

4. STUDENT DISCIPLINARY AND COMPENSATION REGULATIONS¹

The Senate of The Dharma Gate Buddhist College (hereinafter: the College), pursuant to Act CCIV of 2011 on National Higher Education (hereinafter: NHEA), taking into account the expectations of the Founder regarding religious education, hereby establishes the procedure for adjudicating student disciplinary and compensation cases as follows

4.1. Student disciplinary liability

4.1.1. If a student wilfully and seriously breaches their obligations, they may, on the basis of disciplinary proceedings and by written decision, be subjected to a disciplinary penalty.

4.1.2. A student bears disciplinary liability

a) for conduct within the College by which they intentionally or with gross negligence infringe the order of the College or of the facilities operated by it, or which violates legislation, College regulations, or the house rules; and

b) also for conduct outside the College that is incompatible with student status at the College, seriously damages or endangers the good reputation of the College, or constitutes a misdemeanour or a criminal offence.

4.1.3. No disciplinary proceedings shall be instituted for student conduct, acts or omissions to which any part of the College Regulations — in particular the Study and Examination Regulations and the Student Tuition and Benefits Regulations — attaches academic consequences.

4.2. Liability for damages of the student and the College

4.2.1. If, in connection with fulfilling their academic obligations, the student unlawfully causes damage to the College or to the organiser of practical training, then — subject to the derogations set out in the NHEA — they shall be liable under Act V of 2013 on the Civil Code (hereinafter: Civil Code).

4.2.2. In the case defined in 4.2.1, in the event of negligent damage, the amount of compensation may not exceed fifty percent of the monthly amount of the minimum wage in force on the day the damage was caused. In the case of intentional damage, full compensation shall be paid.

4.2.3. The student bears full liability for any shortage or damage to items received against an inventory list or acknowledgement of receipt and subject to an obligation to return or account, provided they keep them under constant custody, or use or manage them exclusively. They shall be exempt from liability if the shortage was caused by an unavoidable event.

4.2.4. The College or the organiser of practical training is obliged to compensate the student for damage caused in connection with student status or practical training in accordance with the provisions of the Civil Code. The higher education institution or the organiser of practical training shall be exempt from liability only if it proves that the damage was caused by an unavoidable event beyond its operational sphere, or by the unavoidable conduct of the injured party.

4.2.5. If no disciplinary offence was committed in the course of the damage caused by the student, or if the student suffers damage in connection with their student status, the Director of Finance of the College shall issue a written, reasoned decision on the matter of the damage.

4.2.6. The decision shall call upon the student to acknowledge the established obligation to pay compensation and to reimburse the damage caused, or shall address the College's obligation to pay compensation.

4.2.7. For appeals against the decision and their adjudication, the provisions of the College's General Student Procedural Code (GSPR)² governing second-instance procedures in student affairs shall be applied *mutatis mutandis*.

¹ Text adopted by Senate Resolution No. 6/2017. (02.23.) dated 23 February 2017. The references in points 4.2.7, 4.3.1, 4.7.2.1, 1, 4.8.5 and 4.9.1 were corrected by Senate Resolution No. 35/2017. (07.06.) adopted on 6 July 2017.

² Reference corrected by Senate Resolution No. 35/2017. (07.06.) adopted on 6 July 2017.

4.2.8. If the same student conduct constitutes both the causing of damage and a disciplinary offence, the rules of disciplinary proceedings shall also apply to the compensation case.

4.2.9. If the student fails to fulfil their obligation to pay compensation, the Rector — with the agreement of the Director of Finance — shall decide on enforcing the College's claim before a court.

4.3. Rules of disciplinary and compensation proceedings

4.3.1. In proceedings aimed at establishing the student's disciplinary liability (hereinafter: disciplinary proceedings), the provisions of the GSPR³ on first- and second-instance procedures in student affairs shall apply with the deviations set out in these Regulations.

4.4. Persons and bodies acting in disciplinary proceedings

4.4.1. Disciplinary proceedings may be ordered by the Rector or the Vice-Rector.

4.4.2. First-instance disciplinary proceedings shall be conducted by the College Disciplinary Committee composed of a chair, one instructor member and one student member (hereinafter: Student Disciplinary Committee).

4.4.3. The instructor members of the Student Disciplinary Committee are elected by the Senate, which simultaneously decides on the election of the chair, one member, the deputy chair, and two substitute members.

4.4.4. The Student Representation of the Student Government shall delegate one member — with active student status — and two substitute members.

4.4.5. In the Chair's absence the Deputy Chair, and in the members' absence an alternate, participates in the work of the student disciplinary council.

