

WALTER SISULU UNIVERSITY

SEXUAL HARASSMENT AND GENDER DISCRIMINATION POLICY



SEXUAL HARASSMENT & GENDER DISCRIMINATION



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PREAMBLE

Walter Sisulu University is committed to providing an environment that is free from sexual harassment, discrimination and gender based violence for students and staff. The university is committed to uphold the principles enshrined in Chapter 2 of the Constitution of the Republic of South Africa (1996), which promotes the rights of all people of South Africa and affirms the democratic values of human dignity, equality and freedom.

Sexual harassment and Gender discrimination is against the law and will not be tolerated in the university premises. When the University determines that an allegation of sexual harassment is credible, it will take prompt and appropriate corrective action including disciplinary measures. This policy shall be applicable to both students and employees the Walter Sisulu Employees, including Persons with Disability.

PURPOSE

The purpose of the policy on Sexual Harassment and gender discrimination is the prevention and management of sexual harassment and gender based violence throughout the university; it should be understood in the context of other university policies such as Employment Equity policy and statements, including the constitutional right and protection against discrimination; and of specific laws governing equality and labour practice (Employment Equity Act No. 55 of 1998, Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000; Basic Conditions of Employment Act 75 of 1997; Labour Relations Act of 1995).

1. DEFINITIONS OF KEY WORDS OR CONCEPTS

1.1 Sexual Harassment means:

- 1.1.1 Unwelcomed sