

UNIVERSITY OF SZEGED

RULES OF PROCEDURE ON THE SUBMISSION AND ADJUDICATION OF STUDENT REQUESTS FOR LEGAL REDRESS

Szeged, 30 June 2014

Reminder on Applicable Law

Act CCIV of 2011 on National Higher Education (hereinafter referred to as “NatHE”)

NatHE Section 57 (2) *The higher education institution shall convey written notification on the decisions made in connection with the student in cases defined within the scope of this Act, government decrees and the organisation and operational manual and if the student requests so. The decision adopted by the higher education institution in connection with the student shall be binding if the student fails to submit a request for legal redress within the deadline period specified in Subsection (3), or opted to refrain from submitting such request.*

- (3) *The student shall be entitled to legal redress in respect of the decision adopted or measure taken by the higher education institution, or in the event of the lack of any measure (hereinafter jointly referred to as “decision”) within a period of 15 days following the announcement of the decision, or, by default, learning of the decision, except for decisions pertaining to the evaluation of studies. A procedure may also be initiated in connection with the evaluation of studies if the decision is not based on criteria approved by the higher education institution, or the decision is contrary to rules set out in the organisation and operational manual of the higher education institution, or rules regulating the organisation of examination have been breached.*

NatHE Section 58 (4) *The organisation and operational manual of the higher education institution, in accordance with the frameworks defined within the scope of this Act and the Government decree shall regulate the rules of procedure of the legal redress procedure.*

NatHE Section 57 (4) *The individual assessing the request for legal redress may not be*

- a) the individual that made the contested decision, or failed to make a decision;*
- b) close relative of the individual nominated in Paragraph a);*
- c) an individual not expected to objectively review the case.*

- (5) *The higher education institution may adopt the following decisions in respect of the request for legal redress:*

- a) may reject the request;*
- b) instruct the individual failing to make a decision to make a decision;*
- c) reverse the decision;*
- d) abrogate the decision and instruct the decision-maker to conduct a new procedure.*

AdmPr¹ Section 105 (2) *The authority of the second instance may annul the decision and order the authority of the first instance to reopen the case if the available data and information is insufficient to adopt a decision in the second instance, when new facts are brought to its notice or if further evidence is required to ascertain the relevant facts of a case, or shall proceed to obtain additional evidence on its own accord, and shall adopt a decision accordingly. (4) In the new proceedings the authority of the first instance shall be bound by the operative part and by the justification of the resolution of the second instance.*

AdmPr Section 71 (1) *Subject to the exceptions set out in Subsections (5) and (6), the authority shall close out cases by way of resolution, and shall deliver rulings in other issues during the process.*

- (2) *Unless otherwise provided for by an act or government decree, where a request made by a client pertains to the acquisition of some right, and there is no adverse party involved in the first instance:*
- a) the client shall be considered to have been authorized to exercise the right in question if the authority fails to adopt a decision within the prescribed time limit,*
 - b) the consent of the specialist authority shall be considered granted if the specialist authority in question fails to provide an assessment decision within the prescribed time limit.*
- (4) *In the application of Subsection (2) the acquired right shall be entered upon the application, and on the duplicate copy of the application if requested, or the client shall be supplied a duplicate of the copy held by the authority.*

AdmPr Section 72 (1) *Save where additional requirements are prescribed by law, the resolutions shall contain:*

- a) the name of the competent authority, the case number and the name of the officer in charge;*
- b) the name and home address or registered office of the obligor or obligee, and the identification data the client has supplied in the application;*
- c) description of the subject matter of the case;*
- d) in the operative part:*
 - da) the authority’s decision, and information on the form of remedy available, the place and the deadline for filing, and information on the remedy procedure, and in the case of judicial review, on the possibility for requesting a hearing,*
 - db) the name of the special authority involved and the operative part of its assessment,*

