

Guidelines on the topic of

Inability to Take an Examination due to Illness

as part of the Handbook for Study, Teaching and Learning

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Contact:

Devision 1.5 – Examination and Statutory Law

E-Mail: pruefungsrecht@zhv.rwth-aachen.de

Table of Content

- 1. Legal Basis..... 3
- 2. Concept of the Inability to Take an Examination due to Illness 3
- 3. Declaration of the Withdrawal due to Illness 4
- 4. Evidence of the Inability to Take an Examination due to Illness..... 4
 - 4.1 Requirements for the Medical Certificate..... 5
 - 4.2 Deadline: Provision of Evidence for the Inability to take an Examination 6
- 5. Special Regulations Concerning Maternity Protection 7
- 6. Administration of Medical Certificates..... 7
 - 6.1 General 7
 - 6.2 Withdrawal due to illness prior to the start of an examination 8
 - 6.3 Withdrawal due to illness subsequent to the start of an examination 8
 - 6.4 Attestation of Illness subsequent to Completing the Exam 9
- 7. Legal Consequences..... 9
 - 7.1 Successful Evidence of a Substantive Reason / Inability to Take an Exam 9
 - 7.2 Unsuccessful Evidence of a Substantive Reason / Inability to Take an Exam 9

Enclosure: Form for the Provision of Evidence for the Inability to Take an Exam due to Illness

1. Legal Basis

According to Section 64(2) no. 8 Higher Education Act, university examination regulations must provide rules concerning the consequences of a failure to complete an exam, the withdrawal from exams, as well as the provision of evidence for the inability to take an exam due to illness.

Jurisdiction differentiates between two cases of failure to complete an exam:

1. Failure to attend an exam
= The candidate fails to take the exam or a part of the exam without providing a reason/declaration (beforehand).
2. Withdrawal
= Decision and declaration by the candidate not to take (or continue taking) a (part of the) exam or declaration that the candidate does not want a completed exam to be considered valid.

The consequences of failure to attend and withdrawal from an examination depend on whether the candidate has a substantive reason and can provide evidence for it. A typical substantive reason for failure to attend or withdrawal is a candidate's illness at the time of the examination.

2. Concept of the Inability to Take an Examination due to Illness

Inability to take an exam due to illness means that the candidate suffers from health impairments that significantly reduce the candidate's performance capacity during the exam and thus reduce his or her chance to achieve a result that reflects his or her knowledge and skills. In principle, relevant are only *the candidate's own* physical or psychological impairments and not, for example, those of a close relative. Also not relevant in this context are family emergencies or similar reasons.



Inability to take an exam due to illness is **not** given in cases of

- **Fluctuations in physical fitness**
- **A minor cold (without fever)**
- **Permanent disorders**, which characterize the normal performance capability of the candidate as individual dispositions, such as ADHD, metabolic disorders, low or high blood pressure, or disabilities. In the latter case, it is possible that certain compensation measures will be granted, such as aids or extension of examination time. Permanent disorders/afflictions with fluctuating symptoms, such as depression, are not considered to result in inability to take an exam.
- **Exam stress and anxiety** can originate from the exam situation and are part of the normal risk of the candidate (e.g. anxiety disorders, blackout, personal problems).

- **Self-induced indispositions and indispositions as a result of decisions taken at the candidate's own risk** (e.g. adverse effects from an overdose of medication treating the symptoms of anxiety, concentration problems due to nicotine withdrawal symptoms)

If there are several (relevant and irrelevant) reasons that reduce the candidate's ability to perform, it is decisive which reasons significantly contribute to an adverse effect on the examination and which reason provides the basis for the withdrawal. The reason or possible amplifier of an existing illness as such is not relevant. If the dominance of individual reasons cannot be established and the individual reasons as such are not irrelevant, the reasons are considered collectively responsible for the drop in performance ability.

3. Declaration of the Withdrawal due to Illness

As a matter of principle, a candidate that has fallen ill must announce his or her withdrawal if he or she is capable to do so.

The following steps must be taken:

1. Immediate and unambiguous declaration of withdrawal
2. Immediate provision of reasons for the withdrawal and their substantiation through provision of evidence



For written exams, the declaration of withdrawal due to illness is made through the submission of a medical certificate valid at the date of examination. In case of oral exams, in addition the examiner must be notified about the withdrawal.



Generally it is possible to withdraw from an examination without the provision of reasons up to three days prior to the exam (§ 15 Section 1 ÜPO / § 18 Section 1 p. 1 ÜPO Bachelor Lehramt; § 19 Section 1 ÜPO). In this case, no medical certificate must be submitted.

4. Evidence of the Inability to Take an Examination due to Illness



The candidate has to provide evidence that he or she is incapable of taking the examination due to illness.

Generally, this evidence is provided by submission of a **medical certificate** (doctor's note) which confirms the candidate's **inability to take the exam**. In certain cases, if there are indicators that the candidate's ability to take the exam can be assumed or if request of further evidence is justified for other reasons, the University (or the relevant Board of Examiners) can request an additional certificate from an independent medical examiner (Vertrauensarzt). In this case, the cost of the additional certificate is covered by the University/Board of Examiners. Furthermore, the University must provide a justification for its decision.

For the provision of evidence, the following applies:

- The request of a physical examination through a public medical officer is not permitted.
- In principle, a medical certificate from a private doctor is sufficient, even if the candidate withdraws from the exam after the exam has already started.
- A medical certificate from an independent medical examiner (“Vertrauensarzt”) can only be requested if there are sufficient reasons to assume that the candidate is able to take the exam or if the request is justified for other reasons. The NRW Higher Education Act (LT-Drs. 16/5410) provides two cases as examples:
 1. Multiple withdrawals from the same exam due to illness
 2. It is obvious even to medical laypersons that there are justified doubts concerning the certified candidate’s inability to take the exam.

Students must have a choice between several independent medical examiners.

4.1 Requirements for the Medical Certificate

The medical certificate must include:

- Date/expected duration of the illness
- Date, stamp, and signature of the doctor



If the candidate has a medical certificate for a certain period but nevertheless decides to attend an exam during this period, the medical certificate loses its validity. Thus, the candidate has *not* to provide a certificate of recovery. Example: the candidate has a medical certificate for the period from September 22 to September 26. He or she has exams on September 22, 23, and 25. He or she does not attend the exam on the 22nd, but takes the exam on the 23rd. In case he or she does not want to attend the exam on the 25th due to illness, he or she will need a new medical certificate for this exam date.



Medical certificates from private physicians or independent medical examiners should certify the candidate’s inability to take an examination only. The specification of symptoms or diagnostic details is not required.



An **ordinary certificate of incapacity for work** (Arbeitsunfähigkeitsbescheinigung, AU, “gelber Zettel”) is **not sufficient**, as the candidate’s inability to take an examination must be certified.

4.2 Deadline: Provision of Evidence for the Inability to take an Examination

The withdrawal from an exam and reason for the withdrawal from – or failure to attend – an exam must be declared and evidence provided **immediately**. This falls into the so-called “student’s responsibility to cooperate.” In this context, ‘immediately’ (§ 121 BGB) means that the student must notify the University and submit the medical certificate **immediately after realizing** (or after s/he **should have realized**) the **reduction in performance capability** (mental or physical) due to illness.

If the candidate is aware of his or her health impairment and takes the risk of failing an exam, possibly against a doctor’s advice, this is entirely his or her responsibility. In this case, the candidate cannot claim that due to a later worsening of the illness he or she was unable to take a free decision on the further continuation of the exam. In this case, ‘immediacy’ is not given. Example: The candidate takes medication to suppress symptoms he or she is aware at the date and time of the exam; nevertheless, during the exam, the symptoms occur.

Thus, the following regulations apply (§ 15 Section 4 ÜPO):

- As a rule, the medical certificate must be obtained **at the date of the exam at the latest**.
- The Central Examination Office (ZPA) must have received the medical certificate **on the third working day after the exam date at the latest**. It is not sufficient to send the medical certificate by mail on the third work day.
- In case of **inability to take an exam** that is ascertained **after the start of the exam** (i.e. during or after the exam), the candidate has to report to a doctor right away after termination of the exam and obtain a medical certificate stating that it was not possible to ascertain the health impairment prior to or during the exam (§ 15 Section 3 ÜPO). For oral examinations, there is an exception to this rule. Due to the characteristics of the oral exam situation, the candidate is given an adequate time period for the decision whether to declare his or her withdrawal due to illness.

