Based on Articles 70 to 93 of the Law on Labor Relations (Official Gazette of R. of Macedonia, number 158/10), Article 155 of the Law on Higher Education (Official Gazette of R. of Macedonia, number 35/08, 103/08, 26/09, 83/09, 99/09, 115/10 and 17/11) and Article 14 and Article 80 of the Statute of South East European University, the University Board, at its meeting held on 07.06 2011 approved the following:

DISCIPLINARY RULE

Purpose

Article 1

This Rule regulates disciplinary action for the University staff. It deals with employment related action(s) or behavior which are unacceptable and which have a real or potentially adverse effect.

The Rule includes both informal and formal stages including the function of the Disciplinary Commission.

Identification

Article 2

Disciplinary action or behavior may be dealt with as a performance management issue or may be identified as minor or major.

The Head of Unit judges the nature of the noticed, reported or repeated offence and determines if it falls within the category of performance management, minor disciplinary offence or major disciplinary offence. The Head may seek advice from the HR Office.

Definitions
Article 3

Actions or behavior which may be regulated through active performance management, the first time they occur, include but are not limited to:

- Inappropriate emails;
- Negative reactions to instructions or dealing with routine problems;
- Unwillingness to accept or complete routine tasks in a reasonable time;
- Time wasting;
- Small acts of deliberate non-cooperation;

Minor disciplinary offences include but are not limited to:

- the examples above on a recurring basis;
- repeatedly coming to work late;
- short, unauthorized absence from work;
- misconduct likely to cause inefficiency or create problems with the work or colleagues;
- encouraging others in non-compliance.

Major disciplinary offences include but are not limited to:

- refusal or failure to perform any of the tasks defined in the employment or deed contract;
- stealing, cheating, falsification of information or documentation;
- plagiarism or failure to discover and report plagiarism in other's work;
- unauthorized absence from work for 3 consecutive days or 5 calendar days during the year, or reported persistent unjustified absence from work;
- discrimination, direct or indirect abuse of any other person at the University, based on age, gender, ethnicity, nationality, language, disability, socio-economic background, family circumstances, marital status, religious belief, philosophical or political affiliation, or sexual orientation;

- harassment of any kind, abusing another person’s dignity which is undesirable and insulting and arouses animosity, or threatening and frightening any person in the workplace;

- aggressive behavior, intimidation or rudeness in the workplace, and other similar violent behavior anticipated by Law and other University acts;

- conducting oneself badly in and out of the workplace that can discredit the reputation and credibility of the University;

- damaging assets deliberately and/or unauthorized use of University assets and property;

- breach of confidentiality;

- giving false declaration for personal interest or in order to cause conflict;

- failure to report conflict of interest;

- serious incapacity during working hours caused by alcohol or drugs.

Competencies

Article 4

The Head of Unit and other designated managers are responsible for performance management and minor disciplinary issues within the department.

The University Disciplinary Commission, established by the Rector, investigates and makes decisions or proposals about cases pertaining to alleged major disciplinary offences.

The Commission is composed of three permanent members: the Secretary-General (ex-officio), one member from the Rector’s Executive Team, and one other member from the academic staff. In addition, the relevant Head appoints two ad-hoc members from the department of the alleged offender.
The mandate of permanent members of the Disciplinary Commission is one year. The maximum length is four years.

All members must declare in writing that they have no conflict of interest. In cases of conflict of interest, the member of the Commission is substituted with another temporary member.

The Legal Services Office provides support to the Disciplinary Commission as follows:

- advice and instructions to members of the Commission;
- gathering documented evidence;
- preparation of sessions’ schedule;
- notification of persons needed to be present (place, date and time of the sessions);
- keeping minutes and files for the disciplinary sessions and attaching them to the staff record;
- informing all relevant people about decisions;
- other issues necessary for implementing the procedure.

**Performance management**

*Article 5*

Heads and other designated managers actively manage performance and deal with lesser issues as they arise on an informal and verbal basis. Such informal approaches may be recorded and reported and considered during other stages of the rule. They may also be discussed and resolved with other processes such as the new staff Probation, the annual Staff Evaluation Procedure and Staff Development.

**Minor disciplinary offences**
Article 6

Minor offences are dealt with within the specific unit.

In such cases, the Head investigates the matter and collates statements from all relevant people. Based on the evidence, the Head decides what measures are appropriate in accordance with the provisions of this Rule.

