



**UNIVERSITY OF GJAKOVA
"FEHMI AGANI"**

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**REGULATION
ON DISCIPLINARY PROCEDURE FOR
STUDENTS**

Gjakova, 2016

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Based on the Article 23, section 1.6, of the Statute of the University of Gjakova, the Governing Council at its regular meeting approved:

REGULATION ON DISCIPLINARY PROCEDURE FOR STUDENTS

I. GENERAL PROVISIONS

Article 1

The provisions of this Regulation shall govern:

Disciplinary procedure for students of this University, submission – identification of disciplinary violations, types of disciplinary violations, appointment of disciplinary commission, support of disciplinary commission, measures related to disciplinary violations and other issues.

Determining the disciplinary responsibility of the students of this University and the appeal procedure, the right of appeal, the appointment of the appeal committee.

II. DETERMINING DISCIPLINARY LIABILITY OF STUDENTS

Article 2

Students are required to abide by the obligations arising from the general acts of the University and this Regulation.

Students should carefully and fairly use the wealth entrusted to them during their studies, to guard it against destruction.

The student may be liable for disciplinary violations for violating University legal obligations and rules.

Article 3

1. Minor disciplinary violation

The following are considered minor disciplinary violations:

- - misconduct in the University - Faculty working premises where lectures, exercises and exams are held;
- disrupting order and silence during lectures that impede the normal work of teachers and students;
- minor damage to teaching equipment, laboratories, computers, library funds in libraries, and other University property by negligence;
- participation in political meetings in University facilities for which there is no permit;
- conducting other activities that cause harm to and violate the authority of the University, teachers, associates, other staff and students of the University.

Article 4

2. Serious disciplinary violation

The following are considered serious disciplinary violations:

- gross violations of the rules of the University Code of Ethics;
- falsification, improvement of data in Certificate, Certification and other documents issued by the University - Faculty;
- falsification of teacher's mark or signature;
- providing inaccurate records to University bodies for the purpose of acquiring certain student rights;
- false presentation for the purpose of taking the exam or performing other duties on behalf of the other student;
- Offering or bribing University staff or those holding senior management positions;
- inciting a serious incident at the University's workplaces where teaching (lectures, exercises and exams) is greatly hampered or hindered;
- gross damage to the property of the University intentionally;
- theft or attempted theft of University property;
- access or use of facilities under control of the University, or parts thereof, without proper authorization;
- blocking the entrance or exit of any University-Faculty building;
- inciting hatred, beatings, gross insults on teachers, workers, students;
- use or coming under the influence of alcohol and drugs in University facilities and other cases provided by Law and Statute.

Article 5

The commencement of the disciplinary procedure for minor offenses for students is obsolete after the expiration of 6 months from the day when the offense was committed.

The commencement of a disciplinary procedure for gross misconduct for students shall become obsolete after the expiration of 12 months from the date of committing the offense.

Article 6

3. Disciplinary Committee

The relevant body will establish a Disciplinary Committee, which will decide on cases involving alleged serious violations.

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

The charge of the members of the Disciplinary Committee shall be as long as the charge of the body which has appointed the committee.

In cases of conflict of interest where the objectivity of the committee member is questioned, it shall be replaced by the relevant authority for that particular case, such as:

- when a member of the Commission is in the position of leader over the alleged offender or is related to the alleged offender by family, marriage, or is a relative or is in personal social relations;
- when a member of the Commission has been injured by the alleged offender or is related to the injured person by family, marriage or relatives or is in personal social relations.

Members of the Disciplinary Committee may not be members of the Appeals Committee.

Article 7

4. Support of Disiplinary committee

Professional service of the University, academic units and other units organization will provide the Disciplinary Committee with:

- providing advice and guidance to Committee members;
- gathering and providing evidence;
- preparation of the session schedule;
- notifying the persons required to be present of the date, time and place of the hearing;
- keeping records of the disciplinary hearing;
- delivery and communication of the decision to the offender and other matters required for the conduct of the proceedings.

Article 8

The disciplinary hearing must be held as soon as possible, and in any case no later than 30 days, and the decision must be made within 60 days of the date of notification of the case.

Disciplinary Committee:

- hear evidence concerning the alleged violation;
- determine, on the basis of evidence, whether the violation has been committed;
- propose the disciplinary measure to be imposed.

The purpose of the hearing is to establish the facts. The decision of the relevant body shall be notified to the offender within 5 days of the date of the decision. The minutes and the decision of the relevant body shall be recorded in the person's file.

Article 9

3. Taking disciplinary action

The Disciplinary Committee, after thorough examination of the case, proposes to the relevant Authority to take the following measures:

- written remarks
- 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.

IV. PROCEDURE OF COMPLAINTS

Article 10

The grievance procedure is intended to protect the student from decisions unfair.

The person dissatisfied with the decision imposing the disciplinary measure has a right of appeal. The appeal is addressed to the second instance body.

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2. Appointment of the Appeals Commission

Article 11

The relevant body will appoint the Appeals Commission as the second instance body.

The commission will consist of three permanent members from the members of the relevant Authority.

The mandate of the members of the Appeals Committee will be as long as it the mandate of the body which appointed this commission.

The members of the Appeals Commission may not be members of the First Instance Disciplinary Committee.

Neni 12

On the occasion of a conflict of interest, the member of the Appeals Committee shall be withdrawn and replaced for that special session if:

- is in a management relationship or family related with the complainant
- is implicated in the incident (event) which is the subject of the complaint.

Article 13

The professional service of the relevant body will provide the Appeals Commission with:

- advice and guidance, gathering documentary evidence and distributing appropriate documents to all parties;
- preparation of the schedule of the review sessions;
- keeping the record of the hearings and posting them in the personal disciplinary file.

Article 14

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

The appeal hearing shall be held as soon as possible and in any event not later than 30 days from the date on which the appeal is referred to the Appeals Commission.

The Appeals Commission will:

- review the evidence,
- determine on the basis of the evidence whether the complaint should be admitted,
- describes the disciplinary measure of improvement to be implemented.

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

The purpose of the Appeals Commission is to take into account the evidence in the complaint, while obtaining additional evidence in the finding of fact-based evidence.

Article 15

The hearing session shall be completed as soon as possible and the Commission shall decide within 60 days of the date on which the case is 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 adopt a decision which shall be notified to the appellant within 5 days of receipt.

The record of the Appeals Commission should be placed in the appellant's file.

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V. FINAL PROVISIONS

Article 24

The Steering Council of the University of Gjakova is responsible for the implementation of this Regulation.

The Appendix to this Regulation provides different forms of disciplinary procedure, the Discipline Commission's Guidelines, various complaints procedure forms, and the Appeals Commission's Guidelines.

Article 25

The Regulation shall enter into force immediately upon signature by the Chairman of the Steering Council.

Amendments to this Regulation may be made according to the same approval procedure.

The chairman of the Steering Council,
Prof. Dr. Luan Ahma

APPENDIX

OF THE RULES ON DISCIPLINARY PROCEEDINGS AND COMPLAINTS

1. DISCIPLINARY COMMISSION FORMS

1. Form for presenting a disciplinary violation
2. Interview form
3. Verbal warning registration form
4. Written warning form
5. Form for notifying the alleged offender of disciplinary action
6. Form to announce the suspension of the employee
7. Form for communicating Commission Decision

2. INSTRUCTION ON HOLDING A DISCIPLINARY SESSION

1. Main points
2. Preparing for a hearing
3. How the Disciplinary Committee hearing should be conducted
4. Statement of alleged violation
5. Answer of the alleged offender
6. General questions and discussions
7. Summary
8. Postponement (suspension)
9. What problems can arise and how should they respond?
10. Guidance for making decisions about disciplinary measures
11. What should be considered before any disciplinary punishment is imposed?
12. Decision of the Disciplinary Committee

