

FAU regulations on remote examinations on the basis of the Bavarian regulation for testing remote examinations (BayFEV) – EFernPO – Dated 2 December 2020

Based on the currently valid versions of Section 13 (1)(2), Section 61 (2)(1), Section 64 (1)(5) and Section 65 (7)(2) of the Bavarian Higher Education Act (Bayerisches Hochschulgesetz, **BayHSchG**) dated 23 May 2006, in conjunction with the currently valid version of the Bavarian regulation for testing remote examinations (Bayerische Fernprüfungserprobungsverordnung, **BayFEV**) dated 16 September 2020, FAU hereby enacts the following examination regulations:

Section 1 Scope

(1) ¹These examination regulations govern the instances in which remote electronic examinations are permitted and the procedures for holding electronic examinations (Section 2) at FAU on the basis of **BayFEV**. ²If no specific provisions are stipulated in these examination regulations, the provisions stipulated in **BayFEV** shall apply.

(2) ¹These examination regulations shall apply to all degree programmes as defined in Section 56 (1) **BayHSchG**, all courses of study as defined in Section 56 (6) **BayHSchG**, and doctoral and habilitation procedures at FAU, provided the relevant degree programme and examination regulations or doctoral degree or habilitation regulations (hereinafter **degree programme and examination regulations**) do not stipulate otherwise. ²Notwithstanding sentence 1, they shall not apply to State Examinations; in the case of degree programmes in which the final examination is a combination of a university examination and a State Examination, the university examination may only be held as a remote electronic examination in consultation with the State Ministry responsible for the State Examination pursuant to Section 61 (2)(2) **BayHSchG**.

Section 2 Examination Formats

(1) ¹Remote electronic examinations in the context of these examination regulations are examinations which have to be completed under supervision but which are by their nature suitable for examination candidates to take electronically and without having to be present in a designated examination room. ²Remote electronic examinations can be completed as supervised written examinations (remote written examinations) (Section 6) or as a remote oral or practical examination (Section 7).

(2) ¹Examinations which are not taken electronically or not under supervision are explicitly not classed as remote (electronic) examinations within the meaning of these examination regulations (for example, assignments, research papers or seminar papers, open book examinations) ²The provisions stipulated in the relevant **degree programme and examination regulations** in this respect shall not be affected.

Section 3 Offering Remote Electronic Examinations; Notification; Technical Equipment

(1) ¹Examiners are under no obligation to offer remote electronic examinations pursuant to these examination regulations. ²This is also the case if the scheduled on-campus examination cannot be taken by some or all students, doctoral candidates or habilitation candidates (hereinafter referred to collectively as examination candidates) as a

result of restrictions and obstacles arising due to a pandemic, epidemic or other major infection event.

(2) ¹Remote electronic examinations as defined by these examination regulations can only be offered as an alternative to an on-campus examination held during the same time period; further details are stipulated in Section 10. ²If the on-campus examination cannot be taken by all or some examination candidates for the reasons stated in (1)(2), the examiner can offer affected students the option to take the on-campus examination at the next possible date; further details are stipulated in Section 10 (2).

(3) ¹If a remote electronic examination as defined by these examination regulations is offered, the relevant provisions should be included in the **degree programme and examination regulations** and the module description. ²It is sufficient for the option of taking a remote electronic examination to be published in the module description at the beginning of the semester, provided the **degree programme and examination regulations** already include the respective examination format (written examination, oral examination or practical examination) for on-campus examinations. ³For non-modular degree programmes and doctoral degree and habilitation examinations, it is sufficient for the announcement to be made in another way (for example on the website for the degree programme). ⁴For doctoral degree and habilitation examinations which are not linked to any particular semester, the option of taking a remote electronic examination will be announced at least two weeks before the examination. ⁵If the remote electronic examination is to be offered in order to ensure that students can (continue) to study in spite of restrictions to teaching and examinations as a result of the coronavirus pandemic, the procedure for deciding on and publishing the examination format shall be governed by the Regulations of FAU concerning Deviations from Degree Programme and Examination Regulations and the Doctoral Degree and Habilitation Regulations due to Restrictions to Teaching and Examinations imposed as a result of the coronavirus SARS-CoV-2 – **Coronavirus Regulations** – dated 17 April 2020 in the currently valid version.

(4) ¹The announcement that remote electronic examinations are offered as an alternative shall be made in the module description or in another suitable way pursuant to (3)(3) and shall include information for examination candidates on the processing of their personal data, as well as on the technical and organisational requirements necessary to ensure the smooth running of the examination. ²Reference shall also be made to these examination regulations and any other relevant details.

(5) ¹Examination candidates should be given the opportunity to test their technology, equipment and physical surroundings under examination conditions before the actual examination (Section 3 (3) **BayFEV**). ²Examination candidates are responsible for checking whether they have the required technical equipment. This is a prerequisite for taking a remote electronic examination. ³In the event that an examination candidate does not have the required technical equipment but would still like to take a remote electronic examination, the candidate can, where possible, be offered the option of taking the remote electronic examination using borrowed technical equipment of the required standard. ⁴A loan of technical equipment of the required standard can only be arranged if enough suitable resources are available; Section 10 (2) shall apply accordingly.

Section 4 Data Processing

(1) ¹On the basis of Section 4 **BayFEV**, personal data will only be processed within the context of conducting remote electronic examinations to the extent absolutely necessary for conducting the examination. ²This shall apply in particular to authentication and video supervision purposes. ³The extent to which data are processed depends on the type of the electronic examination and the type of electronic communications used for the examination; further details shall be stipulated when announcing the type of examination.

(2) ¹Examination candidates shall be explicitly advised of the possibility to exercise their rights as a data subject pursuant to Art. 12 to 21 General Data Protection Regulation (**GDPR**). ²The contact person for exercising rights pursuant to sentence 1 is the Data Protection Officer at FAU.

Section 5 Verification

¹The identity of the examination candidate who wishes to take the remote electronic examination shall be confirmed unequivocally before the examination begins. ²For this purpose, the examination candidate shall show the examiner or invigilator valid photo ID (e.g. ID card, passport or FAU card with photo) via the video function when asked to do so. ³If the examiner or invigilator knows the examination candidate personally, the requirement to show valid photo ID can be waived. ⁴The examiner or invigilator shall record in writing for the purpose of providing evidence and proof that the examination candidate's identity was verified.

Section 6 Remote Written Examinations

(1) ¹Examination candidates shall complete remote written examinations within the time frame stipulated in the **degree programme and examination regulations** or the module description or announced in another suitable manner. Examination candidates are required to use a video and telephone conference tool that can be used for video monitoring purposes pursuant to (2) provided by the Erlangen Regional Computing Centre (RRZE) and approved by the Data Protection Officer at FAU. ²The examiner shall choose the video and telephone conference tool; Section 3 (5) shall be observed.

(2) ¹In order to prevent acts of deception during a remote written examination, examination candidates are obliged to activate the camera and microphone functions of the communication device used for the examination (video monitoring). ²The examiner or invigilator must be able to see and hear the examination candidate to the extent required for the examination throughout the entire examination, without interruption. ³The camera and microphone function may not be manipulated in any way (for example by blending out the background). ⁴Camera and microphone settings must be chosen to ensure good image and audio quality, allowing all parties to communicate easily and clearly. People and their facial expressions must be clearly visible. ⁵The rest of the room shall not be monitored. ⁶The examination candidate may only leave the supervised area after obtaining permission to do so from the examiner or invigilator; reference is explicitly made to Sections 8, 9 and 11 (3). ⁷The time and duration of the absence shall be documented in writing.

(3) ¹The examiner or invigilator from FAU shall be responsible for video monitoring pursuant to (2). Organisational measures shall be taken to ensure that one person is responsible for supervising no more than 20 examination candidates (ideally no more

than 10-15 examination candidates). ²Automated video monitoring shall not be permitted; exceptions are detailed in (4).

(4) ¹If the remote electronic examination is offered as the scheduled on-campus examination cannot be taken by some or all examination candidates as a result of restrictions and obstacles arising due to a pandemic, epidemic or other major infection event, automated video monitoring shall be permitted contrary to (3) (for example by using instruments from machine learning (artificial intelligence) for image and audio data, see reasons for **BayFEV**) provided a video and telephone conference tool is approved and available for this purpose pursuant to (1)(1) and provided the following additional requirements are met:

1. There is a proven lack of staff available to provide video monitoring pursuant to (2) and (3); this shall be documented in writing.
2. The affected examination candidates have explicitly consented to automated video monitoring.

²In the event of automated video monitoring pursuant to sentence 1, examination candidates shall be informed before granting their consent as to how automated video monitoring works and options open to them for taking an on-campus examination instead; Section 4 (1)(3) shall apply accordingly. ³Data collected for the purposes of automated video monitoring shall be deleted immediately after the data have been analysed as required for verification purposes; any discrepancies identified using automated video monitoring shall be recorded in writing for the purpose of providing evidence and proof.

Section 7 Remote Oral and Practical Examinations

¹Remote oral and practical examinations shall be held as video conferences between the examination candidate and the other individuals stipulated in the relevant **degree programme and examination regulations** (in particular examiners and observers); group examinations shall not be permitted. ²Section 6 (1) to (3) shall apply accordingly to the choice of video and conference tool and to the quality of image and audio transmission required for conducting the examination; Section 3 (5) shall be taken into account.

