstruction (whether by memory or otherwise), or compilation of NBEO exam items or other exam materials for any purpose whatsoever.
- Any publication, sharing, distribution, disclosure, or discussion of NBEO exam items or other exam materials for any purpose whatsoever.
- Any attempt or offer to do any of the above-described acts.
- The failure to promptly report to the NBEO any of the above-described conduct, or threatened conduct, after learning of or having reason to believe that such conduct has occurred or is threatened.

Any such activity is prohibited regardless of the means by which it occurs. This includes, without limitation, whether written or oral, and whether in person or via internet, intranet, chat room, message board, social media, lectures, class notes, exam review course materials, email, text, phone, electronic, mechanical or other means or forums.

The NBEO makes available to candidates, on the NBEO website, an exam content outline, an exam content matrix, sample exam items, Part III Candidate Guide, and other materials. Such materials are, of course, not confidential and are permitted and recommended for use by candidates in preparing for NBEO exams. However, candidates are warned that any NBEO exam items or materials not provided by NBEO on its website are confidential and may not be accessed or used in any manner for any purpose whatsoever.

Candidates are required to conduct themselves in an appropriate manner in regard to each and every aspect of National Board testing and exam preparation. In addition to prohibited access to and use of NBEO exam items and other exam materials as detailed above, Improper Conduct includes a broad range of inappropriate behavior and activities, including but not limited to the following:

- Any cheating, collaboration, disruptive behavior, or other improper conduct during the exam, or in connection with registration for or administration of the exam, such as:
 - Providing any false, forged or misleading information or documentation in connection with registration for or administration of any exam or at any time during the registration or examination process.
 - Copying answers from another candidate.
 - Permitting another candidate to copy answers from you.
 - Communicating with any other person for the purpose of giving or receiving any prohibited assistance.
 - Any other conduct contrary to the requirement that a candidate must pass the exam based on the candidate's own merit and without improper assistance or unfair advantage.
 - Taking the examination while impersonating a candidate.
 - Permitting or requesting an impersonator to take the examination on a candidate's behalf.
 - Taking any NBEO entry-level licensing examination for a purpose other than the test-taker's own licensure, or taking any other NBEO examination for a purpose other than the purpose(s) for which such exam is administered.
 - Possession of or access to prohibited materials or property.
 - Removal of examination materials from the exam room.
 - Any conduct which disrupts the examination environment or process.
 - Verbally or physically abusing or harming, or threatening to abuse or harm, a proctor, another candidate, test center employees, NBEO personnel or their agents, including without limitation in telephone or written communications regarding registration, scheduling, exam administration, scores, or score reporting.
 - Providing any false, forged or misleading information or documentation in connection with the procurement of score reports, transcripts, or any certificates issued by NBEO.
- Any conduct which violates, subverts, contravenes, or is inconsistent with:
 - the integrity or security of any NBEO examination, or
 - NBEO's purpose to ensure that a candidate's NBEO exam score accurately reflects the candidate's actual knowledge base and competence.
- Any other conduct deemed by NBEO in its sole discretion to be unethical, unprofessional, inappropriate, or improper in connection with the registration, taking, administration, integrity, or security of any NBEO examination.
- Any *attempt* to commit any Improper Conduct.
- Collaborating with or aiding or abetting others in Improper Conduct.

- Failure to promptly report to NBEO any Improper Conduct, or threatened Improper Conduct, after learning of or having reason to believe that such conduct has occurred or is threatened.

The NBEO considers professionalism to be an essential component of all optometry candidates' character and fitness to practice optometry. The NBEO will not tolerate any unprofessional behavior of a candidate related to the NBEO examination process that comes to its attention before, during, or after National Board exams. Each candidate's obligation to comply with the **Ethics Policy** and the **Candidate Agreement** is a matter solely of the candidate's own responsibility and professionalism. It will not be a defense to any allegation of Improper Conduct by a candidate that such conduct was suggested, encouraged, orchestrated, endorsed, or approved by any educator, authority figure, or anyone else, or that such conduct is purported or believed to be, or is, a common or widespread practice.

Any violation of this **ETHICS POLICY** or any "Improper Conduct" as described above or as defined in the **CANDIDATE AGREEMENT** may subject the offending candidate to NBEO penalties and possibly other legal liability as explained in more detail in the **CANDIDATE AGREEMENT** and in the Section below entitled "**PENALTIES AND LEGAL LIABILITY FOR IMPROPER CONDUCT.**"

It should be emphasized that Improper Conduct can occur during any phase or aspect of the NBEO examination and preparation process, and not just on test day. The **Dilemmas** chart provides examples of various types of candidate misconduct during an assortment of circumstances occurring before, during, and after the examination. Candidates should carefully review these examples in conjunction with the **Ethics Policy** and the **Candidate Agreement** and govern themselves accordingly.

Following is a further explanation of NBEO ethical rules as applied to the particular phases or aspects of the NBEO examination and exam preparation process.

1. **CANDIDATE CONDUCT PRIOR TO ANY NBEO EXAMINATION**

Candidate conduct before NBEO examinations can be broken down into three main phases:

- school/college-based learning activities (i.e., in regular optometry school classes);
- examination application and registration;
- studying for the examination.

School/college-based learning activities

The NBEO expects and trusts that optometry schools/colleges are faithful to the highest ethical standards and to the principles embodied in this NBEO Ethics Policy. Since a substantial amount of candidate preparation for NBEO exams takes place in the optometry school setting, this section of the Policy points out examples of the types of conduct in the school/college setting that would be violations of this Ethics Policy if they occurred.

As noted above, candidate exposure to or misuse of copyrighted National Board exam items is prohibited by law, is not permitted, and is subject to NBEO penalties and legal action. If candidates have reason to believe that they encounter any copyrighted NBEO items or examination materials in lectures, classes, coursework, study guides, teaching notes, or other settings in optometry schools/colleges, they are responsible for informing the NBEO of such illegal activity so that the NBEO is able to take action to prevent further exploitation of its proprietary property and to protect the validity and integrity of its examination. The National Board maintains a confidential process to report such information at www.optometry.org under the tab, **Ethics**, and sub-section, **Report an Ethics Violation**. In the event that NBEO discovers the illegal exposure to or misuse of its own exam items and materials, candidates who

have failed to inform the NBEO of said activities may be subject to NBEO penalties and legal action for such failure to report, as well as for their own exposure to NBEO exam items.

Candidates are prohibited from engaging in any reproduction or distribution of National Board exam items among other candidates, for study or any other purposes, at their home optometry schools/colleges, or other schools/colleges of optometry, or anywhere else. Candidates are prohibited from reading, studying from, or using in any other manner, previously reproduced NBEO exam items that are provided to them by other candidates, instructors, teachers, or any faculty members at their home schools/colleges of optometry, or from other candidates or faculty members at other schools/colleges of optometry, or from anyone else. It is improper for candidates to review, study from, or be exposed to courses, materials, or lectures offered by any such educator or institution if such courses, materials, or lectures contain or purport to contain NBEO exam items or NBEO materials (aside from information published on the NBEO website). It is also improper for candidates or anyone else to provide NBEO exam items or materials to any such educator or institution. Candidates who choose to engage in such proven disallowed activities will be subject to NBEO penalties and legal action. Further, candidates are hereby warned that if any institution, educator, or anyone else claims to be providing NBEO exam items or any other material that is held out to be, or under the circumstances is likely to be understood by the recipient, as inside information on NBEO exams, such institution or person is acting contrary to NBEO policy and in violation of NBEO proprietary rights.

School-wide pre-examination exposure to previously copied and reproduced exam items gives those candidates with access to such materials an unfair advantage over candidates from other schools that lack the opportunity to study this unauthorized exam material. For example, if an institution or an instructor improperly provides confidential exam items to students on a widespread basis, that will create substantial doubt as to whether the collective school-wide examination scores accurately reflect that school's candidates' knowledge base. A school-wide pre-examination exposure might also occur without the involvement of school personnel, such as by private collaboration of students. In deference to the concerns of the various licensing boards of optometry as they evaluate optometric licensure requirements for the protection of the public health and safety, the potential disparity between candidates' knowledge levels and their scores, following group exposure to stolen exam material, must be considered. In the event of widespread exposure to stolen NBEO exam items, the National Board may determine that the validity and integrity of the affected examination as a whole are compromised, and therefore, the resulting scores cannot be relied upon for licensing purposes. In such case, the scores of all candidates within the affected group may be cancelled. When candidates are discovered by the NBEO to have been exposed to confidential NBEO exam material, scores will not be reported to candidates or licensing boards, and candidates may be subject to other NBEO penalties and legal action.

