
 <b>BUDAPESTI CORVINUS EGYETEM</b>	<b>STUDENT REQUIREMENTS 2. PART</b>	Version number: 00. Entry into force: From 01.09.2021 Reference number: JISZ-SZ/10/2021
<b>Procedure for the Assessment of First Instance Applications and Legal Remedy Requests in Relation to Student Status</b>		


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## SCOPE OF THESE RULES

### 1.§

- (1) The Procedure for the Assessment of First Instance Applications and Legal Remedy Requests in Relation to Student Status (hereinafter referred to as “SSP”) of Corvinus University of Budapest (hereinafter referred to as “University”) shall apply to the assessment of applications submitted in connection with student status, as well as to all cases in which the student has the right to apply for remedy against decisions, actions taken by the University at first instance or its failure to take action.
- (2) The personal scope of the SSP shall cover:
  - a) students, guest students of the University,
  - b) University applicants,
  - c) doctoral students and doctoral candidates,
  - d) students with a student status terminated in the meantime (hereinafter jointly referred to as “student”).
- (3) The personal scope of the SSP shall also apply for persons, organisational units and boards acting in the assessment of applications submitted in connection with student status and for appeals, as well as to all lecturer, researchers, external lecturers, mandated researchers, teachers and other staff involved in education and education administration, who participate in the appeals procedure at first instance regardless the title.
- (4) The territorial scope of the SSP covers students’ affairs at first instance and appeals related to their programme conducted at the headquarters, premises or other places of the University.
- (5) The special rules for the assessment at first instance applications submitted in relation to student status are set in the regulations forming part of the Student Requirements of the Rules for Organisation and Operation (hereinafter referred to as “Student Requirements” or “SR”), provided that the provisions of such regulations concerning the assessment of applications submitted in relation to student status shall be applied together with those laid in the SSP. The special rules of the procedure for assessing applications submitted in relation to student status shall apply if it contains a special rule, other than the SSP.
- (6) The right to initiate an appeals procedure shall also apply for the procedure for the assessment of admission applications.
- (7) The scope of the SSP does not apply to procedures for disciplinary and compensation and ethical affairs of the students.
- (8) The scope of the SSP does not cover the programmes provided in the framework of adult education governed by Act LXXVII of 2013 on Adult Education.
- (9) Applications specified in the SSP may not be filed in cases where the University and the student have an agreement to provide services. In the event of a breach of such agreement, the aggrieved party may go to court.

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## RELATED REGULATORY DOCUMENTS


### 2.§

- (1) Legislation, internal regulatory document authorizing the adoption of the Regulation: Act CCIV of 2011 on National Higher Education (hereinafter: National Higher Education Act or HEA).
- (2) Related legislation and internal regulatory documents:
  - a) Act CCIV of 2011 on National Higher Education (hereinafter referred to as: National Higher Education Act or HEA),
  - b) Government Decree 87/2015 (IV. 9.) on the implementation of certain provisions of Act CCIV of 2011 on National Higher Education (hereinafter referred to as: Implementation Decree),
  - c) Act CL of 2016 on the General Public Administration Procedures (hereinafter referred to as: Ákr.),
  - d) Study and Examination Regulations (hereinafter referred to as: Study and Exam Regulation),
  - e) Student Compensation and Allowance Policy (hereinafter referred to as: RSFB),
  - f) Admission Regulations,
  - g) Regulations ensuring equal opportunities for students with disabilities,
  - h) the rules of procedure of the first instance committees dealing with student affairs and the Student Appeal Committee.

## DEFINITIONS

### 3.§

- (1) For the purposes of the SSP:
  - a) “provisions on student status” means statutory provisions and contained in university documents that establish the rights and obligations of students, in particular: decisions on study and examination affairs, decisions on grants and social benefits, decisions on applications for a change of programme or institution, and decisions on admission matters;
  - b) “student affair” means cases related to the studies conducted or to be conducted in Bachelor programme, two-cycle or single-cycle master programmes, postgraduate specialist training, university and college bachelor’s programme, complementary bachelor or doctoral programmes as defined in Act LXXX of 1993 on Higher education, or related to such legal relationship, in which the person or board specified in the Student Requirements shall act in matters that affect the rights and obligations of students;
  - c) “body acting in student affairs at first instance” means persons, boards (committees) and organisational units defined in the Student Requirements.

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## CHAPTER I

### ORDER OF ASSESSMENT AT FIRST INSTANCE ON REQUESTS RELATED TO STUDENT STATUS


#### GENERAL RULES

#### 4.§

- (1) The competence of the body acting at first instance in student affairs (hereinafter referred to as the “body acting in student affairs”, or “acting body or board”) is determined in the SR and other university regulations governing student affairs.
- (2) The body acting in student affairs shall examine its own authority and competence at all stages of the procedure within five (5) working days of the receipt of an appeal. If it finds that it has no authority or competence, it shall immediately transfer the case to the competent body acting in student affairs without delay and inform the student in the form of a resolution created in Neptun.
- (3) An authorized representative or legal representative may act for the student or former student in the course of the student administration based on a power of attorney incorporated in a private document or an authentic instrument as defined in Act CXXX of 2016 on the Code of Civil Proceedings. The student may also grant a permanent power of attorney or one that is valid until withdrawal, on the basis of which the attorney may act for the student during the period of the student status in any administration affair. Legal representatives may act for minor students. The power attorney form provided by the University must be used to grant such power.
- (4) If a committee acts in student affairs, the operational rules of the committee acting in student affairs shall be determined by their own rules of procedure, with respect to the following:
  - a) The committee may exercise its competence once it is fully constituted and its own rules of procedure is adopted.
  - b) The President shall be responsible for drafting the rules of procedure of the committee, which, after a legal review, shall be approved by the Vice-Rector for Education and shall be published on the website of the University.
  - c) The committee shall have a quorum if the majority of its members are present.
  - d) Resolutions of the committee shall be taken by simple majority.
  - e) The committee may take a decision at the session, which may take place on an online interface requiring personal appearance or at least providing simultaneous presence –, and may also take a resolution in written voting by electronic means.
  - f) Sessions of the committee shall not be public, shall be attended by members only and those invited by the President.
  - g) In cases considered simple, the committee may delegate its competence in its rules of procedure to the President of the committee.

