

**EVALUATING EQUALITY APPROACHES IN HIGHER EDUCATION
SYSTEM IN SLOVAKIA**

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ABSTRACT

The thesis investigates the model of substantive equality and its reflection in Slovak higher education. It focuses on the opportunities of the disadvantaged groups such as ethnic minorities, women, students with disabilities and elder students to enter and pursue higher education. It examines admission, retention and curricula policies in regards to the disadvantaged groups in order to derive to what extent the universities apply principles of equal treatment, equal opportunities and promoting diversity.

The findings show that while the accession policies strongly apply equal treatment and disability is the only category for providing equal opportunities. Different situation is seen in the retention policies which offer more space for considering students' different backgrounds and show greater extent of substantive equality. Nevertheless, the findings reveal that although the idea of substantive equality is applied in Slovak universities by providing social welfare to the disadvantaged students, its scope is largely limited to the socio-economic background and disability. Therefore, the limitation of the substantive equality in higher education in Slovakia is that it does not acknowledge any other disadvantages for providing positive action. As in terms of promoting diversity through curricula, Slovak higher education is very responsive towards the programs that address the issues of disadvantaged students.

Key words: equality, equal treatment, equality of opportunity, equality of access, mainstreaming, disadvantaged, higher education, universities

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CHAPTER 1: Introduction

Although equality has been not once a subject of conflict and bloodshed in the history (Lucas, 1965), nothing has stopped people from aspiration for being treated equally. Their endurance, high commitment and mobility for combating inequalities have resulted in setting the grounds for international and national standards for preserving human rights. While the principles of equality are firmly embedded in the legal systems, in many spheres of public and private lives they are still absent. Traditionally disadvantaged groups such as ethnic minorities, immigrants, women, people of color, people with disabilities but also elder citizens have been facing inequalities in their every-day lives.

Much has been written on inequalities especially in terms of gender and employment. However, the higher education sphere where all types of these groups of people meet, has been less explored especially in Europe where the vast majority of universities are public and pursuing higher education has been understood as public good, thus *available for everybody* (as opposite to jobs). Nevertheless, the current situation shows that certain groups of people are underrepresented at universities (Erydice, 2011), which is the result of the past discrimination, still being embedded in the societal structures. People with disabilities, ethnic minorities, and women were excluded from the society by receiving “special care” including special schools, living at the separate areas or being supporting to maintain family roles as housewives depended on the state. After the fall of communism the post communist countries including Slovakia (as a part of the former Czechoslovakia) expressed their aspiration to “return to Europe“ (Pabian 2009, 259) which meant not only entering the European economic zone and acquiring freedom

and independence but also rethinking the principles of equality, recognizing individual's rights, respecting diversity and eventually, ensuring equality and non-discrimination in Community¹. The countries were required to include the principles of equal treatment in their national legislation which resulted in the adoption of the Antidiscrimination Act which sets the concrete measures to ensure equal treatment in the society.

Yet, what actually mean equal treatment? While it seems to be fair and just, in certain situations it leads to inequality. On the other hand, while unequal treatment seems to be unfair, in certain situations it is necessary for achieving equality (Fredman 2002).

The peculiarity of equal treatment is based on Aristotle's notion that *likes should be treated alike and unlikes should be treated unlike* (Aristotle Nicomachean Ethics, V.3.1131a-1131b, trans. Roger Crisp, 2000). As there is no definition what constitutes equals being equal and unequals being unequal, the history has shown that such distinction has been mostly made by the dominant groups, as Fredman (2002) calls them "universal individual[s]" (p.9) who are usually white, male, Christians, able-bodied and heterosexuals. More distant a person is from these characteristics, more likely he/she will experience unequal treatment and discrimination. This has already happened in earlier mentioned segregation and marginalization of ethnic minorities, women and people with disabilities. Another problem, however, arises when these groups are treated at the same level with the rest of the society. The history has also shown examples of the consequences of such equality where Roma children were treated with the majority children at the entry exams equally despite the fact that many of them did not speak properly national

¹ by Community is meant European Union

language which had detrimental consequences to the Roma who, because of the low results, were placed in the special schools with generally lower level of education (Devroye, 2009).

Therefore the idea of equality has acquired new dimension which not only recognizes the differences among people but also provides the disadvantaged groups with supportive measures to improve their disadvantaged situation in the society. For this reason, the supportive measures such as upholding rights to equality in legislation, opening up opportunities and providing with measures that will enable disadvantaged groups use these opportunities and eventually become equal members of the society are the main features of the substantive equality.

As I have earlier mentioned, higher education is less explored in terms of participation of disadvantaged groups in higher education. As the EU has acknowledged such deficiency, usually as result of a failure to utilize human potential for the purpose of economic growth and competitiveness (Vassiliou², 2011 in *Modernization of Higher Education in Europe: Funding and the Social Dimension*, Eurydice 2011) it calls for attracting “a broader cross-section of society into higher education, including disadvantaged and vulnerable groups, and deploy the resources to meet this challenge” (European Commission 2011, (COM(2011) 567: 3)).

As it can be seen, the importance of participation of disadvantaged groups in higher education is not only an interest of the disadvantaged individuals, but also an central agenda of the EU and consequently, the EU members.

Having this all in mind, the purpose of this paper is to provide an investigation of conceptualizing equality in Slovakia and to explore how this conceptualization is reflected in

² Andrea Vassiliou is the European Commissioner responsible for Education, Culture and Youth

higher education policies in terms of providing opportunities for disadvantaged groups to participate at universities. Concretely, the research focuses on what kind of approaches Slovak higher education uses to ensure equality in access and equality in outcomes for disadvantaged groups of students and to what extent the universities promote diversity through the programs and courses that address the issues of these students. Therefore, the research question for this paper is *how the idea of substantive equality is reflected in Slovak higher education in regards to disadvantaged groups and how that meets the standards derived from theory.*

To clarify the disadvantaged groups, I use the explanation of the Ministry of culture of the Slovak Republic oversees the development of cultural needs of disadvantaged groups and which defines this group as marginalized, often facing social and cultural isolation and various forms of discrimination. This category includes people with disabilities Roma living in settlements or urban periphery, children and youth, elderly, refugees, homeless, unemployed, some groups of women and their special position binding them to gender discrimination within their culture, religion or traditions (<http://www.culture.gov.sk/sekcie/kultura-znevychodnenych-skupin-obyvateľstva>). For the purpose of my thesis I will be focusing the categories of disability, ethnicity, gender, age and to shorten the term *disadvantaged groups*, I will use the term *disadvantaged groups*.

