



SOPRONI  
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# Dormitory Disciplinary and Compensation Policy

(regarding paragraph 35.§ (5) of the University of Sopron Student Requirements System)

Effective: Sopron, 01.07.2023



Based on the Rules of Procedure of the Dormitories of the University of Sopron, the University of Sopron Senate hereby establishes the following rules for the adjudication of disciplinary and compensation cases of students in dormitories:

## **1. § Basis for Disciplinary and Compensation Proceedings**

- (1) University of Sopron students (hereinafter: dormitory students) must comply with the law and the University of Sopron's Organizational and Operational Rules, the University of Sopron's Student Code of Conduct, the University of Sopron's Code of Ethics, the University of Sopron's Regulations for Dormitories, the Dormitory Policy, and other University regulations, and to use and protect the equipment entrusted to them or used by them.
- (2) If a student culpably and seriously breaches the obligations arising from his/her status as a student, he/she shall be subject to the disciplinary proceedings provided for in these Regulations.
- (3) A compensation procedure may be initiated against any student causing damage to a University of Sopron dormitory.

## **2. § Disciplinary Offense in the Dormitory**

- (4) It is a disciplinary offense for a dormitory student to
  - a. give his/her accommodation to someone else,
  - b. breach any provision of the Dormitory Policy or the Rental Agreement,
  - c. commit an offense against a dormitory resident or employee or violate the personal rights of others,
  - d. behave in a way that disturbs the peace in the dormitory or the interests of the community.
- (5) Disciplinary proceedings and financial liability shall also be initiated if the student intentionally causes significant material damage to the dormitory.
- (6) Damage to the community interest includes behavior that disturbs the peace, especially during examination periods, and repeated breaches of the Dormitory Policy on public order.
- (7) Damage up to 50% of the annual student allowance is significant financial damage.

## **3. § The Disciplinary Sanction**

- (1) The purpose of disciplinary sanctions is education and prevention. In determining the disciplinary sanction, account shall be taken of all the circumstances of the offense, in particular the persons harmed, the consequences, the repetition of the offense, the seriousness of the offense, the degree of fault of the student (intentional or negligent), and the mitigating and aggravating circumstances.

- (2) The disciplinary sanction may be
  - a. a reprimand
  - b. exclusion from the dormitory of the higher education institution

#### **4. § Disciplinary Authority at First and Second Instance**

- (1) Disciplinary authority is exercised in the first instance by the Dormitory's Disciplinary and Compensation Committee. The Disciplinary and Compensation Committee is chaired by the Principal of the Dormitory and is composed of two members of the Dormitory staff and two dormitory students. The Dormitory's Disciplinary and Compensation Committee shall be assisted in its proceedings by an employee of the University of Sopron with legal expertise.
- (2) The two dormitory students are delegated by the Student Council, with one of the students being a member of the Student Union Committee.
- (3) Disciplinary authority is exercised in the second instance by the Vice-Rector for Education, under the authority delegated by the Rector.
- (4) The grounds for exclusion in disciplinary cases shall be those set out in the Disciplinary Procedure for Student Conduct.

#### **5. § Disciplinary Procedure**

- (1) The Disciplinary procedure shall be ordered by the Principal of the Dormitory, with simultaneous notification of the student and the persons concerned. The Disciplinary procedure may be initiated in writing to the Principal of the Dormitory by any person suspected of having committed a disciplinary offense.
- (2) The Disciplinary procedure may be initiated within 30 days of becoming aware of the act. The Disciplinary procedure may not be ordered more than 3 months after the act was committed.
- (3) The Disciplinary procedure must be ordered without delay and within 8 days at the latest.
- (4) If the person subject to disciplinary proceedings is the subject of criminal proceedings in the same case, the disciplinary proceedings shall be suspended until the conclusion of the criminal proceedings or, if the person subject to a disciplinary procedure cannot be heard or attend a hearing for reasons beyond his/her control until the obstacle has ceased to exist at the latest. During the suspension of disciplinary procedures, the limitation period shall be suspended. Any procedural act (disciplinary procedure, summons, hearing, etc.) taken against a student on suspicion of a disciplinary offense shall interrupt the limitation period.
- (5) The Disciplinary procedure shall be completed within one month, except as provided for in paragraph 5.