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- h) The form of decision-making and the agenda of sessions shall be determined by the President and shall be convened and chaired by the President.
  - i) Members may not be replaced at the session. If an alternate member has been elected, the alternate member shall replace the resigning or otherwise debarred member. The alternate member may, in a matter of conflict of interest or during his absence and at the request of the President, replace the member incompatible with a particular the case for the period of the absence.
  - j) The proposals to be discussed by the committee shall be prepared with the content determined by the President of the committee.
  - k) The President may decide to ask the opinion of the Head of the institute or involve other organisational units as an expert. The expert opinion shall not be binding for the committees. The President may also decide to employ collaborators to the work of the committee, who are not entitled to act within the competence of the committee, but may participate in preparatory, administrative and control work falling within the competence of the committee.
  - l) Decisions of the committee shall be taken in a resolution, where the University is represented by the President of the given committee. The copy may be authenticated by a member designated by the President of the committee or by a staff member of the Student Services designated by the President of the committee.
  - m) The committee shall lay down its rules of procedure, including the rules for the involvement of students having opinion giving powers in the assessment process.
  - n) An electronic memorandum or minutes shall be taken of the committee meetings that must be signed at least by the President, or in the case of a paper document signed by the President and bearing the official stamp of the committee or the Student Services.
  - o) The President shall be responsible for the website of the committee and for updating its content. If the committee does not have its own website, the data of the committee under this section shall be displayed on the Student Services website. The website shall publish at least the names of the President, members, the secretary of the committee, where appropriate, and the committee rules of procedure.
- (5) The official administration channel between the University and the student is primarily Neptun, if the regulations allow it the Customer portal, and if the student cannot be contacted by other means or is required by law to be in the form of a paper-based document, then mail delivery.
- (6) Students may submit their requests and submissions on the form issued by the University. Applications must be submitted via Neptun. Should the policy governing the issue in question expressly permit, requests may be submitted in person, by post or through the Customer portal. Requests and submissions submitted by the students shall be deemed authentic:
- a) in the case of a Neptun request, without the student's signature,

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- b) in the case of an application submitted through the Customer portal, by using document authentication service offered by the government (AVDH),
  - c) signed by the student if submitted in person or via post.
- (7) The University shall put its decisions regarding the student in a system message sent in Neptun, in a resolution created in Neptun (Neptun resolution) or in a written resolution. System messages sent in Neptun, Neptun messages and resolutions created in Neptun (Neptun resolution) do not qualify as a written form according to the Implementation Decree. The decision shall be put in writing in the case specified in the regulation governing the issue in question and if requested by the student.
- (8) The University shall put its decisions in writing in the following ways:
- a) resolution on paper or
  - b) an electronic resolution.
- (9) In all cases where permitted by law, efforts must be made to put documents in electronic form. Paper-based documents shall be authenticated by the signature of the person specified in the regulation governing the issue in question, the University stamp and the date thereof, and electronic documents shall be authenticated by time stamp and the electronic signature of the person specified in the regulation governing the issue in question.

## **COMMENCEMENT OF THE PROCEEDING**

### **5.§**

- (1) In the case of students' affairs, proceedings may be commenced ex officio or upon the student's request.
- (2) The procedure shall be initiated ex officio if the University is required or authorized by law or university regulations, and also if the student applies at the call of the University communicated to all or some of the students by law, the Student Requirements or other university regulations.
- (3) Proceedings shall be initiated at students' request if the student is entitled to initiate the proceedings on the basis of law, the Student Requirements or other university regulations.
- (4) If the law, the SR or other university regulations or a call for applications prescribe the student to pay a fee, the commencement of the procedure shall be subject to such payment and proof thereof.

## **THE REQUEST**

### **6.§**

- (1) Requests in students' affairs must include at least:
  - a) student name, student ID (NEPTUN code), the name of the programme which s/he is studying and in relation to which the application is submitted,




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- b) in the case of paper applications, in addition to those listed in point a), the address for notifications in Neptun or, failing that, the address of their residence,
  - c) name of the acting person or board to whom or which the request is addressed,
  - d) a firm request addressed to the acting person or body,
  - e) if possible, the facts underlying the request and any evidence on which they are based (in particular the documents duly underlying the request),
  - f) where possible, the statutory or regulatory grounds of the request,
  - g) the date of the request, the student's signature, or at least his/her advanced electronic signature, in the case of an application submitted via Neptun or a customer portal, the student's name and the sgd. mark,
  - h) in the case of a proxy acting, the power of attorney in the form of a private document of full probative force or an authentic instrument,
  - i) if the RSFB prescribes the commencement of the procedure subject to payment of a specific fee, the document certifying the payment of such fee.
- (2) At the initiation of the Student Services, the standard forms for the applications to be applied for the student affairs shall be prepared by the Legal, Administrative and Regulatory Services. The content or form of the application and the form to be used in the case concerned may also be set by law or in a call for applications.
- (3) Paper-based applications must be submitted to the Student Services – unless otherwise specified in the Student Requirements and other university regulations governing student affairs.
- (4) The time limit for the submission of requests shall be governed by the deadline set out in the Student Requirements and other university regulations governing student affairs.

**CORRECTING DEFICIENCIES****7.§**

- (1) Correcting deficiencies is allowed if the Student Requirements or other university regulations or a call for applications specifically prescribes.
- (2) Where it is appropriate to correct deficiencies according to paragraph (1), it is the students' responsibility and duty to supply the evidence and proof in support of the request.
- (3) If, pursuant to paragraph (1), correcting deficiencies is allowed and the application does not comply with the requirements of Article 6, the acting person or board shall, within five (5) working days of the receipt of the request, call the student to remedy the deficiencies, providing an appropriate deadline of at least four (4) working days and warning of the legal consequences of failure to comply with the requirements. No call for correcting deficiencies may be issued for verification of data or for file annexes of which the University is aware or must obtain ex officio.

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- (4) If the application complied with the requirements set in Article 6, call for correcting the deficiency may also be issued but it is necessary in view of any new data arising during the ascertainment of the facts.
- (5) If the student fails to comply with the call by the deadline specified in the call for correcting deficiencies, the acting person or board shall assess the request on the basis of the available data or terminate the procedure.
- (6) The form of the call for correcting the deficiency must be the same in which the request was submitted, and the provisions of the SSP Article 16 shall apply mutatis mutandis for the communication.

## **DEADLINES**


### **8.§**

- (1) Deadlines may be set by law, the Student Requirements or other university regulations, as well as by a call for tender, or failing these, by the body acting at first instance.
- (2) Deadlines shall be counted in calendar days, months or years.
- (3) Deadlines shall not include the date of the occurrence of the act or circumstance giving rise to the start of the deadline, the date of communication, service and the date of mailing and the cancellation of a public notice.
- (4) Deadlines defined in terms of months or years shall expire on the day that corresponds to the initial day and, or if such day does not exist in the month when the deadline expires, on the last day of the month.
- (5) The date of submission (deadline for submission) of requests and applications sent by post shall be the date of mailing. The date of submission of electronic documents (deadline for submission) shall be the date on which the document is sent.
- (6) Deadlines may be extended based on law, the SR or other university regulations, as well as calls for tender.
- (7) If the last day of the deadline is a day on which office work at the University is suspended, the deadline shall expire on the following working day, unless it is an administrative deadline.
- (8) In the event of doubt, deadlines shall be deemed to have been met.

## **APPLICATION FOR JUSTIFICATION**

### **9.§**

- (1) An application for justification may be submitted unless it is excluded by law, the Student Requirements or other university regulations, or by a call for applications.
- (2) Should a justification be allowed in accordance with paragraph (1), students may submit an application for justification if a deadline is missed for reasons beyond their control.
- (3) The decision on the application for justification shall be made by the person or board acting in the student's case in the course of which the failure occurred.


