

## 5<sup>th</sup> statute amending the General Regulations of the Technical University of Applied Sciences Wildau

General Regulations	Official announcements	Publication date
First version	46/2017	14 September 2017
1st Amendment Statute	46/2018	31 October 2018
2nd Amendment Statute	42/2019	4 July 2019
3rd Amendment Statute	13/2021	26 March 2021
4th Amendment Statute	31/2022	31 August 2022

On the basis of Section 24 Subsection 2 Sentence 1 of the Brandenburg Higher Education Act (BbgHG) of 9 April 2024 (GVBl.I/24, [No. 12]), and the University Examination Ordinance of 4 March 2015 (GVBL. II/15, No. 12), last amended by Article 3 of the Act of 9 April 2024 (GVBl.I/24, [No. 12], p.80), as well as Section 10 Subsection 1 of the Basic Regulations of Technical University of Applied Sciences Wildau dated 21 August 2019 (Official Notices No. 45/2019) in the version dated 22 August 2022 (Official Notices No. 29/2022), the Senate of the Technical University of Applied Sciences Wildau, in consultation with the faculties, adopted the following statute on 22 April 2024:

### Part I

The General Regulations of the Technical University of Applied Sciences Wildau of 14 September 2017, published in the Official Notices No. 46/2017, last amended on 31 August 2022, published in the Official Notices No. 31/2022, are amended as follows:

1. section 8 subsection2 sentence 2 shall be supplemented as follows:

The words "or by two examiners" are added after the words "an expert assessor":

The sentence is added after sentence 2:

"If the examiners' assessments do not agree, the grade is calculated from the arithmetic mean of the individual assessments."

2. section 8a shall be reworded as follows:

"§ 8a Supervised Distance Examinations

- (1) Distance examinations are examinations held with supervision where unlike in the case of an on-site examination, the work is not performed in the facilities designated by TH Wildau and where the supervisors and the examinees are in different locations at the same time.
- (2) If any software-based information and communication systems which process personal data are used for performing examinations or holding teaching events, only systems provided by the university must be used or those that were granted approval by the data protection commission of the university, as they were found to meet at least the same data protection standards.
- (3) The prerequisite for conducting a remote examination is that the examination
  - is suitable for purpose and
  - can also take place without the obligation to be present in person in a specified examination room and
  - can be conducted in compliance with the principles of equal opportunities. Distance examinations are conducted within a specified time window using electronic information and communication systems. Distance examinations as written examinations are conducted with video supervision and oral and practical distance examinations as video conferences. The offer of distance examinations must be provided for in the examination scheme (§ 20 para. 7). Participation in distance examinations is voluntary. The voluntary nature of participation must be ensured by offering a face-to-face examination as an alternative within the same examination period. Both examinations shall take place in strict compliance with the principles of equal opportunities.
- (4) The student decides in advance in the respective semester up to seven days before the on-campus examination date whether he/she would like to take the alternative examination option offered in the same semester on the distance examination date. The right to choose shall also apply if the examination is repeated.  
The student is given the opportunity to take a mock distance examination provided by the university before the election. The mock distance examination serves to check the technical functionality and usability of the examination environment. In particular, the mock distance examination may differ from the actual examination in terms of the examination content, the questions used and/or the amount of time taken.
- (5) It must be possible to assign all data from the examination to the candidates clearly and permanently, also in the case of a distance examination. It must be ensured that the examination documents can be reviewed. The assignment, assessment scheme, results, transcript and any sample solutions must be archived in line with legal provisions.

- (6) In the distance examination, candidates must certify that they have completed their examination work independently and have not used any sources or aids other than those specified."

3. section 8b shall be reworded as follows:

"§ 8b Taking the in-person or distance examination

- (1) When holding the on-site examination, those students who have registered for the on-site examination are granted priority in the allocation of places. Students who chose the option to take part in the distance examination option can only take part in the on-site examination if a place is available. The examiner must be informed about any emergencies that require students to switch from the distance examination to the on-site examination as soon as possible.  
If a student is not granted a place in the on-site examination due to a lack of capacity, this is not regarded as an examination attempt. This must be recorded on-site by the examiner or supervisor in the examination record and be signed by the student.
- (2) Every student has the right to take part in the scheduled distance examination, even if they have not registered for it in advance. In the event of a change to the scheduled distance examination, the examiner must be notified at least seven calendar days before the examination. If a student has taken part in both the in-person examination and the alternative distance examination in the same examination attempt, only the examination that was taken on the earlier date will be assessed."

