



THE DIOCESAN SCHOOL FOR GIRLS

**POLICY ON RACISM AND OTHER FORMS OF
DISCRIMINATION (STAFF)**

This version: 30 June 2020

1. PREAMBLE

- 1.1 As a school community, we at DSG are fully committed to act according to the values and principles of our Christian faith in the Anglican tradition, and to promote the fundamental rights and freedom of every person at DSG as required by our South African Constitution and related legislation¹. Our school must be a safe place where all staff and pupils are free to live and work, knowing that they are respected, valued and welcome irrespective of race, citizenship, ethnicity, language, gender, religious and political conviction, social class, sexual orientation or ability. We are committed to promoting mutual understanding across difference and eliminating prejudice. We wish to equip all those who pass through our school for a better collective future.
- 1.2 We will therefore not tolerate the expression of racism, prejudice or discrimination whether in speech, writing, attitudes, actions, or any other form. Derogatory, hurtful and hateful practices of any form have no place in our school community and are not in keeping with our ethos or values.
- 1.3 In recognition of the Constitutional commitment to the achievement of equity, DSG fully commits itself to protecting all individuals within our school from both direct and indirect unfair discrimination. As a result, we are committed to taking appropriate action against instances of unfair discrimination.
- 1.4 We want everyone who learns, teaches, works or visits the School to know this and have therefore developed the pupil and staff policies on Racism and Other Forms of Discrimination. This document being the Staff Policy on Racism and Other Forms of Discrimination, outlines:
- i. behaviour and attitudes that are expected of staff,
 - ii. behaviour and attitudes that are unacceptable,
 - iii. steps to follow if anyone behaves towards you or someone else in a way that that is not acceptable and contravenes this policy,
 - iv. action that will be instituted against those who contravene this policy.

2. OBJECTIVES

The objectives of this policy and these procedures are:

- 2.1 To clearly communicate the school's stance on diversity and belonging.
- 2.2 To challenge and invite deep reflection on racist and discriminatory belief systems.
- 2.3 To communicate to staff the attitudes and standard of behaviour expected of them.
- 2.4 To eradicate racism and other forms of discrimination within the DSG school community.
- 2.5 To describe the options available to staff members who wish to report incidents of racism or discrimination as well as the steps that will be followed once a report has been made.
- 2.6 To ensure that there are always choices and effective processes available to staff members who report incidents of racism or discrimination.

3. DEFINITIONS

- 3.1 "The Staff" comprise:
- i. Senior Management of School (Head; Deputy Heads, Housemistresses, Grade Heads, Chaplain)
 - ii. Teaching staff

¹ The Constitution of the Republic of South Africa, 1996; Promotion of Equality and Prevention of Unfair Discrimination Act, Act 4 of 2000; the Employment Equity Act (EEA).

- iii. Wellness Team
 - iv. Administrative staff
 - v. Support staff
 - vi. Student assistants and coaches (whether they are fixed-term or indefinite, full-time or part-time employees).
- 3.2 For the purpose of this policy, **'complainant'** means any person or group within our school community who reports a contravention of this policy, thereby initiating one of the processes described in this policy.
- 3.3 For the purpose of this policy **'racism'** is:
- i. the belief that all members of each race possess characteristics, abilities, or qualities specific to that race, especially so as to distinguish it as inferior or superior to another race or races;
 - ii. prejudice, unfair discrimination, or antagonism directed against someone of a different race based on the belief that one's own race is superior;
 - iii. action taken whose effect is to perpetuate and maintain the power, influence and/or well-being of one race over another².
- 3.4 For the purpose of this policy, **'discrimination'** is the unfair (unjust) or unfavourable treatment of an individual or group of individuals on the basis of race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth; or on any other ground where discrimination:
- i. encourages, causes or perpetuates systemic disadvantage;
 - ii. undermines human dignity; or
 - iii. negatively impacts on the equal enjoyment of a person's rights and freedoms in a serious manner³.
- 3.5 For the purpose of this policy **'harassment'** means unwanted conduct which is persistent or serious and demeans, humiliates or creates an unsafe (hostile or intimidating) environment and which is related to the person's race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth. Harassment is most often intended to bring about submission by threatening or imposing adverse consequences.
- 3.6 For the purpose of this policy, the terms **'respondent'** and **'alleged offender'** refer to any person whose behaviour is reported as contravening this policy and who has to respond to those allegations through the procedures outlined in this policy.

