



Strengthening university autonomy and
increasing accountability and transparency
of Western Balkans Universities.

Strengthening university autonomy and increasing accountability and transparency of Western
Balkan universities

State of play of university autonomy in Kosovo

Erasmus+ Capacity Building in Higher Education

Structural measures project

Co-funded by the
Erasmus+ Programme
of the European Union





Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

All rights reserved. This report, or any part thereof, may not be reproduced in any form or by any means, electronic or mechanical, including the photocopying, recording, or use of any information storage and retrieval system known or invented, without the written permission of the Publisher. However, the right to reproduction is not violated when the source is appropriately mentioned.

Publisher:

Erasmus + Project: **STAND** (Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities)

<https://www.stand-project.org/>

<mailto:Researchcult@ibcmitrovica.eu>

Authors:

Avdulla Alija

Bujar Gallopeni

Mihone Kerolli Mustafa

Other contributions provided by:

European University Association, International Business College Mitrovica, University of Prishtina Hasan Prishtina, University Kadri Zeka Gjilan, University Fehmi Agani Gjakove, University of Applied Sciences Ferizaj, University Ukshin Hoti Prizren, University Haxhi Zeka Peje, University Isa Boletini Mitrovica, and Ministry of Education, Science, Technology and Innovation.

This publication has been produced with the financial assistance of the European Union. Its contents are the sole responsibility of the authors and do not necessarily reflect the views of the European Union.



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

Contents

| | |
|--|----|
| Introduction | 4 |
| Background | 4 |
| Kosovo Higher Education System | 5 |
| Data collection | 8 |
| Section 1: Analysis per autonomy dimension | 10 |
| 1. 10 | |
| Public universities | 10 |
| Assessment per category | 14 |
| 2. 17 | |
| Public universities | 17 |
| Assessment per category | 19 |
| 3. 21 | |
| Assessment per category | 24 |
| 4. 27 | |
| Assessment per category | 29 |
| Section 2: Challenges and opportunities | 31 |
| 1. 31 | |
| Organisational autonomy: Opportunities to explore | 33 |
| 2. 33 | |
| Financial autonomy: Opportunities to explore | 35 |
| Academic autonomy: Challenges / Areas for reform | 36 |
| 3. 37 | |
| Staffing autonomy: Opportunities to explore | 39 |



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

Introduction

Background

Higher education stakeholders broadly agree on the considerable benefits and importance of university autonomy. In several declarations, the European University Association (EUA) has reaffirmed the crucial role of institutional autonomy for higher education institutions and society at large. While autonomy is not a goal in itself, it is a vital precondition for the success of Europe's universities.

Autonomy does not mean the absence of regulations. While acknowledging that there are many different models, EUA has identified the basic principles and conditions which are important for universities if they are to fulfill optimally their missions and tasks. The Autonomy Scorecard methodology was developed by EUA with the input of its collective members, the National Rectors' Conferences of 29 higher education systems in Europe, between 2009 and 2011. It offers a tool to benchmark national higher education frameworks in relation to autonomy and enables the establishment of correlations between autonomy and other concepts, such as performance, funding, quality, access, and retention. It was subsequently updated and a new version was released in 2017 (see www.university-autonomy.eu).

The scorecard has been used in several European countries to support their higher education reform process. The scorecard methodology has thus been broadly acknowledged by the various higher education stakeholders in Europe as an adequate tool to use for reform process development.

The **STAND project** aims to improve the processes and mechanisms of university autonomy by increasing the management capacities, accountability, and transparency of universities in the Western Balkans in three target countries – Albania, Kosovo, and Montenegro.

The development of a EUA Autonomy Scorecard-inspired analysis for the three countries contributes to raising awareness in the university sector of the changes needed to create a regulatory environment favorable to university autonomy. It corresponds with WP 1.3 and WP2: adaptation of methodology for University Autonomy Scorecard and the WP2 that targets roundtable discussions in partner countries in order to support the drafting of assessment report in University Autonomy and delivery of University Autonomy Scorecard Assessment.

The present report includes the results of the analysis that has been carried out by the task force, including STAND consortium members proceeding from Kosovo universities, in consultation with the Ministry of Education, Science, Technology and Innovation (MESTI), and with the support of EUA.

Kosovo Higher Education System

Legal and policy framework in higher education

The Kosovo Higher Education System is governed by the 2011 Higher Education Law and a set of bylaws derived from it. The Higher Education Law is currently being revised. This revision involves a very broad consultation process based on the administrative procedure after which it will be submitted to the government and Parliament for approval.

Higher education development is also supported by a number of other key laws, such as Law on Regulated Professions, no. 05 / L-066, Law No 03/L-060 on the National Qualifications (2008), Law No. 03/L-068 on Education in the Municipalities (2008), and Law No. 04/L-135 on Scientific Research Activities (2013). In order to implement the legislation related to higher education, the Ministry of Education, Science, Technology, and Innovation has developed a considerable number of by-laws, which specify concrete processes and measures to be followed in the implementation and quality control of higher education.

The main document guiding the medium-term development of education in the country is the Kosovo Education Strategic Plan and Action Plan 2017- 2021 (KESP) which has separate chapters for higher education and for quality assurance in education. A new KESP for the period 2022-2026 has been developed and is under approval procedure in the Government.

The KESP 2017-2021 objectives for higher education provide substantial support to several aspects of university development, including the development of academic capacities, infrastructure in teaching and research, labor market relevance and industry cooperation, financial autonomy and accountability of universities, research publication, and internationalization and partnerships. Furthermore, Universities are also guided in the capacity of research institutions, to benefit from projects financed under the National Research Fund (NRF) schemes, covering research projects, equipment to enhance research infrastructure, academic and scientific publications, research mobility, doctoral studentships, and so on. However, these funds were small-scale and few in number, therefore making it possible to cover only a few research initiatives from universities.

By higher education law, public higher education institutions are obliged to develop and implement their own strategies and associated policies in accordance with national HE priorities, in order to access public funds. These strategies are discussed with national authorities (MESTI) and are subject to scrutiny during the accreditation process. On the other hand, private HEIs are regularly instructed under the accreditation and licensing standards and procedures to develop strategic development policies in order to ensure their longer-term sustainability.

Higher Education Governance and Governing Authorities

The main responsible authority for the development and implementation of legal and strategic policies in the Higher Education sector in Kosovo is the Ministry of Education, Science, Technology and Innovation (MESTI), and its respective agencies, the Kosovo Accreditation Agency (KAA), and the National Qualifications Authority (NQA). Besides developing, implementing, and overseeing higher

education policies, MESTI is also responsible for the licensing of higher education institutions in Kosovo.

The KAA, established in 2008, is an independent, public agency responsible for the accreditation of all higher education institutions (HEIs) in Kosovo, regardless of their status (public or private, local or international) offering higher education qualifications and degrees, at levels 5 to 8 of the European and National Qualifications Frameworks. The KAA's scope, functions, roles and responsibilities, and decision-making process are regulated by Administrative Instruction No. 11/2004 on Establishing the Kosovo Accreditation Agency, and the Higher Education Law no. 04 / L-037¹. The processes and procedures for the accreditation of higher education institutions are provided in Administrative Instruction no. 09/2017 (amended a few times later) for Accreditation of Higher Education Institutions in the Republic of Kosovo. KAA is governed by the State Council of Quality (SCQ), which is vested with decision-making power. Membership of SCQ is proposed by the MESTI Minister and approved in Kosovo's Assembly. KAA's daily work is undertaken by its administrative staff, led by an Executive Director. A new Draft Law for KAA has been developed and is under the process of Governmental approval, to proceed with further steps in the Assembly.

The NQA is a cross-ministry body, charged with developing the National Qualifications Framework, at all levels, to comply with the needs of society and the economy. NQA is also governed by a Steering Board, a cross-institutional body from Ministries, education institutions, and other social partners, while the implementation of mandated policies is undertaken by the NQA administration (led by an Executive director). The NQA provides regularly updated descriptors of qualifications that guide the development of appropriate intended learning outcomes for study programs and degrees at levels 5 to 8. These descriptors have been informed by KAA guidelines and seek to help higher education providers in Kosovo develop well-designed and relevant study programs.

The Higher Education Law, and Law no. 03/L-068, on Education in the Municipalities of the Republic of Kosovo, provide municipalities with a role in the support of higher education development, particularly in encouraging and supporting investments and regional development, and participation in governing and advising bodies of higher education institutions².

