



SEMMELWEIS UNIVERSITY

ORGANIZATIONAL AND OPERATIONAL REGULATIONS

PART III

STUDENT STANDARDS

CHAPTER III. 5

STUDENT DISCIPLINARY AND COMPENSATION REGULATIONS

BUDAPEST

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CHAPTER III.5. STUDENT DISCIPLINARY AND COMPENSATION REGULATIONS

Pursuant to Article 55 (5) of Act CCIV of 2011 On National Higher Education, the Senate of Semmelweis University has adopted the following regulation:

Chapter I General Provisions

1. The Scope of Regulation

Article 1

- (1) Provisions of this Regulation shall apply to individuals studying and having a student status at Semmelweis University, including those whose legal status has been inactivated or terminated, in case there are reasonable grounds to suspect a disciplinary offence was committed during the existence of their student status.
- (2) The scope of this Regulation shall extend to those students who, in relation to the fulfilment of their educational obligations, cause damage unlawfully to the University, or to an organizer of practical training; further to those who suffered damages in relation to their student status or practical training.

Chapter II Detailed Provisions

1. Disciplinary Regulations

1.1. Disciplinary Liability

Article 2

- (1) The Disciplinary Committee may, by written decision, impose a disciplinary sanction on a student who culpably and seriously breaches their obligations as a student, on the basis of a duly conducted disciplinary procedure.
- (2) No disciplinary action may be imposed on a student for an act or omission to which the Student Standards impose a legal consequence, whether of an academic or fee-paying nature, except for plagiarism, violation of the order of assessment, or if the student's act also constitutes a criminal offence.

- (3) No disciplinary sanction shall be imposed if it is proved in the course of the disciplinary procedure that the student failed to perform or breached their obligations because the instructions of the teaching or other staff member supervising them were contrary to law or university rules.

1.2. Disciplinary Sanctions

Article 3

The Disciplinary Committee shall determine the disciplinary sanction in accordance with Article 55 (1)–(3) of the Act on National Higher Education, also taking into account the provisions of Article 7(4).

Article 4

- (1) Instead of imposing a disciplinary sanction, the Disciplinary Committee may, in addition to terminating the procedure, apply a written warning if the disciplinary offence committed is of such severity, having regard to all the circumstances of the case, in particular the identity of the student, the motive for their act and the manner in which it was committed, that the imposition of the mildest disciplinary sanction is unnecessary and the warning is expected to have a sufficient educational effect.
- (2) With the warning, the Disciplinary Committee expresses its disapproval and draws the student's attention to the inappropriateness of their behavior and to the need to abstain from any future actions that may lead to further disciplinary procedures.

1.3. Disciplinary Procedure

1.3.1. Initiation of the disciplinary procedure, disciplinary bodies

Article 5

- (1) Disciplinary powers shall be exercised in the first instance by a committee (hereinafter referred to as the "disciplinary committee") established by the Senate, which shall have its own rules of procedure, to deal with disciplinary matters of the competent Faculty (in cases concerning students of the Faculty) or Doctoral School of the University (in cases concerning doctoral students).
- (2) A quorum shall exist at a Disciplinary Committee if more than half of its members are present, of whom at least one shall be a teaching staff member. The Disciplinary Committee shall make its decisions by a unanimous vote of the majority of its members present, with the chairperson having a casting vote in the event of a tie.

- (3) At the second instance, disciplinary powers shall be exercised by the Review Committee as defined in Chapter III.7 of the Organizational and Operational Regulations.
- (4) No disciplinary powers may be exercised in a given case by a Disciplinary Committee member who:
 - a) cannot be expected to give an impartial judgment on the matter,
 - b) in procedure at second instance, participated in the procedure at first instance,
 - c) is a close relative of a person referred to in (b).
- (5) The members of the Disciplinary Committee shall report any conflict of interest, stating the reason, to the Dean of the Faculty or the President of the Doctoral Council.
- (6) A conflict of interest motion may also be made by the student and their legal representative at any stage of the disciplinary hearing within eight days of the student's knowledge of the grounds for exclusion. The motion shall be recorded in the record.
- (7) Conflict of interest shall be decided by the Disciplinary Board in a closed session. The acceptance or rejection of the motion shall be recorded in a resolution. If the motion is accepted, the disciplinary hearing shall be postponed until the appointment of a new member of the Committee.
- (8) The rule on expulsion shall also apply to the recorder.

