

APPENDIX D

NEBRASKA STATE BAR COMMISSION EMERGENCY PREPAREDNESS PLAN

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Basic Rules of Bar Examination Administration

1. Applicants are to be treated with respect and dignity at all times.
2. Be professional and remain calm.
3. Stay in control of the situation.
4. Do not interrupt testing unless it is absolutely necessary.
5. Be constantly aware of the test time.

Some General Principles for Emergencies

1. Clear-cut level of authority must be established.
2. Planning followed by training nourishes calmness in an emergency and instills confidence.
3. In the interest of security and protecting people, some inconvenience(s) may have to be imposed.
4. Evacuation of disabled applicants deficient in mobility must be given the highest priority in all planning for emergencies.
5. Evacuation is not always the best procedure to protect people.
6. In almost all instances, elevators are not to be used for emergency evacuation.
7. In the event of an explosion, have the group take cover under tables or other objects that will give protection against falling objects or stand next to an interior wall away from windows and inside glass. Move away from heavy objects of unknown stability.

Introduction

During the course of every administration of an examination, incidents, emergencies, and disruptions may occur. The range in complexity is enormous. This handbook will provide you with the necessary guidelines to assist you in the handling of emergency situations as well as general guidelines that should be applied to any and all situations. Every incident is unique and therefore good common sense should be used along with these basic guidelines.

Personal or Environmental Disruptions

If an applicant who becomes ill or injured during a session of an examination is able to return to the examination, extra or extended time generally should not be given. However, if an injury or loss of time has been inadvertently caused through negligence or accident by the contracted test site, personnel, or staff, extended time may be given. (For example, if a chair breaks, the applicant might be granted extended time equal to that which was lost from when the chair breaks to when the applicant is settled into a new chair.)

Major Disruption

A major disruption is defined as an individual or site incident that could result in disruption to a significant percentage of the applicants, when the event is disturbing and protracted and has been witnessed by a significant percentage of the applicants. In determining to treat an event as a Major Disruption, the following factors should be taken into consideration:

1. Percentage of applicants affected.
2. Location in the test site where disruption occurred.
3. Duration of the incident, how much time.
4. Audio: how loud was it?
5. Visual: what could people see?
6. Smell: type and strength of odor?
7. At what point in the session did the incident occur? How much time has elapsed since the session was started? How much time remains?
8. Which day of the examination, Tuesday or Wednesday, did the incident occur and what session of the examination was being given (AM or PM)?

If after consideration of the above factors, it appears that the incident should not be considered a Major Disruption and that only a small number of applicants were affected, the following additional criteria should be considered prior to making a decision to extend additional time to complete the examination session:

1. Was the incident of a nature that required assistance from the applicant?
2. Did staff give the applicant directions to return to the examination (whether the applicant followed the directions issued by the staff and whether the directions issued by the staff were appropriate)?
3. Exactly how much time was lost by the applicant due to the incident?

Policies and Procedures to Be Followed in Case of Emergencies

During the examination, the Site Supervisor and staff members will be wearing radios so they can be immediately contacted in the event of an emergency. The Site Supervisor must rapidly go to the site of any incident or emergency and quickly assess the situation. If the situation requires it, 911 should be

called immediately. The safety of the applicants, proctors, and staff is always of primary concern. The director of admissions must be contacted promptly and given a report of the incident or emergency. If 911 is called, the Site Supervisor should immediately notify facility staff so that they can assist in meeting the emergency personnel and directing them to the appropriate location.

In any situation where a dispute arises, the Site Supervisor or staff member should attempt to calm the applicant and inform the applicant that the matter is being reported to the director of admissions so that a decision can be made on how to proceed. As with any incident, the "Emergency Report" form (Form A) should be completed by the Site Supervisor as soon as possible.

Incorrect Set-Up at Facility and Temperature Control

When the Site Supervisor arrives at the test site, the set-up of the facility should be checked immediately. If the facility is not set-up correctly, facility staff should be contacted for an explanation as well as a completed set-up time. The facility staff must quickly do whatever is necessary to have the facility set-up correctly. *This includes a comfortable temperature.*

Delayed Starting Time

While there may be very good reasons for delaying the examination, every attempt should be made to start the examination on time. If time permits, the Site Supervisor should contact the director of admissions to report the delay and get instructions on when to begin the afternoon session. The director of admissions will advise of the correct action to take, but in any event, the afternoon session should not begin less than 1 hour after the applicants have been dismissed from the morning session.