Methodology

In order to answer the research question the research focuses at five greatest public universities in Slovakia : Comenius University in Bratislava (herfter “*Comenius University*”), Pavol Jozef Safarik University in Kosice (“*Pavol Jozef Safarik University*”), University of Presov in Presov (“*Presov University*”), Constantine the Philosopher University in Nitra (“*Constantinus Philosopher University*”), Matej Bel University Banska Bystrica (“*Matej Bell University*”). The reason for selecting these institutions is that the universities have the highest number of enrolled students in this academic year 2011/2012 (The Institute of Information and Prognoses of Education, <http://www.uips.sk/prjimacky-na-vysoke-skoly/vysoke-skoly-v-prijimacom-konani>) and they are generally orientated universities.

I am aware that by selecting limited number of universities I cannot make a general statement of application of the idea of equality in whole higher education area. Nevertheless, the findings as well as theoretical framework might serve other universities to recognize their policies on equal treatment and providing equal opportunities.

The research applies methods of literature review, document analysis and comparison of the national and institutional documents and comparison of the universities’ information against each other.

The comprehensive literature review on the theory of substantive equality by the renown thinkers, scholars and lawyers in the field of equality such as Fredman (2002) and Rees (1998) is performed which serves as the basic theoretical framework for the thesis.

The empirical part of the thesis encompasses review and analysis of European, national and universities’ legislative framework and internal regulations.

The research also uses media and newspaper sources, external reports from the civil society and sources from the websites of the governmental institutions promoting equality.

Contribution and findings

The thesis contributes to the existing debate of equality as it evaluates how normative approaches of equality are reflected in one specific field-higher education, based on the theories of renown thinkers, scholars and lawyers in the field of equality such as Fredman (2002) and Rees (1998), Dworkin (2000), O’Cinneide (2006). By providing an insight into practices of promoting equality at the selected universities, the findings can serve for other institutions to apply the positives and reconsider the limitations of their policies.

The study shows that Slovakia applies the idea of substantive equality to a narrowed extent in the admission process and to a greater extent in the retention process. However, in both cases it is still limited. While Slovak higher education system responds to the different needs of the disadvantaged students especially in regards to disability and socio-economic status, the greatest limitation of promoting equality is that the universities do not recognize other types of disadvantages except for health and economic status. In addition, even in these limited cases when the universities are responsive to disadvantages the idea of substantive equality is distorted as there is a discrepancy between providing opportunities and their practical realization. On the other hand, in terms of promoting diversity through curricula, Slovak higher education is very responsive towards the programs that address the issues of disadvantaged students by including them into mainstream curricula. Overall, there can be seen all types of equality: equal treatment in accession policies in terms of entry examination, equal opportunity in terms of providing assistance to the students with disabilities and family friendly policies, and mainstream approach by offering courses and programs addressing issues of the disadvantaged students. The

drawbacks are that the equal opportunities are limited only to the socio-economic group and disability and that in some cases there is a discrepancy between providing opportunities and their real application.

Roadmap

The thesis is divided into two parts. The first part sets the theoretical framework of equality and the second part focuses on the practical evaluations on its basis.

The first chapter contains the explanation of the concept of equality as equal treatment and through providing proving its limitations it continues with elaborating on the idea of substantive equality. This is divided into equality of opportunities and equality of results and later it provides the tools for ensuring each concept of equality in practice such as positive action and mainstreaming. Its last part presents the European higher education agenda addressing participation of the disadvantaged groups in the society.

The third chapter presents how Slovakia puts in place equality policies in higher education. It looks at the three stages of the policies as presented in the theoretical frameworks: access (equality of opportunity), retention (equality of results) and promoting diversity (mainstreaming). It looks at the available tools for promoting equality at these stages providing financial, material support and technical assistance with the aim to see what kind of kind of equality concept is applied in higher education n Slovakia.

The fifth chapter concludes main findings and proposes a set of recommendations.

CHAPTER 2: Equality

Equality as a broad concept has different meanings. It can be associated with fairness, justice, sameness, similarity, but also objectivity or neutrality and these are certainly not all its meanings. However, as a principle enshrined in the legislation its meaning has to be tangible and concrete. The commitment to equality requires except for prohibition of discrimination also functional institutions and promoting equality through positive action, instituting provisions to eradicate inequalities through programs, training, family friendly policies or alternation of the facilities for the persons with disabilities (Freedman, 2002). This chapter therefore provides the basic understanding of equality which is conceptualized in the thesis as equal treatment, equal opportunities and mainstreaming. The chapter starts with the equal treatment also known as formal equality and by providing a set of limitations it elaborates on the principles of the substantive dimension of equality which will be later used to analyze the concept of equality in higher education.

2.1 Equal Treatment - Formal equality

Formal equality is represented by Aristotle's famous notion of treating likes alike and unlikes unlike (Aristotle Nicomachean Ethics, V.3.1131a-1131b)³. This means that equal people should be treated at the same level while unequal people should be treated at the different level

³ translated and edited by Roger Crisp, 2000

in “proportion of their unlikeness” (Aristotle Nicomachean Ethics, V.3.1131a-1131b, in *The Empty Idea of Equality*, Westen 1982, 543). This idea, although serves a common conception of equality, has been highly debated among scholars. As Dworkin (2000) points out, there is a distinction between treating individuals equally regardless of their specific characteristics which they cannot influence and “treating them as equals” (ibid., 11). An example of such discrepancy can be seen in the case *D.H. and Others v. the Czech Republic* (Devroye, 2009) where treating Roma minority children who did not necessarily speak majority language or lacked pre-school education equally with the majority children resulted in low entry exam results of the minority children. Consequently, they were sent to the special schools where the level of education was much lower than in the mainstream schools (ibid., 90). Therefore, as Fredman (2002) and O’Cinneide (2006) point out, putting an emphasis on the equal treatment can lead to underlying structural inequalities that have detrimental consequences for individuals’ further development.

