



UNIVERSITETI - UNIVERSITY - UNIVERZITET
"HAXHI ZEKA"

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REGULATION

ON MEASURES AND DISCIPLINARY PROCEDURE FOR STUDENTS OF THE UNIVERSITY "HAXHI ZEKA"

The Governing Council based on the competencies defined in article 149 and article 23, paragraph 1, subparagraph 1.6, point 1.6.1., of the Statute of the University "Haxhi Zeka", in the meeting held on 06.06.2022, approved this:

REGULATION

ON MEASURES AND DISCIPLINARY PROCEDURE FOR STUDENTS OF THE UNIVERSITY "HAXHI ZEKA"

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose

This regulation defines the procedure of disciplinary responsibility, the review bodies of the disciplinary violation, the categorization of the violations, as well as the disciplinary and punishments measures against the students.

Article 2

Scope

1. This regulation applies to full-time students, correspondence students, visiting students, as well as to any student who is enrolled in any of the levels of study offered by the University "Haxhi Zeka".
2. To fulfill the purpose reflected in the principles of this regulation, the university has the duty and obligation to take responsibility to protect the university community from harm, damage and violation of integrity and dignity at the personal, academic and institutional level.
3. The University considers that in addition to the regulations that sanction the academic and university activity, the need to implement the rules for the ethical behavior of students is an emancipatory necessity, in order to achieve the protection of integrity and create an academic environment that enables equal, fair and dignified treatment of students and of academic and non-academic staff.
4. This regulation that describes the procedure and disciplinary responsibilities of students, through which the university will take disciplinary measures, when the same rules are violated by students, is drafted on the basis of the authority that the university exercises through the legislation in force

and the statute.

5. The basic principles embodied in this regulation are: non-discrimination, protection of fundamental rights and freedoms, access to education, public academic ethics and other procedural principles set out in the applicable Law on General Administrative Procedure.
6. The University is committed to establish effective mechanisms for the implementation of the principles and provisions of this regulation, where through these mechanisms aims to achieve effective realization of the authority of university in the service of public interest and while guaranteeing the protection of students' rights and their legal interests.

Article 3 Student obligations

1. Students of the University "Haxhi Zeka" are obliged to adhere to the rules set by the Law on Higher Education, the statute and regulations of the university and the academic unit, where they are registered, to preserve the image of the university, to respect the rights of staff and other students, to respect the disciplinary rules and general rules of politeness, as well as to fulfill the obligations provided by the curriculum.
2. Besides, students must act in such a way to seek the protection of their rights and the public interest as well as the best image and interest of the university.

CHAPTER II

DISCIPLINARY VIOLATION REVIEW BODIES

Article 4 Bodies for reviewing disciplinary responsibility

1. Bodies for the review of disciplinary responsibility that develop the disciplinary procedure are:
 - 1.1. Faculty Council, which is advised by the disciplinary commission of the academic entity, as a first-degree body.
 - 1.2. Complaints Commission at academic unit level, as second-degree body.

Article 5 Composition of bodies for review of disciplinary responsibility

1. The disciplinary commission as the academic unit's advisory body consists of three members, two of whom must have at least the title of professor assistant in the respective academic unit.

2. The complaints commission at the level of the academic entity consists of three members, two of whom must have at least the title of professor assistant in the respective academic unit.

Article 6

The mandate of the bodies for the review of disciplinary responsibility

1. The disciplinary commission and the complaints commission are appointed by four-year mandate under the regular voting procedure by the council of the academic unit.
2. The mandate of the members of the commissions is related to the mandate of the body which has elected it.
3. The mandate of the members of the respective commissions may end early in the event of:
 - 3.1. Resignation;
 - 3.2. Discharge;
 - 3.3. Health reasons;
 - 3.4. Conviction for criminal offence;
 - 3.5. Retirement;
 - 3.6. Death.