Higher Education Institutions, Study Programmes, and Students

By Law on Higher Education, both public and private higher education institutions bear public responsibility for the provision of higher education services. In this regard, they have to fulfill legal dispositions on their establishment and operation as higher education institutions, following external evaluations, such as accreditation and licensing procedures, and ensure that they have in place all relevant mechanisms to provide quality education to students.

Universities in Kosovo have undergone many challenges in their development pathways since their establishment. These challenges seem to be their strategic development, financial and institutional

¹ <https://masht.rks-gov.net/uploads/2015/06/02-ligji-per-arsimin-e-larte-anglisht.pdf>

² http://kuvendikosoves.org/common/docs/ligjet/2008_03-L068_en.pdf

sustainability, and creating their profile identity in the higher education landscape as well as in the regions where they operate.

The HE Law supports a diverse higher education landscape in Kosovo, enabling the development of HEIs in different modalities and formats. An accredited and licensed higher education institution in Kosovo can have the title of university, university-college, college, institute, school, or academy. Their status determines the level of the qualification, academic or professional, they are allowed to provide. The criteria and procedures for assigning the status of institutions are provided in AI no. 01/2013 for the Nomination of higher education institutions in Kosovo.

Kosovo joined Bologna's implementation in 2002 when the higher education system started to recover after the 1990s. With the Higher Education Law (no. 04 / L-037), presently in power, the Bologna cycles have been further enforced and embedded in almost every accredited and licensed higher education institution operating in Kosovo. The study programs may be organized from levels 5-8 of the National and European Qualifications Framework (EQF/NQF), and in compliance with the HE law. Pursuant to article 4 of the HE Law, higher education degrees are organized as follows:

- *“First level – three (3) to four (4) years of studies by which the student obtains 180, respectively, 240 /ECTS/, and obtains a Bachelor’s Diploma.*
- *Second level – one (1) to two (2) years of studies after completion of the first level by which the students obtain 60, respectively, 120/ECTS/ and the student obtains a Master’s Diploma.*
- *Third level – a program of doctoral studies with an academic and independent research-scientific character.*
- *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).”*

Pursuant to article 9 of the HE Law, public higher education institutions in Kosovo may be established by a decision from MEST, subsequently ratified in the Kosovo Assembly. Under article 12 of the Law, private higher education institutions may be *‘founded by a private company, foundation or trust, situated in Kosovo and having a registered office in Kosovo’* (HE Law 2011, p. 8). However, the Law allows the operation of a higher education institution only after it has been granted accreditation and license by the relevant authorities in Kosovo under the conditions of the HE Law in force at the time.

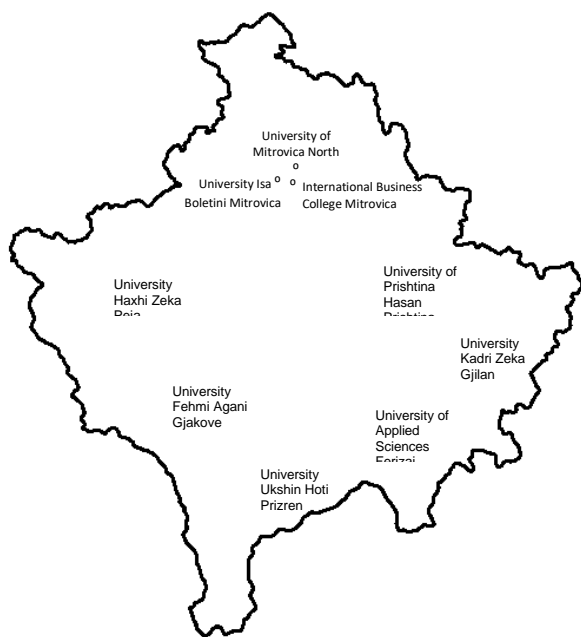


Figure 1. Distribution of public universities in Kosovo

At present, Kosovo has nine (9) public higher education institutions, of which eight are universities, and one is an Academy. In addition, there are 14 private higher education institutions, most of which are colleges, which are accredited to enroll studies in the academic year 2021-2022³.

Data collection

The approach retained for this analysis directly builds on the experience that EUA gained with two previous data collection rounds in the framework of the EUA Autonomy Scorecard, in the ATHENA project (Scorecard applied to Armenia, Moldova, and Ukraine) and in the TRUNAK project where EUA applied a methodology inspired from the Autonomy Scorecard to Kazakhstan. It preserves the main features while adapting to a significantly shorter timeframe by simplifying the data validation and processing phases.

The EUA team organized an online training seminar for the STAND consortium in May 2021 to present the main features of the methodology and discuss the data collection process. Next, EUA built a survey that covers all items addressed in the general Autonomy Scorecard, requiring in addition data on the university governance bodies as well as contextual financial information.

The consortium established national “taskforces” to drive the data collection process. EUA designed “autonomy dashboards” for each system, based on the structure and indicators of the EUA Autonomy Scorecard. Each task force coordinated the process to fill in these dashboards, in collaboration with the relevant ministry.

The Ministry was requested to describe the relevant regulations for each indicator. The university partners worked together to provide additional descriptions of the practice corresponding to the indicator, thus enabling the consortium to detect possible cases where regulation and practice were

³ <https://akreditimi.rks-gov.net/wp-content/uploads/2020/10/Programet-e-Akredituara-2021-2022.pdf>



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

not aligned. The dashboards were validated within the task force and submitted to EUA for additional comments and clarifications. As a result, the dashboard methodology has made it possible to identify areas presenting specific difficulties and challenges. For each indicator, based on the situation described, the dashboards allow for identification:

- “Autonomy enabler” (the regulatory framework allows universities to operate in a relatively autonomous way)
- “Implementation gap” (where the regulatory framework allows universities to operate in a relative autonomy way, but this does not translate into actual practice)
- “Practice ahead of regulation” (showing that the regulatory framework should be updated)
- “Barrier to autonomy” (the regulatory framework creates obstacles to university autonomy).

The data collection was coordinated in Kosovo during Q3 2021. In October 2021, EUA and the task force worked together to aggregate, clarify and validate the data submitted.

The Task Force for the autonomy scorecard assessment was composed of all public universities in Kosovo, IBCM, and MESTI. From each university partner task force delegates were the secretary general (who comes from legal background), Vice-Rector for Finances, and a student representative (from the student council). From MESTI, delegates from Minister’s Cabinet and from Higher Education Department were represented.

The present report is intended to serve as a basis to close the data validation phase in Winter 2021-2022, via the organization of national roundtables to discuss the findings and conclusions of this analysis. The roundtables are meant to explore each of the four dimensions of autonomy.

Section 1: Analysis per autonomy dimension

This section considers each dimension of autonomy (organizational, financial, academic, and staffing autonomy) in a sequence, describing the current framework for public universities. At the end of each sub-section, a table assesses the situation for each indicator.

1. Organisational autonomy

Public universities

1- University statutes

University statutes (approved by the Ministry) shall be ratified by the Kosovo Assembly. During this process (from the experience), the statutes can be changed upon the request of the public authorities.

LHE foresees other Higher Education Institutions (other than Universities) and their statutes do not undergo ratification by the Assembly.

So far, among the Universities, there are only public ones (one of them University of Applied Science).

2- Leadership

Specific articles in the statute(s) announce the internal regulations to be issued by the senate and Steering board about the procedure of election and term of office of the Rector. In the statutes are listed the steps to be followed in the process of the election as well as the main requirements such as: proven experience in academic teaching and scientific research; holding the title of Professor (mostly full professor and associate Professor) and proven experience of university management. The procedure for the rector election is described more in detail under the GC (Governing Council) Regulation on the Steering Board Rules and Procedures. A typical process of the election of the rector starts with a call for applications published by the Institution. According to the call, external candidates are allowed too. Although Statutes do not specifically state that the executive head must hold a doctoral degree, it is clear that no academic title "professor" (Prof. Dr, Associate Professor and Assistant Professor) can be earned without having completed a doctorate (except in the fields of Arts).

Once the rector is elected by the steering board, no validation from Ministry or another external authority is requested.

There are no substantial differences among the universities as regards the election of the rector. The Statutes of other public providers are almost the same as the UP statute.

As regards the requirements, in the newly established Universities, the "eligible" academic titles for the rector's position are professor and associate professor whereas the Statute of the UP is still allowing holders of title Assistant Professor to apply.



