

**PROCEDURAL RULES ON THE SUBMISSION
AND PROCESSING
OF STUDENT APPEALS
AT THE UNIVERSITY OF DEBRECEN**

Annex 17 of the Organizational and Operational Rules

09 December, 2021

The Senate of the University of Debrecen (hereinafter referred to as ‘the University’) shall determine the procedural order of student appeals provided for in Articles 57-58 of Act CCIV of 2011 on National Higher Education (hereinafter referred to as ‘Nftv’) as follows:

GENERAL PROVISIONS

§1

- (1) All students of the University of Debrecen shall have the right to apply for legal remedy (hereinafter referred to as ‘application’) against a decision, measure or failure to take action by the University in the manner specified in these Regulations, with reference to a violation of the provisions governing their student status.
An application for assessment of the fulfilment of academic requirements may be submitted only in the cases provided for in Article 3.
- (2) A provision which establishes rights and obligations for a student shall be deemed to be a provision relating to the student's status as a student if it is contained in legislation or in the University regulations.
The provisions of these regulations shall also apply to requests by students for a change of course or institution.
- (3) Proceedings may also be initiated against a decision on the assessment of studies if the decision was not based on the requirements adopted by the higher education institution, or if the decision is contrary to the provisions of the organizational and operational regulations of the higher education institution, or if the provisions on the organization of the examination have been violated.
- (4) The right to initiate legal remedy proceedings shall also extend to the procedure related to the assessment of applications for admission.
- (5) The right to initiate and terminate the legal remedy procedure shall also apply to a person whose student status has been terminated in the meantime.
- (6) No application as provided for in these Regulations may be made in cases where the higher education institution and the student agree to provide a service. In the event of a breach of the provisions of this agreement, the aggrieved party may take legal action.

§ 2

- (1) The application for legal remedy shall be submitted to the rector within 15 days of the notification of the decision or, failing this, of the decision being made known to the rector, who shall send it, together with the documents of first instance in the case, to the Directorate of Education within 3 working days, and to the Centre for Student Relations and Services (HKSZK) within 3 working days in cases of termination of the legal relationship for non-payment, transfer between forms of financing, dormitory and social scholarship.
- (2) In the appeal procedure, the student may act in person or through an authorized representative (Civil Code).
- (3) The Board of Student Appeals, formed by the Rector and composed of members of the Student Affairs Appeals Board, will decide on the application within 30 days of the date of submission of the application.

ACTING ORGANISATIONS **Student Affairs Appeals Board** § 3

- (1) The rector shall appoint and revoke the teaching members of the Board of Student Appeals (hereinafter referred to as 'Board') on the recommendation of the heads of the faculties. One third of the members of the Board shall be delegated by the student government.
- (2) Members of the Board:
 - a) the Rector, who shall be the Chairperson of the Board,
 - b) the Vice-Rector for Education,
 - c) the Vice-Rector General,
 - d) 1 lecturer from each faculty,
 - e) 1 student from each faculty,
 - f) the Director of the HKSZK.
- (3) Alternate members of the Board:
 - a) 1 lecturer from each faculty,
 - b) 1 student from each faculty.
- (4) No person may be a member of the Board who
 - a) the head or teaching deputy of the faculty,
 - b) a member of the faculty study committee,
 - c) a member of the faculty credit transfer committee,
 - d) a member of the faculty student benefits committee,
 - e) a member of the faculty, university college admissions and social committee,
 - f) a member of the dormitory committee.

- (5) The term of office of the teaching members and alternate members shall be 3 years, and the term of office of the student members and alternate members shall be 1 year.
- (6) The term of office of members shall expire
 - a) at the end of their term of office,
 - b) on termination of employment with the University or of student status,
 - c) on recall from membership of the Board,
 - d) upon resignation of a member,
 - e) in the event of a conflict of interest as defined in Article 4.

The Student Affairs Appeals Committee

§ 4

- (1) The Student Affairs Appeals Committee (hereinafter referred to as 'Committee') shall be entitled to consider individual applications.
- (2) The Committee shall be composed of
 - a) the Vice Rector for Education, who shall be the Chairperson of the Committee,
 - b) a member or alternate member of the faculty of the Board concerned by the application,
 - c) the member or alternate member of the faculty student concerned by the Board's request.
- (3) Termination of employment for non-payment, reclassification between forms of funding, dormitory and social scholarships:
 - a) the Vice-Rector for Education shall chair the Committee,
 - b) the member of the Committee who replaces the teaching member shall be the Director of HKSZK,
 - c) in accordance with Article 2 c), the member of the Committee shall be any student member or alternate member of the Board appointed by the EHÖK in place of the student member.
- (4) A person may not participate in the work of the Committee
 - a) who has taken the contested decision or has failed to take the decision,
 - b) who participated in the decision making in the first instance proceedings,
 - c) the person referred to in points a) to b) is a close relative pursuant to Article 8:1 of the Civil Code,
 - d) from whom an objective determination of the case cannot be expected,
 - e) who is interested in the decision of the case.
- (5) A teaching or student alternate member of the Board may participate in the work of the Committee if the teaching or student member of the Board is prevented from doing so, or if one of the grounds for exclusion set out in Article 4 applies to the teaching or student member of the Board.
- (6) If, for one of the grounds for disqualification, the alternate member cannot participate in the work of the Committee, the chairman of the Board shall

appoint a lecturer or student member of the Board to take part in the examination of the case in question.

- (7) The Chairperson and the members of the Committee shall ex officio investigate any conflict of interest and, if it exists, shall report it to the person entitled to appoint them and shall initiate the appointment of another person.
- (8) The chairman shall convene a meeting of the Committee by a written invitation delivered at least 3 working days before the meeting.
- (9) The quorum of the Committee shall be constituted when all members are present and its decisions shall be taken by open ballot and by simple majority.

RULES OF PROCEDURE

Clarification of facts

§ 5

- (1) The Committee shall summon the student and his/her representative, if it considers it appropriate, in order to clarify the facts necessary for its decision.
- (2) The absence of the student or his/her representative despite due notification shall not prevent the Committee from taking a decision.
- (3) The student and any other person to be heard shall be summoned to the hearing in writing by registered letter or other credible proof of receipt. The same effect as written notice shall be given if, during the proceedings, the person appearing is summoned by the chairman of the Committee to appear at another time, and this shall be recorded in the document and signed by the person summoned.
- (4) Before the hearing of the student, the chairman of the Committee shall provide him/her with the necessary information and warn him/her of his/her rights and obligations. He/she shall be informed that if he/she does not make a statement, the Committee will decide on the basis of the information available to it.
- (5) Unless the information available is sufficient for a decision to be taken, the Committee shall conduct an evidentiary procedure, in the course of which it may, for example, hear witnesses, obtain expert opinions and documents. Any evidence which may help to clarify the facts may be used. Facts known ex officio and facts which are common knowledge do not have to be proved. The Committee shall be free to choose the means of proof and shall assess the evidence available according to its own discretion.
- (6) Those shall not be heard as witnesses
 - a) from whom no testimony of value in evidence can be expected or
 - b) a person who has not been released from the obligation of professional

secrecy.

Testimony may be refused if the witness is a relative of the persons involved in the case or on a matter in which the witness would accuse himself/herself or a relative of having committed a criminal offence.

The witness must be warned of these grounds for exclusion before being heard.

- (7) At the beginning of the hearing, the identity of the witness shall be established, he/she shall declare his/her relationship to the persons involved in the case, whether he/she is biased, and he/she shall be warned of his/her rights, obligations and the consequences of perjury. A witness who has not yet been heard must not be present when the student, other witnesses or the expert are heard.
- (8) The Committee may call upon the student to produce documents or may himself/herself arrange to obtain them.
- (9) The student or his/her representative may inspect, extract or request a copy of documents generated during the proceedings.
- (10) The draft decision, the minutes of a closed meeting, a document containing a state secret or an official secret may not be inspected.

Calculation of time limits, request for verification

§ 6

- (1) The day of notification or service shall not be counted in the time limits fixed in days. If the last day of a time limit is a day on which work at the University is suspended, the time limit shall expire on the first working day following the day on which the time limit expires.
- (2) The time limit for lodging a submission sent by registered post shall be the date of posting, but in such a case the time limit shall begin to run on the day on which the submission reaches the decision-maker at first instance.
- (3) In case of doubt, the time limit shall be deemed to have been observed.
- (4) A person who, through no fault of his/her own, has missed a deadline or time limit in the course of the proceedings may submit a request for rectification. The body responsible for the proceedings in the course of which the omission occurred shall decide on the request for rectification. The Committee shall decide on any application for reparation for failure to comply with a time limit for appeals.
- (5) An application for restitutio in integrum may be made within a period of 45 days from the date of the failure to observe the time limit or from the last day of the period for which restitutio in integrum was requested, whichever is the shorter, but not exceeding 45 days from the date of the failure to observe the time limit. If the student becomes aware of the omission later or

the obstacle ceases to exist later, the time limit shall start to run from the date on which the student becomes aware of the omission or the obstacle ceases to exist.

