



BPrAL - PPOHE
Kolegji AAB



REGULATION FOR DISCIPLINARY PROCEDURE

Prishtinë, 2006

Chairman of University Board

Prishtinë, 2006

Pursuant to Article 33 paragraph 17 and 18, Article 63 and 64 of the Statute of AAB University, the University Board approved the following regulation:

I. General provisions

Article 1

Through this regulation aims to regulate:

- The disciplinary procedure for academic and administrative staff of AAB (hereinafter: University) and students of the University;
- Presentation and identification of the violations committed;
- Disciplinary violations;
- The appointment of the disciplinary commission;
- Measures relating to disciplinary violations and other issues;
- Determination of disciplinary responsibility of AAB students and
- Appeals procedure, the right to appeal, the appointment of the commission for appeals.

II. Disciplinary proceeding for University staff

Article 2

1. Presentation and identification of disciplinary violation

- a) Every assumed violation or alleged of the academic staff that work in AAB University should be presented to the Rector of the University,
- b) Committed violations by the professors should be presented to the Dean of the respective faculty
- c) Disciplinary violations of the academic staff should be presented to the University Secretary.

Article 3

The bodies referred to in Article 2, (hereinafter: the bodies of the University) immediately after receiving the report orally or in writing to the alleged breach of discipline, do investigate the case, interview the offender alleged and the person who made the report, analyze statements provided, and decide according to their assessment of the nature of the violation (easy or hard).

When the decision is made, university bodies should base in the provisions of this regulation.

Article 4

2. Disciplinary violations

a) Minor disciplinary violation is considered:

Unreasonable absence from work, disregard of working hours, small careless mistakes or repeated mistakes that would not be subject to the initiation of disciplinary proceedings shall be taken as a minor disciplinary violation.

University bodies will collect and review any document or evidence relating to the case, they will interrogate the alleged infringer, his statement, the person who submitted the alleged case and anyone who has information about the case.

The interview should be held as soon as possible.

Article 5

If the University body decides that it's a minor violation and it's for the first time, a verbal warning is enough, whereas for repeated violation can be warned in written form.

The process verbal of the verbal and written warning is placed in the personal file of the person.

Article 6

When as a result of disciplinary violations there's violence towards people or damage to property, The University bodies may decide to suspend the alleged infringer from work for the time until the investigation and disciplinary procedures are being developed.

Article 7

A serious disciplinary violation is considered:

- Unreasonable opposition to perform the duties specified in the employment contract;
- Theft, fraud, counterfeiting, damage or unauthorized use of University property;
- Violation of the provisions of the Code of Conduct;
- Unreasonable absence at work for more than 3 consecutive days and without announcing the absence;
- Repeated errors which disrupt the normal work;
- Discrimination or harassment directly or not directly against another person of the University, on the basis of gender, race, color, language, religion, residence, political opinion, social origin, and other cases protected by law;

- Verbal harassment of another person characterized as physical or verbal conduct of a sexual nature, violating the dignity of a person at work that is undesirable or offensive which creates hostility, threatening or intimidating that person;
- Bad behavior outside the workplace that does not correspond to the status of student or staff at the university, and which may affect to the discrediting of the University;
- Willful damage of property;
- Detection of business secrecy;
- Use of alcohol or drugs during working hours and conduct themselves in serious disability as a result of their use;
- Giving a false statement regarding conflict of interest;
- Aggressive behavior, threatening or offense in the workplace etc.

Article 8

a) Serious disciplinary violation

If the University ends that a serious violation was done, he will present the case to the Disciplinary commission.

The alleged infringer will be interviewed within 5 days from the appeal to the Disciplinary commission and will clarify:

- The nature of the alleged violation
- That the alleged violation should be treated as serious
- When and where the session of the disciplinary commission will be held
- That the alleged infringer can be accompanied in session by another employee
- Proposal for the measures to be taken.

Article 9

The disciplinary commission

- The University's bodies can establish a Disciplinary commission which shall decide for the alleged serious violations
- In cases from point a) Article 2, Commission always consists of the Rector and to other members from the respective department

-In cases from point b) article 2, the Commission consists of the leader of the respective department, the Rector of the university and one member from the administration

-The Rector is a permanent member of the disciplinary commission

-The Rector can establish a Disciplinary commission that shall examine different cases .This commission can consist of different members from the initial article.

