

## Information on the Procedure When Illness Prevents you from Sitting Exams

In the event of illness, regaining your health is generally more important than the examination. Therefore, only take part in examinations for which you feel physically able.

If you cannot take an exam for health reasons or have to discontinue an exam while it is in progress, the following procedures must be followed. In accordance with Section 9 (1) sentence 2 RaPO (Framework for Examination Regulations for the Universities of Applied Sciences in Bavaria), an exam is deemed to have commenced once the examination task is assigned.

According to Section 9 (3) RaPO, an **illness relevant to the exam must be reported immediately in writing and substantiated by a qualified medical certificate**. Immediately means as soon as it is reasonable for you in view of the situation, but no later than three days after the exam has taken place.

The notification must be made in writing to the Examinations and Internships Office (Referat Prüfungen und Praktikum). Notification by e-mail, SMS, fax or telephone is excluded and will therefore not be considered.

### 1. Non-participation in an exam due to illness (before the exam begins)

Before the start of the exam (= before the tasks are assigned), the examination supervisor should explicitly ask, in the case of written/oral examinations, whether all candidates feel able to sit the exam. If you report your inability to sit the exam immediately after this question, the exam will be considered not to have started.

The exam is also considered not to have taken place if you leave the examination room again before the task has been assigned or if you do not appear for the examination.

Please note that if you are **sitting an exam for the first time**, your withdrawal from the exam will have no consequences. This does not apply if it is an exam that is subject to a fixed deadline. For example, according to Section 8 (2) RaPO, basic and orientation exams must be taken for the first time by the end of the second semester. In order to ensure that withdrawal before the start of the exam has no consequences, please take note of the regulations in the framework for **examination regulations for the universities of applied sciences** (RaPO), the provisions of the **general examination regulations** of the OTH Regensburg (APO) and the relevant **study and examination regulations** (SPO). All legal provisions are made available to the public at universities. You can find them under:

oth-regensburg.de→hochschule→organisation→rechtliche-grundlagen→satzungen-und-ordnungen.  
(available only in German)

If in doubt, please contact the Examinations and Internships Office (Referat Prüfungen und Praktikum) immediately.

If the exam is subject to a fixed deadline - repeat exam or basic and orientation exam - you can submit a **request to grant an extension of an exam deadline** together with the necessary supporting documents to the responsible examination board. Please note **Section 8 (4) and Section 9 (3) RaPO**. You will find the application form under:

<https://www.oth-regensburg.de/en/study/organising-your-study/examinations.html>

The application, together with a qualified medical certificate, must be submitted to the Examinations and Internships Office (Referat Prüfungen und Praktikum)

### 2. Withdrawal from an exam while it is in progress

If an illness first becomes apparent during the exam, you can stop the exam under the following conditions:

- Inform the examiner explicitly that you are stopping the exam for reasons of health. The exam supervisor must note the interruption of the exam due to illness in the exam protocol.

- Then seek medical treatment immediately. You will also need a qualified medical certificate in order to be able to submit a **request for withdrawal from an exam**.
- Report your illness immediately to the Examinations and Internships Office (Referat Prüfungen und Praktikum), where you are required to hand in your request for withdrawal and the medical certificate. Notification by e-mail (scan!) or by post is sufficient.

You can find the application here:

<https://www.oth-regensburg.de/en/study/organising-your-study/examinations.html>

If you are no longer able to visit a doctor for health reasons, an emergency physician must be notified by the examination supervisor.

Please note that you bear the burden of proof that you are unable to sit the exam due to illness. It is not the doctor who decides whether an illness is relevant to the exam, but the examination board. The medical certificate must therefore always be dated from the day of the exam itself. **Certificates issued at a later date are of no relevance.**

Immediately also means, in the event that an exam is interrupted while in progress, as soon as it is reasonable to expect the candidate to do so, but at the latest on the third day after the exam has taken place. If your general practitioner cannot be reached, you must go to another doctor for a medical consultation. If you are hospitalized, you must submit a confirmation from the hospital.

