



UNIVERSITY OF DUNAÚJVÁROS

**INCIDENTS THAT BREACH ORGANIZATIONAL INTEGRITY AND ETHICAL
STANDARDS, THE PROCEDURES FOR DEALING WITH COMPLAINTS AND
THE RULES FOR DISCIPLINARY PROCEDURES**

Chapter II

COMPLAINTS HANDLING PROCEDURE

**Dunaújváros
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COMPLAINTS HANDLING PROCEDURE

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**INTRODUCTORY PROVISIONS**

The Senate of the University of Dunaújváros (hereinafter referred to as the "University"), under Law CLXV of 2013 on Complaints and Public Interest Notifications and Law CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information, hereby sets out the following rules (hereinafter referred to as the "Rules"):

PART I**GENERAL PROVISIONS****§ 1: Purpose and scope of these Rules**

(1) The University is committed to increasing public confidence in the functioning of public bodies, recognizing the importance of complaints and whistleblowing in improving the functioning of the State. The purpose of these Rules is to establish a uniform procedural process for the handling of complaints and whistleblowing at the University of Dunaújváros (hereinafter referred to as the University), ensuring the necessary measures to protect complainants and whistleblowers as fully as possible, and to ensure the transparent and efficient handling and investigation of complaints and whistleblowing.

§ 2: Complaints and notifications of public interest

- (1) A *complaint* is a request for the redress of an individual right or interest. *Whistleblowing* draws attention to a circumstance whose redress or removal is in the interest of the University, the community, or society as a whole. The complaint and the statement of public interest may also contain a proposal.
- The submission of an application, or a request for general information, an opinion, or a position from the University, or a request relating to the processing of personal data by the University, or an exercise of a right relating to the protection of personal data shall not constitute a complaint unless the request for information or the submission of an application also contains an objection which is a complaint.
- (2) Complaints and whistleblowing may be addressed to the Head of Quality Management, in writing or orally, by anyone who has a legitimate interest in making a complaint or whistleblowing or in remedying the conduct complained of.
- (3) An oral complaint should be put in writing only if the complaint is not settled, the grievance is not promptly resolved, or if it cannot be investigated promptly, or if the complainant does not agree with the handling of the complaint. In such a case, a record shall be made which shall include:
- a) the name of the complainant,
 - b) the address (registered office) and, if necessary, the mailing address,
 - c) the place, time, and manner in which the complaint was lodged,



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- d) a detailed description of the complaint, with a separate record of the objections to which the complaint relates,
- e) the signature of the person who took the minutes and of the complainant (the latter formality is required in the case of an oral complaint made in person),
- f) the time and place of the taking of the minutes.

A copy of the minutes shall be given to the complainant. The record shall be accompanied, if necessary, by copies of any documents in the complainant's possession which the University does not have in its possession and which are necessary to support the complaint.

- (4) In all cases, the oral public interest report shall be recorded in writing, with a record as provided for in (3), and a copy shall be given to the whistleblower.
- (5) If the complaint or the public interest report is not made to the Head of the Quality Management, the complaint, or the public interest report shall be forwarded to the Head of the Quality Management within five days of its receipt.
- (6) The Head of Quality Management shall forward the complaint or whistleblowing within three working days to the relevant department to investigate the complaint or whistleblowing and to take the necessary action.
- (7) If the complaint or whistleblowing also relates to data handling, the Head of Quality Management shall seek the written opinion of the Data Protection Officer without delay and within a maximum of three working days.
- (8) The complaint or public interest report shall be dealt with within twenty-five days of its receipt by the department concerned. The person responsible for the procedure shall hear the complainant or the whistleblower if the content of the complaint or the notification of public interest so requires, in particular, if it needs to be supplemented, clarified, or specified.
- (9) If the investigation leading to the decision is expected to take longer than thirty days, the complainant or the person lodging the complaint or the notification of public interest shall be informed thereof, indicating at the same time the expected date of the decision and the reasons for the extension of the procedure.
- (10) Within the shortest possible time after the investigation has been completed, the Head of Quality Management shall inform the complainant or the person complaining of the action taken or not taken, except in the case of classified information or information which is considered by law to be commercial, economic or other confidential, and shall state the reasons for the action taken.
- (11) The written notification may be waived if the complainant or the person lodging the complaint or the notification of public interest has been informed orally of the handling of the complaint or the notification of public interest and has taken note of the information.
- (12) The examination of a repeated complaint or a repeated notification of public interest with the same content submitted by the same complainant or whistleblower may be waived.



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- (13) The investigation of a complaint may also be waived if the complainant complains after six months from the date on which he/she became aware of the act or omission complained of.
- (14) The University shall not investigate a complaint or a public interest report lodged by an unidentified person unless the complaint or public interest report is based on a serious violation of rights or interests.
- (15) If the content of the complaint or whistleblowing by an unidentified person is determined to be a report of an incident of organizational integrity, the University shall proceed by the Regulations on Organizational Integrity Incident Handling.
- (16) Complaints made more than one year after the occurrence of the act or omission complained of shall be dismissed without investigation on the merits.
- (17) The complaint or public interest report, if proved to be unquestionable, shall be followed up:
 - a) to restore the lawful situation or the situation in the public interest or to take any other necessary measures;
 - b) to remedy the causes of the defects found,
 - c) to remedy the damage caused; and
 - d) where justified, to initiate proceedings for liability.

§ 3: Handling of data of the complainant and the whistleblower and keeping of records

- (1) The personal data of a complainant or a whistleblower may be disclosed only to the department concerned based on the complaint or whistleblowing unless there are circumstances indicating a criminal offense or an infringement or there is a reasonable likelihood that unlawful harm will be caused to another person. The personal data of the complainant and the whistleblower shall not be disclosed without the explicit consent of the data subject. When processing personal data for complaint handling, the University shall comply with the principles and requirements laid down in the applicable data protection legislation and its Privacy and Data Protection Policy.
- (2) If the public interest report relates to a natural person, the personal data of the whistleblower shall not be disclosed to the person requesting the information in the exercise of the right of that natural person to be informed of his or her personal data under the relevant provision of Law CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information.
- (3) Except as provided in (6), a complainant or a person lodging a public interest report shall not suffer any disadvantage as a result of lodging a complaint or a public interest report.
- (4) Except as provided for in (6), any measure adversely affecting a whistleblower that is taken as a result of a public interest report shall be unlawful, even if it would otherwise be lawful.



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- (5) The complainant and the whistleblower shall be made aware, in the case of a written complaint or a written declaration of public interest made orally or in person, of the consequences of making a complaint or declaration in bad faith, of the procedural rules governing the investigation of the complaint or declaration and confidential treatment of their identity at all stages of the investigation. The complainant and the whistleblower shall be informed that the investigation of a report made by an anonymous or unidentified whistleblower may be disregarded.
- (6) If it has become apparent that the complainant or whistleblower has communicated false information in bad faith, which is of decisive importance and which raises circumstances indicating that a criminal offense or an offense of a criminal nature has been committed, or that there are reasonable grounds for believing that he or she has caused unlawful damage or other legal harm to another person, the University shall, at the request of the body or person entitled to initiate or conduct the proceedings and to take legal action based on the investigation, disclose his or her personal data.
- (7) If action is taken based on the investigation, including action against the person making the complaint or notification, including legal proceedings or disciplinary action, the data relating to the notification may be processed until the conclusion of the proceedings(s) initiated based on the complaint or notification.
- (8) Quality Management shall keep a register of complaints, whistleblower reports, and the measures taken to resolve them, which shall contain the following information:
 - a) the identity of the complainant or whistleblower,
 - b) a description of the complaint or the report of public interest,
 - c) the date and manner of lodging the complaint or notification of public interest,
 - d) a description of the measure taken to remedy the complaint or public interest report and, in the event of refusal, the reasons for the refusal,
 - e) the name(s) of the person(s) responsible for implementing the measure, and the time limit for completion of the measure and the closure of the procedure,
 - f) the information obtained during the investigation and any expert opinion, and
 - g) the decision made in the procedure and the date and means of responding to the complaint or public interest report.

