



Oct. 17, 2016

ABFSE'S Committee on Accreditation to Consider Complaint Against AAMI

Meanwhile, Most Former Students Who Sued The Conference Have Resolved Their Lawsuits

The American Board of Funeral Service Education's Committee on Accreditation will consider a complaint against the American Academy McAllister Institute of Funeral Service at its Oct. 22-24 meeting.

Board members with the International Conference of Funeral Service Examining Boards unanimously voted to file the complaint after its annual meeting in February after receiving "credible information" regarding activities undertaken by the New York City-based AAMI that threatened the integrity of the National Board Exam through the soliciting and sharing of NBE content, according to a resolution to file the complaint.

Meanwhile, The Conference continues to decide the fate of hundreds of former students who allegedly participated in or benefited from an alleged scheme to harvest test questions from the exam – presumably, to increase pass rates, providing the college with "financial and reputational gain," according to a complaint that The Conference filed against AAMI in January 2014 in U.S District Court, Southern District of New York.

AAMI denies those charges, and in June 2015, AAMI and The Conference entered into a confidential settlement resolving that complaint. Since then, The Conference has overturned the scores of about 100 former AAMI students who participated in or benefited from the alleged scheme – and hundreds more could still have their scores invalidated, according to Jennifer Ancona Semko with Baker & McKenzie LLP's Washington, D.C., office, who represents The Conference.

Robert C. Smith III, executive director of the ABFSE, confirms that the COA received a formal written complaint from The Conference. "The complaint is being addressed utilizing the guidelines for complaints which are part of the ABFSE Accreditation and Policy Manual," he states. "The complaint was shared with AAMI, and they were asked for a reply by June 15, 2016. It was decided that to ensure adequate and proper discussion of the issue(s) that the COA would evaluate the complaint and the response during the scheduled October 22-24 meeting of the COA. The outcome of the deliberations will be available when the COA meeting summary is compiled. ABFSE will not release the content of the complaint or the response until the COA deliberations are complete."

Smith declined to say anything further other than, "As the national testing instrument used to benchmark entry qualifications for funeral service, the need for integrity of the examination is obvious. From an accreditation perspective, the U.S. Department of Education expects pertinent national examination pass rates to be considered in accreditation decisions."

Clifford Tsan, a lawyer with Bond Schoeneck & King Attorneys in Syracuse, New York, who is representing AAMI in this matter, says, “The American Academy McAllister Institute responded to The Conference’s allegations in its complaint to the Committee on Accreditation. We are looking forward to the COA’s review and decision.” He adds, “We believe it would be inappropriate for either party to make any statement at this time while the COA’s review is still underway.”

How it All Began

The Conference discovered the alleged sharing of exam information by happenstance, after a former AAMI student sent an email Sept. 16, 2013. In the email, she claims Mary Margaret “Meg” Dunn, the president of the school, acted improperly in sharing information about the exam with students.

In the email, which the former student sent to the ABFSE, The Conference and the New York Department of Health Bureau of Funeral Directing, she wrote, “I did not realize the extent of the information being disseminated until after I took my board exam. At this time, I received another email from Ms. Dunn with a great deal of specificity and, in particular, board questions with answers. These appeared to be taken directly from the test I had just taken.”

The identity of the student who wrote the email is unknown, says Semko, who is representing The Conference after 16 former AAMI students who had their NBE scores invalidated filed lawsuits against the organization. One of those former students filed two separate lawsuits, she says. All but three of those lawsuits had recently been resolved, she says.

Deborah H. Orecki, a former member of The Conference’s board of directors was among those to receive the email from the former student court filings identify as “Jane Doe.” She replied to the email inviting the informant to contact her by telephone, according to a sworn declaration she made Oct. 28, 2013.

