



KOLEGJI - COLLEGE
BIZNESI
Prishtinë

REGULATION ON PROCEDURES AND DISCIPLINARY MEASURES BUSINESS COLLEGE

Approved by Decision of the High Scientific Teaching Council, no. _____, date 27/09/2019

Prishtina 2019

Regulation on disciplinary procedures and measures in BIZNESI College has been drafted in support of the Decision of the High Scientific Teaching Council, based on Law no. 04 / L-037 “On higher education in the Republic of Kosovo”, in the Statute of the College article 81; in the Internal Regulation of BIZNESI College, chapter 6 and article 85, point 1 and 2; as well as in all other legislation in force and that has been approved by Decision of the High Scientific Teaching Council no ._____ dated 27/09/2019, of the BUSINESS College.

Article 1

Legal basis

1. The Regulation on Procedures and Disciplinary Measures in BIZNESI College is based on Law no. 04 / L-037 “On higher education in the Republic of Kosovo”, the Statute of the College article 81, the internal regulation of the College and in all other legislation in force.

2. The Regulation respects any international act ratified by the Republic of Kosovo on matters of Higher Education.

Article 2

Objective of regulation

1. This Regulation provides and determines the disciplinary procedures and rules to be applied by academic and administrative staff and students at the BUSINESS College, disciplinary violations, disciplinary investigation, punitive measures, appeal and methods and procedures of appeal.

Article 3

Purpose of regulation

1. This Regulation aims at the legal regulation and determination of procedural actions for the provision of disciplinary measures, type and body responsible for their issuance, in case of non-fulfillment by academic and administrative staff and law students, statute , the regulation and instructions within the College, as well as to determine the manner of practical application of the principles, norms and requirements in the field of discipline, in order to respect human rights and the implementation of legal provisions, guaranteeing the right of the employee or student to be informed and to be protected against the claim of committing a disciplinary violation.

Article 4

Understanding disciplinary violations norms

1. Violation of the rules are considered all actions performed by academic and administrative staff and students who violate the personality of others, rules and ethical and moral norms of society such as: violation of duties defined by law and bylaws, acceptance of any kind of gift or reward related to the work and duties defined by law and bylaws, interference in the work and duties of another contrary to the bylaws of the College, copying in exams, acts of hooliganism, etc., when these actions do not carry elements of the criminal offense.

Article 5

Authorities or mechanism responsible for discipline procedure

1. The authorities responsible for taking disciplinary measures against academic and administrative staff and students at the College "BUSINESS" are:

a) Administrative Board, only for the provision of administrative disciplinary measures for all academic and administrative staff;

b) the High Scientific Teaching Council, for all types of disciplinary violations for academic staff and students;

- c) Dean, for all academic staff and students;
- ç) Program managers, for the measures in their competence for the academic staff and the students of the respective program;
- d. The heads of the units and branches, for the measures in their competence for the academic staff and the students of the respective unit or branch.

Article 6

Disciplinary Commission, work and procedure

1. In the College, in any case of the need to take disciplinary measures against the employed staff or students, the disciplinary commission is established and functions, which consists of not less than three persons who must be three pedagogues with higher scientific qualification degrees. that an employee who is given disciplinary action and two professors and a student when disciplinary action is taken against students.

2. The Disciplinary Commission will always be established by the Dean, who will decide in cases related to serious alleged violations.

3. The mandate of the members of the disciplinary commission will last as long as the mandate of the body that appointed this commission.

4. In cases of conflict of interest when the objectivity of the member will be questioned, the member of the commission will be replaced and a deputy will be appointed for that special session and that in cases:

- where the member of the commission is in the position of the leader against the alleged violator;
- where he / she is related to the offender from the family side;
- where the member of the commission has been a victim of the alleged offender or is related to the victim by the family.

5. The authority responsible for imposing a disciplinary measure, as well as the person who has ascertained the violation or who has been directly or indirectly affected by it, may not be part of the disciplinary commission.

6. The manner of organization, functioning and composition of disciplinary commissions are determined by a special decision taken by the High Scientific Teaching Council, upon the proposal of the Dean.

Article 7

Support of the Disciplinary Commission

1. The professional service of BIZNESI College, academic units and other organizational units and branches will provide to the Disciplinary Commission:

- a) providing advice and guidance to the members of the commission;
- b) collection of documented evidence;
- c) preparation of the schedule of sessions;
- ç) notification of the persons who are required to be present for the details of the meeting place, date and time of the session;
- d) keeping the minutes for the disciplinary session, its placement in the candidate's file and other issues required for the development of the procedure.

Article 8

Classification of disciplinary violations

1. Disciplinary violations are classified:

- a) light;
- b) severe;
- c) very severe.

Article 9

Mild disciplinary violations

1. Mild disciplinary violations are:

- a) acting contrary to the legislation in force for the storage and administration of documents or written, electronic and filming materials;
- b) non-reporting of disciplinary violations found;
- c) acceptance of gifts or any benefit from subordinates, students or other persons related to benefits in the study process;
- ç) non-compliance with the dress code in the premises of the College;
- d) non-performance of duties given by the direct superior or not, only once;
- dh) deliberate fraudulent actions to avoid the learning process;
- e) non-declaration of use of medicines for medical reasons, which create effects on his behavior or physical abilities;
- ë) publication on social networks of personal images, of any person or group of persons during the teaching activity in the premises of the College;
- f) non-compliance with working hours;
- g) disturbing the peace in the premises of the College and during the teaching activity;
- gj) use of the tools and equipment of the College for personal needs and outside the premises and destinations authorized by the College;
- h) use of the tools and equipment of the College without the relevant documentation;
- i) unauthorized use of personal belongings of other persons;
- j) use and utilization of official correspondence for private purposes.

