Summary of Concerns and Documentation Presented to the De Anza Academic Senate Regarding Proctoring Software

Fall 2021

Compiled by Academic Senate President Cheryl Jaeger Balm

This document is a compilation of everything expressed to the De Anza Academic Senate and the officers of that body in Fall 2021 regarding whether De Anza should re-adopt proctoring software. It includes things presented in Academic Senate meetings and emailed to the Academic Senate officers. It also includes claims made at the AAC&U conference Renewing the Legitimacy of Learning: A Symposium on Academic Integrity (1), which was attended by the Academic Senate President. No additional outside research was done by the officers in compiling this document.

Purview

Does the Academic Senate have the authority to have input on whether or how to adopt proctoring software? Yes.

- This falls under the Academic Senate 10+1 areas 1 - Curriculum, 3 - Grading policies, and 5 - Standards or policies regarding student preparation and success.
- Precedence includes Academic Senate involvement and approval of the adoption of the instructional software Canvas, as well as the resolution against proctoring software passed by the Foothill Academic Senate, also within the FHDA District.
- The De Anza President, VPI and Interim AVPI all agree that the Academic Senate should have a say on this topic (though not the only say).

When COVID and shelter-in-place hit, we got Labster, Proctorio and a few other packages that we deployed without them going through our typical workflow for determining if a particular application meets certain standards, which primarily center around accessibility, support, cost, impact and meeting student needs. Now is our chance to vet proctoring software, which includes input from Academic Senate and the Online Advisory Group.

Academic Integrity

All faculty agree that this is an issue that must be addressed. There is no argument on that. The questions are whether proctoring software is an effective means to addressing the issue, and whether the impact such software has on certain student groups is worth it.

We were asked in an Academic Senate meeting to consider what message we are sending to students. The message to students should be that **cheating is socially unacceptable**. There is not an instructor I have heard from that disagrees with this message. However, we may also

want the message to students to be that **all are welcomed and valued at our institution**. Are these two messages compatible?

Academic Freedom

BP 4190 on Academic Freedom assures instructors the right to determine appropriate assessment methods. **The Academic Senate takes Academic Freedom very seriously**, but also takes the College and District mission statements very seriously. Questions remain: When does academic freedom cross the line into infringement of student rights and invasiveness? Is the method of proctoring and implementation fully covered under methods of assessment? Should these questions be answered at the college level, or should we defer to individual faculty members, departments, or divisions decisions?

Financial Cost

Currently IPBT has requests for more than $70,000 for proctoring software expenditures. While we do not have solid numbers on how many instructors have used Proctorio in the past or are currently asking for the reimplementation of proctoring software, our best estimate is that it is **less than 10% of our instructors**.

One request to IPBT is for $50,000 for proctoring software from ASLR. Should such a large budget item have to come out of the general budget when 90% of faculty don't want or plan to use it? If we were to reimplement such software, would it not be more fair to faculty to bill the expense only to the divisions in which it is used? *What does it say about our institutional values when we may be willing to allocate $50,000 to divisive proctoring software, yet we have an instructor who requested films from Kanopy this quarter and received a message including, "These annual licenses are costing the library $100+. We do want to be fair and share the resource as evenly as possible."*

We have also heard there are less expensive software choices, namely that Honorlock charges $8 per student. This is $8 per student *per assessment*. This adds up to:

$8 x 40 students x 3 exams = $960 per class minimum,

assuming the class is not very large and HonorLock is only used on two midterms and a final. Calculations like this led to the IPBT resource request from BCAT for $22,000 for proctoring software for *just three instructors*.

Privacy and Legal Concerns

De Anza's MPS and EPS counselors (9) noted that over 25% of De Anza students who participated in the Covid-19 Spring 2020 survey stated that they do not have a quiet, secluded space to study at home, putting them at an automatic disadvantage when surveillance software is implemented. Likewise, in a survey sent to De Anza students who were registered during Spring 2020, 39% of respondents indicated some level of disagreement with the statement "I always have access to a quiet place where I can complete my classwork."

According to research done by Foothill's Committee on Online Learning (6), proctoring software companies store student data and images. According to a presenter at the AAC&U conference (1), students are filing lawsuits regarding data-privacy issues with surveillance software, and the schools using such software may be next. From the New Yorker article (4), on "December 9th, 2020, the nonprofit Electronic Privacy Information Center submitted a complaint to the attorney general of D.C. against five proctoring companies *(Respondus, ProctorU, Proctorio, Examity, and Honorlock)*, arguing that they illegally collect students' personal data. More recently, several students in Illinois have sued their institutions for using the software, alleging that it violates their rights under a state law that protects the privacy of residents' biometric data." Data breaches have occurred in the past, affecting 444,000 individuals' data, in 2020.

