

**REGULATION ON DISCIPLINARY MEASURES**

Prishtina,

2020

**REGULATION ON DISCIPLINARY MEASURES
Purpose**

**Article 1**

This Regulation regulates the disciplinary action for the staff of the College. It is about unacceptable actions and behaviors related to work and the workplace as well as behaviors that have negative effects. The regulation includes the informal and formal stages as well as the functioning of the Disciplinary Commission.

**Identify the issue for disciplinary action**

**Article 2**

Offenses can be characterized as issues related to performance management,

minor or serious disciplinary offense. The head of the unit judges the nature of the act dictated, reported or repeated and determines whether it falls into the category of issues dealt with performance management, minor or serious disciplinary offenses. The manager may seek help from the human resources office.

**Definitions**

**Article 3**

Actions or behaviors that are dealt with by active performance management, when presented for the first time include, but are not limited to, the following:

* inappropriate emails;
* adverse reactions to instructions or routine problems;
* non-acceptance of daily tasks to be performed in a rational time;
waste of time;
* minor acts of intentional non-cooperation.

Minor disciplinary offenses include, but are not limited to, the following:

* cases of repetition of the above examples;
* repetition of late arrival at work;
* short unauthorized absence from work;
* misconduct that causes inefficiency or problems with workflow or colleagues;
* encouraging others to disobey regulations.

Serious disciplinary offenses include, but are not limited to, the following:

* refusal or failure to perform any of the duties specified in the contract for work or deed;
* theft, fraud, falsification of information or documents;
* plagiarism or failure to detect and report plagiarism in scientific papers;
* repeated and unauthorized absences from work, for 3 consecutive days, 5 days calendar during the year or reported unexcused absence from work;
* discrimination based on gender, race, color, disability, ethnicity or socio-economic satus, of family circumstances, religion, political beliefs, sexual orientation or any difference other insignificant;
* harassment of any kind, abusing the dignity of another person which is undesirable and offensive and causes hostility or is threatening and provocative fear of every person in the workplace;
* aggressive behavior, intimidation or rudeness in the workplace and other behaviors
* violently sanctioned by law and other acts of the College;
* misconduct at home and abroad that could discredit the reputation of College;
* intentional damage to property or unauthorized use of equipment and property College;
* breach of confidentiality;
* giving false statements of personal interest or with the intent to cause conflict;
* failure to report conflict of interest;
* severe work-related disabilities caused by alcohol or drugs;

**Competencies**

**Article 4**

The head of the department and other people in charge are responsible for handling the issues they have deal with performance management and minor disciplinary offenses.

The Disciplinary Commission of the College appointed by the Rector investigates and proposes related measures with cases involving serious disciplinary violations.

The commission consists of three permanent members: the secretary general (ex-officio), an additional member from the rector's executive team, and a member from the academic staff. The relevant officer appoints two ad-hoc members from the department of the alleged perpetrator of the disciplinary offense.

The term of office of the permanent members of the disciplinary commission is one year. Length

maximum is four years.

All members of the commission must declare that they have no conflict of interest. In cases of

conflict of interest, the commission member will be replaced by another temporary member.

The legal service office will provide support to the disciplinary commission regarding:

* advice and guidance for committee members;
* collection of documented evidence;
* preparing the schedule for the sessions;
* informing the persons who must be present (place, date and time);
* keeping minutes of the conduct of committee meetings and maintaining
* other documents relevant to the process documentation;
* informing all relevant persons about the decision made;
* other issues for the implementation of the procedure.

**Minor disciplinary offenses**

**Article 6**

Minor disciplinary offenses are dealt with within the relevant department. In these cases the investigator investigates the matter and receives statements from relevant persons. Based on

facts and evidence the responsibility decides on measures in accordance with the provisions of this Regulation. The decision on the measures taken is communicated to the alleged perpetrator and other relevant persons including the Office of Human Resources.

The unit manager stores the data (including complete documentation), the progress of the process and for each case sends a copy of the decision and sanction to the Office of Human Resources which puts these documents in the employee file.

**Article 7**

Measures imposed by the head of the academic / administrative department regarding the case

disciplinary proceedings against the perpetrator are applied consecutively as follows:

* written remarks;
* second written remark with 10% salary reduction for the next month.

