

Hungarian University of Fine Arts

1871



STUDENT DISCIPLINE AND COMPENSATION REGULATIONS


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Rector

In a unified structure, with the amendments specified in Senate Resolution 63/2020 (X.16.)

2020

The Senate of the Hungarian University of Fine Arts (hereinafter referred to as the University) hereby establishes the following regulations on the disciplinary and damage liability of students and the liability for damages of the University, based on Sections 55-56 of Act CCIV of 2011 on National Higher Education⁽¹⁾

Section **Scope of the Regulations**

The scope of these regulations extends to persons who are students, guest students, or adult education students at the University; dormitory residents, and doctoral students (hereinafter referred to as "students"), as well as those whose student status has been terminated or suspended, provided that they committed a disciplinary offense while their student status was in effect.

2. **Disciplinary offenses**

- (1) If a student commits a culpably and seriously breaches their obligations, they may be subject to disciplinary action in the form of a written decision⁽²⁾
- (2) A student shall be held disciplinarily responsible if their conduct violates the rules of the University, including any of its organizational units, or the facilities operated by the University (dormitory, library, art colony, training school, etc.) or if their conduct violates the law, university regulations, house rules, or internal instructions; in particular, if the student: ⁽³⁾
 - a) causes unlawful damage to the University (the organizer of practical training), or to the University's employees or fellow students;⁴
 - b) behaves in a manner that violates the human dignity of University employees or fellow students;⁽⁵⁾
 - c) by his or her conduct, hinders or restricts the exercise of the right to study, work, or artistic creativity of others;
 - d) commits copyright infringement in connection with their studies or work at the University.
- (3) Students are subject to disciplinary responsibility for their conduct outside the University if it is incompatible with their status as university students or if it damages or jeopardizes the reputation of the University⁽⁶⁾
- (4) A breach of duty to which the Student Requirements System attaches adverse legal consequences shall not be considered a disciplinary offense.⁷

Section 3

¹ Amended by Senate Resolution 51/2015. (IX. 30.)

² Amended by Senate Resolution 51/2015. (IX. 30.)

³ Amended by Senate Resolution 51/2015. (IX. 30.)

⁴ Amended by Senate Resolution 51/2015. (IX. 30.)

⁵ Amended by Senate Resolution 51/2015. (IX. 30.)

⁶ Amended by Senate Resolution 51/2015. (IX. 30.)

⁷ Amended by Senate Resolution 51/2015. (IX. 30.)

Disciplinary penalties

- (1) Disciplinary penalties that may be imposed on students who commit disciplinary offenses:
 - a) reprimand,
 - b) severe reprimand,
 - c) reduction or withdrawal of benefits and entitlements specified in the Student Fees and Benefits Regulations,⁸
 - d) suspension from studies for a fixed period of time – up to two semesters
 - e) expulsion from the University.
- (2) The duration of the penalties specified in paragraph (1) c) may not exceed six months. Social support may not be withdrawn as a disciplinary penalty.
- (3) The disciplinary penalties specified in paragraph (1) d)-e) shall be accompanied by the permanent or temporary withdrawal of benefits and privileges associated with student status.
- (4) During the period of the disciplinary penalty specified in paragraph (1) d), the student's legal status shall be suspended. The initiation of disciplinary proceedings and the imposition of disciplinary penalties shall not be influenced by the student's academic performance.
- (5) ⁱⁿ proceedings conducted in connection with the student's status as a resident of the dormitory, the penalty specified in paragraph (1) d) shall be replaced by "expulsion from the dormitory." ⁹
- (6) Instead of imposing disciplinary penalties, and in addition to terminating the proceedings, a warning may be issued if the offense committed is, considering all the circumstances of the case, in particular the student's personality, the motives for the act, and the manner in which it was committed, of such a nature that even the mildest disciplinary penalty is unnecessary and a warning is expected to have a sufficient deterrent effect.

4.

Temporary suspension from attending lectures and study sessions

- (1) In justified cases, the rector may suspend the student subject to disciplinary proceedings from attending lectures and other study activities, as well as from visiting the University's premises, and may suspend the further payment or fulfillment of any benefits or scholarships acquired or awarded. The suspended student may not take any exams. (¹⁰)
- (2) If the disciplinary proceedings do not result in expulsion or suspension from studies, the student who has been suspended from attending lectures or other academic activities shall be given the opportunity to make up for the missed academic obligations without disadvantage.

5.

Procedure in the event of suspected disciplinary misconduct

⁸ Amended by Senate Resolution 51/2015. (IX. 30.)

⁹ Amended by Senate Resolution 51/2015. (IX. 30.)

¹⁰ Amended by Senate Resolution 51/2015. (IX. 30.)

- (1) All persons in a legal relationship with the University (students, teaching staff, non-teaching staff) are obliged to report any suspected disciplinary offenses that come to their attention without delay, as follows.
- (2) Students are required to report suspected disciplinary offenses to a University employee (faculty or non-faculty), who is then required to immediately inform their immediate superior and/or the person authorized to initiate disciplinary proceedings [Section 6 (1)].
- (3) The University employee shall immediately inform their immediate superior and/or the person authorized to order disciplinary proceedings [Section 6 (1)] of any suspected disciplinary offense that has come to their attention.
- (4) In the event of damage as defined in Section 2 (2) (a), the chancellor must also be informed immediately.
- (5) The person authorized to order disciplinary proceedings shall, upon becoming aware of the suspected disciplinary offense, take immediate action to clarify the facts of the case. In this context, if the complexity of the case so warrants (in particular if the identity of the student(s) reasonably suspected of committing the disciplinary offense is unknown), appoint an investigator or investigators from among the persons employed by the University to search for and collect evidence related to the disciplinary case.
- (6) The person authorized to order disciplinary proceedings shall initiate disciplinary proceedings against the student who, based on the information gathered during the procedure referred to in paragraph (5), is reasonably suspected of having committed a disciplinary offense.

Section 6 **Initiation of disciplinary proceedings**

- (1) Disciplinary proceedings shall be initiated by the rector, or in the case of a disciplinary offense committed in the dormitory, by the director of the dormitory, or, in the event of the permanent incapacity of these persons, by their designated deputies.
- (2) The person authorized to order disciplinary proceedings shall issue a written decision on the initiation of proceedings, which shall include a brief description of the act on which the proceedings are based.
- (3) The person ordering the disciplinary proceedings shall notify the student subject to the proceedings of the decision ordering the disciplinary proceedings and shall simultaneously take steps to set up a Disciplinary Committee.⁽¹²⁾
- (4) The student and his or her representative (Civil Code) may participate in the disciplinary proceedings.
- (5) Disciplinary proceedings may not be initiated if one month has elapsed since the disciplinary offense became known or five months have elapsed since the offense was committed. For the purposes of these provisions, "becoming known" means when the circumstances giving rise to the proceedings came to the attention of the person authorized to initiate disciplinary proceedings.⁽¹³⁾

¹¹ Amended by Senate Resolution 51/2015. (IX. 30.)

¹² Amended by Senate Resolution 51/2015. (IX. 30.)

¹³ Amended by Senate Resolution 51/2015. (IX. 30.)

- (6) If criminal proceedings are pending against the person subject to disciplinary proceedings in the same case, the disciplinary proceedings shall be suspended until the final conclusion of the criminal proceedings or, if the person subject to disciplinary proceedings is unable to attend the disciplinary hearing or participation in the hearing is not possible for reasons beyond their control, the disciplinary proceedings shall be suspended until the obstacle ceases to exist.
- (7) Disciplinary proceedings shall be concluded and a substantive decision shall be made within one month of their initiation, with the exception of the provisions of paragraph (6).⁽¹⁴⁾ In justified cases, the decision may be extended by 15 working days on one occasion.
- (8) If the person subject to disciplinary proceedings is also enrolled at another higher education institution, the rector shall immediately notify the higher education institution concerned of the initiation of the proceedings.
- (9)¹⁵
- (10) Disciplinary proceedings for breaches of duty committed in the course of practical training shall be conducted by the University.

