



## DIVERSITY AND INCLUSION POLICY

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### 1. Introduction and Purpose of this Policy

Michael Oak strives to be a diverse and inclusive school and therefore will not tolerate discrimination of any kind. As a school we recognise the discriminatory and racist history of South Africa, and, in so doing, commit ourselves to working actively against any forms of unfair discrimination. We recognise that to disregard, ignore, or be complicit, in alleged or proven discriminatory incidents is to give tacit support to such behaviour.

Therefore this policy seeks to:

- Foster an environment where everyone associated with the School is treated with courtesy, dignity and respect;
- Endeavour that all, regardless of their race, gender, sexual orientation, religion or any other “prohibited grounds” (see definition below), feel safe and comfortable at Michael Oak.
- Recognise, appreciate and actively promote diversity and inclusion in the School community;
- Help make students and staff aware of their rights and responsibilities as outlined in the South African Constitution;
- Raise the awareness and understanding of the members of the School community with regard to the impact that their behaviour and actions may have on others;
- Give every individual an equal opportunity for employment or election to office in any position at the school, regardless of their race, gender, sexual orientation, religion, and/or any other “prohibited grounds”; and to work towards redressing past discrimination;
- Provide a mechanism for the reporting of any kind of unfairly discriminatory behaviour, conscious or unconscious, and then ensure that an effective process is followed to resolve these complaints in a fair, timeous and appropriately confidential manner;
- Prevent the victimisation or harassment of individuals who have laid a complaint under this policy, and/or who serve to support the complainant by acting as witnesses of the allegedly unfair discriminatory behaviour.

### 2. Revised Diversity Statement 2022

Michael Oak Waldorf School has committed to actively creating and transforming awareness and understanding around issues of diversity and inclusion among our staff, pupils and parents. These include:

- encouraging multiculturalism
- promoting non-racism

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- promoting non-sexism
- promoting acceptance of all religions
- promoting acceptance of sexual orientation and gender identity
- accommodating those with learning differences, where resources allow

We are committed to the development and exploration of our identity as a Waldorf school situated in Africa, in the academic and cultural spheres of our learning and teaching.

We are committed to being an anti-racist school, and commit to this being reflected in the life and culture of our school. We commit to the development of strategies and best practices that dismantle racism and to ongoing anti-racist professional development for our staff. We undertake to continue learning about racism and encourage courageous conversations amongst the broader school community. We commit to a process of full consultation of our school community on further actions and plans to promote anti-racism.

We are committed to promoting the Waldorf vision and values of non-elitist, progressive, non-denominational, co-educational, affordable private education - education that fosters individual initiative, freedom and responsibility, and promotes the worth of the individual.

### 3. Definitions

‘Complainant’ means any person who alleges any breach of this policy and who institutes proceedings in terms of the policy.

‘Discrimination’ means any act or omission, including a policy, rule, practice or situation, which directly or indirectly and unfairly imposes burdens, obligations or disadvantages on; or withholds benefits, opportunities or advantages from; any person on one or more of the prohibited grounds.

‘Prohibited grounds’ are race, gender, class, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, physical and mental disability, religion, neurodiversity, conscience, belief, culture, language and birth; or any other ground where discrimination occurs.

‘Equality’ includes the full and equal enjoyment of rights and freedoms as contemplated in the Constitution and includes equality in law and in fact, and also equality of outcomes.

‘Pregnancy’ includes any condition related to pregnancy, intended pregnancy, potential pregnancy or termination of pregnancy.

‘Class’ includes a perceived social or economic condition of a person as being advantaged or disadvantaged by poverty/wealth, location or ownership status (own vs rent) of residence, access to worldly goods, employment status, or educational qualifications.

‘Racism’ may be defined as prejudice, unfair discrimination, or antagonism directed against an

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individual or a group of people of a different race or ethnicity based on the belief that one's own race or ethnicity is superior and that their race or ethnicity is inferior. Racism includes policies, behaviours, rules that result in a continued unfair advantage to some people and unfair or harmful treatment of others based on race.

'Anti-Racism' is the process of opposing racism through proactive, focused and sustained actions, movements and policies.

