

Guidelines on

Inability to Take an Examination Due to Illness

Part of the Handbook for Study, Teaching, and Learning

Version 3.0

As of: May 23, 2019

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.

Contact:

Division 1.5 – Examination and Statutory Law

Email: pruefungsrecht@zhv.rwth-aachen.de

Table of Contents

1. Legal Basis.....	4
2. Concept of the Inability to Take an Examination Due to Illness.....	4
3. Declaration of Withdrawal Due to Illness	5
4. Evidence of the Inability to Take an Examination Due to Illness	5
4.1 Requirements for the Medical Certificate.....	6
4.2 Deadline: Provision of Evidence for the Inability to Take an Examination	7
5. Special Regulations Concerning Maternity Leave.....	8
6. Administration of Medical Certificates.....	8
6.1 General Comments	8
6.2 Withdrawal Due to Illness Prior to the Start of an Examination	9
6.3 Withdrawal Due to Illness Subsequent to the Start of an Examination.....	9
7. Legal Consequences.....	10
7.1 Substantial Evidence of Inability to Take an Exam Due to Illness	10
7.2 Insubstantial Evidence of Inability to Take an Exam Due to Illness.....	10

Appendix: Form for the Provision of Evidence for the Inability to Take an Exam Due to Illness

1. Legal Basis

Section 64 (2) 8 of the Higher Education Act HEA of North Rhine-Westphalia stipulates that university examination regulations must specify rules concerning the consequences of failure to complete an exam, withdrawal from an exam, 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* an exam or a part of the exam without specifying a *reason/declaration (beforehand)*
2. Withdrawal:
 - = *Decision and declaration* from the candidate not to take (or continue taking) an exam or of their desire to not want a completed exam considered valid.

The consequences of failing to attend, and withdrawing from, an examination depend on whether the candidate has a substantial reason for doing so and can provide evidence for it. A typical substantial reason for failure to attend or withdrawal is if a candidate is ill at the time of the examination.

 You can cancel an examination without specifying a reason for doing so up to three working days before the examination date, in accordance with Section 15 (1) General Examination Regulations (GER), Section 18 (1) GER LAB (Bachelor's in Teacher Training) and GER M.Ed. (Master's in Teacher Training) 2017, and Section 19 (1) GER M.Ed. 2014. Consequently, if you de-register from an examination within this period, it is neither necessary to declare a withdrawal nor provide a medical certificate.

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

Inability to take an exam due to illness means that the candidate is suffering from health impairments that significantly reduce their performance ability during an exam and thus compromises the candidate's chance of achieving a result that reflects their knowledge and skills. In principle, only the candidate's *own* physical or psychological impairments are relevant and not, for example, those of a close relative. Family emergencies or similar reasons are also irrelevant.

 The following situations do **not** render a candidate unable to take an exam due to illness:

- **Health fluctuations on the day of the exam**
- **A minor cold (without fever)**

- **Permanent illnesses** that affect the candidate's normal performance ability as characteristic features, such as ADHD, metabolic disorders, too low or too high blood pressure, or disabilities. Permanent illnesses with fluctuating symptoms, such as depression, are also not considered to result in inability to take an exam.
- **Exam stress and anxiety** can originate from the exam situation itself and are considered part of the normal risk of the candidate (e.g. anxiety disorders, blackout, personal problems).
- **Self-induced indispositions** as a result of a decision taken by the candidate (e.g. adverse effects from an overdose of medication treating the symptoms of anxiety, difficulties in concentration due to nicotine withdrawal symptoms)

If *several – relevant and irrelevant – causes* impair the candidate's performance ability, the cause that significantly contributes to an adverse effect on the examination and the cause that forms the basis for the withdrawal must be ascertained to determine whether they apply as inability to take an exam due to illness. The reason or possible intensifier of an existing illness as such is not relevant. If no overriding individual reason can be established and the individual reasons as such are not insignificant, the reasons are considered collectively responsible for the drop in performance ability.

3. Declaration of Withdrawal Due to Illness

As a matter of principle, a candidate that has fallen ill must announce their withdrawal as soon as they are capable of doing so.

The following steps must be taken:

1. Immediate and clear declaration of withdrawal
2. Immediate provision of reasons for the withdrawal which are substantiated with evidence



For written exams, withdrawal due to illness is declared by submitting a medical certificate valid at the date of the examination. Further, for oral exams, the examiner must also be notified of the withdrawal.

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



The candidate has to provide evidence that they are not able to take the examination due to illness.

Generally, this entails submitting a **medical certificate** that confirms the candidate's **inability to take the exam** in accordance with Section 63 (7) HEA NRW. In certain cases, if the candidate is suspected to actually be able to take the exam or further evidence is considered

justified for other reasons, the University (or the relevant examination board) 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, which is responsible for the burden of presentation and proof.

