J.R. 20-14

A Joint Resolution in Support of Abolishing the Use of Invasive Proctoring Software

between

Student Government and Senate of College Councils

Executive Summary

This legislation calls for the University of Texas at Austin to ban the use of invasive proctoring software in UT Courses. These programs exacerbate disparities in race, ability, and income among our student body, violate the privacy rights of students, increase stress, and regularly malfunction and disable students from completing their coursework. For all of these above reasons, UT should immediately stop using these programs.

Frequently Asked Questions

Q: Is there a precedent of other universities banning proctoring software?

A: Yes, the University of Illinois at Urbana-Champaign announced in February 2021 that they would ban the use of Proctorio citing concerns with "issues related to accessibility, privacy, data security and equity." Read UIUC's university-wide memo announcing their reasoning for discontinuing use of Proctorio here. This year, the University of Southern California also discontinued its use of Respondus Monitor, another proctoring program citing privacy concerns and racial bias. Stanford outright has not used any proctoring software since they go against their honor code policy.

Q: What are invasive proctoring software?

A: Invasive proctoring software is software used by the university that claims to be able to detect when a student is cheating based on a variety of biometric and AI tools(such as facial recognition, eye tracking, and keyboard monitoring). These software are able to accomplish this by essentially acting as spyware where they monitor and collect student data at an unreasonable level of detail.

Q: What are some examples of proctoring software used at the University of Texas at Austin?

A: When surveying university students, we found that Proctorio is the primary software used in UT courses. Other programs include ProctorU, Proctortrack, Edx, Examity, Quest Proctoring, and Respondus lockdown.

Q: How are these software harmful? (To view survey data cited below, read our survey report)

A: 1. **Equity - Disparities in Race, Income, and Ability**: Many of these programs use facial recognition software which has, in general, been repeatedly found to be racist, with them often misidentifying people with darker skin. When surveying a sample of 828 UT students,

~40% of students of color reported an instance where their software could not recognize them, which grew to ~50% for black students, as opposed to white students of which only ~33% reported an instance of being misidentified. In addition, these software often require a webcam, microphone, and a high functioning device in order to properly function, which causes problems for students who don't have access to expensive technology or a quiet, test taking environment. Over ~24% of respondents reported that their device couldn't support their proctoring software and many of them anecdotally mentioned fears of loud noises occurring while taking an exam. Finally, since these software often flag students based on behavioral deviations when compared to a norm decided by an AI, they often misflags students with disabilities, especially people who experience involuntary movements. This was reflected in our survey results, with ~39% of students with disabilities reporting an experience where they believed they were wrongly flagged, compared to ~22% for students without a disability. Overall these software have had a long history of equity concerns that have caused other peer institutions to discontinue their use.

2. **Privacy Violations:** Although different proctoring software vary in the data they collect, the information they collect egregiously violates the privacy of students. Programs often require students to use a webcam to scan their rooms, show their government issued ID's, and collect sound and visual data on the tester. According to The Conversation, proctoring programs can collect biometric data on faces, "monitor eye movements, capture students' keystrokes, record their screens and track their searches as well as their home environments and physical behaviours." When informed of the above information, ~83% of students surveyed reported being uncomfortable with the data collection done by proctoring software with ~56% reporting being very uncomfortable. Students often must take classes that use these proctoring programs to fulfill core or major requirements and thus must subject themselves to these violations of their privacy in order to earn a degree. These infringements on the personal privacy of students are unacceptable.

3. **Stress & Course Performance:** When surveying a sample UT students, over ~85% of students reported that the software increased their stress levels, including ~57% of students who say it greatly increased stress. In addition, ~65% of students reported that the software worsened or somewhat worsened their performance, with many citing fears of false flagging due to noise, involuntary bodily movements, and technical difficulties. Overall ~76% of students reported having a negative experience with proctoring software, including ~39% who had a very negative experience.