Article 10

Serious disciplinary violations

1. Serious disciplinary violations are:

- a) performing religious rites in the premises of the College during lectures;
- b) publication or provision in the media of information related to the activity of the College, as well as the distribution of official documents, contrary to the procedures defined in the legal and sub-legal acts in force;
- c) giving or enabling the provision of information by the College, of which he has become aware during the performance of his duties or lectures, unauthorized persons or the media, when it does not constitute a criminal offense;
- ç) the use of electronic devices for recording and / or filming the conversation with superiors, subordinates and colleagues, for any reason, without their knowledge, when it does not constitute a criminal offense and except in cases provided by law;
- d) the expression of public criticism of the College, in written, electronic or verbal form, which violates the image of the institution or the personality of the staff of the College;

- dh) concealment, alteration or annihilation of official documents in written or electronic form;
- e) intentional misrepresentation;
- ë) violation of the rules of keeping and using the technique and equipment of the College;
- f) possession and use of a weapon by a soldier of the Armed Forces in violation of the legal and sub-legal acts in force;
- g) possession of individual private weapons, with permission, in military premises;
- gj) discriminatory actions, attitudes or displays on the basis of ethnicity, religion, race, province, political, religious or philosophical beliefs, economic, educational, social or parental affiliation;
- h) use of alcoholic beverages during work / service or in cases when he is in uniform, except for official activities;
- i) giving the uniform with distinctive military signs and symbols, the document of the Armed Forces or other military equipment to other persons;
- j) absence, non-appearance at work or leaving the workplace, without justified reasons up to 5 days, for students and up to 10 days, for staff;
- k) non-appearance at work outside the set time, when requested by the leadership of the College, without justified reasons;
- l) exercise of physical violence or attempts to use violence against another person, in cases when the injured party does not file a report;
- ll) sexual harassment, in the form of an unwanted sexual attempt, a request for sexual favors and other verbal or physical behavior of a sexual nature, committed during or outside working hours;
- m) the use of gambling games in the premises of the College, for the purpose of obtaining monetary or material values;
- n) resistance to disciplinary proceedings or refusal to take disciplinary action;
- nj) false testimony during disciplinary proceedings;
- o) supporting or assisting in the commission of an offense specified in this Regulation or obstructing or preventing the trial of a person who has committed an offense punishable by this Regulation;
- p) failure to take the necessary measures to stop the disciplinary violation being committed by his subordinates and / or to prevent further consequences that may come from it;
- q) intentionally or unintentionally committing actions or omissions contrary to the legislation in force, which constitutes non-regular performance of duties.

2. Carrying out the third disciplinary violation within a period of one year, is considered a very serious disciplinary violation and the measure given for this violation will be in accordance with the measures for very serious violations, according to Article 10 of this regulation.

Article 11

Most concerning and serious disciplinary violations

1. Very serious disciplinary violations are:
 - a) supporting the campaign of a political party or organization or a member of a political party or an independent candidate, by participating or contributing physically or financially on behalf of the institution;

- b) assistance, support or participation in the activities of political, religious or non-profit organizations during working hours, in the workplace or in the College facilities;
- c) allowing persons from political, religious or any other non-profit organization to make propaganda in the premises of the College and with the means at its disposal;
- ç) use, distribution or placement in the means or premises of the College of symbols or advertisements of political or social organizations, with the exception of those of humanitarian character;
- d) exercising functions in relations with subordinates, superiors and students influenced by his political beliefs or personal or social interests;
- dh) organizing, inciting or participating in a strike on behalf of the College;
- e) use of illegal substances and narcotics, when it is not a criminal offense.

Article 12

Disciplinary measures

1. For the above actions, performed during the academic year, including the interval with the previous year, the following disciplinary measures are taken:

- a) Remarks;
- b) Written remarks;
- c) Last remark;
- ç) Prohibition of payment from 10% to 15%;
- d) Prohibition of salary increase for up to one year;
- and) Not raising the position for up to 3 years;
- e) Reduction of position;
- ë) Termination of employment;
- f) Suspension of the course in which the disciplinary violations have been identified;
- g) Suspension from the College for that academic year;
- gj) Deregistration from BUSINESS College.

2. Disciplinary measures “reprimand”, “written reprimand”, “last reprimand”; “Prohibition of payment from 10% to 15%”; “Prohibition of salary increase for up to one year”; “Failure to raise the position for up to 3 years”; “Decrease in position”; “Termination of employment”; “Course suspension in which disciplinary violations have been identified”; “Suspension from the College for that academic year”, are given by decision of the dean.

3. The disciplinary measure “Deregistration from the BUSINESS College, is given by a decision of the High Scientific Teaching Council.

4. The student is considered rehabilitated if he / she does not commit another violation for six consecutive months.

Article 13

Unforeseen disciplinary violations

1. The disciplinary measures provided above, which are given for actions and under certain conditions may be given for other violations of the same importance and the same characteristics which are not provided in Articles 9, 10 and 11 of this Regulation.

Article 14
Repetition of disciplinary violations

1. If the action or conditions for which a disciplinary measure has been given are repeated during the period of application of the measure or before its deletion from the disciplinary register, then the disciplinary measure of a more serious degree shall be given.

