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UNIVERSITETI - UNIVERSITY - UNIVERZITET
"HAXHI ZEKA"

**REGULATION
ON MEASURES AND DISCIPLINARY PROCEDURE FOR THE ACADEMIC
STAFF OF "HAXHI ZEKA" UNIVERSITY
IN PEJA**

Pejë, June 2022

The Steering Council based on the competencies defined in article 179 paragraph 1 and article 23 paragraph 1 sub-paragraph 1.6 point 1.6.1. of the Statute of the University "Haxhi Zeka" in Peja, in the meeting held on date. 06.06.2022, approved this:

**REGULATION
ON MEASURES AND DISCIPLINARY PROCEDURE FOR THE ACADEMIC STAFF OF
"HAXHI ZEKA" UNIVERSITY
IN PEJA**

General principles

The University is led by the premise that the fundamental purpose of higher education is to offer and provide a conducive environment for the cultivation, expansion and critical evaluation of knowledge and values, as well as for continuous advancement in the search for truth and knowledge.

In accordance with the Statute of the University, the academic staff has the duty to cultivate and respect the spirit of humanism, the autonomy of the University, the freedom of scientific and artistic creativity, university acts and decisions based on them, principles of professional and scientific honesty, Code of Ethics, and the reputation of the University, as well as improve the same.

This Regulation is issued in order to maintain and promote the highest standards of teaching and research, as well as with the aim of advancing the mission of the University as a reliable and quality institution of higher education.

This Regulation does not restrict academic freedom, including freedom of expression, also freedom of art and science, as protected and defined in the Constitution of the Republic of Kosovo, the Law on Higher Education, the Statute of the University "Haxhi Zeka" in Peja and the Code of Ethics.

No disciplinary measure may be imposed without sufficient evidence, substantiated by any suspicion, and for the imposition of which the burden of proof that falls on the decision-making body.

General provisions

Article 1

Purpose

1. This Regulation determines the disciplinary procedures and measures applicable in cases of disciplinary responsibility of the academic staff of the University "Haxhi Zeka" in Peja (hereinafter "University"), in accordance with the University Statute, Code of Ethics and other legal acts and bylaws applicable to the University.
2. Disciplinary measures must be imposed in accordance with the procedures set out in this Regulation. The imposition of any disciplinary measure should be done in accordance with the principle of proportionality, i.e. the adaptation of the given measure to the purpose which it should have in a liberal environment of education.
3. This Regulation respects the principle of collegiality in decision-making related to disciplinary proceedings, as an important category of legality in administrative procedure.

Disciplinary procedure for the academic staff of the University

Article 2

Submission of disciplinary violation, competent bodies, composition and subjects of disciplinary procedure

1. Any suspected violation must be reported to the disciplinary commissions of the academic units, respectively to the University Ethics Council, depending on the nature of the violation which is defined by this regulation.

2. Minor violations are assessed by the Disciplinary Commission of the academic unit, which is appointed for a four-year term according to the regular voting procedure by the council of the academic unit. The mandate of the Disciplinary Commission is related to the mandate of the council of the academic unit.
3. The Disciplinary Commission has three (3) members, who must have at least the title of assistant professor in the respective academic unit.
4. In identifying minor violations, as entities authorized to file suspected disciplinary violations are:
 - a. Dean of the academic unit;
 - b. Heads of cathedra's, departments or branches of the academic unit;
 - c. Each member of the academic staff, in case of a suspected violation, addresses the dean of the academic unit according to the relevant evidence;
5. They can file a report on disciplinary violations to the Ethics Council:
 - a. The council of the academic unit, based on the violations found by their disciplinary commissions appointed by the councils of the academic units;
 - b. Dean of the academic unit;
 - c. Rector of the University "Haxhi Zeka" in Peja;
 - d. Steering Council and;
 - e. Any other interested part, according to the relevant evidence as defined by the Code of Ethics.
6. The Ethics Council is the authority which proposes disciplinary measures against academic staff in cases of violation of the Code of Ethics in accordance with the disciplinary procedures set out in this Regulation.
7. Decisions of the Ethics Council regarding the proposal for the imposition of disciplinary measures that encroachments academic title, to become all-powerful, must be confirmed by the Senate of the University "Haxhi Zeka" in Peja, as defined by this regulation.
8. Subject of disciplinary procedure under this Regulation may be: (a) all academic staff in each academic unit of the University "Haxhi Zeka" in Peja, including engaged cooperators or part-time staff at the University "Haxhi Zeka" in Peja.

