

Guidelines on

## **Alternative Arrangements for Exams (“Nachteilsausgleich”)**

Part of the Handbook for Study, Teaching, and  
Learning

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

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Appendix: Form for Proof of a Chronic Illness or Disability (Medical Certificate)

## 1. Fundamental Idea

Alternative arrangements entails compensation for students suffering from a permanent health condition. Granting alternative arrangements therefore serves to uphold the principle of equal opportunities in studies.

In principle, exam conditions should be as equal as possible for all candidates. Consistent rules on the form and course of exams and module components must be in place, provided the latter are comparable to exams 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 alternative arrangements 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 exam board must consider any difficulties a student may have in presenting their knowledge and competencies in regular exam conditions due to illness or disability by granting them appropriate compensatory measures. The board has wide discretion in this respect.

At the same time, the board must ensure that the form of alternative arrangements 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), 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

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

*People with disabilities have physical, intellectual, or sensory impairments, or a mental disorder that, coupled with employment and environmental barriers, are likely to prevent them from participating as equal members in society for more than six months. An impairment according to Sentence 1 exists if the individual's physical and health condition deviates from the condition that is typical for the age of said person.*

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 impairments:  
Impairments due to damage to, or limitation of, support and locomotor organs
- Intellectual impairments:  
Cognitive impairments (perceptions, attention, thinking and learning processes as well as memory, disturbances when it comes to motivation, concentration, attention, and retaining information in the long term)
- Sensory impairments:  
Hearing and visual impairments
- Speech impairments (particularly relevant for oral exams):  
Impaired language acquisition, voice, speaking, and fluency
- Mental disorders:  
Personality disorders (disturbed perception of external reality), neuroses (mental disorders without a recognizable physical cause such as depression, anxiety disorders, phobias), addictions



Particularly when it comes to mental disorders, it can be difficult to differentiate between compensable diseases and non-compensable chronic conditions, see Point 3.3.2.



The impairment does not have to be officially recognized as a (severe) disability (severely handicapped pass).

### 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 Exam Board

The respective exam board decides on the outcome of applications for alternative arrangements. 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 exam board and the actual preparatory measures in the run-up to the exam take time. It is, therefore, recommended that students submit an application as early as possible, and certainly **no later than 6 weeks** before the exam 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 exam board to ascertain the specific health condition. The symptoms of the disability or chronic illness must be clearly specified. This lets the exam 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.

Attached is a template for a medical certificate that can be used to provide medical certification of a chronic illness or disability. The template can be provided to the physician, completed by the physician, and then submitted by the student to the exam board along with the request for alternative arrangements.

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 exam board reviews the measures that can be taken to compensate the condition described in the documents. In particular, the board checks that 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 alternative arrangements, it must be possible to ascertain the basis of this recommendation from the further details in the certificate.

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

When granting alternative arrangements, two components must be specified: the exam board must describe the alternative arrangements and determine the period for which they are to be granted.

### 4.3.1 Precise Form of Arrangements

The decision on whether to grant alternative arrangements and the precise form that they 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 **appropriate** to compensate for a candidate's specific health condition essentially depends on the explanations stated in the student's application and the documents submitted therein. **Appropriate alternative arrangements**, taking into account the principle of equal opportunities pursuant to Article 3 of the German Basic Law, requires that the measure is fundamentally **suitable** to compensate for the specific impairment with regard to the exam.

The following examples are not conclusive, but rather give a general idea of possible forms of alternative arrangements.

#### ➤ Extended Writing Time

The duration of the exam is extended by a certain period of time. Extending the writing time can be used to compensate for 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 exam time (regular time plus 10%–50%, rounded to 15-minute increments).

➤ **Breaks in the Exam Time**

The exam 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 Exam Room**

- seat in the front row with no neighbors
- separate exam room

➤ **Change of Exam Form**

The exam board approves a modification to the original form of exam. 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 Alternative Arrangements for Permanent Illnesses

Generally, no alternative arrangements may be granted for permanent illnesses. Case law generally assumes that when it comes to illnesses classified as permanent conditions, the scope of performance would be distorted by granting alternative arrangements because the illness causes a permanent restriction of performance, which co-determines the candidate's general scope of performance.

Only in exceptional cases is it also possible to grant alternative arrangements for a permanent condition that does not explicitly affect the competency that is to be assessed.

We recommend checking the following:

**(1) Does the individual have a permanent illness?**

Such conditions 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 not merely the demonstration of their existing performance ability.

For permanent and recurring illnesses, the crucial question to determine if alternative arrangements 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**.



**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.

## (2) What is the specific limitation?

The medical certificate is of particular importance here, once again.

## (3) Does the limitation affect the competencies that are to be tested?

If the impairment does not affect the competencies that are to be assessed and only makes it more difficult to prove the existing competencies and can also be compensated for in the intended profession by means of aids, this must be appropriately taken into account in the exam with alternative arrangements.

The following questions are to be addressed:

- What competency is to be assessed in the exam?
- Is this competency restricted due to the chronic illness or disability?

### **Taking the example of ADHD:**

**Susceptibility to disturbances by external influences** caused by ADHD does not constitute a limitation that affects the **performance that is to be assessed via a written exam**. Rather, the examinee must be able to solve the tasks set in a given time in a written exam format. Coping with disturbances is namely not a specific ability that is to be assessed in a written exam. It only affects the ability to demonstrate the generally existing performance that is to be assessed.

