



Republika e Kosovës
Republika Kosova/Republic of Kosovo
Akademia e Drejtësisë/Akademija Pravde/ Academy of Justice

Managing Board of the Academy of Justice, in compliance with Article 10 paragraph 1, subparagraphs 1.1, 1.7 and Article 18 of the Law No. 05/L-095 on the Academy of Justice, in its meeting held on 05.05.2017, approves the following:

REGULATION NO. 01/2017

**ON THE PROCEDURE FOR APPOINTING AND DISMISSAL OF THE EXECUTIVE
DIRECTOR OF THE ACADEMY OF JUSTICE**

Article 1
Purpose

This regulation determines the procedure for selection, appointment and dismissal of the Executive Director of the Academy of Justice.

Article 2
Scope

This regulation is applied by the Academy of Justice for the purposes set with this regulation.

Article 3
Definitions

1. For implementation purposes, the terms used in this regulation have the following meaning:
 - 1.1 “Board” means the Managing Board of the Academy of Justice;
 - 1.2 “Director” is the Executive Director of the Academy of Justice;
 - 1.3 “Commission” is the Commission for Selection of the Director, appointed by the Academy’s Managing Board;
 - 1.4 “Disciplinary Commission” means the Disciplinary Commission established by the Academy’s Managing Board;

Article 4
Principles for Appointing the Director

The director is appointed based on principles of equal opportunities, nondiscrimination, merit, transparency, professionalism and impartiality.

Article 5
Criteria for Selection of the Director

1. In order to be appointed a Director, the candidate ought to meet the following criteria:
 - 1.1. be a citizen of the Republic of Kosovo;
 - 1.2. have a university degree in the area of justice, valid in the Republic of Kosovo;
 - 1.3. have passed the bar exam;
 - 1.4. have a high professional reputation and personal integrity;
 - 1.5. have at least five (5) years of experience as judge or prosecutor, or have eight (8) years of working experience, out of which at least five (5) years should be in managerial experience;
 - 1.6. Not convicted with a binding decision for any criminal offence.
2. During the course of candidates assessment, besides the criteria set by law, the commission assesses also the following criteria:
 - 1.1 Professional qualification for performing the profession, including relevant trainings;
 - 1.2 Skills and knowledge for performing the leadership and organizational work;
 - 1.3 Communication skills, including knowledge of foreign languages;
 - 1.4 Readiness to cooperate with other organizations and institutions;
 - 1.5 Previous work performance;
 - 1.6 Personal integrity;
3. Assessment of the criteria from paragraph 2 of this article is made through documentation, candidate interview and references.

Article 6
Recruitment Procedure

1. Managing Board of the Academy of Justice, brings the decision for commencing the Director's recruitment procedure and authorizes publication of the vacancy announcement.
2. President of the Board informs the Ministry of Public Administration for commencement of the Directors recruitment procedure.
3. The recruitment procedure is carried out by the Commission for Selection of the Director, with the support of the Academy's administration.

Article 7
Selection Committee

1. The Committee is established by the Board and consists of 5 members with the following structure:
 - 1.1. Two (2) members from the Managing Board of the Academy;
 - 1.2. One (1) judge from the Basic Courts;
 - 1.3. One (1) prosecutor from Basic Prosecution;
 - 1.4. One (1) civil society representative.
2. Members of the Selection Committee cannot be more than two consequent times members to this Committee.
3. A civil society representative should be a person in a leading position in a civil society organization and be recognized for his / her integrity and fair judgment.
4. Selection Committee is responsible for managing the assessment, preparing the short list, assessing the candidates and proposing the final list of the candidates.
5. The Committee's mandate is only to conduct the recruitment procedure and is dissolved upon completion of this procedure, except in cases the recruitment procedure shall be repeated due to insufficient number of applications submitted.

Article 8
Administrative Support

1. The Academy's administration provides administrative support in the Director's appointment process and is responsible for the following matters:
 - 1.1 Inform every applicant in writing about decisions of the Committee, on the status of their inclusion in the list of potential candidates;
 - 1.2 Provide administrative support for the Committee in planning their work and advising the members on procedure implementation;
 - 1.3 Ensure that Committee members receive timely the necessary information for bringing decisions;
 - 1.4 Keep the register of application with the accompanying documents for each applicant, as foreseen by the civil service procedures;
 - 1.5 Upon the Committee's request, obtain information related to the candidates included in the list, with the purpose of ensuring integrity and transparency of the process;
 - 1.6 Ensure that confidentiality of the process is respected;

Article 9
Public Announcement

1. The Academy will announce the public announcement for the Directors position, which will be open at least fifteen (15) days from the publication date in the newspapers.
2. Public announcement shall contain at least the following:
 - 2.1 Name of the institution making the public announcement,
 - 2.2 Job title and reference,
 - 2.3 Functional category and grade of the position,
 - 2.4 Job description, duties and responsibilities.
 - 2.5 Criteria and necessary qualifications for the job position,
 - 2.6 Duration of appointment
 - 2.7 Place and the manner for obtaining and submitting application,
 - 2.8 Closing date of the public announcement, and
 - 2.9 Necessary documents to be submitted with the application,
 - 2.10 Other necessary requirement as set forth by law and regulation on civil service recruitment.
3. Public announcement is issued in official languages of the republic of Kosovo in at least 3 daily newspapers, the Academy's web page, and shall be easily accessible for the interested ones.
4. Public announcement must be published within 7 working days after approval of the Managing Board.

Article 10
Obtaining and Submission of Applications

1. Obtaining and submission of applications for the announced position of the Director, is made according to information provided in the public announcement.
2. Candidates who apply for the Director's position must complete the application in one of the official languages.
3. Applications sent after the deadline set in the public announcement are not considered except applications sent by mail, if the date in the mail delivery proves that it has been sent within the deadline set in the public announcement.
4. In cases when, after the submission deadline, number of received applications is less than five (5), and if these applications are not gender and ethnically balanced, the deadline for submission of applications is extended for another 7 days.
5. In cases when after the deadline set forth in paragraph 4 of this Article, five (5) applications are not received, the Academy's administration terminates the recruitment procedure and notifies the Board, who may bring the decision to issue new public announcement for recruitment of the Director, in compliance with the terms and procedures set by legislation on civil servants and with this regulation.

6. In cases of repeating the public announcement as in paragraph 5 of this Article, the Committee will proceed with the evaluation of candidates who have applied, regardless of the number of applications.

Article 11

Selection procedure

1. After closing of the competition, within 5 (five) days, the Administration of the Academy creates a register for the received applications with the necessary data and submits it together with the candidates files to the commission for development of the recruitment process.
2. Within a period of 5 (five) days from the receipt of the files, the commission reviews the applications and the candidates files and prepares a short list of the candidates on the basis of their profile, merits and suitability with the criteria established by law, for the position of the Director.
3. For preparation of the short list, the commission verifies the following:
 - 3.1 Fulfillment of the formal criteria established by law;
 - 3.2 Relevant documents proving their qualification;
 - 3.3 Verify the candidate's experience;
 - 3.4 The existence or not of the criminal record;
4. If the commission fails to find at least three shortlisted candidates, it shall prepare a short report for the Board, with a recommendation to cancel the recruitment process and reinitiate it from the beginning, with the exception of the case referred to in paragraph 6 of the Article 10 of this Regulation. The Board takes the decision to announce the recruitment process based on the commission's report.
5. Candidates selected on the shortlist are notified within five (5) days from the day of the compilation of the shortlist by the administration and are invited for the interview.

Article 12

Interview of the candidates

1. In accordance with the legislation in force for civil servants, the commission conducts the interview with the candidates within ten (10) working days from the day of notification of the candidates. The commission is responsible for preparation of the questions to be submitted to the candidates and for the evaluation system in line with the legislation in force for civil servants.
2. Each member of the commission shall independently evaluate each candidate and sign the relevant form enclosed to the Regulation.
3. At the end of the interview, the Chairman of the commission shall enter all the points of the commission members in the final evaluation form, which shall be signed by all members of the commission. The total points based on the interview are calculated by calculating the average score from each member of the commission.

Article 13
Notification of results

1. The commission within seven (7) days, after the evaluation of the candidates, will prepare a final report, whereas, the Managing Board will recommend for appointment three (3) candidates who have received the highest points during this process, with the exception of the case referred to in paragraph 6 of Article 10 of this Regulation.
2. The commission, within the deadline set forth in paragraph 1 of this Article, submits the final form of the candidates and authorizes the administration of the Academy to notify all candidates with the individual results.

