

DISCIPLINARY POLICY

INTRODUCTION

Disciplinary policy applies to all staff of the Association "Nova generacija".

Staff includes persons employed on a contract and scholarship recipients.

In cases where the laws require special or additional procedures or contradict this policy, the law must be respected.

These policies and procedures must also be respected by international staff and volunteers.

Disciplinary policy goal is to improve the behavior of staff of the Association, protect the interests of users and enable a smooth and transparent functioning of the Association, and the expansion of activities. This policy also aims to ensure fair and non-discriminatory procedures by which the allegations of breach of duty may be heard and addressed.

These goals can be achieved primarily through non-criminal approach, counseling and training staff, but the Policy also allows the application of disciplinary sanctions in cases where the conduct in question is below the acceptable standard, or in cases of minor and serious violations of official duty, breach of the Child Protection Policy and Code of Conduct of association, or the legal provisions in this field.

From the staff of the Association is expected to behave towards each other with respect and consideration of opinions and advice, in order to ensure a smooth and productive individual and team work. All are expected to respect the rules of conduct and all policies of the Association, and Code of Conduct. All these documents are available to staff of the Association.

DEFINITION

Violation of duty is any violation of the Code of Conduct and Child Protection Policy.

Superiors will have to use their own judgment (with the support of the members of the Steering Committee) about the seriousness of the alleged misconduct where it can be tackled through informal advisory action and where formal procedures must be implemented immediately.

Serious violation of duty is inappropriate behavior of staff member that can impair the relationship between employees and prevent high-quality and productive work of employees, undermine trust and confidentiality and or make impossible the further employment. The alleged serious violation of duty will require immediate suspension during further investigation. Suspension is not a disciplinary action in itself, and while this measure employee / is entitled to full compensation for the work. Confirmation of serious violation of duty will result in automatic dismissal or dismissal without notice or payment of salary to the employee / s by the employer, immediately after the disciplinary hearing.

PROCEDURES

Executive Director of the Association must ensure that the Disciplinary policy and Child protection policy are implemented by all staff employed by the Association.

Brief overview of the procedures to be respected:

Informal phase:

- If deemed appropriate, it is necessary to take a certain direction or discussion to encourage the employee to help him improve his behavior before determining the need to initiate a formal action.

- If after a period of informal advisory action the employee fails to demonstrate progress and / or maintain appropriate standards of conduct, disciplinary action shall be initiated.

Initiation of disciplinary proceedings – formal procedures:

- This policy is activated when a contact person responsible for receiving applications for violation of the Code of Conduct and Child Protection Policy Association (hereinafter referred to as the contact person) receives an application relating to a violation of duty performed by a member of the staff.
- The person responsible for implementing this policy is to ensure that each application is submitted, confirmed and recorded in writing, and marked with the date.
- If an employee comes to suspicion or knowledge that the contact person has violated Child Protection Policy or Code of Conduct, the same application can be submitted to the Executive Director.

Minor violation of official duties:

- Informal counseling is not part of the formal procedure.
- In the case of less severe misconduct interview will be conducted with the person for whom the application was received. Each subsequent discussion is organized on the basis of repeated misconduct in the following order:
 1. The individual interview with the executive director of the Association;
 2. Joint talk about the problem on the regular staff meeting;
 3. Joint discussion at the regular supervision meeting.
- If everyone interviewed do not lead to improvements in employee behavior, minor violation of duty is starting to be treated as a serious violation of duty.