- Can the limitation also be compensated with aids in the intended profession?

If, after review, it is confirmed that the permanent illness can, as an exception, be compensated, a decision must be made on the specific form of alternative arrangements, see Point 3.3.1. When it comes to permanent illnesses, particular attention must be paid to ensure that appropriate and adequate arrangements are adopted.

### **Taking the example of ADHD:**

If the examinee is granted the opportunity to take an exam in a **separate room** (that does not have to be made available exclusively to the examinee alone, but can also be made available to other students to a reasonable extent), the candidate's excessive susceptibility to disturbances due to their condition would be adequately compensated for with regard to



ability to demonstrate their competency. Granting the alternative arrangement of a separate room does not contradict the purpose of the exam here.

On the other hand, an **extension of the exam time** would not be suitable. This would not change the examinee's susceptibility to disturbances, but may distort their scope of performance. The same applies, for example, if a separate room was granted as an alternative arrangement for oral group exams. As a rule, the individual's ability to demonstrate their competency in the presence and with the participation of other examinees is part of the assessment here.

### 4.3.3 Delimitation With Illness-Related Incapacity to Take an Exam (= Withdrawal)

No alternative arrangements 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 exam due to illness. Apart from the student's statement 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 exam and assess the candidate again at a later date?

If the answer is "Yes", it indicates that the condition is temporary and it would therefore indeed be appropriate for the student to withdraw from the exam.



In exceptional circumstances, alternative arrangements 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, the arrangements may not overcompensate for the limitation.

### 4.3.4 Granted Duration

Alternative arrangements are usually granted for a **maximum of 2 semesters**.

In exceptional circumstances, alternative arrangements 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. Outcomes of Granted Alternative Arrangements

The exam board informs the student of its decision with a written notification, which must include information on applicable legal remedies. If the exam 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 alternative arrangements are granted, the student must inform the respective examiner in good time, i.e. usually at least 3 weeks before the exam date. If it is not, or not fully possible, to implement

the alternative arrangements for organizational reasons, the examiner should take all reasonable measures to correspond as closely as possible to the nature and extent of the alternative arrangements that were granted. If it is still not possible to implement the arrangements to the extent they were granted, the student has to choose between taking the exam without alternative arrangements or postponing to the next exam date. If the candidate decides to postpone the exam attempt, all necessary organizational measures must be taken at an early stage to ensure that the granted alternative arrangements are implemented.

## 6. Legal Remedies

An appeal against the decision may be filed with the exam board. This applies both to cases where the application for alternative arrangements has been rejected and to cases where alternative arrangements have been granted by the exam 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 alternative arrangements for being insufficient, students are generally required to make full use of the granted arrangements within the bounds of what is possible and reasonable. This means that at least one exam should be taken adopting the granted measure(s) before the appeal can be successful.

## Form for Proof of a Chronic Illness or Disability (Medical Certificate) for Submission to the Exam Board – Alternative Study Arrangements (“Nachteilsausgleich”)

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### Information for Doctors

#### What Are Alternative Study Arrangements (“Nachteilsausgleich”)?

RWTH Aachen University ensures that students with a disability and/or chronic illness are not disadvantaged in their studies, but are appropriately supported according to their potential. For this reason, students have the right to apply for alternative study arrangements (“Nachteilsausgleich”) in their studies if they have a disability or chronic illness (see Article 3 and Article 20 of the Basic Law). Assessments can therefore be adjusted for the needs of **individual** students and their general study conditions can be improved.

#### What You Need to Consider

The exam board deciding on alternative study arrangements is usually not comprised of medical doctors. It is therefore important that even medical laypersons understand how the affected individual is restricted in the exam situation by their chronic illness or disability and the associated symptoms, and why alternative arrangements are therefore necessary in order to be able to take the respective exam with equal opportunities to other students.

#### Examples of Possible Arrangements

- Extension of deadlines (e.g. term papers)
- Modification of mandatory attendance rule
- More time to work during time-dependent academic assessments such as written exams (extending writing time)
- Breaks during a written exam
- Taking the exam in a separate room
- Seat close to the door (e.g. because of frequent bathroom trips)
- Changing the assessment format (e.g. an oral exam instead of a written exam – or vice versa) – it should be noted that the nature of the format must remain the same, which is why the conversion of a written exam into a term paper, for example, is not possible.
- Adapted documents (e.g. enlarged font)
- Use of aids

#### Structure of the specialist medical certificate

- (Rough) diagnosis & current treatments
- Impairment in the specific study or exam situation  
→Symptoms and effects
- Recommendation regarding the type of arrangement (e.g. extension of the writing time, breaks, separate room ...)  
→Percentages for quantitative data (e.g., writing time extension, breaks)
- Is there likely to be a change in the illness or should the arrangements apply to all exams in the individual’s studies?

**Declaration of the Doctor**

Ms./Mr. \_\_\_\_\_, born \_\_\_\_\_, with student ID number \_\_\_\_\_, residing at the following address: \_\_\_\_\_.

I hereby certify that the individual has the following chronic illness or disability (with ICD):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The illness results in the following treatments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The health impairment has the following **impact on the exam**:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

This results in the following recommendations for alternative arrangements (with justification):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For quantifiable information (e.g., increased working time, breaks), the arrangements are required at \_\_\_\_\_ percent.

\_\_\_\_\_  
**Date, Official Stamp, Doctor's Signature**