



STUDENT DRESS & GROOMING

POLICY FOR PUBLIC EDUCATIONAL INSTITUTIONS

August 2021

PREFACE

Schools are microcosms of the wider society and, as such, provide fertile ground for the socialization and preparation of students for the future. Dress and grooming form a critical part of student development and are closely linked to character development.

The **Ministry of Education, Youth & Information (MoEYI)** is committed to the holistic development of Jamaican students in which the cognitive, spiritual and socio-emotional needs are nurtured. In so doing, the MoEYI must ensure that all students have equal access to education but must also ensure that a proper learning environment is maintained and that the discipline to secure this is assured.

The MoEYI recognizes that public educational institutions operate in varying circumstances and contexts and are administered by responsible boards of management in accordance with regulations set by the Minister with responsibility for education. This *Student Dress and Grooming Policy* is intended to empower institutions as they seek to equip learners with the requisite skills and competencies for the 21st Century.

DRAFT

STUDENT DRESS & GROOMING POLICY FOR PUBLIC EDUCATIONAL INSTITUTIONS

DRAFT

Ministry of Education, Youth & Information, 2021

The information contained in this document is for general guidance with a focus on public educational institutions. The application of law can vary based on specific facts, as well as developments in the law over time. Accordingly, the information contained in this document is not provided as legal advice and should not be used as a substitute for consultation with an Attorney-at-Law in an appropriate case.

GLOSSARY

Boards

means the Board of Management of a public educational institution;

Inappropriate Dress and Grooming

means the state of a student's attire and/or presentation which does not meet the standards of the public educational institution he or she attends as stipulated in the institution's Student Dress Code;

Minister

means the Minister responsible for Education;

Parent

in relation to any child, includes a guardian and every person who has the actual custody of the child;

Public Educational Institution (PEI)

means any educational institution which is maintained by the Minister and includes any aided educational institution (that is, any educational institution which the Minister assists in maintaining);

School

means an educational institution for providing primary or secondary education or both primary and secondary education;

School Uniform

means any common standard of attire with respect to colour and design which students of a public educational institution are required to wear as specified in the institution's Student Dress Code;

Student

means a person for whom education is provided, under the *Education Act, 1965*;

Student Dress and Grooming Policy

means a written statement setting out a public educational institution's standard of appropriate attire and presentation for its students while at the institution, travelling to and from the institution and when engaged in official activities off-site or outside of the operating hours of the institution.

CONTENTS

Preface	2
Glossary	4
Student Dress and Grooming Policy for Public Educational Institutions (Bulletin Version)	6
1. Introduction	8
2. Situational Analysis	9
3. Aim	14
4. Objectives	14
5. Guiding Principles	15
6. Policy Statement	15
7. Student Dress and Grooming Policy	15
8. Roles & Responsibilities	23
9. Implementation, Monitoring & Supervision	27
Appendix 1 Record of Consultation	30
Appendix 2 Template for Student Dress and Grooming Policy	31

**MINISTRY OF EDUCATION, YOUTH & INFORMATION
STUDENT DRESS AND GROOMING POLICY**

(BULLETIN VERSION)

Responsibility of:	School Operations Division, MoEYI
Effective Date:	August 2018
Next Review Date:	August 2021
Target Audience:	Boards of Management, Principals, Teachers, Guidance Counsellors, Deans of Discipline, Parents, Students of Public Educational Institutions (PEIs)

AIM

The Student Dress and Grooming Policy (hereinafter “the Policy”) is intended to provide a framework for all public educational institutions (PEIs) within which to work in establishing their own Student Dress and Grooming Policy that best fits their local situation, which should promote good societal values and which do not violate individual rights and/or laws.

OBJECTIVES

The objectives of the Policy are to:

- ensure that all PEIs have documented Student Dress and Grooming Policies in keeping with the Policy;
- increase levels of participation of stakeholders, especially students, in the development and revision of Student Dress and Grooming policies;
- increase public awareness of the importance of having a documented Student Dress and Grooming Policy; and
- increase compliance with Student Dress and Grooming Policies.

GUIDING PRINCIPLES

The Policy is underpinned by eight (8) guiding principles set out below:

- equity, diversity and inclusion in education;
- respect for institutional identity, ethos and tradition;
- school autonomy within defined limits;
- affording school administrators flexibility to deal with local conditions;
- balancing student rights with the operational requirements of schools;
- teachers as role models for students and promoting positive values and attitudes;

- the best interest of the child including safety, health and well-being, both physical and psychological; and
- respect for inclusiveness.

POLICY STATEMENT

Every PEI shall have a documented Student Dress and Grooming Policy developed in consultation with students, parents and the staff of the institution. This must be approved by the Board of Management of the institution (“the Board”), and made available to all parents and students. A school uniform must be adopted under the Student Dress and Grooming Policy for primary and secondary PEIs (optional for colleges and training centres). It is expected that every student (supported by their families) will comply with their institution’s Student Dress and Grooming Policy, subject to exemptions or modifications granted by the principal in appropriate cases.

POLICY GUIDELINES

It is recommended that a Student Dress and Grooming Policy must:

- pursue a legitimate objective or aim;
- be consistent with the guiding principles of the Student Dress and Grooming Policy;
- be appropriate to a school-setting;
- be clear;
- allocate responsibility;
- be enforceable; and
- include the following standard procedures:
 - consultation;
 - communication;
 - exemptions & modifications;
 - compliance & enforcement;
 - complaints & challenges; and
 - monitoring & review.

A detailed guidance and a template are available on the MoEYIs website (<https://moey.gov.jm>) to assist PEIs with the development and review of a Student Dress and Grooming Policy.

1. INTRODUCTION

The environment in which public educational institutions (PEIs) operate today is complex and dynamic. There is a growing emphasis on student-centred learning, diversity and social inclusion that challenges traditional notions of conformity typified in uniform requirements. Additionally, there have been significant developments in the law in relation to public administration, human rights and anti-discrimination; coupled with a greater awareness on the part of both parents and students as to the avenues available to challenge school disciplinary decisions.

Under Vision 2030 Jamaica's National Development Plan, Goal #1 reads, "*Jamaicans are empowered to achieve their fullest potential*" which is linked to National Outcome #2, "*World-class education & training*". In keeping with the Vision 2030, the Ministry of Education Youth and Information (MoEYI) is seeking to facilitate the development of educated Jamaican students, who not only love to learn and are well-rounded and agile of mind, but also, students who are socially aware and responsible; students who are conscious of what is good for the society; and students who are tolerant of diversity and rooted in their Jamaican culture.¹ It is within this context that policy guidelines on student dress and grooming have been developed, in conjunction with key stakeholders, namely: principals; teachers; students; parents; and the Ecumenical community.

In providing guidance on student dress and grooming, the MoEYI is conscious of two

imperatives, namely: to ensure universal and non-discriminatory access to education; as well as to ensure that an orderly and safe environment is maintained in educational institutions conducive to learning.

The last occasion on which the MoEYI issued specific guidance on student grooming was in 1978 via Circular 33/78, having regard to the unconstitutional practice of refusing to admit Rastafarians to PEIs, or suspending them if admitted, unless they agreed to cut their hair. Since that time, Jamaica has ratified the Convention on the Rights of the Child (CRC); and the Constitution of Jamaica has undergone significant change with the introduction of the Charter of Fundamental Rights and Freedoms.

On Tuesday, July 17, 2018, in response to yet another public outcry on the matter, once more captured in the media, the Prime Minister, the Most Hon. Andrew Holness, announced that the Hon. Olivia Grange, Minister of Culture, Gender, Entertainment and Sport (MCGES), was mandated to formulate, subject to consultation, a Dress Code Policy governing access to public services, having due regard to modern socio-cultural considerations, colonial legacy as well as climatic realities.

The Commission for the Establishment of a Dress Code for Access to Public Services (hereinafter the Commission) was established under the chairmanship of the Minister of MCGES to formulate a comprehensive dress code policy in the medium-term. During its deliberations, the Commission considered the ruling of the Supreme Court in the case of Dale

¹ The Profile of the Educated Jamaican in the Task Force on Educational Reform, Final Report (2004).

and ZV (bnf Sherine Virgo) vs the Board of Management of Kensington Primary School, Minister of Education, Youth and Information, the Attorney General of Jamaica and the Office of the Children’s Advocate, that was delivered on the eve of Emancipation Day - July 31, 2020. The judgement aroused strong public opinion and policy statements (appearing below in whole or part) of which the Commission took careful note.

2. SITUATIONAL ANALYSIS

The operational requirements of PEIs require that reasonable rules of student conduct be enforced to ensure an orderly environment necessary for learning:

“Teachers and those in charge of our schools are entrusted with the care and education of our children. It is difficult to imagine a more important trust or duty. To ensure the safety of the students and to provide them with the orderly environment so necessary to encourage learning, reasonable rules of conduct must be in place and enforced at school”².

PEIs entail more than the teaching of academics. It extends to education in its “truest and widest sense” including the inculcation of positive values and attitudes in students. Social theorists, such as Emile Durkheim and Michel Foucault,

recognized the socialising effect of education in the development and moulding of a child into a ‘social being’. Although school is not the exclusive influence on the development of a child’s character, it does have an important and well-recognized socialising role.

Within this context, a uniform policy serves a number of important functions in a school³:

- it fosters the school identity and an atmosphere of allegiance, discipline, equality and cohesion;
- it allows children to learn in an environment which minimises the pressures which result from marking differences on grounds of wealth and status;
- it reduces the risk of bullying at school, which may arise where social pressures develop through peer expectations; and
- it assists in promoting high standards of achievement in all aspects of a student’s life, including attitudes and conduct.

Under Jamaican law, PEIs exercise a wide discretion to make rules regulating student conduct, including requirements for dress and grooming⁴. Such rules should be set in consultation with staff and students and approved by the Board⁵. The composition of the Board reflects the various stakeholders in the school community⁶. Therefore, the Policy usually reflects community expectations or standards as

² *R. v. M (M.R.)* [1998] 3 R.C.S. 393 at [1] (Cory J.); and see further at [35] (Cory J.).

³ *R (on the application of Playfoot) v Governing Body of Millais School* [2007] EWHC 1698 (Admin) at [36] (Supperstone Q.C.)

⁴ Derived from both common law doctrines/principles on the disciplinary authority exercised by teachers over students and the statutory framework of the *Education Act, Education Regulations* and *Child Care and Protection Act*. See for example, *Spiers v. Warrington Corp.* [1953] 1 Q.B. 61.; a case concerning student dress code (trousers by girls): “*There must be somebody to keep discipline and of course that person is the headmistress*”; *Cleary v Booth* [1893] 1 QB 465, p. 468;

Mansell v. Griffin [1908] 1 KB 160; *R v. Newport (Salop) Justices Ex parte Wright* [1929] 2 KB 416; *Ryan v. Fildes* [1938] 3 All E.R. 517; *Fitzgerald v. Northcote* (1865) 4 F & F 656. In exercising disciplinary authority, a school must balance the interests of individual students with that of the entire school for, “[t]he master must take into consideration the interest, not only of the one boy, but those of the whole school”: *Hutt et al v. Governors of Haileybury College et al* (1888) 4 TLR 623 at 624 (Field J.).

