

## *General Student Procedural Code*<sup>1</sup> (HÁER)

*The Senate of The Dharma Gate Buddhist College—having regard to the relevant legislation, in particular Act CCIV of 2011 on National Higher Education (hereinafter: NHEA), Government Decree 87/2015 (IV. 9.) on the implementation of certain provisions of Act CCIV of 2011 on National Higher Education (NHEA Decree), and Act CL of 2016 on General Administrative Procedure (hereinafter: Ákr.)<sup>2</sup>—hereby adopts the following regulation as Annex 1/A to The Dharma Gate Buddhist College Regulations, Volume II: Student Requirements System (HKR):*

### **1. Scope of the GENERAL STUDENT PROCEDURAL CODE**

1.1. The scope of the General Student Procedural Code, (GSPR) extends to all natural persons who are in a student (including visiting-student or adult-education) legal relationship with the College, regardless of when the student status was established.

1.2. The General Student Procedural Code sets out the general procedural rules relating to student affairs.

1.3. The General Student Procedural Code sets out the general procedural rules relating to student affairs.

1.4. In matters concerning programmes of a foreign higher education institution operating in Hungary under a cooperation agreement concluded with the College, the General Student Procedural Code shall be applied with regard to the cooperation agreement and to the foreign and Hungarian rules applicable to the programmes of the foreign higher education institution.

### **2. Rules for first-instance procedures in student affairs**

2.1. A student matter is any case in which, in connection with student status, a question affecting the rights or obligations of the student is handled (action is taken, a decision is made) by the person or body defined in paragraph 2.2.1. Disciplinary and liability (damages) cases of students do not fall within the scope of this chapter.

#### **2.2. Competence**

2.2.1. At the College, in student affairs at first instance, the Rector, the Vice-Rector, and the bodies and actors specified in the College regulations shall proceed, in particular:

- a) the Academic Affairs Office,
- b) the Student Affairs Committee.

2.2.2. If no other body or organ (person) is assigned competence by legislation or by a College regulation, general case-handling (decision-making) competence in student academic and examination matters is exercised at first instance by the Student Affairs Committee, and general case-processing competence by the Academic Affairs Office.

#### **2.3. Examination of competence**

2.3.1. The body (person) acting in a student matter must examine its competence at every stage of the procedure. If it establishes a lack of competence, it must immediately transfer the case to the competent body (person) and simultaneously notify the student—or, if acting through an authorised representative, that person.

2.3.2. If the competent person (body) cannot be identified, or if the case would have to be transferred to a body (person) that has already established its lack of competence, the bodies concerned must consult within 3 days; if

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<sup>1</sup> The General Student Procedural Code was adopted by the Senate by Resolution No. 35/2017. (07.06.) of 6 July 2017. Its comprehensive amendment was carried out by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure. Points 3.5.2., 3.5.3., 4.2., and 4.4. were amended by Section 4 of the “Amendment of the DGBC Student Requirements System due to the launch of the Mánfa correspondence programme in the 2022/2023 academic year”, adopted by the Senate by Resolution No. 2/2022. (04.07.) of 7 April 2022. Effective: from 7 April 2022.

<sup>2</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

this proves unsuccessful,<sup>3</sup> the designation of the acting body must be initiated.

## **2.4. Designation of the acting body and rules on exclusion (recusal)<sup>4</sup>**

2.4.1. The acting body may be designated at the initiative of the first-instance body (person) or of the student.

2.4.2. Designation is in order in the case referred to in paragraph 2.3.2 and also where the acting body (person) cannot be determined at the commencement of the procedure.

2.4.3. The Rector is entitled to designate the acting body within 15 days of receipt of the relevant application.

2.4.4. A person from whom an objective assessment of the case cannot be expected may not participate in the handling of the case. The person affected by exclusion shall notify the Rector of the existence of the reason for exclusion upon becoming aware of it. The student may also report the reason for exclusion. The Rector decides on the exclusion, designates another case-handler where necessary, and also decides whether those procedural acts in which the excluded case-handler participated must be repeated. If the reason for exclusion is reported by the student, the Rector decides on the exclusion by order and also communicates it to the student.<sup>5</sup>

## **2.5. Equity (discretion)**

2.5.1. In circumstances deserving special consideration, at the student's request the Rector may make provisions or decisions departing from any provision of the Study and Examination Regulations. A decision made in the exercise of discretionary powers may not violate legislation.

2.5.2. For a decision taken in the exercise of discretionary powers, the Rector must request the opinion of the educational organisational unit or instructor concerned by the subject of the case, or of the competent body or committee.

