

# Practical Guide for teachers



## Combating discrimination in the classroom



**CONSILIUL NAȚIONAL**  
pentru **COMBATĂREA**  
**DISCRIMINĂRII**



**Institutul pentru Politici Publice**  
**București**



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# Practical Guide for teachers **Combating discrimination in the classroom**

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## General presentation

The National Council for Combating Discrimination (N.C.C.D.), together with its partner, the Institute for Public Policies, developed this guide, as part of the ProfsAgainstDiscrimination project, aiming to provide the Romanian teachers with a tool that will enable them to identify situations of discrimination/bullying at school level.

This guide relies both on the three surveys carried out at national level, which targeted teachers from the lower and upper secondary education cycles, parents of children enrolled in the lower and upper secondary education and school inspectors from the County School Inspectorates (CSI), as well on the recommendations developed by the teaching staff following the evaluation questionnaires applied by N.C.C.D. at the end of 10 training sessions attended by 200 teachers.

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The above-mentioned surveys examined the discrimination phenomenon in schools throughout Romania, aiming to identify the way and extent to which it occurs, and also the victims and sources of discrimination. The majority of teachers (57%) consider that the discrimination against students is a phenomenon that is spread to a small extent or is not present at all in the schools in Romania. As regards discrimination against teachers, the phenomenon seems to be even more limited, as 71% of the teachers stated that discrimination against teachers in Romanian schools is not encountered at all or to a small extent.

On the other hand, the magnitude of the discrimination phenomenon in Romanian schools is not negligible at all – almost 5 out of 10 parents (43%) believe that there are cases of discrimination in schools based on various criteria (race, ethnicity, religion or sexual orientation). This perception is even higher among women than among men, as well as among younger parents, under the age of 45, who believe to a greater extent that discrimination in schools is a common phenomenon.

As regards the categories that are most exposed to acts of discrimination, 35% of teachers consider that the students who most often face discrimination are those who are confronted with weight problems, followed by those originating from poverty-stricken families (28%) and those of Roma ethnicity (27%). According to the teachers, the students that are the least discriminated against are those of another religion (3%) and those of Hungarian ethnicity (3%).

According to the parents, the most discriminated categories of students are those confronted with weight/obesity problems (71%), students from poor families (68%) and students of Roma ethnicity (66%). At the opposite side, the least discriminated are students of Hungarian ethnicity and those of other religious denominations (21%).

Based on the responses of 5 out of 10 representatives of CSIs, the categories of students that are often dealing with discrimination are those of Roma ethnicity, those suffering from weight problems (for example: anorexia/obesity) and those suffering from mental disabilities, such as ADHD or Down syndrome. Most often, they are discriminated either by other students or by parents. Rarely, students are discriminated against by teachers. Discrimination rarely affects coloured students (11%), those who belong to a religious cult (8%) and those of Hungarian ethnicity (6%).

According to the parents' answers, discrimination manifests itself primarily in the form of verbal aggression from other students (81% of parents state this), but it can also take the form

of physical aggression (in 48% of cases). Although 5 out of 10 teachers state that they are familiar with anti-discrimination legislation to a large or very large extent, only 26% of teachers consider that the measures implemented are insufficient.

## RATIONALE

Quality education and non-discrimination are increasingly recognized as essential elements to ensure human rights around the world, to eradicate poverty, to effectively address climate change issues and achieve sustainable development. States are addressing educational inequalities by adopting national non-discrimination and equality strategies, implementing legislative reforms and working to create inclusive schools, curricula and learning environments that are sensitive to non-discrimination.

Every individual is entitled to their human rights as enshrined in international law, which include:

- right to equality
- freedom of expression and opinion
- freedom of thought, conscience and religion
- economic, social and cultural rights
- right to education.

The individuals have the right to live without discrimination and not be denied opportunities or rights on the basis of race, nationality, ethnicity, religion, sex, gender, socio-economic status, ability or other social identity or any other criteria. Although, the right to non-discrimination is a fundamental human right, the inequalities continue to persist, as we encounter more often multiple and intersecting forms of discrimination, and these actions lead to the exclusion of certain categories of people from access to resources such as education, health care, food, water, housing, etc. This system of exclusion and discrimination affects the safety, development and well-being of all individuals, and therefore, as teachers, understanding and applying different concepts from the area of non-discrimination is essential for the shaping of the future society, by respecting differences and promoting safe learning environments for all the students.

Equality and non-discrimination are human rights and although there may be subject to different political or religious views, we all have a duty to ensure that no one is marginalized

or discriminated against. Every individual in the society deserves to be treated with respect, and teachers may help build the foundation of an inclusive society that respects and protects the dignity and rights of all people by promoting feelings and self-worth and social respect behaviours, in the classroom and outside its walls. In order to efficiently do that, one must understand the basic concepts of non-discrimination and human rights, which are universal and inalienable, meaning that they apply to everyone and should not be limited, except in specific situations and according to a fair trial.

As we all know, human rights are those rights that belong to each individual because he or she is a human being. These are universal rights that belong to men, women, girls, boys, infants and the elderly, regardless of citizenship, nationality, race, ethnicity, language and gender identity, etc. All students are equally entitled to human rights without discrimination, and these rights should be both upheld and taught in schools from an early age. For example, the gender-based violence that is present in schools seriously undermines the attempts to achieve equality in education. This type of violence includes threats or explicit acts of physical violence, harassment, bullying, touching without consent, coercion, aggression, etc. It can also include the corporal punishment and harsh disciplinary practices in schools that are motivated by prejudice or any other everyday school practice that reinforces stereotypes and inequality and encourage violent or unsafe environments.

Everyone is confronted with some level of prejudice, and it relates to subconscious beliefs, attitudes, or stereotypes that affect our understanding, actions and decisions in an unconscious way. These are implicit because we are not aware that we have them, we build up ideas, assumptions and associations about groups of people throughout our lives by exposure to the messages we receive from our families, communities, culture, schools, religions, governments and mass media. Prejudice is based on a concept of power where certain groups of people have the right to dominate or control other people and things, and that is why is very important that the teachers become aware of any beliefs, attitudes or stereotypes they have taught and that they strive to overcome them. They can achieve this through self-reflection, training, reading, peer support, exposure to examples and stories that defy assumptions, and by implementing national and school policies on equal opportunity and non-discrimination.

Dealing with discrimination can significantly hinder the students' learning process, may diminish their academic performance, and often forces them to drop out of school due to trauma, fear, shame, or humiliation. Discrimination may happen within schools and there are times

when actually, the teachers are the perpetrators of these different forms of violence, of bullying in any form of it, especially the form of discrimination that students commonly face day by day in their school life. Harassment may include abusive, humiliating, degrading or offensive language and gestures, threats, sexual advances, inappropriate touching and teasing, or manipulating students or their mothers or sisters to exchange sexual favours for good grades, etc.