- (6) If the Disciplinary procedure gives rise to a reasonable suspicion that a criminal offense has been committed, the Chair of the Dormitory's Disciplinary and Compensation Committee shall inform the person who initiated the disciplinary procedure. Only the Rector shall be entitled to make a report.
- (7) The Disciplinary procedure shall contain the name, Neptun code, address, identity card number, faculty designation, and a brief description of the act on which the disciplinary procedure is based.

## **6. § Disciplinary Hearing**

- (1) The Disciplinary procedure shall be conducted at the Disciplinary hearing. The Disciplinary procedure shall not include an investigation procedure; the facts shall be established at the hearing. The hearing shall include the student testimony, the witnesses, and any expert called, and, if necessary, documentary evidence.
- (2) The Disciplinary hearing is conducted by the Chair of the Dormitory's Disciplinary and Compensation Committee. He/she shall ensure that the rules are observed that the hearing is conducted in an orderly manner, and that the persons involved in the procedure can exercise their rights.
- (3) The Dormitory's Disciplinary and Compensation Committee shall make its decisions by vote, shall make its decisions by majority vote, and shall exercise its powers at its meetings. A member of the University's staff with legal expertise shall have the right to participate in the sessions.
- (4) The person subjected to the procedure shall appear in person at the hearing but may request the Committee to allow his/her legal representative or relative (*Act V of 2013 on the Civil Code (Civil Code Act) No.8:1 (1) (2)*) to attend the hearing.
- (5) Relatives and legal representatives of the person subject to the procedure may submit their observations through the person subject to the procedure but may not intervene in it. The person against whom the procedure is brought may, if necessary, confer with his/her representative quietly without disturbing the proceedings.
- (6) The summons, the representation of the student, his/her rights and obligations, his/her presence, the publicity of the hearing, and the conduct of the meeting shall be governed by the rules of the Disciplinary Procedure of the Student Code of Conduct.

## **7. § Minutes, Decision**

- (1) Disciplinary hearing minutes shall be draw up. The minutes shall be signed by the Chair of the Disciplinary and Compensation Committee and the Recorder of the minutes. The minutes shall be explained to the persons heard. When this has been done, the relevant part of the record shall also be signed by them. The person heard may request that the minutes be supplemented or corrected. Any refusal to sign and the reasons for such refusal shall be recorded in the minutes. The minutes shall be attached to the disciplinary file.
- (2) The Dormitory's Disciplinary and Compensation Committee shall decide by simple majority vote in closed session after considering the evidence. Only the Disciplinary Committee Chair, members, and the Recorder of the minutes may be present in closed session.
- (3) The minutes and the decision shall be governed by the Disciplinary Procedure sections of the Student Code of Conduct as appropriate.

## **8. § The Appeal**

- (1) The student subject to disciplinary proceedings may lodge a written appeal against the decision of the first instance, addressed to the Principal of the Dormitory, within 15 days of receiving the decision.
- (2) The appeal has a suspensory effect on the implementation of the provisions of the decision.
- (3) The Chair of the Faculty Disciplinary and Compensation Committee shall forward the appeal and the documents generated in the procedure to the body of the second instance without delay after the expiry of the deadline for appeal. The body of the second instance shall decide on the appeal within 15 days of its receipt.
- (4) As a rule, the Vice-Rector for Education decides based on the documents, may summon interested parties if necessary, and decide based on their hearing and other evidence obtained. In this case, the appeal must be decided within 30 days. The rules of the Disciplinary procedure at first instance shall apply mutatis mutandis.
- (5) The Vice-Rector for Education:
  - a) upholds the first instance decision,
  - b) changes the first instance decision,
  - c) annuls the first instance decision and instructs the disciplinary authority of the first instance to initiate new proceedings and issue a new decision.
- (6) The body of the second instance shall annul the decision taken in the Disciplinary procedure at the first instance if the disciplinary offense was not sufficiently proven in the procedure at the instance. The body of the second instance shall, at the same time as it annuls the decision of the Disciplinary Board and Compensation Committee of the first instance, instruct the Disciplinary Board and Compensation Committee of the first instance

to reopen the Disciplinary procedure and to take a new decision. In such cases, the decision of the second instance body shall contain the guidelines of the second instance body.