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- (4) If the person or board acting in the student's case has kept the deadline/time limit specified in the relevant legislation, the Student Requirements or other university regulations and the call for the applications for the notification of the students about the decision, in case of failure to meet the deadline, no application for justification may be filed on the grounds that the notification, information or decision was not communicated by mail or that the student was not aware of the deadline.
- (5) The application for justification may be filed immediately after becoming aware of the failure or the elimination of the hindrance, but no later than within forty-five (45) days of the missed deadline or of the last day of the deadline, corresponding to the time limit for the procedural act to be justified.
- (6) In the event of failing to comply with a deadline, the act omitted shall be carried out at the time the application for justification is submitted, if the conditions for doing so are met.
- (7) If the acting person's or board's decision is in favour of the application for justification, the act performed by the applicant shall be considered to have been performed by the prescribed deadline. To this end, the person or board acting in the case shall revise or revoke its decision. If the decision terminating the procedure is revoked, the procedure shall continue and certain procedural acts shall be repeated. Restrictions set out in Article 18 (1)-(4) shall not apply to the revision or revocation of the decision on the basis of application for justification.
- (8) Missing the deadline due to facts of common knowledge or other exceptional circumstances shall not be deemed to be failure.
- (9) No proof may be submitted due to failure to meet the deadline for submitting the application for justification or for procedural acts repeated on the basis of the request.

### **ADMINISTRATION DEADLINE**

#### **10.§**

- (1) Unless otherwise provided by law, the Student Requirements or other university regulations or a call for application, the decision at first instance shall be taken within thirty (30) days of the date specified in paragraph (2) and communication must be ensured.
- (2) The administrative deadline shall start on the day following the delivery of the request to the acting person or board competent for the procedure, or, in the case of an ex officio procedure, on the day on which the first procedural act is carried out.
- (3) Administrative deadlines shall not include:
  - a) the duration of the clarification of authority and competence matters,
  - b) the period from the date of the call for correcting deficiencies and the communication of the information necessary to ascertain the relevant facts to the date of its fulfilment,
  - c) the duration of the preparation of an expert opinion,


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- d) the duration of the procedure of a specialist authority or the expert,
  - e) the period while the procedure is suspended,
  - f) the duration of a malfunction or other unavoidable event making the operation of the person or board acting in students' affairs impossible for at least a full day,
  - g) the time required for the translation of the request, decision and other documents,
  - h) the duration of the students' default or failure.
- (4) The acting person or board at first instance may extend the administrative deadline one (1) time, in justified cases, and not more than the extent of the administrative deadline. Students, at the same time, must be informed of such extension of the deadline and reasoning for such extension must be explicitly given.

#### **EVALUATION OF REQUESTS, ASCERTAINING THE RELEVANT FACTS OF THE CASE**

##### **11.§**

- (1) In all cases, requests must be adjudicated according to their content.
- (2) The acting person or board shall ascertain the relevant facts required for making a decision. If the information available is insufficient for making a decision, a procedure for taking evidence shall be initiated.
- (3) Evidences that are suitable to facilitate the ascertaining of relevant facts, may be used in the proceedings of a person or board acting in students' affairs. Evidences are in particular: the statement of the requestor (student), the document, the testimony, the minutes of the inspection, the expert opinion, and physical evidences. In proof of the students' academic progress and student status Neptun data, the University's official text scanning program, Moodle, and any software officially used by the University may be specifically used as evidence.
- (4) The facts which are officially known to the acting person or board and which are of common knowledge shall not be evidenced.
- (5) The acting person or board shall assess each evidence individually and as a whole and shall determine the facts and make a decision based on its conviction.
- (6) In the case of committee (board) proceedings in students' affairs and with respect to the deadlines specified in the SSP, the president of the committee (board) may decide on procedural issues between the sessions, such as issuing summons, or a call for correcting deficiencies, notifications and requests, as well as rejecting the request on the grounds of delay without considering on the merits or the termination of the procedure for such reason. The president of the committee (board) shall inform the committee (board) at the next session of the decisions taken in the cases specified in this paragraph.

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## NOTIFICATIONS, ENQUIRY


### 12.§

- (1) If the person or board acting in the case wishes to hear the student in person in the course of the procedure or at the student's requests or, if it wishes to hear somebody else in the procedure in person, in particular a witness or an expert, a notice or a request shall be issued.
- (2) Such notification or request must indicate the acting person or board, the case number, the subject matter of the case, the date and place of the hearing, and the question and capacity in which the notified person is to be heard. Students notified must be advised to bring identification documents with themselves.
- (3) The provisions of Article 16 of (3)–(6) the SSP shall apply to the service of the notification, with the exception that
  - a) the notification must be communicated to the recipient at least five (5) days in advance,
  - b) persons present may be summoned, notified and contacted verbally.
- (4) The notification must be sent to the students by mail (by registered mail and return receipt) or electronically (via e-mail, Neptun, Customer portal message), if their e-mail address is available. Other persons must be notified and invited in writing, by post or electronic means (e-mail, if to an employee of the University, an official university e-mail address must be used).
- (5) A document of the communication, receipt or access to the document communicated by mail, personal and electronic delivery must be placed in the case file. If a notification request is communicated verbally, such fact must be noted in the file and the person concerned must sign it.
- (6) In order to ascertain the relevant facts, the acting person or board may contact other university organisational units, committees, heads and other university staff members for their opinion. The requested is obliged to respond to the request within the time limit set by the acting body.

## **REJECTION OF AN APPLICATION WITHOUT ANY EXAMINATION AS TO ITS SUBSTANCE, TERMINATION OF THE PROCEEDING**

### 13.§

- (1) The acting person or board shall reject the request without examining it on the merits within eight (8) days if:
  - a) it has no competence or authority and change of venue for the request is not allowed,
  - b) the request is clearly aiming an impossible purpose,
  - c) the request is too soon or too late,


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- d) the person or board acting at first instance has already adjudicated the application on the merit and a new application has been submitted for the enforcement of the same right under the same facts and regulations, or
  - e) the application was submitted clearly not by the entitled person.
- (2) The acting person or board shall terminate the procedure if:
- a) rejection of an application without any examination as to its substance should have been due, but the reason for the rejection came to its knowledge only after the commencement of the proceeding,
  - b) the requestor (student) has withdrawn his/her application, unless several requestors (students) are involved in the proceeding and not all the requests have been withdrawn,
  - c) as a result of the death of the requestor (student), the proceeding becomes devoid,
  - d) the circumstance giving rise to the continuation of the proceeding no longer exists,
  - e) the requestor (student), despite the call of the person or board acting at first instance, and in case the representative is rejected in the proceeding, fails to authorize an appropriate representative or act in person, unless several requestors (students) participate in the proceeding and they act in person or their representative has not been rejected by the acting person or board,
  - f) due to change in the law or the revision of the university regulations, the assessment of the case shall hereinafter fall within the competence of the acting person or board and change of venue shall no longer be allowed.
- (3) The acting person or board may terminate the proceeding if the requestor (student) failed to comply with the request for correcting the deficiencies, and/or the failure to make a statement prevented ascertaining the relevant facts.
- (4) If the requestor (student) withdraws the application in accordance with point b) of paragraph (2) of this Article before the decision becomes final, the acting person or board shall withdraw the decision.