- (6) The omitted act must be made up together with the request for rectification, if the conditions for this are met.

No certificate shall be required for failure to comply with the time limit for the submission of the request for verification and for the procedural act repeated on the basis of the request.

- (7) If the request for rectification is accepted, the time limit or deadline shall be deemed to have been observed, if necessary, the Committee shall amend or revoke its decision or repeat certain procedural acts.

Minutes

§ 7

The hearing of a student and other persons shall be recorded in minutes, which shall contain the place and time of the taking of the minutes, the subject of the case, the identity and address of the person heard, the fact that the person heard has been informed of his/her rights and obligations, the relevant statements concerning the case, the signature of the person heard, the chairman of the Committee and the person who took the minutes.

The decision

§ 8

- (1) The Committee shall decide on the merits of the case by means of a decision.

- (2) The decision of the Committee shall

- a) reject the application,
- b) order the party who has failed to take a decision to take a decision,
- c) alter the decision,
- d) annul the decision and order the decision-maker to initiate a new procedure.

- (3) The decision shall be recorded in a decision and shall state the reasons on which it is based. The decision shall contain

- a) - the name of the Committee, the name and place of residence of the student, the name of the faculty, the course and the year, the case number, the name of the person responsible for the case,
 - the subject of the case,
 - the place and date of the decision, the name and position of the chairman of the Committee as signatory to the decision and the university stamp.
- b) in the operative part
 - the Committee's decision and information on the right of appeal,

- the decision to bear the costs of the proceedings,
- c) in the explanatory part
- the facts established and the evidence relied on in support of them;
 - in the case of a decision on discretionary or equitable grounds, the criteria and facts relevant to the discretionary or equitable exercise of the discretion,
 - the reasons on which the decision is based,
 - the legislation or university regulations on the basis of which the Committee took its decision, or a reference to the legislation establishing the competence and jurisdiction of the body acting,
- (4) The decision shall be communicated to all those to whom it is addressed. The decision shall in any event be in writing and, except as provided for in Article 5, shall be served by postal service attested by an official document or by any other means of proof of receipt.
- (5) The decision may also be communicated to the student (or his/her representative) present by means of a notice, the fact of which shall be recorded in the minutes. However, if the student so requests, it shall be sent to him/her within ten days in the manner provided for in Article 4.
- (6) The date of notification of the decision shall be the date on which it is deemed to have been served, published.
- (7) The decision of the Commission, as a decision of appeal, shall become final and enforceable on the date of notification.

§ 9

In the cases not regulated above, the provisions of Act CL of 2016 on the General Administrative Procedure (General Administrative Procedure Act) shall be applied accordingly for the clarification of the facts, the verification, the form and content of the decision, the correction, supplementation, amendment or revocation of the decision upon request or ex officio.

ADMINISTRATIVE PROCEEDINGS

§ 10

- (1) The student may challenge the decision terminating the proceedings on the application for legal remedy in an administrative lawsuit. The filing of an action shall have suspensive effect. The application may also be filed on the grounds of violation of law or of the provisions governing the student's legal status, within 30 days of the notification of the decision, by submitting 3 copies of the petition to the Debrecen Court of First Instance, addressed to the court of first instance, or by registered mail.

- ¹(2) Within 15 days of the date of lodging the application, the party against whom the decision at first instance was given shall send it, together with the documents in the case, to the Committee, which shall forward them, together with a statement of the relief sought, to the Debrecen Regional Court within 30 days of the date of lodging the application.
- (3) The first instance decision-maker may not reject the late application, but shall forward it to the court even if the student has not submitted a request for justification.

OTHER FORMS OF APPEAL

§ 11

- (1) If the student's rights are infringed, he/she may apply to the student council for legal assistance.
- (2) A student may also request the intervention of the Commissioner for Educational Rights if he or she has already exhausted the forms of legal remedy provided for in these Regulations, with the exception of court proceedings.

FINAL PROVISIONS

§ 12

- (1) These Regulations have been adopted by the Senate of the University of Debrecen by Resolution No. 13/2021 (X. 21.).
- (2) These Rules shall enter into force on 22 October 2021, with the proviso that its provisions shall also apply to pending cases.
- (3) The Rules of the same title adopted by Resolution No 43/2006 (25 May 2006), as amended several times, shall be repealed with effect from the entry into force of these Rules.
- (4) The present Rules are an annex to the Organizational and Operational Rules of the University of Debrecen.

Debrecen, 09.12.2021

Dr Zoltán Szilvássy
Rector

¹ Amended by Senate Resolution No 12/2021 (XII. 9.) in force from 10 December 2021.