

**Supplementary Statute of the University of Rostock's
Rahmenprüfungsordnung (General Examination Regulations)
for Holding Online Examinations**

(Supplementary Statute Online Examinations - ESOP)

Of 3 February 2023

Based on § 2(1) in conjunction with § 38(11) and § 7a(4) of the *Landeshochschulgesetz* (hereinafter State Higher Education Act) in the version announced on 25 January 2011 (Law and Ordinance Gazette of Mecklenburg-Vorpommern (GVOBl. M-V) p. 18), last amended by the Sixth Act to Amend the State Higher Education Act of 21 June 2021 (GVOBl. M-V p. 1018), the University of Rostock hereby passes the following statute to supplement the *Rahmenprüfungsordnung* (hereinafter General Examination Regulations) for holding online examinations:

§ 1 Scope of Application, Purpose

(1) This statute applies to online examinations pursuant to § 2(1) at the University of Rostock. 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 the University of Rostock's quality requirements for holding examinations are observed. The statute regulates how such examinations are held at the university and in this respect supplements the General Examination Regulations for the Bachelor's and Master's Degree Courses at the University of Rostock, the General Examination Regulations for Teacher-Training Degree Courses at the University of Rostock, the examination regulations for courses ending in church degrees and the study regulations for medical degree courses. Within the scope of its application, the statute shall take precedence over these regulations and shall replace any conflicting regulations.

(2) The statute does not apply to the provisions regulating electronic examinations (e-examinations) and multiple-choice examinations, if these examinations are not held online.

(3) In accordance with § 7a(4) 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) Examinations may also be held online, provided that this is stipulated in the provisions of § 1(1) Sentence 3. 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, or as oral or practical remote examinations (video conference) pursuant to § 7. Participation in the examination is voluntary for the students in accordance with the stipulations of § 8.

(2) In cases of force majeure, in accordance with § 1a(1) Sentence 1 of the General Examination Regulations for the Bachelor's and Master's Degree Courses at the University of Rostock, or in accordance with § 1a(1) Sentence 1 of the General Examination Regulations for Teacher-Training Degree Courses at the University of Rostock, 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. § 1a(1) of the General Examination Regulations for the Bachelor's and Master's Degree Courses at the University of Rostock and § 1a(1) of the General Examination Regulations for Teacher-Training Degree Courses at the University of Rostock also apply.

§ 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 Article 13 in conjunction with Article 12 of Regulation (EU) 2016/679 (General Data Protection Regulation - GDPR),
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, or video conferences pursuant to § 7, 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 argue 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 the University of Rostock, as long as the related effort is justifiable. In accordance with § 8, 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) or the examiner (video conference pursuant to § 7) is entitled to interrupt the examination and, in order to clarify the facts, give the person concerned the opportunity to confute the suspected cheating by suitable means. This may not restrict the affected person's protection of personality or privacy rights any more than is necessary for the justified purposes of control. This shall be implemented, in particular, by the appropriate focussing of the camera to enable the room to be checked for further persons or unauthorised aids.

§ 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) The University of Rostock ensures that personal data collected during an online examination is processed in accordance with data protection regulations, in particular the 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. The legally compliant processing of personal data is ensured by technical and organisational measures with the objectives of data minimisation, availability, integrity, confidentiality, transparency, unlinkability, and intervenability.

(3) 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) During the duration of a remote written examination, no other persons other than the examinee may be present in the room. 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 in such a way 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) Video supervision is carried out by the University of Rostock's invigilators.

(3) 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. In accordance with § 7a(2) Sentence 2 State Higher Education Act, 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 as stipulated in § 7a(3) State Higher Education Act. The recording is considered part of the examination record until it is deleted.

(4) 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 § 9.

§ 7 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) No. 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 § 9, are recorded in the examination supervision notes.

§ 8 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 of Rostock.

(2) The modalities of the alternative examination pursuant to Sub-Section (1) must generally correspond to the stipulations of the General Examination Regulations in conjunction with 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), the University of Rostock 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.

§ 9 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 it can be proven that the student is responsible for the disruption, the examination attempt will be deemed failed. 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 § 8 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) In all other respects, if there are flaws in the examination procedure, the corresponding provision of § 15 General Examination Regulations for the Bachelor's and Master's Degree Courses at the University of Rostock or § 21 General Examination Regulations for Teacher-Training Degree Courses at the University of Rostock shall apply.

§ 10 Entry into Force

These statutes enter into force on the day after their publication in the University of Rostock's official bulletin. They apply for the first time starting in winter semester 2022/2023.

Drawn up following the decision made by the Academic Senate of the University of Rostock of 1 February 2023 and following the Rector's approval.

Rostock, 3 February 2023

The Rector
of the University of Rostock
University Professor Dr. Wolfgang Schareck