

**ACADEMIC SENATE
OF
THE CALIFORNIA STATE UNIVERSITY**

AS-3474-21/AA
March 18-19, 2021

ON THE USE OF REMOTE PROCTORING SOFTWARE FOR ASSESSMENT

- RESOLVED:** That the Academic Senate of the California State University (ASCSU) urge the faculty to avoid the use of remote proctoring software to recreate an in-person exam experience in a virtual setting; and be it further
- RESOLVED:** That the ASCSU ask the Chancellor's Office to continue to negotiate, and to publicize the privacy-related terms of, system-wide contracts with remote proctoring service providers to ensure that, if such services should be used, adequate data and privacy protection are included in those contracts; and be it further
- RESOLVED:** That the ASCSU ask the Chancellor's Office to roll any existing campus contracts into a centrally negotiated contract to afford the protections noted above; and be it further
- RESOLVED:** That the ASCSU distribute this resolution to the CSU Board of Trustees, CSU Chancellor, CSU Executive Vice Chancellor of Academic and Student Affairs, CSU Chief Information Officer (CIO), CSU campus Presidents, CSU campus Senate Chairs, CSU Provosts/Vice Presidents of Academic Affairs, CSU Vice Presidents of Student Affairs, The CIO Council, California State Student Association (CSSA), and the CSU Emeritus & Retired Faculty and Staff Association (CSU-ERFSA).

RATIONALE: *The Academic Senate of the California State University (ASCSU) notes several troubling implications in the use of remote proctoring software for proctoring of assessments, namely:*

- a. Inequitable discrimination as a function of skin tone.^{1,2}*
- b. The tools currently available are not compliant with the American Disabilities Act (ADA).*
- c. Current campus-originated contracts that rely on standard terms and conditions are unlikely to offer the level of privacy and data security that a CSU centrally negotiated contract would provide.*
- d. Requiring students to take high stakes assessment invigilated using remote proctoring software requires students to have equipment they may*

¹ <https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-leads-call-for-virtual-exam-software-companies-to-improve-equity-accessibility-and-privacy-for-students-amid-troubling-reports>

² <https://www.theverge.com/2018/7/26/17615634/amazon-rekognition-aclu-mug-shot-congress-facial-recognition>

not already own which potentially impedes access to education for low income students.

- e. *Requiring cameras to be turned on when students may be in a shared space when taking a remotely proctored assessment may be considered an invasion of privacy.³*
- f. *Taking a high-stakes assessment in a shared space creates stressors that would not be present were they taking the test in exam conditions on campus, which exacerbates existing inequities*

Several of the issues noted here were highlighted in Assistant Vice Chancellor Wrynn's guidance memo of August 4th 2020.⁴ Additional concerns were raised in San Jose State University's Associated Students Director of Academic Affairs, Anoop Kaur's Nover 18th 2020 open letter⁵ to San Jose State University President Mary Papazian.

References:

- <https://www2.calstate.edu/impact-of-the-csu/technology/academic-technology-services/PublishingImages/Pages/alternative-instructional-modalities-and-resources/Online%20Proctoring%20Recommendations%20to%20Provosts,%20July%202020.pdf>
- <https://www.theverge.com/2021/1/28/22254631/university-of-illinois-urbana-champaign-proctorio-online-test-proctoring-privacy>
- <https://www.theverge.com/2020/12/9/22166023/epic-proctorio-examity-privacy-online-testing-school-lawsuit-proctoring>
- <https://www.nytimes.com/2020/09/29/style/testing-schools-proctorio.html>

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³ <https://epic.org/privacy/dccppa/online-test-proctoring/EPIC-complaint-in-re-online-test-proctoring-companies-12-09-20.pdf>

⁴ <https://www2.calstate.edu/impact-of-the-csu/technology/academic-technology-services/PublishingImages/Pages/alternative-instructional-modalities-and-resources/Online%20Proctoring%20Recommendations%20to%20Provosts,%20July%202020.pdf>

⁵ <https://drive.google.com/file/d/1ePkG7UyjFP1xCEouCZoy3B2yaBZT740Q/view>