



NORTH AMERICAN VETERINARY ETHICS COUNCIL

An Integrity & Accountability Study

Reform or Replace.

A NAVEC INVESTIGATIVE RESEARCH STUDY

The Gatekeeper No One Can Audit

How an Unaccountable Private Monopoly Built a Black Box Around the One Exam That Decides Who May Practice Veterinary Medicine

**The International Council for Veterinary Assessment (ICVA)
and the North American Veterinary Licensing Examination (NAVLE)**

North American Veterinary Ethics Council (NAVEC)
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A Note on Method and Proof

This study advances a single, disciplined claim. It does not assert that ICVA has been proven to rig, bias, or corrupt the NAVLE. It asserts something narrower and, for a licensing system, more damning: that because ICVA exercises total control over the exam's content, scoring, equating, and outcome data — and arms itself with contractual and disciplinary tools to investigate, ban, and silence anyone who might supply contrary evidence — the serious and widely held allegations against the NAVLE *can neither be conclusively proven nor credibly disproven by anyone outside ICVA, including the very state and provincial boards that condition licensure on it.*

Every load-bearing factual claim here is (i) sourced to a primary document — ICVA's own publications and policies, its IRS Form 990 filings, court filings, or government releases; (ii) clearly attributed as an allegation advanced by a named party; or (iii) expressly flagged as unverifiable because ICVA controls the data. The allegations are treated as **serious, corroborated by volume, and unrefuted** — not as established fact, and not as idle complaint. The reader should hold both truths at once: no specific act of misconduct is proven here, and **no one outside ICVA is in a position to rule one out.**

Abstract

The North American Veterinary Licensing Examination is the sole examination accepted for veterinary licensure in every jurisdiction of the United States and Canada.¹ There is no alternative pathway and no competing exam: a candidate who cannot obtain a valid, accepted NAVLE score cannot be licensed anywhere in North America. The exam is owned and administered by the International Council for Veterinary Assessment (ICVA), a private nonprofit whose board is populated by the same institutions that consume and rely on the credential, and whose revenue — more than ninety percent of it — comes from the nonrefundable fees candidates pay to sit and re-sit the exam.²

Beginning in mid-2025, that monopoly came under sustained, organized challenge. A Change.org petition signed by more than twelve hundred veterinarians and veterinary students, an open letter from a coalition of affected Black veterinary candidates, a formal letter from the Latinx Veterinary Medical Association, and — most consequentially — an October 23, 2025 pre-litigation notice from the national plaintiffs' firm Lief Cabraser Heimann & Bernstein together alleged that the NAVLE is opaque, defectively constructed, and discriminatory in effect, and demanded an independently vetted external audit, raw-data transparency, and preservation of records.³

ICVA's response is the heart of this study. A responsible monopoly gatekeeper, confident the allegations were baseless, had an obvious path: lock down the data, name an independent auditor, define a public scope, commit to releasing the full findings, and assure candidates that no one would be punished for speaking to lawyers, journalists, or each other. ICVA did the opposite. Within roughly one month of the legal threat, and **before** committing to any defined audit, it executed two coordinated moves. On November 17, 2025 it abruptly reset the retake regime, granting **every** candidate five fresh paid attempts regardless of testing history — expressly stating the change was “based on a comprehensive review of candidate feedback and NAVLE data,” while refusing to disclose what in that data justified so extreme a reversal. Eight days later, on November 25, it

¹NAVLE, International Council for Veterinary Assessment, <https://www.icva.net/navle/>; NAVLE Candidate Handbook 2026–2027.

²ICVA IRS Form 990 filings (EIN 36-3992537), ProPublica Nonprofit Explorer, <https://projects.propublica.org/nonprofits/organizations/363992537>.

³Pre-litigation notice, Lief Cabraser Heimann & Bernstein LLP (Kelly M. Dermody), Oct. 23, 2025, as reported by VIN News and Vet Candy; Change.org petition (Dr. Jill Lopez); LatinxVMA open letter to the AVMA Board (Nov. 19, 2025).



adopted an Ethical Behavior Investigation and Appeal Policy granting itself sole-discretion authority to investigate, compel disclosure, withhold scores, and ban candidates indefinitely — reaching conduct as undefined as “the moral norms of the general community.” Only on December 1, after the pressure had grown louder, did it announce an “audit” — unnamed, unscoped, and, as later disclosure revealed, routed through and controlled by its own litigation counsel.

NAVEC’s thesis is therefore twofold. First, the retake reset and the ethics policy are not two unrelated housekeeping changes; read together, and against their timing, they function as a coordinated litigation-deterrence pincer — a payment that pulls the most motivated potential plaintiffs back into the funnel, fused to a disciplinary weapon that threatens anyone who speaks. Second, and more fundamentally: by naming its own internal data as the trigger for an extraordinary reversal while concealing what that data showed, ICVA has effectively conceded that something in the NAVLE record warranted alarm — without saying what. That concession, set against a structure in which the boards cannot independently verify the exam, produces the central regulatory question of this study: **how may a state lawfully bar a person from their profession on the basis of an examination that cannot plausibly be shown to be fair?**



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1. Executive Summary

The NAVLE is “a requirement for licensure to practice veterinary medicine in all licensing jurisdictions in the United States and Canada,” administered by ICVA since 2000.⁴ There is no alternative pathway and no competing examination. Passing the NAVLE is the universal, non-substitutable condition of entry to the profession — the single gate, with a single keeper.

ICVA is a private 501(c)(3) nonprofit (EIN 36-3992537) whose thirteen-member governing board is designated almost entirely by its constituent organizations — the American Association of Veterinary State Boards (AAVSB), the Association of American Veterinary Medical Colleges (AAVMC), the AVMA Council on Education (AVMA-COE), and the Canadian National Examining Board — plus at-large directors the board itself selects.⁵ This is a closed loop: the institutions that consume and rely on the credential populate the body that controls it. No seat is structurally accountable to candidates or to the public the licensing system exists to protect.

ICVA is funded almost entirely by what candidates pay it. In its fiscal year ending May 2025 it reported \$10,153,275 in total revenue, of which \$9,281,618 — 91.4% — was program-service revenue from examination and related fees, against \$0 in contributions and gifts.⁶ The standard NAVLE fee is \$825 for candidates testing in the U.S., its territories, and Canada, and \$1,220 internationally; the fee “is nonrefundable and nontransferable.”⁷ Every attempt — first sitting or retake — is a separate, nonrefundable payment. The institution earns more when candidates fail and sit again.

The challenge. Beginning in mid-2025, that monopoly came under organized, sustained challenge from multiple independent directions at once: a Change.org petition signed by more than twelve hundred veterinarians and veterinary students; an open letter from a coalition of affected Black veterinary candidates; a formal letter from the Latinx Veterinary Medical Association to the AVMA Board; and, most consequentially, an October 23, 2025 pre-litigation notice from Lief Cabraser Heimann & Bernstein alleging that the NAVLE is “potentially anticompetitive, fraudulent, and discriminatory.”⁸ These were not isolated grievances. They converged on the same defects: opaque scoring, defectively constructed items, content outside the published blueprint, and unexplained outcome disparities — and they made the same demand: an independent audit, transparency, and preservation of the data.

The response. A monopoly gatekeeper confident the allegations were baseless had an obvious path: lock down the data, name an independent auditor, define a public scope, commit in advance to releasing the complete findings, and assure candidates that no one would be punished for speaking to lawyers, journalists, schools, or one another. That would have been the fastest way to destroy the allegations. ICVA did the opposite. In the span of roughly five weeks, and before committing to any defined audit, it (i) reset the retake regime to grant every candidate five fresh paid attempts, justifying the change by reference to its own undisclosed “NAVLE data”; (ii) adopted a sweeping sole-discretion investigation-and-sanctions policy reaching “the moral norms of the general community”; and only then (iii) announced an “audit” that, on later disclosure, is managed by its own litigation counsel and is not expected to conclude until the first quarter of 2027.

NAVEC’s bottom line. The allegations are serious, broadly corroborated, and unrefuted — but they cannot be conclusively proven from outside ICVA, because ICVA controls every item, every scoring and equating

⁴NAVLE, International Council for Veterinary Assessment, <https://www.icva.net/navle/>.

⁵About ICVA, <https://www.icva.net/about-icva/>.

⁶ICVA IRS Form 990 (FYE May 2025), ProPublica Nonprofit Explorer, EIN 36-3992537.

⁷NAVLE Candidate Handbook 2026–2027, “NAVLE Fees.”

⁸Pre-litigation notice, Lief Cabraser Heimann & Bernstein LLP (Kelly M. Dermody), Oct. 23, 2025, as reported by VIN News and Vet Candy.



decision, and every outcome record, and because its Candidate Agreement arms it to investigate, compel, ban, and silence anyone who might supply contrary evidence. **The same data monopoly that prevents the allegations from being proven also prevents ICVA’s denial from being tested.** The proper object of regulatory concern is therefore not whether a particular allegation is true, but whether a state or provincial board may lawfully and defensibly bar a qualified person from their profession on the basis of an examination whose fairness no one outside ICVA — including the board itself — has any means to verify.

2. The Allegations: Serious, Corroborated, and Unrefuted

NAVEC does not adopt the following as findings of fact. But neither does it treat them as idle or marginal. They are advanced by named parties, they corroborate one another across independent constituencies, and — critically — ICVA has not refuted a single one of them with the data that would settle the question. They are best understood as serious, unrebutted allegations whose truth cannot be resolved from outside the black box.

2.1 The pre-litigation notice

On October 23, 2025, Lief Cabraser Heimann & Bernstein LLP, through managing partner Kelly M. Dermody, delivered a pre-litigation notice to the AVMA, with copies to ICVA and NBME stakeholders, alleging the NAVLE is “potentially anticompetitive, fraudulent, and discriminatory.”⁹ The firm states its investigation “included reviewing records, interviewing examinees, and analyzing publicly available data.” The notice invoked Federal Rule of Civil Procedure 37(e) and demanded preservation of “past and current NAVLE tests, raw and scaled test scoring records... internal or external audits” — a litigation-hold demand whose significance reappears in Section 8.

