

The University Council of the Kalaidos University of Applied Sciences
has adopted the following:

Regulations

on Appeal Proceedings at the Kalaidos University of Applied Sciences

28 October 2010

I. Scope

Art. 1

These Regulations govern the procedure for appeals against academic results at the Kalaidos University of Applied Sciences.

Art. 2

Evaluations of written exams can be appealed in regards to content and formality. Evaluations of oral exams can be appealed only in regards to formality.

II. Notification and inspection of records

Art. 3 Notification of academic results

Examination candidates will be informed of their results in writing by the Rector's Office. Notification must include an explanation of the available avenues of appeal.

Art. 4 Inspection of records

Once notification of the transcript results has been sent out, an opportunity shall take place for an inspection of the written exams. On this occasion, examination candidates may inspect their own examination records. The secretary's office will determine the location and exact time of the inspection, as well as the other aspects of the process. The inspection day must be held no later than 15 days after results have been dispatched. At the inspection, students will be able to request copies of their examination records in exchange for the payment of a fee of CHF 50.-.

Outside the official inspection day as described in Art. 4 para. 1, until the deadline for appeals expires, examination candidates may submit a written request to the secretary's office to inspect

their records. The secretary's office will supply copies of the examination records by email or post for a fee of CHF 50.-.

III. Procedure for appeals against the Rector's Office

Art. 5 Deadline

Decisions by the Rector's Office on academic results may be challenged by means of an appeal.

The appeal must be lodged with the Rector's Office in writing within 30 days. The 30-day appeal period begins on the day after the person concerned has been notified of their academic results.

Art. 6 Form

The appeal must be lodged in written form and signed. The written appeal must include the appellant's plea and the grounds for appeal. The necessary evidence must be listed and documents enclosed.

If the written appeal fails to satisfy these formal requirements, the Rector's Office will grant a grace period of a maximum of ten days, during which a proper written appeal must be lodged. If, after the grace period has elapsed, the written appeal still does not satisfy the formal requirements, it will not be possible to pursue the appeal further.

Art. 7 Appeals Board

A three-person Appeals Board is responsible for appeal proceedings. The members of the Appeals Board are appointed by the Rector's Office. The Appeals Board may call upon a member of staff of the secretary's office to handle its correspondence and/or to minute its meetings.

Members of the Appeals Board are not permitted in to have in any way been involved with the examination that is being challenged. The grounds for abstention laid down in § 5a para. 1 of the Zurich cantonal administrative law act (*Verwaltungsrechtspflegegesetz*) of 24 May 1959 must be observed.

The written appeal will be sent for comment to those teaching staff who conducted the assessments that led to the academic results which are being challenged. The Appeals Board will set a non-extendable period of 30 days for the submission of these comments.

The Appeals Board will rule autonomously on the outcome of the appeal. It is bound neither by the petition lodged by the recourse applicant, nor by the comments made by other participants in the proceedings.

The Appeals Board meetings take place three months after examination results have been sent out. If no appeal is pending, a meeting can be cancelled.

The Appeals Board will inform the recourse applicant in writing of its decision, stating its grounds. No grounds need be given if the Board has upheld the recourse applicant's petition in full. The decision must include an explanation of the available avenues of appeal.

Art. 8 Costs and cost advances

The Appeal proceedings before the Appeals Board cost CHF 1,000.

Having submitted their written appeal, recourse applicants must pay this fee in advance. The Rector's Office will set a period of ten days from receipt of the written appeal within which the advance must be paid. If the recourse applicant does not pay the advance, it will not be possible to pursue the appeal further.

In cases of complete rejection of the appeal, the recourse applicant bears all costs. In cases of partial acceptance of the appeal, 50% of the recourse applicant's advance payment will be refunded. With complete acceptance of the appeal, the entire fee is reimbursed to the recourse applicant. Whatever the outcome, recourse applicants are liable for their own costs incurred in preparing, submitting and defending the appeal.

IV. Procedure for appeals against the University Council

Art. 9 Deadline

Decisions taken by the Appeals Board on appeals against academic results issued by the Rector's Office may be challenged by means of a secondary appeal.

The secondary appeal must be lodged with the University Council (University Council of the Kalaidos University of Applied Sciences, Jungholzstrasse 43, 8050 Zurich) in writing within 30 days. The 30-day secondary appeal period begins on the day after the appellant has been informed of the decision of the Appeals Board.

Art. 10 Form

The secondary appeal must be lodged in written form and signed. The written secondary appeal must include the appellant's position and the grounds for appeal. The necessary evidence must be listed and documents enclosed.

If the written secondary appeal fails to satisfy these formal requirements, the University Council will grant a grace period of a maximum of ten days, during which a proper written secondary appeal must be lodged. If, after the grace period has elapsed, the written secondary appeal still fails to meet the formal requirements, it will not be possible to pursue the secondary appeal further.

Art. 11 Composition of Appeals Board and proceedings before the University Council

The University Council's three-person Appeals Board is responsible for the secondary appeal procedure. The members of the Appeals Board are appointed by the University Council. The Appeals Board may call upon a member of staff of the secretary's office to handle its correspondence and/or to minute its meetings.

The members of the Appeals Board may not be involved in any other capacity in the running of the University, as described in Art. 1. The grounds for abstention that are laid down in § 5a para. 1 of the Zurich cantonal administrative law act (*Verwaltungsrechtspflegegesetz*) of 24 May 1959 must be observed.



The Appeals Board will engage an independent specialist to produce an expert opinion on the points at issue in the appeal proceedings.

Taking this opinion as its basis, the Appeals Board will rule autonomously on the secondary appeal. The Appeals Board is bound by the expert opinion.

The decisions of the Appeals Board are final.

The Appeals Board will inform the appellant in writing of its decision.

Art. 12 Costs and cost advances

Secondary appeal proceedings before the University Council cost CHF 2,500.

Having submitted their written secondary appeal, appellants must pay an advance on costs. The University Council will set a period of ten days from receipt of the written secondary appeal within which the advance must be paid. If the appellant does not pay the advance, it will not be possible to pursue the secondary appeal further.

In cases of complete rejection of the appeal, the appellant bears all costs. In cases of partial acceptance of the appeal, 50% of the appellant's advance payment will be refunded. With complete acceptance of the appeal, the entire fee is reimbursed to the appellant. In all cases, appellants are liable for their own costs incurred in preparing, submitting and defending the appeal.

V. Entry into force

These regulations enter into force on 28 October 2010. They replace all existing rules and regulations on the proceedings for appeals against academic results issued by the Kalaidos University of Applied Sciences and its component colleges.

**On behalf of the University Council of the
Kalaidos University of Applied Sciences**

Dr. Jakob Limacher, Chairman