3. COMPLAINT COMMISSION FORMS

1. Complaint Registration Form
2. Form for accepting or rejecting the complaint
3. Form for the decision of the disciplinary commission

4. GUIDELINES ON HOLDING A COMPLAINT REVIEW SESSION

1. Main points
2. Preparation for the hearing
3. How the grievance committee hearing should be conducted
4. Appellant's statement
5. Response to the appellant
6. General questions and discussions
7. Summary
8. Postponing for later
9. What problems can arise and how to deal with them?
10. Guidance on selection decisions (remedial measures)

- 11. What needs to be considered before making any choices?
- 12. Decision of the Appeals Commission.

DIFFERENT DISCIPLINARY COMMISSION FORMS

Form for submission a disciplinary violation

Form/ 1

University – Faculty

SUBBMISION OF AN ALLEGED DICIPLINARY VIOLATION

Details of the alleged offender

Name and surname
Title of the post
Departament
Chairman

Details of the person that subbmits the alleged violation

Name and surname

If employed by the University:

Title of the post Departament

If not employed by the University:

Address:

.....

Phone number:

Details of alleged violation, as submitted: (to be filled by chairman)

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

Date
.....

Chairman
.....

Interview form
Form/2

University – Faculty

ALLEGED DISCIPLINARY VIOLATION :

REPORT ON INVESTIGATING INTERVIEW

Name and surname of the interviewee

If employed by the University:

Title of the post Departament.....

Address:

.....

Phone number:

Name and surname of the interviewer

Title of the post.....Departament.....

Report of the interview (to be completed by the interviewer)

date
.....

Interviewer
.....

Form/3

Form for the record of the verbal warning

University – Faculty

RECORD ON VERBAL WARNING (AMONITION)

Name and surname:..... A verbal warning was given on date that:

1. the following conduct by him / her constitutes a disciplinary offense:
(brief description of the violation)

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

2. further improvements are required :

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

3. failure to improve will result in further disciplinary action :

.....
.....

Oral warning is given by:

Name and surname
.....

Title of the post
.....

Date
.....

Chairman
.....

Form/4

Form on written warning

University – Faculty

Name and surname.....

Title of the post

Department

Date

Dear/ Mr/Mrs

WRITTEN WARNING (AMONITION) ON DISIPLINARY VIOLATION

This letter is to formally warn you of your conduct in relation to:

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

is an unacceptable disciplinary violation.

Further improvements are required:

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

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

Date
.....

Chairman
.....

Form/5

Form for notifying the alleged offender of disciplinary action

University – Faculty
Name and surname.....
Title of position.....
Department
Date.....
Dear Mr/Mrs

NOTICE OF ALLEGED SEVERE DISIPLINARY VIOLATION

This letter is to let you know that you are alleged to have committed the following serious disciplinary offense (briefly describe the alleged violation):

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

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

You must appear before the Disciplinary Committee:

In on dt. hour.....

The purpose of the Disciplinary Committee is to ascertain the facts and you will be given ample opportunity to provide the Commission with full explanations of your version of the event and present such evidence as you consider to be valid. Please submit everything documented at least 5 business days before the hearing, to allow the committee time to read and ascertain it.

You may be escorted to a hearing by another University employee of your choice, who may consult with during the hearing but who may not respond on your behalf. The hearing will be conducted in any official Kosovo language you wish.

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

Date.....

Chairman.....

Form to announce the suspension of the employee

University – Faculty
Name and surname
Title of position
Department
Date
Dear Mr/Mrs.

NOTICE OF SUSPENSION WITH PAYMENT

Following allegations of serious disciplinary violations made against you, we inform you that you have been suspended until the investigation and disciplinary proceedings are underway.

The reason for the suspension was considered for the benefit of the University - Faculty that you should not pursue your work until the investigation into the alleged violation has been completed.

You should not visit any University - Faculty premises during your suspension period. You must return to work by date , unless otherwise notified.

A copy of this notice will be placed in the person's personal file.