For cases of failure to use the learning management system "Book" for each subject or

unreasonable non-submission of grades in the e-grading system the salary will be reduced

automatically by 10% for the next month. If the minor offense is presented for the third time, it is automatically characterized as a serious offense.

**Serious disciplinary offenses**

**Article 8**

Serious disciplinary offenses are handled by the disciplinary commission. In cases of serious allegations of misconduct, the Rector / Secretary General has the right to order the wrongdoer to leave until summoned by the disciplinary commission.

In cases when the alleged minor offense is of a serious nature, the head of the unit reports it

the case in writing to the administrator of the disciplinary commission of the College (service

legal).

The commission administrator informs the chairperson of the commission who with the help of the administrator analyzes the case and decides to initiate the procedure or to refer the case to the same rapporteur for handling the case within the department. The chairperson of the commission may seek assistance from the human resources office or the legal service.

In case the procedure is initiated, the legal service, in consultation with the chairperson, schedules the first meeting of the Disciplinary Commission, within seven days. In the meantime he undertakes the following actions:

* provides written statements from the alleged perpetrator and other witnesses;
* asks the head of the department of the alleged perpetrator to appoint
* two ad-hoc members of the commission;
* collects and provides all the necessary documentation related to the case.

**Disciplinary Commission**

**Article 9**

The meetings are chaired by the chairman of the commission. In case the chairman is absent, an adhoc chairman of the commission is appointed. At the first meeting, the chairman reports the case to the commission and the administrator submits the supporting documentation.

Based on the documentation and presentation of the case, the commission decides what documentation additional is required and instructs the administrator to:

* provide additional evidence for the case;
* schedule a main meeting within five working days;
* invite the accused and the victim to come to this meeting and testify in person of the commission (the meeting should be scheduled during working hours / study ofaccused).

**Article 10**

At the main meeting, the committee reviews the facts, evidence and written statements.

If one or both paires do not attend the meeting for reasons (eg health reasons),

the commission meets anyway to conduct the interview with one of the parties present and decides to arrange an additional meeting for the pair in absentia to testify or give a written statement. Any absence of one or both paires without reporting in writing and without notifying before the meeting, will not be justified and the work of the commission will continue without their presence. Once the facts have been addressed, the committee can make conclusions and proposal based on this Regulation.

**Article 11**

Disciplinary measures for serious offenses which may be proposed by the commission are:

* final written remarks;
* salary reduction from 10% to 15% for the next three months;
* reduction in position for up to three years;
* termination of employment contract or contract for work;

Absence identified for no reason by the hours or consultations within the set deadline will result

automatically at 15% pay cut.

The disciplinary measures from paragraph 1 of this article are listed by weight and must be applied in accordance with the weight of the offense. At the end of the procedure, the commission submits the proposal regarding the case in writing to the rector.

The Rector will decide in accordance with the proposal of the commission. The decision made by the rector will be communicated to the alleged perpetrator and other relevant persons by the human resources office. In case the rector does not agree with the proposal and the measure he (she) will inform the commission in writing giving the reasons for the disagreement.

The commission in this case meets to review the issue and the rector's letter and bring the final proposal. The Rector will decide in accordance with the final proposal of the commission or in case he still does not agree, the commission is dissolved and the procedure starts from the beginning.

**Appeal against the decision**

**Article 12**

The rector's decision can be appealed within 15 days.

The complaint is addressed to the executive committee of the College board and submitted to the archive of College. If a member of the disciplinary commission has been involved in an earlier stage of the proceedings he does not participate in the examination of this case.

They must declare in writing that they have no conflict of interest. The disciplinary commission will address the appealed decision at the next meeting. The handling of the complaint should include the review of all documentation of the disciplinary case. Once the complaint is handled, the final decision will be made by a simple majority vote of the members.

The disciplinary commission informs the rector, the human resources office and the party who filed the complaint through its secretary. This decision is final.

**Final provision**

**Article 13**

This regulation shall enter into force on the day of its approval by the Board of Directors.

Prishtina, Chairman of the Board of Directors

Dt. 15.09.2020 Prof.ass.dr.Betim Spahiu