According to Orecki’s statement. “On or about October 8, 2013, Ms. Doe telephoned me. During our discussion, Ms. Doe orally reiterated what she had stated in her email message. Ms. Doe also told me that in the time period leading up to her exam date, she had received numerous emails from Ms. Dunn containing very specific questions and direct answers to National Board Exam questions. Ms. Doe did not understand the amount of material being misappropriated by Defendants until she took her exam. After taking the exam, Ms. Doe realized that a number of the questions and answers supplied to students by Defendant Dunn were taken directly from the test she just completed. Defendant Dunn referred to the

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emails containing questions and answers as her ‘visions.’”

Orecki continued, “Ms. Doe also explained to me that Academy students are not permitted to sit for the National Board Exam until Defendant Dunn has personally given them permission to do so. Ms. Doe said her understanding is that Defendant Dunn permits stronger students to take the exam first, with the expectations that those students will return with information about the exam questions that can be shared with other students.”

That contact in October 2013 with the whistleblower is the last The Conference has heard from the her, Semko says.

“I would love to meet her,” she says. “I hope that she does not have any regrets about sending her email because it’s people like her that helped to put an end to behavior that really doesn’t do the profession any good. She really took an important step toward shining a light on a real problem that hopefully now the profession better understands.”

The problem she uncovered, however, has been “very painful” for a lot of people, including The Conference, which has spent tremendous amounts of money to ensure the integrity of the exam remains intact, Semko says.

“At the end of the day, the exam is stronger and the profession hopefully will be stronger as a result of what she’s done,” Semko says. “And it’s interesting, of the hundreds of students that went through that process at AAMI ... it is interesting that she is the *only one* who raised the issue. I’d love to talk to her and understand better what made her different.”

The Complaint

In its resolution to submit a complaint to the American Board of Funeral Service Education’s Committee on Accreditation, The Conference’s board states in part:

WHEREAS, to the extent that any academic program engages in activities that may provide an unfair advantage to its students when taking the NBE, such activities threaten the integrity of the entry-level competence determinations, threaten the integrity of the licensure process and artificially inflate the program’s NBE passage rate, relevant factors when evaluating the qualifications for an accreditation of an academic program and

WHEREAS, any such activities must be brought to the attention to the COA, and

WHEREAS, both the Conference and the COA received credible information on or about September 17, 2013, regarding certain activities undertaken by the American Academy McAllister Institute of Funeral Service Inc. that threatened the integrity of the NBE through the soliciting and sharing of NBE content at AAMI and

WHEREAS, The Conference timely investigated these allegations, including through a court-ordered ex parte seizure and the filing of litigation against AAMI, and

WHEREAS, the November 2013 ex parte seizure at AAMI’s New York campus resulted in the Conference’s discovery of a significant volume of correspondence and other documentation the Conference believes evidences the improper solicitation, sharing and distribution of NBE content between and among AAMI personnel and students over many years, and

WHEREAS, the civil litigation between the Conference and AAMI was settled in late 2014, and

WHEREAS, the Conference membership understands that the COA has taken no action to date with respect to the allegations and evidence it received in September 2013 regarding AAMI’s conduct, and

WHEREAS, the Conference Delegate Assembly, through motion, has instructed the Conference, on behalf of its member licensing boards, to file a formal complaint with the COA regarding the actions of AAMI.

THEREFORE BE IT RESOLVED that the Conference submit a formal complaint to the COA regarding the actions of the AAMI, asking that the COA investigate these actions and adjudicate the matter pursuant to COA policies and procedures.

Profound Effects

The chain of events that Jane Doe set into motion have had profound effects. After settling its complaint against AAMI (in which AAMI admits to no wrongdoing), The Conference conducted an extensive investigation, which has so far implicated more than 300 AAMI graduates.

“Roughly 100 of those graduates have had their scores invalidated thus far, and the remainder have been notified of The Conference’s investigation,” Semko says. Not all of the former students have responded. As of recently, none of the students who had their scores invalidated had them revalidated, she says.

Speaking of the settlements with former students who sued The Conference, Semko says, “In each settlement, the test taker did not get their score back but will be eligible to retake the exam after remedial measures.” Those measures include signing a sworn statement that they understand the security of the exam as well as sharing with The Conference any documents showing the sharing of exam content.

In resolutions with the plaintiffs – as well as other former students who had their scores invalidated – The Conference lifted a controversial five-year ban that prevented former students who allegedly shared exam information with third parties from retaking the exam. “They are eligible to retest as soon as they complete the remedial measures we described (in the individual settlements),” Semko notes. “The primary importance in all of it is to ensure that they really understand and grasp the security of the exam and to make sure the passing scores and reported results are valid.”

While the settlements with the former students who resolved their lawsuits with The Conference may differ slightly, a sample settlement meant to be representative of the agreements shared with Funeral Service Insider includes the following: invalidation of NBE scores; lifting of suspended access to the NBE with a signed letter acknowledging the importance of NBE security and confidentiality, a monetary payment of \$1,000 to The Conference, completion of an ethics course approved by The Conference, and disclosure of items shared; release of claims by the plaintiff, and other provisions. Each party agrees to bear its own costs, expenses and attorneys’ fees incurred in connection with the dispute.

The Conference has sent notices to every student it believes participated in illegal conduct, Semko says. “It is certainly possible that a new handful of names may pop up in the future as we get new information, but we would expect those numbers to be fairly small,” she says.

With only 100 of the 300 students implicated having had their scores invalidated, however, more former students can expect to have their passing scores invalidated, Semko says “If we are going to have a fair process, it is going to take some time,” she says. Students must receive notice, have time to respond, and then The Conference needs time to consider evidence, she says.

Former Students Push the Blame to Dunn

In responding to The Conference’s investigation, documents provided by Semko show that students largely pushed the blame away from themselves, claiming they did not realize what they were doing was wrong and noting that Dunn and other AAMI staff encouraged the sharing of exam content.

“The school created an atmosphere of, ‘This is how we do things, and really how everyone does things’ with regards to test information,” one former student wrote. “When the president of your mortuary school as well as other staff members (with far, far more experience with the testing process) act as if sharing information is ‘no big deal’ and even expected, one tends to believe it. They ‘outranked’ me in the mortuary field and obviously at the school as they were in the positions of power. Clearly I was naive, but I believed them to be looking out for the students’ best interests. I wasn’t completely comfortable with the idea, but when those in charge of my education strongly urged sharing to ‘help out,’ I definitely felt like I was compelled to do so.”

That former student noted that he has a wife, 4-year-old daughter and another child on the way. “(I)t would be absolutely devastating to our family if I lose my license,” he wrote.

Someone else wrote, “While it is undeniable that I shared information from the NBE, I did so at the explicit direction of my instructors, who obscured the true nature of these actions. Had I been aware of signing a confidentiality agreement, or of the potential repercussions on the career I love so much, I never would have participated.”

That same student went on to note that since graduating from AAMI, they have embarked on a successful career as a funeral director in New York State – and that it took plenty of work to find a job where they belonged. “I learned to speak Spanish to better communicate and connect with my clientele, many of whom speak no English,” the former student wrote. “I familiarized myself with the abundance of paperwork and documentation in this business, and made painstaking efforts to clarify the process to the families we serve. I often sit across the arrangements table from a confused, bereaved family of migrant workers who have no idea where to begin with American funeral services. Being able to explain, in their own language, exactly what we can do for them has been its own reward. Under my sponsor’s supervision, I have also become a competent embalmer and learned the craft of preparing the body for a funeral to the utmost level of precision. Taking time to receive a tearful ‘Thank You’ from a family member for my work has also been its own reward. I include this background information not to distract you from the issue at hand, but rather to give you a small understanding of who I am, and exactly what my work means to me.”

