



____/41-V2
Regulation on disciplinary procedure
March/2020

**REGULATION
ON THE DISCIPLINARY PROCEDURE AT UBT COLLEGE**

.....
PRISTINA, March 2020

Based on the respective provisions of LAW no. 04 / L-037 ON HIGHER EDUCATION IN THE REPUBLIC OF KOSOVO, as well as in the provision of article 88 of the Statute of BPrAL UBT College, the President approved this:

REGULATION ON THE DISCIPLINARY PROCEDURE.

Article 1 General provisions

1. UBT pays special attention to work discipline by all its employees and students.
2. This regulation regulates the disciplinary procedure for UBT staff and students, filing - identification of violation of disciplinary procedure, disciplinary violations, appointment of disciplinary commissions, support of disciplinary commissions, measures related to disciplinary violations and other issues.

Article 2

1. This regulation ensures that all issues that are subject to disciplinary treatment are dealt with fairly and promptly, and is implemented on the basis of facts and arguments which are presented by the initiator and the party which is subject to disciplinary treatment.
2. The purpose of the disciplinary procedure is to regulate the process of handling disciplinary cases for both students and staff to ensure the development of regular activity of the institution. Based on this, staff and students are required to have behavior that demonstrates
3. Respect for staff and students, as well as UBT property and values;
4. Maintaining and enhancing the reputation and image of UBT;
5. Demonstrates active engagement in the learning process and determination to succeed;
6. Preservation of cultural environment and diversity inside and outside the institution;

Article 3

1. Disciplinary offense is defined as any violation of discipline which includes, but will not be limited to non-compliance with the acts of the institution both at the central level, as well as at the level of unity and other organizational forms within the institution).

2. A disciplinary offense is considered improper conduct or interference, as well as obstruction in the functioning and development of activities in the institution or obstruction of persons who work or study in the institution, as well as dishonest academic actions. It also includes behaviors that damage the wealth and image of the institution, as well as non-compliance with the requirements, policies and notices of the institution.

Article 4

Disciplinary proceedings apply to all staff and students enrolled at UBT who have committed a disciplinary offense under this Regulation either inside or outside the institution.

Article 5

The person who does not have the status of student and staff

1. In the sense of this Regulation, against persons who do not have the status of student and staff of UBT, and who have violated the rules regarding studies and processes within the institution sanctioned by law, normative acts of UBT, the rules apply General on criminal liability and civil liability valid for application in the territory of the Republic of Kosovo.
2. Against the persons from the previous paragraph of this Article, an adequate DENOUNCEMENT is submitted to the competent state body.

Article 6

Qualification in the implementation of the breach of obligation

1. Violation of disciplinary obligations can be committed in the quality:
 - 1.1 executors or co-executors,
 - 1.2 beneficiaries,
 - 1.3 assistants, and
 - 1.4 covers.
2. The quality from the previous paragraph of this Article, as well as the degree of responsibility in committing the breach of obligations are certified in the relevant disciplinary procedure.

Article 7

Place of committing the disciplinary violation

1. The disciplinary violation can be committed:
 - 1.1 in any place and space in the UBT building, or outside due to the proximity of UBT facilities,
 - 1.2 in the spaces or in front of the spaces in which the academic teaching is held,
 - 1.3 in any other country, if with the actions taken the prestige violations as well as the authority of UBT, student, professors or collaborators, or any other person outside the teaching staff (posting false information, inaccurate data and the like),
 - 1.4 in any other country, if by the actions taken they are intended to gain any right contrary to the law or illegal property gain (eg forgery of a public document issued by UBT, and the like).

Article 8.

Regularity of the procedure

The disciplinary procedure must be fair and transparent.

Article 9.

Presumption of innocence (in dubio pro reo)

1. The staff, students and other parties are considered innocent until their responsibility is confirmed by a final decision issued in the procedure.
2. Suspicion in terms of the existence of evidence and facts or affects the establishment of responsibility, will be examined in the form and manner which is most favorable against which disciplinary proceedings are conducted.

Article 10

The rights of staff, students and other parties which are subject to disciplinary treatment

1. Staff, students and other parties who are subject to disciplinary action has the right to be notified in a timely manner regarding allegations based on violations as well as evidence supporting the liability.
2. The staff, students and other parties should be enabled to state all the evidence and arguments that burden them, as well as to present all the evidence and arguments which go in their favor in defense.