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Examination application and registration

The provision by the candidate of false or forged information during the application and registration process for any NBEO examination is prohibited and may lead to serious consequences. If and when discovered and proven, such false documentation will result in score cancellation and other possible penalties, regardless of the length of time between the exam date and the date of discovery. In addition, the NBEO, in its sole and absolute discretion exercised in good faith, may refuse to administer or provide any examination to any individual as a consequence of improper conduct in the application or registration process.

Studying for the examination

As emphasized above, candidates should be aware that all exam items, examination booklets, answer sheets, examination materials, grading materials, unpublished clinical skills exam materials, and all processes used in the NBEO written or clinical skills examinations are NBEO proprietary and confidential property, are the sole property of the NBEO, and are protected by

United State copyright laws. Candidates have no right to any access to any NBEO exam items or other examination materials as they study for NBEO examinations, even if such exposure is endorsed, encouraged, or committed by optometry school/college instructors, professors, faculty, administration, other authority figures, or anyone else. Any candidate who obtains, reviews, studies from, or otherwise uses confidential NBEO exam items and materials in preparation for an NBEO exam or who copies, publishes, discusses, or shares any such exam items and materials with anyone else will be subject to NBEO penalties and legal action.

Custody and control of the examination and all examination materials shall remain solely in the hands of authorized proctors or other authorized agents or employees of the NBEO.

Candidates may have access to the examination only while it is being administered and only under the supervision of authorized proctors. Pre-examination access to or discussion of the examination or examination material while studying is strictly prohibited, as is review of such NBEO exam items or materials by candidates or by any person on behalf of the candidates, prior to the exam.

The NBEO has no affiliation with any commercial entity that claims to provide any NBEO test preparation courses or materials. The NBEO does not sanction, endorse, or approve of any such program or information. It is improper for candidates to review, study from, or be exposed to courses, materials or lectures offered by any such commercial entity if such courses, materials, or lectures contain or purport to contain NBEO exam items or NBEO materials (aside from information published on the NBEO website or items released to the public by NBEO prior to 1981). It is also improper for candidates or anyone else to provide NBEO exam items or materials to any such commercial test preparation entity. Candidates who choose to engage in such disallowed activities will be subject to NBEO penalties and legal action. Candidates are also responsible for informing the NBEO of such illegal activity by any commercial entity offering or claiming to offer NBEO exam materials so that action may be taken by the NBEO to prevent further illegal use of its proprietary property. Unauthorized use of NBEO exam material may be reported through the NBEO website by clicking on **Ethics**, then sub-section **Report an Ethics Violations**.

Further, candidates are hereby warned that if any commercial test preparation entity or agent thereof who claims to be providing NBEO exam items or any other material that is held out to be, or under the circumstances is likely to be understood by the recipient, as inside information on NBEO exams, such entity or agent is acting contrary to NBEO policy and in violation of NBEO proprietary rights.

2. CANDIDATE CONDUCT DURING ANY NBEO EXAMINATION

Candidates are expected to know and observe the following basic Exam Conduct information applicable to all time spent in NBEO examination facilities. Non-compliance with any of these rules may be considered Improper Conduct and may result in the imposition of NBEO penalties:

- a. Candidates should arrive at the test center 30 minutes before any NBEO written examination's posted start time and 15 minutes prior to a clinical skills examination's posted start time.
 - o For written exams, candidates who arrive late will be admitted to the exam room but will be given no extra time.
 - o For the clinical exam, candidates who arrive before the conclusion of the Candidate Orientation and sign the appropriate waiver will be admitted at the discretion of the NCCTO staff, though these candidates technically will have forfeited their exam appointments.
 - o For computer-based exams, rules regarding late arrival are established by the Pearson VUE Test Centers and are available online.
- b. Candidates will be observed at all times while taking examinations and during all breaks.

