

## **ASBCC Resolution**

### **Associated Students of Berkeley City College**

A resolution in opposition to the Honorlock contract with the Peralta District

Submitted by: ASBCC Senator Sergio Mazariegos, ASBCC Vice President of Public Relations Daniel Bui, ASBCC Chief Justice Aurelie Sciaroni

Resolution passed on: December 10, 2020

Revision passed on: January 28, 2021

**Whereas** the COVID-19 pandemic prompted a shift to remote instruction and assessment during the Spring 2020 semester. This included a greater use of and concern with third-party remote video proctoring services. Remote video proctoring is the process of monitoring students while they take an exam in a virtual setting. This may include a person (i.e., proctor) synchronously viewing students, video and audio recordings of students taking an exam, and the use of artificial intelligence to notify proctors or instructors to scrutinize a students' synchronous video or a portion of an asynchronous recording. Students are expected to identify themselves through a variety of methods including having their government issued IDs photographed, forced revealing and recording of their private residences, forced downloading of software that allows third-party access to student's computer cameras and microphones for the purposes of surveillance, forced allowance of third-party access to student's web activity, while requiring students to have access to a computer, peripheral accessories, and reliable internet. This resolution is specifically concerned with the use of third-party services, normally provided by for-profit corporations, to facilitate online proctoring.

**Whereas** third-party remote video online proctoring undermines the college's role to "stimulate (students') intellectual and personal development." As instructors proctor face-to-face examinations, they not only discourage cheating, but also often provide additional student support (e.g., providing additional clarification, supplying paper or other material support, informing students about the time remaining in the exam period). Third-party remote video

proctoring is expressly designed to minimize cheating and fails to provide any student support. This casts faculty in the role of police catching cheaters, rather than faculty acting as mentors to facilitate student success; and

**Whereas** third-party remote video proctoring runs counter to Peralta Community College District's and Berkeley City College's mission to provide "equitable access". This includes disparate impacts due to socio-economic inequity and racial bias. Third-party remote video proctoring assumes students have access to secure housing and a private work space. Given the pervasiveness of housing insecurity and cost of living in the East Bay region, this assumption of private workspace is often not reality. Video online proctoring requires high-bandwidth, updated software, and reliable internet access. Without such internet access, students may be forced to prematurely terminate their exam if their connection is interrupted. Third-party remote video proctoring requires a minimum level of computer hardware (e.g., laptop or desktop computer, webcam, speakers, microphone). Moreover, students' technology may not support the software they are required to download on their computer to enable third-party remote video proctoring or they may not have the administrative rights to do so if they are borrowing a university-owned computer. Finally, third-party remote video proctoring companies charge potentially onerous fees for their services that are directly or indirectly paid by students. Racial Bias: Third-party remote video proctoring is often supported by artificial intelligence (AI) algorithms, which automatically detect "undesirable" actions (e.g., students looking away from the screen) or incidences (e.g., another person walking into the room). The AI cues the proctor or instructor to review synchronous or asynchronous video when "aberrations" from programmed norms are detected. Facial recognition software, and other AI in this category, have consistently been found to fail to recognize people with darker skin. Therefore, it may be more likely for black and

brown students to be flagged by the AI, and thus be more closely surveilled due to the color of their skin. Such increased scrutiny may lead to poorer test performance due to stereotype threat coupled with traumatic histories of surveillance.

**Whereas** the implementation of third-party remote proctoring by the Peralta Community College District's and Berkeley City College runs counter to the mission values of Communication, Trust, and Respect. Noting that Peralta Community College District staff invited student representatives to a discussion meeting about the use of Honorlock on December 3rd, 2020, when final exams and projects were historically upcoming; student representatives were told that third-party video proctoring by Honorlock had already been implemented at the beginning of the Fall 2020 semester, raising concerns over transparency and informational accessibility to the district's decision making process. Further, student representatives found that there were no official policies in place for the Peralta District to follow should students feel wrongly accused or violated by online proctoring services and wish to opt-out. Nor is there any policy in place to let students who had already used Honorlock know that they had had an option to refuse to use Honorlock.

