

**SEMMELWEIS UNIVERSITY
FACULTY OF HEALTH SCIENCES**

**PROCEDURES OF THE
DISCIPLINARY COMMITTEE**



Resolution No. 39/2009 (XII.3.) ETK. KT.

Chapter I.

Legal status and organisational rules of the Disciplinary Committee

Pursuant to the authorization granted in section (4) of paragraph 21 of act CXXXIX of 2005 on higher education (hereinafter: Ftv.), in its decree No. 74/2006 (IX. 28.), amending decree No.. 58/2006 (VI. 29.) and in a structure homogeneous with the regulations referred to herein, the Senate of Semmelweis University adopted the Rules of Procedures (hereinafter: SZMSZ) of the University.

1. (1) Pursuant to the provisions of paragraph V. of SECTION III. of the SZMSZ, this body shall perform its activities exercising its disciplinary power in resolving student disciplinary and compensatory matters. The disciplinary power shall be exercised in the first instance.

(2) In the event that the student is enrolled in several institutions of higher education, or is a student of various faculties within Semmelweis University (within parallel training or as a guest student), the Committee has the authority to conduct the disciplinary proceedings if the student has breached his obligation at the Faculty or if a grievance is caused to the Faculty. In such instances the Disciplinary Committee shall inform the other institution or faculty, in line with the official rules of conduct.
2. (1) The Disciplinary Committee (hereinafter Committee) established by the Faculty of Health Sciences of the Semmelweis University (hereinafter Faculty) shall have 5 members, including 2 faculty members and 3 students. The two faculty members of the committee shall be elected by the Faculty Council for a period of 3 years and can be reelected on maximum one occasion. The three student members of the Committee shall be elected by the Electorate of the Student Self-government of the Faculty pursuant to its own rules for a period of one year.

(2) The Chairman of the Disciplinary Committee shall be the senior lecturer elected by the Faculty Council.
3. (1) The membership on the Committee is terminated during its term upon
 - a) termination of the legal status of the member as a lecturer or as a student;
 - b) resignation of the member;
 - c) recall of the member;
 - d) death of the member.
(2) In the event that the membership of a faculty member is terminated during its term, the Faculty Council shall elect a new member for the remainder of the original term.

(3) In the event that the membership of a student is terminated during its term, the Electorate of the Student Self-government of the Faculty shall elect a new member for the remainder of the original term.

4. (1) The disciplinary power cannot be exercised in a given matter by whoever
- a) cannot be expected to take an unbiased stance on the matter;
 - b) was involved in the proceedings of the first instance in the proceedings of the second instance.
- (2) Matters pertaining to conflict of interest not regulated in these Procedures shall be governed by the provisions of the SZMSZ.

Chapter II.

Committee rules of the disciplinary proceedings

5. (1) The disciplinary procedure begins upon notification or upon formally learning about a case. The disciplinary procedure is launched upon order of the dean of the Faculty.
- (2) The measure ordering the disciplinary proceedings shall include the name of the student for whom the proceedings are launched, together with his address, his Faculty, and a brief description of the action on which the disciplinary proceedings are based.
- (3) In the event that any member of the Committee cannot be expected to have an unbiased stance on the given matter when exercising the disciplinary power, the conflict of interest shall be determined.
- (4) Members of the Committee shall report cases of conflicts of interest to the dean of the Faculty, indicating the cause of the conflict.
- (5) The student forming the subject of the proceedings and the legal representative may also launch a motion about a conflict of interest, in any phase of the disciplinary hearing. Such motion shall be recorded in the minutes.
- (6) Matters of conflict of interest are resolved by the Committee in a closed session. Acceptance or refusal of the motion shall be incorporated into a resolution. In the event that the motion is accepted, the disciplinary hearing is adjourned until a new member has been appointed. The rules pertaining to exclusion shall be applied to the keeper of the minutes as well.
6. The disciplinary procedure shall be concluded within one month. In the event that the person against whom a disciplinary procedure is in progress is also subject to a criminal case, the disciplinary procedure shall be suspended until the binding

conclusion of the criminal case or in the event that the hearing and attendance in the proceedings of the person subjected to the disciplinary procedure becomes impossible for reasons beyond his control, until there is no further hindrance. The suspension of the disciplinary procedure suspends the statute of limitations. Upon binding conclusion of the criminal procedure the limitation begins anew.

