Procedures for Investigating Testing Irregularities and Questioned Test Scores

More than 3,000 colleges, universities, and scholarship agencies use scores on The ACT® to make decisions about admission, scholarship awards, and course placement.

Because these institutions rely on ACT to protect and maintain the integrity of test score data, as do the examinees themselves, ACT takes very seriously its responsibility to report valid test scores that accurately reflect the examinee’s educational achievement and independent work. As one means of helping to maintain the integrity of test scores, ACT has developed policies and procedures to protect the security of each administration of the test and to fairly handle testing irregularities—situations in which test security may have been violated or compromised.

Test security is essential to ensure that examinees have an equal opportunity to demonstrate their academic achievement and skills, and that examinees do their own work. Copying from, or giving assistance to, another person, impersonating someone else (surrogate testing), obtaining a copy of a test in advance, and taking unauthorized extended time to complete a test are examples of testing irregularities. Violations of test security compromise the integrity of the examination process. For this reason, ACT carefully reviews every testing irregularity.

The ACT student website, www.actstudent.org, explains ACT’s policies regarding testing irregularities and cancellation of test scores. These policies are also available in Registering for the ACT by Mail, the booklet used by examinees registering on paper. When registering to take The ACT—whether online or by using the registration booklet—the examinee agrees to abide by all of ACT’s rules and requirements for individuals taking The ACT, including those concerning test score cancellation and binding arbitration. The following excerpt is from the 2014–2015 registration agreement:

**ACT reserves the right to cancel test scores when there is reason to believe the scores are invalid.** Some types of testing irregularities—such as unusual similarities in the answers of people at the same test center, evidence that a person may have falsified his or her identity or impersonated someone else, evidence of possible access to test content, or other indicators that the test scores may not accurately reflect the examinee’s level of educational achievement—may result in a review of an individual’s scores (an “Individual Score Review”). If there is reason to believe the scores are invalid, ACT will cancel those scores. When ACT decides to conduct an Individual Score Review, it makes reasonable efforts to notify the individual whose score is under review. The notice includes information about why ACT has started the Individual Score Review and options available for resolving it. The options may include voluntary score cancellation, a free private retest under closely monitored conditions to confirm a challenged score, and arbitration. More information regarding the Individual Score Review process will be provided to you if ACT opens an Individual Score Review regarding your score. For Individual Score Reviews, the final and exclusive remedy available for you to appeal or otherwise challenge a decision by ACT to cancel your test score is binding arbitration through written submissions to the American Arbitration Association (AAA)… Most of the filing fee will be paid by ACT, but you will pay a portion of the fee, as permitted by the AAA’s Consumer-Related Disputes Supplementary Procedures… If you arbitrate a decision by ACT to cancel your test scores, you must pay a nonrefundable filing fee of $200 to the AAA… as your share of the filing fee. This fee is payable in full when a claim is filed but will be reimbursed by ACT if you prevail in arbitration and your scores are not cancelled. The only issue for arbitration will be whether ACT acted reasonably and in good faith in deciding to cancel the scores. Proof of misconduct is not required to cancel scores.

This brochure supplements the registration agreement. Its purpose is to explain to examinees ACT’s general test security policies and procedures relating to individual testing irregularities and reviews of questioned scores. Separate procedures apply to group irregularities and violations of test administration procedures. ACT reserves the right to modify or supplement these procedures and to adopt other appropriate procedures as required by a given testing irregularity.

**Identification and Review of Testing Irregularities**

ACT does not engage in random reviews of test scores. Rather, in every case, some specific situation or instigating factor leads to the Individual Score Review.

ACT’s test security procedures provide for a systematic comparison of the test scores and responses of examinees. Examinees who do not have a confirming Composite score from another administration, such as those who obtain a large score increase, may be further reviewed. A large score increase in itself, however, does not cause ACT to open an Individual Score Review. To begin an Individual Score Review, ACT must have additional information suggesting a testing irregularity occurred, such as unusual similarities in the answers of people at the same
Test center. ACT Test Security staff may also become aware of a testing irregularity in other ways:

Through sources external to ACT. ACT frequently receives requests for the verification of test scores from persons outside ACT. For example, a school counselor or a college admissions officer who has received a score report from an examinee may contact ACT because the examinee’s record of academic performance seems inconsistent with his or her test scores, or because the test scores from a prior test date are substantially lower than the current scores. ACT treats all requests for score verification as confidential.

