



## Bylaws of the association KIKRI ETH Zentrum

### NAME, LOCATION, AND PURPOSE

- Art. 1** The name KIKRI ETH Zentrum designates an association formed in accordance with Art. 60 ff. of the Swiss Civil Code. The Association is based in Zurich. It pursues no profit-making or self-help purposes.
- Art. 2** The Association operates one or, if required, more nurseries in the neighborhood of the ETH Zentrum campus for members of the ETHZ, in the interests of the smooth running of the university's business. The children of members of UZH and residents of the immediate neighborhood may also be admitted to the nursery if such additional admissions can be justified on educational, operational, and economic grounds.

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### MEMBERSHIP

- Art. 3** The members of the association include the parents (mothers, fathers, or legal guardians) and the nursery's permanent staff. Further persons may be admitted as passive members.

Decisions on the admission of new members are made by the Executive Committee.

Membership begins upon payment of the first membership dues which become payable after a trial period of three months.

The membership dues may be set at a maximum of CHF 500 p.a. The dues for the following year are fixed by a General Assembly resolution.

If a member is suffering financial hardship, the Executive Committee may waive the membership fee upon application by the member.

As well as the one-off registration fee and the annual membership dues, parents are obliged to pay a monthly contribution to the nursery's operating costs, based on the City of Zurich's regulations on parental contributions to non-family childcare.

**Art.4** Membership ends through resignation or exclusion. Resignation comes into effect upon a written communication to the nursery management. Resignation is possible at any time – excepting the months of May, June, and August – and takes effect immediately. Otherwise, the details of the resignation process as set out in the Regulations must be observed.

A member acting in a manner contrary to the interests of the Association, these Bylaws, or the Regulations may be excluded. The Executive Committee decides on the exclusion of members. The member excluded can appeal against the exclusion in writing within thirty days. The final decision is taken by the General Assembly after hearing the member. Until this final decision, the child is entitled to remain in the nursery.

**Art. 5** The members agree to take an active part in work for the nursery, in accordance with the Regulations.

**Art. 6** Members do not incur personal liability. Liability for the nursery's obligations is limited to the Association's assets.

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## FINANCE

**Art. 7** The association's income derives from:

- a) annual membership dues (calculated per family)
- b) exceptional contributions to running costs
- c) one-off registration fees (calculated per child)
- d) contributions to running costs by the ETHZ administration
- e) municipal contributions
- f) donations
- g) interest on capital

The Executive Committee is responsible for investing the association's assets. This investment must be in trust stock.

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## OPERATION OF THE NURSERY

**Art. 8** The Association generally runs the nursery on the premises rented to it by the ETHZ.

**Art. 9** The Association draws up regulations for the running of the nursery.

**Art. 10** The financial year begins on January 1 and ends on December 31.

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## BODIES

**Art. 11** The bodies of the Association are:

- a) the General Assembly,
- b) the Executive Committee,
- c) the auditors.

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## GENERAL ASSEMBLY

**Art. 12 Convening the General Assembly:** The General Assembly is ordinarily held once a year after the closing of the annual accounts. It is convened by the president, one month in advance of the agreed date. Proposals by members must be submitted to the Executive Committee two weeks in advance. If a proposal is submitted later than this, or if it only consists of a question, then the matter may be discussed during the General Assembly but a resolution is only permitted at a later General Assembly. The agenda and related documentation must be circulated to the members one week before the date of the meeting.

Extraordinary General Meetings are held at the request of the Executive Committee, the auditors, or one fifth of the membership. The agenda points to be discussed must be made known to the Executive Committee at the time of submitting the request. The president then convenes the Extraordinary General Meeting, with ten days' notice, by circulating the agenda.

**Art. 13 Chair and minutes:** The General Assembly is chaired by the president or, if she/he cannot be present, by the vice-president. Minutes are to be kept of the discussions.

**Art. 14 Powers:** The General Assembly is the supreme body of the Association and has the following powers:

- a) to elect the Executive Committee and the auditors for the coming financial year
- b) to approve the annual report and the annual accounts
- c) to authorize the Regulations
- d) to set the annual membership dues
- e) to make decisions on any purchases and repairs exceeding the amount of CHF 5,000
- f) to amend the Bylaws and dissolve the Association (requiring a two-thirds majority of the voting members present)
- g) to deal with objections to Executive Committee decisions
- h) to definitively exclude Association members
- i) to make decisions in regard to other matters with which it is entrusted through laws or bylaws, inasmuch as these are not reserved for or entrusted to the Executive Committee.

**Art. 15 Resolutions:** Each member has one vote. Passive (non-voting) members have a deliberative voice. The General Assembly passes its resolutions through a simple majority of votes cast. If the votes are equally divided, the president holds the deciding vote.

