III.3. Students’ Disciplinary and Damages Policy


This Policy shall become effective on 1 September 2017. Simultaneously, the previous regulation issued on the same subject is revoked.
Preamble

1. §

(1) The Students’ Disciplinary and Damages Policy (hereinafter, the “Policy”) is created to determine, based on the authorisation granted in Section 55 (5) and point 3 of Title II of Schedule 2 of Act CCIV of 2011 on national higher education (hereinafter, the “HEA”), the students’ disciplinary and damages proceedings of Corvinus University of Budapest (hereinafter, the “University”), the scope of disciplinary liability and liability for damages, the persons and bodies involved in the disciplinary and damages proceedings, the rules of the disciplinary and damages proceedings, the disciplinary punishments that can be imposed and the order of the appeal procedure.

Relevant documents

2. §

(1) Related legal regulations:
   a) Act CCIV of 2011 on national higher education;
   b) Act CXL of 2004 on the general rules of official administrative procedures and services;
   c) Act C of 2012 on the Criminal Code;
   d) Act V of 2013 on the Civil Code.

Scope of the Policy

3. §

(1) The scope of the Policy covers all the organisational unit of the University, regardless of their structural division or geographical location.

(2) The scope of the Policy extends to:
   a) All the students of the University, including students whose student status is suspended, regardless whether he/she is conducting his/her studies on higher education training or training that does not grant education qualification, or the training cycle, the programme or the delivery mode (full-time training, part-time training) or the form of funding (hereafter, a “student”);
   b) Persons whose student status terminated under point d) of Section 59 (1) of the HEA;
   c) All civil servants of the University involved in the students’ disciplinary or damages proceedings;
   d) Persons acting as an expert, witness or authorised representative in disciplinary proceedings.

(3) The Policy shall apply to disciplinary and damages proceedings initiated after its entry into force.
Terms and definitions

4. §

(1) For the purposes of this Policy:
   a) Document of the disciplinary case: Any document filed in the register and placed in the temporary archives of the disciplinary committee acting in the given disciplinary case, including the document ordering the initiation of the disciplinary proceeding as the initial document of the disciplinary case, and any documents sent attached to it, the submissions of the student made subject to the proceeding, the minutes of meetings, the notices to experts or witnesses, testimonies, expert statements and documentary evidence.
   b) Natural identification data: the first name and last name of a person, his/her birth first name and last name, place of birth, date of birth and his/her mother's birth first name and last name.
   c) Expert: Person addressed by the disciplinary committee in the disciplinary proceeding or the committee acting in the disciplinary or damages proceeding, who formulates a professional opinion on the issue raised in the evidence procedure based on his/her qualification, expertise or other experience, regardless of whether or not he/she is employed by the University.

(2) As regards terms not defined in this Policy, the provisions of the Criminal Code shall apply in disciplinary matters, respectively the provisions of the Civil Code shall apply in damages cases.

Definition of the person responsible for drawing up the Policy

5. §

(1) The Rector is responsible for developing the order of the students' disciplinary and damages proceedings and drawing up and maintaining this Policy.

(2) The Policy is prepared, constantly maintained and legally controlled by the Administrative Directorate.

Disciplinary offence

6. §

(1) A student commits a disciplinary offence if he/she culpably and seriously violates his/her obligations arising from the student status.

(2) The duties of the student arising from his/her student status are set out by the law, the internal regulations: of the University, including, in particular, the Rules of Organisation and Operation and the Students' Requirements, the Statutes of the CUB Student Union ("SU"), as well as the student's training agreement. In addition, obligations may be imposed by individual resolutions concerning a student or the student’s instructor.

(3) The misconduct might take the form of an active behaviour or an omission (collectively, a “conduct”).

(4) A student commits a severe misconduct, especially if he/she
   a) If the misconduct violates or threatens the lawful operation of the University;
   b) If he/she pretends somebody other's work to be his/her own or does not properly refer to somebody other's work (plagiarism);
   c) If he/she substitutes or is substituted by another person during any assessment or uses any non-permitted device or method, or otherwise violates the rules concerning assessment;
d) If he/she does not comply with the requirements of social cohabitation, his/her conduct is contrary to the rules of community coexistence, e.g. if he/she violates the health, physical integrity or human dignity of any instructor or scientific researcher of the University (including part-time teachers and contracted researchers) or any student, in particular, if he/she harasses, directly or indirectly discriminates, unlawfully segregates or retaliates others;

e) He/she breaches the obligation of cooperation to such an extent that the breach is capable of restricting or hampering the core activity of the University, and other of its activities laid down in the Deed of Foundation or any proper activities or operations, or of violating or threatening the economic interests of the University;

f) If he/she commits any other misconduct that is capable of restricting or hampering the core activity of the University, and other of its activities laid down in the Deed of Foundation or any proper activities or operations, or of violating or threatening the economic interests of the University;

g) If he/she behaves particularly unworthy of a university student in his/her capacity as a student or beyond, which does not accomplish any specific misconduct or his/her conduct seriously or repeatedly violates or threatens the University's reputation.

(5) In addition to what is set forth in Subsection (4), a student of the University or a student filling a position in the faculty's student union (hereinafter, a “union officer”) commits a serious misconduct, if:

a) He/she is in breach of his/her duty of cooperation with the leaders of the University;

b) He/she breaches the confidentiality obligation related to his office or membership;

c) He/she violates the conflict of interest rules contained in the HEA of the Statutes of the CUB SU and fails to remedy such conflict of interest within the time limit set in the notice seeking remedy;

d) He/she fails to promptly report to the president of the CUB SU, or the president fails to report to the person authorised to initiate disciplinary proceedings, any serious misconduct he/she becomes aware of;

e) He/she abuses his/her office.

(6) For the purposes of this Policy, a union officer abuses his/her office if, in order to obtain an undue advantage or cause an unlawful disadvantage, he/she:

a) Exceeds his/her powers arising from his/her office, or

b) Abuses his/her status arising from his/her office in any other way.

(7) A student violates his/her obligation culpably if he/she commits the violation intentionally or negligently.

(8) For the purposes of this Policy, regardless of the way the office is filled or the nature of the engagement (e.g. election, delegation, co-opting) or the duration, any person is considered a union officer, who:

a) Is defined as such in the Statutes of the CUB SU,

b) Substitutes a union officer in his/her capacity as such, and

c) In the absence of what is set out in point a), has any employment in the context of which the student is acting in the interest of the students based on an assignment from any body or the head of the CUB SU (including the faculty unions as well).
(9) A misconduct to which any other detrimental consequences are attached to the study and examination policy (e.g. absence from mandatory training, failure to appear at an examination, etc.) is not considered a disciplinary offence.

Disciplinary penalties and measures

7. §

(1) In case a disciplinary offence is committed, a disciplinary penalty shall be imposed on the student by a disciplinary resolution based on a disciplinary proceeding.

(2) The disciplinary penalties are as follows:
   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”) for a period not exceeding six months,
   d) Suspension from the programme for a definite period of maximum two semesters,
   e) Disqualification from the University.

(3) The disciplinary resolution shall define the duration of the disciplinary penalty set out in point c) and d) of Subsection (2), and the degree of the reduction of the allowance or benefit.

(4) The duration of the suspension set out in point d) of Subsection (2) shall be specified by precisely indicating the relevant academic semesters.


(6) If the student conducts studies in several programmes, the disciplinary penalties in points d) and e) of Subsection (2) shall apply to all programmes.

(7) Imposing the penalties defined under points d) and e) of Subsection (2) shall entail the definitive or temporary suspension of the rights associated with the student status. The student's status shall be suspended throughout the duration of the penalty applied under point d) of Subsection (2).

(8) In determining the disciplinary penalty, all the circumstances of the conduct shall be taken into account, in particular, those who have been harmed, the consequences, the repetition of the unlawful conduct and the gravity of the offence, to ensure that the penalty applied is consistent with the severity of the offence, the student's degree of culpability and any mitigating and aggravating circumstances.

(9) The imposition of the disciplinary penalty shall not be affected by the academic performance of the student.

(10) In case the disciplinary offence is committed in the dormitory, the following penalties are added to the scope of penalties in Subsection (2):
   a) Prohibition of living in the dormitory for a specified period of time not exceeding one academic 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;
   b) exclusion from the dormitory.
Scope of the disciplinary penalty

8. §

The scope of the disciplinary penalty shall last until:

a) The resolution becomes final, in the cases defined in points a)-c) and e) of Section 7 (2) and point b) of Section 7 (10),

b) The last day of the prohibition, in the cases defined in point d) of Section 7 (2) and point a) of Section 7 (10).

Persons and bodies involved in disciplinary matters

9. §

(1) The following persons and bodies are involved in disciplinary proceedings:

a) The person authorized to initiate disciplinary proceedings,

b) Body acting in first instance disciplinary matters, the Students' Disciplinary Committee,

c) Body acting in second instance disciplinary matters, the Students' Second Instance Disciplinary Committee,

d) Keeper of Minutes.

(2) A disciplinary proceeding may be initiated by the Rector or, if biased, the Vice Rector for Education.

(3) The disciplinary power in the first instance is exercised by the Students' Disciplinary Committee (hereinafter, the “SDC”). The SDC shall be composed of six members (including the chairman), four of whom are civil servants of the University and two are the representatives of the CUB SU. One of its civil servant members is the in-house counsel of the Administrative Directorate, while the other civil servant members employed as instructors/researchers/teachers are elected by the Senate. The student members shall be appointed in accordance with the Statutes of the CUB SU. The chairman is requested by the Rector from the elected members. The president of the CUB SU notifies the Rector of the person of the student member in writing.

(4) The disciplinary power in the second instance is exercised by the Students' Second Instance Disciplinary Committee (hereinafter, the “SSDC”). The SSDC shall be composed of six members (including the chairman), four of whom are civil servants of the University and two are the representatives of the CUB SU. One of its civil servant members is the administrative director, while the other civil servant members employed as instructors/researchers/teachers are elected by the Senate. The student members shall be appointed in accordance with the Statutes of the CUB SU. The chairman is requested by the Rector from the elected members. The president of the CUB SU notifies the Rector of the person of the student member in writing.

(5) The keeper of minutes of the SDC and the SSDC (hereinafter, the “committees”) is requested by the administrative director from the staff of the Administrative Directorate after consulting the chairmen of the committees. The keeper of minutes is not a member of the committees. The keeper of minutes performs the administrative and records management tasks related to the operation of the students' disciplinary committees.

(6) Because of bias, the following persons shall not participate in the committees:

a) The person whose rights or legitimate interests are affected by the case, who witnessed in the case or are acting as the client’s representative or an expert;
b) 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);

c) Who cannot be expected to judge the case impartially.

(7) The provision on bias shall apply to the keeper of minutes as well.

(8) As regards the issue of bias and the appointment of the new ad hoc member, the Rector, as the chairman of the Senate, shall act in the case of a civil servant, respectively the president of the Student Union shall act according to the Statutes of the CUB SU in the case of a student.

(9) The committees shall establish their own bylaws within the confines of this Policy, subject to the following:

a) The meetings of the committees shall be convened and chaired by the chairman;

b) The committees have a quorum if the majority of their members are present;

c) The committees adopt resolutions by a simple majority;

d) The resolutions of the committees shall be drawn up in writing with the mandatory content elements under this Policy;

e) The resolutions of the committees shall be issued under the official stamp of the University and the signature of the chairman; a copy thereof may be certified by the keeper of minutes;

f) When becoming final, a clause shall be added to the resolution confirming that the resolution is final.

g) Minutes are drawn up at the meetings of the committees, respectively voice recordings are made during the hearing of the student subject to the case, the witness or the expert, in order to assist the drafting of the minutes.

Initiation of disciplinary proceedings

10. §

(1) The reasonable suspicion of committing a disciplinary offence may be reported by anyone in writing to the person authorised to initiate disciplinary proceedings. The civil servants of the University and the officers of the CUB SU shall promptly report the reasonable suspicion of committing a disciplinary offence in writing to the person authorised to initiate disciplinary proceedings.

(2) In the case of a reasonable suspicion of committing a disciplinary offence, the disciplinary proceeding is initiated by the Rectors or, if biased, the Vice Rector for Education based on the report or official reveal within one to 30 days of becoming aware.

(3) The initiation of the disciplinary proceeding shall not be affected by the academic performance of the student.

(4) The disciplinary proceeding shall be initiated if requested by the student against himself/herself.

(5) “Reveal” shall mean the time when the person authorised to initiate disciplinary proceedings is informed about the conduct underlying such proceedings.

(6) Disciplinary proceedings may not be initiated if a period of 30 days has passed since gaining knowledge of the disciplinary offence or the offence was committed more than five months earlier.

(7) Attached to the notice on initiating the disciplinary proceeding, the person authorised to initiate the disciplinary proceeding shall submit to the SDC all the information, documents and other evidence available to him/her.
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(8) The SDC shall act in the students' first instance disciplinary cases.

(9) The person authorised to initiate the disciplinary proceeding shall notify the student of the initiation of the disciplinary proceeding in writing, with an advice of receipt, simultaneously with the notice sent to the SDC. The notice shall contain the birth name, place of birth and date of birth, mother’s name, student ID number and home address of the student subject to the disciplinary proceeding, the designation of the programme where the student is studying, the designation of the faculty, course and form of funding, as well as a short description of the reasons for initiating the proceeding. The notice shall be sent electronically 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 and electronic mail address.

Time limits

11. §

(1) The disciplinary proceeding, including posting to the student subject to the disciplinary proceeding, shall be completed within 60 days, having regard to all the circumstances of the case, including, in particular, the facts, the number, scope and nature of the evidence, provided, that the disciplinary proceeding may not be longer than 90 days.

(2) The administrative time limit starts on the date following the date when the decision on initiating the disciplinary proceeding is received by the SDC.

(3) The time limit shall not include the period from posting the notice regarding the disciplinary hearing to the student subject to the procedure to the delivery thereof, the period from the posting of the SDC’s resolution to the delivery thereof, the duration of suspension under Section 12, or the duration of postponement under Section 16 (13).

Suspension and limitation period

12. §

(1) If, based on the report, a reasonable suspicion of committing a crime arises, the person authorised to initiate the proceeding shall initiate the proceeding and simultaneously submit the originals of the information, documents and other available evidence to the Administrative Directorate without delay.

(2) If the Administrative Directorate considers that there is a reasonable suspicion of a crime committed, the Administrative Directorate will address the competent authority, otherwise it does not make a charge, of which it shall promptly inform the SDC in order to continue or suspend the disciplinary proceeding, as well as the person authorised to initiate the disciplinary proceeding.

(3) If criminal proceedings are initiated against the student under disciplinary proceedings in the same case, the SDC may suspend the disciplinary proceeding until the criminal proceeding is closed with a final decision.

(4) The suspension of the disciplinary proceeding may be stopped if it becomes apparent in the meantime that the situation can be clarified anyway. The suspension of the disciplinary proceeding shall interrupt the limitation period.

(5) The proceeding shall be suspended until the obstacle is cleared also if the student is unable to attend the hearing or cannot be heard for reasons beyond his/her control.

(6) The duration of the suspension of the disciplinary proceeding is not included in the time limit. The suspension shall cease on the day following the date on which the SDC is officially notified of the closing of the criminal proceeding or the SDC is officially notified of the ceasing of the circumstance preventing the student.
(7) The SDC shall notify the student subject to the procedure of the suspension and termination thereof in writing, with an advice of receipt, within three working days.

(8) Any procedural action taken by the SDC 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**

13. §

(1) In justified cases, in particular due to the nature and severity of the disciplinary offence or the schedule of the studies of the student subject to the disciplinary proceeding, the person authorised to initiate the disciplinary proceeding may apply an interim measure simultaneously with the initiation of the disciplinary proceeding, of which he/she shall promptly notify the student subject to the disciplinary proceeding and inform the head of the competent student affairs office/department and the SDC.

(2) The head of the competent student affairs office/department shall ensure that the interim measure is entered in the NEPTUN.

(3) In this case, the student may not go up for examination, sit for an examination or get a mark in any other way.

(4) If the disciplinary proceeding ends other than with disqualification or exclusion from continuing the studies, the student shall be given the opportunity, without any disadvantages, 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.

(5) In justified cases, in particular due to the nature and severity of the disciplinary offence, the person authorised to initiate the disciplinary proceeding may order the student subject to the disciplinary proceeding to have an individual curriculum and prohibit him/her from visiting classes, of which he/she shall promptly notify the student subject to the disciplinary proceeding and inform the head of the competent student affairs office/department and the SDC.

(6) An interim measure may be ordered following the initiation of the disciplinary action by the SDC until the disciplinary resolution becomes final.

(7) If justified, the SDC may discontinue the interim measure during the proceeding.

(8) The interim measure shall be included in the duration of the disciplinary penalty imposed.

**Rights of the student subject to the proceeding**

14. §

(1) During the disciplinary proceeding, the student subject to the proceeding is entitled to use his/her mother tongue both orally and in writing or, if this cannot be ensured, the language of the training.

(2) The student subject to the disciplinary proceeding shall be entitled to:

a) Coherently present his/her position relating to the matter before the SDC;

b) Have access to the documents of the proceeding and have copies thereof made and make notes thereof;

c) Submit a motion for evidence to SDC;

d) Ask questions to the witnesses and experts at the meeting.
(3) The student may exercise his/her rights during the disciplinary proceeding via a representative (including a legal representative). The attorney may act on the basis of the proper power of attorney. The form and content requirements of the power of attorney are set out in Annex 1. If the student exercises his/her rights via a representative, the student may be present during the procedural acts, but the rights of the student under this Policy may be exercised by the representative and the obligations of the committee towards the student shall be fulfilled towards the representative. This shall not prevent the SDC from asking questions to the student subject to the proceeding or the student from speaking.

Justification

15. §

(1) The student may submit justification if the student subject to the disciplinary proceeding omits any time limit or due date set by the SDC through no fault of his/her own.

(2) The application for justification may be filed within eight days of the last day of the time limit or the due date. If the omission comes to the attention of the student or the obstacle cases later, the deadline for submitting the justification starts on the date of becoming aware or the ceasing of the obstacle. No application for justification may be submitted beyond 30 days.

(3) The application for justification shall set out the reason for the omission and the circumstances on which basis it can be presumed that the omission was unintended. In case a time limit is omitted, the missed action must be carried out simultaneously with the submission of the application for justification.

(4) The application for justification must be assessed fairly.

(5) The application for justification shall have no suspensory effect on the conduct of the procedure or the enforcement of the resolution. If the application for justification substantiates that innocence of the student or that the missed action has been or will be carried out, the procedural act or the enforcement of the resolution may be suspended.

(6) The decision on the application for justification is taken by the SDC. In case the time limit for legal redress is missed, the decision on the application for justification is taken by the SSDC.

(7) An application for justification shall be refused without examination if:
   a) The application is late,
   b) In case a time limit is missed, the student has failed to carry out the missed action together with the submission of the application, although it was possible.

(8) If the SDC accepts the application for justification, the action carried out by the person seeking justification shall be considered as if completed within the missed time limit, and any procedural act carried out on the missed due date shall be repeated to the extent necessary. Depending on the outcome of the repetition, a decision shall be made on maintaining or repealing, whether in whole or in part, of any previous procedural act or decision.

Joinder of cases

16. §

(1) If more than one disciplinary proceeding should be initiated, which are related to each other, the person authorised to order the proceedings may resolve to join the disciplinary proceedings. In this case, the principle of the closed hearing is not prejudiced by that a person is present at the hearing who is entitled to participate in any of the joint hearings.
Clarification of facts

17. §

(1) The SDC shall be obliged to clarify the facts necessary to adopt a resolution. If the information at hand is not sufficient, it may conduct an evidence procedure either ex officio or at the request of the student subject to the proceeding.

(2) Facts officially known by the SDC or known publicly need not be proven.

(3) Evidence may be used in the proceeding that is suitable for the purpose of clarifying the facts or facilitating the same. Evidence includes, in particular, the following: statement of the student subject to the proceeding, documents, testimonies, minutes taken at a survey, oral or written statement of a person acting as the representative of any organisational unit of the University that contains any information proving that the supposed misconduct has or has not been committed, as well as expert opinions and material evidence. Giving simultaneous notice to the in-house data protection officer, the SDC may directly address any person through the head of any organisational unit of the University to make the declaration containing the information mentioned in the previous sentence or provide any other evidence.

(4) The SDC will be free to choose the evidence to be used, assess the evidence one by one and combined, and establish the facts according to its conviction based on such evidence.

(5) The evidence procedure or further evidence may be ignored if the student subject to the proceeding admits that he/she has committed the disciplinary offence at the hearing or in writing.

(6) In case a witness or expert is heard, 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.

(7) The following persons may not be heard as a witness:
   a) Who may not be expected to give a testimony that can be appreciated;
   b) In respect of protected data, a person who has not been discharged of confidentiality from the authorised body or person;

(8) The testimony may be refused if:
   a) The witness is a next of kin of the student subject to the proceeding,
   b) The testimony of the witness would incriminate himself/herself or a next of kin in a criminal act.

(9) A person may not act as an expert, in respect of whom any grounds for exclusion application to committee members prevails or who may not be heard as a witness, or who can refuse testimony.

(10) During the hearing of the student subject to the disciplinary proceeding, any other student subject to the same disciplinary proceeding who has not been heard yet or the witnesses shall not be present. When hearing the witnesses and the experts, the student subject to the disciplinary proceeding may be present, but the other witnesses or the expert may not be present.

(11) If the testimony of the witness is contrary to the statement of the student subject to the disciplinary proceeding or any other witness, this should be clarified by means of confrontation, if necessary.

Restricted data handling

18. §

(1) In case of a reasoned request to that effect, the SDC orders the restricted handling of the natural identification data and home address of the witness, the expert and the person initiating the proceeding ex officio if the person submitting the request for restricted data handling substantiates
that he/she may suffer severe adverse consequences due to his/her involvement in the proceeding. The decision shall be communicated only to the person submitting the request.

(2) The natural personal identification data and the home address will be handled by the SDC separately and restricted among the documents of the case. The SDC shall ensure that restricted data are not accessible in the course of the procedural acts.

(3) Restricted data may only be accessed by the keeper of minutes, the Rector, the SSDC and the acting court in the judicial review proceeding.

(4) With a view to ensuring the right of access to documents, the authority shall prepare an extract of the document generated in the course of the proceeding, which document is otherwise in compliance with the statutory requirements as to form and content, whereby no conclusions can be made as to the identity of the person defined in Subsection (1).

Invitation to the disciplinary hearing

19. §

(1) At least one meeting shall be held during the disciplinary proceeding.

(2) The SDC shall hear the students subject to the disciplinary proceeding at the meeting, if:
   a) So requested by the student, or
   b) The SDC considers the student needs to be heard in order to clarify the facts.

(3) The student subject to the proceeding may request that he/she be heard only once.

(4) The SDC shall hear the witnesses and the experts at the meeting.

(5) The student subject to the proceeding and his/her representative shall be invited to the meeting in writing with an advice of receipt. A witness and an expert may also be invited electronically from the official e-mail address of the chairman of the SDC or the keeper of minutes (adminisztratív.iqazgatoság@uni-corvinus.hu). The invitation shall be issued by the chairman of the SDC and the copies will be certified by the keeper of minutes. A student subject to the proceeding, a witness or an expert who is present may also be invited orally, which must be recorded in the minutes. If invited out of a meeting, a dated acknowledgement of the invitation signed by the student, witness or expert is required. If the student refuses to sign the declaration that the oral invitation did take place, a note on that fact should be made.

(6) The notice shall be communicated so that the addressee receives it at least five days before the meeting.

(7) The invitation shall state the name of the student subject to the disciplinary proceeding, the place and the time and date of the meeting, as well as the capacity in which the addressee will be heard. The notified person shall be called to bring his/her ID card, and the student and his/her representatives shall be warned of the consequences of absence despite proper notice.

(8) In the invitation, the student subject to the disciplinary proceeding shall be warned that he/she has the right to:
   a) Stay away from the meeting;
   b) Submit his/her defence in writing, signed and dated, sent by mail or scanned and sent in electronic form; and
   c) Exercise his/her rights during the proceeding via a representative based on a proper power of attorney.
(9) In case the invitation send be mail, with an advice or receipt, cannot be delivered because the student or his representative declares not to accept the consignment (it is returned with a “refused” notice) or refuses to sign the declaration of the oral invitation having taken place, the consignment shall be deemed to have been served on the day the delivery was attempted.

(10) Until proven to the contrary, an invitation returned with the “did not inquire” notice shall be considered delivered on the fifth working day following the second delivery attempt by the post.

(11) If the mail with an advice of receipt is returned with the “unknown”, “moved” or “insufficient address” notice, the chairman of the SDC will address the authority keeping personal data and addresses to disclose student’s home address, postal address or other personal data necessary for send the consignment, and try to make the delivery again using the new data. If the consignment cannot be delivered at the address disclosed by the authority keeping personal data and addresses, either, the SDC will not conduct any further search. If the authority keeping personal data and addresses is unable to disclose a home address or the consignment with an advice of receipt is returned from the address disclosed with the “unknown”, “moved” or “insufficient address” notice, the document will be considered delivered on the date of the delivery attempt.

(12) If consignment with an advice of receipt is returned with the “deceased” notice, the chairman of the SDC will address the family to submit the required certificate.

Publicity of the hearing

20. §

(1) The disciplinary meeting shall be closed board and may be attended by the members of the SDC, the student and/or his/her representative (if invited), as well as the keeper of minutes and the Rector.

(2) A witness and an expert may be present during his/her hearing and the confrontation.

Order of the disciplinary hearing

21. §

(1) The meeting shall be scheduled in the official room of the University and, as a rule, between 8 AM and 4 PM. Derogation from this is permitted in justified cases.

(2) The meeting will be opened by the chairman of the SDC.

(3) Within the framework of this Policy, the chairman will determine the acts to be taken at and outside the meeting and the order and time thereof, and ensure that discipline is kept.

(4) Having opened the meeting, the chairman of SDC determines if the SDC has a quorum or there is any obstacle to holding the hearing, including if the student subject to the proceedings has been notified properly.

(5) The student subject to the proceeding may request on one occasion that the meeting be postponed by a maximum of eight working days in a reasoned application submitted three working days prior to the date of the meeting. The duration of the postponement will not be included in the time limit.

(6) If the student subject to the disciplinary proceeding or the representative acting on his/her behalf fails to appear despite proper notice but requested in an application, signed and dated, and sent by mail or scanned and submitted electronically, that the meeting be held in his/her absence as well and the SDC resolves that the meeting can be held in the student’s absence, the SDC will hold the meeting and hear the witnesses and experts being present and discusses the case on its merits. If the SDC resolves that hearing the student in person is necessary to discuss the case on its merits, it will postpone the meeting and invite the student and his/her representative acting on his/her behalf to the
repeated meeting, respectively may decide in its discretion to hear the witness and the expert or postpone their hearing as well.

(7) If the student is away despite proper notice, the SDC may decide to discuss the case on its merits or postpone the meeting. If the SDC resolves that hearing the student in person is necessary to discuss the case on its merits, it will postpone the meeting and invite the student and his/her representative acting on his/her behalf to the repeated meeting. If the student subject to the disciplinary proceeding or the representative acting on his/her behalf fails to appear despite proper notice and the SDC resolves that the meeting can be held in the student’s absence, the SDC will hold the meeting and hear the witnesses and experts being present and discusses the case on its merits.

(8) In case it cannot be verified by the start of the meeting if the notification of the student subject to the disciplinary proceeding or the representative acting on his/her behalf was proper, the SDC may decide to hold the meeting also if the student is away. If so, the SDC will hold the meeting, hear the witnesses and expert being present and discuss the case on its merits. If the SDC hold the meeting and it can be concluded based on the returned advice of receipt that the notice was not proper, the meeting shall be repeated to the extent necessary. Depending on the outcome of the new meeting, a decision shall be made on maintaining or repealing, whether in whole or in part, the resolution adopted based on the meeting. If the SDC determines that the notice was proper, the rules on omission shall apply. If the SDC decides to postpone the meeting, it will schedule a new date for the postponed meeting, to which it may invite the witnesses and the experts being present orally as well. The student subject to the disciplinary proceeding and his/her representative shall be invited to the postponed meeting in accordance with Subsections (3), (5) and (6).

(9) In case of a quorum, provided there is no obstacle to holding the hearing, the chairman of the SDC takes stock of the student being present, his/her representative, the witnesses and the experts and verifies their identity and, in the case of representation, the proper verification of the right of representation. A representative who is unable to demonstrate his/her right of representation may not act. In this case, the consequences of absence despite proper notice shall apply.

(10) The meeting is chaired by the chairman, who ensures that the provisions of this Policy are observed and that the persons involved in the proceeding exercise their rights and fulfil their obligations properly.

(11) After the verification of identity, the chairman asks the witnesses and the experts to leave the room.