**Whereas** third-party remote video proctoring raises a number of accessibility concerns since it assumes students are neurotypical and able-bodied. Third-party remote video proctoring may hinder the use of software that supports students with learning disabilities. Moreover, it violates students with medical issues and disabilities rights to privacy since they may be required to disclose their HIPAA protected medical condition and disability to a stranger and have that disclosure recorded. Furthermore, students who demonstrate tics or use body movement to promote relaxation or focus may be flagged as suspicious. As part of the self-identification and

security clearance processes, students are required to use fine motor skills to show their ID and large motor skills to show the space around their workstation. Further, the verification and proctoring process relies heavily on visual and auditory cues, which present barriers for students with visual or hearing impairments.

**Whereas** third-party video remote proctoring raises a number of privacy concerns that disproportionately impact the personal security of marginalized students and threaten the security of Peralta Community College District and Berkeley City College. **Privacy and Sanctuary:** Third-party remote proctoring supports the norm of surveillance and diminishes the norm of a right to privacy and sanctuary at home. This erosion of privacy may be especially harmful to the academic performance of students from communities that regularly experience enhanced surveillance and policing (e.g., Black, Muslim, and trans students) and may further add to stereotype threat. Furthermore, this practice indirectly threatens privacy by providing video recordings of our students' faces to companies further developing surveillance AI algorithms, potentially for criminal justice surveillance. **Academic Freedom:** The development of relationships with companies conducting third-party remote video proctoring may threaten academic freedom. When faculty at UC Santa Barbara expressed their concerns to the administration about third-party remote proctoring, they were legally harassed by the remote proctoring company. **Information Security:** There is concern that the introduction of third-party remote video proctoring software may make students' computers more vulnerable to malware. The introduction of such malware could threaten students' privacy and potentially their economic well-being. Furthermore, it erodes the security of university systems that students are directly connected to (e.g., student email) and may lead to further security failures via "phishing"

or other nefarious actions. Personal Safety: Students are often required to submit private information (e.g., full name, email, phone number, photo ID) to the company conducting third-party remote proctoring. Such outside entities may record students' biometric information, including their keystroke patterns or retina scans. Third-party remote video proctoring may also require students to allow instructors, and potentially strangers, to video record them in their residential space and record information on students' computers. This violation of privacy may be especially concerning for students that are undocumented or share their residential space with any other people that are undocumented, students that have been sexually harassed or could potentially be sexually harassed, or students that are actively supporting causes that could potentially make them more vulnerable to harassment or other forms of persecution by state or non-state actors. This concern is even more acute when a video recording is kept on technology not directly owned by or controlled by the Peralta Community College District or Berkeley City College (e.g., remote proctor's server).

**Whereas** if an exam format is used, there are a number of alternative actions that may be used to discourage cheating without using third-party remote video proctoring. Given that academic dishonesty may include an array of behaviors that students and faculty may not consistently perceive as "cheating", instructors should not only discuss what behaviors are not allowed, but also why those behaviors are not allowed and further emphasize examinations as a step towards the intrinsic goal of learning. Student self-efficacy may be increased and academic honesty supported by helping students to focus on the exam content and help them become comfortable with the testing format. Further technological steps may be taken, such as the randomization of test questions order or use of varying question sets for students. Moreover, rather than using closed-ended questions (e.g., multiple-choice) that facilitate cheating, an exam may require

students to analyze quantitative or qualitative information that varies across students. Furthermore, open-note or collaborative exam formats discourage cheating and may be more authentic examples of the challenges they face outside of academia. There are alternatives to high-stakes exams that decrease the incentives and opportunity to cheat. Such options include a series of lower-stakes academic activities rather than fewer high-stakes academic activities. Portfolios could be used to promote comparison and synthesis of student work. Student learning could also be assessed using essays, videos, or performance in simulation exercises.

**Now therefore, be it resolved** that third-party remote proctoring which include but are not limited to: companies that primarily provide video proctoring services, synchronous or asynchronous video recording, recording of biometric data, or collecting any other private data by third-party remote proctoring providers should be restricted or banned in Peralta courses starting in the Spring 2021 semester.