- For written exams, observation will be done through direct monitoring by the test center proctors.
 - For the clinical and CBT exams, observation will be achieved through direct monitoring by the test center proctors as well as video recordings of examination sessions.
- c. NO electronic devices such as cell phones, beepers, any other communication devices, laptops, or any other electronic gadgets are permitted in any examination room.
- d. Candidates who are easily distracted by noise may request earplugs from the test proctor; personal earplugs and/or headphones are not permitted in the testing center.
- e. No books, pens, coats, wallets, purses, watches, or other personal items are permitted in the Pearson VUE testing room.
- f. Sweaters or light jackets will be inspected before being allowed into the testing room. Candidates may be requested to turn pockets inside out to show they are empty before entering the exam room, at check-in and after all breaks.
- g. Candidates may not bring paper into NBEO exam rooms. Scratch paper is provided during exams that require its use and is collected at the end of the exams. All study notes are prohibited from test sites. No paper items may be left in clothing pockets, hats, hoods, linings, pants cuffs, etc.
- h. Guests will not be permitted to wait in the exam room (for written exams) or test center (for clinical skills and CBT exams) or to contact candidates while they are taking exams.
- i. Policy regarding food, beverages, and water:
- For written exams, food and drink (other than water) may be kept in personal bags or purses which are stored in lockers, in the hallway, or at the front of the exam room during the exam. During Part I ABS exams, water is permitted at examination desks in authorized bottles (labels must be removed from bottles, which must have pop-up-type tops to prevent spillage). Water bottles are NOT permitted at desks in the Pearson VUE test centers but may be kept in lockers. Stored food and drink may be accessed during supervised breaks authorized by exam proctors. Supervised breaks may be taken as needed by discretely signaling a proctor and quietly requesting a break. An exam proctor will remain with a candidate for the entire duration of the break, including during restroom breaks. No extra time will be given to candidates who take unscheduled breaks.
 - For the clinical skills exam, food and drink (including bottled water) may be kept in lockers in the testing facility. There are hallway water fountains for use by CSE candidates during the exam. Candidates with special dietary/nutritional needs relating to a medical condition (e.g., diabetes) are encouraged to make efficient use of the standard 5-minute breaks between exam stations. If these breaks do not provide sufficient time to consume food/drink, prior arrangements must be made by applying for a disability test accommodation at least 11 weeks prior to your CSE test date for a long-term, ADA-eligible disability or as soon as possible for a recent-onset, non-ADA-type condition.
 - For computer-based exams, rules regarding food and drink are established by the Pearson VUE Test Centers and are available online.
- j. One form of identification must be presented at check-in prior to the start of the exam, except that two forms of identification will be required at Pearson VUE test centers. No admittance will be permitted without the proper identification. Both forms of identification must be current (expired IDs are not acceptable) and signed. One form of identification must include a recent photograph, and the name on it must be identical to the name used to register. The NBEO also reserves the right to take such other measures as it deems appropriate in any particular circumstances to verify the identity of a candidate.
- k. The provision by the candidate of false or forged information during examination admittance on Test Day is prohibited and will lead to serious implications if detected. If and when discovered and proven, such false documentation will result in score cancellation and possibly other NBEO penalties, which may include a bar from taking NBEO examinations. Any potential penalty(ies) will be applied regardless of the length

of time between the exam date and the date of discovery of the false or forged information.

- l. At Pearson VUE centers, if you must leave the testing room for any reason (e.g., to use the restroom), you will be required to repeat your palm scan prior to re-entering the test room.
- m. Smoking is not permitted in test rooms at any time.
- n. Use of a cell phone or other communication device is expressly prohibited in examination rooms, during restroom or other types of breaks, or at any time while the examination is ongoing. Candidates caught using electronic devices to call, text, twitter, photograph exam materials, or caught engaging in any other use of such devices, may be subject to score cancellation and other NBEO penalties.
- o. Use of foul, vulgar, or politically incorrect language is at all times prohibited in or near all National Board test sites.
- p. Candidates are prohibited from addressing NBEO exam agents (e.g., proctors) aggressively, with hostility, threateningly, flirtatiously, or with any demeanor other than respectful and appropriate for professional board exam test-taking.

3. CHEATING DURING NBEO EXAMINATIONS

Cheating, collaboration, disruptive behavior and other Improper Conduct during an examination are strictly prohibited. In order to promote independent candidate test-taking, the National Board utilizes a minimum of two different forms of the answer sheet for any given exam. In addition, examination proctors have been instructed to adhere strictly to National Board policies to prevent collaborative behavior, and to detect and report it if it occurs. In order to attain optimal test administration conditions, proctors are directed to change, at their discretion, any candidate's seat in order to minimize or eliminate environmental disruptions or annoyances, including but not limited to noise, a poor writing surface, inadequate lighting, and potential collaboration. Candidates should not interpret a requested seat change as harassment or as an accusation of cheating.

