

## **RULES OF LEGAL REMEDIES FOR STUDENTS**

Based on Section 58 (4) of Act CCIV of 2011 on National Higher Education, and in line with Act CL of 2016 on General Public Administration Procedures, the University Council of Pázmány Péter Catholic University hereby enacts the following Regulations as an appendix to its Organizational and Operational Rules.<sup>1</sup>

### **Part 1 General Provisions**

#### The scope of the Regulations

**Section 1** (1) The scope of these Regulations applies to all appeals initiated against decisions of the University by students of Pázmány Péter Catholic University.

(2) For the purposes of the application of these Regulations, any measure implemented against a student or the failure to take a legally binding decision or the prescribed action shall have the same effect as decisions made by the University.

(3) For the purposes of the application of these Regulations, the following are considered students:

- a) applicants to the University,
- b) doctoral students, doctoral candidates, PhD students, and
- c) persons with terminated student legal status, in respect of decisions and measures taken or failed to be taken before the person's student legal status was terminated.

#### Persons and bodies acting in matters related to legal remedy

**Section 2** (1) The Rector of Pázmány Péter Catholic University has the authority to evaluate applications for legal remedies.

(2) Proceeding in the authorization granted by the Rector, the Committee for the Review of Student Affairs shall evaluate applications for legal remedies, unless the Rector shall exercise the evaluation in a certain matter. The Rector shall be entitled to take control of the evaluation of a case at any time before the decision is made.

(3) The Chair and the Secretary of the Committee for the Review of Student Affairs shall be appointed by the Rector for an indefinite period. The Members of the Committee shall be appointed by the Rector for two years - in the case of student members, for one year - as follows:

- a) one employee per Faculty, at the recommendation of the relevant Faculty's Dean
- b) a total of three students, at the recommendation of the Faculty Student's Union organization, approved by the relevant Faculty's Dean.

(4) If Chair of the Committee is employed by any Faculty, the Faculty shall not be entitled to also delegate a Committee Member.

(5) The Secretary of the Committee has the same authorizations as the Members.

(6) The student members of the Committee shall have active student legal status and shall be clear of any disciplinary sanctions. Each year three different Faculties shall recommend students to the three student member positions. Each year the Faculties entitled to recommend students shall be alternated alphabetically on the basis of the first letter of the Faculty's name, with two out of the three affected Faculties changed each year. No Faculty student shall be a member of the Committee for longer than two consecutive academic years.

(7) Committee membership shall be terminated upon:

- the expiry of the membership appointment,
- the termination of the member's employment or student legal status,
- the resignation of the member - if accepted by the Rector

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<sup>1</sup> Amended by Decision 42 of July 20, 2018 of the University Council.

- the removal of the member.

(8) If the mandate of any member of the Committee is terminated for any reason before its expiry, the appointment of a new member should be provided immediately under the provisions of these Regulations. Until the new member is appointed - but for no longer than a period of 3 months from the date of the vacancy - the Committee may continue to operate with the provision that when examining if it has a quorum, the total number of nine members shall be taken into account.

**Section 3** (1) The Committee for the Review of Student Affairs shall meet as needed for the purpose of conducting legal remedy procedures. The Committee meeting shall be convened by the Chair by indicating the agenda and by delivering the documents regarding the issues of the agenda.

(2) The Committee shall have a quorum if 50% of the Members are present at the meeting.

(3) The meeting of the Committee is presided by the Chair or a Member appointed by the Chair.

(4) Records shall be kept of the meeting, which shall include the list of those present, the agenda, the evidence considered in the case, and, in the case of hearings, the relevant declarations made, the decisions passed by the Committee, the place and date of the issuance of the Record, and the signature of the Record keeper and the Chair of the Committee.

(5) The Record can take the form of an audio recording if the members of the Committee and the persons heard at the Committee meeting grant their consent after having been duly informed. Audio recordings shall be stored on appropriate data storage media together with other documents related to the case. If necessary, a written record shall also be prepared on the basis of the voice recording.