7.

Disciplinary Committee

- (1) The Disciplinary Committee is an ad hoc committee of the University consisting of at least three members, appointed by the person authorized to order disciplinary proceedings from among the University's teaching staff/lecturers (hereinafter referred to as "teachers") who are public employees, as well as members delegated by the student/doctoral self-government. The student/doctoral self-government shall delegate one third of the members of the Committee. The person ordering the disciplinary proceedings shall not be a member of the Disciplinary Committee.⁽¹⁶⁾
- (2)¹⁷
- (3) The chair of the Disciplinary Committee shall be elected by the members from among themselves.
- (4) A person who is a relative of the student subject to the proceedings or who cannot be expected to judge the case impartially and objectively may not be a member of the Disciplinary Committee. The student subject to the proceedings or his or her representative may raise an objection of bias at any time during the proceedings. The person who ordered the disciplinary proceedings shall decide on the objection of bias. If the objection is upheld, a new member shall be appointed; otherwise, the objection shall be rejected. There is no further legal remedy within the University against a decision rejecting an objection of bias.⁽¹⁸⁾
- (5) The provision on exclusion from the exercise of disciplinary powers shall also apply to the recording clerk.

8.

Preparation for the adjudication of disciplinary offenses

¹⁴ Amended by Senate Resolution 51/2015. (IX. 30.)

¹⁵ Deleted by Senate Resolution 51/2015. (IX. 30.)

¹⁶ Amended by Senate Resolution 51/2015. (IX. 30.)

¹⁷ Repealed by Senate Resolution No. 51/2015. (IX. 30.)

¹⁸ Amended by Senate Resolution 51/2015. (IX. 30.)

- (1) The facts of the case must be clarified in disciplinary proceedings.
- (2) A member or the chair of the Disciplinary Committee shall prepare the assessment of the disciplinary offense based on the available documents. If necessary, the investigator conducting the proceedings pursuant to Section 5(5) shall be requested to seek further evidence.
- (3) At the request of the witness, it may be ordered, in justified cases, that his or her personal data (including his or her name) be kept separate and confidential among the documents. In this case, the witness's confidential data may only be accessed by the investigating officer conducting the procedure pursuant to Section 5 § (5) of the Act, the person authorized to order disciplinary proceedings, the Disciplinary Committee, and the members of the Appeals Committee acting as the second instance in disciplinary matters. If the confidential treatment of the witness's personal data is ordered, it must be ensured that the witness's confidential data cannot be identified from other data in the proceedings. The confidential treatment of personal data may only be terminated with the witness's consent: ⁽¹⁹⁾
- (4) The person subject to disciplinary proceedings shall be informed that, in the event of a confession, they may request that detailed evidence be omitted, and that their confession shall be considered a mitigating circumstance in the imposition of the penalty.
- (5) The person subject to disciplinary proceedings may seek the assistance of an authorized legal representative. They must be informed of this right.
- (6) After the disciplinary case has been prepared and throughout the proceedings, the student subject to the proceedings and his or her authorized representative shall be given the opportunity to examine the evidence on which the disciplinary proceedings are based, with the exception of documents that are kept confidential.
²⁰
- (7) The Disciplinary Committee shall hear the student at the same time as it discloses the evidence referred to in paragraph (6). The student and his or her representative shall be notified in writing of the date and place of the hearing at least three days before the hearing. The student subject to disciplinary proceedings shall have the right to comment orally before the Disciplinary Committee on the charges brought against him or her, to present his or her position, and to submit a coherent defense. Minutes shall be taken of the hearing. The contents of the minutes shall be communicated to the student, who may request additions or corrections. The minutes shall be signed by the chair of the Disciplinary Committee and the minute-taker. ⁽²¹⁾

9. Disciplinary hearing

- (1) If, during the hearing, the student disputes the breach of duty charged against him or her, or if the clarification of the facts otherwise warrants it, a hearing shall be held.
- (2) The Disciplinary Committee shall adjudicate the disciplinary case in a public hearing, but the Disciplinary Committee may exclude the audience from the hearing or part thereof in the public interest; for the purpose of preserving classified information, business secrets or other secrets specified in a separate law. ⁽²²⁾

¹⁹ Amended by Senate Resolution 51/2015. (IX. 30.)