2.5.3. The Rector may in particular exercise discretion in the event of extraordinary and proven facts or events affecting the student's family and living circumstances.

2.5.4. Discretion is not available

a) in the case of a decision rejecting admission, or

b) where the student has come into an extraordinary situation through their own culpable conduct or omission.

2.5.5. Under a discretionary decision the Rector may not grant exemption from completing studies.

2.5.6. No remedy lies against a decision taken in the exercise of discretionary powers.

2.5.7. If the discretionary decision concerns an instalment payment concession, deferment, or exemption related to the fulfilment of the student's financial obligation towards the College, the Maintainer (the Church) must be informed of the decision.

## **2.6. Initiation of the procedure**

2.6.1. In a student matter, the procedure may be initiated ex officio or at the student's request. The document initiating the procedure (the application or the decision ordering ex officio proceedings) shall in all cases be assigned an incoming registration number by the Rector's Secretariat. Likewise, all submissions, statements, expert opinions, minutes, and memoranda received during the procedure or attached to the files must be registered. If a document enters case-handling other than through the Rector's Secretariat, it must be forwarded to the Rector's Secretariat without delay for registration. Following assignment by the Rector, the registered document initiating the procedure shall be filed together with any prior records and handed over to the competent case-handler or body. Other documents shall, after registration, be handed over without delay to the acting body (person).

2.6.2. The procedure is initiated ex officio if the College is obliged to proceed by legislation or by a College regulation, and also where, on the basis of legislation or a College regulation, the student applies in response to a notice communicated by the College to all students or to a group of students (e.g. a call for applications, etc.).

2.6.3. The procedure is initiated at the student's request where legislation or a College regulation entitles the student to initiate the procedure.

2.6.4. In a procedure initiated at the student's request—where the mandatory formal and substantive elements of the application are not prescribed by law or by a government decree issued under an authorisation by law, or by a College regulation—the provisions of paragraph 2.6.5 shall apply.

2.6.5. The application must be submitted in writing to the body (person) competent to adjudicate it and must

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<sup>3</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

<sup>4</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

<sup>5</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

contain

- a) the student's name, address, and student ID code,
- b) a specific request addressed to the College body,
- c) the annexes prescribed by law,
- d) where the student acts through a representative, the representative's authorisation, or a public document certifying the capacity of legal representative.

The application shall furthermore include:

- e) the facts on which the application is based, and any evidence supporting them,
- f) an indication of the legal or regulatory provision on which the application is based,
- g) the College body (person) to which the application is addressed.

The student may withdraw the application to initiate the procedure until the decision on the merits or the order terminating the procedure becomes final.

2.6.6. The application must in all cases be assessed according to its content; an incorrect designation of the application in itself may not result in its rejection.

2.6.7. If no decision on the merits or procedural decision has been issued by then, the student must be notified of the initiation of the procedure (both in ex officio and in application-based procedures) by Neptun message within eight days.

## 2.7. Time limit for case-handling

2.7.1. Unless otherwise provided by legislation or a College regulation, a student matter must be concluded no later than sixty<sup>6</sup> days from receipt of the application. In a simplified procedure, the decision must be made immediately, but no later than within eight days, and arrangements must be made for notification of the decision. In the case of automatic decision-making, the case-handling time limit is 24 hours<sup>7</sup>.

2.7.2. A procedure initiated at the student's request is a simplified procedure if

- a) on the basis of the application and its annexes, and of the data available to the College (including data that the student cannot be obliged to provide), the facts are clarified,
- b) there is no adverse party.
- c) [*repealed*]<sup>8</sup>

If any condition is not met, the rules on the simplified procedure shall be disregarded, and either a decision with suspended effect shall be issued, or within 8 days a decision on the merits, or a procedural decision (rejection without examination on the merits, suspension of the procedure, holding in abeyance, or a request for international legal assistance) shall be made.

2.7.3. Automatic decision-making is in order if

- a) it is permitted by law or government decree,
- b) all data are available at the time of submission of the application,
- c) the decision does not require discretion, and
- d) there is no adverse party.

2.7.4. The following shall not be counted towards the case-handling time limit:

- a) the period of suspension or interruption of the procedure, and
- b) — where no decision with suspended effect may be issued — the period of the student's procedural default or delay in the case in question

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2.7.5. If the College Council or the Senate is competent to decide the case, it shall be concluded at the next meeting, but no later than within two months.

