



# Rustenburg Girls' High School

## Anti-Discrimination & Bullying Policy

### 1. PREAMBLE

- a. Rustenburg Girls' High School (the School) seeks to provide a safe and secure learning environment for all. As a school, we commit ourselves to work actively against any form of unfair discrimination.
- b. All members of the school community are expected to base their behaviour on respect for themselves and others irrespective of age, belief, culture, disability, language, race, religion, gender expression, gender identity, sexual orientation or any other protected grounds.
- c. The best interest of the child will be considered when dealing with each case as highlighted in the Children's Act No. 38 of 2005.
- d. The foundation of the policy will be guided by the South African Constitution and Bill of Rights.

### 2. PURPOSE

- a. The purpose of this policy is to unequivocally make clear, a set and defined process on the relevant steps to be followed by the school community in incidents of discrimination of any form.

### 3. SCOPE

- a. This policy applies to all members of the Rustenburg Girls' High School community (learners, staff, parents/guardians and families of learners) whilst they are on the school campus, at school events on and off campus, representing or supporting the school in any capacity, or recognisable as members of the school community.
- b. The policy extends to social media platforms and to any other forms of media or communication.

### 4. ABBREVIATIONS

- a. **NPO** - Nonprofit organisation
- b. **SAPS** - South African Police Service
- c. **WCED** - Western Cape Education Department
- d. **SLT** - School Leadership Team

- e. **RGHS** - Rustenburg Girls' High School

## 5. DEFINITIONS

- a. **Alleged offender** means someone against whom a complaint has been lodged regarding an alleged violation of this policy.
- b. **Bullying** is the misuse of power by an individual or group. It is a deliberate attempt to hurt, ridicule, torment, frighten or intimidate someone where it is difficult for one being bullied to defend oneself. It can be mental, physical, social, sexual, cyber, verbal and/or psychological in nature.
- c. **Complainant** means the person who has lodged a complaint regarding an alleged violation of this policy in terms of this policy.
- d. **Community Service** is unpaid work that benefits people and organisations in the community. This could mean helping out at a non-profit agency, volunteering for a special project in one's school or doing something positive to improve one's community or neighbourhood.
- e. **Discrimination** can be defined as the conscious or unconscious different treatment of a person or a category of people on the grounds of gender, race, religion, sexual orientation, class, ability, etc.
- f. **Fair discrimination** is discrimination that is lawful and aimed at achieving and promoting equity and fairness, especially in respect of previously disadvantaged people.
- g. **Unfair discrimination** is when a person or a category of people is intentionally or unintentionally treated differently and unfairly, especially in a manner that
  - i. undermines equality and their dignity; or
  - ii. imposes burdens, obligations or disadvantage on; or
  - iii. 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 grounds causes or perpetuates systemic disadvantage; or
  - iv. 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).

- h. **Microaggressions** are subtle, devaluing and recurring messages or acts of prejudice that may be unconscious on the part of the person transmitting them but often offend, hurt, impair or discourage performance of the person on the receiving end.
- j. **Restorative Justice** refers to a system of justice which focuses on the rehabilitation of offenders through reconciliation with victims or the community at large, with the willing participation of all parties.

## 6. PRINCIPLES

The school undertakes to:

- a. safeguard the well-being and welfare of all members of the Rustenburg community and to do whatever we can to provide a happy, safe and nurturing environment for all.
- b. address the issue of discrimination in the Life Orientation programme.
- c. provide learners with guidelines on discrimination to help them identify this behaviour and the framework for help and support.
- d. raise awareness and educate learners, parents and staff on bullying and discrimination.
- e. work in partnership with other organisations (e.g. Film and publication Board, SAPS & Welfare NPOs) for prevention and early intervention programmes.
- f. inform school staff how to deal with cases of discrimination.
- g. provide channels for learners and other members of the school community to seek help without fear of repercussions, punishment or victimisation.
- h. take all reports of discrimination seriously and actively help anyone who reports or seeks guidance on any matter related to this policy.
- i. provide support for the victims of unfair discrimination by means of counselling or restorative dialogue with the transgressors.
- j. initiate corrective and restorative measures when dealing with transgressors whenever possible, rather than only applying punitive ones.
- k. keep records of all incidents of unfair discrimination.
- l. evaluate this policy regularly and adapt it if and when necessary.

