

APPROVED
by Order of KUAS Director
No. 1-388 of 13 November, 2017
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POLICY ON EQUAL OPPORTUNITIES AND PROCEDURE FOR ITS IMPLEMENTATION

CHAPTER I GENERAL PROVISIONS

1. *The Policy on Equal Opportunities and the Procedure for its Implementation at KUAS* (hereinafter referred to as the Procedure) establishes the principles of equal opportunities and the conditions and procedure for their implementation at Kaunas University of Applied Sciences (hereinafter referred to as KUAS).

2. The Procedure has been prepared in accordance with the Constitution of the Republic of Lithuania, the Law on Science and Studies of the Republic of Lithuania, the Law on Equal Opportunities of the Republic of Lithuania, the Law on Equal Opportunities for Women and Men of the Republic of Lithuania, the Labour Code of the Republic of Lithuania, and other legal acts.

3. The aim of this Procedure is to ensure the equal status of all members of KUAS community (employees, students) and persons applying to KUAS, regardless of gender, race, nationality, origin, language, social status, faith, beliefs or opinions, age, sexual orientation, disability, ethnicity, religion, and the application of the principles of equal opportunities and diversity in all areas related to KUAS functions.

4. The measures for the implementation and monitoring of the Policy on Equal Opportunities and Diversity are provided for in the Equal Opportunities and Diversity Programme, which is implemented under the responsibility of the Human Resources Service. The Head of the Human Resources Service, annually by 15 January, submits the report to KUAS Director on the implementation of the Equal Opportunities and Diversity Programme for the previous calendar year. This report is a part of the activity report of the Human Resources Service.

5. KUAS Labour Council has been consulted during the preparation of this Procedure.

6. The Procedure does not apply to private relationships between members of KUAS community or when it is not related to KUAS academic, employment or study relations.

7. Key concepts used in the Procedure:

7.1. **Discrimination** is direct and indirect discrimination, harassment, or instruction to discriminate persons on the basis of gender, race, nationality, citizenship, language, origin, social status, religion, belief or opinion, age, sexual orientation, disability, ethnic origin, religion.

7.2. **Diversity** means cultural practice of accepting, respecting and appreciating the individual differences.

7.3. **Equal rights** mean the implementation of the human rights established in the international documents of human and citizen rights, and the legislation of the Republic of Lithuania regardless of gender, race, nationality, language, origin, social status, faith, beliefs, or attitudes, age, sexual orientation, disability, ethnicity, religion. Equal opportunities at work mean equal treatment of workers regardless of their gender, race, nationality, language, origin, social background, marital status, religion, beliefs or opinions, age, sexual orientation, disability, ethnicity or religion.

7.4. **Violation of equal opportunities** means direct and indirect discrimination, instruction to discriminate, harassment.

7.5. **KUAS community** refers to the members of the academic community, members of the governing bodies, staff (members non-academic community), students and classified students, including persons studying or working under exchange or cooperation programmes.

7.6. **Indirect discrimination** means actions or lack of actions, standard of the law or evaluation criterion, apparently neutral provision or practice that are formally equal, but their implementation causes or may cause the occurrence of actual restriction of the use of rights and privileges, priority or advantage given on the basis of gender, race or nationality, language, origin, social status, religion, belief or opinion, age, sexual orientation, disability, ethnicity, religion, except for the cases when such actions or lack of actions, standard of the law or evaluation criterion, provision or practice are justified by a legitimate aim, and this aim is achieved by appropriate and necessary measures.

7.7. **Harassment** means unwanted conduct, when someone offends or aims to offend a person's dignity on the basis of one's gender, race, nationality, language, origin, social status, religion, belief or opinion, age, sexual orientation, disability, ethnicity, or religion, or someone aims to create or creates an intimidating, hostile, humiliating or offensive environment.

7.8. **Sexual harassment** refers to unwanted abusive behaviour of a sexual nature, whether expressed verbally, in writing or by physical action, towards a person, when such behaviour is caused by an aim or impact to undermine a person's dignity, particularly by creating an intimidating, hostile, humiliating or offensive environment.

7.9. **Social status** is education, qualifications or training and studies of a natural person at educational and academic institutions, person's property, received income, the need of support stipulated by the legislation and/or other factors related to the person's financial (economic) status.

7.10. **Direct discrimination** refers to the treatment of a person providing him/her with less favourable conditions on the basis of one's gender, race, nationality, language, origin, social status, religion, beliefs, convictions or opinions, age, sexual orientation, disability, ethnicity, or religion in comparison to the conditions that are, were or would be provided to another person, except for the cases established by the law, and subject to the provisions of paragraph 10 of this Procedure.