¹ Remark: Act CXL of 2004 on Administrative Proceedings

- dc) the decision ordering payment of the duties and fees charged for the proceedings to the client or the central budget,*
 - dd) the costs of the proceedings as established, unless it is decided by the authority separately,*
 - de) the decision as to covering the costs of the proceedings, unless it is decided by the authority separately,*
 - df) the time limit or deadline for the performance of obligations and the legal consequences for the failure of voluntary performance, including the information relating to any liability for the payment of default interest in the decision establishing the payment obligation, and the amount payable, and, in the case specified in Subsection (1a) of Section 131, information on the rules for substituting unpaid administrative penalty with community service work,*
 - dg) information concerning the payment of any payment obligation established in the resolution and the duties or fees on appeal, and the terms and conditions of payments;*
 - e) in the disposition:*
 - ea) the relevant facts of the case and the underlying evidence,*
 - eb) the evidence presented by the client and found inadmissible, and the reason for this finding,*
 - ec) for resolutions adopted under the principle of weighing and deliberation, the criteria and facts employed,*
 - ed) the explanation for the specialist authority's assessment, and the reasons for not contacting the specialist authority,*
 - ee) in the event of failure to meet the administrative time limit, the last day of the administrative time limit, information as to the cause for non-compliance within the control of the client or any other party to the proceeding, or, as to the cases where Section 33/A applies,*
 - ef) the statutes upon which the authority has adopted the resolution,*
 - eg) reference to the relevant legislation conferring the authority's powers and competencies;*
 - f) the venue and the time where and when the decision was adopted, the name and title of the competent officer, and the name and title of the issuer, if other than the competent officer;*
 - g) the signature of the issuer of the resolution and the stamp of the authority.*
- (2) *Unless additional requirements are prescribed by law, the ruling shall contain the items listed in Paragraphs a)-c), Subparagraphs da), df) and dg) of Paragraph d), Subparagraphs ec), ef) and eg) of Paragraph e) and Paragraphs f) and g) of Subsection (1). The ruling adopted for terminating the proceedings shall indicate the items contained in Subparagraphs dc)-de) of Paragraph d) and Subparagraph ee) of Paragraph e) of Subsection (1) as well.*
- (4) *A simplified decision may be adopted without any justification and information as to remedy if:*
- a) the authority approves the request in its entirety and if there is no adverse party in the case, or if the decision does not affect the right or lawful interests of the adverse party, or*
 - b) the decision contains only the time for carrying out a procedural step.*

AdmPr Section 73 (1) *A decision shall be permitted to contain privileged information of the type that can be made available to the person to whom the decision is communicated. The decision shall be phrased without revealing the privileged information to which it contains any reference. Furthermore, the decision shall be phrased without making any implication as to the identity of the person, whose natural identification data and home address is considered confidential information.*

- (2) *A decision shall be conveyed in a separate official instrument, fixed in a memorandum, or entered upon the case file. A decision shall be fixed in a separate official instrument if it is delivered by service of process or by way of electronic means, or if the client requests delivery of a decision that was originally conveyed orally.*
- (3) *A resolution and a ruling, and several resolutions and rulings may be merged into a single official instrument. The operative parts and dispositions of decisions merged into a single official instrument shall be conveyed separately. The merger of decisions shall have no bearing on the deadlines prescribed for the various decisions, nor on the enforcement of remedies. Where an appeal is lodged against a merged resolution or ruling, the provisions pertaining to remedies available in connection with resolutions shall apply.*
- (4) *The decision fixed in a report or entered upon the case file shall contain the information specified in Paragraphs b) and c), Subparagraphs da), dc)-dg) of Paragraph d), and Paragraph g) of Subsection (1) of Section 72, and the data under Subsection (1) of Section 72 which are not shown in the document.*

AdmPr Section 74 (1) *the type of obligation allows for it, the authority may authorize performance by instalments.*

- (2) *If the debtor is able to verify that the lack of performance within the time limit is due to reasons beyond his control, or that it would impose an unreasonably heavy burden upon him, at the debtor's request, submitted before the due date, the authority of the first instance may authorize deferred payment or instalment payment (hereinafter referred to collectively as "payment facilities") for compliance. The provisions on payment facilities shall also apply to obligations for carrying out a specific act and pertaining to the surrender of a specific movable property.*
- (3) *After the expiry of the deadline the client may submit an application for continuation and for payment facilities for the reason explained in Subsection (2), provided that enforcement procedure has not yet been opened. If the authority refuses the application for continuation and the application for payment facilities, a decision shall be issued simultaneously for the opening of the enforcement procedure.*
- (4) *The authority shall hear the opinion of the adverse party and of the creditor relating to the authorization of payment facilities.*

AdmPr Section 75 (1) *If a settlement is reached in the proceedings of the authorities, the authority shall fix the settlement in a resolution and shall approve it, provided that:*

- a) *it complies with the requirements set out in the relevant legislation;*
- b) *it is not against public interest, or the rights or lawful interests of others; furthermore*
- c) *it covers the deadline for performance and the costs of the proceedings.*

AdmPr Section 78 (1) *Resolutions shall be delivered to the client and to all persons upon whom it confers any rights or obligations, also to the special authorities involved in the case and to other authorities or government bodies specified by the relevant legislation.*

(2) *Rulings shall be delivered to the client and to the other parties upon whom it confers any rights or obligations, and also to the persons and bodies defined by the relevant legislation. The authority shall provide a copy of any ruling that was not communicated to the client free of any duties or charges upon request.*

(5) *In the case of written correspondence, the authority shall deliver its decisions in the form of an official document, or by way of electronic communication recognized as a written statement. Resolutions, and rulings that can be appealed independently, may not be communicated by way of fax, unless it was so requested by the rightful recipient (person or body) in advance, or if they consented in advance. (10) A decision shall be considered served on the day when delivered, orally or in writing, or by way of the means specified in Subsection (8). A decision delivered by way of a posted notice shall be considered served on the fifteenth day following the day of posting.*

AdmPr Section 79 (1) *Where delivery via the postal service fails because the addressee or his representative has declared to refuse to accept the consignment, the document shall be considered served on the day of attempted delivery.*

(2) *If the document is returned to the authority marked "unclaimed," the document shall be considered served on the fifth working day following the day of the second attempted postal delivery, unless proven to the contrary.*

(3) *Concerning the delivery of an official decision, the authority shall send notice to the client within ten days, together with the official document in proof that the document shall be treated as served under Subsection (2).*

(4) *The consignee may file a petition to rebut a presumption of service within fifteen days from the date of service, or within six months from the date of service beyond which no further appeal may be lodged. If a procedure for enforcement is instituted on the strength of a resolution that has been presumed served upon the respondent, a petition to rebut the presumption of service may be filed within fifteen days from the time of learning of the procedure for enforcement, irrespective of the six-month period running from the date of service.*

(5) *A consignee other than a natural person may file a petition to rebut a presumption of service only if the process has been served in violation of the relevant statutory provisions. A natural person may file a petition to rebut a presumption of service if he was unable to accept the official document through no fault of his own.*

(6) *The petition shall contain the facts and other evidence to demonstrate the alleged infringement in the service of process or to demonstrate that the taxpayer is not at fault. If the authority approves the petition the provisions of Section 67 shall apply.*

(7) *The petition shall be lodged with the authority from which the document presumed served originates.*

NatHE Section 57 (2) *The higher education institution shall convey written notification on the decisions made in connection with the student in cases defined within the scope of this Act, government decrees and the organisation and operational manual and if the student requests so. The decision adopted by the higher education institution in connection with the student shall be binding if the student fails to submit a request for legal redress within the deadline period specified in Subsection (3), or opted to refrain from submitting such request.*

NatHE Section 58 (1) *The student shall be entitled to request the court of justice to review the decision made in respect of the request for legal redress within a period of 30 days following its service by referring to breach of law or relevant rules and provisions regulating the status of students. With regard to the application of these provisions, provisions relating to the status of students in relevant legislation, as well as provisions in institutional document define rights and obligations in respect of students.*