⁵ R. 89 (1) (h) of the *Education Regulations, 1980*.

⁶ R. 70 to 76 of the *Education Regulations, 1980*.

Ministry of Education, Youth & Information

Student Dress & Grooming Policy, 2021

to the way in which students should present themselves ready for learning. The Board, administrators and staff of a PEI have a responsibility to exercise the discretion conferred on them in a lawful manner and must ensure that rules, both in content and application, are reasonable, fair and consistent with the provisions of the *Constitution of Jamaica*.

Most Jamaican schools have a Student Dress and Grooming Policy that includes a uniform as an integral component. School uniform designs tend to follow a traditional or conventional standard with different components respectively for male and female students. This mirrors conventions in the wider society. Although women increasingly wear styles typically worn by men, the same is not equally true in the reverse. Men may choose to wear long hair or pierce one or both ear lobes, but men still dress and groom themselves in a manner that society recognizes as distinct from women. By no means are schools required to reflect standards of popular culture in uniform requirements however, the dynamic nature of the educational landscape demands that schools keep their uniform policies under periodic review: *“Times change, regimes change, Principals change, pupils change and circumstances change. The policy today may not be the policy tomorrow.”*⁷

As noted above, the benefits of a uniform policy include: fostering a shared school identity; contributing to an orderly learning environment; reducing the incidence of peer pressure and bullying; and promoting high standards.

Additionally, a uniform policy:

- offers quality, durable clothing for school at a reasonable cost to parents, who don't need to buy a variety of outfits for school;
- ensures students are dressed appropriately for school activities;
- promotes student safety through ease of identification on school excursions and while commuting to and from school; and
- prepares students for careers or entrepreneurial activities in which adherence to dress codes are required.

Conversely, there are perceived benefits of not having a school uniform. These include: affording students an avenue to express their individuality through dress; empowering students to make decisions and take responsibility for personal choices; and increasing student engagement with school if they see it as a relaxed, vibrant and creative space.

It is recognized that one of the earliest expressions of independence for a child is choice over what to wear: *“As an integral part of the presentation of self, dress is a significant element in the social formulation of the body”*⁸ and further to that, *“For*

⁷ *Re McMillen (chairman of the Board of Governors of Ballyclare High school) 's application for Judicial Review* [2008] NIQB 21 at [38] (per Weatherup J). This statement was a comment on *X v Y School* [2007] EWHC 298 (Admin), [2008] 1 All ER 249, where a change was made in the school policy against the wearing of a niqab by a female student of the Muslim faith (which had previously been

allowed permitted), brought about by increased security concerns.

⁸ Meadmore, D. & Symes, C. (1997) *Keeping up Appearances: Uniform Policy for School Diversity?* 45, 2 British Journal of Educational Studies, 174, p.p.174 cited in Varnham, S. (1999) *Of Nose Rings and Things: School Rules, The Right to Freedom*

*a student one of the most clear and easily accomplished means of self-expression is his or her appearance.*⁹ The significance of personal appearance grows with the age and maturity of the child and is of particular importance to adolescents seeking to assert self-identity. For this age group, the influence of peers often supplants that which is exerted by the family. The seriousness to children and young people of choice in dress and grooming as a means of self-expression should not be trivialized or underestimated.

It is also recognized that a dress code represents a tangible or visible representation of the standards of an organization. A school uniform represents the outward identity of the institution within the wider community. Students in uniform are ambassadors for their schools. Institutions are therefore entitled in their own right to insist upon standards of dress and grooming that preserve the dignity of the uniform and the ethos of the institution.

Conformity is key to the achievement of the object and purpose of any student dress and grooming policy, whether or not the code includes a uniform. Therefore, implicit in all Student Dress and Grooming Policy is a deprivation of choice in the individual's mode of dress and grooming. Uniformity within an educational setting should not be taken as necessarily undermining student diversity, creativity, self-expression, or personal responsibility, all of which may be effectively fostered and celebrated through the institution's curricula and co-curricular activities. In fact, it

could be argued that precisely because focus on external differences within the student body are minimized that emphasis can be placed on developing the intrinsic qualities of students through the institution's programmes and activities.

The NCE considers most Jamaican students to be well put together. Such problems as are encountered arise due to the larger issue of indiscipline and relate to values, attitudes, social and cultural norms. The consultation undertaken by NCE towards the development of the Policy revealed a number of underlying issues, including:

- the best interest of the child, including safety, health and well-being, both physical and psychological;
- equity, diversity and inclusion in education;
- respect for institutional identity, ethos and traditions;
- school autonomy within defined limits – affording school administrators flexibility to deal with local conditions;
- balancing student rights with the operational requirements of schools;
- teachers as role models for students; and
- promoting positive values and attitudes.

One stakeholder urged MoEYI that in developing policy guidelines, it was to *“keep it simple, keep it basic and affordable”*¹⁰.

The concerns of students can be summarized as follows:

of Expression, and Appearance, Australia & New Zealand Journal of Law & Education, 1327-7634 Vol 4, No 1, 1999 pp. 64-82.

⁹ Ibid at p. 70.

¹⁰ Report on the Investigation into Allegations of Racial Abuse and Victimization at the Pretoria High School For Girls, Gauteng Province, 2016 accessed at <http://www.gauteng.gov.za>

Ministry of Education, Youth & Information

Student Dress & Grooming Policy, 2021

- increased participation of students in the rule-making process and school governance generally;
- rules should be fair and not arbitrarily determined or dependent on the inclination of the Principal;
- sanctions should be commensurate to offences and schools should offer incentives for compliance; and
- those in authority should be held accountable to observe the MoEYI's policy guidelines.

Additionally, students were concerned that rules should be non-discriminatory, adding that grooming standards should not be more permissive for students based on ethnic origins:

“Students are often told to be proud of their African heritage; however, this becomes difficult when this same heritage is used as a pretext for discrimination”

and further *“...we recommend a clear definition be created for ‘neatly groomed’. This should prevent schools from shifting the line in the sand at their own discretion.”*

These sentiments demonstrate that schools must be mindful of both the content of rules and

how they are to be enforced. Subjective interpretation of ambiguous rules may result in allegations of race discrimination, as noted in the recent controversy at a girls’ high school in South Africa¹¹.

Rules that dictate how students are required to wear their hair raise complex legal¹², culturally sensitive and deeply emotive issues¹³ due to a number of reasons. First, hair texture is a characteristic of race or ethnic origin. Based on estimates available for 2011, approximately 92.1% of the Jamaican population identified themselves as being of African descent. The remaining 7.9 per cent is distributed as follows: mixed 6.1%, East Indian 0.8%, Chinese, European and other groups 0.4 to 1.1 percent¹⁴. In addition to the traditional racial or ethnic groups in Jamaica, there are expatriate communities of European or Latin American descent, as well as refugees and asylum seekers from diverse backgrounds.

As a result of its history, Jamaica is today a melting pot of ideas, cultures, and religions. This cultural diversity is reflected in the country’s cuisine, music and other areas of national life.

¹¹ NCE, 2017 at p. 17

¹² Example of legal challenges to hair rules within the context of administrative law proceedings are as follows: *Battison v Melloy and the Board of Trustees of St. Johns College* [2014] NZHC 1462 (rule struck down) and *Edwards v. Onehunga High School Board* [1974] 2 NZLR 238 (CA) (rule upheld). See also *Re McMillen (Chairman of the Board of Governors of Ballyclare High School)’s Application for Judicial Review* (which considered allegations of breach of human rights as the grounds for impugning the legality of the Boards actions) [2008] NIQB 21. In terms of whether a hairstyle can constitute discrimination on the grounds of race, or place of origin, regard may be had to the decisions of *Mandla and Anor. v. Dowell Lee and Anor* [1983] 1 All E.R. 1062 and *G (by his litigation friend v. Head Teacher & Governors of St. Gregory’s Catholic Science College*

[2011] EWHC 1452 (Admin) within the context of UK anti-discrimination legislation.

¹³ “Boy Allegedly Sent Home from School for Having Long Hair, The Star, published September 7th, 2016; “Faded Haircuts, Mohawks And School Rules” by Jaevion Nelson, The Jamaica Gleaner, published Thursday, March 3, 2016; and from the United Kingdom, see “Should Schools Dictate Children’s hairstyles?” by Kate Hilpern, Huffington Post, published March 24th 2015; and “Which haircuts have been banned from school?” by Alex Regan, BBC News, published February 23rd 2018 ; ‘School puts boy in isolation because he had afro hair in cornrows” by Kate Buck, Metro News, published Monday February 5th 2018;

¹⁴ According to a national census conducted by STATIN in 2011 (Vol 1 General Report).

Ministry of Education, Youth & Information

Student Dress & Grooming Policy, 2021

Jamaica's motto "Out of Many, One People" reflects harmony within diversity. It is not uncommon to see within a single Jamaican family a range of physical characteristics echoing the country's past. Nonetheless, the residual effect of Slavery, Plantation Society and colonialism remain for example, in a preference for lighter skin colour and straighter hair textures aligned to opportunities for upward social mobility and economic opportunities¹⁵. Public education, particular through our school system, is essential to overcoming these challenges.

Secondly, the manner in which hair is worn is one of the most visible means of self-expression, providing an avenue for the outward manifestation of a person's self-identity and image. Thirdly, many religions have faith-based observances relating to hair; as do the cultural practices and traditions of people from different regions or ethnic groups. For some persons therefore, a deep and abiding association or spiritual connection exists between the way in which they wear their hair and their conception of self, their very personhood that goes far beyond popular culture or mere fashion trends.

Finally, it is important to note that restrictions on hair imposed by a Student Dress and Grooming Policy can impact the individual beyond the

organization's setting into the individual's private life. For example, hair that is cut to comply with school rules will not grow back to an appreciable length during school breaks and vacations. The requirement for short hair for male students will therefore affect a student until he leaves formal schooling or transfers to another institution with more permissive standards.

Uniform skirt lengths are another aspect of Student Dress and Grooming Policy that have been the subject of scrutiny in this and other jurisdictions¹⁶. The convention for regulated skirt lengths for females in various fields is usually at or slightly below the knee. It is generally accepted that the hemline for skirts worn by female students should fall at a point that preserves the dignity of the appearance of the uniform. However, the length of the skirt should not: pose a hazard or encumbrance to health and reasonable comfort in our tropical climate; or hinder normal movement and participation in school-related activities, particularly vocational, science and technology related subjects or commuting to and from school; or involve cost or expense significantly greater than the uniforms for male counterparts such as would impact equitable access to education. It has been argued that justifying skirt lengths on the basis of preventing "distraction" or "discomfort" among

¹⁵ Tharps, L., "Same Family Different Colour: confronting colourism in America's diverse families, Time Magazine, October 6th 2016; "A Legacy of Racism" by Peter Espeut, The Gleaner, published Friday August 6th 2010

¹⁶ See for example: "Measuring Up - Short Tempers over Long Skirts" Jamaica Gleaner, published Wednesday, September 24th, 2014; "More Pressing Issues Than Length of Uniform", Jamaica Gleaner, Letter to the Editor, published Thursday, October 15th, 2015; See also Op-Ed Articles: "Hem Lengths Shouldn't Matter in Schools...But They Do" by Charlene Gustard, The Jamaica Observer, published Monday, October 19th, 2015; "That School Uniform Dilemma", by Edward

Morris, the Jamaica Gleaner, published Saturday, September 14th, 2013. For a perspective from the United Kingdom, see: "School Skirts – the long and short of it" by Peter Standford, The Telegraph, published August 1st 2015; and Op-Ed "School Dress Codes Reinforce the message that women's bodies are dangerous" By Laura Bates, The Guardian, published Thursday September 10th, 2015.

male staff and students, or to instruct female students (only) in secular values of modesty or decorum, serves to sexualize the female body and places a disproportionate responsibility for desired conduct on female students than on their male counterparts.

Similar concerns regarding student dress and grooming have arisen in other countries, particularly given developments in human rights and anti-discrimination legislation. In response, authorities at the state and district levels have developed and made available to schools guidance on student dress and grooming policies. The MoEYI has examined examples of policies from countries such as the United Kingdom¹⁷, Canada¹⁸ and Australia¹⁹. Trinidad and Tobago²⁰, the Cayman Islands²¹ and Barbados²² are regional examples of countries that have introduced standards for student dress and grooming. Although there are differences in approaches, for example, some jurisdictions do not mandate school uniforms as part of the Student Dress and Grooming Policies, most of the policies share in common the following features:

- a principle-based approach where student dress and grooming policies are required to state the objective or purpose sought to be achieved;

- concern for student safety, health and wellbeing;
- respect for student rights and equality;
- respect for school autonomy within the relevant legal framework;
- procedures for: consultation with stakeholders; communication; exemption and modifications; challenges and appeals; and monitoring and periodic review; and
- disciplinary sanctions within the context of the school's code of conduct.

3. AIM

The Policy is intended to provide a framework for all PEIs within which to work in establishing their own Student Dress and Grooming Policies that best fits their local situation, which must promote good societal values and which do not violate individual rights and/or laws.

4. EXISTING LEGISLATION

The Policy will be affected by a number of legislations in Jamaica, both directly and indirectly. The legislative and regulatory framework for the management of PEIs are the Education Act, 1982 and its Regulations.

The MoEYI is currently reviewing the Education Act (hereinafter "the Act") with a view to repeal

¹⁷ DFE-00198-2013, School Uniform: guidance for schools, Department of Education, 2013, accessed from <https://www.gov.uk>

¹⁸ Appropriate Dress, Policy (P042), Toronto District School Board, Rev. 2009, accessed from <http://www.tdsb.on.ca>; Administrative Regulations 6010, Standards on Dress and Grooming, Calgary Board of Education, accessed from <https://www.cbe.ab.ca>;

¹⁹ Developing and Reviewing Dress Codes and related guidance, from the Department of Education, Victoria, 2017 accessed from <http://www.education.vic.gov.au>; Dress Code for students

procedures, Department of Education, Western Australia, 2015 accessed from <http://www.det.wa.edu.au>

²⁰ National School Code of Conduct, Ministry of Education (T & T), 2009 accessed at <http://www.moe.gov.tt>

²¹ National School Uniform and Dress Code, ED12, Ministry of Education, Employment and Gender Affairs, rev. 2014 accessed at <http://www.education.gov.ky>

²² Developed by the Barbados Association of Principals of Public Secondary Schools, 2008, as reported by Martindale C. Nation News, October 10th 2010 accessed at <http://www.nationnews.com>

Student Dress & Grooming Policy, 2021

and replace with a new legislation. The Act will consider recommendations made by the Commission for legislative changes and will protect the rights of children to an education and against discrimination. The Act will also create a new legal framework based on the articulated principles.

There will need to be new regulations that treat with the dress and grooming policies in PEIs. The Commission’s report stated that schools should have an express duty set out in the law to maintain the self-identity, dignity, religious and cultural identity and expressions of students and their family, in school. It is proposed that these terms should be defined in the context of the Act and the Education Regulations (hereinafter “the Regulations”), to meet the standards of the CRC to which Jamaica is a signatory.

The Regulations is to outline that school rules regarding dress and grooming must be in writing and submitted to the MoEYI for review and approval and will be monitored to ensure compliance with the Policy. The Regulations will include administrative sanctions for administrative, academic and other staff who are in breach of the Policy.

The Policy will also have regard to the Jamaican Constitution regarding the constitutional rights of all Jamaicans.

5. OBJECTIVES

The objectives of the Policy is to:

- ensure that all PEIs have their documented Student Dress and Grooming Policies in keeping with the Policy;

- increase levels of participation of stakeholders, especially students, in the development and revision of their Student Dress and Grooming Policy;
- increase public awareness of the importance of having a documented Student Dress and Grooming Policy; and
- increase compliance with Student Dress and Grooming Policies.

6. GUIDING PRINCIPLES

The Policy is underpinned by eight (8) guiding principles set out below:

- equity, diversity and inclusion in education;
- respect for institutional identity, ethos and tradition;
- school autonomy within defined limits;
- affording school administrators flexibility to deal with local conditions;
- balancing student rights with the operational requirements of schools;
- teachers as role models for students and promoting positive values and attitudes;
- the best interest of the child including safety, health and well-being, both physical and psychological; and
- respect for inclusiveness

7. POLICY STATEMENT

Every PEI shall have a documented Student Dress and Grooming Policy developed in consultation with students, parents and the staff of the institution. This must be approved by the Board²³ and made available to all parents and students. A school uniform must be adopted under the Student Dress and Grooming Policy

²³ Ref: Education Regulations, 1980, R. 89(1) (h)).

Student Dress & Grooming Policy, 2021

for primary and secondary PEIs (optional for colleges and training centres). It is expected that every student (supported by their families) will comply with their institution’s Student Dress and Grooming Policy, subject to exemptions or modifications granted by the Principal in appropriate cases.

8. STUDENT DRESS AND GROOMING POLICY

It is recommended that a Student Dress and Grooming Policy should conform to the standards now listed.

7.1 RULES SHOULD PURSUE A LEGITIMATE AIM

The Student Dress and Grooming Policy should include a statement of its aims/objectives reflecting the mission of the institution in providing a safe, secure and caring learning environment.

7.2 RULES SHOULD BE PRINCIPLE-BASED

The Student Dress and Grooming Policies of PEIs should be consistent with the Guiding Principles of the Policy. When setting or revising a Student Dress and Grooming Policy, PEIs must consider the following *principles*, as noted below.

A. EQUITY, DIVERSITY AND INCLUSION IN EDUCATION

A Student Dress and Grooming Policy can contribute to an inclusive and welcoming learning environment. Institutions should strive to balance the interests of students, the school community and the operational requirements of the institution in a manner that is consistent with the Charter of Fundamental Rights and Freedoms.

ADDITIONAL GUIDANCE

Children are people and rights-holders. They are active participants in their own lives, and “...not just passive subjects of social structures and processes”²⁴. It is recognized however that children occupy a special status for being at a formative stage of development, in other words, they are both ‘beings’ and ‘becomings’²⁵: “children are human beings in their own right”, but “a child is, after all, a child”²⁶

It follows that children are entitled to exercise their rights in substantially the same way as adults “in a manner consistent with the evolving capacities of the child”²⁷. The **CRC** establishes an international standard in the comprehensive treatment of child rights. **Art. 3** of the **CRC** provides that in all actions concerning children, public authorities, including schools, should ensure that the child's best interests be the primary consideration; and **Art. 12** of the **CRC** provides the right of children to have their views heard on all decisions affecting them; and for those views to be given due weight.

Art. 28 of the **CRC** provides for the right of access to education. In particular, **Art. 28 (1) (e)** of the **CRC** mandates State Parties to, “Take

²⁴ A. James and A Prout, *Constructing and Reconstructing Childhood* (Basingstoke, 1990) cited by M. Freeman, *The Human Rights of Children*, Current Legal Problems (2010) 63 (1) at 14.

²⁵ Current Legal Problems (2010) 63 (1) at 13

²⁶ *Re S (A Minor) (Representation)* [1993] 2 FLR 437 at 448 (Bingham MR).

²⁷ *Art. 5, CRC*

Ministry of Education, Youth & Information

Student Dress & Grooming Policy, 2021

measures to encourage regular attendance at schools and the reduction of drop-out rates”; and with reference to school discipline, **Art. 28 (2)** of the **CRC** provides that:

States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

Under **Art. 29**, the **CRC** speaks to the aims of education in terms of nurturing the child’s holistic development having regard to his or her abilities within the context of the child’s family and society, with due regard to the promotion of diversity and the rights of others.

The Government of Jamaica is obliged under international law to implement appropriate legislative, administrative and other measures to give effect to the **CRC**²⁸. Jamaican Courts, where possible, will interpret the **Constitution of Jamaica** and domestic legislation, such as the **Education Act (hereinafter ‘the Act’)** and **Education Regulations (hereinafter ‘the Regulations’)**, consistently with the provisions of the **CRC**²⁹.

The **Charter of Fundamental Rights and Freedoms (the Charter)** is contained in Chapter III of the **Constitution of Jamaica**. The **Charter** speaks specifically to child rights³⁰ in terms of the right of every child:

- “to such measures of protection as are required by virtue of the status of being a minor or as part of the family, society and the State”;
- “who is a citizen of Jamaica, to publicly funded tuition at a public educational institution at the pre-primary and primary levels”;

In addition to the ‘right to education’, the rights and freedoms guaranteed by the **Charter** that may be engaged by regulation of dress and grooming within a school-setting include:

- a. the right to freedom of thought, conscience, belief and observance of political doctrines³¹;
- b. the right to freedom of expression³²;
- c. the right to freedom of religion³³ including, the right, either alone or in community with others and both in public and in private, to manifest and propagate his religion in worship, teaching, practice and observance; and
- d. the right of everyone to respect for and protection of private and family life, and privacy of the home³⁴;

Additionally, the school dress and grooming policy must be consistent with the following:

- a. the right to freedom from discrimination³⁵ on the ground of-
 - (i) being male or female;
 - (ii) race, place of origin, social class, colour, religion or political opinions and

²⁸ See Art. 4 of the *CRC*.

²⁹ *Re McMillen (chairman of the Board of Governors of Ballyclare High School)’s Application for Judicial Review* [2008] NIQB 21 (Weatherup J) citing Baroness Hale in *Smith v The Secretary of State for Work and Pensions* [2006] UKHL 35, [2006] 3 All ER 907 at [78]

³⁰ s.13(3) (k) (i) and (ii), respectively of the *Constitution of Jamaica*.

³¹ s.13 (3) (b) of the *Constitution of Jamaica*.

³² s.13 (3) (c) of the *Constitution of Jamaica*.

³³ s.13 (3) (s) and s.17 of the *Constitution of Jamaica*.

³⁴ s.13 (3) (j) (ii) of the *Constitution of Jamaica*.

³⁵ s.13 (3) (i) of the *Constitution of Jamaica*.