Date
.....

Chairman
.....

Form/7

Form for communicating Commission Decision

University – Faculty

Name and surname

Title of position

Department

Date

Dear Mr./Mrs.....

DECISION OF THE DISCIPLINARY COMMISSION

After your appearance before the Disciplinary Committee on
(date), The Commission has carefully examined all the evidence presented and
has determined that::

(details of the Commission's decision)

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

If the Commission has determined that a serious disciplinary offense
has been committed: The Commission has determined that
(details of fines to be charged with)

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

If you would like to appeal to the Appeals Commission against the decision of
The first instance disciplinary committee you must do this in writing
15 days from the date of receipt of this Decision.

Date
.....

Chairman
.....

INSTRUCTION ON HOLDING A DISCIPLINARY SESSION

1. Main points:

- The committee should carefully prepare for the hearing and ensure that all relevant facts are available;
- Tell the alleged offender exactly what the alleged violation is, advise him of his / her rights under disciplinary procedures, including the right to be accompanied at each hearing;
- Staff should be allowed time to prepare and given opportunity to state their case;
- Conduct sufficient investigations and interrogations, ensure that all facts are objectively established;
- Listen carefully to all that has been said;
- Consider postponing the hearing for a later date before deciding on any disciplinary punishment so that you can take full account of all the issues raised.

2. Preparing for the hearing

- * Ensure that all relevant facts are available, such as personal details, disciplinary records and any current warnings, other relevant documents (eg records of absence or sick leave) and, where necessary, written statements from witnesses.
- * Notify the alleged offender in writing of the procedure to be followed and that he / she should attend the disciplinary hearing.
- * Notify in writing the alleged offender that he / she is entitled to be escorted to a hearing by another University employee.
- * Find out if there are any special circumstances to consider, e.g. are there any personal or external issues affecting performance or behavior
- * Be careful when dealing with testimonials from an informant who wishes to remain anonymous. Get a written statement, look for evidence, and verify that the informant's motives are genuine.
- * Consider how the standards of the alleged offender compare with those of the other person - is it possible that the alleged offender is unfairly detached?
- * Consider what explanations the alleged offender may offer, and if possible check them in advance.
- * Give the alleged offender time to prepare his / her case. It can be helpful and saves time in the hearing if copies of any documents and witness statements are made available in advance

- * Set the date and time for the session in a suitable room where there will be no obstacles. Alleged violators give at least 5 business days notice before the hearing and allow him / her to propose a reasonable alternative date if his / her companion cannot attend the due 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 unable to attend the hearing, try to obtain a written statement from him / her.
- * Think about the structure of the session and list the points to be covered *

3. How should the Disciplinary Committee hearing be conducted

The Chairman of the Disciplinary Committee shall:

- introduce the alleged offenders to Commission members and administration staff,
- to invite the alleged offender to introduce the person accompanying him and to clarify the role of the accompanying person,
- clarify 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. Statement of alleged offender

The Chairman shall:

- 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 wrong. Then accept the steps that need to be taken to fix the situation.

5. Answer of alleged offender

Committee members should:

- enable the person to describe, tell his / her case and respond to any statements made. He / she should ask questions, present evidence and invite witnesses. The accompanying person may also ask questions and should be able to privately consult the person but cannot answer questions on his / her behalf. Listen carefully to what the alleged offender has to say and be prepared to wait for a calm response, as this can be a useful way to encourage him to be more willing to cooperate;
- if it is impracticable for witnesses to attend, consider holding a hearing without witnesses, if it is clear that their testimony will not prejudice the substance of the complaint.

6. General questions and discussions

The Commission should:

- make use of this period, establish all the facts and, if any special circumstance is taken into account;
- adjourn the hearing if further investigations are necessary, if appropriate, at the request of the alleged offender or his / her representative.
- to ask formal and human questions to encourage the employee to speak freely for the purpose of finding the facts. Disciplinary hearings should be a two-way process. Use questions to clarify issues and verify what is understood. Ask precise questions closed in the answers required yes / no only when specific information is required.
- not engage in quarreling and should not make personal or humiliating remarks. Committee 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 explanation or has no real evidence to support the statement, stop the process.