The school has established a fair, respectful and thorough complaints procedure (see Appendices A and B below), which is crucial to the success of this policy and its execution. The exercise of this procedure aims to be fair towards both the complainant and the alleged offender. This includes acting within the timeframes outlined in the procedures below and maintaining strict confidentiality at all stages of the procedure.

## **7. ROLES AND RESPONSIBILITIES**

- a. The Principal and the Deputy Principal (Holistic Growth) are the custodians of this policy and must take full accountability to ensure the awareness of and implementation of this policy in the school community.
- b. This policy recognises that the work of building an inclusive, affirming and transformed School cannot be achieved merely through the adoption of measures such as policies and the establishment of new structures.
- c. However important such steps are, realising the vision of a vibrant, diverse and inclusive school community will ultimately depend on the persistent, day-to-day individual and collaborative efforts of all of the School's stakeholders.

## **8. CONFIDENTIALITY**

- a. The school will maintain the confidentiality of the complaint, and the privacy of the persons involved, to the greatest extent possible, consistent with its goal of conducting a thorough and complete investigation, and to the extent permitted by law.
- b. In some instances, it may not be possible to maintain absolute confidentiality. The school will disclose to parties and their representatives such information as may be reasonably necessary. The school will be required to disclose to the complainant, the alleged offender and/or their representatives, such information as may be reasonably necessary to enable the parties to prepare for any proceedings in terms of the policy.

## **9. RETALIATION**

- a. The school will not in any way retaliate against an individual who reports a perceived violation of this policy and/or participates in any investigation. Any form of retaliation against anyone who has complained of or reported unfair discrimination, or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated and violates this policy.
- b. Anyone who believes they have been subjected to retaliation should report the matter immediately according to the same procedure provided in this policy for making complaints. Any person found to have retaliated against another individual will be subject to the same disciplinary action provided under this policy.

## **10. BYSTANDERS**

- a. RGHS staff, parents and learners are encouraged to report all forms of unfair discrimination as provided in this policy. This can be done anonymously as provided above.

- b. Members of the RGHS staff and learners who witness unfair discrimination and/or retaliation by others and they do not report same will be subject to disciplinary action.

## 11. CODES OF CONDUCT

Rustenburg Girls' High School has put in place Codes of Conduct for Learners and for Staff, which are underpinned by the Respect Code and Core Values:

- a. [Learner Code of Conduct and School Rules](#)
- b. Staff Code of Conduct
- c. [RGHS Respect Code and Core Values](#)

## 12. PROCEDURES FOR REPORTING OF INCIDENTS

- a. See Appendix A

## 13. DISCIPLINARY PROCESSES AND CONSEQUENCES

- a. See Appendix B

## 14. DOCUMENT CONTROL

DATE	DESCRIPTION
Unknown	Original Document (Bullying Policy)
June 2012	Document Revised
November 2016	Document Revised
November 2021	Updated as Anti-Discrimination Policy with the advice of L&N Advisers, as part of our Transformation Journey.
April 2022	Approved by SGB

## **Appendix A**

Any member of the Rustenburg Girls' High School community or visitor on the School campus may lodge a complaint regarding an alleged violation of this policy including alleged unfair discrimination or harassment. Such a complaint should be lodged as soon as possible after the incident giving rise to the offence. The school encourages prompt reporting of complaints so that it may respond appropriately and conduct an investigation while the matter is freshest in the complainant's and any witnesses' memory and other evidence is most likely to be available.