Section 8 Aids, Presence of Other Individuals; Declaration of independent work

(1) ¹Only those aids which are explicitly permitted for the examination in question shall be used during the remote electronic examination. ²Candidates shall not be permitted to use any other aids, in particular, it is explicitly forbidden for another person to be present in the room in which the candidate is taking the examination

(2) Examination candidates sitting remote electronic examinations on the basis of these examination regulations shall be obliged to submit a signed declaration stating that the examination is their own independent work.

Section 9 Fraud; Breach of Regulations

The provisions stipulated in the relevant **degree programme and examination regulations** shall apply in the event of fraud, attempted fraud or a breach of the examination candidate's obligations stipulated in these examination regulations (in particular Section 5 (2), Section 6 (2) sentence 1 and 2 and Section 8); Section 11 (3) shall apply.

Section 10 Right to Choose; Notification of Next On-Campus Examination

(1) ¹Examination candidates are free to choose whether or not to take a remote electronic examination. ²Examination candidates shall declare their intention to take the remote electronic examination in good time before the examination; further details shall be stated in the announcement of the option to take a remote electronic examination pursuant to Section 3 (3). ³By taking part in the remote electronic examination, examination candidates implicitly waive their right to sit the on-campus examination offered during the same time period. ⁴'During the same time period' within the context of sentence 2 is generally taken to mean if the on-campus examination is held or scheduled in the same examination period or in the same semester. The only instance when both alternatives must be offered at exactly the same time is if this is necessary in order to ensure equal opportunities for all candidates in certain exceptional cases.

(2) ¹In the cases covered by Section 3 (2)(2), examination candidates entitled to take the on-campus examination shall be admitted to the examination in the following order:

1. Candidates sitting the examination at the final attempt,
2. Candidates re-sitting the examination,
3. Candidates for whom the examination is obligatory,
4. Candidates taken in order of semesters completed to date, with those having completed the most semesters taking priority over those who have completed fewer semesters in descending order; if candidates have completed the same number of semesters in the subject, lots shall be drawn.

²Candidates who cannot be allocated a place for the examination must not suffer any disadvantages under examination law; in particular, they shall be able to choose to take the remote electronic examination if they so wish. ³If students are obliged to complete the examination within a certain time period in order to meet deadlines, these deadlines shall be deemed to have been extended. ⁴If the examination in question is a requirement for admission to subsequent teaching units/modules, the affected examination candidates shall be given the opportunity to attend the subsequent teaching units/modules subject to the requirement to submit evidence of having fulfilled the admission requirements at a later date, provided the nature of the subsequent teaching unit/module does not preclude this (for example due to safety concerns).

Section 11 Dealing with Technical Disruptions

(1) Section 9 **BayFEV** stipulates how to deal with technical disruptions.

(2) ¹Examination candidates shall be obliged to cooperate to determine the causes for and remedy any technical disruptions; in particular, they are obliged to cooperate in determining the causes for any technical disruptions at their end. ²If the technical issue is not an obvious defect which those in charge of the examination must take into consideration, the affected examination candidates are obliged on the basis of general principles of examination law to inform the examiner or the invigilator of the technical disruption (obligation to notify of defects). ³The examination candidate shall inform the examiner or invigilator using the channel designated before the examination (for example a specific telephone number).

(3) If an examination candidate experiences repeated technical disruptions in their responsibility (in at least three examinations) and it appears likely that the examination candidate is responsible for causing such disruptions, and if there is reason to suspect that the candidate has deliberately caused the technical disruption themselves in order

to be entitled to attempt the examination again (for example, interrupting the connection several times resulting in the candidate having repeated attempts to sit the examination for the final time), the Examinations Committee can restrict the examination candidate's right to choose the examination form pursuant to Section 9 (1)(4) **BayFEV** and instruct the examination candidate to take the examination on campus.

Section 12 Practice Examinations

Section 10 **BayFEV** shall apply to holding practice examinations, in combination with Section 6 (4).

Section 13 Legal validity

(1) ¹These regulations come into effect on the day after their publication. ²They shall apply to all remote electronic examinations as defined in Section 2 which are scheduled for examination periods starting from winter semester 2020/2021.

(2) These examination regulations shall cease to apply on 30 September 2024.

Published according to the resolution of the University Senate on 25 November 2020 and the authorisation of President Prof. Dr.-Ing. Joachim Hornegger on 2 December 2020.

Prof. Dr.-Ing. Joachim Hornegger
President

These regulations were established and displayed for public inspection at Friedrich-Alexander-Universität Erlangen-Nürnberg on 2 December 2020. The date of publication is 2 December 2020.