



UNIVERSITETI - UNIVERSITY - UNIVERZITET
"HAXHI ZEQA"

**REGULATION
ON PREVENTION AND PROTECTION FROM SEXUAL HARASSMENT AND BULLISM
AT UNIVERSITY "HAXHI ZEQA" IN PEJA**

Pejë, June 2022

The Steering Council of the University "Haxhi Zeka" in Peja, based on articles 7, 9 and 23 of the Statute of the University "Haxhi Zeka" in Peja, in the meeting held on 06.06.2022, approved this:

**REGULATION
ON PREVENTION AND PROTECTION FROM SEXUAL HARASSMENT AND BULLISM
AT UNIVERSITY "HAXHI ZEKA" IN PEJA**

General principles

Harassment, sexual harassment and bullying are contrary to the principle of equal treatment on gender basis, sex and gender identity and constitute discrimination on gender basis. As forms of human rights violations, they are prohibited and should be subject to effective institutional responsibility as well as effective, proportionate and persuasive penalties.

In accordance with the Statute of the University "Haxhi Zeka", students, academic, non-academic and administrative staff have a duty to respect gender equality, non-discrimination, principles of honesty, code of ethics, university reputation, and to cultivate and promote the spirit of humanism and inclusive.

This regulation is issued in order to maintain and promote the highest standards of teaching, learning and creating a safe and non-discriminatory environment for students, academic, non-academic and administrative staff, to affirm the rights of individuals in the workplace as well as in the classes.

I. General provisions

Art. 1

Field of action

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

Art. 2

The scope

1. This regulation sets out the substantive rules, disciplinary procedures and measures applicable in cases of harassment, sexual harassment and bullying and aims to:
 - a) provide a safe and a free environment where everyone feels equal in the workplace and in education, process regardless of gender and / or sexual differences;
 - b) provide effective protection against discrimination on gender basis;
 - c) determine precise measures regarding the effective and immediate response in the treatment of cases of sexual harassment at the University "Haxhi Zeka" in Peja;
 - d) prevent the person affected by sexual harassment from being hindered at work, during his/her studies, in pursuing professional advancement, graduation or academic and professional career;
 - e) to prevent bullying and bullying behaviours at work, in the development of studies, in the pursuit of professional advancement, graduation or academic and professional career;
 - f) determine affirmative action for individuals and groups that are or may be affected by this phenomenon.

Art. 3

1. Harassment, sexual harassment and bullying are prohibited and constitute serious disciplinary violations that are punished according to the disciplinary measures provided in this regulation.
2. In taking decisions and disciplinary measures in the procedure for reviewing denunciations of harassment, sexual harassment and bullying, the Ethics Council implements this regulation, the Statute of the University "Haxhi Zeka" in Peja, the Law on Higher Education, the Law on Protection from Discrimination, the Law on Gender Equality, the Labor Law and other applicable laws and regulations.

Art. 4

Definitions

In this regulation the following terms have the following meanings, provided that they are not part of the discourse of lectures, exercises (learning process) at the University "Haxhi Zeka" in Peja:

1. Sexual harassment - means any form of unwanted verbal, non-verbal or physical behaviour of a sexual and / or psychological nature, with the intent or consequence of affecting or violating the dignity of a person and creating an intimidating, hostile, degrading environment or offensive. Sexual harassment includes but is not limited to the definitions set out in this provision.
2. Harassment - means any form of unwanted behaviour on the basis of nationality or affiliation with a community, social or national origin, race, ethnicity, color, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and belief, political affiliation, political or other opinion, social or personal status, age, marital status, pregnancy, maternity, wealth, health status, disability, genetic inheritance or any other basis that has intended to affecting or violating the dignity of a person and creating an intimidating, hostile, degrading or insulting environment. Harassment includes but is not limited to the definitions set out in this provision.
3. Violation of dignity - defined as an action which:
 - a. reduces the self-esteem of the person, placing him in an inferior position and dependent;
 - b. treats the person as an instrument or as a mean of achieving purpose and interest;
 - c. reduces the value which characterizes every person as an equal member and of human value;
 - d. deprives the person of his / her 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 discrimination in opportunities, sharing of resources or benefits and access to services.
5. Verbal harassment - considered comments on the body, jokes, provocative questions, comments of a sexual nature, offensive expressions, derogatory epithets, derogatory formulations or other abuses. Verbal harassment includes but is not limited to the following actions:
 - a. request for sexual intercourse;
 - b. request and insistence on sexual intercourse, accompanied by threats or intimate or private meeting or conditioning quid pro quo;
 - c. harassing phone calls including SMS messages via mobile phones, emails, social networks, other applications or other means of communication;
 - d. insistence on private or intimate dating;
 - e. sexual comments or jokes about a person's clothing, anatomy, physical attributes, or appearance.
6. Physical harassment - includes but is not limited to the following unwanted actions:
 - a. neck or shoulder massage;

