

Appendix VII.

RULES OF DISCIPLINE AND RESTITUTION APPLYING TO STUDENTS OF THE UNIVERSITY OF DEBRECEN

On the basis of the provisions of the National Higher Education Law CCIV of 2011, the Senate of the University of Debrecen (hereinafter "The University") has laid down rules of discipline and restitution applying to the students of the university as set out below:

General Provisions

- (1) The scope of the Regulations extends to Hungarian students of the university and also, as long as the law and international treaties do not provide otherwise, to students of foreign citizenship.
- (2) The scope of the Regulations also extends to students, whose legal status as students has been suspended, but by their behaviour have committed a disciplinary offence as defined in Section 2 sub-section (1), or have caused or suffered damage according to the definitions of Section 31 of the Regulations.
- (3) The Regulations shall also be applied in the Halls of Residence as modified by Section 4 sub-section (5).

Rules of Disciplinary Procedure, Disciplinary Responsibility

- (1) A student commits a disciplinary offence if he/she culpably and deliberately breaches his/her duties as laid down in the higher education law, or in the rules applying to students as laid down in the rules of the university and the faculty.
- (2) Any deliberate or thoughtless behaviour (whether of commission or omission) on the part of a student arising from his/her status as a student, which is likely to prevent or seriously disturb the ongoing educational work of the department or any other designated activity of the department, shall constitute a disciplinary breach.
- (3) Any behaviour by a student outside the university, which, being inconsistent with the legal status of a student, seriously damages or endangers the reputation of the university, is a disciplinary offence. Breaches of duty are not regarded as disciplinary offences if their disadvantageous consequences are defined in the *Educational and Examination Regulations*.
- (4) Disciplinary procedures may not be initiated if more than a month has passed since the disciplinary breach came to light, or more than five months have passed since the commission of the breach. In the application of these rules, the time of coming to light is time when the person who is authorized to initiate disciplinary procedures becomes aware of the circumstances which justify the proceedings.
- (5) Any disciplinary proceedings against a student must be suspended if (i) a concomitant criminal proceeding is commenced against him/her in the same case, until the case is concluded by a non-appealable judgement, or (ii) if the student under the disciplinary proceedings cannot participate in the disciplinary interview because of hindrances beyond his/her control, until these hindrances cease to exist.

Disciplinary Penalties and Measures

- (1) Disciplinary penalties include:
 - a) reprimand,
 - b) serious reprimand,
 - c) reduction, or withdrawal for a period not exceeding six months, of privileges and allowances as determined in the rules for support and allowances, excluding social support, may not be withdrawn,
 - d) prohibition from continuing studies for a period to be determined, with a maximum of two semesters,
 - e) exclusion from the University of Debrecen.
- (2) Along with the imposition of penalties laid down in sub-section (1) points (d) to (e) will go the final or temporary withdrawal of privileges and allowances deriving from the status of student. During the period of punishment according to sub-section (1) point (d) the status of student shall be suspended.
- (3) In the Hall of Residence, instead of the punishment laid down in sub-section (1) point (e), the penalty of being excluded from the Hall of Residence may be applied.

- (4) Neither the initiation of disciplinary proceedings nor the imposition of the disciplinary penalty shall be influenced by the student's academic achievement.
- (5) In establishing the disciplinary penalty, all the circumstances of the offense must be taken into account, in particular the circles of those who sustained injury, the consequences, repetition and the severity of the offense.
- (6) The disciplinary proceedings may be abated and the student may be let off with a warning, if the severity of the offence — taking into consideration all circumstances of the offence, in particular the personality of the student, the motive for the offence and the way in which it was perpetrated — is not significant enough to justify even the lightest disciplinary punishment.
- (7) A legal appeal may also be lodged against a warning.
- (8) The fact of a disciplinary penalty must be recorded on the student's registry sheet.

Bodies in the Disciplinary Jurisdiction

- (1) Disciplinary jurisdiction shall, in the first instance, be exercised by the Students' Disciplinary Committee of the Faculty.
- (2) In the second instance, disciplinary jurisdiction must be exercised according to the provisions laid down in the rules entitled "Procedural System in the University of Debrecen for the entering and adjudication of petitions of appeal by students".
- (3) The Faculty will select a Faculty Disciplinary Body consisting of teachers and students. The Faculty Council will determine the number of members, composition and means of selection of the Disciplinary Body. The proportion of students on the Disciplinary Body shall be established in such a way that student representation of one-third can always be assured in the disciplinary committee.
- (4) In a particular disciplinary process, the chairman of the Disciplinary Body will select from among its members a Students' Disciplinary Committee consisting of at least three members. The Committee will consist at least of a chairman and two members (one being a member of staff, one a student). If a larger membership is selected for the Committee, at least one-third of the members of the committee shall be students. The student members of the Committee shall as far as possible be from the same year and from the same faculty as the student who is the subject of the disciplinary procedure. In the case of disciplinary proceedings against a foreign student, the foreign students' departmental representative must also be involved.
- (5) A close relative of the student subject to the disciplinary procedure and other persons from whom an unbiased judgement of the case cannot be expected are incompatible and shall not take part in the disciplinary jurisdiction (Paragraph 685 clause (b) of the Civil Code).
- (6) The provisions relating to exclusion from the disciplinary jurisdiction shall also be applied to the person taking the minutes.
- (7) If any participant of the jurisdiction suspects that he/she is incompatible, he/she must report it to the chairman of the disciplinary body without delay. If the student subject to the disciplinary procedure complains of partiality by someone taking part in the disciplinary procedure, this may be made known to the chairman of the disciplinary committee before the closing of the first hearing.

Initiation of Disciplinary Procedure

- (1) The disciplinary procedure is initiated by a personal or an official report.
- (2) The disciplinary procedure shall be ordered by the rector or the rector's academic deputy or the head of the faculty in which the student was registered, and at the same time the student subject to the procedure shall be informed in writing. The order to initiate disciplinary proceedings must contain a short description of the offense on which the disciplinary procedure is to be based.

The Disciplinary Body in question must also be informed of the institution of disciplinary proceedings, and the head of the Disciplinary Body is obliged to nominate the operative Student Disciplinary Committee within three working days.

- (3) If the student has student status in more than one faculty or institution of higher education, then that faculty or institution shall be entitled to initiate disciplinary proceedings, in connection with which the student failed in

his/her duty, or of which was offended by the student. In such a case the person initiating the procedure is obliged to inform the other faculty/(ies) or institution/(s) of the initiation of proceedings.

- (4) Except in the event of an adjournment, the disciplinary proceedings must be concluded within 30 days.
- (5) If during the disciplinary proceedings a well-founded suspicion should arise that a criminal act has been committed, the rector shall make a report to the official authorities on the basis of the information provided by the person who initiated the disciplinary proceedings.
- (6) Disciplinary proceedings in connection with a breach of duty committed within the framework of practical training must be conducted in the university.

The Disciplinary Hearing

- (1) The student subject to the disciplinary procedure, the witnesses and the experts must be summoned in writing in a certifiable manner. The summons must indicate the name of the person who is the subject of the disciplinary procedure, the time and place of the hearing and the capacity in which the addressee is being summoned.
- (2) The summons must draw the attention of the student subject to the disciplinary procedure to the fact that he/she has the right to submit a written defence, and must, in addition, refer to the possibility of making use of legal representation, and also that the non-appearance of the student or his/her legal representative will impede neither the holding of the hearing nor the passing of a resolution. The student should also be informed that if he/she can certify some acceptable reasons for non-appearance, a new date for the hearing will have to be fixed.
- (3) The facts of the case must be set out during the disciplinary proceedings, in the course of which the student must be examined and given the opportunity to express his/her standpoint and defence and furthermore to make use of evidence. If the proceedings, except if it is established in the judgement that the student has not committed any disciplinary breach.
- (4) The student and his/her appointed representative (the legal representative) may:
 - a) inspect the documents of the proceedings and make extracts from or ask for copies of these,
 - b) submit proposals,
 - c) question witnesses and experts.
 - d) may not inspect the draft judgement, the minutes taken in closed discussions, and documents containing state or official secrets.
- (5) The chairman of the disciplinary committee shall lead the disciplinary hearing. He/she shall ensure adherence to the provisions of the law and the regulations and preservation of the order of the hearing, and shall take care that those taking part in the proceedings are able to exercise their personal rights.
- (6) If legal summons notwithstanding the student subject to the disciplinary procedure does not appear, without having previously given an acceptable reason, the disciplinary hearing can be held in student's absence and their examination in person can be dispensed with. The non-attendance of the student despite a standard notice for the student or the trustee does not inhibit the decision-making.
- (7) The disciplinary hearing shall be held in public; however the disciplinary committee may hold the hearings or part of the hearings in private, out of public interest or in the interests of the student subject to the disciplinary procedure.
- (8) After having established from those present that there is no obstacle to holding the hearing, the chairman of the disciplinary committee shall call on witnesses and experts to leave the room. Then the chairman shall make known the facts on which the disciplinary hearing is to be based. Following this the committee shall examine the student who is the subject of the disciplinary proceedings.
- (9) During the examination of the student who is subject to the disciplinary proceedings, neither other students who are subject to the same proceedings and who have not been questioned yet, nor witnesses or experts may be present. A witness who has not yet been examined may not be present during the examination of other witnesses and experts either.
- (10) If in the course of the hearing the student subject to the disciplinary procedure admits to having committed the disciplinary breach, and there is no doubt about his/her confession, further evidence may be dispensed with.
- (11) If further evidence becomes necessary, the disciplinary committee shall examine the witnesses and, if needed, the experts, and shall make known the assembled documents and other items of evidence. The student or their appointed representative (legal representative) may initiate evidence up to the closing of the hearing.

- (12) The witness shall be obliged to declare whether he/she has an interest or a bias in the case and must be cautioned about their duty to tell the truth and the consequences of false testimony. Persons from whom testimony worth treating as evidence cannot be expected shall not be examined as witnesses, nor those whose testimony relates to facts qualifying as state secrets, official secrets or professional secrets, where no exemption has otherwise been received.
- (13) If the testimony of a witness is contrary to the plea of defence by the student subject to the disciplinary procedure or to the testimony of other witnesses, efforts must be made to clear this up, if necessary by confrontation.
- (14) Minutes shall be kept of the disciplinary hearing. The minutes shall be signed by the chairman of the disciplinary committee and by the person keeping the minutes.
- (15) The persons who have been examined must be made familiar with the minutes and following this shall be obliged to sign the relevant entry. The person examined may request an addition or amendment to the minutes. In the event of a refusal to sign, the reasons for this shall be recorded in the minutes.
- (16) The minutes shall be attached to the disciplinary documents.
- (17) If the minutes are written up on the basis of a sound recording of the hearing, the interested parties may forthwith listen to the sound recording again, but may also waive the right to do so. This fact must also be recorded in the minutes. In this case the minutes must be written up within three working days.

The Disciplinary Decision

- (1) After the completion of the process of gathering evidence, the disciplinary committee shall come to a decision in a closed session by simple majority verdict. The chairman and members of the disciplinary committee may be present, as well as the person keeping the minutes.
- (2) The decision may be to inflict a disciplinary penalty or to discontinue the disciplinary proceedings.
- (3) The disciplinary committee shall base the decision solely on the evidence directly examined during the disciplinary hearing. Facts which have not been proven beyond doubt may not be used in weighing the charge against the person subject to the disciplinary proceedings.
- (4) A decision to inflict a penalty shall be taken, if the disciplinary committee establishes that the student subject to the proceedings has committed a disciplinary breach and consequently the committee feels it necessary to inflict a disciplinary penalty on the student. The decision shall consist of two parts: a section giving the order and an explanation.
- (5) In the decision to inflict the penalty, the section giving the order shall contain:
 - a) the names of the members of the Student Disciplinary Committee; and the name of the student subject to disciplinary responsibility and his/her other personal data (address, class of year, subject, branch),
 - b) the disciplinary penalty that has been applied and other provisions related thereto (e.g. the order for public announcement of the decision),
 - c) reference to the possibility of appeal and to the 15 day deadline for entering it. No reference need be made to an appeal, if those authorized waived the right of appeal at the time when the decision was promulgated.
- (6) The explanation of the decision to inflict a penalty shall contain succinctly:
 - a) the established facts,
 - b) the presentation and evaluation of evidence, the proof offered by the student but not accepted, and the reasons for ignoring it,
 - c) exposition of what sort of breach was constituted by the action committed, and the extent to which the student was guilty in it,
 - d) the circumstances that were taken into consideration when inflicting the penalty,
 - e) reference to the laws, regulations and provisions on which the disciplinary punishment was based.
- (7) The disciplinary committee shall decide to abandon the proceedings if:
 - a) the student has not committed a disciplinary breach,
 - b) the offense perpetrated is not a disciplinary breach or it was not the student subject to the disciplinary procedure who committed it,
 - c) the commission of the disciplinary breach cannot be proved,
 - d) the guilt of the student cannot be established,
 - e) the disciplinary breach has become out-of-date,

