

# Statute on Studies Act Provisions / Examination Regulations

Version 11 of 20.06.2017

## Table of Contents

Section 1 .....	2
§ 1. General .....	2
Section 2 Study Act Provisions .....	2
§ 2. Admission Requirements.....	2
§ 3. Admission Procedure .....	4
§ 4. Recognition of Prior Learning (RPL) .....	5
§ 5. Attendance .....	6
§ 6. Tuition Fees.....	6
§ 7. Arrangement of the Academic Year.....	6
Section 3 Examination Regulations.....	7
§ 8. General Examination Regulations .....	7
§ 9. Leave from Study .....	9
§ 10. Oral Examinations .....	10
§ 11. Examinations Concluding a UAS Bachelor and Master Degree Programme.....	10
§ 12. Assessment of Examinations.....	12
§ 13. Retaking Examinations .....	13
§ 14. Bachelor Papers and Master's Theses .....	14
§ 15. Annulment of Assessments and Thesis Submissions .....	15
§ 16. Legal Protection.....	16
§ 17. Entry into Force .....	16

## Section 1

### § 1. General

- (1) These studies act provisions contain both the relevant provisions of the University of Applied Sciences Studies Act (see §§ 11-21 FHStG as amended) as well as the amendments adopted by the UAS Technikum Council (see § 10 Section 3 No. 10 FHStG as amended). §§ 4 - 6 of the second section “Study Act Provisions” as well as the third section “Examination Regulations” apply correspondingly to CVET Programs in accordance with § 9 FHStG as amended.
- (2) The paragraphs and sections of the University of Applied Sciences Studies Act are referred to in the footnotes. The provisions drafted by the UAS Technikum Council are marked in grey.

## Section 2 Study Act Provisions

### § 2. Admission Requirements

#### **Bachelor Degree Programs**

- (1) The admission requirements for a bachelor degree program are the general university entrance qualification or a relevant professional qualification (cf. § 4 para. 4 FHStG as amended). Proof of general university entrance qualification can be submitted by means of the following documents:
  1. Austrian Matura certificate (high school leaving certificate),
  2. Certificate of the Berufsreifeprüfung (vocational high school leaving examination),
  3. The certificate of an examination granting the right to study the respective university of applied sciences degree program in accordance with § 64a UG (Universities Act),
  4. a foreign certificate that is the equivalent of one of these Austrian certificates mentioned in clauses 1 – 3 above, based either on an agreement under international law, nostrification or in particular cases, the decision of the degree program director of the domestic university of applied sciences,
  5. Documentation of completion of a course lasting no fewer than three years at a recognized post-secondary institute of education in Austria or abroad.
- (2) If the equivalence of a certificate from abroad has not been established as regards the content and demands of an Austrian university matriculation certificate, the degree program director is to prescribe supplementary examinations that are needed to establish equivalence with a

domestic matriculation certificate. These supplementary examinations must be submitted before admission.

(3) Only those examinations granting the right to study that show the following combination of examination subjects are valid for every UAS bachelor degree program at the UAS Technikum Wien (cf. § 4 para. 5 clause 2 FHStG as amended):

1. Essay on a general theme (A)
2. Mathematics 3 (M3 or higher)
3. Physics 1 (Ph1 or higher)
4. Modern Foreign Language English 1 (F1 or higher)
5. Elective (WF)

(4) For example, the admission requirements are fulfilled by the examinations granting the right to study for the following university groups of fields of study (cf. § 64a UG), as they demonstrate the specified combination of compulsory subjects at the required or at a higher level: 8. Natural Science Studies<sup>1</sup>; 12. Industrial Engineering Studies; 13. Engineering and Natural Science Studies; 14. Mining and Metallurgical Studies.

(5) The relevant professional qualifications for the application or the study regulations of the respective degree program are determined in accordance to the groups of apprenticeship professions or the vocational secondary schools (BMS).

(6) First year students must show proof of additional examinations (cf. § 4 para. 7 FHStG as amended) that in terms of content and scope, are oriented towards the named compulsory subjects of the examinations granting the right to study (A, M3, PH1, F1) and can be taken at the UASTW.

(7) The additional examinations must be completed before admission to the course of study; in certain justifiable individual cases and in agreement with the degree program director, the deadline for single examinations can be extended until the end of October of the respective year (cf. § 4 para. 8 FHStG as amended).