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

4.4.7. 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.

4.4.8. If the mandate of the chair or deputy chair ends, a new chair or deputy chair must be elected. If a member's mandate ends, a substitute member shall take their place. If the operation of the committee cannot be ensured with substitute members, new members and substitutes must be elected or delegated.

4.5. Grounds for exclusion

4.5.1. The following persons may not participate in the work of the Student Disciplinary Committee:

- a) anyone who is a close relative of the student subject to disciplinary proceedings [Civil Code Section 8:1 (1) point 1],
- b) a person from whom an objective assessment of the case cannot be expected.

4.5.2. The student subject to disciplinary proceedings or their representative may lodge an objection on grounds of bias.

4.5.3. The Disciplinary Panel of the Student Appeals Committee shall decide on the objection to bias without delay. If the Panel upholds the objection, it shall appoint a new member (deputy chair); otherwise it shall dismiss the objection by order. No further remedy is available within the College against the order.

4.5.4. The provision on exclusion from exercising disciplinary powers shall also apply to the minute-keeper.

4.6. Initiation of disciplinary proceedings

4.6.1. Disciplinary proceedings are initiated upon report or ex officio knowledge.

4.6.2. For the purposes of 4.6.1 and 4.6.3, knowledge arises when the circumstance giving rise to the proceedings comes to the attention of the person entitled to initiate disciplinary proceedings [4.4.1].

4.6.3. Disciplinary proceedings may not be initiated if one month has elapsed since the discovery of the disciplinary offence, or five months have elapsed since the commission of the offence (limitation).

4.6.4. The measure ordering the initiation of disciplinary proceedings shall include the personal data of the student subject to the proceedings, a brief description of the act underlying the proceedings, and the date of the measure.

4.6.5. The student and their authorised representative shall be notified of the initiation of disciplinary

³ Reference corrected by Senate Resolution No. 35/2017. (07.06.) adopted on 6 July 2017.

proceedings, stating the reason.

4.7. Conduct of disciplinary proceedings

4.7.0. Disciplinary proceedings must be concluded within one month from the date of the measure ordering their initiation [4.6.4].

4.7.1. Service (delivery)

Documents may not be served on the student subject to disciplinary proceedings by public notice, electronically or by fax; periods for service do not apply.

4.7.2. Summons

4.7.2.1. As to the content and service of the summons to the disciplinary hearing, the provisions of GSPR 2.12.1⁴ shall apply mutatis mutandis, provided that oral summons may be used only for a party personally present and only for a subsequent hearing.

4.7.2.2. In disciplinary proceedings, summons by telephone is not permitted.

4.7.2.3. Oral summons shall be recorded in the minutes of the hearing.

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

4.7.2.5. The student subject to disciplinary proceedings shall be informed in the summons that they have the right to submit their defence in writing and that their absence shall not prevent holding the disciplinary hearing and adopting a decision.

4.7.2.6. The student subject to the proceedings, witnesses and experts shall be summoned so that they receive the summons in writing at least 8 days before the hearing.

4.7.2.7. All students, instructors, adjunct lecturers, teachers, researchers and other employees of the College, as well as persons engaged under other work-related legal relationships, are obliged to comply with a summons issued in disciplinary proceedings, to cooperate in good faith with the Disciplinary Committee, and to hand over any physical evidence in their possession to the Committee — for the duration necessary for the proceedings and against a recorded receipt. This obligation constitutes a material obligation arising from student, employment or other legal relationships; a breach may give rise to disciplinary proceedings for students and to employer measures or civil law consequences for instructors, teachers, researchers and employees.

4.7.3. Hearing and taking of evidence

4.7.3.1. The hearing shall be chaired by the chair of the Student Disciplinary Committee.

4.7.3.2. The chair shall ensure compliance with the provisions of the Disciplinary Regulations, maintain order at the hearing, and ensure that persons participating in the proceedings can exercise their rights.

4.7.3.3. Minutes shall be kept of the disciplinary hearing.

4.7.3.4. The provisions of GSPR 2.17⁵ shall apply to the minutes of the disciplinary hearing, with the modification that the minute-keeper shall be appointed by the chair of the Student Disciplinary Committee, and the minutes shall be signed by the chair, one student member and the minute-keeper.

4.7.3.5. The Student Disciplinary Committee shall clarify the facts necessary for decision-making. If the available data are insufficient, it shall conduct evidentiary proceedings ex officio or upon request.