4. section 8c shall be reworded as follows:

"Section 8c Video surveillance and authentication

- (1) To prevent any acts of deception, the distance examination must take place with distance supervision (video supervision) performed by a qualified person (supervisor) for the entire duration of the examination, and possibly with additional supervision by the university's supervisory staff. . Suitable technical aids must be used to ensure that the distance examination does not result in any advantages or disadvantages for the person being examined in terms of equal opportunities and that attempts at cheating are excluded as far as possible. It must also be noted in the examination record that the examination took place remotely. In the case of distance oral examinations, supervision takes place in line with the arrangements concerning the presence of examiners and second examiners outlined in these Regulations
- (2) When conducting distance examinations, the identity of the examination candidates must be established by means of photographic identification before the start of the examination (authentication). Storage of the data processed in connection with authentication beyond technically necessary intermediate storage is not permitted. Personal data from intermediate storage must be deleted immediately. Examination candidates are obliged to activate the camera and microphone function of the information and communication systems used for the examination. The examiner's signature on the examination record of the oral examination is obtained electronically.

- (3) With regard to video surveillance, there shall be no room surveillance beyond the arrangements of paragraph 1. Video supervision shall be set up in such a way that personal protection and privacy of the persons concerned is not affected more than is necessary for the intended identification check. Recordings of the examination environment are possible within reason with reference to an incident and must be noted in the examination record. Automated analysis of image or audio data and recording of the examination by the video invigilator are not permitted. Partial recording of the examination or other storage of image or audio data is not permitted, except for the documentation of suspected attempts at cheating. A copy of the stored data must be made available to the student. The data shall be stored until the final decision regarding a suspected attempt at cheating has been made. Thereafter, the collected data must be verifiably destroyed or deleted immediately and the student must be informed accordingly."

5. section 8d shall be reworded as follows:

"Section 8d Disruptions to the technical execution of the distance examination

- (1) If the transmission of the examination task, the processing of the examination task, the transmission of the examination performance or the video supervision is not technically possible at the time of the examination during a distance examination, the examination is terminated at the respective stage and the process is recorded in the examination record. The examination will not be graded and the examination attempt will be deemed not to have been taken. This does not apply if it can be proved that the respective student is responsible for the disruption.
- (2) During a distance oral examination, the person being examined can see all examiners and assessors at any time and vice versa. If the video or audio transmission is temporarily disrupted during a distance oral examination, the examination will continue once the disruption has been rectified. If the technical fault persists so that the oral examination cannot be continued properly, the examination will be repeated at a later date. The new examination date should be scheduled as soon as possible. The examiner in charge is responsible for this.
- (3) Technical faults during the test must be recorded in the test report, stating the type, extent and duration of the fault."

6. section 8e shall be reworded as follows:

"§ 8e Data processing and installation

- (1) Personal data may be processed in the context of distance examinations insofar as this is absolutely necessary for the proper conduct of the examination. This applies in particular for the purposes of authentication in accordance with Section 8c Subsection 2 and video supervision in accordance with Section 8c Subsection 1 and Subsection 3.
- (2) For distance examinations, learning management systems, examination platforms, video conferencing systems and any other technical aids shall be used in such a way that any

necessary installations on the students' electronic devices only take place under the following conditions:

- The functionality of the electronic devices is not impaired outside the examination time and during the examination only to the extent necessary to ensure authentication and prevent fraudulent conduct,
- the information security of the electronic devices is not compromised at any time,
- the confidentiality of the information on the electronic communication devices is not compromised at any time, and
- complete uninstallation is possible after the distance examination."

7. section 19 shall be supplemented as follows:

- a) In sentence 1, the word "written" is added after the word "by".
- b) In sentence 2, the words "with a description of the impairment" are added after the word "certificate".
- c) Sentence 3 is replaced by the following sentence:  
"Alternatively, other equally serious reasons, e.g. of a social nature such as the acute care and support of a person close to the student, may also be recognised."

8. § 20 is supplemented as follows:

- a) Paragraph 1 is supplemented by the following sentence:  
"Several examinations may take place on one day, particularly in the case of part-time degree programmes and in the case of Section 21 (4)."
- b) In paragraph 2, sentence 1, the following passage "(SER)" is deleted.
- c) Paragraph 2 is supplemented at the end by the following sentence:  
"Additional examinations scheduled in the curriculum in a later semester can only be taken if a prior application has been approved by the examination board responsible."
- d) Paragraph 7 is reworded as follows:  
(7) The respective lecturer informs the students in the first two weeks of the module about the examination scheme based on the respective module description. The examination scheme includes information on the type of examination in accordance with the curriculum, the form of examination, the scope and time or period of the examination, the repetition frequency as well as authorised aids, weighting and assessment of (partial) examinations.  
The examination scheme is published on the TH Wildau website for all university members."

