



## **UNIVERSITY “UKSHIN HOTI” PRIZREN**

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## **REGULATION**

### **ON THE DISCIPLINARY PROCEDURE FOR STUDENTS**

**Prizren, March 2020**

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Pursuant to Article 23 paragraph 1.6. line 1.6.1 of the Statute of the University “Ukshin Hoti” Prizren, the Steering Council of the University in the meeting held on 12.03.2020 approved the following:

## **REGULATION ON THE DISCIPLINARY PROCEDURE FOR STUDENTS**

### **I. GENERAL PROVISIONS**

#### **Article 1**

The provisions of this Regulation regulate: Disciplinary procedures for the students of this University, reporting-identification of disciplinary violations, types of disciplinary violations, appointment of Disciplinary Commission, support of Disciplinary Commission, measures related to disciplinary violations and other issues; determination of disciplinary responsibility of the students of this University and the complaints procedure, right of appeal, appointment of the Complaints Commission.

### **II. DETERMINING STUDENTS' DISCIPLINARY RESPONSIBILITY**

#### **Article 2**

Students are required to adhere to the obligations arising from the general acts of the University and this Regulation. Students must carefully and fairly use the property entrusted to them during their studies, to protect it from destruction - damage. For violating the obligations and legal rules of the University, the student is responsible for disciplinary violations.

#### **Article 3**

##### **Minor disciplinary violations**

The following are considered to be minor disciplinary violations:

- - misconduct in the working facilities of the University - Faculty where lectures, exercises, and exams are held;
- - disturbance of order and tranquility during lectures, exams in which the normal work of the teacher and students is hindered;
- damage to teaching equipment, laboratories, computers, library funds, library inventory and other assets at the University;

- participation in political gatherings in the premises of the University for which there is no permit;
- performing other activities that cause damage and that harm the authority of the University, teachers, associates, other employees and students of the University.

#### **Article 4**

##### **Major disciplinary violations**

The following are considered to be major disciplinary violations:

- Serious violations of the rules in the Code of Ethics of the University,
- forgery, editing of data in the index, identity card (ID), certificate and other documents issued by the University, Faculty and professors;
- falsification of the teacher's grade or signature;
- various electronic manipulations to the detriment of the University and the Faculty,
- giving inaccurate data to the University bodies, in order to acquire certain students' rights;
- impersonating for the purpose of taking the exam or performing other obligations on behalf and account of another student;
- inciting a serious incident in the working premises of the University, thus greatly hindering or hampering classes (lectures, exercises, and exams);
- major damage to University property;
- incitement to hatred, fights, severe insults against teachers, employees, students;
- theft or attempted theft of University property,
- the use of alcohol and drugs in the University premises and other cases provided by law and the Statute.

#### **Article 5**

The commencement of the disciplinary procedure for minor violations for students becomes obsolete after the expiration of the period of 6 (six) months from the day of notification of the commission of the offense.

The commencement of the disciplinary procedure for major violations for students becomes obsolete after the expiration of the period of 12 (twelve) months from the day of notification of the commission of the offense.

#### **Article 6**

## **Disciplinary Commission**

The relevant body will establish a Disciplinary Commission, which decides on cases involving major alleged violations.

The Commission shall consist of three permanent members among the members of the respective Body.

The mandate of the members of the Disciplinary Commission will last as long as the mandate of the Body that has appointed this commission lasts.

In cases of conflict of interest when the objectivity of the member of the commission will be questioned, he/she will be replaced by the relevant body for that particular case, such as:

- when the member of the Commission is in the position of the Chair against the suspected offender or has a relationship with the suspected offender, which may be a family relation, marriage or is his/her relative or has other personal social relations;
- - when the member of the Commission has been injured by the suspected offender or has a relationship with the injured party, which may be a family relation, marriage or is his/her relative or has other personal social relations.

Members of the Disciplinary Commission may not be members of the Complaints' Commission.

## **Article 7**

### **Support of the Disciplinary Commission**

The professional service of the University, academic units and other organizational units will provide the Disciplinary Commission with:

- advice and guidance to commission members,
- gathering documented evidence,
- preparing session schedules,
- notifying the persons required to be present of the details of the venue, the date and time of the hearing,
- keeping the minutes of the disciplinary hearing,
- submission and communication of the decision to the offender and other issues required for the conduct of the procedure.

