

The Issue of Discrimination Against Students in Poland

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O autorze



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Introduction

The issue of discrimination against students in Poland constitutes a multidimensional phenomenon, situated at the intersection of law, equality theory, and the practical functioning of higher education institutions. For this reason, it requires analysis from both a normative and a social perspective.

In public discourse, higher education is often perceived as synonymous with academic freedom, institutional autonomy, and equality of opportunity. However, the practical operation of institutions within this sector reveals a number of tensions between these values and actual mechanisms in place. Consequently, students may experience both direct discrimination and various forms of unequal treatment of an indirect or even systemic in nature.

Within the Polish legal order, the prohibition of discrimination is guaranteed by the Constitution of the Republic of Poland of 1997. The foundation lies in Article 32 of the Constitution, which establishes the principle of equality before the law and prohibits discrimination “for any reason whatsoever.” Furthermore, from the perspective of the issue under discussion, it is important to emphasize that Article 70 of the Constitution guarantees the right to education and equal access to it. The normative significance of these provisions in relation to higher education has been the subject of analysis in the jurisprudence of the Constitutional Tribunal. It has been repeatedly emphasized that the autonomy of higher education institutions is not absolute and is subject to limitations arising from the protection of individual rights and freedoms.

The Act of 20 July 2018 – Law on Higher Education and Science defines the status of a student as a subject within a specific administrative-law relationship, in which the higher education institution is vested with authoritative powers. In light of this, a fundamental question arises:

do students in Poland enjoy effective protection against discrimination based on both normative frameworks and their practical application?

Currently, increasing social awareness contributes to the development of both normative and practical guarantees of equal treatment. Poland's membership in the European Union has also fostered the creation and implementation of "Gender Equality Plans" within higher education institutions. Efforts aimed at creating an environment conducive to studying and conducting research are also becoming more visible. Universities are placing greater emphasis on supporting persons with disabilities, individuals from smaller localities, those with limited economic resources, as well as individuals with diverse gender identities and sexual orientations. Unfortunately, neurodiversity and support for neurodivergent individuals remain significant challenges and are still often absent even from discussions on potential directions for reform.

Polish academic literature devotes relatively limited attention to the systemic analysis of discrimination against students. This issue is often fragmented across discussions concerning disciplinary liability, student rights, equality, or institutional autonomy. There remains, however, a lack of a comprehensive approach that would integrate both a doctrinal perspective and institutional and procedural analysis.

The aim of this publication is, at least to some extent, to fill this gap. The analysis encompasses the constitutional and statutory levels, as well as the practical application of the law. Particular attention is devoted to reflecting on the limits of academic autonomy in light of the principle of equality.

The issue of discrimination against students in Poland cannot be regarded as marginal or incidental. It constitutes an integral and fundamental aspect of a democratic state governed by the rule of law, as it concerns equality before the law, the protection of human dignity, and access to education. Higher education should serve as a model of equality for other sectors and inspire further efforts in the protection of human rights.

The Concept of Discrimination

Discrimination is a phenomenon that possesses both legal and social dimensions. From a normative perspective, discrimination refers to unequal treatment of entities that

are in a comparable situation, based on a specific characteristic protected by applicable law. From a social standpoint, it is characterized by treating an individual less favorably due, among other factors, to their origin, gender, race, sexual orientation, religion, worldview, or disability. Discrimination may occur in either direct or indirect forms. It also encompasses violations of human dignity, which is why discussions of discrimination frequently address the issue of harassment.

At its core, discrimination is rooted in mechanisms of classification; its result is difference, which transforms into inequality. It involves organizing relationships between individuals in such a way that certain characteristics become the basis for the systematic stigmatization of status, opportunities, or access. This phenomenon is marked by processes of hierarchical structuring that lead to limitations on the ability to act freely and to participate fully in public life.

Closely related to discrimination is the concept of unequal treatment. This is often a complex process that does not occur incidentally but rather assumes the form of sustained and recurring action. It is characterised by its repetitiveness and structural form. Unequal treatment takes on a systemic character when a particular individual or group consistently experiences less favorable conditions compared to others in a similar situation, but possessing different characteristics that do not affect their level of competence or effort. In practice, unequal treatment may take various forms, including:

- limiting opportunities for development or advancement,
- denying access to certain goods or resources,
- applying stricter evaluation standards,
- exclusion from decision-making processes,
- devaluation through language and narrative.

It is important to emphasize that unequal treatment is not always intentional. It may result from entrenched patterns, stereotypes, or institutional routines. However, this should not serve as justification for perpetuating flawed processes. The literature highlights that many forms of discrimination, including unequal treatment, are “banal” in nature embedded in everyday practices and therefore difficult to identify.

Discrimination often stems from prejudice and stereotypes. Simplifying reality and categorizing people into groups can lead to cognitive shortcuts that foster unconscious bias. This, in turn, translates into unequal treatment arising from automatic associations. In such cases,

discrimination does not require an explicit intent to exclude; it is sufficient that entrenched patterns influence evaluation or decision-making processes. This mechanism is particularly significant in situations where decisions are discretionary. The absence of clear, objective criteria reinforces such processes and increases the likelihood that decisions will depend on subjective judgments.

Discrimination may occur not only between individuals or groups but can also assume a structural character. In such cases, it becomes embedded within systems shaped by institutional organization, procedures, and established rules. An example would be a work model that requires full availability without caregiving responsibilities. At first glance, such a structure may not raise concerns; however, it carries elements of discrimination. It excludes individuals who care for children or dependent persons. In this context, discrimination operates by privileging individuals with a particular lifestyle at the expense of others.

Perhaps the most widespread form of discrimination is linguistic discrimination, often manifesting in a symbolic dimension. Narrative also plays a crucial role. When a particular group is portrayed as less “moral” or less “typical,” it alters both how that group is perceived by others and how it perceives itself. In such cases, discrimination focuses on diminishing a person’s sense of worth and dignity rather than directly depriving them of material goods. Over time, this may lead to self-limitation, reduced aspirations, and the internalization of negative stereotypes.

Not every differentiation constitutes discrimination. Societies function through various classifications, divisions, and categorizations that facilitate organization and efficiency. What is crucial, however, is the purpose of such distinctions, their proportionality, and, above all, their effects. Differentiation becomes discrimination when it:

- lacks a rational justification,
- reinforces existing inequalities,
- leads to the systematic limitation of opportunities for certain individuals,
- deprives individuals of the ability to participate fully in social life.

Naturally, the boundaries in such situations are often fluid and require a careful contextual analysis. What may constitute a justified selection criterion in one context may, in another, become a tool of exclusion.

Discrimination operates cumulatively, as its effects intensify over time. A single act may have a limited impact, but repeated instances can lead to entrenched unequal treatment and, consequently, a lasting sense of marginalization.

Moreover, the experience of discrimination may be subjective. How an individual perceives such experiences depends not only on objective circumstances but also on context and prior experiences.

An analysis of the concept of discrimination must therefore take into account both its objective (structural) and subjective (experiential) dimensions. It represents a complex interplay of social, cultural, and institutional mechanisms, the consequence of which is the transformation of differences into enduring inequalities. Unequal treatment is not always the result of overt hostility; it may stem from the subconscious. Understood in this way, discrimination constitutes not only an ethical problem but also a social one. It weakens social cohesion, erodes solidarity, and generates tensions between individuals. Furthermore, it leads to the waste of human potential and undermines the foundations of equal opportunity—and, most importantly, it causes real harm and suffering to those who experience it.

The legal basis for **of the Prohibition of Discrimination Against Students**

The prohibition of discrimination against students in Poland is multi-layered in nature and derives from constitutional provisions, statutory law, and international obligations. It encompasses not only formal access to higher education but also equality in education, assessment, access to benefits, and participation in the academic community.

The constitutional prohibition of discrimination and the principle of equality are derived from Article 32 of the Constitution of the Republic of Poland:

"Article 32

- 1. All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities.*
- 2. No one shall be discriminated against in political, social or economic life for any reason whatsoever."¹*

¹ Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r., Dz.U. 1997, nr 78, poz. 483 ze zm.

In legal doctrine, this provision is recognized as a principle-based norm, meaning that it constitutes a fundamental constitutional principle. It serves as a reference point for the entire legal system, including regulations governing higher education. The provision has an open-ended character, which means that protection extends not only to traditional grounds such as gender, origin, or religion, but also to other forms of unequal treatment that emerge in social practice. The deliberate use of the phrase “for any reason whatsoever” underscores its universal scope and applicability across all areas of life.

In the context of students, Article 70 of the Constitution is of particular importance, as it guarantees the right to education and equal access to it:

"Article 70

- 1. Everyone shall have the right to education. Education to 18 years of age shall be compulsory. The manner of fulfilment of schooling obligations shall be specified by statute.*
- 2. Education in public schools shall be without payment. Statutes may allow for payments for certain services provided by public institutions of higher education.*
- 3. Parents shall have the right to choose schools other than public for their children. Citizens and institutions shall have the right to establish primary and secondary schools and institutions of higher education and educational development institutions. The conditions for establishing and operating non-public schools, the participation of public authorities in their financing, as well as the principles of educational supervision of such schools and educational development institutions, shall be specified by statute.*
- 4. Public authorities shall ensure universal and equal access to education for citizens. To this end, they shall establish and support systems for individual financial and organizational assistance to pupils and students. The conditions for providing of such assistance shall be specified by statute.*
- 5. The autonomy of the institutions of higher education shall be ensured in accordance with principles specified by statute."*²

Paragraph 4 explicitly states that access to education must be equal. This right extends beyond the formal possibility of enrolment and includes the actual conditions for continuing education, including equal access to financial support systems. This implies that the state is obliged

² Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r., Dz.U. 1997, nr 78, poz. 483 ze zm.

to equalize opportunities for citizens, including economic disparities, in exercising the right to education. To this end, mechanisms should be implemented to enable individuals in less favorable socio-economic situations to achieve a comparable starting position. The absence of such compensatory instruments may result in restricted access to higher education, for instance by making it dependent on financial status.

