
CEU Equal Opportunity Policy

1. Aims

Central European University (Central European University, New York (“CEU NY”), Central European University – Private University (“CEU PU”) and Közép-európai Egyetem (“KEE”), hereinafter: CEU or the University aims to provide an inclusive, stimulating and supportive working, learning and social environment which promotes equality, values diversity and respects the rights and dignity of all staff, faculty, prospective, current and former students, associate members, bidders, contracting parties and visitors to the University. For that purpose, it adopts the present Equal Opportunity Policy. The policy is informed by equal opportunities legislation (e.g., in the EU, Hungary and the United States), as well as relevant international instruments (e.g., European Convention for the Protection of Human Rights, EU Charter of Fundamental Rights and UN Human Rights Treaties), and draws upon best practices of higher education institutions around the world, in line with CEU’s international vocation and multicultural profile.

2. Definitions

The principle of equal opportunity and this policy prohibit discrimination, harassment based on a protected ground or a perception thereof, as well as, retribution and denial of reasonable accommodation.

Direct discrimination occurs where there is an intent to discriminate based on a protected ground or perception of a protected ground. Intent may be inferred from the circumstances, such as when one person is treated less favorably than another (‘comparator’) is, has been, or would be treated in a comparable situation, based on any of the protected grounds. A comparator is a person in materially similar circumstances, with the main difference between the two persons being the ‘protected ground’.

Indirect discrimination occurs where an apparently neutral provision, criterion or practice would put persons with protected characteristics at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary. Discrimination can also occur by association if one person is treated less favorably because of his/her relation with a person with protected characteristics (e.g., parent of a disabled child).

Harassment is the creation of an offensive, degrading or intimidating environment in which unwanted conduct related to a protected ground, because of its severity and/or persistence, is likely to interfere significantly with an individual's ability to participate in, or benefit from, his or her educational or working environment by negatively affecting the person physically or emotionally. Sexual harassment is one type of harassment. Harassment and sexual harassment are further defined in the CEU Policy on Harassment, Article 7.1 (Official Document P-1402-1).

Positive and affirmative action refer respectively to a range of measures taken to actively encourage individuals from under-represented groups to apply or participate in university activities as well as to procedures and policies designed to eliminate unlawful discrimination and denial of equal opportunity to applicants, employees, students or visitors, to remedy the results of such prior discrimination and/or denial of equal opportunity, and prevent such discrimination and/or denial of equal opportunity in the future.

Protected grounds include race, sex, sexual orientation, gender identity, skin color, religion, belief or non-belief, nationality, ethnic or national origin, mother tongue, age, disability, genetic information, state of health, marital or civil partnership status, parental status, social and economic status, political or other opinion, ideological conviction, employment status (including employment relationship and other relationship aimed at work), the membership of an organization representing employees' interests, trade-union membership or any other characteristics, whether actual, perceptive or associative, which are protected by law.

Retribution takes place where one person is treated less favorably because he/she has asserted a right in violation of this policy or helped someone else to do so, or is suspected of having done so or of intending to do so, and is sometimes also referred to as "retaliatory conduct."

Reasonable accommodation means necessary and appropriate modification and adjustment to the work or study environment, or the way things usually are done, that enables a qualified individual with a disability to enjoy an equal employment or study opportunity or exercise on an equal basis with others all human rights and fundamental freedoms, and which does not impose a disproportionate or undue burden. For more information about the provision of reasonable accommodation, students should refer to the CEU Student Disability Policy (e.g., Section 11, Process for requesting reasonable accommodation).

3. Discrimination and denial of equal opportunity is prohibited

CEU will not tolerate any discrimination or denial of equal opportunity for an individual or group based on a protected ground.