Article 15
Facilitating circumstances

1. If the academic or administrative staff and students during the previous period have performed positive services and in the register is assessed with the levels "good" or "very good" then disciplinary measures can be given to an easier degree.

Article 16
Reporting of disciplinary violations

1. Reporting on disciplinary violations, committed by the staff or students of the College "BUSINESS", is done in units or branches where he works or is registered, by individuals of personnel or students, as well as by any other individual, who finds disciplinary violation.

2. Reporting is done according to a standard format, which is approved by order of the Dean.

3. Any suspected or alleged violation must be reported to the head of the organizational unit of the College "BUSINESS". The head of the respective unit, immediately after receiving the oral or written report on the alleged disciplinary violation, must, within three days, present the case to the disciplinary commission, interview the alleged offender and the person who reported, analyze the details and given in the statement, and according to his assessment will decide whether it will be a violation of light or heavy nature.

4. In making the decision, the head of the respective unit will rely on the provisions of this Regulation.

Article 17
Criteria for taking disciplinary action

1. The disciplinary measure is taken after the necessary verifications for the violation are made, the employee or student himself, the injured parties, and the Student Council of the respective branch are heard.

2. The type of measure is determined according to the degree of violation, if it is repeated and the attitude held towards the action committed.

3. As a rule, disciplinary measures are taken in the above order unless otherwise assessed.

4. Against the decision of the dean for the disciplinary measure taken, the employee or the student has the right to appeal within 10 days of receiving the notification.

Article 18
Disciplinary proceedings and activities

1. By disciplinary procedure is meant all the activity that is performed, from the moment of informing in writing the person who is alleged to have committed the violation until a decision is made for disciplinary punishment or non-punishment.

2. In determining the disciplinary measure of the employee or student of the College "BUSINESS", the time, place, causes, importance of the violation, the degree of guilt, mitigating and aggravating circumstances, as well as the consequences of the disciplinary violation are taken into account.

3. The responsible authority, according to article 5 of this law, takes a decision on whether or not to impose a disciplinary measure within 30 days from the date of notification of the commencement of disciplinary proceedings. For complex cases, this period may be extended by the responsible authority, but, in any case, not more than 15 days. The extension of the deadline is done in writing and is notified to the employee or student, against whom the disciplinary proceedings have been initiated.

4. Only one disciplinary measure is given for each violation.

Article 19
Employee or student rights during disciplinary proceedings

1. At the beginning of the disciplinary procedure, the employee or the student is informed, in writing, about the elements of the disciplinary proceeding initiated against him.

2. The employee or student, against whom the disciplinary proceedings have been initiated, has the right to be heard by the responsible authority or the relevant disciplinary commission, as well as to submit evidence and facts related to his innocence.

3. The right to be heard and to present evidence and facts is exercised personally by the employee or the student.

4. In cases of proceedings for very serious disciplinary violations, the right to be heard and to present evidence and facts, the employee or the student exercises himself or through a legal representative chosen by him. If he is unable to find a representative, he makes a written request to the responsible authority or the relevant disciplinary commission, which appoints a representative of the legal profile to protect him.

Article 20
Facilitating circumstances

1. The mitigating circumstances when committing a disciplinary violation are considered:

- a) lack of experience at work or in the process of continuing studies;
- b) committing the violation for the first time;
- c) good evaluations and results at work and studies;
- ç) the correct behavior of the employee or student.

2. In cases of committing a violation in the conditions of mitigating circumstances, the employee or the student is punished with the easiest measure of the concrete category.

Article 21
Aggravating circumstances

1. The aggravating circumstances during the commission of a disciplinary violation are considered:

- a) committing a disciplinary violation in public;
- b) repetition of the relevant violation or other violations;
- c) previous punishment with disciplinary measure;
- ç) work experience, at least two years, in that service or second year of studies;
- d) the consequences of the disciplinary violation;
- dh) assessments and poor results in work or study;
- e) committing more than one disciplinary violation at the same time;
- ë) committing a disciplinary violation in cooperation;
- f) committing a disciplinary violation while serving a sentence for another disciplinary violation;
- g) committing a disciplinary violation while being in disciplinary proceedings for another disciplinary violation;
- gj) committing a disciplinary violation in the process of cooperation with other educational or public and private local or international institutions.

2. In cases of committing a disciplinary violation in the conditions of aggravating circumstances, the employee or the student is punished with the most severe measure of the concrete category.

Article 22
Disciplinary suspension

1. Disciplinary suspension of the employee or student starts from the moment of notification of the beginning of the disciplinary progress for serious and very serious disciplinary violations, until the issuance of the decision, in order not to / hinder the disciplinary proceeding and prevention of committing violations of others.

2. Disciplinary suspension does not constitute disciplinary punishment.

3. The disciplinary suspension is given in writing, case by case, by the responsible authority, according to article 5 of this regulation.

4. To the employee or student who is suspended from duty or studies, the responsible authority may decide during the period of suspension one or more of the following restrictions:

- a) deprivation of the right to enter the premises of the College unaccompanied;
- b) deprivation of the right to keep personal work equipment in the College;
- c) deprivation of the right to have access to information materials owned by the College.

Article 23
Prescription of disciplinary measure

1. A disciplinary measure may not be imposed on an employee or student if the violation has not been detected within 12 months of its commission.