Paragraph 5, which guarantees the autonomy of higher education institutions, is also of key importance. This autonomy includes, among other aspects, the freedom to shape curricula, organize studies, and determine assessment methods. However, it cannot be interpreted in isolation from other constitutional norms, including Article 32. This means that institutional autonomy is limited by legal standards protecting individual rights, including protection against discrimination. This interpretation has been confirmed by the Constitutional Tribunal in its judgment of 8 November 2000 (SK 18/99), where it emphasized that autonomy cannot lead to the restriction of constitutional rights, including the principle of equality³. Moreover, Article 70 guarantees not only equal access to education but also fair and equitable treatment throughout the course of studies. In this sense, it provides the framework for assessing practices that may result in unequal treatment of students.

It is also worth referring to the aforementioned judgment of the Constitutional Tribunal of 8 November 2000 (SK 18/99), which clearly delineates the legal boundaries of equality:

*"According to established constitutional jurisprudence, the principle of equality may be applied only to entities belonging to a common category distinguished by a legally relevant characteristic significant for the legal relationship or right under review. (...) The principle of equal treatment cannot, by its nature, be applied to the assessment of candidates' predispositions and qualifications within a competitive admissions process in the same sense as it would be impossible to treat identically persons taking examinations or applying for academic scholarships based on merit. The principle of equal treatment in access to free education at public higher education institutions must primarily be reflected at the stage preceding the admission decision, by ensuring equal opportunities for all participants in the selection procedure."*⁴

The Constitution of the Republic of Poland not only establishes a prohibition of discrimination but also imposes an obligation to counteract inequalities. In academic practice, this requires

³ Wyrok Trybunału Konstytucyjnego z 8 listopada 2000 r., SK. 18/99, OTK 2000, poz. 258.

⁴ Wyrok Trybunału Konstytucyjnego z 8 listopada 2000 r., SK. 18/99, OTK 2000, poz. 258.

active efforts to equalize opportunities in access to education and to ensure full participation throughout the educational process.

At the statutory level, the key legal act in the context of higher education is the Act of 20 July 2018 – Law on Higher Education and Science. This Act imposes on universities an obligation to create conditions enabling persons with disabilities to participate fully in education. Already in Article 11(1)(6), it is stated that the higher education system operates with respect for the principle of equal treatment:

"Article 11(1). The primary tasks of higher education institutions include:

(...)

6) creating conditions for people with disabilities to participate fully in:

a) the admission process for the purpose of education,

b) education,

*c) scientific activity"*⁵

Furthermore, statutory forms of financial support for students such as need-based scholarships, scholarships for people with disabilities, and emergency grants constitute instruments for equalizing opportunities in the economic dimension.

In the jurisprudence of the Supreme Administrative Court, it has been emphasized that decisions of university authorities in student matters, despite the constitutional autonomy of higher education institutions, must comply with the principles of equality and proportionality. In its judgment of 11 December 2024 (III OSK 2268/23), concerning the refusal to grant a rector's scholarship, the Court referred to an earlier judgment of the Voivodeship Administrative Court in Gliwice (10 May 2021, III SA/GI 148/23), stating:

*"Respecting the principle of equality before the law, it must be considered inadmissible to apply legal requirements selectively to certain entities without applying them equally to others subject to the same obligations. This means that entities in the same situation must be treated equally. Any indication of a violation of the principle of equality must be carefully and thoroughly examined by the authority."*⁶

The Court emphasized that the principle of equality excludes selective application of legal provisions to entities in the same legal and factual situation. Any plausible allegation

⁵ Ustawa z dnia 20 lipca 2018 r., Prawo o szkolnictwie wyższym i nauce, Dz.U. 2011, poz. 1668 ze zm.

⁶ Wyrok Naczelnego Sądu Administracyjnego z 11 grudnia 2024 r., sygn. III OSK 2268/23.

of its violation imposes an obligation on the authority to conduct a thorough and substantive analysis to determine whether differentiation was objectively justified and consistent with constitutional standards.