**PART II****SPECIAL PROVISIONS****§ 4: Complaints by Employees of the University**

- (1) Persons having an employment relationship with the University may submit proposals, comments, and complaints (hereinafter referred to as "submissions") to the heads and governing bodies of the University, the educational organizational units (institute, department), and other central organizational units regarding the operation of the University, the University's procedures, administrative processes, and other issues affecting the University. The submission shall be submitted in writing, setting out in detail its content and purpose, including the action requested or expected. If the subject of the complaint or allegation is a comment on the operating conditions or internal processes of the University, it is recommended that the University's "Error Handling Memorandum" be completed and submitted.
- (2) Submissions under (1) shall be submitted to the secretariat of the head of the recipient, or, if the recipient is a body corporate, to the secretariat of its chairperson.
- (3) A submission made under (2) shall be filed by the rules of case management and shall be presented to the head of the body to which it is addressed or, if the body to which it is addressed is a governing body, to its chairperson. The addressee or the chairperson shall, as the case may be, forward the submission or a copy thereof to the department concerned by the problem or proposal to which the submission relates for review or comment, at the same time informing the submitter (within ten days of receipt) of the further fate of the submission and the expected time limit for a decision on the matter. If the review or opinion has been made or if the review or opinion can be disregarded, the submitter shall be given a substantive reply within 30 days of the submission, having regard to the time limit set in the information referred to in (3):
 - a) directly, in the case of a submission addressed to a chairperson/head, and
 - b) after its resolution, in the case of a submission to a body.

The reply shall also inform the complainant of the action taken or envisaged.

- (4) If the submitter does not agree with or is not satisfied with the reply or the action taken or indicated, he/she may complain with the superior in charge (in the case of a body corporate, with the superior board of management) or, in the case of a complaint addressed to the Rector, with the Senate. The legal remedy request shall be dealt with by (3), in which case it shall also be stated that no further ordinary appeal is possible.

§ 5: Complaints by Students of the University

- (1) These Rules shall apply to the handling of complaints by students in a student relationship with the University about the relevant procedural provisions of the Student Requirements Framework.



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§ 6: The University's Employer Abuse Reporting System

- (1) The University shall lay down rules of conduct for its employees under the conditions¹ specified in § 9(2) of Law I of 2012 on the Labor Code, and in the Code of Ethics, which shall protect the public interest or overriding private interests.
- (2) The University shall establish an abuse reporting system (hereinafter referred to as the "Reporting System") for reporting violations of the legislation and the Code of Conduct under Law CLXV of 2013, and may process personal data of the whistleblower and the person concerned in the report to investigate the report and may transfer such data to an external organization assisting in the investigation of the report.
- (3) The University shall publish detailed information in Hungarian on the operation of the notification system and the procedure related to the notification on its website.
- (4) The processing of special data in the notification system is prohibited.
- (5) Data relating to third parties not involved in the notification, which are not necessary for the investigation of the notification and which cannot be processed by the law, shall be deleted from the notification system without delay.
- (6) The processing of personal data in the notification system shall be subject to the provisions of § 6 (13) and, about data concerning the notifier, the provisions of § 6 (15).
- (7) The notification system may be notified by persons who have an employment relationship with the University or who have a legitimate interest in making the notification or in remedying the conduct that is the subject of the notification.
- (8) The employer shall investigate the report.
- (9) The University may dispense with the investigation of a repeated report of the same content made after six months from the date on which it became aware of the act or omission complained of.
- (10) The whistleblowing system shall be designed in such a way that the identity of the non-anonymous whistleblower is not known to anyone other than the investigators of the whistleblowing. Investigators of a whistleblowing report shall keep confidential information about the content of the report and the persons involved in the report until the investigation is closed or formal charges are initiated as a result of the investigation and shall not share it with any other department or staff member of the employing organization, except to inform the person involved in the report.