The notice’s specific allegations, attributed to the firm and its clients, are:

- **Question variability** — that exam questions vary among test-takers sitting on the same administration date;
- **Opaque scaling** — that raw scores are scaled in ways untethered to pre-specified, disclosed criteria;
- **No independent audit of scoring** — that scoring and pass-point setting lack independent audit and transparency;
- **Defective items** — “poorly constructed or nonsensical questions, multiple-choice items with more than one correct answer, and content falling outside the published NAVLE blueprint” (the leaked notice citing out-of-blueprint examples such as camels and sharks);
- **The grader allegation** — a senior-veterinarian whistleblower’s report that a NAVLE grader bragged he would “keep the brown ones out”;
- **Unexplained failures** — that candidates with strong academic records and strong, predictive NAVLE Self-Assessment performance failed without explanation, rescore, or appeal.

2.2 The breadth of corroboration

What makes these allegations difficult to wave away is that they did not arrive from a single aggrieved source. They converged from independent constituencies that do not share a common sponsor:

⁹Id. (Lief Cabraser notice, as reported by VIN News / Vet Candy).



- **Twelve hundred-plus signatories.** A Change.org petition, “Call for a Fair, Transparent, and Accountable Veterinary Licensing Exam (NAVLE),” started by Dr. Jill Lopez, has drawn more than twelve hundred veterinarians and students. It cites “[c]onfusing and poorly written questions,” “[b]lurry or low-quality diagnostic images,” “[c]ontent that doesn’t match the published blueprint,” and “[n]o meaningful feedback when a student fails — only silence and a retest fee.”¹⁰
- **A coalition of affected Black veterinary candidates.** This group circulated an open letter to AVMA President Michael Q. Bailey, attaching the pre-litigation notice and carrying specific disparity claims.
- **The Latinx Veterinary Medical Association.** LatinxVMA, led by president and co-founder Dr. Mitsie Varga, sent a formal November 2025 letter urging the AVMA Board to support an independent psychometric review and public release of the findings.¹¹
- **First-hand item complaints.** Across these channels and candidate interviews run a consistent set of first-hand reports: items turning on regional slang or regional practice settings; questions with no defensible single correct answer; and clinically context-dependent items presented with the context stripped out. As Section 4 explains, these are precisely the construct-irrelevant artifacts that standard fairness analysis exists to catch — and precisely what cannot be caught when the items are sealed and that analysis is never run.

These citations are not offered as independent verification of the allegations. They are offered to establish something different and important: the concerns are broad, specific, cross-constituency, and — to this day — unanswered on the merits by the one party that could answer them.

2.3 The internal inconsistency ICVA cannot explain away

One strand of the allegations is analytically independent of any race-linked claim, and NAVEC regards it as especially telling. ICVA’s own research treats the NAVLE Self-Assessments as reliable predictors of NAVLE performance; it markets the Self-Assessment as generating “a projected NAVLE score range” built “on the actual exam blueprint.”¹² If ICVA’s own instruments reliably predict outcomes, then a systematic divergence between strong Self-Assessment performance and actual failure is an internal inconsistency within ICVA’s own validity framework — one ICVA is uniquely positioned to investigate and one no outsider can. ICVA has not reconciled it.

3. The Coordinated Response: A Bribe, a Gag, and a Confession

This is the analytic core of the study. Viewed as isolated timeline entries, ICVA’s autumn 2025 policy changes might pass as housekeeping. Viewed together, and against their timing, they cohere as something else entirely: a coordinated response to legal threat that simultaneously thins the ranks of potential plaintiffs, arms the institution against anyone who speaks, and — in the act of justifying itself — concedes that something in the NAVLE record warranted alarm.

¹⁰Change.org petition (Dr. Jill Lopez), change.org/p/call-for-a-fair-transparent-and-accountable-veterinary-licensing-exam-navle.

¹¹“NAVLE to be independently audited thanks to backlash from veterinary community,” Student Doctor Network (LatinxVMA letter; Dr. Mitsie Varga), forums.studentdoctor.net.

¹²NAVLE Self-Assessments, <https://www.icva.net/navle/self-assessments/>; NAVLE Candidate Handbook 2026–2027.

3.1 The timeline

Date	Event
Oct. 23, 2025	Lieff Cabraser pre-litigation notice delivered; demands independent audit, transparency, and preservation of NAVLE data.
Nov. 17, 2025	Retake-policy expansion announced: five new attempts for every candidate , regardless of prior history; waiver process eliminated; pending waivers voided.
Nov. 25, 2025	Ethical Behavior Investigation and Appeal Policy adopted (“Adopted by the ICVA Board of Directors: 2025.11.25”).
Dec. 1, 2025	“Independent third-party audit” announced — no auditor, scope, methodology, timeline, or publication commitment.
June 4, 2026	ICVA discloses the audit is managed by Dorsey & Whitney LLP — its own litigation counsel — which selected the auditor; completion expected Q1 2027.

Table 1. The five-week sequence from legal threat to “audit,” with the two intervening policy changes that are the subject of this section.

3.2 The five-attempt “reset”: paying the plaintiffs to stand down

On November 17, 2025 — twenty-five days after the legal notice — ICVA announced that, “[b]eginning with the March 2026 NAVLE testing window, all candidates will be granted five (5) new opportunities to take the NAVLE, regardless of their prior testing history,” with attempts before December 1, 2025 not counting toward the new limit, the waiver process eliminated, and any pending waiver request “now void under the new policy.”¹³ The previous regime had recommended a maximum of roughly five attempts in five years, with any further attempts permitted only at a board’s discretion — a limit ICVA itself had long tied to exam security and item-exposure concerns.

This was not a modest adjustment. It was a wholesale reversal of the stated theory of attempt control. A candidate who had exhausted every prior attempt — a person with, in litigation terms, the cleanest and most sympathetic damages claim and nothing left to lose — could suddenly sit five more times. Consider what that does to a contemplated lawsuit. The candidates with the strongest grievance, the ones a plaintiffs’ firm would most want as named clients, are precisely the ones handed a fresh, fully-paid-for path back into the funnel. A measure presented as candidate-friendly equity also, and not coincidentally, **dilutes the finality of the cleanest exclusions and softens the most compelling damages narratives** at the exact moment a damages narrative was forming.

And it does so in a way that runs with the institution’s revenue, not against it. ICVA earns roughly ninety-one cents of every dollar from per-attempt fees. Expanding the number of allowed attempts — including for those who had already exhausted them — predictably enlarges the population of fee-paying retakes. NAVEC takes no position on whether expanded retakes are, in isolation, good for candidates. The point is structural: a monopoly funded by failure responded to a discrimination claim by manufacturing more paid attempts, in a manner that happens to neutralize its most dangerous potential plaintiffs while growing its own revenue base. That alignment of institutional incentive with candidate failure is a governance concern on its own; arriving twenty-five days after a legal threat, it is something more.

¹³“NAVLE Retake Policy Changes Effective December 1, 2025” (announced Nov. 17, 2025), icva.net/news-and-updates/navle-retake-policy-changes-effective-december-1-2025.

3.3 The confession hiding in the rationale

The single most revealing sentence ICVA has published in this entire episode is its stated reason for the reset. The November 17 announcement declares: **“This policy is based on a comprehensive review of candidate feedback and NAVLE data.”**

Read that carefully. ICVA is telling the public that it looked into its own internal NAVLE data, found something significant enough to justify an extraordinary, across-the-board reversal of a security-grounded policy — and then declined to say what it found. No technical memorandum. No statistical summary. No description of whether the concern involved item exposure, pass-rate patterns, scoring irregularities, subgroup disparities, or something else. A private licensure gatekeeper publicly grounded a drastic structural change in its own data while concealing the basis for it.

This is the contradiction NAVEC asks regulators to sit with. For years, strict attempt limits were justified on integrity and exam-security grounds. Now, weeks after a discrimination claim, the same body blows through that rationale and grants everyone five fresh attempts — citing things it found in the NAVLE data that it will not disclose. **Either the original security rationale was overstated, or the reversal was driven by something serious enough to override it.** ICVA cannot have it both ways — and on the only public explanation it has offered, it has effectively conceded that its own data showed a problem with the NAVLE, while refusing to identify what that problem was.

3.4 The ethics policy: a gag and a weapon, adopted eight days later

On November 25, 2025 — eight days after the retake reset — ICVA’s board adopted a new “Ethical Behavior Investigation and Appeal Policy,” carrying the verbatim adoption line “Adopted by the ICVA Board of Directors: 2025.11.25.”¹⁴ Its definition of an “Ethical Behavior Violation” is breathtaking in scope: it reserves to ICVA, “in its sole discretion,” the right to investigate any “alleged or reasonably suspected behavior that is dishonest, improper or contrary to the principles and standards applicable to the field of veterinary practice or to the moral norms of the general community.” That phrase — “the moral norms of the general community” — has no limiting principle. It is not an exam-integrity standard. It is an open-ended moral dragnet, defined and applied by ICVA alone.

On top of that boundless definition the policy stacks coercive machinery. ICVA may compel a candidate to “fully cooperate,” “disclose... all knowledge that could potentially relate to the investigation,” “produce all documents, data, and materials reasonably requested,” and “submit to an in-person or remote interview, in ICVA’s sole discretion.” Its sanctions menu includes prohibiting or disqualifying a candidate “for a fixed period of time... or indefinitely,” requiring reimbursement of ICVA’s investigation and legal costs, and distributing the “Final Report... to all Legitimately Interested Third Parties, including... each licensing board.” Any appeal is “final and binding,” with “no right of further appeal or any other recourse against ICVA.”

Set this beside the timing and the suppression logic is hard to miss. At the precise moment candidates had begun to organize, compare experiences, talk to journalists, and contact lawyers, ICVA gave itself a tool to investigate “suspected” conduct against an undefined moral standard, compel the production of a candidate’s communications and materials, and impose an unappealable lifetime ban — the end of a veterinary career — with no requirement to prove any exam-security violation at all. A responsible administrator under a fairness cloud **reduces** coercive power over candidates while the controversy is examined. ICVA dramatically expanded it.

¹⁴Ethical Behavior Investigation and Appeal Policy (adopted 2025.11.25), reproduced in NAVLE Candidate Handbook 2026–2027, Appendix E.

3.5 The pincer

The two measures are complementary halves of a single design. The retake reset is the carrot: it quietly pays off the candidates with the most to gain from suing, pulling the cleanest plaintiffs back into a paid process and blunting the damages story. The ethics policy is the stick: it threatens anyone — candidate or insider — who would talk, organize, or supply evidence, with investigation, compelled disclosure, and an unappealable ban. Bribe the motivated; gag the rest. Whether ICVA intended this design is a question the documents do not answer and NAVEC does not need to resolve. What the documents do establish is that the combined effect, arriving within five weeks of a legal threat, is to shrink the pool of people able and willing to challenge the exam — while the institution that would be the defendant controls all the evidence.

4. Why No One Can Tell: Secrecy, the Missing Fairness Check, and the Comparative Gap

Section 3 showed what ICVA did under pressure. This section shows why those moves cannot be checked — and why, uniquely among major U.S. licensing exams, neither the allegations against the NAVLE nor ICVA's denial of them can be tested by anyone on the outside. The reason is not that the allegations are weak. It is that ICVA has withheld the one analysis that would adjudicate them, sealed the items that would let others run it, and bound itself to none of the verification mechanisms its peer programs treat as ordinary.

4.1 The standard fairness check ICVA does not run: what DIF is, and what it is not

The recurring complaints about the NAVLE — regional slang, regional practice settings, context-dependent items with the context removed, questions with more than one defensible answer — are not vague gripes. They describe a specific, well-understood failure mode that the testing field has a standard tool for catching. That tool is **differential item functioning** (DIF) analysis, and understanding it is essential to understanding both the allegations and ICVA's posture.

DIF is the standard psychometric method for detecting whether a particular exam question performs differently across groups of test-takers — by region, sex, ethnicity, or language background, for example — who have the same underlying ability. An item is flagged when the group difference appears to come from the particulars of how the question is phrased or framed, rather than from what the exam is supposed to measure: scientific knowledge and the competence relevant to professional practice and readiness for national licensure. That distinction is the entire point.

A regional example makes it concrete. Imagine an item framed around a clinical scenario, species mix, or practice setting far more common in Texas than in New York. Two candidates equally competent for national practice might still perform differently on that item — not because one knows more medicine, but because one finds the framing familiar and the other does not. If the gap comes from incidental familiarity rather than real competence, the item exhibits DIF and is flagged for review.

Here is the crucial nuance, and it is what separates a fair analysis from “lowering the bar.” “Equal ability” must mean ability relevant to national professional practice — not raw familiarity. DIF is not meant to erase every group difference. The method flags items that show group differences; trained reviewers then judge the cause. If an item favors one group because it tests something every U.S. veterinarian genuinely should know — something that merely happens to be more familiar to that group — that is legitimate difficulty, and the item stays. If it favors them because of phrasing, regional context, language, or artifacts unrelated to competence,

that is bias, and the item should be fixed. DIF is how a program tells those two apart — which is exactly why, done properly, it protects fairness *without* weakening the exam.

This is not a fringe or activist technique. DIF analysis is built into the field's governing standards — the *Standards for Educational and Psychological Testing* (AERA/APA/NCME), the authoritative reference for high-stakes testing — and the major licensing and credentialing programs run it as routine quality control. The USMLE, the bar examination, and the SAT all do. Finding and retiring flawed items every cycle is not a sign of failure; it is the system working as designed. The significance for the NAVLE is therefore precise and damaging: there is **no published operational NAVLE DIF analysis**. ICVA does not demonstrate that it runs the field's standard fairness check, and it publishes nothing that would let a board, a researcher, or a court see the result. The disparity allegations describe exactly the signal DIF exists to detect; ICVA's refusal to publish DIF means the signal is never tested. And because calling for DIF is calling for the ordinary professional hygiene every peer program performs, ICVA cannot recast that call as a demand to lower standards. Declining DIF is not refusing a favor to one group. It is declining the discipline that keeps the exam fair for everyone.

4.2 The data-control vacuum

DIF is the most important missing piece, but it is not the only one. On the public record, the NAVLE is surrounded by an almost total vacuum of external verification:

- **No completed independent external audit before 2026.** ICVA's own December 2025 announcement frames the forthcoming audit as a first; its Annual Report describes only periodic internal practice analyses (2003, 2010, 2017), which establish the blueprint, not validity or fairness.
- **No published DIF or subgroup fairness analysis**, as just discussed.
- **No public psychometric reporting** — no reliability coefficient, standard error of measurement, equating model, or item-level fairness statistics. The technical report ICVA does publish documents the exam's development process, not these fairness measures (see § 4.4.1).
- **No rescore, no item challenge, and no appeal of score validity.** ICVA's materials are explicit: “there are no rescoring or appeals of NAVLE results,” and candidates “are not permitted to review their tests.”¹⁵
- **A sealed item pool.** Only a handful of retired NAVLE items are made public. By contrast, the bodies behind human medical and bar licensure release large volumes of retired or sample items — well over a thousand practice items are available to medical candidates — which lets outsiders inspect item quality directly. The NAVLE's items “are owned solely by the ICVA and are copyrighted,” with no outside inspection right.
- **No board audit right and no data access.** The state and provincial boards that condition licensure on the NAVLE receive only a pass/fail designation and a scaled score. They cannot inspect the items, the equating, the cut-score derivation, or the disaggregated outcomes.

The decisive feature of the NAVLE is thus not how it compares to any one exam on any one metric. It is the absence, all at once, of every mechanism by which an outsider could verify fairness — combined, as Section 6 shows, with a Candidate Agreement that punishes the very act of describing a flawed question. The loop is closed.

¹⁵NAVLE FAQs, <https://www.icva.net/faqs/>; NAVLE page, <https://www.icva.net/navle/>.

4.3 The comparative gap: every peer exam can answer the question ICVA cannot

The cleanest way to see how far the NAVLE departs from professional norms is to ask a single structural question of each major U.S. licensing exam: *if a fairness accusation were leveled, does the responsible body have a pre-existing, invocable mechanism to evaluate and, where warranted, refute it from a position of authority?* For nearly every major exam, the answer is yes — through published DIF and sensitivity review, board-seated governance over scoring and standards, score-validity review or item-challenge channels, longitudinal validity research, or an actual external state-regulator audit. The veterinary boards and the NAVLE are the conspicuous exception.

Exam (oversight body)	Invocable refutation mechanism	Can answer?	What they point to
USMLE (FSMB + NBME)	Composite Committee seats state-board members; published score recheck; score-validity review and appeal	Yes	Board-seated governance; recheck; published validity policy
NCLEX (NCSBN — the boards of nursing)	DIF on all items with sufficient n; sensitivity panels; double scoring	Yes (strongest DIF posture)	Published DIF + sensitivity review; technical reports
MBE / UBE (NCBE + state high courts)	Mantel-Haenszel DIF; published scaling/equating; released MEE/MPT items	Yes	Released items; scaling docs; retained court authority
CPA (AICPA / NASBA / state boards)	Published blueprints; IRT; score review; score appeal (view miskeyed items)	Yes	Blueprints; review and appeal channels; double scoring
NAPLEX (NABP)	Published domains; standard-setting; documented rescore process	Yes (partial — published DIF to confirm)	Content outline; standard-setting; rescore
INBDE / NBDE (JCNDE/ADA)	Technical report; results audit; actual external state-regulator audit (CA OPES, 2023)	Yes (real external-audit precedent)	Technical report; OPES review; results audit
PE / FE (NCEES — council of state boards)	Published specs; cut-score methodology; recurring fairness surveys; post-exam item challenge	Yes	Specs; item challenge; fairness surveys
NAVLE (state vet boards / ICVA)	None board-invocable: no audit right, no DIF access, no rescore or appeal, no equating verification; ICVA acts “in its sole discretion”	No	Nothing of their own — must rely on ICVA’s say-so; first independent audit only 2026, due Q1 2027

Table 2. Structural capability to test a fairness accusation, by exam. The question is not guilt; it is whether the oversight body has any invocable mechanism at all. The NAVLE is the lone “No” across every lever. Sources: program technical documentation and primary regulator materials as compiled in NAVEC’s comparative accountability analysis.

The pattern is unambiguous. The strongest peer systems either seat board members inside the governance of the exam (USMLE, NCSBN) or give an outside regulator standing to audit it (the California Office of Professional Examination Services, which reviewed the INBDE in 2023 — and, notably, conducted a one-time suitability review of the NAVLE in 2020). The veterinary boards have neither. They license by incorporation-by-reference

of a passing NAVLE score, hold no authority over construction, scoring, equating, or audit, receive no DIF or subgroup data, and cannot compel a rescore or item review. On the four levers that matter — audit the item bank, obtain DIF data, compel a rescore, verify equating — the answer for a veterinary board is “no” four times over.

4.4 An Outline Without a Mechanism: Five Gaps That Make the NAVLE Unauditable

ICVA does publish documentation about the NAVLE. The objection in this section is not that the record is empty; it is that the record is an *outline*. It establishes that the exam is developed, equated, scored, and standard-set, but not *how* — not the model, not the math, not the safeguards, and not the data that would let any party outside ICVA and its vendor check whether the result is fair. Five gaps follow. Each, taken alone, has an innocent explanation and can be defended as an ordinary design choice. Taken together, they are the reason the exam cannot be verified from the outside — the condition this report is named for.

4.4.1 Scoring: a described architecture, an undisclosed mechanism

ICVA presents NAVLE scoring as a clean division of labor. The National Board of Medical Examiners provides “editorial review, psychometric expertise, and separate scoring services, creating a clear division between who develops the exam and those who score it.”¹⁶ The steps are described at a high level: a candidate’s responses become a raw score, the raw score becomes a proficiency estimate, the estimate becomes a three-digit scaled score from 200 to 800 through equating, and 425 is the minimum passing score.¹⁷

What the published record never states is the mechanism. The 2024–2025 NAVLE Technical Report does not name the scaling or equating model, report a single reliability coefficient, give the standard error of measurement, give the conditional standard error at or near the 425 cut, or present any analysis of how items function across demographic groups.¹⁸ These are not exotic disclosures. The *Standards for Educational and Psychological Testing* — the framework that governs licensure testing — call for exactly them: reliability and precision are to be reported for every score that is interpreted, and where item-response-theory methods are used, “the item response model, estimation procedures, and evidence of model fit should be documented.”¹⁹ ICVA’s technical report documents that these steps occur without documenting what they contain.