This decision is communicated to the alleged offender and to other relevant people including the Human Resource Office.

The Head keeps these records and sends a copy of the decision and sanction if relevant to the HR Office who files this in the individual's dossier.

Article 7

The measures decided by the Head regarding the proved disciplinary offence against the offender may be applied consecutively, as follows:

- a written warning;
- a second written warning and 10% salary reduction for the next month.

Failure to use the electronic learning management system “Libri” for every course, or unjustified failure to submit grades on the university grading system, results in an automatic salary reduction of 10% for the next month.

If the minor offence is repeated for the third time, it is automatically categorized as a major offence.
Major disciplinary offence

Article 8

Major offences are dealt with by the Disciplinary Commission.

In cases involving serious accusations of misconduct, the Rector/Secretary General has the right to instruct the alleged offender to stay off all university premises for the duration of the investigation, until invited to the Commission meeting.

In cases when the alleged offence is of major character, the Head reports the case in writing to the Administrator of the University Disciplinary Commission (Legal Services Office).

The Administrator informs the Chair of the Commission who analyzes the case and decides whether to start the procedure or refer the case back to the original reporter for resolution within the department. The Chair of the Commission may seek advice from the HR and/or Legal Services Offices.

If the procedure is initiated, the Legal Services Office organizes, in consultation with the Chair the initial meeting of the Disciplinary committee. This is normally within 7 working days. The administrator takes the following actions in preparation for the meeting:

- Requests written statements from the alleged offender and other witnesses;

- Requests that the Head of the alleged offender’s department appoint two ad-hoc members to the Commission;

- Collates and provides all relevant documentation.
Disciplinary Commission

Article 9

The meetings are chaired by the Chair of the Commission. In case the Chair is absent, the Commission appoints an ad-hoc Chair of the Commission.

In the initial meeting, the Chair reports the case to the Commission and the administrator presents the supporting documentation.

Based on the support documentation and the presentation of the case, the Commission decides what additional documentation is needed and instructs the administrator to:

- ask for and collate supplementary evidence as requested;
- schedule the main meeting of the Commission within five working days;
- invite in writing the alleged offender and the witnesses to come to the main meeting and testify in person in front of the Commission (the meeting should be scheduled during the working hours of the alleged offender);

Article 10

The Commission at the main meeting analysis the facts, witness statements and written documentation.

If one or more parties do(es) not attend the meeting with a reason (eg. health), the Commission meets anyway to conduct the interview with any of the present parties and decides to organize an additional meeting for the absent party to testify and/or give a written statement.

Any absence of one or more parties not reported in writing and in advance of the meeting is not excused and the Commission’s work will continue without them.
After the facts have been discussed, the Commission makes their conclusions and proposals based on this Rule.

**Article 11**

The Measures for major disciplinary offences which can be decided or proposed by the Commission are:

- final written warning;
- salary cut from 10% to 15% for the next 3 months;
- demotion to a lower post for up to three years;
- termination of the employment/deed contract;

Evidenced, unauthorized absence from teaching or consultation hours within the designated schedule will result in an automatic 15% salary reduction.

The disciplinary measures in paragraph one of this article are in order of weight and should be applied in accordance with the weight of the offence.

At the end of the disciplinary procedure, the Commission gives their decision, with any sanction in writing to the Rector.

The Rector enforces the proposal of the Commission. The decision brought by the Rector is communicated to the alleged offender and to other relevant people by the Human Resource Office.

In case the Rector disagrees with the proposals and measure, s/he gives his/her reasons in writing to the Commission. They re-convene to consider this and submit their final proposal which could be the same or different. The Rector brings a final decision based on the final proposal from the Commission or if there is still disagreement, the Commission is automatically dissolved and the procedure starts again.
Appealing a decision

Article 12

The Decision of the Rector can be appealed within 15 days.

The appeal is addressed to the Executive Committee of the University Board and submitted to the Archive of the University.

The Executive Committee members should not have been involved in any other part of the current disciplinary issue and must declare in writing that they have no conflict of interest.

At their next meeting, the Committee reviews the whole documentation of the disciplinary case. After this review, a final Decision is made with a simple majority of the membership.

The Committee informs the Rector and the HR Office, and the appealing party through its Secretary.

This decision is final.

Concluding Provisions

Article 13

This Rule comes into force from 01.09.2011.