4. **Poor Functionality:** When surveying a sample UT students, ~42% of respondents reported that a proctoring program has physically prevented them from completing an assessment for a course. Of those who reported that the software prevented them from being able to complete an assignment or exam, ~49% report that they were either not able, or only sometimes able, to resolve the issue with their instructor. Moreover, ~38% of students reported that in at least one instance, their proctoring program was unable to accurately identify them. Additionally, ~23% of students reported an experience where they believed they were wrongly flagged by their proctoring software. Many proctoring programs also flag students for suspicious behavior when conditions are out of their control. When these software listen to audio, noise from family members, neighbors, and roommates can cause a student to be wrongly flagged for potential academic dishonesty.

Q: What about deterring academic dishonesty?

A: Deterring academic dishonesty is an important goal, but it is worth noting that over 60% of students don't believe that these software prevented acts of academic dishonesty, with only 13 percent of students believing that these software were very or extremely effective at fulfilling their purpose. When looking at students' anecdotal responses, many believed that proctoring software could be bypassed by students who have access to other devices or by other methods. Many students advocated for alternative testing methods such as projects, open book exams, take home exams, and zoom proctored exams. The most important consideration however is at what cost do these programs deter academic dishonesty? The need for academic integrity should not come at the cost of campus equity and the privacy rights of students.

Q: What are some examples of proctoring software doing harm to students?

A: We have included an appendix of select anecdotes from students surveyed. Please read Appendix A.

Q: Given that we are presumed to return to in-person courses in Fall of 2021, are concerns with these programs still necessary in a post-pandemic university setting?

A: Yes, these programs were used in online and in-person courses before the pandemic and there is no sign of their use being discontinued after students return to campus. Many minors and courses, including core courses and introductory major courses, are in the process of being moved online permanently. Even if students return to campus, a growing portion of UT's courses will be online and these programs, if they are not banned, will likely still be a part of those courses.

J.R. 20-14

A Joint Resolution in Support of Banning the Use of Invasive Proctoring Software

between

Student Government and The Senate of College Councils

Authors: William Shi *(Policy Coordinator, Liberal Arts Council)*, Cameron Waltz *(Vice President, Liberal Arts Council)*

Sponsors: Amanda Garcia *(University-Wide Representative, Student Government)*, Carson Ohlen *(Faculty Affairs Committee Co-Chair, Senate of College Councils)*, Rohit Prasad *(Senate Representative, Natural Science Council)*, Jialu Sun *(Co-Chair of College Ambassador Committee, Liberal Arts Council)*, Jeremiah Baldwin *(University-Wide Representative, Student Government)*

WHEREAS, Since the transition to online learning during the COVID-19 pandemic, many courses have begun to use online proctoring software like Proctorio and ProctorU, among others, and;

WHEREAS, For the foreseeable future, online learning and assessments will continue to be a part of the University of Texas at Austin's curriculum, even after a full return to campus, and;

WHEREAS, Proctoring programs present a serious problem for campus equity, as they can often track keystrokes, eye movements, sound, and bodily movements[1] which cause them to erroneously flag students who have disabilities and make involuntary movements or sounds, and;

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[1] https://www.vice.com/en/article/n7wxvd/students-are-rebelling-against-eye-tracking-exam-surveillance-tools

WHEREAS, 39% of students with disabilities surveyed report an instance of believing they were wrongly flagged for suspicious behavior as opposed to only ~21% for students without disabilities[2], and;

WHEREAS, Several of the listed proctoring programs use facial recognition software, which is historically, racially biased and less capable at recognizing darker skin than lighter skin[3], and;

WHEREAS, When surveyed, ~40% of students of color report at least one instance where their proctoring software could not accurately identify, which grew to ~50% for black students. This is a wide gap from white students of which only ~33% report an instance where their software could not identify them accurately[4], and;

WHEREAS, These proctoring programs often pose financial barriers to students, as they often require webcams and newer software to run and often don't accommodate tablets and older devices, and;

WHEREAS, Of the students surveyed, ~24% of respondents reported an instance where they were required to use a proctoring program that their device could not support, and ~18% of students reported being required to pay for their own proctoring software[5], and;

WHEREAS, These instances of technological compatibility and financial burden on students pose a direct barrier to course participation as they have to purchase expensive new devices or programs in order to participate in class, and;

