



Appeal Procedure based on Regulation for Appeal

### **1. Submission of Application Form**

The submission of the application form for violation, when it is made known, may conduct:

- **any student,**
- **each employee in UBT,**
- **the head of the academic unit (dean),**
- **ex officio as well**
- **any person who is engaged in UBT.**

The application form must be signed, well-reasoned and, if possible, supported by substantive material evidence.

On the basis of the application of the Application Forms under paragraphs 1 and 2 of this Article, the head of the academic unit (Dean) or the person to whom it authorizes decides on the initiation of the proceeding.

### **2. Preliminary procedure**

If the Application Form is filed, respectively, if it does not contain all the evidence of the violation and its perpetrator, or if the other source of data does not provide adequate evidence and evidence, the Dean of the academic unit will lead with the preliminary procedure.

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

### **3. Content of the decision to initiate the procedure**

The decision to initiate the appeal procedure must contain all the necessary information for the proceeding of the appeal procedures and the decision on liability, particularly:

- **name and surname and address of the staff for whom there is a grounded suspicion that he has committed a violation,**
- **the description of the breach of the violation, the place, the time and manner of committing, the type of violation, the reasons for suspicion that the staff has committed the violation, the consequences of the violation, the data on causing material damage, the circumstances under which the violation was committed, notes and other relevant data.**

#### **4. Discard of the application form**

The initiator of the procedure Conclusions will Reject the application for commencement of proceedings, if:

- **It is proved that the act or omission described in the Application for Initiation of the Appeal Procedure has not been sanctioned as a violation,**
- **Further proceeding of the appeal procedure is also prescribed, as well**
- **If the initiation of the appeals procedure is done by the unauthorized person.**

#### **5. The deadline for initiating the procedure**

The right to initiate an easy violation procedure is prescribed within six (6) months - calculated from the day of commencement, respectively, of the knowledge of the offense and its perpetrator, and of grave misconduct within a period of twelve (12) months - calculated from the day of committing, respectively, recognition of the offense and its perpetrator.

#### **6. Subcommittee on Complaints (hereinafter referred to as Complaints Commission) - as a body of first instance**

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

The Appellate Committee elects and appoints the academic (dean) of the academic unit, for a duration of two (2) years, with an option for a two (2) year extension).

The Complaints Commission consists of:

- **The President - the former is the Dean;**
- **A representative of the research sector within the faculty;**
- **A faculty staff representative as well**
- **A representative of the Student Organization.**

#### **7. Exemption of members of the Appeals Committee**

The student who initiated the appeal procedure as well as the staff may, from the day when information is initiated for the initiation of the appeal procedure and until the receipt of the Invitation for a Session, submit to the Complaints Commission a request for the dismissal of any of the members of the Complaints Commission, there is a grounded suspicion that a member of the Complaints Commission who is required

to be excluded from the Complaints Commission is in a special relationship vis-a-vis the student or the Staff.

Regarding the Request for Exemption of the member of the Complaints Commission, the final decision will be issued by the Appeals Commission - before the opening of the hearing.

### **8. Statement of guilt**

Upon receipt of the Complaint File, respectively, the decision to initiate the appeals procedure, and before the hearing is scheduled, the Appeals Commission will call the staff against whom an appeals procedure has been initiated to declare whether or not it has committed a lawsuit, and is or is not responsible for the violation.

If the staff from the previous paragraph of this Article is declared to have committed the violation and is liable, the Appeals Commission shall initiate Appel proceedings before the Appel Commission.

A record is kept in the case that describes the staff statement regarding the violation. The minutes are signed by the members of the commission, the recording clerk and the staff against whom an appeal procedure has been initiated.

The ruling issued on the basis of the informed statement of the staff that accepts the violation and the responsibility, becomes final and cannot be appealed against.

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

### **9. Calling the Hearing**

After taking into account, the Chairperson of the Appellate immediately schedule a hearing and sends invitations to hearings HEARING.

The invitation is sent to members of the Complaints Commission, students, staff, witnesses, as well as other persons who can assist in resolving the matter.

The invitation contains the subject matter, place and time of holding the SENACA, as well as notification of the quality of the person being called.

PENALTY SENSE INVESTIGATION should be sent at least eight (8) days before the hearing, with the purpose of notifying the case as well as preparing the defense.

The Student Organization may also be notified of the session.

