



UNIVERSITETI I PRISHTINES
"HASAN PRISHTINA"
UNIVERSITY OF PRISHTINA

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The Governing Council of the University of Prishtina, based on articles 7, 9 and 23 of the Statute of the University of Prishtina "Hasan Prishtina", in the meeting held on 22.4.2021, approved the following:

**REGULATIONS FOR THE PREVENTION AND PROTECTION FROM SEXUAL
HARASSMENT AND HARASSMENT IN THE UNIVERSITY OF PRISTINA**

General principles

Harassment and sexual harassment are contrary to of equal treatment on the basis of gender, sex and gender identity and constitute discrimination based on gender. As forms of violation of human rights, they are prohibited and should be subject to effective institutional responsibility as well as effective punishments.

In accordance with the Statute of the University of Prishtina, students, academic staff, non-academic staff and administrative personnel have the duty to respect gender equality, non-discrimination, principles of honesty, the code of ethics, the reputation of the university, as well as to cultivate and promote humanity and inclusiveness .

This regulation is issued in order to maintain and promote the highest standards of teaching, learning and creating a safe and discrimination-free environment for students, academic, non-academic and administrative personnel, to affirm the rights of individuals in the country of work as well as in educational settings.

General provisions

Article 1

This regulation applies to all academic, non-academic and administrative staff employed at the University of Pristina, regardless of the form and type of contract or appointment level, including but not limited to assistant professor, associate professor, full professor, assistant , lecturer, visiting professor, referent as well as employees or other employees at the University of Pristina, as well as students of the University of Pristina.

Article 2

Purpose

1. This regulation defines the material rules, disciplinary procedures and applicable measures in cases of harassment and sexual harassment at the University of Prishtina and aims to:

- a) provide a safe environment, where everyone feels equal in the workplace and in educational settings, regardless of gender and/or sexual differences;
- b) ensure efficient protection from discrimination on gender and/or sexual grounds.
- c) determine precise measures related to the effective and immediate response in dealing with cases of sexual harassment at the University of Pristina;
- d) to prevent the person affected by sexual harassment from being hindered at work, in studies, in the pursuit of professional development, graduation or academic and professional career;
- e) determine affirmative measures for individuals and groups that are or may be affected by this phenomenon.

Article 3

1. Harassment and sexual harassment are prohibited and represent serious disciplinary violations that are punished according to the disciplinary measures provided for in this regulation.

2. In making decisions and disciplinary measures in the procedure for examining complaints of harassment or sexual harassment, the Ethics Council applies this regulation, the Statute of the University of Pristina. Law on Higher Education, Law on Protection from Discrimination. Law on Gender Equality. Labor Law and other applicable legal and by-laws.

Article 4

Definitions

In this regulation, the following terms have the following meanings, provided that they are not part of the discourse of lectures, exercises (teaching process) at the University of Prishtina:

1. **Sexual harassment** means any form of unwanted verbal, non-verbal or physical behavior of a sexual and/or psychological nature, with the aim or consequence of affecting or violating the dignity of a person and creating an intimidating, hostile, degrading, humiliating or offensive environment . Sexual harassment includes but is not limited to the definitions set forth in this provision.

2. **Harassment** means any form of unwanted behavior on the basis of nationality or association with any community, social or national origin, race, ethnicity, color, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, belief religion and belief, political affiliation, political opinion or other opinions, social or personal status, age, family or marital status, pregnancy, maternity, financial status, health status, ability to limited, genetic inheritance or any other basis, which has the purpose or has the effect of affecting or violating the dignity of a person and creating an intimidating, hostile, degrading, humiliating or insulting environment. Harassment includes but is not limited to the definitions set forth in this provision.

3. **Violation of dignity** is defined as an action which:

- a) reduces the person's self-respect, placing him in an inferior and dependent position;
- b) treats the person as an instrument or as a means to achieve the goal and interest;
- c) reduces the value that characterizes each person as an equal valuable member;
- d) deprives the person of their human values.

4. **Gender equality** is the full and equal exercise of human rights by men and women, as well as the absence of gender-based discrimination in opportunities, sharing of resources or benefits, and access to services.

5. **Verbal harassment** - comments on the body, insults, provocative questions, comments of a sexual nature, insulting expressions, humiliating epithets, derogatory expressions or other abuses are considered. Verbal harassment includes but is not limited to actions such as the following:

- a) request for sexual relations
- b) request and insistence on sexual relations, followed by threats or for intimate or private meeting or quid pro quo stipulation
- c) harassing phone calls, including SMS messages via mobile phones, messages via e-mail, social networks. other applications or other means of communication:
- d) insisting on a private or intimate meeting;
- e) sexual comments or slurs about a person's clothing, body anatomy, physical attributes or appearance.