## 2.8. Submission of applications and filings

2.8.1. Unless legislation, a College regulation, or a call for applications prescribes a different mode of submission, the student may submit the application electronically, via the Neptun petition-management module, or—exceptionally, in duly justified cases—by post (letter). Annexes to applications to be submitted electronically must also be submitted electronically (scanned). The Academic Affairs Office and the Information Technology

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<sup>6</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

<sup>7</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

<sup>8</sup> Repealed by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

<sup>9</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

Department of the Rector's Office must in all cases provide assistance with submission.

2.8.2. The submission deadline for applications to be submitted electronically is 24:00 on the given day. For submissions sent by post, the date of posting is the date of submission.

2.8.3. Where annexes must be attached to an application to be submitted electronically, this may be done within two hours of completing the application. In the case of applications where attaching annexes is mandatory, and the student does not attach the annex within the time available, the application shall be automatically rejected for a formal error, without a request for remedying deficiencies. No appeal lies against rejection for a formal error; however, the application may be resubmitted until the submission deadline.

## **2.9. Participation in the procedure**

2.9.1. In place of the admitted applicant, and in place of the student or former student, a representative or legal representative (hereinafter jointly: representative) may act.

2.9.2. The student is not entitled to use an authorised representative where an obligation can only be fulfilled personally.

2.9.3. Only a person who has reached the age of eighteen may be an authorised representative; in addition, a lawyer or law firm may be authorised.

2.9.4. If the student (applicant) does not act personally, the authority of representation of the acting person must be verified. The College body (person) shall refuse the representative's action if they are not suitable to provide representation in the case, or if the representative does not certify their authority of representation despite a request to remedy deficiencies to that effect. In the event of refusal of the representative, the student (applicant) must be called upon to act personally or to arrange for a representative suitable to provide representation.

2.9.5. To facilitate supported decision-making that does not affect legal capacity, the supporter appointed by the guardianship authority [Civil Code s. 2:38]

a) may be present together with the supported person at all procedural acts during the procedure—including hearings held in camera—however, their absence does not prevent the performance of the procedural act or the continuation of the procedure,

b) may confer with the supported person—without disturbing the order of the procedural act—to assist in making statements and providing data.

The supporter shall prove this status by presenting the guardianship authority's decision appointing them, or the certificate issued for this purpose by the guardianship authority; no power of attorney may be required from them.<sup>10</sup>

## **2.10. Power of attorney**

2.10.1. A power of attorney issued in Hungary must be set out in a private document of full probative force or in a public document as defined in the Code of Civil Procedure (Pp.)<sup>11</sup>. A power of attorney issued abroad must be set out in a public document or an authenticated private document and must be superlegalised.

2.10.2. A private document has full probative force if

a) the issuer wrote and signed the document by hand,

b) two witnesses attest that the signatory signed before them a document written partly or wholly by another person, or acknowledged before them as their own their signature; for such attestation both witnesses place their signatures on the document and, in their own hand, legibly indicate their names and domicile, or in the absence thereof, their place of residence,

c) the signatory's signature or mark on the document is authenticated by a judge or a notary,

d) the person authorised to represent the legal person signs the document properly in accordance with the rules applicable to them,

e) a lawyer or legal counsel, by duly countersigning the document they prepared, certifies that the signatory signed before them the document written by another person, or acknowledged before them as their own their signature,

f) on an electronic document the signatory has placed their qualified electronic signature or seal, or an advanced electronic signature or seal based on a qualified certificate, and—where so provided by law—an electronic time stamp,

g) the signatory authenticates the electronic document using the identification-based document authentication service defined in a Government Decree, or

h) it was created within a service defined by law or Government Decree in which the service provider, through

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<sup>10</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

<sup>11</sup> The Code of Civil Procedure Act III of 1952, and—after its entry into force—Act CXXX of 2016.

identifying the issuer, links the document to the issuer and authentically certifies the linkage together with or on the basis of data that can be unequivocally traced back to the issuer's own-hand signature; furthermore, the service provider includes the certificate of unequivocal linkage to the person in an inseparable clause attached to the electronic document and provides it, together with the document, with at least an advanced electronic seal and at least an advanced electronic time stamp.

2.10.3. If the signatory cannot read or does not understand the language of the document, a private document of full probative force is created only if it is apparent from the document itself that one of the witnesses or the authenticating person explained its content to the signatory.

2.10.4. A public document is a paper-based or electronic document issued by a court, a notary, or another authority or administrative body within its competence, in accordance with statutory provisions.

2.10.5. The power of attorney must indicate whether it authorises the entire procedure or only specific procedural acts.

2.10.6. Upon first appearance before the body competent to decide the student matter, the representative must present their power of attorney or the public document certifying their capacity as legal representative.