## **Article 8**

The disciplinary hearing should be held as soon as possible, but no later than 30 days, and the decision must be made within 60 days of the case being notified.

The Disciplinary Commission:

- will hear evidence regarding the alleged violation,
- will determine, based on the evidence, whether the violation was committed,
- will propose the disciplinary measure to be imposed.

The purpose of the hearing is to establish the facts. The decision of the relevant body must be communicated to the offender within 5 (five) days of the decision being made. The minutes and the decision of the relevant body should be placed in the person's file.

## **Article 9**

### **Taking measures for disciplinary violations**

The disciplinary commission, after a thorough examination of the case, issues one of the following decisions:

- A written notice,
- Exclusion from the Faculty for 6 months,
- Exclusion from the Faculty for one year,
- Exclusion from the Faculty for two years,
- Permanent exclusion from the Faculty.

## **III. COMPLAINTS' PROCEDURE**

### **Article 10**

The complaints procedure is intended to protect the person and the student from decisions that he or she considers unfair. The person dissatisfied with the decision on the disciplinary measures imposed has the right to complain. The complaint is addressed to the second instance body.

### **Article 11**

#### **Appointment of the complaints' commission**

The relevant body will appoint a complaint commission. The commission consists of three permanent members among the members of the relevant body (regular academic staff).

The office term of the members of the Complaints Commission shall be as long as the term of office of the body which has appointed this Commission. Members of the Complaints Commission may not be members of the First Instance Disciplinary Commission.

### **Article 12**

In the event of a conflict of interest, the member of the Complaints Commission shall be withdrawn and replaced for that particular hearing, if:

- is in a management relationship with the complainant or is close to his/her family.
- is implicated in the incident(s) that is the subject of the complaint.

### **Article 13**

The professional service of the relevant body will provide the complaints commission with:

- Advice and guidance, gathering documentary evidence and distributing appropriate documents to all parties;
- Preparing the timetable for the review sessions;
- Keeping the minutes of the hearings and posting them in the personal disciplinary file.

### **Article 14**

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

The complaint hearing shall be held as soon as possible and in any event not later than 30 (thirty) days from the date on which the complaint is addressed to the complaints commission.

Complaints Commission shall:

- Review the testimony,
- Determine on the basis of the evidence whether the complaint should be upheld,
- Shall prescribe the disciplinary measure of improvement to be applied.

The Commission may request the presence of witnesses to testify in the case.

The purpose of the Complaints Commission is to take into account the evidence in the complaint, taking complementary evidence in finding fact-based evidence.

### **Article 15**

The hearing shall be completed as soon as possible and the commission shall decide within 60 (sixty) days of the case being referred to the commission. The commission decides by a majority vote of its members. On the basis of a proposal from the commission, the concerned authority shall take a decision which shall be notified to the complainant within 5 (five) days of receipt. The minutes of the complaints commission is placed in the complainant's file.

## **IV. FINAL PROVISIONS**

### **Article 16**

For issues that are not foreseen and are not regulated by this Regulation, the provisions of the legislation in force that regulate this area shall apply, as well as the provisions of the Statute of the University “Ukshin Hoti” Prizren. In the event of a conflict of any provision of this Regulation, the provisions of applicable law and the Statute of the University shall apply.

### **Article 17**

The Steering Council of the University shall make the final decision on all issues relating to contested decisions or proceedings regarding this Regulation.

### **Article 18**

This Regulation is supplemented and amended according to the same procedure.

### **Article 19**

Part of this Regulation is also the Annex which provides various forms of disciplinary procedure, such as: the instruction for the work of the Disciplinary Commission, various forms of the complaint procedure, and the Instruction for the work of the Complaint Commission.

### **Article 21**

This Regulation shall enter into force on the day of its approval by the Steering Council of the University “Ukshin Hoti” Prizren

**Prof. Asoc. Dr. Bedri Muhadri**

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Chairperson of the Steering Council

## **ANNEX**

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### **REGULATION ON DISCIPLINARY AND COMPLAINTS PROCEDURE**

#### **1. FORMS OF THE DISCIPLINARY COMMISSION:**

1. Form for filing a disciplinary violation,
2. Form for interview,
- 3/ Form for verbal warning registration,
4. Form for written warning
5. Form for notifying the alleged violator of the disciplinary action,
6. Form for notifying the suspension of the employee,
7. Form for communication of the decision of the Commission,

#### **2. INSTRUCTION ON HOLDING A DISCIPLINARY HEARING**

1. Main points,
2. Preparation for the hearing,
3. How should the hearing session of the Disciplinary Commission be conducted?
4. The alleged violation statement,
5. The alleged offender's response,
6. General questions and discussions,
7. Summary,
8. Adjournment (suspension),
9. What problems may arise and how should they be handled?
10. Instruction for taking decisions on disciplinary measures,
11. What should be considered before any disciplinary action is taken?
12. Decision of the Disciplinary Commission.

#### **3. FORMS OF THE COMPLAINTS' COMMISSION:**

1. Form for complaint registration,
2. Form for accepting or rejecting the complaint, and
3. Form for the decision of the Disciplinary Commission.

#### **4. INSTRUCTION ON HOLDING A HEARING SESSION FOR REVIEWING THE COMPLAINT**

1. Main points,
2. Preparation for the review hearing session,
3. How should the review session of the Complaints' Commission be conducted?
4. Statement of the complainant,
5. Response to the complainant,

6. General questions and discussions,
7. Summary,
8. Adjournment,
9. What problems may arise and how should they be handed?
10. Instruction on solution decisions (remedial measures),
11. What should be considered before any solution is established?
12. Decision of the Complaints Commission.

**VARIOUS FORMS OF DISCIPLINARY COMMISSION**

**Form/ 1**

**Form for filing a disciplinary violation**

University – Faculty: \_\_\_\_\_

**FILING AN ALLEGED DISCIPLINARY VIOLATION**

**Details of the alleged offender:**

Name and surname \_\_\_\_\_

Faculty/Department: \_\_\_\_\_

**Details of the person filing the alleged violation:**

Name and surname \_\_\_\_\_

*If employed by the University:*

Post title: \_\_\_\_\_ Department: \_\_\_\_\_

*If not employed by the University:*

Address: \_\_\_\_\_

Phone no.: \_\_\_\_\_

**Details of the alleged violation, as shown: (to be filled in by the Chairperson)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date  
\_\_\_\_\_

Chairperson,  
\_\_\_\_\_

**Form for interview**

University - Faculty \_\_\_\_\_

**ALLEGED DISCIPLINARY VIOLATION:  
MEETING MINUTE OF THE INVESTIGATIVE INTERVIEW**

**Name and surname of the interviewee:** \_\_\_\_\_

Address: \_\_\_\_\_

Phone no.: \_\_\_\_\_

**Name and surname of the interviewer:** \_\_\_\_\_

Post title: \_\_\_\_\_

Faculty/Department: \_\_\_\_\_

Interview meeting minute (to be filled in by the interviewer)

Date:  
\_\_\_\_\_

Interviewer,  
\_\_\_\_\_

**Form for registration of the verbal warning**

Faculty - Department: .....

**MEETING MINUTE OF THE ORAL (VERBAL) WARNING**

Name and surname:..... was given a verbal warning

on: .....that:

**1. His/her conduct presented below comprises a disciplinary violation:**

(Brief description of the violation)

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

**2. These improvements are required:**

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

**3. Failure to improve will result in other disciplinary measures:**

.....  
.....

Oral warning  
given from:

Name and surname

.....

Post title

.....

Date:

.....

Chairperson,

.....

**Form for written warning**

University-Faculty: .....

Name and surname: .....

Post title: .....

Faculty/Department: .....

Date: .....

Dear Sir/Madam, .....

**WRITTEN WARNING FOR DISCIPLINARY VIOLATIONS**

Through this letter we formally warn you that your behavior regarding:

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

comprises an unacceptable disciplinary violation.

You are required to make these improvements: .....

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

Failure to improve or further disciplinary violations will result in stricter disciplinary action.

A copy of this warning will be attached to the person's personal file.

Date:  
.....

Chairperson,  
.....

**Form for notifying the alleged offender of the disciplinary action**

University – Faculty: .....

Name and surname: .....

Department: .....

Date: .....

