



Based on the respective provisions of LAW NO. 05 / L-021 ON PROTECTION AGAINST DISCRIMINATION of Republic of Kosovo, relevant sanctions in international agreements {DECLARATION UNIVERSAL ON HUMAN RIGHTS (Article 1 and Article 2); INTERNATIONAL PACT ON IT CIVIL AND POLITICAL RIGHTS; INTERNATIONAL PACT ON ECONOMIC RIGHTS, SOCIAL AND CULTURAL; CONVENTION ON THE TERMINATION OF ALL FORMS OF RACIST DISCRIMINATION (Article 2); CONVENTION ON THE TERMINATION OF ALL FORMS OF DISCRIMINATION OF WOMEN (Article 2); CONVENTION ON NON-DISCRIMINATION IN THE EMPLOYMENT VIEW AND TRAINING; CONVENTION ON THE PROTECTION OF THE RIGHTS OF MIGRANT WORKERS, CONVENTION ON THE RIGHTS OF PEOPLE WITH DISABILITIES, and UNESCO CONVENTION AGAINST DISCRIMINATION IN THE FIELD OF EDUCATION}, as well as the provision of Article 88 of the STATUTE of the Institution HEPP College "UBT" LCC based in Prishtina, Rector of "UBT", in **PRISTINA with dated 05.11.2019**, issues this:

REGULATIONS

FOR ACTIVITY OF HEPP INSTITUTION College "UBT" LLC - PRISTINA IN CASE OF DISCRIMINATION (PREVENTION, PROTECTION AND SANCTION)

I. INTRODUCTION

Article 1.

Subject of the Regulation

This Regulation describes the basic criteria for recognizing all forms of discrimination in Institution HEPP College "UBT" LLC based in Prishtina (here in after: "UBT"), whether by him employees, students or third parties.

Third persons within the meaning of this Regulation means, persons who directly or indirectly participate in or influence the process of education at UBT.

Article 2.

Discrimination and discriminatory actions in education

Discrimination and discriminatory actions in this Private Higher Education Institution (here in after: Discrimination), means any form of unequal treatment or change, respectively issuance (exceptions, restrictions or preference), in relation to the person or group of people, in open or hidden form, based on race, skin color, ancestry, citizenship, immigrant status, respectively expats, based on nationality or ethnic origin, language, political beliefs or religion, identity background, sexual orientation, economic status, status health, growing barriers and disability, marital status, criminal record, age, appearance, political or trade union membership and the like, as well as personal characteristics, in which case for no reason distinction is made or priority is given, and in particular as in the following cases:

- **restrictions or cuts in the right to education under the same conditions,**
- **aggravation or obstruction of registration of a person or group of persons in "UBT",**

- exclusion of a person or group of persons from the educational system despite personal characteristics and features,
- aggravation or reduction of the possibility for attending classes and other participation in the educational process and activities based on the personal characteristics of the person or group of people
- students, employees or third parties are ranked according to their personal features and characteristics,
- - adequate support measures are restricted or not taken, sanctioned by law, based on their personal features and characteristics, and
- - in other forms and without any reason is made a distinction or unequal action with students, employees or third parties participating in the educational process.

Article 3.

Special measures that do not constitute discrimination

Discrimination does not mean taking special measures which have to do with the full realization of equality, protection and / or promotion of persons, respectively, a group of persons located in unequal position in following and maintaining the educational process in "UBT".

Article 4.

The right to protection from discrimination

Every participant in the education system at UBT enjoys the right to protection from any form of discrimination, in accordance with the Law and this Regulation.

II. FORMS OF DISCRIMINATION AND THEIR MANIFESTATION

Article 5.

Direct discrimination

Direct discrimination is considered if the person or group of persons because of his personality, respectively, their personality in the same or similar situation in the process of education and upbringing or in direct or indirect situations when they are related to the process of education and training by any act whether, by action or omission, put or may be put in an unsatisfactory position, and especially if:

- students are discriminated against by employees of the Institution in the process of education
- discrimination against employees, students or related third parties with the process of education and training,
- discrimination is made against the parents of students, respectively, their guardians by employees and third parties when it comes to the educational process, and
- in other forms there is direct discrimination.

Article 6.