The gap matters because of a second document. While ICVA’s public posture places scoring at arm’s length inside NBME, the binding NAVLE Candidate Agreement reserves to ICVA the right, “in its sole discretion,” to “cancel, invalidate or withhold NAVLE scores if any psychometric or statistical analysis provides a reasonable basis to question the NAVLE score’s validity” — with no rescore and no appeal, against an examinee who may

¹⁶ICVA, “NAVLE 101: How the Exam Is Created, Administered, and Scored” (icva.net). NBME’s role is described there as providing “separate scoring services, creating a clear division between who develops the exam and those who score it.”

¹⁷Ibid. The raw-score-to-proficiency-to-scaled-score sequence and the 425 minimum passing score are drawn from ICVA’s own account in “NAVLE 101.”

¹⁸ICVA, 2024–2025 NAVLE Technical Report (icva.net). Scoring and standard-setting are described in narrative terms; the report names no equating/IRT model and reports no reliability coefficient, no standard error of measurement, no conditional SEM at the cut, and no differential-item-functioning analysis.

¹⁹American Educational Research Association, American Psychological Association & National Council on Measurement in Education, *Standards for Educational and Psychological Testing* (2014): Standard 2.3 (report reliability/precision for each interpreted score) and Standard 4.10 (document the model, estimation procedures, and evidence of model fit when IRT methods are used).

not review the exam.²⁰ The entity that publicly describes scoring as a separate, mechanical function is the same entity that retains unappealable authority to nullify a score on psychometric grounds it does not disclose. The architecture is public; the mechanism, and the standard for discretionary invalidation, are not — and a record 9,301 candidates now pass through that gate each year.²¹

This is a documentation gap, not an accusation. ICVA has not shown the mechanism to be flawed, and NAVEC does not assert that it is. The point is narrower and harder to answer: on the public record, no one outside ICVA and NBME can tell.

4.4.2 The blueprint: published weights, not binding commitments

ICVA does publish a content blueprint, and it is more specific than critics sometimes allow: two dimensions — four competency domains and a species-and-diagnoses weighting — derived from the 2017 practice analysis.²² To that extent it is comparable in grain to the published content outlines of the human-medicine and dental licensing exams.

The limitation is in what the weights commit to. ICVA frames the diagnosis list as “sample topics” and defines coverage as “all animal species commonly seen by private practitioners in North America” — language that describes a domain, not a contract.²³ The published percentages are relative weights, not committed counts of items per condition, and ICVA’s own sample materials note they do not address every area of the blueprint. A candidate can know roughly how much of the exam will be bovine or equine; a candidate cannot know which conditions, within those weighted buckets, an individual form will test. The blueprint conveys the shape of the exam. It does not tell a school — or an auditor — what the exam actually asks.

4.4.3 Curriculum alignment: a uniform exam over a non-uniform curriculum

The deepest fairness question is not about any single item; it is about the fit between what the exam tests and what accredited schools are required to teach. Here the public record is unusually clear, because the governing document is the AVMA Council on Education’s own.

COE accreditation is outcomes-based, not course-based. Standard 9 places “the curriculum in veterinary medicine ... [as] the purview of the faculty of each college,” setting broad requirements — at least 130 weeks of instruction, at least 40 weeks of hands-on clinical education, instruction across a broad range of species — without prescribing specific courses, and the Council’s own procedures acknowledge that the curriculum of each school “varies widely.”²⁴ Many colleges formally track students into species concentrations in the clinical

²⁰NAVLE Candidate Agreement, Appendix D, NAVLE Candidate Handbook (2026–2027). ICVA “may, in its sole discretion, cancel, invalidate or withhold NAVLE scores if any psychometric or statistical analysis provides a reasonable basis to question the NAVLE score’s validity”; “there are no rescues or appeals of NAVLE results,” and candidates “are not permitted to review their examinations.”

²¹ICVA 2024–2025 Annual Report: a record 9,301 NAVLE administrations in the 2024–25 cycle, a 51% increase over five years.

²²ICVA NAVLE blueprint (two dimensions: four competency domains and a species/diagnoses weighting), derived from the 2017 practice analysis. The species percentages reproduced in this section trace to that published weighting; they are relative weights, not binding item counts, and should be confirmed against the current blueprint document before publication.

²³ICVA NAVLE page: the exam covers “all animal species commonly seen by private practitioners in North America,” and ICVA’s sample materials note they do not address every area of the blueprint.

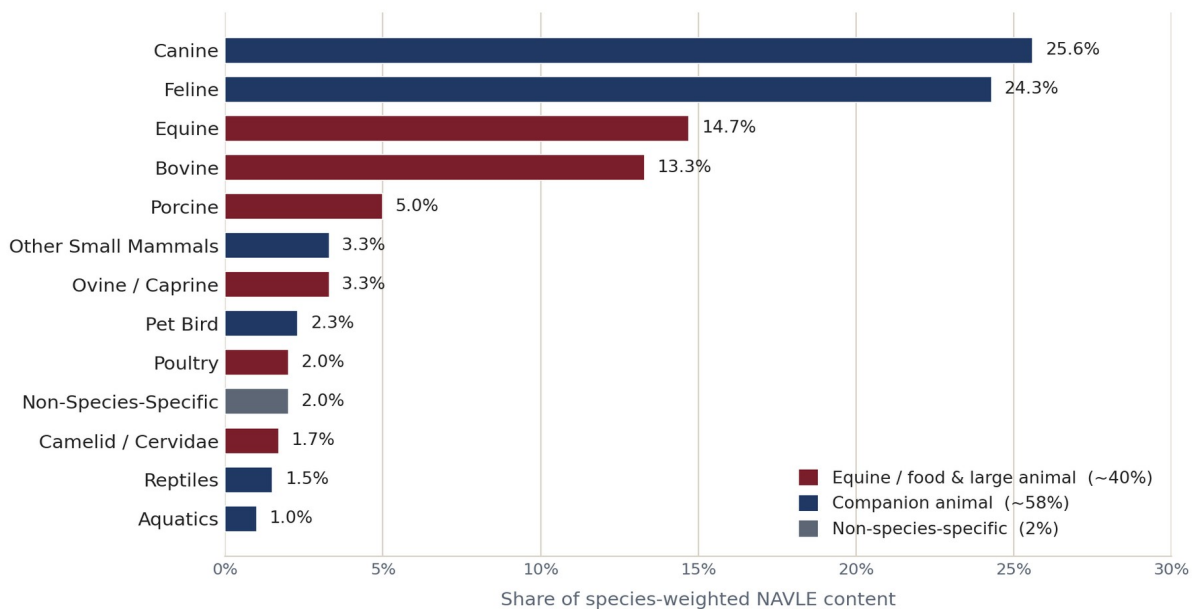
²⁴AVMA Council on Education, Accreditation Policies and Procedures: Standard 9 (Curriculum) — “the curriculum in veterinary medicine is the purview of the faculty of each college”; minimum 130 weeks of instruction and 40 weeks of clinical education. The Council’s procedures state that “the curriculum of each US/Canadian school/college varies widely.”

years — small-animal, equine, food-animal, or mixed paths — in which a small-animal-track student may complete only minimal food-animal clinical rotations.

Against that permitted variation, the NAVLE is uniform. As the species weighting shows, roughly 40% of the species-weighted exam is equine and food- or large-animal content — Equine 14.7%, Bovine 13.3%, Porcine 5.0%, Ovine/Caprine 3.3%, Poultry 2.0%, and Camelid/Cervidae 1.7% — while companion species account for about 58%.²⁵ A student who tracked into small-animal practice at an accredited college, exactly as that college’s curriculum permitted, must still pass a single national exam in which two of every five species-weighted points concern animals that student may have met only briefly in the clinic.

NAVLE species weighting vs. the tracked curriculum

Equine, food-animal, and other large-animal species make up ~40% of the species-weighted exam; companion-animal species ~58%.



Source: ICVA NAVLE blueprint (species / diagnoses weighting, derived from the 2017 practice analysis). Percentages are published relative weights, not binding item counts.

Exhibit 4.4-A — NAVLE species weighting against the tracked curriculum. Equine and food/large-animal species total about 40% of the species-weighted exam; companion species about 58%. Weights are ICVA’s published relative weights, not binding item counts.

The careful statement is structural, not causal: accreditation permits curricular tracking; the NAVLE tests the full species range; and neither ICVA nor the COE publishes the curriculum-to-blueprint mapping or the school-level subscore data that would let anyone test whether graduates of differently structured programs face systematically different alignment between what they were taught and what they are tested on. The risk is permitted by the structure and unresolved by the data. Two safeguards cut the other way and belong in the record: every school must keep its NAVLE pass rate at or above the Council’s 80% threshold,²⁶ and most schools maintain a broad common core. Those constraints narrow the divergence; they do not close it, and they do not make it measurable from outside.

²⁵ICVA NAVLE blueprint (species/diagnoses weighting), as in note 7.

²⁶AVMA Council on Education, Standard 11 (Outcomes): the NAVLE pass rate is the Council’s single quantitative outcome measure, with an expectation that 80% or more of each graduating class sitting the NAVLE will have passed at graduation.

4.4.4 School feedback: a pass rate, not a diagnosis

The information ICVA returns to schools deepens the problem. A veterinary college receives its own students' NAVLE pass rate — the number the Council on Education uses to police the 80% accreditation threshold. It does not receive meaningfully granular content-area feedback: the kind of breakdown that would show a curriculum committee where its graduates underperform, by subject, over time. And ICVA does not publish school-level pass rates at all, so no outside party can compare programs.

The contrast with peer professions is direct. In human medicine, NBME provides each medical school detailed annual and interim school reports, with content-area performance plotted against the national accredited cohort over three years — reports designed to support curricular decisions and accreditation self-study. In nursing, program-level NCLEX pass rates are public through state boards of nursing, which routinely require programs to meet a set percentage of the national rate.²⁷ Veterinary education has neither mechanism. Its schools are held to a quantitative pass-rate standard while being denied the granular diagnostic data that would let them meet it, and the public is denied the comparative data that would let it audit fairness across schools. The exam grades the schools; it does not help them — or anyone — see why.

4.4.5 Item development: a conflict the structure permits

A final gap concerns who writes the exam. In 2020, the Office of Professional Examination Services of the California Department of Consumer Affairs reviewed the NAVLE at the state's direction. It found the exam broadly sound — and, under its conflict-of-interest policy, it recommended that ICVA “phase out the use of faculty members and educators in the examination development and passing score setting processes,” flagging the use of instructors as out of compliance.²⁸

ICVA did not adopt that recommendation. Its 2024–2025 Technical Report lists active veterinary-college faculty among the item and form reviewers, and its public materials continue to invite academicians to serve as subject-matter experts.²⁹ Reasonable testing bodies differ here — the human-medicine and dental boards likewise use faculty who teach — and active-faculty involvement has real value in keeping items clinically current. But ICVA has published no response reconciling its choice with the state regulator's finding, and, for auditability, it discloses item-writer names without disclosing the institutional distribution of its writers or the safeguards against curricular self-dealing.

