



SEMMELWEIS UNIVERSITY

ORGANIZATIONAL AND OPERATIONAL REGULATIONS

PART III

STUDENT STANDARDS

CHAPTER III.7

Appeal Regulations

BUDAPEST

2019

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CHAPTER III.7 Appeal Regulations

Pursuant to Act CCIV of 2011 on National Higher Education (hereinafter referred to as “Nftv.”), the Senate of Semmelweis University establishes below the procedure for legal remedies against decisions, measures, or omission of measures of the University in the event of violation of the rights of students.

Article 1 [Scope of the Regulations]

- (1) The scope of these regulations shall include any appeal against a decision, measure or omitted action by the University when these violate the rights of students regarding student status, excluding matters of student ethics.
- (2) For the purposes of these regulations, a student is a person entitled to submit a request for legal remedy under the Act on National Higher Education (hereafter referred to as Nftv.).
- (3) For the purposes of these regulations:
 - a) a student's case shall refer to matters relating to or connected with studies pursued or to be pursued in a bachelor's degree program, master's degree program, postgraduate specialization program, or tertiary vocational program,
 - b) a doctoral candidate case shall mean matters relating to or connected with studies pursued or to be pursued in doctoral studies. In case of doubt or dispute, the chairman of the Review Committee shall decide whether the case is a student or doctoral candidate case, as well as whether it is a case relating to studies, benefits, or other matters.

According to Article 57(6) of Nftv., the provisions of the Act on Administrative Procedure (hereafter referred to as Ákr.) shall govern the examination of appeals, the clarification of the facts, the justification, the form and content of the decision, and the correction, supplementation, amendment or revocation of decisions upon request or *ex officio*, as appropriate. The decision at second instance shall become final upon notification.

Article 2 [Review Committee]

- (1) Decisions on applications for legal remedy shall be made by the Review Committee, which is established for three years by the Senate on the recommendation of the Rector.
- (2) Permanent members of the Review Committee shall be:
 - a) the Vice-Rector for Educational Affairs,
 - b) the head of the Department of Education Management,
 - c) the Director General for Legal and Administrative Affairs,
 - d) a total of 4 persons delegated by the Students' Union and the Doctoral Students' Union.Ad hoc members of the Review Committee shall be:
 - a) in cases of academic matters:
 - aa) one person delegated by each of the Deans of the following faculties: Medicine, Dentistry, Pharmaceutical Sciences, Health Sciences, Health and Public Administration, and András Pető,
 - ab) one person delegated by the President of the Doctoral Council.
 - b) in cases of benefits:

- ba) one person delegated by each of the Deans of the following faculties: Medicine, Dentistry, Pharmaceutical Sciences, Health Sciences, Health and Public Administration, and András Pető,
 - bb) one person delegated by the President of the Doctoral Council.
- (4) The Chairman of the Review Committee is the Vice Rector for Educational Affairs.
- (5) In cases requiring extraordinary proceedings, such as those of urgency, great significance, or in circumstances requiring special appreciation, etc., on the proposal of the Vice-Rector for Educational Affairs, the Review Committee shall hold an extraordinary session between two regular sessions held at least once per month.
- (6) In the case of an extraordinary session, the Review Committee shall consist of the Vice-Rector for Educational Affairs, the head of the Department of Education Management, the Director General for Legal and Administrative Affairs, and one student appointed by the Vice-Rector for Educational Affairs. Taking into account the nature of the case, an ad hoc member delegated to the Committee by the Faculty concerned in the case may, if necessary, participate in the extraordinary meeting with the right to deliberate, subject to the approval of the Chairperson of the Review Committee.
- (7) An extraordinary meeting of the Review Committee shall have a quorum if all of its members referred to in paragraph 6 are present. It shall make its decision by a simple majority of the votes, with the Chairperson casting the deciding vote in the event of a tie.
- (8) At the meeting and decision-making of the Review Committee, pursuant to Section 57(4) of the Nftv, the following persons shall not participate:
- a) those who made the contested decision, declined to make a decision, or were a member of the body which made the decision or declined to make a decision,
 - b) a close relative of the persons specified in point a)
 - c) those who are NOT expected to make an objective decision in the case.
- (9) In the case of a conflict of interest as referred to in paragraph 8, the member of the Review Committee concerned shall make a notification in writing without delay before the meeting is held.
- (10) Any conflict of interest involving a member of the Review Committee shall be reported to the Chair of the Review Committee or, in the case of a conflict of interest involving the Chair, to the Rector.

