



Procedure for the Assessment of First Instance Applications and Legal Remedy Requests in Relation to Student Status

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**Procedure for the Assessment of First Instance Applications and Legal
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SCOPE OF THE REGULATION

1.§

- (1) The Procedure for the Assessment of First Instance Applications and Legal Remedy Requests in Relation to Student Status (hereinafter: 'SSP' or 'Regulation') of the Corvinus University of Budapest (hereinafter 'University') shall apply, together with the specific rules referred to in subsection (8) of this section to assessing and taking a decision on first instance student applications regarding student status in the following categories, as well as to assessing legal remedy requests against a decision of the University at first instance, against a measure taken by the University or its failure to act, and to taking a decision at second instance.
 - a) higher education admission matters,
 - b) study and examination matters, including matters relating to courses taken at a higher education institution abroad,
 - c) matters related to student fees and benefits,
 - d) disability matters.
- (2) The scope of the SSP does not cover procedures not listed in subsection (1), in particular:
 - a) students' disciplinary and compensation,
 - b) ethical and
 - c) equal opportunities matters,
 - d) first and second instance procedures related to the recognition of foreign diplomas and certificates for the purpose of further studies, and
 - e) cases where the student raises a question, makes a request, a comment, a complaint or asks for an investigation, but this does not constitute either a request or decision at first instance or a legal remedy request or a decision at second instance in any of the above matters.
- (3) The scope of the SSP does not cover first and second instance procedures with regard to the matters of participants of programmes delivered within the framework of adult education subject to Act LXXVII of 2013 on Adult Education.
- (4) The scope of the SSP does not extend to cases where the University and the student agree on the provision of a service under Act CCIV of 2011 on National Higher Education. In the event of a breach of the agreement, the aggrieved party may enforce his/her rights under civil law.
- (5) The personal scope of the SSP applies to all persons covered by the scope of the Admission Regulations, the Study and Examination Regulations, the Regulations on Student Fees and Benefits, the Regulations ensuring equal academic opportunities for students with disabilities and the Regulations on courses taken at a higher education institution abroad.
- (6) The personal scope of the SSP covers all persons, organisational units and bodies involved in assessing requests in relation to student status, as well as all lecturers, researchers, external lecturers, researchers working under an engagement contract, teachers and other

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staff involved in teaching and educational administration in any capacity in first instance and legal remedy proceedings.

- (7) The territorial scope of this Regulation extends to all the places of delivery where the University offers programmes.
- (8) The specific rules on the procedure for the assessment of applications at first instance in relation to student status are set out in the regulations forming part of Volume III of the Rules of Organisation and Operation, Student Requirements, it being understood that the provisions of these regulations relating to the assessment of applications in relation to student status shall be applied in conjunction with the provisions of the SSP. The specific rules governing the assessment of applications relating to student status shall apply if they contain specific rules compared to the SSP.

RELATED REGULATORY DOCUMENTS

2.§

- (1) Enabling legislation for formulating the present Regulation: Act CCIV of 2011 on National Higher Education (hereinafter Nftv).
- (2) Related legislation and internal regulatory documents:
 - a) Act CCIV of 2011 on National Higher Education (hereinafter referred to under the Hungarian abbreviation:), 'Nftv'),
 - b) Gvt. Decree No. 87/2015 (9 April.) on certain provisions of Act CCIV of 2011 on National Higher Education (hereinafter referred to as: Vhr),
 - c) Act CL of 2016 on General Public Administration Procedures (hereinafter referred to under the Hungarian abbreviation: Ákr.),
 - d) Act I of 2017 on the Code of Administrative Litigation,
 - e) Admission Regulation (hereinafter: AR),
 - f) Study and Examination Regulations (hereinafter: SER),
 - g) Regulations on Student Fees and Benefits (hereinafter: RSFB),
 - h) Regulation ensuring equal academic opportunities for students with disabilities (hereinafter referred to as DR),
 - i) Doctoral (PhD) Regulation,
 - j) Regulation on Study Abroad,
 - k) Rules of procedure of first instance committees and the Student Appeals Committee.

DEFINITIONS

3.§

- (1) For the purposes of the SSP:
 - a) provisions on student status: a rule contained in legislation and in internal regulatory documents, in particular the Student Requirements and the Vice Rector's Provisions



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for their implementation, which establishes rights and obligations for the student, in particular in admission matters, fees and benefits;

- b) Student requirements (hereinafter referred to as: SR): Volume III of the University's Organisational and Operational Rules pursuant to the provisions of the Nftv, divided into:
- Admission Regulation,
 - the present Regulation, that is, The Procedure for the Assessment of First Instance Applications and Legal Remedy Requests in Relation to Student Status,
 - Study and Examination Regulations,
 - Regulations on Student Fees and Benefits,
 - Regulations ensuring equal academic opportunities for students with disabilities,
 - Student Disciplinary and Compensation Regulation,
 - Accident prevention regulations for students,
 - Doctoral Regulations,
 - Regulation on courses taken at a higher education institution abroad.

CHAPTER I

**PROCEDURE FOR THE ASSESSMENT OF FIRST INSTANCE APPLICATIONS IN
RELATION TO STUDENT STATUS**

BASIC PROVISIONS

PERSONS, BODIES INVOLVED

COMPETENCE, EXAMINATION OF COMPETENCE

4.§

- (1) The competence of the persons or bodies acting at first instance in student cases (hereinafter: persons and bodies acting in student cases) shall be governed by the provisions of paragraph a) of Section 3(1) on student status.
- (2) Persons and bodies involved in the student matter shall act in matters falling under their competence. If this obligation is not fulfilled within the time limit for administration, the student may submit a request for legal remedy for failure to fulfil the procedural obligation.
- (3) The persons and bodies acting in the student case must check their competence and authority at all stages of the procedure. If they find that they lack competence, they shall immediately transfer the case to the competent person or body in accordance with Section 18 of the present Regulation.

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LANGUAGE OF THE PROCEDURE

5.§

- (1) The language of first instance proceedings is Hungarian or English.

EXCLUSION

6.§

- (1) Any person whose rights or legitimate interests are directly affected by the case shall be excluded from the administration of the case.
- (2) In addition, a person who cannot be expected to give an objective assessment of the case may not participate in the administration of the case.
- (3) Once a reason for exclusion has been identified, it must be notified to the appointing authority. The reason for exclusion may also be notified by the student concerned by the procedure.
- (4) The appointing authority decides on the exclusion, if necessary appoints another person/body to act in the student case as well as decides whether the procedural steps taken by the excluded person/body should be repeated.
- (5) If the reason for the exclusion has been declared by the student, a decision on the exclusion must be taken and communicated to the student.

REPRESENTATION

7.§

- (1) The student will primarily act in person in the administration of the case.
- (2) An authorised representative of a student under a power of attorney incorporated in a private document or an authentic instrument with full probative force as defined in Act CXXX of 2016 on the Code of Civil Procedure or his/her legal representative may also act for the student.
- (3) The student may also provide a permanent authorisation or an authorisation which is valid until revoked, on the basis of which the representative may act on behalf of the student in any student administration matter during the existence of the student status.
- (4) A legal representative may act on behalf of a minor student.
- (5) The model power of attorney issued by the University shall be used.
- (6) If the student exercises his/her rights through a representative, the student may be present at the procedural acts, but -the rights to which the student is entitled under this Regulation - may be exercised by the representative, and the obligations of the Committee towards the student must be fulfilled towards the representative. This does not prevent the person/body acting in the student case from asking a question from the student or the student from requesting the floor.

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DATA PROCESSING

8.§

- (1) The person/body acting in the student case shall manage the identification data of natural persons necessary to identify the student and other participants of the procedure and the personal data specified in the rules governing the type of case, as well as other personal data strictly necessary for the effective conduct of the procedure, unless otherwise provided by law.

DOCUMENT MANAGEMENT, APPLICABLE FORMS

9.§

- (1) The standard forms for applications in student matters, as well as standard decisions and other standard documents, are prepared by Legal, Administrative and Regulatory Services at the initiative of Student Services. The content and form of the application, the standard form to be used in the given case, may also be stipulated by law or by a call for applications.
- (2) The rules on the management of documents are set out in the Regulation on Document Management or where a committee is the decision-making body, in its rules of procedure.
- (3) The certified documents must be stored in a secure place in such a way that only persons designated as authorised persons in the rules of the higher education institution have access to them. The detailed rules thereof are set out in the Regulation on Data Management.

ACCESS TO DOCUMENTS

10.§

- (1) The student may inspect the documents generated during the procedure at any stage of the procedure and after its completion until the decision becomes final.
- (2) The witness may access the document containing his or her statement, and the owner of the object that is subject to inspection may access the document drawn up on the inspection.
- (3) A third party may have access to the document if he or she proves that access is necessary to exercise a right of access and/or to comply with an obligation imposed on him or her by law or by a judicial or administrative decision.
- (4) No access shall be granted to a document or part of a document from which an inference may be drawn about protected information or personal data the disclosure of which is not subject to the conditions laid down by law, unless the non-availability of the data, excluding classified data, would prevent the person entitled to access the document from exercising his or her rights under this Regulation or by legislation.
- (5) The draft decision may not be inspected.
- (6) Access to the file must be granted if the conditions for access are met.
- (7) During the inspection, the person entitled may, at his or her own expense, take copies or make extracts, which shall be certified by the authority on request.

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- (8) If access to the file is to be refused, a decision thereon must be taken.

RULES OF PROCEDURE OF THE COMMITTEES

11.§

- (1) The rules on the functioning of the committee shall be specified in their rules of procedure, taking into consideration the following:
- a) The committee may exercise its competences once it has been fully constituted and has adopted its rules of procedure.
 - b) The Chairperson shall be responsible for preparing the rules of procedure of the committee, which shall be approved by the Vice-Rector for Education after legal review and shall be published on the website of the University.
 - c) The Committee shall have quorum if the majority of its members is present.
 - d) The committee shall take decisions by simple majority.
 - e) In straightforward cases the committee may delegate its competences to the chairperson of the committee in its rules of procedure.
 - f) The Committee may take decisions with the members being present in person, in a meeting conducted through an online platform not requiring personal presence that ensures simultaneous presence, as well as by written vote.
 - g) The meetings of the Committee are not open to the public and may be attended only by members and persons invited by the Chair.
 - h) The form of decision-making (with personal presence, through an online platform not requiring personal presence that ensures simultaneous presence, or in writing) and the agenda of meetings are set by the Chair, and the Chair calls and chairs the meetings.
 - i) Members may not be replaced at the session, except the ex officio members who may be replaced by their deputy, as specified in their job description. If an alternate member has been elected, the alternate member replaces the member who resigns or otherwise definitely ceases to be a member. An alternate member may, at the request of the Chairperson, replace a member who is affected by conflict of interest in the given matter or who is absent, either in the matter affected by the conflict of interest or during the period of the absence.
 - j) The proposals to be discussed by the committee shall be prepared with the contents defined by the Chairperson.
 - k) The chairperson may also decide to use assistants, who are not entitled to act in the committee's capacity, but may participate in the preparatory, administrative and monitoring work falling within the committee's remit.
 - l) If a committee acts as a decision-maker, its decisions shall be set out in a resolution, in which the University shall be represented by the chairperson of the committee. Copies may be certified by a member of the Committee designated by the Chair of the Committee or by a member of the Student Services staff designated by the Chair of

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the Committee. If the committee does not have decision-making powers, but has the power to prepare decisions and give opinions, it shall record its opinion or proposal in minutes or in a memorandum.

- m) The Committee shall lay down its rules of procedure, including the rules for the involvement of students to give an opinion in the assessment process.
 - n) The Committee's sessions shall be minuted.
- (2) The Chairperson of the Committee shall be responsible for the website of the Committee and for updating the contents thereof. If the committee does not have its own website, the committee's details under this paragraph should be displayed on the website of Student Services. At least the names of the Chairperson, the members and the Secretary, if any, a short description of the committee's duties as well as its rules of procedure shall be published on the website.

GENERAL RULES OF COMMUNICATION

12.§

- (1) The University shall communicate with students and participants in the procedure in writing, by electronic way of electronic means as defined in the Act on the General Rules for Trust Services and Electronic Transactions (in the case of the University, through the Official Gateway and the student's customer port of entry) (hereinafter together referred to as "in writing"), and in person or by electronic means not constituting written communication (hereinafter together referred to as "orally"). The official channel of communication between the University and the student is primarily Neptun, therefore, where possible, Neptun should be used.
- (2) The above does not preclude the competent person/body from conducting consultations with and providing information to the student orally or in electronic form (e.g. e-mail, Teams), if the content and date thereof can be proved during the procedure.

CALCULATING DEADLINES

13.§

- (1) The time limit may be set by law, by the Student Requirements (SR) or other university regulations, as well as a call for applications, or in the absence of provisions to that effect, by the body involved at first instance.
- (2) Deadlines are calculated in calendar days, months and years.
- (3) The time limit set shall not include the date of the occurrence of the act or circumstance giving rise to the commencement of the time limit, nor the date of the communication, service, publication and removal of the notice.
- (4) The period fixed in months or years shall expire on the day which corresponds to the number of the start day or, if there is no such day in the month of expiry, on the last day of the month.
- (5) Deadlines may be extended if provided for by law, the SR or other university regulations, or by the relevant call for applications.

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- (6) If the last day of the deadline is a day on which the University is closed for business, the deadline expires on the next working day, except for the time limit for administration.
- (7) In case of doubt, the deadline shall be deemed to have been met.

LAUNCHING THE PROCEEDINGS

14.§

- (1) In student cases, the procedure may be initiated ex officio or at the request of the student.
- (2) The procedure shall be initiated ex officio if the University is required or authorised to do so by law, the SR or other university regulations, and also if the student comes forward on the basis of a call made by the University to all or some of the students pursuant to law, the SR or other university regulations.
- (3) A procedure is initiated at the student's request if the student is entitled to initiate the procedure under the law, the SR or other university regulations.
- (4) If the procedure requires the payment of a fee by the student, as provided for by law, the SR or other university regulations, or by the relevant call for applications, the procedure may be initiated only if the fee is paid and proof of payment is provided.

TIME LIMIT FOR ADMINISTRATION

15.§

- (1) Unless otherwise provided by law, by the SR or other university regulations, or by a call for applications, the first-instance decision shall be taken and communicated within thirty (30) days of the date specified in subsection (2).
- (2) The time limit starts on the day following the date of receipt of the application by the person/body acting in the student case or, in the case of ex officio proceedings, on the day of the first procedural step.
- (3) The time limit for the administration does not include the following:
 - a) the time it takes to resolve the question of competence and authority (i.e. while the person/body acting in the student case is considering whether the case falls within his/her/its competence),
 - b) the period from the date of the request to correct deficiencies, to provide the information necessary to clarify the facts until the date on which this is fulfilled,
 - c) the time needed to prepare the expert opinion,
 - d) the duration of the proceedings of the competent authority or expert,
 - e) the period for which the procedure is suspended,
 - f) the duration of a system breakdown or other unavoidable event (e.g. Neptun outage) that prevents the person/body acting in the student case from operating for at least one full day,
 - g) the period during which administration at university level is suspended (i.e. the period of university shutdown),

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- h) the duration of the client's omission or delay.
- (4) The person/body acting in the student case may, in justified cases, extend the time limit for the administration of the case by one (1) time before the expiry of the time limit, up to the duration of the relevant time limit for administration. When doing so, the student must be informed of the extension and the reasons for the extension must be explicitly stated.

THE APPLICATION

16.§

- (1) Applications, requests may be submitted by students using the relevant form issued by the University. If no form is issued for the case in question, the student may submit his/her application in an informal format.
- (2) The application in the student case must include at least:
- a) the student's name, the student's identification number (NEPTUN code), the name of the programme, the code of the programme where he/she studies and to which the application relates,
 - b) in the case of a paper-based application, in addition to the information listed in paragraph a), the temporary address provided in Neptun or, in the absence of such an address, the place of residence,
 - c) the name of the person or body acting in the student's case to whom the application is addressed,
 - d) a application itself addressed to the person/body acting in the student's case,
 - e) as far as possible, the facts on which the application is based and any supporting evidence (in particular, documents duly substantiating the grounds on which the application is based),
 - f) where possible, an indication of the legal or regulatory provision on which the application is based,
 - g) the date of the application, in the case of a paper-based application, the student's signature or at least his/her advanced electronic signature, in the case of requests submitted via Neptun or via the customer port of entry, the name of the student and the "signed in my own hand" indication,
 - h) if a representative acts on behalf of the student, a power of attorney in the form of a private document or authentic instrument with full probative force,
 - i) where the RSFB makes the opening of the procedure subject to the payment of a specific fee and where there is no other means of verifying the payment of the fee, a document proving the payment of the fee.
- (3) Paper-based applications must be submitted to Student Services, addressed to the person or body acting in the matter, unless otherwise provided for in the SR and other University regulations governing the student case.

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- (4) The date of submission of the application is the date of its submission in Neptun, the date of its posting in the case of submission by post, or the date of actual receipt in the case of personal delivery.
- (5) The deadline for submission of applications shall be the deadline set out in SR and other university regulations governing student affairs.
- (6) Persons with student status and former students should submit the rapplication via Neptun. An application may be submitted through the customer port of entry, by personal delivery or by post if this is expressly permitted in the relevant regulation. Persons who have not yet acquired student status at the University may submit their application via the customer port of entry, in person or by post.
- (7) Any application or request handed in by the student shall be deemed authentic:
 - a) If submitted via Neptun, without the student's signature
 - b) if submitted through the customer port of entry, using the document authentication service offered by the government (AVDH),
 - c) if submitted by personal delivery or by post, with the student's signature.
- (8) In the case of an application subject to a fee, the initiation of the procedure (submission of the application) and thus the substantive examination of the application is conditional on the payment of the fee within the time limit.

ACTION TAKEN ON THE APPLICATION

17.§

- (1) The person/body acting in the student case shall examine the application and the case files and shall take a decision on the following within eight (8) days, not including the period available for correcting deficiencies:
 - a) in the absence of competence, about referring the case to another person/body or
 - b) about rejecting the application without examining the merits and terminating the procedure, or
 - c) if these conditions are not fulfilled and the application can be considered on the merits, about initiating the procedure.

REFERRAL OF THE CASE

18.§

- (1) If it is necessary to refer the case to another person/body and if the person/body acting in the student case is able to do so, he/she/it shall refer the case ex officio by forwarding the request to the competent authority, at the same time closing the case with a note (e.g. by adding a note to the application on paper, or by an official entry in the case of an electronic document) stating that "the case has been referred to the competent authority".
- (2) If a referral is necessary, but a referral is not possible under subsection (1) above, the request shall be returned to the student for rectification, along with a notification of the

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competent authority, the deadline and the place where the request can be submitted to the competent authority.

CORRECTING DEFICIENCIES

19.§

- (1) If the student has not submitted all the documents required to launch the procedure and this is permitted by the SR and/or the call for applications, he/she may remedy the deficiency.
- (2) It is possible to correct deficiencies if this is expressly permitted by the SR and/or the call for proposals.
- (3) If the application is incomplete, it is the responsibility and obligation of the student to provide the supporting evidence and certificates.
- (4) If correcting deficiencies is allowed and the application does not comply with the requirements set out in Section 16, the person/body acting in the student case shall, within a maximum of five (5) working days from the date of receipt of the application, invite the student to correct deficiencies, setting a deadline of at least four (4) working days, and warns the student of the legal consequences of his/her failure to do so. A call for proposals may exceptionally set a shorter time limit for correcting deficiencies.
- (5) A request to remedy deficiencies may also be issued if the application complies with the requirements set out in Section 16, but new information that has emerged in the course of clarifying the facts makes it necessary.
- (6) If the student fails to remedy the deficiency during the period available to correct deficiencies, or fails to comply with the requirements of the request to remedy deficiencies by the deadline specified in the request, the person/body acting in the student case shall assess the request on the basis of the available information or terminate the procedure. In case of applications submitted in Neptun, the above rule shall be applied in such a way that if the student resubmits (closes) the application returned for correcting deficiencies by the end of the period available for remedying deficiencies, the person/body acting in the student case will assess the application on the basis of the available data or will terminate the procedure.
- (7) The request to remedy deficiencies must be issued in the form and manner in which the student submitted the application.

APPLICATION FOR JUSTIFICATION

20.§

- (1) An application for justification may be submitted if this is not excluded by law, by the SR or other university regulations, or based on the foregoing, by the call for applications.
- (2) If an application for justification is permitted under subsection (1) and the student has missed a delivery date or deadline through no fault of his/her own, he/she may submit an application for justification.

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- (3) The decision on the application for justification is taken by the person/body acting in the student case whose procedure was affected by the omission.
- (4) If the person/body acting in the student case has observed the delivery date/deadline for notifying, informing the student or communicating the decision to him/her, as provided for by the relevant legislation, the SR, other university regulations, or the call for applications, there is no room for an application for justification on the grounds that the notification, information or communication of the decision was not made by postal delivery or that the student was not aware of the deadline.
- (5) The application for justification may be submitted after the date on which the student became aware of the omission or the obstacle was removed, within a period that is equal to the period available for the procedural step subject to justification, but no later than forty-five (45) days from the missed delivery date or the last day of the deadline.
- (6) The omitted act must also be made up at the time of submitting an application for justification.
- (7) If the person/body acting in the student case accepts the application for justification, the missed delivery date or deadline is deemed to have been met. To this end, the person/body acting in the student case shall amend or revoke his/her/its decision, and if the decision terminating the procedure is revoked, the procedure shall be continued and certain procedural steps shall be repeated. The restrictions set out in subsections (1) **Hiba! A hivatkozási forrás nem található.**(4) of Section 29 shall not apply to amendment or revocation on the basis of an application for justification.
- (8) It shall not be considered as a failure to comply with the time limit if such failure is due to a well-known fact or other exceptional circumstances.
- (9) No further application for justification shall be allowed if the deadline of the procedural act repeated on the basis of the application for justification is missed.

ASSESSING THE APPLICATION, CLARIFYING FACTS

21.§

- (1) Each application will be considered on its merits.
- (2) The person acting in the student case must clarify the facts necessary for taking a decision. If the available information is insufficient, he/she/it will carry out an examination of evidence.
- (3) Evidence that is suitable for clarifying the facts may be used in the procedure undertaken by the person/body acting in the student case. Evidence includes, in particular: the applicant's (student's) statement, the document (instrument, correspondence, etc.), the witness' statement, the inspection report, the expert opinion, the inspection report and any physical evidence. In particular, data Neptun, the University's official text checking software, Moodle and any software officially used by the University and any data stored by them (e.g. IP address) may be used as evidence of the student's academic record and student status.

