

## **URGENT TIME SENSITIVE COMMUNICATION**

March 24, 2020

To: Henry Yang, Chancellor  
David Marshall, Executive Vice Chancellor

CC: Jeffrey Stoppie, Associate Vice Chancellor for Undergraduate Education and Dean of Undergraduate Education  
Eric Prieto, Chair, Undergraduate Council  
Henning Bohn, Chair, Executive Council

### **Re: Errors and Misrepresentations Regarding ProctorU On-line Proctoring Services**

Dear Chancellor Yang and EVC Marshall,

As you may recall, on March 13, 2020, I sent a communication to you on behalf of the UC Santa Barbara Faculty Association regarding the University of California Santa Barbara's adoption of ProctorU for online proctoring services.

I regret to inform you that the statements and representations regarding ProctorU's data-privacy practices were grossly inaccurate and incorrect. I sincerely apologize for the errors, inaccuracies and misrepresentations contained in my March 13 communication, and any errant reliance or negative impacts resulting from such.

More specifically, I was incorrect that ProctorU mines the data of students, makes such data available to third parties, violates students' rights to privacy, and that such implicated the University as a surveillance tool. I was also incorrect in stating that the University's use of ProctorU would result in serious violations of the constitutional rights of students.

More significantly, I was also materially incorrect in stating that ProctorU regularly collects and discloses to third parties personal data that included: social security numbers; driver's license and passport numbers; other personal identifiers and biometric information including genetic, physiological, behavioral, gender identity, and biological characteristics; activity patterns and identifying information unique to each user including fingerprints, faceprints, voiceprints, iris or retina scans; IP addresses or device identifiers; browsing history, search history, and information about students' interactions with websites, applications, or advertisements; medical information including medical conditions, physical disability, and/or mental disability; photographs, video, and audio recordings; education and employment information including that related to citizenship.

Finally, I was incorrect to state that ProctorU's data-privacy policies violate the rights of students without their knowledge and understanding.

Contrary to the misstatements and misrepresentations in my March 13 communication ProctorU does not and will not sell personal information. Rather, ProctorU only collects, uses, and shares student personal information to provide its proctoring services to higher education

institutions such as the University and only does so as needed to ensure the integrity of the tests it proctors.

Further, ProctorU's privacy policy is in accordance with applicable law, and transparently discloses all information that could be collected, used, or shared and specifically identifies the third parties with whom it shares student information. Significantly, ProctorU strictly limits the sharing of such information to the student's testing institution and assigned test proctors.

As expressly stated in the ProctorU privacy policy (available at <https://www.proctoru.com/ca-privacypolicy> and <https://www.proctoru.com/privacy-policy> ), ProctorU does not use any information collected during the course of its business for any reason other than the proctoring of online exams. We have been specifically advised that ProctorU does not sell or share any information it collects to any third parties. Further, ProctorU does not market to students, nor does it share any data for the purpose of marketing to students.

Based on the foregoing, I had no legitimate basis to interfere with UCSB's contract with ProctorU, or to request the University issue a statement discouraging faculty from using ProctorU's services. Further, we had no legitimate basis to request that UCSB generally refuse to use ProctorU services.

We would respectfully request that you distribute this retraction, explanation and apology to all persons, entities, publications and other means of distribution to whom you conveyed our March 13, 2020 communication.

Respectfully submitted, unanimously by the undersigned members of the UCSB Faculty Association Board, this 24<sup>th</sup> day of March 2020.

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Claudio Fogu, President

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Jennifer Holt

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Harold Marcuse

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Ralph Armbruster-Sandoval

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Peter Ford

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Lisa Hajjar

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Constance Penley

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Howard Winant