



FOURTH SESSION OF THE ELEVENTH PARLIAMENT (2018/2019)

FOURTEENTH REPORT OF THE

JOINT SELECT COMMITTEE ON

HUMAN RIGHTS, EQUALITY AND DIVERSITY

on

Sexual Harassment in the Education Sector



Committee Mandate

The Joint Select Committee on Human Rights, Equality and Diversity was established under House of Representatives Standing Order 106 and Senate Standing Order 96 and shall have the duty of considering, from time to time, and reporting whenever necessary, on all matters related to:

- (a) compatibility of Acts of Parliament with human rights, and any matters relating to human rights in Trinidad and Tobago (but excluding consideration of individual cases);
- (b) Government compliance with national and international human rights instruments to which Trinidad and Tobago is a party;
- (c) the promotion of measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all peoples including marginalized groups on the basis of gender, age (elderly, youth, children) disability and the creation of an inclusive and more equitable society through greater social justice and sustainable human development within Trinidad and Tobago.”

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Mr. Esmond Forde, MP	Member
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¹ Mr. Ashvani Mahabir was appointed to the Committee in lieu of Mr. Saddam Hosein with effect from May 21, 2019. The Senate appointment of Mr. Ashvani Mahabir was revoked with effect from June 12, 2019 and to date a new Committee Member was not appointed.

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LIST OF ABBREVIATIONS

CATT	Children’s Authority of Trinidad and Tobago
DPP	Director of Public Prosecutions
EOC	Equal Opportunity Commission
HFLE	Health and Family Life Education
ICT	Information Communications Technology
IT	Internet Technology
MOE	Ministry of Education
NGO	Non-Governmental Organisation
NPTA	National Parent Teachers Association
PSC	Public Service Commission
PSAB	Public Service Appeal Board
SCD	Services Commissions Department
SDC	School Disciplinary Committee
SSSD	Student Support Services Division
TSC	Teaching Service Commission
TTPS	Trinidad and Tobago Police Service
TTUTA	Trinidad and Tobago Unified Teachers Association
USC	University of the Southern Caribbean
UTT	University of Trinidad and Tobago
UWI	University of the West Indies

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1. EXECUTIVE SUMMARY

1.1. The Committee resolved at its Nineteenth Meeting held on March 15, 2019, to inquire into sexual harassment in the education sector with specific focus on students and agreed that the following two (2) objectives would guide the inquiry:

- i. To understand the prevalence of sexual harassment in the education sector and educational institutions; and**
- ii. To examine and make recommendations on:**
 - a) the current policy to guide the treatment of sexual harassment in educational institutions;**
 - b) the level of awareness of students and staff on the complaints mechanism that are open to them, principally:**
 - i. their rights and duties; and**
 - ii. the duties of educational providers regarding these guidelines.**

1.2. The Committee agreed that the Ministry of Education (MOE), the Teaching Service Commission (TSC), the Trinidad and Tobago Unified Teachers Association (TTUTA) and the National Parent Teacher Association (NPTA) would be invited to a Public Hearing on May 17, 2019. Invitations were also extended to representatives of student associations from the University of the West Indies (UWI), the University of Trinidad and Tobago (UTT) and the University of the Southern Caribbean (USC), the last of which was the only tertiary institution to have attended the public hearing. Based on the objectives listed above, both oral and written evidence were received.

1.3. The Committee submits its findings and recommendations with respect to sexual harassment in the education sector in Chapter 4.

1.4. The Committee's key findings and recommendations are:

- I.** During the period 2014 to March 2019, there were fifty-two (52) reported cases of sexual harassment in educational institutions (**Table 5**). However, the Committee was unable to definitively determine the prevalence of sexual harassment in educational institutions due to the following reasons:

- MOE's data collection is based solely on complaint reports received of sexual harassment;
 - MOE does not assess anecdotal reports in the school environment (e.g. graffiti in washrooms/school infrastructure) with the view to detecting, monitoring and reporting sexual harassment in educational institutions;
 - MOE does not categorise and record certain types of child behaviours that fall within the definition of sexual harassment unless a complaint report is received;
 - Although sexual harassment complaints are reported by the MOE to the TSC, there was variance in the data the Committee received from the MOE and TSC on the categorization of sexual harassment complaints received for the period 2014 to March 31, 2019;
 - There was no reporting obligation for tertiary institutions to submit reports received to the MOE; and
 - TTUTA's current system of filing did not permit the extraction of the relevant data pertaining to sexual harassment.
-
- **The Committee recommends that the MOE develop a standardised mechanism by March 2020 to categorise and record certain types of child behaviours that fall within the definition of sexual harassment in the National School Code of Conduct 2018.**
 - **The Committee recommends that the MOE create a mechanism to track complaints of sexual harassment received and submitted to the TSC in order to maintain an accurate record of data and ensure reconciliation of data transmitted between both MOE and TSC.**
 - **The Committee recommends that MOE collaborate with tertiary institutions to develop a mechanism to monitor the prevalence of sexual harassment in tertiary educational institutions by December 2019.**

- **Given the role of the TTUTA as a key stakeholder in a number of matters related to education, the Committee encourages TTUTA to consider the introduction of an electronic record management system in order to maintain accurate records on all matters within its purview.**

II. The Committee found that the TSC Disciplinary Tribunal had a zero percent success rate for cases completing all stages of the investigation process due to the following contributory factors:

- The lengthy investigative process (**Figure 2**);
- Lack of parental consent for the child complainant to provide a written statement to the Investigating Officer;
- Deficiencies in the Investigating Officer's report;
- Child complainant unwilling or no longer willing/interested to pursue the matter;
- Child complainant refuses to provide evidence;
- Insufficient evidence in the Investigating Officer's report;
- The Education Act, Chap. 39:01 and the Public Service Regulations treat with acts of misconduct between civil servants but has no authority to compel third parties to appear before the Disciplinary Tribunal of the Teaching Service Commission;
- In the cases where officers are charged/found guilty by the TSC and the matter is taken to the Court, the current provisions of the Public Service Commission Regulations do not permit the dismissal of a teacher charged with sexual harassment until the TSC is in receipt of the court transcript; and
- Delays to receive court transcripts for concluded court matters.
 - **The Committee recommends that the TSC conduct training sessions to address deficiencies in the Investigating Officer's report (See Appendix XI) during fiscal 2020.**

III. The Committee noted that Guidelines on the Grievance/Complaints Procedure in the National Policy on Sexual Harassment in the Workplace² stated that, *"The person carrying out the investigations shall... Ensure that the process is completed as quickly as possible and commence within three (3) working*

² Ministry of Labour and Small Enterprise Development. 'National Workplace Policy on Sexual Harassment.' Pg. 39. 2019. Available: https://www.molsed.gov.tt/images/National_Workplace_Policy_on_Sexual_Harassment_-_18-2-19_-_FINAL.pdf

days of the complaint being made". However, the TSC lacks the specific time frames for each stage of the investigation process (Appendix V).

- **The Committee recommends that the TSC set appropriate timelines for each stage of the investigation process in Appendix V.**

IV. The Committee could not ascertain the exact percentage of students in the total school population that were sensitised on the subject of sexual harassment and recognised a need for the MOE to formulate a standardised structure for the frequency and delivery of sensitisation sessions related to the topic of sexual harassment.

- **The Committee recommends the following measures be implemented by the MOE so as to facilitate student sensitisation on sexual harassment in schools:**
 - i. **The creation of a student handbook (or inclusion in the instance that a handbook already exists) containing age appropriate information by level (primary or secondary) to be discussed during student orientation sessions conducted upon entry to primary and secondary school. Copies of the student handbook should be accessible in the school's library;**
 - ii. **The formulation of a standardised structure for the frequency and delivery of sensitisation sessions in order to educate and reinforce the topic of sexual harassment to students and staff.**

2. INTRODUCTION

Sexual Harassment as an Infringement of Human Rights

2.1. Basic principles of human rights acknowledge that persons are entitled to life, liberty and security of the person. These are further enshrined in the Constitution of Trinidad and Tobago and makes unlawful acts that violate these freedoms.

2.2. Sexual harassment is an act that infringes on an individual's right to security. Schools specifically embody the notion of a 'safe space.' In this way, student sexual harassment, as it relates to the educational sector, is a dual violation not only of the inherent rights of an individual but a breach of the commitment to protect children as found in Article 19 of the Convention on the Rights of a Child . In a local context, the National Policy on Gender and Development provides that, *'the State and its institutions, private, civil society based and each individual is responsible as a whole to ensure that basic freedoms and rights are protected'*.

2.3. Sexual harassment as defined by the MOE's National School Code of Conduct 2018 is *'any unwelcome sexual advances, requests for sexual favours, and other inappropriate verbal, written, electronic or physical conduct of a sexual nature that creates an intimidating, hostile or offensive environment'* (See **APPENDIX III.**)

2.4. Sexual harassment may also be categorised as a form of sex-based discrimination.

Sexual Harassment in education- the distinction between adults and minors

2.5. In Trinidad and Tobago the education sector encompasses students and staff of institutions which provide structured learning. At the primary and secondary levels, the student population is categorised under the subset of 'children.' At the tertiary level, students aged eighteen (18) and over fall within the category of adults. The MOE is

largely responsible for public primary and secondary schools whilst tertiary level institutes maintain a high degree of autonomy over its own affairs.

2.6. Given that sexual harassment consists of a wide range of conduct such as unwanted physical or verbal conduct, the physical elements of sexual harassment may fall under the wider ambit of sexual abuse. The Children Act, Chap. 46:01 provides a number of sexual offences for the protection of children. In reference to adults, acts of sexual harassment may also be an offence under existing legislation in **Table 3**.

International Instruments

2.7. The international instruments related to sexual harassment are highlighted **Table 1**.

Table 1: International Instruments related to Sexual Harassment

International Instrument	Details related to Sexual Harassment
Article 19- Convention of the Rights of the Child	<i>19. 'State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.'</i>
Article 3- UN Declaration on Human Rights	3. <i>"Everyone has the right to life, liberty and security of person"</i>
Article 5- UN Declaration on Human Rights	<i>5. "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."</i>
Article 7- UN Declaration on Human Rights	<i>7. "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."</i>
Article 5 a) - Convention on the Elimination of All Forms of Discrimination Against Women	<i>5a). "States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and womenⁱ"</i>
Article 11- Convention on the Elimination of All Forms of Discrimination Against Women	<i>11. "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women."</i>

Regional Instruments related to Sexual Harassment

2.14. The regional legislation related to sexual harassment is highlighted **Table 2**.

Table 2: Regional Instruments related to Sexual Harassment

Provisions	Belize Education and Training Act (2010)	CARICOM Model 'Protection Against Sexual Harassment Bill'
Steps taken to institute a Sexual Harassment Policy by the educational provider	<i>Managing authorities shall be responsible to ensure that policies designed to promote good behaviour and discipline on the part of students are pursued at their schools via a written statement.</i>	17. (1) A person who is in charge of an educational institution or the relevant educational authority shall issue a policy in accordance with this Act for the prevention of sexual harassment and the protection of [an employee], a member of staff, student and third party;
Steps taken for arbitration	71 (1) The Minister may by Rules made under this Act establish an Arbitration Panel to arbitrate matters not falling within the jurisdiction of the Tribunal.	16 (2) A person who is in charge of an institution may adopt the sexual harassment policy statement set out in Schedule 1 of the Bill. 4, 4.5 of Schedule 1 An administrative investigation will include interviews with all relevant persons, including the complainant, the accused and other potential witnesses. In determining whether an alleged conduct constitutes sexual harassment, the record as a whole and the totality of the circumstances, such as the nature of sexual advances and the context in which the alleged incidents occurred will be examined. A determination of appropriate action will be made from the facts, on a case-by-case basis.
Steps taken to create awareness of the Policy	n/a	17. (1) A person who is in charge of an educational institution or the relevant educational authority shall - (b) take steps that are reasonably required to bring the policy statement referred to in paragraph (a) to the attention of all employees, members of staff and students.
Grounds for the prohibition of Sexual Harassment	<i>Free at school from physical, sexual or other forms of harassment, from intimidation.</i>	(5) A person (the first person) who is a student at an educational institution (the first educational institution) shall not sexually harass- (a) a person who is a student at another educational institution; (b) a member of the staff of another educational institution; or (c) a third party,

Prohibition of victimisation	<i>n/a</i>	18. (1) <i>A person shall not victimise another person by subjecting or threatening to subject another person to any detriment</i>
Provisions for addressing breaches of victimisation	<i>n/a</i>	18 (2) <i>A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding [\$5000/five thousand dollars] or to imprisonment for a term not exceeding [12 months/one year] or both.</i>

National legislation related to Sexual Harassment

2.15. The national legislation related to sexual harassment is highlighted in **Table 3**.

Table 3: National Legislation related to Sexual Harassment.

National Legislation	Details related to Sexual Harassment
Section 15 – Sexual Offences Act, Chap 11:28	(1) <i>“A person who indecently assaults another is guilty of an offence and is liable on conviction to imprisonment for five years for a first offence and to imprisonment for ten years for a subsequent offence.”</i> (2) <i>“A person under the age of sixteen years cannot in law give any consent which would prevent an act being an assault for purposes of this section.”</i> (3) <i>“In this section, “indecent assault” means an assault accompanied by words or circumstances indicating an indecent intention.”</i>
Section 1(5)- Summary Offences Act, Chap 11:02	<i>“When any person is charged before a Magistrate with assault or battery upon any male child whose age does not, in the opinion of the Magistrate, exceed eighteen years, or upon any female, or upon any old, infirm or sickly person, the Magistrate, if the assault or battery is of such an aggravated nature that it cannot in his opinion be sufficiently punished under section 4 may proceed to hear and determine the same, and such person is liable to imprisonment for six months.”</i>
Sections 62 and 77(2)E – Education (Teaching Service) Amendment Regulations 2000	Section 62- <i>“A teacher’s conduct shall at times be such as would not bring the Service into disrepute.”</i> Section 72 (2e) - <i>“Without prejudice to the generality of sub-regulations (1), a teacher commits an act of misconduct if he/she commits any immoral, obscene or disorderly conduct in office.</i>
Constitution of Trinidad and Tobago, Chapter 1:01- Section 29, Public Service Commission Regulations	84. <i>An officer who is alleged to be guilty of misconduct or who is alleged to be guilty of indiscipline by failing to comply with any regulation, order or directive for the time being in force in the Ministry or Department to which he is assigned, is liable to disciplinary proceedings in accordance with the procedure prescribed in these Regulations.</i>
Section 15- Equal Opportunity Act, Chap 23:03	15. (1) <i>“Subject to any agreement or practice between the State and any educational establishment, Board or other institution, an educational establishment shall not discriminate against a person –</i> (b) <i>in the terms and conditions on which it admits him as a student.”</i>

Occupational Safety and Health Act, Chap. 88:08ⁱⁱ	<i>Section 6 (1) "It shall be the duty of every employer to ensure, so far as reasonably predictable, the safety, health and welfare at work of all his employees."</i>
Section 30 (d) – Children Act, Chap 46:01ⁱⁱⁱ	<i>Section 30 (d) specifies that those active in the provision of education at an educational institution are in a position of trust.</i> <i>Section 19 (1) a- Where a person touches a child and the touching is sexual, the person commits an offence.</i>

Ministry of Education (MOE)

National School Code of Conduct

2.16. The MOE's National School Code of Conduct provides guidance to all school personnel towards ensuring that the school is a safe and secure learning environment. The National School Code of Conduct supports these principles and outlines the range of responsibilities of school personnel, standards of behaviour and range of consequences for violations.

2.17. The National School Code of Conduct prohibits any student or employee from engaging in sexually explicit behaviour at school or in a school related activity. It outlines the responsibilities of school personnel, standards of behaviour and a range of consequences for violations. The MOE as well as tertiary institutions are guided by what may constitute sexual harassment as detailed in the National School Code of Conduct.

Draft Education Policy Paper 2017-2022

2.18. The MOE Draft Education Policy Paper 2017-2022 provides the strategic direction for programmes, projects and action plans pertaining to the early childhood care and education, whether primary, secondary, technical/vocational and tertiary level. Although the Draft Education Policy does not address sexual harassment directly, it is intended to guide the actions of the MOE in order to advance educational development and treat with current challenges within the education system.

Tertiary Level Institutions

2.19. Some tertiary institutions have policies and programmes to educate staff and students on sexual harassment at these tertiary institutions.

2.20. Tertiary institutions face different challenges in comparison with primary and secondary schools as it relates to the welfare and protection of students. This is due to the fact that university students are predominantly adults.

Conduct of the Inquiry

2.22. The Committee held one (1) public hearing on Friday May 17, 2019. During this time, the Committee questioned the officials on the various matters based on the inquiry objectives.

2.23. Prior to the public hearing, notice was given as to the general objectives of the inquiry and additionally, pursuant to these objectives, questions which were tailored to each entity, were submitted for feedback. In response, written submissions were received from the following stakeholders;

- Ministry of Education (containing submission from the UWI);
- University of Trinidad and Tobago (UTT);
- University of the Southern Caribbean (USC);
- University of the West Indies (UWI);
- Trinidad and Tobago Unified Teachers Association (TTUTA);
- Teaching Service Commission; (TSC)
- National Parent Teachers Association (NPTA);
- Equal Opportunity Commission (EOC);
- Children's Authority of Trinidad and Tobago (CATT); and
- Judiciary.

2.24. Table 4 below provides a list of the officials that attended public hearing.

Table 4: Officials Attendance List

NAME	POSITION	MINISTRY/ ORGANISATION
Mrs. Lenor Baptiste-Simmons	Permanent Secretary	Ministry of Education
Ms. Sharon Ashman-John	Deputy Permanent Secretary	Ministry of Education
Professor Dennis Conrad	Manager, Student Support Services Division	Ministry of Education
Ms. Darlene Smith	Guidance Officer, II	Ministry of Education
Ms. Naima Hosein	Director, School Supervision and Management Division	Ministry of Education
Ms. Natalie Robinson-Arnold	Senior School Social Work Specialist	Ministry of Education
Dr. Fazal Ali	Chairman	Teaching Service Commission
Mrs. Joanne Joseph-Hannays	Member	Teaching Service Commission
Ms. Anoushka Ramsaran	Senior State Counsel, Service Commissions Department	Teaching Service Commission
Mr. Fitzroy Daniel	General Secretary	Trinidad and Tobago Unified Teachers Association
Mrs. Raffiena Ali-Boodoosingh	President	National Parent Teacher Association
Mr. Shorn Wilson	Executive Member, Associated Student Body	University of the Southern Caribbean

2.25. The **Minutes and Verbatim Notes** are attached as **APPENDIX I and APPENDIX II** respectively.

2.26. The Fourteenth Report was approved on September 27, 2019.

3. EVIDENCE

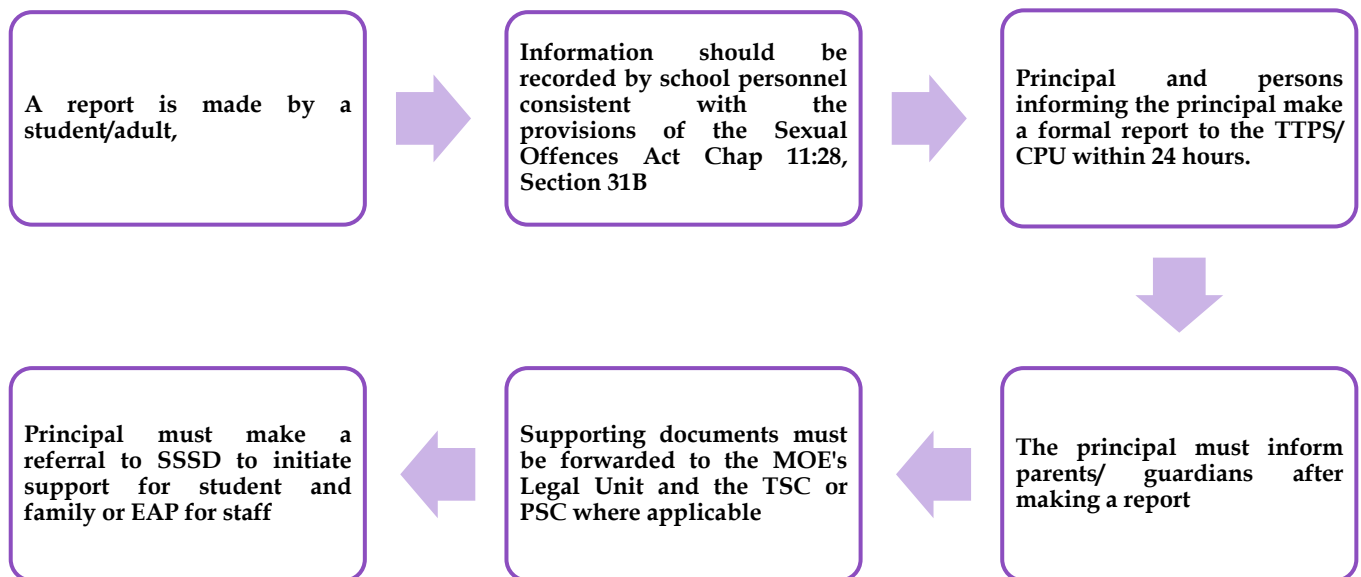
Objective 1: To understand the prevalence of sexual harassment in the education sector and educational institutions

Process of Reporting between the MOE and TSC

3.1. Disciplinary matters in relation to allegations of sexual harassment against a member of staff in the primary and secondary school are guided by the National School Code of Conduct (Revised May 25, 2018) and the Public Service Commission Regulations. Complaints of sexual harassment are received by the MOE and subsequently forwarded to the Service Commissions Department.

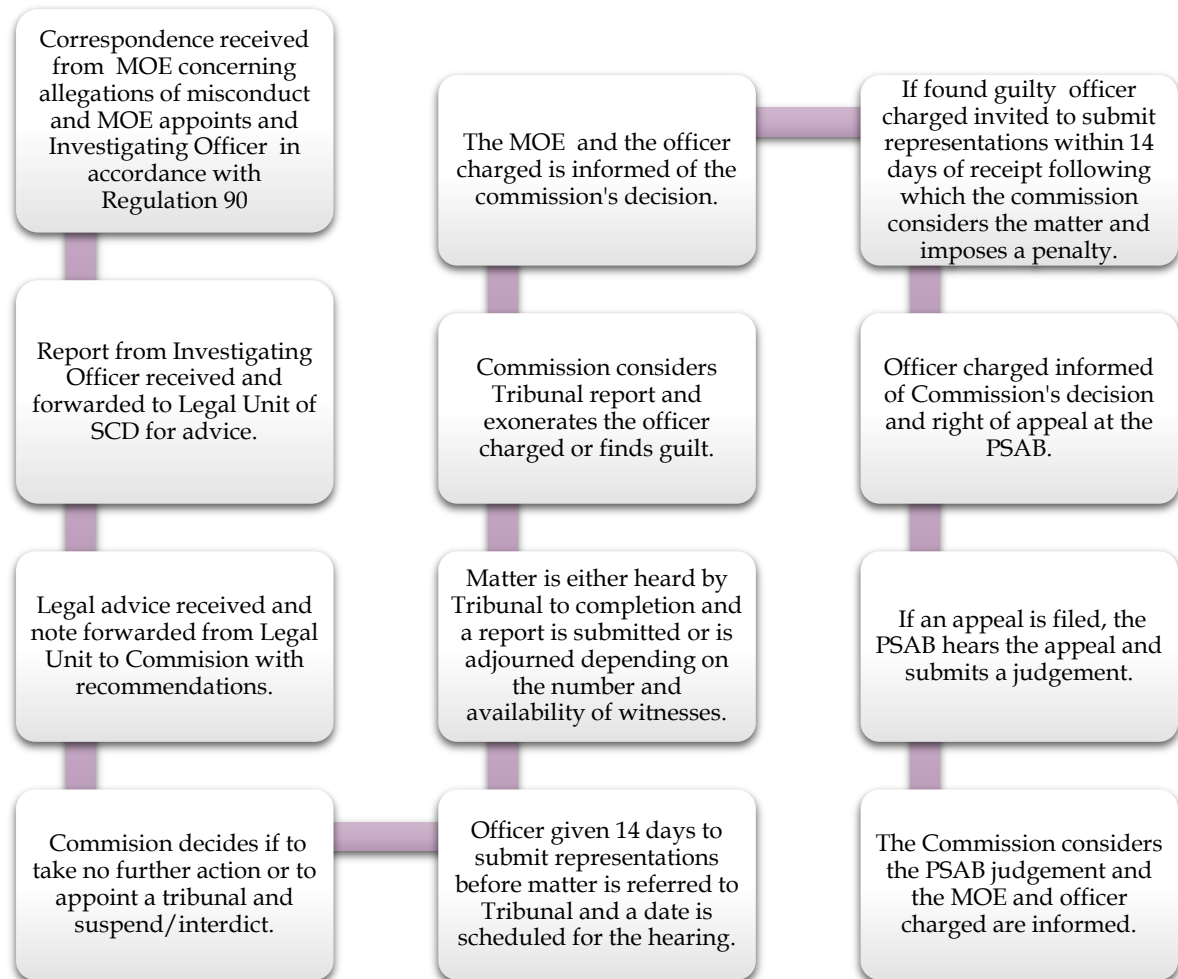
3.2. The process of reporting followed by the MOE is detailed in National School Code of Conduct in **Figure 1**.

Figure 1: MOE Procedures on Sexual Harassment



3.3. Upon receipt of this data from the MOE, the TSC undertakes the following procedure outlined in **Figure 2**.

Figure 2: TSC Complaints Procedures upon receiving a complaint of Sexual Harassment from MOE



Reports of Sexual Harassment in primary and secondary schools

3.4. Based on the compilation of data from inquiry stakeholders, there were **fifty-two (52)** reported cases on sexual harassment in educational institutions between the period 2014 to March 2019 in **Table 5**.

Table 5: Number of Reported Cases of Sexual Harassment in Educational Institutions between the period 2014 to March 2019

Entity	Student complainant against teaching staff	Student complainant against non-teaching staff	Student complainant against student	Non-Teaching staff complainant against student	Teacher complainant against staff	Other	Total
MOE	30	2	0	1	0	0	33 ³
TSC	23	0	0	0	3	7 ⁴	33 ⁵
UTT	2	2	6	0	0	0	10
USC	2	0	3	0	1	0	6
CATT	0	1	2	0	0	1	4
TTUTA	0	0	0	1	1	0	2
EOC	0	0	0	0	0	0	0
NPTA ⁶	0	0	0	0	0	0	0
Judiciary ⁷	0	0	0	0	0	0	0

Ministry of Education

3.5. The largest category of cases received by the MOE were brought by students against staff. **Thirty (30)** cases of sexual harassment from student-complainants against teachers were brought to the attention of the MOE during the period 2014 to March 2019. Of the thirty (30) cases reported, data trends revealed that the number of reports peaked in 2014 and declined gradually to two (2) cases in 2018. The **twenty-two (22)** complaints

³ MOE's statistics excluded data from tertiary institutions.

⁴ TSC 'Other' case represents one (1) case of parents of a class complainant against a female teacher, one (1) case parent(s) of a female student against a female teacher, three (3) cases parent(s) of a female student against a male teacher, one (1) case four female women against a male teacher and one (1) case a female student complainant against a male member of the public. CATT 'Other' case represents one (1) case of the female victim being sexually harassed after sexual abuse.

⁵ Complaints of sexual harassment are received from the Ministry of Education. Hence, the TSC and MOE statistics were counted once for the purpose of the total number of reports from 2014 to March 2019.

⁶ PTAs received anecdotal reports that were not formally documented in writing.

⁷ As at May 7, 2019, the Children Court has not had any filings can fall within the category of sexual harassment in the education sector since the commenced operations on February 28, 2019. In addition, the recording system is not designed to disaggregate data under this heading.

brought by female students against male staff represented the category of cases with the most complaints. These are itemised in **Table 6**.

Table 6: Breakdown of MOE Reports of Sexual Harassment

Category of Complaint	2014	2015	2016	2017	2018	Jan-Mar 2019	Total
Male student complainant v male teacher	1	1	1	1	0	0	4
Female student complainant v male teacher	10	4	1	5	2	0	22
Male student complainant against female teacher	0	0	2	1	0	0	3
Female student complainant against female teacher	0	0	1	0	0	0	1
Teacher complainant against a student	0	0	0	0	0	0	0
Student complainant against a student	0	0	0	0	0	0	0
Student against non-teaching member of staff	0	0	0	1	1	0	2
Non-teaching staff complainant against student	0	0	1	0	0	0	1
Total	33						

Teaching Service Commission

3.6. The TSC received **thirty-three (33)** reports of sexual harassment for the period 2014 to March 2019 as illustrated in **Table 7**. A detailed breakdown is provided in **APPENDIX XI**. Reports are shared between the MOE and TSC, however despite consistency between the total figures provided by the entities, the figures based on the

categorisation of cases as provided by MOE did not correspond to the figures provided by the TSC.

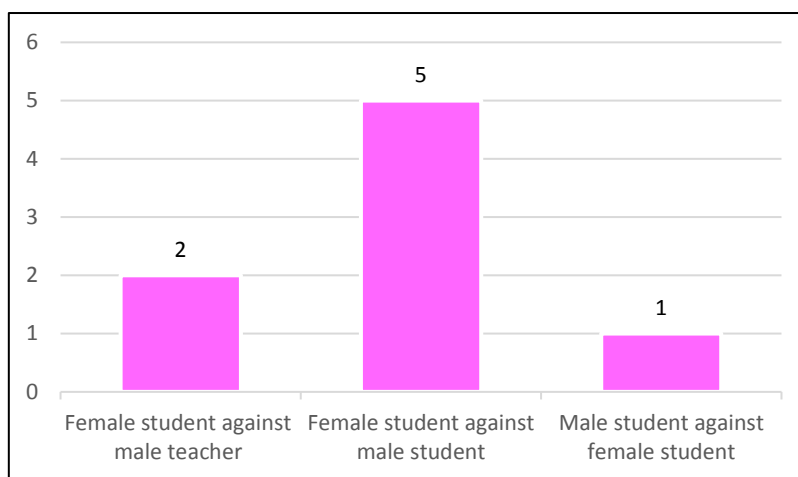
Table 7: Breakdown of Sexual Harassment Reports received by the TSC

Category of Complaint	No. of Complaints
Female student complainant against male teachers	17
Male student complainant against male teachers	4
Female student complainant against female teacher	0
Male student complainant against female teachers	2
Parents of a class complainant against a female teacher	1
Parent(s) of a female student complainant against female teachers	1
Parent(s) of female student complainant against male teachers	3
Four female women against a male teacher	1
Female student complainant against male member of the public	1
Female teacher complainant against male teachers	3
Total	33

Tertiary Institutions (UTT and USC)

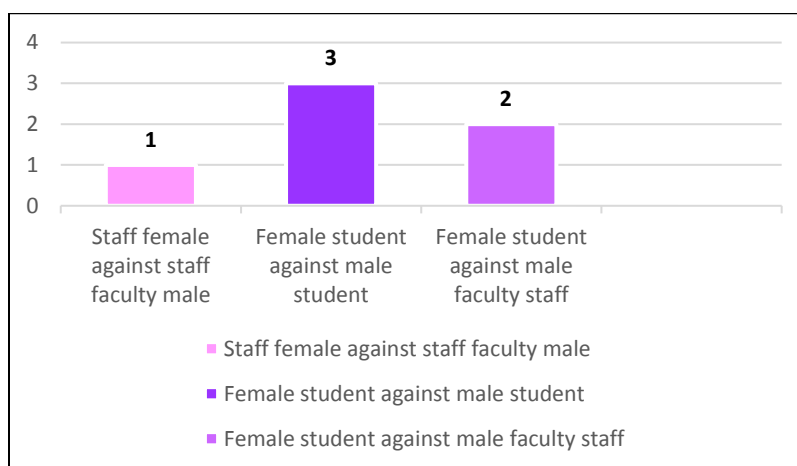
3.7. With respect to tertiary institutions, data received from the UTT and USC indicated that the former had received eight (8) reports of sexual harassment whilst the USC had received six (6) such reports.

Chart 1: Itemisation of Sexual Harassment complaints received by the UTT



The USC provided data on breakdown of **six (6)** complaints of sexual harassment received for the period 2014 to March 2019. The categories of claims are detailed in **Chart 2**

Chart 2: Itemisation of Sexual Harassment complaints received by the USC



Children's Authority of Trinidad and Tobago

3.8. CATT reports are not disaggregated under the sub-category of sexual harassment but are captured under the heading of child sexual abuse. There were **four (4)** reports involving sexual harassment that were brought to the attention of the organisation. In

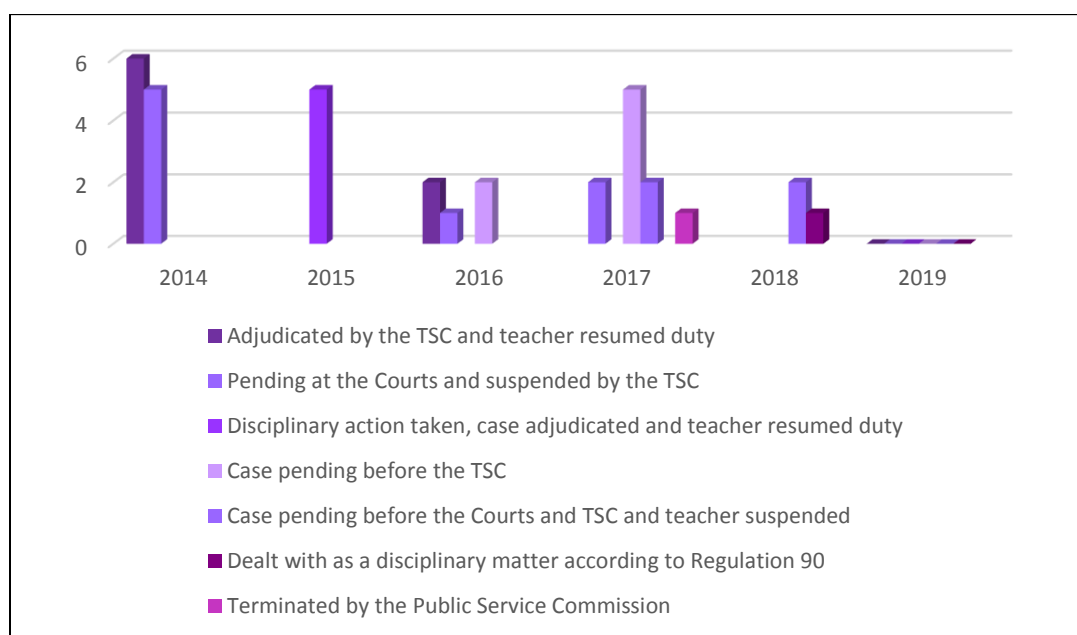
two (2) of the CATT cases female children were sexually harassed and threatened by fellow male students and in one of these cases the alleged perpetrator harassed a teacher. The remaining two CATT cases involved sexual harassment of a female child victim by a school's handy man and of sexual harassment coupled with sexual abuse of a female child by an adult male.

Status of Sexual Harassment Reports

3.9. During the period 2014 to March 2019, eighteen (18) teachers who were accused of sexual harassment were suspended pending the TSC's investigation and were thus on paid leave. Subsequent to the investigation and dismissal of allegations, these accused teachers were reinstated.

3.10. The progress of these complaints received by the MOE for the period 2014 to March 2019 is provided in **Chart 3**.

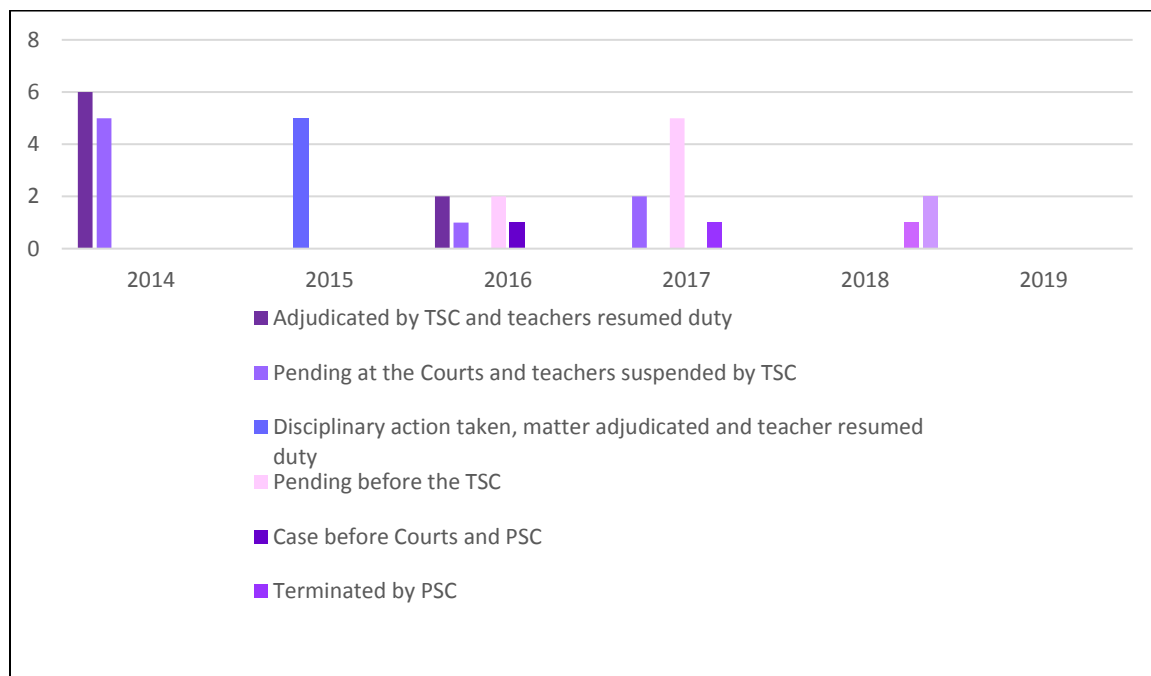
Chart 3: Status of cases of Sexual Harassment received by the MOE



3.11. In 2016, there is one (1) case involving a male non-teaching staff against a female student that as at April 2019 was before both the Public Service Commission and the Courts awaiting determination.

3.12. The progress of these complaints received by the TSC for the period March 2014 to 2019 is provided in Chart 4.

Chart 4: Status of cases of Sexual Harassment received by the TSC



3.13. The number of sexual harassment reports received by the **UTT and the USC** for the period 2014 to 2019 are provided in **Table 8**.

Table 8: Number of Cases of Sexual Harassment received by UTT and USC

Case	UTT	USC
Female student complainant against male teacher	2	2
Female student complainant against male student	5	3
Staff female complainant against staff faculty male	0	1
Male student complainant against female student	1	0

Challenges to detecting cases of Sexual Harassment

3.14. The challenges to detect and address cases in educational institutions are detailed in Table 9.

Table 9: Challenges to Detect and Address Cases of Sexual Harassment in Education Institutions

Entity	Challenges in Detecting and Addressing cases of Sexual Harassment in education institutions
MOE	<u>Detecting Cases of Sexual Harassment</u> • Unwillingness to report due to fear of victimisation and discrimination • Lack of credibility of statements by parties • Instances of misconception regarding the intention of physical contact or behaviour • Difficulty in properly evaluating or analysing information collected upon submission <u>Addressed Cases of Sexual Harassment</u> • Fear of retaliation causing hesitancy on the part of the victim to pursue matter • Lack of sufficient evidence to address the claims; and • Lack of written reports of sexual harassment or named complainants.
UTT	<u>Detecting Cases of Sexual Harassment</u> • A culture of ‘machismo’ <u>Detecting Cases of Sexual Harassment against Students</u> • Students do not wish to disclose in writing that they have experienced sexual misconduct • No approved policy to address this issue specifically • Inadequate information being widely disseminated on the issue • Fear of victimization by accused /colleagues or peers of the accused • Alleged victim’s reluctance to be the cause of someone’s loss of their “bread and butter” / or being suspended / expelled • Student Code of Conduct is still in draft format <u>Detecting Cases of Sexual Harassment against Teachers</u> • Misinterpreted/misunderstood cultural differences/behaviours • Fear of discrimination or otherwise by alleged victims • Obtaining the facts in the absence of a witness • Preconceived notion that women are always the victim • Persons involved in investigation may not have the necessary competencies to thoroughly and objectively investigate allegation <u>Addressing Cases of Sexual Harassment</u> • Fear of the repercussions, that is, persons will be adversely impacted if their complaint is made into a written report • Choosing to address the issue outside the official system i.e. on-line/social media • Determining the facts and ensuring that competent persons conduct investigations/assess the matter • Witnesses to the incident(s) are usually lacking
USC	<u>Detecting Cases of Sexual Harassment</u> • Under-reporting of sexual claims due to fears of reporting to school authorities or law enforcement <u>Addressing Cases of Sexual Harassment</u>

	• Cultural barriers such as shame and fear of not being believed.
TTUTA	<u>Detecting Cases of Sexual Harassment</u> • Failure of students to report on incidences of sexual harassment • Fear of teachers to entertain children's plight for help and teachers' decision to remove themselves from discussions involving students and sexual harassment.
EOC	<u>Detecting Cases of Sexual Harassment</u> • The general lack of legislation targeting sexual harassment has resulted in an unavailability of statistical evidence on its prevalence, forms and effects.
NPTA	<u>Detecting Cases of Sexual Harassment</u> • It occurs in private school spaces e.g. toilets • Victim may be bullied into silence • Sexual harassment may occur between male/male and female/female students • Unconventional passes of teachers on students <u>Addressing Cases of Sexual Harassment</u> • Non-cooperation of parents who refuse to expose their children

Challenges with preventing the occurrence of sexual harassment in schools

3.15. The challenges to prevent the occurrence of sexual harassment are enumerated in Table 10.

Table 10: Challenges to Prevent Cases of Sexual Harassment in Education Institutions

Entity	Challenges to Prevent Cases of Sexual Harassment in Education Institutions
MOE	• Socialisation of children about disclosure of cases of sexual harassment • Responsiveness of parents or guardians to issues pertaining to sexual harassment • Identifying behaviours of sexual harassment • Stigma attached to gender stereotyping where sexual harassment is targeted to the females and downplayed for males • Provision of a safe environment for the complainant to feel free from reprisal and threat from the perpetrator or others.
TTUTA	• Filing system employed makes it difficult to extract the specific number of complaints.
UTT	• Provision of information what is acceptable and what is not • A culture of 'machismo' i.e. male aggression that protects and facilitates
USC	• Under-reporting of sexual claims due to fears of reporting to school authorities or law enforcement • Cultural barriers such as shame and fear of not being believed.

3.16. Reported cases are conveyed by the MOE to the TTPS, however due to the absence of a reporting obligation placed on tertiary institutions, the practice of reporting is not usually exercised by tertiary institutions.

Objective 2: To Examine and make Recommendations on:

- a) The current policy to guide the treatment of sexual harassment in educational institutions;
- b) The level of awareness of students and staff on the complaints mechanism that are open to them, principally:
 - i. their rights;
 - ii. the duties of educational providers regarding these guidelines.

Policy measures to treat with Sexual Harassment in Educational Institutions

3.17. The MOE and tertiary institutions are guided by the National School Code of Conduct (Revised May 25, 2018). This is essentially the policy document that encompasses the responsibilities, standards of behaviour and principles to which school personnel are expected to adhere. It specifically addresses sexual harassment in one part of the policy where it provides examples of sexual harassment and lists a number of consequences which can result such in action. The excerpt of the National School Code of Conduct related to Sexual Harassment is attached as **APPENDIX III**. Apart from the National School Code of Conduct, the following legislation/authority to which an action for sexual misconduct:

- Education (Teaching Service) (Amendment) Regulations 2000 (Appendix XII);
- Section 84 of the Public Service Regulations (Appendix XIII);
- Inappropriate Sexual Behaviour in the National School Code of Conduct (Revised May 25, 2018) (Appendix XIV);
- Circular Memorandum No. 37 on Handling Misconduct and/or Indiscipline In the Workplace (dated March 31, 2004)(Appendix XV);
- Circular Memorandum No. 76 on Procedures for all school personnel on Matters of Child Sexual Abuse (dated September 2, 2008) (Appendix IV); and
- Circular Memorandum No. 25 on Sexual Offences (dated June 3, 2014) (Appendix XVI).

3.18. As at April 2019, the following six (6) post-secondary educational institutions were found to have had sexual harassment policies:

- University of the West Indies⁸;
- College of Science, Technology and Applied Arts of Trinidad and Tobago;
- National Energy Skills Center;
- MIC Institute of Technology;
- University of Trinidad & Tobago; and
- Youth Training and Employment Partnership Programme.

3.19. A comparison of the policy measures available in tertiary institutions is found in **APPENDIX VII**.

Policy measures to treat with Sexual Harassment in Educational Institutions via Information Communication Technology

3.20. With respect to the oversight of potential misconduct online, the MOE issued several guidelines as part of the National School Code of Conduct 2018 with specific reference to technology and the internet, acceptable use of technology, cellular phone usage, cyberbullying, data security and privacy as well as social media (**APPENDIX V**). Applicable to both staff and students; these recommendations prohibit pornographic material, instructs users on the use of ICT equipment and appropriate use of social media. In addition, the module on ‘Ethics in Technology’ in the National Secondary School Curriculum on Information Communication Technology (**APPENDIX X**) informs students on the safe use of the Internet and social media and the implications of inappropriate use.

3.21. The UTT’s policies entitled HR 9 Use of the University’s Computer Systems and HR 10 University Property, Equipment or Systems provide conditions and limitations on the use of platforms for work-related activity only. Although USC currently does not have a specific sexual harassment policy, it has stated that the use of information communications technologies is implicit in USC’s technology policy.

⁸ University of the West Indies. ‘Sexual Harassment Policy and Procedures.’ June 2016. Accessed: July 12, 2019. Available: <https://sta.uwi.edu/sites/default/files/uwi/Amendments%20to%20the%20Sexual%20Harassment%20Policy%20UWI%20-%20June%202016.pdf>

Role of the MOE's School Disciplinary Committee

3.22. The School Disciplinary Committee (SDC) is comprised of the Principal, Vice-Principal, Senior Teacher, Deans, Head of Department, School Safety Officer, Guidance Officer and School Social Worker. The SDC collects reports of infractions from the school administration to which the information received is recorded under the heading 'sexual misconduct' using a standardised template. Thereafter, the SDC:

- a root cause analysis of cases of sexual harassment is conducted with a view to minimising the number of cases;
- action is taken against the alleged perpetrators and support is given to both the alleged victims and perpetrators; and
- information is shared with MOE officials and external agencies, if required.

Educational Programmes on Sexual Harassment in Educational Institutions

3.23. According to the MOE, since the passage of the Children Act, Chap. 46:01 and the Children's Authority Act, Chap. 46:10, the MOE and the CATT held sensitisation sessions in educational institutions (at all levels) which involved school personnel such as Deans, Heads of Departments, School Safety Officers, Curriculum Officers, School Supervisors, Administrators and Student Support Services. The sensitization sessions created awareness on the duties of key personnel who are considered persons in "positions of trust" and the related fines where such persons are found to be in breach of trust. **Table 11: Educational Programmes for Sexual Harassment in Education Institutions** outlines the educational programmes provided at different levels of educational institutions.

Table 11: Educational Programmes for Sexual Harassment in Education Institutions

MOE	Educational Programmes for Sexual Harassment in Education Institutions
Pre-School/Early Childhood Care & Education Level	<u>"Wellness" strand of the ECCE Curriculum and Professional Development Courses</u> • Under the "Wellness" strand of the ECCE Curriculum, children are taught the following: ✓ 'Good touch' that is caring and comforting and 'bad touch' which is painful/harmful and makes you feel scared. ✓ The touching rule, that is no one should touch your private body parts except to keep you clean and healthy. The correct names for body parts are also taught.

	Continuous professional development sessions are conducted with staff on the legislations and guidelines for addressing cases of sexual harassment.
Primary Level	<u>Level II of the Health and Family Life Education (HFLE)</u> - The Level II Topic of 'Relationships 1- Concept of sexuality and gender' is taught to Standards 1 to 3 with the following objectives: ✓ Who am I? - to appreciate the physical differences in males and females. ✓ Gender roles and responsibilities - to appreciate and be comfortable with oneself as a sexual being and to develop an understanding and respect for the opposite sex. ✓ Gender taboos - to demonstrate an understanding of gender roles and responsibilities, to appreciate changing gender roles in relation to the needs and demands of the home and society, to eliminate existing gender-related taboo, to critically examine role models (peers, parents, other adults) to inform positive behaviours and to appreciate gender equity and interdependence. ✓ Derogatory terms - to refrain from addressing peers with derogatory terms used in their environment, to convey firm disapproval of derogatory terms and to use positive expressions to replace derogatory terms. ✓ Sexual advances - to develop ability to say 'No' to sexual advances. ✓ Stigmatisation - to be vocal about sexual abuse of self and peer, to develop strategies to avoid being in compromising situations and to empathize with peers who may be experiencing abuse (avoid stigmatization).
Secondary Level	<u>Sexuality and Sexual Health Theme, Sexual Harassment in the Health and Family Life Education (HFLE)</u> - The topic of Individual Safety and Protection is taught in Form 3, Term 1 with the following outcomes: ✓ Identify what constitutes sexual harassment. ✓ Demonstrate a sense of empowerment in resisting sexual harassment. ✓ Use problem solving skills in dealing with sexual harassment. ✓ Demonstrate responsibility for personal safety. <u>Economic Growth and Development Theme, Sexual Harassment in Social Studies</u> - The topic of 'Choosing a career/making the right choice' is taught in Form 3, Term III with the following outcomes: ✓ Identify issues employers and employees face in the workplace. ✓ Use creative thinking skills in situations related to sexual harassment. ✓ Identify sources of appropriate information to deal with sexual harassment in the workplace.
Tertiary Level	<u>Policies and Programmes to educate staff and students</u> - Policies provide a definition of sexual harassment as well as guidelines on the steps that can be taken to report and treat with the issue. - Guidance is provided by trained personnel on the rights as a student and the duties of teachers as persons in positions of trust.

3.24. The support services that are extended to victims of sexual harassment were provided by the MOE, the UTT and the USC and are detailed in **Table 12**.

Table 12: Support Services for Victim/Perpetrator of Sexual Harassment in Education Institutions

Entity	Services for Sexual Harassment in Education Institutions
Ministry of Education	• The principal must make a referral to the Student Support Services Division (SSSD) at the district level so that support for student and family could be provided and EAP for staff where applicable. • Counselling for both victim and perpetrators (students and staff) • Conduct Social Functioning Assessment (students) • Advocacy (students) • Home visits (students) • External referral: EAP (employees), Child Guidance Clinic, Trinidad and Tobago • Rape Crisis Society (student)
University of Trinidad and Tobago	<u>Staff</u> • Counselling is provided to the victim through the Employee Assistance Programme (EAP). The perpetrator also has voluntary access to the EAP during the period of employment/suspension pending investigation. <u>Students</u> • Students have access to support services provided by Student Counsellors.

Students' level of awareness of the Sexual Harassment in Educational Institutions

3.25. The MOE advised that students are strongly encouraged to immediately tell a trusted person in authority if an incident of sexual harassment occurs. The USC also indicated that the issue of sexual harassment is discussed at several forums including new student orientation forums. Categorisation of the mechanisms to encourage reporting cases of sexual harassment in educational institutions implemented by Inquiry stakeholders is provided in **Table 13**.

