

VOLUME I OF THE ROO  
ORGANISATIONAL AND OPERATIONAL  
PROCEDURES

I.6/i. Rules of Procedure of the Ethics  
Committee

The adoption of the Rules of Procedure of the Ethics Committee was supported by the Senate at its meeting of 19 December 2011 by Resolution No. SZ-24.a/2011/12 (19 December 2011).

## **RULES OF PROCEDURE OF THE ETHICS COMMITTEE OF THE CORVINUS UNIVERSITY OF BUDAPEST**

Based on the principles laid down in the Code of Ethics and on Act CXL of 2004 on the General Rules of Administrative Proceedings and Services, the University Ethics Committee (hereinafter: the Committee) has adopted the following rules of procedure on the detailed rules of the ethics procedure.

### **General provisions**

#### **1. §**

- (1) The scope of the regulation shall extend to all university citizens and to the persons concerned who are no longer university citizens but were university citizens at the time the procedure was initiated.
- (2) The scope of the regulation covers all matters of principle and specific matters covered by the Code of Ethics.
- (3) The regulation shall not apply to any matter or case in respect of which the exclusive jurisdiction or competence of any court, authority, other body or entity is provided by law or by the regulations of the University.
- (4) The Committee may act on its own initiative or on the basis of a notification, on an individual case or on a matter of principle.
- (5) A university citizen commits an ethical abuse in particular if he/she
  - a) violates the principles and rules laid down in the Code of Ethics;
  - b) the same person makes a number of notifications which are proven groundless;
  - c) the notifier makes a notification in bad faith.

#### **2. §**

### **Rules with respect to individual matters**

- (1) The Committee may adopt one of the following decisions in individual matters:
  - a) an ethical abuse has occurred;
  - b) no ethical abuse has occurred;
  - c) there is no evidence of ethical abuse;
  - d) it cannot be proved that the ethical abuse was committed by the person subject to the procedure.
- (2) The Committee may impose one of the following ethical sanctions in individual matters:
  - a) issue a written reprimand to the offender;
  - b) order the disclosure of the violation of the norms within the University.
- (3) An ethical sanction may be imposed by a reasoned written resolution on the basis of an ethics procedure.
- (4) In individual matters, the provisions of these Rules of Procedure shall apply, with the exception of the provisions of Section 23.

### **Reporting violations of the rules set out in the Code of Ethics**

#### **3. §**

- (1) A breach of ethical standards, or a suspected breach thereof, may be reported within 60 days of the day on which it comes to the knowledge of the offended university citizen or any university citizen who

has credible knowledge of the fact and who is prepared to participate in proving the credibility of his/her report by revealing his/her name.

(2) Anonymous notifications shall not be examined by the Committee.

(3) No ethics procedure may be initiated if more than 1 year has elapsed since the date on which the contested act occurred. In the case of continuous ethical abuse, the date of the most recent act is relevant for the application of the time limit, but related acts or acts similar in nature that occurred earlier may also be taken into account.

(4) No ethics procedure may be opened in an individual matter which has already been closed by the Ethics Committee.

(5) The report shall be as specific as possible: it shall state the name of the person who has breached the ethical norm, the place and date of the act and the evidence available to prove that it took place. Efforts shall be made to provide a detailed account of the circumstances, including all available evidence.

(6) The report may be made only in writing to the Chairperson of the Committee or to the Head of the Rector's Office.

(7) The report and the evidence submitted shall be forwarded to the Chairperson of the Ethics Committee without delay, but not later than 3 working days. The Chairperson of the Committee will inform the notifier in writing of the receipt of the notification within 3 working days of receipt.

(8) The applicant may withdraw the application before the resolution concluding the procedure has been adopted, but this shall not affect the conduct of the procedure by the Committee.

### **The ethics procedure**

#### **4. §**

(1) The ethics procedure shall not be public.

(2) The ethics procedure shall be conducted in the first instance by the Committee, and in the second instance by the Rector or the Vice-Rector mandated by him/her (hereinafter referred to as "the Rector").

(3) The Committee of first instance shall consist of a chairperson and three members, one of whom shall be a staff member employed in a lecturer/researcher job, the other shall be a staff member employed in a job other than lecturer/researcher; the third member of the Committee shall be the current President of the University Student Union.

(4) The members of the Committee, with the exception of the President of the University Student Union, shall be appointed in writing by the Rector.

(5) The following persons may not participate in the committee

- a) relative of the person subject to the procedure<sup>1</sup>;
- b) who cannot be expected to give an objective assessment of the matter shall also be considered a relative.

(6) The provision on exclusion set out in Subsection (5) shall also apply to the keeper of the minutes.