Article 7

Disciplinary violations

1. Disciplinary violation is considered the action or omission committed in contradiction (non-compliance) with this regulation and other legal and sub-legal acts of UHZ, which include actions that violate the following principles:
 - a) Violation of personal integrity;
 - b) Denial of freedom of expression;
 - c) Violation of privacy;
 - d) Violation of the integrity of the university;
 - e) Violation of the integrity of academic and non-academic staff;
 - f) Intolerance;
 - g) Infringement of intellectual property;
 - h) Abuse of financial trust;
 - i) Violation of library and laboratory rules;
 - j) Violation of university infrastructure;
 - k) Misconduct and unprofessional behavior in academic processes: teaching, examination, professional practice and the like.

Article 8
Categorization of disciplinary violation

1. The violations defined in this regulation are categorized in:
 - a) Minor disciplinary violations and;
 - b) Serious disciplinary violations.

Article 9
Minor disciplinary violations

1. Minor disciplinary violations are considered actions or omissions, which violate the rules, ethics of politeness, values and standards of the University "Haxhi Zeka", to which are imposed disciplinary measures provided in Article 12 of this regulation.
2. Minor disciplinary violations are considered, but are not limited to:
 - a) bad and inappropriate behavior in the facilities of the university / faculty, where lectures, exercises, exams, administrative work and other activities are held;
 - b) disturbing the order and calm during the lectures, in which the normal work of the teacher and students is hindered;
 - c) unintentional destruction of teaching equipment, laboratories, computers, library fund in libraries and other property in the university;
 - d) participation in gatherings in the facilities or premises of the university, for which there is no permit;
 - e) carrying out other activities, which cause damage and violate the authority of the university, teachers, associates, other employees and students of the university.

Article 10
Serious disciplinary violation

1. Serious disciplinary violations are considered actions or omissions, which seriously violate the rules, ethics of politeness, values and standards of the University "Haxhi Zeka", to which are imposed disciplinary measures provided in Article 13 of this regulation.
2. Serious disciplinary violations are considered, but are not limited to:
 - a) giving inaccurate information to the university bodies, in order to acquire certain rights of students;
 - b) alienation and / or improvement of notes in documents issued by the university;
 - c) incitement and / or participation in incidents in university facilities, where the development of academic, administrative and other processes is hindered;
 - d) intentional destruction and damage of university property, including infrastructure, equipment and inventory;

- e) incitement and involvement in abusive behavior towards academic, administrative staff, students and other parties gravitating to the university. Abusive behavior is any form or attempt to use physical violence against others, threats, comments and insults about sexual orientation, age, special needs (disability), religion, ethnicity;
- f) use and / or possession of alcohol, drugs and other illicit substances in the university facilities, as well as attending the university in a drunken or drugged state, manifested by aggressive behavior;
- g) prohibition or obstruction of the organization of the teaching process (lectures, exercises, colloquia, exams and other types of teaching and assessment);
 - h) disruption, interference or obstruction of academic, administrative, sports, social, cultural or other activities of the university;
- i) the use or possession of illicit means in examinations, colloquia or other forms of assessment, such as unauthorized use of telephone, calculator, books, various and similar copies;
- j) copying or attempting to copy during exams, colloquia, tests or other forms;
- k) virtual misuse of the exam and distribution of tests on social networks;
- l) entering colloquia, exams, tests or other forms of assessment, on behalf of someone else as well as preparing the diploma thesis, seminars and assignments for other students;
- m) borrowing or using the ID card, university email password and other means of identification to students or other natural persons;
- n) unauthorized use of university tools and resources;
- o) photocopying, photographing, recording and unauthorized distribution of the lesson, material for exam preparation and deadline of exams, tests, etc.;
- p) submission for evaluation of works, seminars, projects and tasks with plagiarism;
- q) submission for evaluation of works, presentations, research projects with falsified / fabricated results;
- r) hiding and assisting other students in committing a disciplinary offense;
- s) any action or omission which brings or has the potential to bring the university or its partners into disrespect or which damages or has the potential to damage the university's relations with its communities;
 - t) any violation of agreements, codes, contracts, decisions, policies and other procedures of the university;
- u) any conduct leading to a criminal investigation or constituting a criminal offense;
- v) non-compliance with any requirement or penalty previously imposed under these regulations;
- w) actions or omissions that threaten the health or safety of students and staff;
- x) other activities, which are not mentioned in this regulation, but are considered as violations with other acts approved at the faculty and university level;
- y) any action that seriously offends the integrity of faculty / university, academic and non-academic staff;
- z) photographing, recording or distributing votes in student elections, or elections of other bodies within the faculty / university;
- aa) pressure on academic staff in order to influence the evaluation procedures and false presentation (denunciation) of facts against academic or administrative staff;
- bb) unauthorized use of the name, faculty or university logo, including unauthorized opening of social

- media accounts on behalf of UHZ bodies;
- cc) unauthorized reactions on social networks on behalf of UHZ bodies, including unauthorized reactions on behalf of student representatives;
 - dd) writing and reacting on social networks or various applications (*Viber, WhatsApp, etc.*) in a way that violates the integrity and privacy of academic, administrative staff or students.

DISCIPLINARY MEASURES

Article 11

Disciplinary measures for minor violations

1. For minor disciplinary violations, only one of the following disciplinary measures is imposed:
 - a) verbal warning from the staff of the University "Haxhi Zeka", the purpose of which is to advise and warn the student for other disciplinary measures in case of recurrence of the violation;
 - b) a request to file a written apology to those affected by the violation;
 - c) decision to pay any damages or fees for the material damage caused;
 - d) written remarks.

Article 12

Disciplinary measures for serious violations

1. Only one of the following disciplinary measures is imposed for serious disciplinary violations:
 - a) decision to pay any damages or fees for the material damage caused;
 - b) decision to carry out work in the community, such as engaging in the organization of various educational activities by the university and its partners;
 - c) ban on entering exams, in one or more exam deadlines;
 - d) temporary suspension from the faculty for six months;
 - e) temporary suspension from the faculty for one year;
 - f) permanent expulsion from the faculty and the university, including the right to re-enroll in the university;
 - g) loss of the right to enjoy financial support from the university, such as university scholarships or various grants won on behalf of the university.

Article 13

Imposition and appropriateness of the disciplinary measure

1. Disciplinary measures are imposed in proportion to the consequences and damages caused.
2. When imposing a disciplinary measure, any mitigating or aggravating circumstances must be

taken into consideration, such as:

- a) the dangerousness of the disciplinary violation;
- b) the degree of responsibility of the student;
- c) the circumstances in which the violation was committed;
- d) the consequences caused;
- e) the behavior of the student before committing the violation and during the disciplinary procedure;
- f) if the student suspected of violation has taken a previous disciplinary measure, which has not been cleared from the records of the student file.

Article 14 Criminal proceedings

1. The University has no investigative powers of a criminal nature. These procedures focus on whether the regulation on disciplinary liability has been violated and can not be considered as a substitute for an investigation or prosecution.
2. When disciplinary violations include or may include violations in need of criminal proceedings, the secretary of the faculty, in coordination with the dean, forwards the case to the competent authorities, while the disciplinary commission should not suspend internal procedures for handling the disciplinary case.

Article 15 Reporting the alleged disciplinary violation

1. The procedure of disciplinary responsibility begins with the case of reporting the violation of the rules and principles provided by this regulation.
2. In the framework of this procedure, any student, university staff or party involved, who claims that the rights sanctioned by this regulation have been violated against him, the university or the academic culture, has the right and is encouraged to file the violation to the disciplinary commission at the faculty level, as a first-degree body.
3. When a reporting party reports a violation, he / she will be kept informed of the timelines associated with the investigation and any disciplinary proceedings and will be notified of the completion of the proceedings. The notice will be specific to each case and will be determined taking into account the privacy rights of all parties and the principles of justice.
4. Witness testimonies will be considered through written statements, electronic statements.
5. The University will also enable anonymous reporting electronically.

6. The University will not tolerate frivolous, disturbing or malicious reporting.

Article 16

Procedure and deadlines for initiating disciplinary procedure

1. The disciplinary violation may be reported by academic and administrative staff, third parties or students.
2. If it is ascertained that for the presented case there are sufficient facts for initiating the disciplinary procedure, the secretary of the faculty notifies the disciplinary commission within (5) five working days after filing a suspected violation, should initiate disciplinary procedure.
3. The procedure must be completed within five (5), respectively fifteen (15) working days, taking the following steps:
 - a) notifies in writing the person / student suspected of violation that a disciplinary procedure has been initiated against him;
 - b) the suspect for a disciplinary violation is given the right to declare;
 - c) contacts the person who has filed the suspected violation, notifying him / her of the initiation of the case and giving him / her the opportunity to declare it;
 - d) contacts and receives written evidence from anyone who can provide evidence in relation to the case;
 - e) the disciplinary commission must decide within thirty (30) days from the day when the case was presented to it;
 - f) due to the complexity of the disciplinary case, the disciplinary commission in the first instance may postpone the deadline for the completion of the disciplinary procedure, but not longer than thirty (30) days from the day of the end of the initial deadline.
4. When initiating disciplinary proceedings, the commission is obliged to treat the case with competence, reliability, and fairness and in full compliance with the basic principles of justice.

Article 17

Prescription of disciplinary violation

1. Disciplinary procedures may not be initiated after the expiration of the following time periods:

- a) two (2) months from the date when the minor disciplinary violation is discovered;
- b) four (4) months from the date when the serious disciplinary violation is discovered;
- c) except for paragraphs 1 and 2 of this Article, for reasonable and well-founded reasons, the possibility for conducting disciplinary proceedings expires within three (3) months after the date when the minor violation was committed and six (6) for serious violations.

Article 18

Review of the alleged disciplinary violation by the disciplinary commission

1. In case of an alleged disciplinary violation, the disciplinary commission will meet to review the case, to verify the data, ascertain the objective compliance of the case with the norms set by this regulation, and to initiate procedure against the party alleging a disciplinary violation.
2. The procedure of disciplinary responsibility is organized in sessions, respectively in the following actions:
 - a) in the case of ascertaining a solid basis for violation;
 - b) on the occasion of the hearing to the parties and the recommendation of the final decision to the faculty council;
 - c) in the sessions defined as in points a and b of this article, more than one case can be examined.
3. Each case submitted will be dealt with competence, credibility, fairness and in full compliance with the fundamental principles of justice and proclaimed in applicable legislation and in this regulation, taking into consideration the reporting party and the reported party, as well as third parties connected with the reported case.
4. When a potential violation involves many students, the disciplinary commissions reviewing the case may determine whether the students will be considered as individual or collective parties.
5. Students involved as a party in a disciplinary hearing are expected to speak for themselves and be willing to present their arguments. However, a student has the right to be represented in disciplinary proceedings by an authorized representative.
6. The University does not reserve the right to appoint legal representation in relation to any element of the procedures under this regulation.
7. Failure to attend the hearing will not stop the procedure of the hearing. Disciplinary violations can be addressed and ascertained even in the absence of the parties.
8. The removal of the student from the university while he / she is in the process of being

examined for disciplinary violations will not necessarily stop the procedures according to this regulation.

9. After reporting a case of disciplinary violation, when it is determined that there is insufficient evidence, the disciplinary commission reserves the right to propose to the faculty council the closure of disciplinary proceedings, in the absence of evidence.

Article 19

Proposing a disciplinary measure by the disciplinary commission and making a decision by Faculty Council

1. The imposition of disciplinary measures is done by the Council of the academic unit on the proposal of the disciplinary commission, as a body of the first instance. The proposals of the disciplinary commission are approved by the Faculty Council.
2. The parties in the procedure have the right to appeal to the complaints commission at the level of the academic unit, as a second instance body.

