

UNIVERSITY OF ZAGREB
FACULTY OF ORGANIZATION AND INFORMATICS

REGULATIONS ON DISCIPLINARY RESPONSIBILITY
OF EMPLOYEES

Varaždin, January 2024

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Pursuant to Article 56 of the Law on Higher Education and Scientific Activity (Official Gazette no. 119/22), at the proposal of the Dean and with prior consultation with the Trade Union commissioner who has assumed the rights and obligations of the Workers' Council, the Faculty Council of the University of Zagreb Faculty of Organization and Informatics, at its session held on 18 January 2024, adopted the following

REGULATIONS ON DISCIPLINARY RESPONSIBILITY OF EMPLOYEES

I. General Provisions

Article 1

These Regulations govern the disciplinary responsibility of employees of the University of Zagreb Faculty of Organization and Informatics (hereinafter: the Faculty), violations of obligations from the employment relationship, disciplinary measures, composition and manner of appointment of the Disciplinary Committee, conduct of disciplinary proceedings and other issues related to disciplinary responsibility.

Article 2

The terms for physical entities in these Regulations that are used in the masculine form shall have a gender-neutral meaning.

Article 3

The terms used in these Regulations shall have the following meanings:

- (1) Employees are persons with whom the Faculty has concluded an employment contract in accordance with the Labour Law.
- (2) Teachers are employees elected to scientific-teaching and teaching positions who conduct classes and perform scientific and professional work.
- (3) Associates are employees elected to associate positions who participate in the execution of part of the teaching process and scientific and professional activities.
- (4) The superiors are defined by general acts regulating the internal organization and systematization of workplaces.
- (5) A disciplinary offence occurs due to a violation of work and other obligations from the employment relationship and related to it, or an infringement of the reputation of the Faculty.

Article 4

- (1) Employees shall, in their work, activities and behaviour, on all occasions at the Faculty and in public, respect the obligations established by the laws governing work relations, higher education and scientific activity, as well as by collective agreements, the Statute of

the University of Zagreb, the Statute of the Faculty, the Code of Ethics of the University of Zagreb, and other general acts of the Faculty.

- (2) Employees shall be obliged to:
- perform the tasks defined by the law and regulations governing work relations, and the employment contract
 - preserve the reputation of the Faculty through their work and behaviour
 - conscientiously perform their duties as a member of expert committees and governing bodies of the Faculty and the University of Zagreb
 - rationally and purposefully use the funds of the Faculty and project funds.

II. Types of violation of obligations from the employment relationship

Article 5

Violations of obligations from the employment relationship can be minor or serious.

Article 6

- (1) The following acts and actions shall be deemed as minor violations of obligations from the employment relationship:
1. Unjustified refusal to perform work obligations or work that has been taken on or entrusted within the set deadlines.
 2. Unjustified late arrivals at work, early departure from work or absence from work about which a superior was not informed in a timely manner (within 3 days) when it was possible to do so.
 3. Any action which calls into question the interest of the Faculty or which imposes damage to it.
 4. Infringing the reputation of the Faculty with inappropriate behaviour, defamation, etc.
 5. Inappropriate behaviour towards other employees, students and external associates, which is deemed unfitting for the academic community.
 6. Unauthorized use of the Faculty's infrastructure for work on one's own account, or for others, without consent.
 7. Unjustified refusal to take part in professional training for work assigned by the employer.
 8. Providing incorrect information on the accident at work, absence from work, business trip or other matters to obtain material or other gain.
 9. Violation of fire and occupational safety regulations and failure to comply with the instructions of the employer or the person authorized by the employer for safety at work.
 10. Smoking cigarettes, e-cigarettes, cigars or pipes in all indoor areas of the Faculty.
 11. Dressing in a way that deviates from the generally accepted rules for a given occasion.
 12. Non-compliance with the Code of Ethics of the University of Zagreb.
- (2) The following acts and actions shall be deemed as minor violations on the part of teachers and associates:

1. Unjustified failure to hold classes according to the defined schedule without informing the immediate superior as soon as the reasons for not holding classes have arisen.
2. Unjustified late arrival to classes (if repeated more than twice during a month).
3. Failure to conduct mid-term exams, exams, and defences of evaluation papers.
4. Unjustified failure to hold office hours.
5. Failure to carry out the work which has been taken on or entrusted within the given deadlines, if as a result no adverse consequences have occurred.

