

ABDSM Examination Confidentiality & Applicant Conduct Policy ("Confidentiality & Conduct Policy")

Confidentiality

The ABDSM Certification Examination and all related materials are ABDSM's confidential, proprietary and copyrighted intellectual property. Any disclosure of the contents of the examination is strictly prohibited. Applicants agree to maintain the confidentiality of the examination and all related materials and further agree not to disclose, publish, reproduce, distribute, post or remove from the examination room (by memory or otherwise), any portion of the examination or examination materials including, without limitation, examination questions and answers. Applicants violating the copyright laws are subject to injunctions, civil liability, forfeiture of profits, punitive damages and other legal sanctions. ABDSM will take all necessary and appropriate legal action to protect its rights in and to the examination, examination materials and its other intellectual property.

Inappropriate Applicant Conduct

Applicants may not cheat, participate in any cheating incident, breach of security, misconduct or any other behavior that could compromise the integrity or confidentiality of the ABDSM certification examination. For example, applicants may not:

1. Publish, disseminate or otherwise share actual examination content (including questions and answers) by any means, including, but not limited to, web postings, formal or informal test preparation or discussion groups, chat rooms, reconstruction through memorization, notes, study guides, photographs, or any other method
2. Sell, copy, publish, distribute in any way, or otherwise transfer, modify, or make derivative works of, reverse engineer, decompile, disassemble, or translate the examination or any part thereof
3. Attempt to or obtain unauthorized access to examination materials (this includes using materials reconstructed through memorization and/or any unauthorized publication of examination questions with or without answers)
4. Misrepresent certification status
5. Use or possess any unauthorized materials or equipment in the testing area including, but not limited to, cellular phones, hand-held computers/personal digital assistants (PDAs), laptop computers or other electronic devices, personal items, notes, paper or documents or any form of writing materials
6. Provide false information, documentation or statements as a means of a false identity, false address or solicitation of someone to take a test on another's behalf
7. Cause a disturbance of any kind in a testing facility
8. Remove or attempt to remove examination material (in any format) from the testing area

9. Tamper with the operation of the testing facility computer or attempting to use it for any function other than taking the examination
10. Give, receive or obtain unauthorized assistance during or following the examination or attempting to do so
11. Make notes of any kind in the testing area or following the examination for the purpose of sharing with others
12. Violate any ABDSM or testing facility policy, procedure, rule or instruction
13. Otherwise violate the terms of the Certification Guidelines or the ABDSM Policy Statement and Agreement Regarding ABDSM Certification Examination Confidentiality (“Policy Statement”)

Violations

Any applicant determined by ABDSM to have engaged in inappropriate applicant conduct, violated examination confidentiality, breached examination security, violated the terms of the Certification Guidelines, the Applicant Agreement or this Confidentiality & Conduct Policy, or found to otherwise have diminished the security and integrity of the examination or the ABDSM Board Certification process in any way shall, if determined necessary or appropriate by ABDSM based upon the seriousness of the incident or violation, be subject to sanctions. Such sanctions may include, without limitation, the following (i) revocation of ABDSM board certification, if such certification was previously granted; (ii) denial of ABDSM board certification; (iii) ineligibility to take the examination for a minimum period of fifteen (15) calendar months from the date of such determination; or (iv) any and all other appropriate action, including legal action, that ABDSM deems necessary or appropriate

If it is determined that an applicant violated ABDSM’s Certification Guidelines, the Applicant Agreement or this Confidentiality & Conduct Policy, ABDSM will send such applicant written notice of such violations and the applicable sanctions.

Violation Appeals Process

After an applicant has received a written notice of violations and applicable sanctions from ABDSM, such applicant will have thirty (30) calendar days to file a written request for appeal pursuant to ABDSM’s Violation Appeals Process. This Violation Appeals Process shall not address any failures to pass the examination or issues related to an applicant’s eligibility for certification, nor include any challenges to individual examination questions, answers or failing scores. The process applicable to such issues is addressed in the Certification Guidelines.

All requests for an appeal from a finding of a violation by an applicant must be filed in writing, signed by the applicant, and include a statement describing the grounds for the appeal, why the appeal should be granted and include all supporting evidence. A request for an appeal must be received by ABDSM within thirty (30) calendar days from the date the accused applicant received the notice of violations and applicable sanctions from ABDSM. An applicant's appeal will not be considered after such thirty (30) calendar day period has expired.

If ABDSM determines that a written request for a violation appeal is filed in a timely manner and upholds ABDSM's original decision (i) such appeal and the information submitted by the applicant will be submitted to the Appeals Committee for review; and (ii) ABDSM will send written notice, by certified mail or other comparable means, to the appealing applicant. Such written notice will offer the accused applicant an opportunity to participate, at the applicant's expense, at a hearing to take place at a time and location to be set at the sole discretion of the Appeals Committee. The Appeals Committee shall decide, in its sole discretion, if the hearing will take place in person or via conference call or other electronic means. The notice will further state that (i) the accused applicant must advise the ABDSM in writing within ten (10) business days after receipt of the notice whether he or she requests a hearing; and (ii) the hearing, if requested by the applicant, will not take place less than thirty (30) calendar days from the date of receipt of the notice. Accused applicants that fail to request a hearing in writing within such ten (10) business day period or who choose not to request a hearing, will forever waive the right to a hearing. If the accused applicant waives the right to a hearing, the Appeals Committee shall make its findings based on the material available to it.

At the hearing, the accused applicant may make a presentation explaining their actions and explaining why disciplinary action, or a particular form of disciplinary action, should not be imposed. The presentation may not be more than fifteen (15) minutes in duration and shall take the form of an oral statement supplemented by such additional relevant evidence or written material previously submitted by applicant along with the initial request for an appeal. The applicant may choose to have legal counsel present upon no less than fifteen (15) business day's prior written notice to ABDSM, but the Appeals Committee will decide whether and to what extent the applicant's legal counsel may address the Appeals Committee directly.