(12) Then, the chairman of the SDC or the member requested by him/her introduces the case. If the SDC holds a joint hearing, the students subject to the disciplinary proceeding may be present during the briefing.

(13) The chairman of the SDC hears the student or his/her representative first. If the SDC holds a joint hearing, the order of hearing the students subject to the disciplinary proceeding shall be decided by the SDC.

(14) Then, the SDC shall hear the witnesses and the experts one by one. The order of hearing the witnesses and the experts is decided by the SDC.

(15) A witness and an expert may only be present during the procedural act to which he/she is invited.

Disciplinary resolution

22. §

(1) The SDC shall adopt its decision at its hearing, which shall be put down in a resolution.

(2) The SDC may establish the resolution only based on evidence considered directly at the hearing. A fact that is not proven beyond doubt may not be assessed against the student subject to the disciplinary proceeding. In case the student’s motion for evidence is rejected, the reasons shall be
indicated in the disciplinary resolution, unless it is established that the student has not committed any disciplinary offence.

(3) The decision of the SDC on the merits may:
   a) Impose a disciplinary penalty,
   b) Include a warning,
   c) Discontinue the disciplinary procedure.

(4) In all other cases, the SDC decides in a non-substantive decision (ruling), for example, on the suspension of the proceeding or postponing the hearing.

(5) A decision imposing a penalty shall be taken if the SDC finds that the student subject to the proceeding has committed a disciplinary offence and, therefore, it believes a disciplinary penalty should be imposed on him/her.

(6) The SDC shall take a discontinuing decision if:
   a) The liability of the student cannot be verified,
   b) Committing the disciplinary offence cannot be proven,
   c) The act committed is not a disciplinary offence or it has not been committed by the student subject to the proceeding,
   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.

(7) The introductory part of the resolution shall state the number of the case, the resolution number, the name of the University and the acting committee, as well as the place and time and date of the disciplinary hearing.

(8) The operative part of a resolution imposing a penalty shall include:
   a) The name of the student called to disciplinary account and his/her personal data defined in Section 10 (9);
   b) A description of the disciplinary offence committed;
   c) The disciplinary penalty imposed and other related provisions;
   d) Provisions on legal redress.

(9) No reference to the possibility of an appeal is required if those entitled to appeal have waived to appeal.

(10) If the disciplinary proceeding ends other with disqualification or exclusion from continuing the studies, the student who has been temporarily suspended from continuing his/her studies must be offered the possibility to make up and missed practices or examinations without any disadvantages. A provision on the above shall be included in the disciplinary resolution.

(11) The reasons for the resolution imposing a penalty shall include in brief:
   a) The established facts;
   b) The designation and evaluation of the evidence, a reference to the reasons that led the SDC to conclude that certain fact was not proven or to ignore the evidence offered;
   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 those provisions, regulations and legislation on which the decision of the SDC is based.

(12) The provisions on the content of resolutions shall apply to the content of discontinuing resolutions mutatis mutandis, provided, that the SDC is not obliged to give reasons for rejecting an application for evidence.

(13) The operative part of the discontinuing resolution shall include:

a) The name of the student called to disciplinary account and his/her personal data defined in Section 10 (7);

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) In case of a decision to that effect, the imposition of a warning;

e) Provisions on legal redress.

(14) No reference to the possibility of an appeal is required if those entitled to appeal have waived to appeal.

(15) The reasons for the discontinuing decision shall include a short description of the facts established and the evidence, as well as the reasons that led to the discontinuation of the proceeding.

Putting the resolution down in writing

23. §

(1) The SDC shall put its decision down in writing, in the form of a numbered resolution, within 8 days from the date the decision is taken.

(2) The resolution shall be issued by the chairman of the SDC and the copies will be certified by the keeper of minutes.

(3) The resolution shall be drawn up in three original copies, of which one copy shall be delivered to the student, one copy shall be sent to the student affairs office/department of the competent faculty, and one copy shall be placed in the archives of the committee.

Communication of the resolution to the student

24. §

(1) One original copy of the resolution shall be sent to the student by mail with an advice of receipt.

(2) The resolution shall be deemed to be delivered on the date received by the student or, if he/she has authorised someone to receive the consignment, the proxy.

(3) The resolution shall be considered delivered on the date the delivery is attempted if the delivery failed because the addressee or his/her proxy did not accept the consignment (“it is returned with the “did not accept” notice).

(4) Until proven to the contrary, if the consignment is returned to the sender with the “did not inquire” notice, the consignment shall be considered delivered on the fifth working day following the second delivery attempt by the post. If the consignment with an advice of receipt is returned with the “unknown”, “moved” or “insufficient address” notice, the chairman of the SDC will address the authority keeping personal data and addresses to disclose student’s home address, postal address or other personal data necessary for send the consignment, and try to make the delivery again using the new data. If the consignment cannot be delivered at the address disclosed by the authority
keeping personal data and addresses, the institution will not conduct any further search and the 
consignment shall be considered delivered on the date of the attempted delivery.

Minutes and audio recording

25. §

(1) The minutes recording the key content of the disciplinary hearing, made based on the audio recording, 
shall be drawn up within 15 days.

(2) The minutes shall include:
   a) The name of the acting committee, the subject-matter of the case and the file number,
   b) The place and time and date of drawing up the minutes,
   c) The personal data, home address and the procedural status of the persons heard,
   d) The significant statements regarding the case (e.g. a statement regarding legal redress) and 
   the findings,
   e) The circumstances and findings essential for deciding in the case.

(3) The minutes shall be signed by the chairman and the members of the SDC and the keeper of minutes.

(4) An electronic copy of the signed minutes shall be sent to the student subject to the proceeding and 
   his/her representative by the 15th day of the date of the hearing. If the student so requests in writing 
   or by e-mail or at the hearing, the minutes shall be sent to his/her by post as well.

(5) The student may comment the content of the minutes and request supplementation or correction 
   thereof within 15 days of its receipt.

