



UNIVERSITETI
I SHKENCAVE TË APLIKUARA
— FERIZAJ —

Head of Governing Council
Prof.As.Dr. Samet Dalipi

Ref. nr. 785/21, Date: 16.03.2021

**REGULATION
ON DISCIPLINARY MEASURES AND PROCEDURES FOR ACADEMIC AND
NON-ACADEMIC STAFF AND STUDENTS OF THE UNIVERSITY OF APPLIED
SCIENCES IN FERIZAJ**

Based on Article 22, paragraph 1.6, sub-paragraph 1.6.1 and Article 165 of the Statute of the University of Applied Sciences in Ferizaj (UShAF), the Governing Council, at its meeting held on March 16, 2021, approved this:

REGULATION ON DISCIPLINARY MEASURES AND PROCEDURES FOR ACADEMIC STAFF, NON-ACADEMIC STAFF AND STUDENTS

GENERAL PRINCIPLES

- 1) The University of Applied Sciences in Ferizaj is guided by the principle that the primary purpose of higher education is to provide and ensure a suitable environment for the cultivation, expansion, and critical evaluation of knowledge and values, as well as for continuous progress in the pursuit of truth and knowledge.
- 2) In accordance with the Statute of the University of Applied Sciences in Ferizaj (hereinafter "University"), academic staff, administrative staff, and students have a duty to cultivate and respect the spirit of humanity and the autonomy of the University. They must also respect the freedom of scientific and professional creativity, the university acts and decisions based on them, the principles of professional and scientific integrity, the Code of Ethics, and the reputation of the University, as well as enrich them.
- 3) This regulation is issued in order to preserve and promote the highest standards of teaching and research, and to further the mission of the University as a trusted institution of higher education.
- 4) This regulation does not limit academic freedom, including freedom of expression and 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, and the Code of Ethics.
- 5) No disciplinary measure may be imposed without sufficient, factual evidence for each doubt, and the burden of proof lies with the body making the decision.

I. GENERAL DISPOSITIONS

Article I

- 1) The general dispositions of this Regulation regulate:
 - Disciplinary measures and procedures for academic staff, non-academic staff and students of the University,
 - Presentation - identification of the violation of the disciplinary procedures,
 - Disciplinary violations,
 - Appointment of the Disciplinary Commission,
 - Support for the Disciplinary Commission,
 - Measures related to disciplinary violations and other matters,

- Assignment of the disciplinary responsibility of academic, non-academic, and student personnel at the University,
- The right to appeal,
- Appeal procedure,
- Appointment of the Appeals Commission.

2) This Regulation is adopted by a majority vote of the Governing Council.

II. DISCIPLINARY PROCEDURES FOR ACADEMIC AND NON-ACADEMIC PERSONNEL, AND STUDENTS OF THE UNIVERSITY OF APPLIED SCIENCES IN FERIZAJ

Article 2

1. Presentation and identification of disciplinary violation

- 1) Any suspected or alleged violation must be presented to the Rector of the University, Dean of the academic unit, General Secretary, in the following text, to the head of the relevant body.
- 2) For alleged minor violations according to the Code of Ethics, the provisions of the University's Code of Ethics Regulation apply.

Article 3

The head of the relevant body must immediately after accepting the oral or written report on an alleged disciplinary violation, investigate the case, interview the alleged violator and the person who reported the violation, analyze the details given in the statements and based on his assessment decide what type of violation it is, minor or serious. In making the decision, the head of the relevant body will be guided by the provisions of this Regulation.

Article 4

2. Disciplinary violations by academic staff

a) A minor disciplinary violation is considered::

- Unjustifiable absence from work;
 - Minor careless mistakes or repeated mistakes that will not be a subject requiring disciplinary procedure, but will be considered a minor disciplinary violation.
- 1) The head of the relevant body will gather and review any documents or evidence related to the case, will question the alleged violator, his statement, the person who presented the alleged case and anyone who has information related to the case.

- 2) The interview must be held as soon as possible, within 3 working days after the presentation of the case, in order to determine and qualify whether the action or inaction has resulted in a minor or serious violation.
- 3) The alleged violator may be accompanied by another employee of his choice, who may not respond on his behalf.

Article 5

If the head of the relevant body concludes that the person has committed a first-time minor violation, he will give a verbal warning to achieve a corrective effect, while for repeated violations he will issue a written warning. The warning is made no later than 3 working days after the interview with the perpetrator of the disciplinary violation. The minutes of the oral and written warning must be placed in the personal file of the person.

Article 6

b) Determination of a serious disciplinary violation

- 1) If the head of the relevant body concludes that a serious violation has been committed, he will present the case to the disciplinary commission of the relevant body of the University. The head of the relevant body will interview the alleged violator within 5 days from the date the case was referred to the disciplinary commission, in which it is established:
 - The nature of the alleged violation;
 - That the alleged violation is being treated as serious and has been referred to the disciplinary commission;
 - The time and place where the disciplinary commission session is held;

Article 7

- 2) When there is factual evidence of violence against other people or a risk to property, the head of the relevant body may decide on the measure of suspension from work against the alleged violator.
- 3) Suspension from work with pay during the investigation and the disciplinary procedure must be in accordance with the Labor Law and other acts regulating the payment.

