



Checklist for studying with a child

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1. OBJECTIVES

This checklist gives students with children a clear overview of the regulations, measures, provisions and contacts in place to help them study successfully.

Students with caring responsibilities can access support with different issues in the following places:

- ✓ Office for Equal Opportunities, Family Affairs and Diversity (advice and childcare)
- ✓ Academic Registry (applying for leave of absence)
- ✓ Academic Advisors (structure of studies)
- ✓ Women's Commissioners in the faculties (structure of studies)
- ✓ Advice and Service (planning studies; career openings)
- ✓ Examinations Committee chairs (recognition of performance, extensions to deadlines)
- ✓ Student Union (advice)

2. RULES FOR SUCCESSFUL PROGRESSION WITH STUDIES

The programme and examination regulations and the module handbook for the degree programme in question provide an overview of the regular progression of studies. In addition, the State Examination Regulations contain further statutory regulations that are particularly relevant to students with caring responsibilities.

As studies progress, it is important for the student to regularly check her own situation so that appropriate adjustments can be made if required.

It is important to address the proper office responsible for legally binding situations, e.g. when applying for extensions to deadlines, etc.

MATERNITY PROTECTION

Pregnant students are obliged to notify the university of their pregnancy in order to ensure their protection by reporting the fact to the Office for Equal Opportunities, Family Affairs and Diversity ("BGFDF"). The BGFDF then informs the Dean, Academic Advisors, Academic Registry and the Occupational Safety Officer about the pregnancy or nursing period.

- ✓ The period of protection before childbirth is six weeks.
- ✓ The period of protection after childbirth lasts eight weeks and is extended to twelve weeks if the baby is born prematurely, there is more than one baby, or if the baby is found by a doctor within eight weeks of the birth to have a disability.
- ✓ The student may continue studying during the protection periods. The decision to forego maternity protection can be revoked henceforth at any time.
- ✓ Prohibitions apply to additional work, work at night, and work on Sundays and statutory holidays; and special rest periods and options for relief from duties are granted for medical check-ups or nursing. It is possible to attend training sessions until 10 p.m. or on Sundays or statutory holidays if the pregnant or nursing student explicitly states that she is willing to do so. This declaration can be revoked henceforth at any time.
- ✓ Risk assessment: Once a pregnancy or nursing period is reported, a risk assessment for a specific reason must be conducted. The person responsible for doing so is the relevant manager in the student's faculty, who will approach her for the purpose of compiling the risk assessment. The risk assessment for a specific reason generally has to be compiled within ten days of being notified of the pregnancy or nursing period.

- ✓ Compensating disadvantages: Should hazards prevent participation in classes, laboratory activities, field trips, etc., then a personal arrangement to compensate the disadvantage will be agreed; also if any examinations cannot be completed due to pregnancy or nursing.
 - Notes on Maternity Protection at KUAS
 - § 19 APO

EXTENSIONS TO DEADLINES ON THE BASIS OF PREGNANCY OR REARING A CHILD

- ✓ Study and examination performances
- ✓ Basic principles and orientation examination / thresholds for progression with studies
- ✓ Repeat examinations
- ✓ Final theses
 - **Important:** Proper application to Academic Registry, at least two weeks before deadline
 - § 8, 9, 10 and 26 RaPO; § 11, 19 APO
 - The duration of study can also be extended. See: Leave of absence

EXCEPTIONAL CIRCUMSTANCES FOR WITHDRAWING FROM EXAMINATIONS

Should complications occur (e.g. due to pregnancy) during examinations, then the invigilator must be informed and the candidate's inability to take an examination certified by a physician without delay. A candidate can also withdraw from a test or examination if their child is unwell, subject to presenting a medical certificate without delay.

- **Important:** See: Notice issued by the Examinations Board
- § 26 RaPO; § 19 APO

LEAVE OF ABSENCE DUE TO PREGNANCY OR REARING A CHILD (MAX. 6 SEMESTERS)

- ✓ Proper application (in writing each semester to Academic Registry by the final working day prior to the start of the semester)
- ✓ Examinations can continue to be taken. Registration deadlines are to be observed.
- ✓ You still have to re-register and assume the relevant fees.
- ✓ Leave of absence for a semester is not counted as a semester of study.
- ✓ Leave of absence is generally not possible during the first semester of study.
 - **Beware!** BAföG is not paid during leave of absence.
www.bafög.de/bafoeg/de/antrag-stellen/merkblaetter/schwangerschaft-und-kindererziehung/schwangerschaft-und-kindererziehung
 - **Important:** Child benefit eligibility lapses during leave of absence!
Exception: maternity protection periods and a transitional period of max. four months
 - **Please note:** Deadlines for resitting examinations might not be postponed!
 - § 7 Statute for Enrolment [...] Procedures; art. 48 BayHSchG
 - Form for Leave of Absence – Academic Registry: www.hs-kempten.de/meine-hochschule/termine-und-fristen/rueckmeldung-beurlaubung-exmatrikulation

PART-TIME STUDY

Some degree programmes can be studied part-time. In many cases, students can switch from full-time to part-time, or vice versa, at least once.

