



POLICIES AND PROCEDURES:

NASCLA ACCREDITED EXAMINATION CANDIDATE MISCONDUCT

INTRODUCTION:

The following policy has been established by the National Association of State Contractor Licensing Agencies (NASCLA) to provide procedures in the event of exam candidate misconduct while preparing for, during, or after completing *an examination within the NASCLA Accredited Examination Program*.

POLICY:

For examination candidates to take the *NASCLA Accredited Examination for Commercial General Building Contractors* or an examination within the *NASCLA Accredited Electrical Examination Program*, they must apply through NASCLA or an approved administering regulatory licensing agency that maintains full compliance with NASCLA recognized psychometric standards for administration. As part of the NASCLA application, candidates must certify and attest that they have read and will comply with the NASCLA Examination Security Agreement, NASCLA Retake Policy, and Affidavit of Accuracy and Correctness as follows:

As a participant taking this exam, you will have access to confidential examination material. By signing this form, you are agreeing to assume personal responsibility for keeping this material secure. You are also agreeing to avoid future activities that would compromise the security of the examination. The specific examination security standards with which you are required to comply are that you:

- *Have watched the NASCLA Examination Security Video in its entirety. (Video located at: www.nascla.org)*
- *Must keep all examination materials secure while such are in your possession.*
- *Must return all examination material to the testing proctor designated as responsible for examination material.*
- *Must not retain or copy any examination material.*
- *Must not discuss examination topics, including but not limited to the questions posed and/or the answers to such questions, with others.*
- *Prohibited activities include, but are not limited to, providing to anyone a description or explanation of one (1) or more question(s) that appeared on the exam, preparing or providing any type of review materials, making or assisting with presentations (either written or verbal) or participating or attending any seminars, meetings, lectures or similar gatherings that are examination-oriented.*
- *Must avoid any direct or indirect involvement in any examination-oriented review program (e.g. preparation courses, etc.) for prospective examinees of the NASCLA Accredited Examination for a period of at least two (2) years from the date written on this form.*

- *Understand that violating the foregoing security standards can result in civil or criminal penalties, invalidation of your test score, and may result in a report to the appropriate licensing agency of such violations.*

Approval: I hereby certify that I have read and understand the rules listed above that are associated with the NASCLA Accredited Examination. Further, I certify that I am not affiliated with a school as an official, instructor, or designee taking the examination for any purpose other than to obtain a license.

All candidates MUST read and approve the following NASCLA Retake Policy:

Once approved, candidates will have one (1) year from the application approval date to take the exam. There is a maximum limit of three (3) times an eligible candidate can sit for the exam within the one (1) year eligibility period. Candidates who fail the exam three (3) times must submit a new application online, inclusive of the application fee once their one (1) year eligibility from the application approval date has expired. This policy is not applicable if you have already applied for a license in an administering state. By signing this form, you are agreeing to assume personal responsibility and understanding of this policy.

Approval: I hereby certify that I have read and understand the rules listed above that are associated with the NASCLA Retake Policy.

Affidavit of Accuracy and Correctness: I certify that the information provided on this examination application form is accurate and correct.

- *Any omission, falsification, or misrepresentation of the required information on this application or in any supporting documentation are grounds for denial of your application, invalidation of your exam score, and prohibition of future access to the NASCLA Accredited Examination for Commercial General Building Contractors or other NASCLA programs and services.*
- *In the event of any misrepresentations or discrepancies, submission of fraudulent documents and/or applications, inaccuracies, the introduction of fraud at any point in the application process, sharing exam content after your exam administration, advance access to exam content prior to your exam administration (exam irregularities), or violation of any exam provider and/or exam site rules, policies or procedures, NASCLA reserves the right to impose fees to offset any administrative or legal costs associated with the investigation and/or adjudication of the case. Violation of any NASCLA examination policy or any exam provider site rule may be grounds for a candidate's exam result being invalidated by NASCLA.*
- *In the event of an examination policy violation or other application or exam irregularity, NASCLA will request that you submit correspondence responding to the policy violation and any documentation supporting your position. NASCLA will then review all information received and available to determine the necessary*

action(s), which includes, but is not limited to, the invalidation of your exam result and/or prohibition against future retakes of the NASCLA Accredited Examination for Commercial General Building Contractors and/or other NASCLA programs and services.

