

RULES OF DISCIPLINE AND RESTITUTION IN RESPECT OF STUDENTS
OF THE UNIVERSITY OF DEBRECEN

On the basis of the provisions of the National Higher Education Law CCIV from the year 2011 the Senate of the University of Debrecen (hereafter “The University”) has laid down rules of discipline and restitution concerning students of the University as set out below:

General Provisions

Article 1

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

Part One

Rules of Disciplinary Procedure

Disciplinary Responsibility

Article 2

- (1) A student commits a disciplinary offence if she/he culpably and deliberately breaches his/her duties set out in the higher education law or in other rules concerning students, in the rules of the university and the faculty.

Any deliberate or thoughtless behaviour (act or omission) on the part of the student arising from his/her status as a student, which behaviour is likely to prevent or seriously disturb the ongoing educational work of the institution or any other designated activity of the institution, shall constitute a disciplinary breach.

Any behaviour of a student outside the University, which behaviour, being inconsistent with the legal status of a student, seriously damages the good name of the University or brings it into disrepute, is also a disciplinary offence.

- (2) Breaches of duty are not regarded as disciplinary offences if their disadvantageous consequences are defined in the Education and Examination Rules and Regulations.

Article 3

- (1) Disciplinary procedures may not be initiated if more than a month has passed since the notice of the breach or more than five months have passed since the commission of the breach. In the application of these rules notice means that the person who is authorized to initiate disciplinary procedures becomes aware of the circumstances which justify the proceedings.
- (2) Any disciplinary proceedings against a student must be suspended if (i) a concomitant criminal proceeding is taken against him/her, until the case is concluded by a legally binding judgment, or if (ii) hearing of the students' case or his/her participation in the disciplinary interview is not possible because of hindrances beyond his/her control, until these hindrances cease to exist.

Disciplinary Penalties and Measures

Article 4

- (1) Disciplinary penalties include:
 - a) reprimand,
 - b) serious reprimand,
 - c) reduction or withdrawal (for a period not exceeding six months) of privileges and allowances set out in the Rules for Support and Allowances, except for social support that may not be withdrawn,
 - d) prohibition from continuing studies for a fixed period of time, up to a maximum of two semesters,
 - e) exclusion from the University.

- (2) Along with the imposition of penalties set out in section (1) (from points d) to e)) shall go the final or temporary withdrawal of privileges and allowances deriving from the student's status. For the duration of punishment set out in section (2) point (d) the student's status shall be suspended.
- (3) In the Hall of Residence instead of the punishment set out in section (2) point (e) the punishment of exclusion 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) When imposing the disciplinary penalty all circumstances of the offence must be taken into account, in particular the circles of those who sustained injury, the consequences, repetition of the offensive behaviour and severity of the offence committed.

Article 5

- (1) Instead of the imposition of the disciplinary penalty along with the termination of the proceedings a warning can be applied, taking into account all circumstances of the case in particular the student's personality, motive for the offence and the way in which it was perpetrated, if the disciplinary offence committed is so serious that the imposition of the lightest disciplinary penalty is unnecessary.
- (2) A legal remedy may also be taken against the warning.

Article 6

The fact of the disciplinary penalty must be recorded on the student's registry sheet.

Bodies in the Disciplinary Jurisdiction

Article 7

- (1) In the first instance disciplinary jurisdiction shall be exercised by the Students' Disciplinary Committee (SDC) of the faculty.

- (2) In the second instance disciplinary jurisdiction must be exercised according to the provisions set out in “Procedure for Lodging and Adjudicating Students’ Appeal for Legal Remedy at the University of Debrecen”.
- (3) The faculty shall select a Faculty Disciplinary Body (FDB) consisting of teachers and students. The Faculty Council shall determine the composition, number of members and means of selection of the FDB. The proportion of the students in the Disciplinary Body shall be determined in such a way that a one-third student representation can always be assured in the disciplinary committee.
- (4) In the particular disciplinary process, from among the FDB’s members its chairman shall select the Students’ Disciplinary Committee (SDC) consisting of at least three members. The SDC shall consist of at least a chairman and two members (one being an instructor, one a student). If a larger membership is selected for the SDC, at least one-third of the members of the committee shall be students. The student member of the SDC shall, as far as possible, be from the same year and major as the student under the disciplinary procedure. In case of disciplinary proceedings against a foreign student the institutional representative of foreign students must also be involved with an advisory power.