Ministry of Education, Youth & Information

Student Dress & Grooming Policy, 2021

- b. the right to equitable and humane treatment (i.e. fair or just treatment as opposed to equal treatment)³⁶ by any public authority in the exercise of any function³⁷; and
- c. the right to due process³⁸

Students do not leave their constitutional rights at the school gate, however, it is recognized that some restrictions on individual liberty must be imposed by virtue of the operational requirements of public schools:

“Yet if there is anything certain about compulsory education it is that some basic liberties of students are and must be limited by the operational requirements of schools. First, they must attend the school even if they would rather be somewhere else. Second, once there, they must obey lawful rules. Schools are not, therefore, places of complete liberty”³⁹

There are no absolute rights guaranteed by the **Charter**. As one person is entitled to exercise his or her protected rights and freedoms; so too are others. Therefore, the protection extended to individual rights and freedoms by the **Charter** is subject to the extent that those rights and

freedoms do not prejudice the rights and freedoms of others⁴⁰.

The Charter also imposes a general limitation on the rights and freedoms it guarantees. Hence, although “...no organ of the State shall take any action which abrogates, abridges or infringes those rights...” such prohibition is subject to the limitation “save only as may be demonstrably justified in a free and democratic society”⁴¹.

Where restrictions imposed by school rules engage a constitutionally protected right, it is for the PEI to justify that:

- a. the restriction is motivated by a pressing and substantial objective (such as ensuring reasonable levels of safety at school); and
- b. that the restriction imposed is proportionate to the objective sought to be achieved, that is, the restriction:
 - i. is in furtherance of the objective i.e., it has a rational connection with the objective; and
 - ii. minimally impairs the student’s rights, that is, falling within a range of reasonable alternatives.⁴²

³⁶ *Rural Transit Association Limited v. Jamaican Urban Transit Company Ltd, the Commissioner of Police and the Attorney General* [2016] JMFC FULL 04 at [197] (McDonald J.) and [274] (Williams F.J.)

³⁷ s.13 (3) (h) of the *Constitution of Jamaica*

³⁸ s. 13 (3) (s) and s.16 of the *Constitution of Jamaica*

³⁹ Rishworth, P.T., *Recent Developments in Education Law in New Zealand*, 1327-7634 Vol 1, No 1, 1996 pp. 33-54, Australia New Zealand Journal of Law Education at p.48

⁴⁰ S. 13 (1) (c) of the *Constitution of Jamaica* and see *Collimore v A.G.* (1967) 12 WIR 5, 9H-I(Wooding, CJ) *Individual freedom in any community is never absolute. No person is an ordered society can be free to be antisocial. For the protection*

of his own freedom everyone must pay due regard to the conflicting rights and freedoms of others. If not, freedom will become lawless and end in anarchy. Consequently, it is and has in every ordered society always been the function of law so to regulate the conduct of human affairs as to balance competing rights and freedoms of those who comprise the society

⁴¹ s. 13 (2) of the *Constitution of Jamaica*

⁴² *Re Oakes Test*, as interpreted in the context of the imposition of a school rule affecting religious freedom in *Multani v. Commission scolaire Marguerite-Bourgeoys* [2006] 1 S.C.R., 256 at [2] [38-41][44][48][77] The test in *Re Oakes* [1986] 1 S.C.R. 103 as interpreted in the context of a school rule affecting religious freedom (kirpan) in *Multani v.*

Ministry of Education, Youth & Information

Student Dress & Grooming Policy, 2021

Finally, it is a notable feature of the **Charter** that all persons are under a responsibility to respect and uphold the rights of others and that, “A provision of this Chapter binds natural or juristic persons if, and to the extent that, it is applicable, taking account of the nature of the right and the nature of any duty imposed by the right.” Therefore, the Charter is said to operate both vertically (between the state and the individual) and horizontally (as between persons, both natural and juristic). It is possible that private educational institutions could face constitutional challenges with regard to school dress and grooming requirements that engage constitutionally protected rights and freedoms of students.

The equality provisions under the **Charter** are of particular interest, given the concerns expressed by students of difference in treatment on the grounds of race in the implementation of school rules on grooming. A student should not be discriminated against (afforded different treatment that includes an element of detriment or disadvantage⁴³) on any of the protected grounds. Equality is a comparative concept and embraces treating same as same, but also unlike as unlike⁴⁴. A supposedly ‘neutral’ rule (i.e. applying to all) can have a disproportionate effect on a particular group of students because of a shared protected characteristic⁴⁵. In developing a Student Dress and Grooming

Commission scolaire Marguerite-Bourgeoys [2006] 1 S.C.R., 256 at [2] [38-41][44][48][77]. For a human rights perspective from the UK using another analytical approach see *R (on the Application of Begum) v Head Teacher and Governors of Denbigh High School* HL [2006] UKHL 15 per Baroness Hale of Richmond [92]-94], [97]-[98]: “A school’s task was to educate the young from all the many and diverse families and communities in the country. The school’s task was also to promote the ability of people of diverse races, religions and cultures to live together in harmony. Fostering a sense of community and cohesion within a school was an important part of that. A uniform dress code could play its role in smoothing over ethnic, religious and social divisions. In the instant case, social cohesion was promoted by the uniform elements of shirt, tie and jumper, and the requirement that all outer garments be in the school colour. But cultural and religious diversity was respected by allowing girls to wear a skirt, trousers or the shalwar kameeze. That was a thoughtful and proportionate response to reconciling the complexities of the situation, in particular in light of the concern of Muslim girls that they might be put under pressure to wear the jilbab if it was allowed. The school’s refusal to allow the claimant to wear a jilbab at school did interfere with her Art 9 right to manifest her religion, but the school’s decision was objectively justified. It had the legitimate aim of protecting the rights and freedoms of others” See also: *R (on the application of Playfoot v Governing Body of Millais School)* [2007] EWHC 1698 (purity ring) and *R (on the application of X) v. Head teacher and Governors of Y School* (niqab veil). [2007] LGR 698

⁴³ *Bishop of Roman Catholic Diocese of Port Louis and others v. Tengur and others* [2004] UKPC 9 (citing *Police v Rose*): “To differentiate is not necessarily to discriminate... true justice does not give the same to all but to each his due: it consists not only in treating like things as like, but unlike things as unlike. Equality before the law requires that persons should be uniformly treated, unless there is some valid reason to treat them differently” (and later citing *Jaulim v. DPP*) “There is inherent in the term discriminate and its derivatives as used in the Constitution a notion of bias and hardship which is not present in every differentiation and classification ... The difference of treatment will be justified when it pursues a legitimate aim and there exists at the same time a reasonable relationship of proportionality between the means employed and the aim sought to be realised”

⁴⁴ *Bhagwandeem v The Attorney General of Trinidad & Tobago* (2004) 64 WIR 402 at 409 [18] (per Lord Carswell): “A claimant who alleges inequality of treatment or its synonym discrimination must ordinarily establish that he has been or could be treated differently from some other similarly circumstanced person or persons... as actual or hypothetical comparators... The phrase which is common to the anti-discrimination provisions in the legislation of the United Kingdom is that the comparison must be such that the relevant circumstances in the one case are the same, or not materially different, in the other”.

⁴⁵ See in the context of UK anti-discrimination legislation *Mandla and Anor. v. Dowell Lee and Anor* [1983] 1 All E.R. 1062 (hair rule); *R (on the application of Watkins-Sing) v. Governing Body of Aberdare Girls’ High School* [2008] EWHC 1865 (Admin) (kara); and *G (by his litigation friend v. Head*

Ministry of Education, Youth & Information

Student Dress & Grooming Policy, 2021

Policy, it will therefore be necessary both to take into consideration how the proposed requirements on attire and grooming may affect each group represented in the student population, including minorities, and to give due consideration, where appropriate, in favour of inclusion.

B. SCHOOL AUTONOMY WITHIN DEFINED LIMITS

A School Dress and Grooming Policy must adequately define the extent to which PEIs can execute their roles to ensure the requirements of the Policy is upheld.

C. THE BEST INTEREST OF THE CHILD INCLUDING SAFETY, HEALTH AND WELL-BEING, BOTH PHYSICAL AND PSYCHOLOGICAL

A Student Dress and Grooming Policy must seek to promote a healthy and safe environment which facilitates or supports the holistic development of students. Boards may institute requirements for student attire and grooming which either promote protective factors or reduce

risk factors towards the maintenance of a healthy and safe school environment for students and school staff.

D. RESPECT FOR INSTITUTIONAL IDENTITY, ETHOS AND TRADITION

Arising from the socializing role of education, the justification for school rules may extend beyond creating an orderly environment for teaching and learning to include the fostering of positive societal values and attitudes in students such as discipline, neatness or pride in physical presentation. Schools distinguish themselves by their standards and ethos. Some schools may impose more stringent requirements on students than others. This is entirely permissible. Setting and maintaining a strict disciplinary regime should not be viewed as ‘unreasonable’: “Just as there may be benefits from the freedom from disruption and educational standards, there will inevitably be disadvantages which may be perceived from the imposition of a relatively strict disciplinary regime”⁴⁶.

Institutions must however avoid making unreasonable rules⁴⁷. Rules may be regarded as

Teacher & Governors of St. Gregory’s Catholic Science College [2011] EWHC 1452 (Admin) (hair rule). A case from South Africa under its equality legislation is *MEC for Education, Kwazulu-Natal nd Others v. Pillay (2007) 23 BHRC 475*. The case is useful in its approach for identifying a true comparator in the case of a supposedly “neutral rule” restricting body piercing for all female students to earrings, which unequally affected the applicant, a female student of South Indian Tamil origin, by restricting her wearing a nose ring according to her culture and tradition: “Rules are important to education. Not only do they promote an important sense of discipline in children, they prepare them for the real world which contains even more rules than the schoolyard. Schools belong to the communities they serve and that ownership implies a responsibility not only to make rules that fit the community, but also to abide by those rules...The admirable purposes that uniforms served were not undermined by granting religious and cultural exemptions. ...The

display of religion and culture in public is not a 'parade of horrors' but a pageant of diversity which will enrich our schools and in turn our country”

⁴⁶ *R v. Governors of St. Gregory’s RC Aided High School and Appeals Committee ex parte M [1998] ELR 298*

⁴⁷ *Associated Provincial Picture Houses Ltd. v Wednesbury Corp [1948] 1 K.B. 223*. For application in a school disciplinary decision see *R v. Governors of St. Gregory’s RC Aided High School and Appeals Committee ex parte, Supra*; for application in a case concerning school dress codes (hijab) see *Sumayyah Mohammed v Moraine and Anor. (1995) 42 WIR 371. H.C. (T&T).*

Ministry of Education, Youth & Information

Student Dress & Grooming Policy, 2021

'unreasonable' if they are partial and unequal in their operation between different groups; manifestly unjust; disclose bad faith; oppressive; or disclose gratuitous interference with student interests/rights⁴⁸.

The concept of unreasonableness extends to the making of rules and decisions that are "irrational" (in the sense of being illogical, arbitrary or uncertain)⁴⁹. Institutions should engage in evidence-based decision-making. Boards and school administrators should disregard extraneous circumstances and identify considerations that are relevant to the matter being determined, assigning appropriate weight to such considerations. This includes according proper weight to the rights of students⁵⁰; and avoiding adhering to a 'fixed policy' without consideration of the effect of that policy on a new situation⁵¹.

Generally speaking therefore rules should be within a range of reasonable responses to a particular state of affairs. Moderation in rule-making should be promoted.

E. AFFORDING SCHOOL ADMINISTRATORS FLEXIBLY TO DEAL WITH LOCAL CONDITIONS

Affordability should be an important element of a Student Dress and Grooming Policy. The principle of affordability is an inclusive standard, which takes into consideration the needs of all

students regardless of their socio-economic background.

F. TEACHERS AS ROLE MODELS FOR STUDENTS AND PROMOTING POSITIVE VALUES AND ATTITUDES

Often, a person's choice of attire and standards of grooming are early indicators of their values and attitudes. Institutions are encouraged to pay special attention to this matter. Strategies should be explored to assist students and their parents in developing and nurturing acceptable values and attitudes which will positively impact not only student grooming but also student, community and national outcomes.

G. BALANCING STUDENT RIGHTS WITH THE OPERATIONAL REQUIREMENTS OF SCHOOLS

A Student Dress and Grooming Policy must allow for PEIs to govern students in a way that helps to reflect values and desires as well as discourage concerns of society. In doing this the PEI must be considerate of its actions and ensure it does not infringe on the rights of students.

H. RESPECT FOR INCLUSIVENESS

⁴⁸ Analogous with the reasonable exercise of discretion by local authorities to make bye-laws: *Kruse v Johnson* [1889] 2 Q.B 291, Lord Russell of Killowen CJ

⁴⁹ *Council of Civil Service Unions v Minister for the Civil Service* [1985] A.C. 374 per Lord Diplock at 410. For application in a case involving student dress code (jewellery) see *R (on the application of Roberts) v. chair and Governing Body*

of Cwemfelinfach Primary School[2001] EWHC 242 (Admin) at 301 E to 301 G

⁵⁰ *Battison v Melloy and the Board of Trustees of St. Johns College* [2014] NZHC 1462 [49] and [50] note also [47] to [48] and [96] of the judgement

⁵¹ *Sumayyah Mohammed v Moraine and Anor* , supra. at 403 h

Student Dress & Grooming Policy, 2021

A School Dress and Grooming Policy must provide guidelines that are concise and must not discriminate against students with disabilities and those with cultural differences. There must be no guideline specified within the Student Dress and Grooming Policy that promotes especially discrimination against natural hairstyles and it must expressly prohibit, regardless of gender or ethnicity, to include discrimination against African-centred, and other culturally specific hairstyles and headwear (e.g., afros, plaits, twists, locks, braids, cane row/cornrows, Bantu/Nubian knots, pony tails, hijabs, fades (school's specifications for dimension contemplated) and any other hairstyle or headwear which is identified with a person's ethnicity or cultural identity).

7.3 RULES SHOULD BE APPROPRIATE TO A SCHOOL-SETTING

Student Dress and Grooming Policies must include requirements that are suitable to the role of a student within the community and wider society; and the requirements of the institution's educational programme and associated activities.

The MoEYI strongly recommends that the Board must ensure the following:

- A. the choice of uniform design, colour and fabric should be practical and economical, taking into account:
 - the ease of care and maintenance of the uniform;
 - the suitability of the design of the uniform in accommodating varying body shapes;
 - the country's tropical climate and the physical comfort of students;

- the age of the students and the level of the educational programme and range of activities undertaken by them; and
- the cost, durability and availability of the proposed uniforms to ensure best value for money for parents.

- B. any mandatory Physical Education (P.E.) Kit is practical, affordable, comfortable and appropriate for the activities involved; and
- C. the uniform design should be retained for a minimum of seven (7) years. A request for such a change must be submitted to the Regional Office and supported by a minimum of 95% parents (including names, contacts and signatures).

7.4 RULES SHOULD BE CLEAR

Student Dress and Grooming Policies must include a clear description of inappropriate dress and grooming practices. Ambiguous rules are prone to subjective interpretation which may lead to arbitrariness and bias.

7.5 RULES SHOULD ALLOCATE RESPONSIBILITY

Student Dress and Grooming Policies must outline the roles and responsibilities of parents, students and the school in setting, reviewing and implementing its provisions.

7.6 RULES SHOULD BE ENFORCEABLE

Student Dress and Grooming Policies must be practical for ease and consistency of enforcement. The MoEYI requires that Boards of Management consider the time and effort required from school staff to monitor and enforce dress and grooming policies prior to implementation.

7.7 STANDARD PROCEDURES

Every Student Dress and Grooming Policy should include procedures for the following:

A. CONSULTATION

The Student Dress and Grooming Policy must include a process for broad-based consultation with students, parents, school staff and, where relevant, school patrons (Trust and Church Schools) in respect of both its development and periodic review, as well as significant changes during the interim.

B. COMMUNICATION

The Student Dress and Grooming Policy must include a procedure for communicating the requirements of the policy on a continuous basis to parents and students as well as to staff who assist in compliance efforts.

The MoEYI strongly recommends that in establishing a Student Dress and Grooming Policy, the Board should consider the timeframe for introduction or amendment of an existing code. Ideally, parents and students should be provided with the Student Dress and Grooming Policy at enrolment; although it may be necessary to introduce new requirements during the school term, particularly to address an emerging health or safety concern.

C. EXEMPTIONS & MODIFICATIONS

The discretion to grant an exemption or modification of a requirement enables the institution to impose the requirements of the Student Dress and Grooming Policy on all students, while still recognizing and making allowances in cases where the application of

those standards affects a student unequally or unfairly. The Student Dress and Grooming Policy must therefore include procedures for parents and students to request exemptions or modifications; the treatment of such requests by the Principal and an appeal to the Board and ultimately the Minister with responsibility for education.

BEST PRACTICE

- i) In keeping with the requirements of procedural fairness, a parent and/or student should be afforded the opportunity to be heard either in person or by way of written correspondence.
- ii) The institution could establish a dress and grooming advisory panel to assist the Principal in dealing with requests.
- iii) In reviewing a request for exemption, consideration should be given as to whether a modification (rather than a complete exemption) ought to be provided. The time period of the exemption should also be considered.
- iv) Consideration should be given to whether or not the family requires support to comply with the requirement.
- v) A parent and if mature enough, a student should be afforded the opportunity to be heard (either in person or by way of written correspondence) upon the consideration of their request for exemption or modification by the Principal or where relevant, the Board.
- vi) The institution should provide reasons in writing when a requested exemption or modification is not granted.
- vii) The Principal should keep a record of the requests and the institution's decisions.

Trends may be analysed in future to determine the suitability for continuation of the particular requirement at the next review of the Student Dress Code.

D. COMPLIANCE & ENFORCEMENT

The Student Dress and Grooming Policy must include procedures for monitoring and enforcing compliance with its requirements by the Principal and school staff, including the imposition of progressive sanctions for continual disobedience aligned with the institution's code of conduct or behaviour management policy.

Where the positions of parents, students and administrators become entrenched around the issue of non-compliance, there are serious repercussions for the student's education. Under the **Regulations, 1980**, no eligible person shall be refused admission as a student to a PEI so long as there is space available, except in cases approved by the Minister⁵². The Regulations also provide however that students must obey the rules of the institution⁵³. Sanctions for non-compliance for breach of the Student Dress and Grooming Policy, including suspension or exclusion, must follow the procedural requirements of the School's behaviour policy⁵⁴. Sending students home to address breaches without notice to parents must not be imposed. Sanctions for dress and grooming violations that interfere with the student sitting internal and external examinations at the school must not be imposed. In a Bulletin issued May 21 2015, the

MoEYI strongly discouraged the practice of "locking-out" students for violation of school rules. This practice deprives students of instructional time. Additionally, the Bulletin highlighted safety concerns, namely, that when a student is sent home early without adequate notice to parents, typically no arrangements are in place for the student's supervision during the time s/he is expected to be at school. Sending a student home early and without supervision may expose that student to being involved in anti-social or criminal activities or other undesirable outcomes and unnecessary risks. Student Dress and Grooming Policies must also be formulated to prohibit sanctions in schools which demean students or otherwise disproportionately negatively affect students' quality participation in school life (e.g. wearing of coloured shirts to school to highlight a student otherwise non-compliant with dress and grooming requirements; both the administering of a 'pencil test' to boys and the related sanction of trimming on the spot is to be discontinued).

Where the violation is in the form of nudity or breach of indecency laws; grooming or attire is associated with gangs and other forms of illegal or obscene activity (e.g. symbols in hair, lettering of jewelry, and adjustments to the uniform); or is found to be an act(s) of defiance, indiscipline and wilful disruption of the school environment, to the extent that it jeopardises the welfare of others, to include their ability to achieve the objective of learning, sanctions applied (graduated sanctions where the context allows) may include suspension or expulsion on

⁵² R. 23 (2) of the *Education Regulations, 1980*

⁵³ R. 29(1) of the *Education Regulations, 1980*

⁵⁴ *Re McMillen (Chairman of the Board of Governors of Ballyclare High School)'s Application for Judicial Review* [2008] NIQB 21

the extreme end of the continuum. However, suspension and expulsion must be exercised as an absolute last resort with respect to non-compliance. Other avenues should be counselling, rehabilitation and education/behaviour change interventions should be mandatory and where appropriate, proportionate and graduated sanctions should be applied and exhausted, prior to suspension and expulsion.

BEST PRACTICE

- i) Parents should seek to engage the institution at the earliest opportunity where there are concerns and not take a confrontational attitude. Equally, institutions should seek to clarify the reasons for non-compliance with the dress and grooming requirements. Health and financial reasons may not be readily disclosed and should be treated with sensitivity. Principals should arrange for students who do not comply with the requirements and their families to be counselled and their concerns resolved where possible.
- ii) Staff should model appropriate dress and grooming standards.
- iii) School should incentivize compliance with rewards and recognition. One school has recognized a student club for promoting natural hair styles. Student ambassador awards can also be considered.
- iv) Schools should be mindful that children and young people are acutely aware of their appearance. Disciplinary sanctions should never be aimed at belittling, humiliating, denigrating or ridiculing a student, especially in respect of non-compliance with matters concerning dress and grooming. Students should not be signalled out and addressed in public for non-compliance but should be spoken to privately by school staff.
- v) Sanctions should be applied where other avenues for achieving compliance are unsuccessful. Sanctions are not an appropriate response where it is demonstrated that financial reasons are a contributing factor to non-compliance.
- vi) Sanctions must be progressive and thereby allow opportunities for conformity. Sanctions should seek to avoid interruption of essential parts of a student's educational programme.
- vii) Sanctions for student grooming and dress policy violations that interfere with the student sitting internal and external examinations at the institution should not be imposed.
- viii) A dress and grooming advisory panel may be convened to provide assistance and support with addressing student non-compliance.
- ix) Support and assistance in meeting the requirements of a dress and grooming policy are effective ways of achieving compliance. For example, support may be available in the form of a uniform loan scheme (supported by alumni donations).

