

DIR Directive on Distance Learning and Online Exams

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1. Objective

This directive is intended to provide guidance and instructions for distance learning and examinations held in distance mode.

2. Scope

This directive is aimed at faculty and students.

2.1. Material and temporal scope

This directive is based on §§ 76 and 76a of the Universities Act 2002 (*Universitätsgesetz*).

The regulations specified in the Examination Regulations of WU (Vienna University of Economics and Business) remain unaffected. This directive shall apply in addition to the Examination Regulations of WU during the period from March 1, 2023, to September 30, 2023.

2.2. General premises

In principle, students must be informed before the start of the semester that courses or exams will be held in distance mode. Should the announced teaching mode change during the semester for compelling reasons, any changes must be communicated to the students in an appropriate manner and without delay.

Students who no longer wish to participate in the course or exam under the changed conditions must be granted the right to drop the course or exam in question without losing an examination attempt.

Only the following circumstances are considered to be compelling reasons for a change of teaching mode, according to a resolution of the Rector's Council:

- Unforeseeable events that make it impossible to hold the course or exam as planned (e.g. a pandemic [i.e. lockdown], fire on Campus WU)
- Illness/similar reasons beyond the control of the course instructors
- Change of course instructor

3. Regulations

3.1. Courses

In addition to classroom teaching mode, courses may also be held in (partial) distance learning mode. For (full or partial) distance learning, it is recommended to conduct courses via tools provided by WU, e.g. MyLEARN, Zoom, Moodle, and Microsoft Teams.

The following options for **distance-learning teaching designs** can be used:

1. Distance mode (synchronous or asynchronous): Synchronous classes allow for real-time communication and interaction. Asynchronous phases mean that teaching and learning take place at different times.
2. Synchronous hybrid mode: The course is held in the classroom for a part of the students. At the same time, the course is also streamed online for all students who cannot be present on campus.
3. Rotation mode: Periods of classroom teaching are divided between two or more groups of students. In this mode, the instructor holds all the classes of the course on campus, but with alternating student groups. Content that cannot be taught in on-campus classes must be studied by the students independently.
4. Combinations of the modes described in items 1 through 3

The following **minimum requirements** apply for courses taught in distance-learning formats:

- The character of the course in question, as specified in the Examination Regulations of WU, must remain unchanged.
- In principle, the applicable attendance requirements remain in effect, but they can be modified to accommodate the respective course design.
- In the case of student absences due to important reasons (e.g. a quarantine order, illness confirmed by a physician), it must still be possible for the student to complete the course successfully despite the absences.

3.2. Examinations

If examinations are held in distance mode, it must be ensured that the examination in question is conducted properly. The following **requirements** must be adhered to:

1. The examiner and the student must have access to appropriate technical infrastructure. All parties involved in the examination are responsible for making sure that they have access to the required technical infrastructure.
2. The identity of the student must be verified.
3. WU is also obligated to implement appropriate technical and organizational measures for ensuring that the students work on the exam independently and without outside help.
4. The exam must be documented in an examination report. Upon request, the student must be given electronic access to the examination report. This does not apply to multiple choice questions and the corresponding answer options. Access to recordings of online examinations is subject to special regulations (see item 3.3.3. below).

The following **exam types** are available for holding examinations in distance mode:

1. Written online exams
2. Oral online exams
3. Remote take-home exams

3.2.1. Written online exams

Written online exams are held on MyLEARN. Written online exams held by the WU Executive Academy take place on Moodle. A laptop computer or PC is required for taking a written online exam. A microphone and an integrated camera or webcam must be available on the examinee's computer if the exam is subject to online exam supervision. Further information on written online exams shall be provided on the web page "[Written online exams on MyLEARN](#)" and on Moodle.

The exam will be **graded** if following requirements are met:

1. The student has uploaded a photo for identification before the start of the exam (if required)
2. The student has confirmed the examination statement
3. Automated online exam supervision is functional throughout the exam (if required)

By confirming the examination statement, the student also confirms receipt of the examination, which means that the **exam attempt will be counted**.

