



**UNIVERSITETI - UNIVERSITY - UNIVERZITET
"HAXHI ZEKA"**

Steering Council

Ref. 1443

Datë: 26.12.2013

REGULATION ON DISCIPLINARY PROCEDURE

Peja, 2013

Pursuant to Article 23 paragraph 1. 6 of the Statute of Haxhi Zeka University, the Steering Council at its regular meeting held on 26.12.2013 approved this:

REGULATION ON DISCIPLINARY PROCEDURE

I. GENERAL PROVISIONS

Article 1.

The provisions of this Regulation regulate:

Disciplinary procedure for personnel of Haxhi Zeka University (in the following text: University; and students of this University, introduction - identification of violation of the disciplinary procedure, disciplinary violations, appointment of the Disciplinary Committee, the support of the disciplinary commission, measures related to disciplinary violations and other issues.

Determining the disciplinary responsibility of the students of the University of Haxhi Zeka and the Appeal Procedure, the right to appeal, Appointment of the Appeals Commission.

II. DISCIPLINARY PROCEDURE FOR UNIVERSITY PERSONNEL

Article 2,

I. Introduction and Failure to Identify Disciplinary Violation

Any suspected or alleged violation should be submitted to the Head of the University Body, the academic unit or organizational unit of the University, (in the following text: The Head of the relevant body).

Article 3,

The Head of the relevant body immediately upon receipt of the oral report or written report for alleged disciplinary violations, should investigate the case, to interview the alleged offender and the person who reported, to analyze the details given in the statement, and according to his assessment will decide whether it will be a violation of lightweight or heavy nature. In making the decision, the Head of the relevant body shall be based on the provisions of this Regulation.

Article 4,

a) Disciplinary Violations

The simple disciplinary Violation is considered: The unjustified absence from work, minor careless mistakes or repeated mistakes that will not be the subject of disciplinary proceedings, will be taken as a simple disciplinary Violation. The Head of the relevant body will collect and reconsider any document or evidence relevant to the case, will question the alleged violator, his statement, the person who has filed the alleged case and anyone who has information regarding the case. Interview should be held as soon as possible, within 3 working days after the occurrence of the case within 3 working days after the occurrence of the case in order to determine whether a light/simple violation has been committed or there is evidence that grave violation has been committed.

Article 5,

If the Head of the relevant body concludes that it has become a light/simple violation and is the first time, a verbal warning is appropriate, while for repeated violations a written warning is appropriate and no later than 3 working days after the interview. The oral and written warning note must be placed on the person's personal file.

Article 6,

b) Determining a severe disciplinary violation

If the Head of the relevant body concludes that a severe violation has been committed he will present the case to the Disciplinary Commission of the respective body of the University, academic unit or organizational unit. Head of relevant body will interview the alleged offender within 5 days which has been referred to the Disciplinary Commission and should be clarified:

- the nature of the alleged violation,
- that the alleged violation is treated as serious and referred to the Disciplinary Commission,
- when and where the sessions of the disciplinary commission will be held,
- that he may be accompanied by another employee.

Article 7,

When there is evidence of violence against other people or property risk, organizational, Disciplinary Committee will provide:

- Providing advice and guidance to committee members,
- the collection of documented evidence,
- preparing the timetable,
- notifying persons who are required to be present for the details of the venue, the date and time of the session.
- keeping the record for the disciplinary session and placing it in the candidacy file,
- and other issues required for the conduct of the procedure,

Article 11,

Disciplinary sessions should be held as soon as possible and, in any case, not later than 30 days, whereas the decision must be made within 60 days, from the day of the announcement of the case.

Disciplinary Committee:

- Will hear the testimonies;
- Will determine, on the basis of evidence. if the violation is committed;
- Will propose a disciplinary measure.

Article 12,

5. Measures for serious disciplinary violations

The disciplinary committee after the detailed examination of the case proposes to the relevant body to apply the following measures:

- oral remarks
- Written remark
- the last warning
- the salary can not increase for a year
- not raises in position for three years
- reduction of job position
- layoff

Disciplinary measures provided for in sub-paragraphs 1 and 2 of this article will be pronounced by the Head, while disciplinary measures from sub-paragraphs 3-7 of this article upon the proposal of the Disciplinary Committee shall be pronounced by the respective body.

III. DETERMINE DISCIPLINARY RESPONSIBILITY OF STUDENTS

Article 13,

Students are required to comply with the obligations deriving from the general acts of the University and by this Regulation. Students should carefully and fairly utilize the wealth they have been entrusted with during their studies to preserve it. For violating the University's statutory obligations and rules, the student can respond to disciplinary violations.

