

HUNGARIAN UNIVERSITY OF SPORTS SCIENCE

Organizational and Operating Regulations

Part 3 - Student Requirements System

CHAPTER IV

REGULATION OF REMEDIES

Adopted by Senate by decree no. 52/2016. (VI. 30.)

Unified structure including the amendments accepted before 31 August 2023.

Amending decrees:

Senate resolution no. 74/2016. (IX. 29.)
Senate resolution no. 19/2018. (III. 29.)
Senate resolution no. 12/2019. (II. 28.)
Senate resolution no. 74/2019. (XII. 12.)
Senate resolution no. 38/2020. (VI. 25.)
Senate resolution no. 11/2021. (III. 25.)
Senate resolution no. 59/2021. (IX. 30.)
Senate resolution no. 13/2022. (II. 24.)
Senate resolution no. 5/2023. . (I.26.)
Senate resolution no. 49/2023. (VIII.31.)

CONTENTS

REGULATION OF REMEDIES	3
1 § LEGAL PROVISIONS	3
2 § SCOPE OF THE REGULATION	4
3 § THE APPEALS COMMITTEE	4
4 § THE REQUEST FOR REMEDY	5
5 § SUBMISSION OF REQUEST FOR REMEDY, MISSING DOCUMENTS AND TRANSFER	6
6 § CALCULATION OF DEADLINES	7
7 § CLARIFICATION OF THE FACTS	7
8 § NOTICE, SUMMONS, AND CONTACT	8
9 § REQUEST FOR VERIFICATION	9
10 § THE ADMINISTRATIVE DEADLINE	10
11 § MINUTES, THE CONSOLIDATED LIST	10
12 § THE DECISION	11
13 § COMMUNICATION OF THE DECISION AND DELIVERY	12
14 § CORRECTION OF AND ADDITION TO THE DECISION	14
15 § MODIFICATION OR WITHDRAWAL OF THE DECISION	15
16 § EX-OFFICIO REVIEW OF THE DECISION	15
17 § REFUSAL OF THE REQUEST FOR REMEDY	16
18 § SUSPENSION AND INTERRUPTION OF THE PROCEDURE	17
19 § THE ADMINISTRATIVE HEARING	18

On the basis of Act CCIV of 2011 on national higher education (hereinafter “NHEA”) and Act CL of 2016 on general administrative regulations (hereinafter “GAR”), the Senate of the Hungarian University of Sports Sciences (hereinafter “the University”) has issued the Regulation of Remedies (hereinafter “Regulation”) as follows.¹²

1 § LEGAL PROVISIONS

NHEA § 57. (1) If a violation of rights occurs, the student:

- a) may turn to the student government body for legal assistance,**
- b)**
- c) may submit a legal remedy request, which the higher education institution shall assess in accordance with the provisions of this regulation,**
- d) may initiate a procedure via the Commissioner of Education Rights, provided that he or she has exhausted his or her right of redress in accordance with the provisions of this Act, excluding court proceedings.**

(2)¹³ The higher education institution communicates the decisions that involve the student to him or her in writing in the cases specified by this legislation, as per governmental decrees and organizational and operating regulations, and upon the request of the student. The higher education institution's decision regarding the student shall be final, unless the student submits a legal remedy request by the deadline specified in paragraph (3) or has waived the request.

(3) The student may file a legal remedy against the higher education institution's decision or action, or their failure to act (hereinafter collectively called “decision”) within fifteen days of the communication, or, if the communication has not been received, then within fifteen days of learning about the decision, with the exception of decisions related to the evaluation of his or her educational performance. Proceedings may also be initiated against a decision about the evaluation of performance if the decision was not based on the requirements accepted by the higher education institution, or if the decision is contrary to the organizational and operational regulations of the higher education institution, or if the provisions of organizing exams were violated.

(4) The assessor of the request for legal remedy may not be:

- a) the person that made (or failed to make) the decision being challenged,**
- b) a person that is a close relative of the person indicated in point a),**
- c) a person that cannot be expected to judge the case objectively.**

(5) The higher education institution may make the following decisions regarding the request for legal redress:

- a) reject the request,**
- b) instruct the person who failed make the decision to do make it,**
- c) change the decision,**
- d) annul the decision and instruct the decision-maker to carry out a new procedure.**

¹ Introduced by Senate Resolution No. 52/2016 (VI.30), effective as of 30 June 2016

² Amended by Senate 74/2016. (IX. 29.), effective as of 14 October 2016.

³ Amended by the Senate 19/2018. (III. 29.), effective as of 30 March 2018.

⁴ Amended by the Senate 12/2019. (II. 28.), effective as of 1 March 2019.

⁵ Amended by Senate Resolution No. 74/2019.(XII.12), effective as of 1 January 2020.

⁶ Amended by Senate 38/2020. (VI. 25.), effective as of 26 June 2020.