Article 6

- (1) Disciplinary procedures may be initiated upon notification or on the basis of official information, if there are grounds to believe that the conditions for imposing a disciplinary sanction exist.
- (2) Disciplinary procedures shall be ordered by the Dean of the Faculty concerned or the Chairperson of the Doctoral Council on the basis of the information and evidence brought to their knowledge.
- (3) In the event of the permanent incapacity of the Dean of the Faculty concerned or the Chairperson of the Doctoral Council, the designated deputy shall be entitled to initiate disciplinary procedures.
- (4) The measure ordering disciplinary procedures shall contain the name, Neptun code, address, faculty, mode of study, year, and doctoral school of the student subject to

disciplinary procedure, as well as a brief description of the act on which the procedure is based.

- (5) The person ordering the disciplinary procedure shall notify the student of the disciplinary procedure with the content specified in paragraph (4) at the same time as the disciplinary measure is taken.
- (6) The chairperson of the disciplinary committee shall convene the disciplinary committee within 10 days of receiving the measure and start the procedure, unless the chairperson of the committee finds that the initiation of the procedure is in violation of the Article 55 (4) of the Act on National Higher Education. In the latter case, the student who has already been notified of the procedure must be informed immediately.
- (7) The student concerned shall be informed of the venue and date of the disciplinary hearing at least 10 days in advance by written notification by the chairman of the Disciplinary Committee.
- (8) In accordance with Article 55 (4) of the Act on National Higher Education, disciplinary procedures cannot be initiated if one month has elapsed since the Dean of the Faculty concerned or the Chairperson of the Doctoral Council became aware of the disciplinary offence, or if five months have elapsed since the offence was committed. For the application of these provisions, becoming aware of the disciplinary offence means that the person entitled to initiate disciplinary procedures has learned of the circumstances giving cause for the procedure.

Article 7

- (1) The hearing shall take place at a meeting of the Disciplinary Committee, the date of which shall be set by the chairman of the Committee. The student subject to the procedure shall be invited to the hearing by written notification.
- (2) The notification shall state the name of the Disciplinary Committee, the case number, the subject matter of the case, the date and place of the hearing, and the matter on which and the capacity in which the Committee wishes to hear the person notified. The person notified shall be asked to have documents proving their identity with them. The notification shall inform the student that they may submit written comments requesting that they not be heard in person and shall inform them about the provisions of paragraph 4 and the possibility of legal representation.

- (3) The Chairperson of the Disciplinary Committee shall, upon special request, issue a certificate of justified absence to the student member(s) of the Committee or to the student subject to the procedure if requested.
- (4) The Disciplinary Committee is obliged to hear the student in person at least once. If the student fails to attend a meeting of the Disciplinary Committee for reasons beyond their control, despite having been duly notified, the personal hearing may be waived.
- (5) If the student fails to respond to the Disciplinary Committee's notice or to provide the requested information, the Disciplinary Committee shall decide on the basis of the information available to it. The student shall be warned of this.
- (6) The student subjected to the procedure shall be informed that their written/oral confession covering all relevant circumstances of the case may serve as a mitigating circumstance for the imposition of the penalty.

Article 8

If the student has a student status with several higher education institutions, or studies at several faculties within Semmelweis University (in the form of parallel studies or as a visiting student), that institution or faculty in which the student has breached their obligations or to whose offence the act was committed shall be responsible for the disciplinary procedure. In such a case, the disciplinary committee of the faculty in charge shall notify the other faculty of the initiation of the procedure.

Article 9

- (1) If, in the course of disciplinary procedure, there is reasonable suspicion that a criminal offence has been committed, the chairman of the Disciplinary Committee shall submit a complaint to the competent authority.
- (2) The Disciplinary Committee may suspend the disciplinary procedure until the final closure of the criminal proceedings, or may continue the disciplinary procedure irrespective of the fact that a complaint has been submitted.

Article 10

- (1) The student subject to the procedure and the legal representative involved in the procedure
 - (a) can inspect the procedural documents;
 - (b) can submit motions and make observations;
 - (c) can put questions to the witness(es) and expert(s);

- (d) can present a related defense;
 - (e) shall be present throughout the disciplinary hearing.
- (2) If a student's request for evidence is rejected by the Committee, the reasons for the rejection shall be stated in the disciplinary decision, unless it is established that the student has not committed a disciplinary offence.
- (3) The student subject to disciplinary procedure shall be warned in the notification of the initiation of the procedure that they have the right to submit a written defense, that they have the right to have legal representation and to choose their own representative, and that their absence through no fault of their own will not prevent the hearing or trial from taking place and the decision from being made.

