

**THE INVESTIGATION INTO ALLEGATIONS OF MICROAGGRESSIONS AND DISCRIMINATION
HELD AT ST MARY'S SCHOOL WAVERLEY**

**INVESTIGATION REPORT:
EXECUTIVE SUMMARY OF FINDINGS AND RECOMMENDATIONS**

CASE NUMBER TCR013954

INTERVIEWS CONDUCTED ON: AUGUST 2020 TO NOVEMBER 2020

DATE OF THIS REPORT: NOVEMBER 2020

PRINCIPAL INVESTIGATOR: ADV THANDI ORLEYN

INVESTIGATOR ZANELE MASOEK

Tokiso Dispute Settlement (Pty) Ltd

Tel: 011 853 6300

Email: info@tokiso.com

CONTENTS PAGE

ITEM	PAGE NUMBER
1. INTRODUCTION	3
2. BACKGROUND	3
2.1. Demographics of The School Through the Years	3
2.2. Development of The Diversity Committee	4
2.3. Language Lessons	5
2.4. Decolonising the Curriculum	6
2.5. Independent Intervention Around Diversity and Inclusion	6
2.6. Racial Literacy Workshops	8
2.7. Allegations Triggering the Investigation	9
3. SCOPE OF THE INVESTIGATION	11
4. METHODOLOGY	13
5. SUMMARY OF ALLEGATIONS	13
6. SUMMARY OF FINDINGS: THEMES EMANATING FROM INTERVIEWS	14
6.1. Structural Barriers to Equity Perpetuating Micro-Aggressive Behaviours in light of Unconscious Biases	15
6.2. Fear of Reprisal, Feelings of Powerlessness and Culture of Silence	24
6.3. Bullying and/or Abuse of Power	27
6.4. Perceptions of Homophobia evidenced through discipline	28
6.5. Lack of Capacitation of Current Structures	29
7. NOTE ON THE NAMED TEACHERS	33
8. RECOMMENDATIONS:	35
Based on identified themes: -	
8.1. Ongoing Facilitated Conversations	36
8.2. Consistent Application of School Rules, Discipline and Communication	37
8.3. Integration of Stakeholders in the School	38
8.4. Utilizing current structures to support diversity initiatives	40
Based on allegations against Named Teachers: -	
8.5. Determining Disciplinary Action in Racial Discrimination Matters	42
8.6. Relationship Building Initiatives	44
8.7. Management Ordered Diversity Training	47
9. CONCLUSION	49

INTRODUCTION

1. St Mary's School Waverley ("St Mary's / the school") is an independent Anglican school for girls, founded in 1888. The school is centred on the foundations of the Christian faith as the guiding principles of the school; however, respect for the values and principles of other faiths is encouraged to the girls.
2. The school is a noted institution of the Anglican community with a chapel situated at the heart of the school. Worship is a daily activity with the Eucharist celebrated regularly which expresses the foundational principles, ethos, and values of the school such as truth and justice, service and duty, respect, trust, and forgiveness mirrored in the teachings of the bible. These values and principles permeate all teaching activities in the school encouraging education from diverse sources beyond the classroom to promote enquiring minds within the girls, ethical and moral leaders, and compassionate members of society.
3. It is against this ethos and value system promoted by the school that an investigation has been called to look into allegations of microaggressions and discrimination against seven teachers based in the senior school. These have been created on Google Docs containing a list of personal incidents contributed by the pupils that involve microaggressions or discrimination. This is referred to as "the List" in this report. The incidents all cite the teacher that is alleged to have been the perpetrator in the incident. These teachers are referred to as "the Named Teachers".
4. Before discussing these allegations, the background and work done by the school regarding diversity and transformation need to be appropriately framed to understand the context in which these allegations arise.

BACKGROUND

Demographics of the School Through the Years

5. In the last 10 years, the school has seen a change in its demographics regarding the number of pupils of colour entering the senior school.
6. As the investigation calls for an analysis of the microaggressions and discrimination alleged, it is important to review the demographics of the senior school being the portion of the school in which the investigation arises.

7. The demographics are displayed in the table below to provide an understanding of the current student population and the dynamics of the school in relation to diversity as reflected through its student body.

Senior School	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Black	110 (21.1%)	106 (20.3%)	103 (19.3%)	108 (20.1%)	107 (19.9%)	111 (20.7%)	114 (21.0%)	121 (22.1%)	131 (24.1%)	139 (25.6%)	155 (28.1%)
Coloured	5 (1.0%)	7 (1.3%)	6 (1.1%)	6 (1.1%)	5 (0.9%)	7 (1.3%)	7 (1.3%)	10 (1.8%)	14 (2.6%)	12 (2.2%)	8 (1.5%)
Indian	22 (4.2%)	19 (3.6%)	23 (4.3%)	20 (3.7%)	21 (3.9%)	25 (4.7%)	33 (6.1%)	28 (5.1%)	31 (5.7%)	31 (5.7%)	30 (5.4%)
Other	2 (0.4%)	4 (0.8%)	7 (1.3%)	7 (1.3%)	5 (0.9%)	5 (0.9%)	5 (0.9%)	6 (1.1%)	8 (1.5%)	7 (1.3%)	7 (1.3%)
White	383 (73.4%)	386 (73.9%)	394 (73.9%)	396 (73.7%)	401 (74.4%)	387 (72.3%)	383 (70.7%)	382 (69.8%)	359 (66.1%)	355 (65.3%)	351 (63.7%)
Total	522	522	533	537	539	535	542	547	543	544	551

Demographics of the pupil population in the Senior School of St Mary's Waverley as shared by the school administration

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Black	37	40	40	38	41	47	54	61	63	65	71
White	25	19	13	21	20	17	20	12	13	6	2
Indian	1	1	1	1	1	0	0	0	0	0	0
Mixed race	0	1	1	0	0	0	1	1	2	1	2
Coloured	0	0	0	0	0	0	0	1	1	0	0
Total	63	61	55	60	62	64	65	75	79	72	75

Demographics of the pupil population in the Senior School of St Mary's Waverley living in boarding houses as shared by the school administration

The Development of the Diversity Committee

8. The school has been engaged in diversity initiatives since around 2009 with the creation of a diversity portfolio by the Head of the school that would be placed within the management team. This portfolio would drive diversity in the school despite there not being a name attached to it at this point. The role began by assisting teachers of colour to resolve some of the issues they experienced in the school as well as assisting general workers (majority black) with issues around how staff members treat and speak to them. The role focused heavily on integrating the grounds staff and cleaning staff into the school space.

9. Focus groups amongst the girls began being organised intermittently in 2010, 2012, 2014 and 2015 with regular focus groups beginning from 2016 wherein discussions on diversity were held amongst the girls in different grades.
10. A formal diversity committee led by the Head of Diversity was introduced which comprised the girls from different grades however headed by a Form 4. The work of the diversity committee has grown over the years from the girls organising and running one assembly per term since 2010 with topics ranging from white privilege, microaggressions, LGBTQIA+ to physical disability and women's rights. These conversations also looked at signs and symbols around the school, dealing with culturally and economically insensitive comments in class, black consciousness vs being anti-white as well as misandry vs feminism.
11. The Diversity Committee meets weekly and assists with the running of focus groups which are scheduled before school begins. Their work encompasses organising diversity evenings for the parent body since 2015 and running Heritage Day celebrations wherein debate and discussions have been encouraged in conversations held around cultural appropriation and hair. These conversations have been facilitated by members of staff with specific staff members being requested to return for the tough conversations that occur within the Form 4 Leadership Conference.
12. The conversations and focus groups held throughout the grades are because of situations that have been experienced in the school such as the repeated use of the "n-word" evidencing a need for conversation.
13. The Diversity Committee has also been a part of broader conversations with other schools such as the likes of Kingsmead, St John's, and St Stithians Boys' College to name a few.

Language Lessons

14. Apart from the work of the Diversity Committee, there have also been African language lessons introduced which look at teaching the staff conversational isiZulu or Sesotho.
15. The school reports a good attendance of these classes and support of this initiative by the staff. Staff members who are first language speakers have been encouraged to engage in the classes where possible and with the teachers learning these lessons.

16. The school has begun implementing these classes as part of the teachers' professional development.
17. The girls are also given the option to choose to learn one out of three African languages.

Decolonising the Curriculum

18. As part of the Board's strategy towards transformation of the school and the Africanisation of the curriculum, individuals such as Rev Claudia Custos and Dudley Trollip have been making use of music, singing, language, signs, and symbols in the school's Chapel and around the school to educate and promote conversation around diversity.
19. The teaching staff such as the likes of the English Department has made strides towards educating the girls on the effects of colonisation using literature. The class on decolonising literature has been running for five years educating the girls on whose voice is centred and who is at the margins when consuming literature and media. This programme was also presented at the HOPE committee as well as the IEB conference with one of the English Teachers at the school. This continues to be presented at schools around the city.

Independent Intervention Around Diversity and Inclusion

20. Despite the work and strategy adopted by the Board, instances of racial microaggressions appeared as was seen by the need for intervention by an independent company in 2017. This followed an incident during the Orientation of Form 1 parents and pupils where the names of House Leaders were being called out and only the name of a black member of staff could not be recalled by the white staff member making the introductions. The black member of staff is noted to have been at the school for ten years when this occurred prompting outrage from some parents of colour who believed that their children would also suffer the same fate of essentially not being seen.
21. The incident divided members of staff in light of the consequences invoked against the white member of staff who could not recall the name. Some members of staff found the demotion invoked to be a harsh measure and feared they would suffer the same fate. On the other hand, other members of staff believed the black member of staff needed the support as it was a reminder of how much integration still needed to take place within the school. This tension within the staff prompted the need for an independent intervention.

22. The intervention was conducted by an independent company specialising in diversity and inclusion. The staff interviewed reported to the investigators that the work involved splitting the teachers up into their Professional Development Groups where each group would be given a role to play: the one group would be tasked with reflection and the other group tasked with supporting those who were reflecting. This was conducted in small 1-hour group workshops conducted over a full day.
23. Feedback received from some of the teachers who participated in this intervention noted how the workshop mirrored many racial undertones that may be prevalent around the school culture, specifically around questioning the competency and professionalism of black educators in these spaces.
24. Although the intervention sought to address these issues, what was reported by some black and white members of staff when speaking to the investigators was how resistant some white teachers appeared to be in the workshops and how they were unable to acknowledge black members of staff's experiences when stories were being shared. One white member of staff falling within the group tasked with supporting those reflecting, noted how her group struggled to support black members of staff's pain and how she found herself being the only individual in the group speaking in support of others. What is interesting to note however is that this member of staff mentioned how she believed that the lack of support was not from a resistance to support however more so from an inability to support in light of the discomfort of not knowing how to respond to the experiences of others in a school where white members of staff would not typically encounter what black members of staff were experiencing in their daily lives.
25. Some black members of staff noted the intervention left many white members of staff negative and defensive rather than reflective leaving them feeling more of a minority within the school than as an integrated component of the school.
26. Another senior white member of staff reported to investigators how she believed that there was not enough reflection and people were left with open wounds after the intervention leaving the staff more divided as the intentions of the intervention, unfortunately, did not match the outcomes in that it polarised the staff as it left many black teachers feeling isolated after this.
27. It was further mentioned to the investigators that during a debriefing with the staff on the intervention, the feedback from many white members of staff was that it had been a waste of

time. Teachers were noted to be critical of the process resulting in strain to some relationships amongst teachers.

