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MARITZBURG COLLEGE

Anti-Discrimination Policy



TABLE OF CONTENTS

1.	BACKGROUND	2
1.1	Significance of the Document	2
2.	PROPOSAL OVERVIEW	2
2.1	Background	2
2.2	Why Ipads	2
2.3	Proposed budget	3
3.	BENEFITS FOR THE SPONSOR	4
4.	CONCLUSION	4



BACKGROUND

It is not uncommon for the views of learners at "traditional" South African schools – in which instructions and opinions have a tendency to flow in one direction – to go unheard. The SATT is committed to fostering an environment in which Maritzburg College schoolboys will feel comfortable to voice their opinions, concerns, anxieties and hopes. They have already been consulted in the drafting of this Statement of Intent and they will also play the leading role in drafting the school's Anti-Discrimination Policy. (Maritzburg College, Statement of Intent, 2019)

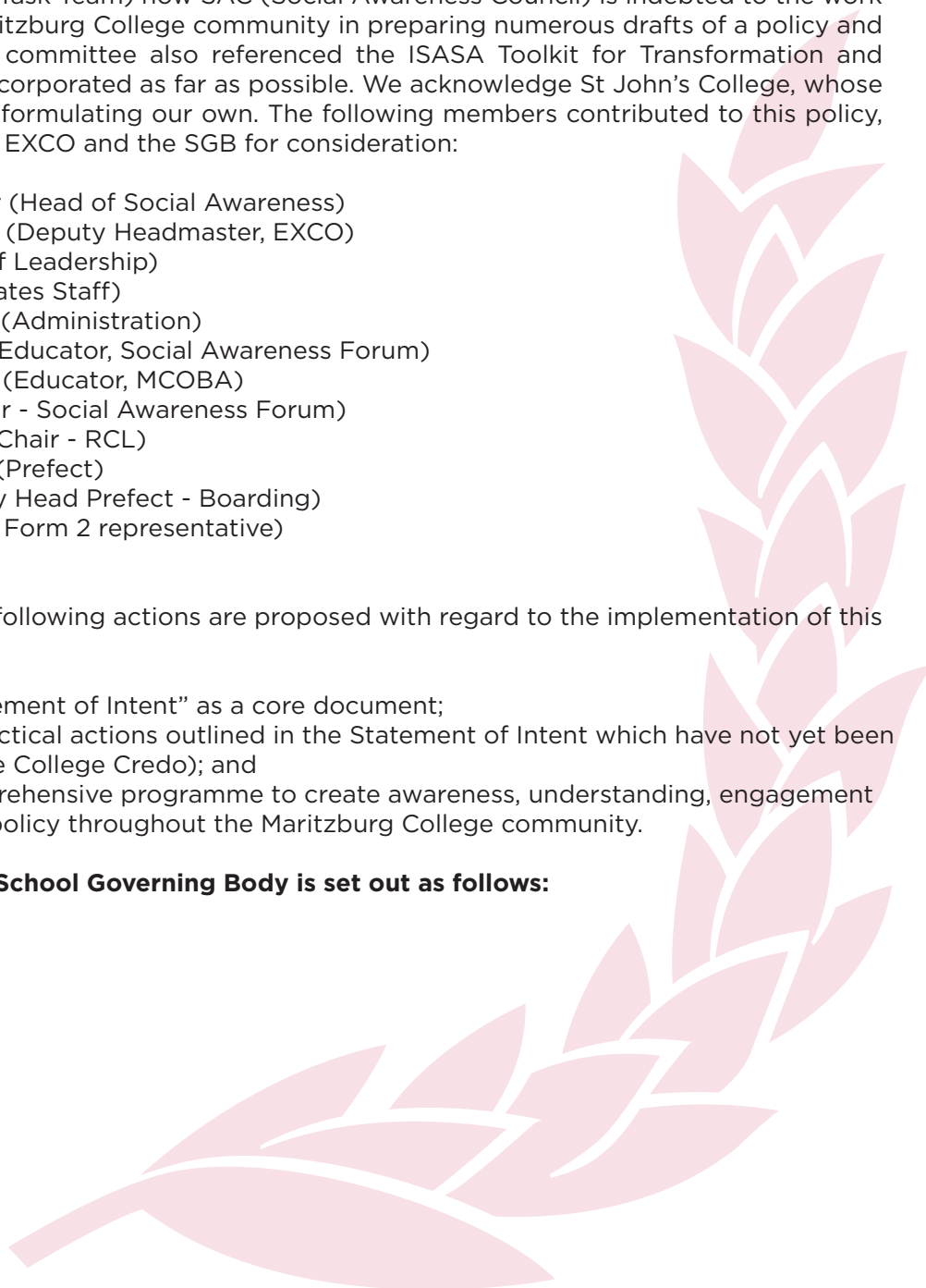
The SATT (Social Awareness Task Team) now SAC (Social Awareness Council) is indebted to the work done by members of the Maritzburg College community in preparing numerous drafts of a policy and complaints procedure. The committee also referenced the ISASA Toolkit for Transformation and Diversity. These have been incorporated as far as possible. We acknowledge St John's College, whose policy formed a guideline to formulating our own. The following members contributed to this policy, which was then submitted to EXCO and the SGB for consideration:

- Mrs Rodelle Govender (Head of Social Awareness)
- Mr Keith Guise-Brown (Deputy Headmaster, EXCO)
- Mr Ryan Kyle (Head of Leadership)
- Mr Wilfred Zuma (Estates Staff)
- Miss Cashel Hackland (Administration)
- Mrs Ghemma Wylde (Educator, Social Awareness Forum)
- Mr Ngcebo Thembela (Educator, MCOBA)
- Mr Osama Salim (Chair - Social Awareness Forum)
- Mr Nhlanhla Lushozi (Chair - RCL)
- Mr Sanele Mntungwa (Prefect)
- Mr Dean Dyer (Deputy Head Prefect - Boarding)
- Mr Skye Banks (RCL - Form 2 representative)
- Mr Carl Martin (RCL)

In addition to the policy, the following actions are proposed with regard to the implementation of this policy:

- (a) To preserve the "Statement of Intent" as a core document;
- (b) To implement any practical actions outlined in the Statement of Intent which have not yet been implemented (e.g. The College Credo); and
- (c) To implement a comprehensive programme to create awareness, understanding, engagement and adoption of this policy throughout the Maritzburg College community.

The policy approved by the School Governing Body is set out as follows:



MARITZBURG COLLEGE

ANTI-DISCRIMINATION POLICY

1 PREAMBLE

1.1 We the community of Maritzburg College:

- Remains committed to celebrating the individuality of every College boy bearing in mind we are also part of a broader socially and economically diverse community.
- Acknowledge the challenges of our society, which have been shaped by our country's past history, but we are determined to move forward and build a positive future for our boys.
- Are firm in our belief that any difference — racial, cultural or economic — is not a dividing factor in our school and that we should embrace a "College Culture" that is supportive of every person associated with our school, regardless of difference.

1.2 We therefore commit to:

- Be proactive in addressing occurrences of Unfair Discrimination to create a safe and enabling school environment;
- Educate and engage with our school community, transparently, and, in the best interest of our boys, to pursue an ethos of diversity and inclusivity in our school.
- Respect everyone's human rights and fundamental freedoms as entrenched in the Constitution of the Republic of South Africa;
- The dignified and fair treatment of everyone within the school community irrespective of race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, pregnancy, family responsibility, marital status, HIV status, conscience, belief, political opinion, culture, language, birth or on any other arbitrary ground;
- Establish a structure, representative of the Maritzburg College community and accountable to the SGB to oversee all transformation and diversity initiatives designed to redress past and present Unfair Discrimination and safeguard against future Unfair Discrimination.

1.3 Values of the Policy

In a modern world, that at times shows some neglect for the virtues of character, Maritzburg College has retained an unashamed focus on its core values of HONESTY, INTEGRITY, COURAGE, SELF-DISCIPLINE, COMMITMENT and RESPECT, which all College boys are expected to embrace and live out each day.

These **CORE VALUES** represent the spirit of this policy and are the driving force for the implementation of this policy.

2 PURPOSE AND RATIONALE

The aim of this policy is to ensure that every member of our school community — parent, staff, schoolboy and past scholar — feels that this environment is a safe space for him/her to thrive and feel accepted as a valued member of the College family.

We want our boys to be able to hold their own in any company, but be humble enough to listen to and respect the views and differences of others. We want them to imbibe a sense of tolerance for any aspect of difference and to see that prejudice in any form has no place in a thriving and successful community. We want them to learn to be better people so that the boys of this school may leave its "Old Walls" fully able to take their rightful place as valuable citizens of our world.

3 SCOPE

This policy applies to all members of the Maritzburg College community.

This includes (but is not limited to) the following people in their direct interactions or associations with the school:

- College boys
- Teachers
- Employees
- Parents, guardians and families of College boys
- SGB Members
- EXCO
- Past learners
- Contractors, sub-contractors and business associates
- Visitors / Guests of the school

Right of admission to all visitors on the Maritzburg College campus is reserved and as part of that right, everyone is expected to comply with this policy.

While the principles of this policy are applicable to the whole of the Maritzburg College community, appropriate procedural variations will apply to different stakeholders and College boys in the different areas of the school without detracting from the intention and spirit of this policy. The policy further recognises the South African Schools' Act and the school's obligation to acknowledge the procedures of the Department of Basic Education in dealing with any matter that pertains to this Act.

4 DEFINITIONS

'Alleged perpetrator' means a person or group of people against whom a complaint has been lodged regarding an alleged violation of this policy, according to this policy.

'Advisory Committee' means the minimum group of three (3) people comprising the Head of Social Awareness and the Deputy Headmaster – Discipline, and one or more representatives from the stakeholder groups as described in section 5.3 below.

'Complainant' means the person who has lodged a complaint regarding an alleged violation of this policy according to the terms of this policy. An anonymous complaint does not satisfy the definition of Complainant.

'Complainant's representative' means the parent or guardian of a College boy, the fellow employee of a teacher or employee or a designated representative of the complainant.

'SGB' means the School Governing Body of Maritzburg College as set out in the Constitution of Maritzburg College.

'Diversity' means recognising that each individual is unique. It affirms the process of moving from simple tolerance, to embracing and celebrating the rich dimensions of diversity contained within each individual within the school environment.

'Harassment' means any conduct which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment; or is calculated to induce submission by actual or threatened adverse consequences by virtue of a person's race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, pregnancy, family responsibility, marital status, HIV status, conscience, belief, political opinion, culture, language, birth or on any other arbitrary ground. Harassment is a form of unfair discrimination.

'Representative' excludes formal legal representation in the resolution of complaints in terms of this policy.

'Transformation' means a profound re-orientation from past values and practices to a future defined by non-racialism, non-sexism and social relationships based on the greater observance of human rights and equity. Transformation involves understanding the strategic, educational and moral imperatives for transformation, a fundamental change at a personal and school level and seeing transformation as a strategy for creating an excellent, relevant and socially just school.

'Head of Social Awareness' means the member of staff who has been designated by the Headmaster, in consultation with the SAC, to champion social awareness initiatives of the school.

'Unfair Discrimination' means any act or omission, including a policy, rule, practice, condition or situation which directly or indirectly-

- a. imposes burdens, obligations or disadvantage on; or
- b. withholds benefits, opportunities or advantages from any person on one or more of the following grounds: race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, pregnancy, family responsibility, marital status, HIV status, conscience, belief, political opinion, culture, language, birth or on any other arbitrary ground where discrimination based on that other ground -
 - i. causes or perpetuates systemic disadvantage;
 - ii. undermines human dignity;
 - iii. adversely affects the equal enjoyment of a person's rights and freedoms in a serious manner.

It is not Unfair Discrimination to take affirmative action measures consistent with the purposes of the Employment Equity Act 55 of 1998 (as amended) or to distinguish, exclude or prefer any person on the basis of an inherent requirement of a job.

It is not Unfair Discrimination to take measures designed to protect or advance persons or categories of persons disadvantaged by Unfair Discrimination or the members of such groups or categories of persons as referenced in the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (as amended) (the Equality Act).

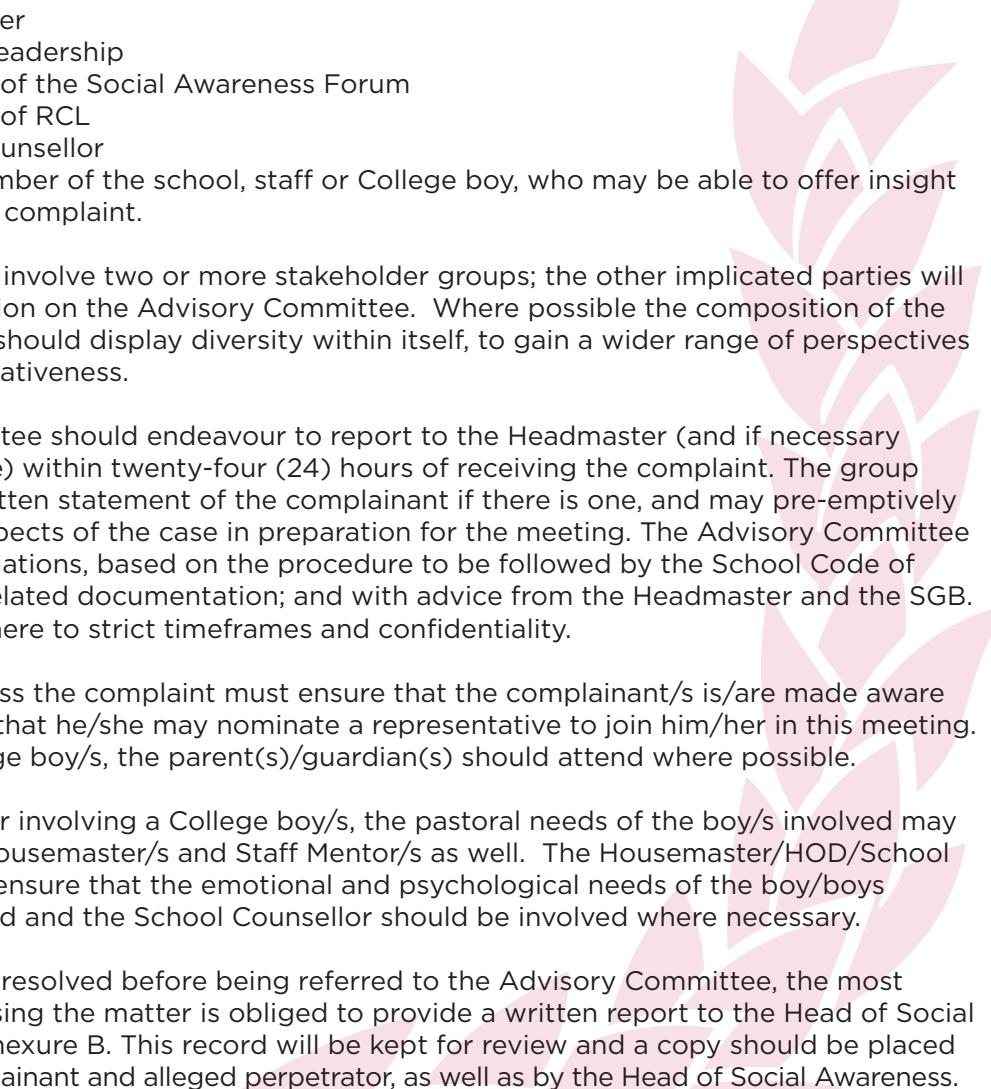
Maritzburg College is a government school. Decisions taken as a consequence of its obligations to the Department of Basic Education do not constitute unfair discrimination.

5 POLICY

- 5.1 The discipline procedure of the school has already been established through the South African Schools Act (No. 84 of 1996); and the School Code of Conduct. This policy falls within the ambit of these two policies.
- 5.2 Any person referred to in 3. Scope (page 4) above may lodge a complaint regarding an alleged violation of this policy including alleged Unfair Discrimination or harassment that has arisen as a direct consequence of their interaction or association with the school. Such complaint should be lodged as soon as possible after the incident giving rise to the complaint. Categories and examples of Unfair Discrimination, Harassment and hostile environment are contained in Annexure A.

- 5.3 Complainants (or their representatives) may lodge a complaint using the channel with which they are most comfortable, within the relevant section of the school. These channels include, but are not limited to:
- The Headmaster
 - A Maritzburg College HOD or Housemaster
 - A Maritzburg College staff member (e.g. mentor teacher, school counsellor)
 - A school prefect, member of the RCL Executive Committee and/or house leader (in the event that the complainant is a school College boy)
 - A member of the Social Awareness Council (SAC)
 - The Estates Manager or a nominated representative
 - The Chair of the School Governing Body (SGB)
 - Mobile and web applications adopted for this purpose
- 5.4 Irrespective of whether the complainant is seeking a formal or informal outcome, the person receiving the complaint must provide a written record of the complaint (See Annexure B) to the Advisory Committee (see below) within forty-eight (48) hours of receiving the complaint. This report must be completed for all complaints, including those that are not handled formally by the Advisory Committee.

The Head of the Advisory Committee will be the designated Head of Social Awareness in the school. The Head of the Advisory Committee, in consultation with the School Head of Discipline will engage with a minimum of the following one (1) or more people depending on the nature of the complaint:

- The Headmaster
 - The Head of Leadership
 - The Chairman of the Social Awareness Forum
 - The Chairman of RCL
 - The School Counsellor
 - Any other member of the school, staff or College boy, who may be able to offer insight to the specific complaint.
- 5.5 Should the complaint involve two or more stakeholder groups; the other implicated parties will also have representation on the Advisory Committee. Where possible the composition of the Advisory Committee should display diversity within itself, to gain a wider range of perspectives and greater representativeness.
- 5.6 The Advisory Committee should endeavour to report to the Headmaster (and if necessary his/her representative) within twenty-four (24) hours of receiving the complaint. The group must evaluate the written statement of the complainant if there is one, and may pre-emptively investigate certain aspects of the case in preparation for the meeting. The Advisory Committee will make recommendations, based on the procedure to be followed by the School Code of Conduct, and other related documentation; and with advice from the Headmaster and the SGB. The process must adhere to strict timeframes and confidentiality.
- 5.7 The meeting to address the complaint must ensure that the complainant/s is/are made aware prior to the meeting, that he/she may nominate a representative to join him/her in this meeting. In the case of a College boy/s, the parent(s)/guardian(s) should attend where possible.
- 5.8 In the case of a matter involving a College boy/s, the pastoral needs of the boy/s involved may be met by his/their Housemaster/s and Staff Mentor/s as well. The Housemaster/HOD/School Representative must ensure that the emotional and psychological needs of the boy/boys involved are addressed and the School Counsellor should be involved where necessary.
- 5.9 Should the matter be resolved before being referred to the Advisory Committee, the most senior person addressing the matter is obliged to provide a written report to the Head of Social Awareness as per Annexure B. This record will be kept for review and a copy should be placed in the file of the complainant and alleged perpetrator, as well as by the Head of Social Awareness.
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- 5.10 It is recognised that in some instances a person may feel offended or hurt by another's comments and/or behaviour but may not want a formal outcome. The reason for the existence of the informal option is not to delegitimise the seriousness of the incident, but to offer a procedure that is flexible enough to capture the nuances of Unfair Discrimination whilst also normalising complaints and, in doing so, make people more comfortable and inclined to lay complaints when they have been hurt or offended. Under no circumstance should someone affected by an alleged violation of this policy feel pressured into taking an informal approach.
- 5.11 The Advisory Committee is obliged to follow-up, formally or informally depending on the nature of the complaint, all procedures and consequences. Further to this, the Advisory Committee should ensure that transparency, fairness and consistency is applied through all stages of the process. There is also a further obligation to ensure that the complainant/s and alleged perpetrator/s is/are made aware of possible outcomes of different approaches to dealing with the complaint. They should endeavour to ensure that the complainant receives appropriate emotional support and or counselling within one week of the complaint being received.
- 5.12 Ultimately, the perpetrator will have to face the consequences of his/her actions; however, the school favours an opportunity for mediation, education, pastoral care and reconciliation and ways in which the perpetrator and the wider school community can be educated and rehabilitated.

6 ROLES AND RESPONSIBILITIES

6.1 The role of EXCO is to ensure that all stakeholders in the Maritzburg College community are made aware of this policy. These stakeholders include:

- Members of the SGB
- College boys
- Teachers
- Employees
- Contractors and Subcontractors
- Parents and guardians of students
- Members of the Old Boys' Association
- Past learners

In addition, EXCO should ensure that any appropriate procedural variations to this policy are identified and communicated to stakeholders and all College boys.

- 6.2 The role of the Advisory Committee is to offer advice on how specific cases of alleged Unfair Discrimination at Maritzburg College are handled. This can be on a disciplinary, pastoral, reconciliatory or legal level. This must be done within the time-frames specified and with appropriate confidentiality.
- 6.3 The role of the Advisory Committee is to engage with the complaint, without prejudice.
- 6.4 The role of the Advisory Committee is to safeguard against future Unfair Discrimination and to monitor compliance with this policy.
- 6.5 The Head of the Advisory Committee and the Head of Discipline undertake to review all matters that have arisen during the year, at the end of the year. This process allows for an appraisal of the system to identify consistencies to assist in future recommendation; and to offer insight to the SAC for future initiatives.

ANNEXURES

ANNEXURE A

This Annexure is designed to raise awareness of what could constitute Unfair Discrimination either in person or in any form of communication, including social media.

1. This section breaks down offences of unfair discrimination. These may include, but are not limited to, the following:
 - Verbal abuse and threats;
 - Written Unfair Discrimination (e.g. graffiti);
 - Provocative behaviour (e.g. wearing discriminatory badges or insignia);
 - Discriminatory comments in the course of discussions;
 - Discriminatory comments made in the classroom;
 - Ridicule of an individual's differences;
 - Attempts to recruit other individuals into exclusive groups on prohibited grounds;
 - Physical assaults;
 - Any distinction, exclusion, limitation or preference made by a person in an authoritative position who uses unfair grounds to distinguish, exclude, limit or prefer certain persons from being part of sporting codes, education, positions, activities or benefits of any kind meant for any person within the school environment. This excludes the accepted Form privileges which forms part of the traditions of the school but which is open to review and is NOT intended to harm any person/s, but constitutes a part of the 'spirit' of the school.
2. This section breaks down more specific examples of potential offences in the categories of Unfair Discrimination:

On the grounds of race, religion or cultural association:

- Dissemination of any propaganda or idea, which propounds the racial superiority or inferiority of any person, including incitement to, or participation in, any form of racial violence;
- Engagement in any activity which is intended to promote, or has the effect of promoting exclusivity, based on race, religion or culture;
- Exclusion of persons of a particular race, religious or cultural group under any rule or practice that appears to be legitimate but which is actually aimed at maintaining exclusive control by a particular racial, religious or cultural group;
- Inferior treatment of a specific racial group, compared to those from another racial group;
- Denial of access to opportunities, or failing to take steps to reasonably accommodate the needs of such persons;
- Use of derogatory language to undermine a certain racial group;
- Making fun of clothes, food or physical appearance of people from a different cultural context than your own;
- Having lower expectations for students of different cultural or racial groups;
- Telling or sharing jokes directed against people from particular racial groups;
- Using insulting language against particular cultural or racial groups;
- Making fun of peoples' accents or names;
- Demonstrating a lack of tolerance for understanding peoples' accents
- Refusing to work or play with or sit next to other people who are from a different culture or race group or speak a different language;
- Telling people to 'go back to where they came from' or making similar derogatory remarks;
- Allocating tasks or classes to teachers or students according to their culture or background;
- Laughing at a racist joke;
- Not reporting racist behaviour;
- Promoting publications online that are opposed to, or insult, others based on race, religion or culture;
- Wearing clothes with slogans that would offend any racial group;
- Suggesting that a member of a particular race group only got to where they are because of their race;
- Associating the presence of any group of people with racial or cultural stereotypes;
- Saying that you don't see colour;

ON THE GROUNDS OF GENDER:

- Dissemination of any propaganda or idea, which propounds the objectification of women, including incitement to, or participation in, any form of sexual violence;
- Dissemination of any propaganda or idea, which propounds the abuse of any person based on his/her sexual identity, including incitement to, or participation in, any form of such abuse – emotional, physically or psychological;
- Inferior treatment of any person due to his/her gender or sexual orientation;
- Use of derogatory language to undermine a person based on his/her gender or sexual orientation;
- Telling or sharing jokes directed against females;
- Undermining a person by making sexist jokes or innuendos;
- Mocking or belittling someone because of his/her sexual identity;
- Gender-based violence and other forms of sexual harassment;
- The denial of fair access to opportunities, or failing to take steps to reasonably accommodate the needs of such persons;
- Undermining the contribution of women.

ON THE GROUNDS OF DISABILITY:

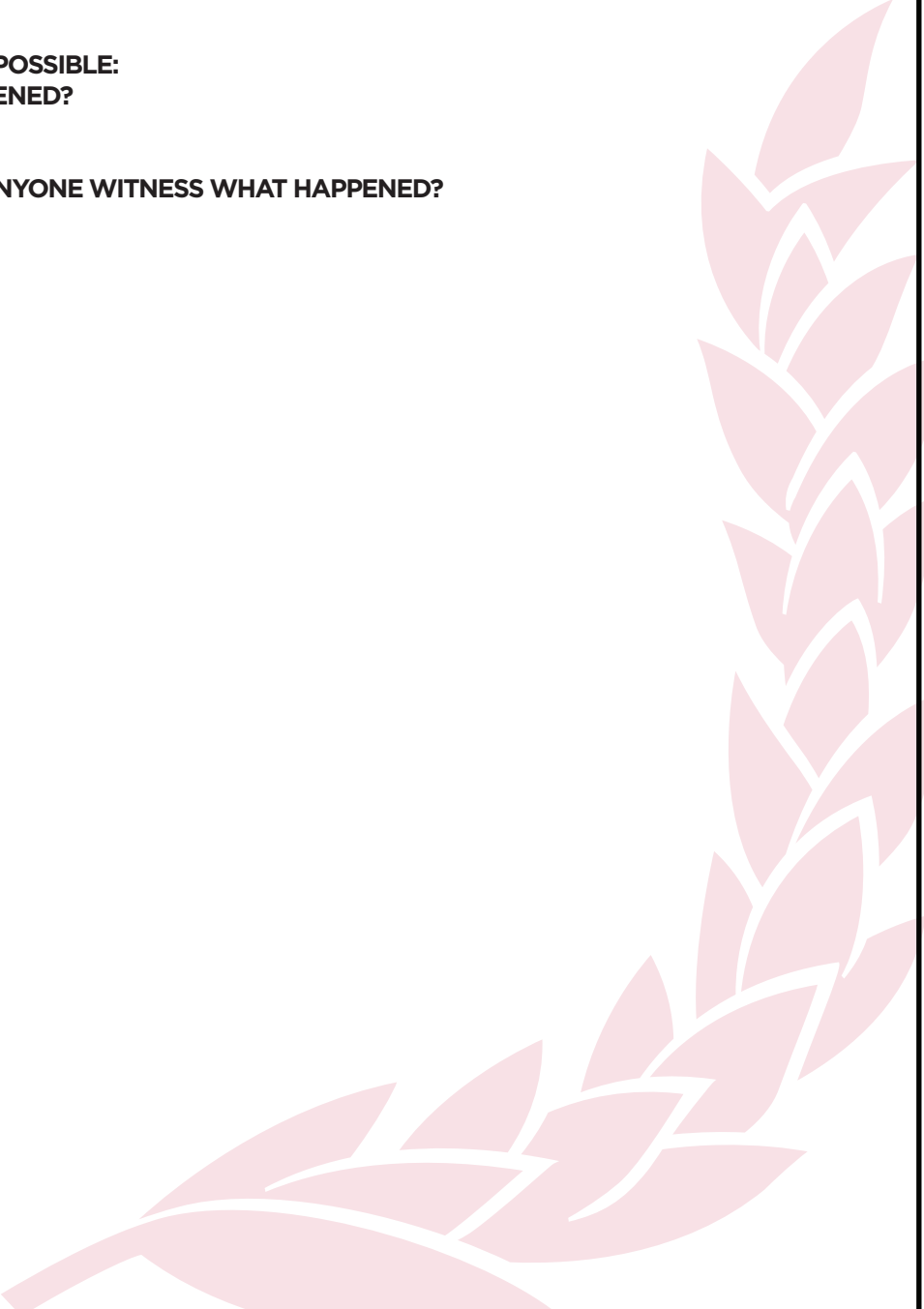
- Mocking or belittling someone because of his/her disability.



ANNEXURE B

INCIDENT REPORT

NAME AND DESIGNATION OF PERSON ATTENDING TO COMPLAINT	
DATE OF COMPLAINT:	
NAME/S OF COMPLAINANT:	
NAME OF PERSON TO WHOM COMPLAINT IS ADDRESSED:	
DETAILS OF COMPLAINT PLEASE BE AS SPECIFIC AS POSSIBLE: <ul style="list-style-type: none">• WHAT HAPPENED?• WHERE?• WHEN?• WHO? DID ANYONE WITNESS WHAT HAPPENED?	



OUTCOME (GIVE DETAILS AS TO THE STEPS TAKEN TO DEAL WITH THE COMPLAINT):

SIGNATURE OF PERSON DEALING WITH COMPLAINT:

SIGNATURE OF HEAD OF ADVISORY COMMITTEE:

SIGNATURE OF HEAD OF DISCIPLINE:

REFLECTION/GENERAL COMMENT