3. Staff, students and other parties are not obliged to present their defense, have the right to defend themselves in silence and not to answer the questions posed.

Article 11
The right to implement procedures without delay

1. The appeal procedure must be conducted in order to produce all the evidence and arguments and evidence necessary for a correct determination of the factual situation, as well as the approval of a fair decision based on law.
2. The disciplinary procedure must be completed within a period of one (1) month calculated from the day of the approval of the decision for the beginning of the disciplinary procedure.

Article 12
Ne bis in idem

No disciplinary proceedings may be instituted against the staff for the violation, if the previous disciplinary proceedings against the same staff and for the same violation have ended with the approval of the final ruling.

Article 13
Language and materials proceedings

In disciplinary and material proceedings, the Albanian language and the English language are in equal use.

Article 14
The right to defense

1. The student and the staff have the right to self-defense, or through a lawyer of their choice.
2. The student has the right to call the representative of the Student Union in the session.

Article 15
The right to appeal

Against the decision with which the disciplinary procedure was completed in the first instance (Disciplinary Subcommittee), an appeal can be filed in the Disciplinary Commission of UBT”, as a body of the second instance. The Disciplinary Commission of UBT in accordance with this regulation decides on the appeal.

DISCIPLINARY VIOLATIONS OF EMPLOYEES

Article 16 Disciplinary violations

1. The actions listed below constitute disciplinary violations, but this does not limit the disciplinary commissions from the right to deal with a certain behavior which is not included below and to decide on the same and which is considered to have violated the principles and the values of the institution.
2. Disciplinary violations, depending on the degree and nature of the disciplinary violation are divided into:
 - 2.1 minor disciplinary violations and
 - 2.2 Serious disciplinary violations.

Article 17 Disciplinary violation of staff

1. Minor disciplinary violation, considered:
 - 1.1 unreasonable delays and absences from work for a period not exceeding two full working days within a year;
 - 1.2 disturbance of order and tranquility in the premises of UBT;
 - 1.3 causing minor problems which do not lead to serious disciplinary measures of the disciplinary commission;
2. Serious disciplinary violation is considered:
 - 1.1 Unreasonable objection to the performance of duties specified in the employment contract;
 - 1.2 Theft, fraud, forgery, damage or unauthorized use of UBT property;
 - 1.3 Breaking the code of conduct at UBT;
 - 1.4 Unreasonable absence from work for more than 3 consecutive days without any reason and without notifying the absence;

3. Repeated mistakes which with their frequency and severity disrupt the normal course of work;
 - 1.1 Direct or indirect discrimination or ill-treatment against another person at UBT, based on gender, race, color, language, religion, residence, political opinion, social origin, and other cases protected by law;
 - 1.2 Sexual harassment of another person, characterized as any physical or verbal behavior of a sexual nature, violation of the dignity of the person at work that is undesirable or offensive which creates hostility, threatening or intimidating that person;
 - 1.3 Misconduct outside the workplace that does not match the status of UBT staff, and which may result in the loss of UBT's image;
 - 1.4 Intentional damage to UBT property;
 - 1.5 Disclosure of business secrets;
 - 1.6 Serious incapacity for work caused by alcohol or drugs;
 - 1.7 Giving a false statement, as well as false statements related to the conflict of interest;
 - 1.8 Aggressive, threatening or insulting behavior in the workplace, and similar violations provided by law and other acts of UBT.

Article 18
Filing a disciplinary offense

1. Any suspected or identified violation must be reported to the Disciplinary Commission, which functions as a separate body.

Article 19

1. The report for violation, when it is notified, can be submitted:
 - 1.1 each student;
 - 1.2 each employee at UBT;
 - 1.3 the head of the academic unit (dean);
 - 1.4 ex officio as well
 - 1.5 any person who is engaged in UBT.
2. The report must be signed, well reasoned, and if possible based on genuine material evidence.

3. On the basis of the exercise of the Application Form from paragraphs 1 and 2 of this Article, the head of the academic unit (dean) or the person he authorizes decides on the initiation of the procedure.

4. The decision to initiate the procedure from paragraph 3 of this Article, issued in the form of a ruling, against each is allowed the Disciplinary Subcommittee.

1. The decision is delivered to the Chairman of the Disciplinary Subcommittee, the Staff and the submitter of the disciplinary report

Article 20 **Disciplinary commissions**

1. Within the institution, the following are established:

1.1 Disciplinary Commission and

2.2 Disciplinary Subcommittee.

2. The Rector of UBT, by special decision, appoints three members of the Disciplinary Commission and the Chairman of the Disciplinary Commission from their ranks, while the student representative ex officio is appointed by the Student Organization.

2. The disciplinary commission has the following composition:

1.1 Chairman - appointed by decision of the Rector;

1.2 A representative appointed by the Rectorate;

1.3 The Secretary General;

1.4 A representative of the research sector - ex officio Director;

1.5 A staff representative;-

1.6 A representative of the Student Service staff - Ex officio -Director,

1.7 A representative of the Human Resources staff - Ex officio -Director, as well as

1.8 A representative of the Student Organization.

4. The Disciplinary Subcommittee is created and appointed by the Dean at the faculty level and the same handles cases based on this regulation and is valid as the first instance, with the following composition:

4.1 Chairman - is appointed by decision of the dean;

- 4.2 A representative of the research sector;
- 4.3 A staff representative;
- 4.4 A representative of the Student Service staff;
- 4.5 A Human Resources staff representative as well
- 4.6 A representative of the Student Organization.

5. The members of the Disciplinary Commission are appointed by the academic staff, representatives of the student organization depending on which academic unit is in question. The member of the academic staff and the student are temporary and have a mandate only for the case assigned by the academic unit to which they belong.

6. The mandate of the members of the Disciplinary Commission and the Disciplinary Subcommittee lasts four years, with the exception of the secretary general who goes on the basis of the function.

7. In cases of conflict of interest, when the objectivity of the member will be questioned, or when the member of the commission is ill, he will be replaced by another member for the case in question. Conflict of interest is considered:

- 7.1 when the member of the commission is in a leading position against the alleged violator;
- 7.2 when he / she has a family relationship with the alleged offender;
- 7.3 when the commission member has been a victim of the alleged offender

8. Meetings of the commission and the disciplinary subcommittee are convened and chaired by the Commission. Decisions are taken by a majority vote of the members.

Article 21

Case investigation

1. Immediately after receiving the oral or written report on the alleged disciplinary violation, the commission should investigate the case, interview the alleged violator and the person who reported it, analyze the details given in the statement, and at its discretion will decide that will it be a violation of a light or serious nature.

3. The interview should be held as soon as possible, no later than 3 working days after the case is presented, in order to determine whether a minor violation has been committed or there is evidence that a serious disciplinary violation has been committed.

Article 22
Support of the Disciplinary Commission

1. The professional service of UBT, academic units and other organizational units, are obliged to provide to the Disciplinary Commission::

- 1.1 providing advice and guidance to committee members;
- 1.2 collection of documented evidence;
- 1.3 preparation of the session schedule;
- 1.4 notification of the persons required to be present for the details of the meeting place, date and time of the hearing, as well as
- 1.5 keeping the minutes for the disciplinary session and placing it in the candidate's file, and other issues required for the development of the procedure.

Article 23
Not attending the Hearing

1. At the beginning of the Hearing Session, the Chairman of the Commission ascertains whether all the invited persons are present.
2. If the guests regularly, the hearing is postponed, and if for any reason the next session is absent, it will be held in their absence.

Article 24
Convening the Hearing

1. Upon receipt of the application form, the Chairman of the Commission immediately schedules the Hearing Session, as well as sends the invitations for a HEARING SESSION.
2. The invitation is sent to the members of the Commission, students, staff, witnesses, as well as other persons who can assist in resolving the case.

4. The invitation contains the subject, place and time of the HEARING SESSION, as well as the notification in what capacity the appointed person is called.

1. THE INVITATION FOR A HEARING SESSION must be sent at least eight (8) days before the hearing, in order to inform the case and prepare the defense.

2. The Student Organization can also be notified about the appointment of the session, in cases when the object of the disciplinary commission is the student.

3. The place and time of the Hearing Session is published in the UBT CAVE TABLE at least three (3) days before the same.

Article 25

Course of the Hearing

1. The session before the Commission begins with the reading of the Application Form, respectively, with the reading of the decision for initiating the appeal procedure, after each the parties are invited to declare.

2. I do not present witnesses at the Hearing Session until the staff gives their statements and defense. Witnesses give their statements separately and after questioning the staff. A witness who has not been questioned may not testify at the hearing until the other witnesses have given their statements.

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

4. After the end of the Hearing, the parties are called to give their final speech.

Article 26

Managing the session

1. The Hearing session of the Commission is chaired by the Chairman of the Commission, who gives and takes the floor, asks questions and asks for clarifications.

2. In addition to the Chairman of the Commission, questions may also be asked by the members of the commission - always after obtaining the prior consent of the Chairman of the Commission.

Article 27

Interruption and continuation of the session

1. The hearing may be interrupted and resumed on the same working day. If there are necessary reasons, the continuation of the hearing can be postponed for another day.
2. 2. In cases from the previous paragraph of this Article, the Commission works in the same composition.
3. 3. If the Commission continues to work in a changed composition, the Hearing Session must start from the beginning.
4. 4. In the case of paragraph 3 of this Article, the Commission may decide that the evidentiary procedure conducted before the Commission in its previous composition should not be repeated, except to read the Minutes on the implementation of the evidentiary procedure. The Commission may decide to proceed with evidence which has not previously been proposed, or evidence which has been waived in previous hearings.

Article 28

Closing the session, deciding and voting

1. The Chairman of the Commission closes the Hearing Session, after which the Commission withdraws for decision and voting.
2. The decision is made without the presence of the parties in the procedure and a special Minute is kept regarding it.
3. The decision is approved by a majority vote of the members of the commission, immediately after the conclusion of the Hearing Session, and if for reasonable reasons this is not possible, then the next working day.
4. After the decision and voting, the Commission is obliged that the staff against whom the appeal procedure is conducted to orally communicate the decision and the decision in written form will be delivered within eight (8) days from the closing day of the session.

Article 29
Determination of disciplinary violation

1. The determination of the degree of disciplinary violation is determined exclusively on the basis of the facts ascertained during the investigation of the alleged case.

2. If the Commission determines that a minor violation has been committed and it is the first time of a disciplinary violation, the violator of the discipline at work shall be imposed a light disciplinary measure:

1.1 verbal warning;

1.2 oral remarks or

1.3 written remarks

3. The reprimand is issued no later than 8 working days after the interview. The imposed measure is placed in the personal file of the violator of the discipline.

4. If the Commission confirms that this is a serious disciplinary violation, then a special procedure for gathering information and other additional facts is established.

5. After the end of the disciplinary session and not later than 8 working days, the decision is communicated to the alleged violator, a deserved disciplinary measure. The disciplinary measure imposed, depending on the nature of the serious disciplinary violation, may be:

5.1 final written remark;

5.2 prohibition of salary increase within one year;

5.3 salary deductions up to 5% for each month within a year;

5.4 Prohibition of promotion for a period of 3 years;

5.5 reduction of position at work;

5.6 dismissal from work and

5.7 termination of employment.

6. The minutes and the decision of the Commission for the disciplinary measure imposed should be placed in the file of the alleged violator.

Article 30

Decision without commission

When the employer deems that the alleged offender has committed a serious disciplinary offense, he may take immediate decision to suspend the employee, until the Commission issues a meritorious decision in the case.

DETERMINATION OF STUDENTS 'DISCIPLINARY RESPONSIBILITY

Article 31

Obligations

1. The student is obliged to comply with the obligations arising from the general acts of UBT and this Regulation.
2. The student must carefully and fairly use the property entrusted to him during his studies, to protect him from demolition, destruction, theft and other damages.
3. For violating the obligations and rules of UBT, the student can be held responsible for disciplinary violations.

Article 32

Minor disciplinary violation

1. Minor disciplinary violation by the student is considered:
 - 1.1 bad behavior in the working facilities of UBT - Faculty where lectures, exercises and exams are held;
 - 1.2 disturbing the order and quietness during the lectures, which hinders the normal work of the teacher and other students;
 - 1.3 breakdown and slight damage of teaching equipment, laboratories, computers, library fund in the library and other property in UBT;

1.4 participation in rallies of a political nature in the facilities of UBT for which there is no permit;

1.5 performing other activities that cause harm and violate the authority of UBT, teachers, associates, other employees and students of UBT.