## **SUSPENSION AND STAY OF PROCEEDINGS**

### **14.§**

- (1) Where the final decision in the proceeding requires the preliminary adjudication of an issue, in which the proceeding is under the competence of another body, or if the case cannot be reasonably decided without another decision of the acting person or board, that is closely related to that case, the acting person or board at first instance shall suspend the proceeding. If the student is entitled to initiate proceedings before another body, he or she must be called to do so within an appropriate deadline. If the student fails to comply with such call, the acting person or board at first instance shall terminate the proceeding or decide on the basis of the available data.
- (2) If the court acting in administrative matters obliges the body acting in the case to proceed with a new proceeding and a request for retrial or review has been made against such court decision, the person or board acting in the case shall suspend its proceeding.

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- (3) Upon suspension of the proceeding, all time limits shall be interrupted and, shall recommence, with the exception of the administrative time limit, which the suspension ceases. All procedural steps taken during the period of suspension shall be null and void, except those aimed at eliminating the reason of the suspension.
- (4) The acting person or body in the case may also decide that the pending procedural acts and the deadlines set for their completion are not affected by the suspension of the proceeding.
- (5) The proceeding shall be suspended if requested by the requestor (student) or, in the case of several requestors (students), requested jointly, unless any provision by law excludes so. Proceedings shall be continued at the request of any of the requestors (students). After six (6) months of suspension, proceedings that may be continued only on request shall cease. The acting person or board shall notify those to whom the resolution is to be served.

## **THE DECISION AT FIRST INSTANCE**

### **15.§**

- (1) The acting person or board shall take its decision in the form specified by law, the Student Requirements and other university regulations governing students' cases, taking into account the contents of this Article.
- (2) The acting person or board shall take a resolution on the merits if rejecting the application, suspension or termination of the proceeding is not allowed.
- (3) Unless further requirements are specified by law, the Student Requirements or other university regulations or the call for applications, the resolution shall include:
  - a) the name of the acting decision-maker, the ID number of the case and the name of the acting Associate,
  - b) the student's name, student ID (NEPTUN code), address, programme, specialization, as well as the mode of study of the year and the programme,
  - c) description of the subject matter of the case,
  - d) the operative part must contain:
    - da) the decision of the decision-maker, as well as information on the possibility of appealing, the forum and deadline for the submission,
    - db) the name of the body consulted as specialised authority or for expert opinion and the operative part of the assessment,
    - dc) the time limit deadline for the fulfilment of the obligation and the legal consequences of failing to perform voluntarily, including information on the legal consequences set out in other regulations or legislation arising from the failure to fulfil the obligation in the decision establishing the obligation to pay,
    - dd) information on the amount of the payment obligation and any other charges or fees laid down in the decision, the payment options,
  - e) the reasoning must contain:

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- ea) the matters of fact established and the items of evidence accepted in support thereof,
  - eb) the evidence offered but omitted by the student and the reasons for such omission, including the circumstances of the unsuccessful call for correcting deficiencies, and the legal consequences of the failure to keep the deadline,
  - ec) in the case of a discretionary decision, the criteria and facts involved in the discretion,
  - ed) assessment of the specialist authority and the justification of the assessment issued by the body consulted for the expert opinion,
  - ef) references to legal provisions and the provisions of the internal regulations on the basis of which the decision-maker has taken its decision,
  - eg) reference to the law or university regulations establishing the competence and authority of the decision-maker,
- f) the place and date of the decision, the name and official position of the issuer of the decision,
- g) in addition:
- ga) in the case of a decision communicated in a Neptun message, in a Neptun resolution, the sgd. mark after the name of the issuer of the decision,
  - gb) in the case of a decision communicated in the form of an electronic document, the electronic signature and time stamp of the issuer of the decision,
  - gc) in the case of a decision issued in the form of a paper-based document, the signature of the issuer of the decision and, if it uses a stamp, the official stamp of the University, provided that the copy may be authenticated by the SR or by a person designated for this purpose by other university regulations governing students' affairs, or, in the absence of such person, by a person appointed in writing by the decision-maker.
- (4) Decisions shall be taken in the language of the programme.
- (5) Only simplified decision may be taken and its reasoning may contain only the underlying laws, if the decision maker approves the application in its entirety and if there is no adverse party in the case or if the decision does not affect the right or legitimate interest of the adverse party.

**DELIVERY**


**16.§**

- (1) The resolution shall be served to the requestor:
- a) via Neptun, in a Neptun message or in the case of a decision in a Neptun resolution,
  - b) via Neptun or by sending it to the student's official e-mail address registered in Neptun or via customer portal, in the case of resolutions issued in the form of electronic documents,
  - c) in the case of resolutions issued in the form of a paper-based document, by post or personal delivery.



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- (2) Resolutions terminating the student status and decisions imposing payment obligation, if sent by post, must be delivered by registered mail with a receipt. In the case of postal delivery, the date of notification of the decision shall be the date of the postal service.
- (3) If service by post fails because the recipient or their agent declares that they will not receive mail, the document shall be deemed to have been served on the day on which service is attempted.
- (4) If the document served by post is:
  - a) marked “nem kereste” (unclaimed), the document shall be considered served on the day of the second (2.) attempt of delivery,
  - b) marked “ismeretlen” (addressee unknown) or “elköltözött” (addressee moved), the document shall be considered served on the fifth (5.) working day following the day of attempted delivery.
- (5) If the recipient becomes aware that the received document is deemed to have been delivered by the acting person or board, he/she may submit an objection within fifteen (15) days of becoming aware of it, but no later than within forty-five (45) days of the communication. The objection is accepted by the body acting in student affairs if the recipient could not receive the document because the service was in violation of the laws on the service of official documents, or because it was not lawful for any other reason, or the recipient was unable to collect it for reasons beyond his/her control. The objection shall specify the facts and other circumstances that demonstrate the alleged infringement in the service of process or the fact that it is out of the addressee’s control is proven. If the objection is approved by the body acting in student affairs, the rules applicable to the application for justification shall apply. The objection shall be assessed by the acting body, that issued the copy subject to service.
- (6) If the decision relating to the student and the student's application/submission is sent in the form of a message (including information, notification, notice) or a resolution via Neptun or e-mail, the message sent in this way shall be deemed to have been served on the day following the date of sending. The provisions of Act CCXXII of 2015 on the general rules on electronic administration and trust services shall apply to the case of delivery by electronic means (Customer portal).
- (7) The decision may be communicated orally to the student present, in which case the written decision must be delivered within ten (10) days. The fact of verbal communication must be recorded on the document and signed by the student.
- (8) Decisions may be communicated also by personal delivery. In this case, the student will be informed of the personal delivery by e-mail, telephone or electronic message sent via Neptun, and the acting person or body will set a deadline for receipt. In the case of personal delivery, the fact and time of communication must be recorded in the document and signed by the recipient. If students do not receive the decision by the deadline provided, it must be delivered by post without delay. If an authorised representative is acting for the student, the decision must be delivered to the representative by post.
- (9) Decisions at first instance shall become final if students do not submit an appeal, waive the right to appeal or withdraw the request.