3.2.2. Oral online exams

Oral online exams are held using software for synchronous live communication (e.g. Microsoft Teams). Further information on oral online exams shall be provided on the web page "[Oral Examinations](#)."

The **student's identity is confirmed** via webcam based on their student ID card or an official photo ID.

The student shall be informed of the **result** of an oral examination immediately after the examination. If the student has failed the examination, reasons for the failure shall be stated.

The requirement that oral examinations must be **public** is met if the examinee is entitled to have at least one other person attend the exam, if necessary via electronic means.

3.2.3. Remote take-home exams

Remote take-home exams are written online examinations where students can freely structure the allotted exam time within a predefined time frame. Further information on remote take-home exams must be provided on the web page "[Remote Take-Home Exams.](#)"

The predefined time frame must be longer than the allotted exam time. It is recommended to set a time frame ranging between 6 and 48 hours. If an examination statement is required, the statement must be confirmed when the exam is submitted in order for the exam to be graded and counted as an examination attempt.

3.3. Premature termination and cheating

3.3.1. Premature termination of exams

If a student terminates the exam prematurely, the exam attempt shall not be counted if the student was unable to continue the exam due to **technical malfunctions** (e.g. loss of internet connection). This provision only applies if it is plausible and credible that the student was forced to terminate the exam for such reasons and if he or she reported the difficulties to the person responsible for the exam without delay.

Exams may be graded even if technical problems occurred, as long as there are no doubts that the exam in question reflects the student's independent work. In such cases, the student must contact the person responsible for the exam within 24 hours after the end of the exam and explicitly request that the exam be graded. The allotted exam time shall not be extended if technical difficulties occur.

3.3.2. Cheating

The persons responsible for the exam must **inform the students about the permissible or unauthorized aids** for the exam (e.g. cell phones, unauthorized study materials, presence of other people during the exam, spoken consultations with other people, headphones, copying) by the start of the exam at the latest.

If an examinee uses unauthorized aids or attempts to cheat, the exam must be marked correspondingly and **counted as a lost examination attempt**. All students involved in the cheating attempt shall be **excluded** from re-registering for and attempting to take all exams in the subject concerned for a period of four months.

3.3.3. Access to exam recordings

Upon prior notification of the examiner, examinees must be granted access to the recordings made during online exams. Except in cases of suspected cheating, the exam recordings must be

deleted at the latest when the grades are announced, so it is only possible to access the recordings up to that time. Access to the recordings does not have to be granted if it is requested spontaneously and without prior notice or if other examination participants are present at the same time.

3.4. Jurisdiction

The conduct of courses in remote and distance-learning formats requires the approval of the Vice-Rector for Academic Programs and Student Affairs (§ 28a [1] of the By-Laws of WU). The Vice-Rector for Academic Programs and Student Affairs can give orders and instructions to course instructors and the persons responsible for conducting the exams to ensure the proper conduct of academic activities.

4. Legal basis

§ 22 (1) of the By-Laws of WU:

(1) The Vice-Rector for Academic Programs and Student Affairs is responsible for deciding on all matters of organizing and evaluating courses and exams unless a law or these By-Laws expressly state(s) that another body or officer of the university is competent in that respect. The Vice-Rector for Academic Programs and Student Affairs has the following tasks, in particular:

1. Coordinating the activities of the academic directors and the unit area coordinators
2. Giving assignments to department chairs and institute heads, if applicable, to have teaching obligations fulfilled by the teaching staff of the department in accordance with the target agreements
3. If required, giving instructions to individual members of the teaching staff to ensure that their teaching obligations are fulfilled in the case of deficiencies or emergency situations
4. Giving teaching assignments at the proposal of, or after a hearing with, the relevant academic directors, unit area coordinators, and departments
5. Filing applications to reform curricula to the Senate

Implementing study regulations and academic legislation as a first instance pursuant to § 23

§ 28a (1) of the By-Laws of WU:

(1) Teaching courses in the form of distance learning courses requires the approval of the Vice-Rector for Academic Programs and Student Affairs.