4. Enforcement of the principle of equal opportunity in employment

The principle of equal opportunity for employees should be enforced, including but not limited to the following:

- a) for access to work, especially in public job advertisements, hiring and regarding the conditions of employment;
- b) for a disposition made before the establishment of the employment relationship or other relationship related to work, related to the procedure facilitating the establishment of such a relationship;
- c) in establishing and terminating the employment relationship or other relationship related to work;
- d) in relation to any training before or during the work;
- e) in determining and providing working conditions;
- f) in establishing and providing allowances due on the basis of the employment relationship or other relationship related to work, particularly in establishing and providing wages/salaries;
- g) in relation to membership or participation in employees' organizations;
- h) in the promotion system;
- i) in the enforcement of a liability for damages or of a disciplinary liability; and
- j) in relation to applying and using of parental leave serving the coordination of parental and professional responsibilities of employees and increasing the time spent on child care.

In determining whether discrimination or other conduct prohibited under this policy has occurred, what is permissible under applicable laws will be taken into account.

5. Enforcement of the principle of equal opportunity in education and training

The principle of equal opportunity shall be enforced in relation to education, including but not limited to the following:

- a) determining the conditions of joining education and assessing applications;
- b) defining and setting the requirements for education;
- c) performance evaluation;
- d) providing and using services related to education;
- e) access to benefits related to education;
- f) accommodation and provisions in dormitories;
- g) issuing certificates, qualifications and diplomas obtainable in education;
- h) access to vocational guidance and counsel; and
- i) in the termination of the relationship related to participation in education.

The principle of equal opportunity is violated if a person or group is unlawfully segregated at the University or in a division, class or group within the University. The University shall not have groups pursuing extracurricular activities, student societies and other organizations of students or parents whose objectives are to discredit, stigmatize or exclude other individuals or groups.

The principle of equal opportunity may permit voluntary student participation in activities related to protected grounds or positive and affirmative action measures designed to ensure equal opportunity.

In determining whether discrimination or other conduct prohibited under this policy has occurred, what is permissible under applicable laws will be taken into account.

6. Positive duties

CEU recognizes that a policy prohibiting discrimination and the denial of equal opportunity is not sufficient to ensure equal opportunity in reality. Accordingly, the University undertakes to promote equal opportunity through positive steps as well. CEU will adopt positive and affirmative action measures to encourage and enable members of underrepresented groups to apply for, work, or study at CEU or take part in its activities in equal terms.

CEU undertakes to continue, develop and extend programs for the admission of persons belonging to groups protected under this policy and take positive steps to provide support once they are admitted to the CEU community.

CEU maintains and develops programs to accommodate disabled students, staff and visitors by adjusting where necessary the learning and working environment or procedures.

CEU is committed to fostering dialogue and respectful interactions within the CEU community.

CEU aims to ensure that student admissions and academic development are based on personal merits and according to objective and relevant criteria, and recognize and promote the benefits of diversity..

CEU aims to ensure that hiring, promotion, salary and professional development of faculty and staff are determined based on personal merits and according to objective and relevant criteria, which are related to the duties and conditions of each particular position and the needs of the university and its units, and recognize and promote the benefits of diversity. -

CEU makes sure that activities in which it is engaged or which it supports comply with this policy.

7. Scope of application

Material scope

This policy applies to the full range of activities carried out and measures adopted by the University and shall be observed in the course of establishing its relationships, in its relationships and in the course of its procedures, specifically in the following fields:

- i. Education (admission and recruitment of students, studying environment, conferences, congresses, exhibitions, seminars and other public or closed events; publications, lectures, speeches, and information documentation, etc.);
- ii. Employment (admission and recruitment of staff and faculty, promotion and working conditions, opportunities and facilities, etc.);
- iii. Contracting (tendering, sub-contracting, etc.);
- iv. Treatment of visitors.

Personal scope

This policy applies to all members of the University community, including all CEU staff, faculty, prospective, current and former students, associate members, bidders, (sub-) contractors and visitors to the University.

Territorial scope

Jurisdiction under this policy is not limited to conduct occurring on University premises but also elsewhere in relation to CEU-related activities, such as field trips, CEU-sponsored events and services paid for by any CEU entity.

8. Information, Communication, Awareness Raising and Training

To implement this policy, CEU will, among other actions:

- promote the aims of this policy in all aspects of university life;
- communicate its commitment to equal opportunity in general and this policy in particular;
- create a dedicated website for equal opportunity at the CEU;
- while respecting academic freedom, seek to eliminate expressions of approval of sexist, racist and other discriminatory language from all University publications and discourage the use of such language, imagery and harmful stereotypes in published and unpublished material and in the speech of its academic and administrative staff and students, including in the classroom;
- ensure that members of the CEU community have access to clear and relevant information and appropriate and identifiable support concerning the matters of this policy;
- enable access to documents and information which allow individuals to better identify discriminatory and harassing practices, whilst protecting privacy and confidentiality requirements;
- be proactive in eliminating discrimination, harassment and bullying, through training, producing and disseminating codes of practice and guidance and maintaining and enforcing sanctions against those found guilty of discrimination or harassment;

- make available and mandatory for all incoming students equal opportunity training with specific modules on ethnic and religious diversity, gender equality, harassment and disability;
- make available and mandatory for all employees on-line equal opportunity training;
- develop necessary additional codes of conduct or guidance documents for all units, staff, students, collaborators and visitors;
- provide opportunities for relevant trainings and professional development to members of the CEU community who have responsibility for enforcing this policy.

9. Participation and Inclusion

To implement, monitor and review this policy CEU will:

- encourage the increased participation of members of underrepresented groups in all aspects and levels of University life, especially in decision-making structures;
- provide a platform for regular communication and consultation with interested groups and individuals on equal opportunities matters; and
- offer a platform for facilitating knowledge about and involvement with equal opportunity matters for all members of the CEU community.

10. Resources

CEU ensures that appropriate infrastructure and resources are made available to support and implement this policy.

11. Monitoring and Review

Equal opportunities are regularly monitored at CEU. CEU implements systems for collecting and reviewing appropriate anonymized data to assist in assessing university policies, practices and activities in light of the objectives set forth in this policy.

12. Enforcement procedure, complaints, remedies and sanctions

General enforcement

For general issues that might require changes in university policies or procedures, one should approach the Senate Equal Opportunity Committee (EOC). For current chairs and membership of these committees, see:

<http://www.ceu.edu/eoc>.

Individual complaint procedure

Any prospective, current or former member of the CEU community as well as a visitor, who has experienced, has witnessed or has knowledge of conduct he or she believes is a violation of this policy is encouraged to bring a complaint to the University under the procedures provided under the CEU's Code of Ethics. In case of harassment, the special procedure provided under the CEU Harassment Policy applies.

Resorting to these internal procedures does not prevent plaintiffs or witnesses from availing themselves of other mechanisms as provided under national law or professional bodies to counter or sanction discrimination and/or denial of equal opportunity.

– Informal procedure

Individuals are encouraged, where possible and suitable, to use informal procedures to settle the issue. Students and staff may report the problem to the Head of Department or Unit (where he or she is not the alleged perpetrator), who will seek to address it informally with the help of relevant units (i.e., Student Services, Human Resources Office, Provost and Pro-Rector). Where the alleged perpetrator is the Head of Department or Unit, individuals may report the problem to the Provost or the Disciplinary Committee.

– Formal procedure

The formal procedure shall be conducted pursuant to the procedures described for in complaints in Part V of the Code of Ethics, with the additions related to time limits and any measures necessary to protect complainants from retaliation described below. The Disciplinary Committee and Grievance Committee will ensure that sanctions for violation of the policy are effective, proportionate and dissuasive.

Members of the Disciplinary and Grievance Committee who have a personal or professional conflict of interest in the given case should not participate in making decisions.

The EOC may provide expert consultation for the Disciplinary and Grievance Committee in specific cases.

In case of harassment, the special procedure provided under the CEU Harassment Policy applies.

Time limits

Individuals are encouraged to bring complaints for violation of this policy as soon as possible so the matter may be addressed promptly. Formal complaints must be brought to the Disciplinary Committee within four years of the act being committed. Decisions by the Disciplinary Committee can be appealed to the Grievance Committee.