Article 7

- (1) The following acts and actions shall be deemed as serious violations of obligations from the employment relationship:
 1. Repeating minor violations from the employment relationship more than 3 times over 2 years.
 2. Acting contrary to law and other regulations or failure to take measures or actions for which the employee is authorized to prevent illegality.
 3. Abuse of temporary inability to work.
 4. Alienation of or intentional damage to the property of the Faculty.
 5. Causing disorder, fighting and rude treatment of students, employees or external associates.
 6. Disclosure of trade secrets.
 7. Knowingly transmitting untrue, incomplete or untimely information to disrupt business and/or relations among employees.
 8. Any kind of harassment or discrimination against students, employees or external associates of the Faculty.
 9. Performance of work obligations under the influence of alcohol or the influence of narcotic drugs.
 10. Non-compliance with or non-implementation of normative acts and decisions of the Faculty
 11. Damaging the reputation of the Faculty through illegal actions.
 12. Falsification and forgery of work documents or documents in connection with work.
 13. Concluding transactions within the field of activity of UNIZG FOI for one's own or someone else's account, without the consent of the Dean and the Faculty Council.

III. Disciplinary measures

Article 8

- (1) A written warning may be issued for minor violations of obligations from the employment relationship.
- (2) The disciplinary measure referred to in paragraph 1 of this Article is a measure by which the employee shall be warned about obligations from the employment relationship that have been violated by his or her behaviour and which shall indicate to the employee the consequences in case of continuation of violations of these obligations.

Article 9

- (1) For serious violations of obligations from the employment relationship one of the following measures may be imposed:

- written warning,
 - written warning before the termination of the employment contract,
 - termination of the employment contract due to the misconduct of the employee, in accordance with the Labour Law.
- (2) Disciplinary measures referred to in paragraph 1 of this Article are measures by which the employee shall be warned about his or her obligations from the employment relationship that have been violated by his or her behaviour, whereby the possibility of dismissal in case of continuation of violation of these obligations shall also be indicated, or by which the employee's employment contract shall be terminated by ordinary termination of the employment contract due to the misconduct of the employee.

IV. Committee for Disciplinary Proceedings

Article 10

- (1) The Committee for Disciplinary Proceedings of Employees (hereinafter: the Committee) shall conduct the disciplinary proceedings, qualify the responsibility of employees and propose measures.
- (2) The Committee shall be appointed by the Faculty Council from the ranks of teachers, associates and other employees of the Faculty for a period of two years. The term of office of the members of the Committee may be repeated no more than two times consequently. The Committee shall have a total of five members and five deputy members.
- (3) Three members of the Committee shall be employees in scientific-teaching or teaching positions, one member of the Committee shall be an employee in an associate position, and one member shall be an employee in a non-teaching position.
- (4) Deputy members of the Committee shall be appointed from among the ranks of positions that are equivalent to those of the members they replace.
- (5) The President of the Committee and the Deputy President of the Committee shall be appointed by the Faculty Council from among the elected members of the Committee in scientific-teaching positions.
- (6) The professional tasks of the Committee shall be performed by the Secretary of the Committee, who shall be appointed from among the professional services for a period of two years.

Article 11

The Committee shall make decisions by a majority vote of all members.

Article 12

- (1) The President or member of the Committee shall have to be exempted:
 1. if he or she is married or related to the offender in a straight line or up to the third degree of the collateral line,
 2. if he or she is injured by a breach of work obligation or duty,
 3. if he or she is the party against whom the proceedings were initiated
 4. if there are other circumstances indicating a possible presence of his or her bias in the proceedings.
- (2) The Committee shall make an ex officio decision on the exemption.

