



## **Illness Protocol**

**Nyenrode Business Universiteit**

Academic Services Center  
Exam Committee Accountancy, Controlling and Fiscal Law  
Exam Committee General Management  
Exam Committee Nyenrode New Business School

*Adopted by the Exam Committees April 20, 2018.*

## **Mitigating circumstances, illness and pre-existing conditions protocol.**

### **1. Cases in which students can invoke the illness protocol**

- a. A request for an additional exam opportunity when a new exam opportunity is not offered in a reasonable time frame or if the exam is offered less than two times a year. Please note that in case of exceedance of allotted study time (when applicable) the illness protocol cannot be invoked, but the usual procedure for objection is to be followed;
- b. A request for postponement of dead lines
- c. Establish that mitigating circumstances exist, that might influence study progress and/or require additional arrangements

### **2. 'Fit to sit' policy and mitigating circumstances**

- a. The University operates a 'fit to sit' policy, which means that if you submit a piece of coursework or sit an exam and/or in-class test etc. you have deemed yourself fit to do so. It is your responsibility to determine if you are fit to participate in assessment or if a mitigating circumstances claim should be submitted. You cannot submit a mitigating circumstances claim for poor performance in assessment(s).
- b. Where a student is unfit to make reasonable judgement on their ability to undertake assessment, due to mental illness or other exceptional circumstances, or is taken ill during an examination, a mitigating circumstances claim may be submitted where this can be supported by original medical evidence.
- c. Mitigating Circumstances are serious unforeseen, unpreventable circumstances that significantly disrupt student performance in assessment. As a student, you are expected to plan your work so you can meet assessment deadlines at the same time as other obligations you may have both inside and outside the University. The mitigating circumstances process should only be used if you experience significant disruption to your studies due to circumstances that were unforeseen and out of your control.
- d. A mitigating circumstances claim should be submitted if valid detrimental circumstances result in:
  - a) the late or non-submission of coursework; or
  - b) non-participation in assessment and/or non-attendance of examination(s);
- e. There are four absolute conditions for a mitigating circumstances claim to be taken into consideration by the Exam Committee, and failure to meet one or more of these will mean your claim is rejected. Your original, independent documentary evidence must be submitted as soon as possible and demonstrate that the circumstances:
  1. were unforeseen
  2. were out of your control and could not have been prevented
  3. relate directly to the timing of the assessment
  4. meet the relevant specific conditions relating to documentary evidence (see articles 2b and 4 below)

It is the student's responsibility to ensure that their application meets all of the absolute conditions above.

- f. The confidential nature of information provided by students in support of an application for consideration of mitigating circumstances will be respected by the University in compliance with data protection law. Confidential information will only be shared with

the relevant individuals within the University on a 'need to know' basis, all of whom are required to keep applications securely to avoid unauthorized access or other breaches of information security. All claims and evidence will be kept by the University for the duration of time as stated in the University's Records Retention Policy after which the evidence shall be destroyed.

- g. In all cases, claims must be substantiated by original independent documentary evidence. This must be an official document e.g. a letter signed on official headed paper, and must include the dates during which the circumstances applied. A digitized version of an original is acceptable. Documentary evidence must be presented in Dutch or in English and, where required, translations must be provided using an authorized translator. Copies of documentary evidence, other than officially certified copies of death certificates, will not be accepted. The University reserves the right to check the authenticity of all documentation submitted as part of a mitigating circumstances claim. Please note: Any student who submits documentation that is not authentic will be investigated in accordance with the Academic Misconduct regulations.
- h. A student may seek a supporting statement from their Personal Tutor (or other suitably qualified member of University staff), in order to help them to articulate their claim, if that individual is aware of the circumstances and their effects, although this cannot, in itself, constitute independent documentary evidence.

### **3. Illness**

A student claiming that illness will interfere or has interfered with his/her study and/or exam results is obliged to notify Program Management and the Exam Committee about this as soon as possible. A doctor's statement, or documentation that provides equivalent information, needs to be submitted to the Exam Committee.

- a. A doctor's statement should:
  - i. Contain a written statement in words (so for instance not the results of a blood test) signed by a general practitioner (huisarts) or medical specialist;
  - ii. describe the medical condition (i.e., name of the disease, condition or disability);
  - iii. state the period during which the medical situation applies;
  - iv. provide a link between the medical situation and the disability to study and/or participate in an exam. (see also article 4 below)
- b. The Exam Committee can decide that other ways of establishing the illness are acceptable if the circumstances indicate this.
- c. If illness prevents a student of attending the exam he/she should notify Program Management as soon as possible. Request to the Exam Committee for another exam opportunity will only be taken into consideration if proof is submitted that Program Management was notified in a timely fashion.
- d. If illness occurs at the start of or during an exam the student is obliged to notify the proctor/invigilator at once. The proctor/invigilator will make a note of this and afterwards will inform Program Management and the Exam Committee of the situation. Please note that due to the 'fit-to-sit' policy (article 1a above) this situation is only applicable to very sudden, drastic circumstances preventing the student to finish his/her exam .
- e. The student who wants to claim that he/she was ill at the start of or during an exam must send a request to the Exam Committee as soon as possible (i.e., at the first

possible opportunity; and, extraordinary circumstances excepted, not later than a week after the occurrence of the situation) and ask the Exam Committee to evaluate the circumstances and decide upon the actions to be taken. If the student has specific requests, these should be stated as well.

