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# Legal Notice

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Page 31

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## **Regulations to Compensate for the Consequences of the Corona Virus SARS-CoV-2 Epidemic for Studying and Teaching at Hamm-Lippstadt University of Applied Sciences from 15 December 2021**

On the basis of Section 82a, Paragraph 1, Sentence 1 of the Law on Universities of the State of North Rhine-Westphalia (Higher Education Act – HG) from 16.09.2014 (GV. NRW. p. 547) in the currently valid version in connection with the ordinance for coping with the challenges posed by the corona virus SARS-CoV-2 epidemic to the higher education sector, the Corona Epidemic Higher Education Ordinance (Corona-Epidemie-Hochschulverordnung) from 1 December 2021 (GV. NRW. p. 1245), the Presidential Committee of Hamm-Lippstadt University of Applied Sciences has issued the following regulations.

### **§ 1. General Principles**

- (1) Through the following regulations, the Presidential Committee makes use of its powers granted by the Corona Epidemic Higher Education Ordinance from 1 December 2021 with the aim of enabling the departments to meet the challenges that arise or have arisen through the coronavirus SARS-CoV-2 epidemic, with regard to studies and teaching and to ensure the functionality of study and examination operations.
- (2) Unless otherwise stipulated, the provisions of these regulations apply to all programs of study at Hamm-Lippstadt University of Applied Sciences. Insofar as rules in the examination regulations and regulations of the university as amended contradict the rules that the Presidential Committee has issued through these regulations, the rules in these examination regulations and regulations are to this extent, according to Section 13 Paragraph 2 Corona Epidemic Higher Education Ordinance, not applicable. Section 14 of the Corona Epidemic Higher Education Ordinance shall remain unaffected.
- (3) Study operations in the winter semester 2021/2022 will generally begin in the form of in-person classes and will continue in this way until further notice. The Presidential Committee decides on changes and exceptions to be applied for in study operations, taking into account the federal and state regulations resulting from the coronavirus SARS-CoV-2 epidemic with an appropriate lead time.

### **§ 2. Examinations**

- (1) The departments are authorized to carry out university exams in electronic form or in electronic communication (online exams). Care must be taken to ensure that the principle of equal examination treatment is complied with as far as possible in view of the epidemic. In addition, online examinations must be carried out in accordance with data protection regulations with regard to the requirements and procedures. When processing personal data, particular attention must be paid to the necessity and appropriateness. The Presidential Committee can issue specific guidelines.
- (2) Oral examinations can generally be carried out as video examinations in the winter semester 2021/2022, provided that the current federal and state regulations in the context of the coronavirus

SARS-CoV-2 pandemic allow for this.

The legal, technical and organizational measures to be observed in the context of carrying out video examinations can be found in the "Manual for Conducting Oral Video Examinations" attached to this document as Appendix 1. The exam situation may not be recorded, not even with the help of mobile devices. The announcement of the assessment of the oral examination can take place at a later point in time.

- (3) Oral and written online exams can be conducted via third-party internet platforms. Students who do not consent to oral online examinations outside the university or who do not have the necessary technical equipment can be tested in an oral online examination at the university in rooms with the appropriate equipment.
- (3a) An online written exam is a written exam in the sense of the applicable general examination regulations, which is provided to the students via the study platform or via web browser access. It is written on the student's (private) computer and submitted electronically via upload to the study platform or worked on and completed via the web browser or the study platform. The completion of written exam tasks assigned via the study platform can also be done by hand. The written examination is submitted as a PDF document within the specified period. In the event of technical problems during the upload process on the study platform, the completed exam can be sent via email to the email address [Pruefungsabgabe@hshl.de](mailto:Pruefungsabgabe@hshl.de) within the specified time period (Appendix 2). Electronic examinations within the meaning of Section 5 Paragraph 1 a) Sentence 2 of the respective general examination regulations can also be carried out as online examinations. The legal, technical and organizational measures to be observed in the context of carrying out online examinations can be found in the "Manual for Conducting Written Online Examinations" attached to this document as Appendix 2.
- (3b) Other types of examinations listed in the general examination regulations can also be carried out digitally in a suitable form.
- (4) Examinations that are taken and not passed in the winter semester 2021/2022, with the exception of bachelor's and master's theses, project work as well as practical and international semesters, are considered not to have been taken (free attempt). A free attempt is an examination attempt in a module examination, which, in the event that the module examination is not passed, is not counted as a regular examination attempt in the sense of the general examination regulations. If several examinations within the framework of a module lead to the passing of a module through their compilation as an overall grade, the rule on the free attempt does not apply, even if an individual sub-module examination has not been passed. If several examinations within the framework of a module do not lead to the passing of a module through their compilation as an overall grade, the free attempt rule applies. If the overall module that has not been passed includes a sub-module that has not been passed, the free attempt rule also applies to the relevant sub-module. Module or sub-module examinations not passed as a result of cheating will be

counted towards the number of attempts according to Section 9 RPO (RPO = Rahmenprüfungsordnung [general examination regulations]) BA/MA.

- (5) Withdrawal from an exam in the winter semester 2021/2022 is possible at any time up until the start of the exam. Failure to take the exam is considered a timely notice of withdrawal. This regulation does not apply to theses and practical elements (cf. Section 4 Paragraph 1) as well as semesters abroad. Reference is made to the separate regulations in Section 4 and Section 5.
- (6) Students who are unable to present valid 3G proof (proof of vaccination, recovery or negative Covid test) during the admission control to an in-person examination will be denied access to the examination room due to federal and state rules resulting from the corona virus SARS-CoV2 pandemic. Failure to attend will be regarded as a withdrawal within the meaning of Section 2, Paragraph 5, Sentences 1 and 2.

### § 3 Theses, Practical Reports

- (1) For Bachelor's and Master's theses that are registered by 31 March 2022, in addition to the option under Section 18 Paragraph 6 of the RPO BA/MA, the student can withdraw from the preparation of the thesis without this being counted as a failed attempt. The withdrawal must be submitted no later than two weeks before the end of the regular submission deadline, stating a reason and providing the required supporting documents (limitation period).
- (2) In deviation from Section 19 Paragraph 1 RPO BA/MA, theses and practical reports within the meaning of the internship regulations can also be submitted in digital form via email to [campusoffice@hshl.de](mailto:campusoffice@hshl.de) in due time by 31 March 2022. In this case, the digital form replaces the written document and, as such, is the only relevant copy for the assessment. The declaration according to Section 18 Paragraph 8 of the RPO BA/MA must be sent as a scan.

### § 4 Study-Related Internships, Practical Semesters and Semesters Abroad in the Winter Semester 2021/2022

- (1) In the case of practical elements (internships, practical semesters, etc.), 75% of the usual time-related activities and tasks are considered sufficient for receiving credit in the winter semester 2021/2022.
- (2) Should students not be able to complete an internship that has already been started due to circumstances caused by the epidemic, in individual cases the examination board can recognize alternative tasks or work available as an internship replacement, in accordance with the RPO BA/MA, which will have been determined by the supervisor. This also applies to internships abroad.
- (3) Students who have started an internship or a semester abroad and cannot continue it due to the measures taken by the federal or state government to combat the coronavirus pandemic can withdraw from this module. The withdrawal request is to include a reason

along with the required supporting documents and must be submitted to the examination board.

- (4) Students who have started a practical semester and cannot continue it due to the circumstances mentioned can also apply for an interruption of the module to be completed. The activities and tasks already performed will be taken into account if they are continued. The application must be submitted with a reason to the Examination Board no later than two weeks before the end of the work to be performed in the company. The approval of the supervising professor must be included with the request for interruption.

### § 5 Change of the Subject-Specific Examination Regulations

If a student in the winter semester 2021/2022 is affected by a mandatory change of the subject-specific examination regulations and, due to the corona-virus pandemic, it was no longer possible to take individual exams according to the expiring subject-specific examination regulations, an application for hardship provision can be made in individual cases. Any such request must be substantiated. The Examination Board is responsible for the decision.

### § 6 Access to the Examination Documents

In the winter semester 2021/2022, the access to the graded examination documents will take place in accordance with the federal and state rules resulting from the coronavirus SARS-CoV-2 epidemic. The inspection of the documents can take place in person or digitally. The objection to the assessment of an examiner can be justified after viewing the examination documents.

### § 7 Proof of Admission Requirements for Students Already Enrolled or for Enrollment in a Master's Program

Students who have been admitted to a master's degree program for the winter semester 2021/22 on the basis of a preliminary overall grade must provide evidence of the existence of the bachelor's degree required by the relevant subject-specific examination regulations by 1 June 2022 at the latest. If this proof is not received by the specified deadline, the registration expires with effect for the future.

### § 8 Entry into Force; Expiry

- (1) These regulations enter into force on the day after their publication in the Official Notices of Hamm-Lippstadt University of Applied Sciences with effect from 1 October 2021. They will expire on 1 April 2022.
- (2) It should be noted that pursuant to Section 10 Paragraph 5 of the Law on Universities of the State of North Rhine-Westphalia (Higher Education Act – HG NRW), a breach of procedural or formal requirements of the regulatory or other autonomous law of the university can no longer be asserted after one year has passed since this announcement was made, unless
  - a) the regulations have not been properly published,
  - b) the Presidential Committee has previously objected to the resolution of the body deciding on the regulation,
  - c) the formal or procedural deficiency was reported to the university beforehand and thus the legal provision has been breached and the fact that results in the deficiency has been identified, or

- d) in the public announcement of the regulation,  
no reference was made to the legal  
consequence of the exclusion of complaints.

Issued based on the resolution of the Presidential Committee of  
Hamm-Lippstadt University of Applied Sciences from 15 December 2021.

Hamm, 15 December 2021

signed Prof. Dr.-Ing. Kira Kastell  
President of Hamm-Lippstadt University of Applied Sciences

**Appendix 1****Manual for Conducting Oral Video Examinations****1. Technical Requirements**

The technical requirements must be met by both the examiners and the examination candidates in order for video examinations to be conducted. Therefore, the following requirement for the workstation must be ensured in advance by the examining person and the examination candidate:

- a) the technical modalities (especially system requirements) must be clarified,
- b) a stable and sufficient internet connection,
- c) an internet-enabled device (computer, mobile phone, etc.) with a webcam and microphone,
- d) possibly also a headset,
- e) software for the transmission of the audio and video stream from the microphone and camera as well as the screen content of the exam candidate are available. The exam is carried out using systems that have been tested by HSHL regarding technical specifications and data-protection measures. A binding examination date must be agreed upon by the participants in advance. The invitation is given by the first examiner. Examiners and examination candidates must ensure that they have access to the software to be used and that they are able to use it. It can be useful to test the functionality of the system before the examination.

**2. Legal Framework**

For oral online exams, the consent of all those involved must be obtained and reference must be made to the data protection information required according to Art. 13 GDPR. For oral online examinations, the same general legal requirements apply as for in-person examinations. These include:

- a) A test protocol must be made to check the exam procedure.
- b) Third and final exams, for which no compensation option exists in the event that the student fails, are to be assessed by the first and second examiners.
- c) Examiners must pay attention to attempts to cheat.
- d) Equal opportunities must be guaranteed.
- e) A qualified assessor should be called in if the test is carried out by only one examiner.
- f) At the beginning of the examination, the examination candidates must be informed about the examination conditions of the online examination. They must agree to the conditions (see notes and formulations under "4. Necessary Actions Before the Start of the Exam").

**3. Circumstances During the Exam**

- a) The candidate must be alone in a closed room during the exam and must not have any contact with any other person.
- b) The camera and microphone must remain on throughout the exam.
- c) Other screens in the room must not be directed towards the candidate.

- d) The candidate's area of access must not contain any unauthorized aids (such as mobile phones, other computers, books, etc.).
- e) If aids other than those approved are used, this is an attempt to cheat, which leads to failure of the exam.
- f) Only screens that are transmitted using the software may be used during the exam. No other programs may be open during the exam.
- g) If no headset is used for the exam, the candidate must not wear headphones.
- h) The camera should capture the head and shoulders of the candidate.
- i) The candidate must not leave the area captured by the camera during the exam.
- j) The exam candidate's gaze must be on the camera.
- k) Recording of the exam is not permitted.