2. In case of committing serious and very serious disciplinary violations, the measure cannot be given, unless it is discovered within 24 months from its commission.

Article 24
Disruption of disciplinary action

1. Disciplinary measures may be terminated by the responsible authority, according to Article 5 of this Regulation, when from the moment of execution of the measure has passed not less than one third of the deadline for its settlement.

2. In the order for termination of the disciplinary measure, the responsible authority, according to article 5 of this regulation, must argue the reasons for its removal.

Article 25
Rehabilitation

1. Rehabilitated:

a) employees and students of the College "BUSINESS", against whom a light disciplinary measure has been taken, according to the provisions of point 1, article 11, of this regulation, and that for a period of 6 months have not committed any other violation disciplinary. At the end of this period, the disciplinary measure is removed from the personal file of the employee or student;

b) the employees and students of the College "BUSINESS", against whom a serious disciplinary measure has been taken, according to the provisions of point 2, article 11, of this regulation, and that for a period of 1 year have not committed any other violation severe disciplinary. At the end of this period, the disciplinary measure is removed from the personal file of the employee or students.

Article 26
Guidelines for Procedural Actions

1. Procedural actions from the ascertainment of the violation to the issuance of the final decision on the award or not of the respective measure by the responsible authority, according to article 5 of this regulation, including the deadlines for the preparation of the defense, are determined by special instruction of the Dean. by chance.

Article 27
Complaint procedure out disciplinary measures

1. The appeal for disciplinary measures is made to the direct superior of the responsible authority that has given the disciplinary measure, up to the level of the High Scientific Teaching Council.

2. An appeal is not allowed for disciplinary measures, given by the High Scientific Teaching Council.

3. An appeal against serious and very serious disciplinary measures, given by the Dean or the High Scientific Teaching Council, may be made directly in court.

4. The administrative appeal for disciplinary measures is made within 10 days from the moment of becoming aware of the given measure.

5. The responsible authority, to which the complaint is made, makes a decision within 30 days from the date of receipt of the complaint.

6. The administrative appeal for severe disciplinary measures suspends the execution of the measure until the decision is taken by the responsible authority.

Article 28

Appointment of the complaints commission

1. The Dean shall appoint a Complaints Commission.

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

3. The mandate of the members of the complaint commission will last as long as the mandate of the body that has appointed this commission.

4. The members of the complaints commission may not be members of the disciplinary commission.

5. In case of conflict of interest, the member of the complaints commission withdraws and is replaced for that special session, if:

a) is in a managerial relationship with the complainant or a relative with him from the family side;

b) has family ties with the offender;

c) is implicated in an incident that is the subject of a complaint.

Article 29

Order for the establishment of the Disciplinary Commission

1. The order of the authority responsible for the establishment of the Disciplinary Commission must contain:

a. naming the order with the name and surname of the employee or student who will be prosecuted for committing a disciplinary violation;

b. disciplinary violation that will be subject to review;

c. the functional composition of the chairman and members of the Disciplinary Commission;

ç. the time of commencement and completion of the disciplinary violation review procedure. This time should not be more than 25 calendar days from the date of recognition of the employee or student who will be disciplined with the order for the establishment of the Disciplinary Commission;

d. the disciplinary officer who will conduct the investigation for the disciplinary violation;

f. the secretary of the commission, who keeps the minutes of the hearings.

2. The format of the order is defined in the form attached to this regulation and is an integral part of it.

Article 30
Disciplinary employee

1. The disciplinary employee represents the proposal for disciplinary measure in the disciplinary process and conducts the investigation of the disciplinary violation. The investigation serves to verify the disciplinary violation.
2. The disciplinary employee must be a lecturer with the title of professor.
3. The disciplinary employee starts the disciplinary investigation from the date of issuance of the order for the establishment of the Disciplinary Commission and conducts the investigation within a time frame of the above is 25 days of calendar days.

Article 31
Documentation and procedural actions

1. The disciplinary employee during the disciplinary investigation performs the following actions:
 - a. submits to the employee or student who is being processed, with a record of recognition, a copy of the order for the establishment of the Disciplinary Commission;
 - b. is familiar with the documentation of the practice of ascertaining the disciplinary violation;
 - c. investigations are carried out, evidence is obtained and additional documentation is collected that serves the investigation;
 - ç. invites the employee or student against whom the investigation is conducted and / or his / her defense counsel to study the acts and documents that have been collected against him / her, informing him / her about the right to recognize, keep records and obtain copies of this documentation;
 - d. invites the employee or student against whom the investigation is conducted and / or his defense counsel to bring other allegations and documentation regarding the violation for which the disciplinary proceedings are being conducted, to determine where and / or against whom he wants other verifications and investigations to be carried out. or to obtain evidence;
 - f. further verifications and investigations are carried out as required by the employee or student against whom the disciplinary proceedings have been instituted;
 - e. prepares the concluding report with the conclusions drawn and formulates its proposals for the disciplinary measure;
 - e. invites again the employee or student against whom the disciplinary proceedings are being conducted and / or his / her defense counsel to get acquainted with the acts and the final report and to receive copies of them;
 - f. inventories all acts of disciplinary investigation that must be numbered, including the closing report, which will be signed by setting the date.
2. The disciplinary employee creates the disciplinary investigation file which consists of:
 - a. copies of the practice of documentation of the ascertainment and reporting of the disciplinary violation;
 - b. required documents or those deemed necessary;
 - c. all documentation and acts collected during the disciplinary investigation;
 - ç. the final report on the disciplinary investigation;
 - d. the record of acquaintance with the acts collected during the disciplinary investigation.