- f) the offense on which the proceedings are based has already been the subject of a non-appealable judgement through disciplinary channels,
 - g) the disciplinary committee is issuing a reprimand to the student instead of imposing a punishment.
- (8) The section dealing with the decision to abandon the proceedings shall contain:
- a) the name and other personal details of the student subject to the disciplinary procedure,
 - b) indication of the disciplinary breach, on account of which the disciplinary procedure had been ordained,
 - c) the declaration of abandonment of the disciplinary proceedings,
 - d) indication of the reason for abandonment,
 - e) the warning, if it was the decision,
 - f) the possibility for entering an appeal.
- (9) In the explanation of the decision of abandonment a short description shall be given of the established facts and evidence, and reference shall be made to the reasons which moved the disciplinary committee to abandon the proceedings, in the course of which mention must also be made of the point in Clause (1), on the basis of which the disciplinary proceedings are to be abandoned.
- (10) The chairman of the disciplinary committee shall promulgate the decision that has been taken.
- (11) In the course of the promulgation the section dealing with the decision, as recorded in writing in the closed session, must be read and the substance of the explanation for the decision shall be made known.
- (12) After the promulgation of the decision, the chairman of the disciplinary committee shall call upon those authorized to seek legal remedy to make their declaration of appeal. After the declaration has been recorded in the minutes, the chairman shall close the disciplinary hearing.
- (13) The disciplinary decision shall be delivered to those concerned parties who are absent.
- (14) The decision of the disciplinary committee shall be recorded in writing within three working days of the promulgation.
- (15) The chairman of the acting disciplinary committee shall undersign the written record of the disciplinary decision.
- (16) The decision must be delivered to the student who was the subject of the proceedings and his/her appointed representative, even if the decision was made known to them by the promulgation. The delivery must be certified officially (by recorded postal delivery, or by being handed over in person).
- (17) The disciplinary committee may not alter its decision that has been promulgated. However, mistakes not connected with the essentials of the decision (mistakes in names, numbers, calculations or other comparable clerical errors) may be corrected.
- (18) The decision of the first instance shall come into effect:
- a) on the day that those authorized to appeal have declared that they do not wish to pursue legal remedy or have withdrawn the petition of appeal,
 - b) on the last day of the deadline for appeal, if the petition of appeal has not been entered within the deadline.
- (19) The legally binding decision may be put into effect, except where its judicial review has been requested.

Legal Remedy Against a Disciplinary Decision

- (1) The student subject to the disciplinary proceedings or his/her appointed representative (legal representative) may enter a petition for legal remedy (appeal) against the decision of the first instance within 15 days of receiving it into their hands.
- (2) The petition for legal remedy must be addressed to the rector and handed in to the chairman of the disciplinary committee which acted in the first instance, who must send the same within three working days to the Educational Directorate along with the documents relating to the procedure of the first instance.
- (3) The petition for legal remedy has the effect of delaying the execution of the provisions laid down in the decision.
- (4) The regulations entitled "Procedures in the University of Debrecen for Entering and Adjudicating Pleas by Students for Legal Remedy" shall determine the means of adjudication of the plea for legal remedy.
- (5) The decision of the second instance becomes effective on publication. The legally binding decision may be carried out, except where the student has asked for a judicial review.

- (6) It shall be written in a separate clause on the decision which has come into force that the decision has come into force and may be carried out along with the date on which it came into force.
- (7) The legally binding decision must be placed on record and a copy of the decision must be placed in the student's personal file.
- (8) When sending out the final decision the disciplinary committee shall make known:
 - a) the organ authorized to execute the disciplinary penalty,
 - b) if the student is on a public scholarship, the grant-awarding authority,
 - c) the person who ordered the disciplinary proceedings.

Initiation of a New Procedure

- (1) The student may request new proceedings within 30 days of being handed the legally binding decision. This request must be based exclusively on facts that did not come to light during the disciplinary proceedings (new facts) or on evidences not used therein (new evidence).
- (2) The request for the new proceedings must be handed in to the chairman of the disciplinary committee which acted in the first instance. The disciplinary committee which acted in the first instance shall adjudicate on the request.
- (3) A plea for legal remedy (an appeal) may be made against a decision of refusal by entering the plea within 15 days from the delivery of the refusal, addressed to the Rector but presented to the disciplinary committee which acted in the first instance, which is who are obliged to send the documents together with its opinion to the Educational Directorate without delay. In the adjudication of the appeal the provisions of Section 20 sub-section (1) shall be authoritative.

Exemption from Disciplinary Penalty

- (1) The student (or former student) shall be exempt from the negative consequences appertaining to the disciplinary penalty – without any appeal and decision of exemption:
 - a) in the case of disciplinary penalties as laid down in Section 4 sub-section (1) points a) and b) after the passage of 6 months following the coming into force of the decision,
 - b) in the case of disciplinary penalties as laid down in Section 4 sub-section (1) point c) after the expiry of the period of time of the punishment which was decreed,
 - c) in the case of disciplinary penalties as laid down in Section 4 sub-section (1) point d) after the expiry of the prohibition.
- (2) The disciplinary committee having acted in the first instance in the disciplinary case may – on the written request of the student and taking into consideration some particularly appreciable circumstances – exempt the student from the negative consequences of the disciplinary penalty before the time laid down in sub-section (1) points b) and c).
- (3) In the case of an exemption, the disciplinary decision shall be invalidated in the official records of the student. This invalidation shall proceed by noting the exemption by the first-instance disciplinary committee on the records of the original judgement on file.
- (4) There is room for legal remedy against a rejection of a request for exemption made on the grounds of equity, which shall within 15 days of reception of the decision be handed in to the chairman of the disciplinary committee of the first instance but addressed to the rector. In the adjudication of the plea for legal remedy the provisions of Section 20 sub-section (1) shall be authoritative.
- (5) If a plea for exemption on the grounds of equity is entered in connection with a disciplinary punishment involving expulsion from an institution of higher education, the Rector shall adjudicate, having listened to the opinion and recommendation of the head of the faculty.
- (6) If the student has been exempted from the disciplinary penalty, it shall be regarded as if he/she had not committed the disciplinary breach.

Rules Relating to Liability for Damages

- (1) The student in the course of his/her studies is liable to the University or, during his/her professional practice, to his/her employer for any damages caused by him/her unlawfully.
- (2) The amount of the damages shall be:
 - (3) in the case of deliberate damage the full amount of the damage,
 - (4) in the case of inadvertent damage, fifty percent of the monthly lowest obligatory wage (the minimum wage) valid in Hungary on the date of the damage.
- (5) The student is liable for the full amount of damages for loss or damage caused to items which he/she took possession of by means of an entry in a register or a receipt, with a stated obligation to restore or to refund the same and which he/she keeps permanently in his/her possession and use or work with exclusively. They will be exempt from the liability if the loss came about from unavoidable causes.
- (6) In the case of damages of more than 3 000 HUF, the student can ask to make 6-12 monthly part payments. The person making the decision on the damages shall decide the duration of the part payments.
- (7) If a student suffers damage in connection with his/her legal relationship as a student or as a member of a Hall of Residence, or with his/her practical training, the full amount of damage must be refunded — without regard to their guilt — by the university, the Hall of Residence or the organizer of the practical training, except if it is proved that the damage arose from unavoidable causes falling outside their sphere of operations. Neither shall damages be refunded if the damage was caused by unavoidable misconduct of the injured party.
- (8) In other questions of material liability the rules relating to restitution of damages in Law IV of 1959 of the Civil Code shall be applied.
- (9) If in accordance with the law relating to professional training the student has formed a student's contract, the provisions of the law relating to professional training shall be applied as regards the restitution of damages suffered by the organizer of the practical training or the student as the case may be.

Exercisers of Jurisdiction in Damage Restitution

- (1) The head of the faculty shall exercise jurisdiction in damage restitution in the first instance. In proceedings of the second instance the provisions of Section 20 sub-section (1) shall be authoritative.
- (2) For the purposes of carrying out the decision, the legally binding decision on restitution of damages must be sent to the finance manager of the faculties of the university involved in the case.
- (3) A decision on restitution of damages may be made without an examination of the student (a simplified restitution) in cases where the student is obliged to refund the previously established sum of damages for damage caused to items taken into their possession (e.g. lost library books, sports equipment, departmental equipment).
- (4) Simplified restitution may be applied in cases of damage not exceeding 10,000 HUF, provided the student admits on record the fact and the extent of the damage.
- (5) As regards restitution of damage suffered by the student, the provisions of sub-section (1) shall be authoritative in the first and second instance.

In cases of restitution of damages in the first instance a decision must be made within 30 days. In exceptional cases, if the adjudication of the case calls for it, the deadline may be extended by a further 15 days.

- (6) Insofar as the student in the course of his/her professional practice and within the framework thereof causes damage to the employer or suffers damage from them, then - in the absence of relevant provisions in the contract relating to the professional practice made with the faculty organizer of the professional practice, the organizer of the professional practice shall arrange for restitution of damages through the medium of the head of the faculty.

The Rules of Procedure Governing Restitution of Damages Entry and Adjudication of the Claim for Damages

- (1) Concerning any damage determined in these Regulations and caused by a student, a record must be kept on the site of the damage, unless it does not come within the scope of the simplified restitution. The student who is

suspected to have caused the damage shall sign the record and must declare whether or not he/she admits having caused the damage and is willing to pay compensation for it. This declaration must be included in the records.

- (2) As regards damage caused in the organizational units of the faculty, the head of the organizational unit shall keep a record of the damage; in the case of damage caused in the university and National Library the senior manager of the library shall keep a record of the damage.
 - (3) The records of the damage must be sent to the head of the faculty.
 - (4) In the case of damages exceeding 10,000 HUF or at the student's request, those exercising jurisdiction in the restitution of damages must examine the student. A record must be kept of the hearing.
 - (5) The records of the damage and of the hearing must be sent to the financial manager of the faculty involved in the case.
 - (6) The decision relating to restitution of damages must contain:
 - a) the identity of the person exercising jurisdiction in the current case,
 - b) the registration number and date of the decision,
 - c) in the part dealing with the decision, the following must be included: the personal data of the student causing the damage, the damage caused, the amount of damages payable, provisions for possible part- payments, reference to the possibility of legal remedy with delaying force,
 - d) in the part giving reasons for the decision, the damage must be described in detail, as well as the reasons for establishing the restitution and the circumstances which were taken into account. The provisions on which the decision of restitution is based must also be set out.
 - (7) Restitution for any damage suffered by a student may be requested by him/her, in writing, from the head of the faculty. The request must include the type and details of damage, the circumstances in which it arose as well as the estimated, or if it is known, the actual value of the damage.
 - (8) The head of the faculty shall send the request to the finance manager of the faculty involved in the case, for an opinion and for investigation.
 - (9) The finance manager of involved faculty shall, in collaboration with the faculty concerned, examine the contents and circumstances of the student's request and shall make recommendations for a decision.
- If necessary the student suffering the damage must also be given a hearing.

Legal Remedy Against a Decision on Damage Restitution

- (1) A plea for legal remedy (appeal) against a decision in the first instance may be entered in writing, addressed to the Rector, within 15 days of receiving the decision.
- (2) The petition of appeal must be handed in to the head of the faculty who must send it within three working days to the Educational Directorate together with all relevant documents.
- (3) For adjudicating the petition of appeal the provisions laid down in Section 20 sub-section (1) shall be authoritative.
- (4) The petition of appeal has the effect of postponing the execution of the provisions laid down in the decision.
- (5) A copy of the legally binding decision must be filed in the student's personal records.

Closing Provisions

- (1) These Regulations, accepted by the Senate on 25th May 2006 by means of resolution number 44./2006. (V.25.), have come into effect on 1st July 2006. Their provisions must also be applied to cases in progress.

- (2) With the coming into effect of the regulations the regulations entitled “Disciplinary and Compensation Regulations for the Students of the University of Debrecen” passed on 26th May 2000 and modified on 9th October 2003 shall lose their force.
- (3) The present regulations form a part of the system of requirements for students in the Rules and Regulations of the University of Debrecen.

Debrecen, 30th August, 2014