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If a candidate notices that a nearby candidate is attempting to copy from his/her answer sheet, the candidate whose answers potentially are being copied is strongly advised to notify the exam proctor that there is a possibility that cheating is occurring or has occurred. Sophisticated statistical analysis of all candidates' item responses as compared to all other candidates' responses is standard procedure following each NBEO written or computer-based examination. This analysis is highly effective and reliable in detecting and documenting the occurrence of copying. Should the candidate whose responses were copied fail to alert the proctor, statistical analysis may discover and confirm the copying. The result may be a charge of collusion and/or cheating for both candidates involved (the copied and the copier). In summary, it is in the best interest of any candidate who feels that his/her answers were copied by an adjacent candidate to report this possibility to the exam proctor to avoid any complications to him/herself in the scoring of the exam.

4. CANDIDATE CONDUCT FOLLOWING ANY NBEO EXAMINATION

The provision by the candidate of false or forged information during the procurement of score reports, transcripts, or any certificates issued by the NBEO is prohibited and will lead to serious legal implications if detected. If and when discovered and proven, such false documentation will result in the imposition of NBEO penalties, regardless of the length of time between the exam date and the date of discovery.

Any verbal discussion or written disclosure of any aspect of the copyrighted exam items, clinical cases, scripts, or standardized patient information after the examination is strictly forbidden. Candidates are prohibited from discussing, disclosing, paraphrasing, publishing, emailing, texting, or otherwise sharing with any individual, other candidates, instructors, professors,

administrators, exam review course entities, and anyone else, any NBEO exam item (in whole or in part), and/or any other confidential examination property belonging to the NBEO. For example, the following are strictly prohibited: reconstructing and reproducing memorized or copied exam items for use by the candidate, other candidates, test preparation services or educators for preparation for future exams.

The NBEO has no affiliation with any commercial entity that provides any alleged NBEO test preparation courses or materials, whether or not such a commercial entity claims to offer “NBEO exam items.” The NBEO does not sanction, endorse, or approve of any such program or information. The National Board will penalize and/or pursue legal action against any candidates found to have CONTRIBUTED NBEO exam items or other confidential NBEO examination material to any such commercial entity that provides optometric lectures, workshops, courses, study workbooks, study guides, or any other study resources.

Similarly, because the NBEO expressly prohibits any optometric educational institution personnel or representatives from using, soliciting, or distributing NBEO exam items or any other exam material copyrighted by the NBEO, candidates are expressly forbidden to share with such educators or academic institutions any National Board exam items. The NBEO will penalize and/or pursue legal action against any candidates found to have CONTRIBUTED NBEO exam items or other confidential NBEO examination material to any such optometry school/college or educator that provides optometric lectures, workshops, courses, study workbooks, study guides, or any other study resources.

5. POTENTIAL SCORING/TESTING ISSUES FOLLOWING IMPROPER CONDUCT

The National Board reserves the right and sole discretion to:

- delete from scoring any exam item which is determined by NBEO (by use of statistical analysis or any other evidence), to have been exposed before the administration of the test;
- cancel a test administration if it has been determined that the security of the examination was violated prior to its administration; and
- cancel the examination scores of all candidates within a particular candidate population base if the NBEO determines that, due to widespread Improper Conduct among that candidate population (for example, widespread exposure to exam items), the validity and integrity of the exam results for that candidate population are compromised and therefore the scores cannot be relied upon for licensing purposes. In some cases, this may even result in the cancellation of scores of some individual candidates who have not committed any Improper Conduct themselves. *To avoid this specific unfortunate circumstance and to protect their exam scores and eligibility to take board exams, candidates are strongly encouraged to report violations of the **Ethics Policy** as soon as they are perceived. (See “Reporting Improper Conduct” below.)*

REPORTING IMPROPER CONDUCT

Candidates have an affirmative obligation to inform the NBEO of any improper conduct after learning of or having reason to believe that such conduct has occurred or is threatened. The NBEO has established a confidential process for reporting. *On the NBEO website, click on **Ethics**, then **Report an Ethics Violation**.*

PENALTIES AND LEGAL LIABILITY FOR IMPROPER CONDUCT

Any impermissible receipt, acceptance or obtaining of, or access or exposure to, or review, use, copying, reproduction, reconstruction, publication, sharing, distribution, disclosure, or discussion of NBEO exam items or other exam materials may:

- subject any offending party to legal action by NBEO for copyright infringement and other civil claims, including without limitation claims for money damages and injunctive relief;
- constitute theft of NBEO property which could subject any offending party to criminal charges; and/or
- subject any offending candidate to NBEO penalties or sanctions as below described.

