
Regulations on the Appeal Procedure of Kalaidos University of Applied Sciences

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I. Scope of application

Article 1

These regulations govern the appeal procedure concerning decisions relating to performance assessments at Kalaidos University of Applied Sciences. All forms of qualification evaluations are deemed to be performance assessments.

Article 2

All gradings of performance assessments that must be documented in archivable form may be appealed with regard to content or form, all others may only be appealed only with regard to form.

II. Notification and access to documents

Art. 3 Notification of the decision on performance assessments

The programme directors shall notify the student of the decision on the performance assessment by post, electronically or both. The decision must be accompanied by instructions on how to appeal. If the decision is delivered by post, the postal delivery alone shall be decisive. If it is delivered only electronically, this electronic delivery shall be decisive. The result is also deemed have been delivered electronically if the performance assessment is made accessible to the student via an online platform, whereby they must be notified of the online presence of the result in a separate email.

Article 4 Access to documents

After the decisions on the performance assessments have been sent out, an examination inspection of written examinations shall take place. This gives the examinees the opportunity to inspect their own examination documents. The programme directors will determine the location, the exact time, and subsequent steps in the inspection process. The inspection day must take place no later than 15 days after the decisions have been sent out. Students can request a copy of their own examination documents against payment of a fee of CHF 500.

Once the appeal period has expired (see Article 10), no examinations may be inspected, and no examination documents will be handed out.

Article 5 Procedure steps

Based on the inspection of the documents or the notification of the decisions on the performance assessments, students may either

- a. lodge an objection (regulated in Sec. III “Complaints”) or
- b. file an appeal (regulated in Section IV “Appeal procedure”).

III. Objection

Article 6 Time limit

If the student raises an objection after the examination has been inspected (in the case of written examinations) or after notification of the performance assessment (in the case of other forms of examination), they must submit said objection in writing (electronically or by post) within 10 days of the inspection being granted or notification being given, stating the grounds for the objection, to the programme director for the attention of the relevant Examination and Quality Committee.

Article 7 Grounds for objection

Objections regarding the evaluation of proofs of competency may only be procedural and formal in nature. The following are valid, conclusive grounds for objections:

- a. not adhering to the specified examination time frame or providing an incorrect examination time
- b. massive disruption of the examination process
- c. applying an incorrect evaluation framework
- d. incorrect calculation of the total mark or erroneous awarding of marks in parts of the examination/subtasks
- e. incorrect statements in the examination feedback
- f. incomplete corrections to the examination or subtasks
- g. incorrect statements regarding form and/or content on the performance record

Complaints are decided on by the PQQ. The PQQ may delegate complaints on grounds d to g to the board of examiners.

Art. 8 Examination and Quality Commission

The composition of the Examination and Quality Commission is governed by the examination regulations. It shall notify the student in writing of its response to the objection within 14 days of receipt of the objection.

Article 9 Further proceedings

If an objection is dismissed, then the case may be escalated by way of the appeal procedure (Section IV). The appeal procedure is also available for other admissible grievances relating to an objection which has been granted.

IV. Appeal procedure

Article 10 Time limit

Decisions handed down by the programme director concerning performance assessments can be appealed.

The appeal must be filed within 30 days by registered mail with the Head of Quality & Accreditation. The appeal period begins at the end of the day on which the person concerned was notified of the decision on the performance assessment or – in the case of a prior objection – 15 days from the date the person concerned was notified of the response to the complaint.

Article 11 Form

The appeal must be filed in writing and signed. The notice of appeal must contain the legal claims and must be substantiated. The necessary evidence and documents shall be listed and enclosed with the appeal request.

If the appeal does not comply with these formal requirements, the Quality & Accreditation Department shall set a grace period of no more than 10 days to correct the issue. If the formal requirements are still not met once this grace period has expired, then the appeal will not be considered.

Article 12 Grounds for grievances

Contested decisions are reviewed for violations of the law and of procedural regulations. Unsubstantiated grievances claiming inappropriateness are not accepted.