Table 13: Mechanisms to Encourage Reporting of Cases of Sexual Harassment in Education Institutions

Entity	Mechanisms to Encourage Reporting of Cases of Sexual Harassment in Education Institutions
Ministry of Education	<u>Student Sensitization</u> • Students encouraged to immediately tell someone in authority they trust if an incident occurs. • Students are sensitised about the reporting mechanisms for making complaints about sexual harassment at school assemblies, Home Room periods and Health and Family Life Education classes. • The Student Support Services Division offers the following services to students, teachers and parents: ✓ Classroom Guidance sessions; ✓ Psycho-educational sessions for example: bullying, inappropriate sexual behaviour, good touch/bad touch, inappropriate use of social media;

	✓ Teachers information sessions on the laws on sexual offences; ✓ Parenting in Education sessions on Understanding Sexual Behaviour and Your Child, Good Touch/Bad Touch, Understanding Social Media and Your Child; ✓ Understanding the laws, policies and circular memoranda and the consequences of sexual abuse/harassment. <u>Policy</u> • The National School Code of Conduct outlines the reporting procedure for all school personnel regarding matters of child sexual abuse including sexual harassment where the school personnel have the responsibility to report, not to investigate, determine fact, or make judgments of innocence or guilt. <u>Orientation/Training</u> • Orientation sessions are provided to students and staff at the school level by principals, deans and teachers at assemblies, religious instruction periods and home room sessions to encourage appropriate conduct and introduce the relevant policies that promote acceptable behaviour. • External agencies (including NGOs, FBOs) are used to supplement training for staff and students on changing attitudes and behaviours on sexual harassment.
Teaching Service Commission	<u>Training</u> • Occasional training is conducted with the Director of School Supervision and School Supervisors on the disciplinary process and how to treat with instances of sexual harassment in accordance with the Public Service Commission (PSC) Regulations as adopted by the TSC.
University of Trinidad and Tobago	<u>Policy</u> • The HR Policy Security and Safety is lodged on the University's intranet and is accessible to all staff. Within this policy, Section 6.2.2 Sexual and Other Unlawful Harassment provides a definition of what constitutes sexual harassment. There is no existing education programme for staff. • A draft policy on Sexual Harassment addressing issues involving a student was submitted by the Student Counsellors to be considered for approval. There are no approved procedures to operationalize the proposed policy. <u>Role of Student Counsellor</u> • If the Student Counsellors are informed, students are reminded/informed that a complaint form and process exist and the student is offered support. <u>Student Sensitization</u> • The Student Development Unit routinely disseminates relevant materials and notices to all students on expected behavior through various methods i.e. email, social media etc. Resource information will include, but is not limited to Student Support Services with specific information on University counselling resources; Student Conduct; Student/Employee Relationships; Sexual Harassment and Sexual Assault; Reporting of Incidents; Student Complaint process.
University of the Southern Caribbean	<u>Student and Staff Sensitization</u> • Student orientations were conducted twice annually in January and September whilst faculty and staff information sessions were held annually. During these sessions the issue of sexual harassment was discussed and the responsibilities of all parties was highlighted.
Children's Authority of Trinidad and Tobago	<u>Student and Staff Sensitization</u> • CATT conducted school sensitisations involving staff and students of fifty (50) primary and secondary schools. These sessions focused on a wide range of issues including child protection legislation, rights and responsibilities of the child, child sexual abuse (as it relates to persons in "positions of trust", sexual touching and grooming as offences and mandatory reporting of child sexual abuse incidents.

Trinidad and Tobago Unified Teachers Association	<u>Staff Sensitization</u> • Monthly staff sensitization at District Staff Representative Meetings on topics related to laws and regulations that pertain to the teaching service such as the Education Act, Chap. 39:01 and MOE Circulars on a range of issues inclusive of the Children Act, 46:01, the Sexual Offences Act, Chap. 11:28 and Code of Conduct for Teachers. • Staff sensitization at monthly District Staff Representative Meetings on the importance of reporting incidents of sexual harassment. • At times the CATT was engaged to provide Member training on mitigating abusive behaviours and attitudes as a form of sexual harassment.
Equal Opportunity Commission	<u>Public Education and Sensitisation</u> • Free public education/outreach sessions in Trinidad and Tobago on the issue of sexual harassment. • Free guidance and assistance in the development of sexual harassment policies. • Social media public education on the complaints mechanism available.
National Parent Teacher Association	<u>Public Education and Sensitisation</u> • Currently not a function of the NPTA. However, NPTA intends to conduct future workshops with secondary school students on building positive interpersonal relationships.

Students' awareness of the Complaints Mechanism in Educational Institutions

3.26. The complaints filing mechanism for students outlined by the MOE and the TSC is highlighted in **Figure 1 and Figure 2**. TSC's process map regarding the complaints received on allegations of sexual misconduct is available in **APPENDIX V** and the key steps are:

- Complaint of sexual harassment is received from the MOE and the officer is suspended;
- Investigating officer's Report is received, forwarded to Legal Unit and legal advice is sought on the charge(s) to be preferred;
- Charges are preferred; discretion of the TSC to interdict the officer and where necessary, a Disciplinary Tribunal is appointed;
- Officer charged is invited to submit representations with fourteen days and a Tribunal hearing is scheduled;
- Upon completion the Disciplinary Tribunal submits a report containing the findings and record of proceedings;
- TSC considers Tribunal Report and exonerates officer or finds the officer guilty;
- If the officer is found guilty, any of the following may apply:
 - the officer can submit representations within fourteen (14) days;
 - a penalty is imposed;
 - officer charged may appeal the decision at the Public Service Appeals Board (PSAB); and
- PSAB submits a judgment and the PSAB judgement is considered by the Commission.

3.27. The overview of the complaints processes available through the UWI, UTT and USC in APPENDIX VII.

Disciplinary measures to address claims of Sexual Harassment

3.28. Disciplinary measures enacted by the MOE and TSC are categorised in **Table 14: Applicable Sanctions for perpetrating acts of sexual harassment** Table 14. The disciplinary measures imposed by tertiary institutions are provided in APPENDIX VIII.

Table 14: Applicable Sanctions for perpetrating acts of sexual harassment

Aspect of Sanction	MOE	TSC
Standardisation of Sanction	• Yes	• Yes
Letter of Reprimand	• Yes- for staff	Not applicable
Nature of Disciplinary Action	Student measures - One or more may apply • Suspension up to seven (7) days • Extended suspension • Report to the Child Protection Unit , TTPS • In-school intervention programme • Student behavioural contract • Placement at a Learning Enhancement Centre Staff measures- • Verbal and/or written warning and reprimand • Interview for questioning purposes • Investigations • Disciplinary hearing if warranted upon which the following actions could be taken: counselling, disciplinary probation, suspension, dismissal or termination, financial sanctions or fines.	• The offender is suspended pending the conduct of the investigation • If the offender is found guilty a penalty is imposed by the Commission which may be appealed via the Public Service Appeals Board (PSAB) who issues a judgement which is considered by the Commission.

4. FINDINGS AND RECOMMENDATIONS

Objective 1: To understand the Prevalence of Sexual Harassment in the Education Sector and Educational Institutions

4.1. During the period 2014 to March 2019, there were fifty-two (52) reported cases of sexual harassment in educational institutions (**Table 5**). However, the Committee was unable to definitively determine the prevalence of sexual harassment in educational institutions due to the following reasons:

- MOE's data collection is based solely on complaint reports received of sexual harassment;
- MOE does not assess anecdotal reports in the school environment (e.g. graffiti in washrooms/school infrastructure) with the view to detecting, monitoring and reporting sexual harassment in educational institutions;
- MOE does not categorise and record certain types of child behaviours that fall within the definition of sexual harassment unless a complaint report is received;
- Although sexual harassment complaints are reported by the MOE to the TSC, there was variance in the data the Committee received from the MOE and TSC on the categorization of sexual harassment complaints received for the period 2014 to March 31, 2019;
- There was no reporting obligation for tertiary institutions to submit reports received to the MOE; and
- TTUTA's current system of filing did not permit the extraction of the relevant data pertaining to sexual harassment.

4.2. The Committee noted that of the thirty-three (33) reports of sexual harassment received by the TSC (**APPENDIX XI**), nineteen (19) were on-going and fourteen (14) were closed as at March 31, 2019. Of the fourteen (14) closed cases, there were seven (7) cases in which the officer was re-instated and one (1) case of death of the officer. In the six (6) remaining closed cases in which no further action was taken, the reasons included lack of parental consent to provide a written statement and deficiencies in the Investigating Officer's report.

4.3. The Committee noted that the most prevalent category of sexual harassment in primary schools was female student complainants against male teachers which

represented seventeen (17) of the thirty-three (33) cases reported to the TSC (**Table 7**). In tertiary institutions complaints from female students against male students was the primary complaint contributing to six (6) of the eight (8) (**Table 8**) cases reported to the UTT and three (3) of the six (6) cases reported to the USC (**Table 8**). As such, the Committee recognised that the perpetrators of sexual harassment in the education sector may be both adults and students.

4.4. The Committee further noted that these acts of sexual harassment encompassed various aspects of communication via social media, the sharing of photos, offensive messages written in public spaces such as washrooms and sexual grooming.

4.5. The Committee found that the TSC Disciplinary Tribunal had a zero percent success rate for cases completing all stages of the investigation process due to the following contributory factors:

- The lengthy investigative process (**Figure 2**);
- Lack of parental consent for the child complainant to provide a written statement to the Investigating Officer;
- Deficiencies in the Investigating Officer's report;
- Child complainant unwilling or no longer willing/interested to pursue the matter;
- Child complainant refuses to provide evidence;
- Insufficient evidence in the Investigating Officer's report;
- The Education Act, Chap. 39:01 and the Public Service Regulations treat with acts of misconduct between civil servants but has no authority to compel third parties to appear before the Disciplinary Tribunal of the Teaching Service Commission;
- In the cases where officers are charged/found guilty by the TSC and the matter is taken to the Court, the current provisions of the Public Service Commission Regulations do not permit the dismissal of a teacher charged with sexual harassment until the TSC is in receipt of the court transcript; and
- Delays to receive court transcripts for concluded court matters.

4.6. The Committee acknowledged that teachers facing allegations of sexual harassment are placed on suspension and further noted that the average length of suspension ranged between one (1) to five (5) years.

4.7. The Committee was informed that re-instated teachers who were previously the subject of sexual harassment allegations were not monitored by the MOE subsequent to their resumption of duty.

4.8. The Committee noted that Guidelines on the Grievance/Complaints Procedure in the National Policy on Sexual Harassment in the Workplace⁹ stated that, *“The person carrying out the investigation shall ... Ensure that the process is completed as quickly as possible and commence within three (3) working days of the complaint being made”*. However, the TSC lacks specific timeframes for each stage of the investigation process (APPENDIX V).

Recommendations

- 4.9. **The Committee recommends that the MOE develop a standardised mechanism by March 2020 to categorise and record certain types of child behaviours that fall within the definition of sexual harassment in the National School Code of Conduct 2018.**
- 4.10. **The Committee recommends that the MOE create a mechanism to track complaints of sexual harassment received and submitted to the TSC in order to maintain an accurate record of data and ensure reconciliation of data transmitted between both MOE and TSC.**
- 4.11. **The Committee recommends that MOE collaborate with tertiary institutions to develop a mechanism to monitor the prevalence of sexual harassment in tertiary educational institutions by December 2019.**

⁹ Ministry of Labour and Small Enterprise Development. ‘National Workplace Policy on Sexual Harassment.’ Pg. 39. 2019. Available: https://www.molsed.gov.tt/images/National_Workplace_Policy_on_Sexual_Harassment_-_18-2-19_-_FINAL.pdf

- 4.12. **Given the role of the TTUTA as a key stakeholder in a number of matters related to education, the Committee encourages TTUTA to consider the introduction of an electronic record management system in order to maintain accurate records on all matters within its purview.**
- 4.13. **The Committee recommends that the TSC conduct training sessions to address deficiencies in the Investigating Officer's report (See APPENDIX XI) during fiscal 2020.**
- 4.14. **The Committee recommends that the TSC set appropriate timelines for each stage of the investigation process in APPENDIX V.**
- 4.15. **The Committee recommends that the Ministry of the Attorney General and Legal Affairs note the recommendations provided by the EOC (Appendix VI) and the general recommendations also indicated in APPENDIX IX.**

Objective 2: To Examine and make Recommendations on:

- a) The current policy to guide the treatment of sexual harassment in educational institutions;
- b) The level of awareness of students and staff on the complaints mechanism that are open to them, principally:
 - i. their rights;
 - ii. the duties of educational providers regarding these guidelines.

Current Policy

- 4.16. The Committee was pleased that the National School Code of Conduct (Revised May 25, 2018) addresses sexual harassment and other sources of sexual harassment via the use of technology as well as social media (**Appendices III and X**) and that six (6) post-secondary educational institutions have sexual harassment policies.
- 4.17. The Committee acknowledged the enabling environment of the USC to sensitise and encourage students to report cases of sexual harassment alongside policy measures outlined in their Employee, Student and Residence Life Handbooks (**APPENDIX VII**) and the importance of the associated student body as a means to report and seek redress for sexual harassment.

Level of awareness of Students

- 4.18. The Committee acknowledged the efforts by the MOE to sensitise all students about sexual abuse, inclusive of sexual harassment, sexual grooming and cyber-bullying. This information was delivered approximately once weekly by 240 Guidance Officers and Counsellors during guidance classroom, school social work, targeted intervention and HFLE sessions.
- 4.19. The Committee further noted that 11,200 primary school students and 14,350 secondary school students benefitted from the MOE's HFLE programme in 2018 (topics covered in the MOE educational programmes **Table 12** and MOE

Mechanisms to encourage reporting of sexual harassment cases **Table 14**). However, the percentage of students apprised of this training and knowledge as a proportion of the total student population could not be verified.

- 4.20. The Committee could not ascertain the exact percentage of students in the total school population that were sensitised on the subject of sexual harassment and recognised a need for the MOE to formulate a standardised structure for the frequency and delivery of sensitisation sessions related to the topic of sexual harassment.

Recommendations

- 4.21. The Committee recommends the following measures be implemented by the MOE so as to facilitate student sensitisation on sexual harassment in schools:
- a. The creation of a student handbook (or inclusion in the instance that a handbook already exists) containing age appropriate information by level (primary or secondary) to be discussed during student orientation sessions conducted upon entry to primary and secondary school. Copies of the student handbook should be accessible in the school's library;
 - b. The formulation of a standardised structure for the frequency and delivery of sensitisation sessions in order to educate and reinforce the topic of sexual harassment to students and staff.

Your Committee respectfully submits this Report for the consideration of Parliament.

Sgd.

Dr. Nyan Gadsby Dolly, MP
Chairman

Sgd.

Mrs. Glenda Jennings-Smith, MP
Vice – Chairman

Sgd.

Mr. Esmond Forde, MP
Member

Sgd.

Mr. Kazim Hosein
Member

Sgd.

Mr. Rushton Paray, MP
Member

Sgd.

Mr. Dennis Moses
Member

Sgd.

Mrs. Hazel Thompson-Ahye
Member

September 27, 2019

APPENDIX I

MINUTES

**MINUTES OF THE 27th RE-SCHEDULED MEETING OF THE
JOINT SELECT COMMITTEE ON HUMAN RIGHTS, EQUALITY AND DIVERSITY,
HELD IN THE ARNOLD THOMASOS ROOM (EAST), LEVEL 6 AND THE A.N.R
ROBINSON ROOM (EAST), LEVEL 9, TOWER D, INTERNATIONAL WATERFRONT
CENTRE, 1A WRIGHTSON ROAD, PORT OF SPAIN
ON FRIDAY, MAY 17, 2019**

Present

Dr. Nyan Gadsby-Dolly, MP	Chairman
Mr. Rushton Paray, MP	Member
Mr. Esmond Forde, MP	Member
Mrs. Hazel Thompson-Ahye	Member

Absent/Excused

Mrs. Glenda Jennings-Smith, MP	Vice – Chairman (Excused)
Mr. Kazim Hosein	Member (Excused)
Mr. Saddam Hosein	Member (Excused)
Mr. Dennis Moses	Member (Absent)

Secretariat

Ms. Candice Skerrette	Secretary
Ms. Vanna Jankiepersad	Assistant Secretary
Ms. Aaneesa Baksh	Graduate Research Assistant
Ms. Ria Rampersad	Parliamentary Intern

Public Hearing

- 8.1 The meeting reconvened at 10:37 a.m. in the ANR Robsinson Room (East), Level 9. The Chairman welcomed and thanked the officials for attending. Introductions were made.
- 8.2 The Chairman invited opening and closing statements from:
- Mrs. Lenor Baptiste-Simmons, Permanent Secretary, Ministry of Education
 - Dr. Fazal Ali, Chairman, Teaching Service Commission
 - Mr. Fitzroy Daniel, General Secretary, Trinidad and Tobago Unified Teachers Association
 - Mrs. Raffeina Ali-Boodoosingh, President, National Parent Teacher Association
 - Mr. Shorn Wilson, Executive Member of the Associated Student Body, University of the Southern Caribbean

Summary of Discussions

8.1 The following issues arose during discussions with the officials (*for further details, please see the Verbatim Notes*):

- The need for statistical data in order to determine the prevalence of sexual harassment in primary and secondary schools in Trinidad and Tobago;
- The Teaching Service Commission procedure for a complaint of sexual harassment against a teacher and the disciplinary proceedings conducted in accordance with the Public Service Commission Regulations;
- The current provisions of the Public Service Commission Regulations do not permit the dismissal of a teacher charged with sexual harassment until Court transcripts are received by the Teaching Service Commission;
- The definition of sexual harassment in the 2018 Revised National School Code of Conduct of the Ministry of Education;
- There were 33 sexual harassment complaint reports received by the Ministry of Education from 2014 to March 31, 2019. These may be categorized as follows:
 - a. Student against Student – 0 reported cases;
 - b. Teacher against Student – 0 reported cases;
 - c. Student against Non-teaching staff – 2 reported cases (1 case in 2017, 1 case in 2018);
 - d. Non-teaching staff against Student – 1 reported case (in 2016); and
 - e. Student against Teacher – 30 reported cases (11 cases in 2014, 5 cases in 2015, 5 cases in 2016, 7 cases in 2017, 2 cases in 2018 and 0 cases up to March 2019);
- There were 33 sexual harassment complaint reports submitted by the Ministry of Education to the Teaching Service Commission from 2014 to March 31, 2019:
 - a. Male Teacher against Female Student - 21 reported cases;
 - b. Male Teacher against Male Student – 4 reported cases;
 - c. Female Teacher against Female Student - 1 reported case;
 - d. Female Teacher against Male Student – 2 reported cases;
 - e. Female Teacher against a class of Male and Female Students – 1 reported case;
 - f. Non-teaching staff against a Female Student – 1 reported case; and
 - g. Male Teacher against a Female Teacher – 3 reported cases.

- The recommended provision of non-adversarial/ alternative dispute resolution methods to resolve cases of sexual harassment given the sensitive nature of the case;
- The zero percent success rate for matters submitted to the Disciplinary Tribunal of the Teaching Service Commission involving a student's allegations of sexual harassment against a teacher;
- The lack of monitoring of re-instated teachers who were previously the subject of a complaint allegation of sexual harassment;
- The unwillingness of parents and students to provide evidence and appear as witnesses in the sexual harassment cases at the Disciplinary Tribunal of the Teaching Service Commission;
- The recommended development of a Multi-Agency Protocol including the Ministry of the Attorney General and Legal Affairs, Children's Authority of Trinidad and Tobago, Ministry of Education, Trinidad and Tobago Police Service, Trinidad and Tobago Prisons Service, Director of Public Prosecutions, Teaching Service Commissions, Judiciary and Ministry of Rural Development and Local Government to deal with the issue of sexual harassment and protecting child witnesses in the Court setting;
- The need for additional education and sensitization of students on what constitutes sexual harassment and the avenues available for redress within the National School Code of Conduct; and
- The recommendation of the USC Associated Student Body that the school environment should be student friendly, the complaints process should be efficient and short and a student handbook containing the sexual harassment procedure should be distributed in schools.

Request for Written Submissions

9.1 During the public hearing, written submissions had been requested from the Teaching Service Commission:

- i. With regard to the 33 complaint reports of sexual harassment received for the period 2014 to March 31, 2019, provide additional details by completing the table with the relevant information.

Matter (1-33)	Complainant (teacher/	Perpetrator (teacher/non-teaching staff/	School (primary	Year	Status (on-going	Current stage of com-	Period of Suspend-	Outcome of Matter (penalty
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	non-teaching staff/student) and sex	student) and sex	or second-dary)		or closed as at March 31, 2019)	plaint in inves-tigative process (include reasons for delay if appli-cable)	sion of Officer	imposed, officer re-instated etc.)

- ii. Provide details of the recommended multi-agency protocol to treat with incidents of sexual harassment.

Adjournment

10.1 The meeting adjourned at 12:44 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary

May 17, 2019

APPENDIX II

VERBATIM NOTES

VERBATIM NOTES OF THE TWENTY-SEVENTH MEETING OF THE JOINT SELECT COMMITTEE ON HUMAN RIGHTS, EQUALITY AND DIVERSITY HELD IN THE A.N.R. ROBINSON (EAST) ROOM, NINTH FLOOR, (IN PUBLIC), OFFICE OF THE PARLIAMENT, TOWER D, PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON FRIDAY, MAY 17, 2019 AT 10.37 A.M.

PRESENT

Dr. Nyan Gadsby-Dolly	Chairman
Mr. Esmond Forde	Member
Mr. Rushton Paray	Member
Mrs. Hazel Thompson-Ahye	Member
Ms. Candice Skerrette	Secretary
Ms. Vanna Jankiepersad	Assistant Secretary
Ms. Aaneesa Baksh	Graduate Research Assistant
Ms. Ria Rampersad	Parliamentary Intern

ABSENT

Mrs. Glenda Jennings-Smith	Member
Mr. Dennis Moses	Member
Mr. Kazim Hosein	Member
Mr. Saddam Hosein	Member

MINISTRY OF EDUCATION

Mrs. Lenor Baptiste- Simmons	Permanent Secretary
Ms. Sharon Ashman-John	Deputy Permanent Secretary
Prof. Dennis Conrad	Manager, Student Support Services
Ms. Darlene Smith	Guidance Officer II
Ms. Naima Hosein	Director, School Supervision and Management Division
Ms. Natalie Robinson-Arnold	School Social Worker

TEACHING SERVICE COMMISSION

Dr. Fazal Ali	Chairman
Mrs. Joanne Joseph-Hannays	Member
Ms. Anoushka Ramsaran	Senior State Counsel, Service Commissions Department
Mr. Rodney Mohammed	Human Resource Adviser III Discipline Unit

TRINIDAD AND TOBAGO UNIFIED TEACHERS ASSOCIATION (TTUTA)

Mr. Fitzroy Daniel	General Secretary
Ms. Sommer Eudoxie	Industrial Relations Officer

NATIONAL PARENT TEACHERS ASSOCIATIONS (NPTA)

Mrs. Raffiena Ali-Boodoosingh	President
Mr. Clarence Mendoza	First Vice President

UNIVERSITY OF TRINIDAD AND TOBAGO (UTT)

Mr. Berrold Joefield	President, Executive Student Guild
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UNIVERSITY OF THE SOUTHERN CARIBBEAN (USC)

Mr. Sean Wilson	Executive Member, Associated Student Body
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Madam Chairman: Good morning everyone. It is my pleasure to reconvene this the 27th Meeting of the Joint Select Committee on Human Rights, Equality and Diversity. This public hearing is being broadcast on Parliament Channel 11, Parliament Radio 105.5 FM and the Parliament's YouTube Channel, *ParlView*.

It is my pleasure to welcome the officials who are here with us from the Ministry of Education, National Parent Teachers Association, the Teaching Service Commission, the Trinidad and Tobago Unified Teachers Association and the Associated Student Body of the University of the Southern Caribbean.

My name is Nyan Gadsby-Dolly. I am the Chairman of this Committee and I would now ask the

other; members of the Committee to introduce themselves, starting on my right.

[Introductions made]

Madam Chairman: And now we ask the officials who are here with us to introduce themselves, and we will start with the Permanent Secretary of the Ministry of Education.

[Introductions made]

Madam Chairman: Other members of the education team.

[Introductions made]

Madam Chairman: Officials of the Teaching Service Commission.

[Introductions made]

Madam Chairman: Thank you. Officials from the Trinidad and Tobago Unified Teachers Association.

[Introductions made]

Madam Chairman: Thank you. Officials from the National Parent Teachers Association.

[Introductions made]

Madam Chairman: Thank you, and a representative of the University of the Southern Caribbean.

[Introduction made]

Madam Chairman: Thank you. And I understand there is one more member of the team from the Ministry of Education.

[Introduction made]

Madam Chairman: Thank you so much, and thank you all for being here with us. Today's public hearing constitutes the second part of our two-pronged enquiry into sexual harassment, and that is sexual harassment in the education sector, with specific focus on students.

Over the past two months, this Committee enquired into sexual harassment in the workplace, generally, between adults. Today we examine sexual harassment in the education sector, focusing on students. This raises distinct issues of children victims at the primary and secondary levels, and their exposure to sexual harassment by teachers or commonly, as literature suggests, by other children.

The spectrum for sexual grooming as a possible precursor to sexual harassment looms large and this involves the building of emotional trust by older children with younger ones, which opens the door to sexual harassment. The issue of sexual bullying often undistinguished within the wider burgeoning context and its non-identification as sexual harassment must also be considered.

Within the tertiary level, the incidents of sexual harassment may resemble more closely those in the workplace insofar as both victim and perpetrator are likely adults. However, the teacher/student angle requires further discussion.

In this regard, our enquiry objectives today are:

1. to understand the prevalence of sexual harassment within the education sector and the educational institutions; and
2. to exam and make recommendations on:
 - (a) the current policy to guide the treatment of sexual harassment in educational institutions; and
 - (b) the level of awareness of students and staff of the complaints mechanisms that are open to them principally (i) their rights; and (ii) their duties of educational providers regarding these guidelines.

I would like to acknowledge at this time written submissions, which were received from nine entities: the Ministry of Education, the National Parent Teachers Association, the Teaching Service Commission, the University of the Southern Caribbean, the University of Trinidad and Tobago, the Trinidad and Tobago Unified Teachers Association, the Children's Authority of Trinidad and Tobago, the Equal Opportunity Commission and the Judiciary of Trinidad and Tobago.

Let me mention at this time that the University of the West Indies indicated that they did respond through the Ministry of Education's submissions. And so that would have been picked up in the submission there. So we thank them also for their response, based on our asking.