Article 8

Serious disciplinary violations are considered:

- Unreasonable refusal to perform the duties specified in the employment contract;
- Theft, fraud, counterfeiting, damaging or unauthorized exploitation of University property;
- Acts in violation of the University's Code of Ethics;
- Unjustifiable absence from work for more than 5 consecutive days without any reason and without informing of the absence;

- Repeated mistakes that with their frequency and weight disrupt the normal course of work;
- Direct or indirect discrimination or mistreatment of another person at the University, based on gender, race, color, language, religion, belief, political views, social class, and other cases protected by law;
- Sexual harassment of a person, characterized by any physical or verbal behavior of a sexual nature, violation of the dignity of a person at work as undesirable or insulting, which creates hostility, threatening or intimidating the person;
- Poor behavior outside the workplace that does not correspond to the status of the staff or students at the University, action or inaction that discredits the University and lowers or tarnishes its image;
- Deliberately damaging property;
- Disclosure of business secrets;
- Serious inability during work caused by alcohol or drugs, and their use in the workplace;
- Giving a false statement;
- Failure to report a conflict of interest;
- Inappropriate emails with threats, insults, discrimination;
- Bribery and corruption;
- Aggressive, threatening or insulting behavior at the workplace, and similar violations stipulated by Law and other acts of the University;
- Misappropriation of intellectual property belonging to others, including: the copyright (rights granted to certain individuals for their creations in the fields of Literature, Science and Art, which include among other things: scientific papers, novels, poems, musical compositions, sculptures, paintings, drawings, cinematographic creations, architecture, choreography, photography and other similar creations) and Industrial Property (Patents, Industrial Designs, Trademarks and Service Marks, Trade Names, Geographical Indications (indicators), New Plant Varieties, Integrated Circuit Topographies, and Unfair Competition Protection).

3. Disciplinary commission

Article 9

- 1) The relevant body will form a Disciplinary Commission which will decide in cases of serious alleged violations.
- 2) The Commission will consist of three (3) teachers, one of whom is the chair and two (2) members, one (1) member delegated by the University's Student Parliament and one (1) representative from the University's trade union in the capacity of an observer. In the event of equal votes, the chair's vote is decisive.
- 3) The Disciplinary Commission is elected for a four (4) year mandate for the members from the ranks of the teachers and the representative from the Trade Union, while the mandate for the student member is one (1) year.
- 4) The student member participates in the work of the Disciplinary Commission only in cases that involve students.

- 5) The mandate of the members of the disciplinary commission will last as long as the mandate of the body that appointed this commission.
- 6) In cases of conflict of interest where the objectivity of the member is in doubt, the member of the commission will be replaced and a substitute will be appointed for that special session when:
 - the member of the commission is in a leadership position towards the alleged violator and has a family connection with the violator;
 - the member of the commission has been a victim of the alleged violator or has a family connection with the victim.

Article 10

4. Support for the disciplinary commission

- 1) The Human Resources Office coordinates and advises on disciplinary matters at all levels.
- 2) The Legal Office provides legal advice.
- 3) The department head, heads of academic units, and other heads are responsible for handling matters involving minor disciplinary violations.
- 4) The University's Professional Service and academic unit leaders will provide the Disciplinary Commission with:
 - advice and guidance to the members of the commission;
 - the gathering of documented evidence;
 - the preparation of the schedule for the sessions;
 - the notification of the persons required to be present for the details of the meeting, the date and time of the session;
 - the keeping of the minutes of the disciplinary session and the placing of decisions in the candidate's file, and other matters required for the development of the procedure.

Article 11

- 1) The disciplinary session is held as soon as possible, and in any case no later than 30 (thirty) days from the date of the disciplinary report, while the decision on the imposed measure must be taken as soon as possible within 60 (sixty) days from the date of notification of the case.
- 2) The Disciplinary Commission:
 - will hear the testimony;
 - will decide based on the evidence whether the violation has been committed;
 - will propose a disciplinary measure.
- 3) The purpose of the session is to verify the facts of the existence of the violation.
- 4) The decision of the relevant body must be communicated to the alleged violator within 5 (five) days from the date of its adoption. A copy of the minutes and the Decision of the relevant body on the imposed measure must be placed in the person's file.

Article 12

5. Measures for disciplinary violations

- 1) After thorough examination of the case, the Disciplinary Commission proposes to the relevant body that it apply these measures:
 - a) written warning;
 - b) final written warning;
 - c) non-promotion of position for up to 3 (three) years;
 - d) demotion of position;
 - e) termination of employment.
- 2) The disciplinary measures in a) and b) of this article will be imposed by the leader, while the disciplinary measures from paragraphs c), d), e) of this article, with the proposal of the Disciplinary Commission, will be imposed by the relevant body.

III. DETERMINATION OF DISCIPLINARY RESPONSIBILITY FOR STUDENTS

Article 13

- 1) Students are required to comply with the obligations arising from the general acts of the University.
- 2) Students must carefully and properly utilize the assets entrusted to them during their studies, protecting them from destruction.
- 3) For the violation of duties and legal regulations of the University, the student may be held responsible for disciplinary violation.

Article 14

6. Minor disciplinary violation

Minor disciplinary violation is considered:

- improper behavior in the University's work premises where lectures, exercises, and exams are held;
- disruption of order and peace during lectures in which the normal work of the teacher and students is hindered;
- minor damage to teaching equipment, laboratories, computers, library funds in libraries, and other assets in the University due to carelessness;
- participation in political gatherings in University premises and other cases of gatherings without the management's permission;
- other activities that cause damage and undermine the authority of the University, teachers, colleagues, other workers, and students of the University.

Article 15

7. Serious disciplinary violation

Serious disciplinary violation is considered:

- possession of books, notebooks, sheets, physical or electronic devices during exams or other forms of evaluation, through which cheating can be done, whether they are the property of the student or found on the table and around it where evaluation takes place;
- copying during exams, midterms, or other forms of evaluation;
- falsification or improvement of data in official documents such as certificates, verifications, and other documents issued by the University;
- falsification of the teacher's grade or signature;
- giving inaccurate information to the University authorities with the purpose of acquiring the rights granted to students;
- fraudulent presentation with the aim of taking an exam or performing other obligations in the name and account of another student;
- inciting a serious incident in the University's work premises as well as cases where the teaching (lectures, exercises, and exams) is significantly hindered or made difficult;
- extensive damage to University equipment and assets;
- inciting hatred, beating, insulting teachers, employees, or students;
- use of alcohol or drugs or being on University premises under the influence of alcohol or drugs and other cases defined by Law and Statute;
- disgraceful behavior outside the University, actions that tarnish or discredit the University.

