

**Information on what to do when you cannot take an examination due to illness
(updated September 19, 2017)**

The examination regulations for different programs at Universität Regensburg provide for the possibility of withdrawing from an examination for reasons beyond your control. This latter includes illness as a main case.

The precondition is presenting of both a medical certificate and a written declaration of the withdrawal to the relevant examination office without delay.

Calling or sending a simple email declaring the withdrawal in advance is **not necessary**, as a withdrawal by telephone or email is **not possible**. Please also do not send any fax in advance.

The decision to withdraw from a registration for an examination due to illness is, as a basic principle, to be made before starting the examination. This means if one's performance is limited, one must decide whether one is in the right position to take part regardless **before** the examination. Indeed, discontinuation of the examination (withdrawal during the examination) is, against this backdrop, only possible when the illness can be shown to have arisen during the examination or to not have been noticeable before it. Withdrawal from an examination is not possible as a basic principle, as a candidate would in this way obtain an unjust advantage over the other students.

A medical certificate can, as a basic principle, only be recognized if the **medical examination** was undertaken **on the day of the examination** being withdrawn from at the latest.

The medical certificate must be presented to the examination office along with the **declaration of withdrawal** without delay. It is generally reasonable to send the medical certificate to the examination office on the day of the medical examination (or at the latest on the following day). Should a person not be able to leave their dwelling due to the specific illness, the documents must be sent as soon as the illness has improved enough to make this possible. The postmark is valid for deliveries by post. Personal submission to the examination office is, therefore, not necessary.

The contents needed in a medical certificate:

Whether the candidate is unable to take an exam is, according to the established case law of the administrative courts, a question of law (see BayVGH Az. 7 CE 13.181, VG Hamburg Az. 2 K 6510/15). This means that such decisions are **not made** by the doctor (as they are, for example, for employees) but rather by the examination board responsible on the basis of the medical certificate presented by the candidate. A certificate of incapacity for work called an "AU" in German or "Arbeitsunfähigkeitsbescheinigung", often informally referred to as a "gelber Zettel", is not a medical certificate in this sense, and thus is not at all sufficient for a withdrawal from an examination due to illness.

The medical certificate, therefore, needs to give a description of the **symptoms** which are present on the day of the exam which are both the result of illness and relevant for the examination. Further, this description must be concrete and comprehensible enough that a non-medical person can judge

whether a substantial limitation is placed on the candidate's abilities on the day of the examination due to the illness shown, and thus whether the candidate is unable to take the examination. The doctor is able to give further details on the type and extent of the illness diagnosed should they be freed from their duty to confidentiality by the patient. Such a disclosure of the diagnosis is, however, not necessary.

On the other hand, it is indispensable that the medical certificate names the circumstances which, from a medical point of view, hinder the candidate from undergoing the examination (for example: necessary bedrest, acute dizzy spells, objective incapacity to get to the place of examination or to take the examination without significant discomfort or making the illness worse). The medical certificate should also note whether the candidate is unable to take the examination from a medical point of view.

The Federal Administrative Court has determined that a significant impairment of ability due to illness can only lead to an inability to take an examination if it is **not caused** by a psychogenic reaction to the examination procedure (examination anxiety). This cannot be excluded, in particular, for complaints in the stomach and intestinal area, so that in such cases, a statement on this is indispensable in the medical certificate. Even when exam anxiety leads to impairment of the ability to concentrate or rapid tiredness, it **does not provide** grounds for an inability to take an examination.

Special situations:

In cases of substantiated doubt, the examination board may require an official medical certificate. There is generally substantiated doubt when a candidate has already withdrawn twice from the same examination for health reasons, or when there have been a large cumulative number of withdrawals from examinations overall.

Alternatively, a medical certificate from a **medical officer of Universität Regensburg** can be demanded. For medical officers of Universität Regensburg, the extent of the details can be reduced in cases where a medical certificate from another doctor can be referenced and these details merely confirmed.

The medical officers of Universität Regensburg are the following doctors employed at the University Hospital:

Dr. Michael Selgrad, Clinic and Policlinic for Internal Medicine I

Prof. Dr. Bernhard Unsöld, Clinic and Policlinic for Internal Medicine II

Prof. Dr. Lars Maier, Clinic and Policlinic for Internal Medicine II

Students may visit the medical officers of Universität Regensburg without prior instruction by the examination board.

Permanent conditions (Dauerleiden) **do not provide** reasons for withdrawal from an examination, as such a condition does not distort the ability of the candidate. A condition is to be classed as a "Dauerleiden" if the medical limitations are permanent, i.e. in particular for chronic irreversible diseases.

Finally, we note that a candidate is obliged to cooperate with the examination procedure. For this reason, the student is obliged to make all information available to the examining authorities, which is relevant for legal decisions concerning the examination. This obligation is not lifted by the data protection provisions. If a candidate cannot or does not present the documents necessary, the desired decision cannot be made. For this reason, valid grounds for withdrawing from the examination cannot be recognized. The examination would be considered missed and failed.

The effects of a declaration of withdrawal under examination regulations:

If a withdrawal is recognized, then the examination in question will be recorded in FlexNow as "**illness shown**" (anerkannte Krankheit). This will take place in about one to two weeks after the receipt and examination of the **declaration of withdrawal**.

When an examination **is recognized** as withdrawn from due to illness, the examination counts as not taken. This means that:

- If it is a **first attempt**, the examination can be taken on the next regular examination date. The examiner responsible or, as necessary, of the examination office should be asked whether further examination dates can be offered in the meantime in which one can participate as a first attempt.
- If, on the other hand, the examination withdrawn from was a **retake**, then the retake deadline is extended to the next date on which the retake is offered. Please inquire when the next examination will take place.

If a withdrawal **is not recognized**, then the examination in question will be recorded in FlexNow as "5.0, did not attend" (Versäumnis). If attempts at the examination can still be made, the retake deadlines from the relevant examination regulations hold.

If you have any questions, please contact:

Admin. Division I/5 (Examination office)

- Mr Pflügel (Tel. 0941 943-2292, norbert.pfluegel@ur.de)
- Mr Lang (Tel. 0941 943-1751, tobias.lang@ur.de)

Admin. Division I/2 (Study-Related Legal Affairs)

- Mr Schäffner (Tel. 0941 943-5523, daniel.schaeffner@ur.de)
- Ms Dörr (Tel. 0941 943-2318, ariane.doerr@ur.de)
- Frau Breininger (Tel. 0941 943-5522, teresa.breininger@ur.de)
- Frau Schrödinger (Tel. 0941 943-5387, susanne.schroedinger@ur.de)

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