§ 5 of the Examination Regulations of WU:

(6) The Vice-Rector for Academic Programs and Student Affairs shall be entitled to specify details regarding the administration of examinations in a directive.

[...]

(8) If a student uses unauthorized aids in exams or when completing performance components of courses, or if a student attempts to cheat, the exam or the entire course shall not be graded, marked with an appropriate note, and be counted as a lost examination attempt. All participating students shall be excluded from re-registering for and attempting to take all exams and/or courses in the subject concerned for a period of four months.

(9) Within two weeks after the exam or course has been marked with a note pursuant to item 8 above, the student may file a request for the cheating attempt to be confirmed, the number of remaining examination attempts to be recalculated, and the four-month exclusion to be put in effect.

§ 6 of the Examination Regulations of WU:

(1) It is not permitted to make visual, audio, and screen recordings of online exams. For a course examination (LVP), subject examination (FP), module examination (MP), and for course performance components that are decisive for a passing grade, the examiner may decide to use real-time electronic exam supervision and video, audio, and screen recording of the written online exam to ensure that students complete their exams independently within the meaning of § 76a (2) of the Universities Act 2002, in addition to the other examination regulations that apply.

(2) Automated analyses of these recordings are not permitted. Only the personnel entrusted with exam supervision and the support and system administration staff have access to the recordings. The recordings must be deleted when the grades are announced.

(3) If the exam supervision staff suspects that there has been an instance of cheating, the staff of the office responsible for study regulations shall also be granted access to the exam recordings for the purpose of investigating the facts of the case. By derogation from item 2 above, in cases where students are suspected of cheating, the recordings shall only be deleted once the proceedings for investigating the suspected instance of cheating have been concluded.

(4) Upon prior request, the student shall be granted access to the exam recordings, provided that they have not yet been deleted pursuant to item 2 above.

(5) The Vice-Rector for Academic Programs and Student Affairs is entitled to issue a directive containing more detailed provisions on the conduct of online examinations, in particular with regard to establishing the identity of the students, procedures for dealing with technical problems, and the rules regarding access to the exam recordings.

§ 10 (1) of the Examination Regulations of WU:

(1) Before the start of each semester, course instructors shall indicate in the course syllabi the prerequisites for each course, the types of performance components required, and how these performance components are weighted in the calculation of the final grade (in percent), and the assessment criteria, including any authorized aids. [...]

§ 73 (1) and (2) of the Universities Act 2002 (*Universitätsgesetz 2002*):

(1) The assessment shall be annulled by an official notification of the officer responsible for study matters if

1. in the case of an examination, the latter was registered for under false pretences;
2. in the case of an examination, academic thesis and artistic submission, the assessment was obtained by fraudulent means, in particular by the use of unauthorised aids.

(2) An examination, the result of which is annulled, shall count towards the number of repetitions.

§ 76 of the Universities Act 2002:

(2) In addition to the published index pursuant to para 1, the teachers of courses shall, at the start of each semester, inform students appropriately of the objectives, format, contents, dates and methods of their courses, and of the contents, format, methods, dates and assessment criteria and assessment principles of the exams.

[...]

(4) If the format, dates, methods or assessment criteria of the course or exam, as announced pursuant to paras 2 and 3, change during the semester for compelling reasons to be defined by the Rectorate, the students shall be notified of any changes in an appropriate manner and without delay. For students who do not want to participate in the course or exam anymore under the changed conditions, it must be possible to deregister from the course or exam in question without it being counted towards the number or permissible repetitions.

§ 76a of the Universities Act 2002:

In the case of examinations held using electronic means of communication, the correct conduct of the examinations must be ensured. In addition to the general regulations for examinations, the following minimum requirements also apply in such cases:

1. The standards that the students' electronic devices must meet in order to participate in the examinations in question must be announced before the start of the semester.
2. Appropriate technical and organizational measures must be implemented for ensuring that the students work on the examination independently and without outside help.

