UNIVERSITY OF MITROVICA “ISA BOLETINI”

Rules and procedures for the general elections in UMIB

March 2019

Pursuant to Article 23 of the Statute, and in accordance with the Law on Higher Education of the Republic of Kosovo and Article 3 (1) Subparagraph 1.1 of the Administrative Instruction of MEST 03/2015 Holding Student Elections and Election of Bodies and Advisers in the Academic Unit at the University of Mitrovica "Isa Boletini" (UMIB), the Steering Council (KO) of the University in its meeting held on 28 March 2019, adopted:

Rules and Procedures for General elections in UMIB

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1. General provisions

Article 1

(1) All rules and procedures shall be referred to and based on the Temporary Statute of the University of Mitrovica, the Law on Higher Education of the Republic of Kosovo and other normative acts in force.

(2) An appeal against decisions based on these rules and procedures shall be addressed:

- First to the Central Election Commission
- Second to the UMIB Steering Council

Article 2

(1) The election as follows is announced by the Governing Council and will be held in 6 UMIB faculties, according to Articles 44 and 74 of the Statute:

1. Members of faculty councils from the professors' point of view;

2. Members of faculty councils from the scope of assistants;

3. Member of faculty councils from non-academic staff;

4. Member of the Senate from the academic staff;

5. A member of the Senate from the non-academic staff.

(2) Election of members of the Senate from non - academic staff, as defined in paragraph 5 of this article. will also be held in the Central Administration.

Article 3

(1) The academic staff of the UMIB includes the groups, as referred to in Article 151, point 2 of the Temporary Statute:

1. Regular Professor
2. Associate Professor
3. Assistant Professor
4. Temporary Lecturer. This call will be temporary only for the founding phase.
5. Assistant
6. Lecturer

(2) Under the Statute, the category of staff called "Temporary Lecturer" is a category of personnel only at the founding stage of the UMIB, so they have no right to participate in UMIB elections for the abovementioned faculties.

Article 4

(1) All mandates who are legally elected through these elections shall hold their mandate for four years.

(2) In the event of resignation, termination of the contract, retirement, death, dismissal of the mandate or for any other reason, the mandate shall meet the first unspecified person according to the initial results of the elections resulting from the votes received.

(3) In cases when there are no persons available from the initial election results, the mandates will remain unchanged until the upcoming general elections.

Article 5

(1) Each UMIB staff member with full (primary) contract will have the right to participate in these elections[1]

(2) In order to be eligible to rank as well

a. voter
b. candidate

staff should apply the rules as; are mentioned in:

1. Article 150 of the Statute, which states that "Personnel in regular employment may not have any other flat-rate employment contract within or outside the university."

2. Article 17.3 of the Law on Civil Service of the Republic of Kosovo, which states that "Civil servants cannot hold leadership positions in political parties and be politically active".

[1] Exceptionally, at the Faculty of Education and the Law Faculty, in the absence of the administrative staff in the regular working, voting and running for members of the Council from the non-academic staff there are also staff with a contract for verbal agreement for the period of time exercises this position.

(3) In disputes under (2) regarding the right to vote or the right to stand for election, the decision shall be taken by the Central Election Commission.

(4) For any negative decision under (3) the reasons should be given in writing by the Central Election Commission.

2. Electoral rules

Article 6

(1) The members of the faculty council from the professors' point of view will be selected by the professors of this faculty as; is defined in Article 155 (regular professor), 156 (associate professor) and 157 (assistant professor) of the Statute.

(2) Members of the faculty council will be elected up to 30 professors.

(3) In all such faculties where the total number of professors - such as; is defined

(1) of this Article - does not exceed 30, all professors are automatically appointed as members of the faculty council. In this case, no elections will be held.

(4) In all such faculties where the total number of registered professor candidates does not exceed 30, all registered candidates automatically are appointed as members of the faculty council. In this case, no elections will be held and mandates will remain vacant if the number is not filled.

Article 7

(1) The members of the faculty council from the scope of the assistants shall be selected by the faculty academic staff as; is defined in Article 151 (2) and is described in detail in articles 155 (regular professor), 156 (associate professor), 157 (assistant professor) and 159 (assistant) of the Statute.

(2) The number of assistants chosen at the faculty council is more than 5 (five) members.

(3) In all such faculties where the total number of assistants does not exceed 5, all registered candidates are automatically appointed as members of the faculty. In this case, no elections will be held and mandates will remain vacant if the number is not filled.