Through sources within ACT. ACT staff may observe irregularities in the answers of examinees at the same test center. Or ACT may receive a report from a test supervisor who suspected copying or observed other misconduct during a test administration.

Individual Score Reviews are handled the same way regardless of the source or situation that leads to the review. ACT first reviews all scores and documents on file for an examinee and any other available information. If there is insufficient reason to believe that an irregularity occurred, the review is terminated without the need to involve the examinee. Figure 1 shows the steps in the preliminary review of test scores.

If further scrutiny of the scores is warranted—for example, if there are unusual similarities in the answers of examinees at the same test center—Test Security staff may conduct additional statistical analyses that provide further information about the extent to which the examinees’ answers are alike. In other cases, an examinee’s test materials may be referred to a forensic document examiner for a handwriting analysis that may produce evidence that someone other than the examinee wrote the test documents. If appropriate, Test Security staff may also contact test center personnel to discuss the test administration in question.

If, after careful consideration of all the relevant information, the questions about the test scores remain unanswered to ACT’s reasonable satisfaction, ACT sends the examinee a certified letter stating the reasons for concern and asking for the examinee’s assistance in answering the questions. Figure 1 shows the steps in the formal review of test scores.

Confidentiality

ACT is committed to ensuring the integrity of the test score data it reports, while at the same time being sensitive to the rights of all examinees.

ACT’s general policy is that only the examinee is advised of a pending Individual Score Review.
Correspondence with the examinee and all information obtained in an Individual Score Review are confidential. Unless an examinee provides written authorization, ACT does not release any individually identifiable information about an examinee or an Individual Score Review to anyone except the examinee, or if the examinee is a minor, to a parent or guardian. ACT encourages an examinee whose scores are questioned to seek advice and counsel from parents, teachers, school counselors, and other trusted individuals, but whether an examinee does so remains his or her decision.

ACT does not inform institutions that have previously received reports that the scores are under review. ACT does not communicate with third parties about a formal review unless either the examinee authorizes ACT to communicate, or ACT receives a request for verification of the scores. When ACT has received a request for verification, ACT contacts official score recipients who inquired and informs them that the scores are verified as valid or that they have been cancelled.

In fairness to the examinees whose test scores may ultimately be confirmed as valid, ACT does not withhold or delay the reporting of scores pending the completion of an Individual Score Review. If an examinee requests that a report be sent while the scores are under review, the report is sent. If an examinee’s scores are ultimately cancelled, ACT notifies all official score recipients that the scores have been cancelled.

It is ACT's general policy to treat information about the reason for cancelling scores in a specific case as confidential. If the scores under review are cancelled at the conclusion of the Individual Score Review process, ACT notifies any institutions that received official score reports that they have been cancelled, but does not inform them of the reason for the cancellation. The cancellation letter notes that ACT cancels scores for a variety of reasons, including the illness of the examinee, a mistiming of a test, disturbances or irregularities at the test center, and the request of the examinee.

ACT may make exceptions to the policies outlined in this Confidentiality section where ACT is required by law to disclose such information or where disclosure is otherwise warranted under unusual circumstances. For example, if disclosure of information pertaining to an Individual Score Review would be helpful to ACT in its investigation, or its efforts to maintain the security of the test or integrity of the scores, ACT may disclose such information. In addition, examinees may consent to the disclosure of information related to their Individual Score Review.

**Alternatives Available in an Individual Score Review**

The certified letter ACT sends the examinee offers the following options:

1. **Cancel the questioned test scores.** At the examinee’s request, ACT cancels the questioned scores. ACT notifies any institutions that received score reports that the scores have been cancelled. However, no reason is given for the cancellation. If the cancelled scores were not reported to any institutions, no further action is taken.

2. **Retest to confirm the questioned test scores.** At the examinee’s request and at ACT expense, the Test Security staff arranges a private retest at a location acceptable to ACT. The retest is administered under secure conditions by a test coordinator who has not been informed of the reason for the retest. Additional identification procedures apply to examinees whose scores are being questioned for possible surrogate testing.

