



UNIVERSITETI
I SHKENCAVE TË APLIKUARA
— FERIZAJ —

Chairman of the Steering Council
Prof.As.Dr. Samet Dalipi

Nr. Prot.: 1417/21, Date: 21.05.2021

In support of Article 22 of the Statute of the University of Applied Sciences in Ferizaj (UASF), the Governing Body of UASF, in the meeting held on 21.05.2021, approved the

REGULATION FOR SEXUAL HARASSMENT AT THE UASF

General Principles

Harassment and sexual harassment are contrary to the principle of equal treatment based on gender, sex, and gender identity and constitute discrimination based on gender. As a form of violation of human rights, they should be prohibited and should be subject to effective institutional responsibilities as well as effective, proportionate, and convincing punishments.

UASF is committed to building a safe and discrimination-free environment for students, academic and non-academic personnel, to affirm the rights of individuals in the workplace as well as in educational environments.

By the Statute of UASF, students, academic and non-academic staff, have the duty to respect gender equality, non-discrimination, the principles of honesty, the Code of Ethics, the reputation of the university, as well as to cultivate and promote the spirit of humanity and inclusiveness.

I. General Provisions

Article 1

Building

This Regulation is in the function of preventing and dealing with cases of sexual harassment, and promoting gender equality, and non-discrimination in UASF.

Article 2 Purpose

The purpose of this Regulation is to:

- a) provide a safe and free environment where everyone feels equal in the workplace in educational environments, regardless of gender differences;
- b) ensure efficient protection from discrimination based on gender;
- c) determine precise measures related to the effective and immediate response in the treatment of sexual harassment at the UASF;
- d) determine affirmative measures for individuals and groups that are or may be affected by this phenomenon.

Article 3 Definitions

In this regulation, the following terms have the following meanings:

1. ***Sexual harassment*** means any form of the unwanted verbal, non-verbal, or physical behavior of a sexual nature, with the purpose or effect of affecting or violating the dignity of a person, and creating an intimidating, hostile, degrading, humiliating, or offensive environment; (Article 1.12 from the Law on Gender Equality of Kosovo).
2. ***Gender equality*** is the full and equal exercise by men and women of their human rights. It is the absence of discrimination based on gender in opportunities, sharing of resources or benefits as well as access to services (Law of Kosovo on Gender Equality, Article 1.1).
3. ***Direct discrimination*** is considered when a person is treated less favorably than another person is treated, has been treated, or will be treated in a comparable situation, according to one or more of the bases defined in article one (1) of this Law
4. ***Indirect discrimination*** is considered when a provision, criterion, or impartial practice points out, has put, or will put the person in an unequal position compared to others, according to one or more of the bases defined in article one (1) of this Law, except in cases where such provision, practice or criterion can be objectively justified with a legitimate goal, and the means to achieve the goal are appropriate and necessary" (Article 4, paragraphs 1.1 and 1.2 of the Law of Kosovo for Protection from Discrimination).

5. *Victimization* is considered discrimination on the basis defined in article one (1) of this Law, and occurs when the person experiences unfavorable treatment or negative consequences as a reaction to complaining or not complaining (initiated procedures) or actions aimed at implementing the principle of equal treatment, or in cases where such a person provides information, evidence or assistance about the complaint or procedure in case of discrimination.

Article 4

UASF responsibilities for the protect of students, and academic and non-academic personnel from discrimination and sexual harassment

1. Any discrimination and sexual harassment in the workplace and the UASF educational facilities is prohibited.
2. The University is obliged to:
 - a) take preventive measures, inform, educate and communicate with students, academic and non-academic personnel regarding the prevention and sanctioning of discrimination and sexual harassment in the workplace and educational facilities;
 - b) apply disciplinary measures (sanctions) based on the Regulation of disciplinary measures and procedures of the academic staff of UASF and other relevant acts in force;
 - c) make visibly the information related to the content of this regulation on the premises of the faculties, informs the students, academic and non-academic staff where the reporting of cases of harassment is carried out, as well as educate on preventive, reporting, and investigative measures. Information should also be easily accessible for students on the official websites of the faculties, and an anonymous contact number should be provided for advice and further reference;
 - d) take the appropriate legal measures to stop the continuation of discrimination and sexual harassment, after the written denunciation of the case by the complaining party.

Article 5

Sexual harassment - violation of dignity

1. Based on the definition of sexual harassment, the violation of dignity is defined as an action that:
 - 1.1 reduces the respect of the person by placing him in an inferior position and dependence (humiliation);
 - 1.2 treats the person as an instrument or as a means to achieve the goal and interest (objectification);
 - 1.3 diminishes the value that characterizes each person as an equal and valuable member of the human race (degradation);
 - 1.4 deprives the person of his/her human values (dehumanization).