3. In the event of technical problems that are not the student's fault, the examination must be aborted, and the examination attempt shall not be counted towards the permissible number of attempts.

§ 79 of the Universities Act 2002:

(1) Appeals against the academic judgment of examiners shall be impermissible. If the manner in which an examination resulting in a negative assessment is conducted exhibits severe defects, the officer responsible for study matters shall, by official notification, annul the examination on application of the student or a person whose admission has expired pursuant to § 68 para 1 subpara 3. The application must be submitted within four weeks of announcement of the assessment, and it must substantiate the alleged severe defects. Examinations which are annulled shall not be counted towards the permissible number of resits.

(2) Oral examinations shall be open to the public. If necessary, the examiners or the chairpersons of examination boards may limit admission to the number of persons that the premises can accommodate or, if the examination is held using electronic means of communication, they may limit access to the number of persons that the technical system used can accommodate. In the case of oral examinations held before examination boards, all members of the board must be present physically or online throughout the examination. The result of an oral examination shall be made known to the student immediately after the examination. In the case of a negative assessment, the reasons shall be explained to the student.

(3) If the assessment documents (in particular, examiners' reports, and corrected written examinations and assessment papers) are not surrendered to the student, steps shall be taken to ensure that they are held in safekeeping for at least six months after announcement of the result.

(4) The examiners or the chairpersons of examination boards shall ensure that examinations are conducted in an orderly manner, and shall make records of examinations. Such records shall include the subject of the examination, the place or format and starting and ending times thereof, the name of the examiner or examination board members, the name of the student, the questions asked, the assessment grades awarded, the reasons for a negative assessment and any unusual occurrences. The reasons for a negative assessment shall be communicated to the student in writing on application of the same. The examination record shall be held in safekeeping for at least one year.

(5) Students shall be permitted to have inspection of the assessment documents and the examination records, provided that they make such requests within six months of the announcement of examination results. The assessment documents shall also include the examination questions asked at the respective examination. Students shall be entitled to make photocopies of these documents. Multiple-choice questions including their answers shall be excluded from the right to make photocopies and the right of inspection via electronic means of communication.

§ 116a of the Universities Act 2002:

(1) Any person who produces a work for another person or makes it available to another person, whether in return for recompense or free of charge, even though he or she knows or can assume from the circumstances that this work is subsequently intended to be used in part or in its entirety as a seminar paper, examination paper or thesis (bachelor's thesis, academic thesis or artistic submission) and submitted in the place of independent work that has not been performed shall be liable to a fine of up to 25,000 €.

(2) Assistance provided free of charge which does not impair the intellectual and academic independence of the designated author's seminar paper, examination paper or thesis (bachelor's thesis, academic thesis or artistic submission) shall not be penalized.

(3) Any person who, under the circumstances referred to in para 1, publicly offers to produce such a work for another person or to make it available to another person shall also be penalized.

(4) If the perpetrator acts with the intent of obtaining an ongoing income by repeatedly committing such acts, he or she shall be liable to a fine of up to 60,000 €. Repeat offenders may be sentenced to imprisonment for a term of up to four weeks.

(5) The recompense or other benefit received by the offender shall be declared forfeited (§ 17 of the Administrative Penal Act [*Verwaltungsstrafgesetz, VStG*]). If the recompense or benefit is not a material object or if the offender no longer possesses the recompense or benefit, he or she shall be liable to pay of a further sum of money equal to the value of the recompense or benefit (forfeiture penalty).

(6) Criminal liability shall expire by limitation. The statute of limitation shall be 30 years and shall commence at the time when the punishable act was completed or the punishable actions ceased. If the success resulting from the offense occurred later, the statute of limitation shall start to run at that time.

(7) Any person who carries out an action as defined in paras 1, 3 or 4 commits an administrative offence which shall be punished by the district administrative authority having local jurisdiction unless the act constitutes an offence falling within the jurisdiction of the courts or unless it is punishable by a more severe penalty under other administrative provisions.

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