9. Section 22 shall be reworded as follows:

## "§ 22 Default / Withdrawal

- (1) An examination performance is assessed as "insufficient" if the person being examined, without good cause,
  1. misses an examination date or
  2. withdraws after the start of the examination or
  3. has not completed an examination within the specified processing time.

The important reason for missing or withdrawing from the examination must be reported to the Examinations Board immediately in writing and must be substantiated. An important reason only exists if the student is not responsible for it. If an examination has been duly completed, withdrawal is no longer possible. If the Examinations Board does not recognise the reasons for withdrawal or failure to complete the examination, the student will be informed of this in the form of a legally enforceable decision.

- (2) For module examinations of type EEP and for the partial examination within the examination period of a module examination of type CTE, the important reason given for missing or withdrawing from the examination must be reported immediately (within three working days) in writing to the Examinations Board of the respective faculty and substantiated. For both, the form " Notification of Inability to Take Examinations " must be used. The Examinations Board must decide on the application for a re-examination within 21 calendar days of receipt of the complete notification.
- (3) For module examinations of the EEP type and for the partial examination outside the examination period of a module examination of the CTE type, Section 20b subsection 9 and Section 20c subsection 8 shall apply in addition in the event of failure or withdrawal.
- (4) If the student to be examined is prevented from completing on time the final thesis in a Bachelor's or Master's degree programme due to illness, the Examinations Board may, upon request, extend the completion deadline by the period of proven incapacity to take the examination, but no longer than twice the completion time. The case of illness must be reported immediately (within three working days) after its occurrence to the Examinations Board of the respective faculty in writing and substantiated. If the duration of the illness exceeds half of the completion time, the student may submit the thesis within the extended deadline or withdraw from the follow-up thesis and return the topic. The Examinations board must be informed immediately in writing of the cancellation of the thesis. If the proven case of illness covers more than twice the processing time, the examination attempt is deemed not to have been made and the topic of the thesis is withdrawn. If there is another important reason, reference is made to the regulation in § 27 paragraph 2.
- (5) In the event of illness, a medical certificate and a notification of inability to take examinations must be submitted within three working days of the illness occurring. If these documents are received by the university by post, they must have been sent within the period specified in sentence 1; the date of the postmark is decisive. The medical certificate must indicate the impairment that prevents the student from performing normally and presenting his or her true knowledge and abilities at the time of the examination. In the case of a failed examination (paragraph 1 section 1) or withdrawal of participation in the examination (paragraph 1 section 2), the medical certificate may not be issued later than the day of the examination. If the student is unable to meet this deadline and the deadline according to sentence 1 through no fault of his/her own, the medical certificate must be submitted immediately once the circumstances no longer

apply; reasons must be given for missing the deadline and the reason for the impediment must be proven. The illness of a child for whom the examination candidate is predominantly solely responsible is deemed equivalent to the inability of the examination candidate to take the examination."

11. Section 23 shall be reworded as follows:

"§ 23 Academic Misconduct, Infringement of Rules

- (1) In order to verify the identity of a student when taking an examination, the student must present his/her identity card or, alternatively, another valid, official form of identification bearing a photograph.
- (2) An act of cheating is deemed to have been committed if the candidate claims to have performed an independent and regular examination by making use of unauthorised advantages or assistance or by attempting to influence the result of an examination by means of threats, granting advantages or bribery. The provision (having at hand) of unauthorised aids after the start of the examination is also deemed to be an act of cheating. If the examination candidate cheats or attempts to cheat about the result of his/her examination performance, the examination performance will be penalised with the grade "insufficient" (5.0) or "unsuccessful". Any person who knowingly supports this act of cheating can also be sanctioned.
- (3) A particularly severe case of cheating is deemed to have occurred if the act of cheating would justify the withdrawal of a university degree. In this case, the offender may lose the right to take the examination for the entire degree programme at TH Wildau. Such a case occurs in particular if the identity of the examination candidate is falsified. The person who is deceptive about the identity of the examination participant (deceiver) may lose the right to take the examination for the entire degree programme at TH Wildau. If the person (beneficiary) for whose benefit the deceiver is acting knowingly allows, promotes or causes the deception, they may also lose the right to take the examination for their entire degree programme at TH Wildau in addition to the sanction under paragraph 2 sentence 3.
- (4) If an attempt to cheat becomes apparent during the performance of an examination, the candidate suspected of cheating will be informed immediately by the invigilator of the allegations made against him/her. Non-authorised aids and other evidence should be secured by the examination supervisor. The examination invigilator will make a separate note of the incident, which will be attached to the examination record. The candidate suspected of cheating will not be excluded from continuing with the examination if he/she does not admit to cheating. The regulation in paragraph 9 remains unaffected by this.
- (5) The decision on the existence of cheating or attempted cheating and the sanctioning thereof shall be made by the Examinations Board. The student and the person concerned must be given the opportunity to make a statement beforehand. In the case of cheating of a particularly serious nature, the decision-making authority cannot be transferred to the chairperson of the Examinations Board. The decision of the Examinations Board must be communicated to the student immediately in writing, stating the reasons and