The place and time of holding the hearing is published in UBT's TABLE SHEET at least three (3) days prior to the same hearing.

#### **10. Do not attend the hearings**

At the beginning of the Hearing, the Chairperson of the Appeals Committee finds that all the invited persons are present.

If the guests are on a regular basis, the hearing is adjourned, and if there is no reason for the next hearing, it will be held in their absence.

#### **11. The hearing session flow**

The hearing before the Appeals Committee begins with the reading of the Complaint File, respectively, with the reading of the ruling on the commencement of the appeals procedure, after which each party is invited to the statement.

Witnesses do not present themselves in the Hearing until the staff makes their statements and defense. The Witnesses give their statements separately and after questioning the staff. A witness who has not been questioned can not present at the hearing until other witnesses give their statements.

If the Appeals Committee deems it necessary, witnesses can be confronted with staff or witnesses, and other necessary actions may also be taken.

After the end of the hearing session, parties are invited to give their final say.

#### **12. Management of session**

At the Hearing Attorney's Hearing is chaired by the Chairperson of the Complaints Committee, who gives and gives the floor, asks questions and asks for clarification.

In addition to the Chairperson of the Ankle Commission, questions can also be filed by the members of the Appeals Committee - always after receiving the prior consent of the Chairperson of the Complaints Commission.

#### **13. Termination and continuation of the hearing**

The hearing may be terminated and extended on the same working day. If the necessary reasons exist, the continuation of the session may be postponed for the following working day.

In cases from the preceding paragraph of this Article, the Appeals Commission works in the same composition.

If the Appeals Committee continues its work in an amended composition, the hearing session shall start from scratch.

In the case outlined in paragraph 3 of this Article, the Complaints Commission may decide that the evidence procedure conducted before the Complaints Committee in the foregoing shall not be repeated except that the minutes on the implementation of the probationary procedure are read. The Commission may decide to proceed with the processing of evidence which had not previously been proposed or the evidence for which the previous hearings have been waived.

#### **14. Closure of the session, placement and voting.**

The Chairperson of the Complaints Commission closes the Hearing, after which the Appeals Committee withdraws for placement and voting.

The placement is done without the presence of the parties in the procedure and in connection with the same shall be kept a special minutes.

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

After the decision and the vote the Complaints Commission is obliged that the staff against whom the appeals procedure is conducted orally communicates the decision, whereas the written decision will be submitted within eight (8) days from the closing date of the hearing.

#### **15. Decision of the Complaints Commission**

The Appeals Commission may decide on one of the following forms

- a) To terminate the appeals procedure,**
- b) to free the staff from liability,**
- c) The staff is found responsible for the violation and submits the case to the Disciplinary Commission.**

The Disciplinary Commission will make a decision for interruption of the disciplinary procedure, in case:

- a) the staff ceased to have staff status**
- b) if there is ongoing criminal proceedings against staff on the same issue, and**
- c) if the initiator of the procedure has withdrawn from the Complaint File**

The Appeals Commission will make a decision to release the staff from liability:

- a) if it is proved that the act or omission due to each has been initiated the appeal procedure is not sanctioned as a violation,**

**b) if it has not been proved that the staff committed a violation for which an appeal procedure was initiated,**

**c) if circumstances exist that exclude the responsibility of the staff.**

## **16. Submission of the decision and evidencing**

Appeals Commission decisions are issued in the form of a ruling and delivered to the staff and student as well as to the dean of the academic unit.

The Appellate Complaints Commission decisions are published in the UBT Announcement Tablet.

## **17. The content of a Appel ruling**

The ruling contains:

- **PREAMBLE,**
- **DEVICE,**
- **REASONING as well**
- **LEGALADVICE.**

PREAMBLE (INTRODUCTION) contains the legal and normative legal basis, the name of the initiator of the Appeal, the name and surname of the staff, explanation of what the violation is about, as well as the place and date of closing the Appellate Hearing.

The PROVISION contains the parties' data as well as the decision of the Complaints Commission.

REASONING contains all the decisive facts on the basis of which the decision is based, and in particular the content of the Appeals, the protection of the staff, the verification of the factual situation, the assessment of the material evidence, and the mitigating and aggravating circumstances.

THE LEGAL ADVICE contains the notice of the student and the initiator of the Complaint that they can file a complaint to the UBT Complaints Council ", within eight (8) days from the day of receipt of the ruling.