The following applies to the provision of evidence:

- The request of a physical examination by 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 it 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 HEA NRW (LT-Drs. 16/5410) indicates two possible cases as examples:
 1. Multiple withdrawals from the same exam due to illness
 2. It is obvious, even to medical laypersons, that there is reasonable suspicion about the candidate’s certified inability to take the exam.

Students must choose between several independent medical examiners.

4.1 Requirements for the Medical Certificate

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



If the candidate has been certified with a doctor's note for a certain period, yet decides to take an exam during this time, the medical certificate loses its validity. Thus, the candidate does not have to prove their recovery to be admitted to the exam. Example: a candidate has a medical certificate for the period from September 22 to September 26. They have exams on September 22, 23, and 25. They do not take the exam on the 22nd, but they attend the other exam on the 23rd. If they do not want to attend the exam on the 25th due to illness, they will need to provide a new medical certificate for this exam date.



Medical certificates from private physicians or independent medical examiners should only confirm the candidate’s inability to take an examination. It is not necessary to specify any symptoms or diagnostic details.



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

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



The withdrawal from an exam and the reason for the withdrawal from, or failure to attend, an exam must be declared and evidence substantiated **immediately**. This is part of the student's duty to cooperate. In accordance with Section 121 German Civil Code, 'immediately' in this context means that the student must notify the University and submit a medical certificate **as soon as** they recognize (or **after they should have recognized**) their **impaired (mental or physical) performance ability** due to illness.

If the candidate is aware of their health impairment and takes the risk of failing an exam by attending it, possibly against a doctor's advice, this is entirely their own decision. The candidate cannot then claim that it was not possible to make a free decision on the further continuation of the exam on their part due to a later worsening of the illness. In this case, 'immediacy' is not given. Example: the candidate takes medication to suppress symptoms they are aware of at the time of the exam; nevertheless, they display symptoms during the exam.

The following regulations apply to such cases, as stipulated in Section 15 (4) GER, Section 18 (4) GER LAB and M.Ed. 2017, and Section 19 (4) M.Ed. 2014.

- As a rule, the medical certificate must be **obtained at the date of the exam at the latest**. The **Central Examination Office (ZPA)** must receive the medical certificate in **original** or digital form on the **third working day after the exam date at the latest**.
- It is also sufficient to send a copy of the medical certificate by email. However, both the examination board and the Central Examination Office may subsequently request the original certificate without specifying a reason for doing so. Students are therefore required to keep the original medical certificate until they have completed their degree.



If a candidate's inability to take an exam is ascertained after the exam has started (i.e. during or after the exam), the candidate has to report to a doctor right after terminating the exam and obtain a medical certificate stating that it was not possible to establish the health impairment prior to or during the exam. This is stipulated in Section 15 (3) GER, Section 18 (3) GER LAB and GER M.Ed. 2017, and Section 19 (3) GER M.Ed. 2014. For oral examinations, there is an exception to this rule. Due to the particularity of oral exam situations, candidates are given an adequate period of time to make a decision whether to declare their withdrawal due to illness if they suddenly fall ill.

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



If a medical certificate is submitted late (i.e. later than three working days after the exam date), it will be classified as a request for a subsequent illness-related withdrawal from an examination. The relevant examination board will review the request and respond in writing, including information on legal remedies. If the request is rejected, the board must specify reasons justifying their decision.



Medical certificates submitted late are only accepted by the examination board in exceptional cases. The reasons for the late submission must be explained and substantiated. Besides declaring and substantiating their inability to take an exam due to illness, the candidate must substantiate that there were clear reasons for not being able to submit the medical certificate by the deadline (example: hospitalization after an accident). If illness is stated as a reason (e.g. avolition due to depression), a medical certificate including diagnostic details is required. If the candidate does not specify substantiated reasons for late submission, they will be requested to do so within a certain deadline.

5. Special Regulations Concerning Maternity Leave

The applicability of the Maternity Protection Act is specified in Section 6 (6) GER, Section 8 (6) GER LAB) and GER M.Ed. 2017, and Section 10 (6) GER M.Ed. 2014.

However, the maternity leave periods regulated in the Maternity Protection Act only have to be taken into account if students would like to make use of these rights. According to the regulations, expectant mothers cannot participate in examinations six weeks prior to their due date. New mothers are also not allowed to take an exam until eight weeks after the birth of their child. If the birth was premature, this period is extended to 12 weeks plus the number of days the child was born before the due date. Further, this extended period of 12 weeks also applies to multiple pregnancies. If, in any of these cases, the candidate expressly wishes to take an exam despite their condition, they may do so.

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 or the study course coordinator if they are a student at the Faculty of Medicine. Appropriate forms of proof are a medical certificate or maternity card/record.