Article 6
Forms of sexual harassment

1. **Verbal harassment** – consists of comments about the body, jokes, provocative questions, comments of a sexual nature, insulting expressions, derogatory epithets, derogatory phrases, or other verbal abuse as follows:
 - 1.1. encouragement of intimate sexual benefits;
 - 1.2. letters, phone calls, or material of a sexual nature;
 - 1.3. encouragement for intimate, or private meetings;
 - 1.4. comments, questions, and comments of a sexual nature;
 - 1.5. the use of inappropriate epithets, etc., are sexual comments;
 - 1.6. leading discussions on sexual topics during official duties;
 - 1.7. sexual insinuations, or stories;
 - 1.8. questions about sexual fantasies, tendencies, and experiences;
 - 1.9. intimate personal questions about social or sexual life;
 - 1.10. sexual comments about a person's clothing, anatomy, or appearance;
 - 1.11. lying or spreading the word about the person's personal sex life.

2. **Non-verbal harassment** - provocative gestures with provocative movements and touches of different parts of the body of the person who provokes the body of the other person as follows:
 - 2.1. provocative looks and other gestures of a sexual nature;
 - 2.2. whistling behind the person;
 - 2.3. imitation of animal voices;
 - 2.4. sending kisses;
 - 2.5. virtual harassment,
 - 2.6. displaying pornographic advertisements, pictures, signs, drawings, or sexual comments about an individual's clothing, ornaments, or body.

3. **Physical harassment** – the following actions are considered physical harassment:
 - 3.1. rape, sexual assault, or attempt;
 - 3.2. neck or shoulder massage;
 - 3.3. touching the person's clothes, hair, or body;
 - 3.4. hug, kiss, endearment;
 - 3.5. intentional touching, bending over the person;
 - 3.6. sexual pleasure in the presence of the other person;
 - 3.7. standing close to the person, or rubbing against the other person.

Article 7
Forms of manifestation of sexual harassment

1. **Quid pro quo** (a favor for a favor).

1.1. Has to do with situations within the framework of official reports, primarily reports at the workplace, where decisions in the interest of the person (victim) are conditional upon the acceptance of proposals, requests, or sexual behaviors, which are presented to the person (victim) by the official person with the highest position in the professional hierarchy and to whom the person-victim is dependent. Demand for sex as a condition for a higher position, employment, or other benefits such as:
Constant pressure, or solicitation for sexual purposes.

1.2. Quid pro quo form of sexual harassment is considered:

1.2.1. the action by which the person in the highest official or professional/academic position, conditions employment, advancement, salary increase, faculty registration, passing an exam, assessment, or any other privilege to the student or the person in the lowest position with sexual services official, or professional/academic;

1.2.2. threatening the person (subordinate) with the termination of the contract, displacement, degradation, or any other type of negative impact on the work position or professional/academic position in case the subordinate does not agree to enter or continue sexual relations;

1.2.3. promises or assurances of salary increases or advancement of the dependent person in exchange for services or promises of sexual services;

1.2.4. 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.

2. Sexualization of the (work) environment

2.1. This type of sexual harassment does not necessarily include requests for sexual services, or entering into sexual relations, but is focused on various forms of verbal or non-verbal actions of a sexual nature that directly, intentionally, or unintentionally harm the victim, reduce to a sexual object, which reduces his/her reputation, professional status, respectively, the possibility of professional development. This type of sexual harassment includes actions such as:

2.1.1. distribution of video recordings or photographs with pornographic content;

2.1.2. sending suggestive letters, notes, and emails with content of a sexual nature;

2.1.3. presentation of photographs or posters with sexual content in the workplace;

2.1.4. inappropriate jokes or sexual anecdotes;

- 2.1.5. inappropriate gestures of a sexual nature;
- 2.1.6. sexually suggestive glances, offensive eye stares, hissing;
- 2.1.7. sexual comments about appearance, clothing, or body parts;
- 2.1.8. inappropriate touching, massaging, biting, rubbing, or sliding on the other person.

Article 8

Sexual conditioning and harassment

1. Sexual conditioning and harassment at the university are considered:
 - 1.1. verbal expressions of sexual innuendo or content (description of sexual scenes, etc.);
 - 1.2. invitation for coffee or lunch/dinner in situations where this is unpleasant for the person (victim);
 - 1.3. invitation to students or colleagues to pick up materials (educational or work) at home or any other place outside the work environment;
 - 1.4. insisting on taking personal notes even when the other person (victim) refuses;
 - 1.5. calls or phone messages without the consent of the other person;
 - 1.6. restriction of movement by key locking of offices and other workspaces (halls, etc.);
 - 1.7. insisting on doing work at the end of working hours or when the workspaces are empty;
 - 1.8. physical sexual harassment.

Article 9

Falsely reporting sexual harassment

1. False declaration or denunciation is a criminal offense punishable by the laws in force in the Republic of Kosovo.
2. Criminal proceedings will be initiated by the competent state bodies against the responsible person, for false declaration or denunciation of sexual harassment, as well as severe punitive measures will be taken by the University's Ethical Commission, by the Regulation on disciplinary measures and procedures against the academic staff of UASF.

