



Kingswood College Policy

POLICY ON RACISM¹ AND OTHER FORMS OF DISCRIMINATION

| | NAME | SIGNOFF | DATE |
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¹ Whilst we are clear that all forms of discrimination are to be condemned equally, we are very aware of South Africa's particular history of legalised racial segregation and the continued effect this has had on all its citizens. For this reason, we single out racism for special mention.



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1 PREAMBLE

Kingswood College is fully committed to upholding the values and principles of our Christian faith, as practiced in the Methodist tradition, and to promoting the fundamental rights and freedoms of every person at the school as required by our South African Constitution and related legislation². It is our intention that our ethos and values form the bedrock of all that we say and do. We will strive to ensure that our school is a safe place and provides an environment in which all members of the community are accorded respect, and feel valued and welcome, irrespective of race, citizenship, culture, language, gender, religious and political conviction, social class, sexual orientation or ability.

As such, we are committed to promoting mutual understanding of difference and addressing prejudice whenever and however it presents. Any derogatory, hurtful and/or hateful practices that have their origin in racism or any form of discrimination have no place in our school community and will be addressed.

This document presents the school's policy on racism and other forms of discrimination. It should be read together with the school's discipline policy.

This document outlines:

- I. Behaviour and attitudes that are expected
- II. Behaviour and attitudes that are unacceptable
- III. Steps to follow if this policy is contravened
- IV. Action that will be taken against those who contravene this policy.

2 OBJECTIVES OF THIS POLICY

The objectives of this policy are:

- 2.1 To clearly communicate the school's stance on diversity and belonging.
- 2.2 To communicate the attitudes and standard of behaviour expected of pupils both on and off campus.
- 2.3 To describe the options available to pupils who wish to report incidents of racism or discrimination.
- 2.4 To outline the steps to be followed once a report has been made.
- 2.5 To describe the choices and effective processes available to pupils who report incidents of racism or discrimination.

3. DEFINITIONS

- 3.1 **The Staff** comprise:
 - i. School Leadership Team (Heads, Housepersons, Grade Heads, Chaplain and Management Team)
 - ii. Teaching Staff
 - iii. Wellness Team
 - iv. Administrative Staff
 - v. Support Staff

² The Constitution of the Republic of South Africa, 1996; Promotion of Equality and Prevention of Unfair Discrimination Act, Act 4 of 2000.



- vi. Student Assistants and Coaches (whether they are fixed-term or indefinite, full-time or part-time employees)

3.2 **Complainant**

For the purpose of this policy '**complainant**' means any person or group within our school community who reports a contravention of this policy. Such a complaint will result in action being taken as described in this policy.

3.3 **Racism**

For the purpose of this policy '**racism**' is:

- i. The belief that all members of a race possess characteristics, abilities, or qualities specific to that race making it 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. An action or actions taken whose effect is to perpetuate and maintain the power, influence and/or well-being of one race over another.³

3.4 **Discrimination**

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 (keeps going) systemic disadvantage;
- ii. undermines human dignity; or
- iii. negatively impacts on the equal enjoyment of a person's rights and freedoms in a serious manner⁴

3.5 **Respondent and alleged offender**

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 is required to respond to those allegations through the procedures outlined in this policy.

3.6 **The school**

For the purposes of this policy '**the school**' refers to Kingswood College, situated in Makhanda (Grahamstown), Eastern Cape, Republic of South Africa.

³ 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.

⁴ 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.



4. GUIDING PRINCIPLES

- i. Our overarching principle is that any form of racism or discrimination is unacceptable at the school and healthy and respectful relationships are expected and encouraged. Given this, the following apply:
- ii. Kingswood College is committed to fostering and maintaining an environment in which the dignity of pupils and members of staff is respected and protected and where all feel safe, secure and accepted.
- iii. Kingswood College recognises that it is first and foremost an educational institution and that its pupil body comprises young people who are growing and developing. As such, it is committed to making resources available to educate its pupils – and indeed, all members of the Kingswood community (teachers, administrators, support staff and pupils) – about all aspects of racism and discrimination. We aim to develop a culture of learning and listening and to encourage a greater understanding of the potential impact that direct or indirect racism, unconscious bias and discriminatory attitudes and practices can have on our friends, peers, the broader school community, and our society.
- iv. Those who experience racism or discrimination should feel confident that their experiences will not be ignored or trivialised, and they should not fear reprisals. Further, all pupils should know that any interventions taken by the school in instances of racism/discrimination will be just and fair and be educative and restorative rather than merely punitive.
- v. It is the responsibility of all members of the school community to promote a climate where differences are valued and not merely tolerate and courtesy, compassion and respect are valued. All in the community should strive always to ensure that their conduct does not cause offence and they should discourage unacceptable behaviour on the part of others.

