

## Legal guidelines for board examinations

### I. Under what circumstances can an examination be taken before an examination board?

- **Final examinations** (if stipulated in the curriculum, e.g. Master's examinations and viva voce examinations)
- The **third** repetition of an examination (including **course examinations**), but only if the examination takes the form of a **single** procedure (continuous assessment courses are not included: these courses are repeated in full a third time, typically with just one lecturer, unless multiple lecturers have been assigned to the course).
- At the request of the student, the **second** repetition may also take place before an examination board.

Sources:

- § 77 paragraphs 2 and 3 of the Universities Act 2002
- § 85 of the university by-laws

### II. How are board examinations organised?

- The Dean of Studies is responsible for appointing the examination board.
- A board must be composed of **at least three** people. One examiner must be appointed for every subject or branch of a subject to be included in the examination according to the curriculum. One member must be appointed as the chairperson of the examination board.
- Board examinations are **oral** or **written** examinations held before examination boards. The examination may take a **different** form if an appropriate **request** (§§ 81 paragraph 3 or 82 paragraph 3 of the university by-laws) was made, or if the **specific nature** of the examination subject necessitates an alternative examination method.
- Students are **entitled** to submit the following requests at the time of registration:
  1. Desired examiner,
  2. Desired examination date (particularly in the case of final examinations) and
  3. One of the alternative examination methods prescribed by the curriculum.

The student's preferences regarding examiner and date of examination will be taken into account **as far as possible**. **As of the second** examination repetition, the student's preference for a particular academically qualified examiner from the University of Natural Resources and Life Sciences, Vienna must be honoured<sup>1</sup>, whereas a request for an examiner

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<sup>1</sup> **Please note:** the annotations to § 59 paragraph 1 line 13 restrict the student's choice of examiner for a board examination: "It must be made clear that the free choice of examiners does not apply to board examinations. This is meant to ensure the utmost standards of objectivity for such examinations; the free choice of all members of an examination board would be excessive." Such requests are thus "only" honoured to the extent possible.

from another domestic university will be honoured wherever possible. The student's preference regarding an **alternative examination method** must be honoured if the student can demonstrate an obstacle or disability which prevents him or her from taking the examination according to the prescribed method (e.g.: a severe speech impediment or a compound fracture in the writing hand), and if the content and the requirements of the examination are not undermined by the alternative method (e.g. dispensing with long and complicated written computation if it is central to the content of the examination would undermine the purpose of the examination, in which case an alternative solution would have to be sought).

- If a request for a particular examiner as of the second repetition, or for an alternative examination method cannot be met, the Dean of Studies must issue a written decision provided that the student has submitted a well-founded written request for such a decision.
- Students must be informed of the **assignment of examiners and examination dates** in an appropriate fashion at the latest two weeks from the end of the registration period. Shorter-term assignments can also be made with the student's permission. If an examiner is unable to attend the board examination, he or she may assign a representative.
- Students are entitled to **cancel** their examination dates in writing with the Dean of Studies up to one week before the examination date without giving any reasons.

Sources:

- § 59 paragraph 1 lines 12 and 13 Universities Act 2002
- §§ 82 and 83 of the university by-laws
- § 64 paragraph 5 line 5 of the university by-laws

### **III. How are board examinations conducted?**

- Examinations give students the opportunity to demonstrate the knowledge and skills which they have acquired through the course of their studies. Attention must therefore be given to the scope and content of the course/subject material.
- Oral examinations are **public**. Access may be **restricted** based on the size of the space and the corresponding number of possible attendees.
- **Every** member of the examination board must be present **for the entire duration** of the **oral** board examination. Please note: the chairperson is required to halt the examination (ideally including a short note in the examination report) if one of the board members leaves the examination room (e.g. for a toilet break), and to continue the examination once the board member has returned. In the event that the student is able to make written preparations before the examination (e.g. if the candidate receives computation examples before the actual examination begins), the candidate must be informed of these circumstances and the actual beginning of the board examination should be noted in the examination report). All members of an examination board are entitled to ask questions of the candidate.

- The examiner or the chairperson of the examination board is responsible for **coordinating** the examination and writing the **examination report**. The examination report should contain the subject matter, the location and the time of the examination, the names of the examiners and names of the members of the examination board, the name of the student, the questions asked, the evaluations given, the reasons for negative evaluations, as well as any particularities which may have occurred. The examination report will be kept for **up to one year** following notification of assessment.
- All information from the examination report necessary for the issuance of certificates must immediately be transmitted to the **Study Services**.
- Discussion and subsequent voting regarding the outcome of an examination conducted before an examination board, or regarding each individual subject in the case of multiple examination subjects, must take place in a **closed session** of the examination board following discussion between members. The board's decisions are made by majority vote. The chairperson of the board has the same voting right as the other members, but is the last to vote. Every member must take into account the overall impression of the examination while voting on the outcome of each individual subject.
- If the examination board does not reach a mutual decision regarding the assessment of a subject, the members' assessments are to be added together and the result divided by the number of members and rounded off to a whole number. Results greater than x.5 are to be rounded up.
- The student must be informed of the results of an oral examination immediately following the examination. Students must also be informed of the reasons for negatively assessed examinations (these reasons can also be given in writing on request).
- If the candidate does not appear at the examination, the examination will not be assessed and will not be counted towards the number of examination attempts. If the candidate is unable to provide a valid excuse for absence, the examiner can decide to delay the next examination sitting for a period of up to three months. A sitting officially begins when the candidate has arrived and the first question regarding the examination material has been posed and understood by the candidate.
- In certain cases it is recommended that the candidate be asked before the examination begins if she or he is **physically or mentally impaired** and, if so, which condition she or he is afflicted with. The candidate should be advised that he or she takes the examination at his or her own risk and that the impairment does not represent a serious impediment to completion of the examination as detailed in § 79 paragraph 1 Universities Act 2002 (such occurrences should always be noted in the examination report, even if the candidate does not indicate an impairment of any kind).
- If a student cuts short the examination without good cause, the examination will be negatively assessed. The Dean of Studies is responsible for establishing good cause at the request of the student after receiving the opinion of the examiner or chairperson of the examination board. The request is to be filed within two weeks following the cancellation of the examination.



“Serious impediment”: according to § 79 paragraph 1 Universities Act 2002, students are entitled to request annulment of **negatively** assessed examinations if they can demonstrate a **serious impediment** to completion of the examination. According to commentary and decisions made by the administrative court, such **serious impediments** consist of **major errors**, e.g. not all members of the examination board are continuously present for the oral examination; questions are posed from a subject which is not being tested; loud construction noise occurs during the examination; the examination time is significantly shortened; the candidate is subject to serious insults or intimidation.

**Illness** is not considered to be a **serious impediment** (insofar as it does not result in serious adverse effects, such as serious circulation problems or unconsciousness). Questions which are “too difficult” are also not considered to be serious impediments. In general, students also may not complain due to **aspects** of the examination **related to content** (“I should have received four out of five points for this question rather than two”).

*Sources:*

- § 79 Universities Act 2002
- § 84 of the university by-laws