Equity and Disproportionate Impact

MPS, EPS, athletics, DSPS, BFSA and APASA have all expressed concerns around equity and proctoring software. Foothill's Committee on Online Learning (6) found that AI used in such software is trained to flag cheating events using a data set of test takers that are predominantly white and male, causing high false positive rates among black, brown and female students. From the AAC&U conference (1), "There are many dimensions [to this issue], but one is to think about how the potential stereotype threat impacts historically excluded populations who are required to use similarity detection tools. Depending on how the institution frames these tools to students, **the student might experience the use of these tools as treating them as always already about to cheat, even if the institution is trying to leverage such tools for teaching and learning effectiveness.**"

Groups who are documented as being negatively impacted by certain aspects of proctoring software include:

- Students with test anxiety.
- Low-income students, including those without regular access to stable, high-speed internet
- Students with Tourette syndrome and other muscular disabilities
- Students with dark skin
- Students with ADHD
- Transgender and non-binary students
- Visually impaired students
- Unodocumented students and students living with undocumented family members or friends

According to the AAC&U (1), "If software causes them to think they are automatically assumed to be a cheater, they metacognitively dissociate from the class." We must consider the impact such software has on student dignity and trust. The MPS and EPS counselors (9) wrote, " We urge faculty to strive to create positive online testing experiences for students by investing in a humanistic approach and moving beyond traditional exams."

Given these factors, the question remains if such software aligns with the FHDA District and De Anza College mission statements and priorities, which include a commitment to decisions driven by an *equity agenda* and to identify *systemic inequities* and *dismantling oppressive structures*. The MPS and EPS counselors note in their open letter (9), "for a college that prides itself on equity, the adoption of proctoring software goes against our core institutional values."

The CVC-OEI article (2) notes:

- "A survey of 748 students about technology and achievement gaps found about **one in five struggled to use the technology at their disposal because of issues such as broken hardware and connectivity problems. Students of color or lower socioeconomic status encountered these difficulties more often**."
- "Algorithmic test proctoring's settings have discriminatory consequences across multiple identities and serious privacy implications."
- Proctoring softwares "disproportionately impacts women who typically take on the majority of childcare, breast feeding, lactation, and care-taking roles for their family. Students who are parents may not be able to afford childcare, be able to leave the house, or set aside quiet, uninterrupted blocks of time to take a test."
- "Live online proctoring is a way to preemptively communicate to students, **we don't trust you. It is a pedagogy of punishment and exclusion**."

On the other side, students who can afford to do so, can pay tutors to take their exams. Less privileged students cannot. **Honest students should not feel compelled to cheat in order to be competitive with their classmates.** Essay-based exams are more difficult for English language learners. The Office of Online Education's recommendation for strictly-timed exams is biased against non-native speakers of English. Exam grades should not be based on who has access to the best resources. On-campus sections have instructor-proctored midterms and finals; not using online proctoring tools, would be a disservice to students taking on-campus sections. One instructor found that giving students access to a practice Proctorio exam so they can become accustomed and resolve problems beforehand eliminated all student concerns.

Honorlock is ADA accessible and compliant with Section 508 of the US government code on accessibility requirements, and is fully compliant with FERPA regulations. Proctorio is in the process of writing an acceptable-use policy for schools and faculty, which will require that professors receive training before using the software. They are also developing a system for students to report negative experiences, which will at least give some insights into potential abuses.

To wrap up this section, we must ask ourselves the question stated in the New Yorker article (4): **"Would you care more if a few students cheated or if a few students were discriminated against?"** And then we must decide whether adopting or not adopting proctoring software best meets the priority that we choose.

Resources

Besides the financial cost considered above, there is also a cost of human and other resources both to having and to not having proctoring software. Faculty often argue they don't have the time to take on *one more thing* when it is suggested that they redesign their course or assessments for online courses that are different than those used in face-to-face classes and discourage cheating without the use of such software. But, according to a speaker at the AAC&U conference (1), these instructors "ARE taking on *one more thing* in all the energy they're putting toward catching cheating. So it's a question of what you want to put your energy toward."

Based on De Anza's Interim AVPI's recent comments at IPBT, the staff of *three* in the De Anza Office of Online Education is already spread incredibly thin. Can/should this team even be taking on such a big project like adopting a new proctoring software at this moment?