**NOTICE OF THE ALLEGED MAJOR DISCIPLINARY VIOLATION**

Through this letter we inform you that you have allegedly committed this serious disciplinary violation (briefly describe the alleged violation):

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

The statement was referred to the University-Faculty Disciplinary Commission, which will assess whether there is sufficient evidence to verify the statement and if so, what measures should be applied to you.

You must appear before the Disciplinary Commission:

In ..... on ..... at.....o'clock

The purpose of the Disciplinary Commission is to ascertain the facts and you will be given sufficient opportunities to provide the full explanation of your version of the incident and provide such evidence that you think is valid. Please submit any documentary evidence at least 5 (five) working days before the session in order to give the commission time to read and ascertain it.

You may be accompanied by another University employee of your choice with whom you may be consulted during the session but who cannot answer on your behalf. The session will be conducted in any of the official Kosovo languages you want. The decision of the Disciplinary Commission shall be given orally and in writing within 5 (five) working days after the hearing session. You have the right to appeal against the decision of the relevant Body.

Date:  
.....

Chairperson,  
.....

**Form for communicating the Commission Decision**

University – Faculty: .....

Name and surname: .....

Position title: .....

Department: .....

Date: .....

Dear Sir/Madam: .....

**DECISION OF THE DISCIPLINARY COMMISSION**

After your appearance before the Disciplinary Commission on: ..... (date),  
The Commission has carefully reviewed all the evidence presented and has decided that:  
(details of the Commission's decision)

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

If the Commission has decided that a major disciplinary violation has been committed:  
The commission has decided that (the details of the fine to be imposed):

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

If you wish to file a complaint to the Complaints Commission against the decision of the first instance Disciplinary Commission, you must do so in writing within 15 (fifteen) days from the date of receipt of this decision.

Date:  
.....

Chairperson,  
.....

## **INSTRUCTION ON HOLDING A DISCIPLINARY HEARING**

### **1. Main points:**

- The commission should carefully prepare for the session and ensure that all relevant facts are available;
- Show the alleged offender exactly what the alleged violation is; advise him/her about his/her rights according to the disciplinary procedures, including the right to be accompanied in each session;
- The alleged offender must be allowed to take their time to prepare and must have sufficient opportunities to declare his or her case;
- Conduct sufficient investigations and interrogations; ensure that all the facts are objectively raised;
- Listen carefully to all that has been said;
- Consider postponing the hearing until later, before deciding on any disciplinary action so that you have the opportunity to fully consider all issues raised.

### **2. Preparation for the hearing:**

- Make sure that all relevant facts are available, such as personal details, disciplinary files, and any current warnings, other relevant documents and, where necessary, written statements from witnesses.
- Notify the alleged violator of the complaint, the procedure to be followed, and that he/she must attend the disciplinary hearing.
- Indicate to the alleged offender that he/she has the right to be accompanied to the hearing by another person.
- Find out if there are any special circumstances to consider, for example, whether there are any personal issues or external issues that have an impact on the assessment (performance) or behavior;
- Be careful when dealing with evidence from an informant who wishes to remain anonymous. Receive a written statement, request proof of verification, and verify that the informant's motives are sincere.
- Consider how the standards of the alleged offender are compared to those of the other person; is it possible that there is injustice towards the alleged offender;
- Consider what clarifications can be provided by the alleged offender, and if possible check them in advance.
- Give the alleged offender time to prepare his/her case. It can be useful and time-saving in the hearing, if copies of any document and statements of witnesses are made available in advance.
- Set the date and time for the hearing in a suitable room where there will be no obstacles. Inform the alleged offender at least 5 working days before the hearing and allow him/her to propose a reasonable alternative date, if his/her companion cannot participate on the scheduled date.

- See what disciplinary action has been taken in relation to other offenders under the same conditions in the past.
- If the witness is outside the University 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 hearing and make a list of the items to be covered.

### **3. How should the hearing session of the Disciplinary Commission be conducted?**

The Chairperson of the Disciplinary Commission must:

- introduce to the alleged offender the members of the commission and the staff of the administration,
- invite the alleged offender to introduce the person accompanying him/her and clarify the role of the accompanying person,
- explain 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 reveal the truth, and
- explain how the session will be conducted.

### **4. The alleged offender's statement.**

The Chairperson must:

- state (ascertain) exactly what the alleged complaint is and clarify the case briefly by going through the evidence that has been collected.
- ensure that the alleged offender 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 unfair. Then accept the steps that need to be taken to fix the situation.