Article 33

Serious disciplinary violation

1. Serious disciplinary violation by the student is considered:

1.1 falsification, improvement of data in ID, Certificate, Confirmation and other documents issued by UBT;

1.2 falsification of the teacher's grade or signature;

1.3 stealing the test or key answers in the exam;

1.4 giving inaccurate information to the bodies of UBT, in order to acquire certain rights of students;

1.5 falsely presenting for the purpose of passing the exam or performing other obligations in the name and account of the other student;

1.6 incitement of a serious incident in the working premises of UBT where the teaching (lectures, exercises and exams) is greatly hindered or made difficult;

1.7 destruction of UBT property;

1.8 incitement of hate, beatings, serious insults against teachers, workers, students;

1.9 use of alcohol and drugs in UBT facilities and other cases provided by law and statute.

Article 34

Taking disciplinary punishments

1. The Commission after the detailed examination of the case and in accordance with the degree and nature of the disciplinary violation takes the following measures:

1.1 written remarks;

1.2 final written remarks;

1.3 exclusion from UBT for one year;

- 1.4 exclusion from UBT for two years;
- 1.5 permanent exclusion from UBT.

COMPLAINT PROCEDURE

Article 35

Purpose

1. The complaint procedure aims to protect the person and the student from possible unfair decisions of the Disciplinary Subcommittee.

2. The dissatisfied person with the Decision by which the disciplinary measure was imposed has the right to complain. The complaint is addressed to the Disciplinary Commission of UBT, in cases when the Disciplinary Commission of UBT is the body of the first instance in handling cases, the complaint is addressed to the Complaints Commission.

Article 36

Review of the complaint

1. The complainant must present new facts, arguments and evidence summarizing the reasons for the complaint.

2. The complaint hearing session should be held no later than 15 days from the filing the complaint day on a case-by-case basis. Witnesses may be called to the hearing to testify in the case.

3. The meeting of the sessions of the Commission is chaired by the Chairman of the Commission, in which:
 - 3.1 the evidence attached to the case is reviewed;
 - 3.2 analyzes the facts of all case materials including that of the Disciplinary Commission;
 - 3.3 draws conclusions based on relevant facts;
 - 3.4 the complaint is accepted or rejected as unfounded;
 - 3.5 the final decision is issued in the administrative procedure;

4. The commission decides by majority vote of the members. The decision is communicated to the party and the relevant disciplinary body, not later than 15 days from the hearing and not later than 30 days from the filing of the complaint.

5. The record of the complaints commission should be placed in the complainant's file and in the UBT archive.

Article 37

Final provisions

1. The Rector and the Board of UBT take care of the implementation of this Regulation. The interpretation of this regulation is given by the legal service of the Rectorate.
2. In the appendix of this Regulation are given various Forms of disciplinary procedure, Instruction for the work of the disciplinary commission, different forms of the complaint procedure as well as the Instruction for the work of the complaints commission

Article 38

Effectiveness

1. The regulation is effective immediately after being signed by the President of UBT.
2. Amendment and supplementation of this Regulation may be done according to the same approval procedure

Prishtinë, __/__/2020

Edmond Hajrizi, President

Appendix A

1. INSTRUCTIONS ON HOLDING THE DISCIPLINARY HEARING AND THE COMPLAINT PROCEDURE

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1. Main points:

- The commission should carefully prepare for the hearing and ensure that all relevant facts are available (available);
- Tell the alleged violator exactly what the alleged violation is, advise him / her of his / her rights under disciplinary proceedings, including the right to be accompanied to each hearing;
- Staff should be given sufficient time to prepare and opportunity to state his / her case;
- To implement adequate investigations and interrogations, ensure that all facts are objectively raised;
- Listen carefully to all that has been said;
- Consider postponing (updating) the hearing for later, before deciding on any disciplinary action so that you have the opportunity to fully consider all issues raised.

2. Preparing for the hearing

- Ensure that all relevant facts are available, such as personal details, disciplinary file and any current warnings, other relevant documents (eg absenteeism or sick leave, etc.) and, where appropriate, statement in writing by witnesses.
- Inform the alleged violator of the complaint, for the procedure to be applied, and that he/she should attend the disciplinary hearing.
- Find out if there are any special circumstances to consider, e.g. are there any personal or external issues that have an impact on evaluation (performance) or behavior?
- Be careful when dealing with testimonies from an informant who wishes to remain anonymous. Take written statement, ask for corroborative evidence and verify that the informant's motives are sincere.
- Consider how the standards of the alleged violator are compared to those of the other person - is it possible that the alleged offender is unfairly secluded?
- Consider what clarifications may be provided by the alleged violator, and if possible check them in advance.

