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TU/e Regulations for Selection Tests administered through an Online Proctoring System

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

With regard to Article 7.53, third paragraph of the Dutch Higher Education and Scientific Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, WHW)

In the regard of the Eindhoven University of Technology Central Selection and Placement Regulations and the Departmental Regulations Selection Criteria and Procedure to which these regulations are an addition,

resolves to adopt the TU/e Regulations for Selection Tests administered through an Online Proctored System, which read as follows:

Chapter 1 General stipulations

Article 1.1 Definitions

ESA	TU/e Education & Student Affairs.
IMS	TU/e Information Management & Services
Proctoring Agency	The software company that facilitates online proctored selection tests for TU/e.
Test system	A software system in which tests can be administered.
Online proctoring system	A software system that enables fraud detection when administering exams through the test system.
Online proctored selection test	A centrally scheduled selection test that applicants can take on a (laptop) computer while proctoring software monitors the applicants' (laptop)computer webcam video and audio. The recorded image is transferred to a reviewer for storage and assessment afterwards.

Proctoring Agency helpdesk	In case of technical problems applicants can reach helpdesk employees of the Proctoring Agency through the chat functionality of the online proctored test.
Proctoring coordinator	Officer responsible for the organization of online proctored selection tests.
Reviewer	TU/e officer who checks recordings of the online proctored selection test for irregularities and reports on suspicion of fraud.
The Institute Board	The Executive Board of Eindhoven University of Technology, TU/e.

Article 1.2 Scope of the Regulations

These Regulations apply to online proctored selection tests in connection with Selection to degree programs with restricted intake (numerus fixus). examinations. The instructions for reviewers and applicants constitute part of these Regulations and are set out in Appendix 1.

Article 1.3 When are there proctored tests

Online proctored selection tests are offered in the case of the following:

- a. selection tests (not at the TU/e campus) are administered online.
- b. selection tests are administered on campus and applicants submit a request for an online selection test because they are unable to take an exam at the TU/e campus due to personal circumstances (see Art. 5 of the Regulations for Departmental Selection Criteria and Procedure).

Article 1.4 Objectives

Taking online proctored selection tests has the objective to obtain selection test results with the least amount of fraud because proctored tests achieve the following:

1. fraud prevention;
2. fraud detection;
3. gathering of evidence in case of (a suspicion of) fraud.

Chapter 2 Type of online proctored selection tests

Article 2.1 Type of online proctored selection tests

The selection tests are proctored, which means that applications are monitored online to check whether the selection tests are being taken under the right conditions. Online proctored selection tests are administered through the test system selected by the degree program, in which the test questions and answers are delivered/handed through the test system.

Chapter 3 The proctoring examination coordinator, examiner and reviewer

Article 3.1 The proctoring coordinator

1. There is one online proctored selection test coordinator.
2. The proctoring coordinator shall be responsible for:
 - a. Maintaining an overview of selection tests that are administered using the Proctoring Agency, including the test system these are administered with;
 - b. Monitoring procedures during selection tests 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 Selection test as referred to in Article 2.1, the proctoring coordinator will be informed immediately by the Proctoring Agency or IMS. The coordinator will make an impact analysis and the ESA Director decides whether there is a force majeure situation as referred to in Article 8.2 of these Regulations.

Article 3.2 Powers of a reviewer

1. After completion of the online proctored selection test, the recordings will be analyzed in order to detect possible fraud by applicants. The assessment is based on the Review framework¹ for online proctored selection tests (see Appendix 1, Article 1).
2. If the reviewer suspects fraud, the reviewer records this suspicion in a review report. The reviewer sends the review report to the selection Committee who then determine to what extent there is suspicion of fraud. The further procedure regarding fraud is set out in Art. 6 of the Regulations for Departmental Selection Criteria and Procedure (see also Art. 5, par. 5, of the Central Regulations for Selection and Placement for numerus fixus degree programs Eindhoven University of Technology).
3. In the selection process, fraud comprises any action or failure to act on the part of a candidate that makes it partially or completely impossible to form an accurate opinion of his or her knowledge, understanding and skills and/or deliberate attempts on the part of a candidate to influence any part of the selection process for the purpose of influencing the results of the process, or an attempt to do so. Fraud (or an attempt to fraud) on the part of the student is taken to mean in any case the following:
 - use or attempted use of unpermitted sources and resources.
 - use or attempted use of unpermitted printed or handwritten documentation, scratch paper or cheat sheets (paper must be blank prior to the test).
 - leaving sight of the webcam by the applicant and/or switching off the microphone, while taking the exam, insofar this takes place outside the (possible) authorized breaks.
 - (attempted) technical modifications that undermine the proctor system.

Chapter 4 Conditions for proctored selection tests

Article 4.1 Proctored online selection test venue

The online proctored selection test is taken by applicants in a location of the applicants' 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 applicant.
2. Applicants must sit at a desk or table cleared of all objects. The following items must not be on the applicants' desk or used during the online proctored selection test, unless posted rules for the selection test in the requirements specifically permit these materials:

¹ This review framework shall apply mutatis mutandis with due observance of the following: 1. examination is replaced by selection test(s), 2. the EC (examination committee) by Selection Committee, 3. the examination coordinator by proctoring coordinator and 4. of the last five bullets, the middle bullet is deleted.

- a. (Text) books
 - b. Blank paper
 - c. Calculators
 - d. Notebooks (with the exception of the notebook, on which the selection test is made)
 - e. Mobile phones
 - f. Headphones or earbuds
3. The area (surfaces) around the applicant must not have any writing or cheat sheets.
 4. applicant 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. Applicants must complete a webcam scan of the room where they will take the exam every time they take an online proctored selection test.
 7. Applicants must take the exam in the same room that they scanned during the proctoring setup, as referred to in paragraph 6, of this article.