²⁰ Amended by Senate Resolution 51/2015. (IX. 30.)

²¹ Amended by Senate Resolution 51/2015. (IX. 30.)

²² Amended by Senate Resolution 51/2015. (IX. 30.)

- (3) The Disciplinary Committee may exclude the public in order to protect public morals and at the request of the student subject to the proceedings or the witness, if this is justified in order to protect the personal rights of the student subject to the proceedings or the witness.
- (4) The person subject to disciplinary proceedings, their authorized representative, the witness, the expert, and the investigating officer must be summoned to the hearing in writing prior to the hearing, in such a way that they receive the summons in writing at least 5 days before the hearing. The parties concerned are obliged to appear at the hearing on the basis of the summons.²³
- (5) The summons may be delivered in person or by post. If delivery is made in person, the fact of receipt, the date of receipt, and the signature of the recipient must be recorded on a duplicate copy of the document to be delivered. If delivered by post, the document must be delivered with a return receipt. Parties who appear in person may also be summoned verbally to a further hearing; the verbal summons shall be recorded in the minutes of the hearing.
- (6) The summons must state the subject matter of the case, the date and place of the disciplinary hearing, and the matter on which and in what capacity (e.g., as a witness) the person concerned is to be heard.
- (7) The summons must inform the student subject to disciplinary proceedings of their right to submit their defense in writing, refer to the possibility of using an authorized representative, and state that if they fail to appear despite having been duly notified and do not provide a valid reason for their absence by the date of the hearing at the latest, the committee may decide not to hear them.
- (8) If the student subject to the proceedings has a representative, the summons to the personal hearing shall be served on both the student and the representative.
- (9) If the student fails to appear at the committee meeting despite having been duly notified, but provides a valid reason for their absence within the time limit specified in paragraph (7), a new date shall be set for the disciplinary hearing, or, at their request, they shall be allowed to submit their comments in writing.
- (10) If the student fails to appear again despite being duly notified, the hearing may be waived. The student shall be informed in the repeated summons that his or her absence shall not prevent the disciplinary hearing from being held and a decision from being made.
- (11) If the student is unable to attend the hearing or participate in the proceedings for reasons beyond his or her control, the disciplinary proceedings shall be suspended until the obstacle ceases to exist.
- (12) The disciplinary hearing shall be chaired by the chair of the Disciplinary Committee. The chair shall ensure that the disciplinary proceedings are conducted in accordance with the rules of procedure and the provisions of the Disciplinary Regulations, and shall ensure that the persons participating in the proceedings are able to exercise their rights as intended.
- (13) In order to comply with the provisions of paragraph (12), the Disciplinary Committee shall provide the student subject to the proceedings with the necessary information about his or her procedural rights and obligations if he or she does not have legal representation.

²³ Amended by Senate Resolution 51/2015. (IX. 30.)