An important normative act in the context of discrimination is the Act of 3 December 2010 on the implementation of certain European Union provisions on equal treatment. This Act prohibits unequal treatment based on a range of characteristics, as specified in Article 1:

*"Article 1(1). This Act defines areas and methods for counteracting violations of the principle of equal treatment on the grounds of sex, race, ethnic origin, nationality, religion, belief, worldview, disability, age, or sexual orientation, as well as the competent authorities in this regard."*⁷

The protective measures provided by this Act, particularly the reversal of the burden of proof in civil proceedings, are of significant practical importance. A student pursuing a claim is only required to substantiate the likelihood of unequal treatment, while the burden of proving the absence of discrimination lies with the defendant. This represents a considerable facilitation in the enforcement of rights.

At the international level, European law constitutes an important reference point. The prohibition of discrimination is enshrined in Article 14 of the European Convention on Human Rights:

*"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."*⁸

In the context of people with disabilities, particular significance is attached to the judgment of the European Court of Human Rights in *Çam v. Turkey* (2016), where the refusal to admit a blind applicant to a conservatory without assessing the possibility of reasonable accommodation was found to constitute discrimination.

⁷ Ustawa z dnia 3 grudnia 2010 r., o wdrożeniu niektórych przepisów Unii Europejskiej w zakresie równego traktowania, Dz. U. 2010 Nr 254 poz. 1700 ze zm.

⁸ Council of Europe. (1950). Convention for the Protection of Human Rights and Fundamental Freedoms. <https://www.echr.coe.int>

Similarly, in the judgment of the Court of Justice of the European Union in *Tarantino and Others v. Italy*, it was emphasized that:

*"The Government interprets society's need as the need experienced by the Italian public health sector. This criterion aggravates the disproportionality of the respondent State's interference with the right to education, since it ignores the fact that the Italian health sector also contains a private sector, with its own needs[26]. This omission is particularly censurable in the case of dentistry, since the vast majority of dentists work in the private sector[27]. Moreover, this criterion neglects the fact that Italy is a member of a wider market of health services, namely the European Union, within which professionals are entitled to move and work freely[28]. Furthermore, this criterion is in essence contradictory to the developing European Higher Education Area, through the Bologna process[29], which aims not only at greater institutional autonomy for universities, in the sense that the primary responsibility for quality assurance in higher education lies with each institution itself[30], but also at widening overall participation and particularly increasing the participation of under-represented groups in higher education[31]. In addition, this criterion runs counter to the spirit of the 1997 Lisbon Recognition Convention, which is at the basis of the Bologna process[32]. From a wider perspective, this criterion goes against the States' obligation to make higher education equally accessible to all, on the basis of merit, as stated in Article 13 § 2 (c) of the International Covenant on Economic, Social and Cultural Rights[33] and Article 26 § 1 of the Universal Declaration of Human Rights[34]. The ultimate criterion for assessing candidates is their merit, not the market's needs. Finally, this criterion is fundamentally unfair, inasmuch as it impedes a new entrant to the market with an obstacle justified by the alleged needs of that market.."*⁹

In this judgment, the Court questioned the practice of linking admission limits (numerus clausus) to projected labor market demand, indicating that such criteria conflict with the principle of equal access to higher education and with European and international educational standards. The Court emphasized that the primary criteria for admission should be the qualifications and achievements of candidates, rather than economic considerations restricting access.

⁹ Court of Justice of the European Union. (2013, April 2). *Tarantino and Others v. Italy* (No. 25851/09). CURIA. <https://hudoc.echr.coe.int/eng?i=001-118477>

The normative foundations of the prohibition of discrimination against students in Poland are therefore comprehensive. They encompass constitutional principles of equality, statutory guarantees of equal treatment, financial support mechanisms, and European standards. Both national and international case law consistently affirm that university autonomy cannot justify arbitrary differentiation in the treatment of students. The prohibition of discrimination in higher education is thus not merely an ethical postulate but a binding legal norm, subject to judicial review and international regulation.

A student who has experienced discrimination may seek protection through administrative proceedings (e.g., by appealing a university decision before an administrative court) as well as through civil litigation. In certain cases, it is also possible to notify the Commissioner for Human Rights. Importantly, courts increasingly emphasize the obligation of transparency in procedures and the consistent application of criteria to all students. This confirms that institutional autonomy does not exclude legal oversight of university actions.

