



Anti-Corruption
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Ministry of Education, Science and Technology and the Kosovo Accreditation Agency: Pardoning Criminal Acts?



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Acronyms:

AI	Administrative Instruction
EMIS	Education Management Information System
HED	Higher Education Provider
KAA	Kosovo Accreditation Agency
MEST	Ministry of Education, Science and Technology
PHEP	Private Higher Education Provider
SCQA	State Council for Quality Assurance

Contents

I. Introduction	3
II. “Pardoning” criminal acts in Higher Education	3
III. Tolerating legal violations and manipulations of student numbers by PHEP’s.....	5

I. Introduction

The Ministry of Education, Science and Technology (MEST) and the Kosovo Accreditation Agency (KAA) are the key regulators of higher education in Kosovo. KAA is responsible for the accreditation and re-accreditation of higher education providers in Kosovo, whereas MEST is responsible for licensing higher education providers in the Republic of Kosovo.¹

This short report analyzes the “pardoning” from criminal prosecution that KAA made towards several Private Higher Education Providers (PHEP) in Kosovo who manipulated with the numbers of academic staff; it furthermore looks at the violation of legal provisions during the process of collecting and monitoring higher education data by MEST, as well as the input of this data in the Education Management Information System (EMIS) for the years 2016 and 2017.

The first part of the report treats the case of 48 professors and PHEP’s who made false and deceptive statements and declarations. The second part will treat the non-implementation of legal provisions by PHEP’s with regards to submitting mandatory data to MEST as well as exceeding the number of students that can be registered in these institutions.

II. “Pardoning” criminal acts in Higher Education

Manipulations during the process of accreditation by some PHEP’s and their academic staff from the region became public on the 22nd of September 2017 during the meeting of the State Council for Quality Assurance (SCQA) which is part of the KAA. This occurred three days before the dismissal of the current council by MEST.² After the meeting, the SCQA announced:

“Until now, KAA has identified 83 foreign PhD holders who are currently employed in their countries of origin but who have submitted evidence to the contrary and have stated that they are only employed in Kosovo.

....KAA has submitted requests for further information from all identified persons. Until this phase we have received answers from 65 persons and are waiting for 17 more. From their official answers it results that 48 have presented themselves as regular

¹ Assembly of the Republic of Kosovo, Law No.04/L-037 on Higher Education in the Republic of Kosovo, Article 11, paragraph 3, 2011, at: <https://masht.rks-gov.net/uploads/2015/06/02-ligji-per-arsimin-e-larte-anglisht.pdf>

²Meeting of the State Council for Quality Assurance, 22 September 2017, <http://www.akreditimi-ks.org/new/index.php/sq/homepage-2/98-kaa-articles-2/lajmet/376-kshc53>.

academic staff in higher education institutions in Kosovo, who simultaneously have regular academic jobs in their countries of origin.

...KAA has verified that 48 persons have submitted false statements and deceptions to KAA in order to receive accreditation for certain study programs within PHEP's, which is a serious violation of higher education laws in Kosovo. Moreover, these false declarations are a grave violation of the Administrative Instruction for the Accreditation of Higher Education Providers in Kosovo, as KAA has done the accreditation of the higher providers on false pretences.

KAA has informed Higher Education Providers who were affected by the false declaration of their foreign academic staff and has given them a deadline for the removal of these persons from their lists. Nevertheless, for the providers who have not done the necessary replacements with other academic staff, the SCQA has decided to remove their accreditation. Hence, the accreditation of 5 programs in three higher education providers will be removed..."

Interestingly, during the verification process, through interviews with some academic staff from the region who have falsely been presented as regular staff in certain higher education providers, it has become clear that they have no idea how their names and documents ended up in Kosovo.³

While KAA has done the necessary verification, it has not made the names of the "academic staff" or the PHEP's who made these false declarations public. The PHEP's involved in these manipulations are not known and hence the process has not been transparent. Nevertheless, the central issue is the fact that the KAA did not report the academic staff or the PHEP's involved in these manipulations to the State Prosecution. Instead of doing this, they gave the PHEP's additional time to remove these persons from the lists, and those that did not manage to replace them had their accreditation taken away.

KAA's legal responsibility to report such suspicions is very evident in Kosovo legislation. According to Articles 335, 386 and Article 399 of the Kosovo Criminal Code failure to report

³ KIPRED Interview with former acting KAA director Ms. Fortuna Mehmeti and Mr. Bekim Samadragja current acting director of KAA, 14 November 2017.

this misconduct is considered as a legal violation. Acts of non-disclosure of such information are considered legal violations with high sentences of either fines or prison up to 3 years.⁴ In this case the SCQA within the KAA was obliged to report these cases to the state Prosecution. This was also confirmed by the former acting director of the KAA. Instead, the council only decided to publish this data on their website in numerical form, without including the names of persons or PHEP's.⁵

These are serious criminal violations that cannot be pardoned by KAA. Upon noticing criminal behaviour like this KAA should have reported their suspicion to the State Prosecution so that they can immediately begin investigating both the PHEP's as well as KAA for failing to report these violations.

