CHAPTER III OF THE OOR STUDENT REQUIREMENTS SYSTEM

III.3. Students’ Disciplinary and Damages Policy

The Senate, in agreement of the Student Government, supported the approval of the Students’ Disciplinary and Damages Policy by Resolution No. 68.e/2005/06 at its meeting of 3 July 2006.

Simultaneously, the previous regulation on the same subject was revoked.

Amended by Senate Resolution No. SZ-16.db/2014/2015. (2014. XI. 3.)
Resolution No. SZ-144/2015/2016. (2016. V. 18.)
Corvinus University of Budapest (hereinafter, the “University”) creates the following policy on the detailed rules of the disciplinary proceedings pursuant to Act CCIV of 2011 on National Higher Education and Act CXL of 2004 on the general rules of official administrative proceedings and services.1

General provisions

§ 1

(1) The scope of the Policy shall apply to all persons holding a student’s status at the University.

(2) A student commits a disciplinary offence especially if he/she
   a) culpably and materially violates any of his/her obligations established by the law and any other regulations of the University or the faculty;
   b) behaves in any other unlawful way, which causes a disadvantage to the University;
   c) pretends somebody other's work to be his/her own or does not properly refer to somebody other’s work (plagiarism);
   d) substitutes or is substituted by any other person during any examining or uses any aid or method that is not permitted;
   e) behaves in a way unworthy of a University student;
   f) behaves in a way that spoils the reputation of the University or the faculty;
   g) culpably and materially violates the obligation of social coexistence;
   h) culpably and seriously abuses his position as a student;
   i) culpably and seriously violates his duty of cooperation.

(2a) For the purposes of this Policy, a student fails to comply with his/her obligation of social coexistence if he/she engages in any illegal activities defined by the law or the Policy or commits an omission, which affects the social norms to a lesser degree than those punished by the law, but is contrary to the rules of community coexistence or threatens or violates the rights or legitimate interests of the citizens of Corvinus University of Budapest.

(2b) For the purposes of this Policy, a student abuses his/her position as a student who, in order to cause unlawful disadvantage or obtain unlawful advantage,
   a) violates any obligation arising from his/her position as a student,
   b) exceeds his/her powers arising from his/her position as a student, or
   c) abuses his/her position as a student in any other way.

(2c) For the purposes of this Policy, “position of a student” includes everything defined in the Statues of the Student Government of CUB and the statutes of the faculty student government of the University as such, as well as any other duty or responsibility defined in any other university document, which the student accepts based on an assignment, appointment or election.

(2d) For the purposes of this Policy, a student is in breach of his/her duty of cooperation if his/her behaviour (act or omission) is suitable for hindering the core activity or other normal activities or operations of the University.

(3) A breach of obligation to which any other detrimental consequences are attached in the study and examination policy is not considered a disciplinary offence (e.g. absence from mandatory training, failure to appear at an examination, etc.).

1 Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
2 Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
Disciplinary penalties and measures

§ 2

(1) The following disciplinary penalties may be imposed on a student in a disciplinary resolution:
   a) reprimand,
   b) severe reprimand,
   c) reduction or withdrawal of the benefits and allowances specified in the Student Allowance and Benefits Policy (hereinafter, the “SABP”),
   d) barring the student from studying for a definite period defined in semesters;
   e) disqualification from the University.

(2) The disciplinary resolution shall define the duration of the disciplinary penalty set out in point c) and d) of paragraph (1), and the degree of the reduction of the allowance or benefit. The duration of the penalty specified in point c) of paragraph (1) shall not exceed 6 months. The duration of the disqualification defined in point d) of paragraph (1) may be up to two semesters as follows:
   a) non-teaching periods shall be disregarded when calculating the number of months;
   b) the duration of disqualification shall be determined by reference to the school semester.

(3) Social grants defined in the SABP may not be suspended as a disciplinary penalty. In case the disciplinary proceeding ends with a penalty due to the provision of false data falling under the SABP, the relevant benefit/allowance shall be revoked.