Article 3

Criteria for filing a suspected disciplinary violation

1. Minor or serious disciplinary violation reported by the authorized subject must meet these conditions:
 - 1.1. Be based on a clear report proving the disciplinary violation, with all official supporting documents, and reported in a form that is clearly credible and based on applicable law;
 - 1.2. Provide evidence that the violation has occurred, and that the subject who committed the violation is clearly identified beyond reasonable doubt;
 - 1.3. Be clear regarding the identification of the violation in the specific case, the measure of the violation, the damage caused by such violation, and be based on any evidence that proves its commission;
2. In evaluating the report of the suspected violation, the Disciplinary Commission organizes at least two (2) session hearings, one at the beginning of the procedure and one at the end, to confront the evidence between the reporting subject and the violating subject. The subject suspected of the alleged violation enjoys all procedural rights to a fair hearing and treatment, including the right to seek redress from any party who has reported the violation.
3. In all cases when the Disciplinary Commission finds that the reported violation constitutes a serious violation (as defined by the Code of Ethics), it refers the same to the University Ethics

Council.

4. The Disciplinary Commission decides no later than thirty (30) calendar days after the violation is reported. Such a decision is submitted to the interested parties and is recorded in the protocol book of the academic unit.

Article 4

Disciplinary violations

1. Disciplinary violations are classified into:
 - 1.1. Minor violations and;
 - 1.2. Serious violations.

Article 5

Minor violations

1. Minor disciplinary violation is considered, any violation, which, due to low risk, does not affect the foundation of the employment relationship of the academic staff of the University. Slight violation is considered:
 - 1.1. Three unreasonable absences with a duration of one day within the calendar year;
 - 1.2. Non holding regularly documents manner and official data related to work duties;
 - 1.3. Constant and unreasonable non-compliance with working hours;
 - 1.4. Clear and persistent negligence in the process of organizing exams in terms of schedule, student dispersal, and time of publishing results;
 - 1.5. Non addressing in a timely manner the decisions taken in the Council of the academic unit, including non-compliance with transparency for each decision of both the evaluation level and the managerial level, and
 - 1.6. Other errors caused by carelessness.
2. If the violations presented in paragraph 1 of this Article are repeated several times, and for them at least three (3) decisions are given for imposing disciplinary measures, then such violations may in themselves constitute a serious violation.

Article 6

Serious violations

1. Serious violation is considered any violation which affects the essence of the employment relationship for the academic staff at the University, the consequence of which is a damage that is difficult to repair. Serious disciplinary violation is considered:
 - 1.1. Serious violation of the Code of Ethics;
 - 1.2. Any confirmed violation of the relevant laws governing the field of the university and its academic work;
 - 1.3. Falsification of official documents, including intentional alteration of data in every process verbal or official documents;
 - 1.4. Hiding the official document and not presenting it to the relevant body according to official duty;
 - 1.5. Manipulation of the student evaluation process and scientific work;
 - 1.6. Illegal and intentional material gain from the process of evaluation of academic work;
 - 1.7. Proceeding the decisions of the university bodies (faculty councils, departments, cathedra's, deans, and other bodies established on the basis of the applicable legislation at the university), without going through the legal voting procedure;
 - 1.8. Providing false data in an official university document;