5 RESPONSIBILITY OF THE SCHOOL

Kingswood College undertakes to:

- i. Make it known that any form of racism or discrimination is unacceptable at the school and that action will be taken when any racism or discrimination is identified. When deemed necessary, disciplinary action will be taken.
- ii. Provide a range of opportunities for our pupils to be educated about racism, prejudice and discrimination in a safe environment within which attitudes and behaviours can be challenged and reflected upon. Further, those who are found to have engaged in racist or discriminatory behaviour will receive help, such as counselling.
 - iii. Ensure that the school's formal and informal curricula reflect and promote values of inclusivity, diversity, equality and human dignity. All pupils are regularly made aware of their constitutional rights and responsibilities; the history and impact of ideologies and practices of racism and discrimination; the meaning and practice of diversity, inclusivity and tolerance and the relevant school policies.
- iv. Ensure that all academic staff promote equity and demonstrate sensitivity to context and diversity in their specific courses and/or boarding houses.
- v. Ensure that administration and support staff promote equity and demonstrate sensitivity to context and diversity on campus.
- vi. Ensure that allegations of racist or discriminatory words, actions or practices will be taken seriously and investigated rigorously and promptly. If allegations are found to have substance, the procedures outlined in below will be initiated, as appropriate. All staff



members must take appropriate action in accordance with this policy when instances of racism and/or discrimination at the school are brought to their attention.

vii. Ensure that this policy is readily accessible to all pupils of Kingswood College.

6 REQUIREMENTS of this POLICY

It is the responsibility of every pupil to read and apply the requirements of this policy.

The school prohibits any behaviour that:

- can be deemed to be racist, or
- unfairly discriminates against any individual or group.

The contravention of the above may lead to formal disciplinary action, as per the school's discipline policy (see Section 8 below).

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

- **Direct racism or discrimination** – i.e. a clear and overt act of racism or unjustifiable discrimination.
- **Indirect racism** – i.e. when the expression of racism is subtle, such as seemingly light-hearted banter, jokes, etc. that are hurtful.
- **Indirect discrimination** - i.e. when a rule or practice seems to treat everyone fairly, but actually unfairly discriminates against individuals or groups.

6.1 Examples of racism and discrimination

Racism and discrimination include but are not limited to, the following utterances, actions and practices:

- i. Hate speech: Spoken or written utterances that are intended to offend, insult, intimidate, or threaten. 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 based on any of the abovementioned attributes.
- iii. Use of slang terms to refer to someone.
- 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: 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 school activities (such as groupwork) 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 based on some perceived or real characteristic or telling someone to go back to wherever they may be from (implying non-belonging).
- xv. Imitating accents or speech patterns with the intention of ridiculing.
- xvi. Negative, discriminatory or offensive comments about individuals or groups pertaining to: appearance, food, accent or dialect, language, social status, financial status, physical ability, intellectual ability, culture, religion, country of origin, family, perceived or actual sexual orientation
- xvii. Any other form of negative or derogatory action, behaviour or treatment related to markers of identity or difference.

7. APPLICATION OF THE POLICY

This policy and these procedures apply to all members of the of Kingswood College community⁵.

8. PROCEDURES

These procedures will apply in instances when there are allegations of racism and/or discrimination as outlined in Section 6 of this document.

These procedures aim to resolve any complaints/reports of racism or discrimination in a sensitive, efficient and effective way. Procedures commence with the first conversation a complainant initiates with a staff member, or the first report made anonymously. The particular steps taken thereafter will depend on the severity of the matter reported.

