

International Business School
Student Disciplinary Regulations
including changes effective from 18 November 2014

§ 1.

The present regulations are applicable to every student at the School.

These Regulations must be applied in all cases where the student has a legal relationship with the College according to the Act on National Higher Education (ANHE, Act CCIV of 2011), and also in all cases where College acts as a collaborative partner of a foreign institution of higher education, permitted to operate in Hungary (UoB, OBU).

§ 2.

(1) A student can be penalised by disciplinary measures if he or she is found to be in serious breach of an obligation prescribed in College regulations. Disciplinary proceedings shall be implemented by the School, based on these regulations, even if the misconduct is committed at the venues of, or against staff members of the student's Placement employer.

(2) Disciplinary proceedings shall also be instituted against a student for misconduct committed against any lecturer or member of staff at the School, or for improper behaviour.

(3) Breaches of duty penalised under the Study and examination regulations shall not be considered as a disciplinary offence.

Disciplinary punishments and measures

§ 3.

A disciplinary ruling may subject the student to the following disciplinary measures (ANHE Section 2 of §55):

- a) Admonition; serious admonition;
- b) Downgrading from fee category 1 (non-paying) to fee category 2 (paying) for a maximum of 5 months – i.e. a temporary withdrawal of non-paying status;
- c) Exclusion from the School for a fixed period of time, up to a maximum of two years;
- d) Expulsion from the School.

§ 4.

(1) A warning may be issued in place of a disciplinary punishment (in addition to terminating the proceedings) provided – all circumstances considered (especially the

person, his or her motives, the type of offence) – the weight of the disciplinary offence committed is such as to expect a warning to have adequate retentive effect.

Setting up a Disciplinary Committee

§ 5.

The School's Disciplinary Committee has the power to provide for the discipline of the students of the School at the first level. The Rector shall exercise disciplinary rights at second level.

§ 6.

(1) The School Board sets up a Disciplinary Body consisting of lecturers and students. The Disciplinary Body shall be composed of 6 lecturers and 3 students. The Chair, the five lecturer members shall be recommended by the Rector, the three student members by the head of the Student Union. The lecturer-status members shall be appointed for a term of three years, the student-status members are delegated by the President of the Student Union.

(2) The Chair of the disciplinary body shall set up the Disciplinary Committee for each specific case.

§ 7.

(1) A committee consisting of a Chair (in lecturer status) and two other members (one of which is representative of the students) shall proceed in student disciplinary matters. The committee shall be appointed by the head of the Disciplinary Body.

(2) An ex officio keeper of minutes shall be appointed for the committee meetings.

(3) No person shall be a member of the Disciplinary Committee who cannot be expected to make unbiased judgements of the matter in hand.

(4) The Rector shall decide in questions of incompatibility and conflicts of interest.

§ 8.

Instituting disciplinary proceedings

(1) The disciplinary proceedings shall be based on a written complaint or official notice. The Rector or the Head of the Student Centre can initiate the disciplinary proceedings in a notice to the Chair of the Disciplinary Body. Based on this the Chair of the Disciplinary Body shall order the proceedings and appoint the members of the Disciplinary Committee. The order shall include the student's name, address, and a brief description of the act or failure that forms the basis of the proceedings.

(2) The disciplinary proceedings shall be instituted within 1 month of receipt of official notification, and within 5 months of the misconduct committed (Section (4) of §55 of ANHE). Official notification is understood to mean the notification of a person entitled to institute disciplinary proceedings.

(3) The proceedings instituted against a student for a disciplinary offence (disciplinary proceedings, hearing, etc.) shall suspend statutory limitations. The limitation begins with the day of suspension.

(4) The disciplinary proceedings shall be completed within 30 days unless the person against whom the proceedings have been instituted is involved in criminal proceedings by a criminal court in the same case, and the Disciplinary Committee has suspended the disciplinary proceedings until definitive, non-appealable judgement has been made in that case.

§ 9.

If a person against whom disciplinary proceedings have been instituted is involved in criminal proceedings by a criminal court in the same case, the disciplinary proceedings shall be suspended until definitive, non-appealable judgement has been made in that case – unless the facts of the case can otherwise be cleared.

If criminal proceedings have been instituted against a student, the deadlines shall be established after a definitive, non-appealable judgement has been in the criminal court case.

§ 10.

If a serious suspicion of criminal offence is established in the course of the disciplinary proceedings, the Chancellor shall report the case to the relevant authorities based on the statement of the Disciplinary Committee.

The disciplinary hearing and the rules of evidence

§ 11.

(1) The Chair of the Disciplinary Committee shall issue a summons to the student (in writing) and shall call the witness(es) and in some cases (an) expert(s) directly or by phone.

(2) The summons shall include the name of the student against whom the disciplinary proceedings have been instituted, his or her academic year, the time and place of the hearing. It must be indicated in what capacity the person is summoned. (The instance of calling someone directly or by phone must be recorded on the proceedings file!)

(3) The student against whom the disciplinary proceedings have been instituted shall be informed that he or she has the right to submit a defence in writing, to appoint a representative, and that his or her absence will in no way hinder the hearing or the passing of a decision. A relative of full age or an appointed lawyer may act as a representative to the student.

§ 12.

The student against whom the disciplinary proceedings have been instituted and his or her representative has the following rights:

- inspect the files of the proceedings he or she is involved in;
- to put forward a motion; and
- to put questions to the witness(es) or expert(s) present.

The process of the disciplinary hearing

§ 13.

(1) The disciplinary hearing is headed by the Chair of the Disciplinary Committee. The disciplinary hearing is public. Out of the interest of the student against whom the disciplinary proceedings have been instituted or out of public interest the Disciplinary Committee may exclude the audience from parts of, or the entire, hearing.

(2) The Chair of the Disciplinary Committee shall preserve the order of the disciplinary proceeding, and ensure that the persons involved in the procedure can practice their rights properly.

After confirming the identity of those present, the Chair of the Disciplinary Committee opens the hearing and asks the witnesses to leave the room. Next, the Chair recites the documents of the proceedings.

Subsequently, the Disciplinary Committee hears the student against whom the disciplinary proceedings have been instituted (provided he or she has come in person) or the student's representative. No other unheard student or their representative or witness shall be present while the student against whom the disciplinary proceedings have been instituted is being heard.

§ 14.

(1) Provided the student against whom the disciplinary proceedings have been instituted admits to have committed the disciplinary offence and his or her acknowledgement is beyond doubt, all further evidence shall be ignored.

(2) If further evidence is necessary, the Disciplinary Committee hears the witnesses (if any) and if necessary the expert(s), and reads out any other relevant documents.

- (3) The witnesses shall be called to make a statement regarding whether they are interested or biased, and warned to speak only the truth.
- (4) While a witness is heard, no other witness shall be present.
- (5) If the testimony of a witness is in contradiction with the testimony of the student against whom the disciplinary proceedings have been instituted or that of another witness, confrontation may be necessary.

The minutes

§ 15.

- (1) Minutes shall be taken at the disciplinary hearing. The minutes shall be signed by the Chair of the Disciplinary Committee and the taker of the minutes.
- (2) The minutes shall be read to the persons heard and subsequently they shall be asked to sign the relevant portion of the minutes. The persons heard may ask to amend or supplement the minutes. Should they refuse to sign the minutes, the instance and reason of refusal shall be recorded in the minutes.
- (3) The minutes shall be appended to the proceedings documents.

The disciplinary ruling

§ 16.

- (1) The Disciplinary Committee shall make its decision after the disciplinary hearing in a closed meeting, by cast of votes. Only the Chair and members of the Disciplinary Committee and the taker of the minutes shall be present at the closed meeting.
- (2) In cases described in § 9, the ruling may suspend the disciplinary proceedings, impose a penalty, or terminate the disciplinary proceedings.
- (3) The ruling shall impose a disciplinary punishment if the Disciplinary Committee has established that the student against whom the disciplinary proceedings have been instituted has committed a disciplinary offence that makes necessary a disciplinary punishment.
- (4) The Disciplinary Committee shall found its ruling exclusively on evidence provided during the disciplinary hearing. Unfounded evidence shall not be held against the student against whom the disciplinary proceedings have been instituted.

§ 17.

The preamble of the ruling shall contain the number of the case, the address of the School and the name of the student against whom the disciplinary proceedings have been instituted, the place and time of the disciplinary hearing, and it must be indicated whether the hearing was public or not.

§ 18.

The operative part of the ruling shall contain the following:

- a) the name and personal information of the student against whom the disciplinary proceedings have been instituted;
- b) the type of disciplinary offence;
- c) the disciplinary punishment imposed;
- d) reference to appeals or review opportunities and the deadlines for submission.

§ 19.

The reasons adduced shall contain the following:

- a) the established facts of the case;
- b) the evidence and assessment of the evidence;
- c) a statement of the type of disciplinary offence committed and the extent to which the student is guilty;
- d) the circumstances considered when imposing the disciplinary punishment; and
- e) reference to the rules and regulations which serve as the basis of the disciplinary punishment.

§ 20.

The Disciplinary Committee shall issue a termination in the following cases:

- a) if the act committed is not a disciplinary offence or if it was not committed by the student against whom the disciplinary proceedings were instituted;
- b) if the disciplinary offence cannot be proved;
- c) if the student's guilt cannot be established at the disciplinary hearing;
- d) if the disciplinary offence has expired;
- e) if the act serving as a basis of the proceedings has validly been judged in a disciplinary proceeding; or
- f) if the Committee issues a warning instead of a disciplinary punishment.

§ 21.

The operative part of the termination ruling shall contain the following:

- a) the name (and other personal information) of the student against whom the disciplinary proceedings have been instituted

- b) the name of the disciplinary offence which necessitated the proceedings;
- c) declaration of the termination of the disciplinary proceedings;
- d) the reasons of termination;
- e) reference to the issue of a warning (if applicable);
- f) notice of any possibility and deadlines for appeal.

§ 22.

