This document addresses some legal and logistical questions raised by students and instructors in relation to online proctoring of exams. We focus on two basic software models for proctoring:

Honorlock
Honorlock is an application for Google Chrome integrated into Canvas. It has three major functionalities. First, via the computer's video camera it creates a video record of a student while they take an exam, for later review if suspicion of academic dishonesty arises. Second, Honorlock acts as a lockdown browser so that no other programs or other Google Chrome tabs may be open during the exam. Thirdly, it uses software to automatically flag certain behaviors as suspicious for the instructor to review at a later time. See https://kb.wisc.edu/103206 for more details, including "how-to" videos.

Live video proctoring
By using the gallery view mode on a video conferencing tool such as WebEx or Zoom, or by placing students into individual breakout rooms in such a tool, students would solve their exam while being proctored in real-time by a TA or instructor.

Q: Are Honorlock and live video proctoring both FERPA compliant?
A: Yes. See the long response from the Continuity of Instruction Team below with regards to Honorlock's FERPA compliance. For the live video proctoring, we confirmed FERPA compliance via conversations with the Office of Student Conduct and Community Standards, the Office of Legal Affairs, and L&S.

Q: Using these methods, can I require students to turn on their webcam during an exam?
A: You can make this a requirement for all students with the appropriate technology. However, since having a webcam is not a technological requirement for the university, you will need to have a plan for accommodating students without a webcam or without a reliable internet connection. There is currently a team of people at the university level exploring the possibility of offering students laptops with the required technology and utilizing space on campus for socially distanced in-person proctoring. We will update this section when we learn more.

Q: If I use live proctoring, do I need to place all students in individual breakout rooms?
A: No. Placing up to 100 students in individual breakout rooms is an option in WebEx or Zoom. While break out rooms allow for individuals to have more privacy a student will know when an instructor enters and leaves a break out room thus also knowing when they are not being seen by an instructor. There are no FERPA issues with video proctoring students within a single course, even if students are able to see the video feeds of other students. For instance, one could use the "gallery view" to proctor students in WebEx or Zoom.

Q: Are there rules for proctors that are different in video vs in-person settings?
A: No. However, we note that in any online proctoring method, all proctors should be trained to proctor the entire room (i.e. not to single out any particular students for heightened scrutiny). For Honorlock, this means that an individual student's recording should not receive a higher level of scrutiny unless there is a clearly justifiable reason for this. For video proctoring, since not all students would generally be visible at a single time, this likely means toggling through the video feeds at regular intervals.

Q: For these online proctoring methods, are there any requirements about how instructors can ask students to arrange their cameras?

A: Instructors should have a reasonable pedagogical reason for how they ask students to arrange their cameras. And if students can see each others' video feeds, then the cameras should not be arranged in such a way that one student could see the work of another student.

Q: Can I combine Honorlock and live video proctoring?
A: In theory yes, though this combined method has not yet been tested, as far as we are aware.

Q: Are there specific accessibility concerns related to online proctoring?
A: Apparently, this is under development and will be posted through the continuity of instruction website at a later date. We will send an update when we get that info.

Q: If I use live video proctoring, can I also record the exams? If so, what storage issues should I be aware of?
A: Recordings taken during an exam raise some complex legal issues, especially as they might involve laws in other states/countries. In addition, it seems that recordings would need to be securely stored for at least one year, similar to how final exams are stored. For these reasons, we would advise instructors to avoid recording outside of the context of Honorlock. If you would like to discuss the possibility of recording the live feed of an exam please discuss with David Anderson.

Q: Under what circumstances are instructors required to grant requests for modifications related to technological, privacy, equity, or other concerns?
A: Instructors need to make modifications for students without access to the appropriate technology for online proctoring. In addition, we recommend having clear policies related to modifications for privacy, equity, or other concerns, and working with students who express such concerns to find a reasonable solution. These might include: utilizing Honorlock in place of live proctoring for some students, or vice versa; allowing virtual backgrounds for added privacy (possible in some systems but not others); placing a student into an individual breakout room for live proctoring; utilizing Testing and Evaluation Services; or arranging for an "in-person" proctor (e.g. an assistant on a sports team, a dorm official, etc).

