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Further information:	Head of Student Administration

Information on Legal Action

1. Appealable decree

An ETH Zurich decision may only be appealed if the decision was communicated in the form of an appealable decree together with instructions on the right of appeal (see Art.°44 of the [Federal Act on Administrative Procedure \(Administrative Procedure Act \(APA\), SR°172.021\)](#)). The instructions on the right of appeal provide information on when, where and how the decree can be appealed, as follows:

*Pursuant to Art.°37, Para.°3 of the ETH Act of 4.10.1991 (SR 414.110) in association with Art. 5 of the Administrative Procedure Act of 20.12.1968 (SR 172.021), an administrative appeal against this decree may be lodged with the ETH-Beschwerdekommision, Effingerstr. 6a, Postfach, 3001 Bern **within 30 days of receipt**. The appeal must be written in one of Switzerland's official languages and must contain the address or proxy domicile of the appellant in Switzerland. The appeal must set out the suit together with the grounds citing due proof, and must also bear the signature of the appellant or their representative. The contested decree and the documents substantiating proof should be enclosed with the appeal. The suspensive effect will be revoked from appeals against decrees of exclusion issued due to exceedance of academic deadlines.*

An appealable decree addresses the following cases in particular:

- a) Admissions decisions
- b) "Transcript of records for non-graduating students" (if a student was excluded from the degree programme due to definitive failure of performance assessments or exceedance of academic deadlines)
- c) Interruptions of examination blocks
- d) Decisions on requests for special arrangements (disability compensation)
- e) Decisions on requests for study programme flexibility
- f) Disciplinary decisions
- g) Decisions on the ability to pursue studies
- h) Dematriculation due to failure to enrol
- i) Dematriculation due to failure to pay semester fees

Grades and other performance evaluations (with the exception of the transcript of records for non-graduating students mentioned in 1a above) are not communicated by decree at ETH Zurich. Students are generally informed by email that their grades and other results are available for viewing in the myStudies application, where they are listed in the transcript of records. In contrast to a written decree, this electronically viewable transcript of records is *non-binding* and cannot be contested in itself. If students wish to appeal a grade or performance evaluation they must request an appealable decree

from the responsible Study Administration office within 30 days of receiving the email. The issuing of an appealable decree is free of charge for students.

2. Appeals body

Appeals against ETH Zurich decrees may be lodged with the [ETH Appeals Commission](#). The ETH Appeals Commission is independent of ETH Zurich and verifies for the litigants whether the ETH Zurich decree is legitimate. It is impartial and its decisions are binding.

Appeals against decisions of the ETH Appeals Commission can be lodged with the Federal Administrative Court within 30 days.

3. Grounds of appeal

According to Art.°49 of the Administrative Procedure Act, the appellant may lodge a complaint citing the following grounds:

- a. Violation of federal law, including the exceeding or abuse of discretionary powers
- b. Incorrect or incomplete determination of the legally relevant facts of the case
- c. Unreasonable nature of the ruling (with certain exceptions, e.g. in the context of grades)

If the decree concerns grades and/or other performance evaluations, unreasonableness may not be cited (see ETH Law, Art.°37, Para.°4). If the appellant feels that an examination was too difficult, too stringent or inappropriate the ETH Appeals Commission will not prescribe a new result replacing that of the expert examiners. As long as the examiners can justify their performance evaluation comprehensibly, appeals against a result – i.e. a grade in a single examination subject – will generally have no chance of success. The ETH Appeals Commission examines on an individual basis whether a result was inappropriate or whether there was any legal infringement.

It must also be noted that pass grades can generally not be appealed. They may only be appealed in the few cases where their level has certain legal consequences. The ETH Appeals Commission will look at each individual case and judge whether the level of a pass grade has such consequences, i.e. whether the complaint will be addressed at all.

4. Formal requirements for the appeal

There is no blank form for submitting an appeal¹. A letter of complaint must be submitted which complies with the following requirements:

- The letter contains one or more clearly formulated requests (legal requests), stating clear grounds together with the respective evidence (example: a student's exclusion from studies should be rescinded).
- The letter is written in one of Switzerland's official languages².
- The letter is personally signed by the appellant or their authorised representative.
- The letter is submitted by post to the ETH Appeals Commission.

It is also recommendable to send the letter of complaint by registered post in order to document its timely submission and thus adherence to the appeals deadline (see point 5 below).

¹ For comprehensive information see the information sheet on the appeals procedure [Informationsblatt_Beschwerdekommission.pdf \(ethrat.ch\)](#) (in German and French only).

² German, French, Italian or Romansh

5. Appeals deadline

An appeal must be submitted within 30 days of receipt of the respective decree. This deadline is prescribed by law (Art.°50, Para.°1 of the Administrative Procedure Act) and is not extendable³.

6. Costs

The ETH Appeals Commission will only address an appeal if it is accompanied by an advance on costs, generally of CHF 500.00. In well-grounded cases a request for free legal aid may be submitted, involving disclosure of the appellant's financial circumstances. If the appeal is fully or partially rejected the appellant is usually required to cover procedural costs, which normally reflect the amount advanced. If the appeal is accepted, the advance is reimbursed.

7. Duration of proceedings

It normally takes six to nine months – and in some cases longer – for the ETH Appeals Commission to make a decision and communicate it by post.

8. Suspensive effect

According to Art.°55, Para.°1 of the Administrative Procedure Act, an appeal has a suspensive effect. This means that students lodging an appeal may continue with their studies until the ETH Appeals Commission has come to a decision. The exception is students who have been dematriculated due to exceedance of academic deadlines. In their case the suspensive effect is revoked. ETH Zurich may also revoke the suspensive effect in further cases if necessary (see Art.°55, Para.°2 of the Administrative Procedure Act).

If an appeal is taken further to the Federal Administrative Court, any suspensive effect remains in force until a final judgment has been made.

³ See the special case of legal holidays set out in Art.°22a of the Administrative Procedure Act.