



___/41-VI
Regulation
May/2019

**REGULATION
FOR STUDENTS COMPLAINTS
UBT COLLEGE HEIPP**

PRISHTINA, May 2019

According to the respective provisions of LAW NO. 04 / L-037 ON HIGHER EDUCATION IN THE REPUBLIC OF KOSOVO, as well as the provision of Article 88 of the Statute of the HEIPP UBT College, President dated 15.05.2019, hereby

R E G U L A T I O N O N T H E S T U D E N T S ' C O M P L A I N T P R O C E D U R E

I. INTRODUCTORY PROVISIONS

1. Subject and Implementation of this Regulation

This Rule on the UBT College Student Appeal Procedure (hereinafter RULE), is hereby sanctioned and regulated in particular:

- Opposite grade
- the grievance procedure
- breach of obligations,
- initiation and implementation of the certification and liability procedure,
- deadlines,
- measures
- identification as well
- other relevant issues.

1. The objection to the grade

Article 1.

The teacher should justify the final grade to the student.

A student who has been negatively assessed in the exam or is dissatisfied with the assessment shall have the right to object to the assessment. The objection was submitted to the Dean of the Faculty within two (48) days after notification and / or publication of the grade. The objection must be well reasoned.

If the objection to the grade is justified, the Dean of the Faculty shall adopt a decision allowing the repetition of the examination, appointing the Assessment Commission, and setting the time for the repeated examination.

The Evaluation Committee shall consist of: The Chairperson and two (2) members, one of whom shall be of narrow scope. The subject teacher who opposes the objection may not be the Chair of the Evaluation Committee.

No further objection is allowed against the assessment of the Evaluation Committee for repeated examination.

2. Repeating the exam

Article 2

The re-examination is organized no later than three (3) days from the date of evaluation of the grounded opposition.

The written exam or part of the written exam is not repeated before the Evaluation Committee, except it is again reviewed and checked and evaluated.

On the basis of the grades proposed by all members of the Evaluation Committee, the President of the Evaluation Committee shall close the final grade and if the grade is positive, the President of the Commission shall record the grade in the appropriate document. The final grade cannot be positive if two (2) members of the Evaluation Committee have proposed a negative grade.

No further objection can be raised to the decision of the Evaluation Committee.

3. Student Responsibility

Article 3

In order to ensure the quality of services provided to the student, to avoid cases where students may feel dissatisfied with teaching and learning, conditions and other administrative services in cases where decisions may affect students, which decisions may have been taken at both administrative and academic levels, and in order to protect the rights of students set out in the UBT Statute and Regulations, the student has the right to have his or her application addressed at the institutional level.

4. Persons with student and staff status

Article 4

The Regulation applies to any natural person who has the status of a regular student and a part-time student, as well as staff of all levels at UBT.

The status of the student and staff is evidenced on the basis of an adequate public document issued by the UBT, as well as on the basis of relevant evidence leading the Department of Student Affairs and the Human Resources Department.

5. Person who does not have the status of student and staff

Article 5

For the purposes of this Regulation, general rules on liability apply to persons who do not have the status of student and full-time staff and who have violated the rules regarding studies and processes within the institution sanctioned by law, UBT normative acts, criminal and civil liability applicable to the territory of the Republic of Kosovo.

Against the persons referred to in the preceding paragraph of this Article, you have issued an appropriate **DENOUNCEMENT** with the competent state body.

6. Quality in enforcing the breach of obligation

Article 6

Violation of disciplinary and material obligations may be committed in quality,

- a). executors or co-executors,
- b) propellants,
- c) auxiliaries, and
- d) covers.

The quality referred to in the preceding paragraph of this Article, as well as the degree of responsibility for the breach of obligations, shall be established in the relevant procedure.

7. Place of commission of breach of obligation

Article 7

The breach of obligation may have been made:

- a) any place and space in or outside the premises of the UBT, or in the vicinity of the UBT premises;
- b) in or before the premises where the academic lesson is held,
- c) in any other country, if the acts committed violate the prestige and authority of UBT, students, professors or associates, or any other person outside the teaching staff (false information, inaccurate data, and the like),
- d) in any other country, if the actions taken for the purpose would confer any right against the law or unlawful proprietary gain (eg falsification of the UBT-issued public document, and the like).

8. Place of commission of breach of obligation

Article 8

A breach of obligation is considered when the student or staff did not act, behave reasonably, did not provide services at the level, and opposed or did not apply regulations within the institution.

9. Applying the rules in causing damage

Article 9

These rules apply strictly even in cases of material damage.

II. Appeal procedure before the start of the appeal procedure

Article 10

UBT students and staff will make every reasonable effort to resolve the matter in good faith.

The student has the right to file a formal complaint to the Dean or Head of Department within 15 days if he / she fails to resolve the case in preliminary procedure.

The student submits the complaint formally through the protocol, specifying the nature of the case.

The Dean is obliged within 30 days to provide the student with a solution and to provide a written response.

III. GENERAL RULES OF PROCEDURE

1. Regularity of procedure

Article 11

The grievance procedure must be fair and transparent.

2. Presumption of innocence (in dubio pro reo)

Article 12

Staff shall be presumed innocent until proven guilty by a final decision in the proceedings.

Doubt as to the existence of evidence or facts or affecting the establishment of liability shall be examined in the form and manner which is most favorable against which the appeal procedure is conducted.

3. Rights of staff

Article 13

Staff have the right to be timely notified of suspected violations as well as evidence supporting liability.

The staff should be able to state all the evidence and arguments they charge, as well as present all the evidence and arguments in favor of the defense.

Staff are not required to present their defense, have the right to be silent and not answer questions.

4. Right to apply without delay

Article 14

The appeals procedure must be conducted in order to obtain all the evidence and arguments and evidence necessary for a proper determination of the factual situation as well as for the adoption of a just and lawful decision.

The appeals procedure must be completed within one (1) month counting from the date of adoption of the ruling for the commencement of the appeals procedure.

5. Not necessarily idem

Article 15

An infringement procedure may not be instituted against the staff if the previous complaint procedure against the same staff and for the same infringement has ended with the adoption of a final ruling.

6. Language and paperwork

Article 16

Both the Albanian and English languages are equally used in the grievance procedure.

7. Right to protection

Article 17

The student and staff have the right to self-defense, or through the self-defense counsel of their choice.

The student has the right to call the student union representative at the hearing.

8. Right to appeal

Article 18

The decision to terminate the first instance appeal procedure may be appealed to the UBT Complaints Commission,” as a second instance body.

IV. COMPLAINT PROCEDURE

1. Submission of application form

Article 19

An infringement claim, when it is known about it, may be filed:

- any student,
- anyone employed at UBT,
- the head of the academic unit (dean),
- ex officio as well
- any person who is engaged in UBT.

The application should be signed, well-reasoned, and where possible supported by sound material evidence.

On the basis of the Exercise Sheet from paragraphs 1 and 2 of this article, the head of the academic unit (dean) or the person he authorizes decides to initiate the procedure.

The decision to initiate proceedings under paragraph 3 of this Article is issued in the form of a decision, against which appeal is permitted.

The decision is served on the Chairperson of the Appeals Commission, the Staff and the complainant.

2. Preliminary procedure

Article 20

If the Complaint Sheet is filed, respectively, if it does not contain all the evidence to prove the violation and its perpetrator, or if the other source of data does not provide sufficient data and evidence sufficient, the Academic Unit Dean will conduct the pre-trial procedure.

The preliminary procedure must be completed as soon as possible, but not more than fifteen (15) days from the date of filing the complaint for the alleged violation.

3. The content of the ruling to commence the proceedings

Article 21

The decision to initiate the appeals procedure must contain all the information necessary to proceed with the appeals procedure and establish liability, and in particular:

- the name and surname and address of the staff suspected of having committed a breach;
- a detailed description of the breach, the place, time and manner of the breach, the type of breach, the reasons for the suspicion that the staff committed the breach, the consequences of the breach, the data causing the material damage, the circumstances under which the breach was committed, and notes and other relevant data.

4. Dismissal of the application form

Article 22

The initiator of the proceeding with Conclusion will reject the Application for Initiation if:

- it is established that the act or omission described in the Appeal for the commencement of the appeal procedure has not been sanctioned as a violation,
- further processing of the appeal procedure has been prescribed as well
- if the unauthorized person initiated the appeal procedure.

5. Deadline for initiation of proceedings

Article 23

The right to commence a minor infraction procedure shall be prescribed within six (6) months - calculated from the day of committing, respectively, the acknowledgment of the offense and its perpetrator, and for serious violations within a period of twelve (12) months - calculated from the day of committing, respectively, the acknowledgment of the offense and its perpetrator.

6. Subcommittee on Appeals (hereinafter Appeals Commission) - as a first instance body

Article 24

The appellate procedure is conducted and decisions are taken by the Appeals Commission - as a first instance body.

The Appeals Committee shall be elected and appointed by the Rector for a term of two (2) years, with the option of being elected for a further period of two (2) years.

The Appeals Commission consists of:

- The Chairman - ex officio is the Secretary;
- A representative of the research sector;
- One staff representative from the Directorate for Academic Affairs,
- One student service staff representative,
- A Human Resources staff representative as well
- A student organization representative.

7. Exclusion of the members of the Appeals Committee

Article 25

The student who initiated the grievance procedure as well as the staff may, from the date of being informed of the commencement of the grievance procedure and until the receipt of the Invitation to Session, submit to the Appeals Commission a request for the exclusion of any of the members of the Appeals Committee if there is a well-founded suspicion that the member of the Appeals Committee who is required to be expelled from the Appeals Committee is in a special relationship vis-à-vis the student, or the Staff.

Concerning the Request for Exemption of the Member of the Appeal Commission, the Final Decision will be issued by the Appeals Committee - before the opening of the Session.

8. Plead guilt

Article 26

Upon receipt of the Complaint Appeal, respectively, the decision to initiate the appeals procedure, and prior to the scheduling of the Hearing, the Appeals Commission will call the staff against whom the appeals procedure is initiated to declare whether or not it has committed a breach which is a burden, and is or is not responsible for the violation.

If the staff referred to in the preceding paragraph of this section declare that they have committed the violation and are responsible, the Appeals Commission shall initiate disciplinary proceedings with the Disciplinary Committee.

A record is kept of the case describing the staff statement regarding the violation. The minutes shall be signed by the members of the commission, the record holder and the staff against whom the grievance procedure has been initiated.

The decision issued on the basis of a conscious statement by the staff that it acknowledges the violation as well as the liability, becomes final and no appeal can be filed against it.

If the staff during the interrogation declares that it is not a violation and does not feel responsible for it, the Chairman of the Appeals Commission shall, without delay, take all necessary actions to schedule the Hearing.

9. Summon the Hearing

Article 27

Upon receipt of, the Chairperson of the Appeals Committee shall immediately schedule the Hearing and send invitations to the Hearing SESSION.

The invitation is sent to the members of the Appeals Committee, the student, staff, witnesses, and other persons who can assist in resolving the matter.

The invitation shall contain the subject matter, place and time of the Hearing SENTENCE, as well as an indication of the quality of the assigned person.

INVITATION TO A HEARING SENTENCE must be sent at least eight (8) days prior to the hearing, in order to inform the case and to prepare defense.

Student organizations may also be notified of the appointment.

The venue and time of the Hearing shall be published in the UBT DECLARATION TABLE at least three (3) days prior to its holding.

10. Absence to hearing

Article 28

At the beginning of the Hearing, the Chairperson of the Appeals Committee determines whether all invited persons are present.

If the guests are duly summoned, the Hearing is postponed, and if the next hearing is also absent without any reason, it will be held in their absence.

11. Hearing process

Article 29

The hearing before the Appeals Commission begins with the reading of the Appeal Appeal, respectively, with the reading of the ruling commencing the appeal procedure, after which the parties are invited to make a statement.

The Witnesses did not present at the Hearing until the staff provided its statements and defense. Witnesses give their statements separately and after questioning staff. A witness who has not been cross-examined cannot present at a Hearing while other witnesses give their statements.

If the Complaints Commission deems it necessary, witnesses may be confronted with staff, or witnesses among themselves, and other necessary actions may be taken.

After the end of the Hearing, the parties are invited to give their closing arguments.