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

The procedure for the election of the rector is fully decided by the university and laid out in the statute. There is no role of public authorities in the procedure (validation, termination, etc...). It means that the selection and appointment of the rector are fully internal matters.

In the statutes, the terms of office for the rector are regulated. The Rector's term of office is four years with a possibility of one-time re-election for another term. The mandate duration (4 years) and the rule of "renewable once" is a common rule across public Universities.

In the statutes are listed also the cases when the Rector's term of office may be terminated prematurely and there are provisions on the procedure to be followed. (including the regulation for appointing the acting rector).

The procedure for dismissal of the rector is determined by regulations issued by the GC.

The only "influence" of the external authority is through their members in GC although they are by the Law *"shall serve the Council as individuals, not as delegates or representatives of a particular interest group"*.

3- Governance structure

The Law on Higher Education regulates the minimum and the maximum number of members of the Governing Council (not more than 9 and not fewer than 5). Among them, a number (not to exceed one-half of the total number) has to be appointed by the Ministry. LHE foresees that the member appointed by the Ministry shall be *"... persons of high reputation in public shall have professional and business expertise as well as other practical skills. No one of the appointed members shall have current direct connections with the institution s/he is being appointed to"*. According to the Law, members of the GC do not act as the representatives of the bodies which appointed them.

Among the external members, more often are appointed retired academic staff as well as from the civil society. There are also cases where they come from businesses. The members appointed by the Ministry are not Ministry staff. During the first years of the establishment phase of the new public Universities, there were appointed "founding Governing Councils" and there were cases where Ministry staff was appointed to the governing councils of these universities.

It is important to mention that it happens often that staff from one university is appointed as a member of governing council at another University. Normally, this would raise concerns (which was not the case up to now) about the fact that appointing academic staff from other universities in addition to the academic staff elected inside that University influences the "balance" toward the need for an external point of view (external also in sense of being non-academic staff). Further, when appointing an academic staff from one of the Public universities as a member of the main governing authority of another University while they are (at least to some extent) competing in the sector.

For decades, the only University in Kosovo was the University of Prishtina therefore members of the GC that are former students of the University of Prishtina can be considered alumni.



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

The appointment of international members in the GC is allowed by law (both from the side of the Ministry-appointed and UP-selected members). It happened only once that Ministry appointed an international member.

It is important to underline that the LHE foresees the possibility that Institutions can also elect a number of members from the international academic community as a part of membership elected by the institution.

As regards the profiles of the members elected by the university, the main requirement is that they have to be academic staff (*"The Senate shall elect five voting members from among the academic staff"*). It is important to emphasize that the university can decide to elect/appoint a member of the steering board from the international academic community (from the number foreseen to be elected by the University). No specific requirements are listed. It is to be decided by the Institutions (through their Statutes) to specify the number of members from the international academic community. The possibility (as stated in the LHE) for the University to elect members from the international academic community is not utilized.

The exact number of the members (all voting members) of the GC is specified in the Statute of the Institution. UP has nine members whereas the number of members of GC in other Universities is seven. When the number of the GC members is nine, 5 of them are elected from the University whereas 4 are appointed by the Ministry. When the number of members is seven, four of them are elected by the University and three are appointed by the Ministry. The election procedure is also given in the statute and respective internal regulations deriving from the Statute of the provider.

Although the statutes state that *"Rector and the Secretary-General shall be members of the Governing Council ex-officio, without voting right"*, another paragraph is contradictory because it is stated that rector, vice-rectors, deans, vice-deans, members of the senate general secretary, and secretary of the faculties cannot be elected Members of the Governing Council. It has to be underlined that there is no clarity in this regard and the rector and general secretary are more alike to be "participating" in the GC meetings (this is one example of different understandings and/or different interpretations of the Law and statutory provisions).

LHE "delegates" the power to the Statutes of the Universities for the provisions on the Senate or equivalent body as the structure with the main responsibility and decision-making on academic matters. Universities can freely decide on the senate and the number of the vice-rectors.

Since the Senates of the Public Universities have a similar structure (but the number is different because of the size of the Universities), the structure of the UP senate is presented as an example:

Among 43 members (all of them with voting right) of the University of Prishtina Senate, there are: 28 representatives from Faculties (14 x 2 representatives). The Dean of the Faculty is one of the representatives; 6 representatives of the UP management (rector and 5 vice-rectors); 7 students; 2 non-academic staff.

Regarding the “balance of power,” issues, the rector is the head of the Senate.

4- Academic structures

The LHE delegates the power/autonomy to HE Institutions to decide about their structures and activities (in accordance to LHE and subsidiary documents and their statutes) as well as in accordance with other applicable laws. Statutes further specify that the internal organization (including academic and organizational units) is regulated by internal regulations from the GC (including the “*Regulation on the principles of the establishment and functioning of the Institutes*”).

It is up to the universities to decide about the number of academic units too.

5- Legal entities

Although the Law on HE allows and promotes the establishment of “commercial enterprises” (which is also reflected in the Statutes), this opportunity is not utilized by the Universities. Recent developments at the University of Prishtina such as the establishment of UPCO (as an entity established by the University of Prishtina and two other co-founders, is an important step in this regard.

There are many Institutes within the Academic units of the University of Prishtina that promote income generation activities; however, they are facing some difficulties with regard to their status (within the UP). It has to be emphasized that there are limited cases of income generation within the university (such as the Institute within the Faculty of Mechanical Engineering at the University of Prishtina).

OWN ASSESSMENT

- According to the LHE, there is no involvement of the external authorities in the process of the selection of the executive leadership;
- LHE foresees that University statutes shall be ratified by the Kosovo Assembly whereas the Statutes of other Higher Education Institutions (other than Universities) do not undergo the ratification by the Assembly;
- According to the Statute(s) rector is also a non-voting member of GC and the head of the Senate;
- The board type GC cannot be considered as typical external because the MESTI appointed members are often academics too;
- HE Institutions are free to decide about their structures;
- HE Institutions can create legal entities;

Assessment per category⁴

| Autonomy indicator | Situation for public universities | Assessment | Commonly found situation in European universities (in higher education systems analysed in the EUA Autonomy Scorecard) |
|--------------------------------|--|------------------|---|
| Selection procedure for rector | Internal matter The executive leader (rector) is always elected by the institutions (universities) itself, and there is no the validation of an external authority needed | Autonomy enabler | The executive leader is always chosen by the institution itself, but this requires the validation of an external authority in about half of the surveyed systems. This is a formality in most, though not all, cases: in some systems, the external authority may carry considerable weight in the selection process |
| Selection criteria for rector | Internal matter No specific requirements regarding the qualifications for the rector (leading management authority) are stated in the LHE. The procedure and criteria are stated in the Statutes of the providers and further specified through the internal regulations issued by the GC. Similar to all public universities in the Kosovo | Autonomy enabler | Provisions regarding the qualification requirements for the rector is specified by law in roughly two-thirds of the systems. Where universities may decide on selection criteria for their executive head, conditions for eligibility feature in the university's own statutes or stem from common practice, rather than from legal prescriptions. The most common legal requirement is the need for the rector to hold an academic position. |
| Dismissal of the rector | Internal matter | Autonomy enabler | Dismissal is a key factor when assessing the rector's accountability to the institution and to other stakeholders. The |

⁴ Green: autonomy enabler; yellow: significant constraints; red: important lack of autonomy



| | | | |
|---|---|--|--|
| | Similar to the appointment, dismissal procedures are regulated by the statute and further specified by the internal regulations issued by GC. | | law does not contain provisions regarding the rector's dismissal in a little over a third of the systems considered. In the remaining systems, the dismissal of the executive head is more or less strictly regulated: external involvement may be limited to confirming the dismissal. The law may also specify the procedure to be followed. |
| Term of office of the rector | Internal matter (typically 4 years renewable once) The term of office for the rectors of the public university in Kosovo is four years with the possibility of re-election for one more term. The rule of "renewable once" is a common rule among the public universities in Kosovo too. | Autonomy enabler | The length of a term is almost always specified in the law, as a fixed duration or a minimum/maximum range. |
| External members in governing bodies | In Board, by law / selected by public authorities / Universities may select members from the international academic community | The control of the external authorities on the selection and appointment of external members remains high. The practice of appointing academics affiliated with other HEIs creates issues. | In most Northern European countries, universities are able to freely select their external members, although, in some of these countries, an external authority formally appoints external members who were put forward by the university. In a majority of systems, the government continues to partly or completely control the appointment of external members. In a majority of European universities, external members participate now in the most important decisions in the institutions' governing bodies. Selection and nomination processes have also been revised to the advantage of the university. |