⁷ Amended by the Senate 11/2021. (III. 25.), effective as of 26 March 2021.

⁸ Amended by the Senate 59/2021. (IX. 30.), effective as of 1 October 2021.

⁹ Amended by Senate 13/2022. (II. 24.), effective as of 25 February 2022.

¹⁰ Amended by the Senate 5/2023. (I. 26.), effective as of 1 February 2023.

¹¹ Amended by the Senate's 49/2023. (VIII.31.) Senate Resolution no, effective as of 1 September 2023.

¹² Amended by the Senate's 19/2018. (III. 29.), effective as of 30 March 2018.

¹³ Text amended according to § 395 of Act L. of 2017. Established by the Senate's 19/2018. (III. 29.) decision.

(6) ¹⁴ ¹⁵During the assessment of the legal remedy request, the provisions of the General Administrative Procedure Act shall be applied appropriately to the verification, the form and content of the decision, the request or *ex officio* correction, addition, modification or withdrawal thereof. The decision of the second instance is final upon promulgation.

(7) ¹⁶

58. § (1)¹⁷ The student may appeal against the decision which concludes the procedure regarding the legal remedy request in an administrative lawsuit. Submitting an appeal defers the decision.

(2) ¹⁸ The letter of appeal may also be submitted with a reference to violation of the provisions on student status. In the application of these provisions, the provisions on student status are contained in the legislation, as well as the provisions found in the institutional documents that establish the rights and obligations of students.

(3) Section 57 and the provisions of paragraphs (1)-(2) shall be applied accordingly to decisions and omissions concerning:

a) applicants to a higher education institution,

b) ¹⁹

c) students whose student status has been terminated.

(4) ²⁰ The order of the legal remedy procedure, and the communication of the decision and the deadline governing the review of a legal remedy request in particular, is regulated by the higher education institution's organizational and operational regulations given within the frameworks defined by the law, within a maximum of thirty days.

2 § SCOPE OF THE REGULATION

(1) The student may file a legal remedy against the higher education institution's decision or action, or their failure to act (hereinafter collectively called "decision") within fifteen days of notification, with the exception of decisions related to the evaluation of studies.

(2) Proceedings may also be initiated against the decision regarding the evaluation of studies, provided the decision was not based on the requirements accepted by the University, or if the decision is contrary to the provisions of the University's Organizational and Operational Regulations, or if the provisions regarding the organization of the exam were violated.

3 § THE APPEALS COMMITTEE

(1) The review of appeals, as well as the second instance review of disciplinary and compensation cases shall be carried out by the Appeals Committee.

(2) ²¹ ²² ²³ ²⁴The chairman of the Appeals Committee is a lecturer assigned by the Rector. The committee members include the member delegated by the Deputy Rector of education, a lecturer elected by the Senate, a member delegated by the Student Body and

¹⁴ Text determined according to § 394 of Act L. of 2017. Established by the Senate's 19/2018. (III. 29.) decision.

¹⁵ Established in. § 25 (2) of Act XC of 2018, effective as of 18 December 2018. Established by the Senate's decision no. 12/2019 (II. 28.).

¹⁶ Repealed by point a) of § 396 of Act L of 2017.

¹⁷ Text determined according to § 394 of Act L. of 2017. Established by the Senate's decision no. 19/2018. (III. 29.)

¹⁸ Text determined according to § 394 of Act L. of 2017. Established by the Senate's decision no. 19/2018. (III. 29.)

¹⁹ Repealed by the Senate 74/2016. (IX. 29.), lost effect as of 14 October 2016.

²⁰ Established according to § 32 of Act LXX of 2017. Established by the Senate's decision no. 19/2018. (III. 29.)

²¹ Amended by the Senate 59/2021. (IX. 30.), effective as of 1 October 2021.

²² Amended by Senate 13/2022. (II. 24.), effective as of 25 February 2022.

²³ Amended by the Senate 5/2023. (I. 26.), effective as of 1 February 2023.

²⁴ Amended by the Senate 49/2023. (VIII.31.), effective as of 1 September 2023.

a member delegated by the Doctoral Student Body. If the chairman of the Appeals Committee is prevented from attending to his or her duties, the duties of the chairman shall be performed by the member delegated by the Vice Chancellor of education.

(3) ²⁵ The Rector supervises the activities of the Appeals Committee.

(4) The task of the Appeals Committee is to determine whether the first instance procedure, the decision or the lack thereof, was in compliance with the legislation and university regulations.