Burden of proof

Complainants must show facts from which it can be presumed that there has been discrimination with negative effects on them ('prima facie case'); it shall then be for the respondent to prove that there has been no breach of the prohibition of discrimination (shared

burden of proof). In order to reject such a prima facie discrimination claim, the respondent must either show that the prima facie case was ill founded or provide evidence to justify the discriminatory action.

Prevention of victimization

CEU aims to ensure that individuals are protected from any adverse treatment or adverse consequence as a reaction to a complaint or to proceedings aimed at enforcing compliance with the principle of non-discrimination and equal opportunity, and should sanction those engaging in direct or indirect retaliation measures.

13. Responsibilities and duties

The following persons and bodies have specific responsibilities in the development and implementation of this policy.

The Senate Equal Opportunity Committee (EOC)

This Committee is composed of faculty, staff and student members approved by the Senate. The Committee has key role in coordinating and monitoring activities falling under CEU Equal Opportunity policy. It:

- consults or contributes to drafting of policies falling under CEU's equal opportunity objectives;
- contributes to monitoring, revision and amendments of the CEU Equal Opportunity Policy;
- offers advice on other policies which may have an impact on equality and diversity;
- coordinates activities related to publicizing this policy and communicating equal opportunity objectives to the CEU community;
- make suggestions to the Senate and university management and administration on ways to improve the University's commitment to equality and diversity;
- fields remarks related to this policy from members of the University community;
- contributes to bringing the policy before the CEU's legal advisors and before the Senate once every three years (in the final three months of each Senate mandate);
- contributes to CEU's bi-yearly Equal Opportunity Report;
- produces a (yearly) report on its activities.

The CEU Board of Trustees, CEU President and Rector, CEU Provost and Pro-Rector and the CEU Senate

It is the ultimate responsibility of the Board, the President and Rector, the Provost and Pro-Rector and the Senate to provide mechanisms and resources through which the University's objectives for equality and diversity set out in this policy can be delivered and to work together with the University's schools, departments and other units to ensure a fair and equitable division of responsibility under current and future equality legislation and University regulations and policies.

CEU Legal Advisors

The legal advisors of CEU are responsible for advising the EOC as to the compliance of this policy with applicable laws and regulations in Hungary, the European Union and United States and under New York State law.

Schools, Departments, Research Centers, and Administrative Units

Heads of schools, departments, research centers and administrative and other units at CEU are responsible for the day to day implementation and delivery of the University's objectives for equality and diversity in that school, department, center or unit, as outlined above.

Senate Disciplinary Committee and Senate Grievance Committee

These Committees hear individual complaints about the violation of this policy. They will make sure that at any given point in time their membership consists of at least one person who is trained for dealing with complaints of discrimination or denial of equal opportunity. They may also seek guidance from the EOC as well as CEU legal advisors on the handling of discrimination or equal opportunity complaints, whilst respecting the confidentiality rights of the complainants and defendants. In case of established violation, they should impose sanctions which support the effective application of this policy.

Chief Operating Officer and Senior Vice President

The Chief Operating Officer and Senior Vice President (COO) is responsible for ensuring that adequate resources are made available to support the development and implementation of this policy. Together with Campus Services Unit, the COO supports the development of infrastructure which facilitates the accessibility of the University's buildings to disabled students and the creation of space and facilities which enable members of underrepresented categories to fully partake in CEU activities and which allows for a greater respect for diversity. It guarantees appropriate administrative support for the implementation and monitoring of this policy. Within the framework of reasonable accommodation, the COO seeks to set aside resources to buy equipment (e.g., software) or offer funds to address the needs of CEU community members who fall into under-represented categories.

The Dean of Students

The Dean of Students (DOS) is responsible for promoting and implementing this policy and other relevant guidance in his fields of responsibilities, in particular with regard to student recruitment, admissions, enrollment, financial aid, student records, student life and housing arrangements. The DOS and related offices should also assist as appropriately in monitoring the implementation of this policy.

Human Resources Office

The HRO is responsible for ensuring that staff and academic selection, recruitment and promotion procedure, as well as conditions for the everyday fulfillment of employment duties are not discriminatory and are duly followed. The HRO has a major role in facilitating and organizing training on equal opportunities for all CEU employees. The HRO should also assist as appropriately in monitoring the implementation of this policy.

The Kerepesi Residence Center and the Vienna Dormitory Providers

The student dormitories are responsible for ensuring that accommodation facilities are offered on a basis which is respectful of diversity and not discriminatory.

Trade Unions active at CEU

Trade Unions active at CEU are expected to play a key role in fighting against all forms of discrimination and denial of equal opportunity, by means of a variety of actions and tools. These include cooperating with CEU as an employer to ensure that discrimination and denial of equal opportunity in the workplace is eliminated and equal opportunities are promoted, supporting victims and helping to monitor discrimination and equal opportunities in the workplace.

Student Unions active at CEU

Student Unions active at CEU are expected to play a key role in fighting against all forms of discrimination and denial of equal opportunity, by means of a variety of actions and tools. These include participating with one delegated member in the EOC, participating in the development, monitoring and promotion of the Equal Opportunity Policy, cooperating with CEU as a higher education institution to ensure that discrimination and denial of equal opportunity in studying and extra-curricular activities organized around campus is eliminated and equal opportunities are promoted, supporting victims and helping to monitor discrimination and equal opportunities.

14. Relationship with the Code of Ethics

The Policy contains special regulations applicable in case of allegations regarding discrimination and denial of equal opportunity. In questions not regulated by the Policy, the provisions of the Code of Ethics shall be applicable *mutatis mutandis* and, to the extent of any conflict, the provisions of the Policy will apply and supersede the Code.

15. Amendments

In accordance with the relevant procedural requirements, [the Provost, the Disciplinary and Grievance Committees, the Equal Opportunity Committee and other committees established by the Senate from time to time to address policy issues] are entitled to further define equal opportunity or procedures for handling complaints, deemed necessary in order to respond to the changing needs of the CEU community, which may take the form of a modification to the body of this Policy or be incorporated as part of the Equal Opportunity Policy in the form of annexes. Any such modifications, amendments or annexes must be approved by the Senate [and ratified by the Board]. [Minor technical modifications can be approved by the Provost].

Amendments and annexes to the Equal Opportunity Policy adopted by the Senate will enter into force one day after their publication and distribution to the members of the CEU community.

16. Legislation

This policy is informed by equal opportunity standards enshrined in international and national law. Some such major laws at the national level are listed below for reference, although the precise applicability of a given law may depend on the circumstances.

Hungarian legislation

- Act CXXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities, as amended

EU legislation

- Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('Race Directive')
- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services
- Council Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation ('Recast Directive')

US legislation

- Civil Rights Act of 1964, as amended
- Americans with Disabilities Act of 1990, as amended
- The Equal Pay Act of 1963 (EPA), as amended
- The Age Discrimination in Employment Act of 1967 (ADEA), as amended
- Title VI of the Civil Rights Act of 1964, as amended
- Title IX of the Education Amendments of 1972, as amended

Useful links:

Handbook on European Non-Discrimination Law, Fundamental Rights Agency:
http://fra.europa.eu/sites/default/files/fra_uploads/1510-FRA-CASE-LAW-HANDBOOK_EN.pdf

[EC How to present a discrimination claim?](http://ec.europa.eu/justice/discrimination/files/present_a_discrimination_claim_handbook_en.pdf)

http://ec.europa.eu/justice/discrimination/files/present_a_discrimination_claim_handbook_en.pdf

CEU Code of Ethics

<http://documents.ceu.edu/documents/p-1009-1v1402-0>

Handout on Reviewing Applicants. Study on Bias and Assumption. Appendix 1 in the Academic Staff Handbook.

<http://documents.ceu.edu/documents/p-1105-1v1404>

Signed by *CEU President and Rector John Shattuck.*

The original document is filed at the Office of the Academic Secretary.

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