

**UNIVERSITY OF NYÍREGYHÁZA  
NYÍREGYHÁZA**



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**STUDENT REDRESS RULE**

Accepted:  
18 April 2023. in effect from: 1 May 2023

The Senate of the University of Nyíregyháza (hereinafter referred to as the "Institution"), in accordance with the Act CCIV of 2011 on National Higher Education (hereinafter referred to as the "Nftv."), shall establish its Student Redress Rules as follows:

## **I. GENERAL PROVISIONS**

(1) The student of the institution may appeal against a decision or a measure or the failure to take a measure of the institution (hereinafter jointly referred to as "decision") within fifteen days of the date of notification or, failing this, of the date on which the decision was brought to his/her knowledge, except for decisions relating to the assessment of studies. An appeal may also be brought against a decision on the assessment of studies if the decision was not based on the requirements accepted by the institution, or if the decision is contrary to the rules of the institution or if the institution has infringed the provisions governing the organisation of the examination.

(2) The institution shall communicate its decisions concerning the student in the regulations of the institution, in the rules of procedure of its councils and standing committees, and if the student so requests in writing. The decision of the institution concerning the student shall be final if the student does not submit an appeal within the time limit or if the student has waived the right to submit an appeal.

## **II. EXERCISE OF THE RIGHT OF REDRESS**

### **II.1. Student Redress Committee**

(1) The Student Redress Committee (hereinafter referred to as SRC), is a committee established by the Senate, shall consider student appeals.

(2) The SRC shall consist of a Chairman, a Vice-Chairman and 14 members, which committee's Chairman, Vice-Chairman and members of which shall be elected by secret ballot by the Senate. The Chairman, the Vice-Chairman and the employee members shall be nominated thematically by the Rector/Chancellor, taking into account the proposal of the Conference of Directors of the Institutes or the Chancellor's Conference and the Chairman of SRC, the 5 students should be nominated by the Student Government Board.

(3) The rights of the Chairman of the SRC shall be exercised by the Vice-Chairman in case of his/her long-term absence or inability to attend.

(4) The SRC shall exercise its right of appeal as stated in paragraph (1) by acting councils containing three members (hereinafter referred to as the "acting council"). Two members of the Board appointed by the Chairman of SRC from among the members of SRC, by subject, shall be employees and one member shall be a student. The decision of the second instance on each appeal shall be signed by the Chairman of the Board of Appeal (hereinafter referred to as the 'Chairman of the Board') on behalf of SRC.

(5) The SRC shall regulate the division of work within the Board, its responsibilities and the order of operation in its rules of procedure.

### **II.2 Exclusion**

- (1) The person who examines an appeal may not be,
- a) the person who made the contested decision or who failed to take the decision,
  - b) a close relative of the person referred to in point (a),
  - c) who cannot be expected to give an objective ruling on the case.

(2) The exclusion shall be decided by the Chairman of SRC, if the reason for exclusion concerns the Chairman of SRC, the Vice-Chairman shall decide on the exclusion.

### **III. THE APPEAL PROCEDURE**

#### **III.1 Initiation of the Procedure**

(1) The appeal procedure is initiated upon request. The student may submit the appeal to the first instance decision-making board or person, but address it to the Student Appeals Committee. The appeal shall have suspensive effect as regards the implementation of the first instance decision.

(2) The application shall be considered on its content. The application may not be refused on the grounds that its name does not correspond to its content.

(3) If the application for appeal is submitted to the SRC, the SRC shall forward it without delay to the board or person who made the first instance decision. The application shall not be rejected as being overdue if the party entitled to appeal submits the application to the SRC within the time limit.

#### **III.2. Tasks of the Body or Person Deciding at First Instance**

(1) The body or person taking the decision at first instance shall reject the application without examining the content of the application:

- a) the application for an appeal which is overdue,
- b) an application for redress from a person who does not have the right for it,
- c) an appeal against a decision on the assessment of studies, unless it is submitted against a decision referred to in paragraph I. (1),
- d) where a decision has previously been made in regards of the same case and from the same facts.

(2) If, on the basis of the appeal, the body or person which made the decision at first instance finds that its decision infringes the law, it shall amend or revoke its decision. It may also revoke or modify its decision that does not violate the law in accordance with the terms of the appeal if it agrees with the terms of the application, provided that there is no opposing party in the case.

(3) The body or person acting at first instance shall, if it does not apply paragraph (1) or (2), forward the application without delay (within a maximum of 8 days) to the Chairman of SRC, together with the documents generated in the proceedings at first instance.

(4) If the case does not fall within the scope of these Rules, the Chairman of SRC shall refer the petition to the person or body who/which has jurisdiction to deal with the case and shall notify the petitioner in writing.