- Give the alleged violator time to prepare his / her case. It can be helpful and saves time at the hearing if copies of any documents and witness statements are provided in advance.
- Set the date and time for the session in a suitable room where there will be no obstructions.
- Notify the alleged violator and allow him / her to propose a reasonable alternative date if his / her companion cannot attend on the due date.
- See what disciplinary action has been taken in relation to other violators under the same conditions in the past.
- If the witness is outside UBT who is not prepared or is unable to attend the hearing try to obtain a written statement from him / her.
- Think about the structure of the session and make a list of points to be covered.

3. How should the session of the Disciplinary Commission be conducted

- the Chairman of the Commission must:
 - to introduce commission members and administration staff to the alleged violator;
 - invite the alleged violator to introduce the person accompanying him and clarify the role of the accompanying person,
 - clarify 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,
 - to explain how the hearing will be conducted.

4. Statement of the alleged violator

The chairperson must:

- states (ascertains) exactly what the alleged complaint is and clarifies the case briefly by going through the evidence that has been gathered. Ensure that the alleged violator and his / her representative are allowed to see any statements made by witnesses and,
- understand whether the person is prepared to admit that he / she has done something wrong. Then continue with the steps that need to be taken to rectify the situation.

5. The response of the alleged violator

Committee members should:

- give the person the opportunity to describe, tell his / her case and respond to any statement that has been made. He / she should ask questions, present evidence, and call witnesses.
Listen carefully to what the alleged violator has to say and be prepared to wait calmly for a response, as this can be a helpful way to encourage him to be more willing to cooperate;
- if it is not practical for witnesses to attend, consider holding the hearing even without witnesses, if it is clear that their testimony will not harm the content of the complaint.

6. General questions and discussions

The Commission should:

- Use this period, prove all the facts and if there are any special circumstances to be taken into account;
- If appropriate, to postpone the hearing if further investigations are necessary, at the request of the for the alleged violation.
- To ask formal and humane questions but encourage the employee to speak freely in order to find the facts. The disciplinary hearing must be a two-way process. Use questions to clarify issues and verify what has been said and understood. Ask precise closed questions in the required answers yes / no only when specific information is required.
- To not get involved in altercation and should not make personal or humiliating remarks. Commission members should avoid physical contact and gestures that may be misinterpreted or misunderstood.
- If during this period, it becomes clear 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 the interrogation is complete. This allows all parties to be reminded of the nature of the violation, of the arguments or evidence presented and to ensure that nothing is missing, forgotten and to ask the alleged violator if he / she

feels they have had a fair hearing and whether they have anything else to say. This should help demonstrate to the alleged offender that he or she has been treated reasonably.

8. Postponement - suspension

It is generally good practice for the commission to suspend before a decision is made on whether disciplinary action is appropriate. This gives time for appropriate reflection and consideration. It also allows time for further verifications of any issues raised, especially if there is any discrepancy - disagreement of facts. If new facts emerge, consider whether it is better to call the hearing again.

9. What problems may have arisen and how should be reacted

- The chairperson is responsible for ensuring that the hearing is led properly. It is possible that the subject may not go smoothly - they may be unanimously upset or even get angry. If the alleged violator gets angry or upset, the chairman should give him / her time to calm down before continuing. If the concern is too great, the hearing should not be continued and should be postponed.
- The Commission may also recommend that the alleged violator be suspended with pay in order to allow him / her to calm down and allow a full investigation.

10. Guidance for making decisions about disciplinary punishments

Key points:

- The decisions of the commission at the end of the disciplinary session are:
 - a) to apply disciplinary punishments,
 - b) what form should it take, and
 - c) whether to take any other action or not (e.g. training or job change).
- Before deciding whether a disciplinary punishment is appropriate and at what level, the commission should consider the violator's general and disciplinary record, whether the disciplinary proceedings show possible penalties, what action has been taken in previous cases, any special circumstances to be considered and whether the punishment is reasonable.