(8) The language knowledge required for the respective degree program corresponds to at least the B2 level of the “Common European Framework of Reference for Languages” and an appropriate certification must be provided as proof of proficiency. Applicants who graduated from high school or university in the required language are exempted from such proof of proficiency.

### **Master Degree Programs**

(9) Master degree programs build on a completed bachelor degree course and serve to deepen, specialize or extend the existing competences, while focussing on certain main points.

(10) Technically, admission to a UAS master degree program requires a completed, relevant bachelor degree or the completion of an equivalent course of study at a recognized post-secondary institute of education in Austria or abroad (cf. § 4 para. 4 FHStG as amended). If basic equivalence has been established and only a few supplements are missing from full equivalence, the degree program director is entitled to tie the determination of equivalence to examinations sat during the respective master degree program.

(11) The relevance of the completed bachelor degree program for the application or study regulations of the respective degree program is defined as follows:

1. Full equivalence is determined by naming examples of completed bachelor degree programs that qualify according to groups of degree programs.

2. With regard to basic equivalence, some 5 – 7 core subjects of a total volume of roughly 60 ECTS are to be defined. If basic equivalence has been established and only a few supplements are missing from full equivalence, this can be attained by later sitting up to a maximum of 30 ECTS of supplementary examinations.

3. If the supplementary examinations required exceed 30 ECTS, the admission requirements shall be deemed to be unfulfilled.

(12) In individual cases the degree program director (cf. § 8 para. 5 clause 2) shall decide on the fulfilment of admission requirements.

### § 3. Admission Procedure

(1) An admission procedure shall be conducted at least in those cases, where the number of applicants for a degree programme exceeds the number of available places. Performance-based criteria for the admission procedure shall be defined that take into account the educational requirements of the respective degree programme. Contingent on organisational considerations, interviews with all applicants shall be conducted and shall be taken into consideration when ranking the applicants.

For bachelor and diploma degree programmes, the applicants shall be divided into different groups according to their prior education, with at least one group representing applicants with relevant professional qualifications. The groups of applicants shall be allocated to the number of study places on a pro rata basis. The applicants' assessments that are used as a basis for the compilation of the ranking list shall be documented in a verifiable and transparent manner.<sup>1</sup>

(2) The applicants shall not be required to pay fees for the admission procedure.<sup>2</sup>

(3) Two weeks after the result of the admission procedure has been communicated, it is possible for the applicant to examine the evaluation leading to the ranking list for their own application.

---

<sup>1</sup> See § 11 Section 1 FHStG as amended

<sup>2</sup> See § 11 Section 2 FHStG as amended

- (4) Documentation of the admission procedure carried out must be stored until 30 April of the following year.
- (5) For acceptance into a bachelor or master program, proof of fulfilment of the admission requirements (see Study Regulations) must be provided by 15 November at the latest. Until such time a state of conditional acceptance shall apply. The degree program director shall decide whether the deadline may be extended in justified exceptional cases.

#### § 4. Recognition of Prior Learning (RPL)

- (1) Regarding the recognition of prior learning, the principle of course-based recognition shall apply. The equivalence of the acquired knowledge with the requirements regarding subject contents and scope of the courses to be recognized shall be determined upon application by the student. If considered equivalent, examinations passed shall be recognized. In these cases, the student's knowledge shall not be tested.<sup>3</sup>
- (2) Specialist knowledge or experience from the job shall be taken into consideration for the recognition of courses or the professional practical training; this shall apply in particular to part-time degree programmes and parts of degree programmes.<sup>4</sup>
- (3) The application and enclosures in German or English are to be handed over to the appropriate lecturer within two weeks of the beginning of the course. A separate RPL form is to be used for each course. A decision on the application for RPL must usually be made within two weeks of its submission.
- (4) If recognition is to be made on the basis of a certificate, a copy of this should be attached to the application. The following information must be clearly available on the certificate and any necessary supplementary documents: Name of the institution issuing the certificate; description of the course content and / or learning outcomes; extent and duration of the course (e.g. SWS, ECTS, ECVET). All documents must be those of the respective training institution; the date of the certificate should be time-correlated with the description of the course content and / or learning outcomes. Successfully completed examinations from general and vocational secondary schools are to be recognized as long as they are equivalent to the course to be exempted with regard to content and scope.
- (5) If recognition is to be made on the basis of professional practice, a detailed job description should be attached to the application. This can take the form of certificates of in-service training and / or certificates of relevant professional activities with exact dates and times (e.g. by means of a qualified work certificate or by an employer's reference).