(5) A member of the Appeals Committee must immediately notify the Chairman of the Appeals Committee in writing of any conflicts of interest defined in the NHEA. If there are any conflicts of interest affecting the Chairman, the Chairman shall announce this at the meeting and it must be recorded in the minutes. If a decision has to be made on a conflict of interest involving the Chairman, the notification thereof must be addressed to the Rector, and the Committee shall discuss the request after a decision about the conflict of interest has been made. A conflict of interest motion may be filed by the student submitting the legal remedy request or his or her representative within eight days of learning about the reason for disqualification. The orally presented motion must be recorded in the minutes. The Chairman of the Appeals Committee shall decide on whether there is a conflict of interest, but if the Chairman is involved in the potential conflict of interest, the Rector shall make the decision. In the event of a conflict of interest concerning a member of the Appeals Committee, this member may not participate in the evaluation of the application. In the event of a conflict of interest concerning the Chairman of the Appeals Committee, the duties of the Chairman shall be performed by the legal director.

(6) ²⁶ The Appeals Committee shall judge the appeal request at the appeal meeting. In exceptional cases, it may make an electronic decision instead.

(7) ²⁷ The Appeals Committee has a quorum if at least three members are present. If the voting takes place electronically, the electronic votes of at least three members of the Appeals Committee are required for a quorum. The decision of the Appeals Committee is made by the majority of its members. The Chairman has the deciding vote in the event of a tie.

(8) The Chairman of the Appeals Committee may request the opinion of the relevant educational organizational unit, lecturer, competent body/committee, and the Registrar's Office, and may invite any of them to the meeting.

4 § THE REQUEST FOR REMEDY

(1) ²⁸ ²⁹ The student's appeal may be addressed to the Appeals Committee by mail, or submitted in person to the Academic Office. If the student is on a doctoral program, then he or she may submit the appeal to the Doctoral Secretariat, or via NEPTUN using the correct form. The form is available on the University's website or in NEPTUN.

²⁵ Amended by the Senate 59/2021. (IX. 30.), effective as of 1 October 2021.

²⁶ Amended by Senate 38/2020. (VI. 25.), effective as of 26 June 2020.

²⁷ Amended by Senate 38/2020. (VI. 25.), effective as of 26 June 2020.

²⁸ Amended by Senate 38/2020. (VI. 25.), effective as of 26 June 2020.

²⁹ Amended by Senate 13/2022. (II. 24.), effective as of 25 February 2022.

(2) The request for remedy must include:

- a) the details needed for the student's personal identification, his or her place of residence and notification address, and other contact details (telephone and email)
- b) the student's degree subject, work schedule and form of financing
- c) the student's request
- d) the facts and evidence that serve as the bases of the request
- e) the subject and filing number of the decision or measure against which the student is submitting the legal remedy request
- f) identification of the law or university rule, with reference to which the student is submitting the legal remedy request, where possible
- h) the date of submission, and if being submitted in person, the date of submission and the student's signature.

(3) In the legal redress procedure, the student may also be represented by his or her authorized representative, with a power of attorney written and signed by the authorized representative and two witnesses, including their addresses, names and signatures.

(4) In a proxy procedure, the power of attorney must be attached to the request for legal remedy and must be presented at the meeting before the hearing.

(5) ³⁰ In the request for legal remedy, the student may only refer to a new fact that he or she was not aware of in the first instance procedure, or did not refer to for reasons outside his or her control.

5 § SUBMISSION OF REQUEST FOR REMEDY, MISSING DOCUMENTS AND TRANSFER

(1) ³¹ The Registrar's Office and the Doctoral Secretariat shall register the appeal request on the day of receipt, and then forward it along with all the documents to the Chairman of the Appeals Committee without delay, but no later than from five days of receipt.

(2) If the request for redress fails to meet the requirements, or if other documents are required to clarify the case, the Chairman of the Appeals Committee shall invite the student to submit missing documents or information within eight days of the receipt of the request or following the meeting, within an appropriate amount of time. He or she shall be made aware of the legal consequences of failure to submit the missing documents or information. If the student fails to comply with the requirements of the notice by the deadline specified in the notice, the Appeals Committee shall evaluate the application based on the available data or shall terminate the procedure.

(3) The Appeals Committee shall examine its authority *ex officio* at every stage of the procedure. In the absence of jurisdiction, the Appeals Committee shall transfer the request and the documents to the university's organizational unit with jurisdiction within eight days of determining the lack of jurisdiction, and notify the student of this fact at the same time.

³⁰ Installed by the Senate's decision no 19/2018. (III. 29.)

³¹ Amended by Senate's decision no. 13/2022. (II.24.), effective as of 25 February 2022.

GAR as per § 52:

(1) ³² The time until the deadline established in terms of days or working days comes into effect the day after the act that started it. The notification, delivery, posting and removal of the notice, and public information items are not included either.

(2) The deadline established in terms of months or years expires on the date that corresponds to the starting day by number. If the month of expiration does not include this date, then the deadline is the last day of the month.

(3) ³³ If the last day of the deadline is a day on which the authority is not working, then the deadline shall be the following business day.