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

| | | | |
|------------------------------|---|--|--|
| | | | <p>The 'type' of external members involved in university governing bodies remains an issue in some systems. When they come from public authorities, their involvement may be seen as a way for the state to gain greater influence over internal decision-making processes, thus reducing institutional autonomy, or conversely as a practical way to clear potential subsequent hurdles.</p> <p>-</p> |
| Internal academic structures | Internal matter | Autonomy enabler | <p>Most universities are free to decide on their internal academic structures and can create legal entities. In a number of cases, institutions gain more autonomy if they carry out certain additional activities through such distinct legal entities.</p> <p>-</p> |
| Creation of legal entities | Both for-profit and non-for-profit legal entities | <p>Autonomy enabler / Opportunities to address: in practice, not used because of constraints</p> <p>Universities in Kosovo are free to decide on their internal academic structures and can create legal entities.</p> | |

2. Financial autonomy

Public universities

1- Financial management

As defined according to the Law on the management of public finances, universities propose their budget and present it in front of the government in two consultation cycles at least. This is the same as all other budgetary organizations of the public budget (after which their budgets are approved by the Government). LHE points out that funds/budget is allocated every year as an item-line budget (capital investments, goods, services, etc.) in accordance with the law on Public Finances. One of the main issues in this regard is that budget lines under which the Universities receive the budget are not the most suitable for an organization such as the University. The received budget has to undergo internal allocation across the various budget lines (including research activities) while the capacity to shift funds across the budget lines is limited. There is room for the budgetary organizations to shift funds across the budgetary lines and there is a limitation on the percentage (10%).

Other public Universities (except the University of Prishtina), are not yet budgetary organizations.

The possibility of keeping a surplus is regulated by the "Law on the management of public finances". Only donations and project funds/grants can be kept by the Universities. However, the incomes generated by the Universities are usually so low that this regulation was not "challenged" by the surplus from the incomes.

Based on the Law for the management of public finances, Universities cannot borrow money. Only the Government of Kosovo is allowed to take loans. The government of Kosovo could take loans on behalf of universities, but not universities directly can do .

As regards owning the buildings, LHE states that public universities have the right for owning and managing land, premises, and other capital assets. However, the meaning of "own and manage" land, etc., is not very clear. In the practice, University "owns" the buildings but not the land. As an illustration, the owner of the land where the UP buildings are located is the Prishtina municipality.

2- Tuition fees

LHE specifies that Public Universities propose to the Ministry the fees, charges, and fines for approval whereas the Ministry takes the decision (through an Administrative Instruction, which is reviewed annually). According to the Statute, UP proposes to MEST and MEST is setting the fees, but in the AI (the latest one is from 2014) it is not stated that there was a proposal from UP or public Universities on which basis the fees are set. The AI preamble lists the Law on HE and Regulation on rules and procedures of the Kosovo Government.

The level of tuition fees may be set depending on whether the student is local or international and study program costs. However, usually, the program costs and “origin” of the students are not taken into consideration when setting the fees.

The right to propose taxes, fees, and fines to the Ministry for approval is also stated in the Statutes. Further, Statutes foresee that study fees for international students shall be regulated by a special act of the university, however, it didn’t happen so far. In the Administrative Instruction issued by the Ministry, there is no separate category for international students, therefore all students are treated the same (with regard to fee).

Universities are autonomous (through the approval of GC) in charging other fees (such as the fees for reviewing applications, for a repeat of exams and graduation, etc.), which have to be confirmed by the Ministry.

3- Income structures of universities

As stated above, public Higher Education Institutions receive their budget as an itemized budget (on yearly basis). The budget lines are the same as for other budgetary organizations in Kosovo and not the most suitable for Higher Education Institutions. In addition, other public Universities (except the University of Prishtina), are not yet budgetary organizations.

Very high percentage of the budget is from the direct public funding whereas the level of income generation by the University itself is very low. The competitive, project-based public funding is also a concerning issue, therefore, there is an urgent need for developing and approving the funding formula aiming to ensure the performance and needed the accountability of the institutions and further promote competitiveness in the sector of HE.

OWN ASSESSMENT

- The itemized budget (the same for all budgetary organizations) is not the most suitable one for the Universities;
- Very high percentage of the budget is from direct public funding;
- The funding formula foreseen by the LHE is not yet in place;
- Except the University of Prishtina, other public Universities are not yet budgetary organizations;
- The fees are set by the Ministry and there is no real influence from the Universities in the process;
- Although foreseen, by the regulatory framework, the fees are not categorized according to the costs of the study programs and are the same for all students in all study programs;
- The fees are the same for all public universities;
-
- There are uncertainties about the owning and using lands and premises;

- Lack of the income generations, lack of the entities suitable for income generation;
- The situation regarding the financing and budget issue does not promote the capacities for improving the financial sustainability and strategic development of the institution.

Assessment per category⁵

| Autonomy indicator | Situation for public universities | Assessment | Commonly found the situation in European universities (in higher education systems analyzed in the EUA Autonomy Scorecard) |
|--|--|---|---|
| Funding cycle | Annual cycle | Lack of autonomy Budget for HE Institutions is allocated on annual basis in Kosovo. It is disadvantageous with regard to the enhancement of the planning capacity for longer periods. | Annual funding cycles are the norm in Europe but there is a trend towards multi-annual contracts to enhance financial planning capacity. In Europe, the norm is that annual funding sustains both teaching and research activities. |
| Public funding modalities | Standard budget lines for public organizations | Lack of autonomy HE budget in Kosovo is itemized in a way that is not the most suitable for the HE and research activities. There is the possibility to re-allocate up to a certain percentage | Line-item budgets are now extremely rare. Nevertheless, in many of the systems that use block grants, internal allocation possibilities continue to be limited by law. This ranges from a division into broad categories with no or limited possibility to shift funds between them to the earmarking of certain parts of the grant for specific purposes. - |
| Ability to keep surplus on public funding | no | Lack of autonomy Only the income generated by the University and donations can be kept as surpluses | Restrictions regarding financial management remain rather stable; a majority of systems allow universities to borrow money under some conditions, and most often let universities keep surpluses. |
| Ability to borrow money | no | Lack of autonomy No possibility for Universities to borrow the money. | |

⁵ Green: autonomy enabler; yellow: significant constraints; red: important lack of autonomy

| | | | |
|--|--|---|---|
| <p>Ability to own buildings</p> | <p>Autonomy in theory, but confusion on ownership of land and building</p> | <p>Opportunity to address</p> | <p>Most systems make it possible for universities to own buildings. There also continues to exist, intermediary models, where a (semi)-public agency owns university buildings. Only about a third of the systems where universities can own buildings actually allow them to sell real estate freely. Restrictions apply in all other cases, usually in the form of an external approval, or a notification to an external authority.</p> |
| <p>Tuition fees to BA students</p> <p>Tuition fees to MA students</p> <p>Tuition fees to Ph.D. students</p> | <p>In theory, a proposal by the university, the decision by Ministry</p> | <p>Gap regulation/practice: challenge to address In practice, the decision by Ministry without consulting universities. <i>In the respective Administrative Instruction, there is no reference to the “proposal” by the University/Universities</i></p> | <p>The general rule remains that universities are seldom in a situation where they control tuition fees for the main Bachelor student population, with slightly more margin for maneuver at Master level. None of the systems surveyed introduced tuition fees at either level during the period considered.</p> |
| <p>Tuition fees to foreign BA students</p> <p>Tuition fees to foreign MA students</p> <p>Tuition fees to foreign Ph.D. students</p> | <p>Same model applies although differentiation would be allowed by should be regulated by specific act</p> | <p>Gap regulation/practice: the challenge to address Clarification is required on institutional autonomy to set fees. <i>The right to propose taxes, fees, and fines to the Ministry for approval is also stated in the Statutes. Further, Statutes foresee that study fees for international students shall be regulated by a special act of the university. In the Administrative Instruction issued by the Ministry, there is no separate category for international students, therefore all students are treated the same (as regard to fee).</i></p> | <p>Universities are typically granted more autonomy in setting tuition fees for international students. This particular part of the student population is discussed differently, with less emphasis on the social and societal dimensions. It is therefore rather rare that universities are not able to charge fees for these students (only Norway and the German states considered in the analysis). They are more often free to decide on fee levels (in 14 systems both at Bachelor and Master levels, compared to four systems at the Bachelor level and seven systems at the Master level when looking at national/EU students).</p> |

3. Academic autonomy

1- Admission

Although the Law on HE foresees the possibility that Public Universities may accept self-funded students under certain limits (in addition to publicly funded students), there has been no such category in the recent years (as it was many years ago). The number of study places allowed by the KAA (per study programs) are "covered" by students publicly funded. Years ago, (when applied) the difference between the two categories was the fee (the self-funded students paid more).