#### **III.3. The Time Limit for Taking Action**

(1) A resolution shall be taken within 30 days of the day following the date of receipt of the application by SRC.

#### **III.4. Records**

(1) A record shall be made of the hearing of the student, the witness, the expert and the inspection, as well as of the hearing if requested by the student or otherwise necessary for the proceedings.

(2) The record shall contain the name of the SRC, the place and date of the taking of the record, the natural identity and address of the person heard, the fact that the person was warned of his or her rights and obligations, the relevant statements and findings in the case and, in the case of a written record, the signature of the person heard, the chairman of the Board and the court secretary.

(3) Upon reasoned request of the person heard, his statement or testimony, or parts thereof, shall be recorded verbatim.

(4) A report shall be made of the procedural acts referred to in paragraph (1) if no report is made. The report shall contain the particulars specified in paragraph (2) and the substance of the statements.

### **III.5. Summons and Notification**

(1) Any person whose personal appearance is necessary in the course of the proceedings shall be ordered by the SRC to appear before it or at the place indicated, specifying the time limit or deadline. The student shall not be obliged to appear in the proceedings instituted by him or her.

(2) The summons shall be served in such a way that the person summoned receives it at least five days before the hearing in order to enable him/her to appear.

(3) The summons shall indicate the matter on which the SRC intends to hear the person summoned and in what capacity (applicant, witness, etc.). The person summoned must be warned of the consequences of failing to appear.

(4) A summons may be issued in writing. The same effect as a written summons shall be given if the Chairman of the Board of Procedure orders a person who is present during the proceedings to appear at another time, notes this on the document and signs it with the summons.

(5) Where the person summoned is an employee or student of the institution, he/she shall comply with the summons. If the person summoned fails to comply with the summons or leaves the place of the proceedings without permission before the hearing and does not give a valid excuse for his absence or leave in advance or does not provide satisfactory justification for his absence or leave within eight days, he/she shall be in breach of an essential procedural requirement arising from his employment as an employee or student. In such a case, the Chairman of SRC shall inform the Rector or the Chancellor, who may initiate ethical or student disciplinary proceedings.

(6) If the Board does not deem it necessary to summon a person, it shall notify him/her of the hearing of witnesses and experts, the inspection and the hearing, informing him/her that he/she may attend the hearing but that his/her appearance is not mandatory. The notice shall be given, unless the circumstances of the case otherwise require, in such a way that he receives it at least five days in advance.

### **III.6. Representation**

(1) The student may be represented by a person authorised by the student, or by the student and his/her representative together.

(2) The documents shall be delivered to the student or, if he/she has a representative authorised in writing, to his representative, but the summons shall be delivered to the person summoned, with simultaneous notification to his representative.

(3) A representation shall be made in a public document or in a private document having full probative value.

### **III.7. Clarification of the Facts**

- (1) The Board acting in the case shall clarify the facts necessary for its resolution. If the available information is insufficient, it shall conduct an evidentiary procedure.
- (2) Facts which are officially known to the Board and which are in the public domain need not be proved.
- (3) In the procedure, evidence may be used which is suitable to facilitate the clarification of the facts. The Presiding Council shall be free to choose the means of proof to be used. The Presiding Council shall assess the evidence, individually and as a whole, and shall establish the facts on the basis of its conviction.
- (4) If the facts are established on the basis of the available evidence, the Presiding Council shall decide on the merits.
- (5) The SRC shall terminate the appeal proceedings if the person who submitted the appeal withdraws the application.

### **III.8. The Hearing**

- (1) The Presiding Council shall conduct the evidentiary proceedings in a hearing. The hearing shall be presided over by the Chairman of the Presiding Council, who shall ensure that the provisions of these Rules are observed, that the order of the hearing is preserved and that the parties to the proceedings may exercise their rights.
- (2) The hearing shall be public, but the Board may, in the public interest or at the request of the student, exclude the audience from all or part of the hearing.
- (3) The chairman of the Board shall, after taking the number of persons present and verifying their identity, if there is no obstacle to the hearing, ask the witnesses to leave the room. The chairman shall then present the facts on which the proceedings are based and the Board shall hear the student who has lodged the appeal, if he was present at the hearing.
- (4) During the hearing of the student, if the Board is considering the application of more than one student in the same proceeding, the other students or witnesses shall not be present.
- (5) If evidence is required, the Board shall hear the witnesses and, if necessary, the expert, and shall present the documents obtained in the case.
- (6) If the matter has not been clarified at the hearing, a further hearing shall be held within a period of eight days.