(4) If the student continues studies in several majors, the disciplinary penalties in points d) and e) of paragraph (1) shall apply to all majors.

(5) Imposing the penalties defined under points d) and e) of paragraph (1) shall entail the definitive or temporary suspension of the rights associated with the student’s status. The student’s status shall be suspended throughout the duration of the penalty applied under point d) of paragraph (1).

(6) The provisions of this § shall also apply to dormitories. In lieu of the penalty defined in point e) of paragraph (1), exclusion from the dormitory may apply.

(7) In case the disciplinary offence is committed in the dormitory, the following option is added to the scope of penalties in paragraph (1) of this §:
   Prohibition of living in the dormitory for a specified period of time not exceeding one school semester, provided, that the duration of the prohibition shall be determined in weeks and that the student may not be prohibited from the dormitory for the weeks of the examination period.

§ 3

(1) In determining the disciplinary penalty, all the circumstances of the act shall be considered, including, particularly
   a) the scope of injured persons;
   b) the consequences;
   c) the repetition of the infringement;
   d) the gravity of the offence;

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3 Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016

4 Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
in a way that the penalty applied shall be tailored to the gravity of the act, the student’s degree of culpability and the mitigating and aggravating circumstances.

(2) Instead of imposing a disciplinary penalty and subject to discontinuing the proceeding, a warning may be applied if the offence committed is so minor, having regard to all the circumstances of the case (especially the student’s personality, the motives of his/her act and the method of the act or omission), that imposing the mildest disciplinary penalty is unnecessary and the warning can be expected to have a deterrent effect.

(3) The academic performance of the student shall not affect the initiation of the disciplinary proceeding or the imposition of the disciplinary penalty.

(4) The disciplinary penalty shall be imposed following disciplinary proceedings and by a reasoned written decision.

Disciplinary proceeding

§ 4

(1) The disciplinary authority is exercised by the faculty disciplinary committee in the first instance, respectively the second instance disciplinary committee in the second instance.

(2) The committee acting in the first instance shall include a chairman and two members, provided, that one of the members shall be the representative of the Student Government with the right to vote. Acting on a case by case basis, the chairman and the lecturer member of the disciplinary committee shall be invited by the dean of the faculty from a permanent disciplinary body of 5 members elected by the faculty council. The student member of the disciplinary committee is appointed by the president of the Student Government. The invitation and the appointment shall always be in writing.

(3) The following persons may not be a member of the disciplinary committee:
   a) any relative of the person who is the subject of the disciplinary proceeding (next of kin or his/her spouse, adoptive, step and foster children, adoptive, step and foster parents, siblings, spouses, civil partner, close relative or sibling of the spouse, spouse of the sibling);
   b) who cannot be expected to judge the case impartially.

(4) The provision on exclusion from exercising the disciplinary authority shall apply to the keeper of minutes as well.

(5) The dean of the faculty decides on the exclusion and the appointment of the new member.

(6) As regards disciplinary offences committed in the dormitory, the disciplinary authority is exercised by the disciplinary committee of the dormitory in the first instance, respectively the second instance disciplinary committee in the second instance.

(7) The dormitory disciplinary committee consists of 3 members assigned by the rector for a fixed term of 3 years. The dormitory director of the competent campus of the University shall be a member ex officio and, at the same time, chairman of the committee. The committee also involves a dormitory teacher or in the absence of such a representative of the dormitory with a civil servant relationship with the University (for special dormitories, the director or teacher of the special dormitory) and the secretary of the student committee of the dormitory. The body shall take decisions by a majority.

\[5\] Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
§ 5

(1)

(2)

(3) The faculty of the University shall have authority to conduct the disciplinary proceeding where the student who is the subject of proceeding is studying.