- b. intentional touching of a person's clothes, hair or body;
 - c. hugging, kissing, caressing;
 - d. intentional touching of a sexual nature;
 - e. sexual self-satisfaction in the presence of the other 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 body of the person provoking the other person such as exposure to advertisements, photos and pornographic signs, drawings or sexual comments about clothing.
6. Quid pro quo – (one favour for one favour) - has to do with situations within official reports, primarily reports in the workplace, where decisions in the interest of the person are conditioned on the acceptance of proposals, requests or sexual behavior, which before the person puts the official person in the highest position high in the professional hierarchy and to whom the victim is dependent. Request for sex as a condition for a higher position, employment or other benefits such as: constant pressure or request for sexual purposes. Sexual harassment quid pro quo includes but is not limited to:
- a. the action by which the person in the highest official or professional / academic position conditions with sexual services employment, promotion, salary increase, enrolment in the faculty, passing exams, evaluation or any other privilege towards the student or the person in the lowest position or the same official or professional / academic;
 - b. threatening the person (subordinate) with termination of the contract, relocation, degradation or any other kind of negative impact on the job position or professional / academic position in case the subordinate refuses to enter or continue sexual intercourse;
 - c. promise or guarantee of salary increase or promotion of subordinate in exchange for services or promises of sexual services;
 - d. action through which the person in the highest official or professional / academic position offers the subordinate a special task or opportunity to prove himself / herself, the possibility of official travel or participation in professional events relevant to his / her career and expects the subordinate to repay these 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, respectively entry into sexual intercourse, but is focused on various forms of verbal or non-verbal actions of a sexual nature, which reduce the other person in a sexual object, directly, intentionally or unintentionally, which reduces his / her reputation, professional status respectively the possibility of professional development.
8. This type of sexual harassment includes but is not limited to:
- a. distribution of video recordings or photos with pornographic content;
 - b. sending suggestive letters, notes and emails with sexual content;
 - c. sexual jokes or anecdotes;
 - d. inappropriate gestures of a sexual nature.
9. Bullying - repeated pressure, psychological or physical, of a less powerful person by the most powerful person. To distinguish bullying from other forms of violence, it is important to consider the power imbalance between the victim and the bully or bullies. The act of violence is not necessarily bullying, if there is equality of power between the victim and the bully, and if there are no differences of power between them. When it comes to bullying, the bully is always stronger than the victim, who is unable to react.
- The most common forms of action are: physical, verbal and indirect or relational, which are considered the corresponding forms of bullying.

- a) Physical bullying involves hitting, kicking, punching, biting, pushing hard, and taking or damaging the victim's belongings.
- b) Verbal bullying includes harassment, ridicule, intimidation, swearing and offensive nicknames, harassment is not necessarily considered a form of bullying behaviour. It is not considered bullying if it is done in a friendly way and in causes, as well as when there is no imbalance of power between employees, students.
- c) Indirect / relational / social bullying includes: gossip, spreading bad words and social exclusion.
- d) Cyberbullying is: bullying through electronic means of communication such as email, cell phone or other forms of electronic communication.

Art. 5

Responsibilities of the University "Haxhi Zeka" in Peja for the prevention and protection from harassment and sexual harassment

1. Academic, non-academic, administrative staff and students should consider each other and respect each other's personal boundaries.
2. The University develops and drafts the Action Plan for the prevention of cases of harassment, sexual harassment and bullying 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 staff regarding the prevention and sanctioning of harassment, sexual harassment and bullying in the workplace and classes.
4. The University makes visible the information regarding the content of this regulation in the faculty premises, informs the students, academic and non-academic and administrative staff where the reports of cases of harassment, sexual harassment and bullying are exercised, as well as educates on preventive, reporting and investigative measures. Information on reporting and reporting cases of harassment, sexual harassment and bullying 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, provided in the Action Plan and in this regulation and implements disciplinary measures in cases of harassment or sexual harassment according to this regulation, the Regulation on Disciplinary Procedures applicable to students at the University "Haxhi Zeka" in Peja and Code of Ethics of the Academic Staff of the University "Haxhi Zeka" in Peja.
6. Upon receiving of the complaint by the appellant, the university shall take immediate action under this regulation to prohibit the continuation of harassment, sexual harassment and bullying.

Art. 6

Education for the prevention of harassment, sexual harassment and bullying

1. The University provides an environment that supports knowledge, practices and policies to eliminate harassment, sexual harassment, bullying and all forms of discrimination.
2. University "Haxhi Zeka" in Peja can issue guidelines as needed to clarify the procedure for preventing discrimination, sexual harassment and bullying.
3. The Rectorate and academic units are obliged to provide easy access to students, academic, non-academic and administrative staff, to information and legal and sub-legal acts, which deal with harassment, sexual harassment and bullying.