Article 10

Education for the prevention of discrimination and sexual harassment

1. The University provides an environment that supports knowledge, practices, and policies to eliminate sexual harassment and all forms of discrimination;
2. The University, in particular the academic units, according to the relevant fields, take measures to conduct studies in the field of gender equality, discrimination, harassment of a sexual nature or include it in the conducted studies, to provide materials with relevant information, which serves for awareness and prevention of negative phenomena;

3. The Center for Human Rights and Gender Equality (when it starts functioning), offers advisory services to academic, and non-academic staff, and students regarding discrimination and sexual harassment;
4. The Center for Excellence in Teaching (when it starts functioning), designs and implements the training program for the prevention of discrimination and sexual harassment, mandatory for all students, and academic and non-academic personnel. The trainings are offered through the UASF electronic platform and are implemented according to the schedule published at the beginning of each academic year. In the case of updating the training, after three years, following the training is mandatory;
5. Students who are admitted to UASF, during the first semester, are obliged to complete the training successfully. After completing the training, the student will be provided with a certificate which he/she will deliver to the student service of the relevant academic unit for storage in a personal file;
6. Submission of the training certificate is a condition for registration for the following semester;
7. Academic and non-academic staff are obliged to complete the training successfully. After completing the training, the personnel will be provided with a certificate. The academic staff will submit the certificate for storage in the personal file in the central administration of UASF, while the non-academic staff will submit the certificate to the staff manager in the central administration;
8. In case the staff does not complete the training within the specified period, disciplinary proceedings will be initiated against him/her;
9. Evaluation and creation of infrastructure (physical and digital) and university spaces from the aspect of inclusion and gender equality;
10. The rectorate and the academic units are obliged to provide easy access to students, academic and non-academic staff, to information as well as legal laws and by-laws that deal with sexual harassment.

Article 11

Establishment and composition of Ethics Commissions in academic units

1. UASF is obliged to establish the Ethics Council of the University.
2. The Ethics Commission examines cases that qualify as minor ethical or disciplinary violations.

3. The Ethical Council of UASF is obliged to issue the Work Regulation and define the duties and responsibilities of the Ethical Commission no later than 60 days after the approval of this regulation.
4. The Ethics Committee of the academic unit will have the following composition:

Five members, one from each academic unit one from the administration, both with a four-year mandate, and one representative of the Student Parliament with a one-year mandate and one from the administration with a four-year term.

One (1) representative nominated by non-governmental organizations active in the field of gender equality and anti-discrimination.

2. The Chairman of the Ethics Council is elected by the members of the Council and has a four-year term.
3. The Ethics Council can issue work regulations, which will regulate the issues that are not foreseen by this Code.
4. The mandate of the members of the Council is linked to the mandate of the body that elects them.

Article 12

Sexual harassment reporting procedure

1. Any sexual harassment must be reported by the denunciator, in hard and electronic copy, to the main administrative officer (non-academic staff and students) and to the Vice-Rector for Education (academic staff) until the legal infrastructure is completed with the staff for the rights of the person at the Center for Human Rights and Gender Equality of UASF (hereinafter (CHARGE));
2. The denunciation of sexual harassment must be well-founded and clear, which proves the violation of this Regulation by the denunciator;
3. The denunciation of sexual harassment is reported within a period of no more than one (1) year from the occurrence of the harassment;
4. The human rights officer records the reported case in a special book for sexual harassment and fills in a standard form with relevant information about the case;
5. The denunciator's data must remain completely confidential;
6. The official, within 24 working hours, forwards the completed denunciator's file to the chairman of the Ethics Committee;

7. If it finds that the reported case qualifies as a minor violation, the Ethical Council, after examining the case, pronounces the punitive measure by the Regulation on disciplinary measures and procedures against UASF academic staff.
8. In all cases where the Ethical Council finds that the presented case constitutes a serious violation (as determined by this regulation, the Code of Ethics, and the Regulation on disciplinary measures and procedures against UASF academic staff), it refers the same to the Disciplinary Commission;
9. The Commission can impose light measures (prescribed in the Regulation on disciplinary measures and procedures against UASF academic staff);
10. The Ethics Council is an authority that proposes to the Disciplinary Commission, disciplinary measures against students, academic and non-academic personnel for violations of the Code of Ethics by the disciplinary procedures defined in the Regulation on disciplinary measures and procedures against academic personnel of UASF;
11. The final decision for serious violations of this Regulation is taken by the UASF Senate;
12. The burden of proof falls on the party denounced for sexual harassment (refer to the anti-harassment-discrimination law).

Article 13

Measures for disciplinary violations

The measures for violations of the Code of Ethics and disciplinary violations are foreseen in the Code of Ethics.

V. Final provisions

Article 14

1. The implementation of this Regulation is supervised by the Governing Council of UASF.
The interpretation of this Regulation is given by the Governing Council.
2. The provisions of the Law on Higher Education, the Law on Labor, and the Law on Gender Equality will be applied to matters not provided for in this regulation; Law on protection from discrimination, Criminal Code of Kosovo; The Law on General Administrative Procedure, the Statute of UASF, the Code of Ethics and other legal and by-laws in force.

Article 15

Entry into force

This Regulation enters into force from the day of approval by the Steering Council.

Article 16

With the entry into force of this regulation, the regulation against sexual harassment in the UASF, no. 315/19, dated 22.02.2019 is abolished.

Chairman of the UASF Steering Council

[Signed]

Prof. As. Dr. Samet Dalipi