The age (i.e. maturity level) of the complainant(s) and respondent(s) as well as the following criteria will be kept in mind when the severity of the incident is assessed:

- i. Was the behaviour **hurtful**?
- ii. Was the behaviour **intentional** or **deliberate**?
- iii. Has the behaviour been **persistent**?
- iv. Has the behaviour **continued** in spite of warnings to the individual to desist?

8.1 REPORTING RACISM/DISCRIMINATION

8.1.1 Reporting to a staff member

Allegations of behaviour motivated by racism or other forms of discrimination are sensitive and potentially serious issues.

⁵ There is a similar but separate staff policy in accordance to the ISASA requirements and the Employment Equity Act 55 of 1998.



Indirect Report – A complainant (who may be the direct victim or a witness to an incident) may therefore wish to approach a staff member for advice and assistance before laying a formal complaint. Whilst it is recommended that the complainant approach one of the Heads, the psychologist, the Transformation Officer, a Houseperson or the chaplain, pupils are free to approach any member of staff with whom they feel comfortable.

Whoever is first approached will:

- listen and ask questions so that they have a full account of the incident(s);
- provide support and advice;
- assist the complainant in clarifying whether the offending behaviour they describe may indeed constitute racism or discrimination;
- discuss ways in which the problem might be resolved;
- provide ongoing support and care to the complainant throughout the process, whatever course of action is chosen.

This initial discussion will be confidential and the identity of neither the alleged victim (if the complainant is a witness) nor the alleged offender need be revealed at this stage.

Formal Complaint – If it is clear that the offence described does constitute racist or discriminatory behaviour, the complainant may nevertheless request that the complaint/report simply be noted for tracking purposes and that no further action be taken at that stage. However, the following will take place:

- The College Head will be notified.
- The complainant will be encouraged to accompany the staff member to meet with one of the Heads or the Transformation Officer in order to lay a formal complaint.
- In consultation with the College Head or Transformation Officer, the complainant may be guided to proceed to a Remedial Discussion, Restorative Intervention, or Disciplinary process.

The final decision regarding the course of action to be taken rests with the College Head in conjunction with the Transformation Officer. Counselling may be provided as the sole process, or alongside all or any of these interventions.

Parental Involvement – The need for parents to be informed of and perhaps drawn into a process will be assessed and discerned on a case-by-case basis, in consultation with the complainant, but with an emphasis on alerting them to issues sooner rather than later. If there is a disciplinary process parents will be notified.

8.1.2 Reporting on the anonymous reporting app Speak Out

A complainant can post any report of racism or discrimination on the reporting app Speak Out, which all pupils have access to.

- This can be posted anonymously.
- The administrators of the app who will respond to each report and notify the College Head and Transformation of such.
- The administrators may request additional information in order to assist the complainant in clarifying whether the offending behaviour they describe may indeed constitute racism or discrimination and for the report to be thoroughly investigated. (The app allows for this to happen without compromising the anonymity of the person reporting).
- The administrator of the app will liaise with the College Head and other relevant structures within the school and will continue the conversation with the complainant as long as is



needed to collect all information required and to provide feedback on actions taken and their outcomes.

8.2 REMEDIAL DISCUSSIONS

8.2.1 Remedial Discussions may be instituted if:

- the complainant wishes to remain anonymous, or
- the complainant does not wish to pursue a Restorative Intervention or a Disciplinary process, and/or
- the College Head or Transformation Officer feels that the complaint warrants it, or
- if multiple minor complaints have been made about a particular person

8.2.2 The College Head and/or Transformation Officer 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
- iv. severity of the offence and the hurt or harm caused
- v. the history of the alleged offender with regard to similar offences.

8.2.3 A Remedial Discussion is conducted between the College Head or Transformation Officer and/or a senior member of staff and the alleged offender and takes the form of a conversation.

- i. The alleged offender is informed that concerns have been raised about the pupil's behaviour
- ii. The nature of the concerns are described
- iii. The identity of the complainant(s) are not revealed if she/he wished to remain anonymous.
- iv. The alleged offender will have an opportunity to respond to these concerns.

The College Head may then describe the forms of speech and behaviour which constitute racism and/or discrimination and which are unacceptable at the school and explain that, to whatever extent that the pupil has been involved in such behaviour (which she/he has now been made aware of), this must stop immediately. The pupil may be provided with a copy of the Racism and Discrimination Policy.