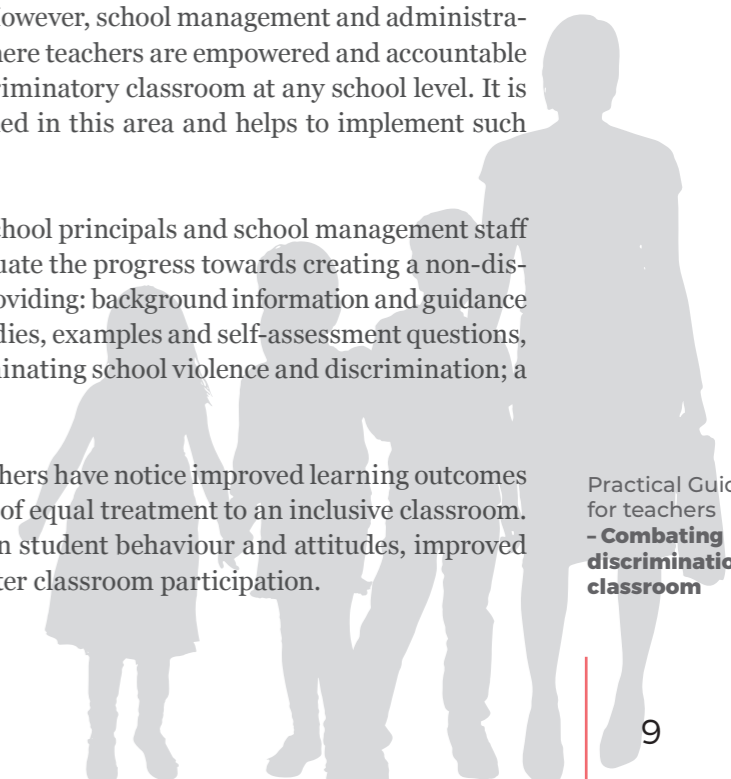
Taking in consideration all the aspects above, in this guide we will provide a presentation of both the forms of discrimination that can be identified in interactions in the school environment, as well as of the measures that can be taken by teachers or any person who identifies a possible act of discrimination. As well we have included in this guide a number of tools that could be implemented in school units to solve or prevent discriminatory attitudes or situations of discrimination.

## WHO SHOULD RECEIVE THIS GUIDE?

Teachers have always been instrumental in creating inclusive classrooms where students have equal opportunities to access a quality education. As such, this guide is intended for use by primary and lower secondary school teachers. However, school management and administration are essential in creating an environment where teachers are empowered and accountable for creating an equality-sensitive and non-discriminatory classroom at any school level. It is important that the school management is trained in this area and helps to implement such policies.

Therefore, this tool is also intended for use by school principals and school management staff and will support the ability to monitor and evaluate the progress towards creating a non-discrimination sensitive learning environment by providing: background information and guidance in each school unit, as well as activities, case studies, examples and self-assessment questions, non-discrimination in: access to education; eliminating school violence and discrimination; a consistent approach to human rights.

Beyond their own personal transformation, teachers have notice improved learning outcomes for their students when they apply the principle of equal treatment to an inclusive classroom. Trained teachers have notice positive changes in student behaviour and attitudes, improved academic performance and outcomes, and greater classroom participation.



Quality education for all is a fundamental human right and is an essential part in achieving all dimensions of the inclusive and sustainable development. Education enables everyone, without discrimination, to equally participate in the social, economic and political life and is fundamental for democratic societies. Early education is one of the most powerful levers available to avoid stigmatization and the promotion of stereotypes and prejudices, which lead to discriminatory acts in school and subsequently in adult life.

Also, education supports resilience, in short, non-discrimination in education is fundamental for promoting social, political and economic empowerment of individuals, increasing a country's GDP, improving community health and resilience to climate change, etc. In order to have an inclusive and fair education for all, the entire school system must benefit from integrating the concepts of non-discrimination, equal opportunities and fair treatment, together with the fight against bullying, otherwise, their absence will lead to the exclusion or even to amplifying the stigma for the vulnerable groups.

Teachers have an important role to play, working closely with the school's management system through regular communication about classroom-related bullying issues. Also, being an inclusive school also implies that the management systems, the school policies and practices recognize and address the needs arising from the violation of the right to non-discrimination. This includes providing proper infrastructure for students with disabilities, such as reasonably accessible classroom spaces, developing and enforcing teacher codes of conduct, establishing student safety and safeguards, and using a separate budget necessary to develop programmes specific for diversity-related topics.

## WHAT IS DISCRIMINATION?

Discrimination means any distinction, exclusion, restriction or preference based on the following criteria: *race, nationality, ethnicity, language, religion, social category, beliefs, sex (gender), sexual orientation, age, disability, chronic non-communicable disease, HIV infection, membership in a disadvantaged group,*

and *any other criterion* which has the purpose or effect of restricting or nullifying the recognition, use or exercise, on an equal footing, of human rights and fundamental freedoms or rights recognized by law in the political, economic, social, cultural or any other field of public life.

To summarize, an act of discrimination means that a number of elements should be cumulatively fulfilled:

- there is a different treatment (intentional or not)
- the different treatment consists in the violation or restriction of a fundamental right
- there is comparison with another person on an equal footing
- there is a criterion that can be the basis for different treatment
- there is a causal link between the different treatment and the criterion
- there is no justification or strong grounds stipulated by law for such different treatment

### IMPORTANT!!!!

There can be different treatment that cannot be considered discrimination: In order to protect a person, a group of persons, underprivileged categories or communities, public authorities or legal persons may take various **affirmative measures**, designed to ensure them natural development and effective achievement of equal opportunities in relation to others. A difference of treatment based on one of the above criteria in occupational activities does not constitute discrimination if the occupational requirement is genuine, decisive and proportionate and the objective is legitimate.

## WHAT ARE THE FORMS OF DISCRIMINATION

### ■ Direct discrimination

- Direct discrimination occurs when a person is treated unfavourably compared to what other persons in a similar situation have been or would be treated, and the reason for this treatment is one of the criteria laid down by the legislation in force.

**Example:** A minor student with a disability (Down syndrome), attending school X from 2013 to 2018, was refused a study agreement for the academic year 2018-2019. She was refused the necessary accommodations for her condition. This is an act of direct discrimination and a restriction of the child's right to education on the basis of disability.

<https://www.cncd.ro/wp-content/uploads/2021/02/Hotarare-799-2020.pdf>



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## ■ Indirect discrimination

- Indirect discrimination occurs when an apparently neutral provision, criterion or practice puts at a disadvantage certain persons based on the criteria laid down by the legislation in force, unless such provisions, criteria or practices are objectively justified by a legitimate goal and the methods of achieving that goal are appropriate and necessary.

