

Protect Student Privacy: A Renewed Call to Action Against Proctorio

Oct 1, 2020

To: Provost Andrew Szeri, President Santa Ono, Dr. Simon Bates, Dr. Christina Hendricks, Paul Hancock and the Office of the University Counsel, Deans, Associate Deans Academic, Senate Teaching and Learning Committee of UBC,

As we begin the Fall 2020 semester and transition into the midterm season, it is evident the increased strain many staff, students, and faculty encounter as a result of the global pandemic and thank the staff and faculty for their service.

We believe that there has been tremendous work done to support and provide resources to faculty in identifying alternate final assessment options in order to avoid Proctorio and other remote invigilation software through the work of the. While we previously published an [open letter regarding the usage of Proctorio](#), we must ensure that the work is followed through on. We want to amplify the calls of [student petitions against the usage of Proctorio](#) in asking that UBC stop the usage of Proctorio. Peer institutions such as CUNY and UCB have taken decisive leadership on addressing these issues by prohibiting outside proctoring products and ensuring that instructors are not compelling students to use Proctorio.

On September 3, Proctorio served a lawsuit to Ian Linkletter in response to his fundamental work that highlighted the mechanisms by which Proctorio works - intended to intimidate whistleblowers and limit the academic freedom of members of the community. The continued patronage of this company while it sues one of the valued members of our community is something that, as a UBC community, we cannot stand for.

We must oppose the continued usage of unethical, invasive remote proctoring software such as Proctorio. We renew our calls for the end to the usage of Proctorio on these grounds:

1. Demonstrating Compassion for Students, Staff and Faculty:

Principle #1 in the Guiding Principles for the Fall 2020 Adaptations: Approach course adaptations decisions with a commitment to compassion and care for everyone involved.

It takes one look at social media, whether [this Twitter thread dedicated to Proctorio horror stories](#) or the [numerous Reddit threads voicing their extreme discomfort with Proctorio](#). The key insight with Proctorio and other remote invigilation software requiring microphone and camera such as ProctorU. We must ask ourselves - is the continued usage of Proctorio in line with the guidance that has been given in the Guiding Principles for Fall 2020 Adaptations? Is this in line our values of compassion and flexibility?

Students have repeatedly shown that their mental wellbeing and academic performance suffers when utilizing Proctorio, causing anxiety attacks, poor performance, and incredible stress. Proctorio adds unnecessary stress to an already stressful situation.

It is vital to recognize the amount of work that has been put into adapting Fall 2020 for the online learning conditions. We recognize how the COVID-19 pandemic has created challenges surrounding rising incidents of academic misconduct, and we commend the efforts of faculty and teaching staff to produce a quality online teaching experience. We thank all faculty and staff for their unrelenting efforts to provide academic continuity under incredibly difficult circumstances, on whole new platforms. However, this should not be grounds to outsource academic integrity and to effectively punish students through Proctorio.

To mandate students to use Proctorio is coercive and uncompassionate. Telling students ‘if they don’t want to use Proctorio, drop the course.’ It is a global pandemic - we must build compassion into our approaches to online learning. Best illustrated by Brenna Clarke Gray’s [defence of lan Linkletter](#), we demonstrate care by trusting students.

2. Leadership by Peer Institutions

Postsecondary institutions such as CUNY and UC Berkeley has taken tremendous leadership to discontinue the usage of Proctorio, based on student feedback and advocacy against the usage of Proctorio.

Students at CUNY launched a [petition](#) against online proctoring software. On September 14, the Office of the Provost of CUNY released [this statement](#) detailing that instructors may not compel students to use online proctoring. *“The Office of Legal Affairs (OGC) has reviewed the Terms and Conditions of several online testing application services and it is OGC’s position that faculty cannot compel students to accept the corresponding tools “Terms and Conditions” and that in the event students do not accept the terms, faculty must provide students reasonable assessment accommodations to demonstrate they meet the course learning requirements. “*

In April, a [Working Group on Online Examinations and Proctoring for the Spring Semester 2020](#) released guidance “Thus, the EVCP’s executive order on March 27 prohibiting “outside proctoring products and Zoom proctoring” during the Spring 2020 semester remains in place.”

We call upon UBC to exhibit similar decisive leadership to ensure UBC students are not compelled to use Proctorio, in order to foreground compassion.

3. Unethical Behaviour

The continued unethical behaviour by Proctorio and Proctorio’s CEO, Mike Olsen, is very well documented, including the [incident where a student’s chat logs were released in a Reddit thread - sparking privacy concerns](#). Though it may not have been determined to have broken the letter of the law, it was evidently unethical.

It is evident that the [lawsuit pursued against Ian Linkletter](#) is a Strategic Lawsuit Against Public Participation. This is only the tip of the iceberg, when it comes to the intimidation tactics used to silence critics of Proctorio.

Is this a software that UBC wants to continue to fund and mandate students use? What kind of message does that show to students, staff, and faculty speaking out against Proctorio - that their input is unwanted or unheard? If UBC continues to fund this, it shows that UBC condones breaches of ethics, despite that contradicting the values UBC sets out as an institution with regards to accountability, academic freedom, integrity, and respect?

4. Capacity of UBC to Design Fair Assessment

a. False Sense of Academic Integrity

UBC has demonstrated the capacity to provide alternatives to Proctorio, namely through other remote invigilation tools such as Exemplify, Respondus Lockdown Browser, Zoom invigilation, and other support through the Centre for Accessibility. Though there are problems with tools with Respondus Lockdown Browser, it remains that there has been a mass mobilization to adapt courses online, whether it has been offered through the Centre for Teaching and Learning Technology - and abundant resources on designing alternate assessments. Refer to Guiding Principle 2, including [Alternatives to Remotely Proctored exams](#).

However, we must hold ourselves accountable in doing the due diligence in adapting these courses, rather than outsourcing academic integrity to tools such as Proctorio.

There is no empirical evidence that Proctorio and other remote invigilation software actually prevents academic misconduct. While the usage of remote invigilation software may prevent, there are many ways to circumvent the software, including the usage of secondary devices that are undetectable by Proctorio. This leads to a false sense of academic integrity, when there are many other ways to ensure that academic integrity is enshrined.

During the past, present, and future – regardless of a pandemic, – students deserve to have fair assessments conducted in good faith by instructors who treat them with a high degree of trust, respect, and dignity. There are many ways to build academic integrity and values of honesty within assessments that do not require Proctorio’s unnecessarily invasive surveillance.

5. Equity Concerns and Discriminatory Programming

There are numerous difficulties with Proctorio arbitrarily flagging students with darker skin tones, students with disabilities, neurodivergent students, and students with religious head coverings. Proctorio discriminates against people of colour, students with accessibility needs and medical conditions, trans students, students with connectivity difficulties, and students with children by flagging “abnormal” behaviours and denying access to certain groups of students. Furthermore, students in China have expressed significant difficulties accessing Proctorio due to firewall restrictions.

As an institution that prides itself on our commitments to equity, diversity, and inclusion and the Inclusion Action Plan's Goal 4.B of "implement[ing] inclusive course design, teaching practice, and assessments," UBC should not be subscribing to a pedagogy of punishment by investing in discriminatory surveillance practices. No student should have their grade put at risk due to biased data algorithms and technical difficulties.

In the guidance given in the "Principles for Appropriate Use of Remote Invigilation Tools," "due to varying situations, including health issues, family circumstances, geographical location, and more, some students will face more barriers to using these tools than others. Making fair decisions does not mean treating everyone in the same way; fairness requires flexibility, and individual circumstances must be considered to make fair decisions."

In addition to Ian Linkletter's work, there is an abundance of literature and work on this topic, including:

- "Our Bodies Encoded" by Shea Swauger
- "Centring a Critical Curriculum of Care During Crisis" by Maha Bali
- "School Work and Surveillance" by Audrey Watters
- "A Guide for Resisting EdTech" by Sean Michael Morris and Jesse Stommel
- "Spotlight on Alternative Assessment Methods" by Tim Fawns and Jen Ross

6. Widespread Technology Difficulties

There are widespread difficulties with connectivity issues, access to adequate technology, particularly for students in rural areas with little internet connection (and significantly, on UBC campus and in the Lower Mainland). In addition, not everybody has access to a working webcam, microphone, nor a laptop that can handle Proctorio. Students report not being able to contact an instructor for test-related questions, due to not having access to technology.

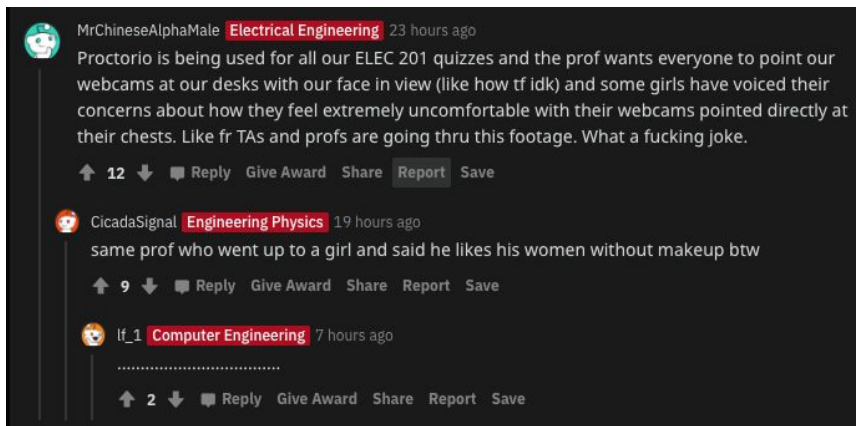
We should not be introducing further inequalities into a system that is already highly inequitable. Though UBC offers technology bursaries and data cards, it is evident that these technology bursaries are not adequate, given the turnaround on being able to buy a laptop for many students.

