III.4. Students’ Legal Redress System Policy

At the meeting of 18 May 2016, the Senate supported adopting the Students’ Legal Redress System Policy by decision No. SZ-145/2015/2016. (2016. V. 18.), simultaneously repealing the earlier regulation on the same subject.
§ 1

(1) This Policy applies where the institutional documents do not contain any specific provision for the given case.

(2) This Policy shall apply mutatis mutandis to decisions and omissions concerning
a) students,
b) applicants applying to the University,
c) PhD candidates and doctoral fellows, as well as
d) students whose student status has terminated in the meantime (hereinafter collectively referred to as “student”)\(^1\).

(3) For the purposes of this Policy:
 a) “provision relating to the status of students” means any provision in the relevant legislation, as well as any provision in the institutional documents that defines rights and obligations in respect of students;
b) “institutional document” means the documents defined in § 1(2) e) of the Organisational and Operational Rules\(^2\);
c) immediate relatives include the spouse, civil partner, next of kin, adoptive, step and foster children, adoptive, step and foster parents, as well as siblings.

§ 2

(1)\(^3\) If the rights of a student are violated, the student shall be entitled to
a) contact the student government for legal assistance;
b) submit a request for legal redress, which the University shall assess in accordance with this Policy;
c) initiate a procedure at the Educational Rights Commissioner, provided, that he/she has exhausted all legal redress opportunities regulated in this Policy, except for court proceedings.

(2)\(^4\) The University shall send written notification about the decisions it makes in connection with the student in the cases defined within the scope of the Act, Government decrees and the Organisational and Operational Rules, and if the student so requests.

(3) The decision of the University concerning the student shall be binding if the student fails to submit a request for legal redress within the time limit specified in paragraph (4), or waived to submit such a request. Withdrawal of the legal redress by the student shall be deemed so that the student has waived his/her right to legal redress.

(4)\(^5\) The student shall be entitled to seek legal remedy against the decision or action of the University or its failure to take action (hereinafter jointly referred to as “decision”), except for decisions concerning the assessment of academic performance, within 15 days from the notification of the student in question, or,

---

\(^1\) § 58(3) of the National Higher Education Act (“NHEA”)
\(^2\) the founding charter, furthermore the policies, programmes and plans required by the NHEA, including the organizational and operational rules, any training programme, institution development plan, the statutes of the student government, and internal rules pursuant to the Accounting Act and its implementation decree;
\(^3\) § 57(1) of Act CCIV of 2011 on national higher education (hereinafter, the “NHEA”)
\(^4\) § 57(2) of the National Higher Education Act (“NHEA”)
\(^5\) § 57(3) of the National Higher Education Act (“NHEA”)
in the lack of such notification, from the date of becoming aware of such decision A procedure may be initiated by the student relating to the assessment of his/her academic performance as well if the decision is not based on requirements accepted by the University or the decision is contrary to the provisions of the Organisational and Operational Rules of the University, or the provisions on the organisation of examinations have been breached.

(5) The application for legal redress shall be submitted to the Administrative Directorate. The application for legal redress shall be judged by a committee set up by the rector. The committee shall consist of a chairman and two members; one of the members shall be a student.

(6) The following persons shall not act as a person assessing the application for legal redress or the keeper of minutes:
   a) who has taken the challenged decision, or failed to make a decision;
   b) an immediate relative of the individual named in point a);
   c) who cannot be expected to deliver an impartial opinion.

(7) If the case does not fall within the scope of the present Policy, the Administrative Directorate shall transfer it to the competent body within 3 working days.

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

§ 3

(1) The provisions of Act CXL of 2004 on the general rules of official administrative procedures and services shall apply mutatis mutandis to the clarification of the case, the determination of time limits, proof of evidence, the form, content and communication of decisions, the correction of the decision on request or ex officio, its replacement, amendment, modification or revocation.

(2) The decision or the ruling to terminate the proceedings shall be taken within twenty-one days of the receipt of the application for legal redress by the Administrative Directorate, following which it shall be communicated. Where this is not possible, the committee shall take a decision at its first board meeting after the expiry of the deadline, but no later than within two months.

(3) The student submitting the application for legal redress shall be heard if he/she so requests or the committee considers it necessary. If the student filing the application for legal redress or his proxy fails to appear despite due summons, the hearing may be held in their absence.

(4) The hearing of the legal redress is not public. The student submitting the application for legal redress or his/her proxy shall be invited to the hearing of the committee 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.

---

6 § 57(4) of the National Higher Education Act ("NHEA")
7 § 57(7) of the National Higher Education Act ("NHEA")
8 § 57(6) of the National Higher Education Act ("NHEA")
9 § 33(1) of Act CXL of 2004 on the general rules of official administrative procedures and services (hereinafter, the “APA”)
(5) The summons shall contain a warning to the student submitting the application for legal redress that his/her absence will not prevent holding the hearing or taking a decision, further, that he/she may submit additional documents and that an authorised proxy (student, lecturer, legal representative) may act during the procedure based on a due power of attorney specified in the appendix.

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

(7) The committee may take the following decisions:
   a) it rejects the application;
   b) it orders the person who has failed to make a decision to make a decision;
   c) it changes the decision;
   d) it annuls the decision, and orders the decision-maker to conduct a new procedure.

(8) 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. The documents shall be sent to the e-mail address of persons involved in the procedure stored in the NEPTUN study and records system.

§ 4

(1) The student submitting the application for legal remedy shall be entitled to request judicial review of the decision made in respect of the application for legal redress within a period of 30 days following its announcement by referring to a breach of law or the relevant provisions regulating his/her status as a student.

(2) The student shall notify the Administrative Directorate of challenging the decision before the court by sending a photocopy of the document.

§ 5

This Policy enters into force of the date of its adoption, that is, on 18 May 2016. This Policy shall apply to procedures opened after its entry into force.

Dr. Zsolt Rostoványi
Rector

Dr. Lívia Pavlik
Chancellor

In witness thereof:

Dr. Marica Sárközi-Kerezsi

---

10 § 57(5) of the National Higher Education Act (“NHEA”)
11 § 58(1) of the National Higher Education Act (“NHEA”)
§ 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 in their
      presence; 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.