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- (10) If the decision contains an obligation, a time limit or a deadline for performance must be set.

## **CORRECTING AND SUPPLEMENTING DECISIONS**


### **17.§**

- (1) If there is a name, number other typo or calculation error in the decision, the error shall be corrected by the body acting in student affairs unless it affects on the merits of the case.
- (2) The body acting in student affairs shall perform such correction by way of
  - a) a note taken on the original copy of the decision and, where available, on its other copies,
  - b) replacing the incorrect decision, and revoking the wrong one, or
  - c) taking the corrective decision.
- (3) The correction shall be communicated to those that have received the original decision.
- (4) No correction is allowed if an appeal has been lodged against the resolution.
- (5) In the case of correction, the given deadline shall start from the date of notification of the corrected resolution.
- (6) The part of the decision affected by the correction shall be subject to the same remedy as the original decision.
- (7) If the decision lacks a mandatory element required by law, the Student Requirements or other university regulations on student affairs, or if no decision has been made on the matter pertaining to the merits of the case, the body acting in student affairs shall supplement the decision.
- (8) Supplementing the decision is not allowed one (1) year after the decision has become final.
- (9) The body acting in student affairs shall communicate the supplement in a coherent decision, preferably by replacing the decision.
- (10) The supplement shall be subject to the same remedy as the original decision.
- (11) The supplement shall be communicated to those that have received the supplemented decision.

## **AMENDMENT, WITHDRAWAL AND NULLIFICATION OF DECISIONS**

### **18.§**

- (1) If, on the basis of the legal remedy request, the acting person or board determines that the decision violates the law or university regulations, the decision shall be revised or revoked.
- (2) In the case of a legal remedy request, the acting person or board may revoke or revise decisions that are not in violation of the law and do not violate the university regulations,

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even if it agrees with the contents of the request (appeal), provided that there is no opposing party in the case.


- (3) Decisions set out in this section shall be communicated to the student and to those to whom the contested decision has been communicated.
- (4) The decision on the revocation or revision shall be subject to the same remedy as the revoked or revised resolution itself.
- (5) If the acting person or board determines that the appeal may be adjudicated or the decision not adjudicated by the court violates the law or university regulations, the decision shall be revised or revoked. Decisions shall be communicated to persons to whom the revised or revoked decision has been communicated.
- (6) The acting person or board shall be entitled to conduct the proceeding under paragraph (5) only one time, within one (1) year of the notification of the decision.
- (7) Unless otherwise provided by law or a governmental decree, the decision may not be revised or revoked if it would violate the right acquired and exercised in good faith, unless incorrectly entered in the official instrument or the official certificate.
- (8) The decision shall be annulled or withdrawn, and if necessary new proceedings shall be opened if:
  - a) the content of the decision was influenced by some criminal act, provided that the criminal conduct was established by final peremptory resolution, or such resolution was blocked by reasons other than the lack of evidence;
  - b) the acting person or board has no competence for the case;
  - c) it is contrary to the resolution of the administrative court brought in the given case.
- (9) A decision may not be annulled regardless of any grounds for nullity if it would compromise any right that the client has acquired and exercised in good faith, and a period of three (3) years has elapsed since the decision became definitive. Where the grounds for nullity referred to in paragraph (8) a) applies, the decision may be annulled without any time limit if it does not affect any right acquired and exercised in good faith.

## **CHAPTER II**

### **PERSONS AND BOARDS ACTING IN LEGAL REMEDY AFFAIRS**

#### **19.§**

- (1) Persons and boards involved in the legal remedy procedures are:
  - a) body acting at first instance (board or person),
  - b) Student Services (hereinafter referred to as SS),
  - c) the board receiving appeals at first instance, the Student Appeal Committee (hereinafter referred to as: SAC or Committee),
  - d) keeper of the minutes.
- (2) The following shall not be involved in the adjudication of a legal remedy request or in giving opinion:


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- a) any the person that made the contested decision or failed to take a decision,
  - b) close relatives of the person referred to in point a) (spouses, next of kin, adopted children, stepchildren, foster children, adoptive parents, stepparents, foster parents, and siblings),
  - c) any person who is considered biased for any other reason.
- (3) The member of the Committee concerned shall immediately notify the president of the SAC in writing of the existence of a conflict of interest. If the president of the SAC is affected by the conflict of interest, he shall appoint a member of the SAC to conduct the procedure in the given case and shall not take part in the procedure, while informing the Rector. The existence of a conflict of interest shall be adjudged by the president of the SAC and, if the president is concerned, by the Rector, which shall be recorded in the minutes. In the event that a conflict of interest applies to the president, the rights of the president to conduct the procedure and set out in the SSP shall be exercised by the member of the committee appointed by the Rector.
  - (4) The student submitting the appeal or his/ her representative may present a motion for conflict of interest.
  - (5) The SAC determines its own rules of procedure within the framework of these Regulations, provided that the language of the proceeding is Hungarian, unless the student subject of proceeding requests the proceeding to be conducted in the language of the programme.

### **STUDENT APPEALS COMMITTEE**

#### **20.§**

- (1) The Student Appeals Committee is a decision-making, decision-preparatory and consultative body for student appeals.
- (2) The SAC is of three (3) members including the President. The members of the SAC are two (2) employees appointed by the Rector, of which one must be a qualified professional lawyer, who is also the Chairperson of the Committee, and one (1) must be a student delegated by the Student Union (hereinafter referred to as "HÖK"). If the appeals procedure is initiated by a student participating in a doctoral programme, the student (doctoral student) member is a delegate of the Doctoral Union (hereinafter: PhD Student Union).
- (3) Secretary duties shall be catered for by the employee appointed by the Chairperson of the Committee.
- (4) The mandate of the President of the Committee and its members, with the exception of the member delegated by the Student Union or the PhD Student Union, shall be for a fixed period of at least three years determined by the Rector and shall run until the date of termination of the employment relationship, resignation or recall by the appointing person. The method and duration of the mandate of the member delegated by the Student Union or the PhD Student Union are determined by the byelaws of the Student Union or the PhD Student Union, provided that students who have not registered for the given semester or who have been subject to disciplinary penalties in a final resolution

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may not be a member of the Committee. The student shall inform the President of the Committee of these circumstances. In this case, the delegation of the new member shall be arranged by the President of the Student Union or the PhD Student Union at the request of the President of the Committee.


- (5) The Rector shall issue the assignment letter to the President and the members. The President of the Student Union or the PhD Student Union shall notify the Rector in writing of the identity of the student members. The assignment may be repeated several times.
- (6) Should a Committee member's term of office terminate for any reason, the president 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 president's term of office, the non-student of the Committee shall act as Executive president until the election of the new president. The Executive president shall have the same powers as the president.
- (7) The Committee shall act in all student proceedings at second-instance with the exception of disciplinary, damages and ethic affairs at second-instance. The Committee may not exercise equity.