Article 8

(1) Members of the Senate from the academic staff shall be elected by the academic staff of each faculty; is defined in Article 151 (2) and is described in detail in articles 155 (regular professor), 156 (associate professor), 157 (assistant professor) and 159 (assistant) Statute.

(2) A member of the academic staff shall be elected as a member of the Senate from each faculty.

Article 9

(1) The Secretary of the Faculty is an ex officio member of the Faculty Council with the right to vote.

(2) A non - academic staff member shall be elected as a member of the faculty council.

Article 10

(1) A member of the Senate from among the non - academic staff shall be selected by non - academic staff of all faculties and Central Administration of UMIB as well; defined in the Article 44, paragraph 1, sub-paragraph 1.6

(2) In case of equal votes of candidates for the mandate of the Senate member by academic staff, priority will be given to the female candidate.

3. Voter Lists

Article 11

(1) The Faculty Administration and the Central Administration shall have the duty to provide complete data of eligible voters to the Central Election Commission.

(2) In the event of a delay or refusal to disclose data from a faculty, disciplinary measures shall be taken by the Steering Council upon notification by the Central Election Commission.

Article 12

(1) A list of eligible voters shall be prepared by the Central Election Commission for each of the six faculties and central administration, including the following data:

Academic staff:

- Serial number
- Name
- Surname
- Date of birth
- Personal number
- Scientific Degree - Professional title

Non-academic Staff Department:

- Serial Number
- Name
- Surname
- Date of birth
- Personal number
- Position
- Office / Unit

4. Candidates

Article 13

(1) Each member of the UMIB staff who is registered in the voter list has the right to be registered as a candidate for a mandate as referred to in Article 1.

(2) Being a member of the Central Election Commission or any election commission of the faculty is not an obstacle to being a candidate in general elections.

(3) Voters with the right to vote have the right to register for more than one mandate.

(4) If a member of the staff is elected for more than one term, the position in the Senate prevails in comparison to the position at the faculty council. The Central Election Commission has an obligation to clarify the recurrence of such appointments before the announcement of the final election results[2].

[2] Exceptionally, in general elections 2019, due to the small number of academic staff within the academic unit, a member of academic staff has the right to nominate and exercise the mandate of the member of the Faculty Council and of the Senate member academic staff

(5) It is not allowed to exercise more than one mandate. If a member of staff violates this principle, the Central Election Commission revokes all the mandates of this person.

The process of replacing the mandates is then done according to the manner described in Article 4 of this Regulation3[3].

5. Registration of candidates

Article 14

(1) Every eligible voter has the right to be registered as a candidate for any mandate assigned to his / her category and faculty.

(2) Registration procedures for each faculty should be prepared.

(3) The Faculty Election Commission shall set a period for registration of the clock 08.00 and 14.00 during the day of registration, date to be announced by the Central Election Commission.

(4) Registration Day must be at least 2 days before election day.

(5) Voters with the right to vote who are unable to participate in the registration procedures should be given the opportunity to register through written applications.

(6) A relevant registration form, appendix 1, will be available in the deanery and on UMIB's Web site.

Article 15

(1) The Central Election Commission is obliged to check the candidacy for validity, referring to the voter list and the provisions of these rules and procedures.

(2) The official list of candidates shall be prepared by the Central Election Commission for each faculty and central administration, including the following data:

Academic staff:

- Serial number
- Name
- Surname
- Date of birth
- Personal number
- Scientific Degree - Professional title

Non-Academic Staff Department:

- Serial number
- Name
- Surname
- Date of birth
- Personal number
- Position
- Office / Unit

[3] Exceptionally, in the general elections 2019, due to the small number of academic staff within academic units, a member of the academic staff, has the right to exercise at the same time more than one mandate, respectively, may simultaneously exercise the mandate of the member of the Board of Directors and of the Faculty Council.

(3) The official list of candidates shall be published by the Central Election Commission on the election day at the faculty desks and on the UMIB website.

6. Central Election Commission

Article 16

(1) The Central Election Commission shall fulfill its obligations, such as; are mentioned in the University Statute and other legal acts.

(2) The Steering Council shall establish the Central Election Commission (CEC). The CEC is principally composed of a university professor, general secretary and a university assistant.