(6) Any statements made at the meeting shall be recorded verbatim in the protocol upon the request of the person making the statement.

(7) The Committee for the Review of Student Affairs shall hold closed meetings. Apart from the Members, only persons invited by the Committee may participate in meetings. In the case of procedures held in order to clarify the facts of the case, especially when witnesses are heard, the student in question shall be entitled to attend the meeting; the student shall be notified prior to such meeting at the contact information provided by the student or registered by the University. The notification shall be mailed by post or - if the e-mail address is known - sent via e-mail in such way that the student shall receive it at least 5 days before the meeting.

**Section 4** (1) The following persons cannot participate in the evaluation of applications for legal remedy:

- a) the person who made the contested decision or failed to make a decision,
- b) close relatives of the person referred to in point a),
- c) from whom an objective consideration of the matter cannot be expected.

(2) In case there is a conflict of interest, the Committee member in question shall immediately notify the Chair of the Committee in writing. If the Chair of the Committee is affected by a conflict of interest, the Chair shall be obliged to appoint a member of the Committee - by concurrently informing the Rector - to conduct the procedure and to withdraw from the procedure. In the event the Chair is affected by a conflict of interest, the Chair's rights specified in these Regulations shall be exercised by a member of the Committee appointed to conduct the procedure.

(3) In case any member or the Chair of the Committee is affected by a conflict of interest, the full number of members shall be considered when determining a quorum. If least three members are affected by a conflict of interest regarding the given case, the Rector shall make a decision on the application for review.

## Administrative deadline

**Section 5<sup>2</sup>** (1) The appeal procedure shall be closed by a decision within 30 days after the date when the application for legal remedies and all documents regarding the case are submitted.

(2) The administrative deadline shall not include

- in case of a request to provide missing information, the period while such is submitted,
- the duration of suspending the proceedings,
- the period from the date of mailing the decision until its delivery.

## Deadlines

**Section 6** (1) Deadlines defined in days or workdays shall not include the day of the occurrence of any act or circumstance that causes the given deadline to commence, or the day of the communication, delivery, posting, or removal of any related notice.

(2) A deadline expressed in months or years shall expire on the day which corresponds to the starting date; or if the month of expiry does not include that date, the expiry shall take place on the last day of the month.

(3) When the last day of a deadline is not a business day at the University, expiry shall take place only on the subsequent business day.

(4) Where a right is contingent upon a specific day, it shall take effect at the beginning of that day. The deadline shall be considered to have been missed and the legal consequences of default shall take effect on the last day of the deadline.

(5) In the event of doubt, the time limit shall be considered observed.

(6) When determining deadlines, the relevant provisions of Act CXL of 2004 on the General Rules of Administrative Proceedings and Services shall be considered governing.

## Representation

**Section 7** (1) The student is entitled to act in person and to proceed by a legal representative or by an authorized person in legal remedy proceedings.

(2) The authorization for representation shall be valid solely in writing and if

- a) it contains the name of the person authorized to submit the application, the personal details of the authorized person suitable for identification, and their signatures,
- b) it indicates the procedural issues in which the authorized person is entitled to act,
- c) it is certified with the signature of two witnesses that the authorizing person has signed it in their presence or acknowledged the signature as his own.

## Inspection of documents

**Section 8** (1) At any phase of the procedure, the student or its representative is entitled to inspect the documents created during the procedure or considered in the decision-making process of the Committee, as well as to listen to the audio recordings of the Committee meetings - except for records or audio recordings of closed sessions.

(2) The witness heard in the procedure is entitled to inspect the documents containing the witness testimony.

(3) The following may not be inspected:

- a) the decision draft,

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<sup>2</sup> Amended by Decision 70 of June 27, 2017 of the University Council.

- b) any document that may contain any reference to the identity of the person whose natural identification data and home address is considered confidential information by order of the Committee.

(4) The inspection of documents does not include the right to make copies of the documents or audio recordings, or the right to have such documents delivered.

(5) Access to the document may be requested within a period of half a year after the final completion of the procedure.

## **Part 2**

### **Performing the legal remedy procedure**

#### Initiation of the proceedings

**Section 9** (1) The student is entitled to request legal remedy against any decision made or omitted by the institution within 15 days following the communication - or obtaining such information - of the decision.

(2) An application for legal remedy may be lodged against a decision related to the evaluation of studies only when the decision has been grounded on requirements that have not been originally adopted by the higher education institution, when the decision is in conflict with the provisions of the Organizational and Operational Rules, or when the provisions related to the organization of exams have been breached.

(3) With the exception of the violation of procedural rules, no application for legal remedies may be lodged against decisions made by way of individual consideration, especially decisions regarding equity, preferential schedule of studies, social support, or discounts on payment obligations.

(4)<sup>3</sup> Persons with access to the Neptun system shall submit applications for legal remedy via Neptun. Applications for legal remedy by persons without access to the Neptun system shall be addressed to the Rector of the University and submitted to the Faculty making the decision of first instance.

(5) The Dean of the Faculty concerned shall review applications for legal remedy. If the Dean agrees with the statements of the application, the decision requested to be reviewed may be withdrawn, modified or any omitted decision shall be now made. The legal remedy allowed against any withdrawal or modifying decision is identical to that available against the withdrawn or modified decision.

(6) If the Dean disagrees, the application for legal remedy, together with all the available documents of the case and his own remarks as necessary, shall be referred to the Rector's Office within 8 days.

(7) Within 8 workdays after the receipt of the documents, the Rector shall decide whether to evaluate the case in person. If the Rector decides not to take control of the evaluation of the case, the documents shall be forwarded to the Chair of the Committee for the Review of Student Affairs.

(8) The Chair of the Committee shall examine the appeal for legal remedy and shall decide within 5 workdays whether to initiate the procedure or reject the application without substantive examination. If the Chair of the Committee determines that another organization or person within the institution is competent in evaluating the application, the case - within the same administration period - shall be transferred to the entitled organization or person.

#### Application for legal remedy

**Section 10** (1)<sup>4</sup> Applications for legal remedy shall be submitted in writing. Persons with access to the Neptun system may submit applications for legal remedy only via the Neptun system. The place of submitting the application for legal remedy by persons without access to the Neptun system shall be determined and published by the individual Faculties.

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<sup>3</sup> Amended by Decision 70 of June 27, 2017 of the University Council.

<sup>4</sup> Amended by Decision 70 of June 27, 2017 of the University Council.

(2)<sup>5</sup> The date of submission of the application is the date on which the application is recorded in the Neptun system. In the case of persons without access to the Neptun system and submitting an application by mail, the date of the submission shall be the date of mailing or otherwise the date of receipt.

(3)<sup>6</sup> Applications for legal remedy may be submitted via the Neptun system only by the authorized person. Authorized persons and representatives may submit applications by other means.

If the application is submitted by other than the authorized person, the authorization for representation must be credibly proven at the time of submitting the application.

(4) The application shall be qualified in accordance with its content, even if the name used by the student does not reflect the content.

(5) The application is to include the following:

- a) the name, address, and mailing address of the student and any representative,
- b) the decision made or omitted for which the application is submitted,
- c) the essence and relevant circumstances of the alleged violation or procedural error, as well as the basis on which the student is requesting the review of the decision/action or the making of the omitted decision.

(6) Documentary evidence supporting the allegations contained therein shall be attached to the application or, if they are not available to the student, it shall indicate the method for proving the allegations contained in the application.

(7) It is not necessary to provide evidence of well-known facts or facts that the University is officially aware of.

(8) If the application does not meet the requirements of paragraph (5)-(6), the Chair of the Committee shall request the student - in addition to indicating the appropriate dates and alerting the student to the legal consequences of failure - to remedy deficiencies. Remedying deficiencies is not necessary regarding data in paragraph (5) a) and b)

(9) At any time until the decision is made, the student shall be entitled to withdraw the application for legal remedy in writing - or orally, recording such intention in the record at a Committee hearing.

