

Deutscher Schulverein Kapstadt

Anti-Discrimination Policy

1. PREAMBLE

The German International School Cape Town (DSK) is proud of the diversity of its stakeholder community. We are committed to the respectful and fair treatment of everyone, irrespective of colour, race, ethnic or national origin, language, social class, gender, sexual orientation, age, ability, religious belief, conscience, political opinion, pregnancy, family responsibility, marital or health status.

As a bilingual German International School in South Africa, DSK recognises that it is uniquely situated, with a diverse learner and staff body that meet at the intersection of South African and German history, values, and culture.

DSK is committed to provide a safe school environment for the entire school community, and actively stands against racism, and unfair discrimination within the school and society. To this end, the DSK will provide and adhere to fair and transparent processes, We are striving to create awareness, increasing knowledge and promoting activism against any form of discrimination or harassment. This is informed by our school's vision to provide learners with the skills and values to become balanced, capable and responsible members of our global society.

The purpose of this policy is to prevent, deter and adequately address occurrences and experiences of discrimination at every level of institutional governance. It provides a framework and appropriate procedures to investigate possible cases of discrimination in a fair and equitable manner. The policy aims to assist to provide a school environment and workplace that is free from any form of discrimination where learners and employees respect one another's basic human rights, integrity, dignity and right to equity.

2. POLICY STATEMENT

- 2.1 The DSK understands that it is a German school based in South Africa and therefore is bound by to both the German and South African constitutions.
- 2.2 All learners, employees, parents and other persons who have dealings with the DSK have the right to not be discriminated against but to be treated with integrity, dignity and equity.
- 2.3 Discrimination at the DSK or amongst its learners and/or employees will not be permitted or condoned.
- 2.4 Persons who have been or are being subjected to discrimination at the DSK have the right to lodge a grievance about it and appropriate action will be taken.
- 2.5 Allegations of discrimination will be dealt with seriously, expeditiously, sensitively and confidentially.
- 2.6 Learners and employees will be protected against victimisation and retaliation for lodging legitimate grievances.
- 2.7 It is the responsibility of all learners, staff and parents to read and apply the terms of this policy.

- 2.8 School management is responsible to communicate and facilitate the implementation of this policy.
- 2.9 It is the responsibility of any people who interact with the school, e.g. service / extra mural or support lesson providers to read and apply the requirements of this policy.
- 2.10 The DSK will provide access to information, books, workshops, teacher training, talks, events and activities that will expand knowledge and awareness in connection with this policy as part of the school calendar.

3. APPLICATION

- 3.1 This policy applies to all members of the DSK, namely learners, parents, teachers, management, supervisors, employees, suppliers and contractors of the DSK.
- 3.2 This policy specifies the general rules and regulations of the Code of Conduct and other grievance regulations in the case of (alleged) discrimination.
- 3.3 A non-member who is a victim of discrimination may lodge a grievance with school management or the ADMSP if the discrimination has taken place at the DSK or in the course of the complainant's employment, or outside the DSK where the alleged perpetrator was in DSK clothing or identifiable as a learner or employee of the DSK.
- 3.4 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, as soon as the behaviour or action or statement can reasonably harm any of its members and/or bring the School's name and reputation into disrepute. The sharing of information or communications will also be dealt with under this policy.

4. INTERPRETATIONS AND DEFINITIONS

In this policy, unless the context indicates otherwise, the following terms shall bear the meaning stated:

Advisory Panel means the panel appointed in terms of clause 7.4.4 of this policy.

Anti-Discrimination Multi-Stakeholder Panel (ADMSP) refers to the panel consisting of one **elected** member each of: parent council / board / school management / teachers council / teaching staff / maintenance staff / administration staff / student body. DSK will make every endeavour that members of the panel are diversely representative of the DSK community.

Chair means the Chairperson of the ADMSP.

Complainant refers to the person alleging that conduct constituting discrimination has occurred. This person may or may not be the person directly affected by discrimination and is not necessarily a member of the DSK.

Complaint means a complaint brought in terms of this policy concerning allegations of discrimination.

Discrimination in this document refers to *unfair* discrimination and means any act or omission, including a policy, law, rule, practice, condition or situation which directly or indirectly-

(a) imposes burdens, obligations or disadvantage on; or

(b) withholds benefits, opportunities or advantages from, any person on one or more of the prohibited grounds.

DSK means the German International School Cape Town.