## **2.11. Service (delivery)**

2.11.1. In the course of handling a student matter, documents may be served on the student

a) in person,

b) by post,

c) by public notice—if more than fifty students are concerned when the procedure is initiated, or if prescribed by a College regulation,

d) electronically as defined in the Act on the general rules of electronic administration and trust services; or

e) in an electronic form not qualifying as written.

The electronic form referred to in point d) qualifies as a written form equivalent to paper.

2.11.2. If service is effected on the student in person, the duplicate of the document to be served must bear the fact and date of receipt and the student's signature.

2.11.3. Unless otherwise provided by law or regulation, the primary method of service in student matters at the College is the Neptun petition-management application.

2.11.4. For *applications to be submitted electronically*, both procedural orders (e.g. deficiency remedy, extension of deadlines) and the decision must be communicated electronically. For electronic applications, notification via Neptun message of the decision adopted in the Neptun petition-management module constitutes official notification.

2.11.5. Documents served by post must be sent with return receipt.

2.11.6. Service by public notice may be used only in compliance with the provisions on the protection of personal data. The notice may be posted on the noticeboard of the Academic Affairs Office and on *Neptun*. In such a case, the fifteenth day after posting the notice shall be deemed the day of service.<sup>12</sup>

2.11.7. In the case of *applications not submitted electronically*, electronic service may be used only if

a) the student has given prior consent; or

b) service by other means would involve disproportionate difficulties or would have adverse consequences for deciding the case within the time limit, and proof of service can be provided. Electronic service may be effected to the electronic mail address provided by the student or via Neptun.

2.11.8. These provisions—except those relating to service via *Neptun*—shall apply *mutatis mutandis* where a representative acts on behalf of the student.

2.11.9. The procedural order (deficiency remedy, written summons, request to an external body, suspension or termination of the procedure) and the decision on the merits that are the subject of service shall in all cases be assigned an outgoing registration number by the Rector's Secretariat.

2.11.10. If the postal service returns the procedural order or the decision on the merits marked "addressee refused acceptance", "not sought", "unknown", or "moved", it shall be deemed served on the date of return indicated on the return receipt. If the addressee becomes aware that the College considers the document sent to them to have been served, they may lodge an objection within fifteen days of becoming aware, but at the latest within forty-five days of service.<sup>13</sup>

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<sup>12</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

<sup>13</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

## **2.12. Summons**

2.12.1. A summons must be issued to any person whom the body (person) competent to handle the student matter wishes to hear in person.

2.12.2. The summons must indicate the acting body (person), the case number, the subject of the case, the time and place of the hearing, and the question on which and the capacity in which (e.g. witness) the person is to be heard.

2.12.3. Service of the summons shall be governed by paragraph 2.2.1.10, except that a party who appears in person may be orally summoned for a further hearing, and in urgent cases a summons may also be communicated by telephone. Unless otherwise required by the circumstances of the case, the summons must be communicated so that, to facilitate appearance, the summoned person receives it at least five days before the hearing.

2.12.4. Oral summons must be recorded in the minutes of the personal hearing, and the fact of a summons communicated by telephone must be recorded in a separate note.

2.12.5. If the party has a representative, the summons to a personal hearing must be served on both the party and their representative.

## **2.13. Calculation of time limits**

2.13.1. Time limits shall be calculated in calendar days, months, or years.

2.13.2. In a time limit fixed in days or working days, the day on which the act or circumstance giving rise to the commencement of the time limit occurred, as well as the day of notification, service, posting of the public notice and its removal, shall not be counted.

2.13.3. If the last day of the time limit falls on a Sunday or public holiday, the time limit shall expire on the next working day.

2.13.4. A time limit may be fixed by law, by a College regulation, by a call for applications, or—in the absence of such provisions—by the acting body.

2.13.5. In the absence of a different statutory provision, the duration of an outage shall be disregarded for the purpose of calculating time limits. If the Neptun system is unavailable for at least 3 hours during the 24 hours preceding the submission deadline for electronic applications, the submission deadline shall be extended by 24 hours. In this case, the adjudication time limit shall be modified accordingly.

## **2.14. Default**

2.14.1. A person who misses a time limit can no longer perform it effectively, unless otherwise provided by law or by a College regulation.

2.14.2. Missing a time limit shall not be deemed default if it was caused by a widely known natural event or other extraordinary circumstance.