Art. 7

Officer for the implementation of policies for protection from harassment, sexual harassment and bullying

1. The university "Haxhi Zeka" will appoint an official for the implementation of policies for protection from harassment, sexual harassment and bullying ("Officer for protection from harassment and bullying") who will be responsible for informing, advising and receiving complaints for Harassment, Sexual Harassment and Bullying at university Haxhi Zeka in Peja.
2. The Harassment and Bullying Protection Officer reports once a year, in March, to the University Board of Governors or to the University Senate, inter alia, regarding the implementation of the Action Plan, the number of cases submitted for counselling, the number of investigated cases, closed cases and measures imposed on persons responsible for harassment, sexual harassment and bullying.

Art. 8

Responsibilities of the staff of the university "Haxhi Zeka" in Peja

Any of the academic, non-academic and administrative staff who notices conduct that is inconsistent with this regulation has a duty to ask the person to stop the undesirable behaviour and has a duty to inform the affected party of the right to file a complaint as and refer to the Harassment and Bullying Protection Officer for more information on the procedure.

Art. 9

Filing a report of harassment or sexual harassment

1. The reporting entity may file a formal and informal denunciation of harassment, sexual harassment or bullying through the harassment protection officer. The reporting entity can submit a formal denunciation directly to the Rectorate of the university of "Haxhi Zeka" in Peja and addressing the Ethics Council of the University "Haxhi Zeka" in Peja.
2. Informal denunciation of harassment, sexual harassment and bullying can be submitted by the reporting entity when he / she is not sure about whether he / she wants to make a formal denunciation. Informal denunciations can be verbal and written (in hard copy or by email to the official address of the sexual harassment protection officer). In case of informal verbal denunciation, the denunciation must be evidenced by the harassment protection officer. No action will be taken by the harassment protection officer, except in cases where, from the informal denunciation, the harassment protection officer assesses that the reporting entity 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 "Haxhi Zeka" in Peja and must notify the reporting entity in advance.
3. The formal denunciation of harassment, sexual harassment and bullying is submitted by the reporting entity in writing in hard copy or via e-mail to the official email address of the official for protection from sexual harassment or in the office of the Rectorate of the University "Haxhi Zeka" in Peja or in the official email address of the Rectorate of the University "Haxhi Zeka" in Peja. For the reasons of this regulation, if the reporting subject, after the informal denunciation, decides to make a formal denunciation, such denunciation must meet 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, sexual harassment and bullying should be clear, should identify the reporting entity and the suspected entity, and should explain the behaviour of the suspected entity for which the complaint is filed, the effect of the reporting entity's behaviour, and should include dates and other information related to the case. If there are additional witnesses or evidence, they should be attached to the denunciation.

5. The reporting entity may file a complaint for harassment, sexual harassment and bullying according to this regulation, no later than one (1) year from the day of the violation.
6. The Harassment and Bullying Protection Officer records the reported case (formal and informal) in separate physical and / or online reports of sexual harassment and bullying and keeps physical and / or online reporting files in a secure place.
7. The denouncer is obliged, in addition to the evidence and facts presented, to sign the statement of moral, ethical, disciplinary and penal responsibilities he carries in relation to the denunciation.

Art. 10

Registration of informal and formal denunciation and initial procedural steps

1. The Officer for Protection against Harassment and Bullying accepts formal and informal denunciations of harassment, sexual harassment and bullying, advises and informs the parties regarding the procedures for filing an informal and formal denunciation and the development of disciplinary proceedings.
2. The Harassment and Bullying Protection Officer assists reporting entities in drafting a formal written complaint, records the reported case, and completes a standard form with relevant case information.
3. The officer for protection from harassment and bullying keeps records of all cases of informal and formal denunciation. Parties requesting information and advice (informal denunciation) may remain anonymous until a formal denunciation is lodged.
4. All university officials who are involved in dealing with cases of sexual harassment and bullying 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 suspected entity, the circumstances of the case, the dates, the conduct of the entities and other information related to the case.
5. The Officer for Protection from Harassment and Bullying immediately after receiving the formal denunciation from the reporting entity, and not 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 and Bullying Protection Officer maintains constant contact with the reporting entity to ensure that sexual harassment and bullying is stopped and prepares reports to document communication with the reporting entity.