- 1.9. Exercising physical violence or psychological pressure on another employee, student, party or any other person within the institution;
- 1.10. Discrimination of any kind;
- 1.11. Damage to the property of the institution, intentional;
- 1.12. Coming to work under the influence of alcohol or drugs;
- 1.13. Intentional non-fulfillment or clearly unsatisfactory fulfillment of the duties and responsibilities defined by the contract or decision;
- 1.14. Serious violations of the rules related to the health and safety of the employee;
- 1.15. Serious violation of copyright and ethics in scientific publications;
- 1.16. Failure to declare or give a false statement regarding the conflict of interest;
- 1.17. Misuse or unauthorized use of public trust funds for personal gain or in the interest of other persons;
- 1.18. Carrying out activities that conflict with the interests of the institution or actions that harm the institution;
- 1.19. Behavior or intimidation that prevents, hinders or makes it difficult for others to successfully perform official duties;
- 1.20. Concealment of official facts, evidence or data, when they are required for official purposes;
- 1.21. Action or inaction, which leads to the disclosure of confidential data or information;
- 1.22. Misuse of university authority and name for personal gain outside the university;
- 1.23. Utilizing managerial position to favor others contrary to university legal criteria and procedures;
- 1.24. Exercising the managerial position by deliberately discriminating and denying the rights of academic staff which are guaranteed by the constitution or applicable laws;
- 1.25. Utilizing a managerial position, teacher or assistant by influencing, influencing student elections, or favoring a student organization;
- 1.26. Harassment of any kind, abusing the dignity of a person in a way that causes hostility or fear of any person in the workplace;
- 1.27. Deliberate concealment of facts that constitute a conflict of interest in the process of recruitment and promotion of academic staff;
- 1.28. If within a period of one (1) year three (3) minor violations are imposed by the Disciplinary Commission that receive the final status in the administrative procedure;
- 1.29. Serious disciplinary violations can be committed only through direct intent, which must be justified.

Article 7

Ethics Council

1. Serious violations fall within the exclusive competence of the Ethics Council. The decision of the Ethics Council must be confirmed in the Senate, respectively in the Steering Council, depending on the legal and statutory competencies.
2. In making its decision, the Ethics Council implements the provisions of this Regulation, the Statute of the University "Haxhi Zeka" in Peja, the provisions of the Labor Law, the Law on Higher Education, and the provisions of other laws and bylaws which are in force.
3. The decision of the Ethics Council proposing the disciplinary measure must be reasoned and based on the standard of evidence that goes beyond any reasonable doubt.
4. The report on the suspected violation submitted by the authorized subject must contain the following data:
 - 4.1 Be based on a multiple of clear evidence proving the disciplinary violation, with all official

- supporting documents, and reported in a form that is clearly credible and in accordance with applicable law;
- 4.2 Provide evidence that the violation has occurred, and that the subject who committed the violation is clearly identified beyond reasonable doubt;
 - 4.3 Be clear regarding the identification of the violation in the specific case, the measure of the violation, the damage caused by such violation, and be based on any evidence that proves its commission.
5. In assessing the alleged violation report, the Ethics Council organizes at least two (2) session hearings, one at the beginning of the proceedings and one at the end to confront the evidence between the entity that filed the suspected violation and the subject suspected of violation. The subject suspected of violation enjoys all procedural rights to a fair hearing and treatment, including the right to seek redress from any party who has filed the violation. Relevant legislation on the organization of disciplinary procedure, the data used and the evidence obtained will be strictly enforced. Each party to the procedure before the Ethics Council may invoke the procedural regularity established in accordance with the principles of the Law on General Administrative Procedure.
 6. The interview is done as soon as possible after the alleged violation is reported, but no later than 5 working days, ensuring that the suspected violator is notified 2 working days in advance.
 7. The decision of the Ethics Council proposing the disciplinary measure is presented in advance to the Rector and then proceeded to the Senate or the Steering Council no later than thirty (30) calendar days after the violation is reported.
 8. The decision proposed by the Ethics Council becomes all-power upon approval by the Senate or the Steering Council no later than thirty (30) calendar days after its receipt.
 9. The decision approved by the Senate, respectively the Steering Council must be submitted to the parties no later than 5 working days from the day of approval.
 10. The decision of the Council must justify the alleged violation, the reasonableness that the violation occurred or not, the reasonableness that the party filed for the violation was involved in the violation that occurred, and the reasonableness that the punishment given is proportionate and in accordance with relevant legislation, including the Law on Higher Education, the Labor Law, the Law on Public Officials, the Statute of the UHZ, the Code of Ethics and other bylaws.

Article 8

Measures for disciplinary violations

1. For violations defined in the Code of Ethics and in this regulation, the employee will be imposed one of these punitive measures:
 - 1.1. orally reprimand;
 - 1.2. written reprimand;
 - 1.3. prohibition of day-salaries;
 - 1.4. denial of involvement in evaluation committees for the next 3 years;
 - 1.5. denial of involvement in mentoring of all levels for one (1) consecutive year;
 - 1.6. positional reduction – de-grading;
 - 1.7. non-advancement for up to three (3) years;
 - 1.8. reduction on academic title;
 - 1.9. revocation of scientific degree;
 - 1.10. termination of employment.
2. Punitive measures, oral reprimand, written reprimand, prohibition of day-salaries, and denial of involvement in the evaluation commission for the next 3 years, will be imposed for minor

violations in accordance with applicable laws and regulations.

3. Punitive measures, denial of involvement in mentoring at all levels for one (1) consecutive year, reduction in position, non-advancement for up to three (3) years, reduction in academic title, revocation of scientific degree and termination of employment will be imposed for serious violations of work duties and other provisions that conflict with applicable laws and regulations.
4. The disciplinary measures provided in paragraph 2 of this article will be imposed by the disciplinary commission of the academic unit, while the disciplinary measures from paragraph 3 of this article will be proposed by the University Ethics Council for approval by the Senate, respectively the Steering Council.

Article 9

The right to appeal

1. The decision of the Disciplinary Commission, in case of minor violations, can be appealed to the Ethics Council.
2. The decision of the Ethics Council as the second instance for minor violations, is final in the competent bodies of the UHZ.
3. The decision of the Senate as the first instance for serious violations can be appealed to the Steering Council of UHZ.
4. The party dissatisfied with the final decision of the competent body within the UHZ, may open the appeal procedure before the relevant inspectorate or the procedure of judicial-administrative dispute against such a decision according to the legislation on administrative dispute.

Article 10

Secretariat

1. The central UHZ administration will provide secretarial services to the Ethics Council including:
 - 1.1. regulation on disciplinary procedures and measures;
 - 1.2. providing advice and guidance to council members;
 - 1.3. collection of documented evidence;
 - 1.4. preparing the schedule of sessions;
 - 1.5. notifying the persons required to be present at the time, date and place of the hearing;
 - 1.6. keeping the process verbal for the disciplinary session and placing it in the candidate's file as well as other procedural issues.
 - 1.7. Similar to the paragraphs above, the administration of the academic unit will provide secretarial services to the disciplinary commission of the academic unit.

Final provisions

Article 11

1. The Implementation of this Regulation is taken care of by the Steering Council of the University "Haxhi Zeka" in Peja.
2. The interpretation of this Regulation is given by the Steering Council.
3. The interpretation of this Regulation is given by the Steering Council.
4. For matters not provided for in this regulation, the provisions of the Law on Higher Education, the Law on Public Officials, the Labor Law, the Law on General Administrative Procedure, the Statute of the UHZ, the Code of Ethics and other legal acts shall apply and applicable bylaws.
5. An integral part of this regulation is the Forms of disciplinary procedure, of the procedure of complaints, the instruction for the work of the disciplinary commission, as well as the instruction for reviewing the complaints.

Article 12

Repeal

With the entry into force of this regulation, repeals the Regulation Ref. no. 1443/13 dated 26.12.2013 for the disciplinary procedure.

Article 13

Entry in force

This Regulation enters into force on the day of approval by the Steering Council of the University "Haxhi Zeka" in Peja.

Steering Council of UHZ.

Prof. Ass. Dr. Majlinda Belegu - Chair



Majlinda Belegu