In the event of a natural disaster, the director of admissions should be contacted prior to the start of the examination, as soon as the problem is identified. If the decision is made to give all applicants extra time, the Speaker will be directed to make such an announcement. If a decision is made to give individual applicants extra time, a board staff member will advise each affected applicant that he/she has been granted a certain amount of extra time. The applicant will be instructed to continue the examination after the other applicants have been dismissed. The applicant will be stopped individually when the extra time is up.

Extended Time

Generally, extended time to complete an examination session by the amount of time lost due to a personal incident is not given.

If it is determined that a Major Disruption has occurred or that a small number of applicants have been negatively affected by a circumstance beyond their control and that it is possible to maintain the integrity of the testing environment, then the examination can be stopped for up to 1½ hours if the test site can accommodate the extended time. The Speaker should begin to read the disruption text that is attached as Appendix A to this Emergency Preparedness Plan. This should only be read after receiving instructions from the director of admissions to do so.

For a small number of applicants who have been granted extended time, an additional room should be located and set up so that at the conclusion of the examination, the applicants can be escorted to the room and advised of the additional time they have to complete the session. If an extra room is not available, an isolated space in the test site should be identified and set up. The applicants should be escorted to this isolated space upon the conclusion of the regular session.

If the examination is restarted, the applicants should be given exactly the amount of time that was lost. Up to an additional 10 minutes can be given for the applicants to get re-oriented, but that time should not be used as extra time to finish that portion of the examination.

Restart or Dismiss

After a determination to stop an examination has been made, the director of admissions needs to determine whether to restart the examination or dismiss the examinees for the session. An examination can be restarted after the following criteria have been considered:

1. Has it been less than 90 minutes since the examination was stopped?
2. Have the number of people at the test site maintained satisfactory control?
3. Has the testing environment been maintained (test materials secure, applicants kept isolated and quiet)?
4. Is the test site available to accommodate the applicants who have been granted extended time?

A decision to dismiss should occur if the criteria could not be met.

Late Arrival of Individual Applicants

No applicant will be allowed in the examination room once the Site Supervisor begins reading the instructions. A “Record of Irregularity” form (Form B) will be filled out with regard to the late applicant.

Disputed Time Announcements

The Site Supervisor is responsible for the accuracy of time announcements. The Site Supervisor will stand at the podium to ensure the announcements are the correct time and given at the appropriate time. If an applicant disputes a time announcement, the Site Supervisor should be contacted immediately. The Site Supervisor should report any such dispute to the director of admissions and complete a “Record of Irregularity” form (Form B).

Flooding, Etc., at Facility

As soon as such an incident is determined, the Site Supervisor must contact the director of admissions immediately. Several proctors should be assigned to the entrances of the examination room to advise the applicants that the situation is being assessed and further information will be provided as soon as it becomes available. Facility staff should be contacted immediately to determine what can be done to rectify the situation and make whatever arrangements are necessary to start the examination on time or as close to on time as possible.

Fire Drills

The Site Supervisor should immediately determine if the fire alarm is a drill or an actual alarm. If it is a drill, the Site Supervisor should immediately contact facility staff and have the alarm shut off. The director of admissions should then be contacted to determine if the disruption was significant enough to warrant the granting of additional testing time. If the alarm is valid, the procedures for the evacuation of the facility, stated below, should be followed.

Evacuation of Facility

Before the examination, you should review the set-up diagram of the facility to familiarize yourself with the location of all exits. If time permits, the director of admissions should be contacted immediately and evacuation procedures should be followed. The examination must be stopped and the time noted. The proctors should begin to move the applicants out of the building. The applicants may resist all efforts to be “herded.” However, sufficient presence should be displayed to avoid panic. A calm, solicitous approach, suggesting that the orderly and rapid exit and reassembly is to the applicant’s personal advantage is much more likely to result in a successful emergency exit than is an attitude on the part of the proctors which tends to demand military precision or gives the impression of such demands. If there is time, proctors should collect all examination materials. If there is a threat of fire, the last person out should close the doors. If there is a bomb threat, the doors should be left open.

As time passes, control of the applicant population will begin to diminish. Orderly waiting in the assembly area for a period much in excess of 1 hour is probably an unrealistic expectation. If at the close of 1 hour, there is insufficient information to permit a reentry decision or should a normal break time such as lunch occur while the applicant population is in the assembly area, the Site Supervisor should consider dismissing the applicants and asking them to return to the ASSEMBLY AREA at the next regularly scheduled reporting time. This is true even if the next reporting time is the next morning. The Site Supervisor should make a detailed record of that which transpired on the “Record of Irregularity” form (Form B). A survey of the secure papers (i.e., all of the materials in use at the time of the exit such as question and answer books) should be made prior to reentry.