Article 16

The statute of limitations for the start of disciplinary procedures:

- The disciplinary procedure for minor breaches by students expires after 6 months from the date of notification of the commission of the act.
- The disciplinary procedure for serious breaches by students expires after 12 months from the date of notification of the commission of the act.

Article 17

8. Measures related to disciplinary violations

The disciplinary commission, after a thorough review of the case, proposes to the relevant body that it take the following measures:

- written warning;
- prohibition on participation in assessment procedures such as exams or midterms for one (1) assessment period;
- prohibition on participation in assessment procedures such as exams or midterms for two (2) assessment periods;

- prohibition on participation in assessment procedures such as exams or midterms for three (3) assessment periods;
- expulsion from the university for six months;
- expulsion from the university for one year;
- expulsion from the university for two years;
- permanent expulsion from the university.

IV. PROCEDURE FOR COMPLAINTS

Article 18

- 1) The complaint procedure aims to protect the parties from unjust decisions.
- 2) A person dissatisfied with a decision imposing a disciplinary measure has the right to file a complaint. The complaint is addressed to the second-level body.

9. Appointment of the complaints committee

Article 19

- 1) The University Senate will appoint a complaint commission as the second-level body.
- 2) The commission will consist of five members, three from the academic staff, one from the administrative staff and one student. The mandate of the members from the academic and administrative staff is four years, while that of the students is one year.
- 3) The mandate of the members of the complaint commission will last as long as the mandate of the body that appointed this commission.
- 4) Members of the complaint commission cannot also be members of the first-level disciplinary commission.
- 5) The decision of the Senate Committee on complaints is final in the administrative procedure.

Article 20

In case of conflict of interest, the member of the Complaint Commission will withdraw and be replaced for that special session if:

- he/she is in a management relationship with the complainant or is related to him/her through family;
- he/she is involved in the incident (event) that is the subject of the complaint.

Article 21

The professional service of the University will offer the complaints commission the following:

- advice and guidance, the collection of documentary evidence and the distribution of appropriate documents to all parties;
- preparation of the schedule of review sessions;
- keeping of the minutes of the sessions, systematization, archiving and placing it in the personal disciplinary file.

Article 22

- 1) The presenter of the complaint must present new facts, arguments and evidence briefly summarizing the reasons for the complaint.
- 2) A complaint against the decision to impose a disciplinary measure may be filed no later than 15 (fifteen) days after its reception.
- 3) The session for reviewing complaints should be held as soon as possible and in any case no later than 30 (thirty) days from the date the complaint was addressed to the complaint commission.
- 4) The complaint commission will:
 - review the testimony provided in the complaint;
 - determine on the basis of the evidence whether the complaint should be accepted;
 - describe the disciplinary measure of improvement to be implemented.
- 5) The commission may request the presence of witnesses to testify about the case.
- 6) The purpose of the Complaint Commission is to take into account the testimony in the complaint, taking additional testimony and factual evidence.

Article 23

- 1) The hearing session should be completed as soon as possible and the commission should decide within 60 (sixty) days from the date the complaint was filed against the decision.
- 2) The commission with the majority of the votes of the members decides:
- 3) Confirmation of the disciplinary measure;
- 4) Return the case for review to the first-level body;
- 5) Amendment of the decision made at the first level.
- 6) The decision of the Complaint Commission is made known to the complainant within 5 (five) days from the date of its adoption and is communicated to the first-level body within 15 (fifteen) days.
- 7) The decision of the Complaint Commission is final and not appealable.

V. DISCIPLINARY PROCEDURES FOR ADMINISTRATIVE STAFF

Article 24

1. Work duty violations are divided into:
 - 1.1. Minor violations; and

1.2. Serious violations

Article 25

10. Minor violations

1. Minor disciplinary violations are considered:

- 1.1. Minor violations of the Code of Ethics for administrative staff;
- 1.2. Failure to keep the identification badge;
- 1.3. Two unjustified absences with a one-day duration within the calendar year;
- 1.4. Non-compliance with the rules for dressing and appearance;
- 1.5. Failure to regularly keep documents and official data related to work duties;
- 1.6. Non-compliance with working hours; and
- 1.7. Failure to inform about absence from work.

2. The violations listed in paragraph 1 of this article, if repeated, are considered serious violations.

Article 26

11. Serious violations

1. Serious violations are considered:

- 1.1. Serious violations of the Code of Ethics for administrative staff;
- 1.2. Theft;
- 1.3. Fraud;
- 1.4. Forgery of official documents;
- 1.5. Physical violence or psychological pressure against another administrative employee, party or any other person within the institution;
- 1.6. Severe mistreatment or discrimination;
- 1.7. Intentional damage to the institution's property;
- 1.8. Serious discredit of the administrative staff;
- 1.9. Coming to work under the influence of alcohol or drugs, or their use during working hours;

1.10. Violation of work duties that have consequences for the party and the Institution Shkelje serioze të rregullave që ndërlidhen me shëndetin dhe sigurinë e nëpunësit;

1.11. Failure to disclose or provision of false statements regarding a conflict of interest;

1.12. Unjustifiable absence from work for two consecutive work days;

1.13. Misuse or unauthorized use of public trust funds for personal gain or the benefit of other individuals;

1.14. Conducting activities that are contrary to the interests of the Institution or actions that damage the institution and other state bodies;

1.15. Behavior or threats that prevent, obstruct, or make it difficult for others to successfully perform official duties;

1.16. Failure to provide professional assistance within the competencies and duties of administrative staff in the realization of their legal rights;

1.17. Hiding of facts, evidence, or official data when they are required for official purposes;

1.18. Action or inaction that leads to the disclosure of confidential data or information;

1.19. Sexual harassment of any other administrative staff or other person at the University, characterized as physical or verbal behavior of a sexual nature that violates the dignity of women or men at work and is unwelcome or offensive to the person;

1.20. If within a period of one year, three written warnings are issued by the direct supervisor;

1.21. If within a period of one year, two written warnings are issued by the highest administrative supervisor of the institution.

