

## Handout for lecturers and staff in examination offices / committees on applying for compensation of disadvantage in caring for children or relatives

### General information

Against the background of the legal basis (see below), the University of Siegen must ensure that students with family obligations can complete their studies in the same way as other students and participate on an equal footing. If students can credibly demonstrate disadvantages in the performance of services, they are to be granted individual compensation of disadvantage in the performance of coursework and examination results. Students may be asked to provide evidence to this effect.

This compensation of disadvantage will be drawn up on the basis of the student's individual needs at the student's request in cooperation with the examiner and the relevant examination board. Information on this can be obtained, for example, from the Equal Opportunities Officer and Family Service Office. In case of doubt, expert advice can be obtained from the Legal Department.

Lecturers and staff should make students with care obligations aware of the possibility of compensation of disadvantage.

### Compensation of disadvantage

If the applicant credibly demonstrates that he or she is unable to take the examination in the scheduled form or time due to family care or nursing responsibilities, the examination board shall allow equivalent examination or study achievements to be completed in a different time or form. Compensation of disadvantage takes into account the individual situation of the student. From the point of view of equal opportunities for students under examination law, however, it must not result in students being placed at a disadvantage compared to other students. Therefore, a case-by-case review is always required.

The application must be submitted to the Examination Office in good time, in the case of requested examination modifications already at the time of registration for the examination. A later application is permissible if the specific impairment on the basis of which the examination modification is requested does not occur until after the registration deadline. However, the application must then be submitted immediately, i.e. without culpable hesitation after the concrete impairment has occurred.

Compensation of disadvantage may not reduce the entitlement to benefits, but are intended - taking into account the principle of equal opportunities under examination law - to take into account care/care-related special features and to prevent resulting difficulties or disadvantages. Therefore, they may not affect the evaluation of examination results and may not be included in report cards or performance appraisals.

## Regulation options

For students with proven care and nursing obligations, disadvantage-compensating measures are possible, which are oriented towards the frequently expressed needs of students with child(ren) and/ or caring responsibilities. Within the legal framework, in particular taking into account the examination law principle of equal opportunities, the examination board is free to make arrangements. For example, this can be an extension of the processing time or an examination/study performance can be provided in a different form than originally planned or the examination date can be postponed or another one offered.

Students can refer to deadlines for maternity or parental leave, but they do not have to. However, these deadlines must not prevent the examination procedures from being carried out against the student's will.

## Opportunity to comment

At the request of the examiners, an opinion can be sought from the Family Service Office and/or the Equal Opportunities Officer.

## Legal basis

Along with the general task of accommodating the diversity of its members, the currently valid Higher Education Act of North Rhine-Westphalia mandates the universities to take into account the special needs of students with children and expects the universities to actively promote the compatibility of studying and raising children. The special needs of those caring for dependents must also be taken into account.

### **§ Section 3 of the Higher Education Act (HG) regulates:**

*(4) In the performance of their duties, the institutions of higher education shall promote the actual implementation of equal rights for women and men in the institution of higher education and shall work towards the elimination of disadvantages that affect women. Gender-specific effects shall be complied with in all proposals and decisions (gender mainstreaming). The institutions of higher education shall take due account of the diversity of their members (diversity management) and the legitimate interests of their staff in good employment conditions.*

*(5) Institutions of higher education shall cooperate in the social promotion of students. They take into account, with reasonable accommodation, the special needs of students and employees with disabilities or chronic illness or with responsibility for close relatives with care or support needs, as well as with children. They shall promote the compatibility of study, work and education for students and employees with children, in particular by providing appropriate care for these children. They perform the tasks of vocational training in accordance with the Vocational Training Act. They promote sports and culture in their area.*

Furthermore, in its basic regulations, the University of Siegen makes the promotion of family and parent-friendly higher education its order and the task of the entire institution of higher education.

**§ 3 Fundamental Principles of the University of Siegen of 30 September 2020/13. Mai 2015 regulates:**

- (4) *In addition to § 3 HG, the university shall perform the following tasks: [...].*  
6. *the promotion of family and parent-friendly higher education, [...].*

The framework examination regulations for a Bachelor's and Master's degree program at the University of Siegen contain provisions on the consideration of maternity and parental leave as well as other periods of absence for the group of students with family responsibilities. By the 2nd regulation for the amendment of the framework examination regulations of June 24, 2022 (RPB-O) for the Bachelor's program as well as the Master's program, the compensation of disadvantage was also included namely in § 19 (3) of the framework examination regulations.

**§ Section 19 Family regulation, protection regulations, lost work time dated June 24, 2022/01. August 2018 regulates:**

- (1) *At the request of a candidate, the maternity protection periods as specified in the Maternity Protection Act in force from time to time shall be taken into account accordingly. Maternity leave periods interrupt any time limit of these examination regulations and the FPO-B; the duration of maternity leave is not included in the time limit.*
- (2) *Likewise, the periods of parental leave in accordance with the applicable Federal Parental Allowance and Parental Leave Act shall be taken into account upon application. The candidate must inform the responsible examination board no later than four weeks before the date from which he/she wishes to take parental leave for which period or periods he/she wishes to take parental leave.*
- (3) *Upon request, periods of absence due to the care of spouses, registered partners, relatives in a direct line or first-degree relatives may also be taken into account if they are in need of care or support (compensation of disadvantage). The application must be submitted immediately after the conditions have been met.*
- (4) *Applications must be accompanied by the evidence required for consideration for examinations.*

In the event of restrictions on participation in courses, participation, and where applicable the associated access to take examinations, shall be governed by rules regulating participation in courses.

**§ Section 2 of the Rules Governing Course Attendance reads:**

2. *A distribution of registrations to a course is made in the order of the following criteria:*
  - a. *Hardship cases, in particular illnesses, chronic diseases or disabilities, the care of a spouse, a registered partner or a relative in the ascending line or first degree in-laws as well as the care of minor children. The decision is made in individual cases by the Dean of Studies.*

## Procedure chart

The following chart is intended to clarify the entire procedure once again:

