

# The Mandela Rhodes Foundation

## Umoya Policy

### Accountability & Belonging in practice

# THE MANDELA RHODES FOUNDATION POLICY AND PROCEDURES FOR PREVENTING AND RESPONDING TO VIOLENCE, BULLYING AND HARASSMENT

1. VALUES AND BELONGING	3
2. OUR COMMITMENT	3
3. TO WHOM DOES THIS POLICY APPLY?	3
4. WHAT CONDUCT IS COVERED UNDER THIS POLICY?	4
a) VIOLENCE	4
b) SEXUAL VIOLENCE	4
c) DOMESTIC VIOLENCE	4
d) HATE SPEECH AND AGGRAVATED MISCONDUCT	4
e) BULLYING	4
f) HARASSMENT	5
g) SEXUAL HARASSMENT	5
h) CRIMINAL OFFENCES	6
i) PROHIBITION ON RETALIATION	6
j) WHAT IS CONSENT?	6
5. PREVENTING AND RESPONDING TO BREACHES OF THIS POLICY	7
a) THE PEOPLE AND CULTURE COLLECTIVE	7
b) TAKING ADVICE AND RECEIVING SUPPORT	7
6. REPORTING TO THE PEOPLE AND CULTURE COLLECTIVE	7
a) WHAT HAPPENS WHEN YOU REPORT?	8
b) REPORTING TO THE POLICE AND OTHER BODIES	8
c) REASONABLE ACCOMMODATIONS AND PROTECTIVE MEASURES	8
d) WHAT HAPPENS IF A COMPLAINT IS MADE AGAINST YOU?	9
7. RESOLVING A COMPLAINT	9
a) PEOPLE AND CULTURE COLLECTIVE ENGAGEMENTS	10
b) FACILITATED DISCUSSIONS	10
c) MEDIATION, INVESTIGATION AND INQUIRY PANEL	10
d) MEDIATION	11
e) INVESTIGATION	11
f) COMMITTEE OF INQUIRY	11
8. SANCTIONS, HEALING AND REMEDIATION	12
9. REVIEW	13
10. ACCOUNTABILITY	13
a) MONITORING REMEDIAL ACTION, AGREEMENTS AND RESPONSE PLANS	13
b) ACCOUNTABILITY AND TRANSPARENCY	14
11. POLICY REVIEW	14

## 1. VALUES AND BELONGING

At the heart of the Mandela Rhodes Foundation is our community of scholars, staff, trustees, and alumni, coming from across the African continent. Our diversity means that we enter this community with different backgrounds, experiences, and perspectives. We embrace the complexity that comes with dialogue across cultures, and from learning with and from each other. We recognise that belonging and community are intentionally formed, and fostered from shared commitments that require continued care and renewal, as well as accountability.

The purpose of this policy is to affirm that violence, bullying and harassment have no place in the Mandela Rhodes Foundation community, and to put in place measures to prevent its occurrence and to respond in line with our values when it does. Together, we pledge to work towards a community that is centred around our common humanity, rooted in ubuntu, human dignity, equality, mutual respect, empathy, and care.

## 2. OUR COMMITMENT

As the Mandela Rhodes Foundation, our commitment is to prevent violence, bullying and harassment from occurring wherever possible, and to deal with sexism, racism and other expressions of violence, bullying and harassment whenever these arise in our community. We will provide support when harm occurs, respond with consistency and care to every reported incident, treat all parties involved with fairness and respect, and ensure that there are effective processes in place for managing misconduct.

As the Mandela Rhodes Foundation community, we commit to complying fully with both the letter and spirit of this policy. We stand accountable for our actions and commit to engaging each other with respect, openness and a willingness to take responsibility for our conduct, including for behaviour change where this becomes necessary.

Together, we understand that there are no shortcuts to building accountability, and commit to always listen, learn, and improve where we fall short.

## 3. TO WHOM DOES THIS POLICY APPLY?

This Policy applies to all members of the Mandela Rhodes Foundation community, including all persons who participate in the work, business, or activities of the Mandela Rhodes Foundation. This includes, without limitation:

- Scholars, including those in residence, alumni, and scholarship applicants.
- Employees, including applicants for employment.
- Members of the Board of Trustees.
- Volunteers and interns.
- Donors and other funding partners.
- Any third parties engaged or contracted by the Mandela Rhodes Foundation in any capacity, including service providers and consultants. To this end, the Foundation will ensure that all contracts with third parties require adherence to this policy as a condition of the contract.