(4) If the student who is the subject of the proceeding is studying in more than one faculties, the disciplinary proceeding may be opened by any of the faculties, but will be conducted by the faculty where the proceeding was opened earlier. The body exercising the disciplinary authority shall inform the dean of the other competent faculty about opening the disciplinary proceeding by sending him/her a copy of the documents.

(5) The disciplinary proceeding for a breach of obligation committed within the scope of practical training shall be conducted at the University.

Time limits

§ 6

(1) The disciplinary proceeding may be ordered by the dean or, in the case of a dormitory disciplinary offence, the competent campus director within 30 days of the notification or, in the case of reveal, the date of reveal, by giving simultaneous written notice thereof to the student.

(2) For the purposes of these provisions, reveal shall mean the time when the competent person authorised to initiate a disciplinary proceeding is informed about the event underlying such a proceeding.

(3) The student shall be informed of the opening of the disciplinary proceeding by stating the reasons. The notice ordering the disciplinary proceeding shall contain the name and the address of the student who is the subject of the disciplinary proceeding, the name of the faculty, the school and the grade, as well as a brief description of the act underlying the proceeding. The notice shall be sent to the mailing address of the student who is the subject of the proceeding in the NEPTUN study and registration system (hereinafter referred to as "NEPTUN") or, in the absence thereof, his/her permanent home address.

(4) A disciplinary proceeding may not be opened if a period of 30 days has lapsed since gaining knowledge of the disciplinary offence or the offence itself was committed more than five months earlier.

(5) The disciplinary proceeding shall be completed within 30 days of ordering, except for disciplinary proceedings suspended due to criminal proceedings.

(6) The chairman of the disciplinary committee may extend the time limit for conducting the proceeding by 30 days on one occasion if justified by the complexity of the case or the taking of evidence. The student

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6 Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
7 Inserted by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
8 Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
who is the subject of the proceeding and all other persons notified of the opening of the proceeding shall be notified thereof.

Suspension and limitation period\(^9\)

§ 7\(^{10}\)

(1) If, during the disciplinary proceeding, the well-founded suspicion of the perpetration of a crime arises, the body exercising the disciplinary authority shall send the relevant documents to the Administrative Directorate together with the circumstances suggesting the crime within 3 working days of becoming aware.

(1a) The Administrative Directorate shall examine the documents and report the crime if necessary. The Administrative Directorate shall inform the body exercising the administrative authority within 3 working days of reporting the crime or if it believes a report is not justified.

(2) If criminal proceedings have been or are initiated against the person who is the subject of the disciplinary proceeding in the same subject and, in the opinion of the disciplinary committee, the facts of the case cannot be clarified without the criminal proceedings, the body exercising the disciplinary authority shall suspend the proceeding until the final closing of the criminal proceedings.

(2a) The suspension of the disciplinary proceeding may be terminated if it becomes apparent in the meantime that the situation can be clarified anyway, especially if new evidence is found. The suspension of the disciplinary proceeding shall interrupt the limitation period.

(3) The duration of the suspension of the disciplinary proceeding is not included in the time limit defined in § 6. The suspension shall cease on the day following that on which the University is informed about the final closing of the criminal proceedings.

(3a) The body exercising the disciplinary authority shall notify the student who is the subject of the proceeding of the suspension and the termination thereof within 3 working days.

(4) Any procedural action against the student on grounds of the disciplinary offence (ordering the disciplinary proceeding, summons, hearing, etc.) interrupts the limitation period. The limitation period starts again on the date of interruption.

Interim measures\(^11\)

§ 8\(^{12}\)

(1) In justified cases, particularly in view of the nature and gravity of the disciplinary offence, the body exercising the disciplinary authority may revoke the registration book of the student until the final and enforceable\(^13\) disciplinary decision is made.

\(^9\) Inserted by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016

\(^{10}\) Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016

\(^{11}\) Inserted by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016

\(^{12}\) Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016

\(^{13}\) See § 23 for the legal force and the enforceability of the decision.
(2) In this case, the student may not go up for examination, sit for examination or get a mark in any other way.

(3) If the disciplinary proceeding ends other than with disqualification or exclusion from continuing the studies, the student in question shall be given the opportunity to make up for the examinations and other academic deliverables missed due to the interim measure without any disadvantages, as well as to make up any examinations and other academic deliverables the student was not entitled to go up for due to the interim measure.

(4) The body exercising the disciplinary authority shall notify the student and the head of the student affairs office/department about the interim measure within 3 working days.

(5) The head of the student affairs office/department shall enter the interim measure in NEPTUN.

§ 8/A  
(1) In justified cases, particularly in view of the nature and gravity of the disciplinary offence, the body exercising the disciplinary authority may order the student who is the subject of the proceeding to study in a custom programme and prohibit him/her from attending classes until the final and enforceable disciplinary decision is made.

(2) The body exercising the disciplinary authority shall notify the student and the head of the student affairs office/department about the interim measure.

(3) The head of the student affairs office/department shall enter the interim measure in NEPTUN.

First instance disciplinary hearing

§ 9  
(1) The disciplinary committee shall hear the student who is the subject of the disciplinary proceeding, the witnesses and the experts at a hearing.

(2) The student who is the subject of the proceeding shall be invited to the hearing in writing or by electronic means, while the witness and the expert shall be invited in writing, electronically or at short notice (verbally, by phone), and this fact shall be recorded in the case file. In order to facilitate the appearance of those summoned, the summons shall be communicated in a way that the addressees receive it at least 5 days before the hearing.

§ 10  
(1) The summons shall state the name of the student who is the subject of the disciplinary proceeding, the place and the time and date of the disciplinary hearing, as well as the capacity of the person summoned. The summoned person shall be warned to bring his/her identity card. The fact of summoning at short notice (verbally, by phone) shall be recorded in the case file.

14 Inserted by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
15 See § 23 for the legal force and the enforceability of the decision.
16 Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
17 Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
(2) The summons shall contain a warning to the student who is the subject of the proceeding that his/her absence will not prevent holding the hearing or taking a decision, further, that he/she may present additional defence in writing and that he/she may engage a proxy (student, lecturer, legal representative) to act on his/her behalf in the proceeding based on an appropriate power of attorney to support his/her defence. The form requirements of the power of attorney are set out in Appendix 1.

(3) The student who is the subject of the disciplinary hearing and his/her representative shall be entitled to

a) have access to the documents of the proceeding and makes copies and notes thereof;

b) put forward motions for evidence and other motions;

c) put questions to the witnesses and experts.

§ 11

(1) The disciplinary hearing is chaired by the chairman of the disciplinary committee, who will ensure that the provisions of this Policy are observed and the order of the hearing is maintained. He/she shall also ensure that the persons involved in the proceeding exercise their rights as required.

(2) If the student who is the subject of the proceeding or his/her proxy fail to appear despite repeated due summons, the hearing may be held in their absence as well.

§ 12

(1) The disciplinary hearing is not public.

(2) After recording and identifying those present, the chairman of the disciplinary committee invites the witnesses to leave the room if there is no obstacle to holding the hearing.

(3) The disciplinary committee hears those summoned one by one.

(4) The hearing shall be commenced by a brief description of the case and the student who is the subject of the disciplinary proceeding.

(5) During the hearing of the student who is the subject of the disciplinary proceeding, other students who are the subject of the same disciplinary proceeding but have not been heard yet or the witnesses shall not be present.

§ 13

(1) Further evidence may be ignored if the student who is the subject of the proceeding admits at the hearing that he/she has committed the disciplinary offence and there is no doubt about the admission.
(2) In order to clarify the facts of the case, the disciplinary committee conducts the evidence proceeding either based on a motion or ex officio, in the course of which it may hear witnesses, obtain documents, employ experts and hold inspections.

(3) The witness shall be asked if he/she is interested or biased in the case and warned for the obligation to tell the truth and the criminal consequences of perjury.

(4) A witness who has not been heard yet may not be present during the hearing of the witness. If the testimony of the witness is contrary to the defence of the student who is the subject of the disciplinary proceeding or any other witness, this should be clarified by means of confrontation, if necessary.

§ 14

(1) The minutes recording the key content of the disciplinary hearing shall be drawn up within 15 days. The minutes shall be signed by the chairman and the members of the disciplinary committee and the keeper of minutes. An electronic copy of the signed minutes shall be send to the student who is the subject of the proceeding. At the request of any other person involved, the part of the minutes shall be sent to him/her that was drawn up about the part of the disciplinary proceeding in which the person in question was or could have been present.

(1a) Audio recording may only be made about the hearing.

(2) The minutes shall be included in the disciplinary file.

Disciplinary decision

§ 15

(1) The disciplinary committee takes its decision by a majority in closed session after closing the evidence proceeding. The closed session may be attended only by the chairman and the members of the disciplinary committee and the keeper of minutes.

(2) A decision may be one imposing a disciplinary penalty or discontinuing the disciplinary proceeding.

(3) The disciplinary committee may establish the decision only based on evidence considered directly at the disciplinary hearing. A fact that is not proven beyond doubt may not be assessed against the student who is the subject of the disciplinary proceeding. In case the student’s motion for evidence is rejected, the reasons shall be indicated in the disciplinary decision, unless it is established that the student is not guilty of any disciplinary offence.

(4) The introductory part of the decision shall state the case number, the name of the University and the faculty, and the name of the student against whom the disciplinary proceeding was ordered, as well as the place and the time and date of the disciplinary hearing, and whether the hearing was public.

20 Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
§ 16

(1) A decision imposing penalty should be taken if the disciplinary committee finds that the student who is the subject of the proceeding has committed a disciplinary offence and, therefore, it believes a disciplinary penalty should be imposed on him/her.

(2) The operative part of the decision imposing a penalty shall include:
   a) the name and other personal data (mother's name, place of birth, home address, grade, major, work schedule, student identification code) of the student held liable;
   b) a description of the disciplinary offence committed;
   c) the disciplinary penalty imposed and other related provisions;
   d) a reference to the possibility of an appeal and the fifteen-day time limit for submitting it. No reference to the possibility of an appeal is required if those entitled to appeal have waived to appeal.

(3) The reasons of the decision imposing a penalty shall include in brief
   a) the established facts of the case;
   b) the identification and evaluation of the evidence;
   c) an explanation about the offence accomplished by the act committed and the degree of liability of the student in committing it;
   d) the circumstances taken into account when imposing the penalty;
   e) a reference to the provisions used as the basis for the disciplinary penalty.

§ 17

(1) The disciplinary committee shall take a discontinuing decision if
   a) the act committed is not a disciplinary offence or it has not been committed by the student who the subject of the proceeding;
   b) committing the disciplinary offence cannot be proven;
   c) the liability of the student cannot be verified;
   d) the disciplinary offence has expired;
   e) the act being the subject of the proceeding has already been judged with a final decision in disciplinary proceedings;
   f) the disciplinary committee applies a warning against the student instead of a penalty.

(2) The operative part of the discontinuing decision shall include:
   a) the name and other personal data of the student who is the subject of the disciplinary proceeding;
   b) an indication of the disciplinary offence due to which the disciplinary proceeding was ordered;
   c) a declaration that the disciplinary proceeding is discontinued;
   d) an indication of the reason for the discontinuation;
   e) reference to applying a warning if so resolved;
   d) reference to the possibility of an appeal and the fifteen-day time limit for submitting it. No reference to the possibility of an appeal is required if those entitled to appeal have waived to appeal.

(3) The reasons of the discontinuing decision shall include a short description of the facts established and the evidence, as well as the reasons that led the disciplinary committee to discontinue the proceeding.