**If your request does not constitute sufficient grounds for withdrawal, the exam is considered to have been taken and will be graded.**

### 3. Requirements of a medical certificate

As previously explained, it is not the physician but the examination board that determines whether an illness relevant to the exam is present. The decision is made by the examination board on the basis of a medical certificate which contains at least the following information:

- confirmation that the medical certificate is based on a medical examination completed by the undersigned physician personally,
- the date of the medical examination,
- the description of the current physical, mental and/or psychological functional disorders, which are due to illness and at the same time relevant to the exam, from a medical point of view. This description must be sufficiently precise and comprehensible so that the university can conclude from it whether the student was indeed unable to sit the exam on that day, and
- the onset and probable duration of his or her inability to take part in an exam.

The mere reference to an inability to sit an exam is just as insufficient as a certificate of incapacity to work. **Neither is recognized.**

It is not necessary to give a diagnosis, but the disorders must be described in sufficient detail to enable the examination board to determine how precisely they affect the ability to sit the exam.

*An illness which results in inability to sit an exam is to be assumed if the candidate suffers from considerable health restrictions which obviously reduce his or her performance capacity. The impairments must be acute as well as anticipated to be temporary. Serious illnesses which are not associated with significant symptoms at the time of the exam therefore do not result in inability to take part in an exam (Haase, Das Mandat im Prüfungsrecht, in: Johlen/Oerder (Hrsg.), Münchner Anwaltshandbuch Verwaltungsrecht, 4th edition, Munich 2017, § 16 Rn. 292).*

Consequently, an inability to sit an exam is not present if an illness occurs at intervals and the exam takes place within a period without symptoms. Similarly, **permanent and chronic illnesses** are generally irrelevant.

*So-called permanent illnesses are also of no relevance in terms of examination law. These are chronic, irreversible diseases. Unlike temporary health restrictions, they do not falsify the true performance picture of the candidate, but rather characterize it: because of their incurability or the incalculability of a cure, permanent illnesses affect the person of the candidate with regard to his/her life destiny (Haase, Das Mandat im Prüfungsrecht, in: Johlen/Oerder (Hrsg.), Münchner Anwaltshandbuch Verwaltungsrecht, 4th edition, Munich 2017, § 16 ref. no. 293).*

**Exam anxiety and exam stress** likewise do not justify a withdrawal from the exam due to illness.

In principle, medical certificates from private physicians are recognized, however, the examination board can, according to Section 8 (4) sentence 6 RaPO, also require a medical certificate from an official physician in justified cases. The costs for an official medical certificate are to be borne by the examinee.

#### **4. Obligations to cooperate**

In the examination procedure, the examinees are subject to certain obligations to cooperate. It is your responsibility to **seek information independently about the regulations relevant to you**. You must also ensure that the physician treating you provides the information required for the medical certificate and that this certificate is **brought to the attention of the examination board without delay**. If the required information is not submitted, the examination board cannot decide on your ability to sit an exam.

Before starting an exam, you have to decide for yourself whether you feel up to the exam situation or not. However, if you enter the exam situation knowing that you have an illness and sit the exam, you make a conscious risk decision, the consequences of which you will have to bear if you fail. It is therefore not possible to refer to the illness relevant to the exam at a later date.

**The consideration of illness-related impairments AFTER the grades are announced is excluded.**

All letters, requests and certificates are to be submitted in original. Since you bear the burden of proof of receipt, it is advisable to send them with confirmation of dispatch. **A mere telephone or electronic communication is under no circumstances sufficient. However, you are welcome to send your request to defer an exam / withdraw an exam by e-mail (please use a student e-mail account) to the person in charge. You can find the contact details of your representative in the Examinations and Internships Office (Referat Prüfungen und Praktikum) at:**

**<https://www.oth-regensburg.de/en/study/organising-your-study/examinations.html>**

**Abt. III, Stand: 07.05.2020**