(7) The Rector shall decide on the exclusion and appointment of a new member within 3 working days.

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<sup>1</sup> "close relative" shall mean spouse, registered domestic partner, direct-line relative, adopted child, stepchild, foster child, adoptive parent, stepparent, foster parent, and sibling. A domestic partner, spouse or registered domestic partner of direct-line relative, a direct-line relative or sibling of fiance/fiancee, spouse, registered domestic partner as well as spouse, registered domestic partner of sibling

(8) For the purposes of these provisions, the date of becoming aware shall be when the circumstances giving rise to the procedure can be proved to have come to the knowledge of the notifying university citizen.

(9) The person concerned shall be notified of the initiation of the procedure, along with statements the grounds for initiating it. The notification ordering the procedure shall contain the name and address of the person subject to the procedure and a brief description of the act on which the procedure is based.

### **5. §**

(1) If, in the course of the procedure, there are reasonable grounds for suspecting that an infringement of the law has been committed, the Chairperson of the Committee shall inform the disciplinary authority, who/which shall be obliged to report the matter and/or initiate disciplinary proceedings.

(2) If judicial proceedings are pending against the person subject to the procedure in the same case, the procedure shall be suspended until their final conclusion, unless the facts can otherwise be clarified. The suspension of the procedure shall interrupt the limitation period.

(3) If court proceedings have been instituted against the person subject to the procedure, the time limits specified in Section 3 shall be counted from the date of the final conclusion of the court proceedings.

(4) The procedural measure taken against the person concerned for an ethical abuse (ordering of the ethics procedure, summons, hearing, etc.) shall interrupt the limitation period. The limitation period recommences on the day of the interruption.

(5) The procedure shall be concluded within 22 working days of ordering it, except in the case of procedures suspended for court proceedings.

(6) The Chairperson of the Committee or the Rector may extend the time limit for the conduct of the procedure once by a maximum of 22 working days if the complexity of the case or the evidentiary procedure so justifies. The person subject to the procedure and all those who have been notified of the initiation of the procedure must be informed.

### **Competences of the Chairperson**

#### **6. §**

(1) The Chairperson of the Committee shall initiate or suspend the procedure within 10 working days of receipt of the complaint.

(2) The Chairperson shall suspend the initiation of the procedure, until a final decision has been taken at the latest, if disciplinary or judicial proceedings have also been launched in respect of the complaint.

### **Hearing at first instance**

#### **7. §**

(1) The Committee shall hear the person subject to the procedure and the witness(es) at a hearing.

(2) The person subject to the procedure shall be summoned in writing, the witness shall be summoned by electronic means or promptly (orally, by telephone). The fact that the oral summons was served must be recorded in the case file. The summons must be served so that it is received at least 3 working days before the hearing to facilitate the appearance of the person summoned.

**8. §**

(1) The summons shall state the name of the person subject to the procedure, the place and time of the hearing and the capacity in which the addressee is being summoned. The person summoned should be asked to bring proof of identity.

(2) The summons shall warn the person subject to the procedure that his/her absence will not prevent the hearing to be conducted and the resolution to be taken, that he/she has the right to submit his/her defence in writing and that he/she may attend the hearing only in person and not through a representative.

(3) The person subject to the procedure has the right to:

- a) inspect, take a copy of and take notes on the documents of the procedure;
- b) to put forward offers of evidence and other motions.

**9. §**

(1) The hearing shall be presided over by the Chairperson of the Committee, who shall ensure that the provisions of these Rules of Procedure are observed, that the order of the hearing is preserved and that the persons participating in the proceedings may properly exercise their rights.

(2) If the person subject to the procedure fails to appear despite having been duly summoned - and has not excused himself or herself in advance on account of an acceptable reason - the hearing may be held in his or her absence.

(3) If the person subject to the procedure excuses himself or herself from participation on account of a prior, acceptable reason, the time between the two deadlines shall be disregarded when calculating the time limit set out in Section 5 (5).

(4) The Chairperson of the Committee shall decide whether the absence is justified. For this reason, the hearing may be adjourned no more than once.

**10. §**

(1) A personal hearing of the persons concerned by the matter is mandatory. If the person concerned does not appear in person when summoned in writing by the Committee, his/her absence will not affect the conduct of the procedure and the adoption of a resolution.

(2) The Committee shall hear the persons summoned one by one.

(3) The hearing shall begin with a brief presentation of the case and the hearing of the person subject to the procedure.

**11. §**

(1) If the person subject to the procedure admits to the ethical abuse at the hearing and the confession is beyond doubt, the need for further evidence may be waived.