Article 11

- (1) In disciplinary procedures, the facts of the case shall be clarified.
- (2) The preparatory work for the assessment of the disciplinary offence shall be carried out by the chairman of the Disciplinary Committee or a member of the Disciplinary Committee appointed by the chairman on the basis of the available documents. If the complexity of the disciplinary case warrants it, this person shall also carry out the search for and gathering of the necessary evidence before the disciplinary hearing.
- (3) The Disciplinary Committee may hear as a witness at the disciplinary hearing any person who may have knowledge of the fact to be proved. The person to be heard as a witness shall be invited to the hearing by the Disciplinary Committee in the same way as the student who is the subject of the procedure.
- (4) The Disciplinary Committee shall employ an expert if special expertise is required to establish or assess the fact to be proved. The expert shall be obliged and entitled to obtain all the information necessary for the performance of their task.

1.3.2. Rules for disciplinary hearing

Article 12

- (1) The disciplinary hearing shall be presided over by the Chairperson of the Disciplinary Committee (hereinafter referred to as "the Chairperson"). The Chairperson shall designate the minutes taker.
- (2) If the Chairperson is prevented from chairing the Disciplinary Committee, the Chairperson shall be replaced by another teaching member of the Committee.

Article 13

- (1) The disciplinary hearing sessions are closed to the public.
- (2) After taking the roll, the Chairperson shall, if there are no obstacles to the hearing, ask the witnesses to leave the room. The Chairperson then presents the facts on which the disciplinary hearing is based. The Disciplinary Committee will then hear the student subjected to the procedure.
- (3) At the hearing, the student subjected to the procedure must be given the opportunity to present their defense and to introduce evidence.
- (4) Witnesses who have not yet been heard shall not be present during the audience of the student subjected to the procedure or of another witness.

Article 14

- (1) If the student subjected to the procedure admits at the hearing that a disciplinary offence has been committed and there is no doubt about the admission, the hearing shall be held only for the purpose of clarifying the circumstances.
- (2) If the student subjected to procedure does not admit responsibility, an evidentiary procedure becomes necessary.
- (3) The Disciplinary Committee shall hear the witness(es) and, if necessary, the expert(s), and shall present the documents obtained.
- (4) The identity of the witness or expert shall be established at the beginning of the hearing. The witness or expert must be asked whether they are interested or biased in the case, and warned of the obligation to tell the truth and the criminal consequences of perjury or giving false expert opinions.
- (5) Witnesses who have not yet been heard shall not be present during the audience of another witness. If the witness's testimony contradicts the defense of the student subjected to the procedure or the testimony of other witness(es), an attempt to resolve such contradiction, if necessary, should be made by confrontation.
- (6) In the hearing of several experts, the provisions of paragraph (5) shall apply *mutatis mutandis* to the testimony of the experts.

- (7) The chairperson of the disciplinary committee may, at the request of the student subjected to the procedure, inform such student orally of the decision of the Disciplinary Committee after the decision has been made, drawing the student's attention to the fact that only the decision communicated in writing shall have legal effects.

Article 15

- (1) A record shall be taken of the disciplinary hearing. The record shall be signed by the Chairperson, the members of the Disciplinary Committee, and the Recorder.
- (2) The record shall be explained to the persons heard and, when this has been done, the appropriate part of the record shall be signed by them. The person heard may request that the record be supplemented or corrected. If the person(s) heard refuse to sign the record, the fact and the reason for the refusal shall be noted in the record.
- (3) The record shall be attached to the documents of the disciplinary procedure.

1.3.3. Decision of the Disciplinary Committee

Article 16

- (1) The Disciplinary Committee shall make its decision in a closed session, after the evidentiary procedure has been completed. Only the chairperson and the members of the Disciplinary Committee and the recorder may be present at the closed meeting.
- (2) The decision may be a decision imposing disciplinary sanctions or an order terminating the disciplinary procedure.
- (3) The Disciplinary Committee shall base its decision only on what was said at the disciplinary hearing or on the evidence directly examined there. Facts not proven beyond a reasonable doubt shall not be assessed against the student subjected to the disciplinary procedure.
- (4) The decision shall indicate the case number, the name of the competent Faculty Disciplinary Committee at the University or of the Disciplinary Committee of the Doctoral School, the name and details of the student against whom disciplinary procedure was ordered, and the place and time of the disciplinary hearing.