III. Tolerating legal violations and manipulations of student numbers by PHEP's

According to AI 12/2016, MEST is responsible for collecting and managing data from higher education providers in Kosovo as well as for the Education Management Information System (EMIS).⁶ In 2014 MEST has ratified Administrative Instruction 20/2014 on student registries in higher education in Kosovo.⁷ This administrative Instruction foresees that every higher education provider is obliged to fill out and safeguard student registries, which should be filled out and sent electronically to MEST at the beginning of each academic year.⁸ Administrative Instruction 20/2015 also defined a deadline for sending data each academic year. The deadline for Bachelor studies is the 15th of October, while for Master and PhD students the deadline was the 15th of

⁴ Assembly of the Republic of Kosovo, Criminal Code of Kosovo, Nor 04/L-082, Article 335 paragraph 1: Violations related to Fraud. Article 386, paragraph 1.7 – Violations related to Failure to report criminal offences or perpetrators; Article 389, paragraph 1 – Violations related to falsifying documents; Article 399, paragraph 1 – Violations related to special cases of falsifying Documents, 2012, at: <http://www.assembly-kosova.org/common/docs/ligjet/Criminal%20Code.pdf>

⁵ KIPRED Interview with former acting KAA director Ms. Furtuna Mehmeti and Mr. Bekim Samadragja current acting director of KAA, 14 November 2017.

⁶ Ministry of Education, Science and Technology, Administrative Instruction 12/2016 on the Management and Functionalization of the Education Management Information System, Article 5, paragraph 1.1, 2016

⁷ Ministry of Education, Science, and Technology, Administrative Instruction 20/2014 on Matrix books on students in higher education institutions in Kosovo, 2014.

⁸ Ibid. Article 2, paragraph 1 and 2

November.⁹ The deadline for the submission of physical copies of original registry books was the 20th of October for Bachelor studies, and 20 November for Master and PhD studies.¹⁰

Meanwhile, only 5 months after issuing it, MEST repealed Administrative Instruction 12/2014 and issued a new one, Administrative Instruction 33/2014.¹¹ However, this Administrative Instruction is identical with its predecessor in that none of them foresee legal measures and punishments in the case of non-implementation by higher education institutions.

On the other hand, in 2016, MEST issued Administrative Instruction 12/2016 for the founding and functioning of EMIS.¹² This Administrative Instruction regulates the digital collection and monitoring of data on higher education providers. Moreover, this administrative instruction sets reporting deadlines for all higher education providers in Kosovo.¹³ For Bachelor students, higher education institutions are obliged to report numbers until the 30th of September, for Masters students until the 31st October, while for PhD students until the 31 October and 15th of March.¹⁴ This Administrative Instruction foresees legal measures to withdraw licenses of higher education providers who fail to report student data within the specified deadlines.¹⁵

However, merely one year after issuing Administrative Instruction 12/2016, MEST amended this Instruction, specifically the provisions which set reporting deadlines, as well as the provisions which foresaw legal measures for those who fail to report. For the Bachelor level, the deadline was extended to the 15th of November¹⁶ while the deadline for Master students was extended to the 20th of November.¹⁷ There were some additional problematic changes impacting the legal punishment measures foreseen by the previous Administrative Instruction. The amendment did not include the measure that foresaw repealing licenses for those institutions who fail to submit

⁹ Ibid. Article 3, paragraphs 1 and 2

¹⁰ Ibid. Article 3, paragraph 1 and 2

¹¹ Ministry of Education, Science, and Technology, Administrative Instruction 33/2014 on Matrix Books on Students in Higher Education, 2014.

¹² Ministry of Education, Science, and Technology, Administrative Instruction 12/2016 for the management and functionalization of the system for information management in higher education, 2016.

¹³ Ibid. Article 3. Paragraph 1.2

¹⁴ Ibid. Article 7, paragraph 1.2

¹⁵ Ibid. Article 7 Paragraph 1.2.3

¹⁶ Ministry of Education, Science, and Technology, Administrative Instruction 11/2017 for amending AI 12/2016 for the management and functionalizing of the system for information management in higher education, 2016.

¹⁷ Ibid

data by the set deadlines.¹⁸ That measure was replaced by another measure which repealed PHEP's authorization to update data in the EMIS system.¹⁹

Removing the measure to repeal licenses of higher education institutions when they violate provisions on reporting the number of registered students, opens up space for major irregularities particularly for PHEP's. Currently, this data is basically reported on a voluntary basis as no punishment exists for the failure to do so.

It should be highlighted that despite the fact that the above mentioned Administrative Instructions set strict deadlines on the submission of student data, the majority of private colleges have failed to do so. They have failed to do so back when it was mandatory to send in their registries, but also now when they have to do it in digital form.

This fact was confirmed by Ms. Furtuna Mehmeti, former acting head of the KAA. During an interview she said that "We have unofficial information that institutions are late with submitting their registries, and this provides a possibility for PHEP's to register students even after the deadline".²⁰ Moreover, MEST mentioned that until now not all colleges have submitted data for EMIS.²¹ However the deadline set in the Administrative Instruction has already passed. KIPRED has e-mailed the MEST Higher Education Department asking for information on which PHEP's have failed to submit the data but have not received a reply.²²

In 2017, the KAA has limited the number of students who can register in PHEP's.²³ The fact that student numbers are not being properly reported raises doubts that PHEP's are exceeding the number of students they are allowed to accept. An instance of this was raised by one of the

¹⁸ Ministry of Education, Science, and Technology, Administrative Instruction 12/2016 for the management and functionalization of the system for information management in higher education, Article 12 2016.

¹⁹ Ministry of Education, Science, and Technology, Administrative Instruction 11/2017 for amending AI 12/2016 for the management and functionalizing of the system for information management in higher education, Article 2. Paragraph 4. 2016.

²⁰ KIPRED Interview with former acting KAA director Ms. Furtuna Mehmeti and Mr. Bekim Samadragja current acting director of KAA, 14 November 2017.

²¹ KIPRED Interview with Ms. Drita Kadriu, Director of the Higher Education Department within MEST. 17 November 2017.

²²The request was submitted via e-mail on the 17th of November 2017..

²³ KIPRED Interview with former acting KAA director Ms. Furtuna Mehmeti and Mr. Bekim Samadragja current acting director of KAA, 14 November 2017.

dismissed SCQA board members himself, Dr. Lulzim Raka, when he declared that: *“The AAB College has over 1000 students registered in their nursery programme only”*.²⁴

MEST on the other hand holds that PHEP’s themselves are responsible for not submitting data and for accepting a higher number of students than they are allowed to. MEST officials stated that “If they do not submit the data, students remain outside of the EMIS system”²⁵. However, while it is true that the responsibility of legal violations lies within PHEP’s, MEST is not free from responsibility either. MEST has to oversee whether the law is properly enforced by PHEP’s, and needs to avoid the possibility of PHEP’s illegally registering more students than they are allowed to.

Based on Dr. Lulzim Raka’s statement that the nursery programme of the AAB collage has by far exceeded their limit of students, we can conclude that only in 2016 this PHEP has had enormous illegal profits from student tuitions. There is ample space to believe that this is not an isolated case. Ironically, not only are PHEP’s not sanctioned on exceeding their allowed student numbers but they end up illegally profiting from tuitions, turning their students into victims.

Moreover, KAA, who is responsible for inspecting PHEP’s, has not conducted periodic monitoring visits on each PHEP, nor have they regularly evaluated different PHEP programmes.²⁶ KAA’s competences regarding the periodic monitoring and evaluation have not been implemented in practice, directly increasing the potential for PHEP’s to violate the law.

Ms. Fortuna Mehmeti, former acting head of the KAA, highlighted the fact that the Agency has never conducted a periodic control of PHEP’s even though such actions are legal obligations. Those that have been conducted have been restricted concerning the accreditation of their study programmes.²⁷ According to her, the failure to conduct these regular/periodic controls is a

²⁴ Lulzim Raka, Former KAA Board Member, Cited in Insajderi Newspaper as “Dismissed KAA Board Member to Prime Minister: “Serious Irregularities”, 25 September 2017 (Accessed on 25 November 2017)

²⁵ KIPRED Interview with Ms. Drita Kadriu, Director of the Higher Education Department within MEST. 17 November 2017.

²⁶ Assembly of the Republic of Kosovo, Law No.04/L-037 on Higher Education in the Republic of Kosovo, Article 7, paragraph 2.2 and 2.3, 2011, at: <https://masht.rks-gov.net/uploads/2015/06/02-ligji-per-arsimin-e-larte-anglisht.pdf>

²⁷ KIPRED Interview with former acting KAA director Ms. Furtuna Mehmeti and Mr. Bekim Samadragja current acting director of KAA, 14 November 2017.

consequence of not implementing the monitoring methodology because of the lack of resources.²⁸

The Inspectorate of Education within MEST is also responsible for monitoring higher education institutions.²⁹ KIPRED has digitally requested information from the inspectorate on whether they conduct regular inspections of higher education providers but has not received a response. In this case, the lack of transparency raises doubts that regular inspections are not conducted by this institution.³⁰

This pardoning of legal violations, the lack of public transparency, and the lack of regular inspections by MEST and KAA towards PHEP's can further enforce existing irregularities and corruption in higher education in Kosovo. PHEP students will be the ones directly feeling the consequences of these actions, both in terms of illegal student registration but also in the case of their study programs losing accreditation and being repealed if such violations are identified.

²⁸ Ibid.

²⁹ Assembly of the Republic of Kosovo, Law 04/L-037 on Education Inspection in Kosovo, Article 4, Paragraph 4.1,

³⁰ The request was sent via email on the 22nd of November 2017 to Inspectorate Director Z. Defrim Gashi and Ms. Mehreme Grushti, administrative assistant.