Viewers and listeners who wish to submit questions during today's public hearing can send questions to the Committee that are related, of course, to the topic today, via email at Parl101@ttparliament.org, and on Facebook@[ttparliament](https://www.facebook.com/ttparliament), and also on Twitter@[ttparliament](https://twitter.com/ttparliament).

I would like now to invite brief opening remarks from the entities who are present with us. We will start with the Ministry of Education, then the Teaching Service Commission, then the Trinidad and Tobago Unified Teachers Association, the National Parent Teachers Association and the Associated Student Body of the University of the Southern Caribbean. So, let us begin, Ministry of Education.

Mrs. Baptiste-Simmons: Thank you, Chair, and good day once again to members of the Joint Select Committee. Sexual harassment falls under the umbrella of sexual abuse. The Ministry of Education has an obligation to ensure that care and protection is available to all our students. Therefore, there is a great deal of trust and responsibility placed within our schools to guarantee safe and productive teaching and learning environments. The issue of teacher/student sexual misconduct raises concern, not only for parents but also the education system.

The Ministry of Education believes that it is essential for victims to be protected, offered appropriate support and afforded every opportunity to complete their education. The Ministry is aware of several instances where educators have abused their positions of trust and have sexually molested students.

In addition, the impact of teacher or student sexual harassment has the potential to leave a number of negative, emotional, psychological, educational and development effects on its victims. Therefore, it is equally important that we provide support and protection for all students and staff who are or were adversely impacted.

Further, through the Divisions of Curriculum Planning and Development and our Student Support Services, the Ministry continually seeks to provide support and foster mutual respect among students. One of our main objectives is to keep abreast of current trends and to design initiatives to eradicate child exploitation.

In this regard, the Ministry will increase its role of educating staff, students and parents through the conduct of preventative educational sessions aimed at fostering healthy and respectful relationships, exemplifying and modelling good behaviour, understanding the difference between sexual consent and non-consent, gender stereotypes and stereotyping, discrimination and defining their gender roles, developing and modelling positive body image and self-esteem, identifying what is prejudiced behaviour, addressing the issue of learned culture surrounding the whole issue of sexual harassment.

With these few words, I would pause and allow the Committee to take the lead in this discussion. Thank you very much.

Madam Chairman: Thank you so much. Teaching Service Commission.

Dr. Ali: Good morning, members. Hon. Chairman, we are very happy to hear that the focus today is on the teacher/student interaction because it raises a particular difficulty.

The 1966 Education Act and the Regulations adopted by the Teaching Service Commission, which are really Public Service Regulations, are very suitable for dealing with instances where you have acts of misconduct between one civil servant and another civil servant. Let us say, for example, the Ministry of Works. But in the education domain, we now have a teacher who is a servant of the State interacting with a third party, a child, and this child, the Regulations really have no power or authority over them, so we cannot compel that person to come before a tribunal.

What the commission is faced with is that, in many instances, the matters fail, because the child is unwilling to relive that experience in a tribunal. The mothers usually would not want the child to come forward. And we also suffer from poor investigations, poor investigation reports and Government has now reinstituted the investigations unit by Cabinet Minute and Note, and we are happy to see that. But the situation in which children find themselves in school with teachers is of grave concern to the Teaching Service Commission, and if we are permitted we will highlight some of those things that are of concern to us here today.

Madam Chairman: Thank you so much. The Trinidad and Tobago Unified Teachers Association.

Mr. Daniel: Again, good morning to everyone. TTUTA appreciates the invitation on the part of the enquiry into the issue of sexual harassment, especially in the education sector. The association knows at times it is difficult or challenging to discuss the topic of sexual harassment, especially in the school. What we as an association have done in the past is try, as much as possible, to provide information to our teachers with regard to the law, the regulation that impacts on sexual harassment in the workplace. So that will

alleviate the concerns or allay the fear of parents with regard to their children being in the school, because we know that teachers have that role to play with regard to the protection of children in the school.

We also aware of some of the effects and the impact of sexual harassment and what it can do a victim. So as such, as I said before, as much as possible, we try to alleviate those concerns or those fears and we will continue to work with teachers and all the stakeholders to ensure that our society and our children more so are protected in our system. Thank you.

Madam Chairman: Thank you so much. Can we now have the representative of the National Parent Teachers Association?

Mrs. Ali-Boodoosingh: Madam Chairman, in this our 21st Century environment, sexual harassment in our schools at all levels is a growing concern. It may start as a – sorry, I will start again. Madam Chairman, in this our 21st Century environment, sexual harassment in our schools at all levels is a growing concern. It may start as a little inappropriate touch in the primary school and, if left alone, may develop into to a more serious misconduct at higher levels. Moreover, students encounter sexual harassment at home and other places in the community. Sexual harassment can be verbal comments about one's body, spreading sexual rumours, accusations, dirty jokes, or stories, physical grabbing, rubbing, touching, visual display of naked pictures, obscene gestures or sex-related objects.

In recent times, bullying or cyber-bullying is actually sex-based harassment using the cell phones or the Internet to target students. In the event that students become moral spectators, there is little hope for change.

Madam Chairman, the NPTA has no hardcore evidence or data on sexual harassment in our schools but we are privy to anecdotal reports from students and parents. When parents complain, it is not always addressed by the Ministry of Education in a timely fashion. Sometimes it may go over one year and that is counterproductive, leaving the student at a disadvantage.

The toilets, certain blocks and classrooms during unsupervised classes, there are acts of misconduct of a sexual nature occur. Many times homosexual acts are prevalent. I have heard that it is no strange sight to witness students of the same gender displaying amorous behaviour even in the public school space. The occurrences present our schools as hostile environments for sexual harassment.

How can sexual harassment be addressed? We cannot surrender. Educate, educate, educate our children and parents. The National School Code of Conduct addresses these situations. But as I mentioned before, not on a timely basis. Sexual harassment affects our children for life via teenage pregnancy, school dropout, low self-esteem, low performance, absence from school, job opportunities, family life, embarrassment, shame, poor quality of life, and even suicide. We believe sexual harassment has no place in a democracy. Thank you.

Madam Chairman: Thank you so much and the member of the Associated Student Body, the University of the Southern Caribbean.

Mr. Wilson: Madam Chairperson, education should safely shape the minds and attitudes of the young adult and children. Young adults who have experienced sexual harassment suffer greatly from social problems, emotional and academic strain. Sexual harassment should be eradicated from the education sector. We need to ensure a safe learning environment. The reality is sexual harassment and sexual assault are incredibly common. They happen at home, school, colleges, universities, workplace, on the public transport, et cetera. Therefore, we need to focus more on problem-solving solutions to eliminate and to limit sexual harassment. Thank you.

Madam Chairman: Thank you so much to our officials for their very insightful opening comments that I think touched a lot on the issues that we are going to try exploring in our time here together. We are going to start our questioning. I want to remind all of our officials and members that you direct your questions and concerns to the Chair and we will now proceed.

And I will start off the questioning and I want to focus just a bit on the primary and secondary school level and some of the things that may happen. So, the first question I want to ask and I would like a response from all of the bodies represented here. I am not sure the University of the Southern Caribbean representative may have this kind of answer, or if you want to weigh in on the question as well. And my question is: Is sexual harassment at the primary and secondary school level really a problem that requires us to address it? Is it prevalent? Do we have a problem? And I am asking this in the context – and the

representative from the NPTA touched on what I am asking – do we have evidence to support this? Is anyone looking at this problem from a quantitative-type approach? Do we have a problem, or do we just think we have a problem? Is anyone before us here gathering information that will indicate the size of the problem we are dealing with, or are we simply dealing with the anecdotal reports of what is going on?

And when I say sexual harassment here at the primary and the secondary level, I am dealing with everything from the actual physical approaches to the approaches of the social media, harassment via Facebook, Instagram, and dealing with the writing on the toilets, writing these things, this one is a whatever, that one is a whatever, all over the toilets. I am talking about students in the upper forms or upper classes, you know, going down to the lower classes and harassing younger children and that whole issue of sexual grooming and so on. Do we have a problem? Is anyone collecting data to quantify the size of the problem or the nature of the problem that we have in our primary and secondary school system? Anyone can go first.

Ms. Hosein: Madam Chair, I will respond. Yes, we are collecting data. We have data from the period 2014 to March 2019, and our data suggests, as regards sexual harassment of student against student, we have no such reported cases. In terms of reports of a teacher against a student, we also have no such reported cases. In terms of a student against a non-teaching member of staff, we have two cases, one in 2017 and one in 2018. In the case of a non-teaching member of staff against a student, we have one such case in 2016. The area where we may have some need for some concern would be the area of student against a teacher. For 2014, we have had 11 such cases; in 2015 and 2016, five each; in 2017, seven. Thankfully for 2018, we see a decline of just two. Thus far for 2019, our data, January to March, we have nil cases.

Madam Chairman: So if you were to have an aggregate, from 2014, the only reports of sexual harassment have been student against teacher in the primary and secondary system, according to the Ministry of Education. And how many total cases would that have been since 2014?

Ms. Hosein: The total would have been 30.

Madam Chairman: Let me ask one more question of the Ministry of Education, since I have you on the spot. Do you believe that this represents an accurate number of the incidents of sexual harassment? And this would really just be your belief.

Mrs. Baptiste-Simmons: In our discussions, we recognize that the Ministry of Education – over the years we have not been – for example, some of the areas that you would have outlined – collecting such data. Because when we looked at it, I wondered and in our discussions it was said to me that it has to be that the child – it has to be unwanted, unwanted approach. It has to be that there is a complaint. So that I myself queried the data. Because if you go to our schools, some of the things that you mentioned, you are seeing them there. You are seeing them on the walls. You are hearing of instances. But in terms of the complaints, and in terms of the unwanted advances and the information, it seems that we have not been paying attention, because of our definition.

For example, we are looking sexual grooming, and it seems that the information needs to be disseminated into our schools in terms of the understanding of what this means, our young ladies, our young men, what it is; as you said sharing of pictures. Most people are sharing pictures without the understanding of what it is they are doing, and we are not recording it as if it is sexual harassment.

So just to basically indicate that the Ministry has not been collecting. What we have been collecting are complaints, complaints that have reached to the level of the school supervisors, reached the level of the principal and then we treat with those matters, as opposed to as what you are saying, is looking at the environment and seeing the areas where it can happen and how can we address it –

Madam Chairman: I am certainly going to come back to that point that you are making there, because I think it is critical, critical point. But before I do that I want to ask if anybody else wants to weigh on this whole issue of collection of data. I know the Chairman of the Teaching Service Commission wanted to weigh in.

Dr. Ali: Morning again, members. The Permanent Secretary is correct, that once an instance of sexual misconduct of harassment occurs it is reported to the Minister of Education; and then by memo from the PS to the commission, the commission becomes aware of the incident.

On our records, we have 33 reports of sexual harassment received from the period of 2014 to March 31, 2019. We have 21 male teachers against female students; four male teachers against male students; one

female teacher against a female student; two female teachers against male students; one female teacher against a class of male and female students; one non-teacher against a female student; and three male teachers against female teachers.

The commission gathers this data. And just to give you an idea, hon. Minister, if you are able to bear with me, with what is happening. In one instance, Madam Minister, we have the touching of the private part of a male student, that is at primary. We have an instance of someone offering to do certain things with a young student in primary. These are allegations that we have here. One teacher commenting to a young boy on the size. One teacher squeezing. A maxi-taxi driver interacting with a child in the taxi and the principal advising the mother not to report the matter. Male teacher touching a female, poking her in her belly and taking out her shirt, and so on. We have –

Madam Chairman: Dr. Ali.

Dr. Ali: Yes.

Madam Chairman: Now, these are all extremely upsetting, I think, for anybody to hear and to understand the nature of these concerns. So it raises the question. This is data from 2014 up?

Dr. Ali: Yes, Madam Minister.

Madam Chairman: What is the process when these things are reported and it reaches to the level of the Teaching Service Commission? Where are these teachers? What happens with them?

11.05 a.m.

Mrs. Joseph-Hannays: What happens, when it first comes to the Teaching Service Commission, there is usually a recommendation for suspension of the officer, and so that takes place. At the same time, the Ministry appoints an investigating officer to do a proper investigation. Once the investigating officer's report is received, it is then sent to the legal unit of the Service Commissions Department for advice. They then send a note to the Teaching Service Commission as to whether there is sufficient information to prefer a charge against the officer and to appoint a tribunal. If there is not, there is sometimes the situation where we have not sufficient evidence and it has to go back to the investigating officer. There are sometimes occurrences where parents are not allowing the student to give the evidence, like giving an initial statement.

If, however, we get enough to prefer a charge, charges are drafted and the officer, as well as the Ministry of Education, is notified that these are the charges that we are about to prefer. A tribunal is set up. The officer is notified by letter in writing of the charges against him. He is given 14 days to see whether he is admitting to the charges or not, and then it goes to tribunal. Once he or she says no, it goes to tribunal stage. The tribunal sometimes takes long depending on how many matters it has to deal with. If the officer is then deemed to – if the tribunal determines that the officer is found guilty, that information is then conveyed to the Teaching Service Commission at one of its meetings, and then has to make a decision and formally decide whether the officer is guilty. Once that has happened, we then have to consider what penalty we are imposing on the officer. We also then have to, by regulation, invite the officer to submit representations as to what penalty we propose to impose. So it is a long process –

Madam Chairman: That is what I want to get to.

Mrs. Joseph-Hannays: – and it has not even finished yet. So there are many, many, steps along the way.

Madam Chairman: So, this starts with a complaint made coming up through a principal or school supervisor?

Mrs. Joseph-Hannays: Yes. It starts at that level.

Madam Chairman: So, if a parent – if something happens with a child and a parent makes a complaint, it goes to the principal?

Mrs. Joseph-Hannays: It should, but at the same time, it should also go to the police which is an issue we have. It is not always reported to the police. It should also go to the police, because this is also a criminal act.

Madam Chairman: So, I am saying this now, for the benefit of those listening and looking, if there is an issue and the parent has reasonable belief that something has happened between – this is teacher/student now, within the primary or secondary school – these are children – then the report really should go to the police?

Mrs. Joseph-Hannays: Yes.

Madam Chairman: And, in many cases, it goes to the principal of the school?

Mrs. Joseph-Hannays: Right. And the principal or whichever senior officer at the school that is reported to by the parent, the principal or school supervisor, whoever gets the first report at the school, is also obliged to report it to the police, because this is a crime against a child, and it should also be. So that if the parent fails to report, at least the school authorities have reported it to the police.

Madam Chairman: And so, from the principal, it goes up the ranks?

Mrs. Joseph-Hannays: Yes. Usually an investigating officer is actually often a school supervisor.

Madam Chairman: In those cases, since 2014, how many of those cases have been resolved?

Mrs. Joseph-Hannays: Okay. Many of them have failed, some have been resolved. In at least one case there was a voluntary retirement of the officer. Once he realized he had been charged, he opted to apply for early retirement.

Madam Chairman: Okay. So we have 33 cases from since 2014, how many of them have reached to the final stage, whether they have been guilty or not guilty or whatever, the finding of the commission? How many of them have reached to that stage?

Dr. Ali: I think we have 2 per cent success rate in bringing these matters to completion, and in that 2 per cent you will find that it is the mother who has taken the matter up on her own as a criminal matter, not through the commission or the Ministry of Education. In one case, for example, a teacher was giving lessons to a young girl, she kept the girl there for sometime every night for lessons. When the mother realized it was sexual grooming, the mother reported it to the police. The teacher was put into remand, in police custody, and then subsequently applied for bail. Hon Minister, most of these instances are failing at the commission because the structure of the tribunal is a structure that really applies to the general government civil service.

Madam Chairman: So, let me just clarify before you continue. When you say “failing”, failing to come to any type of completion?

Dr. Ali: Yes.

Madam Chairman: So of the 33 then, have any come to completion via the tribunal method?

Dr. Ali: No.

Madam Chairman: So, therefore, what we are saying is that the whole process of dealing with sexual harassment at the primary and secondary school level between student and teacher, that is failing?

Dr. Ali: It is failing because –

Madam Chairman: Completely?

Dr. Ali: –the children will not want to come and give evidence in a tribunal setting. The parents are unwilling to let the child relive that experience. And so, for example, if the offence is, hon. Minister, a child against a child, that goes to the Children’s Court where there are special facilities and rooms and counsellors and other people as Mrs. Hazel Thompson-Ahye would know. If it is a child, against an adult, it will also go to the Children’s Court and there are special police procedures and protocols to deal with that child, but once the child is the victim and it is an adult against the child, it cannot go to the Children’s Court and it goes to the Magistrates’ Court, and that is a very strange environment for the child. The parents and the child do not know how to cope in that environment and to describe what is happening to them. So the parents are generally unwilling to carry that matter to the Magistrates’ Court. I think it is a gap – this is my opinion – in the way we are dealing with managing and protecting children through the Children’s Court.

Madam Chairman: So, if I am understanding you correctly, there are no teachers since 2014, in these reported cases, whose cases have been resolved at the Teaching Service Commission level. So what is happening with the teachers who would have been so accused, at this point? Where are they?

Mrs. Joseph-Hannays: What happens is that once it fails at the tribunal level, then we have no choice but to reinstate the teachers at the school, because the disciplinary process has failed to find them guilty – because you are presumed innocent unless proven guilty. We have no alternative but to return them to their schools.

You asked for some statistics. I have a chart here that shows that entering the period that we were talking about, of the seven charges laid against teachers in secondary schools, six failed and all because the virtual complainants refused to give evidence or parents refused to let their children give evidence. One is ongoing. Of the two where it involved a primary school teacher, one is ongoing and the other one failed

because the mother did not give consent for the daughter to give evidence. So as far as – these are the ones that were completed at the tribunal stage and two are ongoing.

Madam Chairman: And the time frame for the teacher to be on suspension from the time the accusation reaches the commission – and from the time that happens to the time where it is considered a failure as the child is not coming to give the evidence and so on – how long does the teacher typically spend on suspension?

Mrs. Joseph-Hannays: Too long. Often as much as four to five years because of how the process works.

Dr. Ali: In one matter, right now, hon. Minister, the teacher has been on charge in 2014, the matter was at the court, and we are still waiting in 2019 – the matter is concluded, but we are still waiting for the court transcript. We cannot proceed unless we see the court transcript; exactly what the judge or magistrate is saying. And so, there is a delay in getting these transcripts back to the commission from the court system.

Mrs. Joseph-Hannays: In that particular case, the officer was found guilty by the magistrate. There were four charges against him and one of those charges, he was convicted and fined \$8,000 since 2016. The structure of the regulations does not permit us to dismiss him yet until we have, in our hand, the court extract from the magistrate's case and the notes of evidence, and for whatever reason, we have not received that yet. So we need the system to work a little more – well, a lot more efficiently for us to be able to deal with it because – and that is where the police cases are really important because the tribunal stage takes such a long time, and we also need to improve at that level as well. If, at least, we have some success at the level of the police cases, that gives us enough to be able to dismiss the teachers and, therefore, take them out of the system.

Madam Chairman: So, generally, of the cases reported, these would have failed at different levels – at the tribunal level – and the teachers would have been reinstated?

Dr. Ali: Yes, hon. Minister.

Mrs. Joseph-Hannays: Some also failed at the Magistrates' Court level for the same reason – nobody is giving evidence.

Madam Chairman: So it is almost safe to say then that students or parents may feel as though there is almost no recourse?

Mrs. Joseph-Hannays: Yes. Unless we improve the system. And one of things I think would help is if the officers are charged under the Children Act, Act No. 12 of 2012, because the penalties there are much more severe, and if it is that the police charged – like if the complaints are made to the police and the offending officers are charged under that Act and, at least, get one or two convictions, to me, that would send such a strong message because the penalties there are as much as \$50,000 with imprisonment for like 15 years. I think people need to see the system working and that penalties are not small, for us to be able to improve the system.

Dr. Ali: Hon. Minister, for example, just to extend what Mrs. Hannays is saying, if the matter is reported to the police and the police would charge the person, the teacher, under the Children Act, section 30(d), that teacher could get a fine, 15 years of imprisonment, 25 years of imprisonment, and if there is sexual contact, life imprisonment, but we at the commission, we do not get that type of data. The police would not send that type of data to us. We do not know if this is happening and we doubt it is happening that people are being charged under this particular Act.

Madam Chairman: I want to give a couple members of the Committee a change to weigh in, because I get the sense that they do. Mr. Forde?

Mr. Forde: Okay. In terms of gathering your information, the Teaching Service Commission, all your data comes from the Ministry of Education alone?

Dr. Ali: Yes, Minister Forde.

Mr. Forde: All right. So to go back to the executive from the Ministry of Education, Director, School Supervision and Management, Ms. Hosein, it seems that the information you supplied us with is slightly different to the data supplied by the Teaching Service Commission. Is that a true statement?

Ms. Hosein: Yes, Sir. We seem to differ slightly.

Mr. Forde: All right. Because what I am saying is if all your data is coming from the Ministry of Education, I would think that, you know, it would be the same, but so much as that information. With regard to the statement made by Ms. Hannays, teachers who resumed duties – so the Ministry of Education – those

teachers will go back to the same institution or would they go to a different institution even though they are not guilty? – when I say, because no one has been charged. So will they go back to the same institution?

Mrs. Joseph-Hannays: As far as I am aware, the Ministry usually does, but that would be a question for the Ministry to answer.

Mr. Forde: Ministry, would they go back to the same institution?

Ms. Ashman-John: Sometimes the teachers return to the same schools, sometimes they are transferred to different schools.

Mr. Forde: Okay. And do we have a routine check? Again, no one has been found guilty, but do we have a routine check? Because, again, an allegation would have been made, the student may be still in the same school. Do we have routine checks and balances just to – any monitoring of this particular teacher?

Mrs. Baptiste-Simmons: Again, as far as I recall, no. We do not monitor. Once it is that we have the disciplinary action, and we were told by the commission that this teacher has been directed to resume duty, the teacher is then allowed to resume duty and there is no follow up, but we pay attention in terms of ensuring that within the school system, it would be monitored to ensure that children are protected. But in terms of the Ministry monitoring, directly from the Ministry, no. But at the school level the principal and they will be monitoring.

Mr. Forde: In terms of the data that you all have provided us with, I know the Chairman mentioned in terms of if we have a problem. I think that has not been clearly identified by you all, because if we look at the data, from 2014 to 2019, I think that we may be making a big issue of sexual harassment and from the data supplied, it does not exist. Are we correct? Is that a correct statement in that we are making a hullabaloo about sexual harassment but the data is saying that, you know, it does not seem to be a big problem?

Madam Chairman: And just to clarify that point, because that is exactly the point. If we are only collecting complaints, is it that the anecdotal reports are much more than that? I can clearly say that if you are going to a general bathroom in a secondary school, at least, what litters the walls alone would suggest that there is more going on that may be not reported as an actual complaint. How are we getting to the root of understanding how big the problem is? Is it a problem? Because if you are saying 33 or 30 complaints over the last five years, and if we are saying that nobody is convicted by the teaching service process, then we are almost saying that we do not really have a problem. But is that in truth and in fact what is happening at our schools? And if that is not the sense of what is happening at our schools, then it means that we have no means right now of identifying the nature of the problem, identifying how large it is and dealing with it. Is that the reality of our situation?

Dr. Ali: Hon. Minister, I think you are absolutely correct. That is the reality of the situation. The statistics, Minister Forde, they are small, but the nature of the offences, when you read and you understand the nature of what is happening –

Mr. Forde: Mr. Chairman, no one has been charged to date.

Dr. Ali: No. The parents are not allowing their children to go through this process through a tribunal.

Mr. Forde: So how can we change it? What do we need to do? I know you spoke about – Ms. Hannays spoke about the Magistrates' Court and the TTPS and the difference, you know, versus the Children's Court. What recommendation, what suggestions can you tell this Committee in order that when we go back out of this room today issues of sexual harassment will be dealt with to ensure that the culprits, once they are guilty, once they have committed the crime, they would serve the time?

Dr. Ali: Yes, yes, Mr. Forde. I think we have an urgent need, hon. Minister, Mr. Forde and Ms. Gadsby-Dolly to train a body of persons as investigating officers. In this day and age, the minute something like this happens and an investigating officer is appointed, what you would find happening in other jurisdictions is that the investigating officer appointed by the Permanent Secretary in the Ministry of Education should be able to go immediately to that school and do a video of the avowal of the child – immediately.

If we work closely with the police and Mount Hope Medical Sciences Complex and the Children's Authority, we can go immediately to Mount Hope Medical Sciences Complex to the unit associated with the Children's Authority and gather all the DNA evidence and other things and have forensic questions and everything asked and secure all that chain of evidence, so we can process and proceed with this matter.

But what we need is some avenue, Mr. Forde, for a child victim to be protected during the proceedings. So if a lawyer could be appointed, for example, to that child, by the State, to speak on behalf of the child, so then when the attorney of the teacher is questioning that child, the child is not feeling intimidated and will have to direct the questions to the attorney.

So I think, I would like to also—you asked for a recommendation—I think together with the Ministry of Education, the Teaching Service Commission, we do not see that we are standing in the back of the boat and the hole is in the front. The Ministry and the commission, we are in one boat. So what we could do together is do an immediate assessment of every school on how they record these instances, put things in place for monitoring when people return to the school; establish a set of protocols for preventing it. The Ministry of Education can set up a mechanism to do with the same thing in higher education institutions. We could try and collate this data and publish an annual report and we could ask—very importantly, Minister Gadsby—is for the police to record all instances of sexual harassment and violence and misconduct in schools specifically in the stations, so we can draw upon the data from the police stations to create the necessary statistics.

Mrs. Thompson-Ahye: Hon. Minister, through you, Mr. Ali just said that the Ministry of Education and the Teaching Service Commission are in one boat. It seems to me that boat has sunk, because when you look at the report from the Ministry of Education, it speaks of matters pending before the courts, and yet the service commission, what they are saying is that no one has been charged. How can a matter be before the court when no one has been charged is really a mystery to me? So that, I would like to know some more about it.

Mrs. Joseph-Hannays: It is not that no one has been charged. It is no one has been found guilty.

Mrs. Thompson-Ahye: No, well the words used here this morning is “no one has been charged”.

Mrs. Joseph-Hannays: All right, sorry.