3. The format of the recognition record shall be determined in the form attached to this regulation and is an integral part thereof.

Article 32 **Obtaining statements from the disciplinary officer**

1. The summoning of employees or students who are aware of the disciplinary violation is done according to the form, attached to this regulation and an integral part of it.

2. Before declaring, the employee or student who has knowledge is informed that, if he declares false data, he will be liable for disciplinary violations.

3. The witness, when summoned, is obliged to appear. Failure to appear and his absence is not caused by force majeure, failure to receive notice or any other obstacle assessed by the disciplinary officer who excludes him from liability, constitutes a disciplinary violation.

4. The declaration is taken according to the form attached to this regulation and an integral part thereof.

Article 33 **Protection**

1. The employee or student proceeded to commit a disciplinary violation, after being acquainted with the order for the establishment of the Disciplinary Commission, declares to the disciplinary employee the protection during the disciplinary process through a professional defender or by himself.

2. The format of the declaration shall be specified in the form attached to this regulation and an integral part thereof. This form is made available to the employee or student in proceedings by the disciplinary officer and is signed by the declarant and counsel.

3. The professional defender can be elected any specialist part or not of the College "BUSINESS".

4. The professional defense counsel, if he accepts the duty, must cover the entire disciplinary process.

5. The professional counsel may not request replacement or non-acceptance of the duty after accepting it once, except in special cases that do not allow the continuation of the duty, or when explicitly requested by the employee or student proceeding to commit a disciplinary violation.

6. If the employee or student who is being prosecuted does not have the opportunity to choose a defense counsel, but wishes to be represented by one, he / she makes a request and the defense counsel is immediately assigned by order of the authority responsible for setting up the Disciplinary Commission. The appointed counsel must have a legal profile and cannot refuse the assignment.

7. The format of the request is defined in the form attached to this regulation and its integral part.

8. A specialist who has ascertained the violation or who has been directly or indirectly affected by the violation cannot be assigned the task of defense counsel.

9. The protective specialist, when necessary, is removed from the other obligations he has.

Article 34
Functions of the Disciplinary Commission

1. The Disciplinary Commission is responsible for reviewing disciplinary violations and deciding whether or not to impose disciplinary measures.

Article 35
Procedure before the Disciplinary Commission

1. The opening of the session is done by the chairman of the commission following this procedure:

- a. the disciplinary hearing hearing is opened;
- b. the presence of the members and the secretary of the commission, the disciplinary employee, the employee or student who is being prosecuted and his defense counsel, if any, is verified;
- c. the data of the employee or student being prosecuted, the disciplinary employee and the defense specialist, if any;
- ç. ensures the impartial presentation and examination of the evidence and facts brought by the parties, to prove the guilt or innocence of the employee or student being prosecuted;
- d. the employee or student remembers the right he or she has to defend himself or herself through a defense specialist;
- f. the employee or student is reminded of the right to request the expulsion of commission members or disciplinary staff from the process, when it deems that there is a clear reason;
- e. the employee or student remembers the right not to answer the questions addressed to him.

2. Procedure for conducting the disciplinary session:

- a. the submission, by the chairman of the commission, of the object of review by the commission;
- b. the submission, by the disciplinary employee, of the claims, of the evidence and facts where the proposal for disciplinary measure is supported as well as his request regarding the object of the trial;
- c. the submission by the employee or student who is being prosecuted or his defense counsel of the evidence and facts on which his claims regarding the object of the trial are based;
- ç. hearing witnesses and submitting documents.

3. During the session, the chairman and members of the commission have the right to ask questions to the employee or student who is being prosecuted or to his / her defense counsel, disciplinary staff and witnesses. This right is also enjoyed by the parties against each other and the witnesses.

4. All developments during the session are recorded in the minutes kept by the secretary of the commission. The minutes are signed by the participants in the session.

Article 36
Lack of the employee or student prosecuted or his / her defense counsel

1. When the employee or student against whom the disciplinary procedure is conducted does not appear at the hearing and his absence is caused by force majeure, failure to receive

notification or any other obstacle assessed by the commission that excludes him from responsibility, the Disciplinary Commission, postpones disciplinary review, setting the date and time of the new hearing.

2. The Disciplinary Commission decides according to point 1 of this article, when the defense counsel chosen by the employee or student who has been given disciplinary measures is missing and there is no possibility of his replacement, except when the employee or student who is being prosecuted seeks to continue the proceedings. even in the absence of counsel.

3. When the employee or student who is being prosecuted does not appear at the hearing without having legitimate reasons, leaves the hearing, or gives his consent for the disciplinary process to take place in absentia, he is represented by his defense counsel and if there is no such or this i the latter does not occur without legitimate reasons, the process takes place in absentia.

Article 37

Calling and questioning witnesses during the hearing

1. Witnesses are summoned by the Disciplinary Commission when requested by the employee or student being prosecuted, his / her defense counsel and / or the disciplinary officer.

2. Only persons who have been present at the disciplinary violation or are aware of this violation are called as witnesses.

3. Witnesses are asked separately and only about the facts related to the disciplinary violation under consideration.

4. The witness cannot testify to what is said in public, express personal attitudes or testify to the moral attitude of the employee or student who is being prosecuted.

5. The questioning of the witnesses is done first by the disciplinary employee, by the employee or student who is being prosecuted or by the defense specialist who has requested the question. The question then proceeds from the other side.