2.14.3. A submission sent by post under paragraph 2.8.2 shall be deemed submitted in time if the date of posting is at the latest the last day of the time limit; an electronic submission shall be deemed in time if it is received into the system by 24:00 on the last day of the time limit.

2.14.4. In case of doubt, a time limit shall be deemed to have been observed.

## **2.15. Restoration**

2.15.1. A person who has missed a time limit through no fault of their own may submit an application for restoration.

2.15.2. The application for restoration must state the reason for the default, prove the absence of fault, and perform the omitted act.

2.15.3. Restoration is not available where excluded by law or by a College regulation, or where the newly fixed time limit set as a result of restoration is again missed.

2.15.4. The application for restoration must be submitted to the acting body within 8 days from the missed date or time limit, or from the last day following the cessation of the obstacle. If the student became aware of the default later through no fault of their own, or the obstacle ceased later, the time limit shall run from becoming aware or from the cessation of the obstacle. However, no application for restoration may be submitted after six months from the missed date or from the last day of the missed time limit.

## **2.16. Remedying deficiencies**

2.16.1. If a student's submission is incomplete—does not contain what is required by legislation, by a College regulation, in particular points a)–d) of paragraph 2.6.5 of this General Student Procedural Code, or by a call for

applications, and if necessary in view of new data that has emerged in clarifying the facts—the student must be called upon to remedy the deficiencies within a short deadline, but no more than 8 days.

2.16.2. The call to remedy deficiencies may be communicated orally, in writing—by service or by public notice.

2.16.3. The call to remedy deficiencies must specify the deficiencies and how to remedy them, and must also warn that if the person does not comply, or does not fully comply, with what is set out in the call, the acting body (person) will reject the submission or assess it on the basis of its incomplete content.

2.16.4. No deficiency-remedy procedure need be conducted in the case specified in paragraph 2.8.3.

## **2.17. Minutes**

2.17.1. Minutes must be prepared of procedural acts defined by law, government decree, or a College regulation, in particular of the public deliberation or committee meeting preceding the decision, and of any personal hearing or other evidentiary act carried out independently of this.

2.17.2. The minutes must include

- a) the designation of the acting body (person), the name of the case-handler, the subject of the case, and the file number,
- b) the name and domicile of the person involved in the procedural act, and—in the case of a student—the student ID code, their procedural status (applicant, person subject to the procedure, authorised representative, witness, expert, etc.), and any other contact details if provided,
- c) the name of the official witness used,
- d) confirmation that the person involved in the procedural act has been informed of their rights and obligations,
- e) the essential statements and findings relating to the case, and the circumstances and findings observed during the procedural acts that are material to deciding the case, including the observations of the official witness,
- f) the place and time of drawing up the minutes, and
- g) the signature, on each page, of the person involved in the procedural act, the representative of a person lacking procedural capacity, the official witness, the acting case-handler, and the minute-taker.

2.17.3. The rules on minutes shall apply, *mutatis mutandis*, to audio recordings and to audio-visual recordings, provided that they contain the items listed in points a)–f) of paragraph 2.17.2. The medium carrying the audio or audio-visual recording must be attached to the file, or a written record must be prepared of it by the conclusion of the procedure.

2.17.4. In the absence of a different statutory or regulatory provision, the acting College body (person) shall choose the form of minute-taking in line with the requirements of cost-effectiveness and efficiency. The client or other participant in the procedure may request the use of a minute-taking form they specify, subject to reimbursement of the costs involved.

2.17.5. Simplified minutes must be prepared if no minutes are taken—either at the request of the student or the person involved in the procedural act, or because the circumstances do not justify full minute-taking. The simplified minutes shall include the place and time of drawing up, the subject of the case and the file number, the name and procedural status of the person involved in the procedural act, confirmation that they were informed of their rights and obligations, the designation and brief summary of the procedural act, the name and signature of the acting case-handler, and the signature of the person involved in the procedural act. In addition, simplified minutes of an oral application shall include the client's name and domicile or registered office, and the content of the application.

2.17.6. An official note (memorandum) may be made of any other procedural act that is important for assessing the case or otherwise material in view of the nature of the case, or the procedural act may be recorded by an entry on the file. The official note (memorandum) shall contain a brief summary of the procedural act, the date of its preparation, and the name and signature of the person who prepared the note.

## **2.18. Assessment of the application/submission**

2.18.1. The student's application or submission shall be assessed by the acting body outside a hearing, at a hearing, or at a committee meeting.

2.18.2. If no rules on assessment are laid down by law or regulation, the matter shall be assessed outside a hearing, but the student may be heard in person if necessary or upon request.