(4) ³⁴ The deadline established in hours begins on the first minute of the hour following the act that gave rise to it.

(5) ³⁵ The submission time of postal submissions and inquiries sent by post is the day of posting.

(6) ³⁶ The date of submission of an electronic document is the day the document is sent, but the administrative deadline begins on the next working day.

(7) ³⁷ The acquisition of rights tied to a specific day occurs at the beginning of the day. Failure to meet the deadline and the legal consequences of the delay begin after the last day of the deadline.

(8) ³⁸ In case of doubt, the deadline shall be deemed to have been met.

7 § CLARIFICATION OF THE FACTS

57. § (6) of NHEA³⁹ ⁴⁰ During the assessment of the legal remedy request, the provisions of the General Administrative Procedure Act shall be applied to the verification, the form and content of the decision, the request or *ex officio* correction, addition, modification or withdrawal of the decision. The decision of the second instance shall be final upon promulgation.

GAR as per § 62:

³² Established by the Senate's decision no 19/2018. (III. 29.), effective as of 30 March 2018.

³³ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

³⁴ Installed by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

³⁵ The numbering was modified by the Senate's decision no.19/2018. (III. 29.), effective as of 30 March 2018.

³⁶ The numbering was modified by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

³⁷ The numbering was modified by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

³⁸ The numbering was modified, and the previous paragraph (8) was also repealed by Senate Resolution no. 19/2018. (III. 29.), effective as of 30 March 2018.

³⁹ Text determined according to § 394 of Act L. of 2017. Established by the Senate's decision no. 19/2018. (III. 29.) decision.

⁴⁰ Amended by 2018 XC. h) of § 32 of the Act, effective as of 18 December 2018. Established by the Senate's decision on 12/2019. (II. 28.) decision no.

(1) ⁴¹ The Appeals Committee shall clarify the facts necessary for making a decision. If the available details are not sufficient, a procedure to determine proof shall be carried out. Any evidence that is suitable for clarifying the facts can be used in the official procedure. Evidence obtained by the authority in violation of the law may be used as evidence.

(2) Facts that are officially known by the Appeals Committee and that are common knowledge do not need proof.

(3) In the procedure of the Appeals Committee, evidence can be used that is suitable to facilitate the clarification of the facts. In particular, evidence includes the statement, the document, the witness statement, the protocol of the inspection, the expert opinion, the protocol of the official inspection and physical evidence.

(4) ⁴² The Appeals Committee is free to choose the method of determining proof.

(5) ⁴³ The Appeals Committee shall evaluate the available evidence individually and as a whole, and establishes the facts based on their conviction resulting from the evidence.

(6) ⁴⁴

(7) ⁴⁵

(8) According to the provisions of these regulations, the student has the right to make a written or oral statement in the legal remedy procedure or to refrain from doing so.

8 § NOTICE, SUMMONS, AND CONTACT

(1) If the Appeals Committee wishes to hear the student in person in the procedure or notification, or wishes to hear another person, especially as a witness or an expert in person in the procedure, it shall issue a summons to this end.

(2) The summons or notification must contain the name of the Appeals Committee, the case number, the subject of the case, the date and place of the hearing, as well as the subject matter, and the capacity in which the committee wishes to hear the summoned person. The summoned person shall be asked to bring their identification documents. The notification shall state that the student may also submit comments in writing upon request to waive the personal hearing, and they shall also be informed about the provisions of paragraph (3).

(3) The Appeals Committee shall hear the student in person at least once. If the student fails to appear at the meeting of the Appeals Committee despite regular notification, his or her personal hearing may be waived, and, if the student fails to respond to the Appeals Committee's call or to provide the requested information, the Appeals Committee shall make a decision based on the available information.

(4) If, in order to clarify the facts, the Appeals Committee contacts a university organizational unit, lecturer, board, committee, or other university employee in order to

⁴¹ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁴² Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁴³ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁴⁴ Repealed by the Senate's decision 19/2018. (III. 29.), effective as of 30 March 2018.

⁴⁵ Repealed by the Senate's decision 19/2018. (III. 29.), effective as of 30 March 2018.

make a statement, the requested party must respond to the request by the deadline set forth by the Appeals Committee.

(5) The student that submits the legal remedy request, and the invitees must be notified of the meeting or personal hearing by electronic means. The notification must be given so that the addressee receives it at least five days prior to the hearing. The summons must be communicated so that the addressee receives it at least eight days in advance. The person present may also be summoned, notified, or contacted orally.

9 § REQUEST FOR VERIFICATION

Submission of the verification request shall be construed under the rules of § 53 of the GAR.⁴⁶

(1) Anyone who, through no fault of their own, missed a deadline during the procedure may submit a request for verification.

(2) The body in whose procedure the failure occurred shall decide on the verification request. The request for verification related to the failure of the deadline set for the submission of the legal remedy request shall be judged by the body acting in the first instance. The Appeals Committee decides on other requests for verification submitted during the legal remedy procedure.