2. Non-compliance or violation of the principles and conditions of professional conduct according to the law.

Article 27

12. Disciplinary measures for minor violations

1. For minor violations determined by Article 25 of this Regulation, the following disciplinary measures may be applied:

1.1. A verbal warning from the direct supervisor which is proportionate to the consequences caused and is intended to advise and warn the employee of other, more severe, disciplinary measures in case of repeated violation;

1.2. A written warning from the direct supervisor which is proportionate to the consequences caused and is placed in the employee's personal file:

- 1.3. A written warning and its placement in the employee's personal file is issued by the highest administrative officer of the University:
2. The application of the measure provided for in subparagraph 1.1 of this article shall be made within two (2) working days, while for the measures provided for in subparagraphs 1.2 and 1.3 of this article, it must be made within seven (7) days from when it is suspected that the violation has been committed.
3. Warnings issued according to subparagraphs 1.2 and 1.3 of this article are expunged within one (1) year from the date of their issuance, if no other disciplinary measure has been taken against the employee.
4. Expunged disciplinary measures are removed from the employee's personal file.

Article 28

13. Disciplinary measures for serious violations

1. For serious violations determined by Article 26 of this Regulation, civil servants may be subject to the following disciplinary measures:
 - 1.1. A preventive suspension with pay for up to three (3) months pending an investigation, which must be proposed by the direct supervisor and approved by the body responsible for personnel management in the institution;
 - 1.2. Suspension of duties and a 1/3 salary reduction for a period of up to two (2) months by the Disciplinary Commission upon request from the direct supervisor;
 - 1.3. Removal from office and transfer to another location with similar duties and a five (5) year promotion ban by the Disciplinary Commission;
 - 1.4. Termination of employment in the Public Service by the Disciplinary Commission, without damaging or reducing the right to a pension;
 - 1.5. Early retirement of administrative employees who have two (2) years left until retirement.
2. In determining the appropriate measures, the commission must consider that the purpose of the disciplinary procedure is to improve and encourage good behavior and punish bad behavior.
3. In the event of the initiation of criminal proceedings, arrest and in the event of obstruction of investigations at the workplace, civil servants are subject to a preventive suspension in accordance with current laws.

Article 29

14. Establishment and composition of the Disciplinary Commission

1. The chairman and members of the Disciplinary Commission for administrative personnel are appointed by the Chief Administrative Officer of the University.
2. The Disciplinary Commission consists of three (3) members, who are administrative staff, two of whom have a two-year mandate with the possibility of continuation and one who is selected according to the case, who must have knowledge in the field where the violation was committed. During the work of the Disciplinary Commission, there must be a representative from the University's Trade Union to monitor the process.
3. The chairman and members of the Disciplinary Commission are from the ranks of higher education administrative personnel and must reflect the diversity of Kosovan society, including in particular gender diversity.
4. In cases where any of the members of the commission has a conflict of interest, he or she shall be replaced by the highest administrative officer of the University for that particular case, such as:
 - 4.1. When the member of the commission is in a direct leadership position to the suspected violator or has a relationship with the suspected violator through family, marriage, or is a close relative or is in personal social relations;
 - 4.2. When the member of the commission has been harmed by the suspected violator or has a relationship with the victim through family, marriage, or is a close relative or is in personal social relations.
5. Members of the disciplinary commission cannot be members of the commission for the selection of contests and complaints of the University.

Article 30

15. Reporting violations

Any suspected violation by administrative staff must be reported to the direct supervisor or the highest administrative officer.

The report may be made orally or in writing by administrative staff or members of the public.

Article 31

16. Review of minor disciplinary violations

1. The direct supervisor shall gather and review any evidence related to the reported case of the suspected violation by the administrative staff.

2. The direct supervisor shall initially contact the violator, the person who reported the suspected violation and any person who may provide evidence regarding the case.
3. The interview shall be conducted as soon as possible after notification of the suspected violation, but no later than three (3) working days, ensuring that the suspected violator is notified 24 hours in advance.
4. The interview shall be conducted in accordance with the provisions of Law No. 02/L-37 on the Use of Languages.
5. The direct supervisor or highest administrative officer shall identify the details of the violation and determine whether the disciplinary violation is of minor, light or severe-serious nature.
6. For verified minor violations by the direct supervisor or highest administrative officer, verbal or written warnings may be issued without being presented for review to the disciplinary commission.

Article 32

17. Notification about serious violations

1. If the direct supervisor determines that the violation may be classified as a serious violation, within 2 (two) working days, he will present the case in writing to the head of the personnel unit.
2. After receiving the notification, the head of the personnel unit will pass the suspected violation on for review by the disciplinary commission of the University.
3. The head of the personnel unit, after presenting the case to the disciplinary commission, will notify the suspected violator in writing within three (3) working days, of:
 - 3.1. The nature of the suspected violation;
 - 3.2. The presentation of the case for review by the disciplinary commission;
 - 3.3. The time and place where the disciplinary commission session will be held;
 - 3.4. The possibility for the violator to be accompanied by another person at the session, with whom he can consult.

Article 33

18. Competencies of the Disciplinary Commission

- 1 The disciplinary commission has the following competencies:
 - 1.1. To hear evidence regarding the alleged violation;
 - 1.2. To determine, based on the evidence, whether the violation has been committed; and
 - 1.3. To determine the punishment to be imposed.

Article 34

19. Session of the Disciplinary Commission

1. The disciplinary commission, after receiving written notification of the alleged violation, should meet as soon as possible.
2. All members should be present at the disciplinary commission session, and decisions are taken by a majority of the members.
3. The facts and evidence for the disciplinary hearing should be completed as soon as possible and the commission should make a decision within thirty (30) days from the notification of the case.
4. The commission's decision should be in writing and must be communicated to the violator by the head of the personnel unit within three (3) working days of receiving the decision.

Article 35

20. Provision of services by the Central Administration of the University

1. The Central Administration of the University will provide the required services for the disciplinary committee, including:
 - 1.1. Regulation on disciplinary procedures;
 - 1.2. Providing evidence;
 - 1.3. Preparation of the session schedule;
 - 1.4. Notifying the persons who are required to be present of the date, time and place of holding the séances;
 - 1.5. Keeping minutes for disciplinary hearings;
 - 1.6. Delivery and communication of the offender's decision.

Article 36

21. The right to appeal

The dissatisfied party regarding decisions made during the disciplinary proceedings has the right to appeal to the Complaints Commission as a second-tier body within 30 days from the date of receiving the decision.

VI. FINAL DISPOSITIONS

Article 37

The Governing Council of the University is responsible for the implementation of this Regulation.

The Governing Council of the University interprets this Regulation.

Article 38

- 1) This Regulation shall enter into force immediately upon approval and signature by the Chairman of the Governing Council.
- 2) The amendment and supplementation of this Regulation may be made according to the same approval procedure.
- 3) With the entry into force of this Regulation, the provisions of the Regulation on Measures and Disciplinary Procedures for Academic and Non-Academic Personnel, and the Students of UASF No. prot. 4652/19 of 27.12.2019 shall cease to apply.

Chairman of the Governing Council:
Prof.As.Dr. Samet Dalipi
[Signed]

APPENDIX OF THE REGULATION ON DISCIPLINARY AND COMPLAINTS PROCEDURE

1. DISCIPLINARY COMMISSION FORMS

- 1.1. Form for reporting a disciplinary violation
- 1.2. Interview form
- 1.3. Form for registering a verbal warning
- 1.4. Written warning form
- 1.5. Form for informing the alleged violator of the disciplinary action
- 1.6. Form for informing the employee of their suspension
- 1.7. Form for communicating the decision of the Commission

2. GUIDELINES FOR CONDUCTING A DISCIPLINARY HEARING

- 2.1. Key points
- 2.2. Preparation for the hearing
- 2.3. How to conduct the disciplinary commission hearing
- 2.4. Statement of the alleged violation
- 2.5. Response of the alleged violator
- 2.6. General questions and discussion
- 2.7. Summary
- 2.8. Adjournment (suspension)
- 2.9. Potential issues that may arise and how to address them
- 2.10. Guidelines for making decisions on disciplinary measures
- 2.11. What should be considered before imposing any disciplinary punishment
- 2.12. Decision of the disciplinary commission

3. COMPLAINT COMMISSION FORMS

- 3.1. Form for registering a complaint
- 3.2. Form for accepting or rejecting a complaint
- 3.3. Form for the decision of the disciplinary commission

4. GUIDELINES FOR CONDUCTING A HEARING TO REVIEW A COMPLAINT

- 4.1. Key points
- 4.2. Preparation for the review hearing
- 4.3. How to conduct the complaint review commission hearing
- 4.4. Statement of the person filing the complaint
- 4.5. Response to the complainant
- 4.6. General questions and discussion
- 4.7. Summary
- 4.8. Adjournment for later
- 4.9. Potential issues that may arise and how to address them

- 4.10. Guidelines for making decisions on corrective measures
- 4.11. What should be considered before making any decisions
- 4.12. Decision of the Complaint Commission.

VARIOUS FORMS OF THE DISCIPLINARY COMMISSION

Form for reporting a disciplinary violation	<i>Form 1</i>
----------------------------------------------------	---------------

University-Faculty

REPORTING A SUSPECTED DISCIPLINARY VIOLATION

Details of the alleged violator

Name
 Position title
 Department
 Manager

Details of the person reporting the suspected violation

Name

If employed by the University:

Position title Department

If not employed by the University:

Adress: Phone number:

Details of the alleged violation, as reported (to be completed by Manager):

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

Date

.....

Manager

.....

University – Faculty

SUSPECTED DISCIPLINARY VIOLATION: INVESTIGATIVE INTERVIEW MINUTES

Name of interviewee

If not employed by the University:

Position title

Department

Address:

Phone number:

Name of interviewer

Position title

Department

Minutes of the interview (to be completed by the interviewer):

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Date

Interviewer

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University - Faculty

MINUTES OF VERBAL WARNING

Name:..... received an oral warning on..... that:

1. following conduct represents a disciplinary violation: (brief description of the violation)

.....

2. further improvements are required:

.....

3. failure to improve will result in other disciplinary measures.

.....

The verbal warning was given by:

Name

Position title

Date

Manager

University - Faculty

Name.....

Title of position.....

Department.....

Date.....

Dear Mr./ Ms.

WRITTEN WARNING FOR DISCIPLINARY VIOLATION

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

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is an unacceptable disciplinary violation.

Further improvements are required:

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Failure to improve or further disciplinary violations will result in more severe disciplinary measures. A copy of this warning will be placed in the personal file of the person.

Date
.....

Manager
.....