DSK community refers to staff, learners, and members of the *Deutscher Schulverein Kapstadt*.

Employee means an employee of the DSK.

Equity means being treated fairly and impartially

Harassment means 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) race

(b) sex, gender or sexual orientation, or

(c) 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

Learner means a registered learner at the DSK.

Parents are the biological father and mother of a learner who exercise the parental rights of their child or persons who have legally adopted a child. For the purposes of this policy, *parents* also include legal guardians.

Prohibited grounds are-

(a) race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth; or

- (b) any other ground where discrimination based on that other ground-
 - (i) causes or perpetuates systemic disadvantage;
 - (ii) undermines human dignity; or
 - (iii) adversely affects the equal enjoyment of a person's rights and freedoms in a serious manner that is comparable to discrimination on a ground in par. (a).

Racism means the advocacy or expression in any manner of the belief or attitude that any person, by virtue of his or her skin colour or ethnicity is to be treated as inferior or superior to others.

Racist means that which is characterised by racism.

Racial harassment means conduct or expression which is racist in nature and which is calculated to demean, humiliate, distress, or create a hostile or intimidating environment.

Respondent refers to the person against whom the complaint has been made.

Serious misconduct is where a person uses hate speech, violence, threats, is found to have engaged in racism, sexism, sexual harassment, possesses or distributes drugs and/or pornographic and/or Nazi material or engages in any act of public indecency.

Third Party refers (a) to an individual or company who is neither a learner nor an employee nor parent of the DSK but with whom the DSK has concluded a contractual arrangement in terms of which the binding nature of this Policy is accepted; (b) to the employees of a third party who render services at the DSK.

5. FORMS OF DISCRIMINATION

DSK has a zero-tolerance approach to discrimination of any form.
Discrimination may include unwelcome verbal or non-verbal conduct.

5.1 Categories

There are **four** categories of discrimination according to the *Equality Act*¹ of the Republic of South Africa:

5.1.1 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 as outlined by the South African Constitution.

¹ *Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.*

5.1.2 Indirect discrimination

When practices and policies in fact 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.

5.1.3 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.

5.1.4 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:

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

5.2 Examples

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

- **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 above mentioned attributes.
- **Use of slang terms** that are discriminatory to refer to someone of another race, gender, colour, ethnicity, ability, class, country of origin, sexual orientation, religious belief, political conviction, or any other marker of identity or difference.
- **Cat-calling**, wolf-whistling or any other attempt to embarrass or humiliate someone publicly concerning their race, gender, colour, ethnicity, ability, class, country of origin, sexual orientation, religious belief, political conviction, or any other marker of identity or difference.
- **Physical abuse**, e.g. 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.
- **Creation and publication of memes or other discriminatory representations of persons** in social media which are derogatory or offensive to any person based on race, gender, colour, ethnicity, ability, class, country of origin, sexual orientation, religious belief, political conviction, or any other marker of identity or difference.

- **Wearing racist insignia**, e.g. the swastika, old apartheid flag, confederate flag etc.
- **Declining to participate in School activities (such as group work) or share living/working space for overt and covert discriminatory 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.
- **Offensive physical gestures** or body language that refer to and deliberately exclude persons of a particular identity group.
- **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.
- **Telling jokes that are derogatory or offensive to members of a particular** race, gender, sex, class, sexual orientation, language or religious group.
- **Slang terms or derogatory comments** about race, interracial relationships, homosexuality, gender identity, religion etc.
- **Telling someone that they do not belong in the School** based on some perceived or real characteristic.
- **Imitating accents or speech patterns to mock or ridicule.**
- **Negative, discriminatory or offensive comments about individuals or groups pertaining to:**
 - appearance (e.g. clothes)
 - food
 - accent
 - dialect language
 - social status
 - financial status
 - physical ability
 - intellectual ability
 - culture
 - religion
 - country of origin
 - family make-up
 - perceived or actual sexual orientation
- **Any other form of negative or derogatory action, behaviour or treatment** related to markers of identity or difference, including but not limited to forwarding and/or liking discriminatory content via the internet and/or social media

The **Anti-Discrimination Multi-Stakeholder Panel** has the prerogative to find discrimination based on examples that may not be represented here. They may determine further examples of what constitutes discrimination beyond the examples provided here, based on their reasonable understanding of intersectionality and discrimination, provided however that such determination must always be in accordance with the German and South African constitutions and other applicable laws and regulations.