Such controversy about equal treatment is supported by another concern which is the borderline between the equals and unequals (Fredman 2002). Aristotle’s idea of equal treatment does not provide what constitutes equals being equal and what constitutes unequals being unequal. This can be age, race, color, sexual orientation or any other difference between people. Therefore, drawing the line between equal and unequal treatment is problematic especially because of the relativity of such treatment. Fredman (2002) points out that equal treatment basically refers to the justification of unequal treatment. In practice this situation might look that treating equals equally well as treating unequals equally badly is not regarded as unequal

treatment (ibid). This philosophy was used in the famous case *Plessy v. Ferguson*⁴ where the legal doctrine “separate but equal” (U.S. Supreme Court, *Plessy v. Fergusson*, 163 U.S. 537 (1896) 163 U.S. 537), adopted by the US Supreme Court which stated that designing separate facilities for black people was not a breach of the principles of equal treatment once the conditions of these facilities were the same as the conditions for the whites. The consequences of this idea of equality resulted in the constitutionally allowed segregation in the USA.

Another limitation of equal formula refers to the need for a comparator. Here, the crucial and decisive questions would be with whom should be the subjects compared and what kind of conditions should be taken into account when making a comparison. As Westen (1985) explains, the comparison of two people should involve qualities that would be justifiable for equal treatment. Yet, what are these justifiable qualities? As Fredman (2002) explains, making a comparison can be problematic since an individual to whom is the rest of the society compared is a “universal individual” usually being a “white, male, Christian, able-bodied and heterosexual”(p.9).

Following the above mentioned limitations of equal treatment, it can be recognized that equality, although a desirable principle, is highly contentious. On one hand, the formal equality is in principle fair as it treats different people differently and as Fredman (2002) highlights, it helps to eradicate personal prejudices. However, the drawback of this treatment is to define who the different people are and what it means treating them differently. Therefore, the paradox of equal treatment is that despite positive intention of treating people equally, it is strongly linked

⁴ Findlaw. U.S. Supreme Court. “*Plessy v. Fergusson*, 163 U.S. 537 (1896) 163 U.S. 537 *Plessy v. Fergusson*. No. 210. URL = <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=163&invol=537> . [Accessed June 6, 2012]

with negative concepts such as dominance, oppression, misuse of power or discrimination. Therefore, its application in practice requires broader understanding and consideration of wider context and social structures within which the categories that determine equal treatment operate. Such wider dimension of equal treatment is known as substantive equality which will be discussed in the next section.

2.2 Substantive Equality

Substantive equality, as the new dimension of equality is known as “*Equal Opportunity*” (Bowie, 1988), “*Strong Equal Opportunity*” (Pojman and Westmoreland 1997); “*Substantive*, “*Real*” or “*Full*” equality (Henrard 2007); “*Relative*” equality (Rae et al. 1989); “*Moral*” equality (Gosepath 2011).

Substantive equality is based on the recognition that equal treatment can in fact, resulting inequalities because of the former or current discrimination (Fredman 2002). As opposite to the formal equality which sticks to the procedural fairness, the substantive equality calls for fairness in distribution of welfare (ibid). This type of equality not only recognizes the differences but it also provides the disadvantaged individuals with positive action measures to improve their situation. Yet, having an equal opportunity differs in having an opportunity to enter certain goods and services and having an opportunity to achieve these goods and services. Therefore, Fredman (2002) differentiates substantive equality in terms of equality of opportunity and equality of results.

2.2.1 Equality of opportunity

Equality of opportunity requires removal of procedural obstacles to allow the disadvantaged groups access services and institutions. This equality is explained by using the race metaphor holding that equality can not be achieved unless the individuals are at the same starting positions (Fredman 2002, see also Nozick 1974). In order to pursue one's aspirations, the conditions should be created to the extent that all the concerned individuals (*competitors*) will start from the same point. It is designed to ensure that nobody is excluded (hence not discriminated) from participation activities such as education, employment, or health, based on their unjustified inequalities which cannot be changed (skin color, race, ethnicity, disability, etc.). Therefore, providing equal opportunities distorts differences among individuals at starting positions by removing existing obstacles and opening up the opportunities for all individuals to exercise their rights to access certain goods.

The main criticism of this approach is that providing equal opportunities for disadvantaged groups does not guarantee that the quality in access will lead to the equality in results (Fredman 2002). Therefore, although the procedural type of substantive equality provides an access to certain goods, it does not ensure that these goods will be eventually acquired. This limitation leads us to consider not only equality in access but also equality in outcomes.

2.2.2 Equality of results

Equality of results requires that the disadvantaged groups will not only access the goods and services but they will also progress and eventually rich them. Pojman and Westmoreland (1997) call this type of equality as “Super strong equal opportunity” (p.7). The main advantage of this equality is that it increases a representation of the disadvantages groups in the institutions. However, despite increasing representation of certain disadvantaged groups in the society the existing structural inequalities remain unchanged (Fredman 2002). Therefore, as Brennan (2002) points out, the increased number of participants in institutions contributes to creating wealth, but not to its distribution and similarly, while it might contribute to efficiency, it fails to do so in fairness (Brennan, 2002). Similar criticism expresses Rees (1998), stating that equalizing starting positions and placing the disadvantaged individuals does not change the structural hierarchies in the society. Moreover, these approaches according to her target mainly individuals and are only temporary. Therefore she introduces another level of equality – “transforming” aimed at reorganization and restructuring the society in order to accommodate needs of both, the advantageous and disadvantaged groups, especially if the groups face multifaceted discrimination (Rees 1998, 28). This approach is also known as mainstreaming.

2.3 Mainstreaming

Mainstreaming is a holistic approach to address inequality and promote diversity. It has a strong equality vision and commitment to change policy system structurally. Its key goals are promoting equality as an outcome, going deeply into the roots of the problems and recognizing multiple causes of differentiation. It emphasizes that as the individuals are at the same time part of the group affiliations which determine their characteristics, therefore the addressed policies need to address these characteristics as well. Its greatest is that it follows the pluralistic approach towards addressing diversity and is aimed to eliminate structural discrimination. This, however, is a long-term process which requires stable political and economic situation and overall understanding of its principles by the institutions and wide society. More about mainstreaming will be presented in the next section covering the tools for promoting equality.

2.4 Tools promoting the equality concepts

This chapter discusses the concrete tools used for achieving each type of equality discussed in the previous chapter. Therefore, the tools correspond with the previous concepts of equality: equal treatment, substantive equality and mainstreaming.