6. Administration of Medical Certificates

6.1 General Comments

When students take an exam, they have to sign the examination sheet to confirm that they feel healthy and thus able to participate in the exam. Before the oral exam, examinees are asked whether they feel fit and able to participate in the exam. This confirmation also has to be noted in the examiner's report. The confirmation is intended to prompt the candidate to reflect on their ability to take the exam.

Medical certificates are administrated by the Central Examination Office (ZPA) on behalf of the examination boards. In the Faculty of Medicine, medical certificates are administrated by the study course coordinators.

If applicable, the following incidents will be put on record by the examiner:

1. The candidate did not attend the exam (“X”)
2. Examination offense (“U”, resulting in a grade of “insufficient” 5.0/failure)
3. Premature termination of an exam due to illness: “PA” (if the student does not submit a medical certificate, this will result in a grade of 5.0)

6.2 Withdrawal Due to Illness Prior to the Start of an Examination



Generally it is possible to withdraw from an examination without specifying reasons for doing so up to three days before the exam (compare Section 1).

If the deadline is not met, the following applies:

- A medical certificate confirming that the candidate was not able to take the exam on the exam date needs to be submitted to the Central Examination Office on the third working day after the examination at the latest.
- If exam withdrawal concerns an oral examination, the student also has to notify the examiner about their illness and withdrawal from the exam.
- Medical certificates submitted on time are entered into the Central Examination Office’s IT system. If the examiner’s report shows the entry “X”, this will be replaced with “Q” (“medical certificate received”) in the IT system.
- Medical certificates that are submitted late will be forwarded for review to the relevant examination board.

6.3 Withdrawal Due to Illness Subsequent to the Start of an Examination

- The student falls ill during the exam and would like to leave and thereby terminate the exam.
- The student reports their illness to the exam supervisor/proctor (in an oral exam: the examiner), who takes note of this in their report. After the exam, the examiner records the termination with the entry “PA.”
- The student reports their 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, if inability to take the exam was ascertained after completing the exam, prior to/during) the exam (compare 4.2.)
- Medical certificates submitted on time are entered into the IT system by the Central Examination Office and the “PA” (termination) entry is subsequently replaced with “PAQ” (medical certificate).

- Medical certificates submitted late will be forwarded for review to the relevant examination board.



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

7. Legal Consequences

7.1 Substantial Evidence of Inability to Take an Exam Due to Illness

If the medical certificate fulfills the requirements and is submitted on time, or, alternatively, the certificate is submitted late but is accepted by the examination board due to exceptional circumstances, the exam attempt will not be counted. The candidate will consequently be granted another exam attempt. This does not otherwise affect the total number of possible exam attempts.

7.2 Insubstantial Evidence of Inability to Take an Exam Due to Illness

Two different cases can apply here:

- The exam is recorded with the entry “X” (candidate did not attend the exam), and no medical certificate was submitted, or it was submitted late and therefore rejected. The student consequently receives a grade of 5.0 for the exam.
- The exam is recorded as “PA” (termination of examination), and no medical certificate was submitted, or it was submitted late and therefore rejected. The student subsequently receives a grade of 5.0 for the exam. This also applies when the student recognizes their inability to take the exam after completing the examination and fails to provide evidence for their 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

Information for Doctors

When a student does not participate in, or terminates, an exam for reasons of ill health, they must provide supporting evidence for the illness in accordance with the University's exam regulations. Section 63 (7) Higher Education Act NRW stipulates that this evidence must be 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 on the date in question. Inability to take an exam due to illness means that the candidate is suffering from health impairments that significantly reduce their performance ability during the exam and thus compromises their chance of achieving a result that reflects their knowledge and skills.

Inability to take an exam due to illness (in a legal sense) is not considered applicable to

- Exam stress and anxiety
- A minor cold (without fever)
- Permanent disorders (with or without fluctuating symptoms, e.g. depression, ADHD, metabolic disorders, low or high blood pressure, disabilities). These are remedied with compensation for disadvantages.

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

If the student falls ill during the exam or only recognizes that they were ill during the exam, the medical certificate must also confirm that the candidate's inability to take the exam could not be established prior to the oral exam, or prior to/during the written exam.

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

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

Student ID Number: _____ Course of Study: _____

Declaration of the Doctor

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

As a result of the medical examination, I confirm that the patient is not able to take the exam due to illness, as their performance ability is significantly affected (according to the specification above). The attested health impairment is not permanent.

Declaration in Case 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): From _____ Until _____

Date, Official Stamp, Doctor's Signature

To be filled out by the student:

I am registered for the following exams in the period covered by the medical certificate:

Exam Code/No. (if known)	Title of Exam

The medical certificate must be obtained on the day of the exam at the latest. It must be submitted to the Central Examination Office (ZPA), on the third working day after the exam at the latest. The day on the stamp of receipt is applicable.

Date, Student's Signature