Article 8

- (1) A close relative of the student under the disciplinary procedure (Article 8:1 section (1) point 1 of the Civil Code) and other persons from whom an unbiased judgment of the case cannot be expected shall not take part in the disciplinary jurisdiction.
- (2) The provision relating to the exclusion from the disciplinary jurisdiction shall also be applied to the person taking the minutes.
- (3) 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. The student under the disciplinary procedure may report his/her bias against

the participant of the jurisdiction in advance of the termination of the first hearing.

Initiation of the Disciplinary Procedure

Article 9

- (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 where the student was registered and at the same time the student under the procedure shall be informed in writing. The order to initiate the disciplinary proceedings must contain a short description of the offence on which the disciplinary procedure is to be based. The Disciplinary Body in question must also be informed about the order of the disciplinary proceedings and the head of the Disciplinary Body is obliged to appoint the operative SDC within three working days.
- (3) If the student has a student status at 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 against which the offence was committed by the student. In such a case the person initiating the procedure is obliged to inform the other faculty/(ies) or institution/(s) about the initiation of the proceedings.
- (4) Except for the case of exclusion disciplinary proceedings must, as far as possible, be terminated within 30 days.

Article 10

- (1) 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.
- (2) Disciplinary proceedings in connection with a breach of duty committed within the framework of practical training must be conducted at the University.

The Disciplinary Hearing Article 11

- (1) The student under 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 under the disciplinary procedure, the place and time of the hearing and the capacity in which the addressee is being summoned.

- (2) The summons must draw the attention of the student under the disciplinary procedure to the fact that she/he has the right to submit a written defence. It must in addition be referred to the possibility of making use of legal representation and the fact that the student's or his/her legal representative's absence shall impede neither conducting the hearing nor passing a resolution. The student should also be informed about the following: if some acceptable reasons for absence can be stated by him/her, a new date for the hearing shall have to be fixed.

- (3) The findings of fact must be clarified 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, furthermore to make use of evidence. Refusing to make use of evidence should be justified in the closing order of the procedure except if it is stated in the judgment that the student has not committed any disciplinary breach.

- (4) The student and his/her appointed representative (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.

The student may not inspect the draft judgment, the minutes taken in closed discussions and documents containing state or official secrets.

Article 12

- (1) The chairman of the disciplinary committee shall lead the disciplinary hearing. He/she shall ensure adherence to the provisions of the law and regulations, preservation of the order of hearing and take care that those taking part in the proceedings are able to exercise their personal rights.
- (2) Notwithstanding legal summons the student under the disciplinary procedure does not appear, without having previously given an acceptable reason, the disciplinary hearing can be conducted in the student's absence and his/her examination in person can be dispensed with. If the student fails to attend the hearing with good reasons, a new date of the hearing shall be fixed and the student may request to make comments in writing.
- (3) The disciplinary hearing shall be conducted in public, however in the public interest or in the interest of the student under the disciplinary procedure the disciplinary committee may exclude the audience from the hearings or part of the hearings.
- (4) After having examined the number of persons present at the hearing and if there is no obstacle to conducting the hearing, the chairman of the disciplinary committee calls upon the witnesses and experts to leave the room. Then, the chairman shall present the facts on which the disciplinary hearing is to be based. Following this, the committee shall examine the student under the disciplinary proceedings.
- (5) During the examination of the student under the disciplinary proceedings, neither other students under the same proceedings and those 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.

Article 13

- (1) If at the hearing the student under 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.

- (2) If further evidence becomes necessary, the disciplinary committee shall examine the witnesses and, if needed, the experts and shall make known the documents collected and other items of evidence. The student or his/her appointed representative (legal representative) may initiate evidence up to the termination of the hearing.
- (3) The witness shall be obliged to declare whether he/she has an interest or a bias in the case and must be cautioned about his/her duty to tell the truth and the consequences of false testimony. Neither those from whom testimony as evidence cannot be expected, shall be examined as witnesses, nor those whose testimony relates to facts qualifying as state secrets, official secrets or professional secrets from which no exemption has otherwise been received.
- (4) If the testimony of the witness is contrary to the plea of defence made by the student under the disciplinary procedure or to the testimony of other witnesses, efforts must be made to clarify it, if necessary by confrontation.

Article 14

- (1) Minutes shall be taken of the disciplinary hearing. The minutes shall be signed by the chairman of the disciplinary committee and the person taking the minutes.
- (2) The persons who have been examined must be made familiar with the minutes and shall after that be obliged to sign the relevant entry. The person examined may request a review of or an amendment to the minutes. In the event of refusing to sign, the reasons for this shall be recorded in the minutes.
- (3) The minutes shall be attached to the disciplinary documents.
- (4) If the minutes are taken 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 recorded in writing within three working days.