- (14) Minutes shall be kept of the disciplinary hearing, and the minute-taker shall be appointed by the chair of the Disciplinary Committee. The minutes shall be recorded in writing or by audio recording at the same time as the disciplinary hearing; in the latter case, they shall also be prepared in writing within three working days on the basis of the audio recording.
- (15) The minutes shall include the name of the acting body (person), the place and time of the minutes, the name of the person heard, their mother's name, identity card number, address, the nature of their involvement in the case (defendant, representative, witness, expert, etc.), a warning of their rights and obligations, and any relevant statements and findings relating to the case. The contents of the minutes shall be communicated to the persons heard, who may request additions or corrections. The minutes shall be signed by the chair, one of the student members of the Disciplinary Committee, and the minute-taker.
- (16) After taking roll call, the chair of the Disciplinary Committee shall open the hearing and explain the reasons for initiating disciplinary proceedings.
- (17) The Disciplinary Committee shall clarify the facts necessary for making a decision. To this end, it shall hear the student subject to the proceedings, who may present his or her defense in a coherent manner. During the hearing of the student subject to disciplinary proceedings, other students subject to the same proceedings who have not yet been heard, as well as witnesses, may not be present.
- (18) If the student subject to disciplinary proceedings admits to committing the disciplinary offense at the hearing and there is no doubt about this admission, further evidence shall be dispensed with.
- (19) If the available information is insufficient to clarify the facts of the case, the Disciplinary Committee shall conduct evidentiary proceedings ex officio or upon request.
- (20) Facts that are officially known to the Disciplinary Committee and are public knowledge do not need to be proven.
- (21) Evidence that is suitable for clarifying the facts of the case may be used in the Disciplinary Committee proceedings. Evidence includes, in particular: the student's statement, documents, witness testimony, inspection reports, expert opinions, and material evidence.
- (22) The Disciplinary Committee shall freely choose the means of evidence to be used.
- (23) The Disciplinary Committee shall evaluate the evidence individually and as a whole, and shall establish the facts based on its findings.
- (24) The Disciplinary Committee may seize material evidence and documents that are important for clarifying the facts of the case, recording this in the minutes.
- (25) Unless otherwise provided by law, material evidence and documents that are no longer necessary for clarifying the facts of the case shall be returned to the person from whom they were seized within eight days.
- (26) The student subject to disciplinary proceedings and his or her representative may inspect the documents relating to the case, submit motions for evidence, and question witnesses and experts who appear. Documents relating to disciplinary proceedings that contain classified information may not be copied or excerpted. In such cases, the documents may only be inspected on the basis of an access permit as defined in Act CLV of 2009 on the protection of classified information. In the case of documents containing other secrets, the right to inspect and copy the documents is subject to the confidentiality of the secrets.

confidentiality exercised . may be exercised.²⁴ in writing statement statement may be

- (27) The Disciplinary Committee shall determine disciplinary responsibility on the basis of motions and comments submitted by the member of the Disciplinary Committee preparing the assessment of the disciplinary offense or by the investigating officer appointed pursuant to Section 7(3).
- (28) The person subject to disciplinary proceedings may make comments or counter-motions in relation to all evidence and all motions made by the person acting pursuant to paragraph (27).
- (29) Before the witness is questioned, he or she shall be asked to declare whether he or she has an interest in the case or is biased, and shall be warned of the obligation to tell the truth and the consequences of giving false testimony.
- (30) If the witness's testimony contradicts the defense of the student subject to disciplinary proceedings or the testimony of other witnesses, an attempt shall be made to clarify this by means of a confrontation, if necessary.
- (31) If the student's request for evidence is rejected during the disciplinary proceedings, the reason for this must be stated in the disciplinary decision, unless it is determined that the student has not committed a disciplinary offense.
- (32) After the conclusion of the evidentiary proceedings, the Disciplinary Committee shall decide by a simple majority in a closed session. In the event of a tie, the chair shall have the casting vote.
- (33) The chair of the Disciplinary Committee shall announce the disciplinary decision verbally at the hearing. The chair of the Disciplinary Committee shall put the decision in writing within three days of its announcement.

10.

The disciplinary decision

- (1) The decision may impose a disciplinary penalty or terminate the disciplinary proceedings.
- (2) A disciplinary penalty shall be imposed if the Disciplinary Committee finds that the person subject to disciplinary proceedings has committed a disciplinary offense and therefore considers it necessary to impose a disciplinary penalty on that person.
- (3) The operative part of the decision imposing disciplinary punishment shall contain:
 - a) the name and personal details of the student subject to disciplinary action,
 - b) a description of the disciplinary offense,
 - c) the disciplinary penalty imposed and other related provisions (e.g., suspension)
 - d) a reference to the possibility of appeal and the deadline for doing so.
- (4) The reasoning for the decision imposing disciplinary punishment shall include:
 - a) the established facts,
 - b) the evidence and its evaluation,
 - c) the reasons for rejecting any motions to introduce evidence,

²⁴ Amended by Senate Decision 51/2015. (IX. 30.)