The Mandela Rhodes Foundation may respond to conduct covered under this policy regardless of where or when it occurs.

#### 4. WHAT CONDUCT IS COVERED UNDER THIS POLICY?

This policy applies to violence, bullying and harassment, recognising that these harms are experienced as intersectional and often overlap.

##### a) VIOLENCE

Violence takes many forms. This policy is concerned with inter-personal violence. In this context, violence means non-consensual acts, including attempted or threatened acts, as well as words, that physically or psychologically harm or show an intention to cause harm to another person. Violence includes sexual violence and domestic violence. Where violence is motivated by the wrongdoer's prejudice, intolerance, or bias towards another person on the basis of that person's identity or presumed identity, including race, religion, nationality, gender, sexuality, or gender expression, it is an aggravating factor.

##### b) SEXUAL VIOLENCE

Sexual violence means unlawful sexual contact with another person without their consent, as described below. It includes all sexual offences criminalised in the Criminal Law (Sexual Offences and Related Matters) Act 32 of 2007, including rape and sexual assault.

##### c) DOMESTIC VIOLENCE

Domestic violence occurs in the context of a domestic relationship, as defined in the Domestic Violence Act 116 of 1998. It includes physical abuse; sexual abuse; emotional, verbal and psychological abuse; economic abuse; intimidation; harassment, including sexual harassment; the abuse of related persons; spiritual abuse; damage to property; coercive and controlling behaviour; non-consensual entry into another person's residence, workplace or place of study, where these are not shared with the wrongdoer; and any other behaviour towards another person that is intimidating, threatening, abusive, degrading, offensive or humiliating in nature, and that harms them, or inspires the reasonable belief that harm may be caused to them.

##### d) HATE SPEECH AND AGGRAVATED MISCONDUCT

Dialogue, debate and the free exchange of opinions, ideas and information, are important for learning together, and for building understanding, connection, and respect in our community, even while this may at times be challenging or uncomfortable.

Communication becomes hate speech where it could reasonably be construed to demonstrate an intention to harm or incite harm against, or promote or propagate hatred against, a person or group of persons based on their identity or perceived identity. Hate speech may take a number of forms, that include spoken or written words, gestures, symbols, and graphic material.

##### e) BULLYING

Bullying is behaviour that is unwanted, offensive, intimidating, malicious, or insulting and has the effect of undermining, humiliating, belittling, or otherwise harming the recipient. Bullying may be physical, verbal or non-verbal, and it may be subtle or overt. It may consist of a single incident, but is more often repetitive or persistent in nature. Examples of bullying include, but are not limited to:

ridiculing or shouting at a person; name-calling, abusive and offensive remarks; 'singling out' a person without good reason; deliberately excluding, isolating or ignoring a person; making physical or psychological threats; regularly making the same person the subject of jokes; spreading malicious rumours; and attempts to sabotage that person's efforts.

Reasonable, proportionate, and constructive critique or disagreement does not amount to bullying.

#### f) HARASSMENT

Harassment is unwanted or unwelcome conduct that has the purpose or effect of violating the recipient's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Harassment may be based on, amongst other characteristics (or perceived characteristics): race; colour; national origin; ancestry; citizenship; religion; belief; gender; pregnancy; child birth; self-identified or perceived sex; gender identity or expression; sexual orientation; sexual and reproductive health decisions; health status; age; physical or mental disability; marital, family or partnership status; socio-economic or employment status; status as a victim of domestic violence, stalking or sexual offences; caregiver status, or any other characteristic protected by law.

A single incident can amount to harassment. Harassment may be overt or subtle and can take a number of different forms, including physical, verbal, written, and non-verbal. Harassment can be present regardless of whether the recipient tolerates the offending behaviour. Examples include, but are not limited to:

- Physical harassment, such as unwelcome or inappropriate touching, patting, pinching, brushing against a person's body, assault, physical threats, and interference with a person's movement.
- Verbal harassment, such as inappropriate comments about a person's appearance, swearing at a person, derogatory statements, insults, name-calling, offensive language, unwanted jokes, banter, mocking, mimicking, or belittling a person based on their characteristics.
- Written and electronic harassment, such as offensive notes, letters, e-mails, blog entries, text messages, or social media or network posts, instant messages or video conference chats, and video recording and audio recordings that demean a person based on their characteristics.
- Non-verbal harassment, such as offensive gestures, mimicking, and leering.
- Sexual harassment (dealt with in detail below).

#### g) SEXUAL HARASSMENT

Sexual harassment is unwanted or unwelcome conduct or attention that is of a sexual nature or directed at a person because of their self-identified or perceived sex, gender identity or expression, or sexual orientation. Whether or not the conduct or attention is unwelcome is determined by the recipient and not the alleged wrongdoer.

Sexual harassment may be physical, written, verbal, or non-verbal, and may be subtle or overt. A single incident can amount to sexual harassment, but a pattern of sexual harassment may also only become apparent over time. Sexual harassment can be present regardless of whether the recipient accepts or tolerates the offending behaviour. A person need not refuse, reject, or otherwise communicate that conduct of a sexual nature is unwelcome for it to be wrongful. It is sufficient that the person committing that act should have known that it is not welcome or wanted.

Sexual harassment can take many forms. Examples include, but are not limited to:

- Sexually suggestive or inappropriate physical contact, unwelcome physical touching, patting, pinching, pushing and grabbing, brushing against a person's body, assault, and threats of physical harm.
- Unwelcome sexual innuendoes or suggestions.
- Sexist remarks or derogatory name-calling.
- Unwelcome sexual advances, invitations, requests, or proposals.
- Unwelcome comments with sexual overtones, or sex-related jokes or insults.
- Unwelcome sexual comments about a person's body, made in their presence or directed towards them, or unwelcome noises (such as whistling).
- Unwelcome recording, display or distribution of sexually explicit pictures, materials and objects, including cartoons and posters.
- Indecent exposure, suggestive behaviour, or making sexual gestures.
- Staring, stalking, leering, or following.
- Influencing, or attempting to influence, access to benefits in exchange for sexual favours.
- Promises, directly or indirectly, of benefits or rewards for complying with a sexual request.
- Threats, directly or indirectly, to retaliate, or to withhold an opportunity, for not complying with a sexual request.

#### h) CRIMINAL OFFENCES

Conduct that breaches this policy may also amount to a criminal offence. The Mandela Rhodes Foundation will respect any decision to report an offence to the police and will provide support to the parties as appropriate in the circumstances. In all cases, including while the matter is pending in court, the Foundation retains the right to deal with the relevant conduct as a breach of this policy.

Where a person is found guilty by a court of a criminal offence based on conduct that also amounts to a breach of this policy, that finding will be treated as if it were a finding of a Mandela Rhodes Foundation Committee of Inquiry and the Foundation may move directly to consider the application of appropriate sanctions under this policy.

#### i) PROHIBITION ON RETALIATION

Dealing with conflict and misconduct in our community requires speaking up about it without fear of retaliation. Retaliation means any direct or indirect detrimental action recommended, threatened, or taken against a person because they make a good faith complaint under this policy on behalf of themselves or another person, oppose conduct prohibited by this policy, participate in an investigation or other proceedings under this policy, or encourage others to report. All instances of retaliation should be reported and will be dealt with as a breach of this policy.

#### j) WHAT IS CONSENT?

Consent means clear permission, given voluntarily by word or action, to engage in an activity, including a sexual act. It is the responsibility of each person to ensure that the other person has consented to the activity, and that there continues to be mutual consent throughout the activity. It follows that physical

force, intimidation and coercion negate consent. A person cannot consent if they are unable to understand what is happening, are asleep, disoriented, helpless, or unconscious for any reason, including due to alcohol or drugs use. Consent to any sexual act is not implicit in the acceptance of a social invitation, how a person is dressed, or the existence of a previous consensual relationship. Consent may be withdrawn at any stage of an activity. Just because a person consents to one activity does not mean that they have consented to other types or instances of that activity. Silence does not imply consent.

## 5. PREVENTING AND RESPONDING TO BREACHES OF THIS POLICY

### a) THE PEOPLE AND CULTURE COLLECTIVE

The Mandela Rhodes Foundation People and Culture Collective is tasked with providing sustained and systemic leadership and education on the prevention of all forms of violence, bullying and harassment in the Mandela Rhodes Foundation community. It will develop and regularly review organisational programming and practices to inform the implementation of this policy in line with our values and commitment; provide support and direction to complainants where harms are reported; and facilitate dialogue and training to prevent violence, bullying and harassment.