4. INFORMATION AND EDUCATION

- 4.1 DSG is first and foremost an educational institution. We acknowledge our responsibility, to provide opportunities for our staff to be educated about racism, prejudice and discrimination. We want to foster a safe environment within which we can all be challenged to reflect on our own attitudes and behaviours. We also wish to develop a culture of learning and listening, so that we are better able to understand the potential impact that direct or indirect racism,

² Racist and discriminatory attitudes and beliefs find expression in racist and discriminatory actions, both in the behaviour of individuals and in the policies and entrenched practices of institutions, communities, societies and nations. For the purposes of this policy our definition focuses on the behaviour of individuals.

³ We recognise that 'discrimination' can refer to a positive action or decision taken in favour of an individual or a group of individuals, which benefits them in some way, when such action is undertaken in the interests of redress, reparation or empowerment. The term 'unfair discrimination' is used in South African law to denote prejudicial discrimination as described above in the policy. We use the term 'discrimination' in this document to encompass all forms of 'unfair discrimination' for ease of reference and understanding.

unconscious bias and discriminatory attitudes and practices can have on our colleagues, pupils, the broader DSG community, and our society.

4.2 DSG will strive to ensure that:

- i. The School's formal and informal curricula reflect and promote values of inclusivity, diversity, equality and human dignity.
- ii. All staff members are made aware of fundamental constitutional rights, the impact of ideologies and practices of racism and discrimination, the meaning and practice of diversity, inclusivity and tolerance and the relevant DSG policies. Staff will also be made aware of the DSG Community Agreement and its implications for interactions within the school environment.
- iii. All training of new staff (at all levels) includes education on fundamental constitutional rights, the impact of ideologies and practices of racism and discrimination, the meaning and practice of diversity and inclusion and the relevant DSG policies.
- iv. All academic staff promote equity and demonstrate sensitivity to context and diversity in their specific courses or houses.
- v. All staff members and student assistants promote equity and demonstrate sensitivity to context and diversity in the houses.
- vi. Administration and support staff promote equity and demonstrate sensitivity to context and diversity on campus.

A set of guidelines is produced and made accessible to all staff on promoting equity, demonstrating sensitivity to context and diversity and responding to racism and other forms of discrimination.

This policy is made accessible to all staff members of the DSG in both English and isiXhosa.

5. REQUIREMENTS OF THE POLICY

5.1 This policy is to be read in conjunction with:

- i. the Community Agreement
- ii. the Staff Disciplinary Code
- iii. the Staff Grievance Procedures
- iv. the staff member's Contract of Employment
- v. the Pupil Policy on Racism and Other Forms of Discrimination

5.2 The School prohibits any behaviour that is

- i. racist, or
- ii. unfairly discriminates against any individual or group.

5.3 The contravention of 5.1 may lead to formal disciplinary action (see Section 8 below).

5.4 It is the responsibility of every staff member to read and apply the requirements of this policy.

5.5 Racist and/or discriminatory practices may comprise, but are not limited to, any of the following practices:

- i. **Direct Racism or Discrimination** – i.e. a clear and overt act of racism or unjustifiable discrimination.
- ii. **Indirect Racism or Discrimination** - i.e. when a rule or practice seems to treat everyone fairly but actually unfairly discriminates against individuals or groups.
- iii. **Implicit/unconscious bias** – i.e. feelings, attitudes, stereotypes and prejudices that come up automatically and without us being aware of them, triggered by our brain making quick judgments and assessments of people and situations, influenced by our background, cultural environment and personal experiences. Unconscious bias affects decisions we make and the way we respond to people and situations, without us being aware of it.

5.6 Examples of **direct racism and discrimination** could include, but are not limited to the following utterances, actions and practices:

- i. Hate speech i.e. spoken or written words that are intended to offend, insult, intimidate, or threaten an individual or group based on a trait, attribute or identity marker such as race, gender, colour, ethnicity, ability, class, country of origin, sexual orientation, religious belief, political conviction, etc. Hate speech can encourage further discrimination, intimidation, and/or violence toward the group or individual being targeted.
- ii. Derogatory remarks concerning a person's race, gender, colour, ethnicity, ability, class, country of origin, sexual orientation, religious belief, political conviction, or any other marker of identity or difference and/or derogatory comments about a person on the basis of any of the abovementioned attributes.
- iii. Use of slang terms to refer to someone of another race, gender, colour, ethnicity, ability, class, country of origin, sexual orientation, religious belief, political conviction, or any other marker of identity or difference.
- iv. Cat-calling, wolf-whistling or any other attempt to embarrass or humiliate someone publicly in relation to their race, gender, colour, ethnicity, ability, class, country of origin, sexual orientation, religious belief, political conviction, or any other marker of identity or difference.
- v. Physical abuse e.g. hitting, shoving, tripping, pinching, slapping, punching or threats of physical abuse which the offender overtly associates with the victim's race, gender, colour, ethnicity, ability, class, country of origin, sexual orientation, religious belief, political conviction, or any other marker of identity or difference.
- vi. Creation and publishing of memes or other representations of persons in social media which are derogatory or offensive to any person on the basis of race, gender, colour, ethnicity, ability, class, country of origin, sexual orientation, religious belief, political conviction, or any other marker of identity or difference.
- vii. Graffiti or chalking of slogans which are derogatory or offensive to others on religious, racial, sexual orientation, gender or other grounds, unless these are used in academic projects with the intention of critiquing, challenging or disrupting the prejudice expressed.
- viii. Wearing racist insignia.
- ix. Declining to participate in an activity or share living/working space for overt reasons pertaining to race, gender, colour, ethnicity, ability, class, country of origin, perceived or actual sexual orientation, religious belief, political conviction, or any other marker of identity or difference.
- x. Offensive physical gestures or body language referring to persons of a particular group.
- xi. Deliberately excluding individuals from activities on the grounds of race, gender, colour, ethnicity, ability, class, country of origin, sexual orientation, religious belief, political conviction, or any other marker of identity or difference.
- xii. Telling jokes that are derogatory or offensive to members of a particular race, gender, sex, class, sexual orientation, language or religious group.
- xiii. Slang terms or derogatory comments about interracial relationships.
- xiv. Telling someone that they do not belong in the school on the basis of some perceived or real characteristic or telling someone to go back to wherever they may be from (implying non-belonging).

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| appearance | physical ability |
| clothes | intellectual ability |
| food | culture |
| accent or dialect | religion |
| language | country of origin |
| social status | family |
| financial status | perceived or actual sexual orientation |

- xv. Imitating accents or speech patterns with the intention of mocking or ridiculing.
- xvi. Negative, discriminatory or offensive comments about individuals or groups pertaining to:

- xvii. Any other form of negative or derogatory action, behaviour or treatment related to markers of identity or difference.

6. APPLICATION OF THE POLICY

This policy and these procedures apply to all staff members⁴ of the DSG.

7. GUIDING PRINCIPLES

- 7.1 DSG commits itself to promoting an environment in which the dignity of all is respected and protected. Victims of racism or discrimination should never feel that their grievances are ignored or trivialised, or fear reprisals.
- 7.2 All staff and pupils have a role to play in creating and maintaining an environment in which racism and discrimination are unacceptable. They should strive always to ensure that their conduct does not cause offense and they should discourage unacceptable behaviour on the part of others.
- 7.3 All staff members must take appropriate action in accordance with this policy and the pupil policy on Racism and Other Forms of Discrimination when instances of racism and/or discrimination at the School are brought to their attention.
- 7.4 Allegations of racism and discrimination will be taken extremely seriously and investigated rigorously and promptly. If allegations are found to have substance, the procedures outlined in 8.6 to 8.8 will be initiated, as appropriate.
- 7.5 Unsubstantiated, frivolous or malicious allegations will also be viewed in an extremely serious light and any person making such allegations may also face disciplinary action.
- 7.6 Victimising or otherwise retaliating against any person for lodging a legitimate complaint or grievance under this policy is serious misconduct. If, after due process, a staff member is found guilty of this, it will result in the appropriate disciplinary action.

