

DIR Directive on the Conduct of Examinations and Dealing with Cheating and Fraud

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1. Purpose

This Directive is intended to provide instructions for holding exams and for dealing with cheating in exams (course examinations [LVP], subject examinations [FP], and module examinations [MP]) and performance components required for courses (courses with continuous assessment of student performance [PI], lectures with interactive elements [VUE], research seminars [FS], and workshop-type courses [AG]).

2. Scope

This text is aimed at anyone tasked with supervising and grading exams and course performance components at WU. It regulates the organizational procedures during exams and the procedures to be followed when dealing with cases of cheating and fraud. The following regulations apply to exams (LVP, FP, and MP exams) and courses (PI, VUE, FS, and AG courses).

This Directive does not apply to plagiarism and academic fraud *in academic theses*. These matters are covered by the Directive on Plagiarism.

3. Regulations

Detailed description of the regulations

3.1. Registration for and participation in examinations

Without exception, students must have a valid course and exam registration to participate in an examination.

Any exam taken by a student without a valid registration is considered to be registered for under false pretenses pursuant to § 73 (1) item 1 of the Universities Act. Any such cases are to be reported to studienrecht@wu.ac.at, and the representative for study regulations and academic legislation shall declare the exam void. In such cases, the student loses one exam attempt (§ 73 [2] of the Universities Act).

3.2. Assigning rooms and seats

Students are required to take exams in the room assigned to them. If in the course of identity checks (see subsection 4.4) a student is found to be in the wrong exam room, exam staff can refuse to allow the student to take the exam.

Exam staff are also entitled to assign seats to students for an exam. If a student refuses to comply with instructions given by exam staff, exam staff is entitled to expel the student from the exam.

3.3. Tardiness

Students who are late to an exam can be expelled from the exam by exam staff.

3.4. Identification

During the exam, exam staff shall confirm the identity of each student attending the exam.

Students must present their WU student ID card to prove their identity. An official photo ID is an acceptable alternative to a student ID card.

Students concurrently enrolled at different universities can present the student ID provided by their home university for identification.

If a student refuses to present ID or if there is reasonable cause to doubt the student's identity, exam staff is entitled to expel the student from the exam room.

3.5. Maintaining order

Students who continue to create a disturbance after being reprimanded by exam staff can be expelled from the exam room to ensure that the examination can be conducted in an orderly manner.

In the event of serious disturbances of peace and order through inappropriate behavior, especially in the event of offensive or threatening behavior towards exam staff, the staff has the right to expel the student from the exam room immediately, if necessary with the assistance of campus security staff.

3.6. Use of aids, cell phones, and other communication devices

Course instructors shall specify precisely which aids (if any) are permitted for use during an exam (e.g. general-purpose dictionaries, calculators without text saving function). The list of permitted exam aids is to be included in the course syllabus (§ 9 [1] of the Examination Regulations).

Exam staff has the right to require students to switch off their cell phones, smartwatches, or other electronic communication devices and store them in their bags before the exam. Exam staff is entitled to prohibit the use of phones or smartwatches as timepieces.

3.7. Leaving the exam room

As a rule, students are not permitted to interrupt the exam and leave the room during an examination.

Should a student nevertheless want to leave the room during an examination, the student's exam must be handed in before he or she leaves the room. The student may not return and continue work on the exam after leaving the room.

In the event of extenuating circumstances (e.g. illness during an exam), it is at the discretion of

the proctor whether he or she allows a student to keep working on an exam after an interruption.

3.8. Premature termination and incapacitation

Once a student has accepted receipt of the examination questions, the exam counts as an attempt and shall be graded (§ 5 [2] of the Examination Regulations).

If a student terminates the exam prematurely without reasonable cause, exam staff shall determine the identity of the student and the student shall be required to hand in the exam papers.

If a student does not hand in his or her exam, the exam is counted as a lost examination attempt. In such cases, the exam is not graded and is reported to studienrecht@wu.ac.at and entered into the LPIS system as "NI" (§ 5 [5] of the Examination Regulations).

In the event of extenuating circumstances, it is at the discretion of the proctor or the examiner whether or not the exam is to be graded and if it should count as an attempt.

Students must not be graded in case of incapacitation. However, students are only deemed incapacitated if they are completely unable to participate in the conduct of the exam, actively or passively (complete loss of the ability to communicate, e.g. due to an anxiety attack). The incapacitation must become apparent during the exam in such a manner that it can be discerned objectively.

Any such cases have to be documented in as much detail as possible.

3.9. Cheating and fraud in examinations and courses

If students attempt to cheat or use fraudulent means in exams or other work, the work of all students involved is declared null and void. This means that everyone involved in the misconduct will lose an examination attempt and will be banned from taking and registering for the exam in question for a period of four months.

What is forbidden during exams?

- The use of unauthorized aids (e.g. crib sheet, cell phone, smartwatch, earphones, copying from another student, etc.)
- Pretending to be someone else
- The use of forged documents (e.g. student ID card); in such cases, the Rector's Council also reports the incident to the public prosecutor's office

What are the consequences of cheating in the completion of a performance component?

All the work done as part of the course in question is declared null and void. In addition to the invalidation of the *entire* course, all students involved are banned from registering for or taking exams in the course in question or in parallel courses for a period of four months.

What is prohibited when completing course performance components?