- d) the circumstances taken into account in imposing the penalty,
 - e) reference to the provisions that served as the basis for the disciplinary penalty.
- (5) The Disciplinary Committee shall issue a decision to terminate the proceedings if
- a) the act committed is not a disciplinary offense or was not committed by the student subject to the proceedings,
 - b) the disciplinary offense cannot be proven,
 - c) the disciplinary offense is time-barred,
 - d) the act on which the proceedings are based has already been finally adjudicated in disciplinary proceedings,
 - e) the Student Disciplinary Committee issues a warning to the student instead of a punishment.
- (6) The operative part of the decision terminating the disciplinary proceedings shall include:
- a) the name and personal data of the person subject to disciplinary proceedings,
 - b) the disciplinary offense that led to the disciplinary proceedings being initiated,
 - c) a statement that the proceedings have been terminated,
 - d) a reference to the possibility of appeal and the deadline for doing so.
- (7) The reasoning for the decision to terminate the disciplinary proceedings shall briefly set out the established facts and evidence and indicate the reasons on the basis of which the Disciplinary Committee terminated the proceedings.
- (8) Both the decision imposing disciplinary punishment and the decision terminating disciplinary proceedings shall indicate in the introductory part the case number; the members of the Disciplinary Committee conducting the proceedings; the name of the student subject to the proceedings; the place and time of the disciplinary hearing and whether the hearing was public.
- (9) The written disciplinary decision shall be delivered without delay to the student subject to the proceedings and his or her representative, as well as to the rector, the Academic Affairs Department, and, in the case of a disciplinary offense committed in the dormitory, to the director of the dormitory. The Chair of the Disciplinary Committee shall arrange for delivery.
- (10) The Disciplinary Committee may not change its announced decision, but may correct errors in names, calculations, or other similar errors that do not affect the merits of the decision, either on its own authority or upon request.

11.

Remedies and enforcement

- (1) The student subject to the proceedings may seek legal remedy against the disciplinary decision in accordance with the provisions of the regulations on the exercise of student rights and the fulfillment of student obligations.⁽²⁵⁾
- (2) Only final disciplinary decisions may be enforced. A decision shall be final if the persons entitled to do so have not exercised their right of appeal within the time limit available or have all waived that right.²⁶

²⁵ Amended by Senate Decision 51/2015. (IX. 30.)

²⁶ Amended by Senate Resolution 51/2015. (IX. 30.)

Section 12
Exemption and relief

- (1) The student is not required to report disciplinary penalties.²⁷
 - a) in the case of a reprimand or severe reprimand, three months after the disciplinary decision becomes final,
 - b) in the case of reduction or withdrawal of benefits or privileges, six months after the disciplinary penalty has been served;
 - c) in the case of suspension from studies, one year after the expiry of the disciplinary penalty;
 - d) in the case of a suspended disciplinary penalty, if the probationary period has been successfully completed.
- (2) In the event of a further disciplinary offense, the exemption shall not extend to the adverse consequences attached to the previous disciplinary action by law or these regulations.
- (3) Expulsion from the University in the case of a disciplinary penalty, the rector may, upon request, exempt the student from the disciplinary penalty in cases deserving special consideration, provided that at least three years have elapsed since the decision imposing the penalty became final. There is no exemption from expulsion from the dormitory in the case of disciplinary punishment.⁽²⁸⁾
- (4) The rector shall decide on the exemption within 15 days of the submission of the request. Before making a decision, the student must be heard in person. If the student fails to appear after being duly summoned, his or her absence shall not prevent the decision from being made. There shall be no legal remedy against the rector's decision made in his or her discretionary power.

²⁷ Amended by Senate Resolution 51/2015. (IX. 30.)

²⁸ Amended by Senate Resolution 51/2015. (IX. 30.)

COMPENSATION (FINANCIAL) LIABILITY

The student's liability for damages

13.

- (1) In connection with the fulfillment of their academic obligations, students shall be liable for damages unlawfully caused to the University, the dormitory, or, in the case of participation in practical training, the organizer of the practical training, in accordance with the rules of the Civil Code, with the exceptions specified in these regulations.⁽²⁹⁾

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- (1) In the case of negligent damage, the student's liability is limited. The amount of compensation may not exceed fifty percent of the minimum mandatory wage (minimum wage) valid on the day of the damage.
- (2) Damage is considered negligent if the student does not foresee the consequences of his or her conduct because he or she does not act with the due care expected of him or her, or is aware of the consequences but recklessly trusts that they will not occur.

15.

- (1) In the case of intentional damage, the student shall be liable for the full amount of the damage.
- (2) Damage is intentional if the student knows and sees the consequences of their actions (omissions) in advance and accepts them.

16

- (1) Regardless of the student's culpability, he or she shall be fully liable for any damage to items belonging to or managed by the University that have been received with a list or receipt of receipt, with an obligation to return or account for them. damage to items that they keep in their permanent custody, use exclusively, or manage.⁽³⁰⁾
- (2) The student is responsible for ensuring that the artworks received by him or her in the course of his or her studies are completed in accordance with the contract concluded by the University. This responsibility does not extend to delays in performance due to external, unavoidable causes. The student shall be exempt from liability if he or she proves that the shortage was caused by an unavoidable cause.⁽³¹⁾
- (3) The University/practical training organizer must prove that the conditions specified in paragraph (1) are met.
- (4) When determining the amount of damage, the expenses incurred in repairing the damaged item, including operating costs, and the extent of any depreciation remaining despite the repair, shall be taken into account.

²⁹ Amended by Senate Resolution No. 51/2015. (IX. 30.)

³⁰ Amended by Senate Resolution 51/2015. (IX. 30.)

³¹ Amended by Senate Resolution 51/2015. (IX. 30.)

if the item has been destroyed or rendered unusable, or if it is missing, the consumer price valid at the time of the damage shall be taken into account, also considering depreciation.

**Procedure for determining the liability of the University/College
for damage caused by students**

17.

- (1) The procedure for determining liability for damages (hereinafter: damages procedure) shall be initiated on the basis of a report or official knowledge.

18

- (1) A report shall be drawn up on the damage caused. This shall

include: the place and time of the report's preparation;

the description of the damage ; the nature of the damage (manner),
the nature of the damage

(damaged or destroyed items, etc.), other facts and circumstances related to the damage;

if known, the name, address, and major of the student who caused the damage; the

location and time of the damage;

the name and position of the person who drew up the report, as well as their signature;

the names of the witnesses, indicating whether they witnessed the damage or the recording of the report.

- (2) If the student who caused the damage is present when the report is drawn up, their statements regarding the damage must be included in the report at their request. In this case, the student shall sign the report; if they refuse to sign, this fact shall be recorded. The student shall be given a copy of the report upon request.
- (3) The report shall be drawn up by an employee of the organizational unit where the damage occurred. If no such employee is present at the scene, any public employee of the University may draw up the report.

Section 19

- (1) The report drawn up in accordance with § 18 shall be forwarded without delay by the head of the organizational unit affected by the damage to the Chancellor of the University
- (2) The chancellor or the financial officer designated by him/her shall determine the extent of the damage incurred on the basis of the report.³³
- (3) If the identity of the student who caused the damage is unknown, or if the student's guilt (intentional or negligent damage) cannot be established beyond doubt, the chancellor shall take immediate action to clarify the facts. In this context, if the complexity of the case so warrants, he or she may appoint an investigator or investigators from among the persons employed by the University to search for and collect evidence.⁽³⁴⁾

³² Amended by Senate Resolution 51/2015. (IX. 30.)

³³ Amended by Senate Resolution 51/2015. (IX. 30.)

³⁴ Amended by Senate Resolution 51/2015. (IX. 30.)