Article 17

- (1) A decision imposing a disciplinary sanction shall be made if the Disciplinary Committee finds that the student subjected to the procedure has committed a disciplinary offence and that the imposition of a disciplinary sanction on them is therefore justified.
- (2) The content of the decision imposing a sanction and of the order terminating the procedure shall be determined pursuant to Article 81 (1) of the Act CL of 2016 on General Public Administration Procedures.
- (3) The operative part of the decision imposing the sanction shall include, in addition to the provisions of paragraph (2):
 - a) the name and other personal data (date and place of birth, permanent (and temporary) address, year, program, specialization (if there is one), and Neptun code) of the student who is subjected to disciplinary liability;
 - b) the finding that the student has committed a disciplinary offence;
 - c) the designation of the disciplinary offence;
 - d) the disciplinary sanction imposed and other provisions relating thereto.
- (4) The grounds for the decision imposing the sanction shall include, in addition to those set out in paragraph (2):
 - a) the facts established,
 - b) the taking and assessment of evidence,
 - c) an explanation as to whether the act or omission committed constitutes a culpable and serious breach of the student's obligation and the degree of culpability of the student in committing it;
 - d) the mitigating and aggravating circumstances, if any, taken into account in imposing the sanction.

Article 18

- (1) The Disciplinary Committee shall issue a decision terminating the procedure if:
 - a) the act committed is not a disciplinary offence or it was not committed by the student subjected to the procedure;
 - b) the disciplinary offence cannot be/has not been proven;
 - c) the student's culpability cannot be established/proven;
 - d) the initiation of disciplinary procedure was excluded by the Act on National Higher Education, Article 55 (4) of the disciplinary procedure, or if the initiation of disciplinary procedure should not have been initiated for any other reason, immediately after its discovery;
 - e) the act on which the procedure is based has already been the subject of a final disciplinary decision, immediately after its discovery;
 - f) the Disciplinary Committee issues a written warning to the student instead of a sanction;

- g) if the student's student status was terminated during the procedure and the student has not established a new student status with the university within five years, five years after following the termination of the student status.
- (2) The grounds for the termination order shall, in addition to the provisions of paragraph (2) of Article 17, briefly state the facts and evidence established, include the reasons on the basis of which the Disciplinary Committee decided to terminate the procedure, and in the course of this shall refer to that point of paragraph (1) on which the termination of the disciplinary procedure is based.
 - (3) The disciplinary procedure shall be discontinued without a decision being made in respect to the student subjected to the procedure if the student's student status is terminated during the course of the procedure. The interrupted procedure shall be resumed if the student re-establishes their student status within five years, otherwise the procedure shall be as set out as in paragraph (1), point g).

Article 19

The chairperson of the Disciplinary Committee shall communicate the decision of the meeting in writing within 10 days of the meeting to the student subjected to the procedure, their legal representative (if any), the Directorate General of Legal and Administrative Affairs, and the Dean of the Faculty/Doctoral School concerned.

Article 20

- (1) The student subject to disciplinary procedure or the legal representative may appeal against the decision of the first instance.
- (2) The appellant may waive their right of appeal or submit their appeal within 15 days of the notification of the decision.
- (3) The written appeal must be addressed to the Review Committee and submitted to the competent Dean's Office of the Faculty or to the Doctoral School.
- (4) The appeal shall have suspensory effect on the implementation of the decision.

Article 21

- (1) The chairman of the Disciplinary Committee shall submit the appeal and the documents generated in the procedure to the chairman of the Review Committee without delay until the day following the expiry of the deadline for the appeal.

- (2) The Review Committee may take the following decisions on the application for review:
 - a) to reject the appeal,
 - b) to reverse the decision of the body of first instance,
 - c) to annul the decision of the first-instance body and order the first-instance disciplinary authority to conduct a new procedure.
- (3) The rules for the appeals procedure are set out in the Appeal Regulations for Students.

2. Rules on compensation

2.1. Students' liability for damages

Article 23

- (1) For the purposes of these Regulations, damages are understood as the loss of value, loss of pecuniary advantage, and the cost necessary to compensate for pecuniary loss (justified costs) incurred by Semmelweis University as a result of the student's unlawful or wrongful conduct (action or omission).
- (2) The student's culpability, the fact that the damage occurred, the extent of the damage, and the causal link shall be proven by the University.