### **III.9. Means of Evidence**

- (1) Means of evidence include, in particular, the statement of the student who made the request, the document, the witness statement, the inspection and the expert opinion.

#### **III.9.1. Declaration of the Applicant**

- (1) The student who submitted the request for redress shall have the right to make a written or oral statement during the procedure or to refuse to make a statement. If the student does not make a statement or does not provide the requested information, the Board shall decide on the basis of the available information or terminate the proceedings. The student shall be warned of this.
- (2) The Board shall provide the student with the necessary information before the hearing and shall warn him/her of his/her rights and obligations and of the legal consequences of providing false, falsified or untrue evidence.

### **III.9.2. Document**

- (1) The Board may, for the purpose of establishing the facts, call upon the applicant to produce documents or other evidence, or may request other bodies to do so.
- (2) Unless otherwise required by law, the applicant may produce a copy of the document if he declares that it is an exact copy of the original.
- (3) If there is doubt as to the authenticity or content of an authentic document issued abroad, the Board shall require the applicant to produce a certified authentic document issued abroad. If the person submitting the application attaches to the document issued in a language other than Hungarian and a certified translation into Hungarian, the authority shall accept the document with the content of the translation.

### **III.9.3. Witness**

- (1) A person summoned as a witness shall - with the exception provided for in this Act - be obliged to give evidence.
- (2) A person may not be heard as a witness
  - a) a person who is not expected to give evidence of value,
  - b) a person who has not been released from the obligation of secrecy.
- (3) A witness may refuse to testify if
  - a) a relative of any client within the terms of the Civil Code (hereinafter referred to as "relative"),
  - b) would accuse himself or a relative of having committed a disciplinary offence or a criminal offence.
- (4) The identity of the witness shall be established at the beginning of the hearing. The witness shall declare his or her relationship with the person who has lodged the appeal and whether he or she is biased. The fact that the witness may be biased shall be recorded in the record on the basis of the statement. The witness shall be warned of his rights and obligations and of the legal consequences of perjury.
- (5) A witness who has not yet been heard shall not be present at the hearing of the student seeking redress, the expert and other witnesses.
- (6) The Board may permit a witness to give written evidence after the hearing or in lieu thereof. In such a case, the witness shall write down and sign his or her statement in his or her own handwriting. If a witness gives a written statement without being heard or after being heard, the written statement must show that the witness has given the statement in full knowledge of the obstacles to giving it and of the consequences of perjury. This shall be pointed out to the witness by the Presiding Council at the same time as the written statement is admitted, together with an explanation of the obstacles to giving evidence and the consequences of perjury.
- (7) If the Board hears the witness outside of the hearing, the rules of the hearing shall apply to the hearing accordingly.

### **III.9.4. Inspection**

- (1) If it is necessary to examine or observe an object or a person in order to clarify the facts, the presiding council may order an inspection. In conducting such a inspection
  - a) the person in possession of the object of the inspection may be required to produce it,
  - b) an on-site inspection may be carried out.
- (2) The holder of the object of inspection shall be notified in advance of the inspection. If it is justified in order to ensure the effectiveness of the inspection, the notification shall include an

invitation to the holder of the object of inspection to be present in person and a call to produce the necessary documents.

Unless the circumstances of the case otherwise require, the notification shall be given in such a way that the holder of the object receives it at least five days in advance. Where prior notification would jeopardise the effectiveness of the inspection, the holder of the object of the inspection shall be informed orally of the inspection at the time it is to begin.

(3) The holder of the object of the inspection may refuse to produce the object of the inspection if he is bound by a duty of confidentiality in respect of the object of the inspection and has not been released from that duty.

### **III.9.5. Expert**

(1) An expert shall be heard if special expertise is required to establish a significant fact or other circumstance in the case or if the law requires the use of an expert.

(2) As an expert, the Presiding Council shall, in the first instance, call in an employee of the institution with appropriate expertise or consult the body specified by law. The student submitting the appeal may also propose the expert.

(3) At the request of the student, the Board may, either before or after the hearing, hear an expert other than the expert invited, provided that the costs of the expert are advanced and borne by the student.

(4) An expert shall not act as an expert if he is disqualified, is not allowed to be heard as a witness or may refuse to give evidence.

(5) An expert shall be provided with all the information necessary for the performance of his/her duties. The expert may inspect the case file to the extent necessary for the performance of his procedural duties, may be present at the hearing of the applicant student and the witness, at the hearing and the inspection, and may put questions to the student, the witness and the holder of the object under inspection.

(6) The expert shall be warned of the consequences of giving a false assessment before giving an opinion.