Article 14,

1. Light disciplinary Violation

As light disciplinary violations are considered:

- - misconduct in University - Faculty workplaces where lectures, exercises and exams are held;
- disruption of order and serenity during lectures in which the normal work of the teacher and students is obstructed;
- - destruction of teaching equipment, laboratories, computers, books in libraries, and other property at the University;
- participation in political gatherings at University facilities for which there is no permit;
- - Performing activities that cause damage and damage the authority of the University, teachers, associates, other workers and students of the University.

Article 16,

2. Severe disciplinary violation

As a severe disciplinary violation is considered:

- counterfeiting, improving index data, certificates, verification and other documents issued by the University - Faculty;

- falsifying the grade or signing the teacher;
- giving inaccurate records to the bodies of the University, for the purpose of acquiring the rights assigned to the students;
- false presentation for the purpose of examining or performing other duties in the name and account of another student;
- Incitement of a serious incident at the University's work premises where obstruction (lectures, exercises and examinations) is greatly obstructed or hampered;
- massive destruction of the University's wealth;
- inciting hatred, beating, insult to teachers, workers, students;
- the use of alcohol and drugs at University facilities and other cases envisaged by the Law and the Statute.

Article 17,

The commencement of the disciplinary procedure for light violations for students is obsolete after the expiration of a period of 6 months from the day of knowledge of the commission. The commencement of the disciplinary procedure for severe violations of the students is obsolete after the expiration of a period of 12 months from the date of receipt of the knowledge of the commission of the offense.

Article 18,

3. Taking measures related to disciplinary violation

The disciplinary committee after the detailed examination of the case proposes to the relevant body to take such measures;

- Written remark,
- exemption from the Faculty for 6 months,
- exemption from the Faculty for 1 year,
- exemption from the Faculty for 2 years,
- the forever exemption from the Faculty.

IV. THE APPEALS PROCEDURE

Article 19,

The appeals procedure is intended to protect the person and student from unfair decisions. A person dissatisfied with the decision imposing disciplinary measures has the right to appeal. The appeal is addressed to the second instance body.

2. Appointment of the Appeals Commission

Article 20,

The relevant body will convene a complaint committee. The commission shall be composed of three permanent members from the line of members of the respective body. The mandate of the members of the Appeals Commission will last as long as the mandate of the body that has appointed this. Members of the Appeals Commission may not be members of the first instance disciplinary committee.

Article 21,

In case of a conflict of interest, the member of the Appeals Committee shall be withdrawn and replaced for that special session if:

- it is in the management lead relationship with the complainant or is related to it by the family.
- is implicated in the incident that is the subject of the appeal.

Article 22,

The professional service of the relevant body shall provide the Complaints Commission:

- advice and guidance, collection of documentary evidence and delivery of appropriate documents to all parties;
- preparing the timetable for review hearings;
- holding report of the sessions and placing them in the personal disciplinary file.

Article 23,

The complainant must present new facts, arguments and evidence summarizing briefly the reasons for the appeal. The adjudication hearing shall be held as soon as possible and in any case no later than 30 days from the day the complaint was filed with the Complaints Commission.

The Appeals Commission will:

- reconsider the evidence,
- determine on the basis of the evidence whether the appeal should be accepted,
- describes the disciplinary measure of improvement that needs to be implemented.

The commission may request the presence of witnesses to testify to the case. The purpose of the Appeals Commission is to take into account the testimony in the appeal, taking additional evidence in finding the facts based.

Article 24,

The hearing session must be completed as soon as possible and the commission must decide within 60 days of the day the case has been presented to the commission. The Committee decides by majority vote of the members. The relevant body on the basis of the Commission's

proposal, should issue a decision to the complainant within 5 days from the date of receipt. The report of the appeals committee should be set out in the complainant's file.

V. FINAL PROVISIONS

Article 25,

The Steering Council of the University of Haxhi Zeka is responsible for the implementation of this Regulation. Interpretation of this Rule is provided by the Steering Council. Në pjesën e shtojcës së kësaj Rregullore jepen Formularë të ndryshëm të procedurës disiplinore, Guidelines for the work of the Disciplinary Commission, various appeals procedure forms and Guidelines on the work of the Appeals Commission.

Article 26,

The regulation enters into force immediately after approval by the Steering Council and signature by the Head of the Steering Council. Amendments to this Regulation may be made under the same approval procedure.

