

Appendix of resolution 36/2020. (XI.26.) of the Senate of John von Neumann university



John von Neumann University

The Organisational and Operational Regulations

Part III
STUDENTS' REQUIREMENT SYSTEM

Chapter V
THE PROCEDURE FOR DEALING WITH STUDENT DISCIPLINARY AND COMPENSATION CASES

1st version

Approved by: RESOLUTION OF 36/2020 (XI.26.) OF THE SENATE OF JOHN VON NEUMANN UNIVERSITY

Effective date: November 27 2020.

The Senate of John von Neumann University (hereinafter: University), acting in accordance with its powers under Section 12 (3) eb) of Act CCIV of 2011 on National Higher Education (hereinafter: NHE.), and pursuant to Section 11. § 11 (1) (a), in close accordance with the Students' Requirements System and other internal regulations of the University, the procedure for the adjudication of student disciplinary and compensation cases is as follows.

The Organisational and Operational Regulations

Third Part

Students' Requirement System

Chapter V

THE PROCEDURE FOR DEALING WITH STUDENT DISCIPLINARY AND COMPENSATION CASES

Scope

1. §

- (1) The personal scope of the regulations shall apply to all students of the University, irrespective of the form of education they attend.
- (2) These regulations also apply to disciplinary matters arising out of misconduct committed while training at the University, in the course of practical training and in the Dormitory, and to compensation for damage caused by the student to the University or by the University to the student in these places.

Basic principles of disciplinary proceedings

2. §

- (1) In determining disciplinary liability, the breach of the obligations set out in the NHA, the internal regulations of the University and the Dormitory's rules of procedure may be taken into account.
- (2) For disciplinary offences, the § 55 of the NHA may be imposed.
- (3) The § 55 (2) d) and e) of the NHA shall be applied in the case of disciplinary offences committed in the Dormitory in such a way that
 - a) the punishment of "suspension from studies for a fixed term - not exceeding two semesters - shall be replaced by "suspension from residence in the dormitory for a fixed term - not exceeding two semesters,
 - b) "exclusion from the higher education institution" shall be understood as "exclusion from the dormitory".

The penalty for a disciplinary offence committed in the Dormitory does not affect the participation in the course or the student's status as a student.

3. §

- (1) The student shall be presumed innocent. It is for the person exercising disciplinary authority to prove that a disciplinary offence has been committed. The student shall not be required to prove his/her innocence.
- (2) It shall be the duty of the disciplinary authority to clarify the facts thoroughly, to establish them in a factual manner and to take into account the aggravating and mitigating circumstances of the disciplinary responsibility.
- (3) In disciplinary proceedings, all means of proof and evidence which may be admissible to establish the facts may be used. Persons requested by the disciplinary authority shall be required to cooperate in the taking of evidence.

4. §

- (1) The student shall have the right of representation; he/she may be represented by any person of legal capacity authorized in writing in accordance with the rules of power of attorney under Act V of 2013 on the Civil Code.
- (2) A student shall have the right of defence, which he or she may exercise either in person or through a representative.
- (3) The student may, prior to the disciplinary hearing and at the latest by the end of the hearing, submit a motion for evidence.
- (4) The student shall have the right of appeal as provided for by law and university regulations.
- (5) The student shall have the right not to have his disciplinary proceedings unduly delayed. The disciplinary proceedings shall be completed within one month of the date of the disciplinary decision, except in the case of suspension.

5. §

- (1) A notice or summons addressed to a student shall be deemed to have been served if its receipt can be proved by documentary evidence, including, in the case of personal service, a written record of the fact of refusal to accept it.
- (2) Disciplinary hearings shall be oral and public. Publicity may be excluded for reasons of the nature of the disciplinary case, the preservation of the order of the hearing or for moral reasons. The disciplinary decision shall be announced in public even if the public is otherwise excluded from the hearing.

Initiation of disciplinary proceedings

6. §

- (1) Disciplinary proceedings of first instance may be ordered by the dean of the faculty in which the student subject to the proceedings is enrolled. Disciplinary proceedings for an act committed in the Dormitory shall be ordered by the Head of the Dormitory.
- (2) The time limit for initiating disciplinary proceedings shall be determined by the NHEA § 55 (4) shall be calculated in accordance with the provisions of the Code of Disciplinary Procedure.
- (3) The student shall be notified in writing of the initiation of disciplinary proceedings, including the grounds for such proceedings.

7. §

- (1) The Faculty Student Affairs Committee (hereinafter: Committee) shall exercise the disciplinary powers of first instance pursuant to Section 49 (1) c) of Part One of the University's The Organisational and Operational Regulations (hereinafter: The Organisational and Operational Regulations)
- (2) The relevant provisions of the Rules of Procedure of the Faculty Student Affairs Committee shall apply to the operation of the Committee with the deviations and additions contained in these Regulations.

8. §

- (1) The Committee shall be composed of members as defined in Article 49 (3) of The Organisational and Operational Regulations , subject to the provisions of paragraphs (2) and (3) of this Article.
- (2) No person who is a relative of the student subject to the proceedings within the meaning of the Civil Code, or who is a witness or otherwise involved in the disciplinary case, shall be a member of the Committee.
- (3) If the circumstances specified in paragraph (2) of this Article are found to exist with regard to any member of the Committee pursuant to paragraph (3) of Article 49 of the Code of Conduct, the university department pursuant to paragraphs (a) to (d) of paragraph (3) of Article 49 of the Code of Conduct shall delegate another member to replace the member concerned for the entire duration of the disciplinary proceedings in question.

9. §

- (1) If a student subject to disciplinary proceedings is the subject of criminal or misdemeanour proceedings for the same matter, the disciplinary proceedings may be suspended until their final conclusion.
- (2) If the student subject to disciplinary proceedings is unable to attend the disciplinary hearing for reasons beyond his/her control, the disciplinary proceedings shall be suspended until the circumstances preventing him/her from attending have ceased to exist.
- (3) The Commission shall decide on the suspension of the disciplinary proceedings.
- (4) In the event of suspension of the proceedings, the time limits for the proceedings shall be interrupted and shall be resumed as soon as the circumstance giving rise to the suspension ceases to exist.

The disciplinary hearing

10. §

- (1) The Commission shall decide the disciplinary case at a hearing.
- (2) The disciplinary hearing shall be prepared, convened and conducted by the Chairperson of the Commission. The chairman shall ensure that the provisions of the rules are complied with, that the hearing is conducted in an orderly manner and that the participants in the proceedings may exercise their rights.
- (3) The quorum of the Commission shall be constituted when more than half of its members are present.

11. §

- (1) The student shall be summoned to the disciplinary hearing at least five days before the date of the hearing.
- (2) The first disciplinary hearing shall not be held in the absence of the student. In such a case, the President of the Commission shall adjourn the hearing, set a date for a further disciplinary hearing and summon the student again.
- (3) The repeated disciplinary hearing may be held even if the student or his/her proxy fails to appear despite being duly summoned to appear again.

12. §

- (1) At the disciplinary hearing, after having presented the case file and the available evidence, the committee shall hear the student subject to the proceedings, giving him/her the opportunity to present his/her position and defence in detail and to make his/her motions.
- (2) If disciplinary proceedings are being conducted against several students in connection with the same case, students who have not yet made a statement may not be present during the hearing.
- (3) The student under disciplinary proceedings shall have the right to refuse to give evidence.
- (4) If the student under investigation admits at the hearing to having committed the disciplinary offence and there is no doubt about the admission, further evidence may be dispensed with.
- (5) If further evidence is required, the Committee shall hear witness (es) or expert(s) it deems necessary or proposed by the student subject to the proceedings.

13. §

- (1) At the beginning of the hearing, the witness shall be asked whether he or she is interested or biased in the case, warned of his or her obligation to tell the truth and of the criminal consequences of perjury and false accusation.
- (2) A witness may refuse to testify if he/she would be accused of a disciplinary offence, misdemeanour, or a criminal offence, and also if he/she is a relative of the student under investigation within the meaning of the Civil Code.
- (3) During the hearing of a witness, a witness who has not yet been heard shall not be present.

- (4) If the testimony of a witness contradicts the defence of the student under proceedings or the testimony of another witness, an attempt shall be made to clarify this, if necessary, by confrontation.
- (5) In disciplinary cases, expert(s) may be called upon if the clarification of the facts requires expertise which the members of the Commission do not possess. The hearing of an expert shall be governed by the rules on the taking of the evidence of witnesses.
- (6) The student subject to the procedure may comment on the testimony and statements of the witness (es) and expert(s), may pose questions to the witness (es) and expert(s), and may submit additional motions for evidence during the procedure.

14. §

- (1) If there is an obstacle to holding the disciplinary hearing or if the evidentiary procedure cannot be fully completed, a new hearing date shall be set.
- (2) After the evidentiary hearing has been completed, the disciplinary hearing shall be closed.
- (3) The disciplinary hearing shall be recorded in minutes, in which the procedural acts and the statements made at the hearing shall be recorded. The minutes shall be signed by the chairman of the Commission, the member elected to certify them and the keeper of the minutes.

First degree disciplinary hearing

15. §

- (1) The Commission shall decide on the disciplinary case by a majority vote in a closed session after the disciplinary hearing has been concluded. In the event of a tied vote, the chairman shall have a casting vote. The Commission shall make the disciplinary decision public.
- (2) The Commission may find that a disciplinary offence has been committed and impose a disciplinary penalty or terminate the disciplinary proceedings.
- (3) The decision finding that a disciplinary offence has been committed and imposing a disciplinary penalty shall include:
 - a) the name of the disciplinary authority exercising the disciplinary power, the number and date of the decision,
 - b) the name and address of the student subject to the disciplinary proceedings,
 - c) the name and address of the student who has been disciplined,
 - d) the disciplinary penalty,
 - e) information on the possibility of appeal,
 - f) the reasons for the decision.
- (4) The reasons for the decision under paragraph (3) shall include:
 - a) the facts established,
 - b) the indication and assessment of the evidence and the reasons for the refusal of the evidence proposed by the student,
 - c) an explanation of the breach of duty committed by the student and the extent to which the student is guilty of such a breach,
 - d) the aggravating and mitigating circumstances taken into account in imposing the penalty,
 - e) an indication of the provisions on which the decision is based.
- (2) The decision terminating the disciplinary proceedings shall contain:
 - a) the name of the person exercising disciplinary authority, the number and date of the decision,
 - b) the name and address of the student subject to the disciplinary proceedings,
 - c) the finding that the disciplinary proceedings have been terminated and the reasons for it,
 - d) information on the possibility of appeal.

16. §

- (1) The disciplinary decision shall be recorded in writing within three working days of its publication. The decision shall be signed by the President of the Commission and sent to the student or his/her representative who is the subject of the proceedings.
- (2) The published decision of the Commission may not be changed, but errors not related to the substance of the decision (misspelling of names, numbers, etc.) may be corrected by the President of the Commission at any time.
- (3) An appeal against the disciplinary decision of the first instance may be filed in accordance with the student appeal procedure set out in the Regulations on the Exercise of Student Rights and the Performance of Student Obligations, Chapter II, Part Three, Student Requirements System, Chapter II, of The Organisational and Operational Regulations of John von Neumann University, taking into account the relevant provisions of the NHEA and the provisions of the Rules of Procedure of the Faculty Student Affairs Committee, Article 1 (5), paragraph 1, and the decision of the Appeals Committee.
- (4) The disciplinary decision shall become enforceable upon its becoming final. The date on which the disciplinary decision becomes final shall be fixed by the chairman of the Disciplinary Board, who shall enter it as a seal on the disciplinary decision and ensure that the final disciplinary decision is received by all the departments of the University concerned by its enforcement.

Claiming compensation from the student

17. §

- (1) The cases and extent of the student's liability for damages shall be determined by the NHEA. § 56 of the Student's liability.
- (2) The dean of the faculty in which the student subject to the proceedings is enrolled shall exercise the right of first instance to compensation.
- (3) In the event of damage caused in the Dormitory, the head of the Dormitory shall exercise the right to compensation.