(3) The request for verification related to the failure to meet the deadline established for the appeal shall be judged by the court which makes the first-instance decision. The request for verification related to the failure to meet the deadline established for the initiation of the action shall be judged by the court dealing with public administrative matters.

(4) If the notification and the communication of the decision were duly made, then in the event of non-compliance with the appeal deadline, there is no room to request verification with reference to the fact that the notification and communication of the decision were not delivered via postal services. This provision also applies to the verification related to the initiation of a judicial review.

(5)⁴⁷ The verification request is made upon learning about the omission or once the obstruction has been lifted, but no later than the missed deadline or the day of the deadline, the period identical to the time allowed for the procedural act to be verified, within a maximum of forty-five days.

(6) In the event of failure to meet the deadline, the failed action must be replaced at the same time as the request for verification, provided that the conditions thereof are met.

(7) If the acting body approves the verification request, the person who submitted the verification request shall have the same amount of time as if he or she had not been delayed from a procedural point of view. In order to do this, the acting body shall modify or withdraw its decision. In case of withdrawal of the decision that terminated the procedure, it shall reopen the procedure and repeat certain procedural acts.

⁴⁶ Established by the Senate's decision 19/2018. (III. 29.), effective as of 30 March 2018.

⁴⁷ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

(1)^{48 49 50 51} The Appeals Committee shall assess the request within thirty days of its receipt.

(2) The administration deadline does not include:

- a)⁵² the suspension of the procedure, and
- b)⁵³ in case there is no room to make a decision with contingent effect, the duration of the client's default or delay.
- c)⁵⁴
- d)⁵⁵
- e)⁵⁶
- f)⁵⁷

11 § MINUTES, THE CONSOLIDATED LIST

(1) The meeting of the Appeals Committee shall be recorded in the minutes.

(2) The minutes shall be recorded in writing or shall be audio recorded. In the latter case, the recording shall also be transcribed within five days.

(3) The protocol must contain:

- a) the name of the Appeals Committee, the subject of the case and the case file number,
- b) the place and time of the preparation of the minutes, page numbering,
- c) the names of the committee members and other persons present,
- d) in the case of a personal interview, the name and address of the person interviewed, the student's NEPTUN code and their function in the case,
- e) the fact that the rights and obligations of the person present at the meeting have been made clear,
- f) essential statements and findings regarding the case/meeting,
- g) the signature of the record keeper, as well as the signature of the chairman of the Appeals Committee and the person chosen to certify the minutes.

(4) The attendance sheet signed by those present at the committee meeting must be attached to the minutes.

⁴⁸ Amended by Senate's decision no. 74/2016. (IX. 29.), effective as of 14 October 2016.

⁴⁹ Amended by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁵⁰ Amended by Senate 74/2019. (XII. 12.), effective as of 1 January 2020.

⁵¹ Amended by the Senate's decision no. 11/2021. (III. 25.), effective as of 26 March 2021.

⁵² Amended by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁵³ Amended by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁵⁴ Repealed by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁵⁵ Repealed by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁵⁶ Repealed by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁵⁷ Repealed by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

(5)⁵⁸ The contents of the protocol must be explained to the person being interviewed. They may request additions to or corrections of the minutes.

(6) Each academic year, the Appeals Committee keeps a summary list of the committee's decisions, and reports its activities to the Senate.

12 § THE DECISION

NHEA 57. § (6)^{59 60} During the assessment of the legal remedy request, the provisions of the General Administrative Procedure Act shall be applied to the verification, the form and content of the decision, the request and the *ex officio* correction, addition to, modification or withdrawal of the decision. The decision of the second instance is final upon promulgation.

57. § (5) of the NHEA based on § 80 of the GAR⁶¹

(1) The Appeals Committee shall make a decision on the merits of the case, and issue a ruling on all other issues.

(2)⁶² The Appeals Committee is responsible for examining the regularity of the first instance procedure. The Appeals Committee may make the following decisions regarding the appeal request:

- a) it may reject the application,
- b) it may instruct the person who failed to make a decision to make a decision,
- c) it may change the decision,
- d) it may annul the decision and ask the decision-maker to conduct a new procedure.

(3) Provided that no additional requirements are established by law, the decision must contain:

- a) the identification of the Appeals Committee, the case number and the name of the administrator,
- b) the name and address or registered office of the eligible or obligated student, as well as the personal identification details provided by the student in the application,
- c) indication of the subject of the case,
- d) in the relevant part:
 - da) the decision of the Appeals Committee, as well as information about the possibility of a legal remedy, the place and deadline of submission, as well as the legal remedy procedure and the possibility of requesting a hearing in the event of a judicial review,
 - db) the name of the specialist authority and the relevant part of its resolution,
 - dc) the decision regarding the payment of the fee or fee to be paid for the procedure to the student or the central budget,
 - dd) the determination of the procedural costs, unless the authority decides on this separately,
 - de) the decision on bearing the procedural costs, unless the authority decides on this separately,
 - df) the day or deadline of fulfillment of the obligation, the legal consequences of non-fulfilment, including information about the delayed payment fee and

⁵⁸ Amended by the Senate's decision no. 12/2019. (II. 28.), effective as of 1 March 2019.