E. COMPLAINTS & CHALLENGES:

The Student Dress and Grooming Policy must include procedures by which the Board can deal with complaints and challenges to the requirements of the Policy.

F. MONITORING & REVIEW:

The Student Dress and Grooming Policy must include a process by which the Board can monitor the implementation of the Policy and undertake periodic reviews.

9. ROLES & RESPONSIBILITIES

8.1 THE MINISTRY OF EDUCATION, YOUTH & INFORMATION

The Minister is empowered under the Education Act to, inter alia: frame an educational policy designed to provide a varied and comprehensive educational service in Jamaica; secure the effective execution of the educational policy of the Government of Jamaica; and contribute towards the spiritual, moral, mental and physical development of the community, by ensuring that the education sector meets the national needs.

The MoEYI will promulgate rules to give effect to the proposed Policy within the medium-term and will implement a sensitization programme in the short-term to engage PEIs around the policy provisions. The MoEYI will provide guidance to PEIs through the Division of School Services and the seven (7) Regional Offices in revising their rules to comply with the proposed Policy and will monitor the school implementation process accordingly.

Through stakeholder engagement facilitated by the NCE, the MoEYI recognizes the importance of this issue to local school communities. Accordingly, the MoEYI desires to pursue the Policy as a means of engendering a common understanding among all stakeholders as to the manner in which students are expected to present themselves for school ready for learning.

Through the Policy, the MoEYI seeks to provide policy direction and support to the education system and hold Boards accountable for the lawful exercise of their functions under the **Act** and the **Regulations**.

In so doing, the MoEYI may receive requests to assist schools with advice or guidance on best practice in developing a Student Dress and Grooming Policy. The MoEYI may also be requested to intervene in a matter concerning a school's Student Dress and Grooming Policy in an effort to mediate an amicable resolution, or to assist in facilitating a voluntary transfer to an alternative institution.

See: Education Act, s. 3; s. 17(c) & (d); and s.43 (1).

8.2 BOARD OF MANAGEMENT

The Board of a PEI is responsible to the Minister for the administration of the institution for which it is appointed and will approve the Student Dress and Grooming Policy in consultation with parents, students and staff of the institution while ensuring compliance with the Policy. The Board will also ensure that the Student Dress and Grooming Policy is clearly communicated and will carefully consider requests for modification and/or appeals from students or parents.

Board is responsible to the Minister for the administration of the institution for which it is appointed, and in particular for:

- the conduct, supervision and efficient operation of the institution;
- approving the guidelines and sanctions concerning school behaviour; and
- taking appropriate disciplinary action in respect of allegations of misconduct involving students.

See: Education Act, s. 9; & Education Regulations, R. 89(1) (a), (f) and (h).

UNDER THE STUDENT DRESS AND GROOMING POLICY, ALL BOARDS SHOULD:

- A. Consider for approval the Student Dress and Grooming Policy developed in consultation with students, parents and the staff of the institution⁵⁵. It is suggested that the Board establish for the purpose an advisory committee (inclusive of co-opted non-members of the Board) to assist the Board to discharge its responsibilities under the *Student Dress and Grooming Policy*⁵⁶.
- B. Ensure that the Principal communicates the Student Dress and Grooming Policy to staff, students and parents.
- C. Where a Student Dress and Grooming Policy adopts a uniform, determine in keeping with Government of Jamaica procurement framework, how the uniform should be sourced.
- D. Consider reasonable requests for exemptions or modifications of the Student Dress and Grooming Policy escalated for its action by the Principal or on appeal from the Principal. Such exemptions or modifications may be necessary to treat fairly and justly with the particular circumstances of an individual student, for example, to accommodate protected human rights and freedoms or take account of a student's health condition, disability or other special circumstances.

- E. Consider any requests for support or assistance by students and their families escalated by the Principal for its action.
- F. Consider any appeal from the Principal in respect of student victimization or other unfair treatment.
- G. Establish procedures for review and revision of the Student Dress and Grooming Policy at appropriate intervals.

8.3 THE PRINCIPAL

As the professional head of the institution and the Chief Executive Officer of the Board, the Principal is responsible for the day to day administration of the institution.

See: s. 44 (1) & Schedule D, para. 4 of the Education Regulations, 1980.

UNDER THE STUDENT DRESS AND GROOMING POLICY, ALL PRINCIPALS SHOULD:

- A. Ensure that procedures are in place to monitor compliance and enforcement and for providing assistance and support with the requirements of the Student Dress and Grooming Policy.
- B. Carefully consider any complaint made by students of victimization or unfair treatment, and escalate same to the Board, where necessary.

⁵⁵ *Education Regulations, 1980, R. 89(1) (h)*.

⁵⁶ *Education Regulations, 1980, R. 86*

Student Dress & Grooming Policy, 2021

- C. Meet with the Student Council and consider submissions on the implementation of the Student Dress and Grooming Policy ⁵⁷ and escalate same for the attention and appropriate action by the Board where necessary.
- D. Grant exemptions or modifications within the authority laid down by the Board in appropriate circumstances, referring to the Board any appeal to his or her decision, as well as to deal with any other special requests as appropriate, such as requests for assistance and support.

8.4 TEACHERS

In addition to regular teaching activities, a teacher's duties shall include the fostering of students' development on the personal and social level; and performing such other duties as may be required by the Principal or such member of staff as may have been delegated responsibility by the Principal.

See: R. 44(2) (d) & (e), Education Regulations 1980.

UNDER THE STUDENT DRESS AND GROOMING POLICY, ALL TEACHERS SHOULD:

- A. Ensure that the standards on dress and grooming are understood and observed by students.

- B. Support the institution in administering the standards.
- C. Apply the standards fairly and ensure that the rights of students and are observed and protected.

8.5 PARENTS

Every person having the custody, charge or care of a child between the ages of four and sixteen years shall take such steps as are necessary to ensure that the child is enrolled at, and attends, school. Where such a person is financially unable to provide the child with any article required for the purposes of the child's education, that person shall apply to the Minister, in the prescribed manner, for assistance.

See: s. 28 (1) & (2) of the Child Care and Protection Act. R. 33 of the Education Regulations, 1980

Parents are afforded the right of representation on the Board through the PTA Representative.

See R. 70 to R.76, Education Regulations, 1980.

UNDER THE STUDENT DRESS AND GROOMING POLICY, ALL PARENTS SHOULD:

- A. Ensure that students are attired in keeping with the Student Dress and Grooming Policy. Parents have a

⁵⁷ In accordance with Reg. 32(2) (c) of the *Education Regulations, 1980*

Student Dress & Grooming Policy, 2021

responsibility to ensure that their children observe and abide by school rules.

- B. Participate in consultations on the Student Dress and Grooming Policy, including any material changes.
- C. Respect the function of rules and regulations in creating an orderly learning environment and for instilling positive values and attitudes in students. Therefore, it is important that parents do not take a confrontational approach to complaints with a Student Dress and Grooming Policy. Where there are legitimate grounds for grievance, such as the perceived infringement of a constitutional right or freedom, or the desire to seek an exemption or modification on some other serious grounds, the parent should approach the school administration early to resolve the matter, failing which recourse may be had to the MoEYI.

8.6 STUDENTS

Students have both rights and responsibilities when it comes to discipline. A student has the responsibility to obey the rules of the institution at which he or she attends. A student has the right to appeal to the Principal, and if necessary, the Board, if he or she feels victimized or otherwise unfairly treated. Students have the right to form a Student Council consisting of their elected representatives and at the secondary level, the right to:

- have representation on the Board;
- meet with the Principal, and staff or both, on any matter affecting students' interests; and

- hold regular meetings to conduct business with due regard to the smooth functioning of the institution.

See: R. 29 (1) & (2); R. 32 (1); & R. 70-76 of the Education Regulations, 1980.

UNDER THE STUDENT DRESS AND GROOMING POLICY, ALL STUDENTS MUST:

- A. Ensure that they are exemplary ambassadors for their institutions by:
 - i) ensuring their uniform and personal presentation is in keeping with the requirements of their institution's Student Dress and Grooming Policy; and
 - ii) conducting themselves in uniform in a manner that brings credit to themselves, their families, communities and schools.
- B. Take responsibility for the care and maintenance of their uniform, having regard to the cost expended by their families and other benefactors in their provision.
- C. Participate in consultation on the institution's Student Dress and Grooming Policy.
- D. Advocate responsibly through the available means under **Regulations** for changes to, or to raise concerns or complaints regarding, the institution's Student Dress and Grooming Policy.

10. IMPLEMENTATION, MONITORING AND SUPERVISION

The responsibility for monitoring the implementation of the Policy is assigned to the Division of School Services, MoEYI.

Ministry of Education, Youth & Information

Student Dress & Grooming Policy, 2021

All PEIs should commence the process of developing or reviewing their individual Student Dress and Grooming Policy for the Academic Year 2021/22 in keeping with the Policy. This process should involve the active engagement and participation of parents, students and staff facilitated by the Executive Management Team of the institution, for presentation to the Board for approval. The Board will then submit the School Dress and Grooming Policy for a approval, to the Regional Director.

For this purpose, a Communication Plan should be approved at the first meeting of the Board for the new academic year, setting out targets for sensitization and consultation on the new or revised Student Dress and Grooming Policy. Any existing Student Dress and Grooming Policy should remain in full force and effect until finalization of the review process. Support for the development or review of a Student Dress and Grooming Policy may be had from the MoEYI.

Institutions should be aware that there are several avenues available to parents or students who have complaints or grievances in respect of a Student Dress and Grooming Policy. These can involve litigation before the Courts, as well as non-legal options.

A parent or student of a PEI may petition their respective representative bodies on the Board that is, the Parent Teachers' Association or Student Council. Through the Student Council at the secondary level, students of PEIs have the right to meet with the principal, and staff or both, on any matter affecting student interest⁵⁸.

A student of a PEI who considers that s/he is being victimized or otherwise unfairly treated may appeal to the Principal and, if necessary, the Board⁵⁹. Under the **Regulations**, there is a right of appeal to the Minister by a student who is expelled from a PEI⁶⁰.

Boards are appointed by and responsible to the Minister for dealing with school affairs in accordance with the **Regulations**. If a parent or student is dissatisfied with the outcome of grievance procedures at the local level, a complaint may be lodged with the MoEYI's Regional Office to be investigated and resolved; or escalated to MoEYI Headquarters, having regard to the relationship between the Minister and the Board of a PEI.

In addition to formal legal proceedings in the Courts by way of constitutional or administrative actions, institutions should be aware that the Public Defender and the Children's Advocate are two Commissions of Parliament whose terms of reference may, in appropriate circumstances, include treating with complaints concerning a Student Dress and Grooming Policy.