7. Summary

The Chairman shall:

- summarize the main points of discussion after the interrogation is complete. This allows all parties to be reminded of the nature of the violation, of the arguments or evidence presented and to ensure that nothing is missing, forgotten and to question the alleged offender if he or she feels they have had a fair hearing and whether they have anything else to say. This should help demonstrate to the alleged offender that he was treated reasonably.

8. Postponement - suspension

It is generally good practice for the Commission to suspend before deciding whether disciplinary punishment is appropriate. This gives time for appropriate reflection and consideration. It also allows time for further verification of an issue raised, especially if there is any discrepancy - fact finding. If new facts emerge, consider whether it is better to call the hearing again.

9. What problems can arise and how to respond

The Chairman is responsible for ensuring that the hearing is properly conducted. It is possible that the subject will not go quietly - people may get upset or even angry. If the alleged offender gets angry or upset, the chairman should allow him / her time to rest before continuing. If the concern is too great, the hearing should

not continue, it should be postponed..

A language of understanding can be used but vocabulary or behavior which can be interpreted as very bad behavior should not be allowed to pass without comment. If necessary, such conduct may be taken as a disciplinary offense. In these circumstances, the chairman should adjourn the hearing and schedule a hearing later, when the two issues can, if necessary, be considered together. The Commission may also recommend that the alleged offender should be suspended with payment to allow him / her to calm down and allow a full investigation.

10. Instruction for making decisions about disciplinary measures

Key points:

* The decisions of the Commission at the end of the disciplinary hearing are:

- a) apply disciplinary measures,
- b) what form it should take and
- c) whether or not to take any other action (eg training or job change)

* Before deciding whether the disciplinary action is appropriate and at what level, the Commission should consider the offender's general and disciplinary record, if disciplinary proceedings indicate possible penalties, what action was taken in previous cases, any particular circumstances to consider and whether the punishment is reasonable.

* Discharge without warning of serious violations, without notice or payment upon notification should only be for very serious violations cases and should occur only after disciplinary investigation and hearing procedure.

* The offender must not be left in any doubt as to the nature of the disciplinary punishment, the expected improvement, the needs to support the improvement, the method and timing of the complaints.

* The Commission should actively consider what remedial steps should be taken, including counseling, training and development.

* Offenders must be given written details of any disciplinary measures applied against him / her.

* Disciplinary action files should be kept safe and confidential.

* Light disciplinary measures should not be applied against the offender indefinitely if he / she improves

11.

What must be considered before any disciplinary punishment is imposed

When deciding whether disciplinary punishment is adequate (appropriate) and what form it should take, the Commission should consider:

- if the disciplinary procedure itself indicates what the likely punishment will be

as a result of the particular misconduct,

- the penalty applied in the same cases in the past,
- any special (mitigating) circumstance which may make an adequate reduction in the severity of the penalty,
- the employee's disciplinary file, general work file, work experience, position and length of service, and
- whether the proposed penalty is reasonable taking into account all the circumstances

Disciplinary measures must be considered to be fair and impartial (equal for all) and applied consistently. This does not mean that the same measure will always apply to the same offenses, each case must be looked at on its own merits and any relevant circumstances must be taken into account. This may include health or domestic problems, provocation, ignorance of rules or standards, and irregular (unacceptable, unstable) treatment in the past.

12.

Decision of the Disciplinary Committee

In all cases, the Commission should make a written decision that summarizes the case briefly but clearly, including what statements were made, what evidence was gathered, brought before the Commission based on evidence, the Commission's conclusions based on these facts, and the Commission's decision.

DIFFERENT FORMS OF APPEAL'S COMMITTEE

Forms on the record of the appeal

Form/ 1

University – Faculty

APPEAL SUBBMISION

Name and surname of the complainant

Departament

Title of the position

If the complainant is an applicant for employment at the University

Address of residence:.....