28. As a result of this, one member of staff took on the initiative to run focus groups with white members of staff to attempt to engage them on some of the issues that required them to reflect independently of black staff members. These focus groups were named, Racial Literacy Workshops.

Racial Literacy Workshops

29. Racial Literacy workshops were arranged over 2018 and 2019 comprising of three 1-hour discussions with a specific programme integrating the advice and research of diversity and transformation professionals. The member of staff running the workshops had a keen interest in this area having completed her PhD regarding the topic of initiation in schools and the fears of children in light of the consequences of a power dynamic that exists. This member of staff explained how these workshops were deliberately framed for white teachers as a means of holding them accountable to self-reflect and grapple with the concepts of white privilege, microaggressions and unconscious bias without imposing a duty on black members of staff to educate them on this area.
30. The programme integrated discussion topics, resources, video clips and reading material aimed at becoming more racially literate without having to rely on people of colour to always be burdened by being the teacher of race and having to deal with the hostility that comes from many white people when faced with this challenging topic.
31. The workshop saw 35 people participating in the programme and was conducted by dividing participants into small groups of no more than 8 people to encourage sharing and learning in a space where there would be less fear of judgement or being perceived to be wrong.
32. Towards the end of the workshops, each group was given the option of inviting 2/3 friends/colleagues of colour. The objective was to learn from a person of colour, in the St Mary's environment, what they experience as racism and microaggressions to understand how others may receive actions despite the intention.
33. There were members of the management team who had attended and members of staff who committed themselves completely to the workshop. However, there were also members of staff who were in denial about their actions and how they could affect others.

34. These workshops encouraged lunchtime conversations amongst staff members which continue at present; however, these interventions and workshops did not stop some members of staff from appearing on the List prompting this investigation. Although the students were not privy to the interventions occurring within the staff, the lack of insight and reflection by the staff has affected the girls of colour triggering the creation of the document forming the basis for the investigation.
35. It must be noted that this background information was not meant to ferret out the teachers on the List or to validate the allegations against specific teachers.

Allegations Triggering the Investigation

36. Allegations of microaggressions and discrimination against seven teachers in the senior school are contained in a List compiled by pupils which had been shared amongst the different grades, specifically Form 3s, Form 4s and matric. The contributions made to the document are largely anonymous requiring that the investigators rely on the pupils coming forward and volunteering to be interviewed to verify the origin of the contribution.
37. The allegations put forward are contained in a list that was created by pupils in Form 4 following focus group discussions arranged online during the period of hard lockdown in the country. These focus groups were aimed at discussing topics regarding microaggressions. This followed the death of George Floyd, a black American man who died by being restrained by a police officer who placed his knee on Floyd's neck for close to nine minutes, restricting his airway. This incident had been recorded on video footage and shared over social media sparking outrage globally around race relations in the USA specifically as they relate to police brutality. This occurred shortly after the local incident of the death of an Alexandra resident, Collins Khosa, following an altercation with SANDF officers in restricting movements of the public in line with the regulations in place at the time.
38. The race relations within the USA and the "Black Lives Matter" movement have gained traction globally as there has been considerable attention gained on social media and news media around allegations and video footage of police brutality sparking outrage locally around similar incidents. Apart from the outrage sparked, it also prompted many to examine the underlying issues of racial relations within their society. The school responded to this global outcry following the death of George Floyd with a statement in support of Black Lives Matter.

39. Further discussions amongst different schools were sparked where students, both former and current, were seen grappling with their own realities and their experiences within their institutions where they felt othered by virtue of their blackness. This encouraged the 2018 former Head Girl and her peer to take to Instagram to discuss their experiences within St Mary's Waverley School of racism and homophobia, particularly looking at the attitudes of their white peers during a 2017 Matric Dance and their perceptions of the attitudes of staff in response to this incident. The former Head Girl followed this Instagram live video with an Open Letter addressed to the St Mary's community wherein she discusses some of the experiences of past and current pupils of the school concerning racial microaggressions against students of colour and homophobia perpetuated through rules around interactions amongst the girls.
40. The outcry surrounding police brutality motivated by racial undertones and the Open Letter of the Head Girl sparked conversation amongst the Form 4s in the Focus Groups run online during this period of hard lockdown. It is with this context in mind that the allegations and creation of the List emanated.
41. The girls detailed their accounts in the document, determining to share it amongst the Form 3s and Form 5s in line with what they communicated was their intention to bring a detailed memorandum to the school detailing accounts of experiences the girls had at the school and their proposals of what they would like to see the school improve upon.
42. The List reached the attention of the school as it appeared the girls had Named Teachers in their document dividing the cause of the collective. Initial participation by all the SRC was seen in the intention to create a memorandum for the school that they had begun compiling in June 2020 aimed to address some of the issues that appeared in the former Head Girl's Open Letter. The 2020 Head Girl and her Deputies had sight of the List and expressed concern about the potential reputational risks to the school as well as to the Named Teachers in that the List had been shared widely on a Google platform not internal to the school. This resulted in the document being shared with the staff SRC coordinator and then the Head of School. From this moment on, the horse had unfortunately bolted, and the girls were no longer able to position the document in the manner they indicated they had intended.
43. The List was taken down with the link provided to the girls locked to prevent any further sharing and contributions to the List. The investigators were then engaged to attend to the matter as guided by the terms of reference noted below.

SCOPE OF INVESTIGATION

44. The investigation was guided by the terms of reference shared by the school. The requirements and process are noted verbatim below for ease of reference:

The purpose of the investigation is to establish whether there are grounds on which to take disciplinary action against some or all of the teachers, and if so, to recommend the charges.

You are asked to prepare a report on the investigation and the prima facie findings and, based on those findings, to make recommendations. Such recommendations could include, for example, and without limiting your discretion –

10.1 no action be taken;

10.2 counselling/sensitivity training;

10.3 facilitated conversations (conducted by you or by others);

10.4 an apology;

10.5 mediation (conducted by you or by others);

10.6 an overall review of the school's policies, procedures, traditions and institutional culture (although it is the school's intention to proceed with such a review independently);

10.7 disciplinary action.

11. If disciplinary action is recommended, then you are asked to -

11.1 identify the teachers against whom action should be taken;

11.2 prepare draft recommended charges;

11.3 provide a list of witnesses who will need to be called to substantiate the charges and who are willing to be called, and prepare their written statements;

11.4 advise the school on the process to be followed in arranging for the pupils to give evidence

A different person would be appointed to chair any disciplinary enquiry that may follow. That would be a separate process.

Process

12. You should determine the process you wish to follow but the following interviews are suggested as a starting point:

12.1 the Head of the School, the Head of the Junior School and their senior staff;

12.2 the head girl and deputy head girls;

12.3 the SRC representatives who collated the document;

12.4 the pupils making the allegations - in this regard, you are authorised to do so in strict confidentiality;

12.5 the accused teachers to obtain their response.

13. In relation to interviewing the pupils, the school will, guided by you, obtain parental consent to your interviews with the head girl and deputy head girls and the SRC representatives. In the interests of confidentiality, you may, if you consider it necessary, approach the parents of the pupils making the allegations yourself to obtain consent. The school will provide whatever support you may require in this regard.

14. Given the nature of the process which may follow from recommendations of disciplinary action, you should, in the course of your interviews –

14.1 ask the pupil what outcome she wishes or expects. You should canvas whether there is an informal mediation or other process that could be followed to address that pupil's concerns.

14.2 If, on the face of it, the allegation is sufficient to warrant disciplinary action, and the pupil wishes that as the outcome, you must advise that pupil on the process relating to the disciplinary hearing and the necessity of her giving evidence; you must assess the pupil's willingness to participate in and give evidence at a disciplinary enquiry, and obtain her consent to doing so.

45. The scope of recommendations afforded to the investigators are wide and unlimited but may include a recommendation that no action be taken, training be attended, mediation be held, apology be given, to name a few.
46. The terms of reference also require that the investigators identify the full ambit of the recommended charges, should disciplinary action be warranted against any of the teachers. This includes the preparation of witness lists and witness statements.
47. This list of recommendations noted in the terms of reference are not exhaustive and the investigators can determine any suitable recommendation deemed appropriate. It should not be construed to limit the investigators to these actions specifically.

METHODOLOGY

48. The investigation began with preliminary interviews held with the Head of the school and the Deputy Heads of the school. The investigators then met with the Head Girl and her Deputy Heads and the SRC Representatives who were noted by the school to have compiled the document.

49. Once interviews were held with the pupils forming part of the leadership structures within the school, the investigators received names of contributing pupils to the document whose parents were directly approached through the investigation team to request their consent before proceeding with any interviews with pupils.
50. There were also interviews scheduled with members of staff whose names may have been mentioned in interviews with others, and who would be able to assist in providing context on the initiatives undertaken by the school surrounding diversity and transformation and the history of disciplinary action against transgressors. There were also interviews scheduled with the pupils, some parents, teaching staff and some St Mary's Old Girls to ensure the perspectives of all stakeholders in the school.
51. The process was managed in a manner that allowed the investigators to schedule all the interviews without the assistance of the school which allowed the pupils an opportunity to speak to the investigators if they wished without applying any pressure on the pupils to present themselves to any interviews. This approach also allowed for pupils to maintain confidentiality and reassure any pupils and staff members of their privacy and anonymity being maintained should they subsequently decide not to come forward and speak to the investigators at any point in the investigation.
52. The investigators acknowledge that they did not independently solicit interviews of parents except in specific circumstances and as such the basis of the report flows considerably from interactions with staff and students.

NAMED TEACHERS: SUMMARY OF ALLEGATIONS AND RESPONSES

53. The teachers named in the List are known by the Head of the School as well as the Board, however, have been omitted in this report for purposes of preserving confidentiality.
54. The relationship of the Named Teachers and the school is one governed by employment law and legislation as such, their names as well as references to their individual allegations have also been removed in line with the confidentiality requirements.
55. The allegations noted in the List refer to instances of discrimination or microaggression received/witnessed by pupils of the school or their parents. The types of microaggressions and discrimination noted are summarised as follows:

- 55.1. the use of racist statements such as the use of the “n-word” in lessons beyond educating, making inferences that seek to liken blackness to poverty, and the use of terms such as monkeys when referring to pupils.
 - 55.2. homophobic remarks made in lessons and attitudes perpetuated in the teachers’ enforcement of discipline deriving from an assumption of a pupil’s sexual orientation based on their looks.
 - 55.3. the over-sexualisation of platonic relationships amongst the pupils.
 - 55.4. microaggressions seen in the use of African names and confusing black pupils for each other; and
 - 55.5. inconsistent treatment of black pupils versus white pupils in the application of discipline.
56. All the teachers interviewed indicated that they had received an excerpt of the original List compiled by the pupils with reference only to allegations pertaining to the teacher.
57. The findings cited in the report are accordingly the findings from all the interviews and discussion from same.