**4. Necessary Actions Before the Start of the Exam**

- a) Testing the technical requirements for functionality (see "1. Technical Requirements").
- b) If the exam candidate is not personally known, authentication by means of an officially recognized photo ID (e.g. ID card, driver's license, passport) must be carried out by showing it to the camera.
- c) Information for the examination candidate about the examination provisions of the oral online examination:
  1. The online exam is carried out using video conferencing software.
  2. If the internet connection is temporarily interrupted or the transmission (sound/image/both) is temporarily interrupted, the exam is stopped. If this is not done with the intention to cheat, the termination will not be considered a failed attempt.
  3. If the candidate leaves the visible area of the camera, the exam is stopped and the attempt is considered a failed attempt.
  4. The exam must not be recorded.
- d) Information for the exam candidate about the general rules regarding cheating:
  1. I am alone in the room from which I take this exam.
  2. This room is closed.
  3. I have no contact with another person during the exam.
  4. I will not turn off the camera or microphone during the exam.
  5. There are no other screens in the room or they are not directed towards me.
  6. There are no unauthorized aids in my area of access, especially no mobile phones, other computers or books.
  7. I will only use the screen on which the software used is displayed and I will not open any other programs.
  8. I am not recording the exam.

- e) Obtaining oral assurance to ensure compliance: "I agree to the examination provisions and assure that I am in compliance with the rules outlined. I am aware that cheating or attempting to cheat can have consequences for the examination."

The information of the candidates on the aforementioned points as well as their consent and assurance must be included in the examination protocol.

## 5. After the Exam

After the exam is finished, the examiners consult with each other and determine the grade. To determine the grade, technical options for the short-term exclusion of the examinee (e.g. waiting room function, switching off picture and sound) should be used. The announcement of the grade can take place at a later point in time.

## 6. Dealing with Disturbances

- a) The internet connection is temporarily interrupted or the transmission (sound/image/both) is temporarily interrupted.
- The exam will be stopped and will not be counted as a failed attempt unless it is clear that the interruption is due to the behavior of the candidate.
  - If the interruption is due to the behavior of the exam candidate, the exam is rated with the grade "insufficient" (5.0).
  - The examiner documents the occurrences in the examination protocol.
- b) The examination candidate leaves the visible area of the camera or communicates visibly with other people or uses aids other than those permitted.
- The exam is stopped and the attempt is to be regarded as a failed attempt.
  - The examiner documents the occurrences in the examination protocol.

## Appendix 2

### Manual for Conducting Written Online Examinations

#### 1. General Requirements

If the exam is to be completed as an online written exam, it will be held as an open-book exam. Aids that are not permitted are the assistance of third parties and the copying and pasting of text passages/solutions from the internet. Before starting the online exam, the students will make a declaration that they are capable of taking the exam and would like to take the exam.

At the end of the exam, the students will make a declaration that they completed the exam independently and that they did not use any non-approved aids.

- a) In the case of online exams (exam, Klaus, Moodle) that use a web browser, the task text will be made available via the examination system at the announced time. Students will receive a link to access the exam in good time before the exam begins. The exam will be made available to the students at the announced time.
- b) For exams that are made available via the university's own study platform via download, the task text is provided in the corresponding course on the study platform. The exam is either handwritten or completed using a word processing program. A correction margin of 7 cm should be left free. A cover sheet with the student's name, matriculation number and the name of the exam must be attached to the exam.

The exam is to be uploaded only as a PDF document. Either a scanner app on a mobile phone or a scanner can be used for this. It is important to pay attention to the legibility of the document. Submission via the post is not allowed. In addition to the time available for completing the written exam, students are given an additional 45 minutes for exams to be submitted via the learning platform for converting the exam into a PDF file and uploading it.

#### 2. Legal Framework

The same general legal requirements apply to online exams as to in-person exams. This includes

- a) A test protocol must be made to check the exam procedure. In particular, cases according to Section 2 Paragraph 3a Sentence 5 must be recorded in the protocol.
- b) Third and final exams, for which no compensation option exists in the event that the student fails, are to be assessed by the first and second examiners.
- c) Students are not allowed to use any aid from third parties when completing the examination. This will be considered cheating or an attempt to cheat. The same applies to copying and pasting text passages/solutions from the internet. Equal opportunities must be guaranteed.