Recall and Reentry

If it has been determined that the site is safely inhabitable within a short period of time, the Speaker should make an announcement advising the applicants in the assembly area of the nature of the disruption, the current conditions, and that the examination will continue with the announced schedule.

In the event some of the applicants refuse to reenter the site, they should be asked to sign a “Refusal to Reenter” form (Form C). If they refuse, their applicant examination numbers should be recorded and their admission tickets should be collected.

Noise From Another Group Using Facility

The Site Supervisor must go directly to the facility staff and demand that the noise be stopped. If the facility staff does comply with the demand, the director of admissions should be contacted as soon as the problem has been resolved with the action that was taken. If the facility staff refused to comply with the demand, the Site Supervisor must contact the director of admissions immediately.

When noise problems occur outside of the facility, the Site Supervisor must immediately go to the source of the noise and attempt to get the noise stopped. The Site Supervisor should then return to the room and make notes regarding the problem. An exact diagram of the room should be drawn so that the director of admissions will know exactly which of the applicants were affected by the noise problem. Make sure proctors in the area write a detailed incident report on the “Record of Irregularity” form (Form B). If the Site Supervisor is unsuccessful in stopping the noise, the director of admissions should be contacted to determine a course of action. Any of the Applicants who complain should be moved to another area if there is space available. It may be determined that the examination will be stopped until the noise ceases; however, the director of admissions can only make that decision.

Electrical Problems

If supplemental lighting fails, the Site Supervisor should go to the area and determine the extent of the problem. In many cases, there will be sufficient light to continue the examination. The Site Supervisor should determine how many of the applicants might potentially request to be moved. The Site Supervisor should then attempt to locate seats in which they can be moved. The exact location of the seating change must be noted. During the lunch break, the Site Supervisor should contact the Facility Staff to have any lighting problems corrected before the start of the next session.

In the event of a power outage, the exact time of the outage and the length of time of the outage should be documented. The Site Supervisor should notify the director of admissions immediately of any such outage. The applicants should be given additional time that is equal to the length of time of the outage.

Please note: The Site Supervisor should first check to see if the electrical problem may have been caused by plugs being kicked out of wall or floor outlets.

Applicants Leaving Examination Room

Any applicant who leaves the examination room prior to completing the session should not be readmitted. If he/she objects, the director of admissions should be contacted immediately to report the situation and ask for guidance.

Applicants Who Fail to Write Answers on Answer Sheets

It is an applicant's responsibility to make a good faith attempt on all portions of the examination. If an applicant fails to record any answers on the essay examination, he/she shall not be permitted to sit for any remaining sessions of the examination.

MBE Answer Sheet

If an applicant marks circles (M/C) in their question book, contact the director of admissions for guidance.

Applicants Who Fail to Report for Any Session

All of the applicants are required to sit for both sessions on both days of the examination. If an applicant does not report for testing for the morning session of the first day, the applicant's seating card should be pulled during the lunch break. If the applicant then attempts to report for testing after not sitting for the morning session the first day, he/she should be instructed that he/she is no longer eligible to sit for the examination and must leave the testing room. The Site Supervisor should then be contacted.

People Wanting to Learn Whereabouts of Applicants

All applicant information is confidential, and no staff member or proctor is to release any information regarding the whereabouts of an applicant. If the inquirer states that it is an emergency, the information should be taken and the director of admissions must be contacted immediately for further guidance. No indication is to be given regarding whether or not an applicant is present. These instructions relate to the media and law enforcement personnel as well.

Possible Imposters

In the possibility that an imposter is suspected of taking the examination for someone else, the incident must be well documented. The Site Supervisor and the Section Supervisor must provide a detailed description of the applicant; carefully observe the applicant involved and state, in detail, the reason for suspecting that the applicant is an imposter. Do not interrupt the applicant or otherwise disturb him/her. During the roll call portion of the examination, the Section Supervisor should pay extra attention that the photo identification provided is valid. The director of admissions should be contacted immediately to report the suspected imposter. The Site Supervisor should clandestinely take the suspected imposter's photograph with the digital camera (at each test site).

Illness of Applicants

If an applicant becomes ill during the examination, but not so ill that the applicant requires immediate medical attention, all attempts should be made to accommodate the applicant. The Site Supervisor should be contacted. During a break in testing, the applicant should be moved to a more conducive location, if seating is available, such as close to the rest rooms. Do not move the applicant during testing.

Complaints of Harassment by Proctors

The Site Supervisor should go to the spot and observe the situation. After the session is complete, he/she should interview the complaining applicant. The Site Supervisor should not get involved with an argument or take either side. It is his/her primary responsibility to calm both parties and gather facts.