6. PRINCIPLES

6.1 In terms of the DSK's Code of Conduct and the Code of Ethics for Teachers, a staff member is required to maintain good conduct, including not contravening this policy. In terms of this policy, it is misconduct for any staff member to engage in any act of racism, discrimination or harassment.

6.2 In terms of the learners' Code of Conduct, discrimination, racism and any form of harassment are similarly prohibited.

- Learners, management and employees are required to refrain from committing acts of discrimination.
- Learners, management and employees should ensure that their conduct does not cause offence and they should discourage discriminative behaviour on the part of others.
- The impact of such discriminatory behaviour experienced by the complainant will be viewed very seriously.

7. POLICY IMPLEMENTATION

7.1 Roles and Responsibilities

School Management

School management is responsible for the implementation of this policy and enforcing its provisions.

- With regards to communication, school management is responsible for the following:
 - a. providing regular communication to the entire DSK community about the provisions stipulated in this policy, as well as the principles and rationale that guide this policy
 - b. ensuring that changes and amendments to this policy are communicated to the entire DSK community
 - c. Regularly communicate with the ADMSP
- School Management is responsible for the following pertaining to the complaint's procedure:
 - a. The appointment, together with the Board, of the TDI officer who will also take the role of the Chair for the ADMSP.
 - b. Facilitating the nomination and selection of the ADMSP.
 - c. Providing terms of reference to the ADMSP and ensuring that the ADMSP fulfils its role in accordance with this policy and the terms of reference.
 - d. Managing, investigating and enforcing the findings and resolutions of the complaint's procedure according to the DSK Code of Conduct.
 - e. Preparing the findings, and deciding on an outcome as well as the sanctions, should this be required, according to the DSK's Code of Conduct.
 - f. Ensuring that the ADMSP is not impeded in fulfilling its mandate.

Anti-Discrimination Multi-Stakeholder Panel (ADMSP)

- The ADMSP is the formal body to which complaints of discrimination will be lodged and will be responsible for the following:
 - a. Providing detailed information about the options available to the complainant upon lodging a complaint. This will include the different procedural options, their respective intended outcomes and their rights and responsibilities outlined in this and/or other policies of the DSK.
 - b. Assisting the complainant in lodging a complaint and providing reasonable resources and support to do so.
 - c. Assisting and providing detailed information about the options available to the respondent once a complaint has been lodged. This will include the different procedural options, their respective intended outcomes and their rights and responsibilities outlined in this and other policies.
 - d. Recording all complaints in writing and referring the matter to the School management for further action as stipulated in the DSK Code of Conduct.
 - e. Formulating a memorandum of complaint, should the complainant decide to pursue the formal complaints procedure, and referring the matter to management for further action as stipulated in the DSK code of Conduct.
 - f. Ensuring that all parties involved in the complaint's procedure receive advice and other support should it be deemed necessary by the ADMSP and the parties involved.
 - g. Compiling and keeping a record of the reports that pertain to complaints, complaints procedures and complaints procedure outcomes.
 - h. Receive an information from management on the resolution of the complaint.
 - i. Performing all duties as stipulated under clauses 7.2 of this policy.

- With regards to monitoring and evaluation:
 - a. The ADMSP will track cases and report back to school management and provide regular feedback statistics / analysis to aid to recognize trends. School management will report to the Board on a regular basis. (see 11.)
 - b. The ADMSP will recommend relevant amendments, new goals and support and advises the school management on strategic planning using information and statistics that have been collected and analysed through the monitoring and evaluation process.

TDI Officer

- The TDI officer will be appointed by school management and the board.
- The TDI officer will also take the role of the Chair of the ADMSP.
- The TDI officer will be responsible for

- a. facilitating and overseeing the complaints process
- b. reporting back to ADMSP, school management and the Board
- c. co-ordinating, managing and overseeing the duties of the ADMSP
- d. liaising between school management and the ADMSP when required