8. Other concepts used in this Procedure correspond to the terms used in the Law on Equal Opportunities of the Republic of Lithuania and other legal acts regulating equal opportunities.

9. KUAS provides an environment in which the individual differences of all members of the community and their contribution to the performance of the organisation are recognised and valued. Every KUAS employee or student has the right to work or study in an environment that promotes respect for the dignity of each individual.

10. All members of KUAS community are obliged to comply with this Procedure in order to ensure equal opportunities and to avoid discrimination. Staff members and/or students shall not discriminate, harass, bully or intimidate other staff members or students on the basis of their gender, race, nationality, language, origin, social status, religion, beliefs or opinions, age, sexual orientation, disability, ethnicity, religion, and they shall not victimise or take any other action against any such person who makes unfounded allegations.

CHAPTER II

MAIN PRINCIPLES OF THE POLICY ON EQUAL OPPORTUNITIES

11. KUAS does not tolerate direct or indirect forms of discrimination, including the instruction to discriminate on the basis of gender, race, nationality, language, origin, social status, religion, beliefs or opinions, age, sexual orientation, disability, ethnicity or religion.

12. Discrimination does not refer to the following cases of affirmative action:

12.1. special protection for women during pregnancy and childbirth and breastfeeding;

12.2. requirements of occupational safety applied only to women, aiming for preservation of their health with regards to the women's physiological characteristics;

12.3. age restrictions stipulated by the law when they are justified by a legitimate aim and the means of achieving that aim are appropriate and necessary;

- 12.4. requirement for knowledge of the official language stipulated by the law;
- 12.5. different rights regarding the citizenship applied in the cases stipulated by the law;
- 12.6. special measures stipulated by the law, applied in the areas of health protection, occupational safety, employment, and the labour market, aiming to create and apply the conditions and opportunities for persons with disabilities guaranteeing and promoting their integration into the working or academic environment;
- 12.7. special provisional measures provided for by law to ensure equality and to prevent the violation of equal opportunities on grounds of age, sexual orientation, disability, racial or ethnic origin, religion or beliefs;
- 12.8. cases when a certain personal characteristic is usual and crucial professional requirement due to the nature of specific professional activities or the conditions under which they are carried out, and when this aim is legitimate and requirement is proportional.
- 12.9. measures promoting the mobility of disadvantaged people in the Erasmus+ higher education sector, in order to ensure equal opportunities for participation in mobility activities with the others.
13. KUAS also does not tolerate harassment, psychological violence, bullying or abuse of position in any form.
14. Decisions regarding employment or admission to studies, dismissal or expulsion from KUAS, performance appraisal or student evaluation, training, remuneration and other benefits, career opportunities, holiday entitlements, conduct at work and during studies, and any other relevant matters are made on the basis of objective criteria and factors without discrimination.
15. KUAS, within the limits of its possibilities and financial resources, takes measures to enable persons with disabilities to apply for vacant positions at KUAS, as well as to work, advance in their career, train and study.
16. In order to avoid possible violations of equal opportunities, members of KUAS community are advised to comply with the following principles:
- 16.1. analyse one's own behaviour and assess whether it complies with the procedures established by KUAS;
- 16.2. be aware of, know or anticipate what behaviour may be considered a violation of equal opportunities;
- 16.3. be considerate and sensitive to one another, to respect one's privacy, opinions, beliefs, physical and mental integrity, and to try to be aware of whether verbal, written, or physical conduct may have the potential to cause unpleasant, unwanted, or offensive consequences, or to disturb another member of the community in the workplace or study environment, which may result in an inability to properly carry out his or her duties;
- 16.4. in order to avoid unpleasant, unacceptable behaviour of a member of KUAS community and the negative consequences of such behaviour, in case of doubts that a certain behaviour may be undesirable or may make another member of KUAS community feel uncomfortable or humiliated, it is recommended to discuss with him/her or with other members of the community beforehand whether a certain behaviour and form of communication are acceptable;
- 16.5. not to be a passive observer of behaviour that violates established KUAS procedure and to take active measures to stop such behaviour;
- 16.6. in the event of behaviour that appears to be the violation of equal opportunities, it is advisable to tell the person who is behaving in such a way, in a calm, polite manner, or in some other way, that the behaviour is unacceptable and must be stopped;
- 16.7. if a violation of equal opportunities has occurred in relation to another member of KUAS community, it is advisable to encourage the member of KUAS community to report it, to encourage him / her to address the person who carried out these actions, and to state immediately that such behaviour is unacceptable and must be stopped.

CHAPTER III RECRUITMENT AND DISMISSAL OF THE EMPLOYEES

17. KUAS applies the same selection criteria and conditions in recruiting staff and shall endeavour to ensure that all applicants are treated fairly and that they are recruited only on the basis of their ability, competence, qualifications and knowledge.

