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| **INSTITUTIONAL REGULATORY CODE (IRC)**  **(Policies, Procedures, Rules etc.)** | | | | | | | | | |
| ***To be completed by initiator of policy/policy owner:*** | | | | | | | | | |
| 1**. POLICY** **TITLE**: | | **POLICY ON RELIGION / BELIEF/ OPINION** | | | | | | | |
| 2. **FIELD OF APPLICATION**:       (All persons to whom policy applies) | | | | | | All staff, students and NMMU Community | | | |
| 3. **COMPLIANCE OFFICER(S)**:  (Persons responsible for ensuring policy       implementation) | | | | | | EMCOM | | | |
| 4. **STAKEHOLDER CONSULTATION**  (State the stakeholder group/s consulted during policy formulation/revision) | | | | | | UNIONS, TEC, EMCOM, IF | | | |
| 5. **DESIGNATION OF** **POLICY OWNER**:  (Person responsible for maintaining policy) | | | | | | Director: Organisational Transformation and Equity | | | |
| 6. **NAME OF POLICY OWNER:** | | | | | | Ms R-A Levendal | | | |
| **POLICY HISTORY *(To be completed by policy owner)*** | | | | | | | | | |
| **Decision**  **Date**  (Compulsory) | **Status**  (New/Revised/  No Changes) | | **Implementation Date**  (Compulsory if “new” or “revised”) | **Approving Authority**  (If ”new” or “revised”. N/A if no changes) | | | **Resolution Number**  **e.g.** 07/11-10.2  (Minute number. N/A if no changes) | **Policy Document Number**  (e.g. D/…./07 N/A if no changes) | **Pending date for next revision**  (Compulsory) |
| 19 June 2009 | NEW | | 22 June 2009 | Council | | | C09.23.1.2.1.4 | D/254/09 | biennial |
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| ***For office use only*** | | | | | | | | | |
| **SUBJECT** (Broad policy field): | | | | | Organisational Transformation and Equity | | | | |
| **SUBJECT NUMBER**: | | | | | 700 | | | | |
| **CATEGORY** (Policy sub-field): | | | | | Transformation and Equity | | | | |
| **CATEGORY NUMBER**: | | | | | 701 | | | | |
| **IRC NUMBER**: | | | | | 701.07 | | | | |

**NELSON MANDELA METROPOLITAN UNIVERSITY**

**Policy on Religion / Belief / opinion**

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| **Items contained in this Policy** | |
| 1. | Preamble |
| 2. | Definitions |
| 3. | Regulatory Framework |
| 4. | Scope of the policy |
| 5. | Main objectives of the policy |
| 6. | Principles / Values / Philosophy |
| 7. | Reasonable accommodation |
| 8. | Protection of persons from unfair discrimination |
| 8.1 | Informal procedure: Unfair discrimination |
| 8.2 | Formal procedure: Unfair discrimination |
| 9. | Monitoring and evaluation |
| 10. | Policy review |

**1. PREAMBLE**

Nelson Mandela Metropolitan University [NMMU] is committed to uphold the values enshrined in the Constitution of the Republic of South Africa (1996), namely human dignity, equality and freedom. NMMU aims to create an environment where all staff and student’s rights are protected.

**2. DEFINITIONS**

For purposes of this policy the words listed in this section shall have the meaning ascribed below, unless the context indicates otherwise.

2.1 **Discrimination means** any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

2.2 **Reasonable accommodation means** any reasonable modification or adjustment to the working / learning environment that will enable persons from all religions / beliefs to participate in religious observance.

2.3 **Religion / Belief means** religious and other similar philosophical convictions (including atheism and agnosticism) and which relate to any “weighty and substantial aspect of human life and behaviour”. This policy covers individual thought, conscience or religious belief, and also collective manifestation of that opinion or belief with others.

2.4 **University / NMMU Community means** all staff, students, job applicants and others having dealings with the University.