12. Leadership by session

Article 30

The Appeal Hearing is chaired by the Appeals Commission Chair, who gives and takes the floor, asks questions and seeks clarification.

In addition to the Chairman of the Ancestors Commission, questions may also be raised by members of the Appeals Committee - always after obtaining the prior consent of the Chairman of the Appeals Committee.

13. Interruption and continuation of the hearing

Article 31

The Hearing may be interrupted and continued on the same business day. If the necessary reasons exist, the continuation of the hearing may be postponed to the next business day.

In the cases referred to in the preceding paragraph of this Article, the Ancestors Commission shall work in the same composition.

If the Complaints Commission continues its work in an amended composition, the Hearing should start from scratch.

In the case referred to in subparagraph 3 of this Article, the Appeals Commission may decide that the evidence procedure conducted before the Appeals Commission shall not be repeated unless the Minutes of the Appeal Proceedings are read. The Committee may decide to proceed with evidence which has not been previously proposed, or evidence which has been waived at previous hearings.

14. Closing of the session, placement and voting

Article 32

The Chairperson of the Appeals Committee shall close the Hearing, after which the Appeals Committee shall withdraw for adjudication and voting.

The decision shall be made without the presence of the parties to the proceedings and a separate Minutes shall be kept.

The decision shall be adopted by a majority vote of the members of the Appeals Committee immediately following the conclusion of the Hearing, and if for justifiable reasons this is not possible, then the next working day.

Upon adjudication and voting, the Appeals Commission shall be obliged to communicate orally the staff against which the grievance procedure is conducted, and the ruling shall be served in writing within eight (8) days of the closing date of the hearing.

15. Decision of the Complaint Commission

Article 33

The Complaint Commission can decide on one of the following forms:

- a) Terminate the appeals procedure,
- b) Release staff from responsibility,
- c) Declare the staff responsible for the violation and submit the case to the Disciplinary Committee.

The Complaint Commission shall make a decision to discontinue disciplinary proceedings if:

- a) staff status has been terminated,
- b) whether criminal proceedings are underway against staff for similar matters, and
- c) if the initiator of the procedure has withdrawn from the Complaint Application,

The Appeals Committee will make a decision to relieve staff of:

- a) if it is established that the act or omission by reason of each of the appeals proceedings has not been sanctioned as a violation,
- b) if it is not proven that the staff has committed a violation for which a complaint procedure has been initiated,
- c) if circumstances exist excluding staff liability.

16. Issuance of decision

Article 34

The Appeals Commission's decisions are issued in the form of a ruling and are delivered to the staff and students, as well as to the head (dean) of the academic unit.

The final decisions of the Appeals Commission are published in the UBT Announcement Board.

17. Content of the disciplinary decision

Article 35

The decision is comprised of:

- PREAMBLE (INTRODUCTION),
- device,
- REASONING as well
- LEGAL ADVICE.

THE PREAMBLE (INTRODUCTION) contains the legal and normative legal basis, the name of the initiator of the Complaint, the name and surname of the staff, an explanation of what the offense is about, and the place and date of the closure of the Complaint.

The provision contains the parties' data as well as the Appeals Commission's decision.

THE ARGUMENTATION contains all the decisive facts upon which the decision is based, and in particular the content of the Appeal, the protection of staff, the establishment of factual situation, the evaluation of material evidence, and the mitigating and aggravating circumstances.

LEGAL ADVICE contains notice to the student and initiator of the Appeal Appeal that they may lodge a complaint with the UBT Appeals Board "within eight (8) days of the receipt of the ruling.

IV. MEASURES

1. Type of measures

Article 36

The measures of the Appeals Commission are:

- Initiation of disciplinary proceedings,
- Recognition of student rights.

V. SECOND INSTANCE DISCIPLINARY PROCEDURE

1. Second Instance Disciplinary Committee

Article 37

Against the decision of the Disciplinary Committee of the first instance, the student and the head (dean) of the academic unit have the right to file an appeal to the Administrative Council of "UBT" - as a Disciplinary Committee of the second instance, within the term of eight (8) days from the date of issuance of the decision.

2. Argumentations for submitting the request

The complaint may be filed for the following reasons and circumstances:

- essential violations of the rules of procedure,
- incorrect or incomplete determination of the factual situation,
- erroneous application of substantive law.