18. The Human Resources Service is responsible for the recruitment, selection and employment processes at KUAS.

19. The recruitment process aims to select the most suitable employees for the job. KUAS employees are selected and evaluated in accordance with the principles of selection and evaluation of KUAS employees.

20. The job offers specify the requirements related to the competences, experience and skills required for the performance of the job functions. The job offers are prepared in a manner preventing the possibility to apply only for the candidates of a certain gender, race, nationality, language, background, social status, belief, views or opinions, age, sexual orientation, disability, ethnicity or religion. The vacancies are announced publicly on KUAS website, if needed – on online job and career portals, in national newspapers, and in case of competitions for academic positions - on the website of the Research Council of Lithuania.

21. Recruitment is based on vacant positions, suitability and ability to perform the job; information obtained from candidates relates only to qualifications relevant to the requirements of the specific position.

22. All questions given to candidates for vacant positions must be related only to the selection criteria. It is forbidden to ask questions about a candidate's gender, age, sexual orientation, social status, disability, race or ethnicity, religion, beliefs or faith, or to make assumptions about the candidate's role at home and family, to the extent that these are not directly related to the application of the guarantees to the employee provided for in the Labour Code.

23. Candidates with disabilities who indicate this when applying for a vacancy will be provided with appropriate facilities during the interview process (e.g., easily accessible interview rooms or the services of an interpreter) to ensure that they are given equal opportunities as other candidates.

24. At the time of conclusion of the employment contract the employees of the Human Resources Service inform the employee of the information he/she should provide on his/her marital status in order to ensure the application of the statutory guarantees and that, in the absence of the information or documents specified, KUAS cannot ensure the application of the guarantees stipulated by the legal acts.

25. All employees are be subject to the same statutory grounds for dismissal and criteria for dismissal relating to their qualifications, performance of their duties and any other circumstances provided for by law, irrespective of their gender, race, nationality, language, origin, social status, religion, belief or opinion, age, sexual orientation, disability, ethnicity or religion.

CHAPTER IV EQUAL OPPORTUNITIES WITH RESPECT TO WORKING CONDITIONS, REMUNERATION AND CAREER PROSPECTS

26. In determining the remuneration for certain employees, KUAS follows the criteria related to the employee's qualification, experience and knowledge, the level of responsibility, the nature of the work performed, the results achieved and other objective criteria, which are defined in the internal KUAS documents. The amount of remuneration for specific positions are set out in the Provisions on Employee Remuneration at KUAS.

27. All employees shall be paid the same remuneration for the same or equivalent work, regardless of their gender, age, sexual orientation, social status, disability, race or ethnic origin, religion, opinion or belief. The same work means the performance of a work activity that is, according

to objective criteria, identical or similar to another work activity to the extent that the two employees can be interchanged without significant cost to the employer. Equivalent work means that it is, according to objective criteria, no less skilled and no less important to the employer's achievement of its performance objectives than the other comparable work.

28. Bonuses, premiums and other incentives for employees (hereinafter referred to as Incentives) are awarded in accordance with clear criteria. If the procedure for the award of certain incentives has not been discussed or approved by KUAS, then KUAS shall follow the general principles of equal opportunity, fairness and reasonableness in awarding such incentives.

29. An employee's career prospects at KUAS depend solely on the employee's qualifications, competences, experience and knowledge, performance, quality of work and possibility by KUAS to provide the employee with a suitable position. No employee shall be discriminated against on the basis of gender, race, nationality, language, origin, social status, religion, belief or opinion, age, sexual orientation, disability, ethnicity, religion.

30. The annual performance appraisal of employees is to be carried out in accordance with the *Procedure for Performance Appraisal of KUAS Employees* (excluding teaching staff). Teaching staff is attested in accordance with *the Law on Science and Studies* and KUAS Competition for Lecturers' Positions and the *Procedure for Attestation*. Visiting lecturers are evaluated in accordance with the criteria set out in the *Procedure for Planning and Evaluating the Performance of Teaching Staff* and the *Procedure for Recruitment of Visiting Lecturers*. All staff members shall be subject to the same criteria, irrespective of their gender, race, nationality, language, origin, social status, religion, beliefs or opinions, age, sexual orientation, disability, ethnic origin, religion or any other circumstance unrelated to the staff member's occupation in the performance of his/her duties, professional achievements or personal performance.

CHAPTER V EMPLOYEE EDUCATION

31. All staff members are given opportunities to learn, develop their skills and advance professionally.

32. KUAS organises its activities in such a way as to ensure that all employees have the opportunity to develop their competences, to retrain, to acquire practical work experience, irrespective of their gender, race, nationality, language, origin, social status, faith, beliefs, or opinions, age, sexual orientation, disability, ethnic origin, religion.