- See: Programme and Examination Regulations for the degree programme in question

PRACTICAL SEMESTER

The possibility of completing a practical semester part-time or postponing it can be investigated in individual cases.

EVIDENCE

Evidence is usually required to avail of these regulations. This can take the form of:

- ✓ Certificate of pregnancy or presentation of maternity record
- ✓ Child's birth certificate

A doctor's certificate is also required in order to be excused due to the illness of a child. In such cases, the procedure stipulated by the faculty in question is to be observed and determined early on if possible!

3. ORGANISING EVERYDAY STUDIES

Kempton University of Applied Sciences offers numerous provisions to help handle the day-to-day challenges of different stages in life.

FAMILY-FRIENDLY UNIVERSITY

- ✓ Personal consultations in the Office for Equal Opportunities, Family Affairs and Diversity
- ✓ Assistance with structuring studies
- ✓ Tips on funding studying with a child
- ✓ Regular get-together "Studying as parents"
- ✓ Newsletter and info mail from the BGFD
- ✓ Events
- ✓ Infopoint the website

FAMILY-FRIENDLY INFRASTRUCTURE

- ✓ Family zone in the canteen
- ✓ Children's meals for free in the canteen
- ✓ Family parking spaces
- ✓ Several nursing and changing facilities on campus
- ✓ Workroom for parents and children in Building D, Room 110

CHILDCARE PROVISIONS

- ✓ Childcare for 3–8 year-olds at Campuszwerge

Cur-
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- ✓ Holiday care at CampusKids
- ✓ Flexible childcare covering e.g. special events, emergency back-up and exams
- ✓ Babysitting database

REGIONAL FACILITIES AND USEFUL LINKS

Support for families in Kempten

- ✓ Kempten Child Protection League: babysitter matching and open childcare; courses for parents, family matching
 - www.kinderschutzbund-kempten.de
- ✓ “KoKi Kempten – Netzwerk frühe Kindheit” for expectant parents and parents with young children up to the age of three; support; courses, amongst many other things.
 - <http://www.fruehe-kindheit-kempten.de/de/koki-kempten.php>
- ✓ Family-friendly Kempten action group: advice guide
 - www.familie-kempten.de

Advice available in Kempten

- ✓ Pro Familia
 - www.profamilia.de
- ✓ Catholic Advice Centre for Questions about Pregnancy (in German)
 - www.skf-augsburg.de
- ✓ KJF Children and Youth Support – Kempten/Upper Allgäu (in German)
 - www.kjf-kinder-jugendhilfe.de

and many more suggestions at www.kempten.de/kinder-familie (in German)

Useful links

- ✓ The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has two useful webpages about families and children:
 - www.familien-wegweiser.de
 - www.bundesstiftung-mutter-und-kind.de (in German)
- ✓ The Ministry also provides an online potential benefits calculator (in German):
 - www.infotool-familie.de
- ✓ There’s lots of information from Augsburg Student Union about studying when you have children, including a very comprehensive brochure on the subject (in German).
 - <https://de.scribd.com/document/233392355/Studieren-mit-Kind-in-Augsburg>
- ✓ International students who are married and/or have children can find useful information and ideas on the study-in-bavaria website:
 - www.study-in-bavaria.de/en/how/tips-for-student-life/family-matters

Applications, forms, certificates:

- ✓ New parents face a string of visits to various authorities. As your child grows up, there are many more formalities to be observed. Call the public authorities on 115 if you have any questions.
 - www.115.de/en
- ✓ There’s also a regional website – with plenty of facts, videos, interviews and other offers for families and expectant parents in Bavaria (in German).
 - www.familienland.bayern.de

Further information can be found online at:

www.hs-kempten.de/en/hochschule/organisation/central-services/office-for-equal-opportunities-family-affairs-and-diversity

FINANCIAL SUPPORT

Some funding can already be accessed during pregnancy. Other payments only commence after the baby had been born, but can be arranged in advance. Grants are also available to help fund studying with a child.

The “Familienportal” lists all the benefits that are offered at national level.

- www.familienportal.de
- www.familienportal.de/familienportal/lebenslagen/schwangerschaft-geburt/checkliste
- www.familienportal.de/familienportal/familienleistungen/mutterschaftsleistungen/welche-leistungen-kann-ich-als-schuelerin-auszubildende-oder-studentin-bekommen--148162

BEFORE CHILDBIRTH

One-off benefits

- ✓ Initial provisions for newborns, and
- ✓ Financial support, e.g. for maternity clothes and the basic kit needed for newborns

are available from the Federal Foundation for Mother and Child. Applications can be submitted via church institutions – such as the Catholic Women’s Social Service, “Diakonie” and “Caritas” – or “ProFamilia”. Anyone eligible for the unemployment benefit “ALG II” can apply via the Job Centre.

- **Important:** Apply for benefits prior to purchasing.
- www.profamilia.de/en/topics/becoming-a-parent/financial-and-social-assistance
- www.bundesstiftung-mutter-und-kind.de (in German)

Maternity pay

- ✓ If you have been working a few hours alongside studying, the health insurance fund will pay up to € 13 per day during maternity leave. An additional subsidy might also be payable by your employer. You need to apply to your health insurance fund for maternity pay.

- www.familienportal.de/familienportal/familienleistungen/mutterschaftsleistungen/wie-kann-ich-mutterschaftsgeld-der-gesetzlichen-krankenkasse-berechnen-und-beantragen--125038

Additional requirements allowances

- ✓ If you are entitled to BAföG, you can check whether you are deemed to have additional requirements due to pregnancy. Expectant mothers who have reached the end of the 12th week of pregnancy and are deemed “in need” qualify for an additional allowance equating to 17 percent of the standard rate of aid towards costs of living.

- www.bafög.de/bafog/de/antrag-stellen/merkblaetter/schwangerschaft-und-kindererziehung/schwangerschaft-und-kindererziehung

Housing benefit / Housing eligibility certificate

- ✓ Housing benefit is meant to ensure adequate financial means to afford appropriate accommodation that is suitable for a family. It is provided as a rent subsidy (“Mietzuschuss”). You

will be eligible to apply if you don't receive BAföG and earn your own low income. You can also apply for housing benefit just for your child.

→ www.kempton.de/wohngeld-1945 (in German)

Basic income

✓ Even if you aren't eligible to apply as a student, you can check whether your child can receive income support.

→ www.stmas.bayern.de/grundsicherung (in German)

→ www.arbeitsagentur.de/web/content/DE/BuergerinnenUndBuerger/Arbeitslosigkeit/Grundsicherung (in German)

AFTER CHILDBIRTH

Parental allowance

✓ The minimum parental allowance of 300 euros is paid to anyone who cares for their child themselves after its birth and works no more than 30 hours per week.

→ www.zbfs.bayern.de/sprache/english

→ <https://familienportal.de/familienportal/meta/languages/family-benefits>

Bavarian family allowance

✓ The Free State of Bavaria awards parents for each child aged between 1 and 3 years, i.e. from the 13th to 36th month, 250 euros per month – increasing to 300 euros per month for the third child on. This family allowance is paid to all parents of children born on or after 1 October 2015, irrespective of income or employment status.

✓ Parents in Bavaria still receive family allowance whether the child attends a crèche or is cared for in the family.

✓ No separate application is required for parental allowance drawn in Bavaria.

→ www.zbfs.bayern.de

Child benefit

✓ All children from birth until the age of 18 qualify for child benefit.

→ www.arbeitsagentur.de/en/financial-support

Additional child allowance

✓ Single parents and couples with children are eligible to apply for additional child allowance.

✓ Up to € 229 per month for each child under the age of 25 years

✓ To qualify, you must be in receipt of child allowance and earn a minimum gross income of € 900 (couples) or € 600 (single parents).

✓ It is important that the family's needs are covered by the additional child allowance and that there is therefore no claim to unemployment benefit II / income support.

→ <https://familienportal.de/familienportal/meta/languages/family-benefits>

BAföG for young parents

✓ The childcare subsidy is a flat-rate full grant. An additional monthly payment of € 160 for children under the age of 14 is made on top of the regular amount.

- ✓ Financial support for education is paid to young parents for a commensurate additional period if pregnancy or caring for/rearing a child has caused them to exceed the usual maximum time allowed.

→ [www.bafög.de/bafog/de/das-bafog-alle-infos-auf-einen-blick/ documents/bafog-fuer-auszubildende-mit-familienverantwortung](http://www.bafög.de/bafog/de/das-bafog-alle-infos-auf-einen-blick/documents/bafog-fuer-auszubildende-mit-familienverantwortung) (in German)

GRANTS/LOANS

Numerous grants are offered for all subjects and various stages of life. The website “myStipendium” provides a good overview.

→ www.mystipendium.de (in German)

“Deutschlandstipendium”

- ✓ These grants pay special attention to studying while caring for children.
- ✓ They are awarded in May of each year. It is a good idea to apply when you start studying.

→ www.hs-kempten.de/en/meine-hochschule/stipendien-und-stiftungen/current-students/applying-for-the-deutschlandstipendium/faqs-deutschlandstipendium

Hildegardis Association

- ✓ Support for Christian students who are mothers. The deadlines for applications are 30 June / 31 December each year.

→ www.hildegardis-verein.de/mit-kind (in German)

Professional advancement bursary from the foundation to aid professional training for gifted workers (Stiftung Begabtenförderung beruflicher Ausbildung – sbb)

- ✓ This professional advancement bursary assists vocationally trained specialist workers with practical experience in studying for a first degree.

→ www.sbb-stipendien.de/aufstiegsstipendium (in German)

Bursaries from the State Conference of Commissioners for Women and Equal Opportunities at Bavarian Universities of Applied Sciences (LaKoF)

- ✓ Madame Courage: Financial support for single mothers nearing completion of their degree programme
- ✓ Bursary for doctoral studies conducted by women who have graduated from a university of applied sciences. Deadline 1 February each year.

→ <http://www.lakof-bayern.de/foerderung/HAW> (in German)

Loans from Bavarian Student Unions

- ✓ The lending fund of Bayerische Studentenwerke e.V. provides students in need at Bavarian universities with loans to help them prepare for exams and succeed in graduating.

→ www.darlehenskasse-bayern.de/unser-angebot (in German)

STAND-ALONE MEASURES

Children’s meals for free in the student union canteen

- ✓ Children's portions are available from the day's lunch menu, which are served free of charge to children aged 6 and under if the adult shows their student ID.

Subsidies for childcare

- ✓ The fees that parents pay at childcare centres can be covered entirely or in part, depending on income. Applications should generally be submitted to the Youth Welfare Office, the Office for Social Welfare, or the District Administration Office. Further information is available from each of the offices in question.
 - www.kempton.de/kindertagesstatten (in German)
 - www.kempton.de/Informationen_fuer_eltern (in German)

Education package

- ✓ Lunch subsidies at children's daycare, schools and after-school clubs
- ✓ Subsidies for excursions, school equipment and social/cultural activities
- ✓ To qualify, applicants must be in receipt of income support, housing benefit or additional child allowance
 - www.kempton.de/50-bildung-und-teilhabe (in German)

Notes on health insurance

- ✓ As a rule, students are insured under their parents' policy until their 25th birthday, as long as they earn no more than € 450 per month and work no more than 20 hours.
- ✓ Thereafter, they can take out compulsory insurance (around € 86) until the age of 30, after which this option expires.
- ✓ Voluntary insurance from the age of 31 upwards can be a lot more expensive. If a student is close to finishing, it is worth seeking an extension to the compulsory insurance period ("exams tariff" for max. 6 months).
- ✓ Some private health insurance funds offer a student tariff until the age of 35. However, it would only be possible to revert to statutory health insurance after graduating.
 - www.studis-online.de/StudInfo/Versicherungen/krankenversicherung (in German)

4. Legal framework

Übersetzungsvermerk / Translator's note:

Die folgenden Seiten dienen lediglich als Information über die Inhalte der zugehörigen deutschsprachigen Dokumente. Rechtsverbindlich ist allein die Ausfertigung in deutscher Sprache.

The following pages only serve the purpose of providing information on the contents of the corresponding documents in German. The official document in German is the sole version that is legally binding.

Here, you can find **translations – for information purposes only!** – of some relevant excerpts from the legislation governing the organisation of degree programmes pertaining to support for students with caring responsibilities. Please note that updates to these provisions might have occurred in the meantime.

As at November 2016:

STATE EXAMINATION REGULATIONS FOR HIGHER TECHNICAL COLLEGES, VERSION DATED 1 OCT. 2010 – FOR BACHELOR'S AND MASTER'S DEGREE PROGRAMMES –

§8 Regular schedules and deadlines

(2) ¹The University Examination Regulations stipulate that students on bachelor's degree programmes must have taken at least one examination in the basic principles and orientation subjects on their particular degree programme by the end of the second semester of study (examination on basic principles and orientation). ²If students exceed the period stipulated in sentence 1, the examination performances not yet undertaken in the basic principles and orientation subjects initially count as fails.

(3) ¹On bachelor's and master's degree programmes, the following is to be completed by the end of the standard duration of study:

1. A final grade of at least "sufficient" is to have been achieved in all the examinations required by the University Examination Regulations and also the bachelor's or master's thesis; and
2. The practical semester of study must have been completed successfully;

and thus the ECTS credit points accrued as required by the University Examination Regulations in order to pass the bachelor's or master's examination. [...] ³If students exceed the relevant standard duration of studies by more than two semesters without fulfilling the requirements in sentence 1, then the bachelor's or master's degree initially counts as having been failed.

(4) ¹The periods cited in para. 2 sentence 1 and para. 3 sentence 3 can be extended appropriately upon application if compliance was prevented by pregnancy, rearing a child, illness, or other reasons for which the student is not to be held accountable. ²The University Examination Regulations govern the procedure for extending deadlines. ³The reasons are to be credibly substantiated. ⁴In case of ill health, a medical certificate must be presented. ⁵The Examinations Board determines the information that must be included in the medical certificate; the regulation is to be posted publicly within the university. ⁶The university can demand a medical certificate from the health authority or a particular (trusted) doctor.

§ 9 Withdrawal or absence

(1) ¹If a student withdraws from an examination that has been commenced, then a grade of "insufficient" is awarded, unless this was caused by reasons for which the student is not to be held accountable. ²The examination has been commenced once the task has been set.

(2) ¹The University Examination Regulations can stipulate conditions for withdrawing from an examination; should the University Examination Regulations not stipulate any conditions for withdrawal, then not appearing for an examination shall count as effective withdrawal. ²If no effective withdrawal applies and the student can be held accountable for missing the examination, then a grade of "insufficient" shall be awarded.

(3) ¹The reasons for withdrawal or absence in accordance with paras 1 and 2 must be immediately presented in writing, and credibly, to the university. ²If a student becomes unfit to take an examination during the course of the examination, this must be communicated immediately to the invigilator(s); the obligation to inform the university in a credible manner remains unaffected. ³If a student is unfit to take an examination on health grounds, then a medical certificate must be presented, which must stem from a medical assessment conducted on the same day as the examination. ⁴ § 8 para. 4 sentences 5 and 6 duly apply.

