TU/e Examination Regulations for Online Proctored Exams with an Online Proctoring System

The Executive Board of Eindhoven University of Technology, TU/e,

With regard to Article 7.10, third paragraph of the Dutch Higher Education and Scientific Research Act (Wet op het hoger onderwijs en wetenschappelijk onderzoek, WHW) in conjunction with Article 7.12b, first paragraph under e and in conjunction with Article 2.2 of the Examination Committees’ Regulations,

In the regard that these regulations are an addition to the TU/e Central Examination Regulations,

resolves to adopt the TU/e Examination Regulations for Online Proctored Exams with an Online Proctoring System, which read as follows:

Chapter 1 General stipulations

Article 1 Definitions

Examiner:  A lecturer who is responsible for an individual study component at TU/e and is appointed by the Examination Committee to assess students by setting examinations on the study component and determining the results.

Examination coordinator:  Person responsible for the organization of the examinations.

RE:  Regulations of an Examination Committee of a TU/e degree program.

OER:  Program and Examination Regulations of a TU/e degree program.

Educational planner:  Officer responsible for planning the course and examination schedule at a department.

ESA:  Education & Student Affairs.

Student:  A person who is following a degree program in higher education and, for the application of these Regulations, is enrolled in a degree program in accordance with the TU/e Regulations for Registration, the Academic
Career Check Enrollment, and Termination of Enrollment.

**Examination:** An audit associated with a particular study component into the knowledge, insight and skills of a student, as well as an assessment of the results of that audit. In these regulations examination is also understood to mean a written or digital examination as well as a centrally organized final test.

**The Proctoring Agency:** The software company that facilitates online proctored exams for TU/e.

**Test system** A software system in which exams can be administered.

**Online proctoring system** A software system that enables fraud detection when administering exams through the test system.

**Online proctored exam:** Online proctored exams are timed exams that students take while proctoring software monitors students’ (laptop)computer webcam video and audio. The data recorded by the proctoring software is transferred to a proctoring service for review.

**The Proctoring Agency helpdesk:** In case of technical problems students can reach helpdesk employees of the Proctoring Agency through the chat functionality of the online proctored exam.

**Proctoring coordinator:** Officer responsible for the organization of online proctored exams.

**Online proctored examination period:** The periods during which online proctored examinations are administered.

**Reviewer:** Officer who checks recordings of the online proctored exam for irregularities and reports on suspicion of fraud.

**Department board:** This refers to the department board, the department board of the coordinating department, or the management board of the Eindhoven School of Education (ESoE).

**The institute Board:** The Executive Board of Eindhoven University of Technology, TU/e.

### Article 2 Relation to the role and duty of the Examination Committee
It is the statutory duty of the Examination Committee to guarantee the quality of the organization and procedures relating to interim and final examinations (see Article 2.2 of RE).
The institute board is responsible for the organization of and procedures relating to the interim and final examinations to which these Regulations apply.

Article 3 Scope of the Regulations
These Regulations apply to centrally organized and scheduled online proctored examinations. The instructions for examiners and students constitute part of these Regulations and are set out in Appendix 1.

Chapter 2 Types of online proctored exams

Article 4 Types of online proctored exams
1. There are in any case three ways of taking online proctored exams:
   a. Online proctored exams through the assessment systems AnsDelft, Oncourse or Cirrus, in which the exam questions and answers are delivered/handed in through the assessment systems and use of pen and paper is not allowed.
   b. Online proctored exams through the assessment systems AnsDelft, Oncourse or Cirrus, in which the exam questions and answers are delivered/handed in through the assessment systems. In this case, students can use pen and paper to work out the exam, but these papers do not need to be handed in.
   c. Online proctored exams through the assessment systems AnsDelft, Oncourse or Cirrus, in which the exam questions are delivered through the systems and the answers are partially handed in through the systems and partially on paper. In this case, students can use pen and paper to work out exams questions and must take pictures of the papers with their cell phone and upload these pictures in the test environment.
2. The three ways of taking online proctored exams can be combined, if needed.

Chapter 3 The proctoring examination coordinator, examiner and reviewer

Article 5 The proctoring examination coordinator
1. There is one central proctoring coordinator.
2. The proctoring coordinator shall be responsible for:
   a. Maintaining an overview of exams that are administered using the Proctoring Agency, including the test system these are administered with;
   b. Coordinating the support of teachers by teacher support officers when transforming their exams into an online proctored exam with the Proctoring Agency.
   c. Monitoring procedures during examinations by means of evaluation forms.
3. If it becomes apparent that there are technical problems with the Proctoring Agency during the administration of an online proctored examination as referred to in Article 4, the proctoring coordinator will be informed immediately. The coordinator will make an impact analysis and the ESA Director decides whether there is a force majeure situation as referred to in Article 15 of these Regulations.

Article 6 Powers of examiners and reviewers
1. Within three weeks after completion of the examination, the recordings will be analyzed in order to detect possible fraud by students.
2. The examiner waits until all recordings have been analysed before giving final marks.
3. If the examiner or reviewer observes a suspected case of fraud or an irregularity that raises suspicion of fraud, they write and sign a report of the fraud observed. The students' comments on any undesirable irregularities, as mentioned by them at the end of the examination, will be
included. The reviewer sends the report to the examiner who then informs the examination committee (see Appendix 3, report of fraud format). The further procedure regarding fraud is set out in Chapter 3 of the Regulations of the Examination Committee.

4. Fraud (or an attempt to fraud) on the part of the student is taken to mean in any case the following:
- use of someone else’s proof of campus card
- use or attempted use of unpermitted sources and resources, such as internet, mobile phone.
- use or attempted use of unpermitted printed or handwritten documentation or cheat sheets.
- the student is no longer being in sight of the webcam and/or has switched off the microphone, while taking the exam, insofar this takes place outside the (possible) authorized breaks.
- (attempted) technical modifications that undermine the proctor system.

Article 7 The examiner
1. The examiner is responsible for the setting and delivering of the examination questions and the coversheet.
2. Examiners are jointly responsible for the smooth running of the examination.
3. The examiner is available 30 minutes before and after the start of the examination for the proctoring examination coordinator.

Chapter 4 Conditions for proctored organized examinations

Article 8 Examination venue
The online proctored exam is taken by students in a location of the students’ choice, as long as the following conditions are met:

1. The lighting in the room must be bright enough to be considered “daylight” quality. Overhead lighting is preferred. If overhead lighting is not available, the source of light must not be behind the student.
2. Student must sit at a desk or table cleared of all objects.
3. The area (surfaces) around the student must not have any writing or cheat sheets.
4. Student must be alone in the room.
5. The room must be as quiet as possible. Sounds such as music or television are not permitted.
6. The following items must not be on students’ desk or used during the online proctored exam, unless posted rules for the exam on the exam cover sheet specifically permit these materials:
   a. Books
   b. Paper
   c. Pens
   d. Calculators
   e. Textbooks
   f. Notebooks (with the exception of the notebook, on which the exam is made)
   g. Phones
7. Students must complete a webcam scan of the room where they will take the exam every time they take a online proctored exam.
8. Students must take the exam in the same room that they scanned during the proctoring setup, as referred to in paragraph 7, for the current exam.
Article 9 Delivering and storing the examination scripts handed in
1. In the case of an online proctored examination as referred to in Article 4, the examiner will submit the examination to be taken digitally in the testing program no later than five days before the start of the examination.
2. All online proctored examination papers, as referred to in Article 4, have a cover sheet, filled in by the examiner.
3. After the examination, the examiner shall collect the digitally completed examination scripts, as referred to in Article 4 under c.

Article 10 Other conditions for proctored organized examinations
1. Online proctored exams can only be taken in spaces that fulfill criteria stated under Article 8.
2. An online proctored exam is administered by means of the student's (laptop) computer.
3. The (laptop) computer, as referred to in paragraph 2, shall meet the requirements set out in Appendix 4. The (laptop) computer must also have a working webcam and microphone. If a student does not have a (laptop) computer that meets the above requirements, the student must try to borrow a (laptop) computer from someone else (family, friends, housemates). If the latter is not possible, the student must contact IMS no later than 5 working days before the start of the examination to submit a request to borrow a notebook.
4. Students must follow the instructions laid down in Article 4, appendix 1 when, following an examination assignment, they have to upload a photo of a written answer on paper using a mobile phone/camera.
5. Students must stay in sight of the webcam at all times during the exam. Students are not allowed to visit the toilet, unless there are built-in breaks for this purpose.
6. Half an hour before the online proctored exam, helpdesk employees of the Proctoring Agency will be available through the chat functionality of the Proctoring Agency to assist students with technical problems. The chat functionality will be available to students until half an hour after the scheduled end time of the exam.
7. During the online proctored exam the following two facilities can be offered to students with an acknowledged functional impairment: extra time and/or 'large print' ('grote letters'). Other facilities (such as an area with low stimulation) must be arranged by students themselves. If the latter is not possible, students must contact the examination committee 5 working days before the exam at the latest.
8. The proctoring coordinator ensures that the facilities, as mentioned in paragraph 7, for students with function impairments, are set up in the system.
9. Students can post their questions and remarks during the Proctoring Agency exam to the Proctoring Agency helpdesk through the chat functionality in the test environment. This information will be handed over to the examiner. The questions and/or comments, if justified, may be taken into account in the assessment.
10. An exam that lasts less than 90 minutes does not contain built-in breaks.
11. If an examination lasts longer than 90 minutes, a built-in break will be included after the first 90 minutes. The part of the examination lasting 90 minutes must be completed within those 90 minutes and cannot be reopened when the built-in break starts. Students can start the new part of the exam (the new part has a maximum duration of 90 minutes), when the built-in break is finished.
12. When students wish to resume the examination after the built-in break, they (again) must complete a webcam scan of the room, as referred to in Article 8, paragraph 7, in which they will continue to take the exam.
Chapter 5 Students’ rights and obligations