The People and Culture Collective is made up of trained staff, students, alumni, and external resource people drawn from and embedded in the Mandela Rhodes Foundation community. Members do not serve as members of the Mediation, Investigation and Inquiry Panel. The People and Culture Collective is serviced by the PCC Policy Coordinator.

### b) TAKING ADVICE AND RECEIVING SUPPORT

Advice and support are available while deciding whether to report misconduct under this policy. The Mandela Rhodes Foundation will cover the cost of two confidential consultations with a counsellor. The PPC will make available a list of counsellors that includes a wide range of counselling modalities, and takes account of the different ways of being and healing in our community.

We will be notified that counselling has been accessed, but you will remain entirely anonymous to the Foundation unless you choose to formally report.

You may also approach a member of the People and Culture Collective for confidential advice on the complaints process prior to lodging a complaint.

## 6. REPORTING TO THE PEOPLE AND CULTURE COLLECTIVE

Complaints of misconduct may be made to any member of the People and Culture Collective. Reports may also be made anonymously, keeping in mind that while we will respond seriously to all reports, there may be constraints on our ability to investigate anonymous complaints. Any other person in the Mandela Rhodes Foundation community receiving a complaint should immediately forward it or direct the complainant to the People and Culture Collective.

Although it is advisable to report an incident as soon as possible, so that prompt action can be taken, a complainant should do so whenever they feel comfortable. Any delay in reporting will not prejudice the complainant or detract from the validity or seriousness of the complaint.

The Mandela Rhodes Foundation will not disclose the identity of any person alleging a violation of this policy without their express permission. Until there is a finding substantiating the allegation, we will also not disclose the identity of any person accused of violating this policy, unless there is a significant risk of harm, an issue of public trust, or a legal obligation to do so. In such circumstances Mandela Rhodes Foundation will always seek to first obtain consent from the parties and will always inform them of the reasons for the disclosure.

#### a) WHAT HAPPENS WHEN YOU REPORT?

When you report, a member of the People and Culture Collective will meet with you to:

- Ensure that you are safe and that any immediate needs are addressed.
- Understand and document what happened.
- Explain your rights and the options that are available to you under this policy.
- Provide support.

Thereafter, the People and Culture Collective will work with you to formulate a Response Plan, which will include any necessary accommodations and protective measures, as well as a plan for addressing and resolving the complaint. The Response Plan will guide our response and member of the People and Culture Collective will support its implementation throughout the process. It is possible that during this time the Response Plan may be amended as circumstances change, in which case these amendments will be recorded in writing.

Our response to violations of this policy is victim-guided and confidential, informed by the need to listen, respect, and support those who are directly impacted. This means understanding and respecting how the complainant wishes the matter to be resolved, while also holding in mind the rights of the person accused, and the Foundation's responsibility for the wellbeing and safety of our broader community.

We aim to take no longer than 10 working days from receiving a report to formulating a Response Plan, keeping in mind that implementation of the response may take longer.

A confidential record is kept of all reports made to the People and Culture Collective and the nature of the advice and support provided, as well as a copy of the Response Plan.

#### b) REPORTING TO THE POLICE AND OTHER BODIES

No member of the Foundation community is precluded by this policy from seeking justice in another forum or referring a matter to an external body such as the police, South African Human Rights Commission, CCMA or Equality Court. The Foundation will respect this decision and provide support to the parties as appropriate on a case by case basis. No negative inferences will be drawn from a decision not to make such a report. It is important to keep in mind that the Foundation may still choose to continue with its own processes.

#### c) REASONABLE ACCOMMODATIONS AND PROTECTIVE MEASURES

The Mandela Rhodes Foundation is committed to providing meaningful support to anyone in its community who has experienced or witnessed conduct prohibited under this policy and to putting in place protective measures and reasonable

accommodations where necessary. In addition to the support already available under the Scholar Wellbeing Guideline, and depending on the context and the facts of each case, these may include:

- Referrals for medical care.
- Referrals for further counselling.
- Discussion of academic options.
- Support to apply for academic, housing, and other university accommodations.
- Support to follow up with university authorities as relevant.
- Limited financial support when needed for accommodation changes.
- Limited financial support when needed for short-term security (such as escorts/safe rides) at locations and in relation to activities where the conduct occurred.
- Instructions to the alleged wrongdoer not to contact you or engage with you directly or indirectly regarding the complaint.
- Support in applying for a protection order.

Consideration of some of these accommodations and measures may include requests for private or confidential information. This information will be kept strictly confidential.