- providing information on legal remedies. The cheating offence will be noted in the campus management system.
- (6) In less serious cases of attempted cheating or cheating in accordance with paragraph 2, the Examinations Board may refrain from imposing the sanction in accordance with paragraph 2.
  - (7) In the event of a further attempt at cheating or case of cheating, the Examinations Board may, in addition to the sanction under paragraph 2, exclude the student from taking further examinations or retaking examinations in this degree programme, so that the student concerned has lost the right to take examinations for the entire degree programme.
  - (8) If the fact of cheating becomes known retrospectively, the course-related performance record or the examination will subsequently be assessed as failed. Incorrect final degree documents and incorrect transcripts of records shall be confiscated.
  - (9) An offence is committed if a candidate disrupts the orderly conduct of the examination. The disruptive candidate may be excluded from continuing the examination by the respective examiner or invigilator after repeated disruptions despite prior warning. The respective invigilator will make a note of the incidents in the examination record. The examination performance of the excluded candidate will be penalised with "fail" (5.0) or "unsuccessful". The candidate may request that this sanction be reviewed by the Examinations Board. If the Examinations Board does not determine that a breach of regulations justifying exclusion has occurred, the student must be given another opportunity to take the examination as soon as possible. In serious cases, the Examinations Board, upon being informed by the examiner, may exclude the student from taking further examinations, with the result that the student has lost the right to take examinations for the entire degree programme at TH Wildau. In this case, the decision-making authority cannot be transferred to the chairperson of the Examinations Board. The decision will be communicated to the student in the form of an appealable decision."

12. § 26 is supplemented as follows:

In paragraph 1, sentence 2 should be replaced by "Like the associated oral examination (colloquium), if applicable, it is an examination performance."

13 Section 27 Subsection 1 shall be reworded as follows:

"Subsection1 The thesis must be uploaded to the university's digital platform (Thesisplaner) by the deadline. The thesis may contain two digital appendices, one public and one protected. The thesis must be comprehensible without reading the appendices. The data formats to be used are determined by the university library. The submission date is recorded in the thesis planner when the thesis is uploaded. Upon submission, the candidate must confirm in writing in the thesis planner that he/she has written his/her thesis - in the case of a group thesis, his/her appropriately labelled part of the thesis - independently and has not used any sources or aids other than those specified. If submission in the thesis planner is not possible for technical



reasons, the thesis must be sent immediately in a suitable digital form to the dean's office responsible for the degree programme."

14. section 32 shall be reworded as follows:

"Section 32 Entry into force, transitional provisions

- (1) These amending statutes<sup>1</sup> shall enter into force on the day following their publication in the Official Notices of the Technical University of Applied Sciences Wildau.
- (2) It applies to degree programme-specific study and examination regulations as well as degree programme-specific regulations for access and admission that are published after these General Regulations for Studies, Examinations, Access and Admission come into force.
- (3) Course-specific regulations for general studies, examinations, access and admission that were published before these general regulations came into force must be adapted to the requirements of these general regulations<sup>2</sup> by 1 September 2024.
- (4) In the event of contradictions between these regulations<sup>3</sup> and the corresponding course-specific regulations, the provisions of these regulations shall take precedence over those of the course-specific regulations from 1 September 2024.
- (5) For students who commenced their studies before the entry into force of these regulations<sup>4</sup>, Section 22 Subsection 5 of these regulations shall only apply from 1 September 2024.

## **Article II**

### **Entry into force**

These Articles of Association shall enter into force on the day following their publication in the Official Notices i n.

## **Article III**

### **Publication authorisation**

The university administration is authorised to publish the general regulations of the Technical University of Applied Sciences Wildau in the version valid from the date of the entry into force of these statutes in the Official Notices.

Wildau, 29 . May 2024

signed by Prof. Dr rer. nat. Ulrike Tippe  
President  
Technical University of Applied Sciences Wildau

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<sup>1</sup> 5th Amendment Statutes of 29 May 2024, AM 12/2024

<sup>2</sup> 5th Amendment Ordinance of 29 May 2024, AM 12/2024

<sup>3</sup> 5th Amendment Ordinance of 29 May 2024, AM 12/2024

<sup>4</sup> 5th Amendment Ordinance of 29 May 2024, AM 12/2024