18. §

- (1) In the event of damage to a student, the person who observed the damage shall make a note in which he or she shall record the time and circumstances of the observation and a description of the damage (damage record). The head of the department concerned shall send the note, together with his or her proposal for the enforcement of the claim, to the person exercising the right for the compensation within eight days.
- (2) The compensation officer shall hear the student who has caused or is alleged to have caused the damage before issuing a compensation decision.
- (3) The first instance decision on compensation shall be issued within one month of the date on which the damage was caused, if the student is found liable.

19. §

- (1) The first instance compensation decision shall contain:
 - a) the name of the person exercising the power to award damages, the number and date of the decision,
 - b) the name and address of the student who caused the damage,
 - c) a statement referring to the fact and intent to damage,
 - d) the amount of compensation,
 - e) information on the method and time limit for payment of the compensation,
 - e) in the event of a previous application by the student, a statement of the amount of the instalment to be paid,
 - f) information on the possibility of appeal,
 - g) the reasons for the decision.
- (2) The reasons for the decision under paragraph (1) shall include:

- a) a description of the damage and the facts established,
- b) the evidence and circumstances supporting the existence of liability for damages,
- c) an indication of the provisions on which the decision is based.

20. §

- (1) The written decision on compensation shall be served on the student without delay.
- (2) The compensation decision may not be altered, but errors not related to the substance of the decision (misspelling of names, numbers, etc.) may be corrected at any time.
- (3) An appeal against the compensation decision of the first instance may be lodged in accordance with the student appeal procedure set out in the Student Exercise of Rights and Obligations Regulations of the Bylaws of the John von Neumann University, Part Three, Chapter II, Student Requirements System, and shall be decided by the Appeals Committee.
- (4) The decision on compensation shall become enforceable when it becomes final. The date on which the decision becomes final shall be fixed by the person entitled to make the compensation decision and shall be entered as a seal on the decision and sent to the Director of Administration.

21. §

- (1) In the case of compensation exceeding HUF 50,000, the student may request the possibility of payment in instalments from the person exercising the right to compensation.
- (2) The duration of the instalment payment may not exceed twelve months, and the minimum amount may not be less than HUF 10,000 per month. In the event of termination of the legal relationship, the remaining amount shall be due in one lump sum until the date of termination of the legal relationship.
- (3) The first-instance compensation authority shall decide whether to authorize payment in instalments within fifteen days of receipt of the application, taking into account the reasons given by the student, the circumstances of the damage and the amount of the damage.

The student's right to compensation

22. §

- (1) A student may submit a claim to the dean of the faculty in which he/she is enrolled. The damage suffered in the dormitory must be reported to the head of the dormitory.
- (2) The notification of the damage claim must include the place, time and manner of the damage, a description of the damage, evidence and circumstances that justify the University's liability, and the amount of the damage.
- (3) The Dean or the Head of the Dormitory, together with his/her opinion, shall send the claim and other documents relating to the case to the Director of Finance.
- (4) The Director of Economic Affairs shall examine the merits of the application, if necessary, by hearing the parties concerned, both as to its legal basis and as to the amount.

23. §

- (5) The Director of Economic Affairs shall notify the student in writing whether the University accepts the claim. In the event of full or partial recognition, the Director of Finance shall arrange for the payment of compensation.
- (6) If the claim is rejected in whole or in part, the student may take action against the University in accordance with the general rules on civil actions.

Concluding and transitional provisions

24. §

- (1) These Rules were adopted by the Senate by its resolution No. 36/2020 (XI.26.).
- (2) These Regulations shall enter into force on 27 November 2020 following their adoption.

- (3) Upon the entry into force of these Regulations, Chapter V of, The Organisational and Operational Regulations, Part Three, Students' Requirements System, Chapter V of the Regulations for the Disciplinary and Compensation Procedure for Students, adopted by Senate Resolution No. 5/2017 (IX.6.) shall be repealed.

Kecskemét, November 26 2020.

Dr. Tamás Fülöp
Rector

Ildikó Nagy
Director of Economic Affairs acting in her capacity as Chancellor