

Nov. 4, 2020

Dear Students,

I have heard from many of you concerning the College of Law's use of proctoring software this fall exam season, and the selection of Proctortrack by Verificent Technologies as our proctoring service.

Below, you will find my response to your concerns. **In sum, the ultimate arbiter of academic integrity in the administration of our Fall 2020 exam season is *not* Proctortrack or artificial intelligence; it will be the human proctors—namely, your professors.**

Allegations of Cheating; Academic Integrity and Rigor

Over the spring and summer, many of you registered complaints and allegations of cheating during exams and asked that we return to the College of Law's normal grading policies. I heard your feedback and asked a committee of College of Law professionals to explore and assess proctoring solutions. In doing so, the committee, which included our registrar's office, faculty members, and our Senior Disability Access Counselor reviewed a multitude of online proctoring options nationwide. As you know, millions of exams are now administered with online proctoring services.

The selection of Proctortrack was the outcome of this rigorous process, based upon its compatibility with our exam software (ExamSoft) and flexibility in customization and application, which allows us to honor special accommodations and guard against the nefarious impact of implicit biases in software development. As to grading policies, which are the exclusive prerogative of the faculty, our faculty voted to reinstate our normal grading policies and curve earlier this fall.

Your Privacy

Your privacy is of the utmost concern to us. Syracuse University is committed to ensuring that your information is secure and has in place physical, electronic, and managerial procedures to safeguard and secure the information we collect from you (and from all of us) online. Of course, with the proliferation of digital technologies and the explosion of e-commerce, digital privacy scandals abound, whether our personal communications systems and social media accounts, our relationships with our favorite retailers, or even the most sophisticated of industry giants such as hotel chains and major law firms: malware and hackers are a veritable and constant threat.

This is not to diminish the impact of such threats on any of us. It is absolutely the case that when we travel to other websites and navigate platforms outside of our College of Law and Syracuse University pages, we are exposing our data and information to these other sites and platforms, which makes our examination and assessment of privacy policies absolutely essential.

We have had many conversations with Verificient about these concerns, including about the security incident which occurred a few weeks ago. Verificient treated the College with care, updating us daily on the events that occurred, sharing with us the steps that were being taken to assess the impact of the incident, and how they will prevent future events. The security incident was the result of a compromised test account and, *no data breach occurred*.

Nonetheless, Verificient has implemented advanced administrator login security protocols to combat the possibility of future events. Additionally, Verificient is currently implementing a data privacy dashboard, which will permit you to monitor what proctoring data has been retained and when it will be purged. [You will find Verificient's privacy policy here.](#)

Limited Provision of Information

In preparation for the start of the final exam period, you will install the Proctortrack app, at which time you will also complete an onboarding process. Proctortrack will ask you to display a photo ID for use in identity authentication. No other information will be collected from you.

Students in need of accommodations for disabilities during the onboarding process will receive them. For more information regarding accommodations, please contact Annette Jenner Matthews (arjenner@syr.edu).

If you are concerned that the app compromises your privacy or the integrity of your computer, you will be able to uninstall the Proctortrack app after you have completed all of your Fall 2020 exams.

Racism and Ableism

You have expressed and we share your concern that the facial recognition and monitoring features of online proctoring software raise implicit bias problems that may disproportionately impact persons of color, disabled persons, and trans persons, for example. The best way to mitigate the impact of these experiences is to leave the ultimate decision making power to a human proctor, which is what we are doing.

It is important to know that Proctortrack meets the stringent accessibility standards imposed by Syracuse University, whose Center for Disability Resources vetted the software thoroughly. As important, please know that any students in need of accommodations for disabilities will receive those. In any event, all previously approved accommodations will be honored for the

fall exams. If you require accommodations please contact Annette Jenner Matthews (arjenner@syr.edu).

In the end, however, Proctortrack will not make any decisions concerning a student's record. Rather, Proctortrack will record behavior and raise flags if an action during an exam session is inconsistent with parameters set by our professors for taking the exam, based upon the nature of each exam. A flag will not terminate your session, nor will it interrupt your exam.

After the exam, Proctortrack will generate a dashboard, which will reveal to the exam administrators all flags thrown during the exam. Administrators will review the dashboard and video content as necessary to assess the circumstances surrounding each flag. Students will have the opportunity to participate in this process if an adverse decision is made.

As always, please do not directly contact your professor regarding your exam, as it may compromise the anonymity of your exam.

Technical Issues and Exam Procedures Training

Some of you have expressed concerns about equipment and Wi-Fi disruptions. You will not need any additional equipment beyond that which you have been required to have for the fall semester, as listed on this [tech checklist](#), which you received before the start of the semester.

In addition, please know that the interruption of Wi-Fi will have no impact on the proctoring of your exams. If you experience an outage, the situation will be as if there were no proctor: you will reboot when Wi-Fi service returns and complete your exam at that time. The interruption of service will not trigger any flags. As part of your exam procedures training next week, the ability to take breaks during your exams will be discussed.

Bar Exams

[Some of you read a letter](#) which I co-signed this summer, advocating for a diploma privilege for Class of 2020 law graduates. Nothing in that letter addressed remote proctoring. As you know, most states declined that request for a diploma privilege, opting for online bar exams instead. With only one exception, all states that administered a remote exam used AI proctoring services for the summer 2020 bar exam. The one exception was Indiana, which was forced to conduct an open book exam when it could not conform proctoring software to its exam software.

New York has already announced that it will use AI proctoring software again this spring for the February bar exam. To avoid biases, and in particular the impact of AI on communities of color, bar examiners embedded in their systems processes and opportunities to review any flags after

the exam was over.

Of course, bar examiners are much more stringent in the administration of exams than law schools. But, as all of you prepare for the bar exam, which for some of you will be virtually administered with AI proctoring in place, please consider this aspect of the fall and likely spring exams a part of your training.

If you must conform to AI proctoring for the highest stake examination of your law careers—the bar exam—let's prepare now, together. Our faculty are committed to a fair and equitable administration of virtual exams. The checks and balances will be in the post-examination and grading processes.

Consult with your Professors

I know and understand how stressful and difficult the pandemic conditions have been on all of you. These conditions have generated an unusually large number of challenges to which we must adapt. The honest and rigorous assessment of your academic progress is our mandate, to help you prepare for the bar exam and the careers that will follow. Proctoring can be a useful tool in responding to the potential for cheating and in enforcing the grading curve with integrity and fidelity.

It is each faculty member's prerogative to have proctors in place or not during exams. As noted above, that decision is largely driven by student concerns about cheating and the integrity of the exam process and our grading system.

Today, the faculty have been alerted to your concerns, and they have been reminded that the decision to proctor exams (and therefore use proctoring software) is theirs to make. Please feel free to be in touch with them to learn their decision concerning the proctoring of your exams. Please also check our exam schedule which will be updated next week to indicate which exams will be proctored.

Thank you again for expressing your concerns. I wish you every success on your exams.

Best regards,

Craig M. Boise

Dean and Professor | College of Law