(6) If the student requests supplementation or correction of the content of the minutes in writing or by e-
   mail or at the hearing, the student may listen to the audio recording in person at the SDC.

(7) A decision on correcting or supplementing the minutes is taken by the SDC on the basis of the audio 
   recording. This decision is not subject to appeal.

(8) The minutes and, if made, the audio recording must be included in the disciplinary file.

(9) The recording shall be destroyed within 30 days of the finalisation of the minutes.

(10) The rules on filing documents are set out in the Document Management Policy.

Communication of the resolution

26. §

(1) In case the resolution which has not become final yet includes an interim measure, an original copy 
    thereof shall be sent by the chairman of the SDC to the student affairs office/department of the 
    competent faculty.

(2) An original copy of the resolution that has become final shall be sent by the chairman of the SDC to 
    the student affairs office/department of the competent faculty.

(3) The student affairs office/department shall register the final resolution and add it to the student’s 
    personal file. Simultaneously, it shall notify:
       a) The dean of the faculty,
       b) In the case of a dormitory student, the director of the dormitory,
       c) In the case of disqualification or exclusion, the director general of the library, and
d) Any person who is required to enforce the resolution.

(4) Otherwise, the resolution may be forwarded to any organisational unit or an external body only if it submits a reasoned official application to that effect to the chairman of the SDC and the chairman approves the same in agreement of the internal data protection officer after verifying the lawfulness of complying with the application giving simultaneous notice thereof to the student involved, with the exception of data transmission to the bodies listed in point 4 of Chapter I/B of Schedule 3 of the HEA.

**Correction of the resolution**

27. §

(1) The SDC may correct errors (incorrect name, number, calculation error or other similar misspelling) not related to the substance of the resolution either on application or ex officio.

(2) No correction may take place if an application for legal redress against the resolution has been submitted.

(3) The correction of the resolution shall be indicated on the corrected resolution as well.

(4) If the resolution has been delivered already, the corrected resolution shall be delivered as well.

(5) The correction may not be appealed.

(6) In the case of correction, the time limit available for legal redress shall start on the date the corrected resolution is delivered.

(7) As regards the merits of the resolution, the SDC may modify its resolution in the framework of the review procedure set out in this Policy.

**Legal redress**

28. §

(1) The student subject to the disciplinary proceeding or his/her proxy may file an appeal in writing against the decision on the merits. Non-substantive resolutions (rulings) are not subject to an appeal.

(2) The resolution on the merits may be appealed within 15 days of pronouncement or, in the absence of such, of becoming aware. The appeal shall be submitted in two original copies.

(3) The person entitled to appeal may waive the right to appeal.

(4) The appeal shall be addressed to the SSDC and submitted to the keeper of minutes of the SDC at the Administrative Directorate. The appeal will be filed by the SDC and then send to the SSDC within five days together with an original copy of the first instance documents and the proposal.

(5) Appeals have a dilatory effect on the enforcement of the resolution.

(6) Those students whose student status has ceased in the meantime shall also have the right to legal redress proceedings and complete such proceedings.

**Second instance disciplinary proceeding**

29. §

(1) The SSDC will act in the matter of the application for legal redress.

(2) The provisions of Sections 1 to 28 shall apply to the legal redress proceeding subject to the deviations below.
a) The appeal proceeding shall be completed within 30 days, which may be extended once by the chairman by 30 days.

b) The appeal shall be filed among the documents of the case.

c) The administrative time limit starts on the date following the receipt of the SSDC of all the documents of the case.

d) The following persons shall not participate in the work of the committee:
   - Who adopted the challenged decision or failed to adopt a decision, or
   - Who was involved in the administration of the case at first instance or participated in the decision-making in the first instance proceeding, or
   - Any close relative within the meaning in point 1 of Section 8:1 (1) of Act V of 2013 on the Civil Code (hereinafter, the “Civil Code”) of any person defined in the two paragraphs above, or
   - Who cannot be expected to judge the case impartially.

e) The SSDC will reject the appeal if the appeal is late or was submitted other than by the eligible person.

f) The SSDC shall be entitled to assess any fact, data or other evidence that has not been evaluated in the first instance proceeding and is significant for the adjudication of the case.

g) The SSDC may change the first instance resolution to the detriment of the student as well.

h) The provisions of the APA apply to the clarification of the facts (Sections 50-57), the calculation of time limits (Section 65), justification (Sections 66-67), the form and the content of the resolution (Sections 72-73) and the pronouncement of resolutions (Sections 78-79), the correction, replacing, supplementation or modification of the decision on application or ex officio (Sections 81/A-81/B) or the withdrawal thereof (Sections 103 and 114) mutatis mutandis.

i) The second instance resolution shall be drawn up in three original copies and one duplicate copy, of which one copy shall be delivered to the student, one copy shall be sent to the student affairs office/department of the competent faculty, and one copy shall be placed in the archives of the committee, while the duplicate shall be delivered to the SDC.

Second instance disciplinary resolution

30. §

(1) The body exercising the second instance disciplinary authority shall:

   a) Confirm the first instance resolution;

   b) Change the first instance resolution;

   c) Repeal the first instance resolution and instruct the body exercising the first instance disciplinary authority to conduct a new proceeding;

   d) nullify the first instance resolution if it was adopted by other than the competent body. In this case, it shall simultaneously notify the person authorised to initiate the proceeding.
Legal redress against the second instance disciplinary resolution

31. §

(1) The student may request judicial review of the second instance resolution 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.

(2) The judicial review shall suspend the enforcement of the resolution.

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

32. §

(1) The first instance resolution becomes final, if:
   a) It has not been appealed and the appeal period has expired,
   b) The right to appeal has been waived or the appeal has been withdrawn,
   c) The SSDC has confirmed the first instance resolution.

(2) In the case of point a) of Subsection (1), the resolution shall become final on the day following the last day of the appeal period.