## **2.19. First-instance decision**

2.19.1. The provisions of Act CL of 2016 on General Administrative Procedure (hereinafter: *Ákr.*)<sup>14</sup> shall apply to

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<sup>14</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

the first-instance decision, with “authority” understood to mean the body (person) acting at first instance.

2.19.2. The acting body (person) shall communicate its decision defined by regulation, law, or government decree to the student in writing—according to the rules on service—particularly where it imposes an obligation on the student or where the student so requests. The decision must include the reasoning and information on legal remedies. The Rector may determine, by Rector’s Order, a mandatory template for first-instance decisions.

2.19.3. The body (person) acting at first instance may, within the framework of the Ákr.<sup>15</sup> and of this General Student Procedural Code, review its own decision not yet adjudicated in a remedy procedure and, ex officio, order the correction, supplementation, amendment, or revocation of its decision if it becomes aware of circumstances giving rise to this. The corrective, supplementary, or revocatory decision must be made in the same form as the original decision, and the same remedy shall lie against it as lay against the revoked or amended decision.

2.19.4. A decision of the body (person) acting at first instance concerning a student is final<sup>16</sup> if the student does not submit a remedy application within the time limit set in paragraph 3.5.1, or has waived submission of the application.

### 3. Rules for second-instance (remedy) procedures in student affairs

3.1. The provisions of this chapter shall apply in any case where the student has the right to seek a remedy against the first-instance decision or a failure to act.

#### 3.2. Competence

3.2.1. Second-instance procedures fall within the exclusive competence of the Student Appeals Committee (hereinafter: the Committee), including applications submitted on the grounds of individual prejudice.

3.2.2. The Committee does not exercise discretion (equity).

3.2.3. In assessing a remedy application, clarification of the facts, restoration, the form and content of the decision, and the correction, supplementation, amendment, or revocation of the decision ex officio or upon application shall be governed by the Act on General Administrative Procedure (Ákr.), while in other matters<sup>17</sup> the provisions set out in Chapter 2 of the General Student Procedural Code shall apply mutatis mutandis.

#### 3.3. Jurisdiction

3.3.1. In all second-instance cases of the College’s students—including second-instance adjudication of first-instance liability (damages) and disciplinary cases—the Committee shall proceed.

3.3.2. The Committee has jurisdiction to assess all applications submitted due to failure to act.

#### 3.4. The Student Appeals Committee

3.4.1. Members of the Committee

- a) the Rector, as Chair;
- b) two teaching members;
- c) two student members;
- d) two alternate teaching members and two alternate student members.

3.4.2. The instructor members and substitute members of the Committee are elected by the Senate; the student members and substitute members are delegated by the Student Government’s Student Representation (SR).

3.4.3. If there are grounds for the Rector’s disqualification and he/she therefore may not take part in the procedure, the Chair of the Committee is the Vice-Rector for Academic Affairs.

3.4.4. An alternate teaching member or alternate student member may serve on the Committee if the teaching member or student member is disqualified and thus may not take part in the procedure, or is prevented from acting and such prevention would jeopardise compliance with the time limit for deciding the case.

3.4.5. The Rector proposes the persons of the teaching member and the alternate to the Senate.

3.4.6. The mandate of teaching members and alternates is 3 years; the mandate of student members and alternates is 1 year.

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<sup>15</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

<sup>16</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

<sup>17</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

3.4.7. A member's or substitute member's mandate terminates

- a) upon expiry of the mandate,
- b) upon termination of the employment relationship or of student status,
- c) upon recall from the Committee,
- d) upon resignation.

3.4.8. The Rector issues the letter of appointment for members and the decision on the termination of the mandate.

### **3.5. Submission of the application**

3.5.1. The student may seek a remedy against the College's decision or measure, or failure to act (hereinafter together: decision)—within fifteen days from its notification, or, in the absence thereof, from becoming aware of it—except for a decision relating to the assessment of studies. Proceedings may also be initiated against a decision relating to the assessment of studies if the decision was not based on requirements adopted by the College, or the decision is contrary to the College's Organizational and Operational Regulations, or the provisions on organising the examination were breached.

3.5.2. The student shall submit the remedy application addressed to the Rector—unless a different mode of submission is prescribed by legislation, a College regulation, or a call for applications—electronically via the Neptun petition-management module, or—in the absence of access to the Neptun petition-management module or in other exceptionally justified cases—by post (letter).<sup>18</sup>

3.5.3. If the student has not submitted the remedy application in the manner specified in point 3.5.2, the application shall be rejected on formal grounds. The application shall likewise be rejected on formal grounds (termination of the procedure) if

- a) the first-instance body revokes the first-instance decision challenged by the remedy (2.19.3),
- b) the underlying application has become irrelevant due to the termination of the student status or a semester deferment (passivation).

