



Procedures for Investigating Testing Irregularities and Questioned Test Scores

More than 3,000 colleges, universities, and scholarship agencies use scores on the ACT® test 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, ACT takes very seriously its responsibility to report valid test scores that accurately reflect examinees' educational achievement and independent work. As one means of helping to maintain the integrity of test scores, ACT has 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.

When registering to take the ACT—whether online or by using the registration booklet, *Registering by Mail for the ACT® Test*—the examinee agrees to abide by ACT's Terms and Conditions, including those concerning test score cancellation and binding arbitration. The following excerpt is from the 2018–2019 Terms and Conditions, available at www.act.org/the-act/terms.

*If ACT discovers any reason to believe your scores may be invalid—such as evidence of unusual similarities in the answers of you and another examinee, evidence that you may have falsified your identity or impersonated someone else, evidence of possible advance access to test questions or answers, or other indicators the test scores may not be valid—ACT may conduct an Individual Score Review. **ACT reserves the right to cancel test scores when there is reason to believe the scores are invalid. Proof of misconduct is not required to cancel scores.***

ACT will take steps to notify you if ACT decides to conduct an Individual Score Review. The notice includes information about why ACT has started the Individual Score Review and options available for resolving it...

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 scores is binding arbitration.

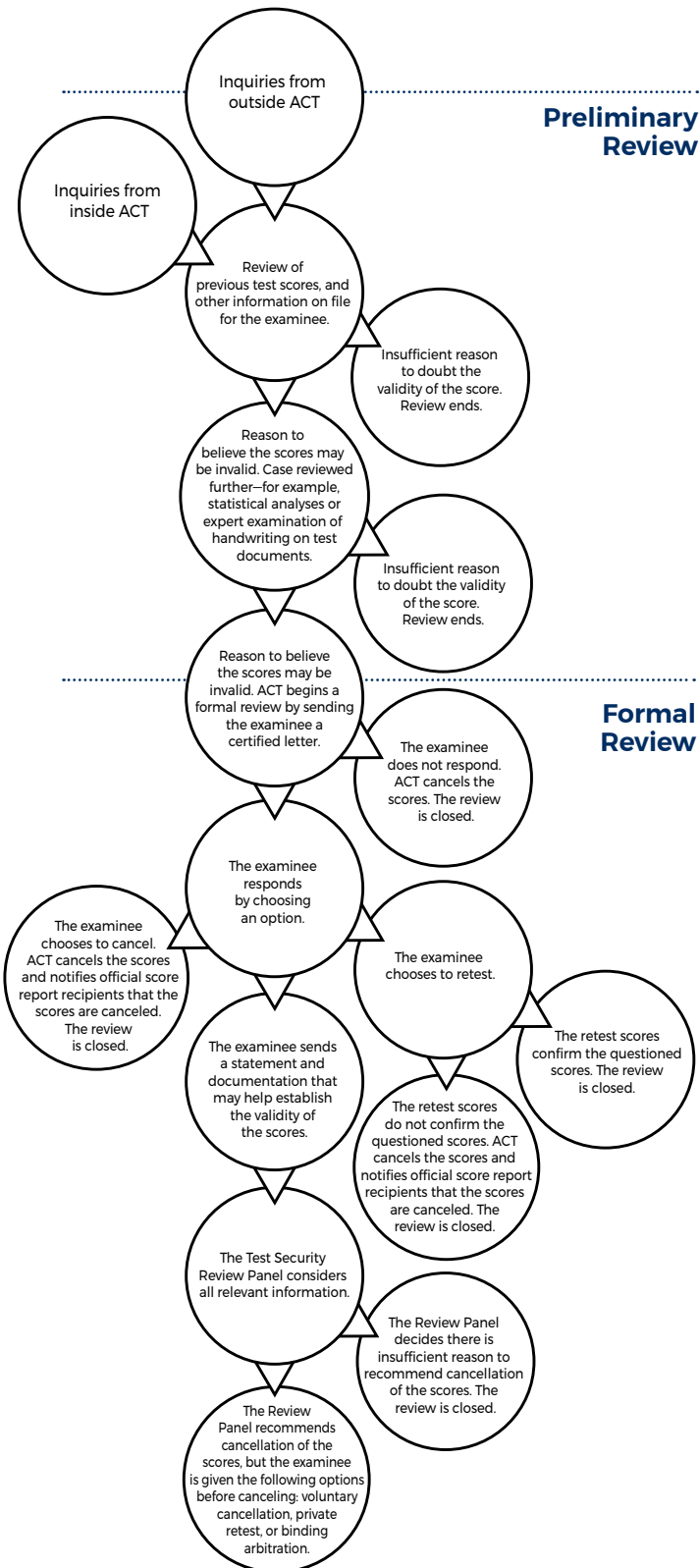
*The arbitration will be conducted through written submissions in English to the American Arbitration Association (“AAA”), unless both you and ACT agree to submit the matter to an alternative arbitration forum. **By agreeing to arbitration in accordance with these Terms and Conditions, you are waiving your right to have your dispute heard by a judge or jury.** If you choose to appeal a decision by ACT to cancel your test scores by exercising your right to seek arbitration of that decision, you must pay a nonrefundable filing fee of \$200 to the AAA (or alternate forum) as your share of the filing fee, and ACT will pay the remainder of the filing fee . . . The only issue for arbitration will be whether ACT acted reasonably and in good faith in deciding to cancel the scores.*

This brochure supplements the Terms and Conditions. Its purpose is to explain to examinees ACT's procedures relating to Individual Score Reviews.