Serious violation of official duties:

- If there is a serious violation of duty, the contact person should determine whether there are elements for an investigation and whether the employee should be suspended. In the case of suspension, the contact person will confirm it in writing to the suspended employee, stating the name and surname of the employee in the Association to whom he can refer about collection of any documents and evidence relevant to his case and discuss or engage in any other operational issues.
- Suspension itself does not constitute as a disciplinary sanction against the employee and her role is to enable smooth and objective investigation.
- During the suspension period the employee receives full salary and is so until the final results of the investigation or, in the case of hearing, until a disciplinary sanction.
- In the course of the investigation, the employee will not come to work unless requested or instructed by the Executive Director of the Association and to attend the meetings, which are an integral part of the disciplinary procedure. During this period, the employee must be available for contact by phone and/or e-mail.
- If an employee is not able to physically be present at any stage of the disciplinary procedure and if it is not possible to access cost-effective means of communications, meetings may be held by video conference or other method established by the Executive Director. Personal presence is desirable.
- In cases that are not related to a serious violation of the Code of Conduct, which do not represent a serious violation of official duty, the employee will not be suspended.

Investigation:

- In case of violation of duties, the contact person will appoint an investigator which cannot be an employee, and who will report to the President of the Steering Committee. Leader of the investigation will be given instructions to perform tasks for which he is responsible, by the President of the Steering Committee of the Association.
- Except in exceptional cases, an investigation will be conducted prior to any disciplinary hearing.
- The role of the leader of the investigation is to conduct discussions with all relevant parties and witnesses, take statements and collect all the relevant information ensuring that confidentiality, appropriate attention to each witness and protection of information about the details of the case, are carried out in an appropriate manner. This can be done only through personal contact. After an investigation, the leader of the investigation will make a report of the results that will indicate whether there is a basis for initiating a case.
- Decision on the existence of grounds for opening the case will be made by the Executive Director on a proposal made by the contact person or case manager.

Procedures for disciplinary hearing:

- In the decision to initiate a case, the employee shall be notified in writing. Notice shall contain:
 1. Date and time of the hearing,
 2. Logistics solutions (personal contact, telephone, video conferencing, etc.),
 3. The type of application filed against employee,
 4. In the case of serious violation of official duties, the notice regarding the possibility of termination of employment.
- The notice must be delivered on time, at least five business days before the hearing.

Decision:

- Upon completion of the hearing, which may if necessary be divided into several parts, a team consisting of Executive Director, manager of the case and contact person will withdraw in order to consider the case and all relevant information presented during the hearing, after which a decision is made. All mitigating circumstances are also to be taken into consideration.
- The Executive Director will confirm its decision in writing within 15 days from the conclusion of the disciplinary proceedings, while a copy is kept in the personal file of employee for the duration of the disciplinary action.
- The employee is informed in writing about his right to appeal.
- If, after a disciplinary hearing, the employee is to be fired due to a serious violation of official duties, termination of contract takes effect on the date of the formal decision delivery to the address of the employee given to the Association by him. A written confirmation will be delivered as soon as possible.

DEGREE OF FORMAL DISCIPLINARY SANCTIONS**Verbal warning (official)**

Verbal warning is appropriate when:

1. Behavior was observed for the first time and is mild in nature;
2. There is a minor violation of the Code of Conduct.

Just a short note on the pronounced verbal warning and dates of its validity will be included in the personal file of the employee, and one copy will be sent to the employee.

The first written warning

The first written warning is appropriate in the case of:

1. Continuation or repetition of minor violation of duty,
2. First violations for which the assessment determines that is hard enough to Proverbs higher degree of punishment then verbal warning.

The last written warning

Last written warning may be the first (and only) written notice in the case of sufficiently serious violation of the Code of Conduct and / or the Child Protection Policy. The last written warning is appropriate in the case of:

1. If, after all of the interviews on the basis of minor misconduct, has been no change in behavior, and is difficult and inappropriate for the employee to continue to work in the Association;
2. For first violations for which the assessment determines that is hard enough to be handed down the sentence level higher than a verbal warning or first written warning.

Termination of employment / termination of scholarship

Termination of employment / termination of scholarship are appropriate in the case of:

1. Continuation or recurrence of minor violations during the existence of disciplinary sanctions against the employee in the form of last written warning,
2. Knowledge of the serious violation of duty by the employee.

Pre-termination of employment / pre-termination of scholarship

- In certain circumstances, if it is appropriate, the Association has the right to apply a disciplinary sanction that includes (but is not limited to) the transfer of employee to other work position within the Association, the degradation to the lower work position, or a change of duties, which is a form of pre-termination of employment / pre-termination of scholarship.