- (11) The application may be discussed by the Committee after the decision on the conflict of interest has been made.
- (12) A conflict of interest motion may also be made by the student who has filed the appeal or their proxy no later than before the meeting is held. An oral motion shall be entered in the minutes.
- (13) The Chair of the Review Committee and, if the Chair is concerned, the Rector shall decide on the conflict of interest, which shall be recorded in the minutes. In the event of a conflict of interest of a member of the Review Committee, the member concerned shall not participate in the examination of the application. In the event of a conflict of interest of the Chair of the Review Committee, the Head of the Department of Education Management shall preside over the session as long as the conflict of interest exists.
- (14) Appeals shall be considered by the Review Committee at its meetings.
- (15) The ordinary meeting of the Review Committee shall have a quorum if at least eight of its members are present. Decisions of the Review Committee shall be made by a unanimous vote of a majority of the members present, with the Chairman casting the deciding vote in the event of a tie.
- (16) If a member of the committee fails to attend two meetings, the Chair of the Committee shall propose the termination of their membership to the Senate. If this proposal is adopted, the head of the unit entitled to perform delegations shall initiate, at the request of the Chair, the election of a new member to the Rector. Until a new member is elected, the quorum shall be counted without the new member.
- (17) Only permanent members of the Committee or those ad hoc members who are involved in the specific case are entitled to access data on the case, personal data of the student filing the appeal, or information about their studies.
- (18) The person(s) designated by the Chairperson of the Review Committee shall be invited to attend the meeting of the Review Committee in a deliberative capacity.
- (19) The administrative tasks necessary for the work of the Review Committee shall be carried out by the Department of Education Management and the Secretariat of the Vice-Rectors. The Secretariat of the Vice-Rectors shall be responsible for the tasks associated with the organization of meetings.

Article 3 [The Appeal]

- (1) The appeal may be submitted using the electronic form provided in the student information system (NEPTUN), or the form attached to these Regulations, within 15 days of the receipt of the first instance decision or of the notification about the omitted measure. The form shall be made available by publication on the University website, and shall also be made available to students in paper form at the University units where appeals may be lodged.
- (2) The appeal shall contain the following:
 - a) the student's name, student ID (NEPTUN code), home address, and other contact details of the student (telephone number and e-mail address),
 - b) the name of the training program concerned in the appeal, and the mode of study (full or part time),
 - c) a definite request,
 - d) the facts and evidence of the facts on which the appeal is based, or a description of the omitted action or measure,
 - e) the registration number of the decision, or measure against which the student submits the appeal,
 - f) where possible, an indication of the legal provision or university rule on the basis of which the student submits the application for legal remedy,
 - g) if the appeal is filed against a decision, measure, or omission relating to assessment of studies, where possible, an indication of the requirement adopted by the University, or the provision of the Semmelweis University Organizational and Operational Regulations, or the provision on the organization of the examination with which the decision, measure or omission is in conflict,
 - h) the date of the appeal (in the case of a personal submission, the date of submission), and the student's signature.

In the appeal procedure, the student may be represented by a proxy. In the case of a proxy, an authorization signed by the student must be attached to the appeal application.

Article 4 [Submission of appeal, remedy of deficiencies, application for justification, referral]

- (1) Applications for legal remedies shall be addressed to the Review Committee and submitted to the organizational unit designated for the submission of applications concerning student status as provided for in Chapter III.6 of the University Organizational and Operational Regulations. Students may submit applications in person or by registered mail.
- (2) The organizational unit specified in paragraph (1) shall stamp the request for legal remedy with the date of receipt and forward it to the Chairperson of the Review Committee together with all documents in the case, including documents that may be obtained from the organizational unit, committee or person (hereinafter jointly referred to as the body acting in first instance) that made the decision, took the measure, or

committed the omission challenged by the request for legal remedy, without delay, but within 3 working days at the latest.