In the case set out in point a), a new remedy application may be submitted against the new decision.<sup>19</sup>

### **3.6. Procedure of the Committee**

3.6.1. If the remedy application seeks to change a disciplinary decision, the Disciplinary Panel of the Committee proceeds; in other cases, the General Panel of the Committee proceeds.

3.6.2. The chairs of the panels defined in paragraph 3.6.1 are the Chair of the Committee; the acting panel includes one instructor member and one student member from among the Committee's members.

3.6.3. The following may not assess the remedy application:

- a) the person who made the contested decision or failed to make the decision,
- b) a close relative of the person specified in point a),
- c) a person from whom an objective assessment of the case cannot be expected.

3.6.4. For the purposes of applying the College's regulations, a close relative is: the spouse, a relative in the direct line, an adopted, step-, or foster child, an adoptive, step-, or foster parent, and a sibling [Civil Code s. 8:1(1) point 1].

3.6.5. In tasks related to organising the work of the Committee and of the acting panels, and to preparing meetings and decision-making, minute secretaries assist the Chair of the Committee and the acting panels.

3.6.6. On the proposal of the Head of the Academic Affairs Office, the minute secretaries are appointed and dismissed by the Chair of the Committee. The rules on exclusion (recusal) shall also apply to the minute secretary.

3.6.7. No later than on the fifth working day following receipt of the application, the Chair of the Committee—having regard to any grounds for exclusion—determines the composition of the acting panel.

3.6.8. Within the deadline specified in paragraph 3.6.7, the Chair of the Committee, through the competent minute secretary—by phone and by printed or electronic letter—contacts the body (person) that proceeded at first instance for the forwarding of the documents of the first-instance procedure specified in paragraph 3.6.9. No request need be made if the documents of the first-instance procedure are fully available at the Academic Affairs Office or at the Rector's Office. In the latter case, for the duration of the remedy procedure, the competent academic case-handler or the Head of the Rector's Office shall attach them to the file within two working days following receipt of the remedy application.

3.6.9. The body (person) that proceeded at first instance must comply without delay—with a maximum of two

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<sup>18</sup> Amended by Section 4(1) of the "Amendment of the DGBC Student Requirements System due to the launch of the Mánfa correspondence programme in the 2022/2023 academic year", adopted by the Senate by Resolution No. 2/2022. (04.07.) of 7 April 2022.

<sup>19</sup> Amended by Section 4(1) of the "Amendment of the DGBC Student Requirements System due to the launch of the Mánfa correspondence programme in the 2022/2023 academic year", adopted by the Senate by Resolution No. 2/2022. (04.07.) of 7 April 2022.

working days—with the request defined in paragraph 3.6.8 by sending the following original documents:

- a) where applicable, the call for applications,
- b) the student's application and all its annexes,
- c) in the case of a committee procedure, the minutes of the first-instance procedure and its complete file (including electronic documents),
- d) a signed copy of the first-instance decision,
- e) proof of service of the decision on the student,
- f) extracts of the regulations and resolutions on which the first-instance decision was based,
- g) where not contained in the IT records system, a copy of the portion of the register sheet relating to the student—and, where there are multiple sheets, of all of them,
- h) any other document prescribed by the Chair of the Committee.

3.6.10. Within two working days following the forwarding of the first-instance documents, the Chair of the Committee examines the application to determine whether it was lodged in time and whether it contains all the prescribed elements.

3.6.11. If the application was lodged out of time, the Chair of the Committee shall reject it without examination on the merits; otherwise, they shall prepare it for adjudication on the merits.

3.6.12. If the application is incomplete, the rules on remedying deficiencies shall apply.

3.6.13. The Committee shall decide on the application within 30<sup>20</sup> days of its submission.

3.6.14. To clarify the facts, the Chair of the Committee

- a) summons the student who submitted the application and their authorised representative,
- b) calls upon the head of the committee or body that adopted the first-instance decision, or the person who adopted the first-instance decision, to make a written statement regarding the remedy application and, where necessary, simultaneously arranges for their invitation to the Committee meeting.

3.6.15. The person specified in point b) of paragraph 3.6.14, or their representative, may be present and may make statements during the student's personal hearing at the Committee meeting.