6. The witness shall not be asked questions that affect his or her impartiality or suggest suggestions.

7. Before testifying, the witness shall be notified that, if he / she proves false information, he / she will be liable for disciplinary violations.

8. The witness, when summoned, according to point 1 of this article, is obliged to appear. Failure to appear at the hearing and his absence is not caused by force majeure, failure to receive notice or any other obstacle assessed by the commission that excludes him from liability, constitutes a disciplinary violation.

Article 38

Postponement of the disciplinary review deadline

1. The term of the disciplinary review may be postponed for major reasons as long as the cause lasts and is done by the responsible authority that has ordered the establishment of the Disciplinary Commission.

Article 39
Decision making by the Disciplinary Commission

1. The decision in the Disciplinary Commission is taken without the presence of other persons, with the majority of votes of all its members.
2. The decision must be reasoned and based on evidence and law.
3. The decision of the Disciplinary Commission contains:
 - a. the composition of the Disciplinary Commission that issued the decision;
 - b. the data of the employee or student examined by the commission or other data that are valid for identification, as well as the data of the defense counsel and the disciplinary employee;
 - c. disciplinary violation that has been reviewed;
 - ç. summary presentation of the circumstances, facts and evidence on which the decision is based;
 - d. declaring the employee or student responsible for the disciplinary violation and the relevant disciplinary measure responsible in case of finding guilty, mitigating or aggravating circumstances which have influenced the determination of this measure;
 - f. the date and signature of the members of the commission.
4. The format of the decision is determined in the form attached to this regulation and its integral part.
5. The clarification of the decision taken by the Disciplinary Commission is done within 2 days from the end of the disciplinary process.
6. The responsible authority within 3 days from the day of the clarification of the decision of the Disciplinary Commission, issues an order for the implementation of this decision.
7. The order is communicated in writing to the employee or student who is being prosecuted within 48 hours.

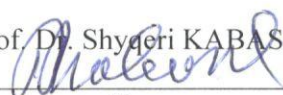
Article 40
Procedure for changing the regulation

1. The right to initiate a proposal for changes in the disciplinary regulation of BIZNESI College has:
 - a) not less than three members of the High Scientific Teaching Council;
 - b) not less than two members of the Board;
 - c) not less than ten members of the academic staff of the College;
 - ç) Dean.
2. The proposal must be accompanied by a report in which it is explained: the purpose of the changes, the advantages they bring and any other valuable data.
3. The proposal is submitted to the Dean, who passes it on to all the basic units of the College for consultation. This consultation process cannot be less than 30 days.
4. Upon completion of the procedure defined in point 3, the Dean forwards the initial proposal, the relevant report and the proposals brought by the basic units for decision-making to the High Scientific Teaching Council, which decides according to the competencies defined in law no. 04 / L-037 "On higher education in the Republic of Kosovo".

Article 41
Recent provisions

1. This Regulation entered into force upon its approval by the High Scientific Teaching Council.
4. The dean of BIZNESI College has the right to interpret this regulation.
5. Approved by decision no. _____ date 27/09/2019. , by the Higher Scientific Teaching Council of BIZNESI College.

Prof. Dr. Shyqeri KABASHI



Dean



Appendix A

Documents required for the practice of using this regulation

Form - 1

REQUEST ABOUT ANTIQUITY CONDITION OR DISCIPLINARY WORK

No. ____ Prot., Date ____ . ____ . ____

Applicant: _____ (name, surname)

Addressed: _____ (Dean/Higher Scientific Teaching Council of the College "BIZNESI")

Honored _____,

Pursuant to Article _____, of the Regulation "On Procedures and Disciplinary Measures in the BUSINESS College", I request the exclusion of _____ (name, surname), which is _____ (chairman / member / disciplinary member / employee), in the Disciplinary Commission set up against my person , because _____ (reason for incompatibility) _____

APPELLANT

(name, surname, signature)



KOLEGJI - COLLEGE
BIZNESI
Prishtinë

ORDER

Nr. _____ Date _____.____.

ABOUT

THE ESTABLISHMENT OF THE DISCIPLINARY COMMISSION FOR THE DISTRIBUTION OF THE DISCIPLINARY SCIENCE IN COLLECTION OF
_____ (name, surname)

In support of Law no. 04 / L-037 “On higher education in the Republic of Kosovo”, article 25, point 1 and article 26, point 3 of the Statute of the College “BUSINESS” and article 19, point 1 and article 20, point 3 of the Regulation Interior of the College "BUSINESS",

ORDER :

1. Establishment of the Disciplinary Commission for the review of disciplinary violations _____, defined in Articles 9 (nine), 10 (ten), 11 (eleven), of the regulation “On procedures and disciplinary measures in the College BUSINESS”, in charge of _____ (name, surname, function).
 2. The Commission shall consist of:
 - 1 . _____ (name, surname, function), Chairman
 - 2 . _____ (name, surname, function), Member
 - 3 . _____ (name, surname, function), Member
 - 4 . _____ (name, surname, function), Member
 - 5 . _____ (name, surname, function), Member
 3. _____ (name, surname, function), is assigned a disciplinary employee.
 4. _____ (name, surname, function), is appointed secretary of the Disciplinary Commission.
 5. The Disciplinary Commission should initiate the procedure of reviewing the disciplinary violation on _____.____ and take a decision within the date _____.____.
 6. The Disciplinary Commission to hold meetings in _____ (the place where the meetings take place), in the premises of BIZNESI College, in Prishtina.
 7. The Chairman of the Disciplinary Commission is responsible for the implementation of this order.
 8. Follows the implementation of this order by the Secretary General of the College.
- This order enters into force immediately.

