

# REGULATIONS RELATING TO APPEAL PROCEDURES AT THE GRADUATE INSTITUTE OF INTERNATIONAL AND DEVELOPMENT STUDIES, GENEVA (SWITZERLAND)

(Hereafter, 'RIO-IHEID'<sup>1</sup>)

27 May 2016

***For the purposes of these regulations and in accordance with the constitutional principle of gender equality, all designations of person, status or function refer to men and women equally.***

Given the recognition of the Graduate Institute of International and Development Studies (hereafter, 'IHEID' or the 'Institute') by the Swiss Confederation, in accordance with the Federal Law of 30 September 2011 relating to the promotion of higher education and cooperation in matters relating to universities in Switzerland, the Foundation Board of the Graduate Institute of International and Development Studies stipulates the following:

## **Title I    General**

### **Chapter I    In general**

#### **Article I    Principle**

<sup>1</sup> The Institute establishes an internal appeal procedure with respect to any decision within the meaning of section 4 of the Administrative Procedure Act of 12 September 1985 (LPA-RS E 5 10) before appealing to the administrative chamber of the Court of Justice of the Republic and Canton of Geneva.

<sup>2</sup> This internal appeal procedure is governed by these regulations (hereafter, the 'Regulations').

#### **Article 2    *Locus standi* to file the appeal**

Subject to the exceptions outlined in these regulations, the following people have *locus standi* to file an appeal, provided they have been affected by a decision made by the Institute and that they have an interest worthy of protection for the decision to be amended or rescinded by that authority:

- Students enrolled in a Master's programme according to the relevant regulations;
- Students enrolled in a PhD programme according to the relevant regulations.

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<sup>1</sup> From the Règlement interne relatif à la procédure d'opposition au sein de l'Institut de Hautes Etudes Internationales et du Développement, Genève (Suisse)

### **Article 3 Decisions**

<sup>1</sup> Under these regulations, all decisions within the meaning of Article 4 of the Administrative Procedure Act of 12 September 1985 (LPA-RS E 5 10) made by the Institute in a particular case are considered as decisions.

<sup>2</sup> Decisions relating to the evaluation of examinations, tests or any other knowledge assessment method, to the extent that they are essential for the completion of a university degree under the applicable regulations are also considered as decisions.

### **Article 4 Competent authority**

The authority which rules on the appeal is the same that rendered the decision which is appealed.

### **Article 5 Exceptions**

The following cases are not subject to the regulations:

- a) Disputes between the Institute and a party external to the Institute;
- b) Disputes that fall under the jurisdiction of other courts, at the cantonal or federal levels.

## **Chapter II Admissibility criteria of the appeal**

### **Article 6 Appeal period**

<sup>1</sup> The appeal must be filed within 30 days following the notification of the contentious decision, with the authority that rendered it.

<sup>2</sup> The period begins on the day the decision is notified, provided the decision has been communicated in writing to the parties.

<sup>3</sup> The time limit starts from the day the parties are made aware of the decision, if the decision has not been communicated in writing to the parties.

<sup>4</sup> The 30-day time limit may be suspended in cases set out in the regulations.

<sup>5</sup> Should the afore-mentioned deadlines not be respected, the appeal will be deemed inadmissible.

### **Article 7 Form and content of the appeal**

<sup>1</sup> The appeal is filed by registered letter and addressed to the authority which rendered the contentious decision.

<sup>2</sup> The appeal must include:

- a) The name, address and designation of the parties;
- b) The designation of the contentious decision, a statement of the facts justifying the appeal and the objections raised;
- c) The conclusions of the appeal;
- d) The date and signature of the appeal.

<sup>3</sup> Should these requirements not be met, the appeal will be deemed inadmissible.

### **Article 8 Registration**

<sup>1</sup> Students must be registered with the Institute and they must have paid their fees at the time the appeal is filed.

<sup>2</sup> Should this condition not be met, the appeal will be deemed inadmissible.

## **Chapter III Suspensive effect**

### **Article 9 In general**

<sup>1</sup> An appeal filed in the form prescribed above and within deadline fixed by the regulations suspends the execution of the contentious decision.

<sup>2</sup> The authority whose decision may be subject to appeal may mean that a possible appeal does not have suspensive effect.

### **Article 10 Knowledge assessment**

<sup>1</sup> Subject to the following paragraph and until a ruling is made on the appeal, the

opposing party may, as a general rule, pursue their studies if and to the extent that the applicable regulations permit it.

<sup>2</sup> The opposing party who has not obtained the required ECTS credits within the time allowed is excluded in accordance with the applicable regulations and may not pursue their studies.