- *NASCLA will notify all participating State Licensing Agencies of all exam result invalidations.*

Exam candidate misconduct also includes, but is not limited to, the violation of any of the following PSI Testing Center Regulations outlined in the PSI Candidate Information Bulletin, along with any other NASCLA Approved Providers Testing Center Regulations:

1. No conversing or any other form of communication among candidates is permitted once you enter the examination area.
2. You are prohibited from reproducing, communicating or transmitting any test content in any form for any purpose. Copying or communicating content is a violation of PSI security policy. Either one may result in the disqualification of examination results, may lead to legal action and will be reported to your Licensing Authority/Sponsor.
3. Electronic devices and recording devices of any kind (including but not limited to cell phones, pagers, cameras) are NOT permitted in PSI testing centers.
4. NO personal items should be brought to the testing centers. PSI will not be responsible for any personal items and suggests that you leave such items in another safe place of your choosing. Only non-programmable calculators that are silent, battery operated, do not have paper tape printing capabilities, and do not have an alphabet keyboard will be allowed in the examination site.
5. You must present valid, unexpired and acceptable ID(s) in order to take your test. Check your Candidate Information Bulletin or Licensing Authority/Sponsor for the specific rules that apply to your test.
6. PSI requires all employees and test takers to conduct themselves in a professional and courteous manner at all times. Exhibiting abusive behavior towards a proctor or other candidates will be reported to your Licensing Authority/Sponsor and may result in criminal prosecution.
7. You must arrive at the testing center at least 30 minutes prior to the scheduled exam time in order to be admitted to take your exam.
8. Persons not scheduled to take a test are not permitted to wait in the testing center or surrounding common areas.
9. You may not exit the building or use your cell phone or other electronic devices during the examination.

PROCEDURES:

The following procedures are for NASCLA Staff and/or NASCLA Committee Members to follow when a candidate is accused of cheating, attempts to cheat, or cheats on an examination within the NASCLA Accredited Examination Program, or otherwise breaches NASCLA's security policies, or those policies of the exam administrator. NASCLA anticipates that the procedures below will

be applicable to most exam candidate misconduct. Nevertheless, NASCLA reserves the right to impose any sanction it believes appropriate, whether more or less than those noted in this policy statement.

1. Upon discovery of any falsification or misconduct on a candidate's application before they have sat for the exam, NASCLA reserves the right to deny that candidate's eligibility to take the exam for an amount of time commensurate with the falsification, including the foreseeable future.
2. For candidate misconduct that occurs during/after the exam, that is brought to NASCLA's attention by either the testing provider or an administering or accepting state licensing agency, NASCLA will:
 - a. First request the testing provider to provide their Security Incident Report and supporting evidence, or a state licensing agency's documentation of the misconduct for review.
 - b. Second, NASCLA Staff will review the provided evidence for misconduct and develop a recommendation of action to be approved, which may include a request for additional information or no action.
3. All provided and future documentation will be appropriately saved and catalogued by NASCLA.
4. Recommendations are made by NASCLA Staff on a case-by-case basis depending on the severity of the misconduct as follows:
 - a. For simple, direct violation(s) of the NASCLA Cheating Policy (black/white offense), the matter will be referred to the Co-Chairs of the NASCLA Accredited Examination Program Committee for approval of Staff's recommendation.
 - b. For misconduct that is not as clear, i.e., some gray areas, where more in-depth discussion is needed, such matters will be referred to the full NASCLA Accredited Examination Program Committee for discussion and decision.
 - c. In all cases where an invalidation of score is recommended, such matters will be heard and approved by the NASCLA Board of Directors.
5. In all cases, the possible range of action taken may include, but are not limited to:
 - a. No action.
 - b. Barring candidate from reapplying to take the examination for a reasonable period of time, which is generally 12 months or more.
 - c. Invalidation of candidate's examination scores.
 - d. A range of administrative, civil and criminal charges because the *NASCLA Accredited Examination Program* is copyrighted.
 - e. All examination and fee requirements in place at the time the misconduct occurred and for any re-application to take the exam.
6. If a candidate cheats or attempts to cheat on the examination while taking such examination with an administering state, the candidate will also need to follow the cheating and re-take policy set in place by that state, with the stricter of the two policies being applicable.

7. Once the action is approved, the candidate will be provided the decision by both email and on NASCLA letterhead sent by certified mail.
8. If the candidate wishes to dispute/appeal the decision, they must submit their appeal in writing to the NASCLA office address within 30 days of the date of the letter. If NASCLA has not received any further correspondence from the candidate after 30 days from the date of the letter, NASCLA will consider the matter closed and the decision final.
9. If an appeal is made within those 30 days, then the NASCLA Board of Directors will review the matter and render a decision within 60 days of receiving the appeal.