8.2.4 Remedial Discussions serve an educative (remedial) purpose in that they alert offenders, who may be unaware of the offence that they are causing, to the unacceptable nature of racist/discriminatory behaviour, and the hurt and/or harm caused by such behaviour. They invite the alleged offender to reflect on their attitudes and behaviour and to consider making changes where necessary. These discussions also signal to the school community at large the school's intolerance of any forms of racism or discrimination.

8.3 RESTORATIVE INTERVENTION

The decision to initiate a Restorative Intervention rests with the College Head and/or the Transformation Officer and can be instituted if:

- i. a complaint has been investigated and verified
- ii. the complainant, those supporting the pupil and the College Head, believe that a discussion or action that involves the alleged offender can potentially resolve a matter.



- iii. both parties agree to participate
- iv. the alleged offender accepts responsibility for hurt and/or harm caused

If the alleged offender disputes the allegation, the Restorative Intervention cannot proceed. If the alleged offender disputes the allegation, refuses to attend or refuses to accept responsibility for hurt and/or harm caused, the matter will be referred to the Disciplinary Committee for further investigation and action.

A Restorative Intervention would focus on the consequences of the offence (hurt and/or harm caused) with the emphasis being on a response of acknowledgement of hurt and/or harm by the alleged offender as well as a sincere expression of remorse. Collective problem solving is then used to agree upon some form of restitution/amends to be made, which would include concrete steps to avoid recurrence of offending behaviours.

8.3.1 Procedure to be followed for a Restorative Intervention

- i. The alleged offender will be provided with a description of the complaint and invited to an RI meeting.
- ii. The Restorative Intervention meeting will, as a matter of necessity, involve a senior teacher as witness, a School psychologist or person qualified to facilitate the Intervention, the complainant, the alleged offender and one representative each of their choosing from within the School community.
- iii. The proceedings of such meetings will be confidential, with a record kept only of the mutually agreed upon outcome of the meeting. This record may be used in later disciplinary processes (aggravating circumstances relating to sanction) should there be a repeat offence.
- iv. If a restorative agreement is reached which satisfies the complainant and is accepted by the offender, the meeting will be concluded.
- v. Practices of accountability will be implemented to ensure that the agreements reached are honoured.
- vi. A restorative agreement is binding and failure to abide by the agreement could result in disciplinary action.
- vii. Restorative agreements will always include the provision that the unacceptable behaviour in which the offender engaged should not be repeated with the complainant or any other person. Should this occur, it would constitute a breach of the restorative agreement and could be used in evidence in further disciplinary processes.

If the matter remains unresolved once the Restorative Intervention meeting is concluded, or if the agreements made in the process are not honoured, the matter will be referred to the Disciplinary Committee for further investigation and action.

8.4 FORMAL DISCIPLINARY PROCEDURE

Whilst restorative options will be prioritised and adopted/tried wherever possible, the College Head may refer a complaint directly to the Disciplinary Committee without instigating a Remedial Discussion or a Restorative Intervention, if the severity and circumstances warrant this, and particularly if doing so will avoid any further possible harm to the complainant. A complaint may also be referred to the Disciplinary Committee if an alleged offender disputes the complaint/allegation, or if a complaint remains unresolved after a Restorative Intervention.

8.4.1 Once a complaint is referred to the Disciplinary Committee, the Kingswood College disciplinary procedures will be followed, as per the school's Discipline Policy.

8.5 LAYING A COMPLAINT AGAINST A MEMBER OF STAFF



In order to lay a complaint of racism or discrimination against a staff member, a pupil could approach a staff member for advice and assistance (as per par. 8.5.1) and then proceed to lay a formal complaint with the College Head/Transformation Officer or approach the College Head/Transformation Officer directly.

The College Head will institute an investigation and the Staff Policy on Racism and Other Forms of Discrimination would come into effect.

9 RECORD KEEPING

For every formal report of racism and/or discrimination, a standard incident report will be completed. Any action taken, or a decision not to take action, will be recorded and signed by all concerned. Should a Remedial Discussion, Restorative Intervention or Disciplinary Process ensue, records will be kept of these interventions and their outcomes.