## **CONDUCT OF THE APPEAL PROCEDURE**

### **COMMENCEMENT OF THE PROCEEDING**

#### **21.§**

- (1) Students may appeal against any decision or action of the University or the failure to take action (hereinafter jointly referred to as the "decision") within fifteen (15) days of the communication or, failing that, of becoming aware of it, with the exception of the decision on the evaluation of the studies as well as if it is excluded by law or university regulations.
- (2) A legal remedy request may be brought against a decision on the evaluation of studies only if the decision was not based on the requirements adopted by the University, and/or if the decision is contrary to the provisions of the University Rules for Organisation and Operation, or if the provisions on the organization of the examination have been violated.
- (3) With the exception of the violation of procedural rules, submission of a legal remedy request against decisions at individual discretion is not allowed, in particular against of Dean's, Rector's equity and certain social support matters, and where it is excluded by law, the Student Requirements and other university regulations on student affairs.
- (4) In the event of a violation of students' rights, in addition to filing a legal remedy request, students have the following options:
  - a) ask legal assistance from the Student Union,
  - b) a doctoral student (and doctoral candidate) having PhD student status may ask legal assistance from the Doctoral Student Union,


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- c) initiate the proceedings of the Commissioner for Educational Rights, provided that the student has exhausted his/her right of appeal at the University, except for judicial proceedings.
- (5) Both the students and the University shall bear their own costs incurred in the appeals procedure and the costs incurred in the proceedings preceding the appeals procedure.


## **THE LEGAL REMEDY REQUEST**

### **22.§**

- (1) Persons entitled to legal remedy may submit their application for legal remedy through Neptun, using the form designated for this purpose, through the customer portal, in person or by mail. If the request is submitted in person or by mail, then it shall be submitted to the Student Services, and in the case of students in doctoral programmes to the Corvinus Doctoral Schools.
- (2) Requests shall be considered submitted on the day when it is recorded in Neptun in a reviewable format; in case of submission by mail, requests shall be considered submitted on the day it is posted, otherwise on the day of the actual receipt.
- (3) Legal remedy requests may be submitted in Neptun by the person entitled to so, the person otherwise entitled to do so, or the representative of such person. If a request is submitted by a person who is not entitled to do so, then the representation authorisation shall be verified in a credible manner, simultaneously with submitting the application.
- (4) Requests shall be adjudicated on the basis of their content, even if that does not coincide with the designation used by the student.
- (5) Requests shall include:
- a) the name, home address, notification address, contact details (e-mail, telephone), Neptun code of the student and his/her possible representative,
  - b) the name of the programme to which the legal remedy request applies, and also the mode of study and the form of financing of the programme,
  - c) the firm request,
  - d) the registration number of the decision or measure of the body acting at first instance, against which the student submits the request for legal remedy,
  - e) reasoning, the facts supporting the application and any evidence on which they are based, or the description of the measure omitted,
  - f) the precise description and the significant circumstances of the alleged violation of law and procedural error, and if possible, indication of that law or university regulation with reference to which the application for legal remedy is submitted by the student,
  - g) in case of legal remedy request against the decision, measure or omission related to the evaluation of the studies, if possible, indication of that requirement accepted by the University or the resolution specified in the Student Requirements or related to the organising the exam to which the decision, measure or omission is contrary,

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- h) the date of the application – if submitted in person, the date of the submission – and in case of paper-based application, the signature of the student.
- (6) Requests shall include, as attachment, the documentary evidence supporting the allegations included in the request, and if the student does not have such evidence, then the method of proof of the allegations included in the request. In addition, if the student is represented by a proxy, then the proper power of attorney signed by the student.
- (7) Requests may only refer to new facts that the student was not aware of during the proceedings at first instance or did not refer to it for reasons beyond his/her control. No verification shall be required for well-known facts or facts which the University is officially aware of.
- (8) Provided that the legal remedy request is not aimed at a decision made by the Student Services or the Corvinus Doctoral Schools, the Student Services or the Corvinus Doctoral Schools shall forward the request without delay to the organisational unit, board or person which or who had made the contested decision (hereinafter referred to as person or board acting at first instance).
- (9) If the legal remedy request was submitted to the SAC, then upon the request of the Chairperson of the Committee, the person or board acting at first instance shall forward the documents of the case, the possible measures taken in connection with the application, and its/his/her opinion to the Chairperson of the Committee immediately, but not later than within five (5) days of the receipt of the notice. The Chairperson of the Committee shall forward the request to the Student Services/ Corvinus Doctoral Schools as well.
- (10) If the request fails to comply with the requirements specified in paragraphs (6)-(7), then the person or board acting at first instance in the case shall call the student to correct the deficiencies, in addition to setting an appropriate deadline and including a warning regarding the legal consequences of failure.
- (11) No call to correct deficiencies shall be issued for the verification of data or the attachment of annexes of which the Committee is aware ex officio or which must be obtained by the Committee. If the student fails to comply with such call within the deadlines specified in the notice to correct deficiencies, then the Committee will adjudicate the request or terminate the procedure based on the data available. The student must be warned of this.
- (12) Students may withdraw their request for legal remedy until the resolution is made, in writing - or verbally, recorded in minutes at the hearing of the Committee.
- (13) The person or board acting at first instance shall examine the request for legal remedy. If the person or board acting at first instance agrees with the content of the request, then the resolution requested to be reviewed shall be withdrawn, changed, corrected, amend and replace the decision omitted. The decision on the revocation or revision shall be subject to the same remedy as the revoked or revised decision itself.
- (14) If the person or board acting at first instance disagrees, then the person or board acting at first instance shall submit the legal remedy request to the SAC within eight (8) days,

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together with all available documents of the case, and the remarks and opinions of the person or board acting at first instance.

- (15) The Chairperson of the Committee shall examine the request for legal remedy and the documents of the case, and shall decide within eight (8) working days whether to initiate the procedure or to dismiss the request without examination on the merits. If the Chairperson of the Committee finds that the application falls within the competence of an organisation or person within another institution, then the president of the Committee shall - within the same deadline - refer the case ex officio to the board or person entitled to make the decision.

## **DISMISSAL OF THE REQUEST AND THE TERMINATION OF THE PROCEDURE**

### **23.§**

- (1) The Chairperson of the Committee shall dismiss requests by ruling without examination on the merits, provided that the Chairperson of the Committee finds that:
- a) the request was late,
  - b) the Committee does not have competence to adjudicate the request and the request cannot be transferred,
  - c) the request was not submitted by the person entitled to do so,
  - d) the request is submitted against any decision which cannot be appealed, or if in the legal remedy request submitted against any decision made through individual consideration the student fails to refer to the procedural error, and in case of a legal remedy request submitted against any academic evaluation, the student fails to refer to grounds specified in the regulations,
  - e) the request is clearly aiming at an impossible purpose,
  - f) the Committee has already adjudicated the request for the enforcement of the same right on the merits and the contents of the request and the governing legal regulations have not changed;
  - g) the request is incomplete, and correcting deficiencies is not available according to the SSP.
- (2) The Chairperson of the Committee shall terminate the procedure within eight (8) days, if:
- a) the request should have been dismissed, but the ground for the dismissal was discovered only after the commencement of the procedure,
  - b) the student withdraws his/her application for legal remedy in writing - or verbally, recorded in minutes at the hearing of the Committee,
  - c) the procedure has become redundant in the meantime,
  - d) the student failed to comply with the call to correct the deficiencies and did not request that the deadline set for the rectification was extended, and/or if the student's failure to make any statement hindered the clarification of the facts of the case,



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- e) decision on the merits of the case depends on the prior adjudication of a question which falls under the material competence of another body, and the student fails to comply with the call of the Committee to commence the procedure,
- f) the student requested the suspension of the procedure and failed to request the justification of the procedure until the expiry of the suspension.

**ADMINISTRATION DEADLINE**

**24.§**

- (1) The appeals procedure shall be concluded by resolution within thirty (30) days of the day when the legal remedy request was submitted properly.
- (2) Article 10 (3)–(4) shall apply for the administration deadline.

**CALCULATION OF THE DEADLINES**

**25.§**

- (1) The deadlines in the appeals procedure shall be calculated in accordance with the provisions of Article 8, 10 and of the Ákr.

**REPRESENTATION**


**26.§**

- (1) In the appeals procedure, students may act in person or through their proxy.
- (2) Article 4 (3) shall apply for the power of attorney.
- (3) If the student exercises his / her rights through a representative, then the student may be present at the procedural acts, but the rights of the student under these Rules may be exercised by the representative, in addition the committee obligations to be fulfilled to the student must be fulfilled to the representative. This shall not prevent the SAC from asking questions to the student subject to the procedure and shall not prevent the student for asking to be heard.

**ACCESS TO THE DOCUMENTS**

**27.§**

- (1) Students or their representative shall have the right to inspect at any stage of the appeals procedure the documents produced in the course of the proceeding or taken into account in the decision-making of the Committee, and to listen to the audio recordings made at a closed session of the Committee, with the exception of the minutes or audio recordings recorded in closed session.
- (2) Witnesses heard in the procedure has the right to access the documents which contain their testimony.
- (3) The following documents shall not be accessed:
  - a) the draft of the decision,

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- b) any document based on which the identity of the person regarding which the Committee had ordered the confidential processing of the personal identification data and the home address can be deduced.
- (4) The right to access the documents shall not include the right to copy the documents and the audio recordings or to have those forwarded.
- (5) The documents may be accessed only within six months of the definitive conclusion of the procedure.

### **SUSPENSION AND STAY OF PROCEEDINGS**

#### **28.§**

- (1) The Suspension and stay of proceedings shall be governed by the provisions of Article 14 of these Rules.

### **CONSOLIDATION**

#### **29.§**

- (1) In case of students who have lodged several appeals, the Committee may decide to consolidate the cases if, because of the direct and close relationship of the facts, segregation is not possible.
- (2) In case of consolidation, all students who had submitted requests shall have the right to access the complete case file of the consolidated procedure and to attend any and all procedural act.

### **APPLICATION FOR JUSTIFICATION**


#### **30.§**

- (1) The application for justification related to missing the deadline set for submitting the legal remedy request shall be adjudicated by the SAC.
- (2) Otherwise, the provisions of the Ákr. shall apply mutatis mutandis to the application for justification.

### **ASCERTAINING THE RELEVANT FACTS**

#### **31.§**

- (1) In the course of the evidentiary procedure, the Committee shall apply the rules on the clarification of the facts laid down in Article 11 of these Rules accordingly.
- (2) If the ascertain of the facts so requires, then the Committee may hear the student verbally as well. The student has the right to deny to make a statement, to refuse to make a statement in writing or verbally, or to request in writing that the procedure be conducted without an oral hearing. If the student does not appear at the hearing despite being duly notified and does not request in writing the procedure to be conducted in his/her absence by the time of the hearing, then the Committee may terminate the procedure or take a decision on the basis of the information available to the Committee.

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Students also have the right to request by e-mail that the Committee conducts the procedure without hearing

- (3) In order to ascertain the facts, the Committee may summon to a hearing or oblige any employee or student of the University to make a written statement. In addition to ascertain the facts, the Committee may request data reporting relevant to the case from any organisational unit of the University, and it may request the student to present the document or other instrument in his / her possession.
- (4) Other persons may be heard as witnesses, provided that the Committee considers it necessary and the person intended to be heard as a witness is willing to participate in the procedure. No person shall be heard from whom a testimony that can be assessed as evidence also cannot be expected.
- (5) The identity of the witness shall be established at the beginning of the hearing. The witness shall declare the nature of his/her relationship with the student and whether he/she is subjective. The fact justifying the possible bias of the witness shall be recorded in the minutes on the basis of the statement. Witnesses who have not yet been heard may not be present at the hearing of the student, other witnesses and the expert.
- (6) The student shall be entitled to be present at the hearings of other evidentiary proceedings to ascertain the facts, to ask questions of the persons heard and to submit his/her observations on the evidence to the Committee, except for the hearing of a person whose natural identification data and home address are processed confidentiality based on the order of the Committee.
- (7) Ascertaining the facts shall otherwise be governed by the provisions of the Ákr.

### **CONFIDENTIAL DATA PROCESSING**

#### **32.§**

- (1) In the event of a reasoned request to that effect, the Committee shall order the confidential processing of the natural identification data and home address of the witness or expert if the proponent for the confidential processing is likely to be seriously adversely affected by his or her involvement in the proceedings. The decision shall be communicated exclusively to the proponent.
- (2) The Committee shall treat natural personal identification data and the home address separately and confidentially in the documents of the case, and shall ensure that the confidential data are not disclosed in the course of the procedure.
- (3) Only the Committee, the keeper of the minutes, the Rector, the Vice-Rector for Education and the court acting during the judicial review shall have access to the data processed confidentially.
- (4) In order to ensure the right of access to the documents, the Committee shall draw up an extract from the document generated in the procedure – which shall otherwise comply with the content and format requirements specified by law – in a manner that does not allow conclusions to be drawn regarding the identity of the person specified in paragraph (1).

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## NOTIFICATIONS, SUMMONS FOR THE HEARING


### 33.§

- (1) If the Committee wishes to hear a student in the proceedings in person or if such hearing is requested by the student, then the Committee shall issue notifications, or if the Committee wishes to hear any other person – in particular as witness or expert - in the proceeding, then the Committee shall issue a summons.
- (2) The summons or notification shall indicate the name of the SAC, the case number, the subject matter of the case, the date and place of the hearing, and the issue regarding which and the capacity in which the Committee intends to hear the person summoned or notified. The person summoned or notified shall be warned to bring his/her documents suitable proving his/her identity. The notification shall call the students' attention to the fact that they may submit their comments in writing as well, by requesting that s/he shall have no personal interview, and the student shall be notified of the provisions of Article 32 (2).
- (3) Notifications and summons shall otherwise be governed by the provisions of Article 12 (3)–(6) of these Rules.

