

DIRECTIVE OF THE RECTOR OF TRNAVA UNIVERSITY IN TRNAVA

OBSERVANCE OF THE PRINCIPLE OF EQUAL TREATMENT AND PROTECTION AGAINST MANIFESTATIONS OF INTOLERANCE AT TRNAVA UNIVERSITY IN TRNAVA

The Rector of Trnava University in Trnava issues the directive "Observance of the principle of equal treatment and protection against manifestations of intolerance at Trnava University in Trnava", which enshrines the application of the principle of equal treatment, the non-acceptance of manifestations of intolerance and establishes procedures in cases where these principles are violated.

Everyone is required to act in such a way that their conduct on the premises of Trnava University in Trnava ("the University") respects the rights of others, and at the same time, everyone has the right to have their rights respected in relation to the conduct of other persons at the University and in connection with their work and studies at this institution.

The University is committed to creating a working environment and an environment for higher education and creative activity that upholds ethical standards, respects human dignity, freedom, equality, and diversity, and constitutes a tolerant environment free of discrimination, harassment, sexual harassment, bullying and abuse of good morals. For this purpose, it adopts the necessary measures and establishes reporting and resolution mechanisms for such negative manifestations.

The principle of equal treatment applies in the areas of employment relations, social security, healthcare, the provision of goods and services, and education, insofar as these areas relate to the University's activities.

Discrimination on the grounds of gender, religion or belief, race, nationality or ethnic origin, disability, age, sexual orientation, marital or family status, colour, language, political or other opinion, national or social origin, property, or other status, or on the grounds of reporting crime or other anti-social conduct is unlawful and not tolerated at the University. Likewise, any manifestation of intolerance, including intolerance of differences, is impermissible. The University does not accept any form of harassment, including sexual harassment (unwanted sexual advances, sexual jokes, offensive statements, etc.), as well as various manifestations of bullying in the academic environment (e.g. mobbing, bossing).

Article 1

Introductory Provisions

- 1) This directive establishes the application of the principle of equal treatment, the non-acceptance of violations of this principle or any form of intolerance, and sets out procedures in cases of its violation at Trnava University in Trnava ("University") as an employer and educational institution, in particular pursuant to and on the basis of the Anti-Discrimination Act, the Higher Education Act, the Labour Code and the relevant European Union directives and international treaties.
- 2) The directive applies to all employees of the University, applicants for employment at the University, students of the University, prospective students/applicants for studies at the University and entities cooperating with the University.
- 3) Every employee and student of the University is obliged to duly acquaint themselves with this directive of the Rector and comply with its provisions. In the event of a violation of these provisions, disciplinary proceedings may be initiated against the student of the University, and appropriate employment-related procedures may be initiated against an employee.
- 4) Procedures relating to protection and remedies in cases of violations of the principle of equal treatment and protection against manifestations of intolerance are implemented at the University level in relation to employees and employment applicants at the Rectorate of the University, and in relation to students and applicants for study if the study programme is not provided at a faculty of the University.

5) With regard to employees and prospective employees at the faculties of the University, as well as students and prospective students at the faculties of the University, these processes and procedures are implemented at the relevant faculty level, with the provisions of this directive applied appropriately.

6) The faculties of the University may also regulate the conditions of observance of the principle of equal treatment and protection against manifestations of intolerance in their internal regulations, respecting the fundamental principles of this directive and taking into account the specificities of the faculties.

Article 2

General Principles

1) Observance of the principle of equal treatment consists of the prohibition of discrimination on the grounds of gender, religion or belief, race, nationality or ethnic origin, disability, age, sexual orientation, marital or family status, colour, language, political or other opinion, national or social origin, property, or other status, or on the grounds of reporting crime or other anti-social conduct.

2) In observing the principle of equal treatment, consideration must also be given to good morals in order to extend protection against discrimination.

3) Observance of the principle of equal treatment also involves the adoption of measures for protection against discrimination.

4) A person who reports a discriminatory conduct or manifestation of intolerance, or a person who is the subject of such a negative conduct, or a person acting as a witness, are protected from any unjustified retaliation related to the reporting or filing of a complaint.

5) An employee and employment applicant may not be persecuted or otherwise sanctioned for filing a complaint, filing a motion with the competent authority, filing a lawsuit, initiating criminal prosecution, or otherwise reporting crime or other anti-social conduct against another employee or the employer, or for asserting rights and legally protected interests.

6) A student or prospective student may not be persecuted or otherwise sanctioned in connection with exercising their rights for filing a complaint, lawsuit, or criminal prosecution against another applicant, student, teacher, researcher, artistic staff member, or other employee of the University.