### **Disclosure process for learners**

1. The affected learner should try to solve the matter first by speaking to the 'alleged offender' to see if the issue can be resolved (applicable to minor issues).
2. The affected learner should tell an adult who is available at the time of the incident.
3. Complainants (the affected learner) may report an incident using the channel with which they are most comfortable. These channels include, but are not limited to:
  - a. A staff member (tutor, co-tutor, teacher or counsellor)
  - b. A Head of House
  - c. Transformation Lead (PL2)
  - d. The Deputy Principal (Holistic Growth)
  - e. Sending an email to the full-time counsellor ([help@rghs.org.za](mailto:help@rghs.org.za)) to report the incident
  - f. Anonymously completing the [Google complaint form](#)
4. The complainant will be asked to complete a [form](#) (online and Annexure C) that will be given or emailed to them. The matter will be as confidential as possible.
5. The complaint recipient should inform and/or pass on the completed form to the counsellor, Deputy Principal (Holistic Growth) and/or Transformation Lead (PL2) who may refer the matter to the Advisory Committee if necessary/based on the nature and severity of the incident.
6. If required, the 'victim' and the 'alleged offender' will be interviewed separately for re-telling purposes, support and guidance.
7. Learners will be informed about the legal implications, their rights and the way forward. If necessary, parents/guardians will be informed at this stage.
8. The nature of the allegation will determine the person leading the investigation and the consequences.
9. The nature of the offence will determine the disciplinary process (refer to Appendix B). Depending on the nature of the incident the following people/organisations could be informed, for the learners safety: Parents, the Principal, SAFE Schools, SAPS, Welfare Organisations, Talking Point (or other necessary bodies).
10. If a learner approaches a staff member for help with regard to an issue of unfair discrimination, this will be treated confidentially. The only exception to this would be if it is felt that the safety of a child was at risk.
11. With the permission of the learner, the report/complaint could be elevated to a tutor, counsellor, Head of House or Deputy Principal (Holistic Growth) as appropriate.

## Guidance for person receiving a complaint

1. The person receiving the complaint should, in the first instance, listen to the concerns being raised and assist (rather than direct) the complainant to decide on how they would like the concern to be taken forward (either formally or informally). The complainant may ask to have their identity protected and does not have to reveal the identity of the alleged perpetrator until they choose to take the process forward. If the complaint is not taken forward through avenues outlined in this policy, the issue can still be forwarded without revealing identities to the TEB committee. There may be a need for a broader cultural intervention (such as the education of all or specific stakeholders) in the school even if the specific incident is not pursued.
2. If the complainant would like to take the process forward, the person receiving the complaint must explain to the complainant the next step in the procedure and the possible outcomes of different approaches (formal or informal) to dealing with the complaint. The complainant should be encouraged to put the complaint in writing using the complaint form that will be emailed to them.
3. 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 complaint process. An informal process can therefore also be pursued by the complainant. The reason for the existence of the informal option is not to delegitimise the seriousness of the incident, but to offer a procedure that could be flexible enough to capture the nuances of discrimination whilst also normalising complaints and in doing so making people more comfortable and inclined to lay complaints when they have been hurt or offended. An example of an informal complaint process would be a student wanting to remain in a teacher's class, but still wanting him/her to refrain from saying something the student sees as being discriminatory, however the student does not feel as if a strict disciplinary process would be the only way to reach a satisfactory conclusion - i.e. a facilitated discussion or an informal warning would be more appropriate. Under no circumstance should someone affected by an alleged violation of this policy feel pressured into taking an informal approach.
4. Irrespective of whether the complainant is seeking a formal or informal complaint process, the person receiving the complaint must refer the complaint to the Advisory Committee within three (3) business days of receiving the complaint.

## **Appendix B: DISCIPLINARY PROCESSES AND CONSEQUENCES**

Rustenburg Girls' High School believes in restorative justice as the ideal way to resolve discriminatory issues between people, and that consequences rather than punishment should follow any incident of discrimination. The aim of these consequences is to repair the harm caused by ensuring the offender accepts responsibility for their actions, that restitution takes place and that measures are put in place to prevent a repeat of any similar incident.

Restorative justice is the preferred option for dealing with issues of discrimination, but is contingent on the alleged offender admitting that they have done something wrong and only possible if the victim agrees to this route. Should either the victim or the alleged offender not be willing to participate in a restorative justice process, the usual school disciplinary processes will be followed.

The school reserves the right to issue applicable sanctions to serious offenders or repeat offenders. Such sanctions are to be in line with the school's Code of Conduct, School Rules and Procedures, South African Schools Act, Staff Code of Conduct and Parent Code of Conduct.

### **LEARNERS**

All allegations and complaints will be taken seriously. The nature of the allegation will determine the person leading the investigation and the consequences.

Possible people leading the investigation include:

- A Tutor
- A Head of House
- A Counsellor
- The Transformation Lead (PL2)
- The Deputy Principal (Holistic Growth)
- The Advisory Committee

The PL2 Transformation, Counsellor and/or Deputy Principal (Holistic Growth) may, in consultation, decide to refer a report of an incident/complaint to the Advisory Committee.

The Advisory Committee consists of any five of the following people, depending on the situation and availability:

- The Deputy Principal (Holistic Growth)
- The Transformation Lead (PL2)
- A counsellor
- A SGB representative
- An independent person not associated with school
- The Principal/a Member of SLT (observer/advisory)

The role of the Advisory Committee is to advise the Principal how specific cases of alleged unfair discrimination at RGHS are to be dealt with. This may be on a disciplinary, restitutive, reconciliatory, or legal level and must be done within set time frames specified herein and determined by the committee with utmost confidentiality.



If referred to the Advisory Committee

- The complaint form is available at the front office or can be [downloaded](#). A complaint can be made by an individual or on behalf of another person or group. Minors who file a complaint can do so in their personal capacity but must have their form signed by a parent/guardian.
- The completed form lodged by the complainant must be given to the counsellor who serves on the Advisory Committee.
- The complainant is entitled to request that their name is not disclosed to the accused. Anything said in the interviews will be treated as confidential as possible.
- The Committee must ensure that the emotional and psychological needs of the complainant are addressed, and the school counsellor should be involved where necessary. In the case where a complainant is a student, the pastoral needs of the student may be met by the counsellor/ Head of House/ tutor.
- Within five working days of receiving the complaint, the Committee will meet to investigate the complaint thoroughly, through interviews with the complainant, the accused and any witnesses who were present.
- The Committee will hear the views of both the complainant and the accused and make recommendations on the appropriate steps that the school should take. This will vary from case to case.
- The Committee will then make a recommendation to the Principal, which may include a disciplinary enquiry/hearing. They will need to provide their response to the Principal within two weeks of receipt of the complaint.

The school will make every effort to complete its investigation within thirty (30) days of a report of discrimination and will keep the investigation confidential to the extent possible. The Committee may find it necessary to extend the time period for completing an investigation in some circumstances.

Every complaint will lead to the creation of an investigation file by the school. The file will consist of the initial complaint, the final investigative report, including a record of the remedial action to be taken, if any, and any documents created or used during the investigation.

#### **FACTORS TO BE CONSIDERED:**

When determining the sanction or response to an act of discrimination or series of actions the following principles may be considered:

- The impact of the discrimination on the complainant/s should be of primary concern and guide the severity of the response.
- The impact of the discrimination on the school as a whole in terms of creating an inclusive culture for all is also of serious concern.
- The intention and age of the perpetrator. However, being unconscious of the impact of behaviour should not be used as an excuse if the person could reasonably be expected to understand the impact of their behaviour.
- Where appropriate, consistency in sanctions for similar (form and severity) breaches of this policy.
- Discipline for a violation of this policy need not be progressive, so a first violation of this policy may warrant suspension or discharge depending on the nature and severity of the conduct.
- The aims of the policy, i.e., to contribute to the creation of unity, equitable treatment, and a safe, healthy, and respectful environment conducive for teaching and learning where everyone can develop and serve to their full potential.