⁵⁹ Text das per § 394 of Act L. of 2017. Established by the Senate's decision no. 19/2018. (III. 29.)

⁶⁰ Established in Act XC. § 25 (2) of 2018, effective as of 18 December 2018. Established by the Senate's decision no.12/2019. (II. 28.)

⁶¹ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁶² Amended by Senate's decision no. 74/2019. (XII. 12.), effective as of 1 January 2020.

- the amount thereof in the decision that establishes the payment obligation, as well as information about the rules of community service,
- dg) information on payment obligation established in the decision and the amount of the appellate fee and the methods of payment or settlement,
- e) in the justification
 - ea) the established facts and the evidence the facts are based on,
 - eb) proof offered by the student but omitted in the procedure and the reasons for omission,
 - ec) in the case of a decision made in the jurisdiction of discretion and equity, the aspects and facts that played a role in the deliberation and the exercise of equitable jurisdiction,
 - ed) the justification of the professional authority's position, as well as the reason for not including the professional authority,
 - ee)⁶³ in the event of missing the administrative deadline, the date of the administrative deadline, as well as information about which administrative deadline was not met for reasons attributable to the student or another person involved in the procedure, or the fact that the application of § 51 of the GAR,
 - ef) the legal places on the basis of which the Appeals Committee made the decision,
 - g) the reference to the law establishing the powers and competence of the authority,
- f) the place and time at which the decision was made, the name and official position of the executor of the authority, as well as the name and official position of the issuer of the decision, unless it is the same person as the executor of the authority,
- g) the signature of the issuer of the decision and the stamp of the authority.

(4) If no additional requirements are established by law, the ruling must contain the elements specified in points a)-c), points d) da), df) and dg), points e) ec), ef) and in subsection (eg), points (f) and (g). The ruling that terminates the procedure must also contain the content elements specified in sub-points dc)-de) of paragraph (3) point d) and sub-point e) point ee).

(5) In the justification of the ruling on a temporary measure, the facts and circumstances establishing the necessity and expediency of the temporary measure along with the incurred costs must be described, provided that the authority taking temporary measures claims the reimbursement of the costs.

(6) If the decision contains an obligation, a deadline must be established for the fulfillment thereof.

13 § COMMUNICATION OF THE DECISION AND DELIVERY

Sections 85 - 86. § of the GAR:⁶⁴

(1) The decision must be communicated to the appellant, the body whose first-instance decision was contested, as well as the person regarding whom the right or obligation is established, whose right or legitimate interest is affected, as well as the organizational units that acted in the case or were affected by it.

⁶³ Amended by the Senate 19/2018. (III. 29.), effective from March 30 2018.

⁶⁴ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

(2) ⁶⁵ The decision must be delivered electronically in the NEPTUN system, by email, and by registered mail with the proof of delivery. The decision can also be communicated orally at the committee meeting, in which case it must be sent to those concerned electronically in NEPTUN, by email and by post within 10 days of the meeting.

(3) ⁶⁶ A document not communicated electronically shall be considered delivered on the day of the attempted delivery if the recipient refuses to accept it. If the delivery fails for the reasons described below, it shall be considered delivered on the fifth working day following the day

a) of the second delivery attempt, if the document was returned with a "did not pick up" mark,

b) of the attempted delivery of the document, if it was returned with an "unknown" or "moved" mark, the day of the attempted delivery of the document.

(4) ⁶⁷ If the addressee learns that the document sent to him or her is considered delivered by the acting body, he or she may submit an objection within fifteen days of learning about the fact, but no later than forty-five days of the notification.

(5) ⁶⁸ The objection shall be accepted by the acting body if the recipient was unable to receive the document because

a) the delivery was made in violation of the legislation on the delivery of official documents, or was irregular for other reasons, or

b) there was no way to receive the document for reasons outside of his own fault, not mentioned in point a).

(6) ⁶⁹ A recipient who is not a natural person may only submit an objection if the delivery was not made properly.

(7) ⁷⁰ The objection must include the facts and circumstances that prove the irregularity of the delivery, or show that it is highly likely that the customer was not at fault. If the objection is upheld by the acting body, the rules for the certification request must be applied.

(8) ⁷¹ The objection is judged by the body that issued the document that is the subject of delivery.