Understanding Discrimination in the Academic Environment

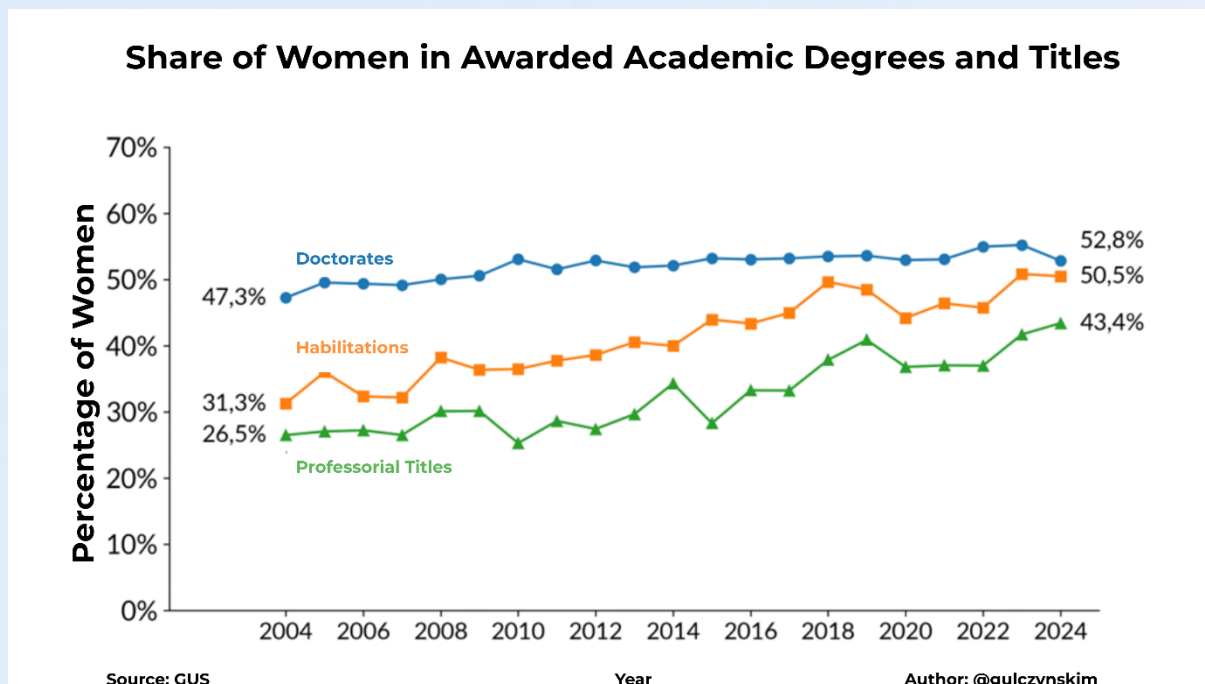
Analyzing the phenomenon of discrimination in the academic environment requires a nuanced approach that takes into account the specific characteristics of the higher education sector.

Firstly, the academic environment operates within a hierarchical system both between students and academic staff, and within the academic staff itself, structured by academic ranks. This is further reinforced by notions of prestige and elitism. Hierarchy in itself does not constitute discrimination; however, it may create conditions that facilitate its emergence.

Secondly, many decisions within academia are based on discretionary judgment. Examples include the assessment of coursework, class participation, research projects, or selection for mobility programs such as Erasmus+. These areas inherently involve elements of subjective evaluation, increasing the risk of influence by irrelevant or biased factors. As a result, unequal treatment may arise not only from formal regulations but also from the way they are applied in practice.

Thirdly, long-standing processes of discrimination have shaped the internal structure of higher education. This is visible in both age and gender distributions, where the entrenched stereotype of the “male professor” has led to the predominance of men in the oldest academic age groups. This trend is now gradually reversing, with women increasingly being awarded academic

degrees particularly doctorates and, to a lesser extent, habilitations. Based on data from the Central Statistical Office, the chart below illustrates the percentage share of women among recipients of academic degrees in Poland since 2004.



Source: Michał Gulczyński, *Forum Akademickie*.

Data from the Information Processing Centre – National Research Institute clearly show that in 2023, women obtained slightly more habilitations than men for the first time¹⁰. The proportion of women among newly appointed full professors has risen to 42%; however, this still does not reflect the gender distribution in Polish society¹¹. For sixteen consecutive years, women have constituted the majority among recipients of doctoral degrees. This trend translates into gradual changes at higher stages of academic careers and indicates a progressing generational balance.

At the same time, data from the Central Statistical Office demonstrate that current inequalities are primarily structural and field-specific: women remain underrepresented in engineering and technical sciences. Key challenges include access to leadership positions, disparities in grant success rates, and the impact of motherhood on academic careers. Importantly, effective

¹⁰ Raport *Kobiety wśród nauczycieli akademickich w 2023 roku*, <https://radon.nauka.gov.pl/>, (dostęp: 22 luty 2026 r.).

¹¹ Raport *Kobiety wśród nauczycieli akademickich w 2023 roku*, <https://radon.nauka.gov.pl/>, (dostęp: 22 luty 2026 r.).

equality policies in this area require a precise diagnosis of existing barriers, rather than relying solely on analyses of historically shaped structures.