'Restorative Justice' means that, wherever possible, there is an informal, amicable, respectful, and equitable resolution of an incident.

## 4. Application of this Policy

This policy applies to all members of the Michael Oak community, including grounds staff, cleaning staff, casual staff, administrative staff, teaching staff, sports coaches and students and, so far as it is feasible and appropriate, also to parents and guardians, and the alumni.

This policy applies to them while they are on the school campus, at school events, representing the school in any capacity, supporting the school at events on or off the campus or at any other place, or recognisable as members of the school community.

This policy extends to social media engagement and to any other forms of media or communication, irrespective of whether the perpetrators are recognisable as members of the School community.

## 5. Measures to Promote Diversity & Inclusion

In carrying out their duties and responsibilities under this policy and to help create an environment in which all members of the community feel included,

The Faculties will:

- Provide ongoing awareness-raising with staff and students and discussions for parents;
- Incorporate into the curriculum age-appropriate Waldorf-based content that supports the intention of this policy.

The Trustees, College, Faculties, and Administration will:

- Audit all the School's other policies and procedures on a regular basis with a view to eliminating all discriminatory aspects;
- Monitor and, where required, develop progressive policies and initiate codes of practice in order to eliminate unfair discrimination;
- Investigate and adopt viable action plans for the promotion and achievement of equality and prevention of unfair discrimination.

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## 6. Types of Discrimination

There are four categories of discrimination according to the Equality Act:

Direct discrimination: When an individual is treated less favourably on the basis of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth, or any other prohibited grounds.

Indirect discrimination: When practices and policies affect a certain group of individuals more than others, and when such practices and policies seem to be neutral but, in fact, have a disproportionate effect on individuals from different groups.

Harassment: Unwanted 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 and which is related to a person's membership or presumed membership of a group identified by one or more of the prohibited grounds or a characteristic associated with such group.

Hate speech: The publishing, propagating, advocating or communicating of words based on one or more of the prohibited grounds, against any person or group of persons, that could reasonably be construed to demonstrate a clear intention to:

- be hurtful;
- be harmful or to incite harm; or
- promote or propagate hatred.

## 7. Forms and Examples of Discriminatory Behaviour

Unfair discrimination includes, but is not limited to, one or more of the following, whether in the form of direct or indirect conduct or as expressed on any media platforms:

- oral abuse and threats;
- written abuse in whatever form it appears;
- psychological conduct;
- physical actions;
- cyberbullying; or
- provocative behaviour.

The following are examples of behaviour which could be considered of a discriminatory nature. The examples are by no means exhaustive, and those implementing this policy may determine when an incident arises whether it constitutes discrimination or not.

- Making unfairly discriminatory or hurtful oral or written remarks about another person or a group of people; laughing or giving tacit approval to the same.
- Making jokes or passing unfairly discriminatory comments in reference to the appearance,

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clothing, culture, cuisine, habits, names or accents of a person or persons; laughing at or giving tacit approval to the same.

- Displaying or distributing discriminatory materials (e.g. leaflets, software, books).
- Discriminating unfairly against a person or persons with regard to, for example, selection to a sports team, cultural group or appointment to a leadership position or a promotion.
- Holding different standards or expectations of a person or a group of people based on their identity.
- Acting in any way which is physically threatening or physically exclusionary towards a person or a group of people; giving tacit approval to the same.

When deciding on the validity of an accusation, one must ask of the behaviour:

1. What was the intent?
2. What was the context?
3. Was it directed at anyone?
4. Was it for educational purposes?

This means that depending on the circumstances, what might otherwise be construed as discriminatory may be acceptable depending on motivation and intent, such as using certain language or symbols in an educational context. For example, displaying the old South African flag or explaining a racial slur cannot be considered 'hate speech' if it is used for educational purposes and introduced as such.

It is also important to keep in mind that making false accusations is as bad as discrimination or harassment itself as it undermines the school's efforts. Therefore one should always consider carefully before doing so.

## 8. Formation of the Equality Council

The Equality Council is to be formed to handle incidents and decide on whether it warrants further investigation or not. It is imperative that the Council be diverse, and, wherever possible, that there is at least one representative drawn from whichever group is being discriminated against.