University – Faculty

Name

Position title

Department

Date

Dear Mr/Ms

NOTIFICATION OF SUSPECTED SERIOUS DISCIPLINARY VIOLATION

This letter is to inform you that you are suspected of having committed a serious disciplinary violation as follows (briefly describe the alleged violation that was committed):

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The statement has been referred to the Disciplinary Commission of the University-Faculty, which will consider whether there is sufficient evidence to support the statement and, if so, what should be imposed on you.

You are required to appear before the Disciplinary Commission:

Onon at.....

The purpose of the Disciplinary Commission is to establish the facts and you will be given sufficient opportunity to provide the Commission with a full account of your version of the events and to present such evidence as you consider relevant. Please submit any documentary evidence at least 5 (five) working days before the hearing to allow the Commission time to read and consider it.

You may be accompanied at the hearing by another University employee of your choice, with whom you may consult during the hearing, but who may not speak on your behalf. The hearing will be conducted in any official language of Kosovo that you choose.

The decision of the Disciplinary Commission will be given to you 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
.....

Manager
.....

University – Faculty

Name

Position title

Department

Date

Dear Mr/Ms

NOTIFICATION OF SUSPENSION WITH PAY

Following the allegations of serious disciplinary violation made against you, I am writing to inform you that you are suspended from work until the disciplinary investigation and proceedings have been completed.

The reason for the suspension is that it is considered to be in the best interests of the University-Faculty that you should not continue with your work until the investigation into the alleged violation has been completed.

You are not to visit any University-Faculty premises during your suspension. You are to return to work on, unless you are notified otherwise.

A copy of this notification will be placed in the personal file of the person.

Date

Manager

.....

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University - Faculty

Name

Position

Department

Date

Dear Mr/Ms

DECISION OF THE DISCIPLINARY COMMISSION

Following your appearance before the Disciplinary Commission on
(date), the commission has carefully considered all the evidence presented and has
decided that (details of the commission's decision):

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If the Commission has decided that a serious disciplinary violation has been
committed: The Commission has decided that (details of the penalty that will be
imposed):

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If you want to appeal to the Complaints Commission against the decision of the
First-Level Disciplinary Commission, you must do so in writing within 15 (fifteen)
days from the date of receipt of this Decision.

Date

.....

Manager

.....

INSTRUCTIONS TO CONDUCTING A DISCIPLINARY HEARING

1. Key points:

- The committee should be well-prepared for the hearing and ensure that all relevant facts are available (ready);
- The alleged offender should be clearly informed of the alleged offense and advised of their rights under disciplinary procedures, including the right to be accompanied at each hearing;
- The staff member should be given adequate time to prepare and sufficient opportunity to state their case;
- Adequate investigations and questioning should be conducted to ensure that all facts are objectively raised;
- Care should be taken to listen to everything that is said;
- Consideration should be given to postponing (adjourning) the hearing to a later date before deciding on any disciplinary punishment in order to fully consider all the issues raised.

2. Preparation for the hearing

- Ensure that all relevant facts are available, such as personal details, the disciplinary file and any current warning, other relevant documents (e.g. notes on absence from work or sick leave) and, if necessary, written statements from witnesses.
- Notify the alleged offender of the complaint, the procedure to be followed, and that they are required to attend the disciplinary hearing.
- Inform the alleged offender that they have the right to be accompanied at the hearing by another University staff member.
- Identify any special circumstances to be taken into account, e.g. any personal or external issues that have an impact on performance or behavior?
- Be careful when dealing with testimony from an informant who wishes to remain anonymous. Take a written statement, seek supporting evidence, and verify that the informant's motives are genuine.
- Consider how the standards of the alleged offender compare to those of the other person - is it possible that the other person has also breached any rules or standards?
- Give the alleged offender time to prepare their case. It may be helpful and save time in the hearing if copies of any documents and witness statements are provided in advance.
- Set the date and time for the hearing in a suitable room where there will be no interruptions. Give the alleged offender at least 5 working days' notice of the

hearing and allow them to propose an alternative reasonable date if their companion is unable to attend on the scheduled date.

- Consider what disciplinary action has been taken in relation to other offenders in similar past circumstances.
- If the witness is outside the University and is unprepared or unable to attend the hearing, try to obtain a written statement from them.
- Think about the structure of the hearing and make a list of the points to be covered.

3. Conducting the Disciplinary Hearing

The chair of the Disciplinary Committee should:

- Introduce the alleged offender to the members of the committee and the administrative staff;
- Invite the alleged offender to introduce the person accompanying them and explain the role of the accompanying person;
- Explain that the purpose of the hearing is to consider whether disciplinary action should be taken in accordance with the disciplinary procedure, and that the purpose of the hearing is to discover the truth, and explain how the hearing will be conducted.

4. Statement by the alleged offender

The chair should:

- Clearly state what the alleged complaint is and briefly outline the case by going through the evidence that has been gathered.
- Ensure that the alleged offender and their representative are allowed to see any statements made by witnesses, and
- Understand whether the person is prepared to admit that they have done something wrong. Then accept steps that should be taken to rectify the situation.

5. Response from the alleged offender

Members of the committee should:

- Give the person the opportunity to describe, present their case and respond to any statements made. They should be able to ask questions, present evidence and call witnesses. The accompanying person can also ask questions and

should be able to advise the person privately, but cannot answer questions on their behalf.

- Listen carefully to what the alleged offender has to say and be prepared to wait patiently for a response, as this may be a helpful way to encourage them to be more cooperative;
- If it is not practical for witnesses to attend, consider holding the hearing without witnesses if it is clear that their testimony will not harm the substance of the complaint.

6. General questions and discussions

The committee should:

- Use this period to verify all facts and consider any special circumstances;
- Adjourn the hearing if further investigations are necessary, if appropriate, at the request of the alleged offender or their representative;
- Ask official and humane questions and encourage the employee to speak freely in order to find out the facts. The disciplinary hearing should be a two-way process. Use questions to clarify issues and verify what has been said and understood. Ask precise closed questions that require a yes/no response only when specific information is required;
- Avoid arguing and making personal or derogatory remarks;
- Committee members should avoid physical contact and gestures that may be misinterpreted or misunderstood.
- If it becomes clear during this period that the person has provided adequate clarification or there is no real evidence to support the statement, stop the process.

