

**LAW No.04/L-037  
ON HIGHER EDUCATION IN THE REPUBLIC KOSOVO**

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON HIGHER EDUCATION IN THE REPUBLIC KOSOVO**

**Article 1  
Purpose**

The purpose of the Law on Higher Education is to establish a legal base for regulating, functioning, financing, providing the quality in higher education in compliance with European standards as well as the role of state and society in development of higher education in the Republic of Kosovo.

**Article 2  
Principles**

1. Provision of higher education in the Republic of Kosovo is based in the following principles:

- 1.1. academic freedom, as determined by the Constitution of the Republic of Kosovo and its subsequent interpretation by the judiciary;
- 1.2. equality before the law of all bearers of higher education;
- 1.3. equal opportunities for all students and staff in higher education institutions without discrimination.
- 1.4. diversity and quality in programmes of study and in support of learning.
- 1.5. creativity, innovation and entrepreneurship as key objectives of higher education bearers and programs of study;
- 1.6. a European and international focus in all areas of higher education, providing for student and staff mobility and comparability of standards of diploma and qualifications;
- 1.7. a commitment to research and scholarship to support teaching and learning and to extend the boundaries of knowledge and understanding within Kosovo and abroad;
- 1.8. active engagement of students, in the individual aspect as well as collectively, in the life of their institution and in their own learning;

**Article 3  
Definitions in this Law**

1. Terms used in this Law shall have this meaning:

- 1.1. **Accreditation** - a formal acknowledgement that an Institution of higher education and its programmes fulfils internationally recognized quality standards and that its qualifications confer

on holders, in accordance with applicable law, a number of rights, e.g . access to a further stage of education, to specific occupations, to the use of a title.

1.2. **Data protection** and related terms shall have the meanings attached to them by Draft Law 2009-172 on the Protection of Personal Data.

1.3. **European Network of Information Centre - ENIC-** the European Network of Information Centres, which provide information on the recognition of diplomas, degrees and other international qualifications; for the education systems as for foreign countries, as well as the country member of this network; and opportunities for studying abroad, including information on loans and scholarships, as well as advice on practical questions related to mobility and equivalence.

1.4. **The European Credit Transfer and Accumulation System (ECTS)** - assigns credits to course components based on the student workload required to achieve the objectives of the particular course of study.

1.5. **European Area of Higher Education** - has the meaning set forth in the Declaration of the European Ministers of Higher Education in Bologna (1999).

1.6. **Internal quality assurance-** the formal evaluation of processes by which a bearer assures itself that his offer (whether of programs or of services) meets standards which correspond to European best practice and show continuous improvement.

1.7. **Learning results-** achievement in learning and are expressed in terms of what the student expected to know, to understand and be able to do on completion of the scale of studies or of module. There could be included attitudes, behaviours, values and ethics.

1.8. **Life-long learning** - all general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in knowledge, skills and competences within a personal, civic, social and/or employment.

1.9. **NARIC - the National Academic Recognition Information Centre (for Kosovo or any other country).** - NARIC Kosovo assists in promoting the mobility of students, teachers and researchers by providing authoritative advices and information competent in relation to academic recognition of diplomas and study period, undertaken in other States. Decisions on recognition and equivalency are taken from the National Council for Recognition in accordance with European standards.

1.10. **Pre-university education-** refers to formal school-based programs of MEST regulated by the legislation in force.

1.11. **Private bearer** - any institution established whether for profit or unprofitable by any person, group of persons or organization other than the Government of the Republic of Kosovo or any other sovereign State. When a private provider is established and operates under the principle of unprofitably, it may take the form of a Non-Governmental Organization and enjoy the benefits and relevant obligations of an NGO in accordance with the legislation in power.

1.12. **Program** - a course of study leading to a qualification or diploma given by a provider of a higher education.

1.13. **Provider** - any institution or other authorized body for offering of educational services in the higher education level.

1.14. **Public provider** - a provider created by the Government of Republic of Kosovo.

1.15. **Public-private partnership** - may be established to provide higher education services. Its formation will be in accordance to the principles of equality of treatment, non-discrimination, transparency, proportionality, cost-effectiveness, efficiency, protection of the public interest, freedom of competition and value for money and will conform to the Law on Public-private Partnership and Concessions in Infrastructure as well as the Procedures for their giving (Law 03/L-090, June 2009).

1.16. **Recognized accreditation body** - Kosovo Accreditation Agency or any other accreditation body which, in the European Area of Higher Education, is in current membership of the European Network for Quality Assurance in Higher Education (ENQA) or (in the United States) is an accreditation body which has been recognized by the Council for Higher Education Accreditation (CHEA) or by the United States Department of Education (USDE) or from both or (in any other jurisdiction) has been accepted by the Ministry on a reciprocal basis as a properly constituted national or regional accrediting body, which is recognized and authorized by the relevant Ministry within that jurisdiction.

#### **Article 4**

### **Objectives and organization of Higher Education**

1. The objectives of higher education are:

1.1. creation, development, protection and transmission of knowledge through teaching and scientific and research works;

1.2. preparation of students for further studies, professional practice and lifelong learning through the acquisition and depth development knowledge and high level competences;

1.3. offering opportunities for all inhabitants of Kosovo who are able to benefit from such education and to contribute to their society and country, throughout their lives.

2. Higher education is organized, as following:

2.1. first level – three (3) to four (4) years of studies by which the student reaches 180, respectively 240 /ECTS/, and obtains Bachelor Diploma.

2.2. second level – one (1) to two (2) years of studies after completion of the first level by which the students reaches 60, respectively 120/ECTS/ and the student obtains Master Diploma.

2.3. third level – program of doctorate studies with academic and independent research-scientific character.

2.4. any other post-secondary education in the levels 5, 6, 7 and 8 of the European Qualifications Framework for Lifelong Learning, for which credits may be given (ECTS).

#### **Article 5**

### **Access to Higher Education**

1. Higher education carried out by licensed providers of higher education in Kosovo shall be accessible to all persons in and outside the territory of Kosovo, without direct or indirect discrimination on any actual or presumed ground such as sex, race, sexual orientation, physical, mental or other disability, marital status, colour, language, religion, political or religious belief, national, ethnic or social origin, association with a national community, property, birth or any other status.

2. There shall be no age limit on enrolling or to earn higher education qualification in Kosovo.

3. High Education provider which is accredited in Kosovo, on the advice of NARIC Kosova, may accept a national or international qualification or national or foreign diploma as being equivalent to the graduation certificate, which is defined in this Law. In the case presented for evaluation of a certificate for completion of education in another state, recognition, other than in exceptional cases, shall be made only for the certificate showing completion of at least twelve (12) years of education and that gives its owner the right to apply to university or to enter the acceptance test in university in the foreign country concerned.

4. A national or foreign qualification or diploma or experience may be accepted as equivalent to the degree of Bachelor referred to in sub-paragraph 2.1. paragraph 2 of Article 4 of this Law by a higher education provider accredited in Kosovo on the advice of NARIC Kosova. In the case presented for assessment to obtain a certificate from an institution of higher education, must be accredited from a known accreditation body as defined in Article 3 of this Law.

5. Higher education may be undertaken full-time, part-time, by distance learning and the combination of any of these ways of study, as it is foreseen in the Statute of the provider which provides qualification of higher education.

6. Nothing in this law or subsidiary instruments issued under it, or the provisions of any other law, shall not restrict the freedom of licensed higher education providers:

6.1. to bring innovation in higher education in accordance with the requirements of their licenses and

6.2. to offer courses of each educational level for the acquisition of skills that are necessary or appropriate for realizing of the goals of higher education and giving the contribution to lifelong learning.

7. Higher education may be offered by any licensed higher education provider without restriction in terms of length or structure of the school year, with a condition that they can give evidence in a satisfied manner of a known accreditation body that his diplomas meets the expected standards for such diplomas within the European zone of higher education.

## **Article 6**

### **Competencies and responsibilities of the Ministry in providing the Higher Education**

1. In accordance with the provisions of this law and subsidiary instruments issued under his basis and those issued under Article 14 of the Law on Education in the Republic of Kosovo municipalities (03/L-068, May 2008) Ministry is responsible for:

1.1. planning the development of higher education in Kosovo in consultation with the accredited providers of higher education;

1.2. regulating public and private providers of higher education and approving their Statutes. The Statutes of all Universities and of any applicants for 'University' title shall be ratified by the Assembly;

1.3. allocating funds to higher education providers for purposes of teaching and research in the public interest under the general provisions of law applicable to the financing of public services in Kosovo and ensuring that such funds are spent in accordance with agreed priorities between the Ministry and each provider of through financing instruments specified in the form of sub legal act;

1.4. authorization of the format and content of the Diploma and Diploma Supplement, in cooperation with the Kosovo Accreditation Agency, issued by accredited providers of higher education, defined by sub legal act issued by the Ministry;

1.5. giving proposals concerning on the creation of a scheme or schemes for student financial support and regulating the administration of a scheme or such schemes;

1.6. promoting mobility of students and staff within the European and International Zone of Higher Education and to encourage the use of English language for learning alongside the official languages. Setting the rules regarding academic and professional recognition, in accordance with European standards, either through NARIC Kosova within the Ministry or by the Kosovo Accreditation Agency and and informing the public about the status of foreign qualifications through ENIC; European Network Information Centres;

1.7. promoting equality of opportunity in access and admission to higher education, in staff development and training, in the possibilities for lifelong learning and in all other aspects of higher education;

1.8. establishing a State Council for Higher Education, which advises the Minister on higher education matters, setting its terms of reference and denomination of the members;

1.9. promoting links between public higher education providers in Kosovo, private providers of education and training, industry and commerce and encouraging the development of entrepreneurship;

1.10. promoting links between all higher education providers in Kosovo and higher education institutions in neighbouring countries and beyond;

1.11. licensing private providers of higher education;

1.12. providing assistance in accordance with this Law, for accredited providers of higher education and to students enrolled therein;

1.13. regulating of all other matters concerning higher education which are not separately regulated under this law.

2. In exercising powers and duties under this Law, the Ministry shall respect and promote the rights of Communities and their members, established in the Law for Protection and Promotion of the Rights of Communities and their Members in Kosovo (Law No. 03/L-047, March 2008)

### **Article 7 Kosovo Accreditation Agency**

1. Kosovo Accreditation Agency KAA is an independent agency responsible for assessing and promoting quality of higher education in Kosovo. Through professional and transparent processes of quality assessment and quality audit and by other means deemed appropriate by it, which meet international best practices, KAA ensures that the standards and quality of higher education in Kosovo meet the demands and expectations of the European Network of the Association for quality assurance in higher education. (ENQA).

2. The KAA shall be responsible in accordance with this Law and subsidiary instruments issued under it for

2.1. advising with the Ministry on applications from institutions for licences to offer courses or programs forming part of or otherwise leading to higher education qualifications

2.2. inspecting providers of higher education and advising with the Ministry related to granting, modification or revocation of licences;

2.3. performing periodic audits over the quality of licensed providers of higher education and taking decision on accreditation or their re-accreditation including the right to award titles and diplomas;

2.4. undertaking periodic quality assessment of programs offered by accredited providers of higher education;

2.5. advising the Ministry, on the results of quality assessment and its implications for financing public providers of higher education, regarding the allocation of funds for private providers of higher education and with the support of free discretion to students who attend study programs to private providers of higher education and;

2.6. Carrying out, on behalf of the Ministry, such functions as may be delegated to it relating to the recognition of academic and professional qualifications and, in particular, acting as the competent authority for the regulation of higher education qualifications in accordance with of the Law on state qualifications.

2.7. Undertaking other activities that conform to European standards and coherent for higher education that are aimed at ensuring and improving the quality and standards in higher education in Kosovo.

3. The KAA shall publish its policies, criteria and standards for accreditation and its decisions, recommendations and advice in respect of particular institutions and programmes. It shall publish an Annual Report.

4. The KAA shall be governed by a Board consisting of not less than five and not more than nine persons appointed by the Ministry for a fixed term from among persons of both genders active in academic work in higher education and/or the professions within and outside of Kosovo, such that there are at least three persons ('international experts') not employed by any higher education provider in Kosovo. This Board shall be designated the National Quality Council of the KAA. Its membership shall be ratified by the Assembly. Decisions or recommendations regarding the accreditation council takes a majority vote of its members. Council reports annually to the Ministry and Assembly regarding on its accreditation activities and on the adequacy of the infrastructural support available to it.

5. If more than one third of board members be replaced for any reason within one year, the Ministry has to report this to the Assembly.

## **Article 8**

### **Public Provider of higher education**

1. Public providers of higher education are universities and other higher education institutions.

2. Denomination of each public provider is determined by the Ministry according to the provisions of this Law and published criteria.

3. Except as otherwise provided in this Law and in subsidiary documents issued under it, each public provider of higher education has full legal personality in relation to the matters dealt with in this Law including the right for:

3.1. own and manage land, premises and other capital assets;

3.2. receive and manage funds from any type of legal source;

3.3. borrow money within limits, to such extent and under the conditions provided in regulations financial, approved within the statute of the provider;

- 3.4. propose to the Ministry fees, charges and fines for approval.
  - 3.5. denominate and to terminate the labor relations of academic staff and other staff and exercise all duties of an employer, as is foreseen with legislation in force
  - 3.6. make contracts for goods and services;
  - 3.7. form legal relationships with students;
  - 3.8. establish commercial enterprises for educational and research purposes;
  - 3.9. signing agreements with other Institutions in Kosovo and with International institutions.
4. On condition to meet the requirements under the applicable Law, The Ministry may grant a public provider of higher education, the right to use land, premises or equipment that are publicly owned and socially.
5. A public provider of higher education using any public or socially owned land, buildings or equipment may not sell or otherwise dispose of the ownership rights in such property. However, a public provider of higher education using any public or socially owned land, buildings or equipment may lease such property for any appropriate purpose, subject to the prior formal consent of the Ministry. If such consent is granted, the Ministry may impose conditions on the use of the incomes from this property.

#### **Article 9 Creation, Merger and Dissolution of Public Providers**

1. Public providers of higher education may only be created by the decision of the Ministry, which must be ratified by the Assembly.
2. If the Ministry ascertains it is of general interest, public providers of higher education may be merged or closed by the Ministry, and will make known publicly the reasons for its decision. Before reaching a decision on merger or closure of these providers, the Ministry publishes a discussion document, and consults with the governing body of all providers, to whom this decision affects as well as KAA. Ministry decision to close or merge such an institution shall be ratified by the Assembly.
3. The governing body of a public provider of higher education may itself propose the merger or closure of the provider, subject to the approval of the Ministry and after consulting the KAA.
4. Establishment of a public provider of higher education shall be accompanied by the issue of a license under the provisions and subject to the criteria set forth in the provisions of this law.
5. In the event of closure or merger of a public provider of higher education the Ministry shall determine all matters relating to the property, liabilities and continuing obligations to enrolled students of the closed or merged institutions.

#### **Article 10 Universities**

1. University shall be an institution of education and scientific research, that gives diplomas and degrees including the doctoral level, with a view:
  - 1.1. progress in the field of academic knowledge, in Kosovo, the region and beyond;
  - 1.2. the educational, scientific, artistic, cultural, social and economic development of Kosovo, development of professional skills and high competencies, and

1.3. the promotion of democratic citizenship and the achievement of the highest standards in teaching and learning.

2. Under the provisions of this Law denomination 'University' may be granted only to an accredited provider of higher education which has provided accredited courses or programs for a minimum of at least four years in at least five different subject areas as defined in the sub legal act of the Ministry and who has issued at least one graduate with an accredited doctorate in each of these programs.

3. Under the provisions of this Law denomination 'University college' may be granted only to an accredited provider of higher education, which offers doctoral studies in at least three study areas which are accredited by KAA. KAA will publish detailed criteria for the designation of an accredited provider as a 'University college', determined with a sub legal act from MEST.

4. The word 'University', as separate words or in combination with other descriptions, may not be adopted or used in any form in the denomination of any provider without the permission of the Ministry after approval in principle by the AKA's.

### **Article 11 Other Higher Education Providers**

1. The Ministry, in accordance with paragraph 1 of Article 8 of this Law, except University may establish other providers of higher education, who can provide diplomas and degrees, and titles subject to accreditation by KAA. It may do so either independently or via a public-private partnership as defined in Article 3 of this Law.

2. Private companies, foundations and trusts may establish higher education institutions. Their Statutes will specify the governance and management structure of the institution, together with their mission and strategic goals. Such private providers shall declare in their foundation documents and their Statute if they have profit or non-profit function but are of general interest.

3. All private providers must be licensed by the Ministry.

4. In making its decision to licence a private provider, the Ministry shall undertake such enquiries or inspections as are considered necessary to form a clear view based on evidence. Ministry may authorize for such inspections other agencies with particular expertise, aside from KAA.

5. Providers of higher education other than universities shall, subject to accreditation under Article 4 of this Law, earn denomination, which reflects the nature, scope and level of their bid. On the advice of the KAA, the Ministry will issue regulations governing such denominations, which may include among others denominations, like: 'university college', 'college', 'institute', 'school' or 'academy'.

6. The denominations 'university college', 'college', 'institute', 'school' or 'academy', apart or in combination with other descriptors, may not be used in any form in the denomination of an any provider without the clear permission of the Ministry, with the recommendation of KAA.

7. If the Ministry does not grant a licence to a private provider, the provider must not recruit any new students. If the provider, who has previously been licensed, license shall be taken from him, such a provider can not accept new students, and the same should make arrangements to ensure that his current students, if any, can successfully complete their program of study at another accredited institution.

### **Article 12 Establishment, Accreditation and Licensing of Private Providers**

1. A private provider of higher education may be founded by a private company, foundation or trust, situated in Kosovo and having a registered office in Kosovo.



2. A private provider of higher education may apply for accreditation and licensing under the provisions of this Law.
3. A private provider of higher education may commence its operation only after obtaining a licence.
4. A condition for the grant of a licence from a private institution of higher education is the submission to the Ministry's of a strategic plan and a business plan, including a guarantee by its Governing Council or any equivalent body related to financial viability for at least three (3) years. A rolling revision of the strategic plan and business plan including such guarantee, is submitted annually to the Ministry.
5. A private provider of higher education may be closed by its Governing Council or equivalent body only at the end of an academic year. The licence for a private institution should include a provision for a financial guarantee to protect the financial interests of students in order for them to continue studies at another accredited institution in case of closure of the institution to enable students to complete examinations.
6. A private provider of higher education may not advertise itself as 'accredited' unless accredited in Kosovo under the procedures set out in the this law and other instruments issued under it. If it's accredited for programs by a state or other organizations, a private provider must clearly state the origin of such accreditation and that the same has to be approved even from KAA as an accreditation in Kosovo.
7. A private provider of higher education enjoys freedom in its status or other founding documents to approve any model of governance and management, on condition that this model clearly separates the role and competences of the owners from decisions about academic matters and that it allows for the participation of teaching staff and students in decisions relating to academic matters.

### **Article 13** **Autonomy of Providers of higher Education**

1. Licenced holders of higher education has the autonomy and academic freedom.
2. Licensed providers of higher education shall have the rights, subject to the provisions of this Law, to:
  - 2.1. elect governing and management authorities and determine their mandates;
  - 2.2. arrange their structures and activities through their own rules in conformity with this Law and subsidiary documents issued under it, with other applicable laws and their statutes;
  - 2.3. choose teaching and other staff, set conditions for admission of students and methods of teaching and evaluation of students, as approved by KAA;
  - 2.4. independently develop and implement curricula and scientific research projects, in consultation with international and domestic partners and
  - 2.5. grant titles to professors and other staff, in accordance with this law, with applicable law and employment scheme has been approved by KAA. These criteria are specified within the provider's Statute.
3. The Statutes of higher education providers includes provisions that guarantees academic freedom for teaching staff and students, as prescribed further in this Law.
4. The premises of licensed higher education providers enjoy inviolability of public order bodies except in cases determined otherwise by special laws.

5. A provider of higher education shall be released from all forms of taxation in respect of its teaching activities, scientific research, which are funded from public or donated, except in relation to commercial activity.

#### **Article 14** **Licensing of Higher Education Providers**

1. Every provider of higher education in Kosovo requires a licence in order to operate. Licences shall be granted by the Ministry, in accordance with the provisions of this Law and subsidiary documents issued under its basis. Licences will be time limited no longer than 5 years, depending on the duration of their accreditation by KAA. Licences are renewable.

2. The criteria for the award of a licence to a provider of higher education are determined by a sub-legal act issued by the Ministry.

3. Every provider which meets the criteria shall be awarded a licence.

4. Licencing requirement except accreditation by KAA as main precondition include provisions concerning to:

4.1. adequacy of facilities and equipments;

4.2. financial viability, including the provider's commitment to the creation of a fund for the support of students;

4.3. a three-year business plan.

5. Additional requirements for licensing of private providers of higher education are as further prescribed in this Law and subsidiary documents issued under its basis. As a minimum, those additional requirements shall include the following:

5.1. statute which provides separation of ownership from the institution's academic leadership.

5.2. premises and other physical resources which are appropriate to the educational work of the provider, which are safe and fit for purpose and for which the provider has full legal title;

5.3. teachers, scientific research and support staff, qualified to a level appropriate for the educational work of the provider and who are legal manner are contracted from the provider;

5.4. auditable financial systems;

5.5. accreditation at the institutional and programs level by the side of KAA or another recognized accreditation body and approved by KAA;

5.6. payment of financial guarantee based on total number of students.

5.7. the student guarantee sum and any variations in its applicability will be specified by Administrative directive issued by the Ministry.

5.8. agreement with at least two other accredited providers providing that students could be transferred to similar programs at one of these accredited providers, in case of bankruptcy or withdrawal of accreditation. The KAA must consent to the reached agreements.

6. Public provider deemed licensed, unless he fails to meet KAA standards for institutional accreditation. His license will enable it to offer only those programs, for which it has been accredited by KAA or another recognized agency for accreditation, with approval of KAA.

7. The provider of higher education may make application to the Ministry to changing conditions in its license.

8. The Ministry may withdraw a provider's licence at any time if it has evidence of the provider's failure to comply with the requirements of the licensing standard. In the event of such a revocation, the provider shall enjoy the right of appeal to the Supreme Court of the Republic of Kosovo and only because of procedural deficiencies.

### **Article 15 Accreditation and Quality Assessment**

1. All providers of higher education shall be subject to procedures for audit procedures and quality valuation by the KAA in accordance with this Law and sub-legal acts.

2. A provider of higher education seeking accreditation for the first time, makes a request to the KAA at least a year before the expected date to obtain accreditation. Where a new public provider of higher education has been established and licensed under the provisions of this law, this requirement for accreditation shall not be applied. However, such a provider must meet the criteria set out in this law and must apply for accreditation to KAA within twelve months from the date of its first licence.

3. Re-accreditation of providers shall be carried out by the KAA at intervals of not more than five (5) years. Re-accreditation is not done without a review of the provider self-evaluation report, except in exceptional circumstances. This review by the experts will include an inspection of direct service delivery. Re-accreditation of an institution or one or more of its programs may require the board of KAA or the Ministry within a period shorter than five (5) years.

4. Every public provider, subject to compliance with licensing requirements, should seek institutional accreditation every five years. Academic units and its programs will undergo regular assessment of quality.

5. Accreditation certificates shall be issued by the KAA.

6. Failure by a licensed provider of higher education to obtain institutional accreditation or re-accreditation, will result in a different organization for accreditation no later than one year.

7. A second failure to obtain accreditation will result with the revocation of the licence. Against revocation provider may appeal to a competent authority according to the Law on Administrative Procedures and Law on Administrative Conflict.

8. Quality assessment of programs of accredited providers of higher education shall be conducted from KAA for each program within the cycle time that lasts no more than 5 years, KAA appoints international expert panels of relevant fields. KAA publishes on its website procedures, criteria and results of quality assessments.