That silence is what creates the risk. The structure permits a condition under which schools whose faculty are disproportionately represented on item-writing and standard-setting panels could enjoy a closer fit between what they teach and what is tested — and ICVA publishes nothing that would let anyone determine whether that condition exists. NAVEC asserts no such advantage, and the public record establishes none. It establishes only that the question cannot be answered from outside, which is the recurring finding of this section.

²⁷NBME, USMLE Annual and Interim School Reports (content-area performance plotted against the national accredited cohort over three years). NCSBN publishes NCLEX results by program type, and program-level pass rates are published by state boards of nursing, which commonly require programs to meet a set percentage of the national rate.

²⁸Office of Professional Examination Services (OPES), California Department of Consumer Affairs, Review of the International Council for Veterinary Assessment North American Veterinary Licensing Examination (July 2020). Citing policy OPES 18-01, the review recommended that the NAVLE “phase out the use of faculty members and educators in the examination development and passing score setting processes.”

²⁹ICVA, 2024–2025 NAVLE Technical Report (as in note 3): Appendix listings of item reviewers and form reviewers include active faculty at AVMA-accredited veterinary colleges.

4.4.6 The cumulative effect: less verifiable than every peer exam

No one of these five gaps is, by itself, proof of unfairness, and each has an innocent reading. Their cumulative effect is the problem. On every dimension that lets an outside party verify a high-stakes licensing examination, the NAVLE discloses less than its counterparts in human medicine, dentistry, and nursing, as the comparison below shows.

Verification dimension	NAVLE (ICVA / NBME)	USMLE (NBME)	INBDE (JCNDE)	NCLEX (NCSBN)
Public technical report	Yes, but no model / reliability / SEM / DIF	Extensive	Detailed; invites outside scrutiny	Test plan + statistics
Equating / IRT model named publicly	No	Yes	Yes	Yes
Reliability, SEM, and DIF published	No	Yes	Yes	Yes
School / program performance reports	Pass rate only; no content-area feedback	Content-area school reports	Results to boards	Program reports + public rates
Program-by-program pass rates public	No	Limited	Limited	Yes (via state boards)
Active faculty eligible as item writers	Yes (against 2020 OPEs advice)	Yes	Yes	Yes
Score appeal or rescore	None	Limited recheck	Audit (fee)	Limited

Exhibit 4.4-B — Comparative verification transparency across four North American licensing examinations. Entries summarize what each program discloses publicly; “pass rate only” for the NAVLE reflects that ICVA returns pass rates, not content-area feedback, to schools and publishes neither. Sources as cited in this section.

4.4.7 The Tuskegee Question: Divergent Outcomes the Data Cannot Explain

The stakes of that silence are clearest in the case that has drawn the most public attention. Tuskegee University operates the only historically Black college of veterinary medicine in the United States, and its graduates account for a substantial share of the nation’s Black veterinarians.³⁰ As recently as 2017, roughly nine in ten of its graduating candidates passed the NAVLE.³¹ By 2024, declining year over year, that figure had fallen to 51% — a collapse steep enough that the college’s exam outcomes became one of the factors in its probationary accreditation.³²

What makes that decline so difficult to interpret is the very fact this section has documented throughout: no school’s curriculum fully matches the exam. Because the Council on Education permits clinical tracking, and because roughly 40% of the NAVLE’s species-weighted content is equine and food- or large-animal medicine (Exhibit 4.4-A), students at every accredited college — the strongest programs included — sit a licensing examination covering species many of them did not study in clinical depth. If that misalignment is universal, two patterns become genuinely hard to explain from the outside. The first is how some colleges sustain pass rates well above 90% year after year³³ on material their students may have encountered only briefly. The second is how an accredited college passes roughly nine in ten of its candidates and then, a few years later, barely half.

³⁰Tuskegee University operates the only historically Black college of veterinary medicine in the United States; the university reports that its graduates account for a substantial share of the nation’s Black veterinarians.

³¹The approximately 90% first-time pass rate for 2017 is stated in the October 2025 pre-litigation notice to the AVMA and ICVA and has not been disputed by ICVA. It is consistent with Tuskegee’s historically reported first-time NAVLE pass rates (for example, 91% in 2012).

³²VIN News Service (February 2025): Tuskegee’s NAVLE pass rate declined year over year from 79% in 2020 to 51% in 2024, and the college is on probationary accreditation in part because of its NAVLE outcomes (Standard 11), alongside identified deficiencies in finances (Standard 2) and clinical resources (Standard 4).

Each pattern has plausible, innocent explanations. Consistently high rates may reflect selective admissions, teaching strength, or an intensive commercial test-prep culture; and because essentially every candidate prepares from the same third-party materials — none of which has privileged access to live exam content — unequal “insider” preparation is not among the likely causes. A steep decline may reflect documented institutional strain — in Tuskegee’s case, deficiencies in finances and clinical resources that the accreditor identified independently of any exam question — or shifts in cohort, or the same curricular misalignment pressing hardest on a program with the fewest resources to absorb it. NAVEC asserts none of these as the explanation, and nothing here suggests that a high-performing college has done anything improper or that ICVA set out to disadvantage Tuskegee. The point is the reverse: none of these explanations can be tested, because ICVA publishes no school-level pass-rate trends, no performance broken down by clinical track, and no outcomes disaggregated by the categories the disparity claims concern.

It is this same vacuum that the disparity allegations run into. The October 2025 pre-litigation notice cites the Tuskegee decline, together with reported gaps for candidates with Hispanic surnames, as evidence that the exam may operate unfairly; ICVA, through counsel, denies any factual basis.³⁴ NAVEC takes no position on that dispute and does not need to. Whether the disparities trace to the exam, to differences among the schools, to the universal curricular mismatch, or to something else, the question can be neither proven nor refuted by anyone outside ICVA — because the body that holds the only data capable of settling it has released none of it.

That is the Tuskegee question, and it is finally a narrow one. It is not whether any college is strong or weak, and not whether anyone intended a disparate result. It is why a fall from nine in ten to one in two at an accredited college — and the steady, near-perfect rates at others — must both remain unexplainable to every party the licensing system exists to serve: the boards that rely on the score, the schools held to it, and the candidates whose careers turn on it. An outcome this consequential should not be a black box. On the present record, it is.

4.4.8 What would resolve this — and what ICVA has not done

Each concern in this section has a precise public remedy, and none has been met. ICVA could publish the psychometrics that would let an outside analyst evaluate the exam — the equating model, reliability, the standard error of measurement, the conditional standard error at the 425 cut, and item-functioning results by examinee group. It has not. ICVA could publish school-by-school NAVLE outcomes — the trends that would let a college like Tuskegee, and the boards that license its graduates, understand a fall from nine in ten to one in two — or content-area school reports of the kind NBME provides every U.S. medical school. It has not. No peer-reviewed study has established that curricular tracking produces no NAVLE performance gap, so the structural risk stands un rebutted. And the independent audit ICVA announced in December 2025 is not expected to conclude until the first quarter of 2027, and is being managed by ICVA’s own outside litigation counsel. Until these steps are taken, the exam’s fairness cannot be tested from the outside — not because the questions are unanswerable, but because the body that holds the answers has not released them.

³³AVMA: the NAVLE pass rate among graduates of COE-accredited colleges has historically averaged over 90%, with individual colleges varying above and below that figure.

³⁴The October 2025 pre-litigation notice alleges the NAVLE may be anticompetitive, fraudulent, or discriminatory, citing disparities affecting candidates with Hispanic surnames and graduates of Tuskegee University; ICVA’s chief executive has stated, through counsel, that the allegations have no factual basis. These are unproven allegations. (VIN News Service; Vet Candy.)

5. The Backdrop: Insider Control, Fee Dependence, and the Growth Curve

The allegations are set against a verifiable financial and governance backdrop that, while it proves no misconduct, heightens rather than diminishes the case for independent verification. ICVA is an insider-controlled monopoly whose revenue rises with the number of attempts candidates make, and whose surplus and assets have grown substantially over the same period in which the alleged irregularities are said to have intensified.

5.1 Revenue roughly doubled; contributions were always zero

FY (ending May)	Total Revenue	Program-Service (fee) Revenue	Contributions	Net Assets
2017	\$4,408,707	\$4,157,180 (94.3%)	\$0	\$9,569,918
2020	\$5,291,730	\$5,314,090	\$0	\$10,612,475
2023	\$7,589,023	\$7,444,627 (98.1%)	\$0	\$14,284,922
2024	\$9,131,123	\$8,577,870 (93.9%)	\$0	\$16,717,785
2025	\$10,153,275	\$9,281,618 (91.4%)	\$0	\$18,306,059

Table 3. ICVA revenue, fee share, contributions, and net assets, FYE 2017–2025. Source: ICVA IRS Forms 990 via ProPublica Nonprofit Explorer, EIN 36-3992537.

Revenue grew from roughly \$4.41M in FYE2017 to \$10.15M in FYE2025 — about a 2.3× increase — with net assets rising to \$18.3M, program-service revenue consistently above ninety percent of the total, and zero contributions in every year. CEO compensation over the same period rose from about \$190,000 (FYE2017) to \$295,155 plus \$38,433 in other compensation (FYE2025). The institution is funded, essentially in full, by what candidates pay to sit and re-sit the one exam they cannot avoid.

5.2 Record volume — the engine of the growth

ICVA reported a record 9,301 examinations administered in the 2024–25 testing cycle, “a 51% increase over the past five years” and a 4.3% rise over the 8,915 administrations in 2023–24.³⁵ Rising volume multiplied by a nonrefundable per-attempt fee is the engine of the revenue curve above. NAVEC does not assert that growth caused any irregularity. It observes only that the window in which the allegations are said to have intensified is the same window in which ICVA’s fee-driven revenue, surplus, and accumulated net assets grew substantially — a context in which the public interest in independent verification is at its highest, not its lowest.