8. PROCEDURES

- 8.1 These procedures will apply in instances when there are allegations of racism and/or discrimination as outlined in Section 5 of this document.
- 8.2 This policy document is recognised as serving alongside the *Staff Grievance Procedure* and the *Staff Disciplinary Code*. Where appropriate, the provisions in those Procedures will apply.
- 8.3 These procedures aim to resolve any complaints / reports of unfair discrimination in a sensitive, efficient and effective way. Procedures commence with the first conversation a complainant initiates with an advisor and the particular steps taken thereafter will depend on the severity or seriousness of the matter reported.
- 8.4 The School expects that all involved in such procedures will display alertness, sensitivity, discretion and emotional maturity in protecting the dignity of all complainants and respondents.

8.5 LEVEL 1: ADVICE AND ASSISTANCE

- 8.5.1 Allegations of unfair discrimination (such as behaviour motivated by racism, homophobia and sexism) or implicit bias are sensitive issues and a complainant may feel unable to approach the perpetrator, lodge a formal grievance or turn to friends or colleagues for support.

⁴ There is a similar but separate policy for DSG pupils.

- 8.5.2 Complainants may therefore approach the Head, Business Manager or chair of the Transformation Committee for confidential advice; or any other internal person with whom they feel comfortable to discuss such issues.
- 8.5.3 The purpose of the advice and assistance is to:
- i. Identify the extent of the perceived harm;
 - ii. Identify whether the alleged unfair discrimination falls within the ambit of the definition;
 - iii. Assess the extent to which the alleged unfair discrimination breaches the standards of conduct;
 - iv. Provide a confidential, private and non-threatening advisory to the complainant, without prejudice, to ensure s/he is enabled to assess the situation and the options objectively, but with full cognisance of the intrinsic right to a non-discriminatory working environment.
 - v. Support the complainant in making carefully considered personal decision on the preferred way forward to restore equity.
- 8.5.4 These discussions will be confidential⁵ and the identity of neither the alleged victim (if the complainant is a witness) nor the alleged offender need be revealed at this stage.
- 8.5.5 If the matter can be resolved to the satisfaction of the complainant at this stage, it will be concluded. The complainant may also choose for the matter to simply be noted. In all cases a record must be kept of the interaction by the confidant(e).
- 8.5.6 If the matter remains unresolved, the complainant with his / her confidant(e) may choose to proceed to Mediation or, on the advice of the Head, it could be referred directly to the Disciplinary Committee.
- 8.5.7 If the Head is de facto compromised in any matter of alleged unfair discrimination, the matter must be referred to the Chairperson of Council.

8.6 LEVEL 2: REMEDIAL DISCUSSION

- 8.6.1 If the complainant wishes to remain anonymous, and/or does not wish to pursue Mediation or a Disciplinary process, and if the Head feels that the complaint warrants it, OR if multiple minor complaints have been made about a particular staff member, OR if the nature of the offense suggests implicit bias rather than conscious or deliberate unfair discrimination, a Remedial Discussion may be instituted.
- 8.6.2 A Remedial Discussion involves the Head, Transformation Portfolio Holder or other Senior Staff Member holding a conversation with the alleged offender in which he/she would indicate that concerns have been raised about the staff member's behaviour and describe the nature of the concerns, without revealing the identity of the complainant if she/he wished to remain anonymous. The alleged offender will have an opportunity to respond to these concerns. The Head must describe the forms of speech and behaviour which constitute unfair discrimination and/or implicit bias, and which are unacceptable at DSG and explain that to whatever extent that the staff member has been involved in such behaviour (which s/he has now been made aware of), this must stop immediately.
- 8.6.3 The Head will take the following into consideration when deciding if a Remedial Discussion would be appropriate:
- i. the wishes of the complainant
 - ii. risk to the complainant
 - iii. risk to any other person

⁵ It must be noted that the one caveat to confidentiality is that if the person receiving the report deems that the complainant or some other person is at risk of harm, in which case the report will need to be escalated via appropriate channels.

- iv. nature/severity of the offence and the hurt or harm caused
 - v. the history of the alleged offender with regard to similar offences
- 8.6.4 Remedial discussions serve an educative (remedial) purpose in that they alert offenders, who may be unaware of the offence that they are causing, and the hurt and/or harm caused by such behaviour. They offer the alleged offender an opportunity to reflect on their attitudes and behaviour and to make changes as necessary.

8.7 LEVEL 3: MEDIATION

8.7.1 Mediation can be sought if the complainant or confidant(e) believes that a discussion or action that involves the alleged perpetrator can potentially resolve a matter.