Fourthly, the socio-economic situation of students plays a critical role. Students with fewer financial resources are often compelled to undertake paid employment not as a matter of professional ambition, but out of necessity to sustain themselves and continue their education. This affects their availability, limiting their ability to fully participate in academic activities, research projects, or international mobility programs¹². As a result, formal equality in access to higher education does not translate into equality of conditions in the course of study.

Understanding discrimination in academia therefore requires moving beyond a simplified “perpetrator–victim” model toward a multi-level analysis. Unequal treatment may arise from power relations, institutional structures, organizational culture, or historical conditions. A proper diagnosis must consider both formal regulations and their practical implementation, as well as the subjective experiences of students. Only such a comprehensive approach makes it possible to grasp the real scope and nature of discrimination, which in academic settings rarely takes the form of overt exclusion but more often manifests through subtle, recurring mechanisms that differentiate opportunities and positions.

Contemporary Forms and Areas of Discrimination Against Students

Contemporary discrimination against students is complex in nature. Overt exclusion or formal barriers to access are less common than in the past. Today, discrimination is often diffuse and embedded within organizational structures. At the same time, persistent stereotypes about the “typical student” continue to contribute to stigmatization. An analysis of current forms of unequal treatment must take into account the social, technological, and economic transformations shaping higher education in Poland.

Discrimination Based on Economic Status

One of the least visible yet most significant areas of inequality concerns the economic situation of students. Despite Poland’s economic growth and its position among the world’s largest

¹² M. Gluczyński, *Dynamika nierówności płci na polskich uczelniach*, NAUKA 2/2023.

economies, class-based disparities persist. Students from lower-income backgrounds are more likely to:

- take up paid work while studying,
- choose not to participate in non-paid activities, such as research projects or student organizations,
- do not take part in international mobility programmes, such as Erasmus+.

This form of inequality does not stem from formal exclusion but from unequal capacity to take advantage of educational opportunities. Consequently, students with fewer financial resources may achieve lower academic outcomes and fail to fully utilize the opportunities offered by higher education institutions not due to a lack of ability or motivation, but due to time constraints and limited financial means.

Discrimination Based on Gender and Gender Identity

Although women constitute the majority of students, this does not automatically translate into equality of experience. Horizontal segregation of fields of study remains evident, with women overrepresented in the humanities and social sciences and underrepresented in technical and engineering disciplines. These patterns are reinforced by stereotypical expectations regarding the competencies and career trajectories of women and men.

The situation of transgender and non-binary individuals remains particularly challenging. Barriers often include the inability to use a preferred name, limited access to appropriate facilities, and the absence of adequate institutional procedures. As a result, individuals may experience a sense of systemic exclusion. In such cases, discrimination is frequently administrative or organizational in nature, stemming from the system's failure to accommodate diversity within the academic community.

Discrimination Based on Sexual Orientation

Another area of concern is the situation of non-heteronormative individuals. Students identifying as homosexual, bisexual, or asexual may encounter both direct hostility (e.g., offensive remarks) and more subtle forms of marginalization (e.g., exclusion of their perspectives in discussions). Discrimination based on sexual orientation often manifests in the cultural environment through language, norms, and stereotypes, including seemingly trivial jokes.



Even when institutional regulations formally ensure equal treatment, the broader atmosphere plays a decisive role. Lack of acceptance may lead individuals to conceal their identity, resulting in psychological strain. Research indicates that chronic minority stress negatively affects well-being, concentration, and a sense of safety¹³.

Importantly, discrimination in this area rarely takes the form of formal administrative decisions. Rather, it operates through microaggressions, exclusionary language, and stigmatization. Addressing such issues requires not only legal regulation but also the development of an organizational culture grounded in respect for diversity and a clear response to manifestations of prejudice.

Discrimination Based on Disability and Health Status

Despite the development of support systems for people with disabilities, barriers architectural, communicational, and organizational remain present in higher education institutions. The issue extends beyond infrastructure to include the provision of reasonable accommodations, such as flexible assessment methods.

Increasing attention is also being paid to mental health. The growing number of students experiencing depression, anxiety disorders, or adaptation crises highlights tensions between high academic demands and limited access to support.¹⁴ Unequal treatment in this context may manifest as a lack of procedural flexibility for individuals in mental health crises, leading to their marginalization.

Discrimination Based on National and Ethnic Origin

With the growing internationalization of Polish higher education, discrimination based on national or ethnic origin has become an important issue. Although international students formally enjoy the same rights, they may experience social isolation due to language barriers, limited integration, or stereotypical attitudes.

In practice, unequal treatment may manifest as:

- restricted access to information,
- exclusion from integration initiatives,

¹³ Raport *Sytuacja społeczna osób LGBTQIA w Polsce, raport za lata 2019 – 2020*, Centrum Badań nad Uprzedzeniami Uniwersytetu Warszawskiego, Warszawa 2021.