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[2] Survey Report of Student Sentiments Toward Proctoring Software
[3] https://www.technologyreview.com/2019/12/20/79/ai-face-recognition-racist-us-government-nist-study/
[4] Survey Report of Student Sentiments Toward Proctoring Software
[5] Survey Report of Student Sentiments Toward Proctoring Software

WHEREAS, The previously listed disadvantages to people of color, people with disabilities, and lower income students are directly harming campus equity and making it harder for marginalized students to participate and succeed at the University of Texas, and;

WHEREAS, Proctoring programs are often capable of "monitor eye movements, capture students' keystrokes, record their screens and track their searches as well as their home environments and physical behaviours,"[6] and;

WHEREAS, When informed of the above, ~83% of students reported being uncomfortable with the data collection by these proctoring programs, including ~56% who reported being very uncomfortable[7], and;

WHEREAS, This data collection greatly infringes upon the personal privacy of students and these programs amount to mandatory spyware on their devices[8], and;

WHEREAS, These proctoring programs also have a detrimental effect on class performance and increase student stress. When surveyed, ~85% of students report that the use of a proctoring program increased their stress level when completing an assessment, including ~57% who say it greatly increased their stress levels[9], and;

WHEREAS, ~65% of students reported that the use of monitoring software worsened or somewhat worsened their performance in a course[10], and;

WHEREAS, These proctoring programs have also been reported to be functional barriers to class participation. ~42% of students surveyed reported an experience where a proctoring

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[6] https://theconversation.com/online-exam-monitoring-can-invade-privacy-and-erode-trust-at-universities-149335
[7] Survey Report of Student Sentiments Toward Proctoring Software
[8] https://www.forbes.com/sites/seanlawson/2020/04/24/are-schools-forcing-students-to-install-spyware-that-invades-their-privacy-as-a-result-of-the-coronavirus-lockdown/?sh=3c97b97638d8
[9] Survey Report of Student Sentiments Toward Proctoring Software
[10] *Ibid*

program physically prevented them from taking an exam or quiz, and of those ~42%, ~49% reported that they were either not able, or only sometimes able, to resolve the issue with their instructor[11], and;

WHEREAS, There is precedent of other universities banning the use of certain proctoring programs. Stanford[12], The University of Illinois at Urbana-Champaign[13], and The University of Southern California[14] have banned individual or all forms of proctoring software, and;

WHEREAS, Given the above concerns with equity, function, privacy, and student wellbeing, these proctoring programs do far more to inflict harm on the student body than they do good by preventing academic dishonesty; and, therefore, be it

RESOLVED, That the University of Texas at Austin prohibit the use of online proctoring programs and software in all university courses and in non-course examinations; therefore, be it further

RESOLVED, That University administrators recommend alternative methods to ensure academic honesty that do not harm campus equity, violate privacy rights, or harm student wellbeing; therefore, be it further

RESOLVED, That this joint resolution between Student Government and The Senate of College Councils be sent to Dr. Jay Hartzell *(President, The University of Texas at Austin)*, Dr. Daniel Jaffe *(Interim Executive Vice President and Provost, The University of Texas at*

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[11] Survey Report of Student Sentiments Toward Proctoring Software
[12] https://www.vice.com/en/article/88ag8z/colleges-say-they-dont-need-exam-surveillance-tools-to-stop-cheating
[13] https://emails.illinois.edu/newsletter/1970177238.html
[14] https://www.uscannenbergmedia.com/2021/02/04/usc-discontinues-controversial-exam-proctoring-spyware-respond-us-monitor/

Austin), and Dr. Shelly R. Rodriguez *(Chair, Faculty Council Technology-Enhanced Education Oversight Committee)*; therefore, be it further

RESOLVED, that the implementation of this joint resolution will be led by The Senate of College Councils.