Article 38

3. Decision terms according to the request

Article 39

The Appeals Commission of the second instance against the filed appeal must be decided within a period of fifteen (15) days, respectively, within four and fifteen (45) days, in cases when the appeal is approved, the first instance decision is annulled and the Hearing is held, calculating the deadline stated from the date of submission of the appeal to the Second Instance Appeals Commission.

If only the staff has appealed against the decision of the Appeals Commission, the decision of the first instance cannot be changed to the detriment of the student appealed.

4. Session of the Commission of second instance

Article 40

The Appeals Commission of the second instance examines the appeal at the hearing, assessing that the first instance body has ascertained precisely the factual situation and whether the legal norms have been correctly applied.

The initiator of the procedure and the staff will be notified of the hearing before the second instance committee.

The hearing of the second instance commission begins with the declaration of the complainant, after which the other party will submit the response to the complaint. Attendees may request additional explanations regarding the appeal and response to the appeal.

The parties and defense counsel may propose that certain documents be read, and with the permission of the Chairman of the second instance committee, may provide additional explanations of their positions and the complaint, respectively, response to the complaint, preventing the repetition of articulated matters. on appeal or response to appeal.

The failure of the parties (the initiator of the grievance procedure and the student) who have been duly notified in a timely manner, does not prevent the holding of the hearing and the decision of the second instance Appeals Commission.

Decision-making can also be done without notifying the parties and defense counsel of the committee hearing.

5. Explication before before the Second Instance Appeals Commission

Article 41

If it is necessary to re-hear the parties, or any of the witnesses or experts as well as other persons who have given evidence in the proceedings before the first instance body, or the need to call new witnesses, or If it is necessary to obtain any further evidence, the Second Instance Appeals Commission shall determine the holding of the Hearing only under the circumstances sanctioned by the provision of Section 49 (1) (d) of this Regulation.

6. Analogous application of the provisions of the first instance hearing

Article 42

The provisions of this Regulation shall apply at the Hearing before the Appeals Committee of the second instance.

7. Appeal of decision

Article 43

The Second Instance Appeals Commission decides in one of the following ways:

a) the complaint is dismissed if it has not been filed within the prescribed period (after the deadline), or the complaint has been filed by an unauthorized person, or by persons who have withdrawn from filing the complaint, or if the complaint by law it is not allowed,

- b) Dismisses the appeal as unfounded and upholds the first instance judgment, if it is established that there are no grounds and reasons for the first instance decision to be infringed;
- c) approves the appeal and the first instance decision and amends it, if it is found that the decisive facts in the first instance decision have been correctly assessed, and that in establishing the factual situation and the correct application of the law or other acts, another decision should be taken;
- d) approve the appeal, annul the decision of the first instance body if it is established that before the first instance body the essential procedural rules and norms have been violated or the factual situation has not been fully and correctly established, and so appoints a Hearing and merits decide by a new ruling,
- e) approves the appeal, annuls the decision of the first instance body and the interrupted procedure for sanctioned reasons, if the first instance body has not issued such a decision.

8. Place of second instance body

Article 44

The Appeals Commission of the second instance decides on the appeal in the form of a ruling, and delivers it to the parties and the head (dean) of the academic unit within the UBT.

The decision of the Second Instance Appeals Commission is final and is published in the UBT Announcement table.

The final decision of the Second Instance Appeals Commission is executed by the manager (dean) of the academic unit within UBT.

VII. FINAL AND TRANSITIONAL PROVISIONS

1. Amendments to the Regulation

Article 45

Amendments to this Regulation shall be made in a manner and procedure analogous to that issued herein.

The initiative to start the procedure for the amendments to this Regulation may be embarked on by:

- Rector,
- Steering Council,
- Academic Council.

2. Interpretation of the Regulation

Article 46

The UBT Governing Council shall be competent to interpret the provisions of this Regulation.

3. Entry into force of the Regulation

Article 47

This Regulation shall enter into force eight (8) days after the date of its publication in the **UBT TABLE FOR ANNOUNCEMENT**.

PRISHTINË,

BPrAL Kolegji UBT

Date, 15.05 2019

President

Prof. Dr. Edmond HAJRIZI