The Site Supervisor should advise the complaining applicant that the matter will be reported in detail to the director of admissions and that if he/she wishes to file an additional statement, it should be forwarded to the director of admissions. The Site Supervisor should offer to move the applicant to a vacant seat in another section. The Site Supervisor should get a detailed account of the incident from the proctor and submit it in conjunction with his/her report of the incident.

Unruly Applicants

The Site Supervisor and security personnel should observe the applicant and immediately determine if the applicant should be moved to another area of the testing room, or escorted out of the testing room. The Site Supervisor should contact the director of admissions prior to having the applicant leave the testing room.

Odors

Odors may emanate from inside or from outside the facility. If the smells are from inside the facility, contact the facility staff immediately. It may be necessary to open the doors. If the smells are from outside the facility, the Site Supervisor should observe the area to determine the source of the odor, and then enlist the help of the facility staff in eliminating the problem.

Typographical Errors

If such an error is reported, the director of admissions should be contacted immediately. Make no comment to any proctor or applicant regarding the error. Advise anyone inquiring about the error that the matter is being reported and that they should answer the question as stated. If the applicant feels there is an issue, the applicant should submit a detailed written description to the director of admissions immediately after the bar examination has concluded.

Receipt of Threat to Safety

Notice of the possibility of a condition that might require the emergency exit from an examination site can arrive from a variety of sources. Possibly an applicant may return from lunch with a rumor of a planned disruption which he or she has overheard. A member of the facility staff may report some reference to an emergency. A bomb threat might be incoming on the telephone. Irrespective of the source and nature of the information received, the recipient should gain all possible information. The "Response to Personally Delivered Threat Information" form (Form D) should be made available in all sections. Upon rapid, thorough, and accurate completion of the form, it should be quickly hand-delivered to either the director of admissions or Site Supervisor, whoever happens to be the most readily available.

In the event the threat is such that the site will probably be uninhabitable preventing reentry, a dismissal exit should occur, but must first be approved by the director of admissions. The time remaining in the session would also be a consideration. If there is only the threat of unknown validity, the emergency should be thoroughly analyzed before the exit is ordered.

Death or Serious Injury Notification

If a staff member or proctor is contacted and requested to advise an applicant that someone close to them is near death or has died, obtain all the pertinent information from the caller. The information, at a minimum, should include the caller's name, address, and contact phone number(s), the name of the individual in question, including their location and status and who the applicant should contact. Additionally, ascertain if the applicant is aware of the situation, i.e., very sick relative already in the hospital vs. a sudden accidental death.

The director of admissions must be advised before any action is taken or the applicant is notified. The director of admissions or, if delegated, the Site Supervisor will personally make the notification. Before notification, consider how much testing time is remaining in the session and evaluate if it would be better to delay the notification until after testing. The applicant must be positively identified by verifying both the section seating roster and the applicant's photo identification displayed on the testing table. Once identified, quietly request the applicant to accompany you outside of the main testing room and into a private area. A section proctor should collect the applicant's test materials. Again, verbally confirm the applicant's identity before you deliver the information. You should have the EMT nearby to assist the applicant with any emotional trauma. Be sympathetic and reassure the applicant, but do not make any promises regarding the status of the applicant's bar examination completion. If the applicant decides to continue testing, determine if he/she should be returned to the same seat or if he/she should utilize a private area to continue testing. Normally, a separate area would be more appropriate and all lost time due to the notification and reseating should be added to the applicant's test time.

Media Coverage (TV, Newspapers, Magazines, Etc.)

If media personnel, such as reporters or camera men, are present at the bar examination site, the Site Supervisor or his/her designee must notify the director of admissions as soon as possible. Only the Site Supervisor is authorized to speak to the media and then, can ONLY discuss topics regarding general bar examination information that could be found on the Board's Web site. It must be remembered that ALL applicant information, including their identity, is confidential. All other staff and proctors should direct any media inquiries or contacts to the Site Supervisor and not discuss or answer any questions regarding the bar examination process. DO NOT permit any media personnel, with or without cameras, into the test site area including the applicant lobby. The Site Supervisor should interact with the media outside of the testing environment if possible. If the media personnel want to interview the applicants outside of the testing area, that is allowed as the applicants cannot be prevented from being interviewed in a public area.

However, if the applicants are in the test room and about to be dismissed, notify them of the media's presence and location. The Site Supervisor or his/her assistant should attempt to provide an alternate exit for the applicants who want to avoid the media. Be professional at all times when dealing with the media.

Appendix D amended December 3, 2013, effective April 1, 2014.