ACT reserves the right to modify or supplement these procedures and to adopt other appropriate procedures as required by a given testing irregularity.

Separate procedures apply to compromises or disruptions in the testing process, such as group irregularities.

Figure 1
Steps in the Review of Test Scores



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.

Sources external to ACT: ACT frequently receives requests to verify 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 generally treats all such requests as confidential.

Sources within ACT: ACT staff may observe irregularities in the scoring patterns of an examinee or in the answers of examinees at the same test center, or ACT may receive a report from a test coordinator who suspected or observed misconduct during a test administration.

Individual Score Reviews are generally handled the same way regardless of the source or situation that initiates the review. ACT will first review information on file related to an examinee's scores and any other available information. If there is not sufficient evidence that the scores are invalid, the review will be terminated without involving 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—ACT staff may conduct additional statistical analyses that provide further information about the validity of the scores. 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 center staff may also be contacted to provide information about the test administration in question.

After careful consideration of all the relevant information, if ACT still has reason to believe a score may be invalid, ACT will send the examinee a certified letter stating the reasons for ACT's concern and asking for the examinee's assistance in answering questions about the scores. Figure 1 shows the steps in the formal review of test scores.

Confidentiality

ACT is committed to ensuring the integrity of test score data it reports and is also sensitive to the rights of examinees. ACT's general policy is that only the examinee is advised of a pending Individual Score Review.

Correspondence with the examinee and all other information obtained in an Individual Score Review are treated as confidential. 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 may communicate with a third party about an Individual Score Review if the examinee has provided written authorization for ACT to do so. ACT encourages an examinee whose scores are reviewed to seek advice and counsel from parents, teachers, school counselors, and other trusted individuals. However, whether an examinee does so remains his or her decision.

In fairness to examinees whose scores are ultimately confirmed as valid, ACT treats the questioned scores as valid throughout the Individual Score Review process. ACT does not inform official score report recipients that an examinee's scores are being reviewed, and does not withhold or delay reporting scores pending the completion of the Individual Score Review. If an examinee requests that a score report be sent while the scores are under review, the report will be sent.

If the scores are canceled at the conclusion of the Individual Score Review, ACT will inform official score recipients that the scores have been canceled, but generally will not inform them of the reason for the cancellation. The cancellation letter explains that ACT cancels scores for a variety of reasons, including examinee illness, mistiming of a test, or disturbances or irregularities at a test center.

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 an investigation, or in its efforts to maintain the security of the ACT and the integrity of scores, ACT may disclose such information.

Options Available in an Individual Score Review

The certified letter ACT sends to examinees whose scores are reviewed offers the following options:

1. **Cancel the questioned test scores.** At the examinee's request, ACT will cancel the questioned scores. ACT will notify any institutions that received official score reports that the scores have been canceled but generally will not give a reason for the cancellation unless the examinee has authorized ACT to do so.
2. **Retest to confirm the questioned test scores.** At the examinee's request and at ACT's expense, ACT staff will arrange a private retest at a location acceptable to ACT. The retest will be 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 reviewed 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 will remain in ACT's records, and the Individual Score Review will be closed. If the Composite score achieved on the retest is more than three points lower than the Composite score in question, the questioned scores will be canceled and removed from ACT's records, and any institutions that previously received official score reports from ACT will be informed that the scores have been canceled. ACT generally does not give a reason for the cancellation unless the examinee has authorized ACT to do so. If the canceled scores were not reported to any institutions, no further action will be taken.

3. **Provide a statement and supporting documentation that may help establish the validity of the questioned test scores.** An examinee who chooses this option may submit a school transcript, a statement in their own words supporting the validity of their questioned scores, and any other supporting documentation to the Test Security Review Panel.

The Test Security Review Panel, an impartial group of professional ACT staff who make decisions about challenged test scores, reviews the information provided by an examinee who chooses this option.

The Review Panel studies the examinee's statement and submissions, 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 test scores, the results of ACT's review, and other relevant information. The Review Panel decides, based on the totality of the evidence, whether there is substantial evidence that the questioned scores are not valid. ACT will notify the examinee of the Review Panel's decision. If the Review Panel decides to cancel the questioned scores, this notification will also explain that the examinee has the right to appeal the Review Panel's decision to an independent third party through binding arbitration.

ACT's arbitrations with examinees are generally conducted by the American Arbitration Association ("AAA") in accordance with its Consumer Arbitration Rules. 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 the examinee will pay a portion of the fee, as permitted by the AAA's rules. If an examinee arbitrates a decision by ACT to cancel his or her test scores, the examinee must pay a filing fee of \$200 to the AAA as the examinee's share of the filing fee. This fee is payable in full when a claim is filed, but will be reimbursed by ACT if the examinee prevails in arbitration and his or her scores are not canceled. ACT will pay a \$1,700 filing fee and a \$1,500 arbitrator compensation fee. Apart from the above-described fees, ACT and the examinee will pay their own expenses, fees, and costs.

The above-described options are set forth in the certified letter. ACT asks the examinee to respond by the due date stated in the letter and states that the test scores will be canceled if the examinee does not respond.

Fairness

ACT encourages examinees' participation in resolving concerns about their ACT scores. Throughout the score review process, every attempt is made to address examinees' questions and concerns about test scores as promptly as possible. ACT's procedures give examinees an opportunity to participate in the score review process while maintaining the integrity of the ACT.



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