(7) If the Board hears the expert outside of a hearing, the rules of the hearing shall apply correspondingly to the hearing.

(8) If the expert is an employee of an institution, the legal consequence of a false assessment may be imposed on him in accordance with paragraph III.5(5).

### **III.10. Interpreter**

(1) If the foreign language used by the student who initiated the proceedings or by any other party for the proceedings is not spoken by the members of the Board, an interpreter shall be used. If the members of the Presiding Council speak the foreign language, an interpreter shall be used for the benefit of the other party to the proceedings, unless they also speak that foreign language. This fact shall be stated in the record.

(2) If a student or other participant in the proceedings is hearing impaired, he or she shall be heard at his or her request through a sign language interpreter or the hearing impaired person present may make a written statement in lieu of a hearing. If the student or other participant in the proceedings is deafblind, he or she shall be heard at his or her request through a sign language interpreter. If the student or other participant in the proceedings is speech-impaired, he or she may make a written statement instead of being heard.

(3) The interpreter shall be subject to the provisions applicable to the expert.

### **III.11. Consequences of Refusing to Give Evidence, to Cooperate as an Expert or to Obstruct an Inspection**

(1) If a witness, expert or the holder of the object of inspection - an employee or student of the institution - refuses to testify, to cooperate, to give an opinion or to produce the object of inspection without an acceptable reason after having been warned of the consequences, the legal consequences provided for in paragraph III.5 (5) may be imposed on him.

### **III.12. Suspension of Proceedings**

(1) Where the decision on the merits of the case depends on a preliminary ruling on a question on which the proceedings fall within the competence of another body, the Board of Procedure shall stay the proceedings. If the student who has submitted the appeal has the right to initiate proceedings before another body, he/she shall be invited to do so within an appropriate time limit. If the student fails to comply with the request, the Council shall terminate the proceedings or decide on the basis of the available information.

(2) The duration of the suspension shall not be counted in the time limit for disposal.

### **III.13. Calculation of the Time Limit**

(1) The time limit, which shall be expressed in days or working days, shall not include the date on which the act or circumstance giving rise to the commencement of the time limit occurs, or the date of communication, service, posting or removal of the notice.

(2) A time limit fixed in months or years shall expire on the day which corresponds in number to the day on which it begins, or, if that day is absent in the month in which it expires, on the last day of that month. The period fixed in hours shall begin to run in the first minute of the hour following the act giving rise to it.

(3) Where the last day of the time limit is a day on which the institution is closed for work, the time limit shall expire on the next working day.

(4) The time limit for lodging a statement of case sent by post shall be the day on which it is posted.

(5) The date of presentation of an electronic document is the date on which the document was sent, but the time limit for filing the document begins on the next working day.

(6) In case of doubt, the time limit shall be deemed to have been observed.

### **III.14. Request for Certification**

(1) A person who, through no fault of his own, has missed a deadline or time limit in the course of the procedure may submit a request for rectification.

(2) The body or person in the course of whose proceedings the omission occurred shall decide on the request for rectification. A request for justification for the failure to comply with a time limit for an appeal shall be considered by the SRC's Board of Appeal hearing the appeal.

(3) The request for justification may be submitted after the omission has come to the knowledge of the omission or after the obstacle has ceased to exist, but not later than within a period of time equal to the time limit prescribed for the procedural act to be justified, but not exceeding forty-five days from the missed deadline or the last day of the missed deadline.

(4) If the time limit is missed, the missing act must be made up at the same time as the request for certification, provided that the conditions for doing so are fulfilled.



(5) No certificate shall be issued for failure to submit a request for certification and to comply with the time limit or the deadline for the procedural act repeated on the basis of the request.

### **III.15. Access to Documents**

(1) The student who submits a request for legal remedy and his/her representative may inspect the documents generated during the procedure and may request copies of them for a fee.

(2) The Board may allow a third person other than the student and his representative to inspect the documents if it can prove that knowledge of the contents of the documents is necessary for the enforcement of his/her rights or the performance of his obligations under the law or a court or administrative decision.

(3) Access shall not be granted

a) the draft decision,

b) a document or part of a document from which an inference may be drawn as to protected data or personal data the disclosure of which is not subject to the conditions laid down by law, unless the failure to disclose the data, including classified data, would prevent the person entitled to inspect the document from exercising his or her rights under this Act.

(4) The student who has initiated the procedure may request the restriction of the right of access to the file in order to protect his or her business and other reasonable private interests, by indicating the data. The Board shall grant the request, after careful consideration of the circumstances, if the lack of access to the data does not prevent the right of access to the file from being exercised.