The Disciplinary Decision Article 15

- (1) After the termination of the process of collecting evidence the disciplinary committee shall come to a decision in closed session by simple majority verdict. The chairman and the members of the disciplinary committee may be present, as well as the person taking the minutes.
- (2) The decision may impose a disciplinary penalty or discontinue the disciplinary proceedings.
- (3) The disciplinary committee shall base the decision solely on the evidence directly examined at the disciplinary hearing. Facts which have not been proven beyond all doubt may not be used against the person under the disciplinary proceedings.

Article 16

- (1) A decision about the imposition of penalty shall be taken if the disciplinary committee establishes that the student under the proceedings has committed a disciplinary breach and consequently the committee feels it necessary to impose a disciplinary penalty on the student. The decision shall consist of a part giving the order and the explanation.
- (2) The decision about the imposition of penalty shall contain:
 - (a) the designation *SDC*, case number, name of the administrative officer,
 - (b) the name of the student subject to disciplinary responsibility and his/her other personal data (address, year, major, full-time/part-time study),
 - (c) indicating the object of the case,
 - (d) place and time of taking the decision, name of the decision-taking authority, his/her position, signature, seal.

- (3) The explanation part of the decision should contain:
- (a) the disciplinary penalty that has been applied and other provisions related thereto (e.g. the order for the public announcement of the decision),
 - (b) reference to the possibility of appeal with a 15 days' notice and the place of lodging. No reference needs to be made to an appeal if those authorized waived the right of appeal at the time when the decision was taken,
 - (c) reference to the procedure being free of charge and duty-free.
- (4) The decision about the imposition of penalty shall concisely contain:
- a) the stated findings of fact,
 - b) the presentation and evaluation of evidence, the proof offered by the student but not accepted and the reasons for ignoring it,
 - c) points of view and facts playing a role in exercising the power of consideration and justice if decision has been taken in the power of consideration and justice,
 - d) explanation of what sort of breach was constituted by the action committed and the extent to which the student was found guilty in it,
 - e) the circumstances that were taken into consideration when imposing the penalty,
 - f) reference to the laws, regulations and provisions on which the disciplinary punishment was based,
 - g) reference to the law stating the power and competence of the proceeding organ, rules of the university.

Article 17

- (1) The disciplinary committee shall decide to abandon the proceedings if
- a) the student has not committed a disciplinary breach,
 - b) the offence committed is not a disciplinary breach or was not committed by the student under the disciplinary procedure,
 - c) the commission of the disciplinary breach cannot be proved,
 - d) the student's guilt cannot be stated,
 - e) the disciplinary breach has become out of date,
 - f) the act on which the proceedings are based has already been subject to a legally binding judgement in the disciplinary procedure,

- g) the disciplinary committee is issuing a warning to the student instead of imposing punishment.
- (2) The part dealing with the decision to abandon the proceedings shall contain:
- a) the name and other personal data of the student under the disciplinary procedure,
 - b) the indication of the disciplinary breach on account of which the disciplinary procedure has been ordained,
 - c) the declaration of the abandonment of the disciplinary proceedings,
 - d) the indication of the reason for abandonment,
 - e) the warning if it was the decision,
 - f) the possibility of legal remedy.
- (3) In the explanation of the decision of abandonment a short description shall be given about the facts and evidence stated, reference shall be made to the reasons which moved the disciplinary committee to abandon the proceedings, in the course of which mention must be made of that point in section (1) on the basis of which the disciplinary proceedings are to be abandoned.

Article 18

- (1) The chairman of the disciplinary committee shall promulgate the decision that has been taken.
- (2) In the course of the promulgation the part dealing with the decision, as recorded in writing in closed session, must be read and the essence of the explanation for the decision shall be made known.
- (3) 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 terminate the disciplinary hearing.
- (4) The disciplinary decision shall be delivered to the absent parties concerned.

Article 19

- (1) The decision of the disciplinary committee shall be sent within ten working days of the notice of promulgation.
- (2) The chairman of the acting disciplinary committee shall sign the written record of the disciplinary decision.
- (3) The decision must be delivered to the student under the proceedings and his/her appointed representative even if the decision was made known to them by promulgation. The delivery must be certified officially (by recorded postal delivery or by being handed over in person).
- (4) 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.
- (5) The decision of the first instance shall come into effect:
 - a) on the day when those authorized to appeal have declared that they do not wish to pursue legal remedy or have withdrawn the appeal for legal remedy,
 - b) on the last day of the deadline for legal remedy if the appeal for legal remedy has not been lodged within the deadline.