Article 4.2 Requirements of the (laptop) computer

1. An online proctored selection test is administered using the applicant's (laptop) computer.
2. The (laptop) computer, as referred to in par. 2, must meet the requirements set out in Appendix 2. The (laptop) computer must also have a working webcam and microphone.

Article 4.3 Scheduled breaks

1. A selection test does not include any breaks. See Article 5 of the Departmental Regulations Selection Criteria and Procedure.

Article 4.4 Other conditions for proctored selection tests

1. Online proctored selection tests can only be taken in spaces that fulfill criteria stated under Article 4.1.
2. The applicant's head must be visible to the webcam at all times during the selection test. Applicants are not allowed to visit the toilet during the selection test.
3. Half an hour before the online proctored selection test, helpdesk employees of the Proctoring Agency will be available through the chat functionality of the Proctoring Agency to assist applicants with technical problems. The chat functionality will be available to applicants until half an hour after the scheduled end time of the selection test.
4. Applicants can post their questions and remarks during the online proctored selection test to the Proctoring Agency helpdesk through the chat functionality in the selection test environment. The questions and/or comments, if justified, may be taken into account in the assessment.

Chapter 5 Students' rights and obligations

Article 5.1 Guide

1. The applicant receives the guide Applicant Instructions for online proctored selection tests. This guide describes the strict regulations that applicants need to follow when taking selection tests.

Article 5.2 Technical difficulties

1. If an applicant fails to log in and cannot take the selection test because of technical problems, the selection test is recorded as not taken and the applicant is excluded from admission.

2. If applicants encounter technical problems beyond their control (for example power failure in the region), applicants must report this immediately and within 24 hours via selection@tue.nl. The Selection Committee determines whether the technical problem was beyond the control of the application and takes a decision about a suitable solution.

Article 5.3 Provisions in the event of functional impairment

1. During the online proctored selection test the following two facilities can be offered to applicants with a recognized functional impairment: extra time and/or 'large font'. The applicant is responsible for software that provides a large font. Other facilities (e.g. a low-stimulus room) should be arranged by the applicants themselves.
2. The Proctoring Coordinator ensures that the facilities, as mentioned in paragraph 1, for applicants with a functional impairment are organized in the system.

Article 5.4 Miscellaneous

Applicants are obliged to follow the instructions as mentioned in Article 3 and 4 of Appendix 1.

1. This includes, among other things, a procedure for checking whether their ICT equipment allows proctoring.
2. The online proctored selection tests have to be started and completed online within the given time frame.
3. Applicants can use their login credentials to center the selection test system.
4. Validating the completion of the selection test will be based on applicants' e-mail addresses.
5. Any applicant who fails to comply with the instructions in Article 3 and 4 of Appendix 1 may have the selection test being declared void.
6. Fraud within the meaning of Article 3.2, paragraph 3, of these regulations can have the consequence that the selection test results of the applicant in question will not be recorded and that the applicant is excluded from the selection procedure. (see Art.5, par.5 of the Central Regulations for selection and Placement for restricted intake programs Eindhoven University of Technology 2021-2022 and Art.6 of the Departmental Regulations for selection Criteria and Procedure).
7. Applicants are responsible for assuring a proper internet connection. If it is plausible that the applicant cannot obtain a reliable internet connection, it is at the applicants' risk.
8. Applicants who have insurmountable objections to taking an online proctored selection test may apply to the Central Selection Committee for an alternative that will most likely take place on campus. This application must be submitted by January 31, 23:59 (see Art.5 of the Departmental Regulations for Selection Criteria and Procedure).

Chapter 6 Privacy

Article 6.1 Processing of Personal Data

1. The General Data Protection Regulation (AVG) applies to data processing within online proctoring. Processing agreements have been signed with third parties. They are therefore also bound by the AVG.
2. When applicants take the online proctored selection test, there is continuous recording of video, audio, keystrokes and mouse activity and the screen activities of the applicant. The IP address and the web pages visited by the applicant are registered.
3. Reviewers and the Selection Committee have access to the data, as referred to in paragraph 2, to judge whether the Selection tests they are to assess were completed according to the regulations.
4. Collected data will only be used for this purpose and more specifically to check who has made the selection test, establish there was no fraud during the Selection test, and determining the selection test was completed within the given timeframe. The data are not stored longer than necessary. If there is no

suspicion of fraud, the data are removed as soon as the result of the selection test has been determined and recorded in Osiris within a period of a maximum of 30 calendar days after taking the test. In the case of the suspicion of fraud, the data are stored as long as necessary to reach an assessment that these are legally inviolable.

5. On the subject of online proctoring, the TU/e is proactively transparent with regard to the processing and the storage terms of personal data, and who has access to the data. The TU/e Privacy Statement Selection tests with online proctoring via Proctorio' (see Appendix 3a) and the TU/e Privacy Statement Selection tests with online proctoring via NOA using Proctor Exam (see Appendix 3b) were drawn up for this purpose. When other online proctoring software is used, a Privacy Statement is prepared in advance.

Chapter 7 Legal protection

Article 7.1 Privacy

1. Applicants 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. Applicants who wish to exercise any the privacy rights, as referred to in the previous paragraph, can contact the Data Protection Officer of the TU/e via: privacy@tue.nl.

Chapter 8 Final stipulations

Article 8.1 Final considerations

These Regulations may be cited as the TU/e Regulations for Online Tests administered through an Online Proctoring System and takes effect Oct. 1, 2023 (replacing the regulation that took effect Jan. 1, 2021).

Thus adopted by the Executive Board of Eindhoven University of Technology, at its meeting held on September 28, 2023.