6. **Physical harassment** includes but is not limited to unwanted actions such as the following:

- a) neck or shoulder massage;
- b) intentionally touching the person's clothes, hair or body;
- c) hugging, kissing, caressing;
- d) intentional touching of a sexual nature;
- e) sexual self-pleasure in the presence of another person,
- f) friction with the other person.

5. **Non-verbal harassment** includes but is not limited to the following actions: provocative gestures with provocative movements and touching of various parts of the person's body that provoke the other person, such as exposure of pornographic advertisements, photographs and signs, drawings or sexual comments about clothing.

6. **Quid pro quo** (a favor for a favor) has to do with situations within official reports, primarily reports at the workplace, where decisions in the interest of the person are conditional upon the acceptance of proposals, requests or sexual behaviors, which are presented to the person by the official person with the highest position in the professional hierarchy and to whom the victim is in a relationship of dependence. Request for sex as a condition for a higher position, employment or other benefits such as: continuous pressure or request for sexual purposes. Quid pro quo sexual harassment includes but is not limited to:

- a) the action by which the person in the highest official or professional/academic position conditions employment, advancement, salary increase, enrollment in the faculty, passing exams, assessment or any other privilege to the student or to the person in the highest position with sexual services lower or the same official or professional/academic;
- b) threatening the person (subordinate) with the termination of the contract, displacement, degradation or any other type of negative impact on the work position or the professional/academic position in case the subordinate does not agree to enter or continue sexual relations;

c) promise or assurance of a salary increase or a subordinate's advancement in exchange for services or promises for sexual services;

d) the action through which the person in the highest official or professional/academic position offers the subordinate a special task or opportunity to prove himself, the possibility of official trips or participation in professional events important for his/her career and expects that the subordinate repays these offered opportunities with sexual services.

7. Sexualization of the work or learning environment. This type of sexual harassment does not necessarily include requests for sexual services, or entering into sexual relationships, but is focused on various forms of verbal or non-verbal actions of a sexual nature, which reduce the person another in a sexual object, directly, intentionally or unintentionally, which reduces his/her reputation, professional status, respectively the possibility of professional development. This type of sexual harassment includes but is not limited to:

a) distribution of video recordings or photographs with pornographic content;

b) sending suggestive letters, notes and emails with content of a sexual nature;

c) jokes or sexual anecdotes;

d) inappropriate gestures of a sexual nature.

Article 5

Responsibilities of the University of Prishtina for prevention and protection from harassment and sexual harassment

1. Academic, non-academic, administrative staff members and students must have consideration for each other and must respect each other's personal boundaries.

2. The university develops and drafts the Action Plan for the prevention of cases of harassment and sexual harassment in the university and supervises its implementation in the university.

3. The university undertakes preventive measures to inform, educate and communicate with students, academic, non-academic and administrative personnel regarding the prevention and sanctioning of harassment and sexual harassment in the workplace and educational facilities.

4. The university makes the information visible related to the content of this regulation in the faculties' spaces, informs students, academic and non-academic and administrative staff of where to report cases of harassment and sexual harassment, as well as educates on preventive, reporting and investigative measures. Information on denouncing and reporting cases of harassment and sexual harassment should be easily accessible to students on the official websites of the faculties, and an anonymous contact number should be provided for further advice and referral.

5. The University follows the action procedures, foreseen in the Action Plan and in this one regulation and applies disciplinary measures in cases of harassment or sexual harassment under this regulation. Regulations for Disciplinary Procedures applicable to students at the University of Pristina and the Code of Ethics of the Academic Staff of the University of Pristina "Hasan Prishtina".

6. After receiving the complaint from the complaining party, the university takes immediate measures according to this regulation to stop the continuation of sexual harassment and harassment.

Article 6

Educating regarding the prevention of harassment and sexual harassment

1. The University provides an environment that supports knowledge, practices and policies to eliminate harassment, sexual harassment and all forms of discrimination.

2. The University of Prishtina may issue guidelines as needed to clarify the procedure for preventing discrimination and sexual harassment.

3. The rector and academic units are obliged to provide students, academic, non-academic and administrative staff with easy access to information and legal and by-laws, which deal with harassment and sexual harassment.

Article 7

Official for the implementation of policies for protection from harassment and sexual harassment

1. The University of Prishtina will appoint an official for the implementation of policies for protection against harassment and sexual harassment ("Official for protection against harassment") who will be responsible for informing, advising and accepting complaints about harassment and sexual harassment at the University of Prishtina.