(4) If disciplinary action against the student is justified on the basis of the damage caused, the chancellor shall initiate disciplinary proceedings and issue a decision on the payment of compensation based on the decision of the Disciplinary Committee.⁽³⁵⁾

(5) If the extent of the damage does not justify disciplinary action against the student, the chancellor shall issue a decision calling on the student to acknowledge the established obligation to pay compensation and to compensate for the damage caused.³⁶

(6) The operative part of the decision ordering payment of compensation must include:

the name, place and date of birth, mother's name, address, and field of study of the student who caused the damage;
the amount of compensation, the deadline for payment, and any installment payment discounts;
a reference to the right to legal remedy.

(7) The reasoning section of the decision ordering payment of compensation shall

include: the established facts,
the identification and evaluation of the evidence,
depending on the nature of the case, an explanation of the extent to which the student is at fault for the damage, the mitigating and aggravating circumstances taken into account in imposing the obligation to pay compensation,
a reference to the provisions on which the obligation to pay compensation was based.

Section 20

(1) Students subject to disciplinary proceedings may appeal against decisions requiring them to pay compensation in accordance with the provisions of the regulations governing the exercise of student rights and the fulfillment of student obligations.⁽³⁷⁾

Liability for damages of the University/practical training organizer³⁸

Section 21

(1) The University, the College, and the organizer of practical training shall be fully liable for any damage caused to the student in connection with the student's legal status, college admission status, or practical training, regardless of fault.⁽³⁹⁾

(2) The student shall prove the occurrence and extent of the damage, as well as the fact that the damage was caused in connection with the student's legal status or during practical training.

(3) The University/practical training organizer shall be exempt from liability if it proves that the damage was caused by unavoidable circumstances beyond its control or if it was caused by the injured party's unavoidable

³⁵ Amended by Senate Resolution 51/2015. (IX. 30.)

³⁶ Amended by Senate Resolution 51/2015. (IX. 30.)

³⁷ Amended by Senate Resolution 51/2015. (IX. 30.)

³⁸ Amended by Senate Resolution 51/2015. (IX. 30.)

³⁹ Amended by Senate Resolution 51/2015. (IX. 30.)

caused by his or her conduct. Nevertheless, the University may reimburse the student for damage caused through no fault of his or her own.⁽⁴⁰⁾

- (4) The provisions of paragraphs (1)-(3) shall also apply to liability for damage caused during a session (event) organized by the University/practical training organizer.

**Procedure for determining the University's liability for damage
caused to the student**

22.

- (1) The student may submit a claim for damages in writing to the Chancellor of the University. The justification for the claim for damages must include the provisions of Section 21 (2).⁴¹
- (2) If the validity of the claim for damages cannot be established beyond doubt, the Chancellor shall take immediate action to clarify the facts. In this context, if the complexity of the case so warrants, he or she may appoint an investigator or investigators from among the persons employed by the University to search for and collect evidence.⁽⁴²⁾

Section 23

- (1) If, based on the available information, the Chancellor of the University finds the student's claim for compensation to be justified, he or she shall issue a decision granting the student's claim for compensation; otherwise, he or she shall issue a decision rejecting the claim.⁽⁴³⁾
- (2) The decision shall be made within 30 days of the date of notification of the claim for damages.

Section

- (1) In other matters of (financial) liability for damages, the rules on compensation for damages in the Civil Code in force at the time shall apply.

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- (1) These regulations shall enter into force on the date of its adoption.
- (2) The amended regulations shall enter into force on the day following the decision of the Senate. The amended provisions shall apply to proceedings initiated after their entry into force.⁴⁴

⁴⁰ Amended by Senate Resolution 51/2015. (IX. 30.)

⁴¹ Amended by Senate Resolution No. 51/2015. (IX. 30.)

⁴² Amended by Senate Resolution No. 51/2015. (IX. 30.)

⁴³ Amended by Senate Resolution 51/2015. (IX. 30.)

⁴⁴ Established by Senate Resolution 51/2015. (IX. 30.)