All approved accommodations and measures will be included in the Response Plan, noting any relevant time frames during which they will be operational. If the measures are not as effective as expected, the complainant and the People and Culture Collective representative may explore alternatives.

#### d) WHAT HAPPENS IF A COMPLAINT IS MADE AGAINST YOU?

If a complaint is made against you, your identity will remain confidential as far as reasonably possible until the matter is resolved.

You will be given the opportunity to respond to the allegations made against you.

You may:

- Approach the People and Culture Collective for advice and assistance on the process being followed, and information on your rights under this policy, including your due process rights should a Committee of Inquiry be constituted, and possible consequences.
- Access counselling as set out in the Scholar Wellbeing Guideline.

You must respect any protective measures put in place that relate to you. These may include not approaching the complainant or engaging with them directly or indirectly regarding the complaint.

### 7. RESOLVING A COMPLAINT

How a complaint is resolved will be guided by the wishes and best interests of the complainant, taking into account the rights of others involved, and the Foundation's duty of care and obligation to safeguard the broader Mandela Rhodes Foundation community.

Options to resolve a complaint may include People and Culture Collective engagements, facilitated discussions, mediation that results in a formal resolution agreement, and the establishment of an Committee of Inquiry.

There may be instances where the Mandela Rhodes Foundation deems an allegation, whether formally reported or not, to be of such a serious nature that the Chief Executive Officer will immediately proceed with establishing a Committee of Inquiry. This includes conduct that fundamentally contravenes the organisation's values, threatens the wellbeing of other members of the Mandela Rhodes Foundation community, or has previously been sanctioned. There is no obligation on any person to participate in the process, keeping in mind that the Mandela Rhodes Foundation may nonetheless decide to move forward in making a determination and imposing consequences in such circumstances.

#### a) PEOPLE AND CULTURE COLLECTIVE ENGAGEMENTS

The People and Culture Collective has a broad remit to consider and implement any interventions or remedial actions that are aligned with the values of the Mandela Rhodes Foundation. These responses may be direct or indirect, and may be done with or without reference to the specific complaint. Examples include training or awareness interventions relating to the issues raised, engaging with the alleged wrongdoer and other relevant parties in general terms about types of conduct that are unacceptable, and other forms of engagements with the parties involved, either individually or jointly.

A record will be kept of all interventions. These records may be referred to should new allegations arise against the alleged wrongdoer in the future.

#### b) FACILITATED DISCUSSIONS

The People and Culture Collective may convene a facilitated discussion involving the complainant, alleged wrongdoer and/or any other relevant person, with the written agreement of those involved. A party may withdraw from this process at any time. This process allows for the complainant or another appropriate person to explain to the alleged wrongdoer that their conduct is unwelcome, offensive or harmful, and to support behaviour change. If the matter is not resolved, or the alleged wrongdoer declines to participate, another process may be followed.

Once agreement is reached on this approach, we aim to convene a facilitated discussion within 10 working days.

A record will be kept of all engagements. If the facilitated discussion resolves the complaint, a confidential memorandum will be made of the outcome, which will be signed by the parties, approved by the Chief Executive Officer, and kept on record. These records may be referred to should new allegations arise against the alleged wrongdoer in the future.

#### c) MEDIATION, INVESTIGATION AND INQUIRY PANEL

The Mandela Rhodes Foundation Mediation, Investigation and Inquiry Panel is a standing panel of suitably trained and qualified people with relevant experience, including staff and alumni of the Mandela Rhodes Foundation and external experts, that may be called upon for mediations, investigations, and to constitute a Committee of Inquiry.

The Panel will be chaired by an independent person, with a qualification in law, appointed by the Chief Executive Officer for a period of two years. It will be the obligation of the Chair to:

- Facilitate training for all panel members on the contents of this policy.

- Support the implementation of procedures that are aligned with this policy and the values of the Mandela Rhodes Foundation.
- Ensure that members of the Mediation, Investigation and Inquiry Panel meet at least once a year to learn and reflect on best practice in relation to the implementation of this policy.
- Convene and Chair a Committee of Inquiry when instructed to do so by the Chief Executive Officer.

#### d) MEDIATION

Mediation is a formal structured process. A trained mediator, drawn from the Mediation, Investigation and Inquiry Panel, or otherwise appointed by the Chief Executive Officer, may be requested, with written agreement of all parties, to mediate a complaint. A party to the mediation may withdraw from this process at any time. If the matter is not resolved through mediation, or the alleged wrongdoer declines to participate, this will be recorded in writing, and another process may be followed.