- (3) The department referred to in paragraph (1) shall summarize the facts of the appeal by using the form set out in the form book or another documentary form, in which it shall also state its position on the appeal.
- (4) Where the appeal has been lodged with the Review Committee, the organizational unit referred to in paragraph (1) shall, upon request of the Chair of the Review Committee, forward the documents of the case to the Chair of the Review Committee without delay after receipt, as provided for in paragraph (2). At the request of the head of the organizational unit referred to in paragraph (1) and within a time limit specified by the latter, the body acting at first instance shall forward the requested documents to the head of the organizational unit referred to in paragraph (1).
- (5) The unit referred to in paragraph (1) shall, without undue delay after the submission of the request, ensure that the original situation is restored if the decision challenged by the appeal has already been implemented.
- (6) Upon a reasoned request, the Review Committee or its Chair may, in the course of the procedure, order any measures necessary to ensure that points (a) to (c) apply, in particular the provisional authorization of the defendant to exercise their rights, as an interim measure:
 - a) to prevent a change in the status quo;
 - b) to prevent the student from being prevented from exercising their right at a later date;
or
 - c) to prevent the student from suffering a disadvantage.

Article 5

- (1) If the appeal does not meet the requirements set out in paragraphs (1) to (3) of Article 3, the Chairperson of the Review Committee shall invite the student to remedy the deficiencies, setting an appropriate deadline and warning of the legal consequences of the omission.
- (2) No request to remedy deficiencies may be issued for the verification of data or the attachment of annexes of which the Review Committee has knowledge *ex officio*, or which the Review Committee is required to obtain.
- (3) If the student fails to comply with the invitation to remedy the deficiencies before the deadline, the Review Committee will evaluate the request on the basis of the data available, or terminate the procedure.

Article 6

The Review Committee is required to examine its competence *ex officio* at all stages of the procedure. In the absence of competence, the Review Committee shall, within eight days after finding that it lacks competence, refer the application and the documents generated in the case to the university unit which can be established beyond doubt to be competent in the case, and shall inform the student at the same time, failing which it shall reject the application or terminate the procedure.

Article 7 [Calculation of the administrative time limits and deadlines]

- (1) The Review Committee shall decide on the appeal within 30 days of the day of receipt of all the documents in the case, and shall communicate its decision in writing to the student submitting the appeal.
- (2) The administrative time limit shall begin on the date of the commencement of the procedure i.e., when all the documents of the case are submitted to the Chair of the Review Committee. Arrangements shall also be made for notification about the decision within the administrative time limit.
- (3) The administrative time limit does not include:
 - a) the period of cessation or suspension of proceedings or
 - b) the duration of the student's omission or delay.

Article 8

- (1) The time limit, set in days, shall not include the day on which the act or circumstance giving rise to the time limit occurs.
- (2) If the last day of the time limit does not constitute a working day at Semmelweis University, the time limit shall expire on the next working day, with the exception of a time limit for administration.
- (3) In case of doubt, the time limit shall be deemed to have been met.

Article 9 [Notice and summons, the request]

- (1) The student has the right to make a written or oral statement or refuse to make a statement in the appeal procedure as specified in these regulations.

- (2) Where the Appeals Committee intends to hear the student in person in the proceedings, it shall issue a notice; where it intends to call other persons, in particular as witnesses or experts to be heard in person in the proceedings, it shall issue a summons.
- (3) The summons or the notice shall indicate the name of the Review 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 intends to hear the person summoned or notified. The person summoned or notified shall be advised to bring their identity documents to the hearing.
- (4) The notice shall draw the student's attention to the option that their comments may be submitted in writing, and that they may request to not be heard in person; furthermore, it shall also inform them of the provisions of paragraph (5).
- (5) The Review Committee shall hear the student in person at least once. If the student does not attend the meeting of the Review Committee despite having been duly notified, the personal hearing may be waived, and if the student does not make a statement at the request of the Review Committee or does not provide the information requested, the Review Committee shall make its decision on the basis of the data available. The student should be warned of this.
- (6) If the Review Committee requests a university organizational unit, committee, head of unit, or other university staff to clarify the facts of a case, the requested party shall respond to the request within the time limit set by the Review Committee.