According to the statutes of the public Universities, the senate (upon the proposal of the academic unit councils) determines the number of seats for first-year students in Bachelor and Master's study programs shall be determined by the Senate for each academic unit, upon proposal by respective Councils. Upon accreditation, the KAA defines the maximum number of students allowed per study program. The "proposal" by the Universities cannot be considered a "negotiation".

In the LHE, it is stated that the graduation test (Matura exam) is the prerequisite for the right to continue /enroll at institutions of higher education. However, (according to the LHE) *“Higher Education Institutions have the right to set conditions for the admission of students and methods of teaching and evaluation of students, as approved by KAA”* and *“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”*. As regards admission to Master studies, it is stated that it is done *“on the basis of competition, according to results of preliminary studies of their equivalence, as defined in this law”*.

There are internal regulations about Bachelor and Master and Doctoral studies too.

2- Academic offer

Following the rules and procedures set in the Law and statute and KAA regulation, Universities have also a regulation on the procedures (to be followed) for re-accreditation of the programs as well as to cancel their own programs.

3- Language of instruction

As regards the possibility to choose the language of instruction, there is no provision that foresees the minimum share of courses to be delivered in official languages in Kosovo. Programs might be offering the possibility to deliver certain programs in more than one language. Universities in Kosovo

“shall organize the studies in Albanian language and in other official languages of Kosovo” whereas lectures may be held in other languages if previously decided by the University Senate. LHE encourages the use of the English language.

4- Accreditation

According to the LHE, Kosovo Accreditation Agency (KAA) is responsible for assessing and promoting the quality of higher education in Kosovo. According to the Administrative Instruction (deriving from LHE) *“Public provider is deemed licensed unless it fails to meet KAA standards for institutional accreditation. Its 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”*.

In this context, it is worthy to emphasize that provisions of the LHE foresee the possibility to “validate” the accreditation obtained elsewhere (*“A private provider of higher education may not advertise itself as ‘accredited’ unless accredited in Kosovo under the procedures set out in 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 accreditation in Kosovo”*). From the experience, study programs at public universities are accredited directly by the KAA whereas IBCM has accreditation from other quality assurance agencies too (validated by KAA).

As stated above, this provision is explicit for the cases of private providers.

In Kosovo, universities cannot select the QA agency. The accreditation process in Kosovo is carried out at two levels- institutional and program levels. Since eventual program accreditation from other quality assurance agencies must be validated by KAA, whereas the Institutional accreditation is carried out exclusively by KAA.),,

The implementation of the accredited study programs (designated by the senate) is a competence of the academic units as members of the University, in cases when programs are not reaccredited, the Ministry may take temporary measures until the program is reaccredited, closed, or dispersed.

5- Content of degree programs

Universities are autonomous in choosing their teaching and other staff as well as to propose and develop the content of the study programs. During the preparatory phase of the introduction of new study programs, a process of consultation is foreseen and carried out within the Universities (involving their advisory boards with the participation of the job market representatives). It is important to underline that there is a Law on regulated professions in Kosovo (a limited number of professions is included).



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

- Decision on the number of students is the competence of the Ministry whereas the conditions for admission are the competence of HE institutions (in accordance with the legal and regulatory framework).
- The accreditation process in Kosovo is carried out at two levels- institutional and program level and program accreditation from other quality assurance agencies must be validated by KAA.
- HE Institutions have the capacity to decide about the introduction of new study programs (after they undergo the accreditation process), and to offer study programs in different languages
- HE Institutions have the capacity to decide about the termination of study programs;
- In the process of the development and introduction of the study programs, a process of consultation with the representatives of the job market is foreseen. However, there are concerns about the link and partnership between the academia and labor market - industry and businesses.

Assessment per category⁶

| Autonomy indicator | Situation for public universities | Assessment | Commonly found the situation in European universities (in higher education systems analyzed in the EUA Autonomy Scorecard) |
|---|---|--|--|
| Capacity to decide on an overall number of students | Universities, in theory, can decide on enrolment above publicly-funded places | <p>Gap regulation/practice: a challenge to address</p> <p>In reality, the number of students is fixed by KAA at institutional accreditation stage. The law no longer reflects the reality (self-funded study places have been phased out).</p> <p>Upon accreditation, the KAA defines the maximum number of students allowed per study program. The number of seats for first-year students in Bachelor and Master's study programs shall be determined by the Senate and sent as a proposal to the Ministry</p> | <p>Most countries impose some regulations on the overall number of students, and three basic models can be found. Roughly a quarter of systems operate on the basis of free admission for everyone holding the basic qualifications. However, pressures on this model continue to be tangible; in some systems, the number of academic fields, where a numerus clausus applies, is increasing. At the opposite end of the spectrum, about a quarter of systems leave it to universities to decide on the number of study places, usually (but not systematically) also granting them control over admissions. In between those two models, half of the systems privilege mixed approaches, where there is a certain degree of negotiation or split in the decision-making competencies between universities and the state.</p> |
| Student selection | Fixed by universities (on top of final high school exam) | <p>Autonomy enabler</p> <p>Beside the graduation test (matura exam) as the prerequisite for the right to continue /enroll at institutions of higher education, <i>Higher</i></p> | <p>The selection of students at Bachelor level is carried out independently by the university in a minority of the surveyed countries (about a third), but it is common practice at Master level (two-thirds of cases).</p> |

⁶ Green: autonomy enabler; yellow: significant constraints; red: important lack of autonomy

| | | | |
|---------------------------------|----------------------------|---|---|
| | | <i>Education Institutions in Kosovo have the right to set conditions for the admission of the students.</i> | |
| Introduction of degree programs | Prior accreditation needed | <p>Barrier to autonomy</p> <p>The model cumulates institutional and program accreditation.</p> <p>Prior accreditation is strictly needed.</p> | <p>The introduction of new degree programs usually requires some form of approval from a public authority. In approximately a quarter of the surveyed countries, universities are able to open Bachelor's or Master's degree programs without prior accreditation. It is only slightly more common at the doctoral degree level. In most of the remaining systems, universities require prior accreditation for programs to be introduced or publicly funded. The practice of institutional external quality assurance is nevertheless expanding (no longer requiring program accreditation).</p> <p>Several systems maintain pre-determined academic profiles for their institutions, in the framework of which universities may introduce programs without requiring accreditation (Estonia, Finland, and Iceland).</p> |
| Termination of degree programs | By university | <p>Autonomy enabler</p> <p>Universities in Kosovo has the authority to close programs</p> | <p>Universities in most countries have full authority to close programmes. Only in a small number of systems do they need to negotiate this with a public authority. There may nevertheless be requirements to provide students with adequate alternatives to continue their studies in the same academic field, whether in the institution or not.</p> |



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

| | | | |
|-----------------------------------|---|--|--|
| <p>Language of instruction</p> | <p>No significant restriction for universities to decide on the language of instruction</p> | <p>Autonomy enabler</p> <p>At the accreditation stage <i>Universities in Kosovo can organize the studies in Albanian and in other official languages of Kosovo as well as in other languages if previously decided by the Senate and accredited by KAA.</i></p> | <p>In more than two-thirds of the countries studied, universities can choose the language of instruction. In the remaining countries, there are varying restrictions which are seen as a competitive disadvantage when trying to attract international students and staff. Only 2 systems (LV, HR) do not provide public funds for programs taught in other languages.</p> |
| <p>Selection of QA mechanisms</p> | <p>Mandatory institutional accreditation + program accreditation</p> | <p>Barrier to autonomy</p> <p>Institutional accreditation should eventually lead to a lesser need for program accreditation.</p> <p><i>Kosovo Accreditation Agency (KAA) is responsible for assessing and promoting the quality of higher education in Kosovo.</i></p> <p><i>Eventual program accreditation from other quality assurance agencies must be validated by KAA</i></p> | <p>It is rare for universities to be able to select quality assurance mechanisms freely and according to their needs. This is the case only in the three German states included in the Scorecard update, as the law now allows universities to apply for institutional accreditation (referred to as ‘system accreditation’ in Germany). Institutions that successfully undergo system accreditation are able to accredit their own study programs, although they may also retain program accreditation.</p> <p>There are however developments in a series of systems towards institutional external quality assurance, moving away from accreditation on a program basis.</p> |
| <p>Selection of QA providers</p> | <p>Mandatory institutional accreditation by national agency</p> | <p>Barrier to autonomy</p> | <p>Just over a quarter of systems make it possible for universities to select quality assurance providers. They may also select a</p> |

| | | | |
|---------------------------|--|--|--|
| | (KAA) and program accreditation must be validated by KAA | (EQAR registration can be a selection criterion for QA agency)the same as the above | agency from another country. In Germany, universities may select agencies that have been accredited by the German Accreditation Council. In all other systems, universities are not able to choose a quality assurance agency. However, in a number of them, institutions may seek complementary, external quality assessments in addition to the mandatory accreditation/evaluation carried out by the national agency. |
| Design of program content | No specific involvement of public authorities outside of regulated professions | Autonomy enabler A process of consultation is foreseen and carried out within the Universities during the process of the study program development (involving their advisory boards with the participation of the job market representatives) | In a large majority of systems, universities are free to determine the content of degrees other than for the regulated professions, such as medicine. Exceptions include Latvia and Lithuania, where authorities continue to prescribe some content. Universities perceive this as a considerable hindrance to diversification, innovation, and competitiveness. |

4. Staffing autonomy

1- Status of staff

As stated in the LHE, the provider of HE has the right to set conditions/regulate the labor relations of academic and other staff (employment, dismissal, etc.) as foreseen with legislation in force. Further, HE has the right to set conditions to grant titles to academic and other staff, to set conditions for the admission of students, and methods of teaching and evaluation of students, as approved by KAA. The respective criteria are specified through the University statutes and further specified through their internal regulations. The Statute of a public Institution of higher education contains provisions relating to the appointment,



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

tenure, promotion, discipline, suspension, dismissal, discharge from work, or retirement. Rights and duties foreseen by the Law on Higher Education were often "interfered" by other Laws (such as the Law on Public Officials.)

There are provisions of the Law on Higher Education that are not sufficiently aligned with other Laws (labor, Public Officials etc.). Recent Laws on Public officials "delegated" the power to Education Institutions to run the procedure for the election of the general secretary (senior administrative staff). A short description of the procedure (based on the Statutes of the Universities) consists of the university publishing the call; the rector nominating a commission; the commission proposing the most successful candidate; the proposal (list of candidates and their score) is sent to the Governing Council for decision (with the majority of votes). The main steps in the procedure for the election of a director (in the University administration): University publishes a call; the general secretary nominates a commission; the proposal (list of candidates and their score) is sent to the general secretary for decision.

It has to be noted that earlier, the provisions of the Law on Public servants (officials) applied to the election of the different categories of the staff such as General secretary but this is not anymore the case.

In the Statutes, it is further stated that University shall be a legal entity with the right to exercise all the duties as an employer (in accordance with the legislation in force).

As regards the staff salaries and incomes, LHE gives the "impression" that Universities can freely decide, but, this was often "influenced" by government decisions. Actually, due to other authorities (Government - Ministry of Finances, Ministry of Public Administration, etc.) and Laws (Law on the management of Public finances...etc.), the GC remains competent only for other payments and not for salaries. Specifically, GC "remains" responsible to set and define a number of payments (including benefits), which is very often accompanied by the concerns raised in the Universities and wider public.

LHE "delegates" the power to the Statutes for regulating the issues related to "the appointment, tenure, promotion, discipline, suspension, dismissal, discharge from work or retirement" which have to be in accordance with the legislation in force. The procedures are further detailed through internal regulations.

Some regulations deriving from the Law on Public Officials (2019) include also provisions on the disciplinary measures for the administrative staff as well as the teaching staff. These are regulations in general terms, whereas the procedures are run by the University. In addition, for the academic staff, there are regulations at the University level (code of ethics and regulation on disciplinary measures).

OWN ASSESSMENT



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

- In accordance with the LHE, University Statutes emphasize that University shall be a legal entity with the right to exercise all the duties as an employer (in accordance with the legislation in force).
- According to the LHE, universities can act independently in relation to the hiring, dismissal, and promotion processes. However, some regulation deriving from the Law on Public Officials (2019) includes provisions on these issues, too;
- LHE in Kosovo delegates the power to the Universities for deciding about salaries. However, this is "influenced" by the government decisions (based on the provisions of other Laws);
- Universities (through their GC) remain competent (in practice) for setting some payments (not for salaries);
- The staffing autonomy is "influenced" also by the availability of funding especially due to the fact that Universities in Kosovo cannot afford to use salaries as a tool for increasing institutional attractiveness.

Assessment per category⁷

| Autonomy indicator | Situation for public universities | Assessment | Commonly found the situation in European universities (in higher education systems analyzed in the EUA Autonomy Scorecard) |
|---|--|--------------------------|---|
| Academic staff recruitment | Internal matter HE institutions in Kosovo are autonomous in hiring senior academic staff. HE Institutions in Kosovo are also autonomous in hiring the senior administrative staff, although often it is interfered with through other Laws | Autonomy enabler | Significant differences in recruitment procedures across Europe, ranging from a large degree of independence in the recruitment of staff to formalized procedures that necessitate the approval of an external authority, in connection to the civil servant status of staff in some systems. |
| Administrative staff recruitment | | | Overall in Europe, the recruitment of senior academic staff continues to be a more regulated staff category than senior administrative staff. |
| Academic staff salaries | In theory, internal matter, but in practice, collision | Gap regulation/practice: | Universities in Europe are generally not entirely free to set the salaries of their senior academic or administrative staff members. In over half |

⁷ Green: autonomy enabler; yellow: significant constraints; red: important lack of autonomy



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

| | | | |
|---------------------------------------|---|------------------------|---|
| Administrative staff salaries | with public officials' salary scales. salaries are set or framed | a challenge to address | of the systems, salaries are set or framed (via salary bands) by an external authority. These tend to correspond to countries where most senior university staff has civil servant status. Salaries of senior administrative staff are slightly less often regulated than for senior academic staff. |
| Academic staff dismissal | Internal matter In Kosovo, it is an internal matter of the Universities | Autonomy enabler | Less than a third of analyzed systems do not include specific regulations for university staff dismissals, with again a slight difference between senior academic staff and senior administrative staff, the latter being less often subject to special rules. |
| Administrative staff dismissal | | | |
| Academic staff promotion | Internal matter Internal matter of the Universities. No control from external authorities. | Autonomy enabler | Universities can decide on promotion procedures for academic staff in less than half of the systems considered, and only barely more in the case of administrative staff. In most other countries, promotions are only possible when positions at a higher level exist, since there is still frequently a form of control over the overall number of publicly-funded posts by the state. - |
| Administrative staff promotion | Some concerns about the "involvement" of some external bodies under the provisions of other laws! | | |

Section 2: Challenges and opportunities

1. Organizational autonomy: Challenges / Areas for reform

| Challenge | System-level | Institution-level | Indicate feasibility level ⁸ and timeframe |
|--|---|--|---|
| | Action proposed | Action proposed | |
| Modernisation of the governance-improving the “balance of the power” | <p>While nominating the Member of the GC for the Public Universities, MESTI should put more emphasis on the Law provisions stating for GC members “...persons of significant public standing with relevant professional skills, commercial or other practical skills”.</p> <p>Foster the participation of the representatives of business</p> | <p>Specify (through their Statutes) the number of members from the international academic community.</p> <p>Appoint a member of the steering board from the international academic community (from the number foreseen to be elected by the University).</p> | 1 |
| | <p>Add additional consultative bodies (besides the governance bodies foreseen by Law and statutes)</p> | <p>Establish advisory boards at the University level (academic units usually have an advisory board)</p> <p>Short term: establish a board based on the decision of the governing bodies</p> <p>Medium term: Include it in the revised Statutes</p> | 1 and 2 |
| | <p>Improve the balance of power between the Governance bodies at Universities</p> | <p>Revise the Statutes</p> | |
| | | | |
| | | | |

⁸ According to the following logic : 1 – short term ; 2 – medium term ; 3 – long term

Organizational autonomy: Opportunities to explore

| | |
|--|---|
| Establishing legal entities | Establishing legal entities is an opportunity for Public Universities in improving the situation as regards income generation, and better link with the job market needs, It would create conditions for the Universities to be more flexible, to promote LLL, etc. |
| Strengthening the capacities for management and accountability | Harmonize the provisions of the Law on Higher Education and Law on Public servants (officials) applied to different categories of the administrative staff. |

Autonomy cluster

EUA's analysis shows that the organizational autonomy of public universities in Kosovo is comparatively high when assessing the different indicators under this dimension. Kosovo, with a theoretical score of 90%, belongs to the "high" cluster (scores ranking between 81% and 100%)⁹, primarily because of the limited involvement of public authorities in matters related to the executive leadership of the university, as well as freedom for the institutions to define their academic structures and create legal entities. External control is stronger in the selection of external members to the board-type governing body, although universities have the possibility to also appoint international academics. Nevertheless, these opportunities must be considered in a wider context that reveals other types of constraints, like the capacity for public authorities to make changes to the university statutes.