Mrs. Thompson-Ahye: Now, I was glad to hear about maxi-taxi drivers. Yes. For years we have had children of all ages being impregnated by maxi-taxi drivers, and I have been concerned as to whether these children travelling to and from school are getting any kind of protection. Now, what does your policy say in terms of protecting children? Is it written anywhere so that children can be assured that they are not only protected—they are protected not only in the classroom, but also travelling to and from school that they can bring complaints and that these complaints can be attended to? What is the role of the support service? I see Darlene is here. Darlene Joseph, is it?

Mrs. Baptiste-Simmons: Yes. Darlene is here.

Mrs. Thompson-Ahye: And I know that a lot of work has been going on, but I want to know specifically: What is the role of the Student Support Services—and there are other people here from Student Support Services—when a child has been subjected to sexual harassment? What is really happening? I have heard mention here that children are not willing to come forward. How can you make a child feel safe and make a child feel confident that whatever reports are brought forward will be attended to? When the child is continuing in school what is happening with that child? I would want to hear about that. I would also like to know whether non-adversarial options are being offered. If parents are not willing to have their children come before a tribunal, they are not willing to go to court, I am sure that parents are very concerned about their children being safe. I am sure they are very concerned about the trauma that the children will—and, in fact, are suffering—that that trauma is being attended to.

In some jurisdictions, the question of non-adversarial options which ensures a victim’s safety and offender accountability are being explored with great success. I would want to refer you to the Campus Prison Report—and you can get it online—a report on Promoting Restorative Initiatives for Sexual Misconduct on College Campuses and that would be useful, not only at the secondary school level, also what is happening at tertiary level, because at every level children, and students who are not children, are under attack and they need that kind of protection. They need that kind of resolution, because trauma continues for a very long time. In this society, we keep asking: “What happen, you know, what wrong with you?” But, really, we should be asking: What happened to this child?

So we can keep going around and saying that parents are not encouraging the children to report, children are unwilling to report and then it keeps going on and on and on, because it is having repercussions in the society, you know, with these young girls especially who are suffering a lot and these

things going on in schools for years. A woman 60 years old telling me in Common Entrance class this teacher, Common Entrance teacher, abused children successive generations, and the children said nothing. He took the “stupidee” children, as she described it, in front, in the front row, and he had a unique way of interfering with these children, and this happened over a period of years and years and years. We have to stop just saying, put up our hands in the air and say, we cannot do anything. We need to deal with it because these children, they become adults and they end up on the other side, in the prisons sometimes, so we need to do something and do it quickly.

Madam Chairman: So I think the question in this was directed to the Student Support Services and I think it would have centred about, Sen. Thompson-Ahye, the whole issue of the process. What is the role when students undergo sexual harassment – and Sen. Ahye focused on the issue of the transportation to and from school or even if a teacher is involved – do students understand – and I think the Permanent Secretary touched on this – do students understand what sexual harassment, sexual grooming, what those things are; and are there any policies and procedures at schools which are elucidated to students so that they are very clear about what is right, what is wrong, and what their rights are with respect to how they are treated by teachers and so on, and are there clearly delineated procedures that the students are aware of so that they know where to address concerns when these arise?

11.35 p.m.

Prof. Conrad: I would like to start it off. I would like to stress that the Ministry of Education is committed to addressing the issues of sexual harassment, not only within the school but to and from school, according to our National School Code of Conduct, 2018. In terms of the consciousness or the awareness of students with regard to sexual harassment, through our social work services, as well as our guidance unit, we focus extensively on educating our students, sensitizing them to the issues of sexual harassment, as well as our parents. And there are protocols in terms of disciplinary actions that range from warnings, interviews, investigations, counselling, disciplinary probation, suspension, dismissal – well, suspension. And overall we take a very aggressive approach to educating our students. I will –

Madam Chairman: Can I interrupt you to ask exactly what that approach is?

Prof. Conrad: Okay. I will ask our social work specialist to continue.

Ms. Robinson-Arnold: Madam Chair, we do a lot of targeted preventative work with our students and we would look at all aspects of sexual abuse, inclusive of sexual harassment, sexual grooming, cyber-bullying so that children could have a comprehensive understanding of what they are and things that they can do to prevent and what they can do to report. We also –

Madam Chairman: I want to get it specifically, children go to school every single day, what part of the school curriculum, specifically, on a daily basis, on a weekly basis, how is this disseminated to students?

Ms. Robinson-Arnold: It is based on what is happening at the school, as well as preventative level at primary and secondary, mostly at the primary, and we will educate children on inappropriate sexual behaviour, what to look for.

Madam Chairman: The question is how often and when?

Ms. Robinson-Arnold: How often? It is hard to give a time frame but what I can say is we do a lot during our orientation. When children come into our school we look at the lower level in terms of preventative so that they can be more aware when they get older.

Madam Chairman: You see, and therein is the crux of the matter. How often are students exposed to this type of information? Is it once a week? Who delivers and how often it is delivered so that we can say students are aware and parents are aware of this?

Ms. Robinson-Arnold: I will say approximately once a week it is done with our guidance classroom sessions, school social work, targeted intervention and our HFLE sessions, Health and Family Life Education.

Madam Chairman: Who delivers these sessions at schools?

Ms. Robinson-Arnold: Guidance officers, school social workers and teachers in the HFLE curriculum.

Madam Chairman: How many of these teachers do you have stationed at schools, guidance officers? – because I know there is a problem in terms of the number of guidance officers, HFLE personnel. How many officers do you have and with what assurance can you say that this is given every week for students?

Mr. Conrad: Ms. Smith from our guidance unit will respond.

Ms. Smith: Madam Chair and members, good morning again. Currently we have approximately 240 guidance officers and counsellors within the system, and I can safely say, continuing from what Ms. Robinson was delivering, besides the cyber-bullying and respect for self, respect for others, development of interpersonal skills and understanding the boundaries in relationships and Good Touch, Bad Touch, we had for 2018 in the primary schools 11,200 children would have benefited from such sessions, and 14,350 in the secondary schools. We recognize that in different schools, when there is a glaring problem, you will –

Madam Chairman: And I want to ask you for percentages coming there, because 11,000 out of how many?

Ms. Smith: Correct.

Madam Chairman: That is the crux. You see, I understand that there is a shortage, you know, and what I am trying to get to is, do we need more? – because what we are doing here is looking at the circumstances with a view of recommending what is necessary, and I know that those guidance officers, and so on, will be doing their best, but the issue is, is there a shortage of guidance officers? We have 200-and-something, yes, but how many schools are benefiting from it? Is there a serious shortage? What kind of shortage is there with respect to guidance officers? And even within the system, is there a need for more? – because are these students, on a regular basis, every week, every day, how many times can we say our students are understanding that this is a problem that may be happening? You need to look out for this, how often could that really happen based on the numbers that we have now?

Mrs. Baptiste-Simmons: Madam Chair, one of the things, as we recognize, and I think the message that has been going out clear and loud, is that this has to do with sometimes, you know, society. The Ministry of Education has been trying. I mean, sometimes you put it even on the television. There have been promotions where we have the Good Touch, Bad Touch. At specific times in the schools we would hold these sessions and host these sessions for students. Now, the message has to be clear also in the homes; as you said, as they are transported to and from. If the Ministry, as you are seeing, the increase now, we have a unit that has over 800 or about 1,000 persons treating with these social issues on a daily basis, and I am sure you would agree there are quite a lot. This is sexual harassment, this is just but one, and so if, as we recognize, there has to be something that reinforces and support that the Ministry of Education can request of the community, the homes in terms of ensuring that this is happening.

If it is that you say when we do a campaign, but how often are we to – most of the times we even have parent counselling sessions. We host these sessions at school for parents teaching them about this Good Touch, Bad Touch, what is happening, how to educate your child with respect to sexual harassment and sexual abuse. To me, I would be honest, at the Ministry of Education, we seem to be moving more – I mean, this is part of being educated, but we are moving more into treating with issues that are not addressing educating our students, and most of us would say, “But these are the things happening in our schools”, and we are still held accountable for performance, student performance at the end of it.

So, our curriculum continues to be widened and we continue to put a lot. As you said, there should be more security. From what we heard happening in schools we should increase more security, and some of the time I keep telling persons that the issues that are arising that are happening with this thing, sometimes it comes from us taking all of these additional persons, placing them in a school environment and placing them into a position of trust.

The same security guards that we are asking for, a couple of years ago, we had instances where we had to address quickly. So, I do not know what mechanism that will arise from this that would help the Ministry, as opposed to broadening the base in terms of ensuring – we keep putting more and more persons and then, most of the time, we understand that as we widen we would go down to persons who have issues that nobody addressed because we are widening and we put more social workers. We did not even pay attention to their behaviour out of the issues that they, social workers or guidance officers, are coming in that may impact negatively in our school system.

So I am hoping that some other mechanism supports us in that way. We have homes, we have the Ministry of Social Development and Family Services, we have community development, how can they support a driver if, for example, as you say, in this sexual harassment? – because, as you said, it is in the maxi, sometimes it is written. Sometimes you see the words even at the back of those maxi seats. You go to KFC, it is in the washrooms also. Students are walking along the road and they are being molested as

they walk along from the taxi drivers, from persons on the side of the road. Sometimes someone brushes up on you when you turn around. Even as an adult, I wonder at times, what is happening, and I am an adult. Again, I do not know how we will get around this but I know we have to do something.

Madam Chairman: All right. So I just want to clear up this, I know the others want to come in. I just want to clear this particular point up. So we have our guidance officers, we have the programmes that would sensitize students, but is there a written policy? What policy would define how students deal with sexual harassment that would be meted out them, whether it is by other students or by teachers? What policies? Do these policies exist? And I sure the USC representative can say there is one at USC that students would be familiar with. What obtains in primary and secondary schools with respect to students and sexual harassment? Is there a policy?

Ms. Robinson-Arnold: There is not really a policy, we do a lot of classroom guidance, psychosocial, educational sessions so that students can benefit and understand about sexual harassment. We do that in conjunction with parent information sessions. So the same time the children are aware of and learning what these things are and the consequences and what they can do. We are teaching parents as well so that they can reinforce what is being taught to their children.

Madam Chairman: So how do students understand then, the procedure?

Mrs. Baptiste-Simmons: I am looking at my National School Code of Conduct, which is a policy document that has been revised. It first was distributed in 2009 and in 2018, and it speaks to, among those, in terms of standards of behaviour. It speaks to—in the Appendix I that we would have supplied to you, you would have seen where sexual harassment is one; you would have seen cyber-bullying included in there. You would have seen—it is on page 41—we would have seen substance abuse; inappropriate sexual behaviour, which is 38. So we sought to do it, and we also looked at technology, we also looked at cyber-bullying, and included in there is also the issue of sexual grooming within this policy that has been approved.

Madam Chairman: So what is taught then through the guidance officers, and so on, would flow from that policy? And so, the familiarity of students with this, is it enough? Do all students at the different levels know clearly enough what their rights are with respect to this policy and how they should be treated? And do they know what steps to take if they are being sexually harassed in the school? Suppose it is their teacher, is there a designated route by which they make their complaint? How would they respond? How do they respond?

Mrs. Baptiste-Simmons: The Director, School Supervision will respond.

Ms. Hosein: Thank you, PS. Madam Chair, yes, there is a system of reporting for students. For something of this nature as sensitive as this, students would tend to go, in the first instance, to a member of staff that they are most comfortable with. But in general, students would report to their form teacher in the case of the secondary school. In the case of the primary school, if the alleged perpetrator is the class teacher, the student has the option of going to any other member of staff or directly to the principal. At the level of the school we also have, at both primary and secondary, the guidance officers and the school social workers, and sometimes the children tend to confide in these officers more so than they might confide in a member of staff.

So in terms of children having someone with whom they can be comfortable and report these instances, yes. If the report goes to a member of staff other than the principal, in this case of sexual harassment, depending on how serious it is, the complaint is bumped up to the level of the principal. Most importantly is that the student must be treated as though she is telling the truth; she or he is telling the truth—

Madam Chairman: Or he, right.

Ms. Hosein: Yes. And following that, depending on the nature of it, as was alluded to earlier, a police report would be made. Following that, at the level of the school, written statements are obtained from the student. The alleged perpetrator is also made aware of the allegations. The alleged perpetrator is also asked to provide a written response. Just one other thing, the responses from the student, the written responses are endorsed by their parents.

Madam Chairman: Okay. So there is a procedure—

Ms. Hosein: Yes, there is.

Madam Chairman:—what I am asking is, are students sufficiently aware of what they are to do, and

categorically, yes, how are they made aware and what makes you feel that it is sufficient?

Ms. Smith: Madam Chair, the Ministry of Education through our guidance, universal guidance curriculum that we do deliver, we do a very concentrated delivery during the period January to Carnival which highlights the whole sensitivity of sexual predators and the possibilities of they being targeted for various forms of abuse. We have to remember that sexual harassment falls under the umbrella of sexual abuse, and we have done tremendous outreach at all levels regarding sensitizing students about their rights and the rights of respecting themselves and anybody violating them in any way.

While I believe that there is always room for more, but besides the first term intervention, between January to Carnival, we will continue to do that sensitization and awareness, even in terms of human trafficking and the fact that children could be targeted at any time from all sectors within the communities, while you are travelling to and from schools. And they know that they have safe havens that they can come out and speak and to developing those assertiveness skills, problem-solving, decision-making, even to recognizing on their own when their rights are being violated is a critical aspect of what guidance and social work do in terms of creating that awareness for them.

Madam Chairman: Why I ask “sufficient” is because what concerns me is the numbers. If we are saying 11,000 and 14,000 out of—how many thousands, hundreds of thousands of schoolchildren do we have, how many do we have? It does not sound to me as if that is a representative figure or even the majority. So my issue, and I am going to leave it here, is not that you are not doing the best you can, my issue is, is it sufficient for our school population? Because if we are saying that we have a problem, which we do not know the nature of because we do not have data, and if we are saying that that problem is something we need to address, and if this is the method of, the preventive method, I am not convinced that it is widespread enough or they have enough access to it being said to them over and over. Is there anything written? Do students understand how they can get the help they need? And then coupled with that is the issue of the complaints not going anywhere, and so the frustration they would feel, which with all of this tied up, would lead to the kind of under-reporting. They do not know that their rights are being infringed. And even those who may know that their rights are being infringed, because the act is so gross, as you would have described; even when they know that, where is the follow-through? Where is the justice? Where is this resolved? And, you know, it looks almost like a very vicious sad circle. That is just from my point of view. MP Paray, you wanted to come in.

Mr. Paray: Thank you very much, Madam Chair, through you. I want to thank everybody for the submissions that they made, it was very good information. It raised a lot more questions in my mind than what we have said here so far this morning. I want to just start with Mr. Ali, in terms of—you know, I looked at the numbers, I have heard about 39, from 2014 to 2018, in terms of reports; the Ministry had some similar figures, even the ones that were coming out of USC. It is less than 100, and the Attorney General, when we were doing the sexual offenders registry Bill, he identified there were 14,000 cases of sexual abuse in Trinidad and Tobago for minors, and a minor, in this case, is children under the age of 18. So if I take that number, and I know all of that would not be in the school system, but you put it over the numbers of complaints that you are getting coming up in your organizations, I think the disconnect is too wide to miss—that something is happening.

The other issue that I have is, and this is to the Ministry of Education, does the Ministry regulation instruct or enforce that principals must report these instances to you?—and because the numbers are so low, may it be that principals are not reporting to you and they are trying to manage the issues at the school level. Because I have had instances where parents have complained that they feel that the principals are not doing what they ought to be doing, in several cases, outside of sexual harassments, and so there appears to be a disconnect there as well.

The other thing that I wanted to get a little clarity on is that you have the Ministry, you have the Teaching Service Commission, and then in TTUTA’s submission, TTUTA is saying that they have an old filing system that the records are poor. So TTUTA, who, to me, has the responsibility for their membership, in your submission, page 1, paragraph 4, TTUTA referenced the filing system used by the organization and advised that:

Due to the filing system employed at the organization it is difficult to extract numbers of complaints, and so on.

In fact, if I cannot extract the complainer, I am not sure who are the teachers involved. So, you add all of that together, TTUTA's filing system, to me, says that I have no management part of these teachers who are under allegations of anything.

You have the low reporting, the low incidence of reporting by principals, in my view, and then you have the inability, based on regulations of the Teaching Service Commission, to dismiss officers who may have been cleared, who may have been charged – well, not the ones who are cleared but to get – they are on payrolls, and to me the malaise is worse than it sounds. Because my Committee members are asking whether we have a problem, and I want to thank Dr. Ali for making four or five descriptions of some of the complaints, because the description alone is sufficient for me to believe that we have a serious problem in the school system. It is like air travel. Air travel is the safest mode of transport, but “when one plane go down, 400 people dead”. So, I do not need any further convincing that we have a problem, but what I do know is that the data collection is causing a serious disconnect. And the other question that I want to pose, and anybody would be free to answer, there are four organizations here: NPTA, Teaching Service Commission, TTUTA and the Ministry of Education, when last did these four organizations sit together to discuss this particular matter ever? And, Madam Chair, through you, those are my queries. Thank you.

Mr. Forde: Starting with the last one. *[Laughter]*

Dr. Ali: It is quite a range of questions there, but to my knowledge that has never happened. And the figures you quoted that the Attorney General quoted, his figures must be accurate, but our figures, you have to remember our figures would be based on actual reports and the willingness and the braveness of a child to actually report what has happened to them.

Mr. Paray: Mr. Ali, if I could just stop you there for one second, through you Chair. The fact that there are 14,000 cases, and I assume that the AG is taking cases that have reached the Magistrates' Court, let us just, for argument sake, say 10 per cent of that 14,000, which is 140, and 1 per cent of that is 14, these would have been cases that – let us assume it has children of school age, I am wondering why there is such a large gap. Now, if the parents are willing to come forward in the Magistrates' Court for these matters why are they hesitant to come and give evidence or have the children give evidence before the tribunal? So I am trying to understand why would that not be the case, if you could proffer an explanation?

Dr. Ali: No I cannot, but what I can tell you is we would receive instructions from the parent or a letter from the parent saying that they are not willing to bring the child or they are not willing to proceed with this at the tribunal. And therefore if there is no evidence and the witness is unwilling to come forward, the matter will fail and the commission must operate with the rule of law. If a person has not been found guilty of an offence, the commission has a whole range of facts before it, but we have to send the officer back. There is nothing the commission could do but observe the rule of law. And so, this is the predicament of the commission, and this is why, even in my opening statement, I am asking for some method, hon. Minister Dolly, that we can protect the child, find a way through the Children's Court to protect the child in such a way that the parent and the child feel safe to proceed with these matters. If the offence is persistent irregularity and unpunctuality of a teacher, the tribunal method is perfect.

We have to understand, in 1966, when the Education Act was written and the Regulations were drafted, the leadership of the country at that time could not envisage that someone will be texting a child to meet them for a rendezvous, and that is what is happening. And these are not moderate texts, they are very explicit; I have some of them here. What the teacher is actually asking the child to do. Teachers are asking the children if their parents are home, how often they are home, where they live. They are texting images of human body parts and asking them to respond to it. This brings to us the notion of the fluidity of this thing.

These are not little instances happening once a week or once a term, this is a fluid environment with the Internet involved, and so some of them are involving the use of Internet technologies. Some of them involve actual physical touching, some of them involve grooming and luring of children, and so this is the nature of the environment. So, member Paray, the figures might seem low that the commission is gathering but we could only act on those that are reported to us by the Permanent Secretary, Ministry of Education.

Mr. Paray: And that is why I would like the PS to just respond in terms of the issue with the principals, whether they may be under-reporting against your regulation. Do you have an assessment on that?

Mrs. Baptiste-Simmons: If it is treating with sexual harassment and/or sexual abuse, teachers know it is in the law. Apart from the Ministry of Education under the regulation, the Teaching Service Commission – but remember it is part of the law, there is the “mandated to report”, especially when a report has been made they have been mandated. So, as you are saying, in terms of the follow-up, in terms of the information, sometimes the gathering of the information that we are reporting, but these are the reports that come to me, and once it comes through my IR Unit and a case has been made on the regulation, then I would forward what is in front of me.

Mr. Paray: Madam Chair, this last question on this topic, and I want to bring Mr. Wilson from USC into this. Now, I read the submission from your establishment and when I looked at your number of complaints coming forward, versus the numbers that were coming from the Ministry of Education in general – I am just looking at proportionality here in that I feel there is a higher percentage of students or teachers, vice versa, willing to come forward with complaints in your organization, which tells me that you in your organization are doing something better in terms of the environment for these people to make the complaints versus when you look at the proportionality across the Ministry of Education which has a larger student body, a larger number of teachers. Any idea of what you are doing to encourage or that environment that causes the comfort of complaints to come forward? Can you speak to that?

Mr. Wilson: So, first of all, let me say that in every institution there will be the cases where it would not be reported. Right?

Mr. Paray: Just before you continue, I just want to clear that up. I understand that you are representing the student body and not necessarily the school, the schools management, but I guess you can speak to the environment that exists that you think would allow for greater communication going forward. Thank you.

12.05 p.m.

Mr. Wilson: Correct. Right. So, in every school there are cases where persons would not report the incidents. However, because we have an Associated Student Body we mingle with every student in the school, so it is like they feel more comfortable coming to us. If they do not want to go to a staff member they would come to a member from the Associated Student Body, and they will make their query, we would do our investigation if it is something serious, and we think that, okay, we have enough evidence to prove to staff that this is the case, then we do our investigation, look into the matter, then we go to a member of staff who deals with these problems.

However, at USC we are much big on protection. For example, at the dormitories males cannot go beyond the entrance of the female dorm, likewise females cannot go beyond the entrance of the male dorms, and stuff like if there is a classroom that is in an area where it is isolated from the school, what we would do we would make sure that that class is locked once there is nobody there to supervise in that area. So, at USC there is a big role on protection for students. I guess that is the reason why some of the figures are that low.

Mr. Paray: What I am trying to get at, your school has about three times the amount of complaints over the same period, and I am not saying it in a way that there is a problem in the school with that, but it means to me that the environment to make the complaint is warmer and gentler. It encourages people to come forward. That is what I was trying to get at. As to what would make that environment more comforting for the complaints to come rather than in the government school system where it is three times less than what is apparently reported from your school?

Mr. Wilson: And then again it all boils down to the way in which we view sexual harassment. Right? Because, at school most of the time in society when we look at sexual harassment people will look down upon the victim. At USC if something happens we do not look down upon that person, so it would not shun the person from coming to make a complaint. So if something actually happens they will be enthusiastic to come and actually say, well, X or Z is the case, how can we deal with this problem? And that is how we deal with it at USC.

Mrs. Thompson-Ahye: I have heard a lot about educating children and parents, but what I have not heard about this morning is educating the teachers. Before any sexual harassment, any act of sexual harassment, is perpetrated there is a belief system that women and girls are inferior to men and boys, and one of our obligations under the convention to which we have signed is that we must try to eradicate the belief system that feeds the actions occurring.

Now, I know that TTUTA cannot be just an organization that works for the betterment of conditions of children—of teachers, but would also be actively working on continuing education of teachers. So, I want to know what are you doing and what is happening in the schools insofar as changing the mindset of the male teachers or female teachers who believe that sexual harassment is okay. That they are not—because I have investigated cases of sexual harassment, and what I find common in these cases is that the persons who are brought before the tribunal, or before the investigating committee do not believe they have done anything wrong. They do not believe.

And also, they have harassed more than one person. So, we need to work on changing the mindset so that this harassment would not occur. So, we are talking about preventing in other ways, but what about the perpetrators? What is happening? Please tell us.

Mr. Daniel: Thanks, again. Madam Chair, we heard a lot of discussions about teachers and whatsoever, and I am glad that at some point we moved from teachers. Because, we know that in the system there are numerous issues with regard to sexual harassment. But TTUTA does not support wrongdoing, and let it be clear TTUTA at no point supports teachers interfering with students. Now, I jot some points here and I would like to elaborate on them. One, I want to support the PS with regard to the statement she made that teachers are aware of their reporting responsibilities. Teachers are aware of that.

In fact, TTUTA as an association, through the first Vice-President we conduct numerous workshops, and those workshops we will treat with sexual harassment. We will bring in the Children's Authority who would do part of the workshop, the whole programme, and they would address teachers with regard to legislation concerning sexual harassment in the sector. What we did not touch on is that we know that in the school system there are a lot of issues regarding children against children, and I find that we should at least touch on some of these issues, because every day we would see in our WhatsApp and Facebook that you have fights across the nation. Everyday. You see that in the classroom, you see children fighting against children. But our concern mainly this morning as I heard is, what happens with the teacher?

And I want to make it clear that TTUTA as an association, we continue to educate and address the issues of sexual harassment against teachers—against students, sorry. Now, I heard member Paray said a little while ago, hon. Rushton Paray said a while ago, that—I am trying to get the point that was made.

Mr. Paray: With regard to the filing system.

Mr. Daniel: The filing system. That is correct, the filing system. Now, our filing system as you rightly said, our filing system is notebook where we put information in the notebook. But at this time we are addressing that filing system. We are upgrading our database so soon we would be able to give information on a real-time basis. But, again, I must say we really as an association, we are in support of keeping our teachers up to date with the legislation and regulations that govern the teaching service to ensure that the issue of teachers against, or teachers having sexual harassment matters against students, we reduce the numbers.

Now, another issue I want to raise here is the case of reporting. Now, we heard sometimes it falls because there is no report and whatsoever. But, again, we must be aware that sometimes some of these reports are inaccurate, and I can give you a recent case whereby a parent told another parent that your child should report X on the teacher, which was inaccurate, eh. It was very inaccurate. And the child went, and after the child realized that they were going to get into trouble then the child pulled back the report that they made, because they realized now the matter was getting serious. So what we are saying is that at times we have to have the data as was mentioned earlier so that we can treat with the incidents of sexual harassment.

I am kind of concerned with us sitting here and we are talking about incidents of sexual harassment and we have no data, and at the end we talk about the matter falling through, and the matter would always fall through when it is anecdotal. If it is accurate, TTUTA would support that and TTUTA would at all times will support teachers being brought over the coals for incidents of sexual harassment, and as I said earlier, we support the treating with sexual harassment, and we obviously run programmes on a regular basis to treat with our teachers to bring them up to speed with the legislation regarding sexual harassment, not only with students but in the workplace.