---

<sup>3</sup> See § 12 Section 1 FHStG as amended

<sup>4</sup> See § 12 Section 2 FHStG as amended

- (6) If, in individual cases where valid reasons can be given for a lack of or insufficient written documentation which would establish recognition, this can be done by means of a test of knowledge.
- (7) Recognition of one or more courses of integrative modules is possible. If only one of several courses can be recognized, an examination of the entire module must be completed, whereby the course recognized need not be attended. If the evaluation of the module encompasses the performance record of a course based on continuous assessment then recognition of this course is not possible. If all the courses of an integrative module can be recognized, then the whole module will be deemed to be recognized.

## § 5. Attendance

- (1) Compulsory attendance depends on the didactic concept and type of examination of a course, is to be determined in coordination between the head of the course and the degree program director and is to be communicated to the students at the beginning of the course.
- (2) Those who do not comply with the obligation to attend without due justification shall be deemed to have failed the course (1st attempt). In this case the student is granted a reasonable opportunity to complete the required coursework (1st retake). A failing grade in this coursework automatically brings about an examination before a committee (2nd retake).
- (3) For the duration of statutory maternity leave, attendance is no longer compulsory for female students. Male students are exempted from attendance for a period of four weeks after the birth of their own child, if they live with the child and its mother in the same household. The same applies mutatis mutandis in the case of same-sex partnerships and adoption.
- (4) In exceptional cases, in accordance with § 30 para. 1 HSG 2014 (i.e. university and department representatives but not year group representatives), student representatives are exempted from compulsory attendance, if this should be shown to be required during the fulfilment of their duties. Written proof can be issued by the university representative if needed. Care should be particularly taken here to time the meetings of the student representatives outside course timetables as much as possible.

## § 6. Tuition Fees

- (1) From the winter semester 2015/16, students are exempted from tuition fees, when by federal law, a disability of at least 50% has been determined.

## § 7. Arrangement of the Academic Year

- (1) The academic year consists of the winter semester, the summer semester and the course-free periods. It begins on 1 September and ends on 31 August of the following year. Each year the

UAS Council has to issue more detailed provisions regarding the beginning and the end of the semesters and the course-free periods and to make these public in an appropriate manner.

## Section 3 Examination Regulations

### § 8. General Examination Regulations

- (1) Examinations shall take place as soon as possible after the end of the courses in which the subject contents relevant for the examination were taught.<sup>5</sup>
- (2) The examiner must be adequately convinced of the identity of the student. Students are obliged to prove their identity by means of a student ID or a valid photo identifying document.
- (3) Students shall have the right to take the examination in a different format, if they submit proof of a disability that makes it impossible to take the examination in the prescribed format and if the different format does not impact subject contents and requirements of the examination.<sup>6</sup>
- (4) Members of the students' representative body are entitled to take an examination before a committee instead of individual examinations. These are to be held in writing if so requested by members of the students' representative body.
- (5) A sufficient number of dates for examinations and retakes shall be offered each semester and academic year, so that the continuation of the studies is possible without losing a semester. The dates for retakes shall take into account the scope and level of difficulty of the examination. The examination dates shall be announced in good time. Examinations shall be held, as a minimum, at the end of each semester and at the beginning of each semester.<sup>7</sup>
- (6) At the beginning of each semester the programme director, if possible in agreement with the students, will prepare an examination schedule for all courses with a final examination, which specifies the first examination date for the semester. This examination schedule shall be made public. When announcing the examination results of the retake, the students should be informed about the date and mode of the examination before a committee. It must be ensured that students only have one examination before a committee per day and no more than three in a given week.
- (7) The evaluation of the tasks (e.g. examinations, seminar papers, project papers) are to be made known by the lecturer promptly, however at the most within 10 days of completion of the task. In exceptional and justifiable cases this notification may be delayed. The students must be informed of this. This may result in retakes being postponed.