7.2 Complaints

- Complaints against any statement, behaviour or action as defined in clause 5 above must be brought to the attention of the ADMSP without delay as soon as is reasonably possible in the circumstances. Late reporting (delay of more than 2 months after the incident) may have an impact on the ability to investigate, speed of response and time-frames for resolution and will therefore only be considered by the ADMSP in exceptional circumstances.
- The ADMSP will keep a record of all complaints.
- A complainant (or person acting on behalf of the complainant) must report only instances where there is a *bona fide* belief that an act of discrimination has occurred.
- Anonymous complaints will be recorded but only accepted and processed through the informal procedure, if there is evidence provided to warrant an investigation.
- The rights of both complainants and respondents must be protected.
- The ADMSP must follow the procedures indicated by this policy in a fair and equitable manner.
- Complaints may be reported to the ADMSP by the complainant, or by any other person aware of such discrimination acting at the request of the complainant. The ADMSP will require the consent of the discriminated person for the process to be initiated and the procedure to be enacted. If consent is not received, the incident will still be recorded.
- Any complaint must be recorded in writing by the complainant and sent to the ADMSP (ADMSP@dsk.co.za), and as soon as is possible assigned to School management for investigation. (see Annexure A for Complaint Form)
- In instances where the complaint is brought to the attention of a teacher or employee, that person must refer the complaint to the ADMSP immediately.
- When a complaint of discrimination has been brought to the attention of the ADMSP, it must, together with school management, take all reasonable steps to ensure that such a complaint is dealt with expeditiously and appropriately.
- Both the complainant and the respondent will be offered support and/or advice by the ADMSP and/or counselling by the Star Centre or staff counsellors.

Although the process entails one of two possible options, the complainant should feel under no duress to accept one or the other option.

7.3 Informal procedure

- 7.3.1 A complainant may pursue the informal process as the preferred intervention to resolve a complaint, provided that all parties directly involved in the complaint have expressed consent.

- 7.3.2 The availability and applicability of the informal process shall be clearly and comprehensively explained to the complainant by a member of the ADMSP before proceeding with this process.
- 7.3.3 Preparatory interviews must be held with the respondent and with any other person or persons that may provide information to assist any mediator appointed with the informal process. These interviews may be conducted in the absence of the complainant but require his/her consent.
- 7.3.4 Informal interventions may include one or more of the following:
- a) With the consent of the complainant, an appropriate mediator assigned by the ADMSP, may approach the respondent/s to explain the context and nature of the complaint with a view to obtaining an amicable resolution. The identity of the complainant may or may not be disclosed to the respondent, depending on the wishes of the complainant.
 - b) Where the respondent acknowledges responsibility for their conduct, a process will be facilitated by a member of the ADMSP to allow an opportunity for them to offer an apology that is appropriate to the circumstances.
 - c) Where the terms, conditions and acceptance of such an apology are of a more complex nature, a discussion may be facilitated by the ADMSP. In this instance, the matter may be presented to the ADMSP consisting of not more than three persons to consider suggestions and discussions, and to make a recommendation(s). This panel will not in any way be construed as a disciplinary hearing, nor will its recommendations be binding. The aim of this process is to achieve a resolution based on agreement. The choice of panellists will be at the discretion of the Chair or his/her delegate.
- 7.3.5 The complainant shall retain her/his right to pursue the formal route. This right will remain intact and available throughout the informal procedure. The complainant's choice to pursue the informal route shall not in any way diminish their original complaint.
- 7.3.6 The respondent shall have the right to refuse participation in the informal route, and no adverse inference shall be drawn from such refusal in any subsequent procedures.
- 7.3.7 A written report containing a brief summary and outcome of the informal procedure shall be kept by the ADMSP and shall be kept confidential and not be made available except to the Headmaster or his/her nominee upon his/her request, should this become necessary in his/her consideration of the need for further action.
- 7.3.8 Every endeavour must be made to conduct the informal procedure within 3 school weeks (excluding holiday periods) of the complaint being referred to the ADMSP.
- 7.3.9 Confidentiality regarding the process, participants and report must be maintained throughout this process or any other process that may have ensued as a result of the informal process.
- 7.3.10 No part of the informal procedure, whether verbal or written, may be adduced as evidence in a subsequent hearing.
- 7.3.11 At the end of the informal process, the ADSMP should ascertain whether the complainant or respondent require any further advice, counselling or support.