SUMMARY OF FINDINGS

58. Interviews were conducted over the period of August 2020 to November 2020 with the need to accommodate the matric prelims and the pupils’ school timetables. The interviews are treated as confidential as the interviewees were given the undertaking that their responses would not be cited in the investigation report.
59. There were common responses seen across the interviewees comprising of staff members, pupils, old girls, parents, and the Named Teachers. The identified themes are as follows:
- 59.1. Structural barriers to equity perpetuating micro-aggressive behaviours in light of unconscious biases broken down into subcategories of:
 - 59.1.1. Institutional culture
 - 59.1.2. Names and their significance
 - 59.1.3. Inconsistent application of school discipline
 - 59.2. Fear of Reprisal, Feelings of Powerlessness and Culture of Silence encompassing elements of:
 - 59.2.1. Bullying and/or Abuse of Power

- 59.3. Over-sexualisation of platonic relationships
 - 59.3.1. Education and appreciation for the need for continued gender non-conformity conversations
- 59.4. Lack of capacity in current structures
 - 59.4.1. Policies and procedures operating in a vacuum
 - 59.4.2. Conflict resolution processes lack closure
 - 59.4.3. Diversity portfolio and initiatives

THEMES

60. Before reviewing the allegations as they pertain to the individual Named Teachers, it is important to frame the discussions held with members of staff and pupils in terms of the themes that emerged as they assist in framing a contextual understanding of underlying issues plaguing the school and that appear to present themselves in the interactions of staff with students.

Structural barriers to equity perpetuating micro-aggressive behaviours in light of unconscious biases

61. Unconscious bias, as distinguished from conscious bias are stereotypes and prejudices held by an individual which are often unknown to the individual as they operate outside of the person's awareness and can be in direct contradiction to a person's espoused beliefs and values. Conscious biases are distinguishable in that there is a clear intention applied to the conduct.
62. Dr Derald Wing Sue, a Professor of Psychology and Education in the Department of Counselling and Clinical Psychology at Columbia University, defines microaggressions as *“the brief and commonplace daily verbal, behavioural and environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial, gender, sexual-orientation, and religious slights and insults to the target person or group. Perpetrators are usually unaware that they have engaged in an exchange that demeans the recipient of the communication.”*¹
63. Unconscious biases that have not been identified by the individual may often lead to microaggressions. According to the writings of academics and psychologists such as the likes of Sue, the power of microaggressions are founded in their ability to remain invisible to the perpetrator which enables this power to be deeply rooted in the elusiveness of

¹ Sue, D.W (2010) *Microaggressions in everyday life*. US: Wiley

microaggressions, meaning that the perpetrator is typically unaware that what they are saying is discriminatory in any regard.

64. It is accordingly likely that most perpetrators of microaggressions are individuals who would view themselves as being liberal and inclusive and would not discriminate against another, but who, as Sue describes, due to this being outside of their realm of conscious awareness, will demean other people whom they consider representative of minority groups. These exchanges are unconsciously conveyed through a person's dismissive looks or rebuffs and are so pervasive in everyday talk and interactions that they often remain unrecognizable to the perpetrator, and it is only the recipient who feels its sting.²

65. Although racial microaggressions appear to be trivial in nature, Sue states that studies reveal major consequences for persons of colour, namely:

“(1) attack the mental health of recipients, resulting in anger and frustration, as well as emotional turmoil and low self-confidence

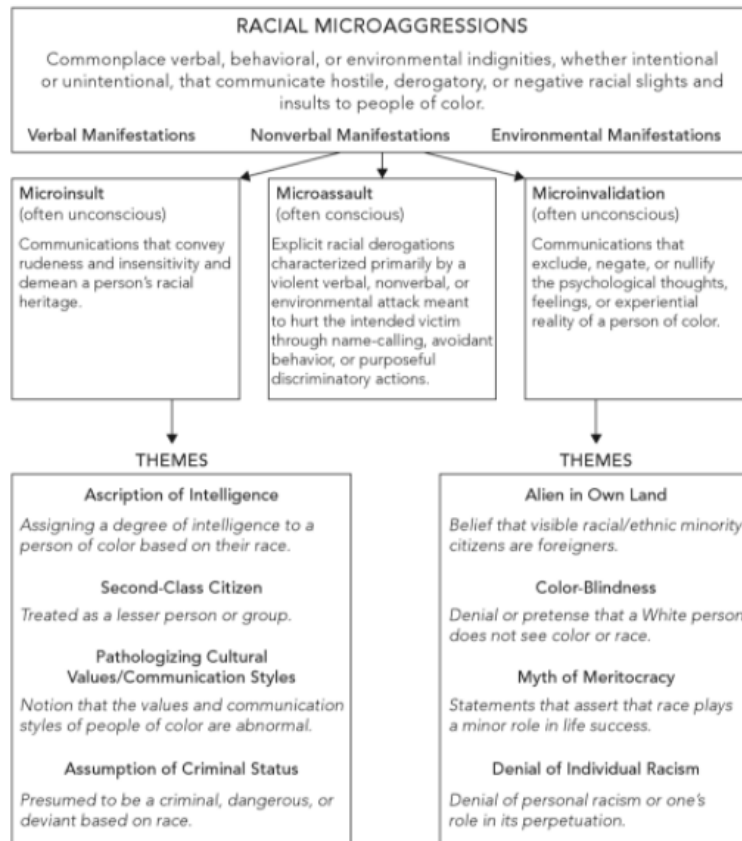
(2) create an antagonistic work or learning environment

(3) perpetuate faulty generalizations and stereotypical behaviours; and

(4) provide social cues which allow for the devaluation of minority groups.”³

² Ibid

³ Sue, D.W (2010) *Microaggressions in everyday life*. US: Wiley



Extract of a diagram explaining the categories and relationships among Racial Microaggressions⁴

66. Having framed the backdrop of what microaggressions are and how the presence of unconscious biases that have not been acknowledged within an individual may manifest themselves into microaggression, the specific incidents within the school that give rise to alleged micro aggressive actions are reviewed.

67. *Institutional culture of the school:* -

67.1. The school, having been founded in 1888, cannot escape the colonial history that overlaps with its history. An acknowledgement of this comes through clearly in the school's Statement of the Educational Philosophy⁵, namely seen at para 3 of the document which reads:

"We acknowledge that

3.1 as an institution we were founded in a context which afforded privilege to individuals and communities on the basis of their race;

3.2 apartheid, as a crime against humanity was and is legally, morally and theologically indefensible; and

⁴ Ibid at p29

⁵ Originally adopted by the Board on 29 July 2015, revised on 14 November 2017 and further reviewed on 25 September 2018 and amended 1 October 2019

3.3 *the systemic impact of our colonial and apartheid past has hurt and marginalized individuals within the St Mary's community."*

[Emphasis added]

- 67.2. Being rooted in history of this nature often requires greater effort on the part of black pupils to feel integrated within the structure that is institutionally white in nature. It is accordingly important to recognise the unconscious dynamic ever-present in the pupils of colour's psyche when entering an institution that may have memorabilia rooted in colonial pasts that seemingly celebrates this history. This also rings true of black members of staff and their feelings of integration within the school as seen in the interventions aimed specifically at addressing the tensions present amongst the teachers following the incident in 2017.
- 67.3. On many occasions the removal of the Voortrekker plaque was mentioned by some of the pupils as an example of the school's history haunting the present and reminding pupils of-colour that the school does not truly belong to them and is not a place for them.
- 67.4. The perceptions of parents seeing black teachers as unable to teach specific subjects such as Maths and Science were noted by some members of staff during interviews. These are particularly concerning when reviewing the type of education, the school seeks to create which celebrates diversity and encourages transformation of archaic structures and practices.
- 67.5. Remarks found in the Open Letter of the 2018 Head Girl note the experiences of girls of colour, past and current, who view a perpetual microaggression within the school of black girls being characterised as too loud and animated juxtaposed against their white peers who are characterised as bubbly and outgoing in comparison. She further notes instances of pupils of colour being restricted from wearing any bracelets with significant cultural meaning being viewed as a need to assimilate to white culture to engage within the school.
- 67.6. The following responses were received from various interviewees when asked why they thought participation at diversity evenings and in focus groups was not well attended:
- "Attending diversity evenings [and voluntary focus groups] becomes like preaching to the choir."*

“Majority of the people that do not speak [at diversity meetings and focus groups] are most of the school.”

“Why they do not engage is probably because the conversation is uncomfortable to have such as discussions on race.”

“People are also just not interested as it is considered to not be their problem.”

67.7. It needs to be highlighted that often when pupils of colour express their opinions and emotions on race-related matters, they are viewed as aggressive and attacking white pupils when sharing their own experiences. Many examples of teachers, black and white, intervening in conversations to seemingly manage the conversations and emotions that flare up are received as the chastisement of an expression by black pupils. This manner does not encourage open conversations.

67.8. Where the call to express a person’s vulnerabilities is made, to take that personal account or expression and characterise it negatively has the unintended impact of invalidating the expression and experience of the pupil; of diminishing the account in favour of managing another’s discomfort at receiving such comments.

67.9. These characterisations of black pupils’ strong expressions of emotions being made synonymous with aggression cannot and does not escape the scrutiny of the “angry black woman” narrative that is perpetuated against black girls from a young age. This is seen by the response from black pupils who strongly believed that if they needed to voice issues, the only way to do so was in a calm collected manner, without showing any glimpse of the negative emotions such conduct leaves within them. Failing this, they would be viewed as angry black girls who are emotional rather than raising valid points. This was reinforced by the perception that there in an unequal enforcement of discipline which could then land the complainant in trouble rather than the individual complained about.

“if you accuse an individual [white pupil] of expressing racist views, the girl cries and then it becomes about the aggressor rather than the complainant.”⁶

67.10. Black girls being characterised and viewed as aggressive becomes an acceptable narrative imposed on these pupils rather than an encouragement to all pupils and staff

⁶ Extract from an interview with a pupil of St Mary’s Waverley.

to look at the expression as an experience of the impact such conduct has on the recipient and the lingering feelings that remain despite the time elapsed since the incident, and despite the intentions of the perpetrator.

- 67.11. This accepted narrative of black pupils in conversations around race also encourages a lack of participation by white pupils as it provides an out for uncomfortable conversations to be excused through niceties of avoiding conflict and maintaining peace. The essence of the existence of microaggressions is an indication of a lack of peace and an underlying and unchecked conflict.
- 67.12. This results in the continued perception held by black pupils in the school that white fragility is guarded and protected by the school. That the tears of white pupils often allow for teachers to see the black girls as attacking and bullying.
- 67.13. The pupils interviewed also mentioned the stereotypes that are attributed to pupils living in boarding and that are at the school on scholarship. There is a perception that black girls in the school are more likely to be scholarship girls or boarders.
- 67.14. This was further iterated through conversations with staff members specifically working with diversity who mentioned previous complaints received from scholarship girls where teachers make assumptions about the girls and what they are able to afford or what they lack, by virtue of them being on a scholarship which is often received by the girls to mean they are poor and unable to provide for themselves. There is an aspect of shame perpetuated by what teachers seemingly perceive to be managing the conversation around scholarship pupils.
- 67.15. This required conversation be held with teachers to let them know not to assume difficulty on the part of the pupil when it comes to paying for school events etc. To rather ask the pupil privately if they would be able to make the payment or whether the school needs to assist in subsidising this fee. It is these seemingly innocent actions that further perpetuate an “othering” within the school.
- 67.16. It is surprising that despite the demographics of the school historically being majority white pupils, that there are boarding houses that comprise of mostly black girls. There must be a better attempt at ensuring better integration across the board. There may be valid reasons for maintaining the boarding houses in the demographic split they

have; however, it should be recognised how this could perpetuate feelings of exclusion and stereotypes of black girls.

