**European Union (Accessibility of Websites and Mobile Applications of Public Sector Bodies) Regulations 2020.**

There is a legal requirement to make websites and mobile applications of public sector bodies accessible under S.I. No. 358/2020 - European Union (Accessibility of Websites and Mobile Applications of Public Sector Bodies) Regulations 2020.

Subject to Regulation 6, public sector bodies shall, in accordance with Regulation 3, take necessary measures to make their websites and mobile applications more accessible by making them perceivable, operable, understandable, and robust.

1. A “body governed by public law” means a body meets general interest needs of the public, not having an industrial or commercial character. Colleges and universities are public sector bodies of the state that have a statutory obligation to perform specific tasks on behalf of the Government of Ireland.

**“operable”** in relation to a website or mobile application means that a user must be able to operate the interface, that is to say, the interface cannot require interaction that a user cannot perform;

**“perceivable”** in relation to a website or mobile application means that a user must be able to perceive the information being presented i.e. it must be visible to at least one of the user’s senses;

**“robust”** in relation to a website or mobile application means that a user must be able to access the content as technologies advance i.e. the content should remain accessible;

**“time-based media**” means media of the following types: (a) audio-only; (b) video-only, (c) audio-video, (d) audio or video, or both, combined with interaction;

**“understandable”** means that a user must be able to understand the information as well as the operation of the user interface i.e. neither the content nor the operation of the user interface can be beyond the user’s understanding.

2. The regulations do not apply to:

- content of websites and mobile applications of a public sector body that contain pre-recorded time-based media published before 23 September 2020;

- live time-based media;

- third-party content that is neither funded nor developed by, nor under the control of, the public sector body concerned.

**Recommendations**

The National Disability Authority is the monitoring body for the purposes of the Directive and the European Union (Accessibility of Websites and Mobile Applications of Public Sector Bodies) Regulations 2020, therefore, it would seem appropriate to consult them on the matter of teaching and learning content.

1. Clarification be sought in relation to non-application of regulations as they relate to live time-based media as this implies inclusion of lecture recordings, therefore, by extension, no accessibility requirements for teaching and learning media.
2. Clarification as to whether ‘websites’ includes Virtual Learning Environments.
3. Legal opinion on whether the EU Regulations supersede Statutory Law in Ireland as it relates to access to services:
4. under the Disability Act (2005) Part 3 Section 28:

“communications by a public body to a person with a hearing or visual impairment must, as far as practicable, be provided in an accessible format, following a request. Information provided electronically must, as far as practicable, be compatible with adaptive technology.”

The problem here might be ‘on request’ thereby removing automatic compliance under EU Regulations.

1. Under the Equal Status Acts (2000) Part 1 Section 4:

“For the purposes of this Act discrimination includes a refusal or failure by the provider of a service to do all that is reasonable to accommodate the needs of a person with a disability by providing special treatment or facilities, if without such special treatment or facilities it would be impossible or unduly difficult for the person to avail himself or herself of the service.”

**APPENDIX 1**

**International test proctoring examples for students with disabilities**

**University of Minnesota, USA**

* Review this resource with [considerations for whether online monitoring or proctoring is needed](https://docs.google.com/document/d/1NXlbEyove7imAYs836-MOKKuCtA5QBNDF1jogvWeZ3A/edit#heading=h.3o8vtua1rfhr).
* Create a practice exam for all students to try out the process.
* Consider whether other forms of proctoring could be implemented. For example:
	+ A TA or departmental staff member could proctor through Zoom or Google Hangouts / Meet.
	+ The exam could be proctored using the screen share function in Zoom or Hangouts / Meet.
	+ The exam could be proctored with the camera off but the audio on in either Zoom or Hangouts / Meet.
	+ The student could complete the exam without any proctoring and perhaps digitally sign an academic integrity form.
	+ Consider using [breakout rooms](https://it.umn.edu/zoom-manage-breakout-rooms) in Zoom to proctor a small number of students or individual students.

**University of Florida, USA**

Reasonable accommodations must be entered into proctor guidelines within the proctoring software provider to avoid interrupting the student(s) during their exam if they are observed participating in one of the pre‐established accommodations which would not normally be allowed e.g.



**Edinboro University, PA, USA**

For off-campus testing, the student will be responsible for identifying a proctor that can accommodate their special testing needs. The student may consult the Office for Students with Disabilities or the Office of the Dean for assistance in this regard.

Acceptable proctor options are specified below; a student’s friend or relative may not serve as a proctor.

* A member of the faculty at any regionally accredited college or university
* An educational administrator at any regionally accredited college, university, or high school
* A full-time teacher at a regionally accredited high school
* A librarian at a public or high school library
* An employee at a learning center or private testing center; in this case, the proctor should be the center’s director
* An administrator at a Pennsylvania Community Education Council facility
* For a student in the military, an officer of higher rank than the student
* For an incarcerated student, the institution’s education officer, librarian, or chaplain

**Charles Sturt University, Australia**

Charles Sturt to no longer use Examity for proctoring.