The tools promoting equality range from the provisions of the legal framework and monitoring mechanisms through the positive action tools to the policies of mainstreaming. They

do not necessarily have a strict place; rather they tend to oscillate from one approach to another. As a result, the same tools can be applied to different approaches. This depends on the particular environment, circumstances and nature of disadvantages. Nevertheless, the basic model of tools are presented by Rees (1998, 40) who develops three approaches called “tinkering” (equal treatment embedded in the legislation), “tailoring” (providing positive action measures) and “transforming” (reaching mainstream society and promoting diversity). The next chapter therefore introduces these concepts and provides concrete tools how to achieve equality.

2.4.1 “Tinkering”

By tinkering Rees (1998) refers to equal treatment. Recalling the previous debate on the dilemma of equal treatment and its limitations, this approach is aimed at ensuring just equal treatment in the society. In order to avoid any ambiguities in understanding this principle, it needs to be enshrined in the legislative framework with proper conceptualization. Hence, tinkering or “tiding up”(ibid., 42) refers to providing legal basis and ensuring law enforcement for equal treatment. Generally, this approach provides grounds for formal policies and setting national and institutional rights, rules and procedures to ensure equal treatment and protection against discrimination. While ensuring equal treatment through legislation and rules is an indispensable mechanism as it empowers the disadvantaged groups by the central guiding principles of law (O’Cinneide, 2006)⁵, it does not necessarily guarantee effective application. Therefore Rees (1998) points out that the laws tend to address only the “symptoms” rather than

⁵ see also Fredman (2002, 21-22)

“causes” of inequalities (p. 32). To overcome this situation, raising awareness, monitoring and promoting equalities in practice are the necessary complements of the legislation.

This can be done through equality bodies that ensure the protection against discrimination and provide the victims with the legal support such as advice or representation before the court. This is also applied to the institutions.

To conclude, while laws and independent institutions overseeing application of equal treatment can be effective mechanisms for promoting equality, only these provisions are not enough to ensure equality in practice. In order to effectively operate, the tinkering approach requires various supplementary measures to promote equality. This approach therefore calls for providing additional conditions to ensure equality which refers to the second model -tailoring.

2.4.2 “Tailoring”

While tinkering is a “tiding up” approach, tailoring is an **“add-on”** approach (Rees 1998, 44) requiring adding new provisions to the so-far established conditions. Hence tailoring places disadvantaged individuals into the already structured society without making any changes of the status quo in the majority culture. As a result, it requires adjusting disadvantaged groups to the environment rather than making the environment adjusted to the groups. This stage is aimed at removing obstacles that hinder access and progress of the disadvantaged groups in the society. The main **mechanisms used at the tailoring stage** or at the stage of removing obstacles are preparatory courses, trainings, providing targeted assistance and information. The main tailoring mechanisms in terms of outcomes are providing financial and non-financial assistance ranging

from financial and material subsidies, providing welfare assistance, family friendly policies to “harder” forms” (O’Cinneide 2006, 355) such as preferential treatment and quota.

All of them will be briefly discussed in terms of their advantages and disadvantages and in the empirical part they will be used for analyzing the concept of equality applied in Slovak higher education.

2.4.2.1 “Tailoring” and Equality of Opportunities

The idea of tailoring is to by is to adding new provisions equalize starting positions of the disadvantaged groups so they will be able to *compete* with the advantageous individuals. This can be done through **preparatory courses, trainings, providing targeted assistance and services, giving advice or providing expertise to the disadvantaged groups** but also through projects and grant programs aimed at improving situation of the less advantageous in various areas such as education, health, and housing (Parody, 2003).

The main criticism of this approach is that these tools target only individuals, are temporary and leave the hierarchical structures in the society unchanged (Fredman 2002; Rees, 1998). Parody (2003) also highlights limitations of funding projects which do not allow continuing, progressing and scaling-up the activities.

While the idea of equalizing starting positions is to a certain extent important and desirable, its limitation to effectiveness in the long run cannot be overlook. As Rees points out, “equality of access (*égalité des chances*) clearly does not lead in practice to equality of

outcomes (*égalité des faits*)”. Therefore the process requires measures that will ensure except for equality of opportunity also equality of outcomes.

2.4.2.2 “Tailoring” and Equality of Results

Equality of results only recognizes the inequalities at the starting positions but it also requires ensuring progress of the less favorable groups and achieving their participation in the society. As Fredman (2002) points out, removal of barriers does not guarantee that the disadvantaged groups can take advantage from the new opportunities. Therefore, the aim of this approach is to ensure that the disadvantaged groups will not only enter the institutions but they will also perform well enough to achieve the public goods and their participation in the society will increase. The tools for such policies range from the soft measures as in the case of access policies such as giving advice, providing counseling and tutoring, providing financial and material support, adopting family friendly policies to more radical tools such as preferential treatment or quota which Rees (1998, 37) calls as “positive discrimination”. As the term positive discrimination is closely intertwined with positive action it is important to distinguish these terms.

2.4.2.3 Positive action

While positive discrimination refers to quota and preferential treatment (Rees 1998, Marshall et al, 1977) positive action as the word *action* implies, refers to all policies that are aimed at promoting equality at any stage. O’Cinneide (2006) conceptualizes positive action as “any form of proactive action designed to benefit a disadvantaged group, and therefore can cover a huge variety of policies and initiatives” (p.354). Similarly, the Racial Directive 2000/43/EC (Council of Europe, 2000) although does not specifically define positive action, it refers to it in terms of general condition stating that “[W]ith a view to ensuring full equality in practice, the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin” (Council Directive 2000/43/EC, Art.5). The commonly used justifications for using positive action are compensations or remedies for the past discrimination. The rationale for compensation is not only the past discrimination but also its ongoing effects (Fredman 2002) which prevent the individuals from participation in the society. Following this, positive action refers to undertaking instruments which will enhance the opportunities of the disadvantaged groups to achieve effective equality in the society. In terms of tools, positive action is therefore a complex set of measures to equalize inequalities ranging from quota, preferential treatment to providing preparatory courses, trainings, outreach, financial and non-financial support.

The next part will briefly discuss the main tools of tailoring (also tools for positive action). I divide them into hard and soft measures.