## COMMITTEE SESSIONS

### 34.§

- (1) The Committee shall adjudicate the application for legal remedy in its sessions.
- (2) The Committee shall make its decisions in closed sessions, with a simple majority of the members present. In the event of a tie the chairperson's vote shall be decisive.
- (3) The Committee may make the following decisions with respect to the legal remedy request:
  - a) dismissal of the application,
  - b) ordering the person or board who omitted to make the decision to make the decision,
  - c) amendment of the decision,
  - d) nullification of the decision and ordering the decision-maker to conduct a new procedure.
- (4) The decision at second instance shall become final and enforceable upon the communication thereof, except if the student requested the judicial review of the decision.
- (5) In the case of a session held without personal participation but with an online appearance, the rules detailed at the regular session (deadlines, quorum, conduct, voting order) shall apply, except that the session shall be conducted using the Microsoft Teams application.

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## DECISION-MAKING


### 35.§

- (1) The Committee shall adopt a resolution on the merits of the case, and shall issue rulings (hereinafter referred to as decision) in all other matters occurred in the course of the procedure.
- (2) The resolution shall include the following:
  - a) the name of the Committee, the case number and the Associate of the case,
  - b) the name, home address – and if the student has a Neptun code – the Neptun code of the student,
  - c) description of the subject matter of the case,
  - d) in the operative part, the decision of the Committee, as well as information on the possibility, place and deadline of the review,
  - e) in the reasoning
    - ea) the matters of fact established and the evidences accepted in support thereof,
    - eb) the evidence offered by the student but not taken into consideration, the reasons for disregarding the consideration,
    - ec) the reasons supporting the decision,
    - ed) the legal provisions and university regulations based on which the committee took its resolution,
    - ee) reference to the law which establishes the material and territorial competence of the Committee,
  - f) the place and date of the decision-making, the name of the Chairman of the Committee, as well as the name and position of the issuer of the decision,
  - g) the signature of the issuer of the decision and the stamp of the Committee.
- (3) The resolution may be communicated to the student (or his/her representative) present at the hearing verbally as well, the fact of which shall be recorded in the minutes.
- (4) The form and content of the decision (resolution or ruling) shall otherwise be governed by the rules of the Ákr., with that the references of the Ákr. to legal provisions shall be understood as including the university regulations and policy provisions as well. In addition, the authority specified in the Ákr. shall be understood as the Committee. These provisions shall also be applied mutatis mutandis to the contents of the ruling.

## COMMUNICATION OF THE DECISION TO THE STUDENT

### 36.§

- (1) The decision of the Committee shall be incorporated in a final decision issued in the form of paper document or an electronic resolution. One original copy shall be delivered to the student by registered mail or personal delivery, or in the case of electronic documents, through the Customer portal. A copy shall be forwarded to the SS and, through it, to the

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body acting at first instance, or, in the case of students in doctoral programmes, to the Corvinus Doctoral Schools.

- (2) The decision shall be considered communicated on the day on which it was received by the student or the proxy – provided that the student granted power of attorney for the receipt of the consignment - in person or by mail. The provisions of Article 16 (6) shall apply to the delivery via the customer portal.
- (3) Communication by announcement is not allowed.
- (4) The communication of the decision shall otherwise be governed mutatis mutandis by the provisions of Article 16.
- (5) The decision of second instance shall be final upon the communication thereof.

### **MINUTES AND AUDIO RECORDINGS**


#### **37.§**

- (1) The appeals hearing shall be recorded in paper-based minutes recording the significant content of the hearing on prepared base which, in the case of personal interview, is based on the audio recordings; the minutes shall be drawn up within fifteen (15) days, or within thirty (30) days in case of translation to a foreign language. One set of minutes shall be prepared in case of consolidated procedure.
- (2) An electronic copy of the signed minutes shall be sent to the student submitting the application for legal remedy until the fifteenth (15) day following the day of the hearing. Upon the student's request submitted in writing, via e-mail or at the hearing, the minutes shall also be sent to the student by mail.
- (3) The student may request the supplementing or correction of the content of the minutes, within 8 days of the receipt thereof.
- (4) Upon the student's request submitted in writing, via e-mail or at the hearing – in order to amend or supplement the contents of the minutes, the student may hear the audio recordings in person at the Committee.
- (5) The Committee shall decide on the correction or supplementing of the minutes on the basis of the audio recordings. The correction shall be completed within eight (8) days of the announcement thereof. No appeal shall lie against such decision.

### **CORRECTING AND SUPPLEMENTING DECISIONS**

#### **38.§**

- (1) The SAC may correct or supplement its decision in accordance with the provisions of Article 17 of these Rules and the rules of the Ákr.

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## **REVISION AND WITHDRAWAL OF DECISIONS**

### **39.§**

- (1) If the Committee establishes that its decision not adjudicated by the court violates the law, then the Committee shall revise or withdraw its decision no more than one (1) time within one (1) year of the communication of the decision.
- (2) If on the base of the statement of claim the Committee establishes that its decision violates the law, then the Committee shall revise or withdraw its decision. If the Committee agrees with the contents of the statement of claim and if there is no party with opposing interests, then the Committee may withdraw any decision which does not violate the law or may revise it in accordance with the statement of claim.
- (3) Decisions may be withdrawn or revised one (1) time.
- (4) The decision specified in paragraphs (1)–(3) shall be communicated to the party to whom the revised or withdrawn decision was communicated.
- (5) Otherwise, the provisions of the Ákr. on the revision and withdrawal of the decision shall apply, given that any reference to the authority shall mean the Committee.

## **IMPLEMENTATION OF THE DECISION**


### **40.§**

- (1) The implementation of the final decision in the case, including the decision modified by the final court decision and decisions ordering interim measures, shall be ensured by the relevant organisational unit together with the Student Services or the Corvinus Doctoral School.

## **ADMINISTRATIVE ACTION**

### **41.§**

- (1) The student may contest the decision terminating the proceeding on the legal remedy request in an administrative action. Lodging a statement of claim shall have a suspensory effect. A statement of claim may also be lodged by reference to an infringement of the provisions relating to student status.
- (2) The claimant shall lodge the application with the person or board acting at first instance within thirty (30) days of notification of the resolution to be reviewed or by registered post. The body acting at first instance shall submit the application to the Committee together with the documents of the case within five (5) days of the date of submission, which shall forward them to the court within fifteen (15) days, together with the statement on the statement of claim. If the application also contains an application for suspension of the implementation, the application and the case file shall be forwarded by the Committee to the court within eight (8) days.
- (3) Persons, the board and the Committee acting at first instance may not reject an application lodged late, but shall forward it to the court even if the claimant has not attached an application for justification.

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## CLOSING PROVISIONS

### 42.§

- (1) The Senate approved this Regulation on 22 June 2021.
- (2) These Rules shall enter into force on 1 September 2021, and at the same time the Regulation on the Procedure for the Assessment of First Instance Applications and Legal Remedy Requests in Relation to Student Status by resolution no. 31/2020. (08.18.) of the Board of Trustees shall be repealed.
- (3) These Rules shall apply to proceedings that commence after its entry into force.
- (4) Matters pending at the time of entry into force of these Rules shall be conducted in accordance with the rules set forth in Subsection (2).
- (5) These Rules constitute part 2 of the Student Requirements.