- f. The Exam Committee will, as a rule, not consider cases:
  - i. In which the student has not notified the proctor/invigilator before the start of or during the exam about the interfering illness.
  - ii. in which the student claims that illness has interfered with their exam results, when this claim is made after the exam is finished and has been submitted by the student.
  - iii. in which the student claims that illness has interfered with their exam results when this claim is made after the publication of the results of the exam concerned.
- g. The Exam Committee will notify the student and Program Management about its decisions as soon as possible, but not later than 15 working days after receiving the students claim that illness has interfered with his/her ability to study or to make an exam, as stated in article 33 of the General Statute/NNBS procedure guide.

#### **4. Pre-existing conditions, such as chronic illness**

- a. The University is sympathetic to students with pre-existing conditions, such as chronic illnesses (i.e. conditions already existing at enrollment in the program). However students must determine for themselves whether they can comply with the requirements of their chosen program. The integrity of the University's academic awards is established through the validation of the assessment requirements for the program and these cannot be varied to suit the circumstances of individual students.
- b. Within the scope of this protocol a pre-existing condition is either an illness that is a more or less a lifelong condition (such as Diabetes Mellitus) or a condition which takes a long time to recover from (such as most forms of the illness of Pfeiffer).
- c. Students with pre-existing conditions (such as chronic illness) are required (strongly advised) to notify both Program Management and the Exam Committee concerning their condition in a timely fashion (Of course , in adherence to the prevalent Dutch and European privacy laws, all personal information is handled as confidential):
  - If a student already suffers from a pre-existing condition at the start of the program he/she is required to inform Program Management and Exam Committee at enrolment. A doctor's statement (or equivalent documentation) concerning the illness needs to be submitted by the student.
  - If a student is of the opinion that his/her pre-existing condition will not interfere with his/her ability to follow and successful complete the program , the student is strongly advised to notify both Program Management and the Exam Committee of the existing condition beforehand, in case that things prove to be otherwise.
  - If a student develops a chronic illness or comparable condition while enrolled in the program he/she is required to notify Program Management and the Exam Committee as soon as the illness has been established. A doctor's statement (or equivalent documentation) concerning the illness needs to be submitted by the student.

The Exam Committee has the possibility to decide beforehand on specific conditions for the student concerning assignments and exams. The Exam Committee notifies the student and Program Management about its decision(s); Program Management is responsible for implementing the conditions specified. Please note that suffering from a pre-existing condition *as a rule* does not automatically lead to adjustments in exam conditions for the student involved.

- d. If the pre-existing condition interferes directly with the exam performance (for instance a black out due to diabetic conditions) the Exam Committee will take into consideration to give the student involved an extra opportunity for the exam, provided the following conditions are met:
  - a. The student has indicated in a timely fashion that he/she suffers from a pre-existing condition (see art. 3c above)
  - b. The student has indicated during the exam to the proctor/invigilator that his/her pre-existing condition is causing problems. The student then preferably should stop working on the exam and leave the room.
- e. If a student claims that a pre-existing condition has interfered with his/her exam results, but the student did not notify Program Management and Exam Committee in a timely fashion about the pre-existing condition (see art. 3c above), the Exam Committee will review the case as it would do in cases of non-pre-existing condition (see art. 2a-g above).

## **5. Independent documentary evidence**

- a. Medical conditions
  - Circumstances relating to illness or injury must be independently verified by the person, practice or institution that diagnosed or assessed the illness/injury at the time it occurred. Statements that a student reported that they were ill, or which do not include a clear diagnosis, will not be accepted.
  - In the case of evidence relating to medical conditions, this must take the form of a medical certificate or doctor's letter that is either obtained at the time of the illness or evidence that makes it clear that the student was unwell at the time. The evidence must state the time and duration of the illness and include a clear medical opinion
  - A note from the doctor indicating that the student told them they were unwell will not normally be accepted; and
  - Self-certification cannot be accepted;
  - Counsellors and Psychiatrists with a recognized professional qualification may be asked to provide a confidential statement.
  - Medical conditions which prevent attendance must be supported by written evidence from a Medical Practitioner.
  - Written evidence from Complementary Therapists will only be considered where the University is satisfied that the therapist is a member of a recognized professional body.
  - Pregnancy. Whilst pregnancy itself is not considered to be a mitigating circumstance, there may be circumstances where pregnancy-related issues (e.g. medical conditions associated with the pregnancy) impact on a student's studies/assessment. In these cases, the student must use the mitigating circumstances procedure to report them to the university (and provide appropriate supporting evidence, which can be submitted in confidence, if necessary).
- b. Bereavement
  - Where the mitigating circumstances relate to the death of someone related to or known to the student, the University normally requires an (digitized) authentic funeral card (i.e. not a copy) to be presented in a timely fashion. If there is any doubt a death

certificate or an officially certified copy of a death certificate, or equivalent official document needs to be provided.

- Where a student has been affected by a death of someone other than a partner, parent, child or close family member, the University requires the student to explain the relationship to the deceased and the impact upon their studies.
- Bereavement will normally be considered to cover assessments from the moment the student has been notified of the death up to and including the week in which the funeral has taken place. If a student feels they have been affected by a death beyond this period they will need to provide additional evidence to indicate how the death has significantly disrupted their performance in assessment e.g. a doctor's certificate.