**Example:** The claimants study IMAPA, and it's their second year of study at „Y” University of A. They were not awarded merit scholarship as the claimant's wife gave birth on the day of the last exam scheduled for that exam session. They had to sit this last exam in the resit session, consequently, they did not meet the criteria stipulated by the merit scholarship regulations, although another colleague in the academic year 2018-2019 was allegedly awarded a merit scholarship after passing an exam in the resit session. In this case, the N.C.C.D. Board noted that apparently neutral rules were adopted which, in fact, put at a disadvantage both the claimant and his wife, because due to the unforeseen event (the birth of the claimants' child), they were unable to sit the last examination and consequently could not benefit from the merit scholarship. The difference in treatment was based on the criterion of parenthood, the claimant and his wife being on an unequal footing compared to their colleagues who were able to sit the last examination.

<https://www.cncd.ro/wp-content/uploads/2021/01/Hotarare-393-2020-2.pdf>

## ■ Multiple discrimination

- Multiple discrimination occurs when a person, a group of persons or a community is treated unequally, in equal circumstances, on the basis of two or more cumulative discriminatory criteria.

**Example:** Exclusion of a student from the education system on the grounds of disability and ethnicity.

## ■ Harassment

- Harassment means any behaviour based on race, nationality, ethnicity, language, religion, social category, beliefs, gender, sexual orientation, membership in a disadvantaged

group, age, disability, refugee or asylum seeker status or any other criterion that leads to the creation of an intimidating, hostile, degrading or offensive environment.

- It takes the form of abuse (verbal, non-verbal, physical) but also of more subtle acts, such as disregard for the victim's work in bad-faith and the victim's gradual marginalization or even social isolation.
- It has the effect of violating human dignity.

**Example:** The student, diagnosed with Asperger's syndrome, was subjected to discriminatory treatment by school Z management, by failure to take action when pressure was put on the student, which eventually led him to be diffident, to express himself more aggressively when he felt he was not understood. The only measures taken by the school management consisted in a written reprimand and a poor grade (grade 2) for misconduct. The documents in the case file indicate that the student's circumstances were known, but no action was taken. There is an obligation for the school principal/management to be aware of such situations involving students or teachers, especially as the alleged aggressive behaviour of the student had been reported. At the same time, the school management should have taken actions to comply with the expert recommendations regarding the rehabilitation plan for that adolescent who was a student in that school, to ensure his participation in school activities, to facilitate and foster his interaction with peers, his understanding and compliance with social rules, to help him to develop the ability to learn from his peers, to reduce inappropriate behaviours, to learn and respect special rules and norms.

The passive **conduct** of High School Z, through its legal representative, constitutes discrimination in the form of harassment.

<https://www.cncd.ro/wp-content/uploads/2021/01/Hotarare-172-2020-1.pdf>

Other examples of situations where harassment can be identified:

**Example 1: Humiliation by the TEACHER:** the teacher uses offensive words towards a student in order to intimidate him/her.

**Example 2: Actions to restrict a student's ability to express himself/herself.** The student is prevented from expressing his/her point of view in front of colleagues or teachers; the student is interrupted when speaking; colleagues prevent him/her from





supporting his/her point of view; colleagues are rude, insult the victim; the victim's achievements and personal life are criticized.

**Example 3: Humiliation and Isolation:** Degrading, offensive remarks related to the student's appearance or physical characteristics, insults and name-calling. Jokes about the student's origin, nationality or private life; unfair school assessment; display of racist, fascist, offensive or other pictures, posters, sending offensive e-mails. Nobody ever talks to the person; he/she is not allowed to talk to another person; he/she is not assigned tasks, and he/she is isolated from colleagues; colleagues are forbidden to talk to the person; the person's physical presence is ignored.

**Example 4: Professional discreditation:** The student is repeatedly asked to perform meaningless assignments or tests that are not part of all students' obligations. The student is not assigned homework, projects, or is assigned tasks above or below his level of knowledge, some being useless or absurd; the homework assigned is frequently changed and the student is required to perform humiliating tasks.

These forms of harassment are also known as **mobbing** or **bullying**.

## HOW DO WE DETECT BULLYING?

### ■ Anonymous questionnaire

- How much do you like school?
- How many good friends do you have in your class?
- Has anyone made fun of you in the last week?
- Have you noticed rumours about yourself in the last month?
- Did you feel like you were getting hit more often than usual, or tripped up?
- Has anyone prevented you from participating in activities in the last week?
- Has any of your possessions (pen, notebook, coat) been destroyed on purpose?
- How many times has someone used a phone/SMS/internet/WhatsApp to send offensive messages about you in the last week?
- Do you enjoy your classroom?
- What would you change to feel better in your classroom?

## HOW DO WE IDENTIFY BULLYING CASES?

Teachers who interact directly with a child may notice:

- **Physical signs** (torn clothes, physical injuries, school supplies damaged or destroyed altogether),
- **Psycho-behavioural signs:** lack of appetite (during the break when eating the lunchbox food), constant fear (the child always turns his/her head, looks fearfully at others and at the teacher), sleeplessness (which can be confirmed by parents), nail biting, bruises, lesions, burns, haemorrhages, fractures and others.

### ■ Victimization

- means any adverse treatment in response to a complaint or action before the courts or competent institutions concerning a breach of the principle of equal treatment and non-discrimination.

### ■ Instruction to discriminate

- is a form of discrimination and is defined as a command/instruction to discriminate received by one person or group of persons from another person or group of persons.

## IN WHICH FIELDS DOES DISCRIMINATION OCCUR?

### ■ Education:

#### Examples:

- Elite classes for the best students;
- Student segregation (classes with national minority students separated from majority students);
- Isolation, marginalization, exclusion or relocation of children with disabilities or chronic non-communicable diseases for whom there are no medical indications to attend special schools.

## SOLUTION EXAMPLES

Teaching and learning materials are crucial for the pedagogical process and may serve to promote an inclusive society or to reproduce and reinforce systems of oppression, discrimination and inequality. They contribute to building learners' beliefs and values about non-discrimination/equality rules, career choices and future opportunities. Stereotypes are ubiquitous in textbooks, especially older ones. They regularly portray different stereotypes, such as gender stereotypes, where women and girls are weak, passive and submissive; and they are mostly depicted in domestic, caring and supportive roles. Men, by contrast, are portrayed as strong, assertive and intelligent leaders and are often depicted as doctors, engineers, politicians or other powerful figures in society.

While it would be ideal for national governments to prioritize the review of textbooks and to develop updated materials, their implementation and distribution will be a slow process. It is therefore important that teachers are capable to develop gender-sensitive materials themselves or to adapt existing textbooks to turn gender stereotypes into positive messages that promote and support gender equality.