7. Privacy Concerns

Proctorio's own functionalities disclose that Proctorio can, for up to two years:

- Can READ and CHANGE all the data on a student's web browser,
- Modifies students' keyboard functionality,
- Monitors and stores KEYSTROKE movements while using the computer,
- Captures ALL SCREEN CONTENT on the student's computer,
- Manages and CHANGES any downloads on the student's computer,
- Identifies ALL devices connected to a student's computer,
- Manages ALL apps, extensions, and even themes on a student's computer,
- Changes ALL privacy-related settings on a student's computer,

- Monitors EYE MOVEMENTS via webcam and saves all recordings,
- Records and stores ALL sounds while in use,
- Requires initial and periodic ROOM scans.



[Screenshot from Reddit about students being forced to use Proctorio and having to point their webcams at their desks, making female students uncomfortable.]

This is particularly significant for students with female-identifying students, nonbinary students, students from low income families, and students with young children who may feel deeply uncomfortable with Proctorio recording the contents of their home. Proctorio is essentially spyware - it is an abhorrent violation of student privacy and civil rights.

8. Proctorio's Terms of Service

[Proctorio's own terms of service, as of Sept 20, 2020, states "You may not mandate Authorized End Users use the Application Service."](#) Quite simply, this indicates that students *cannot* and should not be compelled to use Proctorio.

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You may not mandate Authorized End Users use the Application Service.

[Left: Sept 26, 2020. Right: Sept 20, 2020.]

[In fact, this has been pointed out by Proctorio's own CEO in a September 11 blogpost.](#)

“Results-Driven Models. Students may not be mandated to use Proctorio. Institutions should provide alternate modes of assessment that do not affect the student’s ability to pass an exam or course.”

But after CUNY published guidance against remote invigilation services, [they changed this on September 16, 2020.](#)

Did Proctorio consult at all with stakeholders and institutions utilizing its services before changing its terms of service? Under contract law, terms of service must be changed under mutual consent between both parties.

9. UBC’s Responsibility in Protecting Academic Freedom

The question throughout all of this is - will UBC continue to fund a company that is suing a member of the community that has demonstrated exceptional scholarship and care for students? UBC has a responsibility to uphold academic freedom. It is evident that this is a Strategic Lawsuit against Public Participation, intended to intimidate whistleblowers and critics of Proctorio.

It is imperative that we must act to protect the academic freedom of Ian Linkletter and other UBC community members. What message does that send to students, staff, and faculty? We stand by Ian Linkletter.

As members of the UBC community, we call upon UBC to end the use of invasive, unethical software.

Barrier to Action: Accreditation Requirements

It is notable in many professional, vocational, or otherwise accredited programs such as Medicine, Pharmacy, Nursing, Engineering, and many more that there are significant accreditation requirements. However, it is notable that none of the accreditation requirements specifically refer to mandating the usage of Proctorio - these can easily be achieved through other methods as indicated in the section under the capacity of UBC to design fair assessments and other exam tools such as Examplify and Zoom proctoring.

As an example, language from ETS reads: For courses to be delivered remotely, all exams (midterms, finals) will be held remotely. They will be invigilated using the computer’s camera and microphone, and may be recorded. This is necessary in order to comply with the requirements of the Canadian Engineering Accreditation Board (CEAB) in ensuring the validity of evaluations.

It is evident that Proctorio is not suitable for these courses. We ask UBC to also be an advocate and push these accreditation boards to ensure the ethical and compassionate.

Barrier to Action: Legal Action

We understand there may be legal repercussions associated with terminating a contract. However, it is evident that Proctorio has demonstrated repeated unethical behaviour and contravenes UBC's values, including numerous attacks on members of the UBC community.

UBC also has a legal duty to provide accommodations for students with disabilities, and to compel students - even students who are not registered with the Centre for Accessibility as a support resource, is unethical. Students may also have invisible physical or mental health needs that may not have been discussed with the instructor. We call on UBC to terminate its contract with Proctorio.

We must hold UBC accountable to an ethical and compassionate approach to assessment and inclusive education. We renew our calls from the previous open letter and call on UBC to implement and take swift action on the following recommendations:

- 1. UBC must end its relationship with Proctorio through the termination of its contract or otherwise, discontinuation of its contract.**
- 2. UBC must give the guidance that instructors may not compel students to participate in online proctoring.**
- 3. UBC instructors must provide low barrier options to opt out of remote proctoring software.** This must be universally implemented across all faculties. Behaviour such as telling students to drop the course if unwilling to use Proctorio or other remote invigilation software is unacceptable and manipulative. No student should have their grade or academic standing put at risk due to Proctorio.
- 4. UBC must act to support the academic freedom of students and staff members like Ian Linkletter.** UBC has an institutional commitment towards academic freedom, a scholar's freedom to express ideas through respectful discourse and the pursuit of open discussion, without risk of censure. Academic freedom must extend to staff members and students. If UBC does not heed the caution given, what message does it send to staff, faculty, and students?

We, the undersigned UBC students, staff, and faculty call upon UBC to make the compassionate choice, to implement these recommendations in order to end the usage of Proctorio.

[As of Oct 6, there are 142 signatories]

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