

Based on Articles 70 to 93 of the Law on Labour Relations (Official Gazette of R. of Macedonia, numbers 62/05, 103/08, 106/08, 161/08, 114/09, 130/09, 50/10, 52/10, 124/10, 47/11, 11/12, 39/12, 13/13, 25/13, 170/13, 187/13, 113/14, 20/15, 33/15, 72/15, 129/15 and 27/16); and Article 155 of the Law on Higher Education (Official Gazette of R. of Macedonia, numbers 35/08, 103/08, 26/09, 83/09, 99/09, 115/10, 17/11, 51/11, 123/12, 15/13, 24/13, 41/14, 116/14, 130/14, 10/15, 20/15, 98/15, 145/15, 154/15 and 30/16); and Article 14 and Article 80 of the Statute of South East European University, the Executive Committee of the University Board, at its meeting held on 11 March, 2016 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

Inappropriate action or behavior may be identified as minor, moderate or major. Appendix 1 provides guidance concerning the occurrences and weight of disciplinary issues.

The Head of Unit judges the nature of the noticed, reported or repeated offence and determines which category it falls into. The Head may seek advice from the HR Office.

Definitions

Article 3

Inappropriate actions or behavior which is defined as minor may include:

- coming to work late;
- short, unauthorized absence from work;
- unauthorized absence or lateness from teaching activities;
- Inappropriate emails such as threatening, abusive, discriminatory;
- 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;
- Other inappropriate actions or behavior at a similar level.

Inappropriate actions or behavior which is defined as moderate may include:

- the examples above on a recurring basis, after verbal warning (See Appendix 1);

- misconduct likely to cause inefficiency or create problems with the work or colleagues;
- encouraging others in non-compliance;
- Other inappropriate actions or behavior at a similar level.

Inappropriate actions or behavior which is defined as major may include:

- the minor or moderate offences above repeated after two written warnings;
- refusal or failure to perform any of the tasks defined in the employment or deed contract;
- stealing, cheating, falsification of information or documentation;
- bribery and corruption;
- deliberate plagiarism or deliberate or negligent 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 or mobbing of any kind, abusing another person's dignity, or academic or professional reputation;
- aggressive behavior, intimidation or rudeness in the workplace, and other similar violent behavior;
- 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;
- incapacity during working hours caused by alcohol or drugs.
- Other inappropriate actions or behavior at a similar level.

Responsibilities and Commission membership

Article 4

The Human Resources Office coordinates and advises on disciplinary issues at all levels.

The Legal Services and Procurement Office provides legal advice.

The Head of Unit and other designated managers are responsible for minor and moderate disciplinary issues.

The Disciplinary Commission investigates and makes proposals about cases pertaining to alleged major disciplinary offences.

The Rector appoints the Disciplinary Commission and the Chairperson, and makes final decisions.

The Executive Committee of the Board hears appeals.

The Commission is composed of the following members:

- the Secretary General (ex officio);
- one member of the Rector's Executive Team (two year mandate, renewable once);
- one other member from the academic staff (one year mandate, renewable three times)
- one ad-hoc member appointed by the relevant Head from the department of the alleged offender.

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 Human Resource (HR) 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.

Minor disciplinary offences

Article 5

Heads and other designated managers actively manage performance and deal with lesser issues as they arise on an informal basis, with advice and with clear verbal warning for repeat offences. Such informal approaches are recorded, for example, in an email. These can be 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 and the annual Staff Evaluation.

Moderate disciplinary offences

Article 6

Moderate 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 makes a decision, including appropriate measures in accordance with the provisions of this Rule. The Head informs HR and sends them all relevant documentation.

HR processes any sanction, which is signed by the Head and HR, and informs the offender about the sanction and when it will be applied. HR files the documentation and decision 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 parties % salary reduction for the next month.

Staff may appeal a moderate disciplinary measure in writing to the Provost (academic staff) or Secretary General (administrative staff) within five days of receiving the decision from HR. The Provost or Secretary General reviews the process and decision of the disciplinary case. The decision to accept or reject the appeal is communicated in writing to all within 10 days.

Major disciplinary offence

Article 8

Major offences are dealt with by the Disciplinary Commission.

In cases involving serious accusations of misconduct, for security reasons, the Rector/ Secretary General has the right to instruct the alleged offender to stay off all university premises (or particular places or bodies) until the Disciplinary process is completed.

In cases when the alleged offence is of a major character, the Head reports the case in writing to the HR Office.

The HR Office informs the Chairperson 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 Chairperson of the Commission reports the decision to proceed or refer to HR within 7 working days and they inform all parties. The Chairperson of the Commission may seek advice from the HR and/or Legal Services Offices.

If the procedure is initiated, the HR Office organizes, in consultation with the Chairperson, the initial meeting of the Disciplinary Commission. This is normally within 5 working days. The HR Office takes the following actions in preparation for the meeting:

- requests written statements from the alleged offender, complainant and other witnesses;
- requests that the Head of the alleged offender's department appoint one ad-hoc member to the Commission;
- collates all relevant documentation and provides it to Commission members in advance of the meeting.

Disciplinary Commission Meeting(s)

Article 9

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

In the initial meeting, the Chairperson reports the case to the Commission and the HR Office presents the supporting documentation.

Based on the supporting documentation and the presentation of the case, the Commission decides what additional documentation is needed and instructs the HR Office to:

- ask for, collate and distribute supplementary evidence as requested;
- schedule the main meeting of the Commission within 5 working days;
- invite in writing the alleged offender, complainant and 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

At the main meeting, the Commission interviews the parties and witnesses, and analyses the facts, statements and other relevant 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 parties present 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 proposals based on this Rule. The proposal is brought by consensus.

Article 11

Depending on the seriousness of the disciplinary offense, one of the following measures may be applied:

- final written warning and salary reduction of 15% for up to three 3 months;
- demotion to a lower administrative post or rank;
- termination of the employment/deed contract;

At the end of the disciplinary procedure, the Commission either gives their proposal, with any sanction, or indicates that there is no case to answer, in writing to the Rector.

The Rector decides on the proposal of the Commission. The decision brought by the Rector is communicated to the alleged offender and to other relevant people by the HR 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.

Within 15 days, the Executive Committee reviews the process and decision of the disciplinary case. After this review, a final decision is made with a simple majority of the membership.

The Secretary of the Executive Committee informs the Rector and the HR Office and they inform all parties and take appropriate action.

This decision is final.

Concluding Provisions

Article 13

This Rule comes into force from the day of approval.

Number of Occurrences		Stage	Disciplinary Measure
Gene ral	Teachin g		
1 - 3	1	Minor	Check, advise and record
4	2	Minor	Verbal warning
5	3	Moderate	First written warning
6	4	Moderate	Second written warning and 10% salary reduction for one month
7+	5	Major	Referral to University Disciplinary Commission One of the following measures may apply: <ul style="list-style-type: none"> - final written warning and salary reduction of 15% for up to three 3 months; - demotion to a lower administrative post or rank; - termination of the employment/deed contract;
First and Second written warnings are archived for 2 years from the date of decision in the individual dossier in HR and then removed if there are no additional warnings. A final written warning remains on file.			

Appendix 1

Table of Disciplinary Measures