The NBEO has the right and sole discretion, exercised in good faith, to determine the appropriate penalty or sanction for any Improper Conduct, as defined in the ***Candidate Agreement***, including without limitation any one or more of the following:

- Disqualification from taking or continuing to sit for the current examination.
- Disqualification from taking any future NBEO examinations; such disqualification can be for any period of time that the NBEO determines is appropriate in the circumstances, perhaps even for multiple years, or permanently.
- Disqualification from reporting of examination scores.
- Cancellation of examination scores.
- Inclusion of a permanent score of ***0F**** in the candidate's score report, meaning that the score is zero, the candidate failed, and the licensing board, school, or other third party to whom such score is reported may call the NBEO for more information. If the NBEO is contacted by such score report recipient for more information, the NBEO is entitled to provide that recipient with a summary of the NBEO's findings regarding the candidate's Improper Conduct.

The NBEO may make its determination of the existence or occurrence of Improper Conduct in its sole discretion, exercised in good faith, and such determination may be based on any method or evidence deemed appropriate by the NBEO, including without limitation statistical evidence, observation, documentation, or other evidence.

The NBEO may investigate and assess a penalty or sanction for Improper Conduct at any time, regardless of the length of time that has elapsed between the occurrence of the Improper Conduct and NBEO's discovery of such conduct, and regardless of whether the candidate's score for the relevant exam has been reported or certified, and regardless of whether the candidate already may have been licensed to practice optometry based on the reporting of such score. NBEO will pursue its investigation and penalty proceedings with reasonable diligence after receiving actual notice of such conduct.

After completion of the investigation, NBEO staff will make a determination on the matter and notify the candidate in writing of such determination. Such notification will inform the candidate of his/her opportunity to appeal the staff-level determination to the Judicial Committee of the NBEO's Board of Directors and will set forth the deadline and procedure for filing such an appeal. If the candidate does not file a timely appeal, then the staff-level decision shall be final and binding. Any candidate who files a timely appeal to the Judicial Committee within the time allowed in the notice will be given an opportunity to present information and evidence in writing to the Committee. The Judicial Committee appeal proceeding will not include a hearing or oral argument; all evidence submitted by the candidate must be in written form. The Judicial Committee will review and deliberate on all evidence and documentation and make a final determination. The NBEO's Executive Director will notify the candidate in writing of the Judicial Committee's decision. The determination of the Judicial Committee will constitute the final and binding judgment of the NBEO.

While an NBEO investigation of Improper Conduct is pending (i.e., prior to the final decision of the NBEO, whether at staff level or Judicial Committee level), the candidate's scores will not be released and nothing will be reported to any licensing board or educational institution. After a final decision of NBEO on the matter, information relating to any candidate's Improper Conduct and any action taken by the NBEO in response to a candidate's Improper Conduct will become

part of the permanent NBEO Candidate Score Report. This information will be available to third parties, including but not limited to optometry licensing boards and educational institutions. Without notification to or permission of the candidate, the NBEO may choose to release any or all of the Candidate Score Report or to share information regarding NBEO's action(s) in response to the candidate's Improper Conduct with any third-party entity considered appropriate by the NBEO in its sole discretion.

As provided in the **Candidate Agreement**, the NBEO is entitled to all available legal and equitable remedies against any candidate to enforce this **Ethics Policy** and the **Candidate Agreement** and to protect NBEO's proprietary rights, including without limitation recovery of money damages and/or injunctive relief. The **Candidate Agreement** further provides that if NBEO prevails in any such action, then in addition to any other damages recoverable from the candidate under applicable law, the candidate shall be liable to NBEO for reasonable attorneys' fees, court costs, and investigative costs incurred by NBEO in connection with the successful claims in such action.

The Board of Directors of the National Board wishes to clarify that the NBEO reacts to unauthorized copying, reproduction, distribution, disclosure, or use of its confidential and copyrighted exam questions and answers in the only manner acceptable to state boards of optometry. These boards collectively supply the primary justification for the NBEO's existence. It is essential to the public interest that the NBEO investigates and attempts to halt, eliminate, and punish any form of cheating that comes to its attention through any avenue of discovery. This National Board responsibility is essential to protecting the public welfare with regard to the competent practice of optometry.

In final conclusion, all current and future NBEO examination candidates should carefully read and understand the **NBEO Ethics Policy** and the **Potential NBEO Examination Security Dilemmas** and then must then read and agree to the **NBEO Candidate Exam Conduct and Exam Security Agreement** by electronic signature. The terms of this **Candidate Agreement** are in effect before, during, and after any and all NBEO exams.

NBEO Ethics Policy
(Rev 7-28-16)