It is possible to submit a medical certificate via e-mail or fax; however, the original medical certificate must be received by the Central Examination Office (ZPA) within three days of the exam date.



As a rule, submitting a medical certificate after the examination results have been published is considered as a “late” submission.



If a medical certificate that is submitted late (i.e. later than three working days after the exam date), it will be considered a retroactive application for withdrawal from an exam due to illness. The relevant Board of Examiners will decide on the application and answer it in writing, including information on legal remedies. In case of a rejection, reasons for the decision must be provided.



A medical certificate that is submitted late is accepted by the Board of Examiners in rare cases only. The reasons for the late submission must be explained and substantiated – in addition to substantiating the claim of inability to take the examination, the

candidate must substantiate that there were clear reasons for not being able to submit the medical certificate within the deadline (Example: Hospitalization due to an accident). If illness is stated as a reason (e.g. inability to act due to depression), a medical certificate including diagnostic details is required. If the candidate does not provide substantiated reasons for late submission, he or she should be asked to provide them by a specified deadline.

5. Special Regulations Concerning Maternity Protection

Applicability of the Maternity Protection Act is defined in Section 6 ÜPO / § 8 Section 6 ÜPO Bachelor Lehramt (Teacher Training); § 10 Section 6 ÜPO Master Lehramt (Teacher Training).

Prospective mothers cannot participate in examinations within six weeks prior to the expected birth of their child, unless they expressly wish to do so. New mothers are not allowed to take an exam until eight weeks after the birth of their child. In case of a premature birth, this period is extended to 12 weeks plus the number of days that the child came too early. In case of a multiple pregnancy, this period is also extended to 12 weeks.

Students who have registered for an exam and to whom the above special regulations apply can de-register from the exam. They have to present proof of their condition to the Central Examination Office (ZPA) in the form of a medical certificate or their pregnancy record/maternity pass.

6. Administration of Medical Certificates

6.1 General

Students participating in an exam sign a statement in the exam documents which says that they are feeling physically fit and healthy and are thus in a position to take the exam. Before the start of an oral exam, the examinee is asked whether he or she feels physically fit and able to take the exam. This confirmation will be noted in the transcript of the exam. The confirmation shall encourage the candidate to reflect on his or her ability to take the exam.

Medical certificates are administrated by the ZPA on behalf of the Boards of Examiners. In the Faculty of Medicine, medical certificates are administrated by the course convenors (Studienkoordinatoren).

If occurring, the following events are put on record by the examiner:

1. The candidate did not attend the exam (“NE“ = “nicht erschienen“)
2. Fraud (a fail grade of 5.0 is put on record)
3. Premature termination of an exam due to illness (put on record as “PRA“ since the summer semester of 2014)

6.2 Withdrawal due to illness prior to the start of an examination



Generally it is possible to withdraw from an examination without the provision of reasons up to three days prior to the exam (see also Section 3)

If the three-day deadline is not met, the following applies:

- A medical certificate which states that the candidate was not able to take the exam at the exam date needs to be submitted to the ZPA on the third working day after the examination at the latest.
- In the case of withdrawal from an oral examination, in addition, the student has to notify the examiner about the illness and the withdrawal.
- Medical certificates that were received on time are entered into the IT system. The “NE” entry (“student did not attend the exam”) is replaced with the “AT” entry (“medical certificate received”).
- Medical certificates that were submitted late are passed on to the relevant Board of Examiners for decision.

6.3 Withdrawal due to illness subsequent to the start of an examination

- The student falls ill during the exam and feels incapable of completing it.
- The student reports his or her illness to the exam supervisor/proctor (in an oral exam: the examiner). The supervisor makes a note in the official exam record. Subsequent to the exam, the examiner records the exam termination in the IT system (entry “PRA”).
- The student reports his or her illness to a doctor right after terminating the exam and requests a medical certificate which includes the exact time and date of the medical examination. Furthermore, the certificate must confirm that it was not possible to diagnose the health impairment prior to (or, in case of ascertainment of the inability to take the exam after completion of the exam, prior to or during) the exam. (see also 4.2).
- Medical certificates that were received on time are entered into the IT system by the ZPA. The “PRA” entry (“exam termination”) is replaced with the “AT” entry (“with medical certificate”).
- Medical certificates that were submitted late are passed on to the relevant Board of Examiners for decision.