Article 17

(2) Each staff member shall have the right to appeal against the decisions of the Central Election Commission according to (4) in writing and with reasoning based on the Governing Board of the University. The decision on the complaint must be received within 4 weeks after the receipt. The decision of the Steering Council is crucial.

7. Electoral Commissions of Faculties

Article 18

(1) Each Electoral Commission of the Faculty shall consist of three members:

1. The secretary of affiliation

2. A respectable faculty professor, nominated by the faculty council

3. A respectable advisor, nominated by the council of faculty council

(2) The secretary of affiliation shall chair the election commission.

(3) The election of two other members of the ECF from the academic staff rank by an absolute majority (50 + 1) of the total number of members of the faculty council through secret ballot.

(4) If no candidate after the first vote has obtained the absolute majority of the votes, the second ballot shall be selected by the candidates that have received the most votes according to paragraph (1) .2 and (1) .3.

(5) The Electoral Commission Protocols should be prepared and signed by the Chair and members of the ECF.

(6) Meetings of the Faculty Election Commission shall be convened by the Chair of the ECF with the approval of the Central Election Commission.

8. Election Day

Article 19

(1) The Central Election Commission shall decide and announce the election day.

(2) On polling day polling stations shall be open from 08.00 to 14.00.

Article 20

(1) Voters with the right to vote must personally cast the ballot at the polling station of the faculty, in which they are assigned according to their contract.

(2) No voter shall have the right to vote in more than one polling station.

Article 21

The Central Election Commission in coordination with the election commissions of the faculties should announce the location of the polling stations.

Article 22

Elections should be held by the election commissions of the faculties, under the supervision of the Central Election Commission.

9. Voting procedures and pamphlets

Article 23

(1) During the voting time, at least two members of the Faculty Election Commission shall be present at all times in order to ensure the smooth conduct of the election procedures.

(2) The Faculty Election Commission shall provide further procedural steps for the conduct of elections:

- opening and closing of the polling station at the appointed time and keeping the polling station open during the period of election;
- Provide the necessary materials for holding ballots;
- Distribution of election materials;
- Note the voting procedures in the election commission protocol;
- Voting of ballot boxes and marking of stamp numbers;
- Highlighting and counting votes;
- Marking election results.

Article 24

The electoral procedure should contain the following steps:

- The Election Commission requires the voter to identify himself with a document of identification (identity card);
- The election commission requires the voter to be identified with one of the categories of staff;
- The election commission finds the voter in the voter list;
- The electoral commission requires the voter to register in the voter list;
- The Election Commission appoints the voters with appropriate ballot papers;
- The voter secretly marks the ballot paper in the voting booth;
- The Election Commission replaces a sheet of paper on demand if the voter has damaged it;
- The voter casts the ballot in the ballot box;
- The voter leaves the polling station immediately after the vote;
- The Electoral Commission signs in the protocol any changes to these procedures

Article 25

(1) Each ballot paper shall contain the names of all candidates who have been registered for certain mandates. Candidates should be listed on the adjective according to their names and names.

(2) Each voter has the right to nominate as many candidates as he / she has mandates to compete in certain elections. A suitable advertisement should be provided at the beginning of the sheet.

(3) The record sheet is valid when the maximum number of candidates with the predetermined or less - as stated in the ballot paper - is marked and when the goal is vivid.

(4) Letters are invalid if more candidates are nominated than the maximum defined - as stated on the sheet - or when no candidate is identified.

(5) In all other cases of contestation of the validity of the ballot paper, the decision shall be taken by the Central Election Commission at the request of the Faculty Election Commission

Article 26

Each eligible voter has the right to submit a complaint about election procedures to the Central Election Commission. The relevant form, appendix 2, will be available at each faculty site and at the UMIB website.

10. Election results - lottery

(1) The Central Election Commission is obliged to announce the official results of the elections within 24 hours after the polling stations are closed.

(2) In cases when two or more candidates have received the same number of votes for an inadequate number of mandates available, then the lot should be organized by the Central Election Commission, which will decide on the final division of seats mandates.

(3) This shortlist shall be organized within 48 hours after the announcement of the election results.

11. Appeals period

(1) After the official announcement of the results, a 3 - day period for complaints is announced.

(2) Written complaints regarding election procedures, voting results and mandates may be submitted during this period.

(3) The Central Election Commission shall have the duty to decide on all appeals within the period of appeals.

(4) After the end of this period, the Central Election Commission should announce the official election results

Chairperson of the Steering Council