

National Board of Medical Examiners®
Policies and Procedures for Histology Item Harvesting
July 2017

Confidential Test Material

All materials developed for and arising out of the Histology Item Harvesting (“Item Harvesting”) activities and all information and communications concerning the activities of Item Harvesting volunteers (“Volunteers”) are considered to be the confidential information of the NBME, unless specifically designated non-confidential by NBME (“New Materials”). Confidential information should not be duplicated or shared in any form with anyone who is not involved with the Item Harvesting. Confidential information provided in electronic format should not be recorded or reside permanently on storage devices. Confidential information provided in any format should be handled and stored in a confidential manner. Volunteers acknowledge they have the right and authority to submit and transfer ownership of all New Materials to NBME or NBME/FSMB and that the New Materials do not infringe the intellectual property rights of any third party.

A critical part of maintaining the integrity of USMLE and NBME examinations is securing the examinations and test items throughout the time when they are being reviewed or developed by Volunteers. In order to prevent any unauthorized access or disclosure during this process, NBME requires that Volunteers use all reasonable measures to ensure that all test items and New Materials (collectively “Test Materials”) under development or review are kept confidential and secure. Volunteers must keep all such Test Materials locked in a secure location. They may not make copies of any Test Materials, including computer software, in whole or in part. All Test Materials must be promptly removed from electronic storage devices and/or returned to NBME upon request, via Federal Express, labeled “Confidential.” NBME will reimburse Volunteers for their payments to Federal Express for such return.

Ownership, Copyright, and Consent to Use Materials Owned by Others

All materials, including but not limited to Test Materials and items of any nature, in any medium, electronic or otherwise, now known or hereafter invented, including without limitation all multimedia materials, audio and video materials, and images of any type whatsoever, under consideration by the Item Harvesting Volunteers shall be or become the exclusive property of the NBME or the NBME and FSMB and will be maintained in the test item library maintained by the NBME, and that NBME or NBME/FSMB shall own all right, title and interest in and to such Test Materials. The NBME shall be the exclusive owner of all copyrights in the NBME Test Materials and all NBME examinations and related materials. The NBME and FSMB shall be the exclusive owners of all copyrights in the USMLE Step Examinations and related materials, including without limitation all test items, images, audio and video materials contained therein and, to the extent that any Volunteer would hold copyright(s) in such materials, the Volunteer hereby assigns ownership of such copyright(s) to the NBME.

It is the responsibility of the individual Volunteers to obtain written patient consent for use of images and/or videoclips in all publication formats (print, computer, web). In addition, for images or videoclips in which the patient is identifiable, Volunteers must obtain written patient consent that complies with all legal requirements relating to the use, disclosure, reproduction, and publication of images or videoclips, including without limitation all of the requirements of the laws of the jurisdiction(s) to which the patient and physician are subject. The NBME discourages the use of previously published materials in NBME/USMLE examinations. Volunteers who wish to use materials owned or copyrighted by others should contact the Test Development Editor prior to submission of such materials.

continued on page 2

Questions about submissions should be directed to the Test Development Editor assigned to the Item Harvesting. The assignment packet and staff contact list provided to each Volunteer will contain all necessary contact information.

Potential Conflicts of Interest

Volunteers may have special access and input to NBME/USMLE strategic ideas, directions, and Test Materials and may have exposure to or knowledge of nascent developmental ventures. In addition, Volunteers are frequently invited to contribute to or participate in activities that are either directly related to preparing individuals to take NBME/USMLE examinations or at least purport to help individuals in such preparation. Promotional materials related to such endeavors may create the impression that the course or publication will be enhanced or benefit by virtue of the special knowledge and insight regarding the content of the examinations which the Volunteer has. Activities of this sort can therefore present the appearance of a conflict of interest and should be avoided. In particular, Volunteers are expected to follow the guidelines below regarding participation in activities that may present the appearance of a conflict of interest:

- Volunteers should be and remain sensitive to the potential for conflicts of interest and should therefore avoid engaging in activities for another entity that are similar in substance to activities performed for the NBME or the USMLE program which might be or create the appearance of such a conflict.
- Volunteers, while serving as Item Harvesting Volunteers and for three years thereafter, are not to participate in any activity [outside of programs offered in LCME- or AOA-accredited medical schools] purporting to prepare individuals for future medical licensing examinations.
- Current and former Volunteers are not to use any Test Materials developed for NBME examinations or the USMLE in any context (text book, course, prep course, etc.).
- Current and former Volunteers may not use or permit others to use their affiliation with the NBME or the USMLE program for commercial exploitation, publicity, or advertisement related to activities involving test preparation, item-writing, sample items, text book publications, etc.
- Current and former Volunteers are not to use any confidential information, including ideas concerning NBME/USMLE strategic direction and nascent developmental ventures, for any purpose other than to engage in the Item Harvesting activities.

If there is any question regarding the appropriateness of prior activity, or potential conflict of anticipated activity, please communicate with the Senior Vice President, Assessment Programs.

Communications

Communications regarding volunteer service may be sent to Volunteers' medical school deans and included in NBME publications.

Honorarium

Honoraria will not be provided for Item Harvesting activities.

Volunteer's Signature _____

Printed Name _____

Date _____

Email Address _____