⁶⁵ Amended by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁶⁶ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁶⁷ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁶⁸ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁶⁹ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁷⁰ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁷¹ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

Based on Section 90 and Section 91 of the GAR:⁷²

(1) If there is a name, number or other typo or calculation error in the decision, the Appeals Committee will correct the error if necessary after hearing the student, if it does not affect the merits of the case, the amount of procedural costs or the obligation to bear costs.

(2) The correction is made by the Appeals Committee
a) by noting the original copy of the decision and its publications where available,
b) in addition to withdrawing the incorrect decision, or replacing the decision,
c) by making a corrective decision.

(3)⁷³ The same recourse to legal remedy applies to the part of the decision affected by correction as the original decision.

(4) The correction must be communicated to the person to whom the original decision was communicated.

(5) If a decision lacks any mandatory content element required by law, or if no decision has been made on an issue related to the merits of the case, the Committee shall supplement the decision.

(6)⁷⁴ The decision cannot be supplemented if a year has passed since the decision became final.

(7)⁷⁵ The Addendum is communicated by the Appeals Committee in a unified decision, preferably by replacing the original decision.

(8) The same right of appeal applies regarding the addition as against the original decision.

(9)⁷⁶ The supplement must be communicated to the person to whom the supplemented decision was communicated.

⁷² Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁷³ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁷⁴ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁷⁵ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁷⁶ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

Based on Section 120 of the GAR:⁷⁷

(1)⁷⁸ If, on the basis of the appeal, the Appeals Committee determines that its decision violates the law, it can modify or withdraw its decision no more than once within one year of its publication.

(2) In the event of an appeal, the Commission may withdraw the decision that infringes the law or modify it in accordance with the provisions of the appeal, if it agrees with the provisions of the application, provided that there is no client with an adverse interest in the case.

(3)⁷⁹ The decision cannot be modified or revoked if it violated a right acquired and exercised in good faith.

(4) The decision made following the appeal must be communicated to the appellant, as well as to those to whom the contested decision was communicated.

(5) The same legal remedy rights apply to a decision to revoke or amend another decision as against the revoked or amended decision.

16 § EX-OFFICIO REVIEW OF THE DECISION

Based on 120. § of the GAR:⁸⁰

(1) If, based on the appeal, the Appeals Committee determines that its decision violates legislation or university regulations, it will modify or withdraw its decision. The decision must be communicated to the person to whom the amended or revoked decision was communicated. The Appeals Committee may proceed this way only once, within one year of the notification of the decision. If a judicial review of the decision is in progress, the authority may withdraw its decision until a substantive counterclaim is submitted.

(2) The decision cannot be modified or revoked if this would violate a right acquired and exercised in good faith. Modification or withdrawal of the decision may be excluded or subject to conditions by law.

(3) The decision must be annulled if

- a) it is excluded based on the provision of a general, directly applicable mandatory legal act of the European Union, international treaty or law,
- b) the matter does not fall within the remit of the Commission,
- c) the decision was made without mandatory consultation with the competent authority or by ignoring the opinion of the competent authority,
- d) the content of the decision was influenced by a crime, provided that the commission of the crime was established by a final judgment or that such a judgment is not precluded by lack of evidence,

⁷⁷ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁷⁸ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁷⁹ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁸⁰ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

- e) the Appeals Committee was not established according to law, did not have a quorum, or did not have the necessary voting share for the decision,
- f) ⁸¹ its content is contrary to the decision of the administrative court in the given case, or
- g) ⁸² in the course of its making, a serious procedural violation defined by law was committed.

(4) The law can classify the omission of a specific form or a serious procedural violation as a reason for nullity.

- (5) The decision cannot be annulled even in case of nullity, if
- a) it violated the student's right acquired and exercised in good faith, and three years have passed since the decision became final;
 - b) five years have passed since the entry into force of a decision that establishes an obligation (disadvantage of rights) or, if it is longer, from the last day of the performance deadline, or from the last performance in the case of a decision establishing a continuous obligation.

17 § REFUSAL OF THE REQUEST FOR REMEDY⁸³

- (1) ⁸⁴ The Appeals Committee may refuse to process the appeal within eight days if
- a) the application is premature or late, the application obviously does not come from the person entitled to submit it, or
 - b) the Appeals Committee does not have the authority to assess the application, and there is no legal way to transfer the application,
 - c) the Appeals Committee has already evaluated the application on its merits, and a new application for the enforcement of the same right has been submitted with unchanged facts and based on the same legal regulations,
 - d) ⁸⁵ it was not presented in the prescribed form,
- It is) ⁸⁶ it can be determined from the content of the request that the case is not a review case.

- (2) The Appeals Committee shall terminate the procedure if
- a) ⁸⁷ it would have been appropriate to refuse the request for legal remedy, but the reason for refusal came to its attention after the initiation of the procedure,
 - b) the applicant has withdrawn the request for legal remedy, unless several applicants are participating in the procedure and not all of them have withdrawn their requests,
 - c) ⁸⁸ the procedure has become obsolete,
 - d) the circumstances giving rise to the continuation of the procedure no longer exist,

⁸¹ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁸² Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁸³ Amended by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁸⁴ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁸⁵ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁸⁶ Numbering modified by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁸⁷ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁸⁸ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

- e) ⁸⁹ the requesting student fails to make a statement when called upon by the Appeals Committee, and in the absence of thereof the application cannot be assessed and the procedure is discontinued *ex officio*,
- f) ⁹⁰ making a decision on the merits of the case depends on the preliminary assessment of a question (hereinafter: “preliminary question”) which falls within the jurisdiction of a court or other body, and the student fails to comply with the authority’s call to initiate the procedure.

(3) If the applicant withdraws his appeal before the decision becomes final in accordance with point b) of subsection (2), the Appeals Committee shall withdraw the decision.

18 § SUSPENSION AND INTERRUPTION OF THE PROCEDURE⁹¹

(1) If the substantive decision on the case depends on the preliminary assessment of a question in which the procedure falls under the competence of another body, or if a decision on the case cannot be made on a reasonable basis without another decision of the Appeals Committee closely related to the case at hand, the Appeals Committee shall suspend the proceedings. If the student submitting the legal remedy request is entitled to initiate proceedings before another body, he or she must be invited to do so within by an appropriate deadline. If the applicant fails to comply with the invitation, the Appeals Committee shall terminate the procedure or make a decision based on the information available to it.

(2) If the court acting in public administrative matters obliges the Appeals Committee to proceed with a new procedure and a request for review has been submitted against this court decision, the Appeals Committee shall suspend the procedure.

(3) If there is no reason to apply paragraph (1), the suspension of the procedure may be requested once by the student submitting the legal remedy request. The procedure can be suspended at the student's request unless otherwise provided by law, if there is no opposing party or the opposing party agrees to the suspension of the procedure, or the adverse client's interest is not affected.

(4) If the Appeals Committee suspends the procedure based on paragraph (3) and the student does not request the continuation of the procedure within six months, the Appeals Committee shall terminate the procedure.

(5) When the procedure is suspended, the time until all deadlines shall be paused, and when the suspension of the procedure is lifted they shall restart, except for the administration deadline. All procedural actions taken during the period of suspension are invalid, except for those aimed at eliminating the reason for suspension.

(6) Even if the procedure is suspended, the Appeals Committee may decide that the ongoing procedural actions and the deadlines established for their completion are not affected by the suspension of the procedure.

⁸⁹ Amended by the Senate’s decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁹⁰ Installed by the Senate’s decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁹¹ Amended by the Senate’s decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

(7) ⁹² The procedure is suspended if the applicant (student) requests it, in the absence of a statutory provision to the contrary, or in the case of several applicants (students), it is requested jointly. The procedure must be continued at the request of any applicant (student). After a six-month break, the procedure, which may only be continued on request, shall be terminated. The Commission shall notify those to whom the decision would be communicated about the fact of termination.

19 § THE ADMINISTRATIVE HEARING⁹³

Based on Section 58 of NHEA and § 114 and § 350 of the GAR: ⁹⁴

(1) ⁹⁵ The student may challenge the decision which concludes the procedure regarding the legal remedy request in an administrative lawsuit. The submission of the statement of claim has a deferral effect. The letter of claim may also be submitted with reference to the violation of the provisions on the student status. In the application of these provisions, the provisions of student status are contained in the law, as well as the provisions in the institutional documents that establish the rights and obligations of the student.

(2) If the court acting in public administrative matters has decided on the merits of the case, there is no legal room for a new procedure at the Appeals Committee in the same case with the same facts, with the exception of a new procedure ordered by the court acting in public administrative matters.

(3) ⁹⁶ The acting organization is bound by the operative part and justification of the decision of the court dealing with public administrative matters, and shall act accordingly during the repeated procedure and decision-making process.

(4) The letter of claim with reference to a violation of the law must be submitted to the Appeals Committee within thirty days of notification about the decision requested to be reviewed, or sent by registered post. The Appeals Committee shall forward the statement of claim together with the case documents to the court within fifteen days. If the statement of claim also contains a request for the suspension of execution, the statement of claim and the documents of the case shall be forwarded to the court by the Appeals Committee within eight days.

⁹² Installed by the Senate's decision no. 19/2018. (III. 29.), effective as of 30 March 2018.

⁹³ Amended by the Senate's decision no. 19/2018. (III. 29.), effective as of March 2018.

⁹⁴ Established by the Senate's decision no. 19/2018. (III. 29.), effective as of March 2018.

⁹⁵ Established by the Senate's decision no 19/2018. (III. 29.), effective as of March 2018.

⁹⁶ Amended by the Senate's decision no. 19/2018. (III. 29.), effective as of March 2018.