6. The Candidate Agreement: How the Evidentiary Loop Is Closed

The reason the allegations cannot be proven from outside — and equally, the reason ICVA’s denial cannot be tested from outside — is written into the contract every candidate must sign. The following analyzes only the terms that go beyond ordinary copyright and test-security protection and are coercive or unusual on their face.

³⁵“NAVLE will undergo independent audit,” AVMA, Dec. 2025, [avma.org/news/navle-will-undergo-independent-audit](https://www.avma.org/news/navle-will-undergo-independent-audit); ICVA 2024–2025 Annual Report.

All quotations are verbatim from the NAVLE Candidate Agreement, Appendix D of the NAVLE Candidate Handbook (2026–2027), version 0.026.³⁶

6.1 Sole-discretion score invalidation, with no proof of wrongdoing and no appeal

...if ICVA® has a reasonable basis to question the validity of any ICVA® score, whether identified through the use of statistical analysis, psychometric analysis or any other reliable method or source of information, ICVA® reserves the right, in its sole discretion, to withhold, cancel and invalidate examination scores, without any requirement to demonstrate that I or any other Candidate violated the terms of the Candidate Agreement or engaged in an exam security violation. I agree that if ICVA® invalidates my examination score, I have no right to appeal ICVA®'s decision...

This clause lets ICVA nullify a result for any reason or none, on a self-defined “reasonable basis,” with no requirement to prove the candidate did anything wrong and no right of appeal. It also quietly contradicts ICVA’s public posture (Section 7) that scoring is a mechanical, NBME-run process in which ICVA is barely involved: a body that merely waits at the end of a pipeline does not need — and would not reserve — sole-discretion authority to invalidate scores through its own “psychometric analysis.”

6.2 The gag clause — which reaches the candidate who wants to report a flawed question

I will not discuss or disclose NAVLE® Examination Content... prohibited acts under these terms include, but are not limited to: describing questions, answer choices, hypothetical scenarios, reading passages, images or graphics... identifying terms or concepts contained in exam questions or responses;... reconstructing a list of topics on the test; and soliciting or discussing exam questions, answer choices... or topics... on Internet 'chat' rooms, social media, private or public groups, message boards, forums, or through any other means of communication.

This sweeps far past preventing the leak of live items for cheating. By barring “describing questions,” “identifying terms or concepts,” and “reconstructing a list of topics,” it silences the candidate who experienced a defective item — a question with two correct answers, content outside the blueprint, an image too blurry to read, a scenario turning on regional slang — and wants to report it. That candidate cannot describe the item to the press, to a board, arguably not even in a public complaint, without exposure under an agreement ICVA may enforce in its sole discretion. The gag does not distinguish the cheater from the witness. It is also why the very item-quality complaints catalogued in Section 2 can never be independently corroborated: the people who saw the items are contractually forbidden to describe them.

6.3 Compelled cooperation, repurposable as whistleblower identification

...if I receive or have access to information or material in any form and from any source... that I reasonably believe contains confidential NAVLE® Examination Content... I will immediately report its existence to ICVA®. I agree that I will fully cooperate with any investigation by ICVA®... disclose to ICVA® all knowledge that could potentially relate to the investigation; produce all documents, data, and materials reasonably requested by ICVA®; [and] upon request, submit to an in-person or remote interview, in ICVA®'s sole discretion...

³⁶NAVLE Candidate Agreement, Appendix D (v0.026), NAVLE Candidate Handbook 2026–2027; parallel text in the 2025–2026 Candidate Bulletin, Appendix C.

Read together with the sole-discretion sanctions, these duties give ICVA a mechanism to identify and silence whistleblowers — and even people merely discussing exam fairness — with no cheating predicate required. A candidate who hears that someone is describing or criticizing the exam is contractually obligated to report it and to cooperate, produce materials, and submit to interview on demand. The apparatus built to protect item security doubles as an instrument for surfacing, and disciplining, those who would supply outside evidence of unfairness. Layered onto the November 25 ethics policy's "moral norms of the general community" standard, the candidate is exposed on two overlapping fronts at once.

6.4 The unilateral, unappealable ban

Prohibit or disqualify me from taking the NAVLE® for a fixed period of time or indefinitely.... If ICVA® determines in its sole discretion that a Candidate has violated any part of this Agreement... the Candidate shall not have the right to appeal any such action by ICVA®.

Because the NAVLE is the sole gateway to the profession, an indefinite ban imposed at ICVA's sole discretion is a discretionary, unappealable power to end a veterinary career — exercisable against precisely the people most likely to hold evidence of the conduct the allegations describe. Taken together, these terms mean that any insider or candidate who surfaces evidence of unfairness can be investigated, compelled to produce materials, banned, and silenced by ICVA unilaterally and without appeal. The contract closes the evidentiary loop that the data monopoly opens.

7. The "Audit" and the Contradictions It Cannot Survive

7.1 "No factual basis" — and the "NBME does the scoring" deflection

ICVA CEO Dr. Heather Case told VIN News the organization "responded through legal counsel and maintains that the accusations have no factual basis," and stressed that ICVA "works with the National Board of Medical Examiners (NBME)... including item editing, technical review, scoring, and score reporting" — a framing that distances ICVA from scoring decisions.³⁷ But ICVA's own Candidate Agreement and Handbook reserve to ICVA — not NBME — the sole-discretion power to "withhold, cancel and invalidate examination scores," to do so "without any requirement to demonstrate" any violation, and to deny any appeal. Whatever NBME's mechanical role, ICVA retains wide, unappealable control over scores and outcomes. The "nothing to do with scoring" impression cannot be reconciled with the contract ICVA itself drafted.

The deflection also collapses against ICVA's own operational record. Its technical documentation describes post-administration "key validation / pool review" in which content experts may "delete or rekey items from the NAVLE item bank" after performance data are available; its Annual Report describes subject-matter experts meeting after the testing window to review item performance; and its January 2024 score-report notice confirms ICVA can terminate "access to all reports from the portal" to resolve a problem. Deleting or re-keying an item after administration changes scored outcomes. The public claim of "no human involvement in the scoring of the test" is therefore not merely incomplete; it is irreconcilable with ICVA's own documents.

7.2 "Already validated" — a paperwork review, not a fairness audit

ICVA has pointed to a 2020 review by the California Department of Consumer Affairs' Office of Professional Examination Services, and to its periodic practice analyses, as evidence of rigor. But a practice analysis establishes the blueprint, not fairness or validity; and the 2020 OPES review, by its own terms, "received and

³⁷Statement of Dr. Heather Case to VIN News, as reported in Vet Candy, Dec. 28, 2025.

reviewed documents provided by ICVA” and exchanged clarifying emails. It did not audit raw exam data, replicate scoring, inspect score-production logs, run independent DIF, or verify that the procedures described on paper were the ones used in live administrations. It was a document-based suitability review of procedures as ICVA described them — not the forensic fairness audit the controversy concerns. ICVA’s own December 2025 announcement treats the forthcoming review as the first of its kind.

7.3 The audit as theater: announced, silently revised, and routed through the defense

On December 1, 2025, ICVA announced it had “made the decision to initiate an audit of the examination performed by an independent third party,” stating it was “in the early stages.” Contemporaneous screenshots show the announcement first appeared as “ICVA Statement on NAVLE Audit” and then reappeared — with no visible correction notice and the original date preserved — as “ICVA Statement on NAVLE Independent Audit,” adding the crucial “independent third party” language after the fact. Quietly sharpening an official statement at the precise point of maximum public sensitivity, while leaving the original date in place, is not a credibility-building move.

Then came roughly five months of silence. As of May 14, 2026, ICVA’s materials still described the audit prospectively (“intends to conduct”), with no auditor named, no methodology, no timeline, and no substantive update. On June 4, 2026, the key disclosure finally arrived: ICVA “has asked Dorsey & Whitney LLP to manage the audit process,” and “Dorsey issued a request for proposals and selected ACS Ventures, Inc., to conduct the audit,” with completion “expected... in the first quarter of 2027.”³⁸

The independence problem. Dorsey & Whitney is ICVA’s litigation counsel — the firm prosecuting *International Council for Veterinary Assessment v. Openvet, Inc.*, No. 1:26-cv-00075 (D. Del.), on ICVA’s behalf. An audit managed by the auditee’s own litigation advocate, with the auditor selected by that advocate and the engagement routed through counsel, is structurally a defense work-product exercise, not third-party assurance. It is a one-way valve: ICVA, through its counsel, can release findings that favor it and assert attorney-client privilege or work-product protection over findings that do not. Whatever ACS Ventures’ professional competence — which is not the issue — the engagement is controlled by the party defending the exam against legal attack, in tension with bedrock auditor-independence norms (AICPA independence in fact and appearance; the GAO “Yellow Book”; ISO/IEC 17024). It cannot deliver the one thing the boards need: independent assurance.

8. The Central Question: May a Board License on an Exam It Cannot Verify?

The preceding sections establish a factual posture; this one states the legal question that posture forces, and does so with discipline. NAVEC is candid about what the law does *not* support, because candor is what makes the surviving argument credible. The following identifies issues for examination by regulators and counsel; it is not legal advice.

8.1 What deference forecloses — stated plainly

A state board’s ordinary reliance on a national licensing examination is, under settled doctrine, very likely lawful. Occupational regulation is reviewed under rational basis, and a written competency exam is the

³⁸“ICVA’s Progress on the Audit to Ensure Fairness, Integrity and Rigor of the NAVLE,” ICVA, June 4, 2026, icva.net.

paradigmatic rationally-related licensing tool; a facial attack on “using the NAVLE at all” fails. The procedural-due-process claim is also weak, because courts uniformly treat the right to retake as the constitutionally adequate substitute for a rescore or hearing (*Tyler v. Vickery*, 517 F.2d 1089 (5th Cir. 1975)) — and the NAVLE now offers five attempts. NAVEC does not overstate these. The exposure does not live in the headline constitutional claims.

8.2 Where the exposure actually lives

Two openings survive deference, and both are sharpened — not weakened — by the unverifiability this study documents.

1. **The rational-connection floor.** Even deferential review requires, under *Schwartz v. Board of Bar Examiners*, 353 U.S. 232 (1957), that a licensing qualification “have a rational connection with the applicant’s fitness or capacity to practice,” and that the state not exclude an applicant “when there is no basis” for the finding of unfitness. Where the instrument cannot be shown to measure competence — because it is unvalidated, unauditible, never DIF-tested, and shielded by the developer’s refusal of transparency — the evidentiary basis connecting a failing NAVLE score to actual unfitness is, NAVEC argues, unestablished and unknowable. The rational connection must run to fitness, not merely to “a score on an instrument we cannot examine.”
2. **Title VI disparate impact — where unauditability is fatal to the defense.** This is the most serious exposure. Under the borrowed validation framework of *Griggs v. Duke Power* and *Albemarle Paper v. Moody*, once a prima facie disparate impact is shown, the burden shifts to the test’s proponent to prove job-relatedness through validation — and an exam that was never validated and never DIF-analyzed cannot carry that burden. As the teacher-licensing cases (*Gulino v. Board of Education*) confirm, a state-law mandate is no escape. The very secrecy that protects the NAVLE from scrutiny in one sense destroys its legal defense in another: the unauditability that prevents proof of bias also prevents the proof of validity the law demands once disparity is shown.
3. **State administrative law and improper sub-delegation.** Likely the most practical battleground. The determinative pass/fail line — the scaled-score cut of 425, the actual locus of the exclusion decision — is set and “approved by ICVA” and applied across forms through equating the board cannot inspect. A board’s reliance on an unvalidated exam, and its sub-delegation of the cut-score decision to a private actor it cannot audit, is challengeable under state APAs as “arbitrary and capricious,” “not supported by substantial evidence,” or “in excess of statutory authority,” where the deferential federal constitutional overlay does not fully control and a reasoned record can be demanded.

8.3 The presumption of validity is earned, not assumed

The deference courts extend to testing bodies is not a talisman that attaches to anything labeled a “licensing exam.” Across the cases it rests on identifiable premises — that the exam is professionally developed, validated, job-related, and supported by a defensible cut score. It is a rebuttable presumption earned by demonstrable rigor. Where those premises are unverifiable — no completed independent audit, no published DIF, no rescore or appeal — the foundation for deference is absent, and a reviewing court, especially under a state APA’s hard-look standard, need not extend it. This is the single most important conceptual move in the analysis: **the NAVLE’s unauditability cuts against the very deference the exam relies upon.**

8.4 The board’s dilemma

“We just rely on ICVA” is unlikely to be a complete legal answer. A board’s enabling statute charges it with protecting the public — and that mandate is both a sword and a limit. Using an unverifiable exam to exclude candidates who may in fact be competent does not serve public protection; it may disserve it, by deepening a



documented workforce shortage while exceeding the board's statutory warrant. The police-power rationale that shields boards from employment-law liability (*George v. New Jersey Board of Veterinary Medical Examiners*, 794 F.2d 113 (3d Cir. 1986)) is double-edged: it presumes the board is genuinely protecting the public. A board that lets an unauditible exam exclude qualified candidates, in the face of un rebutted fairness allegations and without any verification mechanism, undercuts the very premise that protects it. At minimum, NAVEC submits, the statutory mandate, Schwere's rational-connection floor, and state reasoned-decision requirements together supply a duty of reasonable inquiry — which "we just rely on ICVA" may not discharge.

The question, distilled. A state may not bar a person from their chosen profession on the basis of a finding for which there is no ascertainable basis. The NAVLE is, on the public record, an instrument whose fairness and validity the boards cannot verify, whose developer declines the transparency every peer program provides, and which — by its developer's own undisclosed-data rationale — may itself have shown a problem. The question every board, attorney general, and court should now confront is therefore not whether the allegations are true, but this: **how can a licensing authority lawfully and defensibly deny a qualified candidate entry to their profession on the basis of an examination that cannot plausibly be shown to be fair?**

9. Conclusion and Reform Agenda

The misconduct allegations against the NAVLE cannot be proven from outside ICVA. Equally, they cannot be disproven from outside ICVA. ICVA controls every item, every scoring and equating decision, and every outcome record; it declines the published DIF analysis that is routine professional hygiene everywhere else; it seals an item pool that peer programs open by the thousand; and its Candidate Agreement equips it to investigate, compel, ban, and silence the candidates and insiders who might otherwise supply evidence. Under legal threat it paid its most dangerous potential plaintiffs to stand down, armed itself against anyone who would speak, and grounded the whole maneuver in "NAVLE data" it will not disclose. Then it answered the call for an independent audit with one run by its own litigation counsel. This epistemic closure is itself the indictment.

It follows that:

1. **The boards cannot claim to know the allegations are false.** ICVA's "no factual basis" is, on the public record, exactly as unverifiable as the allegations it denies — and ICVA's own undisclosed-data rationale cuts the other way.
2. **A public-protection licensing decision cannot defensibly rest on an exam no one outside ICVA can verify.** The legitimacy of every NAVLE-based grant or denial of licensure is only as sound as the verifiability of the exam — and that verifiability is, today, zero.
3. **The 2027 audit cannot cure the defect,** because it is commissioned, scoped, channeled, and suppressible by ICVA's own litigation counsel. Whatever it concludes, it cannot let the boards *know* the exam is valid.

9.1 Reform or Replace

NAVEC does not call for abolishing the NAVLE or dismantling national licensure. We call for the verification mechanisms that should already exist — the same four pillars the strongest peer exams already possess, and which would let a veterinary board move from "we cannot tell" to "we can show":



- **A genuinely independent audit** — commissioned by, and reporting to, a body other than ICVA’s litigation counsel (a coalition of boards or an independent oversight committee), with the auditor selected on a basis that satisfies independence in fact and appearance, and with a written, advance commitment that the full, non-privileged findings will be released publicly.
- **Published DIF and fairness analysis** — recurring, disaggregated item-functioning and subgroup analyses, with disparities treated as signals requiring content review, on the model the AERA/APA/NCME Standards describe and the USMLE, NCLEX, and bar already follow.
- **A real score-validity appeal and rescore mechanism** — a defined channel, with independent review, for candidates to challenge score validity and defective items, replacing sole discretion with process.
- **A public technical report and recurring external oversight** — periodic, genuinely independent technical review with board and public access to validity documentation, on the model of the JCNDE INBDE Technical Report and the standing peer systems.

Until these exist, the honest answer to “Is the NAVLE fair?” is not “yes” and not “no.” It is: “No one outside ICVA can tell.” For an examination that is the sole gateway to a profession charged with protecting public and animal health — and that bars qualified people from that profession with no avenue of appeal — that answer is not good enough, and the boards that rely on it should say so. Section 10 sets out what saying so should look like, in practice, on a ladder that scales with what the verification ultimately shows.

10. Recommendations and the Path Forward

NAVEC’s recommendations are deliberately staged. They begin with an immediate measure that protects candidates and the public without prejudging the outcome; proceed to the diagnostic work that would actually answer the fairness question; require the governance and transparency reforms that would let the answer be trusted going forward; and end with the contingency the boards retain if reform fails or the diagnosis confirms the worst. Each rung is calibrated to the evidence: the further ICVA falls short, the further the boards are warranted in going. Throughout, NAVEC’s role is that of investigator and advocate. We recommend; the boards, which hold the licensing authority, decide and act.

10.1 Immediate — Grant provisional licensure while the exam’s fairness is unresolved

The most urgent step requires no finding of misconduct and no concession by ICVA. It follows directly from the central problem this study documents: a board cannot defensibly make an irreversible exclusion decision on the basis of an instrument it cannot verify. The proportionate response is to make the decision reversible in the interim. NAVEC recommends that state and provincial boards adopt **conditional or provisional licensure** for otherwise-qualified candidates affected by the contested administrations — graduates of accredited programs who have met every requirement but the NAVLE, or who have a documented, unexplained divergence between predictive performance and result — allowing them to practice under defined supervision while the fairness question is resolved.

This serves the board’s public-protection mandate rather than undercutting it. Supervised practice protects the public while a documented workforce shortage goes unmet; and it relieves the board of the *Schware* rational-connection problem in the interim, because the board is no longer resting a permanent denial of someone’s livelihood on a finding whose basis it cannot establish. It mirrors the conditional and provisional on-ramps human medicine already uses to put qualified, supervised practitioners to work while credentialing is completed. Provisional licensure is not a verdict on the allegations; it is the responsible posture for a regulator

that has been told, credibly and from multiple directions, that the one tool it relies on may be flawed, and that cannot yet rule the concern out.

10.2 Diagnostic — Commission an independent forensic audit and a full item-bank review

The fairness question can only be answered by the work ICVA has so far declined to permit on independent terms. NAVEC recommends that the boards — collectively, through AAVSB or an independent oversight committee, and **not** through ICVA's litigation counsel — commission a genuinely independent council of psychometric and veterinary experts to conduct, and publicly report, the following:

- **A full forensic audit** of the contested administrations — reaching raw item-level response files, form-assignment records, item-key history and post-administration re-key and deletion events, equating specifications and outputs, score-production and rerun logs, quality-control checkpoints, and all score-hold and invalidation records, with timing, rationale, and decision-maker. This is a forensic examination of how the exam actually operated, not a paper review of how ICVA says it operates.
- **A published differential item functioning (DIF) and subgroup fairness analysis** run on actual exam data, disaggregated by the region, sex, ethnicity, language-background, and school groups named in the allegations — with the discipline this study sets out in Section 4: DIF is the signal that triggers content review, not a verdict; legitimate difficulty stays, construct-irrelevant artifacts are fixed.
- **A complete review of the entire question bank** by the independent council — every operational and pretest item assessed against the published NAVLE blueprint and the AERA/APA/NCME Standards for construct relevance, defensible single answers, image quality, and freedom from regional or language artifacts — retiring or repairing items that fail, on the record.

The defining features are independence and publication. The council must be selected by, and report to, a body other than the party defending the exam, on a basis that satisfies independence in fact and in appearance; and its full, non-privileged findings must be released publicly, by written commitment given in advance. An audit commissioned, scoped, channeled, and suppressible by ICVA's own litigation counsel — the arrangement Section 7 documents — cannot satisfy this recommendation, whatever the competence of the firm conducting it.

