

## ACADEMIC COUNCIL REPORT

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### ACTION REQUESTED:

Recommendation   
Decision   
Discussion/Direction   
Information

**DATE:** October 27, 2020

**FROM:** Graduate Studies Committee and Undergraduate Studies Committee

**PRESENTED BY:** Langis Roy/Greg Crawford

**SUBJECT:** Virtual Proctor System Directives

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### COMMITTEE MANDATE:

- In accordance with Article 1.1(f) of By-law No. 2, Academic Council has the delegated authority to establish and implement academic policy instruments, which is also reflected in the university's Policy Framework.
- The Policy Framework provides for relevant committees of Academic Council to serve as deliberative bodies for academic policy instruments.
- The Graduate Studies Committee (GSC) and Undergraduate Studies Committee (USC) have reviewed the draft Online Examination Proctor Directives and are submitting their recommendation for approval by Academic Council.

### MOTION:

*That, pursuant to the recommendation of the Graduate Studies Committee and the Undergraduate Studies Committee, Academic Council hereby approves the Virtual Proctor System Directives, as presented.*

### BACKGROUND/CONTEXT & RATIONALE:

- The E-Learning Task Force has been examining issues related to the online/blended model of teaching that is necessitated due to public health measures currently in place.
- Exam monitoring/remote proctoring tools including Respondus Monitor and Proctortrack are being used on a widespread basis to ensure academic integrity during the current remote/blended model of teaching.

- The E-Learning Task Force has recommended that Legal Services review exam monitoring/remote proctoring tools to ensure that University policies address risk mitigation for issues including privacy.
- Current Final Examination policy instruments deal with in-person proctoring of examination rooms, not remote proctoring systems involving the collection of video and audio of students taking examinations.
- The University has privacy obligations under Ontario privacy law. Legal Services and the Policy Office have examined the technical, physical, administrative and contractual safeguards regarding each proctoring system. In addition to developing a notice of collection and FAQ regarding the use of these systems, Legal Services and the Policy Office have developed a draft Directive that will serve to put in place additional administrative safeguards to protect student privacy and fulfil privacy obligations.

### **CONSULTATION:**

- Developed in consultation between E-Learning Task Force, Legal Counsel and Privacy Office.
- The draft has been revised to reflect comments from Academic Council related to retention and storage of data in the system, the use of real time monitoring in some faculties, scheduling of breaks during examinations. These changes are reflected in the attached draft.
- Academic Council – August 25 for consultation & October 27 for approval.
- Online Consultation – August 31- September 11
- Administrative Leadership Team – September 15 for consultation
- USC – September 15 for deliberation
- GSC – September 22 for deliberation

### **Summary of Comments and Responses**

- Online Consultation:
  - Comments expressed concern that some students will have insufficient upload speed for use of virtual proctor systems. **Response:** We have examined the upload speed requirements for the virtual proctor systems proposed for use, which require a maximum of 400kbps upload. Ontario Tech’s Remote Learning website recommends an internet speed of 3.5 mbps download. Internet plans that offer sufficient download speed to meet that recommendation, also generally include 500kbps or greater upload speed.
  - If the use of a virtual proctor system is not mandatory, should this policy instrument be reclassified as a guideline? **Response:** This directive is intended to enable and regulate the optional use of a virtual proctor system during examinations, not to dictate that all course instructors must use such a system. There are many ways to ensure academic integrity, and many ways to structure assessments, which may be selected at the course instructor’s discretion. If a virtual proctor system is used, there are mandatory conditions and processes, set out in the directive that must be satisfied.
  - There are methods to circumvent online proctor systems. **Response:** We recognize that these systems are not foolproof, and that they may be

overcome through technical means. Any student who attempts to circumvent the virtual proctor system would be subject to investigation and consequences under the Academic Integrity Policy and the Technology Use Policy.

- Undergraduate Studies Committee:
  - A member asked if there was sufficient consultation with course instructors using virtual proctor systems. **Response:** This directive was developed based on the recommendations of and reviewed by the E-Learning Task Force and reflects comments from task force members. The membership of the task force was selected in order to have representation from all Faculties,
- Graduate Studies Committee
  - A member asked if the directive addresses online proctoring using systems other than virtual proctor systems, for instance live monitoring using a webcam. **Response:** We have revised the title of the policy instrument to reflect that this directive only addresses the use of virtual proctor systems as described in the directive.

#### **COMPLIANCE WITH POLICY/LEGISLATION:**

- The draft directives will support student privacy, and ensure that the University and faculty can meet obligations under Ontario privacy law.

#### **NEXT STEPS:**

- Pending approval by Academic Council, the directive will be posted to the Policy Library.

#### **SUPPORTING REFERENCE MATERIALS:**

- Draft Virtual Proctor System Directives



Classification Number	<i>To be assigned by Policy Office</i>
Parent Policy	Examination and Grading Policy
Framework Category	Academic
Approving Authority	Academic Council
Policy Owner	Provost and Vice-President Academic
Approval Date	DRAFT FOR APPROVAL
Review Date	
Supersedes	

## **ONLINE EXAMINATION/VIRTUAL PROCTOR SYSTEM -DIRECTIVES**

### **PURPOSE**

1. The purpose of these Directives is to establish a process for oversight of online **Final Examinations** including Final Examinations using a virtual proctor system.

### **DEFINITIONS**

2. For the purposes of these Directives the following definitions apply:

**"Biometric Data"** means data regarding measurable physiological or behavioural characteristics that can be used to identify an individual. Examples of biometric identifiers include fingerprints, iris patterns, facial features, DNA, and voice signatures. Biometric identifiers are directly and intimately associated with the human body and cannot be easily hidden or changed.

**"Examination"** means a form of testing intended to assess the level of students' knowledge, ability, skills, comprehension, application, analysis, and/or synthesis of the subject matter in a course of study. This includes, but is not limited to in-person, online, take-home, practical, and laboratory Examinations.

**"Final Examination"** means an Examination scheduled during the Final Examination Period.

**"Online Proctor"** means a designated individual assigned by the Faculty to oversee the supervision of online Final Examinations. Normally, this is the course instructor and TA(s) assigned to the course. The Faculty may assign multiple individuals if necessary.

**"Security Settings"** means configurable settings relating to identity verification, such as the requirement for use of a webcam, a face scan, room scan or photo ID. These settings will be applied consistently across the University.

**"Optional Settings"** means configurable settings relating to test parameters, such as but not limited to whether physical books, digital resources, scratchpad tools, or handwritten notes are allowed. These settings will be determined by course instructors according to their assessment needs.

**"Virtual proctor system"** means an automated system that monitors examinations using student webcams, and records and analyzes exam sessions.

## SCOPE AND AUTHORITY

3. These Directives apply to online ~~Final~~Examinations including Final Examinations.
4. The Provost, or successor thereof, is responsible for overseeing the implementation, administration and interpretation of these Directives.

## DIRECTIVES

### 5. Virtual proctor system

- 5.1. A virtual proctor system including video and audio monitoring may be used to oversee online ~~Final~~Examinations. Monitoring by the virtual proctor system ~~Monitoring of examination sessions will~~ does not ~~not~~ occur in real-time. Use of a virtual proctor system will be disclosed in the course outline in accordance with Ontario privacy law.
- 5.2. Where a virtual proctor system is required, students will be expected to comply with the requirements of the system, including, as applicable, installing and running required software, turning on a webcam and remaining connected to the internet, for the duration of the ~~Final~~Examination.
- 5.3. The Chief Privacy Officer or delegate will conduct a Privacy Impact Assessment on any proposed virtual proctor system before it is used for ~~Final~~Examinations. This will include developing a recommended process for the use of the software.
- 5.4. The Privacy Office will maintain and publish a list of authorized virtual proctor systems.
- 5.5. The configuration of Security Settings of the virtual proctor system will be consistent across all courses offered by the University. Biometric Data are worthy of the highest standard of privacy protection. In accordance with the principle of data minimization, the system will be configured to prevent the collection of Biometric Data.
- 5.6. Optional Settings may be configured at the discretion of an individual course instructor, based on course requirements.
- 5.7. The system will conduct analysis of a student's exam session to identify any suspicious events that may indicate exam violations have occurred. The University will maintain a list of those events deemed suspicious in a particular system, and make it available on the University's website. The identification of suspicious events alone is not determinative of academic misconduct. A review by an Online Proctor is required to determine whether those suspicious events amount to a suspicion of academic misconduct.
- 5.8. Exam sessions will be reviewed by an Online Proctor where suspicious events have occurred.

### 6. Review by Online Proctor

- 6.1. Online Proctor(s) will be assigned by the responsible Faculty on a course-by-course basis. Online Proctors may be course instructors for a particular course, or assigned separately by the Faculty, and will need access to the course in the University's Learning Management System.
- 6.2. Online Proctors will use the system to make a note evaluating the suspicious events reviewed. Suspicious events may be deemed false positives. A false positive occurs when, after review, there is no indication that an exam violation occurred.
- 6.3. If an event is not deemed a false positive, the Online Proctor will, consistent with the Final Examination Administration Procedures determine whether to initiate an incident report by submitting an Incident Report – Violation of Examination Protocol Form to the Course Instructor or to the Faculty's Academic Advising Office where the Course Instructor is the Proctor.

**7. Academic Misconduct Investigation**

- 7.1. Online examination incident reports will be reviewed, investigated and addressed in accordance with the processes set out in the applicable Academic Integrity Policy and associated procedures.
- 7.2. Where an investigation of academic misconduct is initiated, the Dean or delegate will direct the Learning Management System administrator to retrieve all relevant data regarding the incident. The evidence will only be shared and used in accordance with the process set out in the applicable Academic Integrity Policy and associated procedures.

**8. Leaving the Examination Location during a Final Examination**

- 8.1. Students are not permitted to leave the examination room during the exam, even briefly. This behavior would be flagged as a suspicious event by the system. When setting up the exam, course instructors are encouraged to allow for scheduled breaks to attend to any personal needs.

**9. Retention and disposal of Virtual proctor system data**

- 9.1. Session data collected by the Virtual proctor system will be retained and stored only in the Virtual proctor system. Except in accordance with section 7.2, additional copies of session data outside of the Virtual proctor system are not permitted.
- 8.1-9.2. Session data will be retained in accordance with a defined retention period that considers obligations under the Freedom of Information and Protection of Privacy Act and the minimum operational requirements related to academic misconduct and academic appeals, with a focus on data minimization.

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**MONITORING AND REVIEW**

- 9.10. ~~[Standard Monitoring and Review statement:]~~ These Procedures will be reviewed as necessary and at least every three years. The Provost and Vice-President Academic, or successor thereof, is responsible to monitor and review these Procedures.

~~10. [Interim Approval Monitoring and Review statement.] These Directives are implemented on an interim basis and will be reviewed within four months. The Provost, or successor thereof, is responsible to monitor and review these Directives.~~

#### RELEVANT LEGISLATION

11. Freedom of Information and Protection of Privacy Act, R.S.O. 1990, Chapter F.31

#### RELATED POLICIES, PROCEDURES & DOCUMENTS

12. Examination and Grading Policy  
Academic Conduct and Professional Suitability Policy  
Academic Misconduct and Professional Unsuitability Procedures  
[Incident Report – Violation of Examination Protocol](#)  
[Records Classification and Retention Schedule](#)

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