4.7.3.6. Facts officially known to the Student Disciplinary Committee and facts of common knowledge need not be proven.

4.7.3.7. Any evidence suitable for facilitating the clarification of the facts may be used in the Student Disciplinary Committee's proceedings. Evidence includes in particular: the student's statement, documents, witness testimony, minutes of an inspection, expert opinion, minutes of a committee check, and physical evidence.

4.7.3.8. The Student Disciplinary Committee shall freely select the means of proof to be applied.

4.7.3.9. The Student Disciplinary Committee shall evaluate the evidence individually and as a whole and establish the facts according to its conviction based thereon.

4.7.3.10. During the disciplinary proceedings, the student subject to the proceedings must be heard and be enabled to present their position and defence. If at the hearing the student disputes the alleged breach of obligation, or clarification of the facts otherwise so requires, a formal hearing must be held.

4.7.3.11. The student must be invited to the formal hearing. The disciplinary hearing may be held even if the student or their authorised representative fails to appear despite due notification. If the student initiated the

⁴ Reference corrected by Senate Resolution No. 35/2017. (07.06.) adopted on 6 July 2017.

⁵ Reference corrected by Senate Resolution No. 35/2017. (07.06.) adopted on 6 July 2017.

disciplinary proceedings, they must be initiated and conducted.

4.7.3.12. If the student's request for evidence is refused, the reason shall be stated in the disciplinary decision, unless it is established that the student did not commit a disciplinary offence.

4.7.3.13. After taking evidence, the Student Disciplinary Committee shall adopt its decision in a closed session by simple majority and shall announce it.

4.7.3.14. The Committee shall reduce the decision to writing within 8 days from its announcement and serve it on the parties concerned.

4.7.4. Ensuring the right of defence

4.7.4.1. Upon request, the Student Disciplinary Committee shall provide assistance to enable the student subject to the proceedings to properly exercise their rights and fulfil their obligations.

4.7.4.2. To ensure the fulfilment of 4.7.4.1, the Student Disciplinary Committee shall provide the student subject to the proceedings, if they have no legal representative, with the necessary information on their procedural rights and obligations.

4.7.4.3. The student subject to the proceedings or their legal representative may inspect the case files. In the case of documents containing secrets, the right to inspect and make copies may be exercised upon making a written declaration undertaking confidentiality.

4.7.5. Publicity of the disciplinary formal hearing

4.7.5.1. The Student Disciplinary Committee shall adjudicate the disciplinary case at a public formal hearing.

4.7.5.2. The Committee may, by a reasoned decision, exclude the public from all or part of the formal hearing if absolutely necessary to preserve business or other secrets.

4.7.5.3. The Committee may also exclude the public ex officio or upon the request of the student subject to the proceedings if this is justified to protect the student's rites to privacy.

4.7.6. Suspension of disciplinary proceedings

4.7.6.1. If criminal proceedings are pending against the student subject to disciplinary proceedings in the same case, the disciplinary proceedings must be suspended until they become final; or — if, for reasons beyond the student's control, their hearing pursuant to 4.7.3.10 or their participation in the formal hearing is not possible — at most until the obstacle ceases.

4.7.7. Decisions in disciplinary proceedings

4.7.7.1. The decision may impose a disciplinary penalty or terminate the disciplinary proceedings.

4.7.7.2. Disciplinary penalties are:

- a) reprimand,
- b) severe reprimand,
- c) reduction or withdrawal — for a period of up to six months — of the benefits and allowances defined in the Student Tuition and Benefits Regulations,
- d) suspension from studies for a fixed term — up to two semesters,
- e) expulsion from the College.

4.7.7.3. In determining the disciplinary penalty, account shall be taken of all the circumstances of the act — in particular the circle of those aggrieved, the consequences, any repetition of the unlawful conduct, and the seriousness of the act. Social support may not be withdrawn as a disciplinary penalty under point c) of 4.7.7.2. Imposition of the penalties under points d)–e) of 4.7.7.2 entails the permanent or temporary withdrawal of benefits and allowances connected with student status. During the period of the penalty defined in point d) of 4.7.7.2, student status is suspended. The initiation of disciplinary proceedings and the imposition of a disciplinary penalty are not influenced by the student's academic performance.

4.7.7.4. The operative part of the decision imposing a penalty shall include the following data of the student held liable:

- a) personal data,
- b) designation of the disciplinary offence committed,
- c) the disciplinary penalty applied,
- d) information on the possibility of appeal.

4.7.7.5. The statement of reasons for the decision imposing a penalty shall include:

- a) the established facts,
- b) identification of the evidence,
- c) the circumstances taken into account when imposing the penalty,
- d) reference to the provisions on which the disciplinary penalty is based.