Article 10

- (1) The student submitting the application for legal remedy shall be notified of the meeting and the personal hearing in writing by registered mail with acknowledgement of receipt and, if the electronic mail address of the student is available, by electronic means as well. The notification shall be communicated to the addressee in such a way that the addressee receives it at least five days in advance.
- (2) Other persons shall be summoned in writing, by post or electronic means, or the request shall be forwarded to them. The summons shall be communicated to the addressee in such a way that the addressee receives it at least five days in advance.
- (3) Any documents on notification, summons or request communicated by post or electronic means and their receipts shall be kept by the Secretariat of the Vice-Rectors.

Article 11 [Request for certification]

Decisions on any request to certify a failure to file an appeal within the time limit shall be made by the Review Committee.

Article 12 [Minutes and Summary Note]

- (1) Minutes of the meeting of the Review Committee shall be drawn up by the Secretariat of the Vice-Rectors.
- (2) The minutes shall be recorded in writing or by audio recording, in which latter case they shall be put in writing within 5 days, based on the audio recording.
- (3) The minutes shall include:
 - a) the name of the Review Committee, the subject matter of the case, and the file number,
 - b) the place and date of drafting the minutes, page numbering,
 - c) the names of the members of the Committee present and of any other persons present,
 - d) if a personal hearing takes place, the name, address and the NEPTUN code (if a student) of the person interviewed, and the quality of their participation in the case,
 - e) whether the persons attending the meeting were informed of their rights and obligations,
 - f) relevant statements and findings concerning the case and the meeting,
 - g) the outcome of the vote,
 - h) the decision,
 - i) the signatures of the minutes taker, the Chairperson of the Review Committee, and the person chosen to certify the minutes.
- (4) The attendance list signed by all those present at the meeting of the Committee shall be annexed to the minutes.
- (5) The contents of the minutes shall be communicated to the persons interviewed and, once this has been done, the relevant part of the minutes shall be signed by them. The persons interviewed may ask for the minutes to be supplemented or corrected. Any refusal to sign and the reasons for such refusal shall also be recorded in the minutes.

Article 13 [The Decision]

- (1) For the purposes of these regulations, the term ‘decision’ shall be used if the decision and the order are referred to together. The decision of the Review Committee shall be drafted in a separate document, prepared by the head of the Department of Education Management, with the consent of the Director General for Legal and Administrative Affairs.
- (2) In respect of an appeal, the Committee may make the following decisions:

- a) to reject the appeal;
 - b) to instruct the person who neglected to make a decision to do so;
 - c) to reverse the decision,
 - d) to annul the decision and to instruct the decision-maker to initiate a new procedure.
- (3) In addition to what is specified in Section 81 of the Ákr., the decision shall include the student's NEPTUN code, specialization, training program, year, mode of study, and the name of the faculty concerned, as well as other personal identification data provided by the student in the application for legal remedy.
- (4) In Section 81 (1) of the Akr., the legal provisions shall be understood to include university regulations, and the authority defined in Section 81 of the Akr. shall be understood as the Review Committee. These provisions shall also apply *mutatis mutandis* to the content of the order.
- (5) If the Review Committee approves the student's request (in whole or in part) and it is necessary to remedy the unjustified disadvantage of the student or the risk thereof, the Review Committee or the first instance body acting in the newly initiated procedure may order a derogation from any provision of the Student Standards for the benefit of the student.

Article 14 [Communication of the decision]

- (1) The Review Committee shall notify the student of its decision by postal service, by registered letter with acknowledgement of receipt and, if the student's e-mail address is available, also by electronic mail.
- (2) ¹The Decision shall be communicated to the student applying for legal remedy, to the Directorate General of Legal and Administrative Affairs, to the Department of Education Management and, in cases concerning students, to the Dean's office and student information office of the relevant faculty; in cases of students participating in a foreign language training program, to the Directorate of International Studies; and in cases of doctoral students, to the Doctoral Office.
- (3) The date of notification of the decision shall be the date on which it was communicated in writing.
- (4) In order to promote uniform application of legislation and rules, the Review Committee may inform the deans of unconcerned faculties about the content of some of its decisions, without disclosing personal data related thereto.

¹Amended by Senate Decision 28/2020. (II.27.) Article 3 Effective from 01.04.2020.

- (5) The provisions of the Ákr. shall apply *mutatis mutandis* to the rules applicable to information delivery.

Article 15 [Decision Correction and Supplementation]

The authority defined in Sections 90 and 91 of the Ákr. shall be understood as the Review Committee.