§ 10 Repeat examinations

(1) ¹If the examination for a module or part-module is graded as “insufficient”, it can be repeated once. ²A second repeat might be possible according to the University Examination Regulations; the University Examination Regulations can stipulate further admission requirements for a second repeat examination. ³The University Examination Regulations can give scope for a third repeat examination for a module or part-module. ⁴The period allowed for the first repeat examination is generally to be limited to six months by the University Examination Regulations. ⁵Subsequent repeat examinations must be taken within a period of twelve months from the announcement of the grade awarded for the previous resit.

(2) ¹If the bachelor’s or master’s thesis was awarded the grade “insufficient”, then it can be repeated once on a new topic. ²The period allowed to resubmit the bachelor’s or master’s thesis commences no later than six months after the announcement of the first assessment.

(3) ¹The periods allowed to take repeat examinations are not interrupted by leave of absence or exmatriculation, unless either is due to the reasons indicated in § 8 para. 4 sentence 1. ²If students exceed the periods cited in paras 1 or 2, then the examination performance counts as having been repeated and failed. ³Extensions to the periods allowed are duly subject to § 8 para. 4.

§ 26 Repeat examinations

(1) ¹If a final grade of “insufficient” was awarded in an examination, this examination can be repeated once. ²In the case of part-examinations (§ 23 para. 8), only those elements awarded the grade “insufficient” are to be repeated. ³A second repeat examination is only possible in four cases within one degree programme; each part-examination that is required for a pass counts as one examination. ⁴In the preliminary examination, a second repeat examination is possible in no more than two examinations taking account of the maximum number in accordance with sentence 3, if the foundation course lasts no longer than two semesters of study; otherwise in three examinations. ⁵The examination regulations at the university in question can stipulate further admission requirements for the second repeat examination, in particular specific minimum grades in the other examination subjects. ⁶A third repeat of an examination is ruled out. ⁷Failed attempts on the same advanced technical college degree programme or the same foundation course for a related technical college degree programme at a university of applied sciences in the Federal Republic of Germany are to be counted.

(2) ¹Repeat examinations can be taken in any semester on the regular examination dates. ²The examination regulations at the university in question can permit additional repeat examination dates.

(3) ¹For the first repeat examination, as a rule, a maximum period of six months is to be specified in the University Examination Regulations. ²Any subsequent repeat examinations must be taken within a period of twelve months from the announcement of the grade awarded for the previous resit. ³The periods allowed to take repeat examinations are not interrupted by leave of absence or exmatriculation, unless the latter is due to the reasons indicated in § 4 para. 4 sentence 1.

(4) ¹The periods cited in paragraph 3 sentences 1 and 2 can be extended appropriately upon application if compliance was prevented by pregnancy, rearing a child, illness, or other reasons for which the student is not to be held accountable. ³The reasons are to be credibly substantiated. ³In the case of illness, a medical certificate is always to be presented; § 25 para. 4 sentences 3 to 5 duly apply. ⁴Extensions to deadlines are to be refused if overall circumstances indicate that successful completion of the degree programme is no longer to be expected. ⁵The examination regulations at the university in question can stipulate that applications to extend a deadline must be submitted to the Examinations Office within certain periods. ⁶If no extension is granted, or if the later deadline is missed, the examination counts as having been failed.

UNIVERSITY EXAMINATION REGULATIONS AT KEMPTEN UNIVERSITY OF APPLIED SCIENCES, IN THE VERSION ENSUING FROM THE STATUTE OF AMENDMENT DATED 10 SEPTEMBER 2018

This version includes all amendments. It serves as an aid to work and is not legally binding.

§ 11 APO Regular schedules and deadlines

(1) ¹Universities’ programme and examination regulations stipulate the specific examination performances in basic principles that students on bachelor’s degree programmes must have completed on their particular degree programme by the end of the second semester of study (examination on basic principles and orientation).

(2) ¹By the end of the standard duration of study for their particular programme, students on bachelor’s and master’s degree programmes are to have “successfully completed” or attained at least the grade “sufficient” in all the required study and examination performances, including the bachelor’s or master’s thesis, as stipulated in § 8 para. 3 sentence 1 RaPO, and must have accrued the necessary ECTS credit points in accordance with the relevant programme and examination regulations. ²Authorised leave of absence does not count towards a student’s duration of study.

[...]

(5) ¹The periods cited in paragraphs 1 to 2 can be extended appropriately if a student applies for this on the basis that compliance was prevented by reasons for which the student is not to be held accountable in accordance with § 8 para. 4 RaPO. ²Applications to extend deadlines must be submitted to Academic Registry without delay, but at least within a period until two weeks prior to the expiry of the deadlines cited in paragraph 1 to 2; if a student is unfit to take an examination on health grounds, the application together with the medical certificate, which (according to § 9 para. 3 sentence 3 RaPO) fundamentally must stem from a medical assessment on the day of the missed examination, must be submitted no later than one week after the date of the missed examination. ³Further details can be found in the notices posted publicly by the Examinations Board.

§ 19 Design of studying and examination conditions as stipulated by § 9 para. 1 sentence 4 of the Maternity Protection Act Any disadvantages due to pregnancy, birth or nursing are to be avoided or compensated for.

BAVARIAN LAW ON HIGHER EDUCATION DATED 23 MAY 2006

Art. 48 Re-enrolment, leave of absence

(1) Students have to enrol properly and punctually every semester to continue studying (re-enrolment).

(2) ¹Students with good reason can apply to the university to be excused from the obligation to properly pursue studies at university (take leave of absence). ²As a rule, the period of leave of absence should not exceed two semesters.

(3) During leave of absence, students cannot perform studies, nor take examinations at the university that granted leave of absence; failed examinations can be retaken.

(4) Time spent availing of the protection periods stipulated in the Act Protecting Working Mothers (Maternity Protection Act – MuSchG), version announced on 20 June 2002 (BGBl I p. 2318) in the applicable version, parental leave, or times allocated for caring for a close relative, as defined in § 7 para. 3 of the Act on Care Periods (Care Periods Act – “PflegerZG”) dated 28 May 2008 (BGBl I p. 874, 896) in the applicable version, who is in need of care in accordance with §§ 14, 15 of the Eleventh Book of the Social Security Statute Book (SGB XI) dated 26 May 1994 (BGBl I p. 1014, 1015) in the applicable version, is not to be counted towards the period allowed in accordance with para. 2 sentence 2; in these cases, para. 3 clause 1 does not apply.

STATUTE ON ENROLMENT, LEAVE OF ABSENCE, RE-ENROLMENT AND EXMATRICULATION PROCEDURES AT KEMPTEN UNIVERSITY OF APPLIED SCIENCES DATED 6 DECEMBER 2013

§ 7 Leave of absence

(1) ¹Students at Kempten University of Applied Sciences can (pursuant to Art. 48 para. 2 BayHSchG) be excused from the obligation to study properly (leave of absence). ²Leave of absence must be applied for in writing to Academic Registry. ³The deadline for applying is fixed as the final working day prior to the semester in question. ⁴If a reason for leave of absence only arises after this deadline has expired and was not foreseeable, then applications for a semester that has already commenced will only be considered until the end of the lecturing period. ⁵Leave of absence cannot be granted retrospectively for semesters that have already been completed.

(2) Good reasons in the sense of paragraph 1 are circumstances that significantly hinder a student's ability to study at Kempten University of Applied Sciences and jeopardise completion of the degree programme within the standard duration of studies, in particular

- Illness of the student attested to by a medical certificate if the illness prevents proper study during the semester concerned,

- Pregnancy, rearing a child, or caring for a close relative, as defined in § 7 para. 3 of the Act on Care Periods (Act on Care Periods – “PflegerZG”) dated 28 May 2008 (BGB p. 874, 896) in the applicable version, who is in need of care in accordance with §§ 14, 15 of the Eleventh Book of the Social Security Statute Book (SGB XI) dated 26 May 1994 (BGB p. 1014, 1015) in the applicable version,

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(3) Reasons other than those cited above can only be considered on an individual basis in cases where undue hardship can be sufficiently substantiated.

[...]

(5) ¹As a rule, leave of absence can only be granted for up to two semesters in total. ²Periods covered by the Maternity Protection Act remain unaffected in accordance with Art. 48 para. 4 BayHSchG. ³Each leave of absence is only granted for one semester at a time. ⁴Leave of absence is generally not possible during the first semester of study. ⁵Written evidence of the good reason for applying for leave of absence is to be attached to the application.

(6) ¹During leave of absence, students cannot perform studies, nor make first attempts at examinations at Kempten University of Applied Sciences. ²Art. 48 para. 4 BayHSchG remains unaffected.

ACT PROTECTING MOTHERS AT WORK, TRAINING OR STUDYING (MATERNITY PROTECTION ACT – MUSCHG)

§ 3 Periods of protection before and after childbirth

(1) Employers are not permitted to allow a pregnant woman to engage in activity during the final six weeks of pregnancy (period of protection before childbirth), unless she explicitly declares herself willing to work. In accordance with sentence 1, she can then at any time henceforth revoke such a declaration. The period of protection before childbirth is calculated based on the estimated date of delivery, as cited in a medical certificate issued by a doctor, midwife or obstetric nurse. Any discrepancy from the estimated date of delivery is reflected in a corresponding shortening or lengthening of the period of protection before childbirth.

(2) Employers are not permitted to engage a woman in working activity for eight weeks after birth (period of protection after childbirth). The period of protection after childbirth increases to twelve weeks if

1. the baby is born prematurely,

2. there is more than one baby, or

3. the baby is found by a doctor within eight weeks of the birth to have a disability pursuant to § 2 para. 1 sentence 1 of the Ninth Book of the Social Security Statute Book.

(3) The training site is permitted to allow a woman, as defined in § 1 paragraph 2 sentence 2 number 8, to already engage in school or university education during the period of protection after childbirth if she explicitly insists on this to her training site. The woman can then at any time henceforth revoke such a declaration.

NOTES ON THE REVISION OF THE MATERNITY PROTECTION ACT IN 2018

A. Brief overview

1. Aims

The aim of the reform is to continue to ensure a responsible balance between protecting the health of pregnant or nursing mothers and their (unborn) child, on the one hand, and women's autonomous employment decisions, on the other. In addition to this, the aim is to ensure uniform health protection across all sectors for all women during pregnancy, after childbirth, and whilst nursing.

Students are also to be covered by the application of this law, as far as their training site stipulates obligatory times and procedures for training sessions, or if they are conducting a compulsory internship as part of their university education.

Ultimately, this Ordinance on Maternity Protection at the Workplace (MuSchArbV) is to be integrated into legislation.

2. Solutions

- Incorporating students, as far as their training site stipulates obligatory times and procedures for training sessions, or if they are conducting a compulsory internship as part of their university education, but with the proviso that §§ 17–24 MuSchG are not applicable to them (§ 1 para. 2 sentence 2 no. 8 Maternity Protection Act, abbr. MuSchG, version in force since 1 January 2018, attached as an appendix to these notes);
- Cross-sector version of the regulations prohibiting work at night and on Sundays (§ 5 para. 2 MuSchG, version in force since January 2018, prohibiting work at night for pregnant or nursing students);
- Introducing official authorisation procedures for work after 8 p.m. (§ 28 MuSchG, version in force since 1 January 2018);
- Restructuring and redrafting the duties of employers in evaluating the working conditions for pregnant or nursing women and the necessary case-by-case adaptation of working conditions (section 2, subsection 2 of the Maternity Protection Act, abbr. MuSchG, version in force since 1 January 2018);
- Incorporating the regulations of MuSchArbV in the new version of the Maternity Protection Act.

3. Commencement of validity

- The law revising the Maternity Protection Act, passed on 23 May 2017, comes into force on 1 January 2018.
- The regulations regarding the birth of a child with a disability and stillbirths have applied since 30 May 2017.

B. In detail:

1. Health protection at work

- Periods of protection before and after childbirth (§ 3 in conjunction with § 1 para. 2 sentence 2 no. 8 MuSchG, in the version in force since 1 January 2018)

The training site (university or company/facility where an internship is being conducted) is not permitted to allow a pregnant student to be engaged in activity as part of her university training during the final six weeks of pregnancy (period of protection before childbirth), unless she explicitly declares herself willing to undertake studies and examinations. The pregnant student can then at any time henceforth revoke such a declaration. The period of protection before childbirth is calculated based on the estimated date of delivery ("EDD"), as cited in the copy of the maternity record. Any discrepancy from the estimated date of delivery is reflected in a corresponding shortening or lengthening of the period of protection before childbirth.

The period of protection after childbirth lasts eight weeks and is extended to twelve weeks if the baby is born prematurely, if there is more than one baby, or if the baby is found by a doctor within eight weeks of the birth to have a disability pursuant to § 2 para. 1 sentence 1 of the Ninth Book of the Social Security Statute Book. In the case of a premature birth, the period of protection after childbirth is extended by the same time by which the period of protection before childbirth was shortened. If the baby is found by a doctor within eight weeks of the birth to have a disability pursuant to § 2 para. 1 sentence 1 of the Ninth Book of the Social Security Statute Book, then the period of protection after childbirth is only extended if the student applies for this.

The training site is permitted to allow a student to already engage in university education (i.e. enable her to participate in studies or examinations) during the period of protection after childbirth if she explicitly insists on this to her training site. The student can then at any time henceforth revoke such a declaration.

The training site is permitted to involve a student in university training as early as two weeks after the birth of a child who has died (i.e. enable her to participate in studies or examinations) if she explicitly insists on this and there is a medical certificate citing no contraindication. The student can then at any time henceforth revoke such a declaration.

- Prohibition of additional work; rest periods (§ 4 in conjunction with § 1 para. 2 sentence 2 no. 8 MuSchG, version in force since 1 January 2018)

The training site can only require pregnant or nursing students aged 18 or over to study or take examinations not exceeding 8.5 hours per day or a maximum of 90 hours within a fortnight.

For pregnant or nursing students under the age of 18 years, the extent of study or examinations required is not permitted to exceed 8 hours per day or 80 hours within a fortnight.

Sundays are included in the calculation of fortnights. If multiple training sites are involved (e.g. an internship is being conducted at university and a company/facility), then the times invested in studying and examinations are added together.

After completing her studies for the day (whether studying, examinations or internship), the training site must afford a pregnant or nursing student an uninterrupted rest period lasting at least eleven hours.

- Prohibition of work at night (§ 5 para. 2 in conjunction with § 1 para. 2 sentence 2 no. 8 MuSchG, version in force since 1 January 2018)

The training site is not permitted to allow a pregnant or nursing student to engage in university training between 8 p.m. and 6 a.m. The training site is permitted to allow her to attend training sessions until 10 p.m. if

1. the pregnant or nursing student explicitly declares herself willing,
2. it is necessary to do so at this time for training purposes, and
3. in particular, any unreasonable risk (§ 9 para. 2 sentence 2 MuSchG, version in force since January 2018) to the pregnant student or her child entailed in working alone is ruled out.

