

LEARNER ANTI-DISCRIMINATION POLICY



OVERVIEW

Purpose	This policy provides details on how to deal with discrimination within the school community
Custodian	Registrar of UCT Online High School
Approval Authority	Vice-Chancellor of UCT
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1. Preamble

At UCT Online High School we seek to transform our communal and individual lives in order to heal the hurt and divisions of our past so that we can embrace a future shaped by all.

At UCT Online High School we aim to provide a safe, secure and supportive environment where:

- Individual differences are appreciated, understood, accepted, and respected.
- Individuals empathise with each other and offer each other support.
- Discrimination is reported and the necessary steps are taken to eliminate such behaviour.
- All staff and learners are not subject to fear of bullying, harassment, or victimisation because of their gender, race, religion, sexual orientation, or disability.

UCT Online High School has made every effort to ensure the accuracy of the information in our handbooks. However, we reserve the right at any time, if circumstances dictate, to:

- (i) make alterations or changes to any of the published details of the substance and opportunities on offer or;
- (ii) add to or withdraw any of the provisions, and opportunities on offer.

Guardians and learners are given every assurance that changes will only be made as and when appropriate and you will be fully informed as soon as possible.



2. Objectives

The objectives of this policy and the procedures, detailed herein, are:

- 2.1. To prohibit the different manifestations of unfair discrimination based on, but not limited to, race, gender identity, sexual orientation, nationality, conscience, and beliefs.
- 2.2. To prevent and eliminate any conduct of unfair discrimination by any member of the School community against another, which may undermine his or her human dignity. Such conduct of unfair discrimination may include, but is not limited to, bullying and/or harassment.
- 2.3. To clarify the procedure, the responsibilities, and the obligations of all to promote equality in the School.
- 2.4. To establish appropriate and accessible interventions for staff and learners to address allegations of unfair discrimination.

3. Definitions

- 3.1. **Alternative dispute resolution procedures** refer to procedures for settling disputes by means other than formal processes, which usually includes conciliation, mediation, and arbitration.
- 3.2. **Bullying** is a form of unfair discrimination. In its simpler manifestation, it involves the chronic abuse of an individual staff member or learner by another person. This abuse can take the form of insults, interference, intimidation, undermining, withholding resources, social exclusion, harassment, abuse of power or any other behaviour intended to make the victim feel unwelcome. In its more complex manifestations, bullying may include mobbing, which involves more than one perpetrator acting against a member of the school or may be systemic, in which the culture of a school may ignore or minimise bullying or even inadvertently promote it in its structures.



- 3.3. For the purpose of this policy, **unfair discrimination** means “any distinction, exclusion, restriction, or preference, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life”.
- 3.4. **Unfair discrimination** may occur on a number of grounds as defined in Chapter 2, Section 9 of the Constitution of the Republic of South Africa.
- 3.5. **Direct unfair discrimination** is an overt act of discrimination which occurs when a person is treated less favourably than another person on the basis of any of the grounds listed in Clause 3.2 or any other legally recognised grounds.
- 3.6. **Indirect unfair discrimination** occurs when an unreasonable requirement, condition, or practice, which appears neutral on the surface, is imposed in order to exclude a person/s upon one or more grounds stipulated in Clause 3.2 or any other legally recognised grounds. Such a distinction, exclusion, restriction, or preference unfairly discriminates against individuals or groups of individuals.
- 3.7. **Harassment** refers to derogatory or unwarranted remarks, ridicule, unwanted physical contact, physical assault, or demands for undue favours for personal gratification.
- 3.8. **Victimisation** occurs when one person subjects another to detriment (or threatens to do so) because she or he has laid, intends to lay, or has helped someone else to lay, a complaint of unfair discrimination on any of the grounds listed in Clause 3.2, or any other legally recognised grounds, or she or he has refused to perform an act which is in contravention of any policy or legislation, or she or he has provided information about a complaint, i.e. whistleblowing. It also includes acting to another person’s detriment by agreeing to be a witness in cases related to the contravention of policy or legislation.

- 3.9. **Vilification** occurs when a person incites hatred towards, contempt for, or severe ridicule of a person or group of persons on any of the grounds listed in Clause 3.2 or any other legally recognised grounds.

4. Responsibilities

- 4.1. This section of the policy and procedures is predicated on the School community taking collective and individual responsibility to ensure adherence to the principles, procedures, and measures set out herein.
- 4.2. All employees are required to attend any race, diversity, transformation, inclusive teaching, anti-racist pedagogy, and social justice workshops organised by the School during their employment to enhance their understanding of and compliance with this policy.
- 4.3. Line Managers have the following responsibilities:
- 4.3.1. To monitor the working environment to ensure that acceptable standards of conduct are observed at all times. When managers observe a risk of unfair discrimination in the workplace, they should take the necessary steps to ensure that it is appropriately dealt with; failure to do so may lead to disciplinary action being taken against them.
 - 4.3.2. To demonstrate and project appropriate behaviour themselves, including ensuring that they do not engage in conduct that may breach the policy and procedures set out herein.
 - 4.3.3. To ensure employees, learners, and other relevant persons understand the policy and procedures set out herein.
- 4.4. All employees and learners of UCT Online High School have a responsibility to:
- 4.4.1. Ensure that they do not engage in any unfair discriminatory behaviour, practices, and/or vilification or breach of this policy.
 - 4.4.2. Treat all members of the school community with respect and kindness, to be polite and well mannered, not to use any offensive

language, and not to tease, bully, or humiliate other members of this community.

- 4.4.3. Report any incidences of unfair discrimination.
- 4.4.4. Offer support to anyone who is being unfairly discriminated against and direct them to sources of help and advice; and
- 4.4.5. Maintain complete confidentiality of information and cooperate during the investigation of a complaint.

5. Application of the policy

This policy and these procedures apply to all staff and learners of the School, including:

- A. Academic staff; whether they are fixed-term, full-time or part-time;
- B. Contractors and visitors while on any of the campuses of the School;
- C. Administrative and support staff at all levels; and
- D. Learners.

6. Procedures

Breach of this policy and the misconducts mentioned in the preamble will initiate a disciplinary process which could include restorative justice, disciplinary action, or conflict resolution.

Any complaints involving learners may be made to the Campus Manager, Principal, or Learning Facilitator.

7. Complaints involving visitors and independent contractors

- 7.1. Disputes involving visitors and independent contracts must be submitted to the Campus Manager.
- 7.2. In the event of non-resolution of the dispute, parties may seek recourse to the Human Rights Commission or the Courts.



8. The right to pursue external processes

All members of the UCT Online High School Community have the right to pursue external processes. They are urged to exhaust all available internal mechanisms (pre-mediation, mediation, formal procedure) before resorting to such measures.