Article 20

In the cases not regulated above the provisions set out in Law CXL from the year 2004, hereafter Ket. about the general regulations of public administration procedure and service should be applied duly to the clarification of the findings of fact, calculation of the deadline, justification, form, contents and promulgation of the decision, appeal for the decision or its correction, substitution, supplementation, amendment or withdrawal in an official way.

Legal Remedy Against the Disciplinary Decision
Article 21

- (1) The student under the disciplinary proceedings or his/her appointed representative (legal representative) may lodge an appeal for legal remedy in writing against the decision in the first instance within 15 days of the receipt of the decision.
- (2) The appeal for legal remedy must be addressed to the rector and handed in to the chairman of the disciplinary committee acting in the first instance who must send it along with the documents relating to the procedure in the first instance to the Educational Directorate within three working days.
- (3) The appeal for legal remedy has the effect of delaying the execution of provisions set out in the decision.

Article 22

- (1) The regulations “Procedure for Lodging and Adjudicating Students’ Appeal for Legal Remedy at the University of Debrecen” shall determine the means of adjudication of the appeal for legal remedy.
- (2) The decision in the second instance comes into effect when it is promulgated. The legally binding decision may be carried out, except when the student has asked for a judicial review.
- (3) It shall be written in a separate clause in the decision that it is legally binding and may be carried out and the date on which it came into force shall also be indicated.
- (4) The legally binding decision must be placed on record and a copy of the decision must be placed in the student’s personal file.
- (5) When sending out the final decision the disciplinary committee shall inform:
 - a) the organizational unit authorized to execute the disciplinary penalty,

- b) if the student is on a public scholarship, the grant-awarding authority,
- c) the person who ordained the disciplinary proceedings.

Exemption from the Disciplinary Penalty Article 23

(1) The student (or former student) shall be exempt from the negative consequences pertaining to the disciplinary penalty without any appeal and decision concerning it:

- (a) when 6 months elapsed after the decision has come into force in case of disciplinary penalties set out in Article 4 section (1) points a) and b),
- b) after the expiration of the punishment imposed in case of disciplinary penalties set out in Article 4 section (1) point c),
- c) after the expiration of the prohibition in case of disciplinary penalties set out in Article 4 section (1) point d).

(2) The disciplinary committee having acted in the first instance in the disciplinary case may – at the student’s written request and taking into consideration some particularly appreciable circumstances – exempt the student from the negative consequences of the disciplinary penalty in advance of the time determined in section (1) points b) and c).

(3) In case of an exemption the disciplinary decision shall be invalidated on the official records of the student. This invalidation shall proceed in such a way that the fact of exemption is noted on the decision placed in the student’s file according to the measures of the disciplinary organ acting in the first instance.

(4) There is room for legal remedy, which shall be handed in to the chairman of the disciplinary committee in the first instance but addressed to the rector within 15 days of the receipt of the decision, against the rejection of an appeal for exemption made on the grounds of remedy. When adjudicating the appeal for legal remedy the provisions set out in Article 20 section (1) shall be authoritative.

(5) If an appeal for exemption on the grounds of remedy was lodged on account of a disciplinary punishment involving exclusion from an

institution of higher education, the rector shall adjudicate it having heard the opinion and proposal 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.

Part Two

Rules Relating to the Liability for Damages

Article 24

- (1) The student in the course of fulfilling his/her study requirements is liable to the University and during his/her professional practice to the person organizing the practical training, to his/her employer for any damage caused by him/her unlawfully.
- (2) The extent of the damage shall be:
 - a) in case of deliberate damage the full amount of the damage,
 - b) in case of inadvertent damage, fifty percent of the lowest obligatory wage in a month (the minimum wage) valid in Hungary on the date of the damage caused.
- (3) The student is liable for the full amount of damage for loss or damage caused to items which he/she took possession of by means of an entry in a register or a proof of receipt, with a stated obligation to restore or refund these and which he/she keeps permanently in his/her possession, uses or works with exclusively. He/she will be exempt from liability if the loss was evoked by unavoidable causes.
- (4) In case of damages exceeding 10, 000 HUF the student may ask to pay for these in 6-12 monthly instalments. The person taking the decision on the damages shall decide on the duration of paying the instalments.

