

Josip Juraj Strossmayer University of Osijek

**Ordinance on
disciplinary responsibility of teachers and associates
of Josip Juraj Strossmayer University of Osijek
(Revised text)**

Osijek, March 2013

Based on Article 104 of the Scientific Activity and Higher Education Act (Official Gazette 123/03, 198/03, 105/04, 174/04, 2/07, 46/07 and 45/09) and pursuant to Articles 190 paragraph 3 and 208 paragraph 2 subparagraph 10 of the Statute of Josip Juraj Strossmayer University of Osijek, the Senate of Josip Juraj Strossmayer University of Osijek adopted at the 7th session in the academic year 2009/2010, held on 28 June 2010, under paragraph 13 of the Agenda

ORDINANCE
ON DISCIPLINARY RESPONSIBILITY OF TEACHERS AND ASSOCIATES
OF THE JOSIP JURAJ STROSSMAYER UNIVERSITY OF OSIJEK
(Revised text)

I. GENERAL PROVISIONS

Article 1

- (1) Ordinance on disciplinary responsibility of teachers and associates of the Josip Juraj Strossmayer University of Osijek (hereinafter referred to as the Ordinance) regulates the disciplinary responsibility of teachers and associates at the scientific-educational and artistic-educational constituents of the Josip Juraj Strossmayer University of Osijek (hereinafter: University), disciplinary acts, disciplinary measures, structure and appointment procedure of the Disciplinary Court and the Disciplinary Court of the Second Degree, implementation of the disciplinary procedure and other issues related to the disciplinary responsibility.
- (2) Teachers, in terms of this Ordinance, are people who are, based on the Scientific Activity and Higher Education Act, the Statute of the Josip Juraj Strossmayer University of Osijek (hereinafter: the Statute of the University), the Statute of scientific-educational and artistic-educational constituent units and the Ordinance of university departments, elected to the following scientific-educational or artistic-educational titles: assistant professor, associate professor and full professor; teaching positions: artistic associate, senior artistic associate, lector, senior lector, lecturer, senior lecturer and college professor, and who on the basis of a contract of employment teach at the professional, undergraduate, graduate, integrated undergraduate, graduate and postgraduate studies and conduct research, professional or artistic work at the University or at the scientific-educational and artistic-educational constituent units of the University.
- (3) Associates, in terms of this Ordinance, are people who are, based on the Scientific Activity and Higher Education Act, the Statute of the University, the Statute of scientific-educational and artistic-educational constituent units and the Ordinance of university departments, elected to the associate titles of an assistant and a senior assistant and who are, on the basis of the contract of employment, participating in some part of the implementation of the teaching process, testing of knowledge, scientific, artistic and professional activities at the University and scientific-educational and artistic-educational constituent units.

Article 2

Teachers and associates are obliged, after the conclusion of the contract of employment, to respect the fundamental rights and obligations arising from employment determined by the Labour Act, the Scientific Activity and Higher Education Act and subordinate legislation acts, the Statute of the University, Statutes of scientific-educational and artistic-educational constituent units, Ordinance of university departments and other general acts and decisions taken by the competent authorities of the University, or scientific-educational and artistic-educational constituent units, respectively.

Article 3

Disciplinary responsibility, in terms of this Ordinance, is the responsibility of teachers and associates for a disciplinary offense arising from violations of their work obligations and other work-related and work-connected obligations, as well as for serious damage to the reputation of the University and/or scientific-educational and/or artistic-educational constituent units.

Article 4

Teachers and associates may be held disciplinary liable only for an action, which was at the time of perpetration defined as a disciplinary violation and for which a certain disciplinary measure was provided for by this Ordinance and other general acts of the University and/or Statutes of scientific-educational and/or artistic-educational constituent units.

II. TYPES OF VIOLATIONS OF EMPLOYMENT OBLIGATIONS

Article 5

Disciplinary violations can be minor or major.

Article 6

(1) Minor disciplinary violations:

1. Untimely informing of a direct superior of the inability to arrive at the workplace.
2. Untimely informing of a direct superior of the inability to carry out a particular job.
3. Failure to inform a direct superior within a maximum of three (3) days of the occurrence of the temporary incapacity for work, or within the same period the failure of supplying the medical certificate of temporary inability to work and its expected duration to the Administration Office.
4. Negligence of means of work which are entrusted to a teacher or a co-worker.
5. Unreasoned refusal to cooperate with other teachers and colleagues in the joint execution of a particular job.
6. Failure to supply the travel order for the accounting within five (5) days of completion of travel.