4.7.7.6. In student disciplinary proceedings, the use of templates is not permitted.

4.7.8. Termination of disciplinary proceedings

4.7.8.1. The Disciplinary Committee shall adopt a decision terminating the proceedings if:

- a) the act committed is not a disciplinary offence or was not committed by the student subject to the proceedings,
- b) commission of the disciplinary offence cannot be proven,
- c) the disciplinary offence is time-barred (4.6.3),
- d) the act underlying the proceedings has already been finally adjudicated through disciplinary channels,
- e) in lieu of a penalty, the Committee applies a warning to the student.

4.7.8.2. The measure defined in point e) of 4.7.8.1 may be applied if the act committed by the student is of minor gravity and the expected effect is likely to be achieved without a disciplinary penalty.

4.7.9. Enforcement of the decision

4.7.9.1. The Rector shall arrange for enforcement of the final disciplinary decision through the Academic Affairs Office.

4.8. Exemption from the effect of a disciplinary penalty

4.8.1. The student may, upon request, be exempted by the Rector — after at least half of the period has elapsed — from the effect of the disciplinary penalties defined in points c)–d) of 4.7.7.2.

4.8.2. The student may submit the request for exemption from the effect of the disciplinary penalty to the Disciplinary Committee that acted at first instance, which shall forward the complete case file to the Rector within 5 days.

4.8.3. The Rector shall decide on exemption within 8 days on the basis of the available documents. Before making a decision, the Rector must hear the student in person. If the student fails to appear following due summons, their absence shall not prevent a decision.

4.8.4. The Rector's decision may be:

- a) rejection of the request, or
- b) exemption of the student from the effect of the disciplinary penalty.

4.8.5. Otherwise, for the Rector's decision, its content and service, the provisions of the GSPR⁶ on first-instance procedures in student affairs shall apply, and for appeal against the decision, the provisions of the GSPR⁷ on second-instance procedures in student affairs shall apply.

4.8.1.0. Exemption from adverse consequences attached to a disciplinary penalty

4.8.1.1. The student shall be exempt — without request and without a decision to that effect — from the adverse consequences attached to the disciplinary penalty:

- a) in the case of a reprimand, upon the decision becoming final,
- b) in the case of other penalties, upon expiry of the time limit imposed in the decision.

4.8.1.2. In the case of expulsion, the Disciplinary Panel of the Student Appeals Committee may, upon the former student's request, adopt a decision granting exemption, provided that at least two years have elapsed since the decision became final.

4.8.1.3. In the event of exemption, the disciplinary decision must be deleted from the register of effective disciplinary measures, and the (former) student must be notified of this in writing.

4.9. Second-instance disciplinary proceedings

4.9.1. For appeals against first-instance disciplinary decisions and their adjudication, the rules of the GSPR⁸ on second-instance procedures in student affairs shall apply with the deviations specified in this section, provided that where the GSPR⁹ provides for a meeting or personal formal hearing, a "hearing" shall be understood in second-instance student disciplinary proceedings.

4.9.2. In second-instance student disciplinary proceedings, requesting a statement from the Student Disciplinary Committee that adopted the first-instance decision regarding the appeal and inviting its members to the hearing shall be omitted.

⁶ Reference corrected by Senate Resolution No. 35/2017. (07.06.) adopted on 6 July 2017.

⁷ Reference corrected by Senate Resolution No. 35/2017. (07.06.) adopted on 6 July 2017.

⁸ Reference corrected by Senate Resolution No. 35/2017. (07.06.) adopted on 6 July 2017.

⁹ Reference corrected by Senate Resolution No. 35/2017. (07.06.) adopted on 6 July 2017.

4.9.3. The rapporteur in second-instance student disciplinary cases shall in all cases be the chair of the Student Appeals Committee.

4.9.4. The rules on service, summons, minutes, ensuring the right of defence, suspension and termination of proceedings applicable to first-instance disciplinary proceedings shall apply mutatis mutandis.

4.9.5. In second-instance student disciplinary proceedings, no instruction may be given for decision-making. If the Disciplinary Panel of the Student Appeals Committee alters the first-instance decision, it may only order the imposition of the disciplinary penalties defined by law or the termination of the proceedings.

4.10. Final provisions

4.10.1. DGBC Student Disciplinary and Compensation Regulations (HFKSz) were adopted by the Senate on 29 November 2007.

4.10.2. These consolidated Student Disciplinary and Compensation Regulations, incorporating amendments, shall enter into force on 24 February 2017 on the basis of Senate Resolution No. 6/2017. (02.23.) dated 23 February 2017.