Phone number:

Brief details of the complaint:

Copies of any documents supporting the appeal or a copy of the disciplinary case order (in the case of an appeal against disciplinary decisions) must be attached.

.....
.....

Date
.....

Signature of the complainant
.....

CERTIFICATE FOR ADMISSION OF THE COMPLAINT

For:
(Name and surname of the complainant)

Your complaint of date..... is admitted by the staff . We will contact you within 30 days to inform you whether or not the complaint will be heard and, if so, to provide further information.

Date
.....

Chairman
.....

Formulari/2

Formular për pranimin ose mospranimin e ankesës

University – Faculty

Mr/Mrs
Name and surname of the complainant

(Address of the complainant)
.....
.....

.....
(date)

Dear:Mr./ Mrs/

Complaint against[title of the Complaint]

If there is sufficient primary basis for appeal or if it is an appeal against a disciplinary decision:

Your complaint of date will be heard by the Appeals Commission University of Gjakova Senate on in
.....

You have the right to be accompanied by a friend or counselor of your choice who may ask questions but will not be allowed to answer questions on your

behalf.

If the grounds for appeal are frivolous, unreasonable or insufficient:

Your complaint of date: is refused because: (briefly explain the reasons why the complaint was not accepted)

.....
.....

According to the Law on Contested Procedure of Kosovo you have the right to appeal this decision to the Basic Court in Gjakova.

Date
.....

Chairman
.....

Form/ 3

Form for the decision of the Disciplinary Appeals Commissio

Universitety – Faculty.....

Mr./Mrs
Name and surname of the complainant

(Address of the complainant)

.....
.....

.....
(date)

Dear:Mr/ Mrs.

Complaint against[title of the complaint]

(If the complaint is upheld):

The Appeals Commission accepted the appeal and decided that:
(briefly describe the correction prescribed by the Appeals Commission
Komisioni)

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

(If the appeal is rejected):

The appeals committee rejected the appeal.
(briefly outline the grounds given by the Appeals Commission)

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

You have the right to appeal the decision of the Appeals Commission
Basic Court in Gjakova

Date
.....

Chairman
.....

INSTRUCTION ON HOLDING THE SESSION FOR REVIEW OF THE COMPLAINT

1. Main points:

- * Prepare carefully for the hearing and ensure that all facts are available.
- * Explaining to the complainant what the procedure is and what his / her rights are under the complaints procedure, including the right to be accompanied in any disciplinary hearing.
- * Give the complainant ample time to prepare to show his / her case.
- * Listen carefully to what is being said

2. Preparation for the hearing

- Ensure that all relevant facts are available and when written statements from witnesses are needed.
- Explain to the complainant the procedure to be followed and that he / she has the right to be accompanied at the hearing by a friend / counselor.
- Find out if special circumstances need to be considered, for example personal or other external matters.
- Be careful when dealing with testimonials from any informant who wishes to remain anonymous. Receive written statements, seek corroborative evidence, and check that the informant's motives are genuine.
- Give the complainant time to prepare his / her case. It could be helpful and time-saving during the hearing if copies of any relevant documents and witness statements are available to him / her at least five business days prior to the hearing.

- Set any date and time for a hearing in a suitable room where there will be no obstacles. The complainant must be notified of the hearing at least five business days in advance and may be allowed to provide a reasonable alternative date if his or her chosen companion cannot attend the selected date.
- Find out what disciplinary action was taken for other offenders in similar circumstances in the past.
- If the witness is someone outside the University who is unprepared or unable to attend the hearing, try to get a written statement from him / her.
- Think about the structure of the review session and list the points to be covered.-

3. How should the Complaint Review Committee's hearing be conducted?

The Chairman of the Appeals Committee should:

- present to the complainant the members of the Commission and the administration staff,
- invite the complainant to introduce the person accompanying him and explain the role of the accompanying person,
- to explain that the purpose of the hearing is to discover the truth,
- explain how the hearing will be held.

