

## [UC Berkeley Campus Information Security and Privacy Committee](#)

Date: August 17, 2020

Title: Privacy Considerations for Courses Participating in the Online Proctoring Pilot Program (Fall 2020) – Zoom Specific

### **Privacy Considerations for Courses Participating in the Online Proctoring Pilot Program (Fall 2020) - Zoom Specific**

#### **Background and Suggested Alternatives to Remote Proctoring:**

UC Berkeley faculty have expressed the need to put controls in place during midterm and final exams to ensure that students who are taking remote exams are deterred from cheating and can be caught and disciplined if they do engage in cheating. Per faculty members, this is necessary not only to ensure the integrity of the exam process, but also to prevent students who do not engage in cheating from feeling that the exam process is “rigged” to favor students who cheat, if no controls are put in place to catch cheaters.

In order to ensure the academic integrity of remote exams, many faculty members have expressed a desire to use remote proctoring methods, such as video or key-stroke monitoring, as well as artificial intelligence or facial recognition software.

Because there are privacy concerns associated with the remote proctoring tools described above, the UC Berkeley Privacy Office recommends that alternative methods be used to discourage unauthorized collaboration or cheating on remote exams, including modifying exam formats and content to decrease the likelihood of collaboration without discovery. Examples of such modifications include the use of open-ended versus multiple choice questions; and using multiple versions of an exam with the order of exam questions differentiated for each version.

Additionally, students should be made aware of and encouraged to abide by [UC Berkeley's Honor Code](#).

In order to further lessen the anxiety surrounding remote exams, weighting of midterm and final exams can be altered to avoid placing so much emphasis on one or two exam instances for grading purposes.

#### **Decision to permit the use of Zoom to conduct remote proctoring of exams:**

On June 15, 2020, the Office of the Executive Vice Chancellor and Provost issued a campus-wide communication indicating that the only remote proctoring available to

instructors for the 2020 Summer Sessions and Fall 2020 Semester, would be the use of Zoom.

As such, this document will focus on privacy recommendations pertaining to the use of Zoom for remote proctoring, though it is recommended that the alternatives to remote proctoring described above be considered.

### **Recommendations if Instructors Decide to Use Zoom for Online Proctoring:**

- 1) Provide sufficient notice that the course will include the use of Zoom for proctored exams:
  - a) Adequate notice should be provided to students that their midterm or final exam(s) for a particular course will involve the use of online proctoring via Zoom, ideally in the course catalog or syllabus, so that students are informed and can make decisions regarding course selection and completion or be provided with sufficient notice to request a reasonable accommodation.
  - b) Advance notice regarding the technical requirements (stable, high bandwidth; video capability; no Chromebooks, etc.) necessary for Zoom; should be provided in order for students without sufficient computing resources to request assistance or alternatives.
  - c) Students should also be advised of the specific personal data about them that will be collected by Zoom and the Instructor, including any data collected from their devices.
    - i) Zoom's [Terms of Service](#) and its [Privacy Policy](#) should be made available to students in advance of the exam
  - d) Students should be notified that exam sessions will be recorded. This notice must be made well in advance of exam day.
- 2) Instructors should ensure that students have ample time to request accommodations for relevant disabilities.
  - a) Students should be advised that only requests formally submitted to the [Disabled Students' Program \(DSP\)](#) will be considered.
- 3) Students should be permitted to petition for an alternative arrangement. Sample considerations for alternative arrangements include:
  - a) Provide an opportunity to petition for an alternative exam method, such as a take home exam, a paper, or other alternative.
  - b) Identify an example list of circumstances that might qualify for such an alternative (e.g. reasonable accommodation, low bandwidth situation, lack of a private room, high risk of interruption; high risk of excess body movement (sneezing from allergies), etc.

4) Name and Location Privacy:

- a) For Zoom proctoring where students can view each other, students should be permitted to use an advance-approved alternative to their full name, such as the student's initials, the student's first name or last name only.
- b) Virtual Backgrounds: In cases where students have specific concerns regarding the privacy of their test taking space (e.g., in a shared living space), the use of virtual backgrounds should be permitted.

5) Location of Recordings:

- a) Instructors and proctors should not store exam recordings on their local hard drives. The default storage location for "Local" Zoom recordings is under "documents" on the computer's hard drive. If Instructors/Proctors opt to use the "local" recording option, these files should be uploaded to a Box folder or secure Google drive with appropriate privacy settings and deleted from the local hard drive.
- b) Instructors can also opt to use the Zoom "cloud" recording option. Cloud recordings are deleted in approximately 30 days, so any recordings that need to be maintained (e.g. as evidence in a student conduct investigation), should be downloaded from the Zoom cloud and then stored in a Box folder or a secure Google drive.

6) Distribution and Sharing of Recordings: Because Zoom recordings contain FERPA-protected information about the students enrolled in the course, it is important to distribute links to recordings using bCourses, or another method that restricts their visibility to only those students and staff who are associated with your course. The recordings should only be shared with enrolled students in the course and relevant staff.

7) Duration for Maintaining Recordings: Recordings should only be maintained for as long as there is a business need. For recordings that are involved in a student conduct investigation or dispute over a grade, they should be maintained for the duration of the investigation or dispute. Generally, for recordings that are not involved in student conduct investigation or dispute over a grade, recordings should be deleted within 90 days of the exam date.

8) Notice Regarding Recording and Deletion Practices: Students should be notified in advance regarding recording and deletion practices. A sample notice is included below:

"This program records you during the exam session. Recorded sessions are stored for a minimum of 30 days and potentially longer in the event that the session is required for further review by Student Conduct. Data collecting during

the Zoom session, including the video recording may be used at UC Berkeley solely for the purpose of verifying test environment integrity.”

- 9) Anxiety Mitigation: In the weeks prior to a remotely proctored exam, students should be reminded of [Campus Mental Health resources](#) that are available to them if they find themselves experiencing more than normal anxiety over the exam process.
- 10) Exam Rules: Pre-exam, students should be made aware of exam ground rules (e.g., no interruptions, no excessive movements or stretch breaks).
- 11) Mandatory Reporting: Students should be advised that if certain activities (neglect, domestic violence) are witnessed in the background, any UC Berkeley employee who witnesses the activity must or may (depending on the activity) report those activities to campus authorities.
- 12) Post-Exam Criteria and Advice: Instructors should be clear on what recourse students have if there is a no-fault error during the timed exam (accidental disruption by a pet or a child; internet disruption, etc.). Students with a legitimate disruption should have the opportunity to explain what happened and receive a rescheduled test or an alternative exam.