### **5. The alleged offender's response.**

The members of the Commission must:

- give the person the opportunity to describe, tell his/her case and respond to any statement made. He/she should ask questions, present evidence, and invite witnesses. The accompanying person may also ask questions and should be able to consult privately with the person, but may not answer questions on his/her behalf. Then they listen carefully to what the alleged offender has to say and be prepared to calmly wait 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 participate, 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 must:

- take advantage of this period to verify all the facts and if there are any special circumstances to be taken into account;

- postpone the hearing if further investigations are required, if appropriate, at the request of the alleged offender or his/her representative.
- ask official and human questions but encourage the employee to speak freely in order to find the facts. A disciplinary hearing should be a two-way process. Use questions to clarify issues and verify what has been said and understood. Questions must be precise and close-ended, i.e. with yes/no answers, unless special information is required.
- not to get involved in quarrels and must not make personal or humiliating remarks. Commission members should avoid physical contact and gestures that may be misinterpreted or misunderstood. If it becomes clear during this period that the person has provided adequate clarification or there is no real evidence to support the statement, stop the process.

## **7. Summary:**

The Chairperson must:

- summarise the main points of the discussion after questioning is completed. This allows all parties to be reminded of the nature of the offence, the arguments and evidence put forward and to ensure nothing is missed, forgotten and ask the employee if he/she feels they have had an honest hearing and whether they have anything else to say. This should help to demonstrate to the employee that they have been treated reasonably.

## **8. Adjournment –suspension.**

It is generally a good practice for the commission to adjourn before a decision is made to consider whether a disciplinary penalty is appropriate. This allows time for reflection and proper consideration. It also allows for any further checking of any matters raised, particularly if there is any dispute over facts. If new facts emerge, it is found that it is better to call the hearing again.

## **9. What problems may arise and how should they be handled?**

The chairperson is responsible for ensuring that the session is conducted properly. If the alleged offender becomes upset or distressed, the Chairperson should allow time for them to regain composure before continuing. If the distress is too great to continue then adjourn and reconvene at a later date. An understanding language can be used but vocabulary or behaviors that can be interpreted as very bad behaviors should not be allowed or tolerated without comment. If necessary, such conduct may be construed as a disciplinary violation. In these circumstances the chairperson must adjourn the hearing and schedule a hearing later, when both cases may, if necessary, be considered together. The Commission may also recommend that the alleged offender be suspended and have his/her salary paid, in order for him/her to calm down and allow a full investigation.

## **10. Instruction for taking decisions on disciplinary measures.**

Main points:

- The decisions of the commission at the end of the disciplinary session are:
  - a) apply disciplinary measures,
  - b) the form it should have, and
  - c) take any other action or not (example: meeting with a sociologist or psychologist).
- Before deciding on an appropriate or inappropriate disciplinary measure and its level, the commission must ascertain the general and disciplinary file of the offender. If disciplinary proceedings indicate possible penalties, what action has been taken in previous cases, any particular circumstances to be considered, and whether the penalty is reasonable.
- The offender must not be left in any doubt as to the nature of the disciplinary sanction, the expected improvement, the need to support the improvement, the method and the timeline of the complaints.
- An offender must be provided with written details of any disciplinary action taken against him/her.
- Disciplinary measures must be kept safe and confidential.
- Mild disciplinary action should not be taken against the offender indefinitely if he/she improves.

## **11. What to consider before any disciplinary action is taken?**

When deciding whether a disciplinary penalty is appropriate and what form it should take, consideration should be given to:

- whether the rules of the organisation indicate what the likely penalty will be as a result of the particular misconduct,
- the penalty imposed in similar cases in the past,
- any special circumstances which might make it appropriate to adjust the severity of the penalty,
- the disciplinary file of the alleged offender,
- whether the proposed penalty is reasonable in view of all the circumstances.

Disciplinary measures should be considered fair and impartial (equal for all) and consistently applied. This does not mean that similar offences will always call for the same disciplinary action: each case must be looked at on its own merits and any relevant circumstances taken into account. Such relevant circumstances may include health or domestic problems, provocation, justifiable ignorance of the rule or standard involved, or inconsistent (unacceptable, concentrated) treatment in the past.

## **12. Decision of the Disciplinary Commission**

In all cases, the Commission must give a written decision that summarizes briefly but clearly the case and in particular, it should include what the statements were, what evidence was gathered, and bring before the Commission the facts established on the basis of evidence, the conclusions of the commission based on these facts and the decision of the commission.



**VARIOUS FORMS OF THE COMPLAINTS' COMMISSION**

**Form/ 1**

**Form for complaint registration**

University – Faculty .....

**FILING THE COMPLAINT**

Name and surname of the complainant: .....

Faculty- Department: .....

Home address:.....  
.....

Phone no.: .....

**Brief details of the complaint:**

Copies of any document that will support the complaint or a copy of the disciplinary case order (in case of a complaint against disciplinary decisions) must be attached.

.....  
.....

Date:  
.....

Signature of the complainant,  
.....

**PROOF OF RECEIPT OF THE COMPLAINT**

To: .....  
(Name and surname of the complainant)

Your complaint dated..... Your complaint dated. .. has been received by the staff. We will contact you within 30 (thirty) days to inform you whether the complaint will be heard or not, and if so, to provide you with further information.

Date:  
.....

Chairperson,  
.....

**Form for accepting or rejecting the complaint**

University – Faculty: .....

Mr/Ms: .....

Name and surname of the complainant

(Address of the complainant)

.....

(Date)

Dear Sir/Madam:.....

**Complaint against** .....[complaint title]

If there are sufficient primary grounds for complaint or if there is a complaint against the disciplinary decision:

Your complaint dated..... Will be heard by the Complaints’ Commission of the Senate of the University “Ukshin Hoti” in Prizren on ..... in

.....

You have the right to be accompanied at the hearing by a friend or counselor of your choice, who may be able to 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:..... has been rejected because: (briefly explain the reasons why the complaint was not accepted)

.....

.....

According to the laws in force in Kosovo, you have the right to file a complaint against this decision in the competent court in Prizren.

Date:

Chairperson,

.....

.....

**Form for the decision of the Disciplinary Commission**

University – Faculty: .....

Mr/Ms:.....

Name and surname of the complainant

(Address of the complainant)

.....  
.....

.....

(Date)

Dear Sir/Madam: .....

**Complaint against** .....[complaint title]

(If the complaint is accepted):

The Complaints Commission accepted the complaint and decided that:  
(briefly describe the correction described by the complaints' commission)

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

(If the complaint is rejected):

The Complaints Commission rejected the complaint.  
(briefly describe the grounds given by the Complaints' Commission)

.....  
.....

You have the right to file a complaint against the decision of the Complaint's Commission at the competent court in Prizren.

Date:

.....

Chairperson,

.....

## **INSTRUCTION**

### **ON HOLDING A HEARING SESSION FOR REVIEWING THE COMPLAINT**

#### **1. Main points:**

- Carefully prepare for the session and ensure that all relevant facts are available,
- Explain to the complainant what the procedure and his/her rights according to the complaint procedure, including the right to be accompanied in any disciplinary session,
- Give the complainant sufficient time to prepare for to telling his or her case, and
- Listen carefully to all that has been said.

#### **2. Preparation for the hearing:**

- ensure that all the relevant facts are available and, where appropriate, written statements from witnesses,
- Explain to the complainant the procedure to be followed, and that he/she has the right to be accompanied to the hearing by friend/ counselor.
- Find out if there are any special circumstances to consider, for example, whether there are any personal issues or external issues,
- be careful when dealing with evidence from a person who wishes to remain anonymous. In particular, take written statements, seek corroborative evidence, check that the person's motives are genuine,
- Give the complainant time to prepare his/her case. It can be useful and time-saving in the hearing if copies of any relevant document and statements of witnesses are made available in advance,
- Set the date and time for the hearing in a suitable room where there will be no obstacles. Inform the complainant at least 5 working days before the hearing and allow him/her to propose a reasonable alternative date, if his/her companion cannot participate on the scheduled date,
- See what disciplinary action has been taken in relation to other complainants under the same conditions in the past,
- If the witness is someone outside the University 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 hearing and make a list of the items to be covered.
- 

#### **3. How should the review hearing of the Complaints' Commission be conducted?**

##### **The Chairperson of the Complaints' Commission must:**

- introduce to the complainant the members of the commission and the staff of the administration,
- invite the complainant to introduce the person accompanying him and explain the role of the accompanying person,
- explain to them that the purpose of the hearing is to find out the truth, and
- explain how the hearing will be conducted.