7.4 Formal procedure

- 7.4.1 A complainant may choose to follow the formal route with or without having first followed an informal procedure. The purpose of formal proceedings is to ensure that sufficient evidence is collected in order to allow school management to determine if disciplinary action will be taken on the basis of a violation of this policy.
- 7.4.2 If the complainant wishes to proceed with a formal procedure, he or she must clearly advise the ADMSP of this and prepare and sign a written statement providing full particulars of the alleged discrimination. (See Annexure A)
- 7.4.3 The availability and appropriateness of the formal process including the available assistance and support structures shall be clearly and comprehensively explained to the complainant by a member of the ADMSP before proceeding with this process.
- 7.4.4 An Advisory Panel consisting of 3 members of the ADMSP will be convened by the ADMSP to gather all relevant information. This Advisory Panel can provide advice and support for the complainant and assist in the formulation of a memorandum of complaint based on the written statement of the complainant. The memorandum of complaint shall be forwarded to the Headmaster or his/her nominee, and to the Chair of the ADMSP.
- 7.4.5 School management shall take all reasonable steps to ensure that complaints of discrimination are considered seriously and dealt with in a manner that is fair, urgent, expeditious and consistent.
- 7.4.6 Any person found guilty of severe or repeated misconduct may be discharged from employment (in the case of a staff member) or expelled from the DSK (in the case of a learner). In the case of a third party, the termination of a contract may ensue.
- 7.4.7 Where the formal procedure is to be followed in respect of learners, the ADMSP will report the matter to the Headmaster's or his/her nominee and the matter will be dealt with in terms of the DSK's Code of Conduct.
- 7.4.8 Where the formal procedure is to be followed in respect of employees, the applicable disciplinary procedures for staff must be used.
- 7.4.9 Management representatives are advised to consult the ADMSP before instituting and during disciplinary proceedings.

7.5 Investigation and disciplinary action

Care will be taken during each investigation of a discrimination grievance that the aggrieved person is not disadvantaged, and that the position of other parties is not prejudiced if the grievance is found to be groundless.

- 7.5.1 Where it is alleged that the conduct of a learner may constitute serious misconduct, the allegation must be brought to the attention of the Headmaster who must-
 - (a) investigate or cause an investigation to be carried out to determine whether there are grounds for a disciplinary hearing;
 - (b) decide whether there is sufficient evidence to institute disciplinary action against the learner in respect of the serious misconduct and whether or not to report the matter to the Board.

- 7.5.2 The principle that a person is innocent until proven guilty must be maintained throughout the investigation. This means that if there is *prima facie* evidence (evidence on the face of it) that serious misconduct could have occurred, the Headmaster must call a disciplinary hearing. This aspect is subject to verification as all the evidence of the investigation must be recorded and be available to affected parties who request it.
- 7.5.3 Interviews with witnesses must be minuted in writing in the interest of transparency and for the purposes of further enquiries. The maintenance of confidentiality is of utmost importance.
- 7.5.4 Witnesses must not be intimidated and/or influenced. Witnesses must also not be coached or prompted about what to say. Aggressive confrontation or pressuring for a confession are prohibited.
- 7.5.5 The respondent must be given the opportunity to request the support of his/her parents when it is expected of him/her to make a statement which could be incriminating.
- 7.5.6 If there is sufficient evidence after the investigation on reasonable grounds and as a precautionary measure, the Headmaster may provisionally suspend the alleged offender pending a disciplinary hearing within 7 days of the suspension.
- 7.5.7 Serious incidents of discrimination or continued or repeated discrimination after warnings are dismissible offences.
- 7.5.8 If DSK learners are victims of discrimination, they will be offered counselling through the DSK support structures, e.g. STAR CENTRE. Employees will be offered counselling from the staff counsellor.
- 7.5.9 No member of the ADMSP shall have voting rights or decision-making authority in any disciplinary hearing.
- 7.5.10 Complainants and the aggrieved party may present sanction options that the disciplinary panel may consider in their final decision.
- 7.5.11 All reasonable options for redressing harm suffered as a result of discrimination should be considered by the person(s) presiding over the disciplinary hearing.

Learners:

- a. educational and/or disciplinary measures as stipulated in the Code of Conduct
- b. other appropriate sanctions decided by the responsible disciplinary committee.

Staff:

- a. disciplinary measures according to Code of Conduct, employment contract and applicable labour law regulations
- b. other appropriate sanctions decided by the responsible disciplinary committee

Parents:

- a. suspension from School premises, committees or School activities
- b. termination of contract with the Deutscher Schulverein Kapstadt
- c. appropriate sanctions decided by the responsible disciplinary committee

Third parties :

- a. suspension from the School premises
- b. termination of services, contracts or agreements between the third party and DSK

7.6 Criminal and civil charges

An aggrieved party of discrimination has the right to press separate criminal and/or civil charges against an alleged perpetrator. The legal rights of the victim are in no way limited by this policy.

7.7 Dispute resolution

Should a complaint of alleged discrimination not be satisfactorily resolved by the internal procedures set out above, either party may within 30 working days (excluding holidays) of the dispute having arisen, refer the matter:

- In case of a learner being the victim of discrimination – to the Chair of the Board. The Board will take a final decision as stipulated in the Code of conduct.
- In case of a learner still being dissatisfied with the Board's final decision the learner may refer the matter to the relevant person at the Department of Education of the Western Cape (Eduhead.eduhead@westerncape.gov.za)
- In case of an employee being the victim of discrimination the employee may refer the matter to the CCMA for conciliation in accordance with the provisions of section 135 of the *Labour Relations Act*. Should the dispute remain unresolved, either party may refer the dispute to the Labour Court within 30 days of receipt of the certificate issued by the Commissioner in terms of section 135 (5).

8. CONFIDENTIALITY

- 8.1 Learners, school management, employers, ADMSP members and employees must ensure that grievances about discrimination are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential.
- 8.2 In cases of discrimination, learners, management, employees and the parties concerned must endeavour to ensure confidentiality at the disciplinary inquiry. Only members of management, the aggrieved person, his or her representative, the alleged perpetrator, witnesses, and an interpreter, if required, should be present at the disciplinary inquiry.
- 8.3 Learners, management and employers are required to disclose to either party or to their representatives such information as may reasonably be necessary to enable the parties to prepare for any proceedings in terms of this policy.
- 8.4 Sharing of any information or publication of the name(s) of the complainant and or respondent of the alleged incident or the investigation or the informal/formal process or details of a disciplinary hearing with persons not directly involved in the proceedings or third parties or anybody outside the DSK structures (except in instances as referred to in 7.6 and 7.7 incl. professionals who are bound to confidentiality), electronically, in writing or verbal, will be regarded as a serious violation / dismissible offence of the Code of Conduct / Employment contract / Parent contract / POPIA and might have further legal consequences.

9. ADDITIONAL SUPPORT AND PROTECTIVE MEASURES

Additional support and protective measures may include, but are not limited to:

- a. A temporary amendment to working conditions or environments for staff where needed and where appropriate;
- b. Support for learners where needed and appropriate;
- c. Special leave for staff. Where an employee's existing sick leave entitlement has been exhausted, management will give due consideration to the granting of additional sick leave where required and appropriate.
- d. Special leave for learners where required and appropriate
- e. Suspension of the respondent where appropriate and required. This may be enacted in instances where criminal and civil charges have been laid against a member of staff or learner especially.

10. FALSE ALLEGATIONS

Unsubstantiated, frivolous or malicious allegations (direct conversations, actions, emails, phone calls, postings and/or messages on social media platforms etc.) will be viewed in an evenly serious light and the person(s) making such allegations will themselves face disciplinary action or legal charges.

11. MONITORING AND EVALUATION

DSK acknowledges the importance of monitoring this Anti-Discrimination Policy and will ensure that it anonymously collects statistics and data as to how it is used and whether it is effective. School management and the Chair of the ADMSP will report to the Board on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be included in the headmaster's report for regular board meetings. A summary report at the end of the revision cycle (initially one year, after that every three years) by the TDI officer will be used to evaluate the effectiveness of this policy and make recommendations to School management and Board regarding any changes needed.

Adopted by the Teachers' Conference on: 16.08.2022

Adopted by the Board of DSK on: 05.09.2022

Signed at Cape Town on: 05.09.2022

gez. Rainer Nowak

Chairperson of the Board of the DSK

gez. Alexander P. Kirmse

Headmaster of DSK

ANNEXURE A – COMPLAINT FORM

| CONFIDENTIAL DISCRIMINATION COMPLAINT FORM | |
|--|---------------------|
| Name of Complainant/s | |
| Date of Complaint | |
| Name of Complainant's/s' Representative (if any) | |
| Name of the alleged perpetrator/s (If known) | |
| Please indicate whether you would like a 'formal' or 'informal' process | |
| Details of the complaint | |
| <p>Please be as specific as possible with regard to: What happened? Where it happened? When it happened, day, date and time? Who was present and witnessed the incident?</p> | |
| Desired Outcome | |
| <p>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 panel and may not be the official sanction.</p> | |
| Signature of Complainant: | Date signed: |
| Signature of Complainant's representative (if any): | Date signed: |

ANNEXURE B – PROCESS MAP