Article 14
Complaints for the recruitment procedure

1. Candidates unsatisfied for rejection of the application or the commission's evaluation procedure, can submit a written complaint to the Board within a period of 5 days from the date of publication of the results.
2. Against the Board's decision, the unsatisfied candidate can file a complaint to the competent authorities. An appeal against a decision of the Board shall not prevent the Director from being appointed.

Article 15
Selection and appointment

1. Managing Board based on the commission's report, with the majority of votes from the total number of the members of the Board, decides on the appointment of one of the three (3) candidates, with the exception of the case referred to in the paragraph 6 of Article 10 of this Regulation, recommends the appointment of the Director's position.
2. Initially, voting is conducted for the first candidate on the list proposed by the commission, if the first candidate does not receive sufficient number of votes from the total number of members of the Board, the Board proceeds with the vote of the second candidate and if the second candidate does not receive the necessary number of the votes, it continues with the third candidate. If none of the candidates receive the majority of the votes, the competition should be re-announced
3. The term of the Director's mandate is three (3) years, as defined in Article 15 of the Law on Civil Service, as well as in Article 14 of the Regulation on the Procedure for Appointment of Senior Leading Positions in Civil Service. If after three (3) years, the Board considers the Director's performance satisfactory, it decides with the majority of the votes from the total number of the members of the Board to extend the mandate of the Director.
4. Signing of the Appointment Act for the position of the Director, is conducted by the Chairman of the Managing Board, after the expiry of the deadline for the appeal.

Article 16

Termination of the employment relationship

1. Employment relationship of the Director terminates with:
 - 1.1 Imposing a punishment for a criminal offence with a final decision;
 - 1.2 Dismissal from the Board;
 - 1.3 Resignation;
 - 1.4 Failure to perform working duties;
 - 1.5 Declaration of permanent disability to perform official duty, due to medical reasons;
 - 1.6 Reaching the pension age;
 - 1.7 Death.
2. The decision for termination of the employment relationship according to paragraph 1.2 and 1.4 of this Article, is taken by the Board with the majority of the votes by the total number of the members.

Article 17 Dismissal of the Director

1. The Director will be dismissed by the Board if its considered that:
 - 1.1. A sentence has been issued for commission of a criminal offence by a final decision;
 - 1.2. Failed to perform his/her duties based on the evaluation of working performance;
 - 1.3 Has been declared permanent disability to perform official duty, due to medical reasons;
 - 1.4 Has been recommended by the Disciplinary Commission, due to violation of the rules of conduct and discipline;
2. Due to the application of point 2, paragraph 1 of this Article, the evaluation of the working performance is conducted by the Chairman of the Managing Board, accordingly to the respective provisions for civil servant for the senior leading positions.
3. The procedure for the dismissal of the Director can be initiated by the Chairman with the 1/3 of the Managing Board members, by a written request, submitted to the Chairman of the Managing Board, the request shall contain the grounds for the dismissal.
4. Documents containing any important fact, shall be attached to the dismissal proposal.
5. Members of the Managing Board hold closed meeting for discussion of the dismissal proposal. The Director proposed for dismissal has the right to be present in the meeting and has the right to respond to the proposal for dismissal, to provide or present explanations, or information and to respond questions raised by the members.
6. The decision for dismissal of the Director shall be in written and shall contain the reasoning for dismissal.
7. An administrative dispute can be opened against the decision on dismissal in accordance with the law.

Article 18 Disciplinary procedure

1. In cases when a claim for disciplinary violation by the Director is issued, the Managing Board establishes a disciplinary commission for treating the eventual violations.
2. Disciplinary commission consists of one (1) member of the Managing Board, one (1) judge and one (1) prosecutor.
3. After evaluation of the violation claims, the disciplinary commission submits a report with the recommendation for imposing a measure as determined by the legislation on civil service to the Managing Board.

Article 19
Suspension of the Director

1. Managing Board can suspend the Director, with the payment on the amount determined by the Law on Civil Service, if against him/her an indictment has been filed, detention is determined, or serious violation of the working performance.
2. Suspension of the Director shall last until the issuance of a final decision by the Managing Board

Article 20
Final provisions

1. For all other matters not regulated by this Regulation, the applicable legislation for Civil Service in Kosovo will be implemented accordingly.
2. The forms for evaluation of the candidates are enclosed to this Regulation.

Article 21
Entrance into force

This Regulation enters into force the day of the approval by the Board.

Prishtina, 05.05.2017

Aleksandër Lumezi

Chairman of the Managing
Board of the Academy of Justice