8.7.2 Prior to a mediation process being instituted, it is necessary to:

- i. Assess whether, subject to the above, there is a basis for the complainant and alleged offender to meet with the view to resolve the matter, with the assistance of a mediator;
- ii. If mediation is deemed appropriate, establish the scope and structure of the mediation process, including a mutually acceptable mediator who must be a senior manager.
- iii. Establish alternatively that the nature and extent of the offence places the matter beyond mediation, thereby formulating the basis for formal disciplinary action.

8.7.3 With reference to The Internal Mediation Process in matters of unfair discrimination in the workplace:

- i. The process must remain informal and confidential, but certain steps and structure must be observed, in the event of failure of the mediation.
- ii. On condition that the complainant agrees, the senior manager will offer the alleged offender the option of a mediated meeting, without prejudice, and at their earliest convenience.
- iii. The senior manager must, in consultation with the Transformation Portfolio Holder and the HR Officer, set up and continue with the mediated meeting in a manner appropriate to the content of the matter and the interests and personalities of the complainant and alleged offender.
- iv. Ensure that the right to representation from within the school community is adhered to.
- v. *Ensure that the process remains focussed on a mutually acceptable insight and concurrence between the parties, and not on fault or liability.*
- vi. Ensure that only the outcome and agreed actions arising from that process are recorded and are agreed to by both parties.
- vii. If either party refuses an offer of mediation at Level 3, or if the mediation fails to find an outcome acceptable to both parties, the process may immediately escalate to Level 4.

8.7.4 If the matter can be resolved to the satisfaction of *both* parties at this stage, the process will be terminated.

8.7.5 If the matter remains unresolved, the matter must be referred to the Head, who, on reasonable consideration of the situation, may invoke Level 4.

8.7.6 In the event s/he elects not to refer the matter to Level 4, s/he must provide written reasons to the complainant.

8.8 LEVEL 4: DISCIPLINARY PROCESS IN MATTERS OF UNFAIR DISCRIMINATION

- 8.8.1 If the matter is pursued to Level 4 by the Head, it will result in a disciplinary process, by which the matter must be investigated on the basis of valid and reasonable evidence, and on the basis of prima facie confirmatory evidence,
- 8.8.2 In this event, the provisions of the *DSG Staff Disciplinary Code and Procedures* will apply.
- 8.8.3 The Disciplinary Code and Procedure will make specific provision for the sensitivities relevant to this form of conflict.

8.9 PROTECTED DISCLOSURES

- 8.9.1 The school recognises the rights afforded to staff members in relation to the Protected Disclosures Act (26 of 2000, amended). The School will respect and protect the right of a staff member to disclose matters of this nature to an external third party with the view to exposing unlawful conduct or with the view to taking reasonable actions in the failure of the School to provide reasonable protection to alleged victims of unfair discrimination, per definition in this Policy.
- 8.9.2 For the purposes of this Policy, an external third party means:
- i. The media, formal and informal
 - ii. The DOE, DOL and any other Department of State.
 - iii. The Private Education Sector regulatory authorities
- 8.9.3 Such protection is conditional on:
- i. The allegations of unfair discrimination being based on reasonable belief and / or objective facts.
 - ii. Reasonable steps having first been taken internally to alert the School to the alleged unfair discrimination, and to provide reasonable opportunity for the School to respond to, recognise and eliminate the alleged unfair discrimination.

8.10 MANAGEMENT OF HUMAN DIGNITY

- 8.10.1 It is recorded that the processes applied in this Policy assume that the dignity and protection of all parties to a dispute of this nature are protected, in terms of the Constitutional protections afforded to both the alleged victim and alleged perpetrators of harm.
- 8.10.2 In this regard, regardless of the outcome of the above process the School will offer to the party's relevant support and assistance in order to restore a fair and equitable working environment. Such assistance may include further counselling, or any other relevant intervention, that may assist to restore the status quo.

9. CONFIDENTIALITY

- 9.1 The School must ensure that grievances about unfair discrimination are handled in a manner that ensures that the identities of the persons involved are kept confidential.
- 9.2 The School must endeavour to ensure confidentiality at the disciplinary hearing.

10. PROVISION FOR REVIEW OF POLICY AND PROCEDURES

- 10.1 The policy and procedures will be reviewed from time to time and appropriate changes made if necessary.