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§ 18

(1) The chairman of the disciplinary committee pronounces the disciplinary decision adopted in closed session. During the pronouncement, only the members of the committee, the keeper of minutes and the person who is the subject of the proceeding and his/her proxy may be present.

(2) During the pronouncement, the operative part of the decision, put down in writing in closed session, shall be read out and the essence of the reasons of the decision shall be outlined.

(3) After the pronouncement of the decision, the chairman of the disciplinary committee invites those entitled to declare whether or not they want to appeal. After the declarations are recorded in the minutes, the chairman adjourns the disciplinary hearing.

(4) The disciplinary decision shall be delivered by mail to those being away (person who is the subject of the proceeding and his/her representative).

§ 19

(1) The decision of the disciplinary committee shall be put in writing within 8 days from the date of pronouncement.

(2) The written disciplinary decision and an appropriate number of its copies shall be signed by the chairman of the acting disciplinary committee.

(3) The decision shall be delivered by mail to the student who is the subject of the proceeding and his/her proxy also if the decision was communicated to them by way of pronouncement. The appeal time limit shall start upon the receipt of the disciplinary decision.

(4) The disciplinary committee shall not change the pronounced decision. Nevertheless, it may correct errors (incorrect name, number, calculation errors or other similar misspelling) not related to the substance of the decision.

Legal redress

§ 20

(1) An appeal lies against the decision within 15 days of receipt. The student who is the subject of the disciplinary proceeding or his/her proxy may file an appeal against the first instance decision on the substance.

(2) Any person to whom the disciplinary committee’s decision is notified by pronouncement may declare to appeal it immediately or waive his/her right to appeal or reserve a time for consideration. If a time for consideration is reserved, the time limit for submitting the appeal shall be 15 days from the date of receipt of the decision.

(3)

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22 Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
23 Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
(4) The written appeal shall be addressed to the disciplinary committee and submitted to the relevant faculty dean’s office. The written appeal against the decision of the dormitory disciplinary committee shall be submitted to the first instance disciplinary committee. The first instance disciplinary committee shall forward the appeal to the second instance disciplinary committee in the proceeding detailed in § 21(1).

(5) The appeal has a dilatory effect on the implementation of the provisions set forth in the decision.

(6) The legal redress set out in paragraphs (1)-(5) are not available in cases where the University and the student agree to the provision of services. In the event of a breach of such an agreement, the injured party shall have the right to turn to court.

(7) Those students whose student status has expired shall also have the right to legal redress proceedings and to complete such proceedings.

Second instance disciplinary proceeding
§ 21

(1) The disciplinary committee shall submit the appeal and the documents produced in the proceeding to the rector within 8 days after the appeal period has expired and a copy thereof to the head of the Administrative Directorate.

(2) The committee set up by the rector consists of a chairman and two members, provided, that one of the members shall be the delegate of the Student Government with voting rights. The following persons shall not participate in the work of the committee:
   a) who adopted the challenged decision or failed to adopt a decision, or
   b) who was involved in the decision-making in first instance, or
   c) any close relative of any person defined in points a)-b) within the meaning of point 1 of § 8:1(1) of Act V of 2013 on the Civil Code (hereinafter, the “Civil Code”), or
   d) who cannot be expected to judge the case impartially.

(3) The second instance committee shall judge the appeal within 30 days of its receipt by the rector.

(4) The second instance committee shall decide on the basis of the documents submitted. In the appeal proceeding, the student may be heard in person or through his/her proxy. A hearing shall be held if the student who is the subject of the proceeding so requests. If necessary, the committee may summon those involved and adopt its decision based on their hearing, as well as other evidence obtained.

§ 22

(1) The body exercising the second instance disciplinary authority shall
   a) confirm the first instance decision;
   b) change the first instance decision;
   c) repeal the first instance decision and instruct the body exercising the first instance disciplinary authority to conduct a new proceeding;

26 Amended by Senate Resolution No. SZ-67/2014/2015. (2015. II. 2.) Effective from 3 February 2015 The Rector’s Office is hereinafter called the “Administrative Directorate”.
d) reverse the first instance decision if it has been adopted other than by the competent disciplinary committee or the competent faculty. In this case, it shall simultaneously inform the person authorized to open the proceeding.

