

**Supplementary Statute of Hochschule Wismar's *Rahmenprüfungsordnung* (General Examination Regulations)
for Holding Online Examinations
(Supplementary Statute Online Examinations - ESOP)**

of 25 January 2022

Based on § 2(1) in conjunction with § 7a(4) and § 38(11) of the *Landeshochschulgesetz* (hereinafter State Higher Education Act), in the version announced on 25 January 2011 (GVOBl. M-V p. 18), last amended by the Sixth Amending Statutes of the State Higher Education Act of 21 June 2021 (GVOBl. M-V p. 1018), and § 6(7) of the *Rahmenprüfungsordnung* (hereinafter General Examination Regulations) of Hochschule Wismar, University of Applied Sciences: Technology, Business and Design (hereinafter UAS Wismar) of 19 October 2012 (Mitt.bl. BM M-V p. 1159), last amended by the Sixth Amending Statutes of the General Examination Regulations of UAS Wismar of 29 June 2021 (special edition of the official bulletin of UAS Wismar of [date]), UAS Wismar has hereby passed the following statute:

§ 1 Scope of Application, Purpose

- (1) This statute applies to online examinations pursuant to § 2(1) at UAS Wismar. Its purpose is to guarantee the fundamental rights of students affected by these examinations as well as the freedom of teaching of the lecturers and thus to ensure UAS Wismar's quality requirements for holding examinations are observed. The statute regulates the holding of such examinations and correspondingly supplements the General Examination Regulations. Within the scope of its application, the statute shall take precedence over the General Examination Regulations and all study and examination regulations that may be affected and shall replace any conflicting regulations.
- (2) The statute does not apply to the provisions regulating electronically supported examinations (e-examinations) and written examinations taken in the form of multiple choice questions, if these examinations are not held online.
- (3) In accordance with § 7a(4) of the State Higher Education Act, the statute regulates the details of the permissible processing of personal data collected when conducting online examinations.

§ 2 Online Examinations

- (1) In accordance with § 6 of the General Examination Regulations, examinations may also be taken online, in particular, in distance and online degree courses and internationally oriented degree courses. Online examinations are examinations conducted without the requirement of being present in person in a specified examination room, which use electronic communication equipment with video supervision. They may be provided as written supervised examinations as remote written examinations pursuant to § 6 and 6a, or as oral or practical remote examinations (video conference) pursuant to § 8. Participation in the examination is voluntary for the students.
- (2) In cases of force majeure, online examinations may also be offered as an alternative to an in-person examination without requiring an amendment to the respective examination regulations and module descriptions, if and insofar as in-person examinations cannot be conducted or cannot be conducted for all students in accordance with the examination regulations, in particular with regard to time, as a result of restrictions and obstacles to regular university operations, caused for example by a pandemic, an epidemic, or other severe spread of infectious disease. § 6(7) of UAS Wismar's General Examination Regulations apply in addition.

§ 3 Examination Modalities

(1) As a general rule of principle, if an online examination is to be provided, this has to be determined by the end of the second week of lectures. If this is not possible, it shall be determined with a reasonable remaining period of time prior to the examination; this period shall not be less than two weeks. The Examination Office must be informed about the provision of an online examination in good time.

(2) The students are informed about the following at the same time:

1. The processing of their personal data pursuant to § 4,
2. The technical requirements for the communication equipment that must be fulfilled in order for the examination to be held pursuant to the regulations, in particular the existence of suitable video and audio transmission for video supervision pursuant to § 6(1) sentence 1, § 7, or video conferences pursuant to § 8, and a sufficient internet connection, as well as
3. The organisational measures for holding examinations in accordance with the regulations.

(3) Students shall receive the opportunity to test the examination situation with regard to technology, equipment and the surrounding environment prior to the actual examination.

(4) Students, who are able to provide plausible evidence that they do not have access to the required technical equipment for taking part in an online examination, shall receive the possibility to take part in the online examination in rooms on the premises of and on devices belonging to UAS Wismar, as long as the related effort is justifiable. In accordance with § 9, an in-person examination may also be offered as an alternative.

(5) By registering for an online examination, students also give their consent to the examination format.

(6) If, in the case of an online examination, there are indications of a suspected attempt at cheating, the invigilator (remote written examinations pursuant to § 6 and § 7) or the examiner (video conference pursuant to § 8) is entitled to interrupt the examination and, in order to clarify the facts, give the person concerned the opportunity to move their camera appropriately to enable the invigilator/examiner to verify there are no other persons or non-approved aids in the room.