68. *Names and their significance: -*

- 68.1. Integrating pupils from different backgrounds into an institution such as St Mary's Waverley School requires that teachers and the school commit to how bringing about this transformation agenda looks. An inability and unwillingness to attempt to pronounce the name of an individual is an indication of an inability to truly grapple with transformation in all its different facets.
- 68.2. The election to seek a nickname or a shortened version of African names or names not of European decent is also an indication of an inability and/or unwillingness to grapple with an individual's identity and diversity as it merely seeks to do what comes easiest. This should not be allowed to persist in an institution of learning as it inadvertently communicates an intolerance of anything not seen as normal, i.e. white in most instances as it is mostly pupils of colour who are required to provide an alternative name that is 'easiest' to pronounce often by white teachers and peers. This unconsciously communicates a need to assimilate to a level of whiteness that does not consider the meaning and importance of the name seeking to be shortened.
- 68.3. This is also mentioned in the Open Letter of the 2018 Head Girl as well as in numerous allegations contained in the List noting how these mispronunciations are perceived as another form of othering of students of colour.
- 68.4. This was further seen in interviews with some Named Teachers in that there was still a struggle to pronounce African names often sounding as jumbled or incorrectly integrated letters often forming a word that is not recognisable or trailing off in an incoherent manner.
- 68.5. The significance of names is reiterated in the meetings of the SRC wherein suggestions of creating video folders accompanying all pupil names for teachers to practice is cited in the minutes of the meeting held 22 and 24 June 2020. This is an indication that the issue around the pronunciation of names is not new to the pupils nor the school. These issues are shared amongst the different black girls who have since left St Mary's as well as those who remain.

- 68.6. The significance of names is further iterated in some interviews held with staff wherein an account is shared of an incident where a teacher could not recall the name of one of the black staff during an orientation meeting with the parents of newly starting grade 8 pupils.
- 68.7. When questioning staff members about the current relations amongst staff members following the interventions of independent companies and the introduction of lunchtime conversations among staff and course-related workshops, there still appeared to be divergent views: a view that the school had moved passed this period of discomfort and that all staff were supportive of one another and working well together. The 'kumbaya' response - indicating a lack of true reflection and insight and a sense of denialism of the divergent experiences and views of individuals. On the other hand, were responses that indicated the appreciation of the difficulties faced by the girls in navigating some of these microaggressions.
- 68.8. Black members of staff interviewed visibly remained negatively affected by this incident and many other personal experiences of microaggressions in the school with many becoming emotional having to recall and relive these past experiences.
- 68.9. Comments from some of these black members of staff note the difficulties of being an adult existing in an environment as a minority and the feelings of isolation experienced following the demotion of a white member of staff, after the incident at the Form 1 orientation in 2017. Mention was made of the responses of white members of staff asking the black member of staff why she had been at the event in the first place implying fault on the part of the black member of staff whose name could not be recalled.
- 68.10. Although all the staff interviewed, black and white staff, mentioned that apologies had been given and accepted, what remained, however, was the visible discomfort and lingering trauma from such experiences present in the black teachers interviewed. This is trauma that could not be healed through an apology alone where adults are concerned, however, this trauma is not acknowledged by staff members in relation to their own colleagues resulting in their inability to see this in the girls they teach.
69. *Inconsistent Application of School Discipline: -*

- 69.1. Pupils raised the inconsistency of application of discipline where there is an offender who is a member of the teaching staff as well as when the offender is a white pupil. Actions are viewed as being taken on a case by case basis and lacking consistent application. Pupils are left not understanding why certain actions were taken in one case, and other actions taken in other similar cases.
- 69.2. This lack of consistency leaves pupils feeling vulnerable to perceptions of discrimination and unfairness in the application of policy. As a result, it discourages pupils from lodging complaints or voicing issues. Specific mention made was that incidents between white pupils who were caught consuming alcohol were given comparatively reduced discipline compared to others who committed similar actions.
- 69.3. The pupils noted their perceptions regarding the application of discipline being such that it is motivated by race. Pupils noted that white pupils are often seen holding hands but do not receive the same level of scrutiny and discipline as black pupils. They further raised the issue of white girls forming a part of the hockey team often seen to conduct themselves in a manner that is contrary to school policy, i.e. they are seen kissing their boyfriends at hockey matches, holding hands with fellow pupils of the school and are not reprimanded by any teachers or coaches. This perpetuated the view that the harsher measures are applied against black pupils.
- 69.4. Another incident of drinking was recalled by some of the pupils who mentioned hockey girls and other white pupils having been caught drinking and sanctioned or had their leadership positions suspended for a period of time versus black pupils who were caught drinking in boarding who were expelled from boarding resulting in them needing to leave the school in light of the need of being in boarding in order to attend the school. Although this incident occurred a year or more ago and none of the girls were directly involved in the incident, most black pupils recounted this when expressing their view that discipline is not applied consistently by the school. This is an indication that the girls may see individual occurrences as shared struggles amongst them.

70. Fear of Reprisal, Feelings of Powerlessness and Culture of Silence

- 70.1. These three identifiable themes appear concurrently in the statements made by some of the interviewees. They are so closely intertwined that they almost become inseparable in the accounts captured and responses analysed.

- 70.2. During interviews with most of the pupils, a recurring appearance of discomfort and distinct hesitance was displayed by some of the girls, both vocal and more withdrawn. A recurring measured response was displayed by the girls especially when prying for information around which complaints they contributed to as well as which teachers were named and their desired outcome for the incident alleged.
- 70.3. Until reassured of the purpose of the request for the information, a common display of what appeared to be fear of reprisal and victimisation is reiterated in many of the responses from the girls.
- 70.4. What is also observed is a common despondence where the girls expressed the commonly held view that pupils raising issues of discomfort around race are tantamount to taking on a whole institution and not merely an expression of boundaries. There is no instance in the interviews where raising a grievance was perceived by the girls to merely be bringing discomfort to the school's attention but viewed negatively as a confrontation of the school requiring an adversarial approach.
- 70.5. There is an apparent fear and perception of the school as being a leviathan structure that cannot be taken on. There is a fear of facing backlash from the school or having leadership prospects compromised or removed. Many interviewees noted that the reason behind the Open Letter of the Head Girl of 2018 and the List being created is this barrier and perceived lack of protection.
- 70.6. When questioned about any previous experience of backlash or viewed repercussions or retaliations against pupils who had raised grievances, the pupils could not recount any incident. As one of the pupils interviewed noted in their comments *"the fear is an assumption and an understanding of how powerless you are against an institution such as St Mary's"*.
- 70.7. One of the girls interviewed who also is a boarder at the school displayed heightened apprehension to answering the questions reiterating not desiring to jeopardise herself by expressing herself too openly. When further questioned as to how this could materialise, she displayed hesitation and discomfort leaving the investigators unwilling to pry further for fear of leaving the girl feeling too exposed and vulnerable.

- 70.8. Our observations are ones of concern. Although these expressed fears in both body language and speech cannot be placed with examples of threats materialising, the discomfort and apprehension of the girls, especially those forming complainants, was palpable. Whether this is real or merely perceived to result in adverse consequences, the need to address the root of such perceptions and fears is urgent.
- 70.9. A school environment cannot thrive where pupils do not feel safe mentally, physically, and emotionally. There is a perceived or apparent abuse of power lauding itself over the girls in an insidious manner as many who express this fear are afraid of backlash, albeit in different forms, but backlash, nonetheless.
- 70.10. The girls living in boarding houses are further exposed to recurrent feelings of powerlessness in the face of this perception of reprisal and abuse of power. These institutions are meant to form a home away from home. Instead, they become reminders of otherness, assumptions of lack and threats to their security within the school as if a pupil is expelled from boarding, they are most likely not able to remain in the school.
- 70.11. The underlying microaggressions seen in some of these acts are not unique to the school. This is the remanence of an apartheid past no matter how long ago. The resultant identity politics emanating from such a past and left unchecked by the country mirror themselves within the next generation as they are felt despite their undercurrents and passivity. They lurk in the corridors of institutions standing the test of time. They ring through the halls and reverberate through the walls of celebrations of history and esteem. History and esteem embroiled in a blemished period in our South African identity.
- 70.12. Some staff members interviewed also expressed their apprehension in matters involving discrimination complaints from pupils. They noted that when they consider tackling a complaint within staff or between staff and pupil there is a fear that they would be seen as the antagonist in the situation where they would be simply trying to help.
- 70.13. The pupils perceive the school as a place that sweeps things under the carpet in the interest of maintaining an image of diversity. This perception is mirrored by some of the staff within the school that have found the school's silence on offending staff

members problematic and contributing to a breeding ground for microaggressions, perceptions of a lack of discipline and contributing to the perceptions of reprisal and festering fears about same based upon shared beliefs by some of the girls that these would come to pass; that threats around leadership opportunities will be carried out.

- 70.14. There was evidence that some Named Teachers were not aware of issues present or believed that issues had been resolved when an apology was given, when unaddressed feelings about the incident remained within the pupils. Further, the perception that teachers look to protect the school results in there being a sense that issues need to be dealt with as swiftly as possible in order to reduce the impact on the school rather than ensure that issues are addressed properly.
- 70.15. There are issues of racism and homophobia that are treated as small incidents. Some pupils expressed the fear that these accusations would not be taken seriously. This means that pupils would need to consider who they take their complaints to and how the complaint is formed as different individuals would yield different results. The creation of the online document which allowed pupils to safely lodge complaints made the pupils feel confident enough to then discuss their issues fully.
- 70.16. These incidents of inconsistencies, perceived or otherwise real, have lent themselves towards an appropriation of struggles and grievances from girls in previous grades who have since left however, whose stories of receiving microaggressions and unresolved incidents within themselves spread like wildfire amongst teenage girls which has resulted in a continued sense of receiving the same treatment although the treatment may not have been aimed at the individual feeling or expressing the impact of it today.
- 70.17. Teachers also fear reprisal from unintended actions, and that they are not given the benefit of the doubt by Management and the Board creating an “Us vs Them” mentality as was seen played out through the process of this investigation.

71. Bullying and/or Abuse of Power

- 71.1. Many pupils noted the threat to security of self within the school felt by pupils on scholarships and living in boarding houses appeared greater as there is a prevailing

view that they should be grateful for the opportunity to be at the school and not complain about incidents of microaggressions.

- 71.2. In interviews conducted with some pupils living in boarding houses there appeared to be reluctance in answering some of the questions pertaining to the Named Teachers openly.
- 71.3. One pupil recounts an incident a year or two ago involving a girl who was on scholarship and living in boarding. The girl and her friend wanted to order out. When they approached the boarding mom to ask her whether they could order out she responded to the scholarship girl "Oh so you have money now to be ordering out?". This is indicative of an abuse of power and a reminder to girls afforded scholarships that they are not truly integrated into the school.
- 71.4. The intimations of abuse of power and bullying further come into play when noting the responses of pupils to threats made by teachers of removing leadership positions from pupils. From how the pupils expressed their feelings surrounding these types of threats, it appears that the issues experienced are that teachers can laud these positions of leadership over the girls to subdue them which creates a climate of fear of reprisal to be bred.
- 71.5. Concerning allegations were also made of teachers in positions of authority enjoying protection in light of their longstanding relationship with the school and parents through sporting activities, and how this affords such individuals unfettered powers and resultant abilities to abuse this power.

Perceptions of Homophobia evidenced through discipline

72. Over-sexualisation of platonic relationships: -

- 72.1. The pupils acknowledge that school rules apply to all the girls, however, make mention of an incongruous application of school rules against students within the LGBTQIA+ community and black students. This was specifically mentioned in line with discipline and sanctioning of girls holding hands whilst at school or appearing to be hugging one another. The pupils interviewed noted the perception held to be one that saw black pupils more likely to be warned or cautioned about this behaviour than their white counterparts. The pupils noted that there appeared to be a presumption held by

members of staff that if you are black and have short hair, you are more likely to be part of the LGBTQIA+ community.

- 72.2. There are accounts mentioned of teachers glaring at pupils during assemblies for holding hands or appearing to lean on one another. The perception held by black pupils is that their actions and, inadvertently, their bodies are more policed within the school than that of white pupils. This perception of targeted policing and application of rules is also shared by students identifying within the LGBTQIA+ community. Pupils in boarding houses noted the policing in the boarding houses to be a lot more intensified to the point where pupils are not allowed to sit on each other's beds in some boarding houses or have their doors closed.
- 72.3. Following conversations with some of the teachers it has been expressed that there has been an incident in the school involving girls found in inappropriate sexual situations prompting the need for enforcing rules around inappropriate sexual conduct. There have also been alleged complaints received by parents and members of the public who have notified the school of the girls acting inappropriately in public spaces, seen kissing, and groping one another.
- 72.4. Whilst there may be perfectly justifiable reasons for enforcing such rules and seeking to enforce a culture of respect within the school, it is important for the school to review the way these rules are enforced. This further reiterates the need for clear communication by the school of what is deemed to be appropriate conduct and why the rules in place are enforced in particular spaces in light of fears around sexually inappropriate conduct with minors where one of the girls involved is above the age of 16 years old engaging sexually with a girl who is below this threshold. This is a legal requirement as founded in the Children's Act, however without the correct framing and explanation by the school of the liabilities and risks posed to girls engaging in this manner, there will not be an appreciation for why such conduct is prohibited as well as an understanding of why these rules are in place. The perpetuated perception of targeting homosexuals will prevail in light of this.

73. Education and appreciation of the need for gender non-conformity conversations: -

- 73.1. Although the school is an Anglican school adopting a Christian ethos, it is important to be clear on how individuals from differing backgrounds may perpetuate their own biases around what they believe to be synonymous with Christian beliefs and identity,

inadvertently imposing a standard of what may be deemed to be appropriate and correct through teachings and flippant statements made to the girls.

- 73.2. Conversation around gender identity and sexual orientation have been noted to be limited as diversity is only thought of as encompassing race relations due to South Africa's Apartheid past or religion. Gender identity is noted to be spoken about from feminist lenses and not necessarily from an understanding of gender non-conformity.
- 73.3. The students mentioned the existence of a committee that was for LGBTQIA+ identifying individuals and students interested in learning about the issues experienced by this community however no one was quite sure of what happened to this committee. There are indications that there are individuals attempting to revive this committee however the girls spoken to all expressed their uncertainty about the committee reconstituting.
- 73.4. The views held around this theme also speak to the perceptions of a heteronormative culture seen to be promoted to the girls as numerous comparisons have been made by the girls of the conduct of girls at sporting events not attracting any reprimand. Further remarks noted in the Open Letter of the 2018 Head Girl address issues around sex education and safe sex practices that do not address safe sex practices in homosexual relationships.

Lack of capacitation of current structures

74. Policies and Procedures operating in a vacuum

- 74.1. The perception is that staff is present to merely oversee enforcement of rules rather than engaging in the dissemination of information to help pupils better understand the content of policy and the appropriate channels to address their concerns.
- 74.2. This results in pupils feeling isolated from the structures in the school introduced to encourage a "speak-up" culture against actions of discrimination. An unintended barrier is created by this uncertainty in procedure resulting in many pupils having to grapple with the decision to let something go or attempt to find a resolution on a grievance.
- 74.3. Many pupils interviewed were not aware of the Confidante of Choice document and how this principle operates.

- 74.4. Policies such as the Anti-Racism policy are rooted in the message of seeking to foster an environment free of racism communicating that the school has a zero tolerance approach towards racism as it clearly states in its closing line: *“racist behaviour, intentional or otherwise, will not be tolerated”*. Whilst this statement is meant to communicate a clear position held by the school, it also creates an expectation that any instance of racist behaviour should be dealt with, in the same manner and inadvertently through disciplinary measures. It is particularly important to recognise that the term *“racist behaviour”* is not defined anywhere in the policy leaving it up to the interpretation of the reader. The phrase *“will not be tolerated”* is further not qualified nor does it explain how these matters will be dealt with further leaving it to the reader to interpret the policy without guidance.
75. *Conflict Management Processes Lack Closure: -*
- 75.1. Channels of raising complaints and addressing matters do not adequately resolve conflicts as they merely address the complaint and not the endemic and systemic reasons for such complaints and repeated behaviour across the teaching staff and by the same teaching staff.
- 75.2. This is also demonstrated in the intervention by an independent diversity and inclusion company wherein the school began by acting however there was no real follow-through and capitalising on the communications that were shared in the workshops. This lends itself towards a perception of the participation in such interventions as being viewed by some members of staff to have been unplanned as there is no long term goal in sight meaning many will not follow or commit to these interventions merely being allowed to dismiss them internally as conversations around race without seeing their application in the context of the school in which they teach.
- 75.3. Once a pupil lodges a complaint, it is unclear on how it is handled when it is handled without pupil engagement. This disconnect creates an impression that either nothing is being done, or that the complaint was not taken seriously.
- 75.4. Pupils noted that once a complaint had been lodged, they are not made aware of the repercussions teachers face, nor consequences to an incident in the form of tangible

change expected of the teacher. The matter appears to be quietly managed with an apology given and that being the end.

75.5. Pupils noted that various teachers were repeat offenders but in no way changed their behaviour and never received appropriate sanction for the repeated transgressions. The fact that incidents were recalled over years and these teachers were noted to have the same behaviour complained of evidence a lack of change within the teachers.

75.6. While many pupils did not believe dismissal was appropriate for all teachers or those who were not repeat offenders, or who had committed milder actions, pupils did believe stronger action should be taken against repeat offenders to communicate the message that such actions would not be tolerated by the school.

76. *Diversity portfolio and initiatives*

76.1. The creation of the diversity portfolio and the implementation of various interventions, whilst noble endeavours, gives an impression of the school embarking upon an exercise without a long-term goal in mind. The interventions appear reactionary rather than pre-emptory or targeted providing a perception of form over substance.

76.2. There is an appreciation that the school enables pupils to arrange conversations around these issues however there is also a belief that the school could be more of a custodian and driver of these conversations to add more credibility and to encourage more participation.

76.3. Too much of the drive for transformation and diversity appears to be held by the pupils and not led and driven by the school or the parents. At the point at which the school does not drive diversity awareness it falls upon the girls to drive this. The school's role is to provide a safe environment and an education that is holistic. Many comments from the pupils interviewed allow us to draw the inference that the pupils would prefer the school take more of an initiative and ownership of resolving matters around diversity and discrimination.

76.4. Topics arranged for discussion in the grade focus groups, although controversial and topical, need to be facilitated with an end-goal in mind and with a clear intention. It is concerning that the pupils are left to manage such layered and complex conversations

without any formally trained facilitator on hand to assist in unlocking tensions and conflict as they arise.

- 76.5. Some of the responses received by pupils and teachers indicate this as the focus groups have left pupils emotionally charged, divided, and misunderstanding each other's positions. Whilst it is good to have open dialogue, it is also equally important to understand the flow of the conversation and the best means of reflecting experiences shared by some as a means of ensuring understanding from the group as a whole.
- 76.6. The Diversity Committee facilitates focus groups. They are mentioned by the students to not guide the conversations and do not appear to be too hands-on in terms of diversity effort at the school apart from running occasional assemblies and running a private social media account.
- 76.7. Discussions stem from assemblies and voluntary meetings during speakers' corner set by the Diversity Committee. This ends up creating a sense that there is no meaningful engagement as everyone who opposes or thinks differently tend to not attend these sessions.
- 76.8. The voluntary nature of attendance means that individuals who may be perpetrating discriminatory actions never engage with these issues as they themselves do not experience the discrimination and believe they do not need to attend. This theme extends throughout the staff, parent and student body, as individuals do not participate as they believe they are not affected by racial or sexual orientation discrimination thus do not need to engage. They are, as such, not forced to introspect and identify themselves as people perpetrating the discrimination.
- 76.9. White parents and pupils were noted as not participating or understanding the need to participate in changing the school culture. This was explained in two ways. Firstly, there is a sense that white individuals who do not participate (or do not see the need to) do not as they do not experience discrimination. Secondly, it is also because white individuals fear saying or doing the wrong thing that may trigger or make things worse.

NOTE ON NAMED TEACHERS

77. Having canvassed the themes emanating from the collective responses of learners, parents, and staff we reviewed the individual responses of the Named Teachers which have been omitted in this Executive Summary in line with confidentiality requirements.
78. The following documents received from the school have been consulted in the considerations applied to the analysis of the responses and recommendations to the Board on possible interventions:
- 78.1. South African Council for Educators (“SACE”) Code of Professional Ethics
 - 78.2. St Mary’s Waverley School Anti-Racism Policy, dated October 2019
 - 78.3. St Mary’s Waverley School Conditions of Service – Academic, Administrative and Support Staff
 - 78.4. Christian identity and ethos of St Mary’s, revised and adopted by the Board on 13 November 2018
 - 78.5. St Mary’s School Waverley Statement on Gender
 - 78.6. Statement on the Educational Philosophy of St Mary’s
 - 78.7. Correspondence from a parent in response to an incident involving a teacher
 - 78.8. Incident report from the Disciplinary Committee
79. In looking through the conditions of service document, it was important to note that there was no clear correlation made by the Anti-Racism Policy to any of the offences present in the disciplinary policy. If the Anti-Racism Policy sought to make racist behaviour an offence in terms of the disciplinary policy, it did not provide certainty as to what the rules are around matters such as unconscious bias and microaggressions as it does not define these behaviours which are not necessarily racist behaviours in light of the complexities presented.
80. The disciplinary policy further notes disciplinary action to be taken where there is a blameworthy breach of a St Mary’s workplace rule, outlining the stages to be taken in line with the stages for a disciplinary hearing. This creates a static representation of what the ambit of disciplinary action may cover, despite the policy mentioning disciplinary measures short of dismissal. The measures noted as measures short of dismissal are noted as informal/verbal warning, written warning, and final written warning.