---

<sup>5</sup> See § 13 Section 1 FHStG as amended

<sup>6</sup> See § 13 Section 2 FHStG as amended

<sup>7</sup> See § 13 Section 3 FHStG as amended

(8) Retakes may take place no earlier than four weeks after the first examination attempt and no later than eight weeks after the beginning of the following semester. In order to guarantee the continuation of the course of study without losing a semester, the examination before a committee must take place at the latest by December 15<sup>th</sup> or May 15<sup>th</sup> of the following semester. In exceptional cases, the programme director may also authorize a later date. A period of at least four weeks must be provided between the retake and the examination before a committee. At the request of the candidate, it is possible to shorten this period. The programme director will also decide upon an extension of this period in exceptional cases.

(9) The students shall be informed, in an appropriate manner, of the exact examination regulations (contents, methods, assessment criteria and assessment standards) and possibilities for retakes for each course at the beginning of each course. Examinations can also be held for individual modules.<sup>8</sup>

(10) The teacher of a course is to provide the students an oral and written overview of the objectives, contents, methods, and the concrete examination regulations of the course, as well as the content, methods, evaluation criteria and evaluation key for the assessment of performance no later than at the beginning of the course. If no or insufficient information is made available, the students should make the teacher aware of this immediately. If this deficiency is not rectified within two weeks, the program director should be informed.

For written examinations, the weighting of the questions, examples, etc. shall be provided on the exam form.

(11) Unless another marking system is announced at the beginning of a course (e.g. in multiple choice tests), the following system applies:

<50%	Insufficient (fail)
> = 50% and <63%	Sufficient
> = 63% and <75%	Satisfactory
> = 75% and <88%	Good
> = 88%	Excellent

(12) Failure to prove sufficient reasons for not taking an examination for courses with final examinations shall result in the loss of one possible attempt.<sup>9</sup>

(13) The following shall in any case be considered sufficient reasons for non-participation in an examination: Illness or accident of the candidate or the death, serious illness or care of close family members, the care of their own children under 12 that are in need of care or those living

<sup>8</sup> See § 13 Section 4 FHStG as amended

<sup>9</sup> See § 13 Section 5 FHStG as amended

in the same household and pregnancy or the birth of their own child during the period of statutory maternity leave for mothers or four weeks after the birth of their own child for fathers, if they live with the child and the mother in the same household. The same applies mutatis mutandis in same-sex partnerships and adoption. Substantiation of these circumstances must be provided immediately.

- (14) Should an examination not be completed, this shall be noted in the examination record. If a sufficient reason for discontinuation is substantiated, this examination attempt will not be counted in the total number of retakes.
- (15) As soon as the reason for non-appearance at an examination or for failure to complete the exam has been removed, the student must contact the degree program department (lecturer and administrative assistant) immediately. After contacting the degree program department, the exam date can be set by the appropriate lecturer for at least three working days later.
- (16) Certificates of sickness can be submitted in German or English. In individual cases the degree program director can waive a certified translation.
- (17) 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. Students shall be entitled to make photocopies of these documents.<sup>10</sup>
- (18) When inspecting the assessment documents, the examination questions for the relevant examination are to also be provided.
- (19) If the assessment documents (in particular, examiners' reports, corrected written examinations and exam papers) are not surrendered to the students, steps shall be taken to ensure that they are held in safekeeping for at least six months after announcement of the result.<sup>11</sup>
- (20) The assessments of performance (e.g.: examinations, assignments, project work) shall be announced by the lecturer without delay, but not later than within ten working days after the performance to be assessed has been completed. In exceptional cases, announcements of the evaluation may be postponed. The students are to be informed of any such postponement. This will also allow for retakes to be postponed.
- It shall be ensured that all written work/documents use gender-neutral language.

## § 9. Leave from Study

- (1) An application for leave from study shall be submitted to the programme director. The reasons for the leave and the intended continuation of the studies shall be substantiated or shall be

---

<sup>10</sup> See § 13 Section 6 FHStG as amended

<sup>11</sup> See § 13 Section 7 FHStG as amended

plausible. The decision on the application shall take into account urgent personal, health or job-related reasons. While on leave, the student cannot take any examinations.<sup>12</sup>

- (2) In any case, military or civilian service, pregnancy and the care of one's own child under 12 years of age living in a joint household are sufficient reasons for leave from study. All other circumstances or events that are subjectively as significant as those mentioned above shall also be considered sufficient grounds for leave from study. These include for example prolonged illness or family reasons.
- (3) The application for leave from study is to be submitted to the degree program in writing.
- (4) An appeal may be submitted to the UAS Technikum Council against a refusal for a leave from study for one academic year within four weeks from notification of the refusal.

## § 10. Oral Examinations

- (1) Oral examinations shall be open to the public, but it shall be permissible to limit admission to the number of persons that the premises can accommodate.<sup>13</sup>
- (2) Records have to be kept of all oral examinations. Records of examinations shall include the subject of the examination, the place and time thereof, the name of the examiner or the names of the members of the examination committee, the name of the student, the questions asked, the assessment grades awarded, the reasons for a negative assessment as well as any unusual occurrences. The result of an oral examination shall be made known to the student immediately after the examination. Records of examinations shall be kept on file for at least one year from the date of the announcement of the assessment.<sup>14</sup>
- (3) For oral examinations held before examination committees, the examination committee shall consist of at least three persons. If the number of committee members is even, the chairperson of the examination committee shall have the right to cast the deciding vote in case of a tie. All members of the examination committee shall be present for the duration of the entire examination; if necessary, this requirement can be deemed to be fulfilled through the use of electronic media.<sup>15</sup>

## § 11. Examinations Concluding a UAS Bachelor and Master Degree Programme

- (1) The examination before a committee concluding a University of Applied Sciences bachelor degree programme under § 3 section 2 subsection 6 shall be held before an examination

---

<sup>12</sup> See § 14 FHStG as amended

<sup>13</sup> See § 15 Section 1 FHStG as amended

<sup>14</sup> See § 15 Section 2 FHStG as amended

<sup>15</sup> See § 15 Section 3 FHStG as amended

committee that has the relevant expertise. This examination before a committee shall consist of the following parts:

1. Oral examination on the submitted bachelor papers as well as
2. on the connections to relevant subjects in the curriculum.<sup>16</sup>

- (2) The successful completion of all courses is a prerequisite for taking the bachelor examination before a committee.
- (3) The examination begins with the presentation of a bachelor paper (usually the second). The subsequent question and answer session on the bachelor paper as well as on interrelated curricular themes is intended to determine whether the students can understand and apply knowledge relevant to the subject as well as analyse and evaluate particular issues.
- (4) The examination before a committee concluding a University of Applied Sciences master degree programme or a University of Applied Sciences diploma degree programme under § 3 section 2 subsection 6 shall be held before an examination committee that has the relevant expertise.

This examination before a committee shall consist of the following parts:

1. The presentation of the diploma or master's thesis,
2. an oral examination that connects the topic of the diploma or master's thesis with the relevant subjects in the curriculum, as well as
3. an oral examination about other subjects relevant to the curriculum.<sup>17</sup>

- (5) As regards the oral examination on other interrelated curricular themes, the degree programs are to define permissible contents in agreement with the relevant departments, and inform the students of them in good time. These themes are to be oriented, in terms of content on typical problems in professional practice.
- (6) From the themes that have been defined, the students have to choose two topics complementary to their master's thesis and suggest these to the program director. The decision on the topic is taken by the program director.
- (7) The oral examination on the master's thesis and on the complementary topics should determine whether the students can understand and apply knowledge relevant to the subject and analyse and evaluate particular issues.
- (8) Part or all of the final examination for bachelor or master degree programs may be held in a foreign language. The students shall be informed of the examination modus in good time.

---

<sup>16</sup> See § 16 Section 1 FHStG as amended

<sup>17</sup> See § 16 Section 2 FHStG as amended

- (9) The presentation of the bachelor paper or master's thesis lasts between 5 and 10 minutes and follows this structure: 1. Motivation, initial position and / or definition of the problem; 2. Objectives and methods; 3. Conspicuous results; 4. Challenges during the process; 5. Conclusions and / or outlook.
- (10) A printed copy of the bachelor paper or master's thesis to be presented is to be available during the examination.
- (11) The students shall be informed about admittance to the examinations before a committee in an appropriate manner.<sup>18</sup>
- (12) The students shall be informed about the assessment criteria and the results of the assessment of the examination before a committee.<sup>19</sup>
- (13) The examination committee shall be selected from those persons who are entitled to act as examiners for examinations before committees. The examination committee shall consist of the examiners for each candidate.<sup>20</sup>