Article 24

- (1) The student causing the damage shall sign a record and declare whether they acknowledge the fact of the damage and accept responsibility for it. The record on the damage shall be made immediately after the damage has been discovered, in the presence of the student and two witnesses not involved in the case, if there is any possibility of doing so.
- (2) The record shall be drawn up by the head of the academic unit affected by the damage, as appointed by the head of the institution.
- (3) If the student disputes the content of the record, the recorder shall indicate this in the record together with the points made by the student at their request.
- (4) The student causing the damage shall sign a record and declare whether they acknowledge the fact of the damage, whether they accept responsibility for it and agree to pay compensation for the damage. Their statement shall be noted separately in the record. The student's attention shall be drawn orally to the possibility provided for in

paragraph 3, and the fact of the verbal reminder shall be noted in the record before it is signed.

- (5) If the student refuses to sign the record, the fact shall be noted in the record. The record shall be authenticated by the signatures of the recorder and the two witnesses.

Article 25

- (1) If the student recognizes the liability for damages and does not contest the amount of the damages, the head of the organizational unit which suffered the damage shall request in writing that the student pay the damages. The notice shall contain the following mandatory elements: the amount to be paid, the legal title, and the deadline for payment.
- (2) If the student does not recognize the liability for damages or disputes the amount of compensation, the rules of disciplinary procedure shall be applied *mutatis mutandis* for the determination of such liability or the amount of compensation in the course of the compensation procedure conducted by the disciplinary committee of the faculty/doctoral school concerned, with the exceptions provided for in Articles 23 through 29.

Article 26

- (1) The record of the damage shall be sent to the chairman of the Disciplinary Committee immediately after the record has been made.
- (2) The Disciplinary Committee shall, in its decision, order the student to pay compensation or exempt them from the liability for damages.
- (3) If the student's liability for compensation is established, the decision shall contain, in addition to the provisions of the Article 81 (1) of the Act CL of 2016 on General Public Administration Procedures, the amount of the damage, the amount of compensation, the method of payment and the deadline for payment, the legal consequences of non-payment of compensation, and the possibility of payment in instalments, if any. If the real estate or movable property in which the damage occurred – and for which the student's liability for damages has been established – was insured, the student shall be exempted from the obligation to pay damages up to the amount paid by the insurer.
- (4) To determine the amount of compensation, Article 56(1) to (3) of the Act CCIV of 2011 On National Higher Education shall be applied.
- (5) The decision shall be sent for information purposes to the student subject to the procedure, their legal representative (if any), the head of the department affected by the

damage, the Chancellor, the Rector, the Director General of Legal and Administrative Affairs, and the Directorate of Finance.

2.2. Enforcement of the claim

Article 27

- (1) If the time limit specified in the payment notice or the compensation decision has expired without result, legal action shall be taken against the person who caused the damage, by the chairman of the Disciplinary Committee sending the case file to the Director General of Legal and Administrative Affairs. The legal action shall be governed by the provisions of the Rules on the Treatment of Claims.
- (2) Limitation period rules for payment of damages shall be governed by the Civil Code in force at the time.

2.3. The University's Liability for Damages

Article 28

- (1) If the student suffers damage in the manner provided for in the Article 56 (4) of the Act CCIV of 2011 On National Higher Education, they may submit a claim for compensation to the Dean or the President of the Doctoral Council. The claim for compensation shall include, in addition to the student's details, a detailed description of the facts of the case supported by witnesses and/or evidence, and the amount of the claim for compensation in HUF.
- (2) The Dean or the President of the Doctoral Council shall decide on the student's claim for compensation at their own discretion, taking into account the regulations on liability.
- (3) In determining the amount of compensation above the HUF 25,000 threshold, the competent departmental directorate shall be consulted, and the Director General of Legal and Administrative Affairs shall be consulted regarding the legality of the payment.

2.4. Determining the value of damaged or lost property

Article 29

- (1) In the event of damage suffered by a student, a record of the damage shall be made immediately, if possible, in accordance with Article 24.

- (2) In determining the cost of the damage, if the property has been damaged, the expenditure incurred for repair and the depreciation remaining despite the repair shall be taken into account.
- (3) If the item has been destroyed, has become unusable or is not available, the market price at the time of the damage shall be taken into account. If this cannot be determined, the purchase value shall be taken as the basis.
- (4) The damage shall be compensated in money, unless the circumstances justify compensation in kind (repair, replacement).

Chapter III

Final Provision

Article 30

For matters not covered by these Regulations, the relevant provisions of the General Administrative Procedure Act shall apply.