4. Complainant's statement

The Chair shall:

- require the claimant to state his case clearly and precisely and to ensure that he / she is able to present the evidence without interruption; and
- invite the complainant to present his or her testimony, including the witnesses.

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5. Response to the complainant

The Chairman shall:

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

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6. General questions and discussions

The Commission should:

- examine this stage to establish the facts and whether or not there are special circumstances to consider,
- postpone the review hearing for further investigation, or, at the request of the complainant / his / her representative,
- Ask his questions formally and politely, but encourage the complainant and other participants to speak freely with a view to revealing the facts. A well-conducted hearing session should be a two-way process.

- Ask questions to clarify issues, to check what is said and understood. Ask open-ended questions, for example what happened then? Tell me something more about... to get the full picture. Ask precise, closed-ended questions that require yes / no answers only when specific information is needed or to clarify understanding,

- do not enter into discussions and should not make personal or humiliating remarks. Committee members should avoid physical contact or gestures that may be misinterpreted or misunderstood.

7. Summuray

The Chairman shall:

- summarize the main points of discussion after the interrogation is over. This enables all parties to understand the main points of the complaint, the evidence and arguments presented and to ensure that no omission is made and
- ask the complainant if he / she feels they have had a fair hearing and if they have something to add. This should help to show the complainant that they have been treated reasonably. Kryesuesi duhet:
- të përmbledhë pikat kryesore të diskutimit pasi që marrja në pyetje të ketë përfunduar.

8. Postponing for later

If the commission agrees that the complaint is justified, it is usually good practice to suspend the hearing before deciding which remedial action is most appropriate. This allows time for thought and due consideration. This gives time for scrutiny of any issues that arise, especially if there is any disagreement about the facts. If new facts emerge, the Commission should consider whether to review the hearing again.

9.

What problems may arise and how to deal with them

The Chairperson is responsible for monitoring progress and ensuring that all parties are given the opportunity to present their case in their entirety. However, it is possible that the hearing may not proceed smoothly, people may be anxious or even angry. If the complainant is upset or angry, the chair will have to allow him / her time to recover before proceeding. If the concern is too great to continue, then the hearing should be interrupted and called again at another time. Misconduct and misconduct may be expected, but abusive language or behavior that may be interpreted as misconduct must not go without comment. If necessary, such conduct should be considered a disciplinary offense.

10. Udhëzime për vendimet mbi zgjedhjen (masat përmirësuese)

Main points:

- Decisions requested by the Commission at the end of the hearing on the appeal are:
 - a) should any choice - improvement be made;
 - b) if so, what form it should take;
 - c) should any other action be taken (eg disciplinary action against staff or

leaders, or their transformation into another post).

- When deciding which choice would be most appropriate, the Commission should consider what actions have been taken in previous cases.
- When deciding on an election, the Commission should carefully consider the impact it may have on the complainant's future career and on his work reports within the University

11. What to consider before deciding on a choice

When deciding whether the choice is appropriate and in what form it should be made, the Commission should consider:

- whether the grievance procedure itself indicates what choice to make. For example, successful appeals against selection, promotion or disciplinary committee decisions will usually result in the annulment of those decisions.
- if the choice, though appropriate and fair, could cause other management problems.
- what choice has been imposed in similar cases in the past and
- any special circumstances that might make it possible to select an alternative. For example, where rescheduling in the same post would mean that the complainant would have to work together with the person who harassed, mistreated him.

The elections must be fair and equitable and applied consistently. This means that the same choice will be applied every time for similar offenses: the merits of each case must be considered and any relevant circumstances taken into account

12. Decision of the Appeals Commission

In all cases the Appeals Commission should make a written decision that summarizes briefly but clearly the case in particular, which were the declarations, what evidence was collected, brought before the Commission, the facts established on the basis of the evidence, the Commission's conclusions based on these facts and the Commission's decision.

