



# ***DIVERSITY & INCLUSION POLICY – LEARNER GUIDE***

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# 1 INTRODUCTION

As learners of Midstream College High School, we respect everyone's human rights and fundamental freedoms protected by the Constitution of the Republic of South Africa. We commit to treating everyone in our school community fairly and equally, but we recognise that our past has caused hurt and created an unequal society where people were discriminated against. We, therefore strive to eliminate any form of unfair discrimination and to make Midstream College a school where every learner feels included, valued and respected.

## 2 DIVERSITY AND INCLUSION POLICY – KEY GUIDELINES

Our Diversity and Inclusion Policy (the Policy) aims to ensure that:

- 2.1 every learner, teacher, employee and parent of Midstream College respects each other and recognises that we are all different yet equal;
- 2.2 our school environment and activities provide opportunities for everyone to participate and feel part of Midstream College;
- 2.3 no-one is intentionally excluded from any school activity or function;
- 2.4 everyone is treated fairly;
- 2.5 we learn to be tolerant of each other and to embrace our differences and diversity;
- 2.6 we are unified in our love, care and respect for each other;
- 2.7 we do not tolerate bullying or any form of discrimination or exclusion;
- 2.8 our school environment is a safe place where each learner can benefit from quality learning and teaching and develop to his/her fullest potential;
- 2.9 the interests of each learner are recognised and protected; and
- 2.10 all complaints are properly investigated and treated with the necessary sensitivity and confidentiality.<sup>1</sup>

## 3 WHAT TO DO IF YOU FEEL EXCLUDED OR DISCRIMINATED AGAINST

- 3.1 You should not make use of social media platforms such as Twitter, Facebook, Instagram etc. to raise complaints. Complaints that are raised through these platforms cannot reasonably and fairly be resolved, which will be to your detriment.
- 3.2 You (or your parent or guardian or a fellow learner on your behalf) may lodge a complaint using any of the following channels:

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<sup>1</sup> See Annexure A which contains a summary of the complaints process.



- web application adopted for this purpose;
- #wehearyou electronic platform created specifically for learner complaints;
- a member of Midstream College's pastoral care system;
- a Midstream College staff member (e.g. teacher, grade head, management member);
- a school prefect;
- a Midstream College council member;
- the Bondev Directors;
- a member of the Midstream College Consulting Forum (the names of the MCCF will be published on the College website).

- 3.3 You should lodge your complaint as soon as possible to ensure it can be properly investigated. This should preferably be done within 7 business days after the incident you are complaining of.
- 3.4 All complaints will be treated confidentially and with the necessary discretion and sensitivity. You should therefore not be reluctant to raise a complaint for fear of victimisation.
- 3.5 All complaints will be investigated by the Diversity & Inclusion Committee (DI Committee) established by the College, who will decide how to deal with the complaint and whether any formal steps must be taken to address and resolve the complaint.
- 3.6 The detailed procedure to be followed by the DI Committee is set out in the Policy.
- 3.7 You may lodge an anonymous complaint if you want to, however, anonymous complaints are difficult to investigate and should only be used if you do not feel safe to lodge a complaint in your own name. The Head of Midstream College shall refer all anonymous complaints to the DI Committee to investigate and determine what the appropriate course of conduct is to address the relevant complaint, in accordance with the guidelines set out in the Policy.

## 4 OFFENCES OF UNFAIR DISCRIMINATION

**These may include, but are not limited to, the following:**



- Verbal abuse and threats (including hate speech or hate crimes)<sup>2</sup>
- All forms of bullying
- 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
- To intentionally incriminate or implicate, or falsely and unjustifiably accuse an individual of Unfair Discrimination.

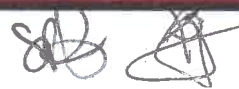
<sup>2</sup> See Annexure B.

## 5 GUIDELINE IMPLEMENTATION AND REVIEW

This Guideline shall take effect from 1 January 2024 and shall be subject to a formal review every 2 – 3 years, only if deemed necessary, or such different intervals as may be determined by the College from time to time.

Last review:	August 2023
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Signed	January 2024
Dr S Govender Chairperson	
Dr C Kriek Headmaster	



## ANNEXURE A - COMPLAINTS PROCESS

All complaints lodged will be treated confidentially and with the necessary discretion and sensitivity.



The person (any of the above) who received the complaint must report the matter to the Headmaster or School Management Team within 48 hours of receiving the



The Headmaster shall address the complaint as deemed necessary and in conjunction with the School Management Team.



The Headmaster shall refer a complaint to the DI Committee only, if required or necessary. A reported incident shall be processed in the same manner.



## ANNEXURE B - HATE SPEECH INFORMATION SHEET

### WHAT IS HATE SPEECH / HATE CRIMES?

According to the South African Human Rights Commission (SAHRC):	Hate speech is a derogatory expression (albeit in writing, verbal, or contained in an image or symbol) which belittles the intelligence, humanity, appearance or beliefs of a person or a particular group. It is not merely offensive and insulting but also affects the dignity of certain persons or groups.
According to the Prevention and Combatting of Hate Crimes and Hate Speech Bill ( <i>*not an act yet</i> )	A hate crime is motivated by prejudice or intolerance towards a specific group in society and targets a person/s who display one or more characteristics or perceived characteristic as a member of a particular group in society.

### IS HATE SPEECH AND HATE CRIMES PROHIBITED IN SOUTH AFRICA?

#### The Constitution (section 16):

- Everyone has the right to freedom of expression, which includes freedom of the press and other media; freedom to receive or impart information or ideas; freedom of artistic creativity; and academic freedom and freedom of scientific research.
- However this freedom is limited and does not extend to:
  - ✓ propaganda for war, or
  - ✓ incitement of imminent violence, or
  - ✓ advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

#### The Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000 (PEPUDA) (section 10(1)):

- "... no person may publish, propagate, advocate or communicate words that are based on one or more of the prohibited grounds, against any person, that could reasonably be construed to demonstrate a clear intention to be harmful or to incite harm and to promote or propagate hatred."
- The prohibited grounds referred to in the above definition are 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 discriminatory ground.

### WHAT CAN HAPPEN IF A PERSON COMMITS HATE SPEECH / A HATE CRIME?

The perpetrator can be taken to Equality Court and civil damages be claimed

The Human Rights Commission can be involved and impose an appropriate penalty

If made by an employee the employer must take appropriate action (probably dismissal) otherwise it will be held vicariously liable for discriminatory actions of employee in terms of the Employment Equity Act

The person can be criminally charged for *crimen injuria* where someone's dignity was "unlawfully, intentionally and seriously impaired." This could result in a fine or a jail sentence.