Article 20

Administrative support

1. The person responsible for the conduct of the meeting of the disciplinary commission and the complaints commission is the secretary of the academic unit, where the disciplinary procedure takes place, who is obliged to provide:
 - a) regulation on procedure and disciplinary measures for UHZ students,
 - b) providing evidence collected during the procedure;
 - c) preparation of the schedule of the meeting of the disciplinary commission;
 - d) notice of the date, time and place of the meeting for persons required to be present;
 - e) keeping minutes;
 - f) submission and notification of the decision to the competent persons.

Article 21

Procedure for submitting an Appeal to the Appeals Commission

1. An appeal against the decision of the first instance may be submitted by:
 - a) the party convicted of a violation;
 - b) the applicant of the disciplinary violation.
2. The appeal is submitted in writing within ten (10) working days, from the date of receipt of

the decision of the first instance.

3. The complaint must state in particular:
 - a) the decision against which the appeal is filed;
 - b) the reasons for which the complaint has been filed;
 - c) relevant evidence that the complainant thinks the appeal authority should take into account;
 - d) the requested termination (total or partial annulment of the decision or change of decision);
 - e) signature of the complainant.

Article 22

Reasons for filing with the Appeals Commission

1. Against the decision on the pronouncement of the disciplinary measure can be exercised complaint because of:
 - 1.1. Violation of the provisions of this regulation;
 - 1.2. Incomplete proof of facts and evidence and
 - 1.3. Decision on the appointment of the disciplinary measure.

Article 23

Review of the disciplinary violation by the Appeals Commission

1. The Appeals Commission carefully evaluates and examines all issues and evidence related to the case and decides:
 - a) to check if the complaint has been submitted within the prescribed time limit;
 - b) check and evaluate the part of the challenged decision to see if there have been any violations in the procedure;
 - c) assess whether the disciplinary violation has been committed and assess the appropriateness of the disciplinary measure imposed.
2. The appeals commission must decide on the disciplinary case within thirty (30) days from the date of receipt of the appeal.

Article 24

Competence of the Appeals Commission

1. The Appeals Commission may take the following decisions:
 - a) dismiss the complaint as out of time;
 - b) to reject the appeal as unfounded and to confirm the preliminary decision;
 - c) partially accept the complaint and reduce the disciplinary measure;
 - d) to accept the complaint in its entirety and to abrogate the given disciplinary measure.

2. The decision of the appeals commission is made on the basis of the examination and evaluation of written evidence, but, in certain cases, may accept new evidence or allow an oral hearing if it is likely that any of them will assist in obtaining reasonable decision.

Article 25
Decision making by the Appeals Commission

1. After reviewing the case, the Appeals Commission has the competence to:
 - a) dismiss the appeal if it is inadmissible, or unfounded, in terms of legality or appropriateness;
 - b) if it deems that the complaint is admissible and grounded, it finally decides on a new act, through which it can annul or change, in whole or in part, the appealed act;
 - c) the Appeals Commission in no case can aggravate the disciplinary measure given by the disciplinary commission;
 - d) the decision of the Appeals Commission is formulated and submitted in writing to the secretariat, within five (5) days from the day of the decision, and is final, but can be subject to judicial review.

Article 26
Execution and enforcement of disciplinary measures

Execution of disciplinary measures is done from the day when the decision becomes final.

Article 27
Final provisions

1. The procedures initiated before the entry into force of this Regulation, are implemented according to the provisions of the laws or regulations with which the procedure is initiated.
2. With the entry into force of this regulation, Regulation with ref.no. 1443/13 dated: 26.12.2013 for the disciplinary procedure is repealed.

Article 28
Entry into force

This regulation enters into force on the day of approval by the Governing Council of the University "Haxhi Zeka".



Governing Council of UHZ
Prof. Assistant, Dr. Majlinda Belegu - Chairperson

Majlinda Belegu