Article 3

Definition of Basic Terms

1) Discrimination can be direct discrimination, indirect discrimination, harassment, sexual harassment, or unjustified retaliation; discrimination also includes instructions to discriminate and incitement to discrimination.

2) Direct discrimination means conduct or omission where a person is treated less favourably than another person is, has been, or would be treated in a comparable situation.

3) Indirect discrimination is an externally neutral provision, decision, instruction or practice which disadvantages or may disadvantage a person in comparison with another person; indirect discrimination is not if such provision, decision, instruction or practice is objectively justified by the pursuit of a legitimate interest and is proportionate and necessary to achieve that interest.

4) Harassment means conduct that creates or may create an intimidating, hostile, embarrassing, humiliating, degrading, dishonouring, or offensive environment, the intent or effect of which is or may be interference with freedom or human dignity.

5) Sexual harassment means verbal, non-verbal or physical conduct of a sexual nature, the intent or effect of which is, or may be, the violation of a person's dignity, and creating an intimidating, humiliating, degrading, hostile, or offensive environment.

6) An instruction to discriminate means conduct that abuses a person for the purpose of discriminating against a third person.

7) Incitement to discriminate means persuading, affirming, or inducing a person to discriminate against a third person.

8) Unjustified retaliation means conduct or omission that adversely affects a person and directly relates to:

- (a) seeking legal protection against discrimination on their own behalf or on behalf of another person,
- (b) giving testimony, explanation, or otherwise participating in proceedings concerning violations of the principle of equal treatment,
- (c) a complaint alleging a breach of the principle of equal treatment.

9) Discrimination also includes:

- (a) on grounds of gender: discrimination based on pregnancy or motherhood, as well as discrimination based on sexual or gender identity,
- (b) on grounds of racial, national, or ethnic origin: discrimination based on relation to a person of such origin,
- (c) on grounds of religion or belief: discrimination based on relation to a person of a particular religion or belief, as well as discrimination against a person without religious affiliation,
- (d) on grounds of disability: discrimination based on past disability, or discrimination against a person who, based on outward appearance, could be assumed to be a person with a disability.

10) Bullying means repeated and intentional harm to an individual or group, especially where there is a power imbalance (e.g. physical strength, status, group size). Such behaviour is inconsistent with good morals.

11) Tolerance means respect for and acceptance of differences between people (e.g. in opinions, beliefs, culture, behaviour, health, lifestyle).

Article 4

Principle of Equal Treatment in Employment Relations

1) In accordance with the principle of equal treatment, discrimination of persons in employment relations and related legal relations is prohibited. In employment relations, the University also applies the principle of equal opportunities and equal treatment of men and women in employment and occupation.

2) The principle of equal treatment applies in particular to access to employment at the University, including recruitment requirements, conditions and procedures of employee selection, working conditions including remuneration, promotion, termination of employment, access to further and professional training, membership or participation in various bodies and organisations, including University bodies.

3) As an employer, the University is obliged to treat employees in employment relations in accordance with the principle of equal treatment established for employment relations, in particular by the Anti-discrimination Act and the Labour Code. The exercise of rights and obligations arising from employment relations must be in accordance with good morals. No one may abuse these rights and obligations to the detriment of the other party to the employment relationship or fellow employees.

4) The University particularly respects the principle that wage/salary conditions must be agreed and determined without any discrimination on the grounds of gender. Women and men have the right to equal pay for equal work or work of equal value. Equal work or work of equal value means work of equal or comparable complexity, responsibility and effort, performed in the same or comparable working conditions, and achieving the same or comparable performance and results, within the same employer. This principle also applies to employees of the same gender performing equal work or work of equal value.

Article 5

Principle of Equal Treatment in Education

1) Discrimination against individuals is also prohibited in the field of social security, healthcare, the provision of goods and services, as well as in education.

- 2) As an educational institution, the University is obliged to guarantee equal treatment to all applicants for study and students, particularly with regard to the rights enshrined in the Higher Education Act.
- 3) Everyone is obliged to observe the principle of equal treatment in access to education at the University, including the conditions of admission to study, the implementation of educational and related extracurricular activities at the University, study conditions, creative activities, and activities carried out in connection with the University's mission. The exercise of the rights and obligations arising from the Higher Education Act must be consistent with good morals. No one may abuse these rights and obligations to the detriment of another applicant or student.

Article 6

Permissible Different Treatment

- 1) Under the Anti-Discrimination Act, different treatment is not discrimination if it is justified by the nature of the activities carried out in employment or by the circumstances under which these activities are carried out, provided that such reason constitutes a genuine and determining occupational requirement, the aim is legitimate, and the requirement proportionate.
- 2) Permissible different treatment, which is not discriminatory, is further regulated in the Anti-Discrimination Act.
- 3) According to the Labour Code, different treatment is permissible if justified by the nature of the activities performed in employment or by the circumstances under which these activities are carried out, provided that such reason constitutes a genuine and determining occupational requirement, the aim is legitimate, and the requirement proportionate.

Measures Relating to the Observance of the Principle of Equal Treatment and Protection against Manifestations of Intolerance

Article 7

Prevention

- 1) The University undertakes the necessary measures to ensure procedures consistent with the principle of equal treatment, organises educational events where needed, prepares analyses and monitors this area.
- 2) For preventive purposes, the University may cooperate with various entities, in particular with institutions whose main activity is the protection of human rights, individual rights, and protection against discrimination.
- 3) The University in particular ensures:
 - (a) the possibility for a person who feels discriminated against or affected by manifestations of intolerance to file a complaint or submission,
 - (b) the conduct of independent surveys relating to discrimination,
 - (c) the publication of independent reports and the issuing of recommendations on any issue related to discrimination.

Article 8

Complaint and Submission

- 1) A person active at the University or a partner of the University who believes they have been discriminated against, subjected to intolerance, or have witnessed discrimination, may file a complaint or submission.
- 2) An employment applicant or University employee has the right to file a complaint regarding a violation of the principle of equal treatment with the Rector of the University. As an employer, the University is obliged to respond in writing to such complaint without undue delay, take corrective measures, cease such conduct, and eliminate its consequences.

- 3) An applicant for study or a student of the University has the right to file a complaint regarding a violation of the principle of equal treatment. As an educational institution, the University is obliged to respond to the complaint of a student or prospective student without undue delay, take corrective measures, cease such conduct, and eliminate its consequences.
- 4) A complaint under paragraphs 2 and 3 of this Article is not a formalised complaint within the meaning of the Complaints Act.
- 5) In addition to a complaint, a student, applicant for study, University employee, or an employment applicant may file a submission to the Commission for Submissions in accordance with the Statute of Trnava University in Trnava.
- 6) At the faculty level, employees, employment applicants, students, and applicants for study file complaints with the Dean of the relevant faculty.
- 7) At the faculty level, employees, employment applicants, students, and applicants for study file complaints with the relevant faculty commission for submissions. If the faculty has not established a commission for submissions, the submission is filed with the University commission for submissions.

Article 9

Judicial Protection

- (1) Everyone may seek to assert their rights before a court if they believe that their rights, legally protected interests, or freedoms have been or are being violated by non-compliance with the principle of equal treatment. They may demand that the person who violated the principle of equal treatment cease their conduct, remedy the unlawful situation if possible, or provide appropriate satisfaction.
- (2) If appropriate satisfaction is not sufficient, particularly if the violation of the principle of equal treatment has significantly diminished the dignity, social esteem, or social integration of the injured person, they may also seek compensation for non-pecuniary damage in money.
- 3) The right to compensation for damage or other redress under special regulations is not affected by the Anti-Discrimination Act or this directive.
- 4) Everyone has the right to protect their rights also by extrajudicial means, through mediation.

Article 10

Information Duty

- 1) The Chair of the University Commission for Submissions and the Rector inform the Rector's Collegium anonymously about the nature of submissions and complaints received, as well as the measures taken in the previous calendar year. Anonymised information on the nature of submissions and complaints, as well as measures taken at faculty level in the previous calendar year, is submitted to the Rector's Collegium by the Deans of the individual faculties. The Rector's Collegium is usually informed by 31 March of the relevant calendar year.
- 2) The University Bursar, in cooperation with the Human Resources Department, informs the Rector's Collegium, usually by 31 March, about the numbers of women and men employed at the University and their remuneration in the previous calendar year, in particular with regard to compliance with the principle of equal pay.
- 3) The University Bursar, in cooperation with the Legal Services and Internal Legislation Office, informs the Rector's Collegium anonymously, usually by 31 March, about the nature of anti-discrimination disputes conducted at the University, if any, pending at the University.
- 4) The Rector of Trnava University in Trnava determines the agenda of the Rector's Collegium meeting at which the information referred to in paragraphs 1 to 3 of this Article will be presented and discussed. After their discussion, the Rector's Collegium adopts a position on whether to adopt specific measures to prevent any discrimination and manifestations of intolerance.
- 5) Measures adopted in connection with the observance of the principle of equal treatment and protection against intolerance are evaluated usually once a year.

Article 11
Final Provisions

The Rector's Directive enters into force on the date of its issue, 25 August 2025, and becomes effective on 1 September 2025.

In Trnava, 25 August 2025

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Rector of Trnava University in Trnava

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