Article 16 [Decision Amendment and Revocation]

The authority defined in Section 120 of the Ákr. shall be understood as the body acting at first instance, and the authority defined in Section 115 of the Ákr. shall be understood as the Review Committee.

Article 17 [Rejection of the appeal, termination of the procedure]

- 1 The Review Committee shall reject the appeal if:
 - a) the Review Committee does not have the competence to consider the application,
 - b) the Review Committee has already considered the merits of the application, and a new application for the same right has been submitted with the same facts and legal provisions,
 - c) the content of the request indicates that the case is not a case for legal remedy.

- 2 The Review Committee shall terminate the procedure if:
 - a) a reason for a rejection of the appeal was disclosed to the Review Committee after the initiation of the proceedings,
 - b) the applicant or, if more than one applicant is involved in the procedure, all the applicants withdrew their application, and the counterparties have given their consent,
 - c) the procedure became devoid of purpose,
 - d) the applicant fails to make a statement in response to a request to that effect, failing which the application shall be inadmissible,
 - e) the Review Committee determines that the case was dealt with by another body or that another body has been designated,
 - f) the decision on the merits of the case is subject to a preliminary assessment of a question falling within the competence of another body, and the student does not comply with the invitation of the Review Committee to initiate proceedings,
 - g) the examination of the case no longer falls within the competence of the Review Committee due to a change in legislation.

Article 18 [Suspension of the procedure]

If the decision on the merits of the case depends on a preliminary ruling on a question which falls within the competence of another body, or if the case cannot be decided without another decision of the Review Committee closely connected with the case in question, the Review Committee shall suspend the proceedings.

Article 19 [Exercise of fairness and equitability]

The Review Committee may, in justified cases, exercise a discretionary power of fairness and equitability, in which case it may, within the limits of the discretionary power exercisable by the body acting at first instance, reverse the decision of the body acting at first instance if all of the following conditions are met:

- a) where the applicant is in an exceptional situation through no fault of their own,
- b) where the applicant submitted an application for the exercise of fairness in the proceedings at first instance,
- c) where the body acting in the first instance exercised fairness and equitability in a manner that is not contrary to legislation or university regulations, and
- d) where the annulment of the decision of the body acting in the first instance and instruction of this body to start a new procedure would have serious adverse consequences for the applicant as a result of the delay.

Fairness in relation to the fulfilment of the student's academic obligation may be exercised without affecting the content of the academic requirement. The decision on the basis of fairness and equitability shall specify the conditions of the authorization and indicate that no further decision on the basis of fairness and equitability shall be granted.

Article 20 [Administrative action]

- (1) The student may challenge the decision concluding the procedure on the matter of the appeal in an administrative lawsuit, taking into account the provisions of Act I of 2017 on the Code of Administrative Procedure. Filing the application shall have suspensive effect.
- (2) The statement of claim shall be filed with the organizational unit defined in Article 4 (1).

Article 21 [Implementation of the decision]

- (1) The implementation of the final decision on a student's case, including the decision modified by the final court decision and the decision on the interim measure, shall be ensured by the dean's office or the registrars' office of the faculty concerned, together

with the Directorate of International Studies in the case of students participating in foreign language training.

- (2) ²The Doctoral Office shall ensure the implementation of decisions in cases of doctoral students.
- (3) If the student initiates an administrative action, the organizational unit referred to in paragraphs (1) and (2) shall ensure that the original situation is restored without delay in respect to any decision that may have already been implemented.
- (4) The Review Committee may require additional bodies or units to implement the decision or to cooperate in the implementation of the decision.

Article 22 [Final Provision]

- (1) These Regulations shall apply to appeals and reviews of cases initiated after their entry into force, except that they shall also apply to pending cases at the request of the student if this is more favorable to the student.
- (2) The provisions of the *Ákr.* shall apply in proceedings initiated and repeated after its entry into force i.e., if and to the extent that the first instance decision was made before the entry into force of the *Ákr.*, the provisions of the *Ákr.* shall not apply even if the decision of the Review Committee is made during the period after the entry into force of the *Ákr.* (i.e., after 01.01.2018).

²Amended by Senate Decision 28/2020. (II.27.) Article 3 Effective from 01.04.2020.