The College of Teachers must establish the Council which will be made up of:

- A member of College or person nominated by College;
- A teacher representing High School and one representing Primary School;
- A member of the Trustees or person nominated by Trustees;
- The Diversity & Inclusion Coordinator (Community Coordinator or School Administrator);
- A member of the Equality Advisory Group with personal experience with the form of alleged discrimination (for example, a Rabbi when dealing with anti-semitism) (see more details below)

The selection process and requirements for being a member of the Council is as follows:

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- Each group selects its representative, with College providing guidance in order to encourage diversity
- Term of office: for one-year, with possibility of extension up to 3 years
- Members must have a stated commitment to upholding the policy
- Members must become knowledgeable of relevant policies and related initiatives at school, such as Employment Equity and the school's Disciplinary Policies and Bringing a Concern policies.
- Training will be provided
- Members must have the time available to follow through on assigned work and be available on an ad hoc (urgent) basis.
- The Council selects its own chairperson.

The Equality Advisory Group is made up of members of the school community with personal and professional experience dealing with matters of discrimination, conflict resolution and mediation. This group can be drawn from the parent body as well as the wider Michael Oak community.

- The Diversity & Inclusion Coordinator (Community Coordinator) is responsible for coordinating the Advisory Group on behalf of College and the Trustees.

## 9. How to Report an Allegation of Unfair Discrimination

Complainants are to report an allegation of unfair discrimination (an incident) to anyone to whom the complainant feels comfortable to speak, and then follow the Procedure for Bringing a Concern.

The complainant is also free to report directly to the Equality Council by filling in the form.

Once the incident has been reported, the complainant must fill out the Discrimination Complaint Form (include link) in as much detail as possible. This form is available from the school's office and on the school's website. Information in the complaint should include: what happened, when it happened, who the accused person is, who witnessed it, how the complainant felt about what happened as well as a desired outcome. It is important to note that the Council cannot convene if the complainant refuses to put the incident in writing.

## 10. Principles & Procedures of the Equality Council

The Equality Council must at all times strive for both procedural and substantive fairness in their deliberations and decision-making. Therefore, the members must follow the following principles and procedures.

### Principles

- It is recognised that there are times when a complainant may have been hurt or offended by the actions, behaviour or comments of another, but may not want a formal process. This

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provides the scope for dealing with the subtleties of unfair discrimination while normalising the reporting of complaints, thereby facilitating a less threatening method for an individual to come forward and report an incident where they have been hurt or offended.

- The desired outcome of a disciplinary procedure under this policy is restorative justice. As explained above, this means that, wherever possible, there is an informal, amicable, respectful, and equitable resolution of the incident. Such a resolution must take into account the seriousness of the infringement and must be supported and accepted by both individuals or groups involved. However, the pursuit of such an outcome should not impose undue pressure on any of the parties to express such support. If an agreed outcome cannot be achieved, other means of addressing the complaint must be followed, at the discretion of the Council, with approval by College.
- Through mediation and discussions both parties should reach a point where they are confident that they can continue in the School environment without fear of intimidation, harassment, or retribution.
- Should a complaint come from an anonymous source it must be taken seriously and investigated as far as possible. However, it must be emphasised that it may not be possible to reach a satisfactory outcome for an anonymous complainant. Therefore, complainants are encouraged to identify themselves.
- The complainant and the accused person are to be dealt with in a respectful way.

## Procedures

- Deal with any incidents timeously, by informing the complainant of its intended course of action within 72 hours of receiving the complaint;
- The complainant is to be kept notified of progress or delays in the process.
- If the Council deems it necessary to investigate the complaint in more detail, it can do so in order to ascertain the relevant facts and circumstances.
- The complainant and the alleged perpetrator are each entitled to the presence of another member of the current School community who represents or supports each of them. A legal practitioner may be admitted to the proceedings where the circumstances necessitate this. Parents/guardians are to be invited to be in attendance in support of their child during the investigation process.
- When necessary, the Council is allowed to call witnesses, but in the case of students, must first receive permission from their parents.
- Detailed record-keeping of the hearing and any relevant documentation must be kept.
- Previous reported incidents may be considered to determine if the accused person displays a pattern of behaviour.
- Ensure that, where necessary, appropriate sanctions are imposed on the perpetrator by the appropriate body, and if the sanctions are not adhered to, then the Council must engage further.
- The Council must report on the conclusions reached by their investigation, which is then approved by College.
- Parents/guardians must be informed of the outcome of the hearing, preferably via a phone call followed up by a meeting in which a letter is presented including the nature of the

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offence, the decision reached by the Council, and, where applicable, details of sanctions imposed.