Like other students, however, the writer squarely shifts the blame to Dunn and other AAMI staff. “We were told it (sharing content from the exam) was completely normal, that it had been going on for years, and that it could only help us,” the former student wrote. “There was no mention of illegality, wrongdoing, or least of all cheating.”

In emails to students, Dunn referred to her sharing of exam content as “visions.” According to this former student, “I repeat, these were our professors, including our dean and our president. We had placed our utmost trust in them. Now I feel utterly betrayed and misled. I had an inkling of what this operation was, but to be completely honest, I really didn’t think about it that much. I had no reason to.” The former student claims not to remember the names of professors that encouraged the behavior but noted, “But I do know that Meg Dunn was the biggest proponent and de facto director. This was, above all, her project, given to us in the same way most teachers give out a homework assignment, and I fell for it.”

Like some other former AAMI students, this one claimed to not recall ever signing a confidentiality agreement pertaining to the exam. “If I signed a statement agreeing not to share test material, I have no idea when I did,” the former student wrote. “It may have been easy to overlook, seeing as no mention of a confidentiality agreement was ever made by the faculty at AAMI.”

Another former student wrote, “It was very clear to me how important Ms. Dunn’s NBE success rate was to her. As intense as she made everything, I recall looking up to her and wanting to please her. I cannot recall exactly how it was worded to me but, to the best of my recollection I recall Ms. Dunn being very interested in our exam experience and encouraging us to contact her as soon as we completed the exam. At the time I did not think I was doing anything wrong by emailing Ms. Dunn some of the exam material I could recall which I knew she wanted ... I did not think I was doing anything wrong. I know she wanted the information but, looking back I do not recall how I thought she would utilize it other than using the information in some sort of manner to improve her review class.”

Someone else – a lawyer writing on behalf of their sister – noted that their sibling is a third-generation funeral director and that “the livelihood of the entire family is contingent upon the success of this business – a business that cannot be run without the good standing and licensure” of their sister. The lawyer noted that the actions she was being taken to task for took place over six years ago when she was

22 years old. “The actions of a young student can only be considered in light of the authority of those figures controlling and dictating what, at the time, is the entirety of the student’s future,” the lawyer wrote. Dunn “wielded great influence over the young students enrolled in the program – especially those studying from miles and miles away via the online program where no context could be given for the day-to-day workings and operation of AAMI. Ms. Dunn sent large group emails requesting students’ test scores – reminding them that they would not be issued their diploma until such results were provided. Interspersed within these emails were study suggestions and requests for help preparing materials for other students to study for the National Board Exam,” they add. They conclude, “Certainly, the innocence, naiveté and justifiable reliance of a student are not grounds for the financial and career destruction that is contemplated by the suggested review outcomes.”

Another former student noted, “the school provided exam questions, answers and topics that were seen on the NBE without any student asking. They also stressed the fact that if we remembered anything to write it down and get it back to them in order to help the next class out in preparing for the test. I was drilled this idea every day of my time there.”

Someone else admitted to complying with a request from their academic adviser and Dunn to share information about the exam. “Since I was aware that each Examination test was different it never crossed my mind that the questions I provided would afford any student an unfair advantage,” the student wrote, adding that they graduated at the top of their class and “worked extremely hard while at AAMI.”

Another student admitted to sharing information more than eight years ago, but like some others, didn’t seem to see a problem. “Given how strongly we were encouraged by the Dean, and how open the practice was, I don’t believe I consciously thought at the time that I was doing anything wrong, or that the Dean of our school would put the school, herself, or any of the students at risk,” the former student wrote. The student goes on to boast that they were “one of the first, if not the first, in my class to take and pass both sections” of the exam.