Art. 11

Disciplinary procedures

1. The procedure for reviewing complaints of harassment, sexual harassment and bullying should be conducted in an expedited procedure and the reported cases, according to this regulation, should be treated with priority by the Ethics Council.
2. The burden of proof in the procedure of reviewing the denunciation for harassment, sexual harassment and bullying falls on the procedural parties, according to the principle of equality of the parties (the denouncer provides the evidence, while the denouncer is given the opportunity of defence).
3. The Ethics Council contacts the suspected subject immediately upon receipt of the denunciation and invites him or her to an interview no later than five (5) calendar days after the receipt of the formal denunciation of sexual harassment or harassment, ensuring that the suspected subject is notified two (2) days in advance.
4. In assessing the denunciation, the Ethics Council organizes at least 2 hearings, one at the beginning of the proceedings and one at the end, to review the evidence and to question the

witnesses, the reporting entity and the suspected entity. The suspect enjoys all procedural rights to a fair hearing and treatment. The parties may invoke the procedural rules of the Law on General Administrative Procedure during the implementation of disciplinary proceedings for matters not provided for in this regulation.

5. The Ethics Council takes a decision, by which it ascertains whether or not the violation presented in the denunciation has been committed 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 a final decision in the first instance.
6. At the end of the decision, the dissatisfied party is instructed in the right to exercise the legal remedy. The party dissatisfied with the decision of the Ethics Council has the right to file a complaint to the Senate of the University "Haxhi Zeka", within 15 (fifteen) days after receiving the decision of the Ethics Council. The Senate decides on the appeal against the decision of the Ethics Council in closed session, no later than fifteen (15) days after the deadline for filing an appeal. The decision of the senate is the final decision at the university level. The dissatisfied party with the decision of the senate may file an appeal with the relevant inspectorate or may file a lawsuit for administrative dispute with the Basic Court in Prishtina according to the legislation in force.
7. The university "Haxhi Zeka" in Peja, will implement disciplinary measures and procedures for cases of harassment, sexual harassment and bullying, regardless of the development of penal proceedings for the same case.
8. The university "Haxhi Zeka" in Peja, reserves the right to take legal action in law enforcement against the person who is found responsible for harassment, sexual harassment and bullying according to this regulation.

Art. 12

Measures for disciplinary violations

1. The Ethics Council, after assessing the circumstances of the concrete case, imposes on the person responsible for the violations committed according to this regulation one of the following punitive measures:
 - 1.1. For students:
 - a) Notice of suspension / expulsion;
 - b) Suspension from the faculty for one (1) year;
 - c) Exemption from the faculty permanently.
 - 1.2. For academic, non-academic and administrative staff:
 - a) Warning for suspension / termination of employment;
 - b) Temporary suspension with no payment;
 - c) Termination of employment
2. Exceptionally from the measures provided in paragraph 1, points 1.1. and 1.2. of this article, for the measures which are not foreseen in this regulation, we must refer to the regulation into force for disciplinary measures and procedures for UHZ students and the regulation for disciplinary measures and procedures for UHZ academic staff.

Art. 13

False denunciation and use of denunciation against the reporting entity

1. False declaration or denunciation is a penal offense punishable by applicable law.
2. Falsely declaring or denouncing a person for harassment, sexual harassment and bullying also constitutes a serious disciplinary violation. False declaration or denunciation is done by anyone who makes a false declaration or denunciation to the official in charge of accepting denunciations

of harassment, sexual harassment and bullying, knowing that the suspected subject has not committed harassment, sexual harassment and bullying. This provision does not apply in cases where the person has filed a complaint and the information is in good faith, even if the alleged facts are considered inaccurate.

3. A disciplinary procedure will be initiated against the responsible person for falsely declaring or denouncing sexual harassment at the University Ethics Council and disciplinary measures will be taken in accordance with the regulation on disciplinary measures and procedures against the academic, non-academic and administrative staff of the university "Haxhi Zeka" in Peja. 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 Regulation on Disciplinary Procedure, applicable to students of the University "Haxhi Zeka" in Peja.
4. Reporting harassment, sexual harassment and bullying may not be used against the reporting entity for termination of employment, or for presenting obstacles to continuing education or other obstacles.
5. In cases where harassment, sexual harassment and bullying are committed by a person holding a position of authority over another person, submission to harassment, sexual harassment and bullying may not be used as a circumstance against the reporting entity in the decision-making procedure.

Final provisions

Art. 14

1. The provisions of this regulation are appropriately applied in cases of filing a report of rape, attempted rape, sexual assault and all reported cases of discrimination at the university.
2. The procedures set out in this regulation take place independently of penal or other proceedings and may be conducted simultaneously.
3. The provisions of this regulation prevail in case of conflict with other bylaws of the university, in addition to legal and statutory provisions. The implementation of this regulation is supervised by the Steering Council of the University "Haxhi Zeka" in Peja.
4. The interpretation of this regulation is given by the Steering Council.
5. The University Ethics Council is obliged to implement this regulation.

Art. 15

Entry into force

This regulation enters into force on the day of approval by the Governing Council of the university "Haxhi Zeka" in Peja.



Steering Council of UHZ
Prof. Ass. Dr. Majlinda Belegu - Chairperson

Majlinda Belegu