3.6.16. The failure of the student or their representative to appear—despite repeated proper notice—as well as the absence of the persons specified in paragraph 3.6.14 b) does not prevent the adoption of the decision.

3.6.17. Experts invited by the Chair of the Committee may participate in the Committee meeting with the right to speak.

3.6.18. The Committee has a quorum if the Chair and at least one additional member are present at the meeting.

3.6.19. The rapporteur in the case is the Chair of the Committee. The Chair may also direct that the minute secretary present the documents produced in the case.

3.6.20. In its decision, the Committee takes into account

- a) what is set out in the student's application and the documents attached thereto,
- b) what is set out in the reasoning of any first-instance decision,
- c) the position expressed orally or in writing by the student who submitted the application,
- d) the opinion of the head of the educational organisational unit concerned by the application,
- e) the relevant legislation and regulatory provisions,
- f) all information available for adjudicating the application.

3.6.21. The Committee adopts its decision by a majority vote. In the event of a tie, the Chair has the casting vote.

### **3.7. Second-instance decision**

3.7.1. In the matter of the remedy application, the Committee may adopt the following decisions:

- a) reject the application,
- b) instruct the party that failed to decide to take a decision,
- c) change the decision,
- d) annul the decision and instruct the decision-maker to conduct new proceedings.

3.7.2. Arrangements for service of the decision must be made within twenty-one days of submission of the application. The Academic Affairs Office ensures service of the decision.

3.7.3. The Rector may determine, by Rector's Order, a mandatory template for second-instance decisions.

### **3.8. Finality and legal force<sup>21</sup>**

3.8.1. The second-instance decision becomes final upon notification. The student may challenge the decision

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<sup>20</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

<sup>21</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

concluding the remedy procedure in administrative litigation. Submission of the statement of claim has suspensive effect.<sup>22</sup>

3.8.2. After the case has become final (whether by the first-instance decision becoming final, by the second-instance decision becoming final, or by a court decision), the documents to be kept as part of the register sheet and supporting it (SER 2.1.3.4.7.) shall be placed in the student's file at the Academic Affairs Office; copies thereof—together with the other documents produced in the case, for further archiving—shall be placed in the case file and handed over to the Rector's Secretariat.

## 4. Final and Entry-into-Force Provisions

4.1. The General Student Procedural Code enters into force on 7 July 2017. .

4.2. /Repealed/<sup>23</sup>

4.3. The text of the General Student Procedural Code was adopted by the Senate by Resolution No. 35/2017. (07.06.) of 6 July 2017.

4.4./Repealed/<sup>24</sup>

4.5.<sup>25</sup> This amendment was adopted by the Senate by Resolution No. 11/2018. (05.31.) of 31 May 2018 and takes effect on 31 May 2018; it shall apply to cases initiated thereafter.

4.6. *The present amendment to the Study and Examination Regulations, the Student Tuition and Benefits Regulations, the General Student Procedural Code, and the Admission and Transfer Regulations—effective as of its<sup>26</sup> adoption—shall be incorporated into the texts of the affected regulations. The consolidated Study and Examination Regulations and the Student Tuition and Benefits Regulations signed by the Rector and the Vice-President of the Student Representation constitute Appendices 2 and 3 to the Senate minutes; the consolidated Admissions and Transfer Regulations and the General Student Procedural Code signed by the Rector constitute Appendices 4 and 5. This amendment was adopted by the Senate in Resolution No. 2/2022. (04.07.) of 7 April 2022.*

Dated at Budapest, on 7 April 2022.

Gábor Karsai rector

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<sup>22</sup> Amended by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

<sup>23</sup> Repealed by Section 4(2) of the "Amendment of the DGBC Student Requirements System due to the launch of the Mánfa correspondence programme in the 2022/2023 academic year", adopted by the Senate by Resolution No. 2/2022. (04.07.) of 7 April 2022.

<sup>24</sup> Established by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure. Repealed by Section 4(2) of the "Amendment of the DGBC Student Requirements System due to the launch of the Mánfa correspondence programme in the 2022/2023 academic year", adopted by the Senate by Resolution No. 2/2022. (04.07.) of 7 April 2022.

<sup>25</sup> Established by: the regulation amendment adopted by Senate Resolution No. 11/2018. (05.31.) due to Act CL of 2016 on General Administrative Procedure.

<sup>26</sup> The Senate, by its Resolution No. 2/2022. (04.07.) of 7 April 2022, adopted the "Amendment of the DGBC Student Requirements System". "due to the launch of the Mánfa correspondence programme in the 2022/2023 academic year" subsections (1)–(2) of Section 5.