Indirect discrimination

Indirect discrimination is considered if the person or group of persons due to his personality, respectively, their personality in the same or similar situation in the process of education and training or in indirect situations when they are related to the process of education and training by any act, act or omission that is formally based on the principle of equality and non-discrimination, unless this is reasonable for the purposes of legality, whereas, the actions taken to achieve this goal are necessary and reasonable and appropriate.

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Article 7.

Violation of the principles of equal rights and obligations

Violation of equal principles and rights and obligations lies if the person or group of persons in the process of education, due to his personality, respectively, their personality without any reason are deprived of their rights and freedoms or obligations are imposed which in the same or a similar situation, they are not truncated or coerced by another person or group of persons, if the purpose or consequence of the measures taken is unreasonable and if there is no proportion between the measures taken and the purpose to be achieved by taking those measures.

Article 8.

Prohibition of calling to account

Discrimination exists if in the educational process, respectively, in the process of education and upbringing against the person or group of persons, acts without reason and worse than what is done or would be done against others, except and mainly only from what is required, respectively, it is desirable to seek protection from discrimination, either because it is offered or they intend to provide genuine evidence regarding the discriminatory process, and especially in cases where:

- students are not evaluated equally for their work according to the same criteria as a other students,
- students, employees or third parties experience threats and insults,
- students, employees or third parties are placed in an unequal position in the educational process, and
- students, employees or third parties are subject to public humiliation and ridicule, and their remarks and requests are ignored.

Discrimination from paragraph 1 of this article is not considered the actions and processes that are undertaken against students, respectively participants vis a vis whose support is necessary.

Article 9.

Joining for the purpose of committing discrimination

The union with the purpose of committing discrimination exists if it is ascertained that in the Institution or educational process, respectively, related to it, groups are organized with the purpose of committing a violation of the Constitution, international rules and the rights and obligations and freedoms guaranteed by law, or with the intent to incite national, racial and religious hatred, division and intolerance, as well as in all other cases where the merger and grouping is aimed at discriminatory actions.

Article 10.

Hate speeches

Hate speech, in the sense of this regulation, is any form of expression of ideas, information and opinions that stimulates discrimination, hatred and reprisals against the person or group of people participating in the educational process, respectively, against any other person due to of his personality, respectively, their personality related to the educational process or the work of the Institution, and especially:

- writing messages or symbols on the premises of the Institution or in its vicinity, which expresses discrimination, hatred or violence against participants in the educational process and any person or group of people because of their personalities,
- the use of books and other educational tools, publications, and public invitations as well as other similar publications, websites and other means of communication, in gatherings and public places in the process of education, which in itself contains messages of discrimination, hatred and violence
- the use of other forms in the educational process that in a negative way and methodology speaks of a person or group of persons because of their personalities, and

- public presentation by the participants of the educational process of ideas, information and opinions with which it calls for unequal treatment or violence against any person or group of persons because of their personalities.

Article 11.

Disturbance and derogatory actions

The concerns as well as the degrading actions are in the case when the participants in the educational process, by the other participants in the educational process, respectively, the third persons, due to their personality in the educational process or in relation to the educational process. - educational, have been exposed to the discriminatory process that aims at and represents an insult to dignity and which presents sensitivity to contempt, concern and neglect, spreads fear and hostility, respectively, represents a contemptuous and offensive circle, and especially:

- the use of derogatory terms, stereotypical names that offend their personality,
- presenting mockery to the participants in the educational process, especially students and employees,
- mockery of physical appearance, social origin, gender, origin, sexual orientation, respectively, any specific personality of the participants in the educational process, and
- acts of discrimination that, contrary to the Law, the concern or humiliation of the participants in the educational process is pointed out.

III. SPECIAL CASES OF DISCRIMINATION

Article 12.

Special cases of discrimination

Special cases of discrimination are considered discrimination as follows:

- realization of the results of the standards of education and training,
- realization of the right to education,
- use of language and writing,
- ensuring the safety of students and other participants in the educational process,
- implementation of the rules of operation in the Institution,
- planning and programming of educational work,
- realization of educational programs,
- leading and organizing the work of the Institution,
- respect for the rights of students and other participants in the educational process,
- summary and use of data of students and other participants in the educational process, when this is allowed by law and bylaws,
- framing and "vis-à-vis" approach of employees in the Institution, as well as
- other activities important for education and training.

Article 13.