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- (4) If necessary to clarify the facts, the person/body acting in the student case may also hear the student orally. The student may refuse to make a statement. The student is entitled to make a written or oral statement or to request in writing that the procedure be conducted without an oral hearing. If the student fails to appear at the hearing despite having been duly notified and does not request in writing that the procedure be conducted in absentia by the time of the hearing, the person/body acting in the student case may terminate the procedure or take a decision on the basis of the information available to him/her/it. The student also has the right to request that the Committee proceed without hearing him/her by sending a message from his/her official university e-mail address.
- (5) In order to clarify the facts of the student case, the person/body acting in the student case may contact an organisational unit, committee or university staff member to request an expert opinion, and another person delegated by the person contacted may act on their behalf. The person contacted shall respond to the request within the time limit set by the person/body acting in the student case.
- (6) The person/body acting in the student case may hear any witness if the person/body acting in the student case considers it necessary. A witness may not be heard if he or she cannot be expected to give meaningful evidence, in particular if bias can be established.
- (7) The identity of the witness must be established at the beginning of the hearing. The witness must declare his or her relationship with the student and whether he or she is biased. The fact that the witness may be biased shall be recorded in the minutes on the basis of the statement. A witness who has not yet been heard may not be present during the hearing of the student, other witnesses or the expert.
- (8) The student has the right to be present at hearings and other examination of evidence to clarify the facts, to ask questions to the persons interviewed and to submit comments on the evidence, except for the hearing of a person whose identification data and address have been ordered to be handled restrictively by the person/body acting in the student case.
- (9) There is no need to prove facts that are officially known to the person/body acting in the student case and that are well-known.
- (10) The person/body acting in the student case shall assess the evidence individually and overall and establishes the facts and reaches a decision in the light of the conviction that he/she/it has come to on that basis.
- (11) With regard to the time limits set out in the SSP, in the case of a committee (body) procedure in a student case, the chairperson of the committee may decide on procedural issues between meetings, such as rejecting the case without examining the merits (e.g. application submitted past the deadline, application from a non-eligible person), referring the case to another body, requesting an application for justification, accepting an application for justification, issuing a summons, notice, request, and rejecting the application without examining the merits due to delay or terminating the procedure for this reason, as well as forwarding the appeal against the first instance decision to the Student Appeals Committee. The chairperson of the committee (body) shall inform the committee (body) of the decisions taken in the cases provided for in this subsection at the forthcoming meeting of the committee (body).

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NOTICE, REQUEST

22.§

- (1) If the person/body acting in the student case wishes to hear the student in person during the proceedings or if the student so requests, and if he/she/it wishes to hear another person in person during the proceedings, in particular as a witness or expert, he or she shall send a request.
- (2) The notice must state the name of the person/body acting in the student case, the case number, the subject of the case, the date and place of the hearing, and the matter on which the person notified is asked to be heard and in what capacity he/she will be questioned. The attention of the person notified or contacted should be drawn to the need to bring documents proving his or her identity.
- (3) The provisions of Section 26(2)–(5) of the SS shall apply to the service of the notice, except that
 - a) the notice must be given so that the addressee receives it at least five (5) days in advance,
 - b) any person present may also be summoned, informed or addressed orally.
- (4) The student must be notified by post (registered post with acknowledgement of receipt) or electronically (e-mail, Neptun, customer port of entry) if his/her e-mail address is available. Other persons must be notified and invited in writing, by post or electronically (by sending an e-mail to an official University e-mail address if he/she is an employee of the University).
- (5) A document indicating the communication of the notice by post, by personal delivery or by electronic means, as well as its receipt and read receipt shall be placed in the case file. The fact of oral notification or request must be recorded in the case file and signed by the person concerned.
- (6) In order to clarify the facts of the case, the person/body acting in the student case may contact other organisational units of the university, committees, executive employees or other university staff members, who may delegate another person to act on behalf of the person/body contacted. The person/body contacted shall respond to the request within the time limit set by the person/body acting in the student case.

**REJECTING THE APPLICATION WITHOUT EXAMINATION OF THE MERITS,
TERMINATING THE PROCEDURE**

23.§

- (1) The person/body acting in the student case will reject the application within eight (8) days without reviewing the merits if:
 - a) it has no competence or authority and the request cannot be referred to another authority,
 - b) the applicant has not paid the application fee within the prescribed time limit,
 - c) the application pertains to an objective that is manifestly impossible,

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- d) the request is premature or late,
 - e) the person/body acting in the student case has already assessed the merits of the application and a new application pertaining to the same right has been submitted with unchanged facts and unaltered legal rules, or
 - f) the application is manifestly not from the person entitled to make it.
- (2) The person/body acting in the student case will terminate the procedure if:
- a) the application should have been rejected without an examination of the merits, but the reason for rejection came to his/her/its attention after the procedure had been initiated,
 - b) the applicant (student) has withdrawn his/her application, unless there are several applicants (students) involved in the procedure and not all of them have withdrawn their application,
 - c) the applicant's (student's) death has rendered the procedure devoid of purpose,
 - d) the circumstances justifying the continuation of the proceedings no longer exist,
 - e) in the case of a refusal of a representative in the procedure, the applicant (student) does not arrange for the authorisation of a person who is competent to represent him/her, despite the request of the person/body acting in the student case, or does not act in person, unless there are several applicants (students) involved in the procedure and they act in person or their representative has not been refused by the person or body dealing with the student case,
 - f) due to a change in the law or university regulations, the person/body acting in the student case is no longer competent to deal with the case and the request cannot be referred to another body.
- (3) The person/body acting in the student case may terminate the procedure if the applicant (student) has not complied with the request to remedy deficiencies or the request to correct the information contained in the application and/or if the failure to provide a statement has prevented the facts from being clarified.
- (4) If the applicant (student) withdraws his/her application before the decision becomes definitive in accordance with subsection (2)b) of this section, the decision shall be withdrawn by the person/body acting in the student case.

SUSPENDING OR STAYING THE PROCEEDINGS

24.§

- (1) If the decision on the merits of the case depends on a preliminary assessment of a matter which falls within the competence of another body, or if the case cannot be decided on solid grounds without the decision of a person or body acting in the same student's case which is closely related to the case in question, the person or body acting in the student's case shall call upon that body, setting a reasonable time limit. If the student fails to comply with the request, the person/body acting in the student case will terminate the procedure or decide on the basis of the available information.

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- (2) If the court hearing the administrative action orders the person/body acting in the student case to launch a new procedure and a petition for reopening the case or for judicial review has been lodged, the person/body acting in the student case shall suspend the proceedings.
- (3) When the procedure is suspended, all time limits are interrupted and, when the suspension is lifted, they start again, except for the time limit for the administration of the case. All procedural steps taken during the period of suspension shall be null and void, except those aimed at removing the ground for suspension.
- (4) The person/body acting in the student case may also decide to suspend the procedure if the suspension does not affect the ongoing procedural steps and the deadlines set for their completion.
- (5) The procedure shall be suspended if the applicant so requests or in the case of several applicants, if they request it jointly, unless otherwise provided by law. The procedure shall be continued at the request of any applicant. After a six (6) month pause, any procedure that is subject to an application will be terminated. The person/body acting in the student case shall notify the persons of the termination to whom the decision would be communicated.

FIRST INSTANCE DECISION

THE FORM AND CONTENT OF THE DECISION

25.§

- (1) The University shall communicate its decisions concerning the student to the student in writing, in the form of a resolution, in the cases specified in the Nftv., the Vhr and the SSP, and if the student so requests. The decision must be communicated to the student in writing if it imposes an obligation on the student.
- (2) The form of the decisions is primarily the resolution.
- (3) A written communication is set out in a paper-based or electronic document.
- (4) If the decision is to be communicated in writing:
 - a) authentication of a paper document:
 - with the name and title of the decision-maker/chairperson and the chairperson's signature as well as the stamp imprint of the committee or Student Services, and finally dated or
 - with the name and title of the decision-maker/committee chairperson, marked with “signed in my own hand” and with the expression “certified true copy” underneath, with the name and title of the person (e.g. secretary) certifying the copy, his/her signature, as well as with the stamp imprint of the committee or Student Services, and finally dated;
 - b) authentication of an electronic document:
 - with a time stamp and the electronic signature or electronic stamp of the chairperson, indicating the name and position of the chairperson/decision-maker, or