Article 7

(1) Major disciplinary violations:

1. Non-compliance with general acts and decisions of the proper authorities of the University and scientific-educational and artistic-educational constituent units.
2. Abuse of the workplace, or the abuse of a certain authority arising from the jurisdiction of a particular teacher's or associate's workplace.
3. Failure to perform a work or extremely careless, negligent and irregular carrying out of the work identified in the employment contract or entrusted to a teacher or the associate.
4. Teaching or participation in performing a job for another employer outside the University, without the consent of the Dean or the Head of the Department.
5. Unauthorized use of educational and scientific equipment or funds entrusted for implementation of a particular job.
6. Improper and unfair attitude towards other teachers, associates and employees of the University or scientific-educational and artistic-educational constituent units.
7. Disrespect for the dignity of students (extremely rude and inappropriate behavior towards students and the use of free and abusive language, physical violence etc.)
8. Creating conditions where a student cannot take an exam or another kind of test of knowledge prior to purchasing of teaching aids or particular literature.
9. Public comment which severely violates the reputation of the University and scientific-educational and artistic-educational constituent units.
10. Every kind of discrimination and harassment based on race, religion, national and ethnic origin, gender or sexual orientation, and every other discrimination of students of the University and scientific-educational and artistic-educational constituent units.
11. Repetition of minor violations of employment obligations more than 2 times in a period of 12 months.

III. DISCIPLINARY MEASURES

Article 8

- (1) For minor disciplinary violations referred to in Article 6 of this Ordinance, a written warning may be imposed as a disciplinary measure.
- (2) The disciplinary measure referred to in paragraph 1 of this Article is the measure by which the teacher or the associate is warned about obligations arising from employment, which have been violated by his behavior, and it is pointed out that in the case of continuation of violation of these obligations, the application of Article 7, paragraph 11, according to the article 111 of the Labour Act will ensue.

Article 9

- (1) For major disciplinary violations referred to in Article 7, the following disciplinary measures may be imposed:

- Fine for a period of one to six months, provided that the penalty may not exceed per month more than 20% of the total wage paid in the month in which the measure is delivered.
 - Written warning prior to termination of the contract of employment.
 - A proposal to the Dean/Head of the Department that the employment be terminated because of the fault in the behavior of the teacher or the associate.
- (2) Disciplinary measures referred to in paragraph 1 of this Article are measures by which the teacher or the associate is warned about obligations arising from employment, which have been violated by his behavior, and it is pointed to the possibility of his dismissal upon continuation of violation of those obligations or to a regular termination of his contract of employment faulted by the behavior of the teacher or the associate.

IV. AUTHORITIES TO CONDUCT DISCIPLINARY PROCEEDINGS

Article 10

- (1) The decision on the disciplinary measure referred to in Article 8 of this Ordinance is made by the Dean/Head of the Department without conducting disciplinary proceedings.
- (2) The decision of the disciplinary measure referred to in Article 9 of this Ordinance for major disciplinary violations is made by the Disciplinary Court for Teachers and Co-workers (hereinafter: Disciplinary Court).
- (3) The procedures for major disciplinary violations are urgent.
- (4) Disciplinary proceedings are conducted by the Disciplinary Court.
- (5) The decision on disciplinary responsibility shall be decided by a majority vote of all members of the Disciplinary Court.
- (6) If the disciplinary proceeding is conducted against a member of the Disciplinary Court, the member will be excluded from the composition of the Disciplinary Court.

Article 11

- (1) Disciplinary Court is to be established at the scientific-educational and artistic-educational constituent unit of the University.
- (2) Disciplinary Court shall have a president and two members, of which, as a rule, two are teachers in the scientific-educational or artistic-educational titles, and one is an assistant in the associate title.
- (3) The chairperson of the Disciplinary Court is to be a teacher.
- (4) The chairperson and members of the Disciplinary Court have their deputies.
- (5) The chairperson and two members of the Disciplinary Court and their deputies are appointed and dismissed by the Dean or the Head of the scientific-educational and artistic-educational constituent.
- (6) The term of office of members and deputy members of the Disciplinary Court shall be four years.

Article 12

- (1) Disciplinary Court of the Second Degree is to be established at the University.
- (2) Disciplinary Court of the Second Degree will have three permanent members and two interim members. The chairperson and members of the Court have their deputies.
- (3) Chairperson and the members of the Disciplinary Court of the Second Degree, as well as their deputies and permanent members, which are appointed from the ranks of teachers from the Faculty of Law, will be appointed by the Senate of the University for a term of four years. The two interim members will be appointed by the Professional Committee of the scientific-educational and artistic-educational constituent unit at which the disciplinary proceeding has been put into motion.
- (4) If the disciplinary proceeding is conducted against a member of the Disciplinary Court of the Second Degree, that member will be excluded from the constitution of the Disciplinary Court of the Second Degree.
- (5) Administrative affairs of the Disciplinary Court and the Disciplinary Court of the Second Degree will be performed by the Administration Office of the constituent unit, or the University, respectively.