Article 13 Appeals Commission

A three-member Appeals Commission is responsible for the appeal procedure. The composition of the Appeals Commission is determined by the Head of Quality & Accreditation. The Appeals Commission is composed of an independent expert, a member of the Quality & Accreditation Department and a member of the Research Department. The Appeals Commission is assisted by an administrative support team.

Members of the Appeals Commission must not have been involved in conducting the contested examination in any capacity. The grounds for recusal pursuant to sec. 5a, para. 1 of the Administrative Law of the Canton of Zurich of 24 May 1959 are to be observed.

The notice of appeal will be sent to the employees concerned who were involved in the contested portion of the performance assessment for comment. For this, the Quality & Accreditation Department sets a deadline of 30 days.

The Appeals Commission shall issue an independent decision on the appeal. It is not bound by the legal claims of the appellants or the comments of the parties to the proceedings.

The Appeals Commission shall meet no later than 3 months after receipt of the notice of appeal.

The Head of Quality & Accreditation shall inform the appellant of the Appeals Commission's decision and the reasons for said decision (statement of grounds) by registered mail. The statement of grounds may be dispensed with if the requests of the appellant are met in full. The decision must be accompanied by instructions on how to appeal.

Article 14 Costs and advance on costs

The costs for the appeal procedure before the Appeals Commission amount to CHF 500. The fee is waived if a copy of the examination document was previously purchased for CHF 500.

The appellant must pay an advance on the costs once the appeal has been filed. Upon receipt of the appeal, the Quality & Accreditation Department will set the appellant a deadline of 10 days for payment of the advance. If the appellant fails to pay the advance, the appeal will not be considered.

If the appeal is dismissed in its entirety, the appellant shall bear the costs in full. If the appeal is partially upheld, 50% of the advance payment will be refunded to the appellant. If the appeal is upheld in its entirety, the entire advance on costs shall be refunded to the appellant. In any case, the appellant itself must bear the costs it incurred during the proceedings.

V. Complaint procedure UAS Council

Article 15 Time limit

Decisions of the Appeals Commission on appeals concerning performance assessments may be contested by means of a complaint.

The complaint must be filed within 30 days by registered mail at the UAS Council (Kalaidos University of Applied Sciences, Jungholzstrasse 43, 8050 Zurich). The time limit for filing a complaint begins with the expiry of the day on which the complainant was notified of the decision of the Appeals Commission.

Art. 16 Form and grounds for grievances

The provisions of the appeal procedure (Art. 11 and 12) apply mutatis mutandis to the form and grounds of a grievance.

Art. 17 Composition and procedure before the UAS Council

The three-member Appeals Board of the UAS Council is responsible for the complaint procedure. The composition of the Appeals Board is determined by the UAS Council. The Appeals Board is assisted by an administrative support team.

The members of the Appeals Board may not be employed by the UAS in any other capacity. The grounds for recusal pursuant to sec. 5a, para. 1 of the Administrative Law of the Canton of Zurich of 24 May 1959 are to be observed.

The Appeals Board shall commission an independent expert to provide their expert opinion on the disputed points of the appeal procedure.

The Appeals Board shall independently reach a decision on the complaint based on the expert's report.

The decisions of the Appeals Board are final.

The Appeals Board shall notify the complainant of its decision in writing.

Article 18 Costs and advance on costs

The costs for the complaint procedure before the UAS Council amount to CHF 2,500.

The complainant must pay an advance on the costs once the complaint has been lodged. The UAS Council shall set a deadline of 10 days after receipt of the complaint for the complainant to pay the advance. If the complainant fails to pay the advance, the complaint will not be considered.

If the complaint is dismissed in its entirety, the complainant shall bear the costs in full. If the complaint is partially upheld, 50% of the advance payment will be refunded to the complainant. If the complaint is upheld in its entirety, the entire advance on costs shall be refunded to the complainant. In any case, the complainant itself must bear the costs it incurred during the proceedings.

VI. Entry into force

This regulation shall enter into force on 1 January 2022. It replaces all existing regulations and provisions of Kalaidos University of Applied Sciences and its related schools regarding the appeal procedure for performance assessments.

**For the UAS Council
of the Kalaidos University of Applied Sciences**



Dr. Stefan Spycher, Chairman