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- with the name and title of the decision-maker/chairperson, marked with “signed in my own hand” and with the expression “certified true copy” underneath, with the name and title of the person (e.g. secretary) certifying the copy, and the electronic signature of the person certifying the copy or with an electronic stamp.
- (5) If the decision does not have to be in writing, it can be sent in a Neptun system message. This does not constitute a written form under the Vhr.
- (6) The person/body acting in the student case shall decide on the merits of the case if referral, rejection without examination of the merits, suspension or the staying of the proceedings is not possible.
- (7) The resolution must include at least the following requirements, unless additional requirements are laid down by law, by the SR or by other university regulations or by a call for applications:
- a) the name of the decision-maker, the case number and the name of the person who handled the case,
 - b) the student's name, student ID (Neptun code), permanent place of residence, name of the programme, code of the programme,
 - c) an indication of the subject of the case,
 - d) in the operative part of the decision:
 - da) the decision of the decision-maker and information on the possibility of appeal, where to lodge an appeal and the deadline for lodging it,
 - (db) the name of the authority or body/opinion provider consulted and the operative part of its/his/her opinion, if necessary
 - dc) the delivery date or time limit for the fulfilment of the obligation and the legal consequences of voluntary non-compliance, including information on the legal consequences of the decision establishing the obligation to pay, as well as other legal consequences of non-compliance as provided for in the regulations or legislation,
 - dd) information on the amount of the payment obligation and any other fees set out in the decision, and on the methods of payment,
 - e) in the reasoning of the decision:
 - ea) the established facts and the evidence on which they are based,
 - eb) the evidence offered by the student but dismissed and the reasons for dismissal, including the circumstances of the unsuccessful request to remedy deficiencies and the legal consequences of missing the deadline,
 - ec) the criteria and facts used in the exercise of the discretionary power,
 - ed) the justification for the position taken by the body requested to issue the opinion or expert opinion,
 - ef) the references to the legislation and internal regulations on the basis of which the decision-maker has taken its decision,
 - eg) a reference to the legislation or university regulations establishing the competence and authority of the decision-maker,

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- f) the place and time of decision-making,
 - g) and the publication of the decision in accordance with subsection (4) or the certification of a copy thereof.
- (8) If the decision contains an obligation, a time limit or delivery date must be set.
- (9) A simplified decision without information on appeal and with only an indication in the reasoning of the decision of the legal grounds on which it is based may be taken if the decision-maker grants the application in its entirety and there is no opposing party or the decision does not affect the rights or legitimate interests of the opposing party.

COMMUNICATING THE DECISION

26.§

- (1) The decision of the person/body acting in the student case shall be served to the applicant as follows:
- a) if it does not need to be set out in writing, via a Neptun system message,
 - b) if the decision must be set out in writing, in the case of a resolution issued in the form of an electronic document, by sending it via the Official Gateway or via Neptun, the customer port of entry, or
 - c) if the decision must be set out in writing, in the case of a resolution issued in the form of a paper-based document, by sending it by post or by personal delivery or by delivery by a person authorised to accept service or by public notification.
- (2) The delivery must take into account the international conventions between Hungary and the country concerned.
- (3) If the postal delivery fails because the addressee or his/her authorised representative declares that he/she will not accept the mail ("addressee refused to accept") it shall be deemed to have been delivered on the day of the attempted delivery.
- (4) If the document served by post:
- a) is returned marked "not collected", it shall be deemed to have been delivered on the day of the second attempt at postal delivery,
 - b) is returned marked as "addressee unknown" or "addressee moved", the document shall be deemed to have been served on the fifth (5th) working day after the day on which service was attempted.
- shall be deemed to have been served.
- (5) If the addressee becomes aware of the fact that the person/body acting in the student case deems the document sent to him/her to have been delivered, he/she may put forward an objection within fifteen (15) days, but not later than forty-five (45) days of the notification. The objection will be upheld by the person/body acting in the student case if the addressee could not receive the document because it was not served in accordance with the law on the service of official documents, or was irregular for other reasons, or because he or she was unable to receive the document for reasons beyond his or her control. The objection must set out the facts and circumstances that prove the irregularity of the service or that

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support the probability of absence of own fault. If the person/body acting in the student case upholds the objection, the rules applicable to applications for justification shall apply. The objection shall be considered by the person/body acting in the student case which issued the document to be delivered.

- (6) If a decision concerning the student and the student's application/request is sent in the form of a Neptun message (including information, notification, reminder) or a Neptun resolution via Neptun or the his/her official university e-mail address, the message sent in this way is deemed to be delivered on the day following the day of sending. In case of delivery by electronic means (via a customer port of entry), the provisions of Act CCXXII of 2015 on the General Rules of Electronic Administration and Trust Services shall apply.
- (7) The decision may be communicated to the student present in person, but in this case the written decision must be delivered to the him/her within ten (10) days. The fact of oral communication must be recorded on the document and have it signed by the student.
- (8) The decision may also be notified by personal service. In such cases, the person or body acting in the case will inform the student of the personal delivery by e-mail (...@stud.uni-corvinus.hu), telephone or an e-mail via Neptun and shall set a deadline for receipt. In the case of personal service, the fact and the date of the communication must be recorded on the document and have it signed by the recipient. If the student does not receive the decision within the deadline, it must be delivered to him/her by post without delay. If the student acts through an authorised representative, the decision must be delivered to the representative by post.

DECISION BECOMING DEFINITIVE

27.§

- (1) The first instance decision is final if the student does not submit an appeal, has waived the right to submit an appeal or withdraws the application.

CORRECTING AND SUPPLEMENTING THE DECISION

28.§

- (1) If there is an errors with respect to names, numbers, or a clerical or calculation error in the decision, the body acting in the student case shall correct the error if it does not affect the merits of the case.
- (2) The body acting in the student case must perform the correction
 - a) by adding a note of the original decision and, if relevant, its copies,
 - b) by withdrawing the incorrect decision and replacing it or
 - c) by taking a corrective decision.
- (3) The correction must be communicated to the person to whom the original decision was communicated.
- (4) No correction is possible if an appeal has been lodged against the decision.

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- (5) In the case of a rectification, the time limit for appealing starts from the date of notification of the rectified decision.
- (6) The part of the decision affected by the correction is subject to the same appeal as the original decision.
- (7) If the decision lacks a mandatory substantive term prescribed by law, by the SR, by other university regulations on the student's case, or if no decision has been taken on the merits of the case, the person/body acting in the student case shall supplement the decision.
- (8) The decision may not be supplemented if one (1) year has elapsed since the decision became definitive.
- (9) The person/body acting in the student case shall communicate the supplement in a consolidated version, preferably by replacing the decision.
- (10) The supplement is subject to the same appeal as the original decision.
- (11) The supplement must be communicated to the person to whom the original decision was communicated.

AMENDING, REVOKING, ANNULING THE DECISION

29.§

- (1) If, on the basis of the legal remedy request, the person/body acting in the student case finds that his/her/its decision violates the law or any university regulations, he/she/it shall amend or revoke the decision.
- (2) In the case of a legal remedy request, the person/body acting in the student case may even withdraw a decision that does not violate the law or any university regulations, or even modify it in accordance with the request, if he/she/it agrees with the request (appeal), provided that there is no opposing party in the case.
- (3) The decision under this section shall be communicated to the student and to the recipients of the challenged decision.
- (4) The same remedy shall be available against a withdrawal or amending decision against the withdrawal or amended decision.
- (5) If the person/body acting in the student case finds that a decision that has not been assessed under the judicial review appeal procedure violates the law or any university regulation, he/she/it shall amend or revoke the decision. The decision shall be communicated to the recipients of the amended or revoked decision.
- (6) The person/body acting in the student case shall be entitled to initiate the procedure under subsection (5) only once, within one (1) year from the date of notification of the decision.
- (7) Unless otherwise provided by law or a government decree, the decision may not be modified or revoked if it would violate a right acquired and exercised in good faith, except for erroneous entries in official certificates and cards.
- (8) The decision should be annulled or revoked and, if necessary, a new procedure should be opened if:

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- a) the content of the decision was influenced by a criminal offence, provided that the criminal offence has been established by a final peremptory decision or if such a decision is not precluded by lack of evidence;
 - b) the matter is not within the competence of the person/body acting in the student case;
 - c) its content is contrary to the decision of the administrative court adopted in the case.
- (9) The decision may not be annulled even on the grounds of nullity, if it would infringe a right acquired and exercised in good faith by the client and three (3) years have elapsed since the decision became definitive. By way of derogation, in the case of the ground for annulment provided for in subsection (8)a), the decision may be annulled without time limitation if it does not affect a right acquired and exercised in good faith.