81. The Code of Good Practice on Dismissals found in Schedule 8 of the Labour Relations Act⁷ requires the rules of an employer to create certainty and to be applied consistently. The undefined and vague nature of the Anti-Racism Policy creates uncertainty. The failure to address offences as they relate to matters of diversity and inclusion further makes it difficult to impose disciplinary measures where there are no rules regarding handling microaggressions rather than outward expressions of racism.
82. The Code further notes the endorsement by the courts of progressive discipline which looks towards ensuring employees understand what behaviours are required. The Code encourages efforts made to correct employee behaviour through gradual disciplinary measures making use of interventions such as counselling or warnings.
83. Applying disciplinary measures short of dismissal still requires a fair process that entails providing the employee with an opportunity to respond to the allegations against them. This encompasses the principles of *audi alteram partem* – to hear the other side. In producing a warning (a disciplinary measure short of dismissal), the school would still be required to present the teacher with the allegation in detail to enable the teacher to provide a response taking into account all the material details around the allegation. The salient points which include the details of the incident such as date, the identity of the grievant and the rule alleged to have been transgressed.
84. These considerations were applied when determining our recommendations for the Named Teachers. We accordingly recommend that: -
 - 84.1. The contracts of two of the teachers should not be renewed at the end of the year.
 - 84.2. In the case of one staff member, that there should be a mediated conversation between her and the pupil affected.
 - 84.3. That an apology be issued to a wider group of girls than she had previously done by one of the teachers.
 - 84.4. In the case of the remaining three teachers, that they should continue to engage meaningfully in the diversity workshops arranged by the school and participate in structured workshops around diversity and inclusion.
85. The investigation did not find grounds to make recommendations for further disciplinary action against the Named Teachers for the reasons traversed above.

⁷ Act 66 of 1995

RECOMMENDATIONS

86. In *South African Revenue Service v Commission for Conciliation, Mediation and Arbitration*⁸ Mogoeng CJ notes the following regarding the scourge of racism in the workplace:

“South Africa’s special sect or brand of racism was so fantastically egregious that it had to be declared a crime against humanity by no less a body than the United Nations itself. And our country, inspired by our impressive democratic credentials, ought to have recorded remarkable progress towards the realisation of our shared constitutional vision of entrenching non-racialism. Revelations of our shameful and atrocious past, made to the Truth and Reconciliation Commission, were so shocking as to induce a strong sense of revulsion against racism in every sensible South African. But to still have some white South Africans address their African compatriots as monkeys, baboons or kaffirs and impugn their intellectual and leadership capabilities as inherently inferior by reason only of skin colour, suggests the opposite. And does in fact sound a very rude awakening call to all of us.”⁹

...

“My observation is that very serious racial incidents hardly ever trigger a fittingly firm and sustained disapproving response. Even in those rare instances where some revulsion is expressed in the public domain, it is but momentary and soon fizzles out. Sadly, this softness characterises the approach adopted by even some of those who occupy positions that come with the constitutional responsibility or legitimate public expectation to decisively help cure our nation of this malady and its historical allies.”¹⁰

87. The school’s leadership needs to act decisively when it comes to addressing matters of discrimination as can be seen by the impact on those receiving the conduct. Not only is the impact on the recipient of concern, but the broader impact allowing such statements and actions to continue unaddressed may have on the entire ethos and culture of the school. It effectively contradicts the Christian identity and principles of inclusiveness and acceptance on which the school is founded.

Another factor that could undermine the possibility to address racism squarely would be a tendency to shift attention from racism to technicalities, even where unmitigated racism is unavoidably central to the dispute or engagement. The tendency is, according to my experience, to begin by unreservedly acknowledging the gravity and repugnance of racism which is immediately followed by a deemphasis and over technicalisation of its effect in the particular setting. At times a firm response attracts a

⁸ [2016] ZACC 38

⁹ Ibid, para 2

¹⁰ Ibid, para 9

*patronising caution against being emotional and an authoritative appeal for rationality or thoughtfulness that is made out to be sorely missing.*¹¹

*That in my view is a nuanced way of insensitively insinuating that targets of racism lack understanding and that they tend to overreact. That mitigating approach would create a comfort zone for racism practitioners or apologists and is the most effective enabling environment or fertile ground for racism and its tendencies. And the logical consequence of all this gingerly or “reasonable” approach to racism, coupled with the neutralising reference to the word kaffir as the “k word”, is the entrenchment and emboldenment of racism that we now have to contend with so many years into our constitutional democracy. Imagine if the same approach or attitude were to be adopted in relation to homophobia, xenophobia, arrogance of power, all facets of impunity, corruption, and similar societal ills. That somewhat exculpatory or sympathetic attitude would, in my view, ensure that racism or any gross injustice similarly handled, becomes openly normalised again. Those who should help to eradicate racism or gross injustice could, with that approach, become its unintended, unconscious or indifferent helpers.*¹²

88. In *Lebowa Platinum Mines Ltd v Hill*¹³, Kroon JA stated that the use of racist remarks or conduct in the workplace should be considered in light of the highly charged racial or political atmosphere inherent in certain workplaces. Within such workplaces, the use of racist remarks can have the effect of destroying working relationships and being disruptive of the employer’s business.
89. The below recommendations are regarding general interventions that the school may need to implement in light of the comments emanating from interviews which have an indication towards the school’s culture and methods of tackling matters of diversity.
90. **Ongoing Facilitated Conversations: -**
- 90.1. It is important that conversations regarding microaggressions, racial prejudice and unchecked biases and preconceived notions, are facilitated by a professional with experience in managing diversity and transformation.
- 90.2. It is precisely because such conversations stir up emotions in all, irrespective of age and race, whether it be feelings of discomfort or feelings of sadness and anger. It is important to be able to recognise cues indicating possible breakdown in the conversation and being able to move the conversation forward and provide a safe space for participants to reflect upon inputs shared.

¹¹ Ibid, para 10

¹² Ibid, para 11

¹³ (1998) 19 ILJ 1112 (LAC); [1998] 7 BLLR 666 (LAC) at para 12

- 90.3. This requires the facilitator to be present in the conversation to enable them to sense the undercurrents of the room and create a safe, sacred space free of preconceptions and baggage from one's personal life.
- 90.4. The school could look towards its own network of Old Girls to see whether there aren't any individuals who are equipped and qualified in the area of diversity management as this would ensure an understanding of the school as well as a comfort from the girls with another Old Girl who was once in their shoes.
91. **Consistent Application of School Rules, Discipline and Communication: -**
- 91.1. It is also important that these rules are seen to be applied consistently as many comments were made of girls in the hockey team being permitted to get away with the same things black pupils are seen to be cautioned against leaving pupils to determine the reasons for such discipline to be along racial lines.
- 91.2. Teachers are encouraged to discuss issues of discipline in staff meetings to ensure consistency in communication to pupils of what would be considered behaviour worthy of cautioning as well as to ensure all teachers are responsible for ensuring discipline. Comments made by some staff members pertaining to *HD's* and *DS's* discipline of girls who are seen to be engaging intimately with one another highlighted how this was something that was specifically seen to only be done by these teachers and not all teachers. This could be the reason why these two members of staff were the only two members noted to be perpetrators of the complaint of oversexualising platonic relationships as this had not been consistently applied by all teachers as was noted by a Form 2 girl also in boarding who mentioned the rules around girls sitting on each other's beds not attracting reprimand.
- 91.3. Constant discussions within the staff room of discipline would encourage teachers to hold each other accountable for ensuring consistent manner of discipline; however, also to encourage constructive feedback of each other and the way each engages with learners.
- 91.4. The communication of the principles of the rules introduced following serious infractions by staff or students is also needed as it appears that the girls do not understand the basis of some of these rules such as issues around what is deemed to be inappropriate sexual behaviour which perpetuates ideas that these rules enforce

homophobic practices and targeting of LGBTQIA+ and black girls in their application. This is also seen in the apprehension communicated by the girls of approaching the Open Door in light of a misconception around the parameters of confidentiality.

- 91.5. There is a very clear misunderstanding by the learners of what the confines of confidentiality extend to which leads them to perceive disclosures to their parents as a breach of this confidentiality. This could be avoided by explaining this concept in its entirety through lessons such as Life Orientation.

92. Integration of stakeholders in the school: -

- 92.1. Parents are not as involved as they could be in driving the transformation agenda of the school. The microaggressions evidenced by some of the girls' stem from some of their personal interactions at home. This is an indication that these behaviours are learnt behaviours therefore require more than just addressing the pupils. There is a need for parental intervention through the school. There can be more communication with parents to ensure they take accountability and responsibility for their children's development.
- 92.2. There is also an opportunity for the Parents Association to play more of a vital role in the transformation agenda of the school. There were no parents from this association who approached the investigators to address some of the issues noted by the girls.
- 92.3. The investigators have learnt of the Parents of Black Girls Forum, a body of black parents that aim to support their girls and the agenda for transformation in the school by ensuring accountability by the school of meeting these commitments. It was formed in April/May this year as a response by a few black parents having shared conversations about their girls being marginalised or fighting for a space to be treated equally in the school. The parents noted that their intentions were to ensure their children are able to attend school and receive an education that does not require them to fight issues of integration and asserting their identity in the school on their own. The Forum was also formed following the incident of George Floyd which heightened racial tensions across the world affecting many of the South African schools. One of the parents of the Forum noted his intention of joining the Forum was to support the girls by getting a collective voice as black parents and engaging the school directly.

- 92.4. Whilst the parents of black girls have started this Forum, it does not appear as if they have a structured or clear path as to how they will engage in the school as at present it has been to raise questions to the school about how it intends achieving its strategies and goals in line with transformation. Although there is value in raising questions to measure accountability, part of the required action is for these parents to be present and responsive to the issues faced by their girls by creating a direct line of communication with the school without there needing to have been a reported incident(s) of microaggression affecting their children. These Forums can assist in streamlining information to the school to identify trends and where these incidents rear their heads. They are also an important mechanism and support structure within the school for parents to share ideas with the school and to assist one another in making the space feel more integrated for their girls.
- 92.5. It is important for these parents to recognise themselves as a community within the school, no matter their minority status. The school also needs to recognise this specifically in line with their Board strategy geared at transforming the institution and education. The parent spoken to noted the confusion of the parents around what the Board intends by some of the terminology used in its Transformation agenda such as “decolonisation” and “Africanisation” indicating a need for in-depth discussions with the parent body as a whole to bring them along the journey. This is an opportunity for these parent bodies to view themselves as collaborators with the school more than recipients of progress reports from the school. They should be a resource to the school in brainstorming ways of bringing diversity initiatives in an accessible way.
- 92.6. The school’s Statement on its Educational Philosophy notes that the relationship is premised upon the relationship between the girls, parents, and the School. It accordingly requires the full co-operation and mutual support of parents and acknowledges that there are aspects of the child’s education that would be the responsibility of the parent and family.¹⁴ Such responsibilities encompass the need to educate themselves and their children on issues of diversity and reinforce tolerance.
- 92.7. The timing of events that address diversity matters have been noted by some parents to not be at convenient times for those they seek to attract. This is something worth looking into by the school as it defeats the purpose to plan events for parental involvement if the times of such events do not consider working parent schedules.