Article 25

- (1) If a student suffers damage in connection with his/her status as a student or as a member of a Hall of Residence, or his/her practical training, the full amount of damages must be refunded — disregarding the guilt of the University, the Hall of Residence or the

organizer of the practical training, except if it can be proved that the damage arose from unavoidable causes falling outside the scope of their operation. Neither shall damages be refunded if the damage was caused by unavoidable misconduct of the injured party.

- (2) In other questions of material liability the rules relating to the restitution for damage in Law V from the year 2013 of the Civil Code shall be applied.

Bodies Acting in the Damage Restitution

Article 26

- (1) The head of the faculty shall exercise jurisdiction in damage restitution in the first instance. In proceedings in the second instance the provisions set out in Article 20 section (1) shall be authoritative.
- (2) For the purposes of carrying out the decision the legally binding decision on the restitution for damage must be sent to the head of the financial affairs.
- (3) A decision on the restitution for damage may be taken without the examination of the student (simplified restitution) in cases where the student is obliged to refund the previously defined sum of damages for damage caused to items of which he/she came into possession (e.g. lost library books, sports equipment, equipment of the department).
- (4) Simplified restitution may be applied in cases of damages not exceeding 10,000 HUF, provided the student admits in the minutes the fact and extent of the damage.
- (5) As regards restitution of damage suffered by the student, the provisions set out in section (1) shall be authoritative in the first and second instance.
- (6) In case of restitution for damage in the first instance a decision must be taken within 30 days, as far as possible.

Article 27

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 him/her, then - in the absence of the relevant provisions in the contract, made by the faculty organizer of the professional practice and relating to the professional practice -, the organizer of the professional practice shall arrange for the restitution for damage through the head of the faculty.

Rules Relating to the Procedure of Damage Restitution
Lodging and Adjudicating the Appeal for Damage
Article 28

- (1) Concerning any damage determined in these Rules and caused by the student and if it does not belong to the scope of the simplified restitution, minutes must be taken on the site of the damage caused. The student who is suspected to have caused the damage shall sign the minutes 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 minutes.
- (2) As regards damage caused in the organizational units of the faculty, the head of the organizational unit shall sign the minutes, in case of damage caused in the University and National Library the head of the library unit concerned shall sign the minutes.
- (3) The minutes about the damage caused must be sent to the head of the faculty or the head of the library, respectively.
- (4) In case of damages exceeding 10,000 HUF or at the student's request those exercising jurisdiction in the restitution for damage must examine the student. Minutes must be taken of the hearing.
- (5) The minutes taken of the damage caused and the hearing must be sent to the head of the financial affairs for adjudication.

Article 29

The decision relating to the restitution for damage must contain the provisions set out in Article 72 of Ket. with special regard to the following:

- a) indication of the person exercising jurisdiction in the damage restitution,

- b) registration number and date of the decision,
- c) in the part dealing with the decision, apart from the personal data of the student who caused the damage, the following should also be determined: the damage caused, the amount of damages, provisions for possible instalments, 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, the circumstances which were taken into account, provisions should be indicated on which the decision of restitution is based.

Article 30

- (1) Restitution for any damage suffered by the student may be requested by him/her in writing from the head of the faculty. The request must include in detail the type of damage, the circumstances from which it arose as well as the estimated or, if it is known, the actual value of the damage.
- (2) The head of the faculty shall send the request to the head of the financial affairs for adjudication and investigation. The head of the financial affairs shall, in collaboration with the faculty concerned, examine the contents and circumstances of the student's request and make proposal for a decision. If necessary, the student who suffered the damage must also be given a hearing.

Legal Remedy Against Decision on Damage Restitution

Article 31

- (1) An appeal for legal remedy against a decision in the first instance may be lodged in writing addressed to the rector within 15 days of the receipt of the decision.
- (2) The appeal for legal remedy 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) When adjudicating the appeal for legal remedy the provisions set out in Article 20 section (1) shall be authoritative.

- (4) The appeal for legal remedy has the effect of postponing the execution of the provisions set out in the decision.
- (5) A copy of the legally binding decision must be placed in the student's personal file.

Closing Provisions

Article 32

- (1) These present Rules, accepted by the Senate on 15th May 2014 along with the decision with the resolution number 37/2014 (V.15.), come into effect on 16th May 2014. Their provisions must also be applied to cases in progress.
- (2) At the same time as these Rules come into effect the rules with the same title, passed with the decision with the resolution number 44/2006 (V.25.), amended many times, shall lose their force.
- (3) The present Rules form a part of the system of requirements for students in the Regulations on the Organisational and Operational Structure of the University of Debrecen.