Prof Dr Shyqeri KABASHI

Dekan

Minutes
KNOWLEDGE WITH ACTS

Nr. _____, Prot. Date, _____.____._____

Today, on _____.____._____ in _____ (place where the minutes are kept), time _____, based on article 36, of the regulation “On procedures and disciplinary measures in the College BUSINESS”, this record is kept for the recognition of _____ (name, adjective, of the student employee in the proceedings), with the acts collected during the disciplinary investigation in relation to the disciplinary proceeding initiated against him.

_____ (name, surname of the complainant), the following acts were made available:

1. _____
2. _____
3. _____
4. _____
5. _____

Employee or student in proceedings

(name, surname, signature)

Disciplinary employee

(name, surname, signature)

Note: A copy of this record, after being recorded, is given to the complainant.

SPEAKS NOTICE FOR DECLARATION TAKING

No. _____ Prot. Date _____.____._____

Addressed: _____ (name, surname)

With address: _____
(full address of work, place of residence or stay)

Pursuant to Article 36 of the Regulation "On Procedures and Disciplinary Measures in the College of BUSINESS", you are notified to appear on _____.____._____, ora _____, at _____ (place where the statement will be taken), at _____ (name, surname of the disciplinary employee), with office number _____ and mobile _____.

The submission announcement is made after you have been interviewed (declare) regarding: _____ (The reason for the submission is briefly described)

_____.

DISCIPLINARY WORK

(name, surname, signature)

Delivery date _____.____._____.

Announcer of the notice sheet

(name, surname, signature)

Recipient of the notice sheet

(name, surname, signature)

Note: The notice sheet, after being signed, is returned to the disciplinary officer in person by the recipient.

DECLARATION FOR THE CHOICE OF PROTECTION

Nr. _____ Prot. Date _____.____._____

I signed _____ (name, surname), employee (student) of BIZNESI College, in Prishtina, based on article 34, of the regulation "On procedures and disciplinary measures in BIZNESI College", I declare that I choose as a defender in the disciplinary case in my charge _____ (name, surname of the counsel), employee of _____ (structure where the counsel works).

DEFENSE

(name, surname, signature)

DEFENSE

(name, surname, signature)

Note: A copy of this statement, after being recorded, is given to the disciplinary officer.

REQUEST FOR PROTECTION ACTION

Nr. _____ Prot. Date _____.____._____

Addressed: _____ (Dean of BIZNESI College)

I, the undersigned _____ (name, surname), employee (student) of BIZNESI College, based on article 34, of the regulation "On procedures and disciplinary measures in BIZNESI College" and unable to find a lawyer, I request the appointment of a defense counsel with legal profile, to represent me in the disciplinary proceedings against my person, initiated by order no ._____, date _____.____._____ of the Dean of BIZNESI College.

Thank you.

APPELLANT

(name, surname, signature)

Note: A copy of the request, after being recorded, is given to the applicant.

DECISION OF THE DISCIPLINARY COMMISSION

Nr. _____, Date _____.____._____

The Disciplinary Commission established by order no ._____, dated _____.____._____, of the Dean of the BUSINESS College in Prishtina, composed of:

- 1. _____ (name, surname, function), Chairman
- 2. _____ (name, surname, function), Member
- 3. _____ (name, surname, function), Member
- 4. _____ (name, surname, function), Member
- 5. _____ (name, surname, function), Member

and with the committee secretary _____ (name, surname, function), convened today on _____.____.____ at the conclusion of the review of the disciplinary violation _____, set out in Articles 9 (nine), 10 (ten), 11 (eleven)), of the regulation “On procedures and disciplinary measures in BUSINESS College”, in charge of _____(name, surname, function), represented _____ (personally / if there is a defense counsel and name, surname of the defense counsel), and with disciplinary employee _____ (name, surname, function).

NOTE:

(Summary presentation of the circumstances, facts and evidence on which the decision is based)

Regarding the above, the Disciplinary Commission with _____ (unanimity / majority of votes)

DECIDED:

(Innocent declaration and failure to give disciplinary action against the defendant) _____ (name, surname).

(The guilty plea of the plaintiff _____ (name, surname) and the issuance of the disciplinary measure _____ (name of the measure), defined in articles 9 (nine), 10 (ten), 11 (eleven), of the regulation “On disciplinary procedures and measures at BUSINESS College ”).

Announced today, on _____.____._____.