Another example is how the classroom is setup or arranged, which can contribute positively or negatively to the learning process for all students. The development of neat and interactive learning environments takes into account various factors: the positioning of desks and chairs in the classroom or laboratory, the decorations and the use of wall space to promote positive messages and to display students' work, and the accessibility and structure of teaching processes. Some schools find it difficult to address the issue of a classroom that promotes the principles of tolerance, diversity and non-discrimination, particularly when classes are large and resources are limited. It is also a challenge when the classroom setup cannot be easily changed. However, it is important for teachers (and school managers) to understand the impact of the setup and maintenance of learning facilities on the quality of learning and on the preservation of a non-discriminatory educational climate.

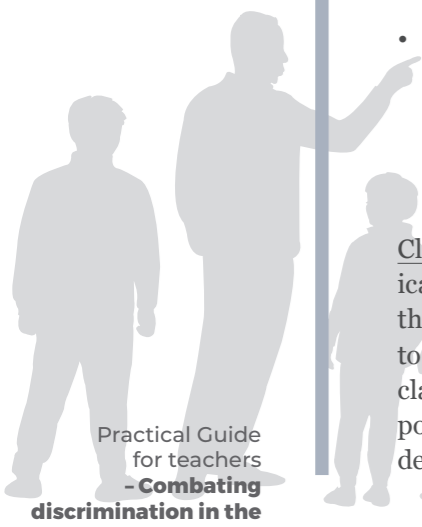
Consider the usual classroom setup where desks are lined up in neat rows facing the teacher. A major disadvantage of this setup is that it may reinforce many traditional socialization processes. The teacher is seen as an expert who imparts knowledge to the students, rather than actively engage the students. Those who are less comfortable talking sit at the back of the classroom and are less likely to participate unless the teacher makes a special effort to involve them. A different setup, for example dividing the class into smaller groups or sitting in a circle, can encourage all students to participate actively. Where this is not possible, consider rotating chairs to ensure that all pupils are involved. Additionally, how are students seated? Do girls and boys share desks? Encourage equal opportunities to share desks to remove barriers, to understand and respect each other, and to work together towards a common goal.

Make sure your classroom practices contribute to the development of mutually supportive interactions between students, teachers and parents. Use systems and structures that foster safety and an inclusive learning environment for all students, such as collective development of group rules. Include activities that develop emotional intelligence and conflict resolution skills so that students interact well together. Take intentional steps to encourage participation of all students.

Engage in active listening. Active listening helps students feel that their ideas and contributions matter and encourages them to participate in class. Some active listening skills are:

- Use body language and facial expressions to show interest and understanding. This could include eye contact, nodding, affirmative words.
- Pay attention to body language and voice tones to discern underlying thoughts or feelings.
- Let go of your biases, do not be judgmental, be curious.
- Acknowledge their contributions and thank them for their openness, be aware of any specific needs and disadvantages that may inhibit their ability to succeed in school. Identify what additional support they may need. Believe in the potential of all students. Children learn better when teachers believe in them. When the teacher has faith in his/her students' abilities and can see their potential, this helps students picture their own success and work towards it. Facilitate inclusive and reflective dialogue.
- Promote an environment that encourages everyone to participate, share their opinions and think outside the box. Generate discussion about their understanding and opinions.
- Make sure the more extrovert students do not dominate the discussion. Uncover the opinions of quieter students. You may invite someone directly to share their opinion or you may say more general things like, "I'd like to hear from someone who hasn't shared yet." or "What do the girls in the room think about this?"
- Follow up on who has raised their hands and who hasn't; make sure classroom agreements are complied with and that multiple voices and perspectives are heard.
- Acknowledge their contributions and thank them for sharing. Promote critical reflection and solution-oriented thinking. Students should be able to reflect on their own learning and assumptions and gain insight into themselves and their interactions with the world. Help them understand the underlying power dynamics and social structures that give rise to local and global problems.

Classroom management and interactions are also important elements in the pedagogical process. Students need to be confident to interact and learn well, and in achieving this, teachers should be aware of different classroom dynamics and should know how to cultivate healthy relationships between students, teachers and parents. Participatory classroom management develops leadership skills for students to take ownership of a positive learning environment. Teachers may provide students with opportunities to develop their emotional intelligence in the areas of self-awareness, self-regulation, social



awareness and relationship management, as well as conflict resolution skills to address bullying, aggression and violence in school.

## ■ Employment and profession, economic activity:

### Examples:

- Abusive dismissal of certain persons because they are too old, because they are women, when they return from maternity leave or when they become pregnant while still fulfilling all legal conditions for continuing to work;
- Refusal of promotion, refusal of annual leave for the same reasons (discriminatory criteria);
- Failure to provide for reasonable accommodations, to make necessary and appropriate changes or adaptations to ensure that disabled persons or persons with special needs can exercise their rights on an equal basis with others (e.g., ramps for people with locomotor disabilities, a lunch break for people suffering from diabetes or whose medical treatment requires regular meals, an adapted diet for breastfeeding mothers, software to enable people with visual impairments to use computers, etc.).

## ■ Access to housing:

### Example:

- The person is faced with the refusal to grant him/her a place to live on the grounds that he/she belongs to the Roma ethnic group.

## ■ Access to public areas:

### Examples:

- Refusal to deliver the mobile ballot box to the home of a person with locomotor disabilities in order to exercise his/her right to vote;
- Modifying/adapting the public institutions with access ramps for people with physical disabilities.

## ■ Access to public services (administrative, banking, health, transport, telephone, legal services, etc.)

### Examples:

- Refusal to award a bank loan to a person diagnosed with the HIV virus;
- A taxi driver's refusal to transport a child with locomotor disabilities.

## ■ Personal dignity

### Examples:

- Posting on the Facebook social network a message that affects the dignity of a community;
- Hateful speech directed against people of different sexual orientation;

## SUBMISSION OF A PETITION

The petitions regarding acts of discrimination are lodged in written form. They can be submitted in person, at the institution's headquarters, by post, fax or email. In addition, the acts of discrimination can be reported directly to **the courts**. Reporting an act of discrimination is free.

**WHAT SHOULD A PETITION INCLUDE:** the **surname and first name** of the person that is reporting the act of discrimination. Petitions received anonymously, by any means, are rejected; **the signature** of the person notifying us; **the contact details** of the person notifying us; **the contents of the petition**, the acts deemed as discriminatory, the circumstances where the act took place, the grounds on which the petition is based, the witnesses who assisted it and to include the evidence that supports the petition; **the evidence**, which includes any means of evidence, including audio and video recordings or statistical data; **the identification data of the person** who allegedly committed the act of discrimination (address, phone number, if possible, etc.).