Rejecting the request and terminating the procedure without substantive evaluation

**Section 11** (1)<sup>7</sup> The application shall be rejected by the Chair of the Committee in an order, if it is determined that:

- a) it was submitted late,
- b) it was not submitted by the authorized person,
- c) it concerns a decision against which no appeal can be filed; or the student fails to refer to a procedural error when submitting its application for legal remedy against a decision made by individual consideration; or in its application for legal remedy against learning assessment, the student fails to refer to reasons set out in the Regulations,
- d) its objective is obviously impossible,
- e) it has since become devoid of purpose,
- f) the application is incomplete and no possibility of rectification is available based on these Regulations,
- g) a person with access to the Neptun system did not submit the application for legal remedy via the Neptun system.

(2) The procedure shall be terminated in an order by the Chair of the Committee if:

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<sup>5</sup> Amended by Decision 70 of June 27, 2017 of the University Council.

<sup>6</sup> Amended by Decision 70 of June 27, 2017 of the University Council.

<sup>7</sup> Amended by Decision 70 of June 27, 2017 of the University Council.

- a) the application could have been rejected without a substantive evaluation, but this fact was only discovered following the start of the procedure,
- b) the student withdrew the application for legal remedy in writing - or orally, recording such intention in the records at a Committee hearing,
- c) the procedure has since become devoid of purpose,
- d) the student failed to comply with the request to remedy deficiencies and failed to request the extension of the relevant deadline, or the student's failure to make a declaration prevented the clarification of the facts.

#### Suspension of proceedings

**Section 12** (1) If making a substantive decision on a case depends on the prior evaluation of an issue which is the competence of any other person or body, or cannot be reasonably closed without a decision made in another case closely related to the given case, the Committee shall be entitled to suspend the proceedings. If the student is entitled to initiate a procedure at a different body, the student shall be notified of this possibility and the relevant deadline. If the student fails to comply with the above request, the Committee shall terminate the proceedings or make a decision based on the available data.

(2) On one occasion the student - in particularly justified cases - shall be entitled to request the suspension of the proceedings. However, if the student fails to request resuming the suspended procedure within 3 months, the Chair of the Committee shall be entitled to terminate the proceedings upon the expiry of the deadline.

(3) The administrative time limit shall not include the duration of the procedure's suspension.

#### Application for *restitutio in integrum*

**Section 13** (1) In case the student fails to meet any deadline for a fault not attributable to the student, the student is entitled to submit an application for *restitutio in integrum*.

(2) The application for *restitutio in integrum* shall be submitted within eight days after becoming aware of the failure or terminating the difficulty, but no later than within six months after the missed date or the last day of the missed deadline. The cause of the omission and the reasons for defense shall be named in the application; any supporting documents shall also be attached.

(3) In the event that a deadline is missed, the act neglected must be performed simultaneously with submission of the application for *restitutio in integrum*, if the applicable conditions are met.

(4) If the Committee accepts the application for *restitutio in integrum*, the procedure shall be conducted as if the omission had not taken place and, where necessary, the Committee shall amend or revoke the decision accordingly.

#### Clarifying the facts of the case

**Section 14** (1) The Committee is obliged to clarify the facts of the case necessary for deciding the case. In case the available information is insufficient, the Committee shall conduct an evidence procedure.

(2) The facts which are officially known to the Committee and which are of common knowledge shall not be evidenced.

(3) Only evidence appropriate for enabling the clarification of the facts can be used in the procedure. Evidence shall, in particular, mean the student's statements, documents, witness statements, reports on the review, expert opinion, minutes of official inspections, and physical evidence. In particular, data in the Neptun system related to student academic performance and student status can be used as proof.

(4) The student may also make recommendations for proving any facts of the case.

(5) The Committee may freely determine the means of proof to be employed.

(6) The Committee shall assess each piece of evidence separately and on the aggregate and shall establish the facts according to its conviction based on this assessment.