**3. REGULATORY FRAMEWORK**

* 1. Constitution of the Republic of South Africa, Act 108 of 1996, Chapter 2: Bill of Rights
  2. Labour Relations Act, 66 of 1995, Chapter VIII, section 187 – Unfair Dismissal and unfair labour practice
  3. Employment Equity Act No. 55. 1998, Chapter 2
  4. Promotion of Equality and Prevention of Unfair Discrimination Act 4, 2000
  5. White Paper 3 A Programme for Higher Education Transformation, 1997

This policy should be read in conjunction with the Staff Disciplinary Procedure and Code: Guideline.

**4. SCOPE OF THE POLICY**

This policy applies to the NMMU, staff, students and the broader NMMU community accessing the University.

**5. MAIN OBJECTIVES OF THE POLICY**

The objectives of this policy are to:

1. Promote an institutional culture of equal opportunities, fair treatment, inclusivity and respect for diversity.
   1. Protect persons from being unfairly discriminated against on the basis of religion / belief.
   2. Provide for effective and inclusive processes and procedures, communication, education, necessary infrastructure to ensure an enabling environment.

**6. Principles / Values / Philosophy**

The NMMU commits itself to achieving the abovementioned objectives by embracing the following core principles:

* 1. Respect for diversity
  2. Equality
  3. Inclusivity
  4. Mutual respect
  5. Sensitivity/humanity
  6. Empowerment of staff and students

**7. REASONABLE ACCOMMODATION**

7.1 The NMMU will take into account, in its institutional calendar, religious days of obligation as specified in the South African national calendar.

7.2 Specific requests in relation to religious observances other than those stipulated in 7.1. shall be reasonably accommodated, where practicable.

7.2.1 The provisions of the NMMU leave policy shall apply to staff members who wish to participate in religious observances that are not provided for in paragraph 7.1 above.

7.2.2 Student requests should be directed, timeously, to the relevant academic staff member, who is encouraged to respond to such requests with sensitivity and humanity, taking into account the referred to policy.

7.3 Dress code:

7.3.1 The dress code of staff and students should be appropriate to the context and character of the NMMU.

7.3.2 The only limitations to the above would include: -

7.3.2.1 Health and safety requirements dictating specific items of clothing such as overalls, protective clothing, etc. to be worn.

7.3.2.2 An inherent job requirement, such as, but not limited to, the wearing a uniform, or the use of headwear.

7.3.3 Where the student’s personal dress code prevents full exposure of an individual’s facial features, verification of the student’s identity for test or examination purposes will be conducted sensitively and be appropriately trained staff members who will show respect for the beliefs of the student concerned.

7.4 Dietary requirements:

7.4.1 The NMMU commits, where practicable, to cater for the dietary preferences (e.g. halaal, kosher, vegetarian), in accordance with religious observance of its entire staff and student   
 population.

7.5 The NMMU commits to providing, where practicable, suitable space/s for prayer and/or religious observance.

**8. PROTECTION OF PERSONS FROM UNFAIR DISCRIMINATION BASED ON RELIGION / BELIEF**

NMMU respects the dignity and rights of all individuals.

8.1 **Informal procedure: unfair discrimination**

8.1.1 Should a staff member or student perceive that he / she has been unfairly discriminated against because of his / her belief, he / she should try to resolve the matter by discussing it with the relevant person.

8.1.2 Should the behaviour referred to in 8.1.1 persist, the staff member or student may initiate the formal procedures i.t.o the NMMU’s grievance procedures applicable to staff and students.

8.2 **Formal procedure: unfair discrimination**

Any staff member or student who contravenes the provisions of this Policy will be subject to disciplinary procedures as per the NMMU’s disciplinary policies.

**9. MONITORING AND EVALUATION**

The TEC is responsible for monitoring the implementation of the provisions of this policy, and advising Management and any other relevant structure.

1. **POLICY REVIEW**

This policy shall be reviewed annually but may be revised earlier to reflect substantial institutional changes or any change required by law.

Further information: **Buli Gxotiwe**

Organisational Transformation and Equity

Phone : (041) 504-4259