7. Summary

The chair should:

- Summarize the main points of discussion after questioning is completed. This allows all parties to be reminded of the nature of the offense, the arguments or evidence presented, and ensures that nothing is missing or forgotten, and
- Ask the alleged offender if they feel that they have had a fair hearing and if they have anything else to say. This should help demonstrate to the alleged offender that they have been treated fairly.

8. Postponing-Suspending

In general, it is a good practice for the committee to suspend before deciding on whether disciplinary action is appropriate. This allows for reflection and appropriate consideration. It also allows for further verification of any issues raised, particularly if there is any disagreement over facts. If new facts emerge, consider whether it is better to convene another session.

9. What issues may arise and how to respond

The chair is responsible for ensuring that the session is conducted properly. It is possible that the matter may not proceed peacefully – there may be outbursts of concern or even anger. If the alleged offender becomes angry or upset, the chair should allow them time to calm down before continuing. If the concern is very great, the session should not continue and should be postponed for later.

A language of understanding may be used but derogatory language or behavior that could be interpreted as very inappropriate should not be allowed to pass without comment. In such circumstances, the chair should postpone the session and schedule another session at a later date when both issues, if necessary, can be considered together. The committee may also recommend that the alleged offender be suspended on pay to allow them to calm down and allow for a full investigation.

10. Instructions for decision-making regarding disciplinary measures

Key points:

- The decisions of the commission at the end of the disciplinary hearing are:
 - a. to apply a disciplinary measure,
 - b. what form it should take, and
 - c. whether any other action should be taken or not (e.g. training or job change).
- Before deciding whether a disciplinary measure is appropriate and at what level, the commission should consider the offender's disciplinary file, if disciplinary procedures show possible penalties, what action has been taken in previous cases, any special circumstances to be taken into consideration, and whether the penalty is reasonable.
- Dismissal without warning for serious violations, without notice or pay upon notification should only be reserved for very serious cases of violations and should only occur after a disciplinary investigation and hearing procedure takes place.

- The offender is entitled to be left in no doubt as to the nature of the disciplinary penalty, the expected improvement, the need for support to achieve improvement, and the method and time frame for appeals.
- The commission should actively consider what remedial steps should be taken, including counseling, training, and development.
- Offenders must be given written details of any disciplinary measure applied against them.
- Disciplinary measure files should be kept secure and confidential.
- Mild disciplinary measures should not be imposed on the offender indefinitely if he/she improves.

11. What should be considered before any disciplinary penalty is imposed

When deciding whether a disciplinary penalty is appropriate and what form it should take, the commission should consider:

- whether the disciplinary procedure itself indicates what the possible penalty will be as a result of the particular misconduct,
- the penalty imposed in similar cases in the past,
- any special (mitigating) circumstances which may make an appropriate reduction in the severity of the penalty,
- the offender's disciplinary and overall work record, experience, position and length of service, and
- whether the proposed penalty is reasonable in all the circumstances.

Disciplinary measures should be considered to be fair and impartial (equal for all) and applied consistently. This does not mean that the same measure will always be applied for the same offenses, each case should be considered individually and any relevant circumstances should be taken into account. This may include health or domestic problems, provocation, ignoring rules or standards or past inappropriate (unacceptable, persistent) treatment.

12. The decision of the disciplinary commission

In all cases, the Commission must provide a written decision which briefly but clearly summarizes the case and particularly includes what statements were made, what evidence was collected and brought before the commission, the facts established based on the evidence, the commission's conclusions based on these facts and the commission's decision.

Form for registering a Complaint

University – Faculty

22. SUBMISSION OF THE COMPLAINT

Name of complainant
Department
Position

If the complainant is an applicant for employment at the University:

Address:..... Telephone number:
.....

23. Brief details of the complaint:

[Copies of any documents that will support the complaint or a copy of the disciplinary order (in case of a complaint against disciplinary decisions) must be attached.]

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Date

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Signature of the complainant

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UNIVERSITETI
I SHKENCAVE TË APLIKUARA
— FERIZAJ —

ACKNOWLEDGMENT OF RECEIPT OF COMPLAINT

To:
(Name of complainant)

Your complaint dated has been received by the staff. We will contact you within 30 (thirty) days to inform you whether the complaint will be heard or not, and if so, to provide further information.

Date
.....

Manager
.....

University - Faculty

Mr/Ms Name of complainant (Address of complainant)

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.....

(date)..... Dear:Mr/Ms

Complaint against.....[title of complaint]

If there are sufficient primary grounds for complaint or if it is a complaint against a disciplinary decision:

Your complaint dated will be heard by the Complaints Commission of the University Senate on on

You have the right to be accompanied at the hearing by a friend/partner or counselor of your choice, who may ask questions but will not be allowed to answer questions on your behalf.

If the grounds for complaint are invalid, unfounded or insufficient:

Your complaint dated: has been rejected because: (briefly explain the reasons why the complaint was not accepted)

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According to the Civil Law of Kosovo, you have the right to appeal this decision to the competent court in Ferizaj.

Date

.....

Manager

.....

University – Faculty

Mr/Ms

.....

Name of complainant (Address of complainant)

.....

.....

(date) Dear Mr/Ms

Complaint against[title of complaint]

(If the complaint has been accepted):

The Complaints Commission has accepted the complaint and has decided that (briefly describe the correction described by the Complaints Commission):

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(If the complaint has been rejected):

The Complaints Commission has rejected the complaint (briefly describe the grounds given by the Commission for the rejection of the complaint):

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You have the right to appeal the decision of the Complaints Commission to the competent court in Ferizaj.