The pregnant or nursing student can at any time henceforth revoke her declaration in accordance with number 1.

- Prohibition of work on Sundays and bank holidays (§ 6 para. 2 in conjunction with § 1 para. 2 sentence 2 no. 8 MuSchG, version in force since 1 January 2018)

The training site is not permitted to allow a pregnant or nursing student to engage in university training on Sundays or bank holidays. The training site is permitted to allow her to attend training sessions on Sundays or bank holidays if

1. the pregnant or nursing student explicitly declares herself willing,
2. it is necessary to do so at this time for training purposes,
3. each week the pregnant or nursing student is afforded a substitute day of respite following an uninterrupted rest period overnight of at least eleven hours, and
4. in particular, any unreasonable risk (§ 9 para. 2 sentence 2 MuSchG, version in force since January 2018) to the pregnant student or her child entailed in working alone is ruled out.

The pregnant or nursing student can at any time henceforth revoke her declaration in accordance with number 1.

- Time off for medical check-ups and nursing (§ 7 in conjunction with § 1 para. 2 sentence 2 no. 8 MuSchG, version in force since 1 January 2018)

The training site must allow a pregnant or nursing student time off to attend any medical check-ups required by statutory health insurance providers during pregnancy and the maternity period. The equivalent applies in favour of a student who is not insured via a statutory health insurance provider.

The training site has to allow a nursing student, if she demands, adequate time off to nurse during the first twelve months following the birth, but at least twice a day for half an hour or once a day for one hour. During any training period lasting more than eight hours in one stint, if a nursing student demands, two nursing periods of at least 45 minutes should be allowed; or, if there is no opportunity to nurse close to the training site, one nursing period of at least 90 minutes. A training period counts as a single stint if it is not interrupted by a rest break lasting more than two hours.

2. Occupational health protection (§§ 9 – 15 MuSchG)

- Notifications and evidence from a pregnant or nursing student (§ 15 in conjunction with § 1 para. 2 sentence 2 no. 8 MuSchG, version in force since 1 January 2018)

A pregnant student is to report the pregnancy and communicate the estimated date of delivery to her training site (university or company/facility where she is conducting an internship) as soon as she knows that she is pregnant. A nursing student is to communicate the fact to her training site as soon as possible.

When reporting the pregnancy, the student must present evidence in the form of her maternity record, or a copy of it, indicating the estimated date of delivery. The certificate of pregnancy is to include the estimated date of delivery.

Kempten University of Applied Sciences can only take specific measures to protect pregnant or nursing mothers and their (unborn) child once it is informed of the pregnancy or nursing.

3. Responsibilities within Kempten University of Applied Sciences:

- Responsibility for risk assessment without specific cause:

The person responsible for this is the relevant manager (professor who has been delegated responsibility for occupational safety and maternity protection by the employer in charge of personnel and operations pursuant to §§ 13 DGUV V1, 9 para. 5 MuSchG, 9 BayHSchPG, in conjunction with 35 BeamtStG) – if required, he/she can seek assistance from the safety officer, the occupational safety specialist, and/or the medical officer.

- Responsibility for informing and advising pregnant and/or nursing students for the purposes of maternity protection Office for Equal Opportunities, Family Affairs [and Diversity] (BGF[D]). Pregnancy or nursing is reported to the BGF[D]. The BGF[D] informs the Dean and Academic Registry of the pregnancy or nursing period reported by a student, and the Dean informs the relevant academic advisor and the responsible Examinations Committee.

- Responsibility for risk assessment for a specific reason, i.e. if a student reports pregnancy or nursing
- The person responsible for this is the relevant manager (professor who has been delegated responsibility for occupational safety and maternity protection by the employer in charge of personnel and operations pursuant to §§ 13 DGUV V1, 9 para. 5 MuSchG, 9 BayHSchPG, in conjunction with 35 BeamtStG) – if required, he/she can seek assistance from the safety officer, the occupational safety specialist, and/or the medical officer.

The original version of the risk assessment for a specific reason is to be presented to Academic Registry for forwarding to the Trade Supervisory Board, with one copy to be sent to the OEOFA and one copy remaining in the Dean's office.

Supervisors must download the document for the risk assessment for a specific reason from the following link: www.regierung.schwaben.bayern.de/Aufgaben/GAA/Formulare.php?PFAD=/index.php:/index2.php:/Aufgaben/GAA/Gewerbeaufsichtsamt.php

This is continuously updated to ensure that the latest version is always used.

The deadline for producing the risk assessment for a specific reason is 7 days from becoming aware that a student is pregnant or nursing.

- Responsibility for reporting to the supervisory authority for maternity protection (Trade Supervisory Board for the Swabian Government) in line with disclosure requirements pursuant to § 27 para. 1 MuSchG
Academic Registry / PSBT [KBS]
- Responsibility for archiving documents for two years for trade supervision purposes (reports and documents detailing the specific protective measures, such as bringing forward or postponing an examination, alternative examination formats, alternatives to classes or practical elements/internships, which the student was unable to participate in as a result of the risk assessment for a specific reason)
Academic Registry / PSBT [KBS]