(3) In case the appeal has been waived or the appeal has been withdrawn, the resolution shall become final:
   a) When the first instance resolution is communicated if the application is complied with and the client has waived to appeal already before the communication of the decision,
   b) On the date the waiver or the withdrawal is received by the authority if the person entitled to appeal waives to appeal or withdraws his/her appeal during the appeal period.

(4) In the case of point c) of Subsection (1), the first instance decision shall become final when the second instance decision is pronounced.

(5) The second instance decision shall become final and enforceable when pronounced, except if the student or his/her representative has applied for its review by the court.

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

(7) If the decision becomes final in the first instance, the keeper of minutes of the SDC adds a clause to the resolution that the resolution has become final. If the resolution has become final in the second instance, the SSDC shall inform the SDC about the date of becoming final, based on which the keeper of minutes of the SDC adds a clause to the resolution that the resolution has become final.

(8) On the date of becoming final, the keeper of minutes of the SSDC shall add a clause to the second instance resolution that the resolution has become final.

(9) The resolution may be enforced only after it has become final.
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Special proceedings

Repeated proceeding

33. §

(1) In the repeated proceeding, the administrative time limit shall start on the date following the date the SDC received the resolution ordering the repetition of the proceeding and all the documents of the case.

Resumption proceeding

34. §

(1) If, in a case closed by a final resolution, the student becomes aware any fact, data or other evidence, which is substantial for the assessment of the case but has not been assessed in the procedure, after the resolution has become final, he/she may submit an application for resumption to the SDC within fifteen days of becoming aware, provided that, if assessed, it would have resulted in a more favourable assessment for the student.

(2) The application for resumption will be assessed by the SDC.

(3) The SDC must refuse the application for resumption without examining the merits thereof if:
   a) It is based on a fact or a change in the law that occurred after the resolution has become final,
   b) There is judicial review is in progress in the case or the court acting in administrative matters has passed a resolution in the course of a judicial review,
   c) One year has passed since the resolution becoming final. No justification may be submitted if the deadline is missed.

(4) In the course of the resumption proceeding, the SDC may modify or withdraw the final resolution or adopt a new decision to reflect the newly recognized facts of the case. Such a decision shall be communicated to all whom the final decision has been communicated, and legal redress against such a decision is available in accordance with the general rules.

(5) If the SDC complies with the application for resumption the student shall be put in a procedural situation he/she would be if he/she knew the fact, data or evidence serving as the basis of the application for resumption at the time the previous decision was made. The decision taken based on the application for resumption shall not be prejudiced by the violation of rights acquired and exercised in good faith.

(6) If the modification or revocation of the final resolution imposing an obligation can be expected in the resumption proceeding, the SDC shall take action ex officio to suspend the enforcement being in progress.

(7) If the obligation imposed in the final resolution should not have been imposed, whether in whole or in part, based on the newly recognized facts the situation that occurred as a result of performance (enforcement) by the submission of the application or the suspension of enforcement shall be adjusted and any legal detriment caused to the obligor without legal basis shall be stopped.

Modification or withdrawal of the resolution in the review proceeding

35. §

(1) If the SDC determines that its decision that has not been assessed in legal redress proceedings or has not been appealed violates the law, it shall modify or revoke the decision.
(2) If the SSDC determines that its decision that has not been assessed in a judicial review proceeding violates the law, it shall modify or revoke the decision. The decision shall be communicated to all who received the modified or revoked decision.

(3) If, after the resolution has become final, the SDC or the SSDC becomes aware of any fact, data or other evidence, which had existed before the resolution became final and is substantial for the assessment of the case in respect of the resolution of the SDC or the SSDC and has not been assessed in the legal redress proceeding or appealed, it may review its own decision that has not been assessed in the legal redress procedure ex officio within fifteen days of becoming aware. The provisions of this Policy shall apply in the review proceeding.

(4) The resolution adopted in the review proceeding shall be communicated to all who received the modified or revoked decision.

(5) There are no grounds for the review set out in Subsections (1) to (3) if more than one year has passed since the resolution was adopted.

**Supervisory proceeding**

36. §

(1) The Rector shall be entitled to examine the proceeding and the decision of the SDC and the SSDC ex officio.

(2) If the decision of the SDC violates the law the Rector shall nullify the unlawful decision and order the SDC or the SSDC to conduct a new procedure.

(3) If the Rector becomes aware of any fact, data or other evidence, which is substantial for the assessment of the case but has not been assessed in the proceedings, he/she shall nullify the decision by a resolution and order the SDC or the SSDC to conduct a new procedure.

(4) The decision adopted in the supervisory proceeding shall be communicated to those who received the unlawful decision.

(5) There are no grounds for the supervisory proceeding set out in Subsections (1) and (2) if more than one year has passed since the resolution was adopted.

**Provisions relating to damage caused unlawfully**

37. §

(1) If the student unlawfully 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 the HEA.

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

(3) In case the damage is 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 received and is obliged to return or take into care on the basis of a list or receipt of delivery, provided that the student constantly keeps in custody 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 student status, dormitory admission relationship or practical training shall pay the damage caused in accordance with relevant rules of the Civil Code and the HEA. The
University or the organiser of the practical training shall only be exempted from liability if able to prove that the damage was caused beyond its respective scope of operation by circumstances beyond its control or by the unpreventable conduct of the damaged party.

(6) In case the student has entered into a student employment contract pursuant to Section 44 (1) of the HEA, the damages to be paid to the organiser of the practical training or the student shall be subject to the provisions of Act I of 2012 on the Labour Code.

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

Transitory, miscellaneous and closing provisions

38. §

(1) This Policy shall become effective on 1 September 2017. This Policy shall apply to proceedings opened after its entry into force.

(2) Simultaneously with the entry into force hereof, the policy issued on 3 July 2006 is repealed.

(3) Matters being in progress at the time of the entry into force hereof shall be conducted according to the policy specified in Subsection (2).

Dr. András Lánczi  
Rector

Dr. Lívia Pavlik  
Chancellor

In witness whereof:

Dr. Marica Sárközi-Kerezsi  
Secretary of the Senate