Date

.....

Manager

.....

INSTRUCTIONS TO CONDUCTING THE COMPLAINT REVIEW SESSION

1. Main points:

- Carefully prepare for the complaint review session and ensure that all facts are available.
- Explain to the complainant what the procedure is and what their rights are according to the complaint procedure, including the right to be accompanied at any disciplinary session.
- Give the complainant enough time to prepare to present their case.
- Listen carefully to what is being said.

2. Preparation for the review session

- Ensure that all relevant facts are available and, if necessary, written statements from witnesses.
- Explain to the complainant the procedure that will be followed and that they have the right to be accompanied at the review session by a friend/advisor.
- Determine if any special circumstances need to be taken into account, such as personal issues or other external factors.
- Be cautious when dealing with evidence from an informant who wishes to remain anonymous. Obtain written statements, seek corroborating evidence, and check that the informant's motives are sincere.
- Give the complainant time to prepare their case. It may be helpful and save time during the review session if copies of any relevant documents and witness statements are available to them at least five (5) working days before the session.
- Arrange a date and time for the hearing in a suitable room where there are no obstructions. The complainant should be informed of the review session at least five (5) working days in advance and may be permitted to offer a reasonable alternative date if their chosen companion is unable to attend on the chosen date.
- Find out what disciplinary measures have been taken against other offenders in similar circumstances in the past.
- If a witness is someone outside the university who is not prepared or able to attend the review session, try to obtain a written statement from them.
- Think about the structure of the review session and make a list of the points to be covered.

3. How should the complaint review committee session be conducted?

The chair of the complaint review committee should:

- introduce the complainant to the committee members and administrative staff,
- invite the complainant to introduce the person accompanying them and explain the role of the companion,
- explain that the purpose of the review session is to determine the truth,
- explain how the review session will be conducted.

4. The complainant's statement

The chair should:

- ask the complainant to clearly and accurately present their case and ensure that they are able to present their testimony uninterrupted, and
- invite the complainant to present their testimony including any witnesses.

5. Response to the complainant

The chair should:

- request a response to the complainant's statement from the individuals named by the complainant and others involved in the case, and allow the complainant to ask them questions. The companion may ask questions and should be able to discuss privately with the complainant, but may not answer questions on behalf of the complainant.

6. General questions and discussions

The commission should:

- review this phase to verify facts and if there are any special circumstances that need to be taken into consideration,
- adjourn the review session if further investigation is needed, or, at the request of the complainant/their representative,
- formally and politely ask their own questions, but encourage the complainant and other participants to speak freely in order to uncover the facts. A well-conducted review session should be a two-way process. Ask questions to clarify issues, to check that what has been said has been understood. Ask open-ended questions, for example what happened next?, tell me more about it... to gain a full picture. Ask specific, closed questions that require a yes/no response only when specific information is needed or to clarify understanding,
- avoid discussions and do not make personal or derogatory remarks. Committee members should avoid physical contact or gestures that may be misinterpreted or misunderstood.

7. Summary

The Chair should:

- Summarize the main points of discussion after questioning is completed. This allows all parties to understand the main points of the complaint, the evidence presented, and the arguments made and to ensure that nothing has been overlooked, and
- ask the complainant if they feel they have had a fair review session and if they have anything to add. This should help the complainant feel that they have been treated fairly.

8. Adjournment

If the committee agrees that the complaint is justified, it is usually good practice to adjourn the session before making any decisions on what remedial action is appropriate. This allows time for reflection and proper consideration. This gives time for checking any issues that have been raised, particularly if there is any disagreement about the facts. If new facts are presented, the committee should consider whether to reconvene the review session.

9. What problems may arise and how to deal with them

The chair has the responsibility to monitor the progress and ensure that all parties are given the opportunity to present their case in full. However, it is possible that the review session may not proceed smoothly, people may be anxious or even angry. If the complainant becomes anxious or upset, the chair should give them time to compose themselves before continuing. If the anxiety is too great to continue, the review session should be adjourned and rescheduled for another time.

Rude or inappropriate language and behavior may be expected, but abusive language or behavior that could be interpreted as misconduct will not be tolerated. If necessary, such behavior should be considered a disciplinary breach.

10. Instructions for decisions on remedial measures

Key points:

- The decisions requested by the commission at the end of the appeal hearing are:
 - a) whether any remedy should be made;
 - b) if so, in what form it should be made;
 - c) whether any other action should be taken (e.g., disciplinary action against staff or managers, or a change of position).
- When deciding which course of action would be most appropriate, the commission should take into consideration any actions taken in previous cases.

- When deciding on the course of action, the commission should carefully consider the impact it may have on the complainant's future career and their work relationships within the University.

11. What should be taken into consideration before deciding on a solution

When deciding whether a solution is appropriate and in what form it should take, the commission should consider:

- whether the appeal process itself indicates what solution should be applied. For example,
- successful appeals against selection, promotion, or disciplinary committee decisions will usually result in the overturning of those decisions;
- whether the solution, although appropriate and fair, could raise other managerial issues;
- what solutions have been imposed in similar cases in the past; and
- any special circumstances that might make the selection of an alternative solution possible. For example, when resuming the same position would mean that the complainant would have to work with someone who has mistreated them.

Solutions should be fair and equal and applied consistently. This does not mean that the same solution will be applied every time for similar offenses: each case should be judged individually and any relevant circumstances should be taken into account.

12. The Complaints Commission's Decision

In all cases, the Complaints Commission must issue a written decision that briefly but clearly summarizes the case, particularly including what statements were made, what evidence was collected and presented to the commission, the facts based on the evidence, the commission's conclusions based on these facts, and the commission's decision.