(2) *Rules regulating public administration lawsuits within the scope of the Act on Rules of Procedure Governing Civil Litigation shall be applied in the case of court proceedings. The court of justice may reverse the adopted decision. The court of justice shall adjudicate the case without delay.*

(3) *Provisions governing Subsections (1) to (2) of Section 57 shall be applied in respect of decisions and omissions affecting*

- a) *applicants applying for entry into higher education institutions;*
- b) *PhD candidates and doctoral fellows, as well as*
- c) *students whose status has, in the meantime, been terminated.*

NatHE Section 57 (7) *The second instance decision shall be legally binding and enforceable following its communication unless the student has requested its judicial review.*

NatHE Section 57 (6) *Provisions governing the Act on the General Rules of the Official Public Administration Procedure and Services (hereinafter referred to as "AdmPr") shall be applied for clarifying the facts, setting deadlines, continuation, defining the formal, content and service-related requirements of the decision; correcting, replacing, supplementing, amending or revoking such decision.*

AdmPr Section 65 (1) *The time limit defined in days or working days shall not include the day when the act or circumstance underlying the commencement of the time limit has occurred, or the day of service, delivery, or the day of posting and removal of a notice.*

- (2) *Where a time limit is defined in months and years, it shall expire on the day that corresponds to the starting day based on its number, or if this day is not available in the month when the time limit expires, on the last day of the month.*
- (3) *If the last day of a time limit falls on a day that is declared to be an official holiday, the time limit shall expire on the next working day.*
- (4) *The date of presentation for a petition or request submitted by way of the postal service shall be the date of dispatch.*
- (5) *The date of presentation of electronic documents shall be the date when dispatched, however, the time limit shall commence on the next working day.*
- (6) *Where a right is contingent upon a specific day, it shall take effect at the beginning of that day. The legal consequences relating to any failure of compliance with a time limit and to default shall take effect upon the last day of the time limit.*
- (7) *In the event of doubt the time limit shall be considered observed.*

AdmPr Section 66 (1) *Any person who was unable to keep a deadline or time limit in the proceedings for reasons beyond his control may lodge an application for excuse.*

- (2) *The application for continuation shall be adjudged by the authority proceeding at the time of the omission. An application for continuation for failure to observe the deadline for filing an appeal or for filing for legal action shall be adjudged, respectively, by the authority of the first instance, or by the court of jurisdiction for administrative actions.*
- (3) *If the authority is in conformity with the regulations concerning the notification of clients and the delivery of resolutions, an application for continuation shall not be accepted for missing the deadline for lodging an appeal on the grounds that the notice and/or the resolution was delivered by means other than the postal service. This provision shall also apply to deadlines relating to lodging petitions for judicial review.*
- (4) *The application for continuation shall be submitted within eight days from the time of becoming aware of the default or from the time the obstruction is eliminated, where applicable, but no later than six months from the last day of the time limit or deadline in question.*
- (5) *In the event that a deadline is missed, the action neglected must be performed simultaneously with submission of the application for excuse, if it is possible.*

AdmPr Section 67 (1) *If the authority accepts the application for continuation, the person who filed the application for continuation shall be treated from a procedural perspective as being in compliance. To this end the authority shall revise or withdraw its decision, and shall continue the proceedings in the event of withdrawal of its decision for terminating the proceedings, or shall repeat certain procedural steps. The restrictions set out in Section 114 shall not apply to the revision or withdrawal of a decision under an application for excuse.*

AdmPr Section 81/A (1) *Where a decision contains any typing error with respect to a name, number or other data, or a calculation error, the authority, if need be, having consulted the client, shall correct the decision if it has no effect on the merits of the case, on procedural costs or on the bearing of costs.*

- (2) *The authority shall effect the correction:*
 - a) *on the original copy of the decision and on all duplicates thereof, if available,*
 - b) *by withdrawing the erroneous decision and issuing a replacement one, or*
 - c) *by issuing a remedial decision.*
- (3) *The correction may not be appealed or contested.*
- (4) *The correction shall be notified to any person to whom the original of the corrected decision was delivered.*

AdmPr Section 81/B (1) *Where a decision is devoid of any compulsory content element prescribed by the relevant legislation, if it fails to address any matter of substance, the authority shall supplement its decision.*

- (2) *A decision may not be supplemented:*
 - a) *after one year following the operative date of the decision, or*
 - b) *if it would compromise any right that was acquired and exercised in good faith.*
- (3) *The authority shall install the addendum:*
 - a) *by way of an independent auxiliary decision, which shall be noted, if possible, on the original copy of the decision and on all duplicates thereof, or*
 - b) *by withdrawing the erroneous decision and issuing a*
 - c) *replacement one that contains the original decision and the auxiliary decision in a codified version.*
- (4) *The auxiliary decision is subject to the same remedy procedure as the original decision.*
- (5) *The addendum shall be notified to any person to whom the original of the supplemented decision was delivered.*

AdmPr Section 114 (1) *The authority, if it finds that its decision that has not been judged by an authority or supervisory organ vested with powers to hear appeal cases or by a court of jurisdiction for administrative actions is unlawful, shall amend or withdraw the decision in question. The decision shall be delivered to any person to whom the amended or withdrawn decision was delivered.*

- (2) *The authority shall be entitled to conduct the procedure referred to in Subsection (1), with the exception if the procedure is launched based on a resolution of the Constitutional Court or upon intervention by the prosecution, only*

once and, unless otherwise prescribed by law, within one year from the date the decision was delivered. Where judicial review of the decision is pending, the authority may withdraw its decision before a counterclaim is lodged on the merits.

(3) Apart from the erroneous entries made in official records and registers and in official certificates, and from the resolution of facts in citizenship certificates, a decision may not be amended or withdrawn if it compromised any right that was acquired and exercised in good faith.

(4) The amendment or withdrawal of a decision may be excluded or rendered subject to specific conditions by the relevant legislation.

(5) Any amendment or withdrawal of a resolution under intervention by the prosecution shall be governed by the provisions contained in Section 120.

(6) Section 121 shall apply where a decision of the authority is withdrawn under grounds for nullity.

Upon authorization provided for by Paragraph II. 3b of Annex 2 and Subsection (4) of Section 58 of the Act CCIV of 2011 on National Higher Education (hereinafter referred to as “NatHE”), the Senate of the University of Szeged (hereinafter referred to as “University”) shall set out the rules of procedure on adjudicating student requests for legal redress as follows:

General Provisions

Section 1

- (1) The student shall be entitled to legal redress in respect of the decision adopted or measure taken by the University, or in the event of the lack of any measure (hereinafter jointly referred to as “decision”), except for decisions pertaining to the evaluation of studies.
- (2) A procedure may also be initiated in connection with the evaluation of studies if the decision is not based on criteria approved by the University, or the decision is contrary to rules set out in the organisation and operational manual of the University, or rules regulating the organisation of examination have been breached.
- (3) Those applying for entry into the University, PhD candidates and doctoral fellows as well as students whose status has, in the meantime, been terminated, shall be considered to have been authorized to initiate a remedy procedure.
- (4) The request shall be adjudicated by a four-member panel of the College Council for Legal Redress in Student Affairs elected from the College of Legal Redress in Student Affairs (hereinafter referred to as “College”).

College of Legal Redress in Student Affairs

SECTION 2

- (1) Subject to proposal by faculty student unions, the members of the College of Legal Redress in Student Affairs shall be appointed by the Rector.
- (2) The chairperson of the College shall be the Rector. The College shall be composed of:
 - a) the University General Secretary,
 - b) two lecturers from each faculty,
 - c) two students from each faculty and
 - d) the chairperson of the University Student Union.
- (3) The alternate members of the College shall be:
 - a) two lecturers from each faculty and
 - b) two students from each faculty.
- (4) Proposal for the person of the College’s lecturers and alternate members shall be made by the person in charge of the faculty, whereas for the student members and alternate members by the chair of the Student Union.
- (5) The members’ and alternate members’ mandate shall not exceed three years, while that of the student members and alternate members shall extend for one year.
- (6) The members’ mandate shall be terminated:
 - a) upon the expiry of their appointment,

- b) upon termination of the public servant or student status or suspension of the student status,
- c) by resignation or
- d) by withdrawal of a member.

College Council for Legal Redress in Student Affairs SECTION 3

- (1) The College Council for Legal Redress in Student Affairs (hereinafter referred to as “Council”), composed of a four member panel including the University General Secretary, a lecturer and two students, shall be entitled to adjudicating requests submitted by the entitled party. The lecturer member shall be appointed by the chairperson of the College of Legal Redress in Student Affairs, whereas student members shall be appointed by the University Student Union from the members of the College of Legal Redress in Student Affairs. The chairperson of the Council shall be the University General Secretary.
- (2) Depending on the number of submitted requests for legal redress, if justified, the chairperson of the College of Legal Redress in Students Affairs, at the request of the University General Secretary, may establish additional Council(s) pursuant to Subsection (1).
- (3) The Council shall be composed of:
 - a) the University General Secretary or, in case of additional Council(s), by proposal of the University General Secretary, the appointed acting chairperson(s) being the chairpersons(s) of the Council(s),
 - b) an additional lecturer member, and in case of his obstruction, an alternate member,
 - c) two students appointed by the University Student Union, and in case of their obstruction, alternate members and,
 - d) in cases where the student hostel should be competent, the chairperson of the Student Hostel Committee instead of the lecturer member.
- (4) The individual assessing the request for legal redress may not be
 - a) the individual that made the contested decision, or failed to make a decision;
 - b) close relative of the individual nominated in Paragraph a);
 - c) an individual not expected to objectively review the case.
- (5) The Council’s work shall be assisted by a lecturer exempted from disqualification and newly appointed by the chairperson of the College of Legal Redress in Student Affairs, or a student member exempted from disqualification and newly appointed by the University Student Union if grounds for disqualification defined in Subsection (4) in respect of the formerly appointed member exist.
- (6) If grounds for disqualification do exist, decision on exclusion shall be unanimously approved by the remaining (three) members of the Council. This decision may not be appealed or contested.
- (7) The Council shall reach a quorum if all members are present at the meeting, and decisions shall be adopted in an open vote by the majority of the members present.
- (8) In order to form a uniform practice (or decision practice) among councils, if additional council(s) are established, the chairperson of each council shall consult the University General Secretary.

Rules of Procedure on Adjudicating Requests for Legal Redress SECTION 4

- (1) The request for legal redress addressed to the Rector may be lodged by the entitled party within a period of 15 days following the announcement of the decision, or, by default, upon learning of the decision, with the university body (person) that adopted the decision appealed by the request for legal redress, or in the event of lack of any decision (hereinafter jointly referred to as “body of the first instance”).
- (2) The entitled party may, orally or in writing, waive his right to legal redress within the period of submitting the request for legal redress. The oral waiver shall be included in the memorandum. The act of waiving rights to legal redress shall be irrevocable. The decision of the first instance shall be binding on the day of receipt of the waiver of rights to legal redress by the body of the first instance.
- (3) The request for legal redress with the entire case documentation shall be submitted within 8 days of receipt by the body of the first instance to the University General Secretary unless the contested decision is

corrected, supplemented, amended or withdrawn by this body as specified in the legal redress. The body of the first instance may also provide a statement on its position about the request for legal redress during submission.

SECTION 5

- (1) Based on the request for legal redress, should the body of the first instance conclude that its decision is in violation of any provision pertaining to student status, the decision shall be amended or withdrawn accordingly within 8 days of receipt of the request.
- (2) A decision based on the remedy shall be communicated to the person filing for legal redress and to those having been notified of the contested decision.
- (3) If the entitled party filed for legal redress for failure to adopt a decision, the body of the first instance, if it finds that its omission violates any provision pertaining to student status, shall adopt, within a period of 8 days, a decision complying with the provisions on student status.
- (4) With regard to the application of these Rules of Procedure, provisions relating to the status of students shall include provisions in relevant legislation, as well as provisions in institutional document defining rights and obligations in respect of students.

SECTION 6

- (1) During the remedy procedure the entitled party may also be represented by his proxy. The power of attorney shall be made in writing or entered upon the memorandum during the hearing.
- (2) The proxy shall have the same rights as the entitled party, including, in particular, the right to consult case documentation, the right to petition and the right to ask questions from witnesses and experts.

SECTION 7

- (1) The Council shall adjudicate the request for legal redress if it was submitted by the entitled party with reference to his rights having been violated and if the violation was clearly stated in the request.
- (2) The Council shall not adopt a decision on deliberation.
- (3) The entitled party submitting a request for legal redress may withdraw his request until the Council has adopted its decision. A withdrawn request for legal redress may not be resubmitted. The decision of the first instance shall be binding on the day of receipt of the waiver of rights by the Council.
- (4) The Council shall clarify the facts necessary for adopting the decision during which time it may hear the entitled party.
- (5) The Council shall notify the entitled party or his proxy in writing or in a form that attests receipt worthy of acceptance. The notification shall include the entitled party's name, the venue, time and subject matter of the Council meeting. The entitled party or his proxy shall be instructed to bring his identity card. Instruction for the individual at the hearing by the chairperson of the Council to be present at a later time shall be considered equal to written notification. This act shall be entered upon this instrument which the individual shall sign.
- (6) The entitled party shall be warned in the notification that he has the right to submit his standpoint in writing and he shall be informed that a proxy may also act in the remedy procedure.
- (7) Should neither the entitled party nor his proxy be present at the Council meeting, despite appropriate notification, or based on previous information provided for the Council on not wishing to be heard in person, the personal hearing of the entitled party may be disregarded. The entitled party or his proxy shall be informed when notified of the consequences of failure to attend the Council meeting.

SECTION 8

- (1) The Council meeting shall be presided over by the chairperson of the Council. He shall ensure the observation of the provisions of these Rules of Procedure, the order of the hearing and the fact the parties involved in the hearing may lawfully exercise their rights.
- (2) Upon request by the chairperson of the Council, the University Management Board of Human Resources and Legal Matters shall provide the Council with an expert opinion.
- (3) If the available data and information is insufficient to adopt a decision or in the course of the first instance new facts are brought to its notice or if further evidence is required to ascertain the relevant facts of a case, the Council may proceed to conduct a supplementary evidentiary procedure during which it may obtain documents, hear witnesses, carry out an inspection as well as obtain an expert opinion. The means of evidence to be applied shall reside in the Council's discretionary powers.
- (4) The individuals to be heard as witnesses of experts shall be summoned to the Council meeting in writing, including email, or orally, directly or on the telephone. The summons shall include the name of the entitled party filing for legal redress, the venue, time and subject matter if the Council meeting as well as the capacity in which the recipient shall be summoned. The summoned party shall be instructed to bring his identity card. If the summons have been orally effected, they shall be entered upon the case documentation.
- (5) As regards clarifying the facts of the case, the provisions set out in the Act on the General Rules of the Official Administrative Proceedings and Services shall apply.

SECTION 9

- (1) A memorandum shall be drafted of the Council meeting. The memorandum shall be signed by the Council chairperson, the registrar and the student member of the Council.
- (2) Any person heard shall be made aware of the content of the memorandum and their signature shall be provided upon the memorandum. The person heard during the Council hearing may request an addendum to, or correction of, the memorandum. An eventual denial of providing a signature and the reason thereof shall be entered upon the memorandum.