33. KUAS, taking into account its strategic objectives and financial capacity, provides training to its employees that:

33.1. improve employee awareness of the prevalence and perils of discrimination and prejudice based on gender, race, nationality, language, origin, social status, religion, beliefs or opinions, age, sexual orientation, disability, ethnicity, religion;

33.2. make employees aware of the direct and indirect nature of discrimination and the conditions under which it can occur and how it can be avoided;

33.3. develop intercultural competences in order to achieve openness and tolerance towards different cultures and personal cultural backgrounds;

33.4. acquaint employees with the valid legislation and its application in the area of equal opportunities;

33.5. assists managers and employees in avoiding violation of equal opportunities policies and legislation and provides expertise in conflict resolution.

34. Essential information on equal opportunities and their implementation is provided in the special section of KUAS website.

CHAPTER VI
PROTECTION OF EMPLOYEES AND STUDENTS IN CASE OF THE VIOLATION OF
EQUAL OPPORTUNITIES

35. All members of KUAS community, as well as candidates for vacant posts (hereinafter referred to as the Candidate) have the right to file a grievance, request, report on the basis of possible direct or indirect discrimination, harassment, sexual harassment, or instruction to discriminate on the grounds of gender, race, nationality, language, origin, social status, age, sexual orientation, disability, ethnic origin, membership of a political party or association, religion, belief or opinion, intent to have a child/children, or on grounds other than those related to the merits of the staff member or candidate (hereinafter referred to as the notification), and to receive a reasoned reply no later than 20 working days from the date on which the notification was submitted.

36. KUAS ensures that a whistle-blower is protected from hostile treatment or adverse consequences if he or she makes a report of a violation of equal opportunity or is involved in a discrimination case against KUAS, its employee, or any other person somehow related to KUAS.

37. A member of KUAS community or the Candidate (hereinafter referred to as the Whistle-blower) who wishes to report a possible case of a violation of equal opportunities shall send an e-mail to pasitikejimas@go.kauko.lt or contact the Head of Human Resources Service. The head or a responsible person who receives the report shall take immediate actions to investigate the case. The report received is treated as confidential information and shall not be disclosed to persons not involved in the alleged infringement or its investigation, unless the applicant has already made the information public.

38. If a report of a possible violation of equal opportunities has been received, the Commission (hereinafter referred to as the Commission), established by order of KUAS Director, , within a period of no more than 20 working days, after examining and evaluating the information provided in the report, submits to the Director a reasoned conclusion and proposals on the possible violation of equal opportunities.

39. During the investigation of a notification, the Commission shall ensure that:

39.1. the accused person should be presumed innocent until a decision is made that he or she actually committed the violation;

39.2. the person who submitted the notification and the person who may have committed the violation are given every opportunity to provide explanations and their version of assessment, as well as the explanation of their actions;

39.3. the discretion and confidentiality of the investigation are maintained;

39.4. the investigation is carried out objectively, without prejudice, opinions or views.

40. A person who considers that his or her equal opportunities have been violated shall, without limitation, have the right to apply to the Equal Opportunities Ombudsman.

41. KUAS, if necessary, cooperates with the investigating authorities during the investigation of a possible violation of equal opportunities, and provides all available information that is relevant to the investigation of the possible violation. The information concerning such a report is considered confidential and shall not be disclosed to persons who are not involved in the possible violation or its investigation.

42. Any harassment or hostile treatment of a member of KUAS community or the Candidate for a vacancy who has made a report of discrimination or other violation of his/her equal opportunities is prohibited and shall be considered a violation of the duties of employment and of the academic ethics, which may be subject to the liability provided for by law.

43. If it has been established that a report of a violation of equal opportunities was unjustified and made with the intention to damage the reputation of another employee, such behaviour shall be considered intolerable and may lead to measures provided for in KUAS Code of Academic Ethics or other legal acts.

CHAPTER VII
FINAL PROVISIONS

44. This Procedure shall be approved, amended or repealed by the Order of KUAS Director.
45. This Procedure shall enter into force on the day following its publication on internal information system of KUAS.
46. The Procedure shall be reviewed and, if necessary, revised at least once a year or in the event of a change in legislation in the area of equal opportunities policy.
47. All members of KUAS community are required to abide by the provisions of the Procedure, and all employees and students are required to comply with the obligations set out in the Procedure and to follow the principles set out in the Procedure when performing their work functions and during their studies. The Procedure is published on KUAS website and internal information system.
48. Violation of the provisions of this Procedure shall be considered a violation of professional duties and academic ethics. Such violations shall be subject to the liability provided for in the legislation. _____