Here are some of the tech needs to consider for any proctoring software that we choose to adopt, many of which were put forward by Heidi King, De Anza's Instructional Designer for Distance Learning (8):

- Access to an administrative dashboard (Proctorio did not have this)
- Control over default settings, and a way to check the settings instructors implement. We should consider whether the college sets up its own default settings or if they are set by the individual faculty members (or the software company).
- A way for the Office of Online Education to turn it on or off, so we have the option to do something like require mandatory training before use so that we don't run into accessibility and/or equity issues.
- Research as to whether, by the time you change the settings that could potentially cause issues, you are left with very little in the way of remote proctoring the way the instructors want to use it. (Would the Online Advisory Group do this research?)
- Training required of faculty who wish to use the software, or a settings acknowledgement by the faculty at the very least. *This would probably be something Online Ed works on in conjunction with DSS and Professional Development.*
- An OPT-OUT clause in the syllabus. This is critical for our students with disabilities especially. What you'll often find with online courses is that students who have certain learning differences/disabilities but don't want to go through DSS will often sign up for an online class because they think it provides them more flexibility. There would likely be little/no time for a student who finds themselves surprised by proctoring software to get the required paperwork through DSS by the first exam. Technically faculty don't have to accommodate students who bypass DSS, so you can see how this might become an issue.
- Use of proctoring software is in the footnote for the class so students are aware when registering. *(An icon on the online class schedule similar to ZTC would help students even more.)*

- Consider where the software is installed - at the site level (accessible to all faculty by default) or at the course level (something like this would allow us to at least have a settings checklist that we made sure faculty understood before using the software)?
- What type of support does the company provide for faculty? For students? For Online Ed staff/Canvas admins?
- What are the accessibility, equity and logistical challenges with the software for students? What settings contribute to these challenges? If we turned those settings off, would the software provide faculty with what they need in terms of securing their exams?

Choosing and adopting proctoring software is a huge undertaking that requires that time and energy not only of the Academic Senate, where it has been deliberated exhaustively, but also of the Office of Online Education, Disability Support Services and the Office of Professional Development. It would also require further vetting by the Online Advisory Group, who would need to consider each of the above concerns and potentially create a rubric for adopting eLearning technology, such as this one.

Effectiveness and the Technology Arms Race

How has the commercialization of education and things like essay mills, “tutoring” websites, etc. changing the way students view education? How do we de-escalate the arms race of cheating and catching cheating and get back to the **joy of teaching**?

There is no peer-reviewed study that shows that surveillance software actually prevents cheating. According to the research article (5), "The use of online proctoring is therefore best compared to taking a placebo: it has some positive influence, not because it works but because people believe that it works, or that it might work. In practice however, before adopting this solution, policy makers would do well to balance the cost of deploying it (which can be considerable) against the marginal benefits of this placebo effect."

Further, students with resources and tech skills can easily find a way to get around the software. From the New Yorker article (4), “Although most educators assume that cheating is more common when exams are online, research has suggested that the prevalence may not vary much from in-person exams. Stories about online cheating often rely on the say-so of proctoring companies, as was the case with a recent *Washington Post* article, which cited ProctorU to suggest that cheating had increased nearly eight-fold during the pandemic. Instead, the variable that most reliably drives cheating is pressure - of the kind that students feel when a single test determines a semester’s grade, for example, or when a certifying exam decides a career. ... Evidence for the effectiveness of proctoring software is limited. One peer-reviewed study, from 2018, found that students who used Proctorio had G.P.A.s that were 2.2% lower on average than those who didn’t - a possible indication that the system had prevented dishonesty. But the ways the software increases stress could also account for the difference, according to a 2019 study that found students were more likely to bomb proctored tests if they already suffered from anxiety.”

In Academic Senate, we have heard arguments that we have seen a HUGE increase in academic dishonesty at De Anza during the pandemic. Sadly we are seeing students with the financial means paying for others to do their work, which creates grade inflation. This forces hardworking students who cannot afford to pay others to do their work to compete with students who can.The question is, **does proctoring software actually solve this problem or exacerbate it?** And what, if anything, does it do to combat essay mills and spinners?

On the positive side, some students that have matriculated into their next program have expressed appreciation for the opportunity to have taken exams on Proctorio.

Alternatives to Consider

Alternatives to surveillance software have been suggested, including alternative ways to proctor exams, alternative forms of assessment, and alternatives to how we address students caught or suspected of cheating.

Proctoring Alternatives

Here there are two main suggestions. One is to find ways to proctor exams online that do not involve proctoring software. This may be a more human-feeling approach for students. According to the New Yorker article (4), students using proctoring software "are focussed more on whether they will be flagged than the content of the exam. 'I felt like I was fighting to prove my academic integrity more than my knowledge.' "

However, we heard from one of our own instructors that when comparing proctoring an exam on Zoom versus using proctoring software, the feedback from students was more supportive of Proctorio because students could not be seen by their classmates while taking the exam. On Zoom, everyone can see each other, which some students felt was more intrusive. Additionally, the test security features in Canvas were rebuffed as alternatives since Canvas has no test security features, and the Canvas documentation expressly says not to use the logging feature for prevention or detection of cheating.

Another suggestion that was made several times was more in-person proctoring. This could be done both on the De Anza campus as well as remotely by **joining a proctoring network**.

Alternative Forms of Assessment

Instructional and curricular design can limit the amount of cheating. When Proctorio was discontinued at De Anza in Spring 2021, the Office of Online Education offered a variety of workshops regarding alternate assessments and tips for cheat-resistant exams in Canvas. We offered eight different opportunities for this type of discussion/learning in Spring 2021 and Summer 2021. Six faculty in total attended. Some faculty have expressed that they did not attend these sessions because they had already received Canvas training from the Office on Online Education, but perhaps more professional development would be more effective and less expensive than proctoring software.

According to a presenter at the AAC&U conference (1), "**We cannot do the same assessments online that we did in the classroom.** Not only are those assessments easier to cheat on, it's also easier to detect cheating on them online. Sure, cheating may have increased during the pandemic. But the online tools to detect cheating have shown us **there was a lot more cheating happening in the classroom than we were aware of or that we wanted to admit to.** There's a difference between *remote teaching* and *online education*. **Remote teaching is just taking your in-person teaching methods and trying to use them online.**"

Alternative Repercussions for Students Caught Cheating

Perhaps we need a *restorative justice* response to incidents of cheating. According to the AAC&U (1), if a student is caught cheating, emails with harsh and negative tones make students feel angry, not repentant. Kinder emails or, even better, face-to-face conversations, are much better to engage a student caught cheating. **Being able to connect with people is the biggest power we have.** Our teachers are our leaders, and leading through coercion won't work. **We're putting too much energy into the technology and trying to solve the problem that way instead of old school connecting with people.**

Statements Received from De Anza groups

- **APASA:** The **APASA Advocacy Sub-committee** *(not the entire APASA org)* voted in favor of supporting the MPS and EPS statement against online proctoring software.
- **Athletics:** While our coaches have real reservations about the equity implications of proctoring software, we understand how, at this time of dependency on remote learning, so many of our colleagues in other disciplines need assistance in evaluating students and maintaining academic integrity. We are not ready to oppose acquisition of proctoring software. Having said that, and holding our own equity concerns, Athletics would be interested in piloting an on-campus proctoring process that might achieve the goals of other faculty, while respecting the identities and integrity of our student-athletes.
- **BFSA:** The BFSA Organization does not support the use of any surveillance software that has a history of racial bias or discriminates against our most marginalized students.
- **MPS and EPS:** Opposes purchasing and implementing online proctoring software at De Anza. (9)

No statements were given by DALA or DASG.

Documents Received and Referenced

1) AAC&U conference Renewing the Legitimacy of Learning: A Symposium on Academic Integrity

2) CVC-OEI article Online Proctoring – Impact on Student Equity - includes many embedded links and citations

3) Hybrid Pedagogy Article Our Bodies Encoded: Algorithmic Test Proctoring in Higher Education

4) New Yorker article Is Online Test Monitoring Here to Stay?

5) University of Twente (Netherlands) research paper On the Efficacy of Online Proctoring using Proctorio

6) Foothill Committee On Online Learning (COOL) Findings Report on Online Proctoring Software License Renewal (written in consultation with facilitator and includes links to 11 referenced articles)

7) Foothill College Academic Senate Resolution on Online Proctoring Software at Foothill College June 2021

8) Professional Opinion on Proctorio email from Heidi King, De Anza's Instructional Designer for Distance Learning (shared with permission)

9) MPS and EPS letter

10) Presentations to De Anza Academic Senate

    a) Moving Toward Authentic Assessment - March 15, 2021 from Dawn Lee and Brandon Gainor

    b) Role of Senate in Approving Proctoring Software - Oct 25, 2021 from Bob Kalpin, Rick Maynard and Erik Woodbury (includes Academic Freedom statement of 2009)

    c) Proctoring Software Discussion input from Nov 8, 2021

    d) Byron Lily shared these slides in chat on Nov 8, 2021. The presentation was not given to the Academic Senate because there was never an ask to put it on the agenda. Claims in it have not been discussed and some people have expressed concerns about inaccuracies. - Role of Senate in Approving Proctoring Software for Purchase and Implementation