- (3) Instead of the President or a member of the Committee that has been exempted, his or her deputy shall participate in the work of the Committee.

Article 13

- (1) The President or a member of the Committee shall be relieved of his or her duties:
 1. if he or she is convicted of a criminal offence,
 2. if a disciplinary measure is imposed on him or her during his or her term of office,
 3. if he or she asks to be relieved of duty,
 4. if his or her employment ceases.
- (2) The decision on the relief of duty shall be made by the Faculty Council of the Faculty.

V. Initiation of disciplinary proceedings

Article 14

- (1) A request to the Committee may be submitted by any employee of the Faculty, student, external associate of the Faculty or another person who has a justified legal interest within 7 working days after the disciplinary offence has been committed, or after any of the aforementioned persons has come to the knowledge thereof.
- (2) The Committee may, after fact-checking, initiate a disciplinary proceedings or dismiss the request as unfounded or delayed.
- (3) If the Disciplinary Committee has decided to initiate a disciplinary proceedings, it shall deliver a Proposal for initiating the disciplinary proceedings to the employee with an invitation to the employee to give his or her statement within 15 days of the receipt of the Proposal.
- (4) The proceedings must be initiated no later than 30 working days from the receipt of the request.
- (5) The disciplinary proceedings may not be initiated when two years have elapsed since the commission of the disciplinary offence with which the employee has been charged.

VI. Conducting the proceedings and deciding on a disciplinary measure

Article 15

- (1) The Committee shall establish the facts relating to the commission of a disciplinary offence. The President of the Committee shall schedule a hearing at which the proposed evidence shall be presented and the person charged with committing a disciplinary offence shall be heard. The hearing shall be scheduled no later than 30 working days from the date of initiation of the proceedings.
- (2) The summons to the hearing shall be delivered to the employee personally at the place of work or the address of the employee's residence, by registered mail with a return receipt no later than 3 days before the hearing.
- (3) If the delivery to the employee is not possible (registered mail returned to the Faculty), the delivery shall be repeated, and if the repeated delivery is also unsuccessful, the delivery

shall be carried out by publishing the summons to the hearing on the notice board of the Faculty Secretariat. After 8 days have elapsed from publishing the summons to the hearing on the notice board of the Faculty Secretariat, it shall be deemed that the delivery was carried out in an orderly manner.

- (4) If the employee charged with the commission of a disciplinary offence does not come to the hearing even though he or she has been duly summoned, and has not justified his or her absence, the hearing may also be held in the absence of the employee.
- (5) The employee shall present his or her defence personally or through a proxy.
- (6) The minutes of the hearing before the Committee shall be taken in which the following information shall be entered: the composition of the Committee, the name of the minute taker, the name of the employee charged with the commission of a disciplinary offence, names of other persons present, and the statements made during the hearing.

Article 16

- (1) The disciplinary measure prescribed by these Regulations shall be proposed by the Committee after the disciplinary proceedings and shall be decided upon by the Dean of the Faculty within 8 working days from the conclusion of the hearing.
- (2) If the person to whom the measure relates is the Dean, the Faculty Council shall decide on it at the next regular session.
- (3) In case of a decision on ordinary termination, the Dean shall be obliged to notify the Trade Union commissioner who has assumed the rights and obligations of the Workers' Council thereabout, in order to conduct the consultation procedure in accordance with the provisions of the Labour Law.
- (4) The decision on termination without prior consultation with the Workers' Council, i.e. the Trade Union commissioner who has assumed the rights and obligations of the Workers' Council, shall be null and void.

Article 17

The deadlines in a disciplinary proceedings determined in these Regulations shall not run in the period from 15 July to 31 August and from 24 December to 6 January.

Article 18

- (1) The decision on disciplinary responsibility and disciplinary measure shall be delivered to the employee personally at the place of work or the address of the employee's residence by registered mail with a return receipt.
- (2) If it is not possible to make a delivery to the employee (registered mail returned to the Faculty), the delivery shall be repeated, and if the repeated delivery is also unsuccessful, the delivery shall be carried out by publishing the decision on the notice board of the Faculty Secretariat. After 8 days have elapsed from publishing the decision on the notice board of the Faculty Secretariat, it shall be deemed that the delivery was carried out in an orderly manner.

Article 19

- (1) An employee may file a complaint with the Faculty Management against the decision on disciplinary responsibility and the disciplinary measure within 15 days from the date of receipt of the decision.

- (2) A timely complaint shall delay the execution of the decision.
- (3) A complaint against the decision on disciplinary responsibility for which a disciplinary measure has been imposed shall be dealt with and the final decision upon it shall be made by the Faculty Council.
- (4) In the event of termination of the employment contract, the provisions of the Labour Law shall apply.
- (5) The Faculty Council shall be obliged to consider the complaint and make a decision within 30 days of its submission.

Article 20

The Dean may not decide on termination of the employment contract if the terms of the prohibition of termination provided for by the Labour Law have arisen.

Article 21

- (1) A complaint against a decision on disciplinary responsibility may be:
 - discarded as untimely,
 - adopted, in a manner that the employee is absolved of the responsibility, or the punishment imposed on him or her is mitigated,
 - adopted, in a manner that the matter is returned to the Committee for reconsideration,
 - rejected, whereby the first instance decision is confirmed.
- (2) No complaint shall be allowed against the decision of the Faculty Council rendering the final and valid decision on a disciplinary measure.

VII. Role of the Trade Union

Article 22

- (1) Before adopting a disciplinary measure, and, in particular, before deciding on the ordinary termination of an employment contract, the Dean shall consult the Trade Union commissioner regarding the intended decision.
- (2) The Dean shall submit the data important for making a decision and considering its impact on the position of the worker to the Trade Union commissioner in a complete and timely manner, to enable the commissioner to provide comments and suggestions.

Article 23

- (1) The Trade Union commissioner shall be obliged to comment on the intended termination of the employment contract within 8 days from the date on which his or her opinion was solicited.
- (2) If the Trade Union commissioner does not comment on the intended decision within the stipulated deadline, it shall be deemed that there are no objections or suggestions on the commissioner's part.
- (3) If there is no justified reason for termination, or if the employment termination procedure provided for by law has not been carried out, the Trade Union commissioner may oppose the termination.
- (4) The Trade Union commissioner shall have to provide reasoning for his or her opposition to the decision on termination.

Article 24

The opinion of the Trade Union commissioner shall not be binding for the Dean, except in the cases referred to in Articles 25 and 26 of these Regulations.

Article 25

- (1) The Dean may only decide on termination with the prior written consent of the Trade Union commissioner if circumstances have arisen in which the Labour Law prescribes co-decision-making.
- (2) If the Trade Union commissioner withholds consent for termination, the withdrawal shall have to be reasoned in writing, and the employer may, within 15 days from the date of delivery of the declaration of withdrawal of consent, request that the consent be replaced by a court decision.

Article 26

- (1) The Dean may only decide on the dismissal of a Trade Union commissioner or a member of the Trade Union Commission during his or her performance of that duty and six months after its cessation, with the prior consent of the Trade Union, as stipulated by the Labour Law.
- (2) If the Trade Union does not give a statement on giving or withholding consent within 8 days, it shall be deemed that they agree with the decision.

VIII. Transitional and Final Provisions

Article 27

These Regulations shall be adopted by the Faculty Council, which is responsible for interpreting its provisions.

Article 28

- (1) These Regulations shall enter into force on the eighth day after their publication on the notice board and the official website of the Faculty.
- (2) These Regulations shall be particularly delivered to the Trade Union commissioner.

DEAN OF THE FACULTY:

Professor Marina Klačmer Čalopa, Ph.D

SECRETARY OF THE FACULTY:

Tatjana Zrinski, univ. spec. iur.

These Regulations were published on the notice board and the official website of the Faculty on 19 January 2024 and entered into force on 27 January 2024.