- Dismissal without notice of serious misconduct, without notice or payment upon notification should only be for very serious cases of misconduct and should occur, only after disciplinary investigation and hearing procedure.
- The offender must not be left in any doubt as to the nature of the disciplinary action, the expected improvement, the needs to support the improvement, and the methods and timing of the complaints.
- The Commission should actively consider what remedial steps need to be taken, including counseling, training and development.
- The violator must be given written details of any disciplinary action taken against him / her.
- Disciplinary measures files must be kept secure and confidential.

11. What should be considered before any disciplinary action is taken

When deciding whether disciplinary punishment is adequate (appropriate) and what form it should take, the commission should consider

- if the disciplinary procedure itself indicates what the possible punishment will be as a result of the particular misconduct,
- the punishment applied in the same cases in the past,
- any special (mitigating) circumstances which may make an adequate reduction of the severity of the punishment,
- disciplinary file of the student or employee (general work file, work experience, position and duration of service), and
- whether the proposed punishment is reasonable taking into account all the circumstances.
- Disciplinary punishment must be considered to be fair and impartial (equal for all) and applied consistently. This does not mean that the same punishment will always be applied to the same violations, each case must be seen on its own merits and any relevant circumstances must be taken into account. This may include health or domestic problems, provocation, ignoring rules or standards, or improper (unacceptable, concentrated) treatment in the past.

12. Decision of the Commission

In all cases the Commission must give a written decision which summarizes briefly but clearly the case and especially includes what were the statements, what evidence was collected, brought to the commission, the facts created on the basis of evidence, the conclusions of the commission based on these facts and the decision of the commission.



Form for filing a disciplinary violation

SUBMISSION OF AN ALLEGED DISCIPLINARY VIOLATION

Notes of the alleged infringer

Name and surname Post title

Department Leader

Notes of the person presenting the alleged violation

Name and surname

If it is employed at UBT or not: YES / NO

Position Department.....

If it is not employed at UBT:

Address:

.....

Phone no:

Details of the alleged violation, as presented:

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

Date:

On behalf of the Claimant of the violation:

.....



Form 2

Interview form

SHKELJA DISIPLINORE E SUPOZUAR:

INVESTIGATIVE INTERVIEW MINUTES

Name and surname of the interviewee

If employed by UBT:

Position Department

Address:

.....

Phone no:.....

Interview commission

Name and surname- Head

Name and surname- Member

Name and surname- Member

Minutes of the interview (to be completed by the interviewer as a document attached to this form)

Date:

Interviewer:

Disciplinary commission

.....

Name and surname-Head

Name and surname- Member

Name and surname- Member



Oral warning registration form

Record Oral warning registration form

Name and surname:..... has been orally warned on (date).....that:

1. the following conduct by him / her constitutes a disciplinary violation:

(short description of the behavior)

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

2. the following improvements are required:

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

3. the failure for improvement will lead to other different disciplinary measures.

.....
.....

Disciplinary commission:

Name and surname-Head
Name and surname- Member
Name and surname- Member



Oral warning registration form

Record of the oral warning

Name and surname:he was given a verbal warning on the date that:

1. the following conduct by him / her constitutes a disciplinary violation:

(short description of the behavior)

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

2. the following improvements are required:

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

3. the failure for improvement will lead to other different disciplinary measures.

.....
.....

Disciplinary commission:

Name and surname-Head
Name and surname- Member
Name and surname- Member



Form/5

Written remark form

Name and surname
Post title
Department
Date

Dear Mr./Mrs.

WRITING (SCORING) WRITING FOR DISCIPLINARY VIOLATION

This letter contains official remarks about your behavior regarding:

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

is an unacceptable disciplinary violation.

The following improvements are required:

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

Failure to rectify or further disciplinary violations will result in stricter disciplinary measures. A copy of this notice will be placed in the person's personal file.

Disciplinary commission:

Name and surname-Head
Name and surname- Member
Name and surname- Member



Form/6

Form for notifying the alleged offender of the disciplinary action

Name and surname
Post title
Department
Date

Dear Mr./Mrs.

NOTICE OF SERIOUS DISCIPLINARY VIOLATION

This letter is to inform you that you are suspected of having committed the following serious disciplinary offense (briefly describe the alleged offense committed):

.....
.....

The statement was referred to the UBT Disciplinary Commission, which assesses whether there is sufficient evidence to substantiate the statement of a serious disciplinary violation.