**CASE SETTLEMENT PROCEDURE:** The petition is registered and it is passed to the N.C.C.D. Board in order to be settled. **The deadline for submitting a petition** is one

year since the date when the act of discrimination was committed or since the date when the person became aware of it, and the **deadline for settlement of the petition** is 90 days. The N.C.C.D. Board will investigate the existence of the act of discrimination by summoning the parties, which is conducted by any means that provides confirmation of receipt. Failure of any of the parties to appear before the N.C.C.D. Board, does not affect the settlement of the petition. Additional investigations may be undertaken. The decision of the N.C.C.D. Board is communicated in writing to all parties, within 15 days. Starting from the receipt date of the N.C.C.D. Board Decision, also within 15 days, should the parties be dissatisfied with the resolution of the case, they may challenge it in court.



## PENALTIES

**Any natural person or legal entity** found to have committed an act of discrimination may be sanctioned.

Sanctions are the following:

- a warning
- a fine ranging from 1,000 LEI to 30,000 LEI, if the act of discrimination targets a natural person
- a fine ranging from 2,000 LEI to 100,000 LEI if the act of discrimination targets a group of people or a community
- the council or, as the case may be, the court may order the party that committed the act of discrimination to publish, in the mass media, a summary of the decision finding the infringement, namely of the court sentence.

## STAKEHOLDERS INVOLVED IN OBSERVING THE PRINCIPLE OF EQUALITY AND NON-DISCRIMINATION IN SCHOOLS

In the context of education, a stakeholder can be defined as any individual or entity that is interested and involved in the educational outcomes of the students in a community. These are:

- Students
- Teachers
- School management
- Ministry of Education
- Teachers' unions
- School councils
- Universities
- Associations of parents, the community
- Parents and legal guardians
- Local traditional mentors/influencers

- Leaders in the community and local public authorities
- Local and national press
- Opinion leaders
- Not-for-profit and community organizations
- Local and national politicians
- Representatives of the private sector

## THE NEED FOR CONTINUING TEACHER TRAINING

The quality of teaching at all levels of education has a significant impact on academic access and performance. This includes the systematic training of both teachers and non-teaching staff through improved teacher training and support for teachers. Equipping teachers with the knowledge, skills and attitudes to enable them to respond appropriately to the learning needs of their students through the use of non-discrimination and equality-informed classroom processes and practices ultimately improves learning outcomes and enhances awareness in educational provision.

A non-discrimination-sensitive training model makes teachers more aware of the concept of equality and non-discrimination and equips them with the skills to understand and address the specific learning needs of children from vulnerable groups. It would develop teaching practices that generate equal treatment and participation of all students in the classroom and in the wider school community. It advocates for classroom practices that ensure equal participation for all, including a classroom environment that encourages all to thrive.

Teachers are trained in the design and use of lesson plans that consider equality and non-discrimination, classroom interaction, classroom setup, use of language in the classroom, teaching and learning materials, strategies to eliminate bullying, bullying-sensitive school management and bullying solutions, systems and monitoring and evaluation.

Questionnaires may also be administered to teachers to identify their own level of knowledge in the field of non-discrimination, leading to the actual identification of the training needs.

Prejudice among teachers is a significant barrier to achieving the concept of non-discrimination and equality. Without adequate training and ,unlearning' of discriminatory beliefs, stereotypes



and behaviours, teachers will continue to apply teaching methods that do not address the specific needs of individual children and reinforce stereotypes.



For example, girls are asked fewer questions, assumed to be better at reading and often given domestic roles in the classroom such as cleaning and fetching water, while boys receive more praise and attention, are held to higher expectations, given more leadership roles, expected to do more demanding physical tasks. Teachers play a key role in setting the norms and educating the next generation of students.

#### EXAMPLE OF AN INSTRUMENT:

This tool is based on non-discriminatory pedagogy in both peer and student-teacher relationships, and consists in the development of a school handbook bringing together recently developed and implemented best practices, as well as research on non-discrimination.

#### USEFULNESS

- A practical tool for training new teachers and refreshing the knowledge and skills of experienced teachers;
- A reference full of creative and participatory activities for classroom teachers to create inclusive classroom environments where all students can thrive and become „critical thinkers” and creative, **non-judgmental** thinkers;
- A reference for school management to ensure that the school supports the training, learning and implementation of equality-sensitive and non-discriminatory pedagogy by teachers through policy, observation and guidance and monitoring and evaluation;
- A reference for teachers and school management to creatively engage a wide range of community stakeholders as well as other interested parties, because students and schools do not exist in isolation but in an ecosystem of social and cultural norms.

#### PARENT ENGAGEMENT

School-parents partnerships may lead to improved student attainment, self-esteem and attendance. Teachers play a key role in engaging parents to support their children to succeed in school.

*Example tools* for effective parent engagement:

- Welcome parents in a warm and respectful manner and create a family-friendly school or classroom environment. Have an open door policy and invite parents to come to school whenever they want.
- Raise parents’ awareness on children’s rights, especially the right to education and to be protected against any human rights violations. Parents should be aware that the student has the right to have a say in his/her future.
- Arrange venues for school meetings that are accessible and meet the needs of parents, even though they may not be school facilities. These might be: a community

centre, under a tree or at a parent's house and could be organized on a weekend when parents are not working.

- Make meetings fun and exciting.
- Address the actual needs, cultural beliefs and thoughts of the parents.
- When possible, make sure that written documents that are sent home are drafted in the mother tongue of the parents. Teachers can also contact parents over the phone or make home visits.
- Develop innovative ways for parents to get engaged in school. Invite them to be guest speakers or storytellers, donate food or supplies, offer support for classroom or after-school tutoring, drive children to school, support physical maintenance of facilities, talk to other parents.
- Create public forums to raise parents' awareness and use existing community structures. These include Parent Associations, school teachers, unions and other such organized community groups.
- Express appreciation for their time and contributions. The ultimate goal is to promote a partnership between parents and teachers to ensure good quality education for children and more effective school management by engaging them in the following elements of a school management system: non-discriminatory curriculum development, implementation and evaluation, physical and material resources, finance and business, school staff, etc.

## RECOMMENDATIONS:

The education system does not fully address the issue of discrimination in teacher training, making teachers less equipped to check their own attitudes and behaviours or to detect and manage such issues in the classroom. Schools and teachers are key actors in changing harmful cultural norms and practices by providing safe spaces for learning and education on human rights and the causes and consequences of violations of the principle of non-discrimination. Teachers themselves need to understand the nature of inequalities and be actively involved in preventing and addressing them in the classroom and in society.

Schools and teachers have the responsibility to ensure the safety of their students and must have appropriate mechanisms in place to hold perpetrators accountable and report incidents to the relevant authorities. A teacher's responses and actions to a student's report of discrimi-

nation will largely determine the student's ability to recover and cope with the trauma. When teachers fulfil the valuable role of ally, they may have a major impact on the student's quality of life. Schools should provide teachers with the framework and resources they need to be allies, and this includes a response network which includes not only teachers but also parents and relevant NGOs to provide appropriate support to the victim.

While teachers can be the first point of contact for a student, whenever possible, students should be referred to a trusted and specialized source of support, counselling, medical treatment and/or law enforcement. As already mentioned, teachers have a critical role in working with other members of the community to provide appropriate response and support systems for victims of discrimination, and referrals from teachers, especially class masters, will guide students to the services they need.



Teachers may contribute to supporting the mentoring process by:

- Knowledge of intervention/ support facilities in the school and in the community, such as: school management, local NGOs, healthcare providers, counselling services, local authorities, police and the strengths and weaknesses of each such entity;
- Notifying the student's parents and helping them to become familiar with the intervention/ support network;
- Accompanying the student to various appointments, to provide support;
- Developing a reporting and referral plan that is clear, simple, accessible, confidential and respectful.



## “DON'TS”

Many children suffer from trauma symptoms for a variety of reasons, such as gender-based violence, abuse, harassment, cumulative stress and crisis situations such as war or natural disasters. Often, students are misunderstood or misdiagnosed because such signs may appear as disruptive behaviour, numbness or attention disorders and thus go untreated. Teachers may assume that these students are lazy or deviant and unintentionally do harm through punitive discipline. Learning can be very difficult for students who have experienced trauma and it is important that teachers are able to recognize and adapt their approaches to support students appropriately.

## EXAMPLES OF TRAUMA THAT SHOULD ALERT TEACHERS TO CERTAIN DIFFERENT BEHAVIOURS:

### Individual trauma

Trauma is the unique individual experience of an enduring event or condition in which:

- The individual is exposed to real threat, serious and/or psychological harm (by directly experiencing or learning about a traumatic event (to a loved one) or has had repeated direct exposure
- The student's coping ability and/or their capacity to integrate their emotional experience is overwhelming, causing significant distress.

### Collective trauma

- Cultural, historical, insidious and political/economic trauma that impacts individuals and communities over generations.

Teacher's responses and the classroom environment created by teachers can make an important difference for students. When teachers are trauma-informed, students feel safer, and are more likely to access support and healing services. Knowing how to respond with empathy, compassion and appropriate behaviours is crucial to creating equal opportunity and treatment and, as a direct result, psychological balance for students.



## EXAMPLES OF EFFECTIVE MEASURES OR ACTIONS THAT CAN BE IMPLEMENTED TO ENSURE COMPLIANCE WITH THE PRINCIPLE OF NON-DISCRIMINATION IN THE EDUCATION SYSTEM:

- Use non-discriminatory recruitment and selection of students, regardless of their nationality, ethnicity, race, etc., when creating classes.
- Use fair assessment of student outcomes.
- Develop and enforce codes of conduct for teachers, staff and students, including a zero tolerance policy for harassment and physical or verbal abuse of students, teachers or staff by any other student, teacher or staff, including principals or administrative and technical staff.
- Make sure everyone has an active role in enforcing such codes of conduct.
- Engage in ongoing non-discrimination audits and disaggregated data collection to get a true picture of what is happening in your school in order to identify quick solutions.
- Advocate for inclusion in your school, including by having accessible classrooms and toilets and addressing negative attitudes towards marginalized persons.
- Commit to the development of construction and infrastructure standards and policies so as to provide appropriate facilities for students with disabilities or children diagnosed with SEN.
- Adopt and implement policies enabling pregnant girls or mothers to continue their education, and provide the necessary accommodations, given their additional family responsibilities.
- Ensure equal access to sports and extracurricular activities for boys/men and girls/women.
- Promote active participation of all students, regardless of their background or characteristics, in decision-making processes in schools and teacher training institutions.
- Review the curriculum, textbooks, other learning materials, and teacher guidelines to consider how gender, disability, the existence of chronic illness, social status, and other issues relevant to equity and inclusion are addressed and included across the

curriculum. Ideally, this work is done in collaboration with other schools or teacher training institutions or as a nationwide effort.

- Make sure the curriculum reflects the local environment - people, stories, examples of best practice known to your community - and that all people are clearly visible in that content, not just in their traditional roles. Where appropriate, provide equal opportunities for students to be involved in the development of learning materials.
- Make sure teachers are aware of disaggregated local, regional, and national data on access and success in schools at different grade levels.
- Train all students in peer-to-peer support to fight inequalities, stereotypes and biases, for example, by anti-violence initiatives and disability inclusion actions.
- Encourage scholarships for children from vulnerable backgrounds or at risk of exclusion.
- Raise and seek funding for second-chance/re-entry and bridging programs for working children and illiterate adults returning to school or other learning environments.
- Seek funding to eliminate school fees and to reduce hidden costs such as uniforms and books.
- Seek funding to provide incentives for teachers to work in rural areas.
- Seek funding for the provision of meals in schools and educational institutions as well as for access to healthcare services in schools.
- Seek funding to adequately source teaching and learning materials and to develop new teaching materials.
- Seek funding to modernize schools and teacher training institutions.
- Share information with your communities about: the importance of non-discriminatory education, of eliminating bullying and physical or verbal abuse between children. Consult with traditional leaders, elders and work with community partners to share information as widely as possible (free informal campaign on human rights).
- Develop participatory projects that engage local schools and educational institutions, students, teachers, administrations, parent-teacher associations and the community at large in developing local solutions to raise awareness of the importance of combating discrimination in education.



# EXAMPLES FROM N.C.C.D. CASE-LAW

## ■ Criterion: social category

**DECISION no. 492 of 27.07.2022.** The claimant, father of two children, students of secondary school X, complained that they could not participate in the National School Sports Olympiad, chess, because, pursuant to the Regulation on the organization of School Sports Competitions no. 4196 of 03.08.2020, issued by the Ministry of Education, the participation right of the two children was restricted, as they were chess players registered with Association Y. The Board noted that the Ministry of Education had amended the Order in question two years later, removing the discriminatory criteria. However, the Board found discriminatory effects produced during the two years from the entry into force of the first Order of the Ministry of Education No. 4196/03.08.2020 until the discriminatory situation was remedied by the adoption of the Order of the Ministry of Education no. 3394/16.03.2022 by discouraging possible candidates who would have liked to participate in the school competition and who could not apply because they did not meet the conditions laid down by the challenged Order of the Ministry of Education.