#### **Chapter IV Consultation of the file**

##### **Article 11 In general**

<sup>1</sup> The parties are entitled to consult the items on file on which the authority's decision was based.

<sup>2</sup> If a party has been denied access to an item on file, said item may not be used against them.

##### **Article 12 Knowledge assessment**

<sup>1</sup> In the case of a written examination, students may have access to the work they submitted for evaluation.

<sup>2</sup> If the student's examination work has not been annotated, the student may request beforehand that it be annotated. The faculty member responsible for the evaluation must satisfy this request within ten days, unless an exemption has been granted in writing by the Director of the Institute. Where required, the deadline for filing an appeal is suspended until the relevant department of the Institute has notified the student that they may consult their annotated work.

#### **Chapter V Withdrawal of appeal**

##### **Article 13 Principle**

The appeal may be withdrawn at all times. The withdrawal is neither revocable nor conditional.

##### **Article 14 Form of withdrawal**

<sup>1</sup> Any withdrawal shall be notified by registered letter to the authority that rendered the contentious decision.

<sup>2</sup> The withdrawal shall be dated and signed by the opposing party.

#### **Chapter VI Instruction of the appeal**

##### **Article 15 Procedure for appeals filed by students**

<sup>1</sup> Any appeal shall be examined by a commission especially appointed by the Institute for this purpose.

<sup>2</sup> The commission is appointed in accordance with the organisational regulations of the Institute.

<sup>3</sup> The commission gathers all the relevant information and undertakes any inquiry or investigation necessary to draw up its opinion. This task may be delegated to one or several members of the commission by the president of the commission, who may also decide to carry out the investigation alone.

<sup>4</sup> The commission may invite any person involved in the events leading to the contentious decision to comment on the appeal, unless the appeal is manifestly unfounded or inadmissible.

<sup>5</sup> The opposing party may ask for a hearing with the commission. However, the request for a hearing may be rejected if the commission is satisfied that adequate information has been provided to draw up an opinion and finds that the appeal is sufficiently clear and reasoned.

<sup>6</sup> At the end of the investigation, the commission issues an opinion to the authority which rendered the contentious decision.

## **Chapter VII Review authority**

### **Article 16 In general**

<sup>1</sup> The authority which rendered the contentious decision examines the facts and assesses the evidence of the parties.

<sup>2</sup> The authority rules on the appeal by freely assessing the objections raised by the opposing party.

### **Article 17 Knowledge assessment**

<sup>1</sup> The authority which renders the contentious decision and rules on the appeal examines the facts and freely assesses the objections raised by the opposing party, subject to paragraph 2.

<sup>2</sup> The authority arbitrarily examines the objections raised by the opposing party. Any grade or evaluation which violates a clear rule, is not based on objective criteria that are valid for all students, is indefensible or is against the sense of equity, is considered as arbitrary.

## **Chapter VIII Decision on appeal**

### **Article 18 Principle**

The authority which rules on the appeal may, once it has been contacted, maintain, modify or revoke the contentious decision, in full or in part.

### **Article 19 Time frame**

<sup>1</sup> The ruling authority must, in principle, render its decision within 30 days once a decision will be reached.

<sup>2</sup> The ruling authority shall communicate its decision directly by registered letter.

### **Article 20 Content and form**

<sup>1</sup> The reasons in fact and in law are stated in the ruling on the appeal.

<sup>2</sup> The ruling on the appeal must be signed and dated and must specify the normal appeals procedure for the parties as well as the deadline for appeal.

### **Article 21 Applicable law**

For all other issues and subject to the provisions set out above, the Administrative Procedure Act of 12 September 1985 is applicable (LPA-RS E 5 10).

## **Chapter IX Appeal procedure**

### **Article 22 Principle**

All decisions on appeal made under the regulations may be appealed, within 30 days of its notification, in the administrative chamber of the Court of Justice of the Republic and Canton of Geneva (Switzerland).

### **Article 23 Applicable law**

For all other issues and where appropriate, the Administrative Procedure Act of 12 September 1985 (LPA-RS E 5 10) is applicable.

## **Chapter X Final and transitional provisions**

### **Article 24 Date of entry and geographical scope**

<sup>1</sup> The regulations enter into force on 1 September 2016.

<sup>2</sup> The regulations apply immediately to all ongoing disputes and to all appeals that may be filed after its entry into force.

Geneva, 1 September 2016  
Approved by the Foundation Board on 27 May 2016.

**The French-language version of this document is the authentic text.**