We have had some system problems emerge with online proctored exams using Examity. We recognise the stress this caused students. We want to ensure all exams go smoothly so students can focus on working through the exam content.

Due to this, we’re changing the format of our online proctored exams. Exams will now be invigilated by Charles Sturt staff using Zoom. We still need to invigilate exams to meet the course accreditation requirements and ensure that all students are showing academic integrity during exams.

* Only Charles Sturt students and staff will be able to join the online exam in Zoom, and only Charles Sturt staff that will conduct the invigilation will be present in the room.
* You will still sit your exam at the same time scheduled for your original online proctored exam. Though due to the online invigilation component of your exam in Zoom, we will start the invigilation component of your exam 10 minutes before your scheduled exam time.
* Students will be broken up into groups of 20 for the Zoom invigilated exam. Each student will have an individual link to Zoom.
* Due to this being the first time Charles Sturt students have had online exams, there will be technology time allowances given to most time-limited exams. If you receive technology time allowances, this will be added to your exam timetable in the coming weeks. The initial timetable release on Wednesday 29 April will not display these technology allowances.
* You will be allowed to have a single blank A4 page in a proctored exam to plan answers and work through questions. You'll use the page as a note or scribble pad. At the start of the exam, you will need to show both sides of the paper on the webcam to prove that the page is blank.
* There will be real-time technical support for online exams. The online exams technical support page will be updated prior to your exams with how you can access a dedicated helpline.

**APPENDIX 2 Guidelines for online / remote proctored examinations**

Proctored tests or examinations are managed by a person or service other than college examiners, who administers and monitors assessments. A proctor or proctoring service has the responsibility of verifying the identity of the test taker, ensuring appropriate test conditions are met, and monitoring the actual tests or exams. Whenever possible, reasonable accommodations for proctored online examinations must be provided by Departments or School. Students must have relevant reasonable accommodations for proctored examinations specified in the LENS.

**General procedures**

1. All students should be provided with an opportunity to practice proctoring procedures well in advance of examination dates, as exemplified in remote practice tests provided through college Information Services <https://www.tcd.ie/itservices/working-remotely/online-assessment/student/> This is particularly relevant to those students who experience anxiety with being monitored/recorded during examinations.
2. Some students may need to avail of additional human support in the exam context to manage technical aspects of the proctoring procedure. This should be incorporated into the LENS.
3. Students who are unable to attend group or cohort proctored examinations may be reasonably accommodated with an individual, off campus proctored examination arrangement as indicated in their LENS.
4. Individual proctors should be identified and agreed with the Department / School at least two weeks prior to the examination.
5. Proctors and invigilators must be provided with a copy of the LENS where individual students require rest or toilet breaks, and where individual proctoring has been granted.

**Student responsibilities in online proctored examinations**

1. Students must identify the RA supports that they require e.g. rest breaks and toilet breaks and ensure these are identified and approved by the Disability Service, and included in the LENS, well in advance of examination periods.
2. Students must have the correct and valid ID available on the day and should take steps to check this at least 24 hours prior to the examination.
3. Students must ensure that the technology to be used for the exam is in working order and should check this several days in advance including the internet connectivity, system requirements, camera and microphone. If using a MAC computer, students must ensure that the appropriate settings are working
4. Identify a suitable room in which to sit the exam and ensure that this is prepared: lighting, noise reduction, clear desk, no writing material within arm’s reach, clear glass of water,
5. Ensure that other members of the household (family/partners/flatmates) are aware that an examination is taking place, and request their co-operation to avoid all interruptions for the duration of the exam
6. Read the examination and proctoring instructions provided in advance.
7. Be present and online at least 20 minutes prior to the beginning of the examination.
8. Sign an academic integrity declaration prior to the beginning of the examination.

**Proctor / invigilator responsibilities**

1. Understand the Reasonable Accommodations that may be provided to students when undertaking proctored examinations and how to implement them by consulting Disability Service information at <https://www.tcd.ie/disability/services/exam-accommodations.php>
2. Understand what disability accommodations, if any, are allowed. If you have questions about any testing accommodations, please use the contact information listed on the student’s accommodation form to get your questions answered before the student arrives to take the exam.
3. Check individual requirements for rest and toilet breaks prior to the beginning of the examination.
4. Maintain confidentiality of information provided on individual requirements.
5. Strictly enforce all requirements and conditions associated with the exam.
6. Be available during the whole exam period. All exams must be monitored during the duration of the exam. At no time can the student be out of the proctor’s view other than during sanctioned rest and toilet breaks.
7. Ensure that other individuals do not enter the examination, unless they are approved in advance as part of a disability accommodation such as a scribe, personal assistant, or technology helper.
8. For online exams, monitor the student’s screen for the duration of the exam; students are not allowed to open any programs or websites unless indicated in the exam notes.