

# Requests for exemptions claiming extenuating circumstances

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This document is subject to regular review. To make suggestions for improvement or to share feedback, please contact the University's Education quality team at [quality@uni.lu](mailto:quality@uni.lu).

Access: [https://intranet.uni.lu/the\\_university/tr/Pages/VRA-Documents.aspx](https://intranet.uni.lu/the_university/tr/Pages/VRA-Documents.aspx)



# Scope of the procedure and policy statement

This procedure applies to requests for exemptions from academic rules and regulations that are justified through extenuating circumstances. Extenuating circumstances are conditions beyond the control of the student, exceptional, and impacting on the student's ability to comply with the rules in question.

Accepting claims for extenuating circumstances allows the University to suspend or delay the application of rules, to refrain from application of rules, or to revoke decisions, if such application or decision causes/would cause unreasonable hardship or harm to the student or would otherwise infringe on the student's fundamental rights; or in order to amend consequences of misconduct/malpractice or error on the part of the University. The instrument should be used only where other instruments are not available. It is not, however, a general source of exceptions or generic instrument for granting exemptions of last resort.

With the entering into force of this procedure, requests for exemptions from academic rules sent to the email address 'Derogation@uni.lu' ('*dérogations*') are no longer accepted. The address will be deactivated as of 20.09.2021.

The procedure concerns:

- Users of the University in the sense of article 1, 11° and 12°, of the law of 27 June 2018 (amended) on the organisation of the University of Luxembourg (hereinafter the "Law")
- Applicants to a study programme of the University
- Persons teaching at the University (members of the academic staff and external teaching staff<sup>1</sup> and any other person assuming teaching duties at the University)
- Study Programme Directors
- Boards of Examiners
- Study Programme Administrators (SPA)
- The Student Department (SEVE) and the central administration more generally
- Faculties and Interdisciplinary Centres
- The University of Luxembourg Competence Centre
- Members of the Rectorate

In applying this procedure, the University commits to observing the following principles:

- **Subsidiarity:** A request is only treated at a more central level if decision-makers at the local level are not formally authorised, are potentially prejudiced, or are otherwise not in a position to treat the request.
- **Hierarchy of instruments:** The same request is treated with only one instrument at a time (no parallel processes of dealing with the same request). Where the use of several instruments is possible, decisions are taken in a defined order.
- **Uniformity:** Requests of the same type are treated equally and in the same order of escalation.
- **Efficiency:** Requests are instructed and channelled such that the chances of rejection on formal (procedural) grounds are reduced as far as possible.

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<sup>1</sup> 'Corps professoral', 'assistants-chercheurs' or 'enseignants-chercheurs associés' in the sense of the Law.

# Claiming extenuating circumstances

In case of exceptional circumstances **beyond the control of the student** that prevent the student from complying with one or several academic rules or study obligations, students can submit a request for **exemption(s) claiming extenuating circumstances**. The University accepts such requests for exemption under the following conditions:

1. The student addresses the request by letter to the Vice-Rector for Academic Affairs. The letter must contain the requester's full name, study programme, and student ID. It must also refer to the rule and, if applicable, the decision from which the requester wishes to be exempted.
2. The request is motivated and contains evidence of exceptional circumstances **beyond the control of the requester** that effectively have prevented or can reasonably be expected to prevent the requester from complying with the concerned rule or that would cause unreasonable hardship for the requester if the rule were lawfully applied. These circumstances must be documented as far as possible.  
Extenuating circumstances:
  - a. have an external origin and are beyond the control of the person affected;
  - b. affect the requester as an individual, i.e., are not of a general nature that concerns large parts of the student population;
  - c. are unique and do not occur regularly or frequently;
  - d. last for a sufficiently long time or have lasting consequences that affect the ability of the requester to follow his or her studies.
3. The request is submitted within fifteen (15) days of the occurrence/onset of the circumstances that motivate the request.

Justified absences from individual exams, e.g., as a consequence of short-term illness, are usually not considered extenuating circumstances and should be requested directly to the responsible Course Coordinator in accordance with the University's procedure on student assessment.

The University will not accept the following types of requests:

- Requests that are unmotivated.
- Requests that are submitted after the indicated deadline, unless the requester can demonstrate that compliance with the deadline was, for reasons related to the circumstances evoked, not possible.
- Requests that refer to circumstances which the requester would have been able to prevent, in accordance with his or her general duty of care.
- Requests that refer to circumstances which the requester was/would have been able to foresee or has effectively foreseen and the consequences of which could have been avoided, e.g., through application for a leave of absence.
- Requests that materially are appeals against academic decisions in the sense of article 48 of the Law. Such appeals should be submitted in accordance with the University's procedure for academic appeals to the body that has taken the respective decision (non-contentious appeals/ *'recours gracieux'*) or to the University's Dispute Committee (formal appeals).

The University encourages students affected by exceptional circumstances to contact the [Student Services](#) of the Student Department (SEVE). The service can support students in coping with the situation, help them understand whether their situation could qualify as extenuating circumstances, and assist them in preparing the request.

Upon receipt of a request for exemption claiming extenuating circumstances, the Vice-Rector for Academic Affairs assesses whether the request is admissible and, if the case, forwards the request to the competent decision-making body, if applicable.<sup>2</sup> For decisions regarding student progression, e.g., this is usually the Board of Examiners of the respective study programme.

The University commits to treating requests within thirty (30) days of receipt. The University treats all requests confidentially. The competent decision-making body informs the requester of the decision by email to his or her student email account or by registered letter.

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<sup>2</sup> Requests for exemptions claiming extenuating circumstances addressed by students directly to Programme Directors, Boards of Examiners or other Faculty staff/committees and received by the respective persons should be communicated to the Vice-Rector for Academic Affairs. This is to guarantee that the information reaches all concerned (e.g., the Student Department) and to ensure that requests are treated by the competent body of the University.

The letter outlines as far as applicable and possible the consequences of the decision, including specific arrangements regarding the continuation of studies. The decision is also communicated to the respective study programme (Study Programme Director and Study Programme Administrator), the Student Department (SEVE) and the Vice-Rector for Academic Affairs.

In case the request is approved, the approving authority will take the necessary steps to exempt the student from the rule or cancel the decision and inform all parties concerned.

If the request is rejected, the requester has the right to appeal against the decision in accordance with the University's appeals procedure. The requester must be informed of this right together with the decision.