### **Article 16 Degrees and Diplomas**

1. An accredited provider of higher education shall have the right to award degrees and diplomas specified in its accreditation certificate: These may include degrees and diplomas offered jointly or as dual qualifications with one or more other institutions approved by the KAA. Degree and diploma documents shall be in accordance with a format approved by the Ministry and specified through Administrative directives.

2. The Statute of a provider of higher education, in accordance with this Law, specifies degrees and diplomas given by the provider and includes the right to make academic and other rules governing the

award of such degrees and diplomas, subject to accreditation by KAA or another recognized accreditation body accredited with the approval of KAA.

3. Bachelor degree programs and those for the diploma, offered by all providers of higher education drafted in a flexible manner to allow entry and transfer to appropriate moments and the granting of credits or qualifications depending on student progress. In formulating their rules, providers of higher education shall take into account the current conventions of the European Credit Transfer System.

4. Ministry, based on the general interest, shall have the right to approve or withhold approval of the curricula of courses leading to qualification as a teacher to be employed in a school.

5. Only the public provider of higher education could offer study programs which lead in the qualification of the teacher to be employed in a school.

6. In all other cases, a provider of higher education enjoys the freedom in organizing its curriculum and valuation schemes and the examination on the basis of rules that are transparent, honourable and easy to be understood for students. Provider will require the provision of quality standards and implementation of curriculum through external review of evaluation schemes and his exams and will actively seek opinion of students about their learning experience.

7. Only those degrees and diplomas issued by accredited and licensed providers of higher education shall be recognized by the Government for the purposes of employment, to obtain public office or to perform the function of international recognition, as defined in sub-paragraph 1.7 of paragraph 1. and paragraph 2. of Article 6 this Law.

8. It shall be the duty of every accredited provider of higher education to provide each person awarded a degree or diploma with a degree and a sealed diploma supplement both must have the format set out in regulations issued by the Ministry.

9. After the award of a degree or diploma the same can be canceled only in certain circumstances specified in made rules under the Statute of the provider of higher education and provided the right to a competent court.

10. The Ministry, in consultation with other relevant governmental bodies, may prescribe in an administrative directive the additional educational requirements, in addition to a degree or diploma, as a condition for employment in any occupation, which dealt with by other laws or under the conditions determinate in international conventions or agreements.

#### **Article 17**

#### **The Statute of Providers of Higher Education**

1. The operation and management of public provider of higher education defined in the statute proposed by the Ministry and approved by the Assembly. This Statute may be amended in accordance with its provisions with the approval of the Ministry and approval by Assembly.

2. The Statutes of all other providers and any amendments in them shall be approved solely by the Ministry.

3. The Statute of each university contains provisions which provide to the Senate or equivalent body equivalent structure main responsibility for consultation and decision-making on academic matters; where among the members of this body are elected representatives of academic staff and students.

4. The Statute of each provider of higher education guarantees development of consultations on academic matters with teaching staff and with students.

5. The Statute of each provider of higher education that receives public funds ensures appliance of below principles from provider:

5.1. equality of opportunity in employment and equal access to scientific study and research without discrimination.

5.2. all persons and bodies conduct in accordance with the highest standards of selflessness, integrity, objectivity, accountability, transparency, honesty and leadership: In discharging official duties no person shall act as a representative of any group of any description and shall neither seek nor accept any kind of mandate: During whole time all persons must act solely in the interests of the provider as a whole.

6. A Statute submitted to the Ministry under the provisions of this Law shall be approved if it meets the conditions set out in this Law. Refusal by the Ministry to approve a Statute or confirm modifications to it may be challenged before a court of competent jurisdiction.

### **Article 18** **The Governing Structure of Higher Education Providers**

1. Governing Council is the principal governing authority of a provider of higher education who takes public funds. Governing Council has overall responsibility in the conduct of the provider and its functions described in detail in the statute.

2. The Governing Council shall have not more than nine nor fewer than five (5) members. A number of members of the Governing Council appointed by the Ministry in general interest, to be specified in the Statute and not to exceed one half of the total membership. They shall be persons of significant public standing with relevant professional skills, commercial or other practical skills. No such appointed member shall have any direct current association with the institution in which is appointed.

3. All members of a Governing Council other than those appointed under paragraph 2 of Article 18 shall be elected according to the procedure determined in the Statute of the provider. A number of selected members from the University may be from the International Academical community. Statute will specify how many members shall be elected from those within the institution and those from the international academic community.

4. All members of a Governing Council shall serve the Council as individuals, not as delegates or representatives of a particular interest group.

5. The Governing Council shall elect its own Chairman and Vice-Chairman annually from amongst its members who are not staff or students of the institution.

6. Members of a Governing Council appointed under paragraph 2 of this Article shall hold appointment for a fixed term according to the provisions of the Statute. They may be discharged by the Ministry, on the recommendation of the Governing Council or without it, for compelling reasons such as:

7. Conviction for a serious criminal offence resulting in imprisonment for more than six months:

7.1. inability to discharge the functions of the position through physical or mental incapacity evidenced by the report of an independent medical practitioner appointed by legislation in force.

7.2. conduct, which in the opinion of the Ministry, constitutes failure, refusal or neglect or continuous inability to perform the duties of the position that trains or to act in accordance with the principles set out in the Statute of the provider or in this Law, including those set out in Article 17 of this Law.

8. Appeal against proposed discharge by the Governing Council may be directed to the Ministry.

9. Mandate of GC is determined in the Statute of the Provider and secures that the duration of the members mandate could not be same with managerial authorities and senate.

10. The Governing Council shall be responsible for development of a three-year Strategic Plan, which shall be updated annually. In preparing its Strategic Plan and annual updates, the Governing Council shall consult the Ministry regarding the compliance of its objectives and plans with the state strategy for higher education and the resources likely to be available from the Ministry. The scope of such consultation shall be determined by sub legal act that Ministry issues.

11. The Governing Council takes measures for the publication of an annual report on the performance of the provider and gives information as may be required by the Ministry and the KAA.

### **Article 19 Management Authorities**

1. The principal management authority of a public university is the Rector. The Rector of a public university shall be appointed by the Governing Council with an absolute majority of all eligible votes after a formal public announcement, after a professional assessment by a professional commission and after questioning by the whole Governing Council of the University.