**Section 15** (1) If deemed necessary to ascertain the facts of the case, the Committee may request the student's oral hearing. The student is entitled to refuse to make a declaration, or to request - in writing - that the proceedings be held without an oral hearing. If the student fails to appear at the hearing despite proper notification and fails to request that the proceeding be continued in his/her absence until the date of the hearing, the Committee shall be entitled to terminate the proceeding or make a decision based on the available data. The student is also entitled to ask the Committee to continue the proceeding without hearing the student via email.

(2) In order to clarify the facts, any student or employee of the University may be summoned by the Committee to a hearing or may be obliged to make a written declaration.

In order to clarify the facts, the Committee is entitled to request information related to the case from any organizational unit of the University, or may call the student to present any available records or other documents.

(3) If the Committee considers it necessary, any other person may be heard as a witness, in case the person to be heard as witness is willing to participate in the proceeding. No person may be heard as a witness who cannot possibly be considered for a testimony relevant as evidence.

(4) The witness shall be identified at the beginning of the hearing. The witness shall state his/her relationship with the student, to clarify any presence of bias. Any facts establishing the ground for bias of the witness shall be recorded in the report. A witness not yet heard may not be present at the hearing of the client, another witness, or an expert. The Committee may permit the witness to make a written deposition after or instead of the hearing; in this case the testimony shall be drawn up in the form of a private document with full probative value.

(5) Considering reasonable private interests, the Committee may order treating the identification data and the address of the student heard as a witness confidentially.

(6) The student is entitled to be present at the hearings and at other probative procedures conducted for the clarification of the facts; furthermore, the student is entitled to ask the heard persons questions and make comments to the Committee regarding evidence - except for the hearing of any person whose identification data and address are treated confidentially.

(7) When clarifying facts, the relevant provisions of Act CXL of 2004 on the General Rules of Administrative Proceedings and Services shall be governing.

#### Notices

**Section 16** (1) Persons and students to be heard by the Committee shall be notified in writing beforehand of the hearing and of any procedural acts in which they are entitled to participate.

(2) Notification shall be sent to the student by mail and if, deemed necessary by the Secretary of the Committee, in electronic form (e-mail or Neptune message) so that the date of the hearing or other procedural act will be delivered at least 5 days in advance.

(3) If a hearing is necessary, the Committee shall notify any student of the University via the Neptune system or in an e-mail message, while University employees shall be notified in the manner used locally.

#### Decision Making

**Section 17** (1) The Committee shall make its decisions at closed meetings, with the simple majority vote of the attending members. In the event of a tie, the Chairman's vote shall be decisive.

(2) Regarding the application for legal remedy, the Committee may make the following decisions:

- a) reject the application,
- b) order that the person or body failing to make a decision shall make a decision,
- c) change the decision,

- d) annul the decision and order the decision-maker to conduct new proceedings.
- (1) The second instance decision shall be final and enforceable as of its notification, unless the student has requested judicial review.

### **Part 3**

#### **Decisions and their communication**

##### Decisions

**Section 18** (1) The Committee shall pass a decision regarding the merits of the case; in all other issues incurred during the procedure, the Committee or its Chair shall issue an order.

(2) The Decision shall include:

- a) the name of the Committee, the case number, and the name of the administrator,
- b) the name, address and, if applicable, Neptun code of the student,
- c) a description of the subject-matter of the proceedings,
- d) in the operative part:
  - the Committee's decision, the possibility of review, the place and deadline of submission, and information on the possibility of a request for a court case,
  - the name of any administrative body and the operative part of its decision,
- e) in the justification:
  - the established facts and the evidence they are based on,
  - evidence offered by the student but ignored, and the reasons they were ignored,
  - the explanation of any decision made by an administrative body,
  - in case the administrative deadline is not met, the expiry date, as well as information on the reasons why the student or any other participant in the proceedings failed to meet the deadline of administration,
  - reference to the pieces of legislation which were the basis for the authority to make the decision,
  - reference to the pieces of legislation establishing the powers and competences of the Committee,
- f) the place and date of the decision, the name of the Chair of the Committee, as well as the name and the official title of the person issuing the decision, if it is different from the exerciser of authority,
- g) the signature of the person issuing the decision and the Committee's official seal.

