



ST JOHN'S COLLEGE

Dignity and Anti-Discrimination Policy

St John's College Council

May 2018

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Anti-Racism Policy

Clause 3.1 of the Independent Representative Interim Committee's (IRIC) Terms of Reference (TOR) makes IRIC responsible and accountable for the following:

"The review and further development of a statement and policy on anti-racism and all forms of discrimination. The terminology and title of this policy to be determined by IRIC and IRIC will draw on work already done in this regard."

IRIC is indebted to the work done by members of the St John's College community in preparing numerous drafts of a policy and complaints procedure prior to IRIC commencing its work. IRIC also referenced the ISASA Toolkit for Transformation and Diversity. These have been incorporated as far as possible. The following members of IRIC worked on this policy which was then submitted by IRIC to Council for consideration:

- Mr Raymond Barrow (Matric Student, Head of School)
- Mrs Angela Bruwer (Chair PA, Parent)
- Ms Emma Harding (Upper VI Pupil and Student Female Representative)
- Mrs Claire Hock (Council Vice Chair, HR Portfolio, Past Parent)
- Ms Pulane Kingston (Parent)
- Mr Melvyn Lubega (Independent Council Member, OJA)
- Mrs Dudu Mashele (Preparatory School Staff Representative, Parent)
- Rev Oupaki Moruthane (Council Member: Visitor's Representative)
- Dr Yazeed Seedat (OJA, Parent)

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

- (a) To retain the *"St John's College Commitment against Racism"* with appropriate amendments to align it with the policy;
- (b) To implement any practical actions outlined in the *St John's College Commitment against Racism* which have not yet been implemented (e.g. signs around the school advertising the procedure for dealing with allegations of racism); and
- (c) A comprehensive programme to create awareness, understanding, engagement and adoption of this policy throughout the St John's College community.

The policy approved by Council is set out below:

ST JOHN'S COLLEGE

DIGNITY AND ANTI-DISCRIMINATION POLICY

1 Preamble

1.1 We the community of St John's College:

- Recognise, value and promote diversity;
- Believe in an engaging and safe school environment, where fair treatment and respect of each person's dignity and individual identity is upheld by our school community;
- Commit to eliminate all forms of unfair discrimination, particularly racism, and strive to achieve a shared vision which includes endorsing the Commitment Against Racism adopted by the College.

1.2 We therefore commit to:

- Timeously address all occurrences of Unfair Discrimination to create a safe and enabling school environment;
- Educate all members of our community to be understanding and aware of the impact of their thoughts and actions;
- 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 St John's College community and accountable to Council 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

The values of the St John's College community reflect our Anglican foundation and the ideals of Lux, Vita, Caritas:

- Lux: to be a shining example of enlightened education.
- Vita: to value human life and dignity in that life.
- Caritas: to love and care for people in everything we do.

These ideals inform our embracing of the values of *dignity, understanding, acceptance, sense of belonging, ubuntu, unity and respect*.

2 Purpose and Rationale

The aim of this policy is to create unity, fairness, and a safe, healthy and respectful school environment conducive for learning and teaching where all can develop and serve to their fullest potential.

Our St John's College community is a microcosm of a society which is riddled with the effects of injustices of the past. At St John's we are a community attempting to re-characterise its place in this society by implementing transformation.

We aspire to be a world-class Christian African school and we have a duty to contribute to the change that our school community needs by providing an appropriate curriculum in an environment reflective of the diversity in our school community.

3 Scope

This policy applies to all members of the St John's College community in the Bridge Nursery School, the Pre-Preparatory School, the Preparatory School, the College, the Sixth Form and Maretlwane.

This includes:

- Students
- Teachers
- Employees
- Parents, guardians and families of students
- Council members
- Representatives of the Anglican Church
- Members of the Old Johannian Association and Subcontractors.

Right of admission to all visitors on the St John's College campus and Maretlwane 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 St John's College community, appropriate procedural variations will apply to different stakeholders and students in the different phases of the school without detracting from the intention and spirit of this policy.

4 Definitions

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

'Anti-Discrimination Custodians' means the minimum group of three (3) people comprising the Head of the school in which the complaint arose (or his/her delegate), the Transformation and Diversity Portfolio holder in the relevant school 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 student or the fellow employee of a teacher or employee.

'Council' means the Council of St John's College as set out in the Constitution of St John's College.

'Diversity' means understanding that each individual is unique and recognises individual differences. It includes the exploration of these differences in a safe, positive and nurturing school environment and moving beyond simple tolerance to embracing and celebrating the rich dimensions of diversity contained within each individual.

'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 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 excellent, relevant and socially just schools.

'Transformation and Diversity portfolio holder' means the member of staff who has been designated by the Head of the relevant school to champion transformation and diversity in that 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).

St John's College is an independent Anglican African School which admits boys in the Bridge, Pre-Preparatory and Preparatory schools, College and Sixth Form and girls in the Bridge and Sixth Form. Decisions taken as a consequence of these core characteristics do not constitute unfair discrimination.

5 Policy

5.1 The establishment of a fair, respectful and thorough complaints procedure is crucial to the success of this policy and its execution. The exercise of this procedure must be respectful of both the complainant and the alleged perpetrator. This includes acting within the time frames contained in the procedure and maintaining strict confidentiality at all stages of the procedure.

5.2 Any member of the St John's College community or visitor to the St John's property may lodge a complaint regarding an alleged violation of this policy including alleged Unfair Discrimination or harassment. 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:

- Mobile and web applications adopted for this purpose
- A St John's College Chaplain
- A St John's College staff member (e.g. teacher, member of the school executive, school psychologist)
- A school or house prefect
- A member of the Student Affairs Committee (SAC)
- The Chair of the Parents' Association (PA)
- The Chair of the Old Johannians' Association (OJA)
- A member of the Transformation and Diversity Committee

5.4 Irrespective of whether the complainant is seeking a formal or informal outcome, the person receiving the complaint must refer the complaint to the Anti-Discrimination Custodians within forty-eight (48) hours of receiving the complaint.

The Anti-Discrimination Custodians comprise a minimum of the following three (3) people:

- The Head of the relevant School or their delegated representative;
- The Transformation and Diversity Portfolio holder in the relevant school and
- The Human Resources Manager (if the alleged perpetrator is a teacher); or
- The subcontractor's designated representative (if the alleged perpetrator is a subcontractor); or
- The Head of School or Second Prefect (if the alleged perpetrator is a College student); or
- The Head or Deputy Head of Runge House (if the alleged perpetrator is a Sixth Form student); or
- The Head of School or Second Prefect (if the alleged perpetrator is a College/Sixth Form Prefect); or
- The Deputy Head of the Preparatory School or the Preparatory School Chaplain (if students from the Bridge Nursery School, Pre-Preparatory or Preparatory School are involved); or
- The Chair of the PA or a designated representative (if parents or guardians are involved); or
- The Chair of the OJA or a designated representative (if Old Johannians are involved); or
- A member of Council with legal expertise, or designated representative, if a visitor onto the school premises is involved; or
- The Bishop's representative on Council if a representative of the Anglican Church is involved; or
- The Bishop/Chairman of Council if a member of Council is involved.

5.5 Should the complaint involve two or more stakeholder groups, the other implicated parties will also have representation on the Anti-Discrimination Custodians group. Where possible the composition of the Anti-Discrimination Custodians group should display diversity within itself, to gain a wider range of perspectives and greater representativeness.

5.6 The Anti-Discrimination Custodians group should endeavour to set up a meeting with the complainant (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 extent of this should be limited, to maintain confidentiality and as the timeframe is restrictive.

5.7 The complainant may nominate a representative to join him/her in this meeting. In the case of a Nursery, Pre-Preparatory or Preparatory student being the complainant, the parent(s)/guardian(s) are obliged to represent their child, and to decide whether their child should be present in the meeting. In the case of a College student, the parent(s)/guardian(s) should attend where possible.

5.8 The Anti-Discrimination Custodians group must ensure that the emotional and psychological needs of the complainant are addressed and the School Chaplains and Psychologist should be involved where necessary. In the case of a student, the pastoral needs of the student may be met by the student's Housemaster/mistress and House tutor.

5.9 Within forty-eight (48) hours of meeting with the complainant and taking into account the wishes of the complainant for a formal or informal outcome, the interests of the school and the rights and duties of all parties, the group must decide how the complaint will be addressed. Options include, but are not limited to:

- A Disciplinary Committee (DC) enquiry and subsequent DC Hearing in the case of a student being the alleged perpetrator;
- A disciplinary enquiry in terms of the Disciplinary Procedure in the case of a staff member or subcontractor being the alleged perpetrator;
- School management must deal with the complaint in terms of the Enrolment/Parent contract in the case of a parent being the alleged perpetrator;
- The OJA must deal with the complaint in terms of its constitution in the case of a member of the OJA being the alleged perpetrator;
- A member of Council with legal expertise would deal with the complaint in the case of a visitor to the campus being the alleged perpetrator;
- The Bishop or Chairman of Council must deal with the complaint in the case of a member of Council being the alleged perpetrator;

- Mediation, education, pastoral care and reconciliation and ways in which the alleged perpetrator and the wider school community can be educated and rehabilitated should be sought where possible;

5. 10 The Anti-Discrimination Custodians must in the first instance explain to the complainant the next step in the procedure and the 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. The complainant should be encouraged to put the complaint in writing using the complaint form contained at Annexure B.

5.11 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.

6 Roles and Responsibilities

6.1 The role of the Heads of the schools is to ensure that all stakeholders in the St John's College community are made aware of this policy. These stakeholders include:

- Students
- Teachers
- Employees
- Subcontractors
- Parents and guardians of students
- Representatives of the Anglican Church
- Members of the Old Johannian Association
- Members of Council

In addition, the Heads of the schools should ensure that any appropriate procedural variations to this policy are identified and communicated to stakeholders and students

in the different phases of the school, particularly the Bridge, the Pre-Preparatory School and the Preparatory School.

- 6.2 The role of the Ant-Discrimination Custodians is to decide how specific cases of alleged Unfair Discrimination at St John's 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. The custodians should also be actively involved in the community/their respective stakeholder groups to root out Unfair Discrimination of any form. They have an ancillary duty of educating the community about transformation and the benefits of diversity at St John's College and in our broader society.
- 6.3 The role of the Transformation and Diversity Portfolio holder in each of the schools is advisory. These duties include education and engagement with various stakeholder groups around the subject of transformation, and to aid the Heads in facilitating change. Notwithstanding this role, the Heads remain the custodians of transformation and diversity in the schools and must take full accountability to ensure the implementation of this policy. Such accountability to be reflected in their performance assessments.
- 6.4 The role of the Transformation and Diversity Committee includes *inter alia* oversight of all transformation and diversity initiatives designed to redress past and present Unfair Discrimination and safeguard against future Unfair Discrimination and to monitor compliance with this policy.

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;
 - 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.
2. This section breaks down more specific examples of potential offences in the categories of Unfair Discrimination:

On the grounds of race:

- 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;
- Exclusion of persons of a particular race group under any rule or practice that appears to be legitimate but which is actually aimed at maintaining exclusive control by a particular racial 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;
- 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 where they came from';
- 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;
- 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;
- Calling black people 'articulate' as if it is unusual in a black person;
- Equating the presence of black people with a lack of safety;
- Saying that you don't see colour;

On the grounds of gender:

- 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;
- The objectification of women;
- Undermining the contribution of women.

On the grounds of disability:

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

Annexure B

DISCRIMINATION COMPLAINT FORM

Name of Complainant	
Date of Complaint	
Name of Complainant's Representative (If any)	
Name of Person to Whom Complaint is Addressed	
<p>DETAILS OF COMPLAINT Please be as specific as possible:</p> <ul style="list-style-type: none"> · What happened? · Where? · When? · Who? Did anyone witness what happened? 	

DESIRED OUTCOME
 (What would you like to happen about this complaint?)

Signature of Complainant	
Signature of Complainant's Representative (If any)	