2. The officer for protection against harassment reports once a year, in the month of March, to the governing council of the university or to the senate of the university, among other things, in relation to the implementation of the Action Plan, the number of cases submitted for counseling, the number of investigated cases, closed cases and measures imposed on persons responsible for harassment and sexual harassment.

Article 8

Responsibilities of the personnel of the University of Pristina

Anyone from the academic, non-academic and administrative staff who notices behavior that is inconsistent with this regulation has the duty to ask the person to stop the undesirable behavior and has the duty to inform the affected party of the right to file a complaint as and direct him to the harassment protection officer to get more information about the procedure.

Article 9

Filing a harassment or sexual harassment report

1. The reporting entity can submit formal and informal harassment or sexual harassment reports to the harassment protection officer. The reporting subject can also submit the formal denunciation directly to the Rectors of the University of Prishtina, addressing the Ethics Council of the University of Pristina.
2. Informal reporting of harassment or sexual harassment can be submitted by the reporting subject when he/she is not sure whether he/she wants to make a formal report. Informal reports can be verbal and written (in hard copy or via email to the official address of the sexual harassment protection officer). In case of informal verbal denunciation, the denunciation must be documented by the harassment protection officer. No action will be taken by the anti-harassment officer, except in cases where, from the informal report, the anti-harassment officer determines that the reporting subject may be in imminent danger. In this case, the officer for protection from harassment can report the case to the Ethics Council of the University of Pristina and must notify the reporting subject in advance.
3. The formal denunciation of harassment or sexual harassment is presented by the reporting subject in written form in physical copy or via electronic mail to the official email address of the official for protection from sexual harassment or to the office of the Rectorate of the University

of Prishtina or to the official email address of Rectorate of the University of Prishtina. If the reporting entity, after the informal denunciation, decides to make a formal denunciation, such denunciation must fulfill the conditions of this paragraph and paragraph 4 of this regulation, in order to be treated as a formal denunciation.

4. The formal denunciation of harassment or sexual harassment must be clear, must identify the reporting entity and the suspected entity and must explain the behavior of the suspected entity, for which the denunciation is presented, the effect of the behavior on the reporting entity and must include dates and other information related to the case. If there are witnesses or additional evidence, they must be attached to the denunciation.

5. The reporting entity may submit a complaint for harassment or sexual harassment according to this regulation, no later than one (1) year from the day the violation occurred.

6. The officer for protection against harassment records the reported case (formally and informally) in separate registers of physical and/or online sexual harassment reports and keeps the files of physical and/or online reports in a safe place.

7. The whistleblower is obliged to sign the declaration about the moral, ethical, disciplinary and criminal responsibilities that he bears in relation to the whistleblower, in addition to the evidence and facts presented.

Article 10

Registration of informal and formal denunciation and initial procedural steps

1. The Harassment Protection Officer accepts formal and informal harassment and sexual harassment complaints, advises and informs the parties regarding the procedures for filing informal and formal complaints and the development of disciplinary procedures.
2. The Harassment Protection Officer assists the reporting entities in compiling the formal written report, logs the reported case and fills out a standard form with relevant information about the case.
3. The harassment protection officer keeps records of all cases of informal and formal reporting. Parties seeking information and advice (informal reporting) may remain anonymous until the formal reporting is submitted.
4. All university officials, who are involved in handling cases of sexual harassment, are subject to a strict obligation of confidentiality. Violation of the obligation of confidentiality for procedures under this regulation constitutes a serious disciplinary violation. Confidential information includes the data of the reporting entity, the suspect entity, the circumstances of the case, the dates, the behavior of the entities and other information related to the case.
5. The Harassment Protection Officer immediately after receiving the formal denunciation from the reporting subject, and no later than twenty-four (24) working days after receiving the formal denunciation, officially notifies the Ethics Council of the case and sends the formal denunciation, together with other accompanying documents.
6. The Harassment Protection Officer maintains ongoing contact with the reporting entity to ensure that sexual harassment has ceased and prepares reports to document communication with the reporting entity.

Article 11

Disciplinary procedure

1. The procedure for examining complaints of harassment or sexual harassment must be developed in an accelerated procedure and the reported cases, according to this regulation, must be treated with priority by the Ethics Council.
2. The burden of proof in the procedure for reviewing the denunciation of harassment or sexual harassment falls on the procedural parties, according to the principle of equality of the parties (the whistleblower provides the evidence, while the whistleblower is given the opportunity to defend himself).
3. The Ethics Council contacts the suspected subject immediately after receiving the denunciation and invites him to an interview, no later than five (5) calendar days after receiving the formal denunciation of harassment or sexual harassment, making sure that the suspected subject is notified two (2) days earlier.
4. In the evaluation of the denunciation, the Ethics Council organizes at least 2 hearings, one at the beginning of the procedure and one at the end of it, to examine the evidence and to interrogate the witnesses, the reporting subject and the subject suspected. The suspect enjoys all procedural rights to hearing and fair treatment. The parties may refer to the procedural rules of the Law on General Administrative Procedure during the implementation of the disciplinary procedure for matters not provided for in this regulation.
5. The Ethics Council takes a decision, with which it ascertains whether or not the violation presented in the complaint has been committed or not according to this regulation. If the Ethics Council finds a violation, it imposes measures according to this regulation. The decision of the Ethics Council is the final decision in the first instance.

6. At the end of the decision, the dissatisfied party is instructed on the right to exercise the legal remedy. The party dissatisfied with the decision of the Council of Ethics has the right to file a complaint with the Senate of the University of Pristina within 30 (thirty) days after the decision of the Council of Ethics is accepted. The Senate makes a decision on the appeal against the decision of the Ethics Council in a closed session, no later than fifteen (15) days after the deadline for submitting the appeal. The decision of the senate is final at the university level. The party dissatisfied with the decision of the senate can file a complaint with the relevant inspectorate or file a lawsuit for the administrative conflict with the Basic Court in Pristina according to the legislation in force.

7. The University of Prishtina will implement disciplinary measures and procedures for cases of harassment and sexual harassment, regardless of the development of criminal proceedings for the same case.

8. The University of Prishtina reserves the right to take legal action to the law enforcement authorities against the person who is found to be responsible for harassment or sexual harassment according to this regulation.

Article 12

Measures for disciplinary violations

1. The Ethics Council, after assessing the circumstances of the specific case, imposes one of the following punitive measures on the person responsible for the violations committed according to this regulation:

1.1. For students:

- a) Warning for suspension/expulsion;
- b) Suspension from the faculty for one (1) year;
- c) Permanent expulsion from the faculty

1.2. For academic, non-academic and administrative staff:

- a) Warning for suspension/termination of the employment relationship;
- b) Temporary suspension without pay;
- c) Termination of employment.

2. Except from the measures provided in paragraph 1, points 1.1. and 1.2. of this article, for measures that are not foreseen in this regulation, we must refer to the regulation in force on disciplinary measures and procedures for UP students and the regulation on disciplinary measures and procedures for UP academic staff.

Article 13

False accusation and the use of accusation against the reporting entity

1. False declaration or denunciation is a criminal offense punishable by the laws in force.

2. The false declaration or denunciation of a person for harassment or sexual harassment also constitutes a serious disciplinary violation. A false declaration or denunciation is committed by anyone who makes a false declaration or denunciation to the official person in charge of receiving denunciations of harassment or sexual harassment, knowing that the suspect has not committed sexual harassment or harassment. This provision does not apply in cases where the

person has submitted the denunciation and the information is in good faith, even if the claimed facts are assessed as incorrect.

3. Against the responsible person, for false declaration or denunciation of sexual harassment, disciplinary proceedings will be initiated at the University's Ethics Council and disciplinary measures will be taken in accordance with the regulation on disciplinary measures and procedures against academic, non-academic and administrative personnel of University of Pristina. When the person responsible for false declaration or denunciation of sexual harassment is a student, disciplinary proceedings will be initiated in accordance with this regulation and the Disciplinary Procedure Regulation, applicable to students of the University of Pristina.

4. The denunciation of harassment or sexual harassment cannot be used against the reporting subject for termination of the employment relationship, or for presenting obstacles to the continuation of education or other obstacles.

5. In cases where harassment or sexual harassment is carried out by a person who has a position of authority over another person, subjection to harassment or sexual harassment cannot be used as a circumstance against the reporting subject in the decision-making procedure.

Final provisions

Article 14

1. The provisions of this regulation are applied appropriately even in cases of filing a complaint for rape, attempted rape, sexual assault and all presented cases of discrimination at the university.

2. The procedures defined in this regulation are developed independently of the criminal procedure or other procedures and can be developed simultaneously.

3. The provisions of this regulation prevail in case of conflict with other by-laws of the university, except legal and statutory provisions. The implementation of this regulation is supervised by the Governing Council of the University of Pristina. The interpretation of this regulation is done by the Governing Council.

4. The Ethics Council is obliged to follow this regulation.

Article 15

Enter into force

This regulation enters into force from the day of the approval from the Governing Council of the University of Prishtina.

Dr. sc. Ujkan Bajra, Head

Governing Council of UP