The President

(rank, name, surname, signature)

Member Member

(rank, name, surname, firm)

Member Member

(rank, name, surname, firm)

Member Member

(rank, name, surname, firm)

Member Member

(rank, name, surname, firm)

FORMULATION FOR PREVENTION OF DISCIPLINARY SCIENCE

College _____

PREVENTION OF A SUPPORTED DISCIPLINARY SCIENCE

Details of the alleged offender

Name and surname _____ Title / task / function _____

Unit / Branch _____, Head of unit / Branch _____

Details of the person presenting the alleged violation

Name and surname _____

If he is employed (student) in College _____

Title / task / function _____, Unit / Branch _____

Address: _____ Nr. tel: _____

Details of the alleged violation, as presented: (to be completed by the Responsible)

_____.

Date __. __. ____

Responsibility

FORMULAR FOR INTERVIEW

College _____

**SUPPORTED DISCIPLINARY DEVICE:
PROCESSES VERBAL INTERVIEW INTERVIEW**

Name and surname of the interviewee _____

If employed (student) at the College:

Title / task / function _____, Unit / Branch _____

Address: _____ Nr. tel: _____

Interviewer's name and surname _____

Title / task / function _____

Unit / Branch / Program _____

Interview minutes (completed by the interviewer)

Date __. __. ____

interviewer

Form for verbal warning registration

College _____

PROCESSES VERBAL OF PREPARATION

Name and surname: _____ has been given an oral warning with the date __. __. ____, Because:

1. his / her behavior in the following way by him / her constitutes a disciplinary violation:
(brief description of the violation)

2. The following improvements are required:

3. Failure to improve will result in other disciplinary measures, such as:

The verbal warning is given by: (Name and surname, Title / task / function)

Date __. __. ____

Leader

Written warning form

College _____

Name and surname _____

Title / task / function _____,

Unit / Branch _____

Date __. __. ____

Dear Mr. _____

PREVENTION WITH WRITING FOR DISCIPLINARY WRITING

This letter is to formally warn you that your behavior regarding:

it is an unacceptable disciplinary violation.

The following improvements are required:

Failure to improve or further disciplinary infringement will result in stricter disciplinary action.
A copy of this warning will be placed in the person's personal file.

Date __. __. ____

Leader

Form for notifying the alleged offender of the disciplinary action

College _____

Name and surname _____

Title / task / function _____,

Unit / Branch _____

Date __. __. ____

Dear Mr. _____

SUPPORTED DISCIPLINARY DISCUSSION NOTICE

This letter is to let you know that you are presumed to have committed a disciplinary offense as follows:

The statement was referred to the College Disciplinary Commission, which will assess whether there is sufficient evidence to substantiate the statement and, if so, what should be applied to your person.

You must appear before the Disciplinary Commission:

In _____ with the date __. __. _____, at _____.

The purpose of the Disciplinary Commission is to establish the facts and you will be given sufficient opportunity to provide the Commission with a full explanation 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 commission time to read and ascertain it.

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

The decision of the Disciplinary Commission will be given orally and in writing, within 5 days after the session. You have the right to appeal against the decision of the relevant body.

Date __. __. ____

Leader

Form to notify employee suspension

College _____

Name and surname _____

Title / task / function _____,

Unit / Branch _____

Date __. __. ____

Dear Mr. _____

EVALUATION OF PAYMENT RESOLUTION

Following serious misconduct statements made against your person, we are notified that you are suspended for the period under investigation and disciplinary proceedings.

The reason for the suspension is considered in the best interest of the College that you should not continue your work until the investigation into the alleged violation has been completed.

You must not visit any College premises during your suspension period. You must return to work on __. __. _____, unless otherwise stated.

A copy of this notice shall be placed in the personal file of the person.

Date __. __. ____

Leader

Commission Decision Communication Form

College _____

Name and surname _____

Title / task / function _____,

Unit / Branch _____

Date __. __. ____

Dear Mr. _____

DECISION OF DISCIPLINARY COMMISSION

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

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

If you wish to appeal to the relevant instance against the decision of the Disciplinary Commission, you must do so in writing within 15 days from the day of receipt of this Decision.

Date __. __. ____

Leader

Complaint registration form

College _____

PREVENTION OF ANCIENT

Name and surname of the complainant _____

Unit / Branch _____

Title / task / function _____,

If the complainant is employed (college) at the College:

Residence address _____ Nr. i tel. _____

Brief details of the complaint:

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

Date __. __. ____

Signature of the complainant

Observation on ANNOUNCEMENT

To: _____ (Name and surname of the complainant)

Your complaint dated __. __. _____, was accepted by the staff. We will contact you within 30 days to find out if your complaint will be heard or not. In any case, if this complaint is accepted, we will provide you with information on how to proceed.

Date __. __. _____

Leader

Form for accepting or rejecting the complaint

College (Unit / Branch) _____

Ms. _____ (Name and surname of the complainant)

Address of the complainant _____

(data) __. __. _____,

Honorable: Vice President: _____

Complaint against _____ (appeal title)

(If there are sufficient primary grounds for appeal or if there is an appeal against the disciplinary decision - it is stated):

Your complaint dated __. __. _____, will be heard by the Complaints Commission of BIZNESI College on __. __. _____, in _____

You have the right to be accompanied at the hearing by an advisor, at your discretion, who will 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 - it is stated):

Your complaint dated __. __. _____, was rejected because: (briefly clarifies the reasons why the complaint was not accepted)

According to the Civil Code of Kosovo, you have the right to appeal against this decision to the competent court in Prishtina (Prizren, Vushtrri, Gjakova).

Date __. __. _____

Leader

Form for the decision of the disciplinary commission of appeals

College _____

Ms. _____ (Name and surname of the complainant)

Address of the complainant _____

(data) __. __. _____,

Honorable: Honorable Deputy Mrs. _____

Complaint against _____ (complaint title)

(If the complaint is accepted):

The Complaints Commission accepted the complaint and ruled that:
(briefly describe the correction described by the grievance commission)

(If the complaint is rejected):

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

You have the right to appeal against the decision of the Appeals Commission to the competent Court in Prishtina (Prizren, Vushtrri, Gjakova).

Date __. __. _____

Leader