If there is agreement to mediate, the mediation process should commence within 10 working days and be completed within 30 working days after commencing.

If mediation resolves the complaint, a Resolution Agreement will be signed by the parties, approved by the Chief Executive Officer, and kept on record. While the mediation proceedings are confidential, the Resolution Agreement is enforceable and may be referred to should its terms be breached or new allegations arise against the alleged wrongdoer in the future.

#### e) INVESTIGATION

The Chief Executive Officer may request a member of the Mediation, Investigation and Inquiry Panel to investigate any allegation of misconduct of relevance to the Mandela Rhodes Foundation, regardless of whether a complaint has been made, and to submit a confidential report on their findings. Depending on the circumstances, the investigation may include measures such as conducting interviews, reviewing and preserving documents or other materials, including digital and electronic, and requesting statements from relevant parties. Based on the outcome of the report, the Chief Executive Officer may instruct the Chair of the Mediation, Investigation and Inquiry Panel to convene a Committee of Inquiry to consider the report or, in consultation with the People and Culture Collective, decide on another suitable intervention.

#### f) COMMITTEE OF INQUIRY

The Chief Executive Officer may establish a Committee of Inquiry to decide if there is sufficient evidence to substantiate any allegation reported to the Mandela Rhodes Foundation.

The Committee will be convened by the Chair of the Mediation, Investigation and Inquiry Panel, upon the instruction of the Chief Executive Officer, and consist of up to three persons, one of whom will be a member of staff or alumnus of the Mandela Rhodes Foundation and one of whom will have a qualification in law.

In coming to this decision, the Chief Executive Officer will consider:

- The recommendation of the People and Culture Collective.
- The findings of any investigation that may already have been conducted.
- Any other attempts made to resolve the complaint.

- The seriousness of the allegations and likely outcome if substantiated.
- Any other complaints of a similar nature that have been brought against the alleged wrongdoer.
- The wishes of the complainant.
- The need to resolve the matter expeditiously in the interests of justice.
- The interests of the broader Mandela Rhodes Foundation community.

The Committee of Inquiry will decide whether, on a balance of probabilities, there is sufficient evidence to substantiate that misconduct has occurred; determine the seriousness of that misconduct taking into account all relevant factors; and decide on an appropriate response, including sanction. Where the alleged wrongdoer declines to participate, the Committee of Inquiry may nonetheless proceed with its inquiry and come to a decision on the facts before it.

The Committee has investigating powers, which means that it may conduct interviews, review and preserve documents or other evidentiary materials, including digital and electronic, request statements from relevant parties, and request the oral input of any person during its inquiry.

The Committee will follow an inquisitorial process. In determining suitable procedures for coming to a decision, the Committee will be guided by principles of administrative justice and due process. This includes ensuring that:

- All parties to proceedings are given adequate notice.
- The person accused of wrongdoing is given sufficient opportunity to understand the nature and likely consequences of the allegations made against them.
- The person accused of wrongdoing is given the opportunity to respond to the allegations and make representations on their own behalf.
- The complainant does not have to recount the facts alleged in their complaint on multiple occasions during the process.
- There is no bias or perception of bias on the part of the Committee.
- Attention is given to the timely completion of all processes.
- Reasoned and substantiated explanations are provided in writing for all decisions, findings, and outcomes.

A person who is subject to a Committee of Inquiry may be suspended by the Chief Executive Officer from participating in activities of the Mandela Rhodes Foundation until the matter is resolved.

Once the decision has been made to establish a Committee of Inquiry it must be constituted within 15 working days. Thereafter, the Committee must endeavour to reach a decision on the substance of the allegation and conclude proceedings within no more than 45 working days.

A record will be kept of all proceedings. Reasoned findings and determinations on sanctions, healing and remediation must be submitted in writing to the Chief Executive Officer within 10 working days of completion of proceedings.

## 8. SANCTIONS, HEALING AND REMEDIATION

The Mandela Rhodes Foundation aims to respond to all instances of misconduct in line with our values and commitment. Our response may include a range of actions that:

- Are appropriate and proportionate to the seriousness of the conduct that has been substantiated.
- Take into account the nature and impact of the wrongdoer's behaviour.