7. (1) The student subjected to the disciplinary procedure shall be summoned to the hearing in writing. Such summons shall include
 - a) the name of the student subjected to the disciplinary procedure;
 - b) the venue and the time of the disciplinary procedure;
 - c) as well as the function in which the addressee is summoned.(2) The persons thus summoned shall be notified to bring along personal identification documents. Summons issued orally or electronically shall be recorded in the documents of the case.
(3) The student subjected to the disciplinary procedure shall be notified within the summons that he has the right to submit his defence in writing and reference shall be made to the possibility of using and choosing a legal counsel (social counsel), as well as to the fact that his absence from the hearing does not hinder the hearing or the resolution of the case.
8. (1) The student subjected to a disciplinary procedure can use a legal counsel (social counsel) within the procedure.
(2) The Committee shall enable the student or his representative to view the documents pertaining to the procedure, make motions and comments and address questions to the witness(es) and expert(s).
9. (1) The disciplinary hearing can be held even if the student or his authorised representative fails to attend the hearing in spite of repeated and regular notices.
(2) The disciplinary procedure is chaired by the chairman of the Committee. The chairman ensures that the provisions of the disciplinary code are complied with and safeguards the order of the hearing and ensures that the people involved in the procedure can exercise their rights, furthermore appoints the keeper of the minutes.
(3) In the absence of the chairman, the committee is chaired by another faculty member of the committee.
(4) Students, lecturers and employees of the university can also attend the disciplinary hearing. For reasons of public interest, or in the interest of the student subjected to the disciplinary procedure, the Committee may rule to exclude the audience from the hearing or from a part thereof. A closed hearing can be initiated by the student subjected to the procedure, or by the witness, as well, if it is presumed that a public hearing would breach his legitimate interests.
10. (1) The Committee shall have a quorum if at least three of its members are present, at least one of whom is a faculty member.
(2) During the hearing of the student subjected to a disciplinary procedure other students subjected to the same procedure but not yet heard and witnesses cannot be present.

- 11.** (1) In the event that the student subjected to a disciplinary procedure admits at the hearing his offence or misconduct, and the admittance is beyond doubt, the hearing shall only be conducted in order to clarify the circumstances (simplified procedure).
- (2) In the event that the student subjected to the disciplinary procedure does not acknowledge his liability, demonstration becomes necessary. The means of evidence include witness statements, expert opinions, material evidences, documents as well as the confession of the person subjected to the procedure. Demonstration procedures include inspection, in situ hearing, attempt at demonstration, presentation, confrontation, as well as the parallel hearing of experts.
- (3) The Committee hears the witness(es) and the expert(s) as the case may be and reports on the documents procured.
- (4) Persons assumed to have information on facts to be proven can be heard as witnesses. Witness(es) shall be asked if they have any interest or bias on the matter and shall be warned about their obligation of telling the truth, as well as about the penal consequences of a false testimony.
- (5) During the hearing of the witness, other, not yet heard witnesses cannot be present. If the testimony of the witness is in contradiction with the defence of the student subjected to a disciplinary procedure or with the testimony of other witness(es), clarification shall be attempted using confrontation, if necessary.
- 12.** (1) The disciplinary hearing shall be recorded in the minutes. The minutes shall be signed by the chairman of the Committee, the members of the Committee and by the keeper of the minutes.
- (2) The contents of the minutes shall be read to the people heard, upon completion of which the relevant section of the minutes shall be signed by them. The person heard can request that supplements or corrections be made to the minutes. Should such persons refuse to sign the minutes, the refusal, together with its cause, shall be recorded in the minutes.
- (3) The minutes shall be attached to the documents of the disciplinary procedure.
- 13.** (1) The Committee adopts its ruling with a simple majority vote taken in a closed session after the demonstration. At the closed meeting only the chairman of the Committee, its members and the keeper of the minutes can be present. Minutes shall be taken at the closed meeting.
- (2) The ruling can be one establishing a disciplinary sanction or dismissing the disciplinary procedure.
- (3) The Committee may base its resolution solely on what was said at the disciplinary hearing and on the evidence examined directly. Facts that have not been proven beyond doubt shall not be taken into account against the student subjected to the disciplinary proceedings.
- (4) The introductory section of the ruling shall stipulate the case number, the faculty or doctorate school of the university adopting the ruling, as well as the name of the student subjected to the disciplinary proceedings, together with the place and time of the hearing and whether it was an open hearing.