¹⁴ Raport *Analiza badań nad zdrowiem psychicznym i jakością życia w środowisku akademickim*, Uniwersytet SWPS, Warszawa 2024.

- prejudices linked to geopolitical or religious tensions,
- unrealistic expectations regarding language proficiency.

Such challenges negatively affect academic performance, as well as students' sense of safety and belonging within the academic community.

Harassment and Sexual Harassment

One of the most severe forms of unequal treatment in academia is harassment. It is important to distinguish between harassment and sexual harassment, as they constitute distinct, though equally unacceptable, phenomena.

Harassment includes unwanted conduct that violates human dignity and creates an environment of humiliation, hostility, or intimidation. It may take verbal forms (e.g., offensive comments or demeaning remarks) or non-verbal forms (e.g., gestures or behavior). While harassment may involve persistent conduct, it does not necessarily have to. Importantly, the absence of objection does not imply consent particularly in academic environments characterized by power asymmetries, such as grading or supervision relationships.

Sexual harassment refers specifically to unwanted conduct of a sexual nature or related to gender, producing similar effects of dignity violation and humiliation. It may include sexualized comments, suggestive messages, physical contact, or coercion in exchange for benefits. In higher education, this issue is especially serious due to the dependency relationship between evaluators and those being evaluated. In some cases, sexual harassment may constitute a criminal offense.

Hate Speech

Hate speech represents one of the most destructive forms of contemporary violence. It includes expressions that spread, incite, or justify hatred based on intolerance or contempt. It is distinct from legitimate criticism or the expression of opinions in public debate.

Hate speech contributes to the normalization of prejudice and may lead to both psychological and physical violence. Its aim or effect is to stigmatize, provoke hostility, reinforce stereotypes, and exclude individuals from the community. In the digital era, it has expanded significantly through social media, facilitated by ease of publication and perceived anonymity.

In academic environments, hate speech may take the form of:

- offensive comments directed at students,

- dissemination of degrading content,
- impersonation through fake online profiles,
- public ridicule of individuals.

It is crucial to distinguish between freedom of speech so highly valued in academic institutions and hate speech. According to the established case law of the European Court of Human Rights, freedom of expression applies not only to “information” or “ideas” that are favorably received or regarded as harmless or indifferent, but also to those that offend, shock, or disturb¹⁵. Freedom of expression is a cornerstone of academic debate; however, it does not include the right to violate the dignity of others or to incite hostility and hatred. Pursuant to Article 10(1) of the European Convention on Human Rights, everyone has the right to freedom of expression.¹⁶ In a democratic state governed by the rule of law, however, this freedom is subject to certain limitations arising from the need to protect the rights and dignity of others. Freedom of expression must not lead to dehumanization, nor may it justify offensive or contemptuous content.

Unfortunately, hate speech is often trivialized and whitewashed by being reduced to the category of “harsh expression.” A plurality of views and emotions can be articulated within a culture of dialogue grounded in mutual respect. Article 54 of the Constitution of the Republic of Poland guarantees freedom of expression, stating that: “Everyone shall be ensured freedom to express opinions and to acquire and disseminate information.”¹⁷. However, the brutalization of language in fact undermines the foundations of the academic community. A lack of response to such behavior leads not only to violations of social norms but also poses a real threat to the inclusiveness and safety of the higher education environment.

Other Forms of Discrimination

Beyond the categories outlined above, there exists a broad range of less easily classified forms of discrimination that nonetheless significantly affect students. These include mechanisms

¹⁵ Wyrok Europejskiego Trybunału Praw Człowieka z dnia 2 sierpnia 1996 r., *Vogt przeciwko Niemcom*, skarga nr 17851/91.

¹⁶ Europejska Konwencja o Ochronie Praw Człowieka i Podstawowych Wolności z dnia 4 listopada 1950 r. (Dz.U. z 1993 r., nr 61, poz. 284).

¹⁷ Konstytucja Rzeczypospolitej Polskiej z dnia 2 kwietnia 1997 r., Dz.U. 1997, nr 78, poz. 483 ze zm.

of marginalization related to psychological traits, cognitive styles, family situations, worldviews, or the intersection of multiple identities.

Research indicates that discrimination is often intersectional, meaning that multiple identity characteristics may overlap, intensifying experiences of exclusion¹⁸. A student may therefore face unequal treatment not for a single reason, but due to the interaction of several factors.

A particularly relevant example concerns neurodivergent individuals, including those on the autism spectrum, with ADHD, dyslexia, or other neurodevelopmental differences, who are not always formally recognized as persons with disabilities. Educational systems based on strict assessment, time pressure, large-group work, and rapid adaptation may unintentionally favor neurotypical individuals. A lack of flexibility in assessment methods, inappropriate teaching approaches, and communication barriers may lead to stigmatization.