- Consider the wishes of the person harmed.
- Take account of any aggravating or mitigating factors on the part of the wrongdoer.
- Support learning, healing and meaningful remediation.
- Favor reintegration.

These include, but are not limited to: restorative and educational interventions; reprimands; a formal report to the university; temporary or permanent suspension from Mandela Rhodes Foundation activities; a first or final written warning; a full apology; dismissal (for those employed by the Mandela Rhodes Foundation); cancellation of contracts (for those contracting with the Mandela Rhodes Foundation); temporary or permanent cessation of scholarship funding; and loss of the privilege to be called a Mandela Rhodes Foundation Scholar.

Permanent suspension from all Mandela Rhodes Foundation activities, loss of the privilege to be called a Mandela Rhodes Foundation Scholar, and the removal of a Mandela Rhodes Foundation scholarship, requires confirmation by the Mandela Rhodes Foundation Board of Trustees, who must consider the report of the Committee of Inquiry and any written statements provided by the parties to ensure that the outcome is fair and equitable. This decision is final.

## 9. REVIEW

Both the complainant and the wrongdoer may request the Chief Executive Officer to:

- Review the procedures followed by Committee of Inquiry in coming to a decision.
- Consider the appropriateness of the sanction.

In coming to a decision the Chief Executive Officer will consider the standards established in this policy and the Mandela Rhodes Foundation's values and commitments. Requests must be lodged with the Chief Executive Officer in writing, providing detailed reasons, within 10 working days of receiving the decision of the Committee of Inquiry.

The Chief Executive Officer may, in whole or in part, accept or dismiss the request. Upon consideration, they may:

- Return a decision to the Committee of Inquiry to correct any procedural irregularity.
- Request the Committee of Inquiry to reconsider the sanction imposed.
- Substitute an alternative sanction or other response, after consultation with the PCC.
- Request that a new Committee of Inquiry be convened to consider the matter.

This decision is final.

## 10. ACCOUNTABILITY

### a) CONFLICTS OF INTEREST

In implementing this policy, it is expected that staff, members of the PCC, and panellists will act independently, exercising their authority free of any conflicts of interest that may interfere or appear to interfere with the exercise of their good judgement. It is the responsibility of that person to bring such a conflict of interest to the attention of the Chief Executive Officer as soon as they become aware of it.

Where the Chief Executive Officer has a conflict of interests, this must be brought to the attention of the Board of Trustees of the Mandela Rhodes Foundation. Any other party to proceedings may similarly report a possible conflict of interests. Where such a conflict is found to exist, the person will be asked to remove themselves from further involvement in the matter.

Where a complaint is brought against the Chief Executive Officer under this policy, the Chair of the Board of Trustees will, in respect of that complaint, make all decisions and fulfil all responsibilities assigned to the Chief Executive Officer under this policy.

#### b) MONITORING REMEDIAL ACTION, AGREEMENTS AND RESPONSE PLANS

It is the responsibility of the People and Culture Collective to monitor the implementation of the Response Plan, as well as any agreements, settlements, or remedial action arising from this policy. This includes ensuring that timelines are met and that accurate and complete records are maintained.

#### c) ACCOUNTABILITY AND TRANSPARENCY

Both for purposes of accountability and safeguarding, the Foundation keeps a confidential record of all reports received, Response Plans, interviews, engagements and proceedings, Resolution Agreements, settlements, findings and sanctions made in terms of this policy. This information is held in accordance with the Mandela Rhodes Foundation Trust Data Privacy Policy.

As the Mandela Rhodes Foundation, we will always be open about the possibility that violence, bullying, and harassment can and does exist in our organisation. We are accountable to the Mandela Rhodes Foundation community for how we prevent and address the harms these harms. We are committed to confidentiality for those reporting and those against whom reports have been made, and we will not disclose details of ongoing matters. We believe that this is in the interests of the parties and also fundamental to building trust in the process, including for future victims. Once a matter has concluded, we will inform the Mandela Rhodes Foundation community about the outcome and, where appropriate, the remedial measures put in place by the organisation.

We will also gather, track and regularly assess data reflecting our progress, and we will report annually to the Board of Trustees on implementation of this policy, including training and dialogues, the numbers and types of complaints arising, the support provided to parties, the processes followed, the outcomes of reported cases, remedial actions taken, and sanctions imposed.

### 11. POLICY REVIEW

This policy will be reviewed every three years in consultation with members of the Mandela Rhodes Foundation community.