2. The principal management authority of a provider of higher education other than a university defined in the statute of the provider.

3. Procedures for selecting and appointing leading Management authority, powers, duties, responsibilities, tasks, mandate and other issues defined in the statute of the provider.

4. The Statute of the provider shall also specify the responsibilities of each of its principal officers.

### **Article 20 General Principles of Funding for providers of higher education**

1. Licensed and accredited public providers of higher education may receive funding from the following sources according to the provisions of the Statute and their Strategic Plan as:

1.1. allocations made by the Ministry for teaching and scientific research in the public interest;

1.2. payments for Tuition and other fees paid by students;

1.3. payment for commercial services and other services;

1.4. donations, gifts and other contribution; and

1.5. contracts with national, international, public or private bodies for the field of teaching, scientific research or consultancy.

2. Providers of higher education are entitled to enter into contracts for any purpose related to higher education and, where this is part of their Strategic Plan, also with regard to scientific research. Providers may invest funds including public funds in any enterprise with educational or scientific research purposes on condition that:

2.1. those contracts related to projects that support the strategic plan of the provider;

2.2. no contract not to impose any financial charge against property and public property without the approval of the Ministry and

2.3. public funds are not to be put at possible risk.

3. If a provider of higher education fails to obtain re-accreditation in accordance to this Law, than the Ministry by sub legal acts make temporary provision for its funding and receipt of tuition fees and other income pending the re-acquisition of accreditation, closure or merger as foreseen by the Law.

4. The Ministry may provide public funds to licensed and accredited private providers of higher education in support of the Ministry's objectives. Any private provider which accepts public funds shall be subject to the same accountability and audit requirements as public providers, as set out in Articles 21,22,23,24 of this Law.

### **Article 21 Funding Methodology**

1. In conjunction with the Ministry of Finance, the Ministry shall set out in an administrative instruction the methodology to be used for the allocation of funds for teaching and research in the public interest, together with any other allowances or concessions which may be approved by the Government. Funds may be allocated for the purposes of teaching; teaching-related research; infrastructure; or other purposes.

2. Allocation of funds for teaching specifies the number of students to be educated with public expenses in certain disciplines or fields of study. This number should be in accordance with maximum numbers prescribed in a provider's current licence. Description attached to each discipline or field determined through a sub legal act.

3. Ministry sets funding of higher education providers taking into account the objectives specified in the strategic plan of the provider and any observations or recommendations from KAA related to the quality of teaching of these providers or of specific programs.

4. Ministry shall have regard to the provider's recent performance and shall set an indicative budget path for a five-year funding cycle. The allocation of funds to a provider shall take the form of a performance agreement, running over three years, which shall be published by the Ministry once it has been agreed with the respective provider.

5. Funds shall be allocated each year as an amount paid to the provider during the financial year time intervals defined by the Ministry of Finance. Within the terms of its Strategic Plan, the limits of its licence and any conditions attached to the funds by the Ministry.

6. Governing Council approves financial scheme of delegation and accountability in budgetary sub-units within the institution through which reflected strategic planning and performance reporting duties that it owes the Ministry. All such schemes will encourage and facilitate capacity development, quality enhancement and achievement of agreed outcomes within each sub-unit budget. The Governing Council will approve Financial Regulations in accordance with the legislation in force. These arrangements will be incorporated in the provider's Statute.

### **Article 22 Conditions of Funding**

1. In allocating funds for teaching, and scientific research in the public interest, the Ministry may impose conditions on providers.

2. Such conditions as are imposed under this Article shall be consistent with the Statute of the provider concerned and may relate to:

2.1. financial control and audit;

2.2. acquisition, use and disposal of land, premises and equipment;

2.3. level and application of fees tuition and fees of other students;

2.4. changing of destination or transfer of funds allocated for teaching from one teaching area to another.

3. The Ministry does not designate any condition which would have the effect of limiting the ability of the provider to act in accordance with its statute, to attract funds from other sources, including the appointment of additional places of study within the limits of the license, provided that, in the opinion of the Ministry, it does not:

3.1. a negative effect on the quality of education with public funds

3.2. does not prejudice the duty of the provider to conduct its affairs without discrimination on any ground such as sex, race, sexual orientation, disability, marital status, colour, language, religion, political or other opinion, national, ethnic or social origin, association with a ethnic community, property, birth or that are related to other conditions.

4. The Ministry may not impose any condition which restricts freedom of teaching within this Law, the licence and the accreditation of the provider.

5. Funds that remain unspent at the end of the financial year are assigned to switch to the reserve fund for approved that are specified in the strategic plan of the provider or its annual updates.

6. Subject to the provisions of this section, the Minister may cancel the funds, for which she believes has been abused and in this case the funds are returned to the Ministry of Finance at the request of the latter.

### **Article 23**

#### **Accountability of the Governing Council and Principal Management Authority of a Provider of higher education**

1. The Governing Council of a public provider of higher education or its equivalent body in the case of a private provider shall be responsible collectively to the Ministry for the proper and efficient use of funds allocated to the provider by the Ministry or other public sources.

2. Every higher education provider in receipt of public funds shall present the Ministry with a performance report by 31 March of the following year at the latest. Performance report will compare the results with the strategic plan and performance agreements for the year in review. Report will include performance measures which have been specified by the Ministry with a sub legal act and will be accompanied by the provider's audited accounts for the year under review. The Ministry shall provide the Assembly with a summary of the performance reports accompanied by a comment at the latest by 31 August of the same year.

3. Leading managing authority of a provider of higher education that receives public funds will warn Governing council for any act or omission of his, who, according to leading managing authority, constitutes an abuse of public funds that were allocated to provider. In the event that the Governing Council does not act to remedy such improper action or omission, the leading management authority shall report this action or omission to the Ministry. In such cases, notwithstanding any provision of the statute of the provider to the contrary, Governing Council or any other equivalent body can not take any action against the principal management authority, except when the Ministry itself allows a thing such.