If a student terminates the same exam several times (e.g. two to three times in a row), the Board of Examiners will be asked whether a medical certificate from an independent medical examiner will be required the next time the student terminates the exam (see also Section 4).

6.4 Attestation of Illness subsequent to Completing the Exam

- After taking an exam and submitting the exam documents, the student realizes that he or she was in poor health during the exam.
- The student reports his or her illness to a doctor right after completing an exam and requests a medical certificate which includes the exact date and time of the medical examination. Apart from stating the candidate's inability to take the exam, the doctor's note must confirm that the student was not able to realize the illness earlier, that is, before or during the exam.
- Medical certificates that were received on time are entered into the IT system by the ZPA.
- Medical certificates that were submitted late are passed on to the relevant Board of Examiners.

7. Legal Consequences

7.1 Successful Evidence of a Substantive Reason / Inability to Take an Exam

If the medical certificate fulfils the requirements and is submitted on time, or, alternatively, the certificate is submitted late but is – a rare exception – accepted by the Board of Examiners, the exam attempt will not be counted; as a result, the candidate will be granted another exam attempt. The number of possible exam attempts remains unchanged.

7.2 Unsuccessful Evidence of a Substantive Reason / Inability to Take an Exam

There are two different cases:

- The exam is recorded as "NE" (student did not attend the exam), and no medical certificate was submitted (or was submitted late and is not accepted). As a result, the exam is graded as 5.0 (fail)
- The exam is recorded as "PRA" (termination of examination), and no medical certificate was submitted (or was submitted late and is not accepted). As a result, the exam is graded as 5.0 (fail). This also applies when the student realizes his or her inability to take the exam after completing the examination and fails to succeed in providing evidence for his or her inability to take the exam as outlined above.

Form for the Provision of Evidence for the Inability to Take an Exam due to Illness (Medical Certificate) for Submission to the Central Examination Office ZPA

Information for Doctors

When a student does not participate in or terminates an exam for reasons of ill health, in accordance with the exam regulations of the University, he or she must provide supporting evidence for the illness. In accordance with § 63 Section 7 Higher Education Act NRW this evidence is provided in the form of a medical certificate/doctor's note, which confirms that the candidate was unable to take the exam due to illness at the date in question. Inability to take an exam due to illness means that the candidate suffers from health impairments that significantly reduce the candidate's performance capacity during the exam and thus reduce his or her chance to achieve a result that reflects his or her knowledge and skills.

Inability to take an exam due to illness (in a legal sense) is not given in the case of

- Fluctuations in physical fitness
- A minor cold (without fever)
- Permanent disorders (with or without fluctuating symptoms, e.g. disabilities, ADHD, metabolic disorders, low or high blood pressure, depressions)

The medical certificate must include the date and the expected duration of the illness.

In case that the student falls ill during the exam or if the student realizes, after completing the exam, that he or she was ill during the exam, the medical certificate in addition must confirm that the candidate's inability to take the exam could not be established prior to (oral exam) or prior to or during the exam (written exam).

A general certificate of incapacity for work or class attendance at school is not accepted as sufficient evidence!

First Name: _____ Last Name: _____
Date of Birth: _____ City of Birth: _____
Address: _____

Matriculation No. : _____ Course of Study: _____

Declaration of the Doctor

Today, at _____ o'clock, I examined the above named patient.

As a result of the medical examination, I confirm that the patient is incapable of taking an exam due to illness, as his or her performance capacity is significantly reduced (in the above named sense). The attested health impairment is not permanent.

Declaration in Case that the Inability to Take the Exam was Ascertained after the Start of the Exam

- Written Exam: It was not possible to establish the health impairment **prior to or during** the exam.
- Oral Exam: It was not possible to establish the health impairment **prior to** the exam.

Expected Duration of the Illness (Date): until _____

Date, Official Stamp, Signature of the Doctor