- The Council must ensure that the complainant and/or the accused person are given appropriate emotional support or counselling should the complainant and/or the accused person want this.
- A complainant may withdraw their complaint at any stage of the process. In such a case the school should investigate the reason for the withdrawal and take appropriate measures, including counselling.
- Should the Council decide that a complaint has been made falsely or with malicious intent, it may decide to discipline the complainant with an appropriate sanction.
- An appeal of the decision of the Council by either the complainant or the alleged perpetrator, must be made in writing to the Equality Council, which will decide whether further investigation is needed or whether the appeal needs to follow our appeals procedure as outlined in the Bringing a Concern Procedure.

## Communication

In order to ensure a smooth and fair process, all persons involved are to adhere to these communication practices:

- Confidentiality
- Containment of the issue both internally and externally - in alignment with the school's crisis management process
- Clear, timely and relevant communication with students, parents and faculty

## **11. Sanctions Guidelines**

The Council may recommend one or more of the following sanctions on those who are found to have infringed any of the provisions of this policy:

- A written apology by the perpetrator to the complainant alone, or circulated more widely.
- Any appropriate form of restorative justice, such as research and presentation on a related topic or an appropriate form of community service
- Enrolment in, and full attendance at, a course on a related topic
- Counselling from within or outside the School
- Detention
- Suspension
- Expulsion
- Reporting the incident to the police, which may be a legal obligation depending on the nature of the incident
- Termination of employment - where the perpetrator is an employee, or an external service provider, the school's misconduct and poor performance policy takes precedence.

If any person is found to have falsely accused another of an alleged infringement of this policy, they may



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receive an appropriate sanction drawn from the list above.

## 12. Approval and Review of this Policy

An annual review of the performance of the Council and this policy will be performed by the College of Teachers.

### Approval of this Policy

If the evaluation demonstrates that the Council isn't managing to achieve its goals because of governance issues, or because of issues raised by the Admin Group, Faculties, College or Trustees, this policy can be amended as required, subject to the approval of the Trustees. When a revision is recommended, the original as well as the revised versions must be made available, and the reason for the revision specified.

### Adoption

This policy was adopted by the Board of Trustees at their meeting of 26 October 2022.

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### Sources

Westerford High School's Diversity & Inclusion Policy, as well as Anti-Racism statement, which also reference:

- St. John's College, South Africa, Dignity and Anti-Discrimination Policy (May 2018)
- St. Peter's College, Australia, Equal Opportunity and Anti-Discrimination Policy (Approved May 2010, Revised January 2017)
- Promotion of Equality and Prevention of Unfair Discrimination Act No.4 2000
- Kehiloe Ntsekhe, Independent Consultant
- Solange Rosa, Director of the Bertha Centre for Social Innovation and Entrepreneurship at the Graduate School of Business, University of Cape Town
- Hugh Corder, Professor Emeritus of Public Law at the University of Cape Town and parent at Westerford
- Alison Gray, Deputy Principal at Westerford High School

<b>DISCRIMINATION COMPLAINT FORM (CONFIDENTIAL)</b> (The Council cannot convene if the complainant refuses to put the incident in writing.)	
Today's Date	
Date of Incident	
Name of Complainant/s (You may remain anonymous and leave this blank)	
Name of Complainant's/s' Representative(s) (if any)	
Name of the accused person/s (If known)	
<b>Details of the complaint</b> Please be as specific as possible with regard to: What happened? Where did it happen? When did it happen (day, date and time)? Who was present and witnessed the incident?	
<b>Desired Outcome</b> What sanctions or consequences would you as the complainant like to see with regard to this complaint? Bear in mind that this is a guide for the committee and may not be the official sanction.	
Signature of Complainant:  Date signed:	
Signature of Complainant's representative (if any):  Date signed:	