2.4.2.3.1 *Hard measures*

Hard measures usually refer to quota and preferential treatment because by favoring one group create reverse discrimination.

Quota represents the strongest measure usually imposed by institutional regulations with the aim to ensure representation of disadvantaged groups in the public institutions who would not otherwise access them because of persisting stereotypes or prejudices. The greatest criticism of quota is that it automatically excludes equally or better skilled majority (Parody 2003).

Preferential treatment (Marshall at al. 1977) or preferential selection involves giving a priority to a disadvantaged individual at the selection process available also for majority; therefore it is not as strict as quota. However, once the equally skilled majority and minority applicants are short-listed, the preference is given to the minority individual.

While the quota and preferential treatment create reverse discrimination towards majority, they ensure representation of disadvantaged groups in institutions and business which they would not otherwise enter usually because of prejudices and stereotypes. They “correct” uneven balances of underrepresented groups in the society (Rees 1998, 40).

Following this debate it cannot be neglected that promoting equality requires further regulations of social relations which leads to reverse discrimination. However, it is important to mention that such discrimination is not used to discriminate but to equalize already discriminated.

2.4.2.3.2 *Soft measures*

Soft measures refer to providing **financial and non-financial assistance**.

Financial assistance is usually based on strict and selective criteria to provide financial support to the concerned groups and individuals (Parody 2003).

Non financial support includes all types of support which is other than payments. The types of measures include for example, **providing accommodation, granting various kinds of exemptions, adopting family friendly policies, or providing counseling, trainings or various kind of special courses**. **Trainings** and special courses supply the individuals and groups with knowledge and skills so they can “survive” in the dominant culture (Rees 1998, 35). **Family friendly policies** are used to improve performance of the concerned individuals. These policies include providing flexible time, opportunity to apply for part-time work/studies, awarding special type of accommodation for families, etc.

While these tools are necessary for ensuring equality in practice whether it is equality of opportunity or equality of outcomes, they neither address issues on hierarchical structures in the society nor involve disadvantaged groups in the decision-making (Rees 1998). This limitation is supposed to remove the third approach, transforming through mainstream policies.

2.4.3 “Transforming”

Transforming means **changing the social system** through inclusive policies by involving underrepresented groups in the policy making process at all levels. As opposite to earlier approaches, transforming seeks to recast social structures, accommodate multiple disadvantages of vulnerable groups, acknowledge differences of advantageous and disadvantaged groups and benefit from the positives of diversity (Rees 1998). The main tool for transforming is therefore mainstreaming policy.

Among the most acknowledged prerequisites to enable the mainstreaming to function effectively are knowledge of outcomes even before any initiative which requires preliminary research, collecting and analyzing data for the purpose on evidence-based policy making, raising awareness, expertise, funds and most importantly, political will. Furthermore, provisions of bodies to oversee implementation, providing programs and trainings for public administrators are the most commonly tools for mainstreaming (European Union 2011)⁶.

Despite the above mentioned limitations, the greatest asset of mainstreaming is that it promotes diversity, challenges the structural hierarchies and involves disadvantaged groups in the policy making. This, however, is a complex, long-term process which requires stable political and economic situation and overall understanding of its principles by the institutions and wide society.

⁶ European Union 2011. Compendium of Practice on Non-discrimination /Equality Mainstreaming http://ec.europa.eu/justice/discrimination/files/compendium_mainstreaming_equality_en.pdf [Accessed June 6, 2012]

2.5 European Union and Equality in Higher Education

The principle of equal treatment does not only remain at the theoretical level. It has also been translated into the EU law and policy making. The EU policy arena has recognized that the principles of equal treatment are the natural consequences of the economic growth. Therefore, with the aspiration to become the most competitive region in the world (Lisbon European Council 2000) the EU has emphasized modernization of the “European social model” by “investing in people and combating social exclusion” (ibid., Article5). This requires, except for investing in other fields, also widening social dimension of higher education as despite increased enrollment rates at universities the representation of the students from disadvantaged backgrounds remains marginal. In this regard, the European Communication requires the the Member states to

*“...create appropriate conditions and incentives to generate higher investment from public and private sources, including, where appropriate, through tuition fees combined with accompanying financial measures for the disadvantaged. **Specific actions** at school level are also needed. Higher education institutions should **offer a more differentiated range of provision and incentives** to meet increasingly diverse social and economic needs” (ibod.,.8)*

As a Member state, Slovakia has been formally following the European ideas of promoting equality in higher education. It has adopted a number of strategies and action plans to promote social inclusion, especially of people with the disadvantaged backgrounds such as Roma minority, people with disabilities or youth. As a Member state it has also agreed on equal

opportunities to access to education, providing equal treatment also “by adapting provision to individuals’ needs” and ensuring achievements of “the best outcomes” (Council of the European Union 2010, 3). What providing equal treatment to disadvantaged groups looks like in practice, is presented in the chapter four. Before that, the overall national situation as a political and historical setting for higher education is presented in the next chapter.

2.6 Conclusion: Chapter 2

The chapter set the theoretical framework for understanding equality. It provided an overview of the concepts of equality as equal treatment, equal opportunities and mainstreaming. The chapter shows that although the formal equality as equal treatment is important, the complexity of the unequal power structures requires more holistic understanding. This includes not only acknowledging differences but also adopting positive action measures that will enable the disadvantaged groups to equalize their position in the society and through mainstreaming also enable them to be fully acknowledged as full-valued members of the society.

In order to achieve this stage of equality certain tools are required to be applied. These tools range from hard to softer measures such as quota, preferential treatment or trainings, providing financial and non-financial support which has been also acknowledged by the EU. What equality and the concrete measures for its ensuring look in the higher education in is presented in the next chapter.

CHAPTER 3: Equality in Higher Education in Slovakia

The chapter looks at the provisions of the substantive equality in HE in Slovakia in regards to the disadvantaged students. In light with the theoretical framework it looks at the equality of opportunity, equality of results and mainstreaming. These concepts are apparent in the various stages and policies in higher education in Slovakia. Nevertheless, the findings show that the principles of equal opportunities are mostly apparent in the access to higher education, the equality of results are mostly identifiable in the retentions policies that provide the students with positive action measures to progress and finish their studies and the mainstreaming has been present in investigating the programs and curricula of the universities. Therefore, the chapter discusses three stages in higher education: access, retention and curricula policies.