NEBRASKA STATE BAR COMMISSION
EMERGENCY REPORT

Name of Emergency:

Number of Applicants affected: _____

Location of Test Site: _____

Proximity of Emergency to Other Applicants: _____

Did Applicants leave their seats?: _____ If so, how many?: _____

Examination numbers of applicants who left their seat: _____

Did other Applicants assist?: _____

Examination numbers of applicants who assisted: _____

What time did it occur?: _____ How much time was left in the session?: _____

What portion of the examination was being administered (PT, Essay, MBE)?: _____

Was there excessive noise?: _____ If so, describe in detail:

Other relevant details?:

Time director of admissions was called: _____

Time director of admissions returned call with instructions on how to proceed: _____

Decision was:

NEBRASKA STATE BAR COMMISSION
RECORD OF IRREGULARITY

DATE: _____ TIME: _____ SESSION: AM PM
SITE: _____ SECTION: _____

Detailed Description of Irregular Activity:

(continue on reverse side)

Length of Activity (time): _____ Applicant's Examination #: _____

Other Applicant Examination #(s) present during the alleged activity: _____

Full Name (please print) _____ Signature _____

Other Proctors who have witnessed the alleged activity:

Full Name (please print) _____ Signature _____

Full Name (please print) _____ Signature _____

NEBRASKA STATE BAR COMMISSION
REFUSAL TO RE-ENTER

TO: THE NEBRASKA STATE BAR COMMISSION

FROM:

(Print Applicant's Name)

(Examination Number)

(date)

(Time)

The Site Supervisor has advised me that the threatening conditions within the examination site no longer exist and for this reason, I have been instructed to return to the seat assigned to me within the examination site:

In Recognition of:

I have decided not to re-enter the examination site with the full understanding that the Nebraska State Bar Commission will not grade my completed essay or MBE questions and I will not be given a refund. Additionally, I understand I will be required to submit a new bar application and sit for the next bar examination.

(Applicant's Signature)

(Date)

NEBRASKA STATE BAR COMMISSION
RESPONSE TO PERSONALLY DELIVERED THREAT INFORMATION

You may be contacted by a member of the staff, facility staff, a newspaper reporter with a rumor, an examinee with a rumor, a law enforcement person, or a nondescript person off the street. Even though the contact may appear to be ludicrous, record the information as follows:

Your Name: _____ Date: _____

Site: _____ Time Message was received: _____

Exact words from the message:

I responded as follows:

Name (if given) of messenger: _____ Phone Number: _____

The messenger was _____ was not _____ an applicant.

Other statements:

The messenger:

Sex: M F Age: _____

Voice: Fast ____ Slow ____ Distinct ____ Disguised ____

Language: English: ____ Foreign (identify if possible) _____

 Educated: ____ Profanity: ____

Tone: Loud: ____ Soft: ____ Harsh: ____

Manner: Calm: ____ Angry: ____ Emotional: ____

 Laughing: ____ Crying: ____ Deliberate: ____

I can ____ cannot ____ imitate unusual characteristics of the caller's voice.

The messenger was ____ was not ____ familiar to me.

NEBRASKA STATE BAR COMMISSION
IF THE MESSAGE WAS A BOMB THREAT

WHERE is it located (record exact words)?

WHEN will it explode (record exact words)?

WHAT does it look like (record exact words)?

WHAT kind of bomb is it (incendiary, explosive) (record exact words)?

Signed: _____ Date: _____

Time: _____

NEBRASKA BAR COMMISSION
DISRUPTION TEXT

(To be used in instances where a disruption has occurred and stopping of the examination is required.)

Stop writing (typing) now. I repeat, stop writing (typing) now. Put your pencils (pens) down and do not make any further marks on your examination papers until you are told to begin writing (typing). Please do not converse with other applicants or leave your seat. A disruption has occurred at this examination site. It is the decision of the director of admissions that this examination session be temporarily stopped until the disruption is dealt with. I repeat, it is the direction of the director of admissions that this examination session be temporarily stopped until the disruption is dealt with.

(Describe the disruption if appropriate.)

Again, do not converse with other applicants or leave your seat. I will keep you updated regarding the situation as information is relayed to me.

(Keep repeating sequences advising them not to write (type), talk or leave their seats, if you are advised to evacuate the test site, refer to the exit text.)

(If you are advised to restart the examination.)

(Describe how the disruption has been dealt with.)

(Announce)

Due to the disruption, applicants at this test site will receive _____ of extra time to complete this session of the examination. You have exactly _____ minutes to finish this session of the examination after I tell you to begin.

BEGIN.