

Guidelines on

## **Compensation for Disadvantages in Exams**

Part of the Handbook for Study, Teaching, and Learning

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Please note that the English version of this guideline is purely for your convenience and is not legally binding. Only the German version is legally binding.

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## 1. Fundamental Idea

Compensation for disadvantages entails compensation for students suffering from a long-term health condition. Granting compensation for disadvantages therefore serves to uphold the principle of equal opportunities in studies.

In principle, examination conditions should be as equal as possible for all candidates. Consistent rules on the form and course of examinations and module components must be in place, provided the latter are comparable to examinations in terms of their conditions. However, enforcing consistent test conditions is likely to violate the principle of equal opportunities with regard to candidates whose ability to demonstrate their performance is significantly affected due to a chronic illness or disability.

The prerequisites for granting compensation for disadvantages in exams are therefore

- proof of a chronic illness or disability  
as well as
- proof of their consequently compromised ability to demonstrate their performance.

The respective examination board must consider any difficulties a student may have in presenting their knowledge and skills in regular examination conditions due to illness or disability. The board may therefore grant appropriate compensatory measures and has wide discretion to do so.

At the same time, the board must ensure that the form of compensation for disadvantages does not lead to overcompensation, since this in turn would violate the principle of equal opportunities for the other candidates.

## 2. Legal Basis

In accordance with Section 3 (5), sentence 2 HEA NRW, universities must make appropriate arrangements for the special requirements of students (...) with disabilities and chronic illnesses (...).

At RWTH, this provision is implemented in the respective examination regulations, see Section 6 (7) and Section 17 (7 f.) of the General Examination Regulations (GER), Section 9 (7) and Section 20 (7) GER LAB (Bachelor's in Teacher Training) and GER M.Ed. (Master's in Teacher Training) 2017, and Section 10 (7) and Section 21 (7) M.Ed. 2014.

## 3. Term Definitions

The key terms "disability" and "chronic illness" will be defined in detail.

### 3.1 Disability

There is a legal definition of the concept of disability, which is specified in Section 2 (1) Social Security Code IX. This states:

*“People are considered disabled if their physical functions, mental capacities or psychological health are highly likely to deviate for more than six months from the condition which is typical for the respective age and whose participation in the life of society is therefore restricted.”*

The different manifestations of a disability are manifold, which is why these guidelines cannot provide a conclusive list of the disease patterns that constitute a disability. The following is a list of various **examples**.

- Physical disabilities:  
Impairments due to damage to, or limitation of, support and locomotor organs
- Learning disabilities:  
Cognitive impairments (perception, attention, thinking and learning as well as memory, motivation, and concentration)
- Sensory disabilities:  
Hearing and sight impairments
- Speech disabilities (particularly relevant for oral examinations):  
Impaired language acquisition, voice, speaking, and fluency



The disability does not have to be officially recognized as a (severe) disability.

### 3.2 Chronic Illness

The term “chronic illness” supplements the term “disability” by including *episodic health conditions, where the person’s state of health is not permanently affected and therefore does not always differ from the norm. It may also be a relapsing condition.*

## 4. Procedure

### 4.1 Application to the Examination Board

The respective examination board decides on the outcome of applications for compensation for disadvantages. The first prerequisite is a written application, which must be submitted in good time.



There is no strict cutoff period for applying; however, it should be noted that both the procedure at the examination board and the actual preparatory measures in the run-up to the examination take time. It is therefore recommended that students submit an application as early as possible, and certainly **no later than 6 weeks** before the examination date.

### 4.2 Submitting Sufficiently Informative Documents

Students must submit documents **in German or English** with their application. These must make it possible for the examination board to ascertain the specific health condition. The symptoms of the disability or chronic illness must be clearly specified. This lets the examination board decide which measures can be implemented to compensate for the certified health condition.

A medical expert certificate or a medical expert report are primarily suitable forms of proof of the disability or chronic illness.



The medical certificate must not be older than 6 months at the time of the application.

The following may also be submitted:

- Severely handicapped pass
- Treatment reports from hospitals or rehabilitation clinics
- Statements of the Representatives for Students with a Disability or Chronic Illness

### 4.3 Decision

The examination board reviews the measures that can be taken to compensate the condition described in the documents. In particular, the board checks the documents are sufficiently informative. If a specialist has diagnosed the disability or chronic illness, there is usually no reason for the board to doubt the statements in the documents. If the student's physician recommends a precise form of compensation for disadvantages, it must be possible to ascertain the basis of this recommendation from further details in the certificate.

Proof of disability or chronic illness in and of itself cannot, however, justify a claim for compensation for disadvantages. **Rather, the proven health condition must be shown to result in a detrimental effect on the examination(s).**

When granting compensation for disadvantages, two components must be specified: the examination board must describe the compensation and determine the period for which this is to be granted.