In Slovakia, everybody has right to study and in accordance with the principle of equal treatment stated in the Constitution, Antidiscrimination Act and the HE Act, any type of discrimination regarding “*age, gender, sexual orientation, marital or family status, race, colour, disability, language, political or other opinion, national minority, religion or belief, trade union activity, national or social origin, property, birth or other status*” is prohibited (HE Act, § 55, Art. 2). The key national legislation framework governing policies and equality at higher education institutions in Slovakia are **the Higher Education Act no. 131/2002, Act 568/2009 on Lifelong Learning, Act 184/1999 on use of minority languages, Act 200/1997 on Student loan fund, Act 365/2004** on equal treatment in certain Areas and Protection against

Discrimination (**Antidiscrimination Act**) and **Decree** of the Ministry of Education of the Slovak Republic **no. 102/2006 on granting social scholarships to university**.

In addition, the government has adopted a number of Action plans, strategies and initiatives that target the students from disadvantageous background such as the Long-Term Strategy in educational, research, development, artistic and other creative activities for area of higher education by 2014, The Conception of integrated education of Roma children and youth including the development of secondary and higher education, The strategy of the Slovak Republic for Roma integration till 2020 and many others. All these documents provide certain types of measures to improve the situation of the disadvantaged groups.

The support to disadvantaged students is provided by the state in terms of social scholarships and by the universities. In general, it includes assigning special coordinators, appointing study advisors, awarding scholarships and accommodation and adopting family friendly policies. The students with disabilities are provided with necessary adjustments that enable them pursue their studies. The concrete provisions of the policies targeting disadvantageous students are provided by a sample of the five greatest public universities with general scope of study programs: Comenius University in Bratislava (herfter “*Comenius University*”), Pavol Jozef Safarik University in Kosice (“*Pavol Jozef Safarik University*”), University of Presov in Presov (“*Presov University*”), Constantine the Philosopher University in Nitra (“*Constantinus Philosopher University*”), Matej Bel University Banska Bystrica (“*Matej Bell University*”).

3.1 Access to Higher Education

The chapter gives an insight into the equal opportunities for the disadvantaged students with regards to their access to higher education. It looks at the process of the entry examination and the technical assistance provided to the students in needs. It shows that accession policies in terms of examination strictly apply the idea of equal treatment and in terms of accessibility, the universities provide the students with disabilities with adjustments to examine their knowledge.

According to the Higher Education Act (HE Act) everybody who accomplishes requirements of finishing secondary education by receiving the secondary school-leaving certificate ("maturita") and requirements set by the particular higher education institutions (HEIs) is eligible to study at the HEIs. Based on the HE Act, the HEIs are in charge of designing their own criteria for admissions. The general conditions include passing an entrance examination and assessment of the previous academic achievements. The HEIs have right to exempt the exempt students from an entry examination upon their own decision.

The findings shows that everybody is supposed to take the same type of the entry exam designed for a particular university. The exams are focusing on the general knowledge obtained at the secondary educational level. Burjan and Suchomel (2003) criticize that the practice of evaluations of the entry exams focuses exclusively on current knowledge and does not take into account neither motivation nor general prerequisites for studying at universities such as critical thinking or searching for and working with information. This practice, according to them (ibid) prevents the applicants who despite lower results in the entry exams are strongly motivated and

better equipped with general knowledge than with memorized facts. Moreover, as the decisive criterion are only the results, the “universal individual” as Fredman (2002, 9) calls the usual type of a comparator, is in this case *the best candidate*. The students, who due to their disadvantaged backgrounds cannot reach the level of the “universal individual” have much lower chances to be accepted comparing to their more advantageous colleagues. Some universities provide preparatory consultations, which, however are for many disadvantaged groups financially unaffordable. As a result, the students who take advantage of these services are the advantageous students with better economic situation rather than the disadvantaged students.

The applicants with disabilities are provided with the certain adjustments at the entry exams. Upon their request, the universities provide them with necessary conditions needed to examine their knowledge. The adjustments, however, are only limited to the process itself not to the content of the exams.

Overall, the basic philosophy of the admission policies is selection the best candidates. The process neither acknowledges any differences in backgrounds of the candidates, nor their motivation to study and it does not examine their abilities to critically and logically think and utilize information. Instead, the entry exams only examine momentary knowledge where (Burjan and Suchomel 2003) where everybody is treated equally. It can be concluded that the equality in accession process in examination is strictly based on the notion of formal equality. The provision of substantive equality is seen in case of the applicants with disabilities who are provided with necessary technical adjustments at the entry examination.

3.2 Retention policies in Higher Education

Equality of results which covers in this paper the retention policies includes practices that universities use to improve disadvantaged situation of certain groups of students. For better overview, this part is divided into financial and nonfinancial support.

3.2.1 Financial assistance

The financial assistance includes the scholarships and students loans through which are the supported during their studies. The scholarships are divided into the social scholarships which are granted from the state budget and the scholarships granted from the universities' own resources (hereafter “institutional scholarships”). The loans are provided by the special Student loan fund-a non-state institution.

3.2.1.1 Social Scholarships

The social scholarships are available to the students with low family income, have permanent residence in Slovakia and study at the bachelor and master programs and have not exceeded the standard length of the study, which depend on the particular program. Awarding students the social scholarships requires strict evaluation of the family threshold income which concrete percentage and formulas are provided in the Decree 102/2006.

Overall, social scholarships are instruments for providing financial support for students with low family income. No other categories than low economic background are relevant for eligibility for the social scholarship. The students with disabilities are the only exception who can receive social scholarships after exceeding their standard length of study. Preferential treatment is applied to the students with lower family economic status.

3.2.1.2 Institutional scholarships

According to the § 97 of the HE Act 311/2002 the universities may provide the students with financial support from their own resources. They usually award excellent students and students who contribute to the university's reputation by outstanding professional, research, cultural or sport achievements. As the universities decide by themselves about the financial support for their students, there is no pattern for awarding this kind of scholarships. For example, the Comenius University awards the motivation scholarships only to the full-time students while Constantinus Philosopher University awards the scholarships also to distant-study students.

Almost all selected universities (except for Constantinus Philosopher University) provide in addition also so called one-shot scholarships to the students, who during their studies suffered from unfavorable family situation or to the students with severe health incident. The one-shot stipend can also be awarded to the students for outstanding results in professional, scientific, research, artistic or sports activities (Comenius University).

Overall, the institutional scholarships are awarded to the students for excellent results or school representation from the universities' own resources. Everybody is equally eligible for the

institutional scholarships once they meet their criteria; the only decisive criterion - excellent results is applied to all students regardless of ethnicity, gender, age or disability.

3.2.1.3 Student loans

According to the Act on student loan (200/1997), the loan is provided by the Student Loan Fund (hereafter “Fund”) to the university student with great results (GPA higher than 1.5), students with disabilities and students who are recipients of the social scholarships (Art. 11). The other students are eligible for the loans only if the requests of the earlier mentioned applicants were satisfied (Art.1.3). The loans need to be paid back maximum in fifteen years after the signing the contract (the period of studies is not included in this deadline) (Art.13).

Similar to the institutional scholarships, the greatest emphasis is placed on the excellent results and health

To conclude, the financial type of support is provided depending on the types of the scholarships. While for the social scholarships is the decisive criterion economic status and health, for the institutional scholarships it is especially outstanding results. The student loan is a combination of both types. It can be seen that while the social scholarships provide more opportunities for the disadvantaged students to receive financial help, the institutional scholarships are predominantly limited to the study results raises a question whether the students who did not have the opportunities to develop their knowledge in the past will be the recipients of such provisions. As Fredman (2002) says, opening up opportunity, does not necessarily mean that people will take advantage of them. All in all, by providing opportunities, financial assistance follows the idea of substantive equality, concretely, equality of opportunity.

3.2.2 Non-financial assistance

The next section provides an overview of the main non-financial provisions to facilitate the disadvantaged students to improve their situation during their studies. It focuses on providing assistance to the disadvantaged students from different perspectives such as preferential treatment, responsive policies towards pregnant students or the students who have children or acknowledging multifaceted disadvantages. This is examined through providing counseling, family friendly policies and accommodation as the main types of the non-financial support used by the selected universities.

3.2.2.1 Counseling and information for students

At all selected universities operate so called study advisors or “tutors” (Comenius University) or “coordinators” (Matej Bel University) who are members of faculty and are appointed by Rector or Dean. They provide all students with counseling services in matters of study, especially in preparing their study plans. They also assist the students with special needs and students with individual study plans discussed below. In addition, apart from the study advisors, at the vast majority of the universities operate coordinators for the students with disabilities who provide this group of students with specific information.

3.2.2.2 *Individual studies and study plans*

The Individual studies are part of the family friendly policies. The provisions of individual studies are found under the universities' *Study plans*. Any reason for applying for the individual program has to be supported by the certificate. Rectors or Deans are in charge to decide on the provisions of this kind of assistance. For the individual study can apply the students who are sport or art representatives at the national or international level, students who have children or students with the risk pregnancy, students with serious health or other problems for which they cannot attend regular studies can apply for this type of support. Individual study plans are in particular useful for the female students who are pregnant or have families. Since the women are not a group that can be considered as disadvantaged in terms of participation at the universities as they have outnumbered the men⁷ (Antalíková and Kmec 2011, 76, 78-79), their retention rates are at risk once they have families. Yet, it is important to mention, that having the individual plan is on one hand positive, but on the other hand it may result in prolonging the standard length of study which according to the HE Act (Art. Par.92, Art.4) requires the students (unless serious reasons such as health issue- (ibid)) pay tuition fees ranging from 400-100 Eur / year for the bachelor degree and 500-1500 Eur/ year for the master studies (Eurydice, 2011). Nevertheless, once the studies are managed, having individual study plan is a constructive approach used for promoting equality. In addition, the students can also ask

⁷ <http://www.uips.sk/sub/uips.sk/images/PKvs/Statista/r2010pk1.pdf>, p. 76, 78-79 . [Accessed June 6, 2012]

for interruption of their study (HE Act, Par. 64, Art.1) which conditions are also provided in the universities' *Study Plans*.

3.2.2.3 Providing accommodation

Providing accommodation for students is elaborated on the HE Act, the *Long-term initiative until 2014* and internal regulations of providing accommodation at particular universities.

According to HE Act, the universities provide students with accommodation “to the possible extent” and contribute to the associated costs from the state budget (par. 98). Providing accommodation for the students depends on various factors such as social situation of the students, study results, student’s health conditions and time accessibility by using transportation from the residence of the student (Šulanová, 2007). By the social situation of the students is understood their family economic conditions or their family status such as being an orphan or if their parents are invalids or pensioners. All selected universities apply a system of assigning credits for each category (social status, health, distance...) and the students with the highest number of credits are admitted to the dormitories. Assessing categories follows the pattern that the severe health and family situations are given the highest number of credits while school performance is credited with lower points.

It is important to mention that receiving accommodation is not the right of the students as the places are limited and cannot accommodate all university students. Moreover, some universities do not have enough or at all appropriate accommodation for the students with

disabilities. For example, the Matej Bel University informs at its website that **none of the dormitories**⁸ are accessible

(http://www.umb.sk/umb/umbbb.nsf/page/Pridelovanie_ubytovania). The accessible facilities are in general a problematic issue- even though the universities are trying their best, such places are still limited. The Ministry recognizes the current situation on accommodation as “not optimal” for “some groups” of the students and it sets its priorities to “review the effectiveness of this tool of social support” (The Ministry of Education, *Long-term initiative until 2014*, paragraph 63).

All in all, in terms of equal opportunities, providing accommodation seems to be an extensive procedure which takes into account more provisions (health, economic situation of the family, study results, and distance from university). In general, although the system applies responsive policies towards some groups it is strictly limited to the social (economic) and health conditions, not knowing what kind of students fall in this “social” group. The Ministry in its *Initiative until 2014* recognizes that there is no information of how big the social group is and what kind of students fall into this group, therefore its plan for the next years is “to determine the group of people and then take the necessary steps to ensure their accessibility to higher education” (ibid). For now, the social conditions are evaluated only by the economic and health status of the students. Although the students with disabilities are those who would receive high credits for their health conditions, the dormitory places are limited because of the overall barrier conditions

⁸ the University has five dormitories

3.3 Curricula and study programs

The chapter presents another stage of equality - promoting diversity through programs and curricula that address the issues of disadvantaged students. It gives an overview of the availability of the courses and programs that are at the public universities. It shows that this stage is successfully developed at all universities as all of them to a great extent address issue of diversity within their bachelor and master courses.

The programs for promoting diversity are designed in particular with promoting minorities, especially the Hungarian and Roma but also Ukrainian (Presov University).

All five universities include ethnicity and minority issues in their curricula either as a part of social science (anthropology at Comenius University) which offers courses on Romani studies, Ethnicity and nationalism, sociology or ethnology (all universities) or as a part of pedagogy programs (all universities). Two universities (Constantinus Philosopher University and Presov University) have special institutes focusing not only on the teaching but also on the research on the Romani and Hungarian minorities. The Presov university also provides a paid Hungarian course for beginners, which is for teachers and students.

Except for promoting programs for minorities, all universities also provide courses and specializations addressing various kinds of disabilities and health, which are commonly found not only as special courses such as special pedagogy or pedagogy for deaf, speech therapy (all universities). In the past decade, all universities created or developed social work programs which focus also on counseling, health care and applied social work that promote diversity in a broader scope.

To conclude, this stage is seen as “celebrat[ing] diversity” (Rees 1998, 40) through the programs addressing the issues of disadvantaged groups at the greatest public universities. Yet, it is not known whether disadvantaged groups are also involved in the policy-making or preparing curricula as this information is not available; neither is it known whether these programs are thought for example, by the representatives of the minorities. Such issue remains unquestioned as data on identity are not provided by any institution.

3.4 Conclusion: Chapter 4

The chapter brings together the information on ensuring equality at the five selected public universities. It examines admission, retention and curricula policies in regards to the disadvantaged groups in order to conclude to what extent the universities apply principles of equal treatment, equal opportunities and promoting diversity.

The findings show responsive policies towards the students with disabilities who are provided with technical adjustments to examine their knowledge. On the other hand, any other disadvantages are not acknowledged at the entry examinations and everybody is treated equally. While in the accession policies disability is the only one category for providing equal opportunities, the retention policies offer more opportunities for considering students’ different backgrounds and therefore show greater extent of substantive equality. The students are provided with the financial and non-financial assistance including special coordinators for the students with disabilities, family friendly policies for the students who have children or female students with the risk pregnancy or other students who for serious health issue who cannot attend the

regular classes. In addition, the students with serious issues students have an opportunity to interrupt their studies. In terms of financial support, the universities are responsive towards socio-economic situation and health. From the examined sources can be seen that while the universities are responsive towards different needs of the disadvantaged students, the limitation is that the universities do not recognize other disadvantages than socio-economic status and health. This, in fact, corresponds with the Antidiscrimination Act where the acknowledged supportive measures are based on socio-economic status, age and disability (Antidiscrimination Act, Art. 8a).

Completely different approach is seen in terms of promoting diversity and offering programs and courses that address the issues of disadvantaged students. At this stage, no differences in treatment have been observed. All universities have included the programs that promote equality within their curricula. No special provisions that advantage or disadvantage the applicants are apparent except for language programs at pedagogy and philosophy faculties where the students who want to study Hungarian or Ukrainian language (Presov University) are required to take an entry exam from these languages. This is however, the same as the students apply for any other foreign language. The Presov University also offers language course in Hungarian language for beginners. All in all, all universities are responsive towards promoting diversity through curricula. Yet, this stage of promoting equality has encountered an issue with gathering data on disadvantaged groups as there is no information about the representation of the disadvantaged groups in the university structures.

CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

The thesis examined how the idea of equality is reflected in the Slovak higher education system. It focuses on the opportunities of the disadvantaged groups like ethnic minorities, female students, elder and the students with disabilities in light of the concepts equality: equal treatment, equal opportunities as equality of access and equal opportunities as results and finally it examines concept of mainstreaming through the curricula. Through the available tools for promoting equality such as providing preparatory courses, applying financial and non-financial support such as scholarships, family friendly policies for female students, providing counseling and awarding accommodation it examines to what extent the disadvantaged students are provided with such positive measures. The paper reveals following findings:

Findings

1. The admission process strictly applies the idea of equal treatment not acknowledging any differences in backgrounds. The students are evaluated based on the “universal” model of *the best candidate*. Since such evaluation focuses only on results, it excludes groups of the students who did not have an opportunity to develop their knowledge in the past and therefore lowers chances of the disadvantaged groups to access higher education. The responsive policies are applied towards the applicants with disabilities are provided with the necessary technical adjustments to examine their knowledge. Otherwise, **accession process applies the idea of formal equality at entry exams and the idea of**

substantive equality in terms of providing assistance to the students with disabilities.

2. The **retention process applies the idea of substantive equality** by supporting disadvantaged students through scholarships and by providing accommodation, counseling and family friendly policies. While the universities respond towards different needs of the disadvantaged students, the system's **greatest limitation** is that it fails in **acknowledging other disadvantages than socio-economic and health status**; rather it places all categories in one- the socio-economic which means that ethnicity, age and in many cases also gender (with the exemption of the family friendly policies) are not considered as the reasons for providing support to disadvantaged students during their studies.
3. The study reveals the **inconsistency between opportunities and real situation**. The students with disabilities although have greater opportunities to receive accommodation comparing to the rest of the students, they do not eventually get it because of the lack of accessible facilities.
4. In terms of **curricula and the study** programs, all universities offer programs and courses that promote diversity which is clearly the **substantive equality reaching the level of mainstreaming**.

Overall, Slovak higher education applies all types of the equality concepts: equal treatment in accession policies in terms of entry examination, equal opportunity in terms of providing assistance to the students with disabilities and family friendly policies, and mainstream approach by offering courses and programs addressing issues of the disadvantaged students. Nevertheless, despite the fact that the principles of substantive equality are apparent in the higher education system in Slovakia, they are highly limited to the socio-economic background and disability. Moreover, the study shows that there is an inconsistency between providing opportunities and their realization.

Recommendations

- ensure continuity and availability of equality of opportunities
- consider whole profile of the students at the admission process through their motivation and recommendation letters as it is a common praxis of the universities abroad
- support preparatory courses for disadvantaged students
- categorize the socio-economic group and define what types of other categories fall within this group
- collect data on groups of the students for evidence-based policies. However, the system should be developed in order to protect the individuals from any abuse of the information

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