V. DISCIPLINARY PROCEEDINGS

Initiating the disciplinary proceedings

Article 13

- (1) If there is reasonable suspicion that the teacher/associate has committed a disciplinary violation, the Dean/Head of the Department is required to file a request to the Disciplinary Court for an initiation of the disciplinary proceedings against him.
- (2) The request is submitted on the basis of a written or an oral disciplinary statement or on the basis of own findings of the Dean/Head of the Department. An official note is compiled about the oral disciplinary statement.
- (3) The request shall be submitted in writing and shall contain personal information about teacher/associate whose disciplinary responsibility is requested, a description of the disciplinary violations, the proposal for the imposition of certain disciplinary measures, and the exposition on which the suspicion is based.

Article 14

- (1) Immediately after receiving the request the Disciplinary Court will schedule a hearing to which the teacher/associate named in the request and the applicant of the request, or the person he authorizes to represent him, will be summoned. The teacher/associate will receive a written invitation along with the request for the initiation of the disciplinary proceedings. The invitation shall contain a warning that the hearing can take place even without the presence of the teacher/associate.
- (2) Disciplinary Court may decide on the request to initiate disciplinary proceedings even without the presence of the applicant or the person authorized by him to represent his request and without the teacher/associate, if the invitation has been received by him and he does not

appear at the hearing and does not justify his absence, or if his avoidance to attend the hearing is obvious.

- (3) The hearing is not public unless the teacher/associate requests otherwise.
- (4) If after the hearing the Disciplinary Court finds that there is a reasonable suspicion that a violation of discipline had been committed, it will decide on the initiation of the disciplinary proceedings. There is no appeal against this decision.

Article 15

- (1) Disciplinary Court shall, within seven days of making the decision to initiate disciplinary proceedings, schedule a hearing. The applicant or the person who represents the request and the teacher/associate with his defense counsel and the union representative will be invited to the hearing by a written invitation.
- (2) The invitation to the teacher/associate shall contain a warning that the hearing may be held without his presence under the prescribed conditions.
- (3) The teacher/associate against whom the disciplinary procedure is conducted must be given the opportunity to present his defense by himself or through legal assistance chosen by him.
- (4) The hearing may be held without the presence of the teacher/associate if he received the invitation, did not appear at a hearing, did not justify his absence, and it is obvious that he is avoiding to attend it.

Article 16

- (1) The hearing is public, with the public switched off during the voting and decision-making. The decision shall be declared publicly.
- (2) Decision establishing that the teacher/associate is found in the breach of discipline and by which a disciplinary measure is imposed on him may only relate to the disciplinary act and the person identified in the request for conducting disciplinary proceedings.
- (3) The decision must be made in writing and sent to the parties within 10 days of the date of its adoption.

Article 17

- (1) The teacher/associate has the right to appeal the decision on disciplinary responsibility of the Disciplinary Court of the Second Degree, which delays the execution of the decision. The right of appeal is also to the applicant of the request to initiate disciplinary proceedings.
- (2) The appeal shall be filed within 15 days after delivery of the decision.

Article 18

Disciplinary proceedings are conducted by appropriate application of the provisions of the Criminal Procedure Law relating to the summary procedure, if this Ordinance does not stipulate otherwise.

VI. STATUTE OF LIMITATIONS

Article 19

- (1) Initiation of the proceedings for disciplinary measures may not be taken if twelve (12) months have passed from the date when the violation was committed.
- (2) The statute of limitations process occurs in each case after the lapse of two (2) years from the date on which the disciplinary violation was committed.
- (3) If a criminal violation was committed, the statute of limitations occurs when the criminal offense statute of limitation occurs.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 20

- (1) This Ordinance is adopted by the Senate with the previous opinion of the Committee for Statutory and Legal Questions.
- (2) Amendments to this Ordinance shall be made in the same way that the Ordinance is adopted.

Article 21

Specifying of the nouns “teacher” or “associate”, etc. in the masculine form in this Ordinance may not in any sense be interpreted as a basis for sexual/gender discrimination or privileged position.

Article 22

This Ordinance shall enter into force on the eighth day of its publication on the bulletin board of the Josip Juraj Strossmayer University of Osijek.

RECTOR

Prof. Gordana Kralik, PhD

Based on Article 19 of the Decision on amendments to the Ordinance on disciplinary responsibility of teachers and associates of the Josip Juraj Strossmayer University of Osijek from the 25 February 2013, the Office of Administrative Affairs of the University prepared the revised text of the Ordinance on disciplinary responsibility of teachers and associates of the Josip Juraj Strossmayer University of Osijek on the 8 March 2013.

The revised text of the Ordinance on disciplinary responsibility of teachers and associates of the Josip Juraj Strossmayer University of Osijek includes the Ordinance on disciplinary responsibility of teachers and associates of the Josip Juraj Strossmayer University of Osijek from 28 June 2010 and the Decision on amendments to the Ordinance on the disciplinary responsibility of teachers and associates of the Josip Juraj Strossmayer University of Osijek from 25 February 2013, in which the dates of their entry into force is specified.

Academic Secretary

Zdenka Barišić, LL.M