A Closely Guarded Exam

The Conference’s complaint against AAMI, which was settled in December 2014, outlines the steps it takes to ensure the confidentiality of its exam questions, including:

a. ICFSEB stores questions in a proprietary, secure database, access to which is limited to only those with direct involvement in exam development, each of whom is bound by a confidentiality agreement prohibiting disclosure;

b. Death-care professionals surveyed in developing the questions are required to sign nondisclosure agreements;

c. The ICFSEB maintains a secure workplace for physical access and requiring usernames and passwords to assess the computers;

d. On exam day, candidates must present forms of photo identification to ensure that only registered and eligible candidates gain access to the exam. They submit biometric data in the form of a palm-vein scan to ensure their identity for re-entry into an examination after a restroom break;

e. The ICFSEB requires that exam takers agree to certain contractual obligations intended to ensure the confidentiality of the exam content and view a video reiterating these confidentiality obligations before taking any Licensing Exam;

f. Proctors at exam centers make written reports to the ICFSEB of any incidents involving possible breaches of exam security; and;

g. Exam questions are registered with the U.S. Copyright Office via the Secure Test procedure, which excuses the registrant from leaving behind a public copy of the exam questions, so as to preserve confidentiality.

Another student had this to say, “Upon completing my NBE, the president, Ms. Dunn asked me via e-mail, for feedback on the exam. I responded to her request based on what I recalled at that moment because she was the president of the school I attended. At no point was I told the purpose of her request or how the information would be used.” The student adds, “I regret any misunderstanding that may have occurred. I am not a cheater and I did not cheat on the exam. Furthermore, I did not knowingly violate the NBE’s guidelines.”

Another student who shared information on the exam wrote, “As this was an accredited institution that I trusted and respected, I felt that the president of that institution wouldn’t ask us to do anything unethical or anything that would put us in jeopardy. I figured that this information was used as a general guideline and that I should do what I could to help the next class since the previous class had done so for us. This is the thought that I had in mind when I emailed her what I remembered from the test. I had no idea that I was helping to harvest test questions and I feel horrible knowing that I played a part in something of this nature. All I wanted to do was to help guide the next class.”

Another underlined this statement in their letter to The Conference, “any and all email correspondence, email attachments and blackboard posts that I sent to AAMI were at the specific request of AAMI instructors, staff members or administration.”

Another student shared, “I do admit to giving feedback of selected topics of examination directly to President Meg Dunn of AAMI. I did this at Ms. Dunn’s request following the Capstone experience, and under the impression that feedback would be used in helping the college to shape and alter its curriculum as needed to keep up with trends in funeral service. I am unaware if any such information was intended to be distributed by Ms. Dunn after the fact or if it would be used exclusively for the purpose stated above.”

And someone else had this to say: “I admit that I did disclose two test questions from memory. However, because I did not thoroughly read the NDA (nondisclosure agreement), I did not do so believing I was in violation of test policy, nor was I told by any of my instructors that letting them know of the questions that gave me difficulty would be against the rules of the National Board Examination.” The writer adds, “My conduct was not intended to be malicious or harmful, nor did I intend to deliberately compromise the integrity of the National Board Exam. I was doing what my instructors had asked of me under the belief that I would be helping improve instruction for future students of AAMI.”

Yet another student explained everything with this statement: “I studied and did as my teachers and President taught and told me. I followed directions as told.”

Dunn did not respond to a message left at the school or to emails seeking comment.

Editor’s note: Funeral Service Insider has not been successful in its attempts to interview the former student who blew the whistle on alleged National Board Exam infractions at AAMI. We would like to talk to her. Please contact tparmalee@katesboylston.com.

Visit www.katesboylston.com/pdf/FSI-7-6-15.pdf to view our previous reporting on this topic, which includes the full email from the former AAMI student who blew the whistle on alleged improprieties at the school.

Report a Breach

The Conference takes National Board Exam security breaches seriously.

To report a breach, call The Conference at 479-442-7076, contact the organization by mail at 1885 Shelby Lane, Fayetteville, AR 72704 or visit <https://theconferenceonline.org/report-concern>.

You need not reveal your name.