(2) The body exercising the second instance disciplinary authority rejects the appeal if the appeal is late or was submitted other than by the eligible person.

(3) The provisions concerning the first instance decision apply *mutatis mutandis* to the content and communication of the second instance decision. The decision shall be delivered by the Administrative Directorate.

(4) The student may request judicial review of the second instance decision imposing a disciplinary penalty within a period of 30 days following its pronouncement by referring to a breach of law or the provisions regulating the status of students. The student shall notify the rector and the head of the Administrative Directorate of challenging the decision before the court by sending a photocopy of the document. The judicial review shall suspend the execution of the decision.

**Legal force and enforceability in the first and second instance disciplinary proceedings**

§ 23

(1) The decision may be enforced only after it has become final.

(2) The first instance decision becomes final on the date when
   a) those entitled to appeal declare that they do not wish to appeal or withdraw the appeal; a withdrawal of the appeal shall be considered as a waiver of the right to appeal;
   b) the appeal time limit has expired without any appeal notified, that is, on the day following the appeal time limit;
   c) the body exercising the second instance disciplinary authority confirmed the first instance decision or rejected the appeal.

(3) The second instance decision shall be binding and enforceable following its pronouncement, except if the student applied for its judicial review.

(4) A clause shall be added to the decision that has become final that the decision is final and enforceable, and the date of its becoming final.

§ 24

(1) If the decision of the disciplinary committee becomes final on the first instance, the committee shall send the decision to the rector, the head of the Administrative Directorate and the student affairs office/department of the competent faculty.

(2) The student affairs office/department shall register the final decision and add it to the student’s personal file. Simultaneously, it shall notify

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27 Inserted by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
29 § 57(7) of the NHEA
30 Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
a) the dean of the faculty;
b) in the case of dormitory students, the director of the dormitory about the decision imposing exclusion or disqualification;
c) in the case of disqualification or exclusion, the director general of the library;
d) 

§ 25

Ordering a new proceeding

§ 26

(1) If the final decision imposes disqualification or exclusion on the student as a disciplinary penalty, the student (former student) may submit a request for a new proceeding within three years from the date of the final and enforceable decision.

(2) The application may only be based on facts that were nor revealed during the disciplinary proceeding (new facts) or evidence that was not used that time (new evidence).

(3) The application shall be examined by the first instance disciplinary committee. The decision of refusal may be appealed within 15 days of receipt. The appeal shall be judged by the second instance disciplinary committee set up by the rector.

Provisions relating to damage caused unlawfully

§ 27

(1) If the student illegally causes damage to the University or the organiser of the practical training in relation to the fulfilment of his/her academic obligations, he/she shall be liable according to the provisions of the Civil Code subject to the derogations stipulated in Act CCIV of 2011 on national higher education.

(2) In case the damage is caused negligently the amount of the damages shall not exceed fifty percent of the one-monthly amount of the statutory minimum wage (minimum wage) effective on the day the damage was caused.

(3) In case of damage caused intentionally, all the damage caused shall be compensated.

(4) The student shall assume full liability for any losses of and damage to objects he/she receives and which he/she is bound to return or take into care on the basis of a list or receipt of delivery, provided that the student constantly safe keeps or exclusively uses or handles such objects. He/she shall be exempted from liability in case the loss is due to causes beyond his/her control.

(5) The University, the dormitory or the organiser of the practical training that caused damage to the student in respect of his/her status as a student, dormitory admission relationship or practical training shall pay the damage caused in accordance with relevant rules of the Civil Code and the NHEA. The University or the organiser of the practical training shall only be exempted from liability if they are capable

32 Amended by Senate Resolution No. SZ-144/2015/2016. (2016. V. 18.) Effective from 18 May 2016
of proving that the damage was caused beyond their respective scope of operation by circumstances beyond their control or by the unpreventable conduct of the damaged party.

(6)

(7) In case the student has entered into a student employment contract pursuant to § 44(1) of Act CCIV of 2011 on national higher education, the damages to be paid to the organiser of the practical training or to the student shall be subject to the provisions of Act I of 2012 on the Labour Code.

(8) The rules on disciplinary proceedings shall apply mutatis mutandis to the damages proceedings.

Miscellaneous and closing provisions

§ 28

Delivery

(1) Documents sent by post shall be considered delivered on the date the delivery was attempted if the student who is the subject of the disciplinary proceeding refused acceptance. If the delivery was unsuccessful because the student who is the subject of the disciplinary proceeding did not take over the document (it was returned to the disciplinary committee with the “did not inquire” notice), unless proven to the contrary, the document shall be considered delivered on the fifth working day of the date of the second attempted delivery.

(2) The student who is the subject of the disciplinary proceeding may receive the documents addressed to him, subject to proof of identity, in the dean’s office of the competent faculty during the first instance proceeding or the Administrative Directorate during the second instance proceeding.

(3) Documents sent by electronic means shall be considered delivered on the date of sending, provided that the success of sending is proven by an electronic notice of receipt (notice of receipt). The documents shall be sent to the e-mail address of the person in question stored in NEPTUN.

§ 29

(1) This Policy enters into force on the date of its adoption, that is, on 3 July 2006. This Policy shall apply to proceedings opened after its entry into force.

(2) Simultaneously, the previous policy issued on the same subject is repealed, except for the final and enforceable closing of ongoing proceedings.

(3) The amendment of this Policy was approved by the Senate at its meeting on 3 November 2014. The amendment shall enter into force on the date of its approval.

(4) The amendment of this Policy was approved by the Senate at its meeting on 18 May 2016. The amendment shall enter into force on the date of its approval.
In witness thereof:

Dr. Zsolt Rostoványi
Rector

Dr. Lívia Pavlik
Chancellor

In witness thereof:

dr. Marica Sárközi-Kerezsi
Secretary of the Senate
Appendix 1

Formal requirements of powers of attorney

§ 1

(1) A power of attorney is valid if one of the following conditions prevail:
   a) it is handwritten and signed by the issuer;
   b) two witnesses verify by their signatures on the instrument that the issuer signed the instrument that
      was not written by him/her or acknowledged his/her signature as being his/her own signature; the
      instrument shall also state the home address (residence) of the witnesses;
   c) the signature or initials of the issuer is certified by a judge or a notary public;
   d) an attorney-at-law (in-house counsel) certifies by duly countersigning an instrument prepared by
      him/her that the issuer signed the instrument, which was not written by him, in his/her presence or
      acknowledged his/her signature as his/her own signature, or that the contents of the electronic instrument
      signed by using the qualified electronic signature of the issuer is identical with the contents of the
      electronic document prepared by the attorney-at-law.

(2) A power of attorney issued abroad shall be valid only if attested (endorsed) by the Hungarian foreign
representation authority competent for the place of issue.

§ 2

(1) A power of attorney granted to an attorney-at-law shall be valid only if made in writing. The principal
and the attorney-at-law shall sign the power of attorney themselves.

(2) A power of attorney signed by the principal and the attorney-at-law is a private document with full
probative force.

(3) If the principal cannot or is unable to write or read, the power of attorney shall be put in a public deed
or a private document with full probative force on which two witnesses confirm by their signatures that the
principal acknowledged the creation of the mandate in their presence.

(4) The power of attorney authorizes the attorney-at-law for any act that is involved in the proper
administration of the matter assigned to him/her, including the acceptance of documents, cash or other
property.

(5) Any limitation of the right of representation of the attorney-at-law shall have effect with respect to the
authority or any third party inasmuch as the limitation is obvious from the power of attorney.