Q: What should an instructor do if a student reports a technological issue such as a webcam malfunction or a loss of internet connection during an exam?
A: First off, please note that if you plan to use an online proctoring service then you need to have one or more low-stakes run-throughs of the technology (e.g. a 0-point quiz) in advance of the first exam, so that students gain familiarity with the method.
We recommend that each course develop a clear policy for technological disruptions, and that instructors clearly explain to students what they should do in such an event. One suggestion is the following: explain to your students that in the event of a technological emergency, try as best as they can to complete the work and upload their solution in a timely manner. If this proves impossible, then they could have their later exams count for a higher percentage, similar to what is often done in the case of sickness. Another suggestion is to set up a Google Meet or WebEx room and (i) give the students the phone number that can access the room, and if you are using Honorlock (ii) whitelist the URL for the room. Students can then use this room in case of questions and/or technological emergencies.

Due to equity issues involved with access to reliable technology, such policies should not unduly penalize students for such an event. Each course's policy may depend on the specific proctoring method used, the type of exam being given, and other factors.

Q: Any other best practices to be aware of?

A: We recommend communicating your policies for exams as early as possible in the semester. If students will be recorded, via Honorlock or some other method, we recommend discussing how these recordings will be used and who will have access to them. Finally, we note that online proctoring solutions are not perfect, and should be used in conjunction with other methods of promoting academic integrity; see
https://conduct.students.wisc.edu/misconduct/academic-integrity/ for more on academic integrity and/or
https://sites.google.com/wisc.edu/ls-remote-teaching-toolkit/3-guides/assessment?authuser=0.

Q: What if a student expresses concerns about the privacy issues related to Honorlock?

We encourage you to talk with the student about their concerns and see if they can be alleviated by providing more specific information given about the system or by making some other arrangement. We received the following email about this from the Continuity of Instruction team. Feel free to use this text (or parts of the text) in your communications with your students who express concerns.

Honorlock only requires that students use a Google Chrome browser and install a Honorlock Chrome extension. Google Chrome extensions operate entirely within the Chrome browser, and these extensions have access to limited operations provided by the browser. The extension is only active while students are within the Canvas environment. When the Honorlock extension is active, a flashing red indicator is active to alert students to its use. If this indicator is not being shown, you and students can trust that nothing is being monitored or recorded during that time.

Only UW-Madison personnel with legitimate educational interest in the records may have access to student data. Also, key staff within Honorlock will have access, if needed, in order to provide quality control and support for UW-Madison instructors. These individuals are bound to the FERPA and privacy requirements required by the UW-Madison/Honorlock master service agreement. All data, including photos and video, are stored in an encrypted format on isolated storage systems within Honorlock's private cloud in Amazon's AWS U.S. data centers.

The university's agreement with Honorlock for online test proctoring does not allow Honorlock to sell student information to third parties. As mentioned above, our contract with Honorlock has specific legal requirements for the protection of student information that supersede Honorlock's standard Terms of Service (publicly available on their website) and bind Honorlock to all of the protections supplied by FERPA.

Honorlock does not access the test-taker's network nor does it, in any way, monitor or access any secondary devices that are on the test-taker's network. Honorlock does monitor the quality of the internet connection of the specific test-taking device to insure the quality of and to document the network connection stability during the test-taking experience. This helps to address and troubleshoot situations where the test-taker's internet connection becomes unstable during the test-taking experience.

Honorlock does not 'intercept' searches, nor control or interrupt any network/internet traffic from any secondary devices at any time. Honorlock also does not 'replace' search results; it has no more control over search results than any other company. Honorlock does utilize SEO (Search Engine Optimization) in an attempt to seed what's called "honeypot" sites in meaningful ways. Honorlock does not, at any point,

control any device, secondary or otherwise, to deliver the service. At no point does Honorlock have direct control over any device, secondary or otherwise, before, during or after the test-taking experience.