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## EXECUTIVE COMMITTEE

**Art. 16 Composition and organization:** The Executive Committee is composed of 4–8 Association members elected by the General Assembly for a term of one year. The president is elected by General Assembly; apart from this, the Executive Committee itself determines the distribution of its tasks.

**Art. 17 Duties:** The Executive Committee manages the affairs of the Association, represents the Association in relation to third parties, and deals with all the day-to-day business not reserved to the General Assembly. The Executive Committee is authorized to delegate specific tasks to third persons; in such cases, the responsibility of the Executive Committee remains in place.

The legally authorized signature is that of the president or vice-president together with that of the treasurer. In financial matters, the treasurer is authorized to sign alone within the framework of the approved annual budget.

The meetings of the Executive Committee are convened by the president. He or she must convene a meeting if at least two members request it. Minutes are to be kept of the Executive Committee's meetings.

**Art. 18 Authorizations and powers:**

- a) Drawing up the annual report and the annual accounts for the attention of the General Assembly
- b) Drawing up the budget for the attention of the ETHZ's childcare office ("kihz") and for approval by the head of the ETHZ personnel department
- c) Handling complaints or infractions by the nursery management or the parents against the Bylaws and the Regulations
- d) Admitting and excluding Association members
- e) Appointing and discharging the nursery management, which holds one seat on the Executive Committee
- f) Issuing a set of regulations (including a function chart) for the running of the nursery
- g) Setting the one-off registration fee in the Regulations
- h) Appointing and dismissing nursery staff
- i) Making decisions in all other Association matters that are not explicitly entrusted to other bodies

**Art. 19 Decision-making:** Decisions by the Executive Committee are taken with a simple majority of the votes present. A quorum on the Executive Committee is achieved when at least one half of its members are present.

**Art. 20 Compensation:** The members of the Executive Committee work on a volunteer basis and in principle are entitled only to reimbursement of their actual expenses and cash outlay. An appropriate remuneration may be made in the case of special services provided by individual members of the Executive Committee.

**Art. 21 Annual accounts:** The annual accounts must be made available to the auditors at the latest two months after the end of the financial year, for the annual audit. In addition, every year the Executive Committee submits the Association's annual statement (balance-sheet, income statement, annual report) and the entire documentation provided by the auditors (confirmation report, explanatory report, management letter, etc.), unsolicited and in duplicate, to the City of Zurich's Department of Social Affairs, the kihz, and the ETHZ finance department.

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## ACCOUNTING AND AUDITING

**Art. 22** The General Assembly elects a board of auditors for the term of one year. This role must be undertaken either by the City of Zurich's financial control department (FK) or a recognized fiduciary company (a member of the Swiss Chamber of Fiduciaries). The auditors examine the annual accounts and present their report for approval to the General Assembly.

The Association guarantees the maintenance of orderly accounting procedures for the nursery. The nursery's accounting is further based on the currently effective framework contract between the KIKRI ETH Zentrum and the City of Zurich's Department of Social Affairs and the currently effective funding agreement between the KIKRI ETH Zentrum and the ETHZ.

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## AMENDMENTS TO THE BYLAWS, COMPLAINTS, DISSOLUTION

**Art. 23 Amendments to the Bylaws:** Such amendments require a two-thirds majority of the voting members present at the General Assembly. Proposals for amendments to the Bylaws must be circulated to the members along with the agenda papers. However, a change to the purpose of the Association is not possible.

No amendment to the Bylaws may infringe the agreement between the parents' association KIKRI ETH Zentrum and the ETHZ or the City of Zurich's Department of Social Affairs. If any such amendment to the Bylaws is made, the Executive Committee must communicate this immediately and unsolicited to the City of Zurich's Department of Social Affairs.

**Art. 24 Complaints:** Members can address complaints to the Executive Committee; appeals against the Committee's decisions can be made at the General Assembly.

**Art. 25 Dissolution:** The Association can be dissolved

- a) if another legal personality (e.g. a foundation) is established in its place to pursue the same purpose as that set down in Art. 2 of these Bylaws;
- b) if the purpose of the Association can no longer be fulfilled;
- c) if two thirds of the Association's voting members call for a dissolution.

Any assets remaining after the dissolution of the Association shall be contributed to an institution having the same or similar objectives, with preference being given to a suitable tax-exempt institution. In no event shall such assets be distributed among the members.

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## FINAL PROVISIONS

**Art. 26** These Bylaws replace the bylaws dated March 26, 2013, and were approved at the General Assembly of March 9, 2016. The Bylaws are effective immediately.