You must appear before the Disciplinary Commission:

In with dt. at time.....

The purpose of the Disciplinary Commission is to establish the facts and you will be given ample opportunity to provide the Commission with full explanations of your version of events and to

present such evidence that you consider to be valid. Please submit any documentary evidence at least 5 working days before the hearing to give the committee time to read and ascertain it.

You may be accompanied to the hearing by another UBT employee of your choice, whom you may consult during the hearing but who may not respond on your behalf. The session will be conducted in any official UBT language you wish.

The decision of the Disciplinary Commission will be given to you orally and in writing, within 10 working days after the hearing. You have the right to appeal against the decision of the Disciplinary Commission

Date:

Disciplinary commission:

Name and surname-Head

Name and surname- Member

Name and surname- Member



Form/7

Paid suspension notice notification form

Name and surname

Post title

Department

Date

Dear Mr./Mrs.

NOTICE OF SUSPENSION FROM PAID WORK

Following statements of serious disciplinary misconduct made against you, we notify you that you are suspended from work until investigations and disciplinary proceedings are completed by the Disciplinary Commission. The suspension was made because you committed a serious disciplinary violation and the measure taken is considered a protective measure for UBT and you can not continue your work until the Disciplinary Commission makes a meritorious decision. You can not visit any UBT premises during your suspension period. Your return to work depends on the decision of the Disciplinary Commission or the Complaints Commission

A copy of this notice will be placed in the person's personal file.

Date:

Disciplinary commission:

Name and surname-Head
Name and surname- Member
Name and surname- Member



Form/8

Form for communication of the Commission Decision

Name and surname
Post title
Department
Date

Dear Mr./Mrs.

DECISION OF THE DISCIPLINARY COMMISSION

After your appearance before the Disciplinary Commission with (date), the commission has carefully examined all the evidence presented and decided that: (details of the commission decision)

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

If the Commission has ruled that a serious disciplinary offense has been committed: The Commission has decided that (details of the fine to be charged):.....

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

If you want to appeal to the Appeals Commission against the decision of the Disciplinary Commission, you must do so in writing within 15 days from the date of receipt of this Decision.

Date:

Disciplinary commission:

Name and surname-Head

Name and surname- Member

Name and surname- Member

Annex D



Form/ 1

Complaint Registration Form

SUBMISSION OF THE COMPLAINT

Name and surname of the complainant.....

Department Position

If the complainant is an applicant for employment at UBT:

Address:.....
.....

Phone no:

Short details of complaint:

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

Date:

Signature of the complainant:
.....



Form/2

No.
Date:
Prishtinë

CERTIFICATE OF ACCEPTANCE OF THE COMPLAINT

To:
(Name and surname of complainant)

Your complaint of the following date..... has been accepted fromt the staff. We will contact you within 15 days to let you know if the complaint will be heard or not, and if so, to provide further information.

Disciplinary commission:

Name and surname-Head
Name and surname- Member
Name and surname- Member



Form/3

Form for accepting or rejecting the complaint

Mr./Mrs.....

Name and surname of the complainant

(Adress of complainant)

(date).....

Dear:Mr./Dear Mrs.

Complaint against[title of complaint]

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

Your date complaint will be heard by the Appeals Commission:

with us.....

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

If the grounds for appeal are invalid, unreasonable or insufficient:

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

.....
.....

According to the law, you have the right to appeal against this decision to the competent court in Prishtina.

Date:

Disciplinary commission:

Name and surname-Head

Name and surname- Member

Name and surname- Member



Form/4

Form for the decision of the disciplinary commission of appeals

Mr./Mrs.....

Name and surname of complainant.....

(Address of complainant).....

(date).....

Dear:Mr./ Dear Mrs.....

Complaint against[Complaint title]
(If the complaint has been accepted):

The Appeals Commission received the complaint and decided that: (briefly describe the correction described by the complaints commission).....
.....
.....
.....

(If the complaint is rejected):

The Appeals Commission rejected the appeal.

(briefly describe the grounds given by the commission for rejecting the complaint)
.....
.....
.....

You have the right to appeal against the decision of the appeals commission to the competent Court in Prishtina.

Date:

:

Disciplinary commission:

Name and surname-Head

Name and surname- Member

Name and surname- Member