For instance, a student on the autism spectrum may struggle with public speaking or group discussions, despite demonstrating high analytical ability and strong written expression. If the assessment system does not allow for alternative forms of evaluation, this results in unequal treatment not due to a lack of competence, but due to a mismatch between requirements and diverse cognitive styles.

The category of “other forms of discrimination” should remain open-ended. Its purpose is to capture those dimensions of inequality that do not fall within traditional categories such as gender, sexual orientation, or origin. The contemporary academic environment requires institutional sensitivity and a willingness to respond flexibly to diverse student needs, so that diversity is recognized not as a deviation from the norm, but as a strength of the academic community.

Anti-Discrimination Procedures and Institutional Support for Students

The effectiveness of counteracting discrimination depends not only on legal regulations but equally on the mechanisms for responding to violations. The accessibility and transparency of procedures are crucial in this respect, particularly in higher education, where internal regulations play a significant role. Beyond formal rules, ordinances, and equality policies, support institutions such as academic ombudspersons and student rights advocates are of key importance.

¹⁸ Dane ze strony internetowej: <https://www.unia.be/en/dossiers/discrimination-intersectionality> (dostęp 28 luty 2026 r.).

Study regulations constitute the primary internal legal act governing the situation of students and may serve as an important preventive instrument. Although their main focus is organizational (e.g., rules for course completion, leaves of absence, or procedures for removal from the student register), they may also include provisions concerning equal treatment, the prohibition of discrimination, and the obligation to respect the dignity of all members of the academic community. Transparent appeal procedures, clear assessment criteria, and a broad catalogue of possibilities for applying for individualized study arrangements are tools that help limit arbitrariness in decision-making. In practice, excessive discretion may lead to situations indicative of unequal treatment; however, it is equally important to avoid overregulation. Study regulations can thus function as instruments of equality policy by introducing solutions that promote equal opportunities for example, by allowing adjustments in assessment methods for students with disabilities or health-related difficulties.

The role of academic ombudspersons and student rights advocates is becoming increasingly significant within the broader system of support and protection against discrimination. Their responsibilities include providing assistance to individuals experiencing unequal treatment, conducting mediation activities, formulating recommendations, and monitoring ethical standards within the institution. Ombudsperson institutions are particularly valuable in terms of accessibility, as they often serve as the first less formal and confidential channel for reporting concerns. For many students, barriers to asserting their rights include fear of consequences, lack of knowledge about procedures, or distrust toward administrative structures. The work of ombudspersons must be grounded in principles of confidentiality and impartiality. Equally important is the informational support they provide and their assistance in preparing formal complaints. Student rights advocates, often themselves students, play a complementary role by offering peer-based support, which naturally enhances trust and a sense of understanding among those affected.

An increasing number of universities are appointing equality officers and establishing committees or task forces dedicated to counteracting discrimination. When creating such bodies, it is essential to clearly define their competencies and responsibilities, so as to prevent situations in which individuals reporting discrimination are redirected between institutions without receiving effective assistance.

The implementation of formal anti-discrimination procedures is of central importance. The University of Warsaw was the first higher education institution in Poland to introduce a Gender Equality Plan in 2020. In the same year, by decision of the Rector, an anti-



discrimination procedure was established as an official mechanism for addressing discrimination and sexual harassment. This document defines the process for reporting cases of discrimination, harassment, and mobbing, identifies the competent bodies responsible for conducting investigations, and guarantees protection for individuals reporting violations against retaliatory actions. A key strength of these procedures lies in their multi-stage structure and the availability of different pathways from informal consultation to formal investigative proceedings. The introduction of clear timelines, confidentiality standards, and documentation requirements enhances the sense of security among students. The adoption of such procedures reflects a broader trend toward institutional equality policies in Polish higher education, driven by growing social awareness and European Union requirements. Their significance extends beyond formal compliance, signaling that universities recognize equality and anti-discrimination as elements of their social responsibility.

Despite clear progress in the development of anti-discrimination procedures, a major challenge remains their practical effectiveness. Formal regulations alone do not guarantee cultural change unless accompanied by informational and educational activities related to equal treatment and the prevention of discrimination. Training programs for all members of the academic community students, academic staff, and administrative personnel are therefore essential and should be tailored to the specific needs of each group.

Equally important is the continuous monitoring of implemented solutions, including in-depth analysis of reported cases, the duration and outcomes of proceedings, and the level of satisfaction among individuals using support mechanisms. A procedure that exists only “on paper” fails to fulfill its intended function.

Anti-discrimination procedures and institutional support for students should not be perceived merely as reactive measures addressing individual incidents, but as integral components of a systemic effort to build an academic environment grounded in equality, respect, solidarity, transparency, and accountability. Only by fulfilling these conditions can higher education institutions create a space in which the principle of equal treatment is not merely declaratory, but effectively realized in practice.





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