- (7) If the appeal is out of time or has not been lodged by the person entitled, it is dismissed by the body of the second instance.

## **9. § Judicial Remedies**

- (1) The student may bring an administrative action against the decision of the second instance within 30 days in accordance with the rules of Act I of 2017 on the Code of Administrative Procedure.

## **10. § Enforcement of the Decision**

- (1) The decision can only be enforced after it has become final.
- (2) The decision at first instance becomes final on the day on which:
  - a) the appellant declares that he does not wish to appeal or withdraws his/her appeal,
  - b) the time limit for appeal has expired without an appeal being lodged,
  - c) the Vice-Rector for Education upheld the decision of the first instance and dismissed the appeal.
- (3) The second instance decision will become final on the day of its publication.
- (4) The final decision must be endorsed with a statement that the decision is final and enforceable and the date on which it became final. The final decision shall be registered, and a copy of the decision shall be placed in the personal file of the dormitory student.
- (5) The final decision shall be sent by the Chair of the Committee to the disciplinary authority and to the body authorized to impose the disciplinary penalty.

## **11. § Liability for Damage Caused by the Student**

- (1) The dormitory student shall compensate the University of Sopron for any damage caused unlawfully in the dormitory – except for paragraphs (2) - (4) – in accordance with the provisions of the Civil Code.
- (2) In the case of negligent damage, the amount of compensation may not exceed 50% of one month's minimum wage on the day of the damage.

- (3) In the case of intentional damage, the dormitory student is liable for the full amount of the damage.
- (4) The dormitory student shall be fully liable for any loss or damage caused to items received with a list or receipt for return or accountability if he/she keeps them in his/her custody at all times and uses or handles them exclusively. He/she shall be exempt from liability if the shortage was due to an unavoidable cause.

## **12. § The Right to Compensation. The Procedure for Compensation**

- (1) The power to compensate damages shall be exercised in the first instance by the Dormitory's Disciplinary and Compensation Committee, and in the second instance by the Vice-Rector for Education (hereinafter: Decision makers), with the authority delegated by the Rector of the University. Compensation proceedings shall be initiated by the Principal of the Dormitory.
- (2) The Dormitory shall keep a record of all items, in particular the room inventory, which has been handed over to the dormitory student with a list or receipt, with the obligation to return or account for them.
- (3) Compensation proceedings against the dormitory student will be conducted by the Dormitory's Disciplinary and Compensation Committee. The Disciplinary and Compensation Committee shall decide based on the documents in the first instance but may order an investigation to clarify the facts of the case if the information required to decide on the case is insufficient. The investigation must accurately establish the facts of the case: the nature, place, date, origin, course, extent (monetary value: actual damage) of the damage, the degree of fault of the dormitory student (intentional or negligent), the names and details of the persons at fault, the proportion of fault, the expected compensation for the damage, etc. The findings of the investigation must be recorded in a damage report.
- (4) The dormitory student who caused the damage must be interviewed during the investigation. The general rules (summons, protocol, etc.) shall apply accordingly.
- (5) The decision maker of the right to compensation shall close the proceedings by decision. He or she shall decide to terminate the proceedings if the damage is not unlawful, if it was not caused by the dormitory student, if the damage cannot be proved, if the damage is not attributable to the dormitory student (there is no causal link between the act and the damage) or if the compensation claim has already been finally decided. A decision on liability for damages must provide the method of compensation and, in the case of a joint action, for the apportionment of the damage. The person liable for compensation shall have the right to apply for payment in installments, which shall be decided on by the Principal of the Dormitory.

### **13. § Final Provisions**

(1) In matters of the Disciplinary Procedure not regulated herein, Chapter IV of the University of Sopron Student Requirements System, the Rules for the Disciplinary and Compensation of Students shall apply.

(2) These Regulations were adopted by the Senate of the University of Sopron by Resolution **103/2023 (VI. 30.)**.

(3) The Rules shall enter into force on 01 July 2023.

Prof. Dr. Attila Fábíán

Rector