## § 12. Assessment of Examinations

- (1) Examinations and academic theses shall be graded based on the Austrian grading scale from 1 to 5. If this form of assessment is impossible or inexpedient, the form of words for a pass shall be "successfully completed" or "recognised". In case of a negative assessment, the regulations for the repetition of the coursework for courses with continuous assessment shall apply.<sup>21</sup>
- (2) The assessment of an examination before a committee concluding a University of Applied Sciences bachelor degree programme as well as the comprehensive examination before a committee concluding a University of Applied Sciences diploma degree programme and master degree programme shall be based on the following assessments:
- Passed: for a positive assessment;
- Passed with merit: for a performance at the examination that is considerably above average;
- Passed with distinction: for an outstanding performance at the examination.<sup>22</sup>
- (3) The different parts of the examination concluding a degree programme are not to be assessed individually. The assessment should be made by the examination committee based on an overall impression.

---

<sup>18</sup> See § 16 Section 3 FHStG as amended

<sup>19</sup> See § 16 Section 4 FHStG as amended

<sup>20</sup> See § 16 Section 5 FHStG as amended

<sup>21</sup> See § 17 Section 1 FHStG as amended

<sup>22</sup> See § 17 Section 2 FHStG as amended

- (4) The results of examinations and assessments of academic theses shall be evidenced by certificates. Consolidated transcripts of examinations passed in one semester may be issued.<sup>23</sup>
- (5) Certificates shall be issued without delay and within four weeks of performance of the work assessed at the latest, consolidated transcripts within four weeks after the end of the semester.<sup>24</sup>

### § 13. Retaking Examinations

- (1) Students shall be entitled to retake failed final examinations of a course two times; the second retake shall be held before an examination committee and can be held as an oral examination or as a written examination. The statutes can permit further retakes.<sup>25</sup>
- (2) If, after successfully passing all the relevant examinations for the semester, a student should fail the one examination before a committee permitted per semester, they shall, upon request, be given the opportunity to take an additional examination before a committee. The application must be submitted to the degree program in writing without delay. This examination is to be held at the latest on December 15th or May 15th.
- (3) If an examination or part thereof is retaken, only the result of the retaken examination or part thereof counts. If the overall grading of a course consists of several sections to be graded, single sections may not be retaken.
- (4) An examination that has been given a pass may not be repeated. The director of the degree programme may decide in exceptional and duly justified cases. A failing grade in the resit automatically brings about an examination before a committee (2<sup>nd</sup> resit).
- (5) If the sum of the individual assessments made in courses with continuous assessment results in a negative overall assessment, the students shall be granted a reasonable extension period for the completion of the required coursework (1<sup>st</sup> retake). After a second negative assessment, the examination shall be held before a committee (2<sup>nd</sup> retake).<sup>26</sup>
- (6) Students shall be entitled to retake failed bachelor examinations held before a committee and failed comprehensive examinations held before a committee in University of Applied Sciences master or diploma degree programmes two times. The statutes can permit further retakes.<sup>27</sup>
- (7) To repeat a study year due to a negative assessment of an examination held before a committee is permissible once. An application for the repetition has to be submitted to the programme director. Failed examinations shall be retaken and the corresponding courses shall

---

<sup>23</sup> See § 17 Section 3 FHStG as amended

<sup>24</sup> See § 17 Section 4 FHStG as amended

<sup>25</sup> See § 18 Section 1 FHStG as amended

<sup>26</sup> See § 18 Section 2 FHStG as amended

<sup>27</sup> See § 18 Section 3 FHStG as amended

be retaken as part of the repetition of the study year, while passed examinations shall only be retaken and the corresponding courses only be retaken if the purpose of the degree programme makes this necessary.<sup>28</sup>

(8) An application to repeat a study year must be submitted to the degree program in writing within two weeks of the reason for the repetition occurring. The possibility of repeating an academic year refers to the entire degree program, not to each individual year of study and the application to do this must be formally submitted to the program director.

(9) Students who were excluded from a degree programme due to a negative assessment of the last permissible retake of an examination shall be excluded from a renewed admission to the same degree programme.<sup>29</sup>

(10) Members of the Student Council are entitled to take examinations before a committee instead of individual examinations. Such examinations may be in a written form if so desired by Student Council members. The free choice of examiners is permitted from the second examination attempt and is applicable with the proviso that the choice can be arranged with the director of the degree program from a staffing perspective. These entitlements extend to both semesters following that where the role of student representative comes to an end.