Appendix A: Student Anecdotes Relating to Proctoring Software

1. **Surveyed Anecdotes Relating to Privacy Concerns with Proctoring Software:**

    a. "I'm extremely uncomfortable being filmed by a third party. It is sometimes impossible to have a clear, silent room, and this unfairly penalizes students with roommates."

    b. "Proctoring software is malware. Trust me, my focus is on cybersecurity and there isn't an antivirus software in the world that wouldn't flag proctoring software as malware. No one should be able to use class performance as leverage to force individuals to download malware that openly accesses the camera, tabs, processes, and more. Furthermore, a lot of this data is permanently recorded. No matter how safe that data is stored, it is subject to be leaked. The biggest problem with this is that the student has no choice but to opt in when the alternative is to not be able to take the test. Honestly, I'm surprised putting students in this position isn't illegal."

    c. "Please please please if a class uses proctorio I am dropping it. I worked hard to make sure companies and the government don't spy on me (new operating system on phone, laptop, no social media, non invasive/nonfree software installed). Saying privacy is unimportant because you have nothing to hid[e] is the same as saying free speech is unimportant because you have nothing to say. UT professors that use proctorio continue to normalize the fact that invasion of privacy is 'something you should get used to', which [it] most certainly isn't. We have to fight the things that are clearly wrong, and proctorio is a great way to start, because it's so invasive that even regular people are starting to get concerned."

    d. "students shouldn't have to consent to such extreme data collection and privacy invasion to take (often required) courses"

    e. "Remote proctoring [services] are a massive infringement on students' privacy, which is a fundamental human right. Proctorio and similar services also create huge INFOSEC and cybersecurity liabilities by granting data brokers visual, biometric, audio and other types of data."

    f. "Proctoring programs make me extremely uncomfortable while I am using them. I don't like the idea of having my movements and eyes, scans of my room recorded/watched. It makes students have to add behavioral changes to when they are taking quizzes or exams that make it more uncomfortable to take an exam or quiz. Even if you are not cheating and move out of frame adjusting your seat you can get flagged for cheating and it becomes a much bigger headache than it needs to be.

I've have a friend that sneezed during an exam and got flagged for cheating too. It causes too much additional stress and anxiety and I don't believe it is worth it overall."

g. "Proctoring software makes me feel watched and inspected. I am extremely uncomfortable with providing these companies extensive access to my computer. Professors are capable of writing their exams in a way that does not require proctoring or are capable of conducting exams over zoom so they can watch students test. These alternatives would be much less infringent upon student privacy."

2. **Surveyed Anecdotes Relating to Equity Concerns with Proctoring Software:**

a. Inequity Relating to Ability

   i. "Monitoring software is incredibly harmful and inaccessible. It flags students for no damn reason and does this especially so to students with disabilities. For example, I get flagged a lot for stuff as small as looking around my room or fidgeting- I have ADHD. I can't just sit still for 2 hours. This is nonsense. If you don't want your students to cheat, write better exams."

   ii. "I have a disability & I use medications for them. The proctoring software gives me extreme anxiety & always makes me underestimate myself because it is distracting. I'd rather take it in a room in front of the teacher than use a software."

   iii. "... I have had professors not give me my extended time due to the use of the services, and I have had them crash when I have bad Internet connection, and was not allowed to finish the exam. Technical issues with proctoring programs are extremely stressful, and with people already dealing with anxiety and ADD, it makes them infinitely worse."

b. Inequity Relating to Race and Ethnicity

   i. "the system is less likely to correctly identify or recognize your face if you have darker skin; it flags you as red if you dog barks or someone walks behind you; it makes you scan your room which can be uncomfortable for students who don't want persons to see their living environment"

   ii. "So there was once a finance test, and this was the first test of the semester that used proctorio, and I was sitting in my room with a led lamp that was really bright. As I was logging in for the first time, and mind you the test is timed, I remember I spent the first 5 mins trying to get proctorio to

recognize my face, and I had to get the led to shine right up in my eyes to even get proctorio to recognize me. My friend told me how he had to use his bathroom light to get proctorio to recognize him, and our other friend was not even able to be recognised with proctorio at all, the professor had to let him take the test in person. It really stressed me out, it was a timed test and I didnt get any extra time for the test, and it hurt me more that this was an issue that has been common with other black students and proctorio but the university did not care, and essentially is okay with f****** us all over for it."

 iii. "I think that proctoring services are unnecessarily invasive and make a lot of students feel unsafe. I have seen students of different races saying that the proctoring services they have used have unfairly racially profiled them and caused problems with professors because of a software problem rather than one of academic dishonesty. Also, I know people who change their backgrounds on zoom because they are uncomfortable showing where they live but proctoring services don't offer that luxury and which could lead to increased anxiety and poor performance."

 c. Inequity Relating to Financial Capacity

  i. "I'm TA-ing a class this semester and specifically advised against using Proctorio due to the privacy concerns. In addition, students with another device could use it during the exam and thus get around the tracking of all activity on the test-taking device, which calls into question the true effectiveness of these programs and raises an equity issue considering not all students have access to multiple devices during an exam."

  ii. "I've had professors allow us to use other devices to access notes for an open note exam since Proctorio locks down your device. This does absolutely nothing to protect against academic dishonesty, and only hurts students who do not have access to more than one device."

3. Surveyed Anecdotes Relating to Functional Concerns with Proctoring Software:

 a. "Any time an exam uses proctor.io, the only device I have that is compatible (without spending 15 mins+ dismantling my current daily setup) is my 6 year old laptop that has so little RAM proctor.io *still* gives me an error that I 'have too much running on my computer and I should close something' even when the ONLY thing open is that one chrome tab. I also don't use Chrome as my daily browser partially due to privacy concerns, so being forced to use it on top of tracking software is definitely not something I can personally support."

b. "I used proctorio in one of my business classes last year, and my older laptop began overheating and Proctorio began messing up. My laptop left the exam screen every 3 seconds out of my control- going to my homescreen instead. My laptop was overheating and switching screens to the extent that I could not even read a full exam question before having to try to switch back to the exam screen. If I looked down to try to solve a math problem for more than 5 seconds, I'd receive a message that I would be reported if I did not immediately return. It's important to note that I emailed my professor a few minutes into my exam and explained my situation, to which I received a reply stating that it was my own laptop, and that I should know it well enough to fix the problem. He said to resolve the issue as soon as possible, which I could not. As time was ticking down for my exam, my only option was to use my peripheral vision to monitor the exam screen while also looking down at my paper to try my best to solve math. To visualize this, I had my left hand scrolling my laptop mouse to return to the home screen every few seconds, and my right hand solving math. Not only was I extremely distracted- I was panicking. I was very emotionally distressed, and felt that other students who did not have laptop issues were in a more focused mindset and had more time to solve the exam. I did my part as a student- I took the practice exam my professor had posted to test proctorio prior to the exam and had no issues. It was out of my control, and drastically affected my ability to take the exam at the same focus level as my peers."

c. "It's easy to tell if people are cheating. If the usual class average for a course is a b- and suddenly online the average is 95+ they're cheating. Especially considering most professors cant teach for crap online to begin with. How would average scores go up. Very simple. These softwares are useless. If people are going to cheat they're going to cheat. It's not as if we wont have a computer on the job anyway. I've been flagged 3 times in the past because the guys who live under me were shouting and partying. My professors have demanded that if a disturbance happens like a family member opening and closing the door that we stop our exam and explain what the background noises are. This is ridiculous."

d. "Sometimes proctorio doesn't load the exam, which makes me feel very stressed because I didn't want to waste time on loading proctorio. Also sometimes the page freezes and stopped letting me proceed for no reason, and that's also very stressful though I was able to resolve the issue in the end with the professor."

4. **Surveyed Anecdotes Relating to Stress When Using Proctoring Software:**

a. "The only thing is that it's a bit distracting because you're worried that you'll get flagged more making any subtle movement. Even if you aren't cheating, it's stressful!"

b. "If students are being academically dishonest and not studying for exams it only hurts them because they don't get the education they paid for. Proctoring is not necessary to enforce academic honesty. Students' stress level should be prioritized. I'm extremely uncomfortable being filmed by a third party. It is sometimes impossible to have a clear, silent room, and this unfairly penalizes students with roommates."

c. "It makes me incredibly uncomfortable having these things watch me. Every time I use it I get worried I'm going to be flagged for cheating even though I don't cheat and it makes me very anxious. I usually mumble to myself when I take tests because it helps me think about the answer but I'm afraid to open my mouth or move my eyes from the screen for even a second."