II. CHAPTER

**RULES FOR THE ASSESSMENT OF APPEALS IN RELATION TO STUDENT
STATUS**

RIGHT OF APPEAL

30.§

- (1) The student may appeal against any decision (whether or not it is set out in a resolution, whether or not communicated to the student in writing) or action taken by the University, or failure to take action (hereinafter together referred to as "the decision"), except for decisions relating to the assessment of academic achievement and where such appeal is precluded by law or University regulations.
- (2) An appeal may be lodged against a decision on the assessment of academic achievement only if the decision was not based on the requirements adopted by the University and/or the decision is contrary to the University's Rules of Organisation and Operation or if the provisions on the organisation of the examination have been breached.
- (3) Except in the case of a breach of a procedural rule, no appeal may be brought against decisions taken on grounds of equity or force majeure, or where the law or the SR excludes it.
- (4) The student and the University shall bear their own costs incurred in the appeal procedure and the costs incurred in the procedures preceding the appeal procedure.

BASIC PROVISIONS

ACTING PERSONS, BODIES

COMPETENCE, EXAMINATION OF COMPETENCE

31.§

- (1) Persons and bodies involved in the appeals proceedings:
 - a) at first instance in student cases,

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- b) Student Services (hereinafter: SS), International Relations and Accreditations (hereinafter: IRA), Education Management (hereinafter: EM) or Corvinus Doctoral Schools,
- c) Student Appeals Committee (hereinafter SAC or Committee),
- d) keeper of the minutes.

STUDENT APPEALS COMMITTEE

32.§

- (1) The Student Appeals Committee is the decision-making body for student appeals under these Regulations.
- (2) The Committee shall be composed of four (3) members, including the Chairperson. The members of the SAC shall be two (2) employees appointed by the Rector, one of whom must have a degree in law and who shall also be the Chairperson of the Committee, and one (1) student delegated by the Student Union (hereinafter: HÖK). If the legal remedy procedure is initiated by a student participating in a doctoral programmes, the student (doctoral student) member the delegate of the PhD Student Union (hereinafter: DÖK).
- (3) Secretarial duties shall be performed by the staff member designated by the Chairperson of the Committee.
- (4) The mandate of the Chairperson and the members of the Committee, with the exception of the members delegated by HÖK and DÖK, shall last for a period defined by the Rector, but for at least three years until the date of termination of their employment, their resignation or when they are recalled by the person who appointed them. The method of delegation and the duration of the mandate of the member delegated by the HÖK and DÖK are determined by the statutes of the HÖK and the DÖK, it being understood that students who have not registered for the given semester or who have been subject to disciplinary penalties in a final decision may not be members of the Committee. The student must inform the Chair of the Committee of any such circumstances. In such cases the delegation of the new member shall be arranged by the President of the HÖK or the DÖK at the request of the Chairperson of the Committee.
- (5) The assignment letter of the Chairperson and the members shall be issued by the Rector. The President of the HÖK and the DÖK shall notify the Rector in writing by way of sending him/her the assignment letter. The mandate may be renewed on several occasions.
- (6) Should a Committee member's term of office terminate for any reason, the Chairperson shall initiate the election of a new member within five (5) working days of becoming aware of it. In the event of termination of the Chairperson's term of office, the non-student member shall act as Interim Chairperson until the election of the new Chairperson. The Interim Chairperson shall have the same powers as the Chairperson.
- (7) The Committee shall act in cases of student appeals submitted in the matters referred to in Section 1(1). The Committee may not exercise equity.
- (8) The Committee must examine its competence and authority at each stage of the procedure within five (5) working days of receiving the request. If it finds that it lacks competence

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and/or authority, it shall immediately refer the case to the person/body having competence and/or authority in accordance with Section 46 of this Regulation and inform the student thereof.

LANGUAGE OF THE PROCEDURE

33.§

- (1) The provisions of Section 5 shall apply to the second instance proceedings.

EXCLUSION

34.§

- (1) Any person who participated in the proceedings at first instance is excluded from the proceedings at second instance.
- (2) The following persons/bodies may not take part in the assessment of the appeal:
- who took the contested decision or failed to take the decision,
 - a relative of the person referred to in paragraph a) (spouse, direct line relative, adopted, step or foster child, adoptive, step or foster parent, sibling, spouse or domestic partner of a sibling);
 - who cannot be expected to give an objective assessment of the case for other reasons.
- (3) The member affected by the conflict of interest shall notify in writing the Chairperson of the SAC without delay. If the Chairperson of the SAC is concerned by a conflict of interest, he/she is obliged - while informing the Rector at the same time - to delegate the procedure to a member of the SAC and to withdraw from the procedure. Decisions on conflict of interest shall be decided by the Chairperson of the SAC or if the Chairperson is concerned, by the Rector, and shall be recorded in the minutes. In the event of a conflict of interest of the Chairperson, the powers of the Chairperson as defined in the SSP shall be exercised by the member of the Committee appointed by the Rector to conduct the proceedings.
- (4) A student or his/her representative who lodges an appeal may file a motion for conflict of interest.
- (5) Otherwise, the provisions of Section 6 shall apply to exclusion.

REPRESENTATION

35.§

- (1) The provisions of Section 7 shall apply to representation.

DATA PROCESSING

36.§

- (1) The provisions of Section 8 shall apply to data management.

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DOCUMENT MANAGEMENT

37.§

- (1) The provisions of Section 9 shall apply to the management of documents.

ACCESS TO DOCUMENTS

38.§

- (1) The provisions of Section 10 shall apply to the inspection of documents.

RULES OF PROCEDURE OF THE COMMITTEES

39.§

- (1) The provisions of Section 11 shall apply to the operation of the Committee, it being understood that the rules of procedure of the Committee shall be approved by the Rector.

RULES OF COMMUNICATION

40.§

- (1) The University shall communicate with students and participants in the procedure in writing, by electronic way of electronic means as defined in the Act on the General Rules for Trust Services and Electronic Transactions (in the case of the University, through the Official Gateway and the student's customer port of entry) (hereinafter together referred to as "in writing"), and in person or by electronic means not constituting written communication (hereinafter together referred to as "orally").

CALCULATING DEADLINES

41.§

- (1) In the appeals procedure, the time limits shall be calculated in accordance with the provisions of Article 13 and the Ákr.

LAUNCHING THE PROCEEDINGS

42.§

- (1) The appeal procedure is initiated at the request of the student.
(2) The appeals procedure is free of charge.

TIME LIMIT FOR ADMINISTRATION

43.§

- (1) The appeal procedure must be completed within thirty (30) days of the date of the submitting the request.
(2) The provisions of subsections (3) to (4) of Section 15 shall also apply to the time limit for administration.

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THE LEGAL REMEDY REQUEST

44.§

- (1) Requests may be submitted by students using the relevant form issued by the University or where this is permitted in a regulation, in a non-specified form.
- (2) The legal remedy request must include:
 - a) the name and name at birth of the student, his/her Neptun ID, if relevant the name, address of his/her representative and contact details,
 - b) in the case of a paper-based application, in addition to the information listed in paragraph a), the address of the notification address featured in Neptun or in the absence of such an address, the address of the place of residence,
 - c) the name of the programme that is the subject of the legal remedy request, the delivery mode of the programme and its form of funding,
 - d) the definitive request,
 - e) the file number or other identification number used instead of a file number of the measure, decision of the person/body acting at first instance against which the student is lodging the appeal,
 - f) the reasoning, the facts and evidence on which the request is based, or a description of the omitted measure,
 - g) a precise indication of the alleged infringement or procedural irregularity, the relevant circumstances and, if possible, the indication of the legal or university rule on the basis of which the student is submitting the appeal,
 - h) in the case of an appeal against a decision, action or omission in relation to the assessment of academic achievements, where possible, the requirement adopted by the University or the provision of the SR or provisions with regard to organising examinations with which the decision, action or omission is in conflict,
 - i) the date of the application, the student's signature in case of a paper-based application, and the student's name marked with "signed in my own hand" in case of an application submitted in Neptun. If the application is submitted through a customer port of entry, does not need to be signed.
- (3) The application must be accompanied by documentary evidence supporting the allegations contained in the application and, if such evidence is not available to the student, an indication of the means of proof of the allegations contained in the application and, in the case of the involvement of a representative, a duly signed power of attorney from the student.
- (4) The request may only refer to a new fact that the student was not aware of at first instance or did not refer to through no fault of his/her own. It is not necessary to justify facts that are common knowledge or of which the University has official knowledge.
- (5) Appeals must be submitted through Neptun and addressed to the Student Appeals Committee.