#### **4. Statement of the complainant.**

The Chairperson must:

- ask the presenter to tell his/her case clearly and precisely and ensure that he/she is able to present the evidence without interruption, and
- invite the complainant to present his/her testimony, including witnesses.

## **5. Response to the complainant.**

The Chairperson must:

- to request an answer to the statement of the complainant from the individuals appointed by the complainant and from the others involved in the case, to give the presenter a chance to ask them questions. The accompanying person may ask questions and be able to discuss the complaint privately with the complainant, but may not answer questions on behalf of the complainant.

## **6. General questions and discussions.**

The commission must:

- take advantage of this period to verify all the facts and if there are any special circumstances to be taken into account,
- postpone the hearing if further investigations are required, or at the request of the complainant or his/her representative  
ask formal and human questions but encourage the complainant and other participants to speak freely with a view to establishing the facts. A proper review hearing should be a two-way process. Use questions to clarify the issues and to check that what has been said is understood. Ask open-ended questions, for example, ‘what happened then?’ to get the broad picture.  
Ask precise, closed questions requiring a yes/no answer only when specific information is needed or to clarify understanding,
- do not get involved in arguments and do not make personal or humiliating remarks. Commission members should avoid physical contact or gestures which could be misinterpreted or misconstrued as judgmental.

## **7. Summary!**

The Chairperson must:

- summarize the main points of the discussion after questioning is completed. This allows all parties to be reminded of the nature of the complaint, the arguments and evidence put forward and to ensure nothing is missed,

- ask the employee if he/she feels they have had an honest hearing and whether they have anything else to say. This should help to demonstrate to the employee that they have been treated reasonably.

## **8. Adjournment!**

If the Commission agrees that the complaint is grounded it is generally a good practice to adjourn before a decision is made on which remedial measure is appropriate. This allows time for reflection and proper consideration. It also allows for any further checking of any matters raised, particularly if there is any dispute over facts. If new facts emerge, the Commission should consider to call the review hearing again.

## **9. What problems may arise and how should they be handled?**

The Chairman is responsible for monitoring the progress and ensuring that all parties are given the opportunity to present their case as a whole. However, it is possible that the review hearing session may not proceed smoothly, people may be anxious or even angry. If the complainant becomes upset or distressed, the Chairperson should allow time for them to regain composure before continuing. If the distress is too great to continue then adjourn and reconvene at a later date. Improper language and behavior can be expected, but abusive language or behavior that could be interpreted as misconduct must not go unnoticed. If necessary, such conduct may be construed as a disciplinary violation.

## **10. Instruction on solution decisions (remedial measures)!**

Main points:

The decisions of the commission at the end of the disciplinary session are:

- a) should there be a selection – improvement;
  - b) if yes, what form should it have;
  - c) should any other action be taken (e.g., disciplinary action against personnel or chairpersons, or their appointment to any other position).
- When deciding which selection would be most appropriate, the commission should take into account what actions have been taken in previous cases.
  - When deciding on the solution, the commission must carefully consider the impact it may have on the applicant's future career and his or her work reports within the University.

## **11. What should be considered before any solution is established?**

When deciding whether a solution is appropriate and what form it should take, consideration should be given to:

- whether the complaint procedure itself indicates what solution should be made. For example, successful complaints against selective, promotional or disciplinary Commission decisions will usually result in the annulment of those decision.

- if the solution, although appropriate and fair, could raise other management problems,
  - what solution has been imposed in similar cases in the past, and
  - any particular circumstances which could make it possible to select an alternative solution.
- For example, re-assigning to the same position would mean that the complainant would have to work with someone who had disturbed or mistreated him. Solutions must be fair and equal and consistently applied. This means that the same solution will be applied each time for similar offenses: the merits must be seen in each case and any relevant circumstances must be taken into account.

## **12. Decision of the Complaints Commission!**

In all cases, the Complaints' Commission must give a written decision that summarizes briefly but clearly the case and in particular, it should include what the statements were, what evidence was gathered, and bring before the Commission the facts established on the basis of evidence, the conclusions of the commission based on these facts and the decision of the commission.