4. If, as estimated by the Ministry that is based on final reports and recommendations from the Office of the Auditor General, financial issues or other issues of a provider have been or are being poorly



managed or provisions of statutes are not applied in accordance with this Law and statute, the Ministry may, in addition to powers conferred by paragraph 6. of Article 22 of this Law, after consulting the KAA and the provider, give such directions in respect of the governance and management of the provider as the Ministry thinks fit, including, without prejudice to this general power or any other power conferred on the Ministry by law, temporary removal and replacement of one or more Governing Council members or rectors. All such actions are ratified by the Assembly within sixty days.

5. An appeal against the dismissal of the Governing Council members or its equivalent pursuant may be made to a Competent Court.

#### **Article 24 Financial Control**

1. The Statute of each public provider of higher education shall include provisions for effective independent external and internal financial audit.

2. A copy of each report made by an external or internal auditor on any provider in receipt of public funds shall be submitted to the Ministry which may call for any explanations from the Governing Council of the provider of higher education, if it deems it necessary to do so.

3. The Ministry may appoint an independent auditor to investigate the financial affairs of any provider of higher education in receipt of public funds and the Governing Council of that provider shall secure co-operation with that audit.

4. In cases which, in the opinion of the Ministry, constitute serious mismanagement of public funds, paragraph 6 of Article 22 of this Law shall be applied.

#### **Article 25 Commercial Activity**

1. A provider of higher education shall be free within the provisions of this Law, other applicable law, its licence, its Statute and its Strategic Plan to take any measures to promote and exploit its education and research activities commercially in favor of the provider.

2. Where such commercial activity includes, or could potentially include, the exploitation of any significant intellectual property right in any literary, artistic or scientific works, scientific discoveries, designs, inventions, materials, goods or services provided wholly or partially, or directly or indirectly out of public funds, the provider shall seek the prior approval of the Ministry. The Ministry shall determine what is a significant intellectual property right for the purposes of this Article in an Administrative Instruction which takes into account advice offered by the Office for Intellectual Property Rights according to the legislation in force.

3. The taxation of commercial activity by a provider of higher education shall be in accordance with the applicable Law

#### **Article 26 Titles and Grades of Staff**

1. The titles and grades of staff, the criteria for appointment and re-appointment and related matters are specified in the Statute of each provider of higher education. They shall be open to scrutiny by the KAA and to comply with legislation in force for labor relations in the Republic of Kosovo.

2. Universities and University Colleges may appoint the following grades of academic staff:

2.1. regular Professor;

2.2. associate Professor;

2.3. assistant Professor;

2.4. University Assistant;

3. The criteria for each title shall include at least a Master's degree in the appointee's own subject area. In addition to this, Regular, Associate and Assistant Professors shall be able to evidence a successful record of teaching, research and/or professional or artistic practice within the institution or elsewhere which will be attested to by at least three referees who have at least one higher title than that actual call of the candidate for advancement.

4. Regular, Associate and Assistant Professors will have completed Doctorates and will have a successful record of publication in refereed international journals. Regular Professors will also be able to demonstrate successful academic leadership through curriculum design, pedagogic innovation, research and publication over at least eight (8) years.

5. Other providers may appoint the following grades of staff:

5.1. professor;

5.2. assistant Professor;

5.3. lecturer;

5.4. assistant lecturer;

6. The criteria for all titles except Assistant and Lecturer shall include at least a Master's degree or equivalent in the field of subject of the nominees. In addition to this Assistant and Associate Professors shall be able to evidence a successful record of teaching, research and/or professional or artistic practice which will be attested to by at least three (3) referees who have at least one higher title than the actual call of candidate for advancing.

7. Assistant Professors and Associate Professors will have completed Doctorates and have a successful background in magazine publishing with international recession.

8. If a person who holds a title from an accredited University or a University College joins the staff of another provider which is not a University or University College, s/he may continue to hold the title previously awarded. If a person who holds a title from an accredited University College joins the staff of a University, s/he will normally be required to apply for award of a title by the University.

9. Retired regular Professors from by a full time post could be appointed as Professor Emeritus and can be invoked to support the institution, in which he holds this title, in every way which is considered appropriate from the Rector.

10. Criteria for each of the titles should not discourage applications outside the Institutions.

11. Exception from the certain criteria in section 3 and 4 make titles which are given in specific area that are defined in the Statute of the Provider.

12. Any higher education provider may appoint special staff for teaching, administrative posts an technical/research. The provider in its status shall specify the titles of special personel research, teaching of senior administrative and technical staff, together with the criteria for professional development, promotion and advancement within these areas of work.

## **Article 27 Academic Freedom**

1. In its statute or equivalent document establishing, each provider of higher education ensures that academic staff has the right within the law and to present new ideas and controversial opinions without risking loss of the working place or privileges they may enjoy by the provider.
2. The right of academic staff of providers of higher education to freedom of speech may only be restricted by law, consistent with the Constitution of the Republic of Kosovo.
3. Academic staff of licensed and accredited providers shall have the freedom to publish the results of their research, subject to rules made by the provider relating to the exploitation of intellectual property rights in the benefit of the provider and in accordance with the provisions of this law.
4. The statute of each provider of higher education and the structure of each private provider of higher education as a condition for accreditation, must contain provisions that:
  - 4.1. guarantee the staff freedom of organisation and assembly.
  - 4.2. protect staff against any kind of discrimination.
5. Academic staff and other staff of higher education provider has the right to challenge a decision or action of a higher education institution and to run it initially appealed to the Ministry and then to a competent court.

## **Article 28 Terms of Staff Service**

1. The Statute of a public Institution of higher education contains provisions relating to the appointment, tenure, promotion, discipline, suspension, dismissal, discharge from work or retirement.
2. The principal conditions of service of staff in providers of higher education shall be consistent with the legislation in force.
3. Other conditions of service of staff in all providers of higher education be determined by the Governing Council of the provider, which shall establish appropriate consultative frameworks with officially recognized unions with other representatives of staff and with the Ministry.
4. Each member of staff employed under individual contract with the provider of higher education. Such contracts will include arrangements for regular evaluation of staff performance including direct observation of teaching and a structured process for support of its professional development.
5. The Statute of a provider of higher education regulates the participation of international experts in reviewer committees in the selection process of the academic staff of professorial status.
6. The Statute of a provider of higher education shall include provisions regulating the circumstances in which a member of staff may take up additional paid or unpaid employment and limiting the legal liability of the employer in such cases.

## **Article 29 Admission of students**

1. Any student who passes the graduation test, has the right to continue studies at institutions of higher education according to the legislation into force.

2. Through an administrative instruction, the Ministry drafts regulations as are necessary and useful, regarding the timing and conduct of examinations set by the receiving higher education institutions to facilitate enrollment in higher education of students who have not entered the graduation test or have not passed it.
3. For specific areas of study, public providers of higher education can provide additional tests for some subjects for admission of students, which must be approved by the Ministry. The detailed entry requirements shall be prescribed in rules made under the Statute of the institutions.
4. Students admitted to Master studies on the basis of competition, according to results of preliminary studies of their equivalence, as defined in this law.
5. When the number of successful applicants exceeds the number of publicly-funded places available of a program, provider may accept, always on the basis of merit, students that pay fees in those countries that are not financed with public funds, but by the number specified in the license holder.
6. Rules made by a public provider of higher education may prescribe circumstances in which students that paying the school and who achieve excellent results in learning can be allocated to a study of publicly funded in the second year or subsequent year of study.
7. Private providers of higher education may admit any applicant to their programs, provided that they can justify their decisions to the KAA.

**Article 30**  
**Tuition and other Fees Payable by Local and Non-Local Students**

1. The Ministry shall prescribe in an administrative instruction, which is reviewed annually, the maximum tuition fees which shall be payable by students admitted to places at providers of higher education funded by the Ministry.
2. The tuition fees referred to in paragraph 1. of this Article may be set at different levels:
  - 2.1. depending on whether the student lives in Kosovo or elsewhere;
  - 2.2. for different programs according to cost that have.
3. Providers of higher education that receive public funds may charge with fees, as the fees for reviewing applications, for registration, for repeat of exams and graduation, and these fees will be approved by the governing body of the relevant provider and confirmed by the Ministry.
4. Public providers of higher education may charge at full economic cost for the provision of services including photocopying, specialized materials and other auxiliary services.
5. Private providers of higher education which are not in receipt of public funds itself may charge fees as they choose.

**Article 31**  
**Student Rights and Obligations**

1. Students who are admitted to and enrolled in a provider of higher education enter into a legal relationship with that provider.
2. Students are entitled to the following rights, which may be elaborated further in the Statute of the provider:

- 2.1. to attend all lectures, seminars and other educational activities organized in their courses, according to their level and following, if any country other organized processes of teaching;
  - 2.2. to use the facilities of libraries and other services for students located at the provider premises; and
  - 2.3. to participate in elections for student positions in bodies established under the provider's Statute.
3. Students have the following obligations:
  - 3.1. to respect rules made by the provider;
  - 3.2. to have due regard to the rights of staff and other students;
  - 3.3. to give due and full attention to their studies and participate in academic activities; and
  - 3.4. to pay fees and charges that are specified.
4. The Statute or equivalent establishment document of every provider of higher education contains provisions, which:
  - 4.1. guarantee the freedom of students, within the law to present new ideas and controversial opinions without risking losing their student or privileges they may have with the provider;
  - 4.2. guarantee students' freedom of speech, of association and of assembly according to the legal provisions.
  - 4.3. protect students against any kind of discrimination;
  - 4.4. ensure fair and impartial mechanisms for handling disciplinary matters dealing with students.
5. Students have the right to complain about the quality of the teaching or providers infrastructure. The statute contains provisions on fair dealing with such complaints.
6. The circumstances under which students may cancel academic or disciplinary reasons and procedures for appeal are set out in details in the status of the provider.
7. Students have the right to challenge a decision or action of holders of higher education toward them in the Ministry and the competent court.
8. Persons who have completed the final examination for the level for which they are enrolled cease to have the status of the student.

### **Article 32 Students Financial Support**

1. The Ministry may issue a sub legal act to establish a scheme or schemes of students financial support based on economic need.
2. Such schemes of student financial support may include provision for assisting students with payment of tuition and other fees at public providers and according to the valuation of the ministry, at the providers of the private higher education.

3. Public providers of higher education may create financial support schemes for students, with funds not appropriated from public sources.

4. Ministry takes steps that it considers useful and necessary to ensure that students enrolled in any institution to have equal access and opportunity to apply the existing scheme or schemes of financial support for students, which are in accordance with this article.

5. All organizations funded with public funds, which that provide students housing, food, medical and social assistance, are an integral part of the provider and subject to the provisions of this law. The Ministry may instruct such organizations with regard to obligations, self-government and fees.

### **Article 33 Students Organizations**

1. Statute or any other document establishing the higher education provider foresees the creation of one or more organizations that represent students and that contribute in fulfillment requirement social, cultural, academic and the entertainment of students.

2. Public providers of higher education contribute financially to the establishment of student organizations, including in appropriate cases, capital and flowing costs for premises and environment.

### **Article 34 Protection of personal data**

Processing of personal data for intention of this law is done in accordance with the law for protection of personal data.

### **Article 35 Implementation**

1. The Ministry shall issue sub-legal acts for the implementation of this Law within twelve (12) months from the entry into force of this Law.

2. All providers must harmonize their Statutes with the provisions of this law within a period of not more than twelve months from the day of entering into force of this law.

### **Article 36 Transitional provisions**

The provisions of Articles as Article 2 paragraph 1 and 3, Article 4 paragraph 1.3, Article 6 paragraph 1.6, 1.9,1.10, 1.11.1,1.12, and Article 14, paragraph 1, Article 20, paragraph 1.2 and Article 35 paragraph 1 shall be applied at the latest from the academic year 2015/16 if the financial conditions are created and after an exact assessment of the financial cost of the following period.

### **Article 37 Repealing provisions**

Upon entry into force of this Law, there shall be superseded the Law 2002/03 on Higher Education and every legal provision which is inconsistent with this Law.

**Article 38**  
**Entry into Force**

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-037**  
**29 August 2011**

**Promulgated by Decree No.DL-036-2011, dated 31.08.2011, President of the Republic of Kosovo**  
**Atifete Jahjaga.**