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- (6) An appeal may be lodged within fifteen (15) days of the date of communicating the decision, or failing that, of the date on which it comes to the applicant's attention.
- (7) The appellant may submit his/her legal remedy request in Neptun using the form provided for this purpose, via the customer port of entry, in person or by post. In case of personal or postal delivery, the request shall be submitted to SS/IRA/EM and in the case of students taking part in doctoral programmes, to Corvinus Doctoral Schools.
- (8) The date of submission of the application is the date of its submission in Neptun, in case of submission by post, it is the date of posting, in the case of personal receipt, the date of actual receipt.
- (9) The application shall be classified according to its content even if it does not correspond to the name used by the student.
- (10) Unless the legal remedy request is directed against a decision taken by it, SS/IRA/EM or the Corvinus Doctoral Schools shall forward it within three (3) days to the person/body acting at first instance in the student case that took the contested decision and implemented the measure.
- (11) If the appeal has been submitted to the SAC, the Secretary of the Committee shall forward it to SS/IRA/EM or Corvinus Doctoral Schools within three (3) days to comply with the provisions of subsection (12).
- (12) The person/body acting at first instance in the student case will examine the appeal. If it agrees with the request, it shall, within eight (8) days of the receipt of the request or of the transfer by SS/IRA/EM or Corvinus Doctoral Schools, revoke, amend, alter, supplement or pass the omitted decision. An appeal against a withdrawal or amendment decision may be lodged in the same manner as against a revoked or amended decision.
- (13) In case of disagreement, the person/body acting at first instance in student cases the student case shall submit the appeal, together with all available documents on the case, comments and opinions, to the SAC within eight (8) days.
- (14) The student has the right to withdraw his/her appeal at any time before the decision is taken, either in writing or orally by making a recorded statement at the Committee hearing.

ACTION TAKEN ON THE APPLICATION

45.§

- (1) The Chairperson of the Committee shall examine the legal remedy request and the case file, and shall take one of the following decisions within eight (8) days, excluding the period for correcting deficiencies pursuant to Section 47:
 - a) rejecting the application without examining the merits or terminating the procedure, or
 - b) in the absence of competence, referring the case to another person/body or,
 - c) if these conditions are not fulfilled and the application can be considered on the merits, initiating the procedure.

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REFERRAL OF THE CASE

46.§

- (1) If the chairperson of the Committee finds that the examination of the application falls within the competence of another body or person, he/she shall, within the time limit laid down in Section 45, refer the case to the person/body entitled to take a decision.
- (2) The Committee decides on the referral by means of a ruling.

CORRECTING DEFICIENCIES

47.§

- (1) If the application is received by the Committee but does not comply with the requirements of this paragraph, the person/body acting at first-instance in the student case shall request the student to correct deficiencies, setting a reasonable deadline and warning him/her of the legal consequences of failure to do so.
- (2) An invitation to remedy deficiencies may not be issued for the purpose of certifying information or attaching annexes of which the Committee has official knowledge or which should be obtained by the Committee.
- (3) If the student fails to comply with the deadline set in the call for correcting deficiencies, the Committee will examine the application on the basis of the information available to it or shall terminate the procedure. The student should be warned thereof.

APPLICATION FOR JUSTIFICATION

48.§

- (1) The SAC shall take a decision on the application for justification with regard to missing the deadline for submitting the legal remedy request.
- (2) Otherwise, the provisions of the Ákr. shall apply mutatis mutandis to application for justification.

REJECTING THE APPLICATION AND TERMINATING THE PROCEDURE

49.§

- (1) The Chairperson of the Committee shall reject the application without further examination of the merits if he/she finds that:
 - a) it is late,
 - b) the Committee has no competence to examine the application and the application cannot be referred to another person/body,
 - c) it was not submitted by the person entitled to do so,
 - d) it concerns a decision against which there is no right of appeal, or the student does not allege a procedural irregularity in the appeal against an individual discretionary decision, or, in the case of an appeal against an assessment of academic achievement, the student does not invoke the grounds set out in the regulation,

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- e) it pertains to an objective that is manifestly impossible,
 - f) an application pertaining to the same right has already been examined by the Committee on its merits, and neither the substance of the application nor the applicable law have changed since,
 - g) the application is incomplete and cannot be completed under the SSP.
- (2) The Chairperson of the Committee shall terminate the procedure within eight (8) days if:
- a) the application should have been rejected, but the reason for this was only discovered after the procedure was opened,
 - b) the student withdraws the appeal in writing, or orally by making a recorded statement at the Committee hearing,
 - c) the procedure has in the meantime become devoid of purpose,
 - d) the student has not complied with the request to correct deficiencies, not has he/she requested an extension of the deadline for doing so and/or his/her failure to make a statement prevented the facts from being clarified,
 - e) the decision on the the merits of the case depends on a preliminary ruling on a matter which falls within the competence of another body and the student does not comply with the Committee's request to initiate proceedings,
 - f) the student has requested the suspension of the procedure and has not asked for the procedure to be continued until the expiry thereof.

SUSPENDING AND STAYING PROCEEDINGS

50.§

- (1) The suspension and staying of the proceedings shall be subject to the provisions of Article 24 of the present Regulation.

MERGING PROCEDURES


51.§

- (1) When a student submits more than one legal remedy requests, the Committee may decide to merge the cases if the facts are directly and closely related and it is not possible to separate them.
- (2) The Committee takes a decision on the merger.
- (3) In the event of merging procedures, all students subject to the merged procedure shall have the right to access the entire file of the merged procedure, to be present at all the procedural steps of the merged procedure with the same rights as before the procedure was merged.

CLARIFYING THE FACTS

52.§

- (1) In the course of the taking of evidence, the Committee shall apply mutatis mutandis the rules of evidence laid down in Article 21 of this Regulation.

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- (2) Otherwise, the provisions of the Ákr. shall apply for the clarification of the facts.

RESTRICTED DATA HANDLING

53.§

- (1) Upon a reasoned request to that effect, the Committee shall order the identification data and address of the witness, expert or person who initiated the proceedings to be handled in a restricted manner if the person making the request for restricted data handling deems it likely that he/she will suffer serious adverse consequences as a result of his/her intervention in the proceedings. The decision shall be notified only to the applicant.
- (2) The Committee shall ensure that the identification data of natural persons shall be handled separately, in a restricted manner as well as that the data handled in a restricted manner will not be disclosed during the procedural steps.
- (3) Only the Committee, the keeper of the minutes, the Rector, the Vice-Rector for Education, as well as the court hearing the judicial review may have access to data handled in a restricted manner.
- (4) In order to ensure the right of access to the file, the Committee shall draw up an extract from the file generated in the course of the proceedings, in accordance with the content and form requirements laid down by law, in such a way that no conclusions may be drawn therefrom as to the identity of the person specified in subsection (1).

NOTIFICATION, INVITATION TO HEARING

54.§

- (1) If the Committee wishes to hear the student in person in the procedure or if the student requests to be notified, or if the Committee wishes to hear another person in person in the procedure, in particular as a witness or expert, it will send a notification or a request.
- (2) The notification must indicate the name of the SAC, the case number, the subject matter of the case, the date and place of the hearing, and the matter on which and the capacity in which it intends to hear the notified person. The person notified should be reminded to bring with him/her documents that can prove his/her identity. The notification shall draw the student's attention to the fact that he/she may submit his/her comments in writing, requesting that he/she not be heard in person, and shall inform him/her of the provisions of Section 53.
- (3) Otherwise, the notification shall be governed by the provisions of subsections (3)-(6) of Section 22 of the present Regulation.

SESSION OF THE COMMITTEE

55.§

- (1) The Committee will consider the appeal at its session.
- (2) The Committee takes its decisions in closed session by a simple majority of the members present. In the event of a tie during a vote, the Chairperson shall have a casting vote.

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- (3) The Committee may adopt one of the following decisions in the subject of the legal remedy request.
 - a) rejects the application,
 - b) orders the person who failed to take a decision to adopt a decision,
 - c) modifies the decision,
 - d) annuls the decision and orders the decision-maker to start a new procedure.
- (4) The decision at second instance becomes definitive and enforceable upon notification, unless the student has requested a judicial review.
- (5) In the case of an online meeting held without personal appearance, the rules specified for ordinary sessions (deadlines, quorum, conduct of meeting and voting) shall apply, except that the meeting must be held using Microsoft Teams application.

THE SECOND INSTANCE DECISION

56.§

- (1) The Committee shall decide on the merits of the case and shall issue a ruling (hereinafter referred to as "the decision") on all other matters raised in the proceedings.
- (2) A written communication is set out in a paper-based or electronic document. Otherwise, the provisions of Section 25 shall apply. The resolution shall include:
 - a) the name of the Committee, the case number,
 - b) the student's name, address and Neptun code, if available,
 - c) an indication of the subject of the case,
 - d) in the operative part, the Committee's decision as well as information on the possibility of review, the place and the deadline for submitting it,
 - e) in the reasoning of the decision
 - ea) the established facts and the evidence on which they are based,
 - eb) the evidence offered by the student, but dismissed and the reasons for dismissal,
 - ec) the grounds on which the decision is based,
 - ed) references to legislation, university regulations, on which the committee based its decision,
 - ee) references to legislation establishing the Committee's powers and authority,
 - f) the place and time of decision-making,
 - g) and the publication of the decision in accordance with Section 1(4) or the certification of a copy thereof.
- (3) In other respects, the form and content of the decision (resolution or ruling) shall be governed by the rules of the Ákr., it being understood that the legal provisions of the Ákr. shall be understood to include university regulations and provisions, and the authority

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defined in the Ákr. shall be understood to be the Committee. These provisions shall also apply mutatis mutandis to the content of the ruling.

COMMUNICATING THE DECISION

57.§

- (1) The decision may also be communicated to the student (or his/her representative) present at the hearing by means of announcement, the fact of which must be recorded in the minutes. In addition, the decision shall be served in accordance with this section.
- (2) The Committee's decision must be set out in a resolution set out in a paper-based decision or in an electronic document and shall be drawn up in two (2) original copies. Copies should be made as necessary. One original copy must be sent to the student by registered post with acknowledgement of receipt or by personal delivery, in the case of an electronic document, through the customer port of entry. An original copy shall be kept in the Committee records. One copy shall be forwarded to SS/to Corvinus Doctoral Schools in the case of students taking part in doctoral programmes, and to IRA/EM in student matters falling within the competence of IRA/EM. These organisational units shall ensure that the resolution is communicated to the first-instance decision-maker as required. These organisational units shall also ensure that all the organisational units/persons who have a job-related task concerning the decision (e.g. the student should retake the exam) receive the resolution.
- (3) The delivery must take into account the international conventions between Hungary and the country concerned.
- (4) The decision shall be deemed to have been notified on the date on which it is received by the student or, if the student has given a power of attorney, by the person authorised to receive the document, either in person or by post. Delivery through the customer port of entry shall be governed by the provisions of Section 26(6).
- (5) Notification by means of announcement is not possible..
- (6) Otherwise, the provisions of Section 26 shall apply mutatis mutandis to the communication of the decision.

DECISION BECOMING DEFINITIVE

58.§

- (1) The decision shall become definitive upon its communication.

MINUTES AND AUDIO RECORDING

59.§

- (1) The paper-based minutes of the appeals hearing shall be based of the essential content of the hearing, in the case of a personal hearing, on the basis of an audio recording, within fifteen (15) days, or within thirty (30) days in the case of translation into a foreign language. In the case of a joint hearing, joint minutes are drawn up.

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- (2) An electronic copy of the signed minutes must be sent to the student who submitted the request by the fifteenth (15th) day following the hearing. If the student requests it in writing, by email or at the hearing, the minutes will also be sent to him/her by post.
- (3) The student may request the supplementation or correction of the minutes within eight (8) days of their receipt.
- (4) If the student requests - in writing or by email or at the hearing - for the purposes of correcting or supplementing the minutes, he/she may listen to the audio recording in person at the offices of the Committee.
- (5) The Committee takes a decision on the correction or supplementation of the minutes on the basis of the audio recording. Any correction shall be implemented within eight (8) days of receiving the request. No legal remedy shall be available against such decision.

CORRECTING AND SUPPLEMENTING THE DECISION

60.§

- (1) The SAC may correct or supplement its decision in accordance with the provisions of Section 28 of this Regulation and the rules of the Ákr.

AMENDING AND REVOKING THE DECISION

61.§

- (1) If the Committee finds that a decision that has not been assessed under the judicial review violates the law, it shall amend or revoke its decision not more than once (1) within one (1) year of communicating it.
- (2) If, on the basis of the application, the Committee finds that its decision infringes the law, it will amend or revoke it. If the Committee agrees with the contents of the application and there is no opposing party, the Committee may also revoke a decision or amend it as set out in the application even if it does not violate the law.
- (3) The decision may be revoked or amended once (1).
- (4) The decision under subsections (1)(3)(3) shall be communicated to the person to whom the amended or revoked decision was communicated.
- (5) In other respects, the provisions of the Ákr. on the modification and revocation of decisions shall prevail, whereby the Committee is understood as the authority.

IMPLEMENTING THE DECISION

62.§

- (1) The definitive decision in a student case, including the decision overturned by a final court decision and the decision ordering interim measures, shall be enforced by the relevant organisational unit together with Student Services or Corvinus Doctoral Schools.

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ADMINISTRATIVE ACTION

63.§

- (1) The student may challenge the final decision on the legal remedy request in an administrative action. The application has suspensory effect. The application may also be lodged on the grounds of infringement of the provisions governing student status.
- (2) The applicant must lodge the application with the person/body acting at first instance or to transmit it by registered post within thirty (30) days of the date of notification of the decision sought to be reviewed. The body acting at first instance shall submit the application together with the case files to the Committee, which in turn shall forward it to the competent court having jurisdiction within thirty (30) days of submission, along with its statement on the contents of the application. If the application also contains a request for immediate legal protection, the Committee shall forward the application and the case files to the court within eight (8) days after having received them within three (3) days of the date of the submission of the application.
- (3) The person or body acting at first instance and the Committee may not reject an application lodged out of time, but must forward it to the court even if the applicant has not submitted an application for justification.

CHAPTER III

FURTHER LEGAL REMEDY OPTIONS

64.§

- (1) In the event of a violation of a student's rights, in addition to legal remedies, the student may seek legal assistance from the Student Union or the PhD Student Union if the student pursues a doctoral programme.
- (2) In addition, the student may initiate proceedings before the Commissioner for Educational Rights, provided that he or she has exhausted his or her rights of appeal at the University, with the exception of court proceedings.

CLOSING PROVISIONS

65.§

- (1) The present Regulation was adopted by the Senate at its meeting of 11 July 2023.
- (2) The present Regulation has entered into force on 1 September 2023, at the same time the Procedure for the Assessment of First Instance Applications and Legal Remedy Requests in Relation to Student Status adopted by the Senate under Resolution No. Sz-36/2021/2022 (21 June 2022) is repealed.
- (3) Any procedures launched after its entry into force shall be governed by of the present Regulation.
- (4) Any matters pending at the time of the entry into force of the present Regulation shall be governed by the regulation specified in subsection (2).
- (5) The present Regulation shall constitute Part 2 of the Student Requirements.