## **IV. DECISION OF THE STUDENT REDRESS COMMITTEE**

### **IV.1. Resolution-making**

(1) The Presiding Council shall take its decision in closed session. Each council member shall have one vote and voting shall be open. Records shall be taken of the resolution.

(2) The Presiding Council may take the following decisions on an appeal:

a) reject the application,

b) order the person who has failed to take a decision to make a decision,

c) reverse the decision,

d) annul the decision and order the decision-maker to initiate new proceedings.

### **IV.2. Form and Content of the Decision**

(1) The Presiding Council shall take a decision both on the merits of the case and on the questions to be decided in the course of the proceedings.

(2) The resolution shall contain:

a) the members of the Council, the name of the student making the request, the level of study, the course of study, the subject of the course, the form of financing of the course, the address, the number of the case and the subject of the case,

b) in the operative part, the decision of the Council and information on the possibility of judicial review,

c) in the statement of reasons, the facts established and the evidence on which they are based, the evidence offered by the applicant student but not adduced and the reasons for

not adducing it, and the legislation or internal rules on the basis of which the Council took its decision.

d) the place and time of the resolution, the name of the signatory (chairman of the council) and the office of chairman of the council, and the stamp of the institution.

(3) If the decision contains an obligation, a time limit or deadline for compliance shall be set.

#### **IV.3. Communication of the Resolution**

(1) The resolution shall be communicated to the student who submitted the appeal and to the person to whom the resolution of first instance was communicated.

(2) The resolution passed at the hearing shall otherwise be presented orally after it has been passed and its pronouncement shall be stated in the records. The decision shall be notified in writing to the parties concerned within eight days. The decision may be delivered by post or via the NEPTUN study system.

(3) The date of notification of the decision is the date on which it is served.

(4) The SRC shall return the documents sent to it, together with the decision, to the body or person who made the first instance decision, who shall arrange for service of the decision.

#### **IV.4. Correction, Supplementation of the Resolution**

(1) If there is a clerical or arithmetical error in the decision which does not affect the merits of the case, the Council shall correct the decision. The Council shall communicate the correction to the person to whom it communicated the original decision.

(2) The part of the decision affected by the correction shall be subject to the same appeal as the original decision.

(3) If a decision lacks a mandatory element of content prescribed by law or if no decision has been taken on a matter of substance, the Council acting in the case shall supplement the decision.

(4) The decision may not be supplemented if one year has elapsed since the decision became final.

(5) The Council shall communicate the supplement in a single decision, preferably by replacing the decision. The supplement shall be subject to the same appeal as the original decision.

(6) The supplement shall be communicated to the person to whom the supplemented decision was communicated.

#### **IV.5. Finality of the Resolution**

(1) The decision of the second instance is final upon notification, unless the student has requested a judicial review. The filing of the appeal has suspensive effect.

### **V. JUDICIAL REVIEW**

(1) The student may challenge the decision, which terminated the proceedings on the appeal, in an administrative court. The application may also be submitted on the grounds of infringement of the provisions governing the student's status as a student. For the purposes of these provisions, the provisions relating to the status of student are those contained in the legislation and in the institutional documents which lay down rights and obligations for the student.

(2) The application may also be submitted on the grounds of a breach of the law or of the provisions governing the status of student, within 30 days of the notification of the decision.

## **VI. AMEND OR REVOKE THE DECISION**

(1) If the Presiding Council finds that a decision which has not yet been adjudicated upon by a court is contrary to law, it shall amend or revoke the decision within one year of the date of its notification, but not more than once.

(2) In the event of an appeal by a student, the Council may modify or revoke a decision that does not violate the law even if it agrees with the grounds of the appeal, provided that there is no opposing party in the case.

### **VI/A. OTHER FORMS OF APPEAL**

(1) If a student's rights have been infringed, he or she may apply to the student government for legal assistance.

(2) The student may also request the intervention of the Commissioner for Educational Rights if he/she has already exhausted the forms of redress provided for in these Rules, with the exception of legal proceedings.

### **VI/B. MISCELLANEOUS PROVISIONS**

(1) In procedural matters not covered by these Rules, the provisions of Act CL of 2016 on the General Administrative Procedure shall apply *mutatis mutandis*.

## **VII. FINAL PROVISIONS**

(1) These Student Redress Rules were accepted by the Senate of the University of Nyíregyháza by resolution No. IHK/44-41/2023 (18 April). The Rules shall enter into force on 1 May 2023, at the same time the Student Redress Rules accepted by the Senate of Nyíregyházi College by Resolution RH/41-73/2013 (18 June), as amended several times, shall be repealed.

Nyíregyháza, 18 April 2023.

On behalf of the Senate:

Dr. György Szabó  
Rector