APPEAL AGAINST DISCIPLINARY DECISIONS

- Employees can appeal against any disciplinary decision. The appeal must be in writing and it must specify the grounds of appeal. The appeal must be submitted to the Association within 5 business days after the employee concerned has received notification of a disciplinary decision. Grounds for appeal may include:
 1. Alleged unfair judgment against employee;
 2. Alleged failure to properly consider the facts relating to this case that are submitted to the Association;
 3. New information that came to light which relate to the substance of the application;
 4. Alleged breach of the disciplinary proceedings.
- Steering Committee considers the appeal and decides whether the appeal process would be limited to a re-examination of written evidence that were available during the disciplinary hearing, re-examination of certain aspects of the disciplinary hearing or disciplinary decisions, or will they conduct the hearing on the appeal. If there will be a hearing of the appeal, the President of the Steering Committee confirms logistics solutions (personal contact, etc.).
- If the appeal reaches the stage of presenting new evidence, there may be a need for additional investigation. Steering Committee decides whether this is necessary.

- In the case of performing hearing of the appeal, the President of the Steering Committee shall notify the employee stating:
 1. Date and time of the hearing,
 2. Logistics solutions (personal contact, telephone, video conferencing, etc.),
 3. The fact that this is the final stage of the procedure.
- The President of the Steering Committee must first inform the relevant staff about the hearing within five working days.
- Employee shall make reasonable efforts to attend the hearing of the appeal.
- If there is a need for a full hearing, it will be done in the same manner as the initial disciplinary hearing, accept the employee will begin with an explanation of its grounds for appeal. The Executive Director will then present defense of the initial results of the disciplinary hearing.
- Upon completion of hearing of the appeal, the Board is withdrawing in order to make the decision, which is presented by the President of the Steering Committee, and a conclusion can be:
 1. That the appeal is granted, that no further action will be taken, and that all records of the hearing will be removed from the personal files of employee;
 2. Confirmation of the disciplinary decision and specifying the sanctions;
 3. That the disciplinary sanction was too severe and it will be changed.
- **The decision of the Steering Committee is final.**
- The President of the Steering Committee confirms the decision of the Committee in writing within 15 days after completion of the hearing and a copy of the decision is to be kept in the personal file of employee.

Duration of disciplinary sanctions

- Certain disciplinary sanctions listed below is valid during the relevant time periods listed below (unless the Association determines, acting reasonably, that these periods are to be extended), and a written confirmation of this is kept in the personal file of employee the same period of time.

Verbal warning (official)	6 months
First written warning	12 months
Last written warning	12 months
Termination of employment / scholarship	forever

Retaining Records

- During the disciplinary proceedings and where the appeal is made on the disciplinary sanction, investigation report and witness statements are available to the President of the Steering Committee, the Executive Director, the contact person, the leader of the investigation and the Secretary-General.
- All documents relating to the application, inquiry and investigation results shall be kept in a confidential file, separate from the personal files of employees.
- In the case of disciplinary sanctions, a copy of the written decision will be stored in the personal file of the employee and removed after the specified time period.

- Upon termination of the disciplinary sanction, if there was no further disciplinary problem, disciplinary action cannot be used in conjunction with any further disciplinary actions or internal actions against employee. Association can in the future, if needed, present the conclusions of the disciplinary action to third parties, in connection with cases that include (but are not limited to) the investigation by law enforcement agencies. The need for the use of such documents is likely to indicate in rare occasions.

Interpretation of Disciplinary policy and disciplinary procedures

- Engaged staff which does not understand any part of disciplinary policy or disciplinary proceedings should seek an explanation from the management.

Status and review

This policy and description of proceedings are not a part of any contract between the association "Nova generacija" and employee, and if necessary, may be changed and / or reviewed by the association on which the employee must be notified.

Annexed documents:

1. Application Form
2. Code of Conduct for the Association "Nova generacija"