Discrimination in the establishment of standards and outcomes of education and training

Discrimination in the context of establishing education standard exists if:

- students and employees based on their personality are expected not to achieve standards and results of education and training, so that the criteria against them are unreasonably reduced in advance,
- the conditions are not provided for each student, regardless of their personality, to achieve appropriate results and standards of education, especially if the necessary teaching and assessment are not used in accordance with the academic curriculum and their personality,
- if without any significant reason there is an informal shortening or narrowing of the educational curriculum which is not implemented with other students, respectively, the adequacy of teaching standards that will consequently achieve the lowest level of education,

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- when, based on the teacher's own assessment, lower or higher grading criteria are set for the student, exclusively based on their personality,
- failure to achieve the planned goals in the educational process dedicated to the student's personality,
- the student, based on his / her personality, is reduced from the additional educational support, respectively individual work,
- appropriate standards and expected results sanctioned by law are not used, due to the student's personality, and especially to students with developmental disabilities and disabilities, and especially in cases where development is not followed based on their personality,
- no special standards and expected results sanctioned by Law are used, for students with exceptional abilities and in case its development is not followed based on his personality,
- In other forms, discrimination takes place in the framework of the realization of general rights and standards of the educational process.

Article 14.

Discrimination in the realization of rights to education in the Institution

Discrimination in the realization of rights in the educational process in the Institution exists if,

- Special and general measures sanctioned by law are not applied, in order to provide support in the case of enrollment of students from vulnerable social groups, and especially students with disabilities and developmental disabilities, respectively, students of other non-Albanian ethnicities in the educational process,
- in the case of student registration, documentation is required which is not provided by law and bylaws,
- the measures provided by the Law on the provision of regular or supplementary education are not applied,
- does not prevent the exertion of pressure on students of certain social groups with disabilities and developmental disabilities,
- the student is not issued the public document provided by law based on his personality,
- does not provide the necessary conditions for the possibility of hearing learning without disabilities of students with disabilities and developmental disabilities,
- does not enable the use of literature in the mother tongue, and especially the use of literature for students with disabilities and developmental disabilities in accordance with the Law, and
- in other forms violates the prohibition of discrimination in the realization of rights in the educational process.

Article 15.

Discrimination in the field of language use

Discrimination in the field of language use exists if without any reason and contrary to the Law

- Members of national minorities are not allowed to continue the educational process in their mother tongue,
- Members of national minorities are not allowed to learn Albanian - as a non-mother tongue,
- the educational process takes place in non-native languages, or in a language they do not know properly, an issue which may have a negative impact on their education,
- Supplementary education is not provided for students to learn the language in which the educational process takes place, and
- in other forms, directly or indirectly, there is discrimination against students in the use of language in the educational process.

Article 16.

Discrimination in the field of security of students, employees and third parties

Discrimination in the field of providing security to students, employees and third parties exists if the Institution, contrary to the prohibition of violence and other forms of discrimination provided by law, does not provide the same level of security during its stay in the Institution during all activities organized by the Institution.

Article 17

Discrimination in the field of realization of behavioral rights in the Institution

Discrimination in the field of realization of behavioral rights in the Institution exists if,

- the rules of conduct in the Institution are made without the participation of student representatives,
- the rules are selectively implemented or not applied to everyone equally,
- rules of conduct in the Institution I tolerate unauthorized conduct "vis-à-vis" individuals or groups of persons based on their personality, and
- in other forms without any reason changes are made and the behavior in the Institution is allowed based on the personality of the student.

Article 18.

Discrimination in the field of planning and the programme of the educational process and approval of the educational work program

Discrimination in the field of planning of the educational process and the approval of the educational work program exists if,

- with the annual work program, academic and school program, as well as the development program in the educational process, the implementation of the specific needs of the students is not planned,
- students with special needs are not proportionally involved in the implementation of the development plan, evaluation of the work of the Institution through special bodies provided by law and normative acts of the Institution,
- the annual work plan and the development plan of the Institution do not contain special specifications for students with special needs,
- through work plans, the elements of national cultures and traditions of the ethnicity of students in accordance with the Law are not sanctioned,
- the work plans do not promote the culture and tradition of the majority students,
- there is discrimination in other forms regarding the planning and programme of the educational process as well as the approval of educational work programs.

Article 19.

Discrimination in the implementation of the educational process

Discrimination in the implementation of the educational process, respectively in the case of conducting extracurricular activities, exists if,

- in the case of the implementation of the educational process, the individual knowledge and skills of the student based on their personality are not accepted,
- the employees of the Institution do not react the same or reasonably, make differences in case of absences in the educational process of the students depending on their ethnicity and individual personality,
- students with special needs are sent to attend additional programs, without prior verification of their real opportunities, knowledge and experience or without continuous monitoring of their progress,
- the progress of students of different ethnic groups is not monitored, and their skills are not promoted just because of their group background or their personality,
- students of different ethnicities are not provided with basic equality with the largest group of students of ethnicity,
- Students of certain ethnic groups are not allowed to participate in extraordinary Institutional activities, and especially if their participation in additional educational classes is limited,

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- during the implementation of the educational process, students with special needs and those belonging to certain ethnic groups, are made fun of or evaluated as less valuable vis-a-vis the visibility of students of majority ethnicity, as well as
- in other forms there is a discrimination in the implementation of the educational process in the Institution.

Article 20.

Segregation as a severe form of discrimination in the implementation of the educational process

Segregation as a particularly serious form of discrimination in the implementation of the educational process exists if,

- in the Institution, students are separated from other students due to their personality without any reason
- special classes or groups are organized in violation of the Law,
- in the Institution, students are divided into classes or groups due to their ethnicity and personality.

Article 21

Discrimination in the field of governance

Discrimination in the field of governance of the Institution exists if,

- students and employees of the Institution of different ethnicities and with specifics and special needs are excluded from the work of governing bodies, respectively, from the working teams for planning and implementation of strategic developments of the Institution, or are not represented in these bodies in sufficient numbers in relation to their number,
- when developing the development plans of the Institution, the educational needs of certain ethnic groups of students are not taken into account,
- on the occasion of the implementation of the process of evaluating the quality of work of the Institution, students with special needs and different background minority ethnicities, are not included for analysis of the situation and results,
- there is discrimination in other forms in the governance of the Institution.

Article 22

Discrimination in the field of respect for students' rights

Discrimination in the field of respect for students' rights in the educational process exists, if the student on the basis of their special characteristics,

- unreasonably restricts the right, sanctioned by law, to participate and give opinion and proposal to professional bodies, governing bodies, Senate of the Institution and other governing bodies, measures for protection and security of students, annual work plan, educational development plan and other issues provided by law,
- for reasons that are restricted or not provided by the members of the Institution for the protection and security of the rights of students with special needs and non-majority ethnicities that are related to education and training and who come from the Law and relevant international documents related to the rights of students in general,
- in other forms violate the rights of students in education, based on their personality.

Article 23

Discrimination in the field of processing student data in the education system

Discrimination in the field of student data processing in the education system exists if the leader or supervisor in violation of the Law collects and uses data for the purpose of leading students to an unequal position based on their personality, and in particular if the data is used for the purpose of unequal treatment of students in the educational process in the Institution.

Article 24

Discrimination in the field of work and employment in the Institution

Discrimination in the field of work and employment in the Institution exists if in the Institution without any reasons violates the equal rights for employment and implementation of adequate rights from the field of work in the Institution, based on their personality, and especially if from persons with special personalities, special conditions are required for employment in the Institution, respectively, if based on their personality they are not allowed professional training and advancement under equal conditions, or their rights with the same conditions to participate in the work of professional bodies and bodies governance in the Institution.

Protection from discrimination in the field of work and employment in the Institution from paragraph 1 of this Article, constitutes an employee in employment in the Institution, a person who performs temporary work and duties or performs work and duties based on the Contract on Work or other Contract in the Institution.

Article 25

Obligations and responsibilities of the participant in Educational process related to the prohibition of discrimination

All participants in the educational process in the Institution are obliged to respect the prohibition of discrimination in the educational process sanctioned by Law and this Regulation, as well as to refrain from any act or omission that may violate the prohibition of discrimination.

The employee, and any other managing body or third parties, have the duty to identify, detect and report to state bodies all cases of discrimination, as well as to undertake all necessary work and actions sanctioned by law.

Article 26

Final and transitional provisions

This Regulation enters into force eight (8) days from the day of publication in the Announcement Board of HEPP "UBT" College I.L.c. based in Pristina.

PRISTINA,
Date, 05.11.2019