- 14.** (1) A ruling imposing a disciplinary punishment is due if the Committee establishes that the student subjected to the disciplinary proceedings has committed a disciplinary offense and a disciplinary punishment therefore is necessary against him. Upon establishing the disciplinary punishment all circumstances of the act, including in particular those against whom the grievance was caused, the consequences, the reoccurrence of the misconduct, as well as the weight of the action committed shall be taken into account.
- (2) The aim of the disciplinary punishment is to educate and prevent. The disciplinary punishment shall be established in such a way that it is commensurate with the weight of the misconduct, the extent of the culpability of the student as well as with the various mitigating and aggravating circumstances.
- (3) The disciplinary punishment can be
- a) reprimand;
 - b) grave reprimand;
 - c) reduction or withdrawal of the benefits and grants as set forth in the rules for compensation and benefits;
 - d) prohibition to study for a definite period of time, not exceeding two semesters;
 - e) expulsion from the institution of higher education;
- (4) A disciplinary punishment can only be imposed as a result of disciplinary proceedings.
- (5) The operative clause of the ruling establishing the disciplinary punishment shall include
- a) the name and other personal details (place and date of birth, permanent and temporary residence, personal ID number, year, major, specialty at the university) of the student subjected to disciplinary liability;
 - b) the disciplinary punishment applied;
 - c) reference to the possibility for legal recourse and to its fifteen-day deadline;
- (6) The justification of the ruling establishing the punishment shall include:
- a) the actual circumstances established;
 - b) designation and evaluation of the evidences;
 - c) explanation, whether the action or default qualifies as a wrongful and serious misconduct of the student and the extent to which the student is at fault in committing the offence;
 - d) the mitigating and aggravating circumstances taken into account when imposing the punishment;
 - e) reference to the provisions on which the disciplinary punishment is based and upon which the Committee's actions are based.
- 15.** (1) The Disciplinary Committee shall resolve to dismiss the case in the following instances:
- a) the action performed is not a disciplinary offence or was not committed by the student subjected to the disciplinary proceedings;
 - b) the disciplinary offence cannot be proven;

- c) the culpability of the student cannot be established;
 - d) the disciplinary offence has lapsed;
 - e) the action on which the proceedings are based has already been adjudicated in a final ruling;
 - f) the disciplinary committee issues a warning to the student instead of the punishment;
- (2) The operative clause of the ruling dismissing the case shall include the following:
- a) the name and other personal details of the student subjected to disciplinary liability;
 - b) description of the disciplinary offence, for which the disciplinary proceedings were called;
 - c) declaration of the dismissal of the disciplinary proceedings;
 - d) designation of the cause for the dismissal;
 - e) reference to the application of a warning if such decision has been adopted;
 - f) reference to the possibility of appeal and to the fifteen-day deadline for submitting the appeal;
- (3) The justification for the dismissing ruling shall briefly describe the facts established, together with the evidences, detailing the causes that have triggered the committee to dismiss the proceedings and referring to the cause on which the dismissal of the disciplinary proceedings is based.
- 16.** (1) The chairman of the acting Disciplinary Committee shall announce the ruling adopted at the closed session of the committee.
- (2) In the announcement the operative clause of the ruling – put in writing at the closed session – as well as the justification shall be described.
- (3) Following the announcement of the ruling, the chairman of the Committee shall call those entitled to appeal the ruling, to make their claim for legal recourse within the deadline set forth in the ruling. Subsequently the chairman closes the disciplinary hearing.
- (4) The disciplinary ruling shall be forwarded in writing to the parties involved and not present at the hearing.
- 17.** (1) The ruling of the committee shall be put in writing within eight days of its announcement.
- (2) The disciplinary ruling put in writing together with the appropriate number of duplicate copies shall be signed by the chairman of the Committee.
- (3) The ruling shall be delivered to the student subjected to the disciplinary proceedings and to the legal representative even if they were informed about the ruling through announcement as well.
- (4) The Committee may not change its announced ruling. Mistakes not material to the ruling (including name, number and calculation mistakes and other similar errors) can, however, be corrected.
- 18.** (1) The student subjected to the proceedings or his legal representative may appeal the ruling of first instance.

(2) The person entitled to appeal the ruling may announce the appeal immediately, may waive his right to appeal or alternatively may reserve the right to consider the case. In the latter case the deadline for appeal is 15 days from the receipt of the ruling. Failure to meet the deadline can be justified within an additional eight working days with adequate justification.

(3) Written appeals shall be submitted at first instance to the Dean's Office addressed to the Disciplinary Committee.

(4) The appeal has a delaying force on the execution of the measures set forth in the ruling.

19. (1) The Committee shall submit the appeal together with the documents generated during the procedure to the appellate jurisdiction without delay following the expiry of the deadline for appeals.

(2) The appellate procedure is provided for by the SZMSZ.

(3) Only a final disciplinary ruling can be enforced.

(3) The disciplinary ruling of first instance becomes final on the day when

a) those entitled to appeal have stated that they do not intend to appeal or have withdrawn their appeal;

b) the deadline for the appeal has passed without any announcement of appeal;

c) the appellate jurisdiction has confirmed the ruling of first instance or has rejected the appeal.

(4) The ruling that has become binding shall bear a clause that it is final and enforceable, as well as the date when it became final.

(5) The final ruling shall be recorded in the registration and a copy of the ruling shall be kept on file in the student's personal folder.

(6) The chairman of the Committee shall inform the dean of the Faculty by forwarding the final ruling.

20. (1) Matters not regulated in the rules of procedures shall be governed by the provisions of the Ftv. and of the SZMSZ.

(2) These rules of procedures enter into force on the day of their approval, by virtue of resolution No. 39/2009 (XII. 3.) ETK KT. of the Faculty Council and shall be applicable in the procedures initiated or repeated after this date.