If an examinee retests and achieves a Composite score no more than three points lower than the questioned Composite score and there are no testing irregularities, both the questioned and the retest scores remain in ACT’s records, and the Individual Score Review is closed. If the Composite score achieved on the retest is more than three points lower than the Composite score in question, the questioned scores are cancelled. The scores are removed from ACT’s records, and any institutions that previously received reports of the scores from ACT are informed that the scores have been cancelled. However, no reason is given for the cancellation. If the cancelled scores were not reported to any institutions, no further action is taken.

Additional policies and procedures, including how to set up the retest, are provided with the initial letter. Special provisions that may apply to examinees who have taken the ACT Plus Writing are also provided.

3. **Provide a statement and supporting documentation that may help establish the validity of the questioned test scores.** An examinee who chooses this option submits school transcripts and an explanation for the changes or events that may explain the questioned scores.

In a certified letter, ACT notifies the examinee that if the examinee’s statement and documentation do not answer the questions and concerns, leading to a decision to cancel the scores, the examinee has the right to appeal that decision to an independent third party, through a process of binding arbitration, before the scores are cancelled.

ACT’s arbitrations are generally conducted by the American Arbitration Association (AAA) in accordance with its Consumer Due Process Protocol. The AAA is a public service, not-for-profit organization dedicated to helping resolve disputes. ACT is not related to or affiliated with the AAA in any way. The arbitrations are conducted through written submissions unless the arbitrator decides that a hearing is necessary. The only issue for arbitration will be whether ACT acted reasonably and in good faith in deciding to cancel the scores. Proof of misconduct is not required to cancel scores. Most of the filing fee for arbitration will be paid by ACT, but you will pay a portion of the fee, as permitted by the AAA’s rules. If you arbitrate a decision by ACT to cancel your test scores, you must pay a nonrefundable filing fee of $200 to the AAA as your share of the filing fee. This fee is payable in full when a claim is filed, but will be reimbursed by ACT if you prevail in arbitration and your scores are not canceled. ACT pays a $1,500 filing fee and a $750 arbitrator compensation fee. Apart from the fees, ACT and the examinee pay their own expenses, fees, and costs.
These options are set forth in the certified letter ACT sends the examinee as notice of the Individual Score Review. ACT asks the examinee to respond within 14 days and states that the test scores will be cancelled if the examinee does not respond.

**When an Examinee Chooses to Provide Additional Information**

The ACT Test Security Review Panel, an impartial group of professional staff who make decisions about challenged test scores, reviews the information provided by an examinee who chooses to provide a statement and supporting documentation. The Review Panel studies the examinee's statement, the academic preparation in the subject areas measured by The ACT, the consistency of the questioned scores with the results of any other college admissions tests the examinee has taken, the results of ACT's preliminary review, and other relevant information that may be part of the review file.

The Review Panel decides whether it is reasonable to conclude that the questioned scores are valid. If the examinee's statement and documentation answer ACT's questions, the Individual Score Review is closed and the scores are considered valid. If the statement and documentation do not answer the questions, the Review Panel decides to cancel the scores.

Before the scores are cancelled, the examinee is again given a series of options. The examinee can elect to retest at ACT's expense or volunteer to cancel the scores. At this point in an Individual Score Review, an examinee may instead request an independent evaluation of the cancellation decision through a process of binding arbitration by means of written submissions to the American Arbitration Association. The request must be made before the scores are cancelled. An examinee must sign an agreement accepting the rules of arbitration and agreeing to be bound by the decision of the arbitrator.

**Fairness**

Every attempt is made to address questions or concerns about test scores as promptly as possible. The procedures for a private retest, voluntary cancellation, Panel review, and arbitration of cancellation decisions give examinees an opportunity to resolve doubts about scores while maintaining the integrity of The ACT. ACT informs the examinee whose scores are questioned about the nature of its concerns and encourages the examinee's participation in resolving them. ACT welcomes questions about ACT test security policies and procedures and appreciates the examinee's assistance and cooperation.