⁹ Assessment based on EUAs "autonomy clusters": High Cluster (100% to 81%); medium high cluster (80% to 61%); medium low cluster (60% to 41%); low cluster (40% and under).

2. Financial autonomy: Challenges / Areas for reform

| Challenge | System-level | Institution-level | Indicate feasibility level ¹⁰ and timeframe |
|---|--|--|--|
| | Action proposed | Action proposed | |
| Itemized budget | Allocate block grants instead of line-item budget | | 1 |
| | Explore the possibility with the Government to immediately implement block grants or permit more adequate itemization. | Participate in the dialog and advocate adequate changes in the legal framework | 1 |
| | Approve and implement the financing formula for HEI | | 3 |
| Confusion and restrictions regarding the ownership of the buildings | Give/make clear to the Universities the control/power over buildings and other assets...harmonize the regulatory framework in this regard | Participate in the dialog and advocate the adequate changes in the legal framework | 2 |
| Restricted ability for keeping the surplus | Permit universities to keep the surplus | Participate in the dialog and advocate the adequate changes in the legal framework | 2 |
| Improper organization for income diversification | Revise the regulations of the existing Institutes and centers (organizational units) aiming to better organization and better performance for income generation. Improve the link with the job market. | Prioritize the issue and foster the capacity development as well as the guidelines for income diversification Utilize the possibility to establish commercial enterprises | 1 |

¹⁰ According to the following logic : 1 – short term ; 2 – medium term ; 3 – long term

Financial autonomy: Opportunities to explore

| | |
|--|---|
| Ensuring performance and needed accountability | Develop funding formula (and change the itemized budget) aiming to improve the financial sustainability and strategic development of the Institutions |
|--|---|

Autonomy cluster

The level of financial autonomy of public universities in Kosovo is comparatively low. With a theoretical score of 31%, Kosovo belongs to the “low cluster” (grouping systems with scores up to 40%)¹¹. This is due to very limited financial management capacity (itemised budget, no capacity to keep surplus and borrow funds). There is also lack of clarity in ownership of land and buildings. In addition, while setting tuition fees is in theory a joint prerogative of universities and public authorities, the practice shows that consultation of the universities in this process is not systematic. In effect, this means that this is not in the remit of universities and further decreases the real financial autonomy, also in the context of systemic under-funding of the sector.

¹¹ Assessment based on EUAs “autonomy clusters”: High Cluster (100% to 81%); medium high cluster (80% to 61%); medium low cluster (60% to 41%); low cluster (40% and under).

Academic autonomy: Challenges / Areas for reform

| Challenge | System-level | Institution-level | Indicate feasibility level ¹² and timeframe |
|---|---|--|--|
| | Action proposed | Action proposed | |
| The control of the MESTI on the student intake | Universities should have “influence” in deciding on the number of the students to be enrolled every year | MESTI should take into consideration the proposal | 1 |
| | | To make clear (by revising) the regulatory framework in this regard. | 2 |
| | | Since the number of students per study program is fixed by KAA at the accreditation stage, this should be considered to be changed because once accredited the limitation in the number is a matter of a period (5 years) | 1 |
| Inability for selection of the QA and QA mechanisms | <p>Permit Universities to select/chose QA agency and QA mechanisms</p> <p>Initiate the adequate changes in the legal framework as regards to the possibility to select QA agency and QA mechanisms and avoid unclear provision in this regard</p> | <p>Address the issue of the prior accreditation as a prerequisite to start a program</p> <p>Address the issues with regard to developing an internal quality culture</p> | 2 |
| | | | 2 |
| | | | |

¹² According to the following logic : 1 – short term ; 2 – medium term ; 3 – long term

Academic autonomy: Opportunities to explore

| | |
|---|--|
| Ability to select the QA agency and validation of the accreditation | Validation by KAA might not be needed for programs accredited elsewhere, if institutional accreditation is already given by KAA (or procedures to validation to be simpler). Simplification of the validation procedure would further promote autonomy and quality. |
| | |

Autonomy cluster

The level of academic autonomy of public universities in Kosovo can be considered as “medium-high”. With a theoretical score of 67%, Kosovo belongs to the “medium-high” cluster (scores between 61% and 80%)¹³. This is due to the fact that student admission is largely in the hands of universities and that institutions can decide on the language of instruction. However, this reflects the regulatory framework. In practice, the law is partially outdated, referring to the capacity of universities to decide on fee-paying student numbers, while self-support student places have been phased out in recent years. While the universities also have the possibility to get programs accredited by Quality Assurance agencies other than the national one, the latter needs to validate such accreditation. The real margin for manoeuvre is therefore more limited than what the theoretical score suggests.

¹³ Assessment based on EUAs “autonomy clusters”: High Cluster (100% to 81%); medium high cluster (80% to 61%); medium low cluster (60% to 41%); low cluster (40% and under).

3. Staffing autonomy: Challenges / Areas for reform

| Challenge | System-level | Institution-level | Indicate feasibility level ¹⁴ and timeframe |
|---|--|---|--|
| | Action proposed | Action proposed | |
| Lack of the opportunity for competing salaries | Ensure more flexibility in the salary setting | Reflect the issue through funding formula as foreseen by LHE (that would make possible the incentive for ...good performing staff.... | 1 |
| | | Participate in the dialog and advocate adequate changes in the legal frameworks | 2 |
| Modernisation of the staff recruitment procedure and contractual issues.... | Revise the recruitment procedure aiming to have the comparison with European trends ...as well as the contracts that are attractive for..... | Prioritize the staffing... as one of the strategic priorities | 1 |
| | | Develop career paths & HR strategy | 1 |
| | | Revise the internal regulation | 2 |
| | | Revise the statutes | |
| | | | |
| | | | |

¹⁴ According to the following logic : 1 – short term ; 2 – medium term ; 3 – long term

Staffing autonomy: Opportunities to explore

| | |
|-------------------------|---|
| Salary (income) setting | <ul style="list-style-type: none"> Since Universities (through their GC) remains competent (in practice) for setting some payments this could be used as a tool for increasing institutional attractiveness; |
| | |

Autonomy cluster

The level of staffing autonomy of public universities in Kosovo can be considered as high. With a theoretical score of 82%, Kosovo belongs to the “high” cluster (scores between 81% and 100%)¹⁵. This is due to the possibility for institutions to manage the recruitment, promotion, and dismissal of both academic and administrative staff in an autonomous way. There is however a certain degree of confusion regarding salary-setting, with by and large an alignment on salary scales decided by the public authorities, and significant inconsistencies in the legal framework on this aspect.

¹⁵ Assessment based on EUAs “autonomy clusters”: High Cluster (100% to 81%); medium high cluster (80% to 61%); medium low cluster (60% to 41%); low cluster (40% and under).

Section 3: Key messages and recommendations

3.1. Key messages

Although the Law on Higher Education in Kosovo gives a high level of autonomy to Higher Education Institutions, exercising autonomy in some of the issues is "limited" by other laws.

Comparing the data presented in the EUA document (University Autonomy in Europe III The Scorecard", 2017) with the assessment presented in this report, it can be confirmed that Kosovo has a **high score in three autonomy dimensions** (organizational, academic, and staff). However, the high degree of Institutional autonomy in Kosovo is not always accompanied by adequate utilization.

In this regard, the main challenges to the Autonomy of public Higher Education Institutions (as identified based on the survey/questionnaire/dashboard), are related to Financing, Academic issues, and staffing.

When planning concrete actions, a good starting point would be the **observed trends** at the European level as well as **Kosovo's comparability** in this regard. Based on that, some of the specific criteria/issues assessed under the specific dimensions (based on EUAs assessment criteria¹⁶) can be grouped as the following:

1. Issues where **"lack of autonomy"** is indicated but Kosovo is **among the majority** of the countries (included in "University Autonomy in Europe III The Scorecard", 2017);
2. Issues where **"lack of autonomy"** is indicated but Kosovo is among the **few countries** (included in "University Autonomy in Europe III The Scorecard", 2017);
3. Issues where **"autonomy enabler"** is indicated but there is a **lack of clarity**;
4. Issues where **"autonomy enabler"** is indicated but **not utilized**;
5. **Yellow** marked issues that need further harmonization.

Group 1.: The issues that can be listed in this group, are the following:

- Annual funding cycle (26 countries out of 29 included in the EUA document¹⁷, apply annual funding cycle)
- Prior accreditation needed + other restrictions (21/29);
- Mandatory institutional accreditation + program accreditation (21/29)

Kosovo is among the majority of the countries at the European level as regards to the regulation of these issues. Taking into consideration the stage of the development of the HE in Kosovo, **no specific action (regarding these issues) is suggested for the time being**. However, can be taken into consideration (as a short-term action) of the possibility to simplify the procedure for the validation of the accreditation as regulated by the LHE.

Group 2. Issues listed within this group require concrete actions because a situation similar to Kosovo is evidenced only in a few countries included in the report of 2017. The issues under this group are:

- Line-item budget (1/29);

¹⁶ EUA. *University Autonomy in Europe III The Scorecard*, 2017

¹⁷ *Ibid.*

- Ability to keep the surplus (1/29);
- Ability to borrow the Money (6/29);

First two, are more likely to be prioritized aiming to foster better planning and performance.

Group 3. Includes the issues (such as owning buildings) that are under the competence of HEI but there is a lack of clarity and confusion due to other Laws (22/29).

Group 4. Includes the issues that are under the competence of HEI although these opportunities are not utilized by the HEI (such as to create legal entities).

Group 5. In some cases, the Law provisions and the spirit are not fully and clearly aligned with the statutes or AI:

- International board members in GC;
- Tuition fees clarifications (proposal vs. decision);
- Decision on the number of students;

In addition, staff salaries (both- academic and administrative) are an issue because in theory, it is an internal matter, but in practice, there are conflicts. Only 3/29 countries have a similar situation to Kosovo.

The first three issues listed under this category can be considered in the direct consultation between MESTI and HEI, whereas the fourth needs additional efforts of the MESTI in the Government.

3.1.1. Some specific issues raised during the discussions

Although not directly included in the assessment within the dimensions some issues were raised during the discussions in the framework of this task and are important to be taken into consideration while planning future steps indicating the potential influence and impact.

- **Public Universities as budgetary organizations:** Due to their prolonged establishment/transitory phase, new public Universities (except the University of Prishtina) are not yet "budgetary organizations" therefore they receive their budget through the Ministry of Education Science Technology and Innovation instead of doing that directly through the Ministry of Finances as regulated by Law. This situation creates difficulties with regard to the procedures and efficacy;
- **Academic issues and external authorities:** Although not foreseen by the Law on Higher Education, Universities often face the situation of the interference of authorities outside the Universities such as the MESTI inspectorate, labor Inspectorate, etc., while referring to provisions of other Laws which are not fully aligned with the Law on Higher Education. In line with the title of this report (autonomy and accountability), actions need to be appropriate in this aspect.
- **Influence of the procedure set in different Laws and Implementation of the projects:** Besides the elements elaborated in this survey, these are also important aspects for University autonomy in Kosovo Law on Public procurement provisions is very often "challenging" for the successful implementation of the projects. Provisions of this law are not supportive as regards

the procedures for hiring lab equipment, contracting services, etc. Taking into consideration these circumstances, clear provisions that take into consideration the specifics in the field of Higher Education and Research are needed.

- **Management of the finances** which are competence of the Universities would be important to carefully take into consideration in order to be aligned with the need for promoting better performance, income generation, strengthening accountability, increasing the capacities of the internal structure of institutes, centers etc., as well as taking care on the balance of the power in order to reflect the spirit of the Law on Higher Education and best practices that promote better performance and competitiveness in absorbing the funds from available sources....
- **As regard to the balance of powers** between the governing bodies within the Universities, (as regulated by actual Statutes) the involvement of GC in the management issues should be avoided.

3.2. Recommendations:

Following the legal framework and strategic documents, MESTI is continuously confirming the commitment to improving the situation with regard to the autonomy and accountability of the HEI by promoting the planning and reporting, improving the situation with regard to income generation as well as strengthening the link with the job market. This is a good starting position therefore, **in addressing the obstacles in this path, MESTI and HE should work together, participating and influencing in the harmonization of the overall legal framework and LHE (Law on Higher Education):**

- Develop a strategic policy dialogue and participation in the process of the development and harmonization of the legal framework that would ensure harmony between them and avoid a collision;
- Ensure the proper balance between the financial autonomy and accountability. One of the dimensions which are considered as influencing others is financial autonomy. Besides the fact that in three (out of four) dimensions a high degree of institutional autonomy is evidenced, it is clear that assessed dimensions inevitably influence each other therefore issues have to be treated carefully and in close cooperation;
- Set clear rules and procedures for tuition fees (proposal vs. decision and decision on the number of students);
- Reflect in the strategic documents at national level (not only strategy on HE and Research) overall development strategy and strategies in other aspects/forms of education LLL, education and training, etc....
- Address the issue of the unclear status as regard to the ownership of the buildings);



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

- Address the inability to keep surplus as a prerequisite for better planning and performance...
- Address the issue of the decision on the staff salaries;
- Promote the link and partnership between the academia and labor market - industry and businesses. MESTI and HEI should think about the way when planning the funds under different calls such as the NRP etc.

Specific actions on a system or institutional level:

3.2.1. Actions and objectives on a system-wide level

- Developing the funding formula which ensures performance and needed the accountability of the institutions and further promotes the competitiveness in the sector of HE;
- Simplifying the validation process/procedure in case of the accreditation granted by recognized bodies (as foreseen by Law).
- Addressing the issues related to budget allocation mechanisms- the need to change the itemized budget (which is not most suitable for the Universities);
- Address the issue of the budgetary organizations for the new public universities
- More focus on the issues that are foreseen to be regulated by Administrative Instructions (AIs), (deriving from the LHE) as well special care when it is about the issues that are not explicitly foreseen to be regulated by AI which might potentially interfere in academic issues (foreseen to be regulated by statutes and internal regulation of the Institutions).
- More focus on promoting the point of view of the business and the society and avoiding the appointment of academics from other HEI in GCs (when appointing external GC members).

3.2.2. Actions and objectives at an institutional level

- Strengthening the capacities for management and accountability - performance indicators responsibility addressed and application of the best practices that promote better performance and finance management
- Income generation-proper organization and capacities for absorbing the funds from available sources....
- Strengthening the administrative staff role and capacities especially in the organizational units as well as in the legal entities expected to be established;



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

- Promotion of other forms of ensuring the quality of the programs to be introduced-communication with labor market needs, professional bodies (chambers) etc...in order to meet their requirements;
- Taking the advantage of the possibility for international board members in GC
- Initiating the statute revision based on previous analysis on the needs (including the issues raised in the framework of the STAND activities).



Strengthening university autonomy and increasing accountability and transparency of Western Balkans Universities.

Katalogimi në botim – (CIP)

Biblioteka Kombëtare e Kosovës “Pjetër Bogdani”

37(496.51)(075.8)(047)

Alija, Avdulla

State of play of university autonomy in Kosovo : Erasmus+ Capacity Building in Higher Education : structural measures project / Avdulla Alija, Bujar Gallopeni, Mihone Kerolli Mustafa. - Mitrovicë : International Business College Mitrovica, 2023. - 45 f. : ilustr. ; 28 cm.

1. Gallopeni, Bujar 2. Mustafa, Kerolli Mihane

ISBN 978-9951-9090-3-7



Strengthening university autonomy and
increasing accountability and transparency
of Western Balkans Universities.

ISBN 978-9951-9090-3-7



9 789951 909037