- Copying from other students (e.g. in written homework)
- Failure to use correct citations in written performance components (plagiarism). The Plagiarism Directive applies only in cases where plagiarism or academic fraud is detected *in academic theses*.
- Handing in the same written work in different courses without including a note in the paper indicating that it has been submitted more than once

What do you have to do if you detect a case of cheating or fraud?

- Report the incident to studienrecht@wu.ac.at using the form "Report of Cheating or Academic Fraud."
- In this form, provide a clear description of the observed misconduct. If necessary, course instructors will be interviewed to determine the facts of the case in detail.
- After the examination organization enters the examination as null and void ("NI"), the lost examination attempt as well as the four-month ban into the LPIS system, the instructors inform the concerned students. The instructors have to substantiate the determination of fraud or cheating in case the concerned students demand an explanation.

3.10. What do exam staff have to keep in mind during an exam?

Once their identity has been confirmed, students can hand in their exam at any time during the exam period. It is the students' responsibility to hand in their completed exams before the end of the exam period.

Students are required to leave the exam room immediately after handing in their work without disturbing other students still working on their exams. Exam staff have the right to prohibit students from leaving the exam room in the final 15 minutes before the end of the exam period. Exam staff also have the right to require students to remain seated until all exam papers have been collected.

3.11. What do you need to know about the grading period and student exam reviews?

Examinations have to be graded within four weeks of the exam date (§ 75 [4] of the Universities Act).

Students have the right to review their corrected exams for up to six months after announcement of the grade (§§ 79 [5] and 84 [2] of the Universities Act). The exam review is an opportunity for students to understand the reasons for the grade received. Students are entitled to make copies or take photographs of their examination reports and exam materials. However, this right does not apply to multiple choice questions and the corresponding answers. In particular, students are not entitled to make copies or take photographs of solution sheets.

Examiners may schedule a group exam review. Students who are unable to attend a group exam review can appoint an authorized person to review the exam on their behalf. A written power of attorney is required in such cases. In justified cases, students may also review their exam outside of the group exam review time slot.

It is the examiner's responsibility to assign grades at his or her discretion. As a rule, students have no legal recourse against a grade. In the event of a failing grade, students have the right to be informed about the reasons for the grade.

3.12. Under which circumstances can students appeal an exam?

Appeals are only possible if the appealing student failed the exam in question. Students may only appeal an exam if they can provide evidence showing that there was a major shortcoming or defect in the way the exam was held and that this defect likely had a significant impact on the exam result (§ 79 [1] of the Universities Act). Content-related questions are subject to the examiner's discretion and *cannot* be appealed.

Some examples of such defects:

- Individual exam instead of an exam by a panel of examiners
- Questions that fall outside the agreed scope of the material to be studied
- Fire alarm during the exam

If students raise objections on the grounds of such major defects in the way an exam was conducted, please refer them to studienrecht@wu.ac.at.

4. Invalidation of Previous Regulations

This directive shall replace the "Directive on plagiarism and academic fraud and the resulting legal consequences issued by the Vice-Rector, Academic Programs and Student Affairs", German version published in WU Bulletin no. 2 dated October 12, 2016.

5. Legal Basis

§ 5 of the Examination Regulations:

(2) Once a student has accepted receipt of the examination questions, the examination shall count as an examination attempt and shall be graded.

[...]

(5) If a student discontinues an examination without apparent reason or fails to hand in his or her examination papers without apparent reason, the examination shall not be graded and marked as null and void. In this case, the examination shall count as an examination attempt. § 79 (1) of the Universities Act 2002 (*Universitätsgesetz*) applies analogously.

§ 9 of the Examination Regulations:

(1) Before the start of each semesters, 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. [...]

§ 19 Universities Act 2002:

(2a) The statute may in particular contain provisions concerning measures taken in cases of plagiarism or other forms of academic dishonesty in written term papers and exams, bachelor's papers, as well as academic theses and artistic submissions. [...]

§ 34a of the By-Laws of WU (Vienna University of Economics and Business):

(1) Plagiarism and academic fraud in relation to written seminar papers and examinations, bachelor's and master's theses, and dissertations must be reported to the Vice-Rector for Academic Programs and Student Affairs.

[...]

(4) In the case of plagiarism and academic fraud in relation to written seminar papers and exams, the exams of all participating students are void, and the examination attempt counts toward the number of permitted attempts. All participating students shall be excluded from re-registering for and attempting to take all exams in the subject concerned for a period of four months.

§ 73 Universities Act 2002:

- (1) The result of an examination shall be annulled by the officer responsible for study matters if
1. such examination was registered for under false pretences or
 2. the result of an examination, academic thesis or artistic 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.

(3) The results of examinations taken outside the registered continuation period for studies, and the assessments of academic theses and artistic submissions awarded outside the registered continuation period shall be null and void. Such results or assessments shall not count towards the number of repetitions.

§ 79 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 order, annul the examination on application of the student. The student must make the application within two weeks of announcement of the assessment and substantiate the alleged severe defects. Examinations which are annulled shall not be counted towards the permissible number of resits.

[...]

(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 and time 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 six months after the announcement of the examination results.

(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.

Littich, Edith
Vice-Rector

6. Document Details

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¹ Examples of short/long titles:

- Short title = category and keyword, e.g. WUPOL Software
- Long title or subtitle = designation provided by the organizational unit, e.g. "Regulation on the use of WU Software"

² No more than 60 characters; do not use any diacritics, special characters, and spaces