(2) The Committee shall, upon request or ex officio, obtain evidence to clarify the facts. Any instrument, method or procedure which is likely to establish the facts on which the procedure is based may be used as evidence. Means of evidence include, in particular, witnesses named by the parties, documents produced or annexed, audio recordings, the parties' submissions, and inspections, attempts at taking evidence and confrontations ordered by the Chairperson of the board handling the case.

(3) The witness must be asked whether he or she is interested or biased in the case, and warned of his/her obligation to tell the truth as well as of the criminal consequences of perjury.

(4) If the witness's testimony contradicts the defence presented by the person subject to the ethics procedure or the testimony of other witnesses, an attempt to clarify this should be made by confrontation, as may be necessary.

## 12. §

(1) The minutes of the hearing shall be drawn up within 10 working days. The minutes are signed by the chairperson and the members of the Committee, as well as the keeper of the minutes. Once this has been done, it must be sent to all those involved in the procedure within 5 working days.

(2) The minutes shall be attached to the documents generated during the procedure.

## The resolution

## 13. §

(1) The Committee shall take its resolution by majority vote in closed session, after the taking of evidence. At the meeting only the chairperson and members of the Committee, as well as the keeper of the minutes may be present.

(2) The Committee may base its decision only on evidence directly examined at the hearing. Facts not proven beyond reasonable doubt cannot be assessed against the person subject to the procedure. If a request for evidence from the person subject to the procedure is rejected, the reasons for the rejection must be stated in the resolution, unless it is established that the person subject to the procedure has not committed an ethical abuse.

(3) The introductory part of the resolution must include the case number, the name of the person against whom the procedure was ordered, as well as the place and time of the hearing.

## 14. §

(1) A resolution imposing a sanction or a measure shall be taken if the Committee finds that the person subject to the procedure has committed an ethical abuse and therefore considers it necessary to impose the above against him/her.

(2) The operative part of the resolution imposing a sanction or a measure must include:

- a) the name and other personal data (mother's maiden name, place of birth, address) of the person held liable;
- b) the name of the ethical abuse committed;
- c) the sanction or measure applied and any other related provisions;
- d) a reference to the possibility of appeal and the fifteen-day time limit for lodging an appeal.

(3) The justification for the resolution imposing a sanction or a measure must concisely include:

- a) the established facts;
- b) the identification and assessment of evidence;
- c) an explanation of the kind of ethical abuse the act committed constitutes and to what extent the person concerned is guilty of it;
- d) the circumstances taken into account in imposing the sanction or measure;
- e) a reference to the provisions on the basis of which the sanction or measure was imposed.

## 15. §

(1) The Committee will take a resolution to terminate the procedure if:

- a) the act committed does not constitute an ethical abuse or was not committed by the person subject to the procedure,
  - b) the ethical abuse cannot be proved,
  - c) the culpability of the person subject to the procedure cannot be established;
  - d) the ethics abuse has lapsed;
  - e) the act on which the procedure is based has already been finally disposed of by way of disciplinary or court proceedings,
  - f) the Committee applies a warning to the person subject to the procedure rather than imposes a sanction or measure.
- (2) The operative part of the resolution to terminate the procedure must include:
- a) the name and other personal data of the person subject to the procedure;
  - b) identification of the ethical abuse for which the procedure was ordered;
  - c) a declaration of the termination of the procedure;
  - d) the reason for the termination;
  - e) a reference to the application of a warning in case of a decision to that effect;
  - f) a reference to the possibility of lodging an appeal and the 15-day deadline available.
- (3) The reasons for the resolution to terminate the procedure must briefly state the facts and evidence established as well as the reasons which Committee to terminate the procedure.

#### **16. §**

- (1) The resolution taken in closed session is announced by the Chairperson of the Committee.
- (2) During the announcement, the operative part of the resolution, as set out in writing in closed session, shall be read out and the substance of the reasons for the resolution shall be stated.
- (3) After the resolution has been published, the Chairperson of the Committee shall invite the parties entitled to appeal to submit their statements of appeal. After recording the statements in the minutes, the Chairperson shall close the hearing.
- (4) The resolution shall be notified by service to the parties absent.

#### **17. §**

- (1) The Committee's resolution shall be recorded in writing within 5 working days of its publication.
- (2) The written resolution and the appropriate number of copies thereof shall be signed by the Chairperson of the Committee.
- (3) The resolution shall also be served in writing, by registered post with acknowledgement of receipt, on the person subject to the procedure, if the decision has been notified to him/her by announcement. The time limit for filing an appeal starts to run from the date of service of the written notification.
- (4) The Committee may not change a resolution which has been published. Errors not related to the merits of the resolution (errors with respect to names, numbers, calculation or other similar typos) may be corrected.