## § 14. Bachelor Papers and Master's Theses

(1) Bachelor papers are independently written works, which are produced as part of UAS courses. Master's theses serve as evidence of the ability to process scientific subjects both independently as well as acceptably from the point of view of contents and methods.<sup>30</sup>

(2) Several students may jointly work on a topic, provided that the performance of each student can be assessed individually.<sup>31</sup>

(3) The positive assessment of the diploma thesis or master's thesis is a condition for the admission to the examination before the examination committee. A diploma thesis or master's thesis that has not received a positive assessment shall be returned to the student for revisions and resubmission within a stipulated period of time.<sup>32</sup>

(4) If a master's thesis has not received a positive assessment, it may be resubmitted twice. A change of topic requires a reasoned submission and is only ever permissible twice. A decision on permitting a change of subject lies in the hands of the program director.

(5) In exceptional circumstances the master's thesis may be submitted up to at most one year after the regulation period of study has ended. A decision on this lies in the hands of the

<sup>28</sup> See § 18 Section 4 FHStG as amended

<sup>29</sup> See § 18 Section 5 FHStG as amended

<sup>30</sup> See § 3 Section. 2 line 6 FHStG as amended or § 51 UG as amended

<sup>31</sup> See § 19 Section 1 FHStG as amended

<sup>32</sup> See § 19 Section 2 FHStG as amended

program director. In addition, a possible resubmission or the editing of a thesis following a change of topic must be completed within this year.

- (6) A master's thesis or diploma thesis that has received a positive assessment shall be published by lodging it with the library of the provider of the University of Applied Sciences degree programmes. On lodging a master's thesis or diploma thesis with a library, the author shall be entitled to apply for access to the copies deposited with the library to be withheld for a maximum of five years from the time of delivery. Such applications shall be approved, if the student establishes that important legal or business interests of the student would be materially endangered by permitting access.<sup>33</sup>

## § 15. Annulment of Assessments and Thesis Submissions

- (1) The result of an examination or academic thesis shall be annulled if such result was obtained by fraudulent means, in particular by the use of unauthorised aids. Such annulled examinations shall be counted towards the permissible number of retakes.<sup>34</sup>
- (2) When writing bachelor papers and master's theses copyright regulations must be observed. A student's work is deemed not to fulfil study law regulations not only in the following situations but particularly, when
1. the central content of the work, the essence, was not written independently by the author, but was taken from one or more outside sources without being appropriately labelled.
  2. a small or no amount of original work can be assigned to the author.
  3. the work was written by a third party and submitted as one's own.
- (3) The interpretation as to whether the paper presented fulfils the study law regulations or not lies in the first instance in the discretion of the assessor. If suspicion arises, the assessor has the right and the obligation to follow up the suspicion, but may not approach the assessing of the paper with such a suspicion in mind.
- (4) If there is a suspicion that the author of the scientific paper can be proved to have tried to obtain a pass grade by fraudulent means, then the degree program director must officially take action.
- (5) If copyright infringements have been identified, but the essential content of the work is recognizably the unaided or independent contribution of the author and there is no evidence of an attempt to obtain a pass grade by fraudulent means, an appropriate assessment is to be made.
- (6) The requirements of the Copyright Act are still to be dealt with independently of this statute.<sup>35</sup>

---

<sup>33</sup> See § 19 Section 3 FHStG as amended

<sup>34</sup> See § 20 FHStG as amended

<sup>35</sup> cf. Michael Tesar, Plagiat! Studie.Software.Lösung, Südwestdeutscher Verlag für Hochschulschriften,

## § 16. Legal Protection

- (1) Appeals against the academic judgment of examiners shall be impermissible. If the manner in which an examination resulting in a negative assessment was conducted exhibits defects, the student has the right to lodge a complaint with the programme director within two weeks who can then annul the examination. If the examination was held by the programme director, the complaint shall be lodged with the Board. The student has the right to continue to take courses until a decision on the complaint has been made. Examinations that are annulled shall not be counted towards the permissible number of retakes.<sup>36</sup>
- (2) In the event that an examination is cancelled, all the examination participants shall be notified of the cancellation where appropriate.

## § 17. Entry into Force

- (1) The examination regulations in version 11 of 20.06.2017 as adopted by the UAS Technikum Council on 20.06.2017 comes into force on 21.06.2017.
- (2) The examination regulations in Version 10 of 07.06.2016 are therefore no longer in force.