Madam Chairman: I just want to make an intervention. Let me just indicate, the purpose of this Committee

being here is to look at this issue and to highlight the fact that we need things like data, we need to understand the magnitude of the problem, and we need to know what is going on. That is why we are here. So, the concern of our sitting here discussing about data, this is not an attack against teachers. This is an attack against this issue and trying to understand the system, and why it is not working. So it is not a matter of—because if it is a complaint with two children it is a different thing, so we are dealing really with this whole issue and what is needed to be able to assist. Because everybody is clear that spurious accusations can be made, but the point is even if it is spurious and even if it is not, the system, and we are seeing that very clearly, is not able to differentiate that in any reasonable manner, and it is not fair to the student, it is not fair to the teacher, so this is not an attack against teachers.

I wanted to just intervene to make that very clear, we are dealing with the issue, and if the system works better it would be in the teachers' favour as a matter of fact if these things can be resolved. You have teachers on suspension for years, that is not anything that anybody is. So, this is not, certainly not, this is dealing with sexual harassment in the education sector, and so that is why we are bringing up these issues, and certainly the issue of data and so on, we agree with. I just want to ask Sen. Thompson-Ahye to make her intervention.

Mrs. Thompson-Ahye: I have heard the response from Mr. Daniel, but I am not satisfied at the end of the day that there has been any training whatsoever of teachers organized by your TTUTA in respect of the convention, the international convention, CDOR, and Belém do Pará which is the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against women. Because before we go, we must recognize that sexual harassment is on the continuum of violence against women and girls. It is as the lower end, yes, but it is there, and they need to be sensitized. There will be programme centres for gender studies, I am sure UWI will have some summer programmes. Perhaps some members of TTUTA executive can go and avail themselves of it and then let it go on to the various schools, because you need to change. And then even at the infant level, start there. When the UWI laboratory preschool started, the education was boys and girls to teach them equality, so both boys and girls taught to make sandwiches. This is no woman work and man work and all of that sort of thing. We have to change the mindset otherwise the society would just keep going as it is, to understand no discrimination against women.

Mr. Daniel: I take that and note it.

Mrs. Thompson-Ahye: Please.

Madam Chairman: Mr. Ali, I think I see his hand up.

Mr. Ali: In the original configuration I noticed that the Minister of Rural Development and Local Government would have been present.

Madam Chairman: He is a member of the Committee.

Mr. Ali: Yes. And I was happy to see that, because what happens in the United Kingdom is that they have found a solution using local government, and in Trinidad we have seven education districts, and Tobago, and what we could consider—Mrs. Thompson-Ahye, I see your enthusiasm and I like it—is a multi-agency protocol per education district. A multi-agency protocol per education district. Now, I am getting this when I look at the protocols laid out by the Children's Court for children. So, for example, we have a protocol for the arrest of a child. We do not have a protocol to protect that child when it is a female teacher who is having sex with a male student in the sixth form. There is no protocol for that. Charging of a child, granting of bail, taking a child before the court. So, from the time I started here I have been pleading and asking to protect the child victim, from my very first sentence, that when these children are so affected we must find an environment to make it safe for them to stay and come forward and make their statements.

Now, what we could do, hon. Minister Gadsby-Dolly, is that for example, in a multi-agency protocol, let us say in the Victoria education district we should have a group of people developing that protocol that would involve the TTPS, the Children's Authority, the Probation Services Division, the Legal Aid, many parents would need legal aid, the Solicitor General's Department, the Office of the DPP, the Ministry of Education, the Trinidad and Tobago Prison Service, the Judiciary of Trinidad and Tobago, and these units can come together to create a protocol so when an incident of this nature happens in a school in Victoria, local government can take the lead in harnessing and managing how the agencies of state can come to the assistance of the child. Minister Thompson-Ahye, what do you think of that?

Mrs. Thompson-Ahye: I am about to ask you, are you aware that in the Solicitor General's Office there is

an office called Children's Attorney who you liaise with?

Mr. Ali: I do. I do, and they are assigned an attorney to speak for the child.

Mrs. Thompson-Ahye: Because the officers there are very enthusiastic.

Mr. Ali: But you see, I see your enthusiasm in your eyes and in your speech, but how many children and their parents ask for this attorney to be appointed to them?

Madam Chairman: And I think at this point I want to draw the attention to one of our objectives which is Objective 2(b):

To examine and make recommendations on the level of awareness of students and staff on the complaints mechanisms that are open to them.

And this is why I was asking from the Ministry of Education's side, but it is clear that it is not just a ministry of education problem, there are other things; though they have a role there are other ways that students and parents need to be educated to be aware of what their rights are, what is available to them in dealing with these particular issues. Because what is, I guess, the most obvious option to them has not over the years turned out to have the type of results that they would want to have, for various reasons. I think it is clear that the system we have today would not have anticipated the problems we have today, and therefore we are lagging behind.

I do not know that we have touched everything we want to touch, but I think that now is the appropriate time to ask the bodies with us to make closing comments on what our discussions would have touched on and centred around, and so I want to ask you, in the same order, to make your closing comments. The Ministry of Education followed by the Teaching Service Commission, we have TTUTA, we have NPTA, and then the representative from the USC.

Mrs. Baptiste-Simmons: Good afternoon, Chair, it has been enlightening. The Ministry of Education, it was good being, at least to be able to participate this morning. We listened, and one of the things we want with respect to data, one of the issues was the definition of what was sexual harassment as opposed to actual sexual abuse and the data that is collected. So, our data for that would be much different to what we have in our understanding of sexual harassment. We have learnt that the environment that we need to not only provide in terms of social workers and guidance, but we also need to relook at the environment, look at our washrooms, look at our classrooms. We need to on a regular basis ensure that our students are educated from the early childhood care and education straight up to our tertiary level.

Well again, we recognize that it cannot be just the Ministry of Education approach, it must be an approach that encompasses a lot of agencies, institutions, Ministries, in terms of responding to this matter of sexual harassment. And in the issue of data, we would once again impress upon our teachers and our principals to ensure that all data is collected, whether it leads, as we said, to a charge, whether the matter has been dropped, we need to know what is happening in our schools, and as we said, we need to support our students when they come forward. They are brave enough to come forward, we need to provide some sort of mechanism that allows them to be protected throughout the entire process. So that we indeed may in fact see if charges are going to be preferred against the perpetrator. But we also recognize that in some instances the allegation may not bear fruit, and teachers the negative impact on our schools when teachers are in fact—it is alleged an act has been perpetrated and they did not even know about it or were even in the room or in area whenever the charge has been made. So, we are hoping that we educate our children well enough that they would understand what is sexual harassment and that they are actually protected. Thank you very much.

Mr. Ali: Hon. Members, the Teaching Service Commission would like to give its commitment, if this Committee so decides, to work with a given time frame to come up with a multi-agency protocol, using the basis of the organization of the State in terms of local government. We are beseeching the Committee to look at the way the Children's Court is operating and to see if any adjustment can be made to that court—I love the smile on your face Mrs. Thompson-Ahye, you brought joy to my heart—that court cannot continue to work where the child is the perpetrator of the offence. The court must allow the child who is the victim to come there and be protected, and it cannot do that at this time. It is a major shift, and what I would like to ask also is, for example Mrs. Thompson-Ahye, I know you are a Caribbean jurist, the Evidence (Amdt.) Bill, if you read the Evidence (Amdt.) Bill when you are gathering evidence it is about eye witness and ID parades and so on. It is almost a piece of legislation in the criminal jurisdiction. But inside of there

is provision for the protection of a witness designed for the protection of persons who might be giving critical evidence—Can we use this to protect a child? I do not know, and there are other provisions.

So, I think this idea that I am putting forward to the Committee that a multi-agency protocol be developed to bring to the assistance in the service of this child; these different bodies and parts of the government apparatus will make parents and children feel much more comfortable to come forward. Because these are not good things I have on record here. I cannot even say them. I am ashamed. And that example I just gave of a female teacher having sex with a sixth form student is real. I cannot say these things. *[Interruption]* Pardon me, Mister.

Mr. Forde: And he was not charged.

Mrs. Thompson-Ahye: Some of them get married.

Madam Chairman: Dr. Ali, you are going to draw us back into discussion. *[Laughter]*

Mr. Forde: Prepare the protocol and send it.

Madam Chairman: We invite the NPTA, this is next on the list. Go ahead.

Mrs. Ali-Boodoosingh: Well, we are dealing with sexual harassment, but I thought, you know, a question would have been posed to me representing parents and children here today. So, I get a chance to say something. What I want to say is that we spoke about sexual harassment, and sexual harassment stems out of disrespect. Little acts of disrespect in the school. And a core value of all schools is respect, having respect in the school environment. And, you know, the blame goes on, well, the parents not training the child, and we would take our blame.

But, you know, we always say, if the home is not doing what they are supposed to do with the children you have next the school. The school has a responsibility. And I will tell you, it is almost chronic in almost all of our schools, primary and secondary, the use of obscene language, and no one is addressing it. Right? The school is not addressing it, the community is not addressing it, I have to say the churches too, because it is everybody's business—and this is where sexual harassment will start, because when these things are not stopped, when the children are not taught, well, you know, you should not do this, you should not do that, the graffiti on the wall and so on, it will grow into bigger ones.

So, I am saying that sometimes children will be troubled in school, molested in school, but a simple obscene language they go to the teacher and the teacher dismisses it. How does that child feel? No one listens to the children. You know why? Because they feel it is children, they are not telling the truth. And we say that parents give up. You know why parents give up? Parents give up because they feel they have nowhere to go to. They go to the district office, if it is not solved in the school they go to the district office and nothing is done, because who will deal with the problem? The supervisors. It goes a little further, they will call the principal of the school. You have the parent, the principal of the school, the supervisors, no one represents the parent or the child there. So they feel they lose out. They go to the Ministry of Education, as I said, sometimes it takes a long time, and while all that is taking place, the child is the one who losing, and Trinidad and Tobago a very small place—something happens in one school all the schools know. So, the child is the one who feels the brunt of it.

I am recommending, or I should say the NPTA is recommending, that when cases like these, or I should say parental complaints go to the office, there should be a stakeholder committee sitting and listening, so that the parent will feel, and the child, that they are being dealt with equity. And I have a concern, and we have raised it all over, is our secondary school students being dismissed early and those children are on the streets unsupervised. I have mentioned that many times and I am seeing it still happening. In primary school it is different. I guess because of the age of the children, and for some reason they feel well secondary school could over any time and the children are on the streets. And our children are on the streets, they are idle, they are vulnerable. Okay? And the same protocol on dismissing a primary school early should adhere to the secondary school too, because we are dealing with children.

So another thing I would like to see is if we could have as robust transport system for our children. You know, we talk about United States and the United Kingdom and so on, but in the United States children do not take a taxi and go to school. They do not take a taxi. They are protected. Okay? And we hear many horror stories of the maxi-taxis and the taxi drivers and so on, and we have all of our students, not all our students are equal, they are outside on the streets. Just some time ago a 14-year-old girl was on the street and she was begging. And what is she begging for? Uniform to go to school. I do not know. I questioned

that you are begging for uniform to go to school. And I told her, well let me take you to the school, I would go with you to the school and we would discuss with the principal how you could get your uniform and so on. And that was the end of the conversation.

So, we have to protect our children. We have to believe in our children, and we have to inculcate in our children good values, morals and ethics from small. And I am not taking away the parents' responsibility about that also. But we must realize that our children are little people. They have feelings just like big people, and I think that is missing. And we are creating some of our children, we are making them into monsters when we deal with them like that. Okay? So I want to see equity for all of our children. Okay? Thank you.

Madam Chairman: Thank you so much. TTUTA.

Mr. Daniel: Thanks. I would be very brief. In closing, TTUTA would continue to support all stakeholders with regard to the development of policies involving sexual harassment. We give a commitment to look at methods to educate our teachers with the issue of sexual harassment and violence against women. We will also give a commitment to improve our data system so that we can provide real-time information to the relevant authorities so that we could treat with the issue in a timely manner, and also to develop policies going forward. And we always remain committed in any way we can assist with the support of the education system. So again, we want to thank the Committee for inviting the association to the meeting on sexual harassment in the education system.

12.35 p.m.

Madam Chairman: Thank you so much and Mr. Wilson from USC.

Mr. Wilson: Right. So today we looked at sexual harassment and things that can be done to eliminate sexual harassment. What I just want to say is that one case is way too much and we need to pay more attention to our school environment. Our school environment should be student friendly and if the school environment is student friendly then whatever cases may arise upon site the student will come and will make a complaint, whether it is big or small, because one case is still way too many.

I would like to recommend that each school have a handbook that specifically states the different types of sexual harassment and how it can be done and this book can be used in assemblies or in classrooms or wherever, so students would have a better understanding of what sexual harassment is. It is also important for us to look into the way in which we deal with sexual harassment. Some of the methods are way too long. Probably if the process is a bit shorter you might get more out of it, and that is all I have to say. Thank you.

Madam Chairman: Thank you so much everyone. I think I want to really thank all of our contributors here. Everybody made very sterling contributions and I want to indicate on my own behalf – I am sure the Committee members agree that we did not get adequate time to go through some of the issues, because there were very serious issues of child-child sexual harassment that we would have liked to explore as well. But I just want to summarize some of the main things that we would have spoken about and one of the main things, and I am going to tie it to our objectives, and one of the main things is that I think we can all agree that the problem of sexual harassment at our schools, whether it is primary, secondary or tertiary is at this point unquantified.

I do not think we know the magnitude of the problem although we all agree, I would imagine, that there is a problem. And as we indicated that even in the case where there is one or two teachers accused, it may be a series of children over years that may have undergone the problem. And so, really, the issue of how big this problem is I think bears further investigation and data analysis and collection of data and design of instruments to be able to collect the kind of data that we would need to understand how big our problem is with respect to sexual harassment.

I think also that we would have discussed that the system in place at this point to deal with issues of that nature is certainly not adequate and we can go all out to say that the system is a complete failure at this point to deal with those types of issues, specifically. I think what has been indicated so far is that the likelihood of any teacher who is accused of sexual harassment, being – passing through the tribunal process and actually being resolved, whether it is guilty or not guilty, the likelihood of a resolution is very close to zero per cent.

So there is an urgent need at this point to look at the revision of how that type of complaint is dealt

with, specifically, student complaining against a teacher. And that may lead very seriously to the under-reporting because the feeling of failure from the time you start, because nobody can be pointed to to say well this person would have successfully gone through the system, whether it is guilty or not guilty and it is also a frustration for teachers because it means that they may be going through this system. They may be innocent as well, but they get the same problem of being on suspension, having the stigma maybe attached to them and so on, and it certainly is something that we would need to look at, because at the end of the day the children are exposed, whether it is – what has been happening, the children are exposed.

We looked and we spoke about the fact that in terms of collecting the kind of data for sexual harassment we may have to look at because it is in the school system. It is looked at in the wider context of sexual abuse and therefore to be able to disaggregate harassment as against grooming we may need to look at the definitions of what we have before us to be able to collect data that deals with specific issues.

We spoke about the fact that the investigation of these matters can bear a lot of revision as part of the wider process and we spoke about the use of modern technology to capture the data which is most pressing, which would be the testimony of the students and for different reasons they would not feel comfortable coming forward. So we need to look at that very seriously because the safety and protection of the child victims, that is the paramount thing. And so the system now is not necessarily friendly when we look at that in regard to children and so that needs to be carefully examined.

We also spoke about the fact that – and this is coming straight from the Teaching Service Commission which seems to have a lot of recommendations and I would just bunch them into recommendations for how we can deal with this issue. Because I think we all can agree now that – I do not know, I certainly do not feel comfortable as the mother of three children, I do not feel comfortable. I am – many of us understand that there is no comfort to be had in what exists at this point. And so there are a lot of different recommendations coming out from the Ministry of Education, the Teaching Service Commission also indicated a lot, the NPTA would have suggested some recommendations, the university student representative would have made recommendations as well for a handbook and so on.

All of this really falls into and I would use the term, coming from Teaching Service Commission, the “multi-agency protocol”, with respect to dealing with sexual harassment and then I dare say sexual abuse as we go even wider into the school environment and particular concern about the primary and secondary. Because, one of the things that may have contributed to the tertiary institution having more complaints is that you have adults at that point and they may be more aware, but when we are dealing with primary and secondary school we are coming from the level of infants, five-year-old children, what are they to do if they are faced with that situation? And do they know? And suppose it is the teacher, their teacher, then, what is the situation there?

So I think it is definitely clear that we do need some discussion and I think member Paray brought it into clear focus when he asked, have these agencies come together – even the ones sitting in front of us – to discuss this problem at all and it has never been done. And so I want to make that very clear that there is an urgent and clear need for discussion between Teaching Service Commission, TTUTA, Ministry of Education, NPTA. Further to that, the TTPS, the Ministry of the Attorney General and Legal Affairs, the Children’s Authority, the Judiciary, there are a number of stakeholders that need to come together to look at this issue and look at how we are treating or not treating with this issue.

And therefore, we can look at how we can determine the magnitude of the problem and update our procedures and processes so that our children at the end of the day feel safe, they feel as though they have some measure of protection and they know what they have. Because one of the things we were asking about here is the level of knowledge. Are they aware? I am not satisfied despite the best efforts of all of us that they are aware enough.

The representative spoke about a handbook and clear procedures and so. I think we can all agree that revision is urgent and necessary to protect our children within the school system from the spectre of sexual harassment and even wider than that the whole spectre of what that graduates into many times, which is full blown sexual abuse.

So I want to thank you for coming here. I cannot say that I am left with a warm feeling in my heart. I feel even more concerned but I feel that we have raised the issue, a very important one, a critical one in our country and I do look forward to our recommendations in the report being able to influence in some

way the start of the process that would improve this situation for our children who are the future of our country. Thank you so much, and I would like to declare the meeting now adjourned.

12.44 p.m.: *Meeting adjourned.*

APPENDIX III

**Excerpt of Ministry of Education Code of
Conduct (Revised May 25, 2018) related to
Sexual Harassment**

SEXUAL HARASSMENT

It is the policy of the Ministry of Education to maintain a working and learning environment which provides freedom from sexual harassment and promotes fair and equitable treatment for all its employees and students. It is also the policy that there should be no inappropriate sexual misconduct or behaviour at schools, at school related activities or on the way to and from school.

Sexual harassment includes any unwelcome sexual advances, requests for sexual favours, and other inappropriate verbal, written, electronic, or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment. A student/employee shall not sexually harass any student, employee, volunteer, visitor or any other person present in schools, at school functions or on the way to and from school.

It is also prohibited for any student or employee to engage in sexually explicit behaviour at school or school related activity. Examples of activities which could constitute sexual harassment/ inappropriate sexual behaviour include, but are not limited to:

1. Unwelcome sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
3. Graphic comments about an individual's body or overly personal conversation.
4. Offensive sexual drawings, pictures or gestures.
5. Spreading sexual rumours.
6. Inappropriate or suggestive sexual gestures.
7. Uninvited touching of an individual's body or clothes in a sexual way.
8. Displaying sexually explicit behaviour.
9. Using the electronic media to send any sexually explicit/offensive communication.

Recommended consequences – one or more may apply (for students)

- Student conference
- Parent contact
- Parent conference
- Counselling
- Suspension up to seven (7) days
- Extended suspension

- Referral to Learning Enhancement Centre
- Referral to law enforcement agencies
- In-school intervention programme
- Student behavioural contract

Consequences for other school personnel are contained in the appropriate regulations.

(See Appendix V)

References:

1. *Sexual Offences Act, Chap 11:28*
2. *Children Act, Chap 46:01*
3. *The Education (Teaching Service) (Amendment) Regulations 2000.*
4. *Public Service Commission Regulations, Chap 1:01.*
5. *Computer Misuse Act 2000.*
6. *Cybercrime Bill 2017*
7. *Summary Offences Act Chap 11:02*
8. *Guidelines on Sexual Harrassment in the Workplace by Equal Opportunity Commission of Trinidad and Tobago, March 2018.*

Module 6 – Ethics in Technology in the National Secondary School Curriculum of Information Communication Technology

FORM 1			
SPECIFIC OBJECTIVES	CONTENT	SUGGESTED TEACHING AND LEARNING ACTIVITIES	SUGGESTED ASSESSMENT STRATEGIES
MODULE 6 : Ethics in Technology			
6.1 Demonstrate proper etiquette (netiquette) when using the Internet. 6.2 Explain security issues related to social media and internet usage	Proper netiquette (language, tone, use of capital letters); Protection of digital footprint; Profile settings (use, security); Passwords (strong passwords / frequency to change); Posting your location; Identify theft; Email scams; Online socialising	Jigsaw Strategy Students work in groups and then rearranged into sub-groups. Each sub-group is given a different link to a video to discuss and then regroup as a class for discussion of video with the entire class. Oral Presentation Students work in groups to create a presentation that outlines rules and regulations for using the Internet. Presentation is made to the class.	Presentation A presentation rubric is used to grade groups' presentations on netiquette and security issues related to the use of social media.
6.3 Discuss cyberbullying, its impact on students, and ways of preventing its occurrence	Meaning of Cyberbullying; Various forms of cyberbullying including postings, texting, emails containing inappropriate material and abusive comments about an individual's status, physical characteristics, race, religion or sexual orientation; harassment, threats; Impact of cyberbullying on students; Advice to victims of cyberbullying	Guided Learning Using guided instruction and discussion. Students are shown examples of forms of cyberbullying and the negative consequences. Resources are provided on how to prevent/cope with cyberbullying. Students placed in groups to brainstorm other examples they can think of, giving advice for preventative measures/ ways a victim can deal with each instance.	Poster Students work in groups to create a brochure/poster on cyberbullying tactics and ways to deal with them. A rubric is used to grade brochure/poster

APPENDIX IV

**Circular Memo No. 76 Procedures for all Personnel
on Matters of Child Sexual Abuse**



A)

Government of the Republic of Trinidad and Tobago
MINISTRY OF EDUCATION

E:58/1/6

CIRCULAR MEMORANDUM NO. 76

FROM: Permanent Secretary
Ministry of Education

TO: Principals (Primary & Secondary), Co-ordinators (ECCE), School Supervisors, Director of Curriculum Division, Manager, and Student Support Services Division

DATE: September 02, 2008

SUBJECT: Procedures for all school personnel re: matters of Child Sexual Abuse

Your attention is drawn to the following procedures for managing reports of Child Sexual Abuse at all schools and ECCE Centres.

LEGAL PRESCRIPTION

According to the Sexual Offences Act No. 27 of 1986, indictable sexual offences include:

- Rape
- Sexual intercourse with a female under 14 years of age
- Sexual intercourse with a female between 14 years and 16 years
- Sexual intercourse with a male under 16 years
- Incest
- Sexual intercourse with an adopted minor
- Sexual intercourse with a minor employee
- Sexual intercourse with a mentally subnormal person
- Buggery
- Indecent assault
- Serious indecency

Act No. 31, of 2000 (an Amendment to the Sexual Offences Act) provides for the **MANDATORY** reporting of a sexual offence against a minor. (A minor is defined as anyone under 18 years of age)
Section 31 (1) states:

1. Any Person who: -

- (a) Is the parent or guardian of a minor;
- (b) Has the actual custody, charge or control of a minor;
- (c) Has the temporary custody, care, charge or control of a minor for a special purpose as his attendant, employer or teacher, or in any capacity or

PROCEDURES

When a student/adult makes a report to any school personnel, such a person has the responsibility to report the matter using the following guidelines

1. Listen, get the facts and record the information as given by the person making the report: victim, or any other person. The basic principles governing the process are: (a) "believing the child" and (b) do no harm to the client.
2. Record all information consistent with the provisions of Act 31, 2000. Section 31B.
3. Report the matter to the Principal/ Co-ordinator in his/her role as reporting officer for the school.
4. Principal, and person(s) informing the Principal (teacher, parent, student and other adults), **MUST** then make a formal report in person at the Police Station (all persons with knowledge has the responsibility to report to the Police). Principal is to inform parents **AFTER** making report to the Station.
5. Police are also to inform parents.
6. Principal must then report to the Ministry via the normal reporting channels.
7. Copies of all reports, including all supporting documents must be forwarded to the Legal Division of the Ministry of Education for appropriate advice and direction.
8. Principal must simultaneously make appropriate referral to Student Support Services Division at the District Office so that support for the student and family could be provided. The referral must include:-
 - (a) A completed referral Form
 - (b) Copies of written reports -- under confidential cover directly to relevant Officer
 - (c) Contact information for student and parents
9. Student Support Services Division personnel (Guidance Officer II and Senior School Worker) must follow departmental procedures in providing intervention and support services.

IMPORTANT TO NOTE

The entire procedure has three (3) main stages:

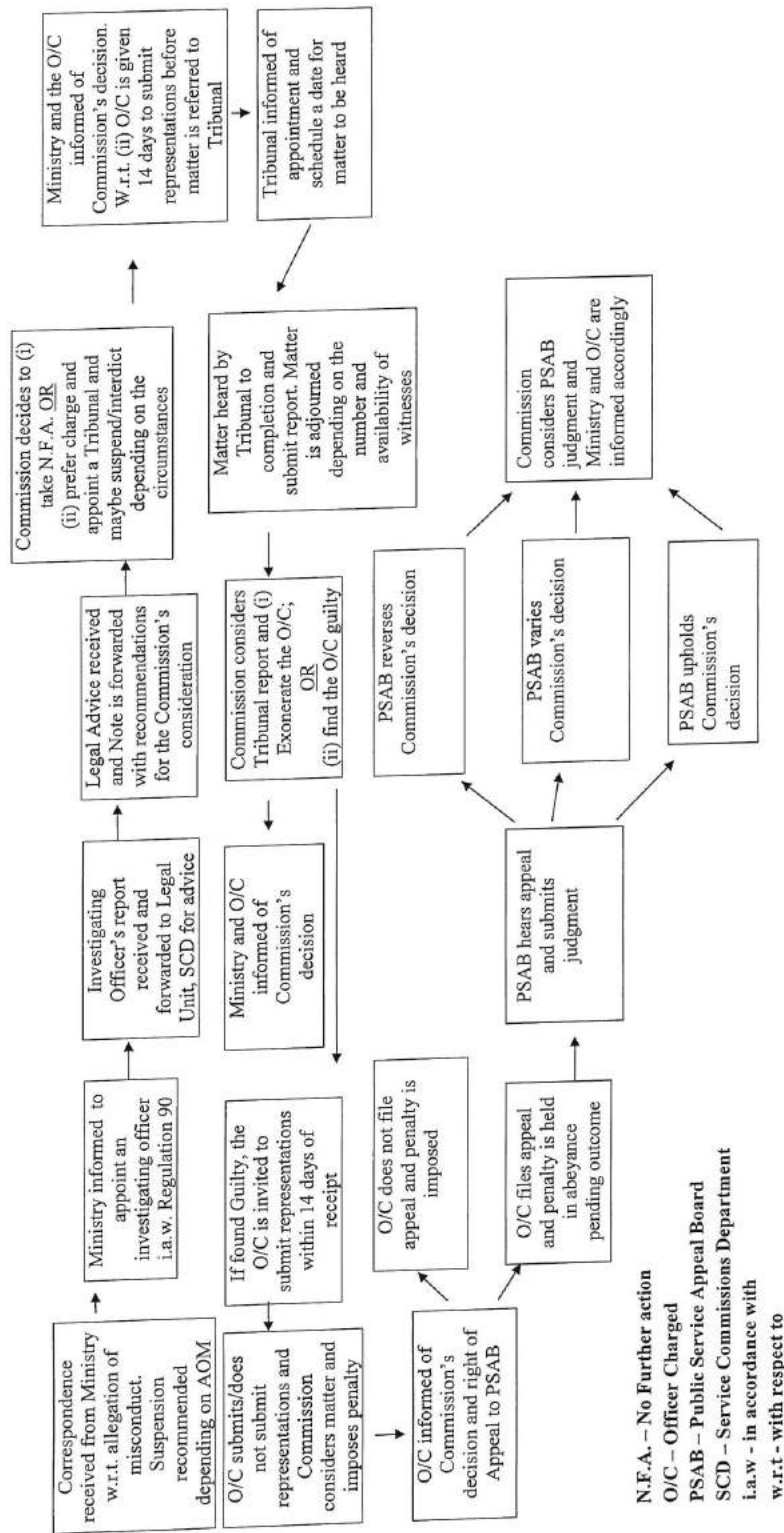
- | | |
|-------------------|---|
| 1. Reporting: | School personnel has the responsibility to report, NOT to investigate, determine fact, or make judgments of innocent or guilty. |
| 2. Investigating: | The Police are responsible for investigating and determining whether charges should be laid. The police enforce the Law. |
| 3. Determining: | The Magistrate / Judge determines guilt or innocence. They dispense justice. |

All Supervisors, Principals are to ensure that the contents of this circular are drawn to the attention of all school personnel in schools and Early Childhood and Care Education Centres.

APPENDIX V

TSC Process Map for Complaint Reports received on Allegations of Sexual Misconduct

PROCESS MAP – RE: ALLEGATIONS OF MISCONDUCT



APPENDIX VI

EOC Recommendations on the Policy to Guide the Treatment of Sexual Harassment in the Education Sector

2) Recommendations on the policy to guide the treatment of Sexual Harassment in educational institutions

The Commission has formulated a draft of what these amendments would look like and this is attached in the appendix.

The Commission, further to its remit at section 27(1) of the EOA, has proposed amendments to the legislation, which serve to provide clarity, since the Commission currently handles complaints of Sexual Harassment as follows:

- (1) To express for the removal of doubt that sexual harassment is a form of sex-based discrimination;
- (2) To provide for a statutory definition of sexual harassment; and
- (3) To place an obligation on employers in Trinidad and Tobago to promulgate a sexual harassment policy.

Recommendation number three (3) is not applicable in this instance; the following is a draft of recommendations one (1) and two (2):

7.A. (1) *For the removal of doubt, any act of sexual harassment shall constitute unlawful discrimination based on sex, within the meaning of section 4 of this Act.* Sexual Harassment

(2) *A person commits an act of sexual harassment against another person if, having regard to —*

- (a) *all the circumstances referred to in subsection (3); and*
- (b) *the effect upon the person against whom the conduct described in subsection (4) is alleged to have been committed,*

it is reasonable for the sexually harassed person to conclude that the conduct was directed towards him or her and was calculated to —

- (i) *offend, humiliate, disrespect or degrade him or her;*
- (ii) *intimidate, threaten or compel him or her by putting him or her in fear of being placed at a disadvantage or prejudiced if he or she does not submit to the sexual harassment; or*
- (iii) *create a hostile environment for him or her, or violate his or her dignity.*

(3) *For the purposes of subsection (2) (a), the circumstances to be taken into account include but are not limited to the following —*

- (a) *the sex, age, relationship status, sexual preference, religious belief, colour, race, national or ethnic origin of the person who has alleged sexual harassment;*
- (b) *the relationship between the person alleging sexual harassment and the person who is alleged to have made the advance or request or who engaged in the conduct;*
- (c) *any disability of the person alleging sexual harassment; or*
- (d) *any other relevant circumstance.*

(4) *The conduct referred to in subsection (2)(b) includes conduct which involves —*

- (a) *making an unwelcome —*
 - (i) *sexual comment to a person;*
 - (ii) *sexual comment about a person within his or her hearing;*
 - (iii) *sexual innuendos to a person;*

- (iv) *sexual gesture to a person;*
 - (v) *sexual contact with a person;*
 - (vi) *sexual advance towards a person; or*
 - (vii) *request for sexual favours from a person;*
 - (b) *providing a person with unwelcome —*
 - (i) *sexual images or graphics; or*
 - (ii) *audio of a sexual nature;*
 - (c) *transmitting unwelcome electronic messages of a sexual nature to a person;*
 - (d) *exposing a third party to any of the conduct described in paragraphs (a) to (c);*
 - (e) *making it appear to a person who is seeking employment, or education, or the provision of goods and services, or the provision of accommodation, as provided for by this Act, that the offer of any of these areas and/or the terms on which an offer is made, is contingent on that person's acceptance of or submission to sexual advances or any conduct of a sexual nature;*
 - (f) *making it appear to a person who is in employment, or is receiving education, or the provision of goods and services, or the provision of accommodation, as provided for by this Act, that:*
 - (i) *their continued employment, or continued receipt of education, or the provision of goods and services, or the provision of accommodation, as the case might be, including their continued receipt of any benefit, facility or service thereto associated, is contingent upon their acceptance or tolerance of sexual advances or any conduct of a sexual nature; and/or*
 - (ii) *preferential treatment or other benefit, service or facility, would only be provided to that person upon that person's acceptance or tolerance of sexual advances or any conduct of a sexual nature*
 - (g) *engaging in conduct of a sexual nature knowing that there is a likelihood that the person whom that conduct is intended to affect will become aware of the conduct; or*
 - (h) *directly or indirectly engaging in any other form of unwelcome conduct of a sexual nature.*
- (5) *In this section “conduct of a sexual nature” includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.*

APPENDIX VII

Comparison of Policies in Tertiary Educational Institutions

Procedure	USC	UWI	UTT
Policy Manual	- Employee handbook - Student handbook - Residence life handbook	UWI Sexual Harassment Policy and Procedures¹⁰	<u>Student measures</u> No approved policy. A draft policy on Sexual Harassment addressing issues involving a student was submitted by the Student Counsellors to be considered for approval. There are no approved procedures to operationalise the proposed policy. <u>Staff measures</u> Sexual and Other Unlawful Harassment [Section 6.2.2] of UTT's Security and Safety Policy provides a definition of what constitutes sexual harassment.
Body responsible for receiving reports	<u>Student measures</u> Office of the Vice President for Student Development and Enrolment. <u>Staff measures</u> Human Resources Department preferably in written form. Depending on the severity of the act, the student or employee has the option of reporting the matter to the police.	Student and Staff measures- Any member of the University community may consult with a Sexual Harassment Advisor to seek advice, assistance or counselling.	<u>Student measures</u> Student can opt to officially file a complaint to the Manager, Student Development Unit who is guided by Chapter 12 Student Behaviour and Comportment: Student Misconduct in the General Academic Regulations, Policies and Procedures for all Academic Programmes. <u>Staff measures</u> Supervisory Staff or Human Resources official.
Body responsible for investigation of reports	<u>Student measures</u> Vice-President for Student Services and Enrolment Management or designee will conduct an investigation to determine if the charges have merit.	- Sexual Harassment Advisor provides Registrar with a copy of the information received. - If the complaint is made by someone other than the victim, the complaint shall be in writing.	<u>Student measures</u> - The Inquiry Panel will meet to consider the alleged student misconduct between 25-40 days after receipt of correspondence from the Student Development Manager/Officer. - A Hearing is scheduled with the students concerned

¹⁰ University of the West Indies. 'Sexual Harassment Policy and Procedures.' June 2016. Accessed: July 12, 2019. Available: <https://sta.uwi.edu/sites/default/files/uwi/Amendments%20to%20the%20Sexual%20Harassment%20Policy%20UWI%20-%20June%202016.pdf>

Procedure	USC	UWI	UTT
	• In the event that criminal behaviour is committed, the University encourages and assists students with reporting to law enforcement. <u>Staff measures</u> • Human Resources Director will assess the facts on a case by case basis looking at the record as a whole and the totality of the circumstances such as the nature of the sexual overtures and the context in which the alleged incident occurs. • If sexual harassment is found to exist prompt corrective action is taken.	• If complainant makes an oral statement an interview must be conducted. • Allegation must be filed within twelve (12) months. • A copy of the allegation and the Sexual Harassment Policy and Procedures must be forwarded to the Respondent and a written response provided within ten (10) days. • If a response is not received the Respondent will be advised that failing cooperation or a written response in another ten (10) days, the complainant may request a formal hearing. • A copy of the response shall be forwarded to the complainant to determine whether a hearing, mediation or charges dropped should be pursued. • The complainant shall be given the opportunity to respond within five (5) days. The response time may vary be waived at the request of either party and proceed directly to a hearing, mediation or conciliation. • The Sexual Harassment Advisor will make a formal report to the Campus or University Registrar outlining the	within seven (7) days of written notice of hearing. • Students must indicate in writing a decision not to attend. • Students may be accompanied by a representative who shall have the right to address the panel. • If the student is represented by legal counsel this shall be communicated to the Panel a minimum of five (5) days before the hearing. The Panel may choose to have their own legal counsel. • The persons involved in making the allegations of student misconduct as well as any other relevant persons may be interviewed by the Panel. The Statements of Case and Response will also be made available. <u>Staff measures</u> • An employee has five (5) working days after the occurrence of an incident to seek redress by reporting to an immediate supervisor who will respond within five (5) working days. • Staff complaints are also subject to an Inquiry Panel.

Procedure	USC	UWI	UTT
		decision taken by the complainant and invoke the relevant disciplinary procedure in accordance with the University's Rules and Regulations.	
Services provided to victim and/or perpetrator	<u>Student measures</u> - Medical, counseling and psychological services are offered to both victim and perpetrator. <u>Staff measures</u> - The University also has an Employee Assistance Programme which is accessible through the Human Resources Department.	- The complainant may opt for mediation/conciliation between himself/herself and the alleged perpetrator. - The mediator may recommend the complainant go through mentoring/counselling and must be approved by the Clinical Director on the relevant Campus. - Mentoring and/or counselling may also be recommended for the respondent.	Student measures- - Students have access to support services provided by Student Counsellors. - Students also have available remedial measures via the Academic Integrity Programme (AIP). Available through the Student Support Services Division aims to address behaviour that is deemed unacceptable and guide the student toward greater personal responsibility and ethical standards. Staff measures- - Counselling is provided to the victim through the Employee Assistance Programme (EAP). The perpetrator also has voluntary access to EAP during the period of suspension pending an investigation.
Methods of Arbitration	- The University's Disciplinary Committee has the responsibility of settling all cases of employee misconduct and to impose disciplinary action. - The Committee will hear from the	In the case of a student complainant against another student or any member of the academic community a disciplinary proceeding for serious misconduct shall be in accordance with the 'Code of Principles and Responsibilities for Students'	- The Inquiry Panel assumes the role of the Disciplinary Committee and determines the outcome of the matter. - The Provost will, after reviewing the proceedings and recommendations of the Inquiry Panel; make a final decision on the

Procedure	USC	UWI	UTT
	complainant, accused and witnesses and will take into account performance and citizenry when deciding upon a sanction The Committee will prepare a report for submission to the President's Cabinet with the recommended sanctions.	- For student complainants against staff or staff against staff complainants a disciplinary proceeding will be conducted in accordance with Ordinance 8. - In the case of any member of the University against a member of administrative, technical or support staff a disciplinary process in accordance with the relevant Collective Bargaining Agreement will be conducted. - In cases where the complainant is a member of the University but does not fall into one of the aforementioned categories the office of the Registrar will initiate a formal hearing.	action to be taken. The Provost will communicate this decision to the students within seven (7) working days of the Inquiry Panel hearing.
Right of Appeal	-	The resulting decision may be appealed through the University's established grievance and discipline procedures for the various categories of staff and students.	The student has the right to appeal any decision. The President after reviewing the case will either confirm the original decision or increase or decrease the severity of the decision previously reached.

APPENDIX VIII

Comparison of Sexual Harassment sanctions in Tertiary Education Institutions

Aspect of Sanction	UWI	UTT	USC
Standardisation of Sanction	• Yes in accordance with Ordinance 8 for the following categories (student complainant against senior staff, senior staff against senior staff) • According to the Collective Bargaining Agreement between the UWI and representing union) • According to the Campus Registrar (for other members of the University community)	• No. Dependant on the circumstances of the particular case.	• No- Response is predicated on the severity of the action.
Letter of Reprimand	• No	• Yes. Formal letter of reprimand is issued and placed on the student's file.	• No
Nature of Disciplinary Action	• Ordinance 8 provides for a Disciplinary Committee to hear matters. • Disciplinary measures include: the member of staff be censured in writing, denied a promotion, an offer of promotion be revoked, suspension without pay or reduced pay, the withholding of increments or dismissal.	<u>Student measures</u> • Range of disciplinary action up to and including expulsion. • Letter of reprimand retained on the student's file (in all cases). • Student may be placed on probation for twelve months (dependent upon further infractions). • Student may be suspended from all courses and barred from entering the campus for a one year period with immediate effect. • Student may be suspended from all courses and entering the campus with	• Discipline may range from written warning placed on offender's file, immediate dismissal, suspension, withdrawal or expulsion from the university

		immediate effect. Disbarment is permanent. <u>Staff measures</u> • Accused is suspended pending investigation • If found guilty based on the severity of the infraction the penalty can be a warning, suspension or termination.	
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APPENDIX IX

General Recommendations

Finding	Recommendation
Sexual harassment of students also entails sexual grooming of younger students by older students or by staff	<u>Secondary schools</u> The MOE should implement a trained body of Peer Counsellors in all secondary schools to encourage students to report complaints and seek help and support. <u>Primary schools</u> The MOE should implement a system of trained, voluntary parent counsellors to encourage students to report complaints and seek help and support.
The TSC suffers from poor investigations and poor investigative reports	Staff of the Investigations Unit should be trained in the area of report writing and conducting objective investigations.
The penalties for teachers found guilty is not a significant deterrent	• Teachers found guilty of sexual harassment should be charged under the Children Act, 2012 • Cases where children are the victims of sexual harassment and misconduct by teachers should be heard in the Children Court. This Court also possesses protocols, specialised facilities and staff to adequately support children.
Lack of a clear process to address claims of sexual harassment in schools	A case of sexual harassment that involved a child should involve: • A multi-agency protocol delivered inclusive of the input of the MOE, TSC, TTUTA, CATT, TTPS, DPP, Judiciary, Legal Aid & Advisory Authority and Solicitor General's Department. • A trained body should be dedicated to investigating the claims. • There should be video testimony of the report and forensic questions asked. • The child should be granted attorney representation by the State. • Assistance should be sought from a medical team. • Details should be recorded using a standardised form. • Reports should also be made to the TTPS.
Uncertainty over students understanding of sexual harassment	• The MOE should develop a user friendly and simplified student handbook on sexual harassment.
MOE investigations of sexual harassment	• There should be parent representation when matters of sexual harassment and misconduct are being investigated • The presence of a stakeholder committee to record parental complaints
The need to treat with offenders who do not feel as though they have not committed a wrong	• Non-adversarial options with emphasis on victim safety and offender accountability.

APPENDIX X

MOE Acceptable Use of Technology guidelines

TECHNOLOGY AND THE INTERNET

The Ministry places high emphasis on the role of Information and Communication Technology (ICT) and the Internet for the delivery of quality education in the nation's schools. The use of technology is an integral part of teaching and learning in today's educational environment. More than ever before, technology is used in and out of the classroom to support communication, collaboration and project-based learning consistent with the attainment of 21st century learning, literacy and life skills.

Schools can make use of technology and the Internet to significantly enhance record-keeping, the storage of data and the maintenance of student records. Access to the Internet enables real-time communication with the Ministry of Education's offices, parents and guardians as well as with external stakeholders in the school community.

All school personnel, inclusive of students and auxiliary staff, are required to use computers and the Internet for the purposes as outlined above. Principals and teachers are required to bring to the attention of all school personnel, the Ministry's ICT in Education Policy. In addition, principals are required to implement operational ICT in Education policies at the level of the school. These policies must seamlessly conform to the Ministry's strategic ICT policies, the National School Code of Conduct and the School-Based Management Plan.

General Terms and Conditions of Use

1. Transmission of any material in violation of national laws and the Ministry of Education ICT Policy is prohibited. This includes, but is not limited to the following: copyrighted material, threatening, violent, obscene, or pornographic material, material protected by trade secret, and computer viruses.
2. Use of technology for commercial activities is prohibited unless explicitly permitted. Commercial activity includes, but is not limited to the following:
 - i. any illegal activity that requires an exchange of money and/or credit card numbers;
 - ii. any unauthorized activity that requires entry into an area of service for which the school will be charged a fee;
 - iii. any unauthorized purchase or sale of any kind; and
 - iv. any use for product advertisement or political lobbying.
3. ICT devices, inclusive of school-assigned laptop computers, are the property of the Ministry of Education, assigned to schools. The unauthorized removal of these devices from the school compound constitutes an offence, and is prohibited.

ACCEPTABLE USE OF TECHNOLOGY

The Ministry encourages the use of ICT and the Internet in support of teaching and learning in schools. The overarching principle however, must be responsible usage, with the main objective of utilising ICTs to enhance curriculum delivery in the nation's schools. The innumerable benefits of ICT usage are accompanied by significant risks. Computers are susceptible to hackers, viruses, and malware, while individual users are exposed to various threats such as identity theft, cyber-stalking and cyberbullying. Access to the Internet and the school's network are provided for students and teachers to access resources, conduct research and communicate with others in relation to teaching and learning activities. Students and staff are expected to conduct all online activities in a responsible manner.

The following rules are in effect for all users of the Ministry of Education's computers in schools unless otherwise directed by a teacher or school administrator:

1. The capture and display of pornographic images and videos as well as obscene/vulgar images, sounds, music, videos and materials is prohibited.
2. Illegal use or transfer of copyrighted materials to school-owned computers, including laptops, is prohibited.
3. Students are prohibited from playing games on the school computers during the instructional day unless otherwise directed by a teacher or administrator.
4. All users of Internet services must be authenticated prior to connection to the school's network in order to secure the network and its traffic.
5. Students are not allowed to connect a personally-owned device (BYOD) such as a laptop to the school's network unless permission is granted by a teacher or administrator.
6. Students shall not deface school assigned laptops in any way. This includes, but is not limited to marking, painting, drawing or placing stickers on any surface of the laptop.
7. Unauthorised additions, modifications or deletions of files on school laptops are prohibited.
11. School personnel should not knowingly transmit a virus to any computer.
12. The school's administration must set appropriate guidelines for all school personnel on the proper use of the school's network, Internet services, and other ICT resources.
13. All students must be informed of the safe use of the Internet and social media and the implications of inappropriate use.
14. Circumventing the school's network security protocols and unauthorized acquisition and use of the school's network/Wi-Fi password is prohibited.
15. Appropriate licenses and contractual arrangements must be secured before any third party application or electronic resource can be used in schools.

Alteration of Pre-set Software Image on School Computers

Altering/modifying the original Ministry of Education pre-set software image is prohibited. Examples include, but are not limited, to the following:

- i. loading/installing any unauthorised software applications
- ii. changing the desktop image
- iii. changing the computer name
- iv. changing or removing file extensions
- v. altering security software
- vi. altering the pre-loaded applications
- vii. taking apart the computer for access to internal components

Violation of these regulations will result in serious disciplinary action and may also result in criminal charges if the violation of the regulation is also a violation of national law. Examples of such dual violations are:

- (i) computer hacking or trespassing,
- (ii) harassment, threats, or cyber bullying via computer and
- (iii) computer fraud.

Ignorance of these regulations **will not** excuse an infraction.

Recommended consequences – one or more may apply (for students)

- Student conference
- Parent/guardian contact
- Detention
- Suspension up to seven (7) days
- Restitution
- School community service
- Revocation of computer access and use
- Removal of privileges
- Referral to law enforcement agencies – Cybercrime Unit

Consequences for other school personnel are contained in the appropriate regulations.

(See Appendix V)

References:

- 1 *Computer Misuse Act 2000*
- 2 *Ministry of Education Handbook on the Guidelines on the Use of Mobile Handheld Electronic Devices*
- 3 *The Education (Teaching Service) (Amendment) Regulations 2000.*
- 4 *Cybercrime Bill, 2017*
- 5 *Children's Authority Act 46:10*

CELLULAR PHONE USAGE

Along with schools in the Caribbean region, schools in Trinidad and Tobago are increasingly incorporating digital computer devices, wireless electronic technology and mobile computing into their practice. Mobile Hand-held Electronic Communication Devices (MHECD), inclusive of mobile cellular phones, are a significant component in this digital evolution. Students as well as teachers utilize mobile phones for information, communication, entertainment and leisure. MHECDs are also useful tools for teaching, learning, research and the management of schools. They can be used in schools and at school-related activities once used in a managed, responsible, safe and legal manner.

MHECDs however, can sometimes prove to be distractors in the school environment and can be used for dishonest, illegal or abusive purposes. Schools must implement operational policies that militate against such misuse and abuse, and provide clear guidelines, controls and sanctions to govern the use of MHECDs.

1. MHECDs must be used responsibly at all times while on the school compound.
2. Students are prohibited from using MHECDs during class time unless authorized by a teacher.
3. MHECDs may be used on the school compound only under the supervision of a teacher/administrator in a productive teaching and learning environment.
4. MHECDs must be powered off (switched off) upon entering the school compound unless permission is granted by the principal or designated person in authority.
5. Schools' operational policies may require the collection of students' MHECDs for safe reception during the school day and subsequent distribution to students at the end of the school day.
6. MHECDs must **NOT** be used to make any audio or video recording, of any activity on the school compound, including class sessions, unless written consent is granted by the principal or designated school administrator.
7. MHECDs must **NOT** be used to make audio or video recording in showers, changing rooms and toilets on the school's compound.
8. Students are responsible for all personal MHECDs brought onto the school compound.
9. Students in school uniform are bound by the Mobile Phone policy of the school, even when they are out of the school compound.
10. Members of staff should exercise discretion and use their MHECDs only in instances of emergency while they are engaged in teaching and learning exercises with students.

CYBERBULLYING

Cyberbullying involves the use of electronic communication media to intimidate, torment, threaten, harass, humiliate, embarrass or otherwise target another individual using the Internet and digital technologies. It includes posting rumours, innuendos and slanderous messages, sending unsolicited messages via text messaging, instant messaging or e-mail, circulating embarrassing/inappropriate pictures or videos online and making threats. It also encompasses forwarding or transmitting information and pictures that were meant to be private.

Cyberbullying poses a serious threat to students, especially those most vulnerable. Students must be provided with protection from inappropriate, unacceptable and abusive behaviour using the Internet and social media. The Ministry maintains a zero tolerance level on cyberbullying in all its forms as it seeks to make all schools safe and secure learning environments for all school personnel.

The victims of cyberbullying, as well as the perpetrators, must be provided with counselling by officers of the Student Support Services Division. The Ministry condemns cyberbullying and advises that it constitutes an offence in contravention of the laws of Trinidad and Tobago.

1. All school personnel must be cognizant of the various forms of cyberbullying and of what constitutes respectful and acceptable standards of communication in cyberspace.
2. Schools must adopt a 'zero tolerance' position on cyberbullying and take disciplinary action against anyone who engages in this activity.
3. The use of the school's digital devices, inclusive of laptops and desktops, for the purpose of cyberbullying is prohibited.
4. Any electronic device on the school compound that is suspected of being used for the purpose of cyberbullying will be subject to search.
5. Incidents of cyberbullying, cyberstalking and trolling must be immediately reported to the Principal.

Recommended consequences – one or more may apply (for students)

- Parent/guardian contact
- Conference with parent/ guardian
- Student Support Services Intervention
- Suspension up to seven (7) days
- Extended Suspension
- Referral to Learning Enhancement Centre
- Referral to law enforcement agencies
- Expulsion

Consequences for other school personnel are contained in the appropriate regulations.
(See Appendix V)

References:

1. *Education Act Chap 39:01*
2. *Convention on the The Rights of the Child, 1989*
3. *Children Act Chap 46:01*
4. *Summary Offences Act Chap 11:02*
5. *Cybercrime Bill 2017*

DATA SECURITY AND PRIVACY

Schools collect a significant amount of data inclusive of staff and students' names, addresses, phone numbers, academic and professional records. Data privacy refers to the ability of the school to secure this data and to determine what data can be shared with third parties. The rights of staff and students to the privacy of data stored on electronic devices must be upheld. Data must therefore be protected from unauthorized access and abuse.

1. All personal and confidential data must be secured in accordance with the Data Protection Act, 2011.
2. Schools, in collaboration with the Ministry's ICT Division, must implement security measures to militate against breaches of legal, statutory, regulatory, contract or privacy obligations.
3. Schools are mandated by law to share information with law enforcement authorities for child protection purposes and for the purposes of a criminal investigation, in accordance with the Children Act, Chap 46:01 and the Children's Authority Act, Chap 46:10.
4. A safe and secure repository of usernames, passwords and access codes must be maintained.
5. Principals, in collaboration with the ICT Division, must establish controls for protecting information systems against theft, abuse and other forms of harm and loss.
6. The practice of hacking and phishing to gain access to information is prohibited.

Violation of these guidelines will result in disciplinary action.

Recommended consequences – one or more may apply (for students)

- Parent/guardian contact
- Confiscation
- Removal of privileges
- Behavioural contract
- School community service
- In-school intervention programme
- Referral to law enforcement agencies

Consequences for other school personnel are contained in the appropriate regulations.
(See Appendix V)

References:

1. *Policy on Use of Mobile Handheld Electronic Communications Devices in Schools (2007)*
2. *The Education (Teaching Service) (Amendment) Regulations 2000*
3. *Public Service Commission Regulations, Chap 1:01*
4. *Children Act Chap 46:01*

SOCIAL MEDIA

Social media are forms of electronic communication such as websites and apps that enable users to participate in social networking. It is facilitated through a plethora of online communications media dedicated to interaction, content sharing and collaboration. It includes, but is not limited to blogs, online discussion forums, instant messaging, podcasts, social networking sites (including Facebook, Twitter, Instagram, YouTube, Flickr, Blogger and Tumblr) and social networking applications such as WhatsApp, Messenger, Snapchat and Viber. The use of social media can have a positive impact on the school community if it is used to facilitate effective communication and collaboration towards the attainment of educational goals.

A significant aspect of social media is the creation and persistence of the user's perennial digital footprint. Students must be apprised of the fact that all their online interactions, inclusive of statuses, messages, comments, blogs, pictures, websites visited and posts, leave an indelible trail. Schools must advise students of the possible long-term consequences of inappropriate and unethical posts online. In addition, the use of social media poses several associated risks to personal safety, including cyberbullying, child sexual grooming, cyberstalking and trolling. Students should not divulge personal information online, including their cellular phone numbers, addresses and personal whereabouts.

All interaction on social media, even if they are on private accounts, is subject to copyright, data protection, and other relevant legislation.

1. All interaction on social media must be courteous, respectful, age-appropriate, non-abusive and free of dishonourable content such as racial, ethnic, sexual, religious and physical disability slurs.
2. Negative posting on anyone, inclusive of all school personnel, is prohibited.
3. Students are prohibited from taking nude or partially nude pictures of themselves or of other students and circulating them on social media.
4. Persons found circulating pornographic material of minors or having pornographic material of minors on their cellular phones or other MHECDs are in contravention of the Children Authority Act Chap 46:10 Section 41 and can be liable on conviction to \$30,000 and five (5) years imprisonment.
5. Parents must be notified when teachers require students to use social media as part of collaborative, project-based learning initiatives.
6. The Principal or designated administrator must approve all official school social media accounts.
7. Members of staff must set up separate and distinct social media sites or accounts for interaction with students for educational purposes. This should be separate from any personal social media accounts held by individual members of staff.

8. Members of staff must maintain the highest professional standards when communicating with students on social media. All communication must be age-appropriate and directly related to students' educational activities.
9. All members of staff who becomes aware of any inappropriate communication involving any child on social media must immediately report it to the principal.
10. The consent of parents or guardians must be obtained before pictures, videos, examination material, students' work and other student-related material can be published online/ on social media.
11. Teachers who choose to use social media as a teaching and learning tool must provide advice to students and must insist on acceptable standards and appropriate use prior to and during online interaction.
12. Parents and guardians should, upon request, be provided with information regarding the social media platform to be used for educational purposes. This should include:
 - which social media platform will be used
 - the purpose for the social media interaction
 - who will monitor the interactions
 - the rules of engagement relating to the use of the social media

Violation of these guidelines will result in disciplinary action.

Recommended consequences – one or more may apply (for students)

- Parent/guardian contact
- Removal of privileges
- Behavioural contract
- In-school intervention programme
- Suspension up to seven (7) days
- Referral to law enforcement agencies

Consequences for other school personnel are contained in the appropriate regulations.
(See Appendix V)

References:

1. *Policy on Use of Mobile Handheld Electronic Communications Devices in Schools (2007)*
2. *The Education (Teaching Service) (Amendment) Regulations 2000*
3. *Public Service Commission Regulations, Chap 1:01*
4. *Children Act Chap 46:01*

APPENDIX XI

**Breakdown of TSC Reports received of
Sexual Harassment
from 2014 to March 31, 2019**

Matter	Complainant (teacher/non-teaching staff/ student) and sex	Perpetrator (teacher/non-teaching staff/ student) and sex	School (primary or secondary)	Year	Status (ongoing or closed as at March 31 st , 2019)	Current stage of complaint in investigative process (include reasons for delay if applicable)	Period of Suspension of Officer	Outcome of Matter (penalty imposed, officer reinstated etc.)
1.	2 female students	Male teacher	Primary	2016	Ongoing	Not applicable	12/05/17 to date	Ongoing
2.	A female student	Male teacher	Primary	2014	Closed as at March 31, 2019	Not applicable	15/04/15	No Further Action -Officer reinstated
3.	A female student	Male teacher	Primary	2016	Closed as at March 31, 2019	Not applicable	20/02/17 to 06/07/18	No further action - the mother would not give consent for her daughter to give a written statement to the investigating officer.
4.	3 male students	Male teacher	Primary	2014	Closed as at March 31, 2019	Not applicable	25/03/15 to 16/01/2019	No Further Action due to the death of the teacher
5.	A female student	Male member of the public	Primary	2016	Ongoing	Not applicable	-	Ongoing
6.	2 female students' mother	Male teacher	Primary	2016	Ongoing	Not applicable	4/4/17 to date	Ongoing

Matter	Complainant (teacher/non-teaching staff/ student) and sex	Perpetrator (teacher/non-teaching staff/ student) and sex	School (primary or secondary)	Year	Status (ongoing or closed as at March 31st, 2019)	Current stage of complaint in investigative process (include reasons for delay if applicable)	Period of Suspension of Officer	Outcome of Matter (penalty imposed, officer reinstated etc.)
7.	2 female students' parents	Male teacher	Primary	2017	Ongoing	Not applicable	27/03/18 to date	Ongoing
8.	4 female women	Male teacher	Primary	2014	Ongoing	Not applicable	21/10/14 to date	Ongoing
9.	A female student	Male teacher	Secondary	2018	Ongoing	Not applicable	06.08.18 to date	Ongoing
10.	A female student's mother	Male teacher	Secondary	2015	Closed as at March 31, 2019	Not applicable	02.11.15 to 11.09.17	No Further Action -officer reinstated
11.	A female student	Male teacher	Secondary	2017	Ongoing	Not applicable	13/11/17 to date	Ongoing
12.	female student's mother	Female teacher	Secondary	2017	Ongoing	Not applicable	13/12/17 to date	Ongoing
13.	2 female students	Male teacher	Secondary	2016	Closed as at March 31, 2019	Not applicable	-	Voluntary Retirement of the teacher with effect from 28 th September, 2016.

Matter	Complainant (teacher/non-teaching staff/ student) and sex	Perpetrator (teacher/non-teaching staff/ student) and sex	School (primary or secondary)	Year	Status (ongoing or closed as at March 31st, 2019)	Current stage of complaint in investigative process (include reasons for delay if applicable)	Period of Suspension of Officer	Outcome of Matter (penalty imposed, officer reinstated etc.)
14.	A female student	Male teacher	Secondary	2015	Closed as at March 31, 2019	Not applicable	-	No further action due to “deficiencies in the investigating officer’s report.”
15.	Parents of a class of mixed students	Female teacher	Secondary (Tobago)	2018	Ongoing	Not applicable	-	Ongoing
16.	2 female students	Male teacher	Secondary	2015	Ongoing	Not applicable	22.10.15 to date	No further action – both parents of the 2 female students refused to give consent for them to testify in this matter. Officer reinstated
17.	A female student	Male teacher	Secondary	2014	Ongoing	Not applicable	20.03.15 to date	Virtual Complainant unwilling to pursue the matter – No Further Action being pursued.

Matter	Complainant (teacher/non-teaching staff/ student) and sex	Perpetrator (teacher/non-teaching staff/ student) and sex	School (primary or secondary)	Year	Status (ongoing or closed as at March 31st, 2019)	Current stage of complaint in investigative process (include reasons for delay if applicable)	Period of Suspension of Officer	Outcome of Matter (penalty imposed, officer reinstated etc.)
18.	A female student	Male Vice Principal	Secondary	2014	Closed as at March 31, 2019	Not applicable	-	No further action – the virtual complainant refused to give evidence. Officer reinstated
19.	A female student	Male teacher	Secondary	2014	Closed as at March 31, 2019	Not applicable	17.04.14 to 07.01.19	No further action – the complainant no longer wanted to pursue the matter
20.	Ministry of Education on behalf of 4 male students	Male teacher	Secondary	2016	Closed as at March 31, 2019	Not applicable	-	No further action.
21.	A female teacher	Male teacher	Secondary	2016	Ongoing	Not applicable	-	Ongoing
22.	A male student	Male teacher	Secondary	2014	Ongoing	Not applicable	27/06/14 to date	Ongoing
23.	a female student	Male teacher	Secondary	Between 09/ 2017 and 05/ 2018	Ongoing	Not applicable	-	Ongoing

Matter	Complainant (teacher/non-teaching staff/ student) and sex	Perpetrator (teacher/non- teaching staff/ student) and sex	School (primary or secondary)	Year	Status (ongoing or closed as at March 31 st , 2019)	Current stage of complaint in investigative process (include reasons for delay if applicable)	Period of Suspension of Officer	Outcome of Matter (penalty imposed, officer reinstated etc.)
24.	A female student	Male teacher	Secondary	During the first term of 2013/2014 Academic year	Closed as at March 31, 2019	Not applicable	27/05/14 to 30.08.17	No further action. Officer reinstated.
25.	A female student	Male teacher	Secondary	2014	Closed as at March 31, 2019	Not applicable	03/11/14 to 26/01/18	No further action. The virtual complainant no longer interested in pursuing the matter. Officer reinstated
26.	A female teacher	Male teacher	Secondary	2016	Ongoing	Not applicable	01/09/17 to date	Ongoing
27.	A female teacher	Male teacher	Secondary	2015	Ongoing	Not applicable	04/05/16 to date	Ongoing

Matter	Complainant (teacher/non-teaching staff/ student) and sex	Perpetrator (teacher/non-teaching staff/ student) and sex	School (primary or secondary)	Year	Status (ongoing or closed as at March 31 st , 2019)	Current stage of complaint in investigative process (include reasons for delay if applicable)	Period of Suspension of Officer	Outcome of Matter (penalty imposed, officer reinstated etc.)
28.	A male student	Female teacher	Secondary	2016	Closed as at March 31, 2019	Not applicable	08/04/16 to 07/05/18	No further action. (Insufficient evidence)
29.	A male student	Male teacher	Secondary	2017	Ongoing	Not applicable	-	Ongoing
30.	A male student	Female teacher	Secondary	2018	Ongoing	Not applicable	-	Ongoing
31.	A female student	Male teacher	Secondary		Ongoing	Not applicable	13/01/15 to date	Ongoing
32.	A female student	Male Head of Department	Secondary	2014	Closed as at March 31, 2019	Not applicable	-	No Further Action -insufficient evidence contained in the investigating officer's report

Matter	Complainant (teacher/non-teaching staff/ student) and sex	Perpetrator (teacher/non-teaching staff/ student) and sex	School (primary or secondary)	Year	Status (ongoing or closed as at March 31 st , 2019)	Current stage of complaint in investigative process (include reasons for delay if applicable)	Period of Suspension of Officer	Outcome of Matter (penalty imposed, officer reinstated etc.)
33.	A female student	Male teacher	Secondary	2014	Closed as at March 31, 2019	Not applicable	17.10.14 to 12.04.18	No further action: victim refused to come forward and give evidence - Officer reinstated

APPENDIX XII

Education (Teaching Service) (Amendment) Regulations 2000

THE EDUCATION (TEACHING SERVICE) (AMENDMENT) REGULATIONS 2000

TEACHERS CODE OF CONDUCT

General Conduct

Under Section 62 of the 'Regulations', a teacher's conduct shall at times be such as would not bring the Service into disrepute.

Duties of teacher

Under Section 63 (2) of the 'Regulations', in the discharge of his/her duties, a teacher shall be courteous and polite to colleagues, students and members of the public.

Gifts, Rewards

Section 72 stipulates that except with the permission of the permanent secretary, a teacher shall not accept any gift or reward from any member of the public or from any organisation for services rendered in the course of performing official duties.

Section 73 makes the Exception that a teacher may accept a present offered:

- (a) by a representative of a foreign government on the occasion of an official visit to that country;
- (b) by a community organisation on a social occasion where the gift represents the work or achievement of that organisation; or
- (c) on his marriage, retirement, transfer, or other social or celebratory occasion.

Accepting Bribes

Under Section 74 of the Regulations:

- (1) A teacher shall not, directly or indirectly, solicit or accept any property, benefit or favour of any kind for himself or any other person in consideration for the performance of his duties or on the understanding that the performance of his duties is influenced in any manner.
- (2) A teacher who is offered a bribe shall immediately inform the principal in writing, and the principal so informed, shall notify the permanent secretary who will make the report to the police.

Definition of Misconduct

According to Section 77 of the Regulations, a teacher commits an act of misconduct when:

(1) Without reasonable excuse does an act which-

- (a) amounts to failure to perform any required lawful duty in a proper manner;

- (b) contravenes any of the Regulations;
 - (c) contravenes any law relating to the performance of the duties of this office;
 - (d) is otherwise prejudicial to the efficient conduct of the Service or tends to bring the Service into disrepute.
- (2) Without prejudice to the generality of sub regulations (1), a teacher commits an act of misconduct if he/she:**
- (a) is absent from office or official duties without leave or valid excuse, or is habitually irregular in the time of arrival or departure from the place of employment;
 - (b) wilfully disobeys or disregards any lawful order made or given by any person having authority to make or give such order;
 - (c) is unfit for duty through drunkenness or the illicit use of drugs;
 - (d) is inefficient or incompetent through causes which are within his control;
 - (e) commits any immoral, obscene or disorderly conduct in office;
 - (f) performs the required duties in a negligent manner;
 - (g) exercises authority unreasonably, or abuses that authority in the course of performing required duties;
 - (h) uses, without the authority of the principal or in his/her absence the vice-principal, any property or facilities provided for the purposes of the service, for a purpose not connected with his official duties;
 - (i) has a criminal charge proved against him/her; or
 - (j) participates in the meeting of any political organisation while on duty or while on official business.

References:

Revised Green Paper on: Standards and Guidelines for the Operation of All Schools (January, 2007)

APPENDIX XIII

Section 84 of the Public Service Regulations

LAWS OF TRINIDAD AND TOBAGO

*Constitution of the Republic
of Trinidad and Tobago*

100

Chap. 1:01

[Subsidiary]

Public Service Commission Regulations

CHAPTER VIII

DISCIPLINE

GENERAL

Officer liable to
disciplinary
proceedings.

84. An officer who is alleged to be guilty of misconduct or who is alleged to be guilty of indiscipline by failing to comply with any regulation, order or directive for the time being in force in the Ministry or Department to which he is assigned, is liable to disciplinary proceedings in accordance with the procedure prescribed in these Regulations.

Definition.
[28/1991].

Ch. 35:50.

Ch. 13:02.

84A. For the purposes of this Chapter, "Head of Department" includes the person occupying or performing the duties of the office of Chief Fire Officer being a public office established by the Fire Service Act, or Commissioner of Prisons being a public office established by the Prison Service Act.

Commission to
exercise
disciplinary
control on
Permanent
Secretary or
Head of
Department.
[28 of 1991].

84B. (1) Where the Commission becomes aware of an allegation of indiscipline or misconduct of an officer being a Permanent Secretary or Head of Department, the Commission shall appoint an officer to investigate such allegation.

(2) Regulation 90(3) to 90(6) inclusive, shall apply in respect of such investigation.

Permanent
Secretary to
report
misconduct or
indiscipline.
[28 /1991].

85. (1) Where an officer is alleged to have committed an act of misconduct or indiscipline which is a breach of a regulation that is the subject of a delegation to the Permanent Secretary or Head of Department, such act of misconduct or indiscipline shall be referred to an officer senior in office to the officer against whom the report or allegation has been made.

(2) The senior officer referred to in subregulation (1) may charge the officer against whom the report or allegation has been made and refer the charge to the Permanent Secretary or Head of Department.

(3) Where a charge is referred to the Permanent Secretary or Head of Department under subregulation (2), the Permanent Secretary or Head of Department shall act as a disciplinary tribunal,

APPENDIX XIV

National School Code of Conduct- Inappropriate Sexual Behaviour

INAPPROPRIATE SEXUAL BEHAVIOUR

The Ministry of Education fully subscribes to the provisions in the Children Act Chap 46:01 and Sexual Offences Act Chap 11:28 which calls for mandatory reporting to law enforcement regarding inappropriate sexual behaviour against children under the age of 18. In addition, principals are empowered to enquire into reports received and follow established procedures. Where the allegation is against the principal himself/herself, the school supervisor will conduct the appropriate investigations and follow established procedures in conjunction with Public Service/Teaching Service Regulations.

According to the Sexual Offences Act Chap 11:28, No. 27 of 1986, indictable sexual offences include:

- Rape
- Sexual intercourse with a female under 14 years of age
- Sexual intercourse with a female between 14 years and 16 years
- Sexual intercourse with a male under 16 years
- Incest
- Sexual intercourse with an adopted minor
- Sexual intercourse with a minor employee
- Buggery
- Indecent assault
- Serious indecency

With reference to Circular Memorandum No. 76, dated September 02, 2004, there are three main stages of the procedure for all school personnel regarding matters of Child Sexual Abuse. These are as follows:

1. **Reporting**

- School personnel have the responsibility to report, **NOT** to investigate, determine fact, or make judgments of innocence or guilt.
- When a report is made by a student/adult, school personnel are required to listen, get the facts and record the information as given by the person making the report (victim or any other person).
- Information should be recorded consistent with the provisions of the Sexual Offences Act Chap 11:28, Amended by Act 31 of 2000, Section 31B.
- Principal and person(s) informing the principal (teacher, parent, student and other adults), **MUST** then make a formal report in person at the police station/ Crime Protection Unit. Principal must inform parents **AFTER** making report to the station.
- The Principal must then report to the Ministry via normal reporting channels. Copies of all

reports, including supporting documents, must be forwarded to the Legal Division of the Ministry of Education for appropriate advice and direction.

- The Principal must simultaneously make appropriate referral to the Student Support Services Division at the district level so that support for student and family could be provided.
- Principals must also ensure that the Children's Authority is informed of the offence via their hotline number 800-2014.

2. **Investigating**

- The police are responsible for investigating and determining whether charges should be laid. The police enforce the law. They are also to inform parents.

3. **Determining**

- The Court determines guilt or innocence.

Recommended consequences – one or more may apply (for students)

- Student conference
- Parent/ guardian contact
- Parent/ guardian conference
- Counselling
- Suspension up to seven (7) days
- Extended suspension
- Referral to Learning Enhancement Centre
- Referral to law enforcement agencies
- In-school intervention programme
- Student behavioural contract
- Referral to the Children's Authority

Consequences for other school personnel are contained in the appropriate regulations.
(See Appendix V)

References:

1. *Sexual Offences Act, Chap 11:28*
2. *Children Act, Chap 46:01*
3. *The Education (Teaching Service) (Amendment) Regulations 2000.*
4. *Public Service Commission Regulations, Chap 1:01.*

5. *Circular memorandum No. 76 - Procedures for all school personnel regarding Matters of Child Sexual Abuse (Sept. 02, 2008)*
 6. *International Child Abduction Act, No. 8 of 2008*
 7. *Children's Authority Act, Chap 46:10*
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APPENDIX XV

Circular Memorandum Number 37

Ref: E 1/1/29

Cir. No.: 37

OJ: hater



FROM: Permanent Secretary
Ministry of Education

TO: All Heads of Divisions/Units/School Supervisors
and Principals

DATED: March 31, 2004

SUBJECT: Handling Misconduct and/or
Indiscipline In the Workplace

Codes of Conduct

Members of the Teaching Service and Civil Service are reminded that the rules or "Codes of Conduct" governing performance and behaviour in the workplace are outlined in the Education (Teaching Service)(Amendment) Regulations 2000 and the Civil Service (Amendment) Regulations 1996 respectively. Copies of the aforementioned "Codes of Conduct" are once more attached for your information; guidance and compliance.

Procedural Guidelines

Procedures for handling misconduct and or indiscipline by members of the Teaching Service and Civil Service are detailed in the Public Service Commission Regulations, Chap. 1:01 as amended by the Public Service Commission (Amendment) Regulations, 1990 (Copies attached).

In accordance with Regulation 85 of the above-mentioned amended Regulations, Permanent Secretaries and Heads of Department are given jurisdiction to hear and determine acts of misconduct by civil servants, as detailed in the Public Service Commission (Delegation of Powers) (Amendment) Order 1998 (copy attached).

Regulation 90 of the Public Service Commission (Amended) Regulations, 1990 also requires Permanent Secretaries and Heads of Departments to report to the Director of Personnel Administration, allegations of misconduct or indiscipline by members of the Teaching Service and in the case of civil servants, violations of the disciplinary rules other than those for which the Permanent Secretary and Heads of Departments have jurisdiction to hear and determine.

Heads of Divisions/Units and Principals are therefore required to submit comprehensive reports on allegations of misconduct or indiscipline committed by members of their staff,

to the Permanent Secretary for further action. In so doing, Heads of Divisions/Units and Principals must conduct internal investigations where necessary to determine whether there is evidence, which suggests that a member of the Teaching Service or Civil Service may be guilty of misconduct or indiscipline. This involves interviewing, and where necessary, eliciting written responses from the complainant, witnesses and the member of the Teaching Service or officer against whom the allegation of misconduct has been made, so as to give him/her an opportunity to respond to the allegation in accordance with the principles of good industrial relations.

In an effort however, to prevent any incident progressing to a level requiring more serious disciplinary action, respective officers and/or administrators may address acts of misconduct relative to poor job performance and work conduct through a process of progressive disciplining. The procedural steps in progressive discipline, which may include counselling, verbal warning, written warning and disciplinary action in accordance with the Public Service Commission Regulations, are detailed in **Appendix I**.

Bursar/Registrars or Clerks III in the school system are entrusted with direct supervisory responsibility for the management of performance and discipline of clerical and manipulative staff of such institutions. Accordingly, Principals should provide advice, guidance and support to these officers as they discharge their supervisory responsibilities in accordance with existing relevant human resource management policies, principles, procedures and regulations. Bursars/Registrars or Clerks III should submit comprehensive reports of allegations of misconduct or indiscipline by members of the non-teaching staff to their Principals for review and action, or onward transmission to the Permanent Secretary for further action.

This Circular Memorandum is to be brought to the attention of all teaching and non-teaching staff under your authority, and the necessary steps taken to ensure that its provisions are understood and complied with.

For further information, clarification or to arrange a workshop session on any aspect of this Circular, you may contact Mr. Lawrence Oliver or Mr. John Edwards at telephone numbers 622-9054 and 628-3382 respectively.


Permanent Secretary
Ministry of Education

Bncs.

APPENDIX XVI

Circular Memorandum Number 25



MINISTRY OF EDUCATION
Office of the Chief Education Officer

File No. 19/1/15

Circular Memorandum No. 25

FROM : Chief Education Officer
Ministry of Education

TO : All Primary and Secondary School Principals

DATE : 3rd June 2014

SUBJECT : Sexual Offences

The Education Act Chapter 39:01 Section 27 states that Principals of schools shall be responsible for the day to day management of their school including – (a) “the supervision of the physical safety of pupils and (d) the discipline of the school”. This means that Principals have a direct responsibility for all students in their respective schools.

This responsibility extends to ascertaining why students may have had a prolonged absence from school and/or may have “dropped out” of the school without providing documented justifiable reasons.

Additionally, the data presently available suggests that students may have absented themselves and/or dropped out of school because of pregnancy, sexual assault or related issue. In many cases, it appears that Principals or persons in authority on the school’s compound may have had knowledge of the reason for a student’s absenteeism and decided not to report the matter.

I wish to make it abundantly clear that any person having such knowledge and/or suspicion that a sexual offence may have been committed has a legal obligation to report the matter to the police forthwith. The Sexual Offences Act, Chapter 11:28 Amended by Act 31 of 2000, Section 31.

(1) States “Any person who—

- (a) is the parent or guardian of a minor;**
- (b) has the actual custody, charge or control of a minor;**
- (c) has the temporary custody, care, charge or control of a minor for a special purpose, as his attendant, employer or teacher, or in any other capacity; or**

(d) is a medical practitioner, or a registered nurse or midwife, and has performed a medical examination in respect of a minor, and who has reasonable grounds for believing that a sexual offence has been committed in respect of that minor, shall report the grounds for his belief to a police officer as soon as reasonably practicable.

(2) Any person who without reasonable excuse fails to comply with the requirements of subsection (1), is guilty of an offence and is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for a term of seven years or to both such fine and imprisonment.

According to the said Act a “minor” means a person under eighteen years of age.

Principals must forward a report to the Chief Education Officer through the established channel of communication. A copy of the report must also be sent to School Supervisor and Student Support Services Division

Principals are advised to strictly abide by the law and to bring this Circular to every person in authority at the school.



**Mr. Harrilal Secharan
Chief Education Officer
Ministry of Education**

ⁱUN General Assembly, “Convention on the Elimination of All Forms of Discrimination Against (CEDAW) Women.”(1979) Accessed: February 26, 2019. <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

ⁱⁱ Occupational Safety and Health Act, Chap. 88:08. Accessed: June 13. 2019.

http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/88.08.pdf

ⁱⁱⁱ Children’s Act, Chap. 46:01, Accessed on: January 25, 2019, https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/46.01.pdf