§ 4 Data Processing

(1) Personal data may be processed in the context of online examinations to the extent that is necessary for holding the examination in accordance with the regulations. This applies, in particular, to purposes concerning authentication pursuant to § 5 and supervision pursuant to § 6.

(2) UAS Wismar ensures that personal data collected during an online examination are processed in accordance with data protection regulations, in particular the Regulation (EU) 2016/679 (General Data Protection Regulation – “GDPR”). If personal data is to be transmitted to a country outside of the European Union, special attention must be paid to the further requirements of Articles 44 to 50 GDPR.

(3) The students must be informed in a precise, transparent, comprehensible and easily accessible form about the purpose of the processing of personal data and when it will be deleted. Explicit reference shall be made to the rights of the data subject pursuant to Articles 12 to 21 GDPR.

(4) In the case of online examinations, programmes, learning management systems, examination platforms, video conferencing systems and other technical aids, such as browser add-ons, must be used in such a way that the installation on the students' electronic communication devices complies with the following requirements:

1. The functionality of the electronic communication equipment is not impaired in any way outside of the examination, and only to the necessary amount during the examination in order to guarantee the authentication and prevent attempts at cheating,
2. The IT security of the electronic communication equipment is not impaired at any time,
3. The confidentiality of the information stored on the communication equipment is not impaired at any time, and
4. A full uninstallation is possible after the online examination.

§ 5 Authentication

(1) Prior to the start of an online examination, authentication is made by means of photo ID, which must be presented upon request, or some other kind of suitable authentication, or other authentication procedure. Authentication must take place in real time, may not be interrupted and must have sufficient video and audio quality. Only persons whose identity can be verified may take part in the online examination.

(2) Any storage of the data processed in connection with the authentication process that extends beyond the temporary storage required for technical reasons is illicit. Personal data that has been stored temporarily must be deleted immediately.

§ 6 Remote Written Examinations

(1) In order to prevent attempts at cheating and ensure equal opportunities during a written online examination, students are obliged to activate the camera and microphone function on the communication equipment being used for the examination and to consent to audio and visual monitoring during the remote written examination (video supervision). Video supervision must be set up so that as much of the student as possible is captured by the camera and the protection of personality and privacy rights is not restricted any further than necessary for justified invigilation purposes.

(2) A temporary recording of the examination or other kind of storage of the video and audio data is permitted. The recording of the examination is deleted after the examination has finished. This does not apply, if the invigilator has noted irregularities in the examination supervision notes or students request that the examination board takes a look at the recording. In such cases, the recording will be deleted once the redress procedure has ended. The recording is considered part of the examination record until it is deleted.

(3) The invigilator writes supervision notes on the course of the remote written examination. These must include the names of the invigilator and the students taking part in the examination, as well as the start and end of the examination and possible irregularities, in particular, technical problems pursuant to § 10.

§ 7 Supervised Online Written Examinations in the Distance and Online Degree Courses

(1) If in UAS Wismar's distance and online degree courses, it is not possible for the university staff to supervise examinations simultaneously, in particular due to the large number of participants, supervision can be provided in automated form. The presence of such circumstances and the involvement of the university's Data Protection Officer must be documented. Furthermore, automated supervision is only permitted if the remote

written examination is being provided as an alternative to an in-person examination and the students have provided their explicit consent in writing or electronically prior to the examination. Prior to providing their consent pursuant to Article 9(2) lit. a GDPR, students must be informed about how automated video supervision works and the possibilities of taking an in-person examination. Personal data that is processed during automated video supervision may be stored no longer than strictly necessary for control purposes. Creation of individual personality profiles is not permitted.

(2) If the student has provided their consent for taking an online examination pursuant to sub-section (1), in addition to enabling the camera and microphone function on the communication and technical devices being used for the examination, they are also obliged to install or allow the automatic installation of the browser extensions and/or proctoring software stipulated by UAS Wismar for the safe, fully or partially automated holding of online examinations on learning management systems (e.g. SEB browser, Proctorio, or similar systems) for the duration of the examination, and to tolerate the technical supervision of computer activity during the remote written examination. The recording of computer activity must be deleted immediately after the end of the examination and creation of the examination supervision notes. If temporary recording of the examination or other kinds of storage of video and audio data, including the authentication data, is absolutely necessary for control purposes, in particular to prevent attempts at cheating, by means of browser extensions and/or proctoring software as stipulated by UAS Wismar (e.g. SEB-browser, Proctorio, or similar systems), the recordings must be deleted immediately after the end of the examination and creation of the examination supervision notes. If irregularities have been documented in the supervision notes, or if the student affected by a documented suspected attempt at cheating has requested the examination board to view the recording, the recording will not be deleted until a final decision has been made by the examination board or the redress procedure is complete. An automated analysis of the recorded data is not permitted.

