



December 17, 2020

The Honorable Richard Blumenthal
United States Senate
Washington, D.C. 20510

The Honorable Elizabeth Warren
United States Senate
Washington, D.C. 20510

The Honorable Tina Smith
United States Senate
Washington, D.C. 20510

The Honorable Chris Van Hollen
United States Senate
Washington, D.C. 20510

The Honorable Ron Wyden
United States Senate
Washington, D.C. 20510

The Honorable Cory A. Booker
United States Senate
Washington, D.C. 20510

Dear Senators Blumenthal, Van Hollen, Warren, Wyden, Smith, and Booker:

Thank you for your recent letter and interest in online, remote test proctoring. As a leader in online proctoring services, we are committed to setting the standard for industry best practices, and we welcome the opportunity to assist in creating policies that ensure providers of online proctoring services are complying with applicable laws and protecting the privacy, accessibility, and equity of users. We also hope to correct and clarify some of the misconceptions and inaccuracies that have been reported and repeated about online proctoring services and ProctorU. Before turning to your questions directly, we believe it would be helpful to provide some background on the need for online proctoring services as well as some clarification and context for understanding ProctorU and the services we provide to schools, students, credentialing organizations, and professionals.

Remote test proctoring is not new. It has been an important feature of distance education since its inception. ProctorU has been proctoring remote tests for colleges and major credential providers for more than a decade – delivering millions of quality-controlled test sessions long before the pandemic. Since the pandemic started, remote proctoring has become even more important as a vehicle to help institutions and educators safely continue to support students and professionals during an unprecedented global calamity that has had significant negative impacts on the education sector.

[According to the Department of Education, as of 2018 nearly seven million students took courses entirely or partially online at American degree-granting institutions.](#) Millions more take licensure and certification exams online. Online learning is a growing sector of American higher education, opening unprecedented opportunities to millions of Americans who wish to start, finish, or advance their learning. Nearly every college in the nation has an online program or component, and many educational institutions shifted many or all of their classes online for at least some period during the past year. Access to higher education and learning credentials and ensuring the quality and integrity of tests and assessments is not just essential on its own; it is a major driver of economic and cultural success for the entire country. In 2020 alone, we have helped more than 1.5 million people in this process, providing a safe alternative to in-person testing during pandemic lockdowns in countries around the world.

The educational institutions and other test providers we support rely on our services to protect the integrity of their tests and to ensure test-takers conduct online tests in a manner that is fair to their fellow test-takers and to their institution or credentialing entity. [Academic misconduct has risen dramatically during the pandemic.](#) The prevention of unfair cheating during a test session is a crucial component of the online proctoring process, and so is the prevention of intellectual property theft or

misuse of test contents that would disadvantage testing institutions or future test-takers. Ensuring the integrity and value of online testing and credentialing programs is essential to the success of online learning.

ProctorU is unique among other online proctoring service providers in that ProctorU is, nearly exclusively, a provider of live proctoring. That is, nearly 95% of the assessments we facilitate are conducted with trained, live, human proctors, not computer algorithms reviewing recorded test sessions. The remaining 5% of test sessions are conducted for customers who use ProctorU's test session recording process and manage the human review component on their own.

Using human review to oversee test sessions ensures that the needs of test-takers are met in real time to prevent barriers or discriminatory outcomes. Human reviewers also support institutions and educators in safeguarding their intellectual property and maintaining test integrity.

Finally, it is important to understand that the rules set for a test – time limits, what resources are allowed or barred, whether breaks are allowed, what actions constitute misconduct or cheating that warrants further review by the testing provider or termination of an exam – are set by the test provider, the school, or the instructor administering the test. Our proctors alert institutions or testing agencies to violations of their test policies but do not decide whether any incident merits a particular consequence. In sum, our proctors act as agents of the test provider -- following their rules to ensure the security and integrity of their test and safeguarding the accomplishments of their test-takers.

Responses to your specific questions follow:

1. What features and technologies does your product offer to schools and test administrations to detect student's attention, identify possible cheating, and otherwise monitor the test environment?

ProctorU primarily uses human proctoring – live, trained proctors – to assist test-takers throughout a test and monitor the test environment. We utilize software tools as a means to assist our human proctors. These software tools can detect things like human background voices, test-takers repeatedly looking away from a test in the same direction, test-takers leaving the test area, attempts to use online resources to search for answers, or other behaviors or traits that have been routinely correlated with disallowed test conduct. We also have alerts for use of unpermitted objects such as cellphones, which we have witnessed being used to steal test questions.

It is important to understand that these software tools supplement and inform human judgment; they do not replace human judgment. A good analogy is a smoke detector. If one goes off, a human has to decide whether there is a fire or just burnt toast. When technologies alert a human proctor to a suspicious behavior, it is the human proctor that decides what is happening and whether it is likely misconduct or an innocuous event. At ProctorU, no determination of any kind is ever made solely by a computer or algorithm.

As for cheating, we have found that, in a significant number of cases, a simple reminder from a human proctor about the test rules, to put away a cell phone, for example, can prevent a violation incident or inquiry. Our proctors are trained on how to spot incidents of misconduct such as using unpermitted resources, getting answers from others, unauthorized collaboration, and the multiple other ways test-takers may try to gain unfair advantage. We recognize that humans are simply better than machines alone at identifying intentional misconduct.

2. What steps have you taken to ensure that any features related to test monitoring is accurate for all students regardless of any religious dress, like headscarves, they may be wearing, skin tone, gender, hairstyle, and other physical characteristics? How do you measure and review this accuracy?

To start, we want to emphasize that ProctorU prioritizes providing unbiased services. We make our products so that they reasonably accommodate all test-takers, regardless of one's race, religion, ethnicity, gender, or abilities.

ProctorU uses a combination of industry-standard technologies and human proctors to ensure the accuracy of our identity validation process and the integrity of test sessions. Our software is used for informational purposes to support these functions, but no determinative decision about a test-taker's identity nor about the integrity of a test session is ever made solely by any software or algorithm. Our human proctors review and are able to ignore or override any alert driven by any software or system for suspicious behavior.

Our proctoring centers are disbursed worldwide and our proctors themselves are diverse and reflect the people we serve. All of our proctors are required to undergo diversity, inclusion, and anti-racism training to ensure their oversight of our technology and software systems and independent proctoring practices are equitable for all test-takers.

3. What steps have you taken to ensure that any features related to test monitoring is accurate for individuals with disabilities, muscle conditions, or other traits? How do you measure and review this accuracy?

We believe humans are better judges of human behavior than software or technology alone. As such, the test sessions that ProctorU facilitates are nearly entirely conducted by human proctors. Our experienced and trained proctors can distinguish between behavior related to "disabilities, muscle conditions, or other traits" and unusual behavior that may be an attempt to circumvent test rules.

4. What processes, policies, or information are in place or provided to administrators to accommodate test takers whose physical characteristics could create problems with the testing software?

In test settings where a physical characteristic could impact the test session or necessitate test accommodations – extra time or extra resources, for example – those requirements are entered into our test system by the institution before testing, and our human proctors are trained to ensure they are delivered as intended. A proctored test session ensures that test accommodations are offered and met, allowing more students to achieve their learning goals. We have also found that a remote, at-home testing environment is favorable to those with certain disabilities.

ProctorU ensures any "problems with testing software" are addressed quickly and completely. Test-takers are able to communicate with their proctors before their test session begins and during their test sessions by chat functionality or by speaking out loud to their proctor. This ensures any issues can be addressed in real time.

[For more information, please see our accessibility statement.](#)

5. What steps do you take to ensure your virtual proctors are adequately trained and informed of students' needs?

As mentioned in the answer above, we ensure that all of the varied and often complex accommodations of test-takers are clearly defined in the test-takers' accounts, well understood by our proctors, and delivered to students effectively.

Our proctors are well-trained and closely supervised in meeting the needs of test-takers. Before proctoring their first live test, ProctorU proctors must complete a full six-week course, requiring 40 hours per week of training. All proctoring sessions are subject to internal review by ProctorU to ensure that our proctors are fully equipped to facilitate our services and support test providers and test-takers. Our proctor training specifically addresses anti-discrimination, professionalism, and ethics. This training is reviewed and refreshed multiple times per year. Our proctors continue to receive training on a monthly basis after their initial training. We also provide proctors with weekly compliance guidance. All of our proctors sign confidentiality agreements as part of their employment agreement. Additionally, ProctorU maintains a "white room" policy prohibiting proctors from having mobile phones or other devices on the proctoring floor. Proctors themselves are knowingly monitored and recorded while proctoring to ensure their compliance with ProctorU's policies and testing provider requirements.

6. What steps have you taken to ensure adherence and compliance with federal and state laws governing student privacy and accessibility for individuals with disabilities, such as FERPA, the ADA, and HEA, which the institutions you may have contracts with are required to abide by?

ProctorU maintains an experienced and engaged compliance department that ensures that we meet all of our obligations under the laws and rules related to test-taker privacy and accessibility, both in the United States and internationally.

The institutions we assist in delivering quality assessments are required to abide by these laws, and they review and audit our practices to ensure that we are compliant, as well.

a. How have you communicated and coordinated with institutions of higher education to ensure that your software is in compliance?

Because we currently help over one-thousand learning institutions and credential providers safeguard the integrity of their degrees and credentials, our policies and procedures have been reviewed and approved thousands of times by institutions and experts around the world.

Our website also includes detailed information about the laws, rights, and requirements in these areas [here](#) and [here](#).

7. How many complaints have you received from students and test takers in regards to facial recognition tied to either their race or gender identification? How can a student lodge such a complaint and what is the process for addressing potential problems?

As of November 2020, test-takers who use ProctorU are very satisfied with the experience. Nearly 92% report being "satisfied or very satisfied" with their proctor and more than 86% report being pleased with ProctorU's services.

Of the 4.4 million tests administered in 2020, ProctorU received fewer than fifteen inquiries related to facial recognition. Most of those inquiries related to a technical port issue that was resolved in October 2020. An internal investigation did not indicate there was any correlation between race or gender and facial recognition-based inquiries, and ProctorU has found no evidence of bias in the facial comparison process it uses to authenticate test-taker identity. Importantly, as stated above, only humans make decisions about whether to allow tests to proceed; no test-taker is ever prevented from sitting for a test session because of any automated facial recognition finding.

Test-takers are provided with a number of options to contact ProctorU should they need assistance. Any test-taker can contact ProctorU by toll-free phone, live chat, by email, or by completing a webform within their account.

8. How long do you keep students' personal information, including video recordings, which you collect during the exam? Are you using or sharing this data for any purpose beyond the authorization and proctoring of the test, including to train your machine learning algorithms?

Data retention policies are set by the test providers we serve. The data retention policies of our test providers can vary depending on their needs or the needs of their test-takers. For some providers we remove and delete information within days, others ask us to keep data longer. Currently, no test session video recordings are maintained by ProctorU for longer than two years.

ProctorU does not use or share any of the data it collects for any purpose other than to facilitate the administration and proctoring of tests. Test providers are the owners of the test session recordings collected by us. ProctorU does not make data available to any third party outside of the test providers administering the tests and ProctorU's service providers. ProctorU's service providers are approved by ProctorU's test providers, and are restricted from using test-taker data for any purpose other than to facilitate the administration of remote testing. ProctorU does not use test-taker data to train its machine learning algorithms. Our privacy policy is available [here](#).

Thank you again for this opportunity to share some of the details about the value we provide for education institutions and test-takers to help them achieve their learning goals. We hope this information is helpful to you as you examine these important issues.

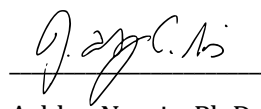
If we can be of further assistance, please let us know.



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