The reasons adduced of the termination ruling shall contain the following

- a) the established facts and evidence (or lack of);
- b) the reasons of terminating the proceedings. (All circumstances must be cited which persuaded the Disciplinary Committee to terminate the proceedings.)

§ 23.

(1) The Chair of the Disciplinary Committee reads out the ruling made in the closed session of the Committee. The operative part of the ruling must also be read out, as well as the reasons adduced.

(2) After the ruling is read out, the Chair of the Disciplinary Committee calls the persons entitled to appeal to seek legal remedy if they wish to. (After such statements are made and recorded in the minutes, the Chair closes the hearing.)

(3) The disciplinary ruling must be sent to all concerned, even those absent. The ruling of the Disciplinary Committee shall be put down in writing within 8 days of the announcement.

(4) The written ruling and its copies shall be signed by the Chair of the Disciplinary Committee.

(5) The ruling shall be posted to the student against whom the disciplinary proceedings have been instituted and his or her legal representative even if they were present when the ruling was announced.

(6) The Disciplinary Committee cannot change its ruling. It may, however, amend any mistakes that do not affect the contents of the ruling (typographical errors, calculations , etc.)

Appeal against the first-instance decision

§ 24.

(1) The student against whom the disciplinary proceedings have been instituted or his or her representative may lodge an appeal to the Disciplinary Committee against a disciplinary ruling of first instance within 15 days after receiving it. If the student fails to meet the deadline for reasons outside his or her control, he or she may nevertheless submit the appeal in a letter also providing written justification for failing to meet the deadline 5 days after the termination of the cause of delay. The

Rector shall decide on the acceptance of the student's reasons, before the appeal is investigated.

(2) If the student is present when the ruling is read out, he or she has the right to announce his or her intention of appeal or non-appeal.

(3) Written appeals shall be submitted to the Disciplinary Committee and sent by registered mail to the Committee.

(4) The appeal has a delaying force over the execution of the ruling.

(5) The Disciplinary Committee shall send the appeal and the documents of the proceedings immediately after the expiry of the appeals deadline to the Rector, who exercises second-instance disciplinary rights.

§ 25.

If the appeal is lodged late or is not lodged by the party entitled to do so, the Rector shall reject the appeal.

With regard to the complexity of the case or to other circumstances the Rector at his discretion may appoint one or more employees of the School to prepare the case or to obtain documents.

The Rector may take the following decisions as the result of the second instance examinations:

a) reject the appeal;

b) change the ruling of first instance;

c) set aside the ruling of first instance and instruct the body or person proceeding in the first instance to conduct a new procedure and make a new ruling.

The decision shall be set into a ruling and grounds shall be given. The ruling shall indicate the option of legal redress and the student must be heard in person at least once during the procedure. If the student does not appear at the Committee's meeting despite being given proper notice, the personal interview may be omitted or on request the student may be permitted to make his or her comments in writing. The content of the appeal ruling and notification thereof shall be governed by the same provisions as apply to the ruling of first instance. The ruling shall be delivered to the addressee (or his or her legal representative) by the Student Centre and to the Disciplinary Committee which acted in the first instance.

The provisions of the Act on Public Administration Procedures shall apply to the establishment of the facts, the setting of time limits, verification, and the form, content and notification of the ruling.

The student may request a court review of the School's ruling according to points c) and d) of §3 of second instance within 30 days of notification citing a misdemeanour or breach of provisions relating to student status. The court procedure shall be subject to chapter XX of Act III of 1952 on the Code of Civil Procedure. The court may change the decision. The court shall judge the matter as a matter of urgency. (§57-58 of ANHE)

An appeal ruling shall become final upon notification. The final ruling shall be executable unless the student requests court review. The student shall inform the School of its court application by sending a copy of the letter of application.

Court Application

§ 26.

(1) The appeal ruling according to points c) and d) of §3 may be challenged in court within 30 days of notification of the ruling. The final ruling shall be executable unless court review is requested. The student shall inform the School of its court application by sending a copy of the letter of application.

(2) The documents required for the application may be requested from the Chair of the Disciplinary Committee (in photocopies).

(3) The School shall be represented in court by a person authorised in writing by the Rector.

Acquittal proceeding

§ 27.

(1) Provided the student requests it, that no ruling has been issued in the case, and that he or she has not in the meantime committed a new disciplinary offence, he or she shall be acquitted from the negative consequences of the disciplinary punishment

a) in disciplinary cases established in § 3 a), 4 months after the ruling comes into effect;

b) in disciplinary cases established in § 3 b) and c), after the punishment imposed has expired;

c) in disciplinary cases established in § 3 d), 2 years after the ruling comes into effect.

(2) The student under disciplinary punishment shall lodge his or her acquittal application to the Rector.

When a student is acquitted, the Rector shall have his or her name deleted from the disciplinary punishment records.

Closing Provisions

§ 28.

(1) These Regulations shall come into effect on the day they are passed.

(2) These Regulations were accepted as an annex to the International Business School's amended Organisation Regulations by Resolution number 8/2014 of the Senate at its meeting of 8 November 2014.

Budapest, 8 November 2014.

Dr László Láng

Rector