#### **Legal remedy**

#### **18. §**

- (1) An appeal against the resolution may be lodged within 15 days of service thereof. An appeal against the resolution on the merits at first instance may be lodged by the person subject to the procedure or by any person concerned, in particular the notifier or the complainant.
- (2) A person to whom the Committee has communicated its resolution by announcement may immediately lodge an appeal, waive his/her right of appeal or reserve a period for reflection. In the latter case, the deadline for appealing is 15 days from the date of receipt resolution.
- (3) Failure to comply with the time limit for filing an appeal may be justified within a further period of 8 days.
- (4) Written appeals shall be lodged with the Committee at the Rector's Office.
- (5) The appeal has suspensory effect on the implementation of the provisions set out in the resolution.
- (6) A person who is not a university citizen, but who was a university citizen at the time of the launch of the procedure is entitled to an appeal procedure and to terminate an appeal procedure already underway.

### **Procedure at second instance**

#### **19. §**

- (1) The Chairperson of the Committee shall submit the appeal and the documents generated in the procedure to the Rector within 8 days of the expiry of the time limit for appeal.
- (2) The Rector shall decide on the appeal within 22 working days of its receipt.
- (3) The Rector shall decide on the basis of the documents submitted. During the appeal procedure, the person concerned may also be heard in person. If the person subject to the procedure requests it in the appeal, a hearing must be held. If necessary, the Rector summons the interested parties and takes a decision on the basis of their hearing and other evidence obtained.

#### **20. §**

- (1) The Rector shall
  - a) uphold;
  - b) modify;
  - c) annul the first instance resolution and orders the Committee to initiate a new procedure.
- (2) If the appeal is late or is not submitted by the person entitled to do so, the Rector may reject the appeal.
- (3) The content and communication of the resolution of the second instance shall be governed by the rules for resolutions of the first instance. The resolution is delivered by the Rector's Office.
- (4) The person concerned may apply for judicial review of the resolution of the second instance within 30 days of its notification, on the grounds of an infringement of the law.

The person concerned shall notify the Rector and the Head of the Rector's Office of the resolution challenged in court by sending a copy of the document. The judicial review suspends the enforcement of the resolution.

#### **21. §**

- (1) The resolution can only be enforced after it has become definitive.
- (2) The resolution of first instance shall become final on the day on which
  - a) the parties have indicated that they do not wish to appeal or have withdrawn their appeal;



- b) the time limit for appeal has expired without an appeal being lodged;
- c) the Rector upheld the resolution of the first instance or dismissed the appeal.

(3) The resolution of second instance shall become final on the day of its announcement. The final resolution of the second instance shall be enforceable, unless the person subject to the procedure applies for judicial review of the final resolution of the second instance pursuant to Subsection (4) of Section 20.

(4) A final resolution shall be endorsed with a statement that the resolution is final and enforceable and shall bear the date on which it became final.

## **22. §**

(1) If the Committee's resolution becomes final, the Committee shall send the resolution to the Rector, the Head of the Rector's Office and the relevant organisational unit/faculty.

(2) If the university citizen subject to the procedure is a student, the Registrar's Office shall register the final resolution and place it in the student's personal file, at the same time notifying

- a) the Dean of the Faculty;
- b) the President of the Student Union;
- c) any other higher education institution in the case of a student in a simultaneous programme.

(3) If the university citizen who is subject to the procedure is not a student, the final decision shall also be sent to the person exercising employer's rights.

## **23. §**

### **Rules in matters of principle**

(1) The Committee shall formulate a recommendation or a position in matters of principle.

(2) The procedure of the Committee shall not be public and its resolution shall be taken unanimously.

### **Miscellaneous and final provisions**

## **24. §**

### **Service**

(1) A document sent by post shall be deemed to have been served on the day on which service is attempted, if the person subject to the procedure has refused to accept it. If delivery is unsuccessful because the person subject to the procedure did not accept the document (it was returned to the Committee marked "not collected"), it shall be deemed to have been delivered on the fifth working day following the second attempt at postal delivery, unless proven otherwise.

(2) The person subject to the procedure may receive the document addressed to him or her at the Rector's Office, upon proof of his or her identity and prior notification of his or her request to that effect.

## **25. §**

(1) These Rules of Procedure constitute an annex to the Code of Ethics.

(2) These Rules of Procedure were adopted by the Senate at its meeting of 19 December and shall enter into force on the day of their adoption. These Rules of Procedure shall apply to procedures instituted after their entry into force.

Dr. Zsolt Rostoványi  
Rector

Copy certified by:

Marica Sárközi-Kerezi  
secretary of the Senate