(2) The decision shall include the relevant content units according to section (1).

(3) A simplified decision foregoing a justification and information on legal remedy may be made if

- a) the Committee accepts the application in its entirety,
- b) it specifies only the date of a procedural act.

(4) Decisions shall be drawn up on a separate sheet. Orders shall be drawn up in a separate document; in case an order is communicated orally, it shall be included in the records. At the request of the student, any order communicated orally shall be drawn up in a separate document.

(5) In all other respects, the decision shall be governed by the relevant provisions of Act CXL of 2004 on the General Rules of Administrative Proceedings and Services.

## Communicating the decision

**Section 19** (1) The Committee shall communicate its decisions to students in writing. The decision may also be announced orally; however, in terms of calculating deadlines, the date of the written communication shall be governing.

(2) The decision shall be delivered by mail, in a registered letter. The decisions and the individually appealable orders may not be communicated by fax, unless the person or body entitled to communicate the decision had previously requested or consented to it.

(3) If postal delivery is unsuccessful because the addressee or his/her authorized representative declares unwillingness to accept the letter, the document shall be deemed to have been delivered on the date of the attempted delivery.

(4) If the document is returned marked "not collected", the document shall be deemed to have been delivered - until otherwise proven - on the fifth workday following the second attempted postal delivery.

(5) In all other respects, the communication of the decision shall be governed by the relevant provisions of Act CXL of 2004 on the General Rules of Administrative Proceedings and Services.

### Part 4

#### Correcting, supplementing and reviewing decisions

##### Correcting and supplementing decisions

**Section 20** (1) In case the decision contains any clerical errors in names, numbers, or calculations, the Committee shall correct such errors - if necessary, following the hearing of the student - as long as it has no impact on the merits of the case.

(2) The correction shall be made by the Committee

- a) by making a note on the original copy of the decree and - if available - its issued copies,
- b) withdrawing the incorrect decree and replacing it, or
- c) by making a corrective decision.

(3) No appeal may be lodged against the correction.

(4) The correction shall be notified to those notified of the original decision.

**Section 21** (1) The Committee shall amend the decision if any statutory item is missing or if no decision was made on the substance of the case.

(2) No amendment of the decision shall be allowed if

- a) more than one month has passed since the decision has become final, or
- b) such would infringe rights acquired and exercised in a *bona fide* manner.

(3) The Committee shall make the supplementation by

- a) issuing a separate addendum to the decree and - if possible - noting this fact on the original copy and its issues, or
- b) revoking the incomplete decision and replacing the decision with a decision in a unified format including the original decision and its replacement.

(4) The supplemented decision is subject to the same remedy procedure as the original decision.

(5) The supplement shall be notified to those notified of the original decision.

(6) When initiating the procedure, rules regarding the correction and the supplementation of the decision shall be duly applied to any such procedure by the competent Dean.

## Reviewing decisions

**Section 22** (1) The student may request the court review of the decision on the application for legal remedy within thirty days of the date of notification thereof, by reference to the violation of law or provisions regarding student legal status. For the purposes of these provisions, the provisions pertaining to student legal status shall be the provisions laid down by law and in the institutional documents that establish the rights and obligations of students.

(2) The application for judicial review shall be submitted in writing to the Faculty making or failing to make the decision of first instance.

## Part 5

### Transitional and Final Provisions

**Section 23** (1) These Regulations shall enter into force on May 1, 2013.

(2)<sup>8</sup>

(3) The scope of these Regulations shall apply only to procedures initiated following its entry into effect. Any procedures initiated prior to the entry into effect of these Regulations shall be commenced according to regulations effective at the date of their start.

(4) These Regulations shall not affect the appointment of members of the Commission. However, after the expiry of the existing appointments, the provisions of this Regulation shall apply to the composition of the Committee.

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<sup>8</sup> The amending provisions have been transposed into the relevant regulations.