

Marc Weinstein, CIPP/US

Greater Philadelphia Area | Security and Investigations

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Experience

Chief Privacy Officer and Vice President, Investigative Services
Caveon
January 2016 – Present (1 year 3 months) | Greater Philadelphia Area

Managing Attorney
Marc J. Weinstein PLLC
January 2016 – Present (1 year 3 months) | Greater Philadelphia Area

Volunteer Attorney
Philadelphia Volunteer Lawyers for the Arts
2007 – Present (10 years)

Publications

Truth and Consequences: Conducting Effective Test-Security Investigations that Produce Admissible and Compelling Evidence for Later Use in Legal Proceedings >
Innovations in Testing 2013, Association of Test Publishers
February 2013

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Partner at Royer Cooper Cohen Braunfeld LLC

**Jamie Mulkey, Ed.D.**
Vice President, Client Services Caveon

**Ryan Calef**
Cyberspace, Compliance, and Privacy Attorney

**Ed McAndrew**
Partner & Co-Chair, Privacy & Data Security Group at Ballard Spahr LLP

**Benjamin Hunter**
Technology Product Manager & Sales Director at Caveon Test Security

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 PROFINDER



With daily reporting in the media about cheating scandals in connection with assessment, licensure, and certification examinations administered throughout the country, interest in test fraud and cheating is at an all-time high. Cheaters and other perpetrators of test fraud are increasingly using advanced technologies in their efforts to undermine the integrity of tests. Now more than ever, test publishers must be extremely vigilant to enforce their security policies and procedures and take decisive action against any person who seeks to undermine the integrity of their tests. However, test publishers can only achieve these goals by conducting thorough and effective test security investigations that produce admissible and compelling evidence for later use in legal proceedings against cheaters and perpetrators of fraud.

Mr. Mannes, an exam integrity director and former law enforcement officer, and Mr. Weinstein, a former prosecutor, have conducted numerous test fraud investigations that resulted in successful legal action against the perpetrators. In this presentation, Mannes and Weinstein will present best practices and case studies for investigating potential test fraud and describe how to build an effective legal case from the evidence gathered during an investigation utilizing the most effective and advanced investigative techniques. In addition, they will identify the various causes of action that test publishers can pursue against the perpetrators of test fraud and how to increase their likelihood of success in these cases through the use of effective investigative methods.

Authors: Marc Weinstein, CIPP/US, A. Benjamin Mannes

Exam Integrity 101: How to Develop and Implement an Effective Exam Integrity Program, Part 1-- Prevention ›

The Council on Licensure, Enforcement and Regulation (CLEAR)
January 2013

This three-part webinar series will focus on the essential framework for publishers and sponsors of secure, high-stakes examinations to develop and utilize an effective exam integrity program, including legal, investigative, organizational and practical considerations.

Part 1: Prevention

This webinar will describe the preventative steps necessary to establish a solid foundation for future exam integrity issues.

These include:

- Enforceable agreements with employees, Subject Matter Experts, vendors, contractors, and candidates.
- Requirement of cooperation by examinee and/or licensee in all investigations.
- Incorporating security policies and procedures to exam development, registration, and psychometric activities.
- Assessments of your physical, data, and operational security.
- Copyright registrations.
- Communicating your policies.



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Authors: Marc Weinstein, CIPP/US, A. Benjamin Mannes

Building a Bulletproof Exam Integrity Case: Tools of the Trade

American Board of Medical Specialties, 2012 Board Staff Conference
September 2012

A certifying board can only build a strong exam integrity case if it has implemented a comprehensive exam integrity program that enables the board to (1) protect its intellectual property, (2) investigate all possible breaches of exam integrity, and (3) vigorously enforce its rights as set forth in candidate agreements and board policies and procedures. In this presentation, Mr. Mannes and Mr. Weinstein describe the basic elements of an effective exam integrity program and explain how to investigate possible exam integrity breaches so that the evidence gathered will enable the board to enforce its rights and withstand all potential legal challenges.

Authors: Marc Weinstein, CIPP/US, A. Benjamin Mannes

Working a Case: Best Practices in Conducting Exam Integrity Investigations ›

2014 Conference on Test Security
October 2014

When confronted with evidence of irregular activities like brain dumping, proxy testing, or other forms of high-stakes cheating, test sponsors must investigate to determine the scope of the



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activities, the extent of the potential harm to the test sponsor and to identify the participants in the scheme. Now more than ever, test sponsors must be extremely vigilant in enforcing their security policies and take decisive action against those who compromise the integrity of their exams. Test sponsors can only achieve these goals by conducting thorough and effective exam integrity investigations that produce admissible and compelling evidence for later use in legal proceedings against cheaters and perpetrators of fraud. When a test sponsor determines that an investigation is warranted, how should it be planned and carried out?

Strategies for preparing for and conducting an exam integrity investigation have evolved over a number of years with the experiences of a number of different testing programs. This session will cover these strategies through a discussion of case studies and best practices from four noted experts in exam integrity investigations. These experts will walk attendees through planning the investigation and conducting incident triage, as well as discussing investigative methods, what evidence to obtain and how the results of an investigation may be used by the test sponsor.

Authors: Marc Weinstein, CIPP/US, A. Benjamin Mannes, John Fremer, Ph.D., Rachel Schoenig

Exam Security Incident Response Workshop ›

2015 Innovations in Testing Conference, Association of Test Publishers

March 2015

Now more than ever, test sponsors must employ sensible strategies to identify and respond to exam security incidents that may threaten the integrity of their examinations. During this interactive workshop session, presenters will facilitate an interactive forum to discuss effective strategies that test sponsors can implement to identify and respond to the most frequently encountered categories of exam security incidents experienced in high-stakes examination programs, including higher education admissions, licensure, certification, and statewide standardized education assessment. First, the presenters will identify useful resources for attendees to draw upon when responding to security incidents. Next, the presenters will introduce key concepts that will assist attendees in working through a series of four tabletop exercises relevant to the learning objectives. These exercises will consist of small group discussions of real world case studies that illustrate the key concepts. The exercises will require participants to: (1) decide which incidents to investigate and what resources to allocate to the investigation, (2) devise a response and investigation plan to gather sufficient information and evidence to make decisions about next steps regarding test scores and examinees related to the incident, and (3) generate a key lesson learned from the exercise. Following the completion of the exercises, the presenters will answer questions about major issues relevant to the case studies that test sponsors are presently dealing with in exam security investigations.

Authors:

Marc Weinstein, CIPP/US, A. Benjamin Mannes, Aimee Hobby Rhodes, John Fremer, Ph.D.

When Web Monitoring Isn't About Privacy ›

The Philadelphia Inquirer

March 2015

Op-Ed in the Philadelphia Inquirer about the importance of web monitoring by publishers of secure examinations and the analysis of related issues of student privacy and copyright protection.

Authors: Marc Weinstein, CIPP/US

Organizations

Temple American Inn of Court

Member

September 2012 – August 2014

Skills



Volunteer Experience & Causes

Certifications

Certified Exam Security Professional ›

Caveon Test Security

August 2015 – Present

CIPP/US

IAPP - International Association of Privacy Professionals

September 2016 – September 2018

Recommendations

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66 *Marc has been very kind and patient working with, what for me is a very annoying and stressful case. He is indeed very personable which I greatly...*

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