§ 8 Oral and Practical Remote Examinations (video conference)

(1) The oral remote examination is an oral examination held between those attending a video conference. It can take place as an individual examination or as a group examination. In online seminars, it can also include a presentation.

(2) Students are obliged to be in a room by themselves and to dispose of the required technical equipment pursuant to § 3(2) number 2 for the duration of an oral or practical remote examination. § 6(1-2) apply mutatis mutandis to the required transmission of video and audio by the student's communication device during the examination.

(3) Any recording of the examination or other kind of storage of the video or audio data is not permitted. In all other respects, § 5(2) sentence 2 applies mutatis mutandis.

(4) The important components and results of the oral or practical examination, as well as any possible unusual circumstances, in particular technical problems in accordance with § 10, are recorded in the examination supervision notes.

§ 9 Offers for Alternative Examinations

(1) Taking part in online examinations in private rooms is voluntary. As a general rule of principle and taking into account the principles of equal opportunities, the voluntary nature of participation must also be secured through the provision of an in-person examination in the same examination period, as long as this is permitted, as well as possible and reasonable from an organisational point of view for the university.

(2) The modalities of the alternative examination pursuant to sub-section (1) must generally correspond to the stipulations of UAS Wismar's General Examination Regulations

and, if applicable, the course-specific examination and study regulations of the respective degree course.

(3) If the online examination is to be provided as an alternative examination in exceptional circumstances pursuant to § 2(2), UAS Wismar determines whether and for how many students an in-person examination can be provided, whilst taking into consideration the valid legal regulations and recommendations for the circumstances. If it is not possible for an in-person examination to be held, or if too many students register for the alternative to the in-person examination, the examination board can postpone students to the next prospective examination date. This must not be linked to any disadvantages with regard to examination regulations. The details of the procedure and the selection criteria are determined by the examination board in consultation with the persons responsible for the respective examination. Affected students must be given the opportunity to change to an online examination. The students may exercise their right to choose the kind of examination for any further attempts at an examination.

§ 10 Technical Problems

(1) If the transmission of the examination task, working on the examination task, the transmission of the completed task, or video supervision is not possible due to technical problems at any point of a remote examination, the examination is terminated early, at the respective stage of the examination, and the performance is not assessed. The technical problem shall be counted as the reason for withdrawal. This does not apply to a minor technical fault.

(2) If the student is responsible for the problem, the examination board can assess the attempt at the examination as a “fail”. This applies, in particular, if students fail to secure the technical and organisational requirements for which they are responsible in connection with the online examination purposefully or due to gross negligence, or cause the technical problem on purpose or in gross negligence.

(3) The rights pursuant to § 9 remain unaffected.

(4) If the video or audio transmission is temporarily interrupted during a video conference, the examination is continued once the problem has been remedied. If the technical problem persists or reoccurs so that the examination is significantly disrupted, the examination shall be repeated at a later date. A significant technical problem is assessed as a reason for withdrawal. Sub-section (2) applies mutatis mutandis. If the technical problem occurs after a significant proportion of the examination has been completed, the examination can be continued and completed over the phone, without the use of a video conferencing system. The examiner or examiners determine whether there is a significant technical problem or a significant proportion of the examination has been completed.

(5) § 15 of UAS Wismar’s General Examination Regulations apply to any other defects related to the examination procedure.

§ 11 Testing Clause

For testing purposes, the stipulations of § 7 can also be used in selected examinations belonging to degree courses taught on site.

§ 12 Entry into Force

This statute becomes effective on the day after its publication in the Official Bulletin of UAS Wismar.

Drawn up following the decision passed by the Senate of UAS Wismar on 20 January 2022 and the approval of the Rector of 25 January 2022.

Wismar, on the 25 January 2022

**The Rector
of Hochschule Wismar
University of Applied Sciences: Technology, Business and Design
Prof. Dr. Bodo Wiegand-Hoffmeister**