Article 10

The disciplinary session shall be held and the decision should be made in a timeframe as short as possible. The disciplinary commission examines the evidences, and according to the data tells If there was any violence and imposes a disciplinary measure.

The disciplinary commission decision shall be placed in the file of the person.

Article 11

4. Measures for serious disciplinary violations

The disciplinary commission after case review can impose these measures:

- verbal warning,
- written warning,
- last warning,
- demote,
- financial penalty and
- termination of the employment contract

The disciplinary measures provided in the sub section 1 and 2 of this article are taken by the University foreseen with article 2,whereas the disciplinary measures from sub section 3-5 are taken by the Disciplinary commission .

III. The definition of disciplinary responsibility of students

Article 12

Students are obliged to fulfill the obligations from this regulation.

Students must carefully use the property that was offered to them in use during their studies, and prevent its damage and destruction. For violations of university's rules, the student will be responsible for disciplinary violations.

Article 13

1. Minor disciplinary violation

As minor disciplinary violations are considered:

- misconduct in university's premises,
- breakdown of law and order during lectures thus preventing normal work of professors and students,
- damage and destruction of educational equipment's, laboratories, computers, library and other university assets
- conducting activities which damage and violate the university's authority, professors, collaborators, other employees and students of the university.

Article 14

2. Serious disciplinary violation

Serious disciplinary violation is considered:

- Counterfeiting, changing data on the index, certificate, and other documents that AAB University provides for the students.
- Grade falsification or the signature of the professor,
- Non accurate information to the University for Specific Reasons
- taking the exam for someone else
- willfully destruction of university's property
- showing disrespect to professors, offending and other actions that interrupt the teaching process
- use of alcohol and other drinks that are forbidden in the university
- violation of other's physical integrity

-performance of other actions that are in contradiction with university rules.

Article 15

The disciplinary procedure for students cannot be initiated after 3 months from the violation appeal for minor disciplinary violations .Whereas for serious disciplinary violations the deadline is 6 months.

Article 16

3. Measures taken related to disciplinary violation

University's authorities after detailed investigation and examination of the case can take these measures:

- verbal warning,
- written warning,
- expulsion from Faculty for 6 months,
- expulsion from Faculty for a year,
- expulsion from Faculty for 2 years,
- permanent expulsion from faculty,
- University can take other measures that are not foreseen above but contribute in the student's discipline.

In emergencies, for different reasons, the Disciplinary commission can take disciplinary measures until the final decision.

The measures foreseen in point 1 and 2 of this article can be taken from the respective department leader-respective faculty Dean, in the meantime the Disciplinary commission takes measures that are foreseen with point 3 to 7.

IV. Disciplinary procedure

Article 17

- a) The appeal procedure is intended to protect the person and student of unfair decisions.
- b) Any person dissatisfied with the decision of the University, to which the disciplinary measure has been taken, has the right to appeal. Complaints address to the second instance organ, more precisely the Rector of the University.

c) Any person dissatisfied with the decision of the Disciplinary Committee, by which the disciplinary measure has been taken, has the right to appeal. Complaints addresses to the Secretary of the Board of the University

d) The latter can form a Council for appeals review when he himself takes the disciplinary measures.

Article 18

The complainant should present facts, arguments and new evidence and summarized briefly the reasons for the appeal.

The session for reviewing appeals should be held as soon as possible and in any case not later than 30 days from the day the complaint was sent to the University.

University bodies perform the following actions:

- Reviews the provided evidences,
- based on the provided evidences, ascertains if the appeal should be approved,
- In case of the taken measures approval from the body of the first instance or its change, it justifies it.

V. Final provisions

Article 19

If the provisions of this regulation are in contradiction with the University statute, the latter have priority.

Article 20

The legal office of the university makes the interpretation of this regulation in collaboration with the University Secretary.

Article 21

The amending of this regulation can be done to the same approval procedure.

Article 22

This regulation begins to be implemented immediately after the Chairman of the Steering council signs it.