#### 4.3.1 Precise Form of Compensation

The decision on whether to grant compensation for disadvantages and the precise form this should take is very much dependent on the individual case. A number of different options are presented here as examples. The measures that are actually deemed suitable to compensate a candidate's specific health condition essentially depends on the explanations stated in the student's application and the documents submitted therein. The following examples are not conclusive, but rather give a general idea of possible forms of compensation.

➤ **Extended Writing Time**

The duration of the examination is extended by a certain period of time. Extending the writing time can be used to compensate various health conditions and can be implemented in different ways. For organizational reasons, it is advisable to grant extensions at intervals, depending on the details in the medical certificate and the regular scheduled examination time (regular time plus 10%–50%, rounded to 15-minute increments).

➤ **Breaks in the Examination Time**

The examination is interrupted at one or several set times and the timer is stopped. Once the break is over, the timer continues.

➤ **Use of Aids**

Students may use certain aids. The following are permitted, among others:

- a reading aid
- a laptop with a special writing program

➤ **Special Measures in the Examination Room**

- Seat in the front row with no neighbors
- Separate examination room

➤ **Change of Examination Form**

The examination board approves a modification to the original form of examination. The new form may not be totally different from the original one, which is why it is usually not possible to switch from a written exam to a term paper.

#### 4.3.2 No Compensation for Permanent Illnesses

Generally, no compensation for disadvantages may be granted for permanent illnesses. These are hereby defined as *constitutional or otherwise non-treatable or only insufficiently treatable health conditions that persist for an unforeseeable period of time and limit the examinee's general performance ability* and do not merely make it difficult for the examinee to demonstrate their performance ability.



For chronic and persistent illnesses, the crucial question to determine if compensation should be granted is whether the illness merely limits the candidate's *ability to demonstrate their performance, which is generally unaffected*, or whether it limits their actual performance ability.

Compensation for disadvantages cannot be granted – even for proven disabilities and chronic illnesses – if **the examination is intended to test the candidate's performance ability in precisely the area they are affected**. The health condition thus signifies a permanent limitation of the candidate's performance ability, which affects their general scope of performance.

**Episodic** illnesses that entail healthy phases in between sick periods, where the candidate's performance is then not limited, may also be deemed a permanent illness. For this to apply, the condition must have already lasted for quite some time and be presumed to continue for an unforeseeable period of time. Each case must again be evaluated individually.

### 4.3.3 Delimiting Illness-Related Incapacity to Take an Examination (= Withdrawal)

No compensation may be granted if an examinee is **only temporarily** prevented from demonstrating their true performance ability due to an acute health condition. In this case, it is important to explain the process of withdrawing from an examination due to illness. Apart from the student's description and the documents submitted in their application, the following question is usually helpful in delimiting the effects of the condition:

- Is it wise to terminate the examination and test the candidate again at a later date?

If this is answered in the affirmative, it indicates that the condition is temporary and it would therefore indeed be appropriate for the student to withdraw from the examination.



In exceptional circumstances, compensation may also be granted for temporary acute health conditions, provided this is in the candidate's interest. However, greater care must be taken to ensure that the principle of equal opportunities is upheld – in other words, no overcompensation may be granted.

### 4.3.4 Granted Duration

Compensation for disadvantages is usually granted for a **maximum of 2 semesters**.

In exceptional circumstances, compensation may be granted for the entire course of their studies if the medical certificate clearly states that the health condition is permanent and excludes any possibility of this changing.

## 5. Consequences of Granted Compensation

The examination board informs the student of its decision with a written notification, which must include information on applicable legal remedies. If the examination board's decision differs in one or more points from the student's application, the actual and legal reasons which led to their conclusion must be explained.

If compensation for disadvantages is granted, the student must inform the respective examiner in good time, i.e. usually at least 3 weeks before the examination date. If it is not, or not fully possible, to implement the compensation for organizational reasons, the examiner should take all reasonable measures to correspond as closely as possible to the nature and extent of the compensation that was granted. If it is still not possible to compensate for disadvantages to the extent it was granted, students have the choice of taking the examination without compensation or postponing to the next examination date. If the candidate decides to

postpone the examination attempt, all necessary organizational measures must be taken at an early stage to ensure that the granted compensation is met.

## 6. Legal Remedies

An appeal against the decision may be filed with the examination board. This applies both to cases where the application for compensation for disadvantages has been rejected and to cases where compensation has been granted by the examination board, but the student is of the opinion that the proposed measure(s) is not sufficient to adequately compensate for their disadvantage.



Before criticizing the compensation for disadvantages for being insufficient, students are generally required to make full use of the granted compensation within the bounds of what is possible and reasonable. This means that at least one examination should be taken adopting the granted compensation measure(s) before the appeal can be successful.