SECTION 10

As regards calculating deadlines and applying for continuation, the provisions set out in the Act on the General Rules of the Official Administrative Proceedings and Services shall apply.

The Decision

SECTION 11

- (1) The Council shall adopt its decision within a period of 30 days of receipt of the request for legal redress and the relevant documentation by the University General Secretary. The decision shall be included in a resolution and shall be justified.
- (2) The Council may adopt the following decisions:
 - a) it may reject the request;
 - b) instruct the individual failing to adopt a decision to adopt a decision;
 - c) reverse the decision;
 - d) abrogate the decision and instruct the body of, or the individual acting in, the first instance to conduct a new procedure and adopt a new decision.
- (3) The Council shall reject the request for legal redress if it is not substantiated and the contested decision complies with provisions pertaining to student status. The Council shall reject the request for legal redress without examination on the merits if the decision may not be appealed or contested, the request for legal redress was not submitted with reference to violation of the entitled party's rights, the request for legal redress was overdue or in the case specified in Subsection (2) of Section 7 of these Rules of Procedure.
- (4) The Council shall instruct the individual failing to adopt a decision to adopt a decision if it finds that the failure in violation of provisions pertaining to student status.

- (5) If the contested decision violates any provision pertaining to student status and the facts necessary to reach a decision may be established, the Council may amend the decision; however, if the decision on the merits lacks sufficient data or additional clarification of the facts is required, it shall abrogate the decision and instruct the body of, or the individual acting in, the first instance to conduct a new procedure and adopt a new decision.
- (6) Provisions governing Act on the General Rules of the Official Public Administration Procedure and Services shall be applied for defining the formal, content and service-related requirements of the decision and correcting, replacing, supplementing, amending or revoking such decision.

Section 12

- (1) A decision of the second instance shall be binding once served. The binding decision shall be enforceable unless the entitled party files a petition for judicial review.
- (2) The chairperson of the Council shall reiterate the documents sent in order to adjudicate the remedy with the decision to the body of the first instance within 3 days following the adoption of the decision, which body shall promptly take measures serve the decision.

Judicial Review

SECTION 13

- (1) The entitled party shall be entitled to request the Council to review the decision by referring to breach of law or relevant rules and provisions regulating the status of students. The entitled party shall be informed of the possibility of judicial review in the decision. The information provided shall include the time limit for, and the venue of, submitting the application, as well as reference to the Council's powers to amend its decision.
- (2) The entitled party shall submit, or dispatch as certified mail, the application to the body of the first instance within a period of 30 days following the communication of the decision requested to be reviewed.
- (3) The body of the first instance, within a period of five days, shall submit the application with the case documentation to the Council which shall forward them, with its statement regarding the content of the application, to the court of law within 15 days.
- (4) If the entitled party has exceeded the time limit for submitting the application, he may request for continuation based on provisions prescribed by the Act III of 1952 on the Code of Civil Procedure. The body of the first instance or the Council may not reject a belatedly submitted application, but shall forward it to the court of law even if the entitled party has not lodged any request for continuation.

Closing Provisions

SECTION 14

- (1) These Rules of Procedure contain the Rules of Procedure on the Submission and Adjudication of Students Requests for Legal Redress formerly entered into force as well as the text in force closed on 30 June 2014 of the modifications to the Rules of Procedure in a uniform structure. The provisions of these Rules of Procedure shall apply even in pending cases.
- (2) The Rules of Procedure on the Submission and Adjudication of Student Requests for Legal Redress as amended shall enter into force on the day of its promulgation. Posting of these Rules of Procedure on the University's central website (<http://www.u-szeged.hu/>) shall be considered a promulgation. These Rules of Procedure are available continuously following the link below:
<http://www.u-szeged.hu/egyetem/szabalyzatok>.
- (3) All Faculties and other Departments shall review their own related Rules of Procedure within a period of 60 days following the entry into force of these Rules of Procedure, and shall be obligated to amend them in accordance with the content of the Rules of Procedure concerned.

Dr. Gábor Szabó,
Rector, sgd.