## ■ Criterion: ethnicity

**DECISION no. 504 of 17.06.2020.** The claimant complains that on 09.09.2019, Roma students in village X were discriminated against due to the fact that all nine fifth graders were placed in one class in school Y, although the anti-segregation policies recommend mixing pupils of both Romanian and Roma ethnicities. Pursuant to the operational procedure for the selection of students to create 5th grade classes in Vocational School Y, classes are created based on the principle of continuity and equal opportunities, and students should be residents in the same locality in order to fit into the school bus schedule. In this case, parents were consulted and asked that the students should remain in the 5th B class in order to benefit from the „School after School” program. However, the school management should have taken into account the priority interest of creating circumstances to strengthen peer relations between Roma and Romany students. To this purpose, groups must be mixed to ensure equal access of children

to quality education. Consequently, the N.C.C.D. Board finds that the constitutive elements of the act of discrimination are fulfilled, pursuant to the provisions of Art. 2(1), Art.2(4), Art.11(1) and Art.15 of GO no.137/2000.

## ■ Criterion: gender

**DECISION no. 740 of 06.10.2021.** The claimant maintains the following relevant facts: she is the mother of a 14-year-old girl, a candidate for admission to military colleges 2021-2022. In 2016 the running time for the endurance test over the distance of 1000 m was differentiated for male/female candidates. In 2018 the situation was similar. In 2019 and 2020 there was no gender differentiation, the time being 4 minutes and 30 seconds; According to the methodology approved for 2021-2022, there is no gender differentiation, the time being 4 minutes and 15 seconds, unrealistic for girls. The claimant proved that there is an identical standard for boys and girls in the 1000 m running test, but the respondent did not prove that this identical standard would not have affected girls, the percentage of girls admitted did not decrease compared to previous years. In terms of access to education and the right to choose a profession, girls and boys are in a comparable situation, but in terms of physical fitness, there are essential differences between girls and boys. For example, an identical standard for girls and boys in the 1000 m endurance test for admission to military colleges is a differentiation. Clearly, the differentiation criterion is gender, so that the act constitutes discrimination within the meaning of Article 2(1) in conjunction with Art. 8 (2) and Art. 11 (1) of GO no. 137/2000

## ■ Criterion: disability

**DECISION no. 758 of 13.10.2021.** The claimant claims that his son, who was adopted and diagnosed with SEN, has been rejected since his admission to High School X by the class master, the principal and two female teachers. The claimant maintains that the class master “suggested” him that the student should be moved, otherwise he would repeat class, procrastinated in filling in a report which was indispensable for obtaining a new SEN certificate, awarded him with a grade of 2 for behaviour, while the other two teachers graded him with an average of 5 in the specialist subjects, so that the student had to be moved to another specialization or a different educational facility. The claimant also believes that the low grades in Biology, Modelling, English and Mathematics do not accurately reflect the student’s level of knowledge and asks that the student be reassessed. Having acknowledged the allegations and the documents on file, the Board notes that on 24 Sept 2019, a meeting was held with the parents to discuss the

student's situation. The 2019-2020 academic year started on 9 September. Basically, teachers were aware of the student's condition from the first 2 weeks of school. The teachers' claims that they did not know about the student's condition are not in line with reality. Statistically speaking, there are not many SEN children in a school and this is certainly an aspect that is not „forgotten” in the peer conversations between teachers. The N.C.C.D. Board notes that the passive attitude of the principal, the class master and the two specialist teachers did not led to positive measures in the process of integrating the student diagnosed with SEN. On the contrary, this attitude of denial and passivity led to the child's confusion, more than necessary. The acts constitute discrimination, according to Art. 2(4) in conjunction with Art. 11(1) and (2) of OG No 137/2000 as subsequently amended.

School management has the primary responsibility to ensure inclusive schools and infrastructure and it is important to include everyone. Students with disabilities face stigma and discrimination, in part, because people make false assumptions or are unfamiliar with how to provide the necessary support.

Creating inclusive schools for students with disabilities can be a challenge, especially in regions with limited resources. Inclusive education - which fully involves all children in quality education, including children with different types of disabilities or other learning challenges - has proven particularly effective in helping all children learn to create inclusive societies that value the contributions of all their members. Children with disabilities often face intersectional discrimination, for example, girls with disabilities face both gender discrimination and discrimination because of their disability, leading to multiple discrimination. These students are also more vulnerable to harassment, bullying or abuse as forms of discrimination.

### ■ Criterion: language

**DECISION no. 681 of 02.10.2019.** The claimants complain about the lack of specific Romanian language textbooks for students belonging to the Hungarian minority, the lack of new curricula for these students, and the lack of improvement in the assessment for Romanian language and literature in national assessments and baccalaureate exams. In this case, the N.C.C.D. Board finds that the discrimination consists in making it more difficult for Romanian pupils belonging to the Hungarian minority to learn the Romanian language, resulting in very low grades in national assessments and baccalaureate exams. The N.C.C.D. Board notes that this has persisted over time, students facing this problem every academic year. With the political

changes occurred and the blame placed on one government or another, it is the students belonging to the Hungarian minority who suffer from the lack of adapted textbooks. In view of the above, and regardless of the guilty party, the N.C.C.D. Board notes that the existing situation puts students belonging to national minorities at a disadvantage, as they do not benefit from the textbooks to which they are entitled by law at the beginning of the school year. By its action, the Ministry of National Education violated the right to education on an equal footing of Romanian students belonging to the Hungarian minority. The N.C.C.D. Board finds that the failure to adapt school textbooks for students belonging to the Hungarian minority violates the provisions of Art. 2 (1) and (4) in conjunction with the provisions of Art. 10 (h) and Art. 11 (1) of GO no. 137/2000 as republished

### ■ Criterion: nationality

**DECISION no. 414 of 12.07.2017.** The claimant complains of discrimination due to his exclusion from Romania's National Olympic Team at the International Modern Russian Language Olympiad on the grounds of his nationality, namely the refusal of the Ministry of National Education to recognize his merits obtained in the competition (maximum score and first prize in the „Young Speaker” competition), since he was not part of the delegation approved by the Ministry. With regard to the exclusion of the claimant from the National Olympic Team, on the grounds of his failure to meet the qualification criterion „Romanian nationality proven by identity card or passport issued by the Romanian authorities”), the N.C.C.D. Board also noted the argument presented by the Ministry, that the claimant had the advantage of native knowledge of the Russian language (which is also apparent from the statement challenged by the claimant: „The student comes from the Republic of Moldova, where he lived in a native Russian environment, speaks Russian in his family, and his participation in the competition was not fair compared to the other participants, even in the same category”). Thus, since the assessment of the claimant's knowledge of Russian, a language studied in the Romanian educational institution as a foreign language, complied with the regulations imposed by the Ministry itself, and until his participation in the International Olympiad the claimant's attainment had not been called into question, the N.C.C.D. Board maintains that the claimant was excluded from the Romanian Olympic Team solely on the basis of his nationality, a fact acknowledged by the challenged institution, although the date of his regaining Romanian nationality is 03.11.2016, and the International Modern Russian Language Olympiad in Moscow took place from 20 to 26 November 2016, and the conditions for the offence of discrimination stipulated by Article 2(1) in conjunction with Art. 2 (4) of GO no. 137/2000, as republished, are fulfilled.

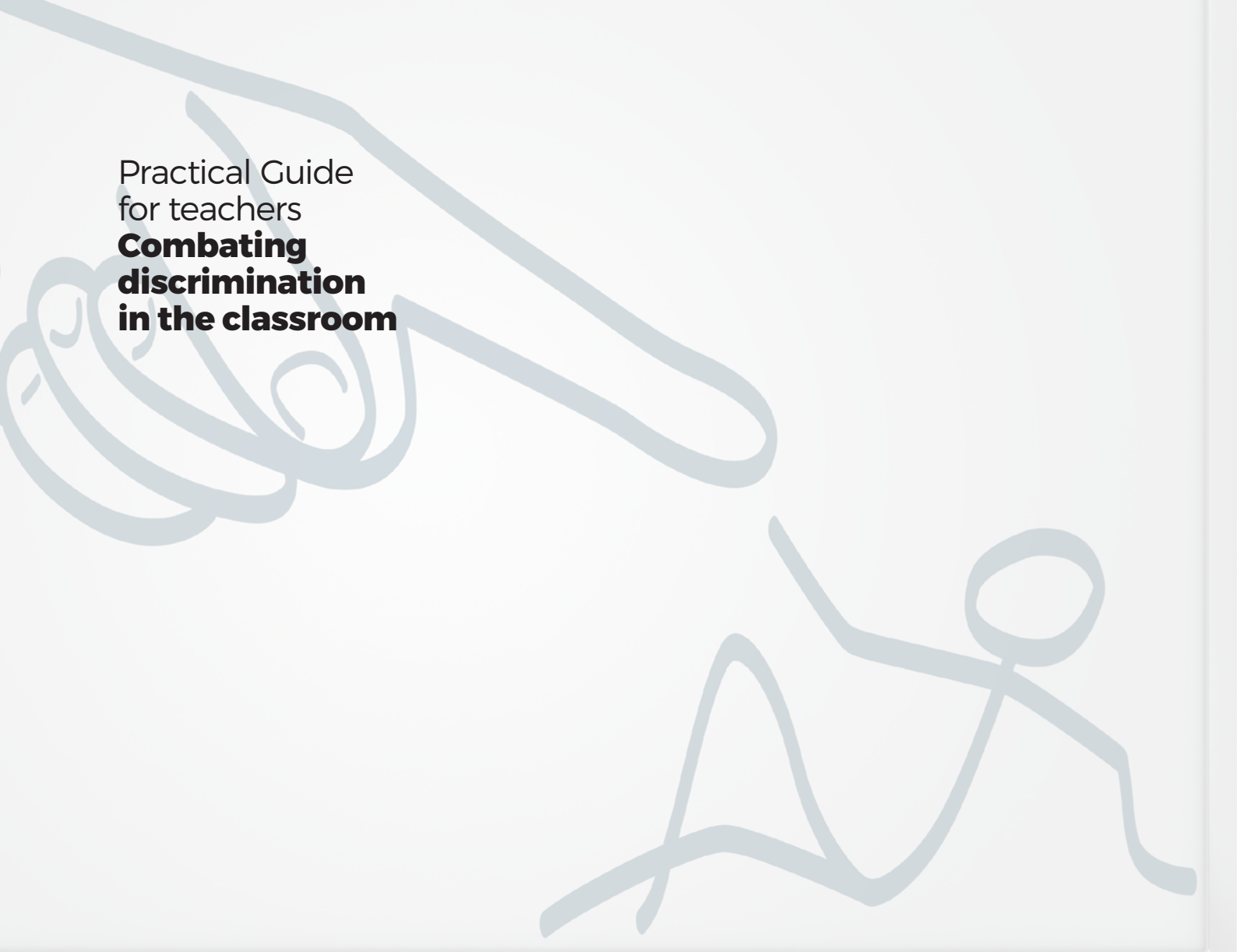
## ■ Criterion: religion

**DECISION no. 706 of 06.12.2017.** The claimant believes failure to regulate mass and other religious services on public school premises to be discriminatory. Art. 3 (1) of OMECS no. 5232/2015 stipulates: “parents/legal guardians of minor pupils and adult pupils who wish to exercise their right to attend religious classes shall express their choice in writing in an application addressed to the educational facility, specifying the name of the requested religious denomination”. In view of these aspects, the N.C.C.D. Board recommends that the respondent should draft a legal norm regulating religious activities in pre-university educational facilities, in compliance with the following conditions: parents/legal guardians of minors and adult students are free to participate or not in these activities without any disciplinary or other consequences, mutual respect is shown between the different religions in the spirit of ecumenism, the decision to organize such events is taken by the school’s Board of Directors. The N.C.C.D. Board appreciates that insofar as participation in activities of a religious nature in pre-university education takes place without prior consent of the parents/legal guardians of minors and adult students, respectively, and is compulsory, with disciplinary or other consequences, this constitutes discrimination.

## ■ Criterion: age

**DECISION no. 686 of 19.11.2014.** The claimant complains of being discriminated against as a result of the requirement imposed in order to participate in the admission exam to School X, namely that she must be under 27 years of age in the year of her participation in the competition, and requests that a recommendation be issued to the respondent to respect the principle of equal opportunities in professional promotion and to remove the discriminatory treatment. Order no. 665/2008 on certain human resources management activities in the M.A.I. units, which in Article 21(1) stipulates the age condition “up to 27 years of age (...) reached in the year of participation in the admission examinations for initial professional training as a police officer or military officer”, which should be interpreted in the sense that the person has not reached this age prior to the year of participation in the admission examination. However, the applicant turned 27 in November 2013, i.e., prior to the year in which she participated in the competition. The N.C.C.D. Board found that the refusal to allow the claimant participate in the admission competition at School X on the grounds that she had reached the age of 27 years old constituted discrimination under Article 2(1) of GO no. 137/2000, and the act represented exclusion based on age with the purpose of denying the exercise of the right to education

and of the right to work on equal footing. The act is not objectively justified under Directive 2000/78/EC and it is not an occupational requirement within the meaning of Article 5 of GO no. 137/2000. Another argument why the age limit cannot be considered absolutely necessary: the Police Forces may also recruit from external sources without any age limit (pursuant to art. 20 of OMAI no. 665/2008).



Practical Guide  
for teachers  
**Combating  
discrimination  
in the classroom**



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