Information sheet:
Right of appeal and means of legal redress regarding grades, other performance evaluations and other decisions communicated via decree

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1. Initial position

1.1 Grades and other performance evaluations

At ETH Zurich, grades and other performance evaluation results are communicated to students as follows:

a) The results of the first-year examinations are communicated in writing via a so-called “decree”.¹ The decree is a formal notification which contains a binding list of individual grades and declares (“decrees”) whether the first-year examinations have been passed or failed. Decrees may be appealed, as described below.

b) The grades and results from other performance assessments (examinations, examination blocks, etc.) are communicated as follows. The Study Administration offices inform individual students by email when grades and other performance evaluations become available for viewing in the myStudies web application. The results are listed in the transcript of records. This is electronically viewable, and is – in contrast to the written decree – not binding and not appealable. If students wish to contest grades or other results, they

¹ This does not apply to the five Bachelor’s degree programmes which are participating in the “split first-year examinations” pilot project (Electrical Engineering and Information Technology, Computer Science, Mathematics, Physics, and Computational Science and Engineering; as stated in the respective Programme Regulations 2016). In these degree programmes the results of the individual first-year examination blocks are communicated by email, in the same way as other results are communicated according to point 1.1 (b) of this information sheet.
must request an appealable decree from the respective Study Administration office within 30 days of receiving the email. The issuing of a decree is free of charge for students.

c) Students who passed the first-year examinations but **fail at a later stage in their studies** also receive a decree, the so-called “transcript of records for non-graduating students”. This decree lists all grades and performance evaluations received up to that date.

If students dispute decreed grades or results they may proceed in one of two ways: lodge an appeal (see point 2), or seek legal redress (see point 3).

1.2 Other decisions

The actions described in this information sheet also apply in their respective sense to other decisions communicated via decree. These include

a) Decisions regarding requests for flexibility, e.g. postponement of examinations or splitting of an examination block

b) Decisions regarding requests for disability compensation on the basis of acknowledged disability

c) A transcript of records for non-graduating students is also issued to students who have missed an academic deadline, leading to their exclusion from the degree programme.

2. **Right of appeal: Lodging an appeal with the ETH Appeals Commission**

Decrees contain instructions on the right of appeal, i.e. information on how, where and when the decree can be appealed. An appeal must proceed within 30 days of receiving the decree.\(^2\) The appeals body is the ETH Appeals Commission in Bern.

If an appeal is lodged with the ETH Appeals Commission this body must address the case and come to a decision. The ruling of the ETH Appeals Commission may be taken further to the Federal Administrative Court.

Rights violations may be cited in the appeal, such as examination procedures which do not conform to regulations or examination schedules; erroneous computation of the average grade; failure to take into account tasks completed in a written examination; and unequal treatment of students.

The most common reasons for an appeal are the following.

- Most cases dispute performance evaluation results, i.e. grades in individual examination subjects, and include a request for higher grades. However, The ETH Appeals Commission will refer cases back to ETH for reconsideration only if it can prove objectively and clearly that points or grades have been awarded arbitrarily. If it cannot do so, to dispute performance evaluation results is generally futile because examiners exercise a margin of discretion which the ETH Appeals Commission may not legally question. For example, if an examination answer which is only half-right received no points the Commission will not address whether awarding a half or whole point would have been reasonable or not. The Commission also does not consult independent experts. Decisions on the awarding of points are made solely by examiners.

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\(^2\) **Special Case Legal Holidays according to the Federal Act on Administrative Process, SR 172.021**

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• It must also be noted that pass grades generally cannot be appealed. The only exception is
where they have legal consequences, i.e. affect the possibility of attending additional courses,
pursuing further education, or attaining special qualifications; or if the grade will have a
later impact on further examinations as an average grade.

• Occasionally students appeal citing grounds that they were physically or mentally impaired
during an examination. Here they are not disputing a grade but requesting the cancellation
of the results of an individual examination, an examination block or another performance
assessment. This situation is addressed in point 3 below.

The ETH Appeals Commission will only accept an appeal if it is accompanied by an advance
on costs (at least Sfr. 500.00). If the appeal is rejected the appellant must cover procedural
costs. Costs usually reflect the amount advanced.

3. **Legal redress: Requests for reconsideration and cancellation**

As described above, in the appeals process the case is brought to a higher authority for a deci-
sion. In contrast, when legal redress is sought the case goes to the body which issued the de-
cree, i.e. ETH Zurich itself, with a request to reconsider the decree and to change or revoke it.

ETH distinguishes between two forms of legal redress: the request for reconsideration, and the
request for cancellation.

3a) **Request for reconsideration**

In the request for reconsideration students request the decreeing body to revoke the decree
and replace it with a more advantageous version. Most cases involve a request, providing
grounds, for re-evaluation of an examination with the aim of getting a better grade. Retrospec-
tive alteration of grades is, however, a matter for the respective examiner or grading confer-
ence only. If these have plausible grounds for standing by the original result, the request for
reconsideration will not be granted.

3b) **Request for cancellation**

In this context cancellation means declaring that a performance assessment which was under-
taken never happened. Usually this request is made after a performance assessment has been
failed twice. This means that, if granted, the respective student would be able to undertake the
assessment three times. However, this contravenes the policy of one-time repetition. In order
not to violate this policy and to guarantee equal treatment for all students, stringent conditions
are applied to cancellation.

In most cases requests are made on grounds of impaired performance related to poor health.
In principle cancellation is out of the question if a student, despite being in poor health, under-
takes a performance assessment. However, it is possible to withdraw from a performance as-
essessment before it takes place or to break it off once it has begun. **Both actions should be
reported immediately – i.e. on the SAME DAY – to the Examinations Office, and a doc-
 tor’s note must be submitted within two days.** Any student who undertakes a performance
assessment despite poor health accepts the risk of failure and forfeits the possibility of cancel-
lation. All students are pointedly informed of this in writing in the examination schedule direc-
tives.
4. Important notes

**Appealable decree**

Requests for reconsideration and requests for cancellation will only be processed if they relate to a *decree* (e.g. decrees in the context of first-year examinations, appealable decrees or transcripts of records for non-graduating students). Requests for alteration or annulment of grades and performance evaluations which are related to the electronically viewable *transcript of records* (even if printed out) will not be accepted. For this reason the would-be appellant must apply to the responsible Study Administration office for an appealable decree (see point 1.1 (b)). This is not necessary if the result or decision will in any case be communicated via decree, as is the case with first-year examinations or the transcript of records for non-graduating students (see point 1.1 (a) and (c)).

**30-day deadline and the “precautionary appeal”**

Requests for reconsideration or requests for cancellation must be submitted to the Vice-Rector for Study Programmes within 30 days of receipt of the decree.

Submission of a request for reconsideration or cancellation has no influence on the deadline for lodging an appeal. As stated in point 2 above, an appeal to a decree may be lodged with the ETH Appeals Commission within 30 days of receipt of the decree. This is a legally defined deadline which cannot be extended, and there is a danger that it will pass before ETH has ruled on the submitted request for reconsideration or cancellation. Submitting a “precautionary appeal” to the ETH Appeals Commission will circumvent the possibility of missing the appeals deadline.

**Further information**

If you have any questions, particularly regarding formal procedures, you may contact the Head of Student Administration for guidance (an appointment is recommended).

**Addresses**


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3. Special Case Legal Holidays according to the Federal Act on Administrative Process, SR 172.021