¹ § 9(2) of Law I of 2012 on the Labor Code: The employee's right to privacy may be restricted if the restriction is absolutely necessary for a reason directly related to the purpose of the employment relationship and is proportionate to the achievement of the goal. The employee must be informed in advance about the method, conditions, and expected duration of the limitation of the right to privacy.



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- (11) The person concerned by the notification shall be informed in detail about the notification, his/her rights under the Law on the Right to Informational Self-Determination and Freedom of Information, and the rules on the processing of his/her data when the investigation is initiated. By the requirement of a fair procedure, it shall be ensured that the person concerned by the notification can express his/her views on the notification, including through his/her legal representative, and that he/she can provide evidence in support of his/her views. Exceptionally, and in duly justified cases, the person concerned may be informed at a later stage if immediate information would prevent the investigation of the notification.
- (12) The University shall be obliged to investigate the facts contained in the notification within the shortest period possible under the circumstances. The period for investigating the notification shall be thirty days from the date of receipt of the notification, which may be waived only in particularly justified cases - except in the case of notification by an anonymous or unidentified notifier - and only after informing the notifier. The duration of the investigation shall not exceed three months.
- (13) If the conduct complained of justifies the initiation of criminal proceedings, a denunciation shall be ordered.
- (14) If the investigation does not reveal that the conduct in the report is a criminal offense but is in breach of the rules of conduct laid down by the University, the employer may take employer action against the employee by the rules governing the employment relationship.
- (15) If, based on the investigation, the report is unfounded or no further action is necessary, the data relating to the report shall be deleted after the purpose of the processing has been achieved, but no later than sixty days after the investigation has been completed.
- (16) Where an action is taken on the basis of the investigation, including legal proceedings or disciplinary action against the person complaining, the data relating to the complaint may be processed in the employer reporting system at most until the legally binding conclusion of the proceedings initiated based on the notification.
- (17) The notification may be made without any formal constraints.
- (18) The investigation of an anonymous notification may be dispensed without giving reasons, and the notifier shall not be informed of the result of the investigation, the dispensing with the investigation, or the measures taken.

Assessment of the notification:

- (19) The whistleblower reports are summarized by a working group on a case-by-case basis, a simple record (date, report) is kept and a decision is made based on a simple majority vote on further action, forwarding the report to the Rector exercising the power of employer for information and further action. It shall be compulsory to forward any notification of a breach of the law.
- (20) Members of the working group are:
 - a) employees holding the position of a lawyer,
 - b) the Head of the Quality Management Office,



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- c) a person appointed by the Rector,
 - d) the chairperson of the Labor Union, and
 - e) the chairperson of the University's Student Union.
- (21) A member may not participate in the working group if:
- a) he/she is a close relative of the submitter (Civil Code 8:1 § (1) 1, 2);
 - b) there is a need to be heard as a witness during the investigation;
 - c) he/she cannot be expected to give an impartial and objective assessment of the case;
or
 - d) is personally involved or interested in the case.
- (22) If any member of the working group is disqualified or is prevented from participating in the working group, the following persons shall be required to take his place:
- e) in the case of a member of staff holding a lawyer's post, a lawyer employed by the University on a contract basis;
 - f) in the case of the Head of the Quality Management Office, the person designated by the person exercising the employer's powers;
 - g) in the case of the chairperson of the Labor Union, the person designated by the Labor Union;
 - h) in the case of the chairperson of the University's Student Union, the person designated by the University's Student Union.