Chairman

Prof. Ass. Dr. Haxhi Gashi

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APPENDIX

1. FORM OF THE DISCIPLINARY COMMITTEE
2. A form for filing a disciplinary violation
3. Interview form
4. The Verbal warning Form
5. Written warning form
6. Form for Notification of Alleged Violators for Disciplinary Action
7. Form to notify the suspension of the employee
8. Form of Communication of the Commission Decision
2. GUIDANCE ON THE CONTINUATION OF THE DISCIPLINE SESSION
1. Main points
2. Preparing for the session
3. How the Disciplinary Committee should be chaired
4. Statement of alleged violation
5. Responsibility of the alleged violator
6. General questions and discussions
7. Summary
8. Postponement (suspension)
9. What problems can be raised and how to respond
10. Guidelines for making decisions about disciplinary measures
11. What should be considered before any disciplinary punishment is imposed
12. Disciplinary Commission Decision.
4. FORM OF THE APPEALS COMMISSION
1. Complaint Registration Form
2. A form for accepting or rejecting a appeal
3. Form for Disciplinary Commission Decision
4. INSTRUCTION ON THE CONTINUATION OF THE SESSION FOR THE REVIEW OF THE COMPLAINT
1. Main points
2. Preparing for screening session
3. How to lead the review session of the Appeals Commission
4. Statement of the Appellant
5. Response to the appellant
6. General questions and discussions
7. Summary

8. Postponement (suspension)
9. What problems can be presented and how to deal with them
10. Guidelines for Choice Decisions (Promotion Measures)
11. What should be considered before any choice is made
12. The Appeals Commission Decision.

DIFFERENT FORM OF THE DISCIPLINARY COMMITTEE

Form 1

A Disciplinary Violation Form

University- Faculty.....

SUBMISSION OF A ALLEGED DISCIPLINARY VIOLENCE

Details of the alleged offender

Name and Surname..... Title of the position.....

Details of the person who submit the alleged violation

Name and Surname.....

If is employed by the University:

Title of the position.....Department.....

If is not employed by the University:

Address.....

.....

Phone number.....

Details of the alleged violation, as presented: (to be completed by the Head)

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Date

Head

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.....

Form 2

Interview Form

University- Faculty.....

ALLEGED DISCIPLINARY VIOLENCE:

REPORT OF THE INVESTIGATIVE INTERVIEW

Name and Surnam.....

If is employed by the University:

Title of the position.....Department.....

If is not employed by the University:

Address.....

.....

Phone number.....

Name and surname of the interviewer.....

Title of the position.....

Department.....

Report of the interview (to be completed by the interviewer)

Date

Interviewer

.....

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Form 3

The Verbal Announcement Form

University-Faculty.....

REPORT OF THE ORAL WARNING

Name and Surname.....has been given a oral
warning date.....that

1. The following conduct on his part represents a disciplinary offense: (brief description of
the violation)

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.....
.....
.....

2. The following improvements are required:

.....
.....
.....
.....

3. Failure to improve will be followed by other disciplinary measures

.....

Oral warning is given by:

Name and surname Title of the position.....

Date

Head

.....

.....

Form 4

Written warning form

University- Faculty.....

Name and Surname.....

Title of the position.....

Department.....

Date.....

Dear Ms/Mr.....

Written warning form for disciplinary violation

This letter is to formally warn you that your behavior regarding:

.....
.....
.....
.....

is unacceptable disciplinary violation.

The following improvements are required

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.....
.....
.....

Failure to improve or further disciplinary violations will cause stricter disciplinary action. A copy of this warning will be placed on the personal file of the person.

Date

Head

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Form 5

Form for notifying the alleged violator for disciplinary action

University- Faculty.....

Name and Surname.....

Title of the position.....

Department.....

Date.....

Dear Ms/Mr.....

ANNOUNCEMENT OF THE SEVERE DISCIPLINARY VIOLATION

This letter is to inform you that you are assumed to have committed a severe disciplinary violation that follows (briefly describe the alleged violation committed):

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.....
.....
.....

The statement is referred to the Disciplinary Commission of the University - Faculty, which will evaluate whether there is sufficient evidence to prove the statement and, if so, what should be applied to you:

You must appear before the Disciplinary Commission:

At the.....on.....time.....

The purpose of the Disciplinary Commission is to ascertain the facts and you will be given sufficient opportunity to provide the full explanation of your incident version and provide such evidence that you think are valid. Please provide any documentary evidence at least 5 working days prior to the session, to give the commission time to read and find it. You may be accompanied by another University employee of your choice at which you may be consulted during the session but who can not answer in your name. The session will be conducted in any of the official Kosovo languages you want. The decision of the Disciplinary Committee shall be given orally and in writing within 5 working days after the hearing. You have the right to appeal against the decision of the relevant Body

Date

Head

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Explanation: This regulation is translated in English but signed and protocolled in Albanian.