## **CONSEQUENCES:**

Depending on the outcome of the investigation, one or more of the following possible consequences may result:

- The offender receives a verbal warning
- A public or private written apology by the offender is given to the complainant.
- A written report of the incident is placed in the file of both the offender and the complainant.
- The offender performs supervised and appropriate community service within the RGHS community.
- The offender is enrolled in a course educating them in whichever category the discrimination occurred.
- A contract is drawn up between the school, the learner and their parents which will include the recommendations of the school, the actions required by the learner and/or their parents, and the consequences for the learner if these actions are not carried out.
- The offender attends life skills or other counselling programmes, is referred to a specialist or undertakes other treatment options (behaviour modification programmes).
- The offender attends compulsory counselling, with a Teacher-Counsellor or an outside agency the costs of which will be covered by their parents.
- Any other appropriate form of restorative justice which makes amends and rehabilitates should be sought where possible.
- Certain privileges are withdrawn from the offenderThe offender is suspended from extra-mural activities and/or extra-curricular events.
- The victim's parents are contacted and encouraged to lay a charge against the offender.
- The incident is reported to the police station.
- The offender is suspended.
- The offender is expelled.
- Any other appropriate measure.

## **Possible sanctions for a person who falsely accuses someone:**

If a person is found after due process to have accused another person falsely, they may be required to:

- undergo compulsory counselling, with a school counsellor or an outside agency with the costs to be covered by parents/staff member;
- enrol in a course educating the accuser in whichever sphere they have made such a false accusation; and/or
- another appropriate sanction, dependent on the severity of the offence, from the list above.

The Counsellor/Tutor/Head of House/Transformation Lead (PL2)/Deputy Principal (Holistic Growth) must monitor behaviour and follow up with both the offender and the victim at regular intervals.

**STAFF MEMBERS:**

Complaints against members of staff will be dealt with by the Principal in accordance with the Staff Code of Conduct, or in consultation with the Western Cape Education Department, as appropriate.

If the complaint or dispute is against the Principal, the dispute must be referred to the Chairperson of the School Governing Body or another member designated by the Chairperson who must follow the procedure outlined in the Staff Code of Conduct.

In the case where a sub-contractor's employee is the offender, the employing organisation's disciplinary process would apply but the school may ban the specific employee from the school premises.

**PARENTS/GUARDIANS AND FAMILIES OF LEARNERS:**

While the school has no direct recourse when incidents of discrimination involve parents/guardians or family members of learners, it will try and play a mediation role, bringing the parties together to try to resolve the issue. Should an issue of unfair discrimination escalate, the school will act in the best interest of the child in all cases, which may include contacting the South African Police Services and/or Department of Social Welfare if required.

The school will also act in the best interest of the entire RGHS community. In serious cases, the parent/guardian may be requested to stay away from RGHS premises. Where possible, the school should ensure that the child of the parents, guardian or family member is protected and remains anonymous.

Each case will be dealt with individually, within the framework of this policy, and all circumstances and information will be taken into account. For these reasons, the school may respond differently to similar offences.

**Annexure C:**

**REPORTING/COMPLAINT FORM**

Name of Complainant (and grade where applicable):	
Date of Complaint:	
Name of Complainant's Representative (if any):	
Name of the alleged perpetrator:	

**DETAILS OF COMPLAINT** - Please be as specific as possible:

What happened?

When did it happen? Please provide the date and time.
Where did it happen?
Did anyone witness what happened? Please provide names, or other descriptors if the name is not known.
How did you feel about what happened?
What sanctions would you like to be imposed?

Complainant name: .....

Signature: ..... Date: .....