Mediation is an alternative dispute resolution process available to schools, parents and students. During mediation, a trained facilitator will guide the parties through a discussion of issues underlying their dispute and assist the parties in reaching a compromise, if possible. The parties are bound by confidentiality requirements and it may take more than one meeting to reach a compromise. If one is

⁵⁸ Reg.R. 32(2) of the *Education Regulations, 1980*

⁵⁹ Reg.R. 29(2) of the *Education Regulations, 1980*

⁶⁰ RegR 30 (4) of the *Education Regulations, 1980*

reached, it is usually recorded in a Mediation Agreement entered into between the parties.

In all the circumstances, therefore, the MoEYI strongly encourages that PEIs to establish the recommended internal procedures set out in the ***Student Dress and Grooming Policy***, and document evidence of the policies and procedures being followed.

DRAFT

APPENDIX 1

RECORD OF CONSULTATION

STAKEHOLDER	ENGAGEMENT
National Parent Teacher Association	<ul style="list-style-type: none"> • General Meeting held on Saturday, November 26th 2016; • Meeting at the MoEYI, Thursday, August 16th 2018
National Secondary Student Council	<ul style="list-style-type: none"> • Executive Meeting held on Tuesday, December 6th 2016; • Meeting at the MoEYI, Thursday, August 16th 2018
Jamaica Association of Principals of Secondary Schools	<ul style="list-style-type: none"> • General Meeting held on Thursday, January 26th 2017
Jamaica Teachers' Association	<ul style="list-style-type: none"> • General Meeting held on Saturday, March 25th 2017; • JTA Annual Conference held on August 22nd 2018
Public Consultation	<ul style="list-style-type: none"> • Invitation to post comments on NCE's web site <i>via</i> announcement on Jamaica Information Service Community Notice Board at various times on all major radio stations on January 31st 2017; • Blog Postings on NCE web site and an Edu-Exchange on the Community of Practice website hosted by the School of Education, UWI on April 5-7 2017;
Ecumenical Community	<ul style="list-style-type: none"> • Focus Group Discussion with committee on which nine denominations represented led by Archbishop Emeritus, The Most Rev. Donald J. Reece Wednesday 15 2017.

APPENDIX 2

TEMPLATE FOR A STUDENT DRESS AND GROOMING POLICY

HOW TO USE THIS TEMPLATE

This template is a tool to facilitate the process of developing a Student Dress and Grooming Policy as part of a PEIs overall code of conduct for students. Focus questions are provided to stimulate discussion during the developmental and consultative stage.

[NAME OF SCHOOL] STUDENT DRESS AND GROOMING POLICY

1. GENERAL OUTLINE

It is recommended that a Student Dress and Grooming Policy include the following elements:

- 1.1. Aims/Objectives
- 1.2. Definitions
- 1.3. General Dress and Grooming Requirements
 - a. Applicability
 - b. Required items
 - c. Optional items
 - d. Restricted items
- 1.4. Uniform Components
 - a. For male students
 - b. For female students
- 1.5. Standards of Presentation & Grooming
- 1.6. Roles & Responsibilities
- 1.7. Exemption Process
- 1.8. Enforcement Process
- 1.9. Consultation, Review & Communication Procedures

2. AIMS & OBJECTIVES

Focus Questions:-

- 2.1. What does the School hope to achieve by instituting a Student Dress Grooming Policy?
- 2.2. Why a Student Dress and Grooming Policy? What purpose will it serve?
- 2.3. Are the objectives for the Student Dress and Grooming Policy (see Nos.1 and 2 above) consistent with the guiding principles of the *Student Dress and Grooming Policy*??

Sample Rule:

The Student Dress and Grooming Policy of [Name of School] aims to promote a positive school identity, foster pride and self-respect in students and contribute to a safe, learning environment.

3. DEFINITIONS

Schools should avoid terminology that is prone to subjective interpretation, for example “extremes in hairstyles”. Where such descriptions such as “conventional”, “fashionable” or “conspicuous” are used, they should be defined for the purposes of the Student Dress and Grooming Policy in a definition section.

Sample Definitions:

Conspicuous:	Attracting attention, striking, bright in colour, detracting from uniform appearance.
Conservative:	Not conspicuous, modest, simple and not elaborate
Fashion Trend:	A style followed for a short period of time with exaggerated zeal.
Official School Activities:	An activity, event or occasion included in the School’s calendar.

4. GENERAL STUDENT DRESS AND GROOMING POLICY REQUIREMENTS

Focus Questions:-

4.1. When, where and to whom will the Student Dress and Grooming Policy apply?

Sample Rule:

- a. It is compulsory for students at all grade levels to adhere to the Student Dress and Grooming Policy while attending School and official School activities both during and after School hours, and when commuting to and from School.
- b. A modification of, or exemption from, a requirement contained in the Student Dress and Grooming Policy may be granted by the Principal in writing on the grounds permitted in Rule [insert rule number].
- c. In respect of attendance at official School activities, the Principal, in consultation with the Board, may make temporary modifications to the Student Dress and Grooming Policy which must be notified in writing to students and their parents.

4.2. What are the required items to be worn by students? It is the MoEYI’s position that school uniforms should be worn by all students attending PEIs at the primary and secondary levels. Uniforms are optional for training centres and colleges, however these institutions must still maintain a Student Dress and Grooming Policy.

Sample Rule:

Students at [Insert School Name] are required to wear a school uniform the components of which are set out under Rule [insert rule number]

4.3. What optional items may be worn or carried by students as part of a school uniform? Are there any requirements for optional items, for example, that they should be in school colours or that they should not be conspicuous (as defined)?

Sample Rule:

The following optional items may be worn as part of the school uniform:

- (a) approved headwear;
- (b) a sweater, jacket or rain coat preferably in school colours or other inconspicuous colours for inclement weather; and
- (c) a service club uniform for club meetings or other special occasions when the wearing of club uniforms is authorized by the Principal.

4.4. Are there any items that students should be prohibited or restricted from wearing?

Sample Rule:

Subject to any modification or exemption granted in writing by the Principal on the grounds permitted under Rule [insert rule number]:

- (a) students shall not wear any additional item to those stipulated as required or optional components of the school uniform;
- (b) students shall not wear on their uniform any unauthorized accessory or embellishment (authorized accessories or embellishments include the school crest, badges, club pins, epaulets and such other additions as may be approved from time to time by the Principal);
- (c) uniforms should be worn free from inscriptions of any kind including symbols or slogans, except for such information as may be necessary to identify ownership inscribed in an inconspicuous place on the inside of the garment; and
- (d) students are not permitted to wear jewellery except, if desired, the following:
 - (i) an inexpensive wrist watch (male and female students); and
 - (ii) a single gold or silver knob without stones etc. in the lower lobe of each ear (female only).

5. UNIFORM COMPONENTS

Focus questions:-

5.1. What should the uniform look like? What should be its basic components? It is recommended that schools consider taking pictures, drawings or have available samples of correct uniform attire. Recommendations for uniform requirements are given below. Requirements may also be stipulated for physical education kits, labs and practical activities.

Male	Female	Remarks
Shirt, jacket, pull-over or polo shirt	Blouse, jacket, pull-over or polo shirt	Clothing should be made from natural or mostly natural fibres, having regard to climate, possible allergies to synthetics and durability. Suitable colours include khaki, white or school colours. Shirts and blouses should have short sleeves, with an option for male students at the upper secondary level to wear long sleeve shirts.
Blazer	Blazer	This requirement should be optional for official school activities.
Tie	Tie	For health and safety reasons, items liable to be pulled or snagged during play should be avoided for young children. Accessories worn <u>around</u> the neck should therefore be avoided.
Trousers, short pants (option - primary).	Skirt, tunic, dress with options for long shorts or 'skorts' (primary) and trousers (training centres and colleges).	Clothing should be made from natural or mostly natural fibres having regard to climate and durability. Suitable colours include khaki, navy blue, black or other school colours.
Belt	Belt	Very young children should wear clothing with elasticated waistbands.
Socks	Socks	Plain solid colours in keeping with uniform attire.
Undergarments	Undergarments	IF there are rules about undergarments, these should be limited to wearing undergarments as necessary to preserve the dignity of the appearance of the uniform.
Shoes	Shoes	For health and safety reasons, enclosed footwear with flat soles or low heels suitable for walking are

Male	Female	Remarks
		recommended. For very young children, shoes without laces are recommended.

5.2. To what requirements should the above basic components conform to in terms of fabric, colour, design and tailoring?

5.3. To ensure uniforms are made according to specifications, should the school designate authorized outlets for the purchase of uniforms or uniform materials/components?

5.4. What accessories should be worn, such as a school crest or epaulettes?

5.5. Are the objectives of the Student Dress and Grooming Policy reflected in the choice of uniform design etc.?

5.6. Are the guiding principles in the *Student Dress and Grooming Policy* adhered to?

Health, Safety & Well Being

5.7. Consider how the Student Dress and Grooming Policy can contribute towards better health, safety and wellbeing of students by:-

- (a) encouraging levels of physical activity among students;
- (b) enhancing physical comfort of students given our tropical climate;
- (c) increasing level of safety and reducing the risk of injury to students;
- (d) reducing bullying; and
- (e) improving self-esteem and reducing levels of peer pressure.

5.8. Does the uniform design and fit accommodate varying body shapes?

5.9. Are the uniform requirements suitable to the school's educational programme and associated activities?

Upholding Human Rights and Non-Discrimination

5.10. Do any uniform requirements infringe the constitutionally protected rights of students?

5.11. Assuming that certain uniform requirements contained in a Student Dress and Grooming Policy may engage the protected rights and freedoms of students, such as expression, religion or affording different treatment to similar circumstanced persons on the basis of protected grounds, can the infringement stand up to scrutiny? Can it be justified under the Constitution?

- (a) Is the uniform requirement motivated by an objective sufficiently important to warrant limiting a constitutional right? In other words, is it a pressing and substantial objective, for example, ensuring reasonable safety at school?

(b) Proportionality:

- (i) Is the uniform requirement imposed in furtherance of that objective? In other words, does it have a rational connection with the objective?
- (ii) Critically, does the uniform requirement minimally impair the exercise by the student of his or her rights? Is the uniform requirement framed in a way so that rights are impaired no more than necessary to achieve the objective or falling within a range of reasonable alternatives?

5.12. How can the Student Dress and Grooming Policy promote mutual respect for members in the school community?

5.13. Has the effect of certain rules on groups represented in the school community including minorities been considered?

5.14. Does the Student Dress and Grooming Policy include options that permit reasonable accommodations where possible, for example, on the grounds of disability, race, place of origin or religion?

6. STANDARDS OF PRESENTATION & GROOMING

It is suggested that the terminology “presentation” be used instead of “appearance”, in Student Dress and Grooming Policies, as the latter may be associated with physical characteristics of a person.

Grooming standards may be based on several elements such as neatness, cleanliness and safety. Overall, students should aim to groom themselves in a manner that preserves the dignity of the appearance of the uniform and the decorum of the school. It is the responsibility of the School, through its consultative process, to translate this objective into clear rules.

Sample Rules:

THE FOLLOWING REQUIREMENTS ARE TO BE ADHERED TO BY STUDENTS, UNLESS AN EXEMPTION OR MODIFICATION HAS BEEN GRANTED IN WRITING BY THE PRINCIPAL ON GROUNDS OF RELIGION, HEALTH OR OTHER PERMITTED GROUNDS SET OUT IN RULE [insert rule number].

FOR MALE STUDENTS

General

- school uniform should be clean, tidy and neatly pressed;
- rips, tears, frayed edges and loose buttons etc. must be repaired;
- there shall be no adjustments to school uniforms (exemptions will be made to accommodate students who have to wear adaptive clothing due to health and safety reasons).

Shirt (All Levels):-

- [colour] short-sleeve school shirt with school crest stitched securely to right pocket in [colour] thread;
- sleeve of school shirt must end around 1 inch above the elbow, not shorter and should not pass the elbow;
- no stitched creases on the back of the school shirt;
- tailored for a smart and crisp look, neither over-sized nor presenting a tight, form-fit (if there are popular names for styles that do not conform to these requirements, these may be expressly prohibited);
- worn tucked into waistband of shorts (optional primary) or trousers⁶¹.

OPTIONAL ITEM for students in training centres, colleges and Grades 12 and 13 of secondary schools: long sleeved shirts.

Tie (Secondary, Training Centres and Colleges):-

- [colour] school tie worn with plain school shirt (i.e. when wearing the school tie, the school badge is not worn)
- Half Windsor knot worn at [specify in relation to collar e.g. break of the open collar] (diagram provided);
- ends secured and worn at a length on or just above the belt line.

Trousers (All Levels):-

- [colour] school trousers worn at the natural waist;
- belt in solid colour with a plain, inconspicuous buckle and no other accessory or embellishment, visible at all times⁶²;
- tailored for a smart and crisp look, with a 'straight leg' style, being neither over-sized nor presenting a tight form-fit (if there are popular names for styles that do not conform to these requirements, these may be expressly prohibited);
- specify requirements for seams and pockets, if necessary;
- straight leg of trousers must rest without bunching on the top of the shoe with sufficient hem for adjustments.

⁶¹ This would not apply for jackets.

⁶² Belts may not apply for young children. The requirement for belts to be seen would only apply where the shirt is to be worn tucked into the waistband.

Short Pants/Long Shorts (OPTIONAL ITEM at Primary Level):-

- [colour] school shorts should be tailored in a 'Bermuda' or similar style;
- hemline of school shorts should be no shorter than 2 inches above the knee and include sufficient material for adjustment;
- school shorts should be worn at the natural waist;
- specify requirements for seams and pockets, if necessary.

Socks (Primary and Secondary Levels):-

- plain, solid colour in keeping with uniform attire;
- no visible brand names, insignia etc.;
- specify fit of socks, for example: length, folded etc.;
- no sports socks (except for physical exercise, practical activities or sports).

Shoes (All Levels):-

- solid colour without trimmings;
- enclosed shoes or loafers;
- no sandals or slippers (except for health reasons etc. by exemption);
- no boots (except for practical activities);
- no sports shoes (except for physical exercise or sports);
- clean and if necessary, polished;
- if laces, these must be in corresponding colour to shoe, neatly laced and tied.

Hair (All Levels):-

Reminder: Subject to exemption or modification on grounds of religion, health or other permitted grounds.

- shall be clean and neatly maintained.
- hats and other forms of headwear shall not be allowed except where institutions mandate this as a part of the Institutions Uniform (exemptions will be made for the wearing of caps, hats and tams for health religious and or other purposes however the requisite documentation should be supplied to the PEI and the Regional Office).
- The following hairstyles are not permitted:
 - no fashion trends (as defined) including: [specify];
 - no hair dye or bleaching;

- no beads or similar accessories;
- no hairstyles affiliated with known gangs or anti-social cliques or groups.

Nails (All Levels):-

- natural, short (not visible over finger tips) and clean;

Tattoos & Body Piercings (All Levels):-

- students must not have any visible tattoos or
- Student should not wear earrings, nose rings, etc.

Other (All Levels):

- No outlandish eye glasses should be worn;
- no shaved, patterned or styled eyebrows;
- no jewellery except, if desired, an inexpensive wrist watch with an inconspicuous synthetic, rubber or cloth band;
- no skin bleaching is allowed
- male students with facial hair must be clean-shaven.

FOR FEMALE STUDENTS**General**

- school uniform should be clean, tidy and neatly pressed;
- rips, tears, frayed edges and loose buttons etc. must be repaired;
- there shall be no adjustments to school uniforms (exemptions will be made to accommodate students who have to wear adaptive clothing due to health and safety reasons).

Blouse (All Levels):-

- [colour] short-sleeve school blouse with school crest stitched securely to left pocket if a part of the Uniform ;
- sleeve of school blouse must end around 1 inch above the elbow, not shorter and should not pass the elbow (exemptions will be made for students who have to wear long sleeve blouse for religious reasons);
- [prohibited seams or creases, if any]
- tailored for a smart and crisp look, neither over-sized nor presenting a tight, form-fit (if there are popular names for styles that do not conform to these requirements, these may be expressly prohibited);

- worn tucked into waistband of skirt⁶³;

Tie:-

- school tie should be worn with plain blouse
- specify knot of tie (diagram to be provided);
- ends secured and worn at a length on or just above the waist band.

Skirt or Tunic etc. (All Levels):-

- school skirt, tunic, dress etc.;
- tailored for “A-line” silhouette and should not present a tight form fit (if there are popular names for styles that do not conform to these requirements, these may be expressly prohibited);
- skirts etc. should be worn at the natural waist;
- belt in keeping with uniform attire with a plain or cloth-covered buckle visible at all times⁶⁴;
- specify requirements for seams, pleats and pockets, if necessary;
- hemlines should rest no lower than 2 inches (5 cm) below the knee and include sufficient hem for adjustments (exemptions will be made to accommodate students who for religious or health reasons must wear their uniform longer than stated however the appropriate documentation has to be supplied to the PEI and Regional Office).

Long Shorts & Skorts (OPTIONAL ITEM at Primary Level) :-

- [colour] school shorts and skorts;
- skorts should be tailored for ‘A-line’ silhouette and should not present a tight form fit;
- shorts should be tailored in a ‘Bermuda’ or similar style;
- hemline of shorts and skorts should be no shorter than 2 inches above the knee and include sufficient material for adjustment;
- skort and shorts should be worn at the natural waist;
- specify requirements for seams, pleats and pockets, if necessary;

Trousers (OPTIONAL ITEM at Training Centres and Colleges):-

- [colour] school trousers worn at the natural waist;

⁶³ This would not apply for jackets or tunics.

⁶⁴ Belts may not apply for young children. The requirement for belts to be seen would only apply where the blouse is to be worn tucked into the waistband.

- School trousers tailored for a smart and crisp look, with a 'straight leg' style, being neither over-sized nor presenting a tight form-fit (if there are popular names for styles that do not conform to these parameters, these may be expressly prohibited);
- belt in keeping with uniform attire⁶⁵;
- straight leg of trousers must rest without bunching on the top of the shoe with sufficient hem for adjustments;
- specify requirements for seams and pockets, if necessary .

Socks (Primary and Secondary Levels):-

- plain, solid colour in keeping with uniform attire;
- no visible brand names, insignia etc.;
- specify fit of socks, for example: length, folded etc.; and
- no sports socks (except for physical exercise or sports).

[Note: stockings may be required for some training centres and colleges]

Shoes (All Levels):-

- solid colour without trimmings;
- enclosed shoes or loafers;
- flat soles (primary);
- low heel no higher than an inch (other levels);
- no boots (except for practical activities)
- no sandals or slippers (except for health reasons etc. by exemption);
- no sports shoes (except for physical exercise or sports);
- clean and if necessary, polished;
- if laces, these must correspond to the colour of the shoe and be neatly laced and tied.

Hair (All Levels):-

⁶⁵ Belts may not apply for young children. The requirement for belts to be seen would only apply where the blouse is to be worn tucked into the waistband.

Reminder: Subject to exemption or modification on grounds of religion, health or other permitted grounds.

- shall be clean and neatly maintained (wash and wear natural hairstyles should not be prohibited regardless of ethnicity and hair products may be applied to treat with concepts of tamed/groomed/kempt hair);
- may be worn gathered, or in plaits, braids, twists or locks that are evenly spaced;
- hair accessories are to be plain, inconspicuous and in school colours; no more than two colours may be worn at any one time;
- hair should remain its natural colour;
- hats and other forms of headwear shall not be allowed unless it is part of the institution's uniform (exemptions will be made for the wearing of hijabs, hats and tams for health and religious purposes however the requisite documentation should be supplied to the PEI and Regional Office).
- the following hairstyles are not permitted:
 - no fashion trends such as [specify hairstyles];
 - no hair dye or bleaching (students will not be subject to interrogation/harassment to prove natural hair colour and changes thereto, at the same time, naturally occurring hair colours are preferred for school age children);
 - no shaved sides or visible lines or patterns or lines;
no hairstyles affiliated with known gangs or anti-social cliques or groups; and
 - eyebrows shall not have any visible pattern.

Nails (All Levels):-

- natural, short (not extending beyond figure tip) and clean
- no nail polish

OPTIONAL at training centres and colleges only: students may wear nail polish in an inconspicuous (neutral/muted) colour. No bright (red, orange) or unusual colour (neon, purple, green, blue, yellow etc.)

Tattoos & Body Piercing (All Levels):-

- Students must not have any visible tattoos;
- A single, small gold or silver knob with no stone etc., in the lower lobe of each ear may be worn.

Other (All Levels):

- No outlandish glasses
- no marking or patterned eyebrows;
- no skin bleaching is allowed
- no jewellery except, if desired:
 - a single, small gold or silver knob with no stones etc., in the lower lobe of each ear (**Note:** for young children, piercings should be discouraged); and
 - an inexpensive wrist watch with an inconspicuous synthetic, rubber or cloth band;
- no make-up.

OPTIONAL at training centres and colleges only: students may wear minimal makeup in inconspicuous, neutral and muted colours. No bright (e.g. red, orange) or unusual (e.g. neon, purple, green, blue, yellow) colours.

7. ROLES & RESPONSIBILITIES

See paragraph 8 of the Guidance.

8. EXEMPTION PROCESS

Focus Questions:

- 8.1. Is it necessary for the parent, on behalf of the student, to request the exemption or modification? How should requests be made?
- 8.2. Exemptions for health reasons and religious grounds are usually standard in Student Dress and Grooming Policy. Should there be other compelling grounds for exemption, such as cultural or ethnic practices?
- 8.3. What procedures should be put in place to ensure transparency and fairness in decision-making when it comes to requests for exemptions and modifications?
- 8.4. How are the needs of families who require assistance to meet the requirements accommodated?

9. ENFORCEMENT PROCESS

Focus Question:

- 9.1. What are the progressive stages for treating with non-compliance?

10. CONSULTATION, REVIEW & COMMUNICATION PROCESS

Focus Question:

10.1. When and how should consultations be facilitated?

10.2. How often should the Student Dress and Grooming Policy be reviewed?

10.3. When and how should the Policy be communicated?

For further guidance or clarification on the information contained in this document, or if there are any comments or questions, please contact the Ministry's Regional Offices, or the Division of School Services.

DRAFT