**Therefore be it further resolved** that the Associated Students of Berkeley City College establishes a commission on academic integrity and fairness, collaborating with the BCC Academic Senate (and other relevant parties) to find alternative solutions to combat academic dishonesty. The commission's composition will include 5 student designates and at least 2 representatives from the BCC faculty. The BCC Academic Senate may choose to appoint faculty representatives to the commission or interested faculty members may be chosen (within ASBCC's discretion) if no faculty appointments are made within the deadline. The ASBCC shall implement this commission within the first four (4) weeks of this resolution's passing.

**Therefore be it further resolved** that a copy of this resolution be provided officially and directly to the Peralta Board of Trustees, Office of the Chancellor, Berkeley City College

President Dr. Angélica Garcia, Vice President of Instruction Kuni Hay, Vice President of Student Services Dr. Stacey Shears, Berkeley City College Academic Senate, and the ASO's of Laney College, College of Alameda, and Merritt College within seven (7) days.

**Therefore be it further resolved** that this resolution is made publicly available to all students within the Peralta District.

**Therefore be it further resolved** that the Associated Students of Berkeley City College (ASBCC) assists the ASO's of Laney College, College of Alameda, and Merritt College in also passing their own resolutions opposing the use of Honorlock and any third party proctoring service within the Peralta District, for the welfare and interests of all Peralta students.

#### Sources Cited

1 Grajek, S. (4/10/2020) EDUCAUSE COVID-19 QuickPoll Results: Grading and Proctoring.

<https://er.educause.edu/blogs/2020/4/educause-covid-19-quickpoll-results-grading-and-proctoring>

2 The per student exam cost often is function of the service offered and the duration of the exam. A two-hour exam with full services can cost \$20 to \$50 according to resources from University of Illinois and John Hopkins School of Public Health.

3 Swauger, S. (4/2/2020) Our bodies encoded: Algorithmic test proctoring in higher education. Hybrid Pedagogy.

<https://hybridpedagogy.org/our-bodies-encoded-algorithmic-test-proctoring-in-higher-education/> 4

Bolamwini, J. & Gebru, T. (2018) Gender shades: Intersectional accuracy disparities in commercial gender classification. Proceedings of Machine Learning Research. 81(1)

<http://proceedings.mlr.press/v81/buolamwini18a/buolamwini18a.pdf>

5 Woldeab, D. & Brothen, T. (2019) 21st century assessment: Online proctoring, test anxiety, and student performance. International Journal of E-Learning & Distance Education. 34(1)

<https://files.eric.ed.gov/fulltext/EJ1227595.pdf>

6 Davis, J. E. (4/16/15) The flaws of online course testing. Connected Learning Alliance.

<https://clalliance.org/blog/the-flaws-of-online-course-testing/>

7 Reichman, H. (3/27/20) An egregious case of legal bullying. Academe Blog.

<https://academeblog.org/2020/03/27/an-egregious-case-of-legal-bullying/>

8 Chin, M. (4/29/2020) Exam anxiety: How remote test-proctoring is creeping students out. The Verge.

<https://www.theverge.com/2020/4/29/21232777/examity-remote-test-proctoring-online-class-education>

9 A memo from the CSU Chancellors' Office (8/4/2020) from Alison M. Wrynn, AVP of Academic Programs,

Innovations, and Faculty Development discourages the use of remote proctoring and provides a number of alternatives to remote proctoring.

10 Dyer, J. M., Pettyjohn, H. C., & Saladin, S. (2020). Academic dishonesty and testing: How student beliefs and test settings impact decisions to cheat. Journal of the National College Testing Association. 4(1).

<https://www.ncta-testing.org/assets/docs/JNCTA/2020%20-%20JNCTA%20-%20Academic%20Dishonesty%20and%20Testing.pdf>

11 "Resolution on Third Party Proctoring | Academic Senate." Used as Template for ASBCC Resolution. Accessed

December 9, 2020. <https://senate.sfsu.edu/resolution/resolution-third-party-proctoring>.