10.3 Structural — Reform ICVA's governance and transparency to accepted exam standards

Diagnosis is not durable repair. For the boards to rely on the NAVLE going forward, ICVA must be brought from sole discretion into compliance with the accountability standards every major peer examination already meets. NAVEC recommends that continued board reliance on the NAVLE be conditioned on ICVA adopting, within a defined and public timeline, the four structural pillars identified in Section 4:

- **Independent governance restructuring** — a governing structure that is no longer a closed loop of the institutions that consume the credential, with independent seats and a composite-committee model on which the relying boards and the public are represented and hold authority over scoring procedures and the passing standard, on the USMLE model.
- **Published DIF and a public technical report** — recurring, disaggregated fairness analysis and a complete technical report documenting blueprint, equating, reliability, and standard-setting, on the model of the JCNDE INBDE Technical Report and NCSBN's documentation, released as routine quality control rather than withheld.

- **A real score-validity appeal and rescore channel** — a defined process, with independent review, that replaces the current “sole discretion / no appeal” regime and gives candidates an avenue to contest score validity and defective items.
- **Recurring independent external oversight** — periodic, genuinely independent technical review on a fixed cycle, with board and public access to validity documentation, so that verification is a standing feature rather than a one-time, litigation-driven event.

Compliance must be measured against the recognized benchmarks — the AERA/APA/NCME Standards, and the auditor-independence norms (AICPA independence in fact and appearance, the GAO “Yellow Book,” ISO/IEC 17024) the current audit arrangement strains. The test is not whether ICVA says it is fair; it is whether ICVA has adopted the mechanisms that let an outside party confirm it.

10.4 Contingency — The boards’ inherent authority to convene an alternative

Reform is the preferred outcome, and the first three recommendations are designed to achieve it. But the boards are not without recourse if it fails. If ICVA cannot or will not be reformed in both governance and transparency, or if the independent forensic audit confirms the serious concerns this study has documented, **the boards retain the inherent authority to convene a council to establish an alternative examination body** — governed under the authority of the boards themselves and operated in compliance with all applicable regulations and the recognized testing standards.

The boards are the licensing authorities; the power to decide what examination conditions entry to the profession is theirs, not the incumbent administrator’s. A board-authorized alternative would be built on the governance and transparency principles the incumbent lacks: independent, board-seated governance on the USMLE composite-committee model; published scoring procedures, DIF, and a public technical report; a genuine score-validity appeal and rescore process; a scalable credentialing pathway on the ECFMG model; and recurring independent oversight — the same pillars set out above, built in from the start rather than retrofitted under pressure. Standing up an alternative is the most consequential step on the ladder, and it should remain a contingency, invoked only if reform fails or the audit warrants it. But it must remain visibly available, because it is what makes the case for reform credible: an incumbent monopoly reforms when the cost of inaction is the loss of the monopoly itself.

NAVEC does not seek to administer, operate, or profit from any examination, and takes no role in any successor body; our interest is confined to the integrity of the licensing system and the candidates and public it is meant to serve. We identify the boards’ authority and the path; the boards exercise it. Reform or replace — reform first, and replacement by the boards’ own authority if reform fails or the audit warrants it.

10.5 Summary of recommendations

Tier	Recommendation	Trigger / purpose
Immediate	Grant conditional/provisional licensure to affected qualified candidates, under defined supervision, pending resolution.	Protects public and candidates without an irreversible decision on an unverifiable exam; relieves the <i>Schware</i> rational-connection problem in the interim.
Diagnostic	Commission an independent, publicly reported forensic audit, DIF/subgroup analysis, and full item-bank review — not through ICVA’s litigation	Answers the fairness question on independent terms; converts “we cannot tell” into a verifiable finding.

Tier	Recommendation	Trigger / purpose
	counsel.	
Structural	Condition continued reliance on ICVA adopting independent governance, published DIF and technical report, a score-validity appeal, and recurring external oversight — to accepted exam standards.	Makes any future reliance defensible; replaces sole discretion with verifiable accountability.
Contingency	Boards retain inherent authority to convene a council to establish a board-authorized alternative examination body under all applicable regulations.	Invoked <i>only</i> if ICVA cannot be reformed in governance and transparency, or if the audit confirms the worst. Makes reform credible.

Table 4. NAVEC’s tiered recommendations. The remedy scales with the evidence: each tier is warranted by ICVA’s failure to satisfy the one before it.

Appendix A — Claims, Sources, and Verification Posture

Each row marks whether a claim is a verified primary-source fact, a named third-party allegation, or a matter ICVA’s data monopoly renders unverifiable. The pattern is the thesis: the institutional and contractual facts are verified; the misconduct allegations are unverifiable precisely because ICVA controls the data.

Claim / Allegation	Source	Status
NAVLE is the sole licensure exam in all U.S./Canada jurisdictions	ICVA NAVLE page / Handbook	Verified fact
13-director board designated by constituent orgs + at-large	ICVA About page; Annual Report	Verified fact
Revenue ~\$4.41M (FYE17) → ~\$10.15M (FYE25); ~91% fee revenue; \$0 contributions	IRS Form 990 via ProPublica	Verified fact
Record 9,301 exams in 2024–25; +51% over 5 yrs	AVMA; ICVA Annual Report	Verified fact
Five new attempts for all candidates eff. Dec. 1, 2025; waivers voided	ICVA news release, Nov. 17, 2025	Verified fact
Reset “based on a comprehensive review of candidate feedback and NAVLE data”	ICVA retake announcement, Nov. 17, 2025	Verified fact (ICVA’s words)
Ethics policy reaching “moral norms of the general community,” sole discretion, no appeal	Ethical Behavior Policy (adopted 2025.11.25)	Verified fact (primary text)
Sole-discretion score invalidation w/o proof of violation; no appeal	Candidate Agreement v0.026, App. D	Verified fact (primary text)
Gag clause barring “describing questions,” “identifying terms or concepts”	Candidate Agreement v0.026, App. D	Verified fact (primary text)
Unilateral ban “for a fixed period of time or	Candidate Agreement v0.026, App. D	Verified fact (primary text)

Claim / Allegation	Source	Status
indefinitely”		
Audit managed by Dorsey & Whitney (ICVA’s litigation counsel); ACS Ventures auditing; due Q1 2027	ICVA update, June 4, 2026; ICVA v. Openvet docket	Verified fact
NAVLE is “potentially anticompetitive, fraudulent, and discriminatory”	Lieff Cabraser notice, Oct. 23, 2025	Third-party allegation
Defective items; >1 correct answer; out-of-blueprint content (camels, sharks)	Lieff Cabraser notice; Change.org petition (1,200+ signers)	Allegation; corroborated by volume, unverifiable
Grader bragged he would “keep the brown ones out”	Senior-veterinarian whistleblower via notice	Third-party allegation; unverifiable
Race/ethnicity disparities (Hispanic surnames; Tuskegee); post-2017 intensification	Lieff Cabraser notice; coalition of Black vets	Allegation; unverifiable — ICVA controls disaggregated data
Strong-Self-Assessment candidates failed unexplained	Lieff Cabraser notice; candidate reports	Allegation; unverifiable — ICVA controls outcome data
No published operational NAVLE DIF / fairness analysis	Absence on public record; ICVA materials	Verified absence

Table A. Allegations and contradictions, with attribution and verification posture.

Appendix B – Source Notes and Verification Posture

Primary / verifiable (ICVA’s own documents)

NAVLE Candidate Handbook 2026–2027 (incl. Candidate Agreement, Appendix D, v0.026, and Exam Security Investigation and Appeal Policy); NAVLE Candidate Bulletin 2025–2026; Ethical Behavior Investigation and Appeal Policy (adopted 2025.11.25); NAVLE Retake Policy Changes (announced Nov. 17, 2025; effective Dec. 1, 2025); ICVA Statement on NAVLE Independent Audit (Dec. 1, 2025); ICVA Audit Progress Update (June 4, 2026); ICVA About/governance page; ICVA 2024–2025 Annual Report; NAVLE and FAQ pages.

Primary / verifiable (independent public records)

IRS Forms 990 via ProPublica Nonprofit Explorer (EIN 36-3992537); DOJ Statement of Interest and press release in *LMU v. AVMA* (justice.gov); *ICVA v. Openvet, Inc.*, No. 1:26-cv-00075 (D. Del.) docket; 2020 California OPES NAVLE review.

Third-party allegations (named)

Lieff Cabraser Heimann & Bernstein pre-litigation notice, Oct. 23, 2025 (Kelly M. Dermody), as reported by VIN News and Vet Candy; Change.org petition (Dr. Jill Lopez); Latinx Veterinary Medical Association open letter (Dr. Mitsie Varga); coalition of affected Black veterinary candidates open letter. These are advocacy and legal-demand documents; their factual contentions are serious and unrebutted but are not independently verified by NAVEC.



Legal authority (for the issues framework only)

Schwartz v. Board of Bar Examiners, 353 U.S. 232; *Mathews v. Eldridge*, 424 U.S. 319; *Tyler v. Vickery*, 517 F.2d 1089; *Washington v. Davis*, 426 U.S. 229; *Alexander v. Sandoval*, 532 U.S. 275; *Griggs v. Duke Power*, 401 U.S. 424; *Albemarle Paper v. Moody*, 422 U.S. 405; *Gulino v. Board of Education*, 460 F.3d 361; *George v. N.J. Bd. of Veterinary Medical Examiners*, 794 F.2d 113; *Carter v. Carter Coal*, 298 U.S. 238; *Brentwood Academy v. TSSAA*, 531 U.S. 288; AERA/APA/NCME Standards for Educational and Psychological Testing (2014); EEOC Uniform Guidelines (29 C.F.R. Part 1607); AICPA independence standards; GAO “Yellow Book” (GAGAS); ISO/IEC 17024.

Unverifiable — cannot be confirmed because ICVA controls the data

All outcome-disparity claims; all scoring/equating/scaling claims; the existence and contents of any internal data review (including the “NAVLE data” cited for the retake reset); whether Self-Assessment / actual-result divergences are systemic. NAVEC flags these as inherently unverifiable absent independent data access — the core of the thesis.

Prepared by the North American Veterinary Ethics Council (NAVEC). This document is a research study compiled from primary sources and named third-party allegations. It does not assert that any individual or entity committed misconduct; its thesis is that the governing structure prevents independent verification of either the allegations or ICVA’s denials, and that a licensing authority cannot defensibly bar candidates from their profession on the basis of an examination it cannot verify. This study uses only public, citable data and maintains a firewall between NAVEC’s public advocacy and any private interest. It identifies issues for examination by regulators and counsel and is not legal advice. NAVEC’s position is reform or replace: reform of the NAVLE and its administrator where possible, and replacement under the boards’ own authority where reform fails or independent verification confirms the concerns this study documents.