Article 11 Students
1. The exams are proctored, which means that students are ‘followed’ online to check whether the exam is completed under the correct conditions. The student receives the guide Student Instructions for online proctored exams about the online proctored tests. This guide describes the strict regulations that students need to follow when taking the exams.
2. If a student fails to log in and cannot take the examination because of technical problems, the examination will be recorded with an INV (invalid) in Osiris.
3. If, for reasons other than those mentioned in paragraph 2, a student does not log in and does not take the examination, the examination will be recorded with an NMR (not met requirements) in Osiris.
4. If students encounter technical problems beyond their control (for example power failure in the region) that prevent students from completing the test, this must be reported to the Proctoring Agency through the chat functionality and students can request the examination committee for an additional re-sit.
5. Students are obliged to follow the instructions as mentioned in Article 3 and 4 of Appendix 1. This includes a procedure for checking whether their ICT equipment allows proctoring.
6. The online proctored exams have to be started and completed online within the given time frame.
7. Students can use their TU/e credential to login into the test system.
8. Validating the completion of the exam will be based on students’ e-mail addresses or student numbers.
9. Any student who fails to comply with the instructions in Article 3 and 4 of Appendix 1 must accept the examination possibly being declared void.
10. Fraud within the meaning of Article 6, paragraph 4, can have the consequence that the examination results of the student in question will not be assessed and that the student has failed the examination. Decisions about committing fraud are taken only by the examination committee. The test system does not decide on this; it only delivers data.
11. Students are responsible for assuring a proper internet connection. If it is plausible that the student cannot obtain a reliable internet connection, the student may apply to the examination committee for an alternative exam method. This application must be submitted 3 working days before the start of the exam at the latest.
12. Students who have insurmountable objections to taking an online proctored exam may apply to the examination committee for an alternative exam method. This application must be submitted 5 working days before the start of the exam at the latest.

Chapter 6 Privacy and legal protection

Article 12 Privacy
1. By taking the online proctored exam, students agree upon making and continuously recording of video, audio, keystrokes and mouse activity and the screen of the student.
2. Examiner and reviewers will have access to the data, as referred to in paragraph 1, to judge whether the exams were completed according to the regulations.
3. Collected data will only be used for this purpose. The data will be destroyed as soon as the result of the exam has been recorded in Osiris and the result has become legally inviolable.
4. Supervision of the correct processing (including deletion) of the data is the responsibility of the ESA Director, under whom the online proctor organisation is organised.
5. The General Data Protection Regulation (GDPR) applies to data processing within online proctoring. The responsible party as referred to in paragraph 4 will monitor compliance
with the GDPR. Processing agreements have been signed with third parties (e.g. Proctorio) and they are therefore bound by the GDPR.

6. On the subject of online proctoring, the TU/e is proactively transparent with regard to the processing of personal data, the purpose of the processing and the manner in which the processing takes place. The TU/e Privacy Statement 'Exams with online proctoring' has been drawn up for this purpose (see Appendix 5).

Article 13 Legal protection
1. Students have the right to access the personal data that are processed, correct personal data if it contains factual inaccuracies, to delete personal data, to limit the processing of personal data and portability of personal data and to object to the processing of personal data.
2. Students who wish to exercise any the privacy rights, as referred to in paragraph 1, can contact the Data Protection Officer of the TU/e via: privacy@tue.nl.

Chapter 7 Final stipulations

Article 14 Fraude
In the event of (a suspicion of) fraud, Article 3.5 of the Examination Board Regulations applies. See also Article 6, paragraph 3 and 4 of these regulations.

Article 15 Force majeur
In the event of force majeur (for example total power failure, test system failure) the Department Board may decide that the examination be cancelled. In such cases the protocol for cancelled or terminated exams applies as referred to in Appendix 7.

Article 16 Final considerations
These Regulations may be cited as the TU/e Online Proctored Examination Regulations; they were adopted by the Executive Board in the resolution of April 2, 2020 and apply as of April 2, 2020.