

Discrimination and education

AS THE end of the school term winds down and as educational institutions open registration for applicants to various schools and programmes, we focus on the category of education. It is one of four broad categories included in the Equal Opportunity Act.

It is unlawful for any educational establishment, board, or other institution to discriminate against both applicants and/or students who are already enrolled in a school or programme, based on any of seven protected status grounds under the act. These are religion, disability, race, ethnicity, origin including geographic origin, marital status, and sex.

This applies to all levels of schools and educational institutions, from pre-school to tertiary level; and including trade or vocational schools.

Applicants

According to the act, educational establishments shall not discriminate against a person by refusing or failing to accept that person's application for admission as a student; or in the terms and conditions on which it admits that person as a student.

This includes advertising in such a way that encourages or deters applicants based on a protected status ground. Educational establishments should also be mindful not to allocate or reserve spaces for different status grounds.

For instance, allocating spaces for students who live in the vicinity of the educational establishment.

This is discrimination based on the status ground of "origin", which includes geographic origin.



Enrolled students

An educational establishment shall not discriminate against a student by denying or limiting the student's access to any benefits, facilities or services provided by the educational establishment; or by expelling the student or subjecting the student to any other detriment or disadvantage. For instance, a secondary school is not permitted to tell an all-female football team it has limited access to the football field because the school is reserving it for the male team. Also, a school may not tell male students they cannot sign up for a food and nutrition class because that subject is reserved for female students.

Exceptions in the act

There is one exception that was categorically stated in the act, in which an education establishment can refuse to admit a person based on a protected status ground; this is the status ground of "sex". Educational establishments can refuse admittance of a particular sex, if the establishment only admits students of one sex.

However, within this section of the act, it also specifies that these same-sex schools can admit students of the opposite sex if that admission is exceptional, or the number of students are comparatively small and whose admission is con-

fined to particular courses of instruction or teaching classes. For instance, a same-sex girls' school may allow male students to register and pursue the two-year Caribbean Advanced Proficiency Examination (CAPE) at the school.

Also, the prohibition against discrimination in education in the act is expressed to be subject to any agreement or practice between the State and any educational establishment, board or other institution. For example, the Concordat of 1960: Assurances for the Preservation and Character of Denominational Schools. The Concordat is an agreement that was signed between the State and religious bodies and it gives these bodies the right to, among other things, select 20 per cent of new students entering denominational schools. This is regardless of their performance at the Secondary Entrance Assessment (SEA) or prior, the Common Entrance exam.

These denominational schools also have the right to determine their own curricula. As long as the educational body acts in accordance with the powers or privileges given to them by the Concordat, then they would not be liable for discrimination under the act. One of the fundamental rights of a person enshrined in our Constitution is the right to an education. This is similarly stipulated in the Universal Declaration of Human Rights and the Convention on the Rights of the Child.

If you have been discriminated against as an applicant to an educational institution or as a student, you can lodge a complaint at the Equal Opportunity Commission. Visit our website at www.equalopportunity.gov.tt.