¹⁴ St Mary’s School Statement on the Educational Philosophy of St Mary’s, amended 1 October 2019, para 9

- 92.8. There is an increased need for the parents of boarders to interface and mingle with the school a lot more in order to eliminate the feelings of powerlessness and resultant perceptions of fear of reprisal as the boarding house becomes the girls' primary home whilst pupils are at the school.
- 92.9. The Open Letter from the 2018 Head Girl is an indication of the unresolved issues pupils of colour leave the school with. Once these pupils become part of the Alumni of the school there appears to be greater confidence to tackle issues that were present during their time at the school. This is a positive sign as it reinforces the educational philosophy of the school, to help shape girls that are questioning, critical thinkers, understanding and aware of matters of injustice, inequality, and discrimination. This is an indication that the school has succeeded in this endeavour.
- 92.10. There is an opportunity to use the SMOGs as a feedback loop and external self-reflection tool for the school to assess the growth achieved by the school in tackling recurring themes. The SMOGs are also a great resource for discussions held at diversity evenings to drive conversation and perspective having been a pupil at the school and having entered a different phase in their process of growing into adult women. The perspective these individuals may bring to a conversation, especially to those students remaining pupils of the school, may allow for more honest and open engagements and feedback. It may also assist in placing matters into perspective for the younger girls still navigating their growth and grappling with their identity within the school.
93. **Utilising current structures to support diversity initiatives: -**
- 93.1. Open Door is an amazing resource that could be used more to educate the pupils on issues regarding mental health as well as the teachers on issues regarding belittling identity and the effects of microaggressions on the psyche of minors specifically during adolescence.
- 93.2. There are qualified psychologists that need to do more to break the stigma of approaching this institution and to explain the confines of confidentiality so as to guard against pupils who really could benefit from the service, not approaching it out of misplaced fears of being "exposed". It may be a positive step to include Open Door in Focus Group conversations and Diversity evenings as part of these conversations

require an understanding of the need to frame and unpack issues in the way in which they present themselves in the psyche of individuals.

- 93.3. The Peer Counsellors are also not seen as viable options when teachers are involved in complaints due to a belief that the girls would not have any power to hold the teacher accountable. Speaking to peers may not always be seen to be a safe space to air issues out as pupils do not always engage with each other in ways that promote problem solving.
- 93.4. There is an opportunity however for the Confidante of Choice to vest with the SRC, Peer Counsellors and Diversity Committee. The capacitating of these pupil structures could assist the Diversity Portfolio in receiving full accounts of incidents that have offended or rendered the girls feeling insecure in the school. These leaders would need to undergo specific training around managing diversity and inclusion and handling complaints around these areas to ensure they feel equipped to manage conflict in this area as well as to promote confidence within the girls in the school to view these channels as effective.
- 93.5. In reviewing the stigma around scholarship girls, it may also be necessary for the school to review who has access to this information as it appears some teachers are unable to approach the matter sensitively. When there are events or excursions planned that require the girls provide a contribution for, it may be best to have these staff members approach the Diversity Head with this information. The Diversity Head should rather be vested with the list of girls who receive a scholarship so that she can approach them individually to discuss their needs, if any. This may assist in streamlining information and creating a place of comfort for these girls until such time as the school and teachers may be better equipped to address these conversations.
- 93.6. There have also been accounts raised of refusals by Life Orientation teachers to address matters of race, specifically Black Lives Matter movement in these lessons. The teachers have made comments around not feeling equipped to discuss these matters and not viewing them as falling in line with the lessons. We do agree with the girls that lessons such as Life Orientation are meant to prepare the girls with life skills and assist them in grappling with issues and topics that may present themselves. Race and identity are undoubtedly one of these areas. The school may need to relook at this stance as touching on some of these conversations in these platforms

94. The below recommendations are with regards to the interventions the school may seek to impose broadly having considered the allegations against specific teachers and their responses to same.
95. **Determining disciplinary actions in racial discrimination matters: -**
- 95.1. When determining whether there are any disciplinary action that can be taken against an employee regarding racist remarks, it is important to review the test established by the Constitutional Court in determining whether a statement is racially charged or racist in nature as seen in the case of *Rustenburg Platinum Mines v SAEWO obo Bester*¹⁵. The case notes that to determine whether the words alleged to have been racist and derogatory are indeed so, the use of the words must be looked at in the context in which they were uttered. It notes the correct test to be applied in making these determinations is reviewing whether a *reasonable, objective, and informed person*, on hearing the words, would perceive them to be racist or derogatory.
- 95.2. Theron J held that the starting position of presuming a phrase used to be neutral fails to recognise the impact of the legacy of apartheid and racial segregation that has left the country grappling with a racially charged present. Theron J further noted how operating from this basis of neutrality carries the danger that the dominant, racist view of the past – of what is neutral, normal, and acceptable – may skew an objective enquiry. By ignoring the reality of our past of institutionally entrenched racism and by beginning the enquiry from a presumption that the context is neutral, one runs the risk of sanitizing the context in which in which the phrases challenged as racist are used.¹⁶
- 95.3. It is important to note however that the test established by the Labour Appeal Court in this case and endorsed by the Constitutional Court, specifically does not take into account the way in which an employer understands the words uttered nor the subjective feelings of the person/s to whom the remark was made, but rather whether a reasonable, objective and informed person would on the correct facts, perceive the statement made to be racist.¹⁷

¹⁵*Rustenburg Platinum Mine v South African Equity Workers Association obo Meyer Bester and Others* (2018) 39 ILJ 1503 (CC)

¹⁶ Ibid at para 48

¹⁷ Ibid at para 45

- 95.4. Despite the feelings of the pupils within the school around words uttered and the context in which they were uttered, the determining factor on whether appropriate disciplinary action may be taken against teachers requires the school to be able to show on a balance of probabilities that the statements alleged to have been made were made; and that a reasonable, objective and informed person (on the nature of the school, the background and context of the country and the climate around that particular topic) who is aware of the correct facts (not skewed in favour of any particular narrative) perceives the statement that has been received offensively by the person receiving it as racist. Simply put, the test is not rooted in the perceptions and the impact of the statement on the recipient.
- 95.5. The school also does not have clearly defined rules about what constitutes racist behaviour nor what the boundaries are.
- 95.6. It is our view that this test established in the Constitutional Court, needs to be distinguished from the duty to create an inclusive and safe learning environment for all – an environment that does not seek to place teachers under watch and an environment that does not seek to invoke hard measures on statements made in attempts to educate. This may not require disciplinary action in the form of formal hearings however does require the school seek opportunities to educate parties on the impact of perceived biases and microaggressions as a means of ensuring continued relationship between the staff and pupils.
- 95.7. The creation of the List and some of the entries placed therein are an indication of a breakdown in communication between the school and its pupils as a well as a need to educate all on matters of racial identity, prejudice and microaggressions specifically in light of all layers of transforming former structures such as schools rooted in a colonial past and the need for further education on gender identity and sexual orientation.
- 95.8. This is iterated in Theron J's judgement of the Constitutional Court found at para 53:
- “Gratuitous references to race can be seen in everyday life, and although such references may indicate a disproportionate focus on race, it may be that not every reference to race is a product or a manifestation of racism or evidence of racist intent that should attract a legal sanction. They will, more often than not, be inappropriate and frowned upon. We need to strive towards the creation of a truly non-racial society. The late former President of the Republic of South Africa, Mr Nelson Mandela, said that “de-racializing South African society*

is the new moral and political challenge that our young democracy should grapple with decisively". He went on to say that "we need to marshal our resources in a visible campaign to combat racism – in the workplace, in our schools, in residential areas and in all aspects of our public life". This Court has echoed such sentiments when it recognised that "South Africans of all races have the shared responsibility to find ways to end racial hatred and its outstandingly bad outward manifestations"¹⁸

96. **Relationship building initiatives: -**

- 96.1. There is a need for collaborative workshops such as relationship building initiatives which aim to rather educate the participants about one another and create a unified understanding of what is received offensively and as inappropriate to work towards to aid in preserving and growing relations.
- 96.2. The perceptions of an "Us and Them" culture noted by some of the teachers is an indication of a relationship with the students on the brink of rupture. The reason for the strain on the relationship is because of an inability to engage one another from the perspective of the other. Some of the girls have recalled incidents contained in the List that they either heard through a friend, classmate or through the grapevine however may not have directly experienced the incident. This indicates that there are perceptions and conclusions about teachers' intentions and motivations passed down from girl to girl as there is already an expectation of the individual to do or say things noted by older girls who have since left the school.
- 96.3. The school may need to reflect upon how the expectations perceived or communicated by the girls of dismissals and harsher measures derive from the culture created by policies such as the Anti-Racism Policy that leave no room for nuance despite the nuances that inherently exist when grappling with unconscious bias. It may also speak to why most of the Named Teachers approached their interviews with the mindset of vindicating themselves rather than from the standpoint of having self-reflected. There is no room created in the Anti-Racism Policy for reflection.
- 96.4. There is an immediate response of defensiveness rather than self-reflection. This evidences a continued inability to self-reflect and identify shortcomings despite initiatives introduced such as diversity evenings, lunchtime conversations and the

¹⁸ Ibid

coursework created on Racial Literacy, which many of the teachers indicated having attended.

- 96.5. It became perceived as a blame game where the other individual in the blame game is a child. Educators thus seem to pit themselves against these teenagers seeking sympathy rather than looking at how best to educate themselves on what the child is communicating and how to reflect and move forward with the class as a teachable moment for all pupils. Too many staff members have immediately defaulted to an outcry of hurt and fearing reputational damage. Few have indicated how they believe the pupils must feel having been subjected to an investigation as a minor and having lived with these experiences and how they have perceived them and the resultant effects on their psyche.
- 96.6. Teenagers can be complicated individuals exacerbated by their navigating their way through finding their identities. They may also have the tendency of adopting each other's struggles and feeding into mob mentality rather than asserting their individuality when in a group. Despite this, teenagers are still recognised as minors requiring direction and protection from various types of abuses. As these individuals navigate their identities it is important for teachers to see the role they play in this developmental phase.
- 96.7. This is reiterated in the South African Council of Educators (SACE) Code of Professional Ethics (As Amended) and specific sections cited below for purposes of reiterating the obligations of teachers vis-à-vis learners:
- "An educator:*
- 1. respects the dignity, beliefs and constitutional rights of learners and in particular children, which includes the right to privacy and confidentiality;*
 - ...*
 - 3. strives to enable learners to develop a set of values consistent with the fundamental rights contained in the Constitution of South Africa;*
 - 4. exercises authority with compassion;*
 - 5. avoids any form of humiliation, and refrains from any form of abuse, physical or psychological;*
 - ...*
 - 12. uses appropriate language and behaviour in his or her interaction with learners, and acts in such a way as to elicit respect from the learners;*
 - 13. takes reasonable steps to ensure the safety of the learner;*
 - ...*
 - 15. is not negligent or indolent in the performance of his or her professional duties; and*
 - 16. recognises, where appropriate, learners as partners in education."*

- 96.8. As all schools are entrusted with the care and guidance of minors, they have a constitutional responsibility to ensure the child's right to basic education and that this access is not infringed upon. Such infringements may present themselves in the form of microaggressions which threaten the psychological safety and mental wellbeing of learners still navigating their adolescence.
- 96.9. It is important to recognise the inherent power dynamic that exists between a teacher and a pupil. There is a level of power bestowed on a teacher by virtue of the role they serve in the classroom of directing learning and enforcing discipline. Considering this position of power, it is important for teachers to understand the impact any discriminatory actions or harsh words have on teenagers and children broadly which may affect a child irreparably.
- 96.10. Many of the Named Teachers reiterated how they wished the pupils could have approached them to speak to them directly about the things that may have offended them. These teachers unfortunately failed to truly grapple with the concept of such a power dynamic, no matter how friendly and approachable the teacher may perceive themselves to be.
- 96.11. It is similarly essential to understand the great courage required from a pupil to speak up about discrimination and the possible reprisal if not taken seriously. It is accordingly important for these teachers to understand that it cannot be an expectation imposed on children to be the first to act and correct behaviour in adults.
- 96.12. It is recognised that teachers are human and are bound to make mistakes along the way. This is not trivialised nor ignored in drafting this report. What is important is for teachers to actively self-reflect on their lessons, on their interactions with pupils and how pupils of different backgrounds and races relate to them to ensure there is no disconnect created by unconscious biases.
- 96.13. The lunch time conversations introduced amongst the staff are a great way for all teachers to reflect on themselves and discuss amongst themselves learnings from previous experiences. It cannot be up to children to receive offensive conduct, identify it as offensive and educate an adult on why it was offensive and how to correct the behaviour in future. It is unreasonable to even suggest this approach as it completely

absolves the adult in the equation from accountability and a duty to provide equal education and safe environment for all learners.

96.14. There is a level of information sharing that can happen between the teachers and pupils in class discussions around topics of this nature however what needs to be distinguished and clearly understood is that these are information sharing sessions and not a fulfilment of pupils' duty to educate members of staff on appropriate conduct.

97. Management ordered diversity training as a formal intervention for repeated microaggressions: -

97.1. It is not ideal to make diversity conversations an order of Management as there is an inherent resistance that may come with this. However, where there are repeat grievances around microaggressions by a teacher, it must be noted that such a teacher may be unable to recognise these microaggressions within themselves and would benefit from being educated further on this area even if the means of ensuring this training is by order of Management.

97.2. It would be a good practice to require the teacher attend the full programme or a minimum prescribed number of sessions to be given sufficient time to grapple with these concepts. A formalised programme of workshops, materials and conversations could be designed by the school in partnership with the following:

97.2.1. Chaplain – this would ensure the fundamentals of the Christian ethos and values espoused by the school are reiterated in the programme and may be used to underpin the experience of the programme to be one of learning and forgiveness.

97.2.2. Diversity Management Team – this team is exposed to the on-the-ground conversations and experiences of students through the student led diversity committee and the focus groups arranged. The Management Team also has first-hand experience of the types of grievances that have been escalated which may frame the context of the programme to ensure it is targeted at the areas of development required.

- 97.2.3. Head of School and Deputies – the head of school is the ultimate custodian of all that occurs within the school. It is important that the Management Team has sight of this programme and wholly endorse it to enable those who participate through this process of rehabilitation and education understand that this is not a punitive measure but an opportunity to reform.
- 97.2.4. Open Door – there are qualified psychologists employed by the school. This is privilege and a valuable resource that needs to shed some light on the intricacies of the evolving minds of adolescence. It can provide high-level understanding of the unconscious and built-in defence mechanisms developed by humans and how to reprogramme the mind to accept a new way of thinking and responding without falling back on established fail-safes such as denialism, defensiveness and apathy.
- 97.2.5. Independent professionals proficient in working with diversity matters, specifically around the training components to assist in framing the programme in a workable manner that will ensure there are measurable outcomes for the participants as well as the school to monitor progress.
- 97.3. Part of the requirements of attendance could be for such individuals to demonstrate an understanding and appreciation of what was covered in these sessions to be considered as having completed the full training programme.
- 97.4. A school is an institution of learning not only for the pupils but for all who belong to it. All role players have an opportunity to learn from one another but to also learn from previous mistakes made and conflicts overcome. These are also the fundamental teachings and tenets of the Christian faith the school interfaces into its ethos, and the girls, as well as the staff, have indicated that the Chaplain teaches in her sermons.
- 97.5. Some teachers are resistant and set in their ways- this is irrespective of age as well as race or religion. This may be because of uneasiness with the unfamiliar or environments or things that call upon an assessment of one's underlying biases and preconceptions held that have never been exposed or tested.

- 97.6. It is disheartening that individuals view diversity and inclusion workshops as unnecessary or a place of discomfort. They are a place of discomfort intentionally as within that discomfort one must grapple with their shortcomings on areas within themselves; areas they are unaware are existing nor how they present themselves to others. These workshops and conversations are imperative as within these discussions is a level of education on each other's shortcomings around diversity and how to go about addressing and overcoming these.
- 97.7. Unfortunately, despite intervention some may remain unchanged and unreflective, and some may not be in a space where they are able to adapt quickly enough to the changing landscape of consciousness that exists within the emerging youth of today, that is equipped with social media, connected to more information and equipped with terminology for the feelings of discomfort experienced. This is an indication that the school may need to recruit teachers that can truly evidence the dynamics required that ensures the values of the school are preserved.

CONCLUSION

98. The road to integrating individuals from diverse backgrounds is not an easy road that requires once-off nor punitive action in instances that would be best served by seeking to build relationships. This is an ongoing effort on the part of all institutions. With the demographics of the school at present indicating a 65% split in favour of white pupils, any action integrating diversity must be inclusive of this reality.
99. It is important to recognise the work that has been done by the school in addressing many of these issues and aiming to expose the girls to critical thinking around these topics. The school needs to be applauded in the way it has groomed mature, conscious, and self-reflective girls who are charged with the need to change the world. This progressive and liberal environment, although containing its flaws, does appear to have a positive effect on the girls despite the incidents of microaggression that threaten some of this work.
100. It is also important to manage the liberal and progressive environment by inserting clearer boundaries around engagement for both staff and students to foster an environment where there is certainty and security. Issues such as confidentiality around issues of discipline and the parameters of confidentiality need to be clearly defined and explained. The need for confidentiality, however, should not supersede the need for communication as this can be

achieved without compromising confidentiality. The school needs to find better ways to communicate its reasoning around the introduction of rules which may easily be seen as applicable to one group over another and quickly become seen as targeting this group, as seen with the rules around prohibiting inappropriate sexual conduct between students.

101. The school needs to recognise the transient nature of a school in that the girls and parents change every five years or so whereas the teachers remain. It needs to constantly adapt to a changing environment and a changing generation of girls that walk through the doors of St Mary's Waverley as the issues that may present themselves may appear to be the same, however, how they are addressed may differ. This makes it more important for the school to have its finger on the pulse in terms of the changing climate of learners it encounters to ensure its staff is not left wanting or unable to relate to different generations of girls that it teaches. It also allows for comfort amongst the staff members in their ability to adapt to a changing social and political landscape and changing consciousness within children.

102. The integration of pupils of colour into an institution that has its roots in a colonial past and that is viewed as a white institution places an obligation on parents of pupils who are of colour to remain present in the experiences of their girls; to be more involved in the school and in their girl's experiences within the school as the effects of racism can be intergenerational. Some parents still harbour the hurt and pain of their experiences and may impute these attitudes onto their girls thus propelling their own agendas rather than operating within the climate their girls exist in today. It is difficult for adolescents to navigate issues of identity solely on their own, specifically when there are matters of race that precede their existence. It is important that black and white parents engage their children on these issues constantly to ensure they are also educating themselves about the changing landscape of the country in which they exist. This also includes engaging and educating themselves about the struggles seen by other marginalised groups such as the LGBTQIA+ community in an effort to appreciate with the nuances of sexual identity that may present themselves in their girls.

103. In the process that is unfolding at the school the role and expectations of parents must be solicited and placed into the report emanating from the current intervention. This is also important when reviewing the demographics of the school in that they still reflect a largely white majority of girls and parents. This is to avoid resistance from the majority when transformation initiatives are implemented and to ensure some level of buy-in from these parents so as to ensure their cooperation in diversity initiatives in the manner in which they cooperate in any other initiatives.

104. There is a requirement on all staff members remaining at the school to continue to engage and acknowledge the changing nature of the dynamics within the school as seen in the increase of the demographics of girls of colour in order to truly grapple with their personal values and views and test them against principles of equality, fairness and acceptance.
105. The demographics shared by the school show that it is quite conceivable that in the next 5 – 10 years the composition of the school may reflect a percentage of over 50% of black girls; this is a positive indication of all the work that has gone into ensuring the school becomes accessible and open to students from diverse backgrounds. In maintaining this work on diversity and transformation; it would be necessary for the school to ensure the consciousness of the school reflects the full ambit of diversity beyond race and gender.
106. Throughout the process of this investigation it could not escape our thoughts how much trauma remains in all individuals and how it is seemingly passed on through the DNA of the Nation, from generation to generation, in light of the suffering this Nation endured during Apartheid. A trauma that exists within all races although presenting itself differently. Persons of colour struggle with an acceptance of their identities in the midst of feeling the pressure of assimilating to a homogenised culture of Eurocentric institutions. White individuals struggle with the feelings of guilt around this historical event in light of the colour of their skin being made synonymous with a painful past of oppression. In the quest for reaching the ideal of a rainbow nation, the Nation cannot forget to embrace what makes it a rainbow. It is not the ideal of homogenising all races and cultures. It is the celebration of our differences in race, religion, gender identity, sexual orientation, creed. Therefore, the conversations around diversity and inclusion cannot be seen to be standalone conversations. They need to permeate every workshop, every discussion, every event. They need to be engrained in the events organised by the school. There are many interesting topics that have been seen to attract parents to the school. Diversity and inclusion conversations can be interfaced within all these topics.
107. There is a call for all individuals to be brave in navigating these waters. There is an emerging level of consciousness around the psychological impact of the country's past and how it presents itself in our interactions with each other today. This is seen in the numerous incidents involving adverts that have triggered feelings of othering in people of colour and incidents in schools that have sparked outrage and conversation around our path as a Nation and whether the newer generations are integrating in a manner that indicates a movement away from supremacist ideologies and inferiority complexes. This is an indication that the Nation is in a

state of discomfort. This discomfort is needed to truly face these topics head on. The more conversations are had around these different ways in which segregation and feelings of not belonging are perpetuated, the more realised they become and the more conscious the individuals become of the positive steps that need to be taken by everyone in promoting inclusion. This is not work specific to schools. This is work that needs to be done in all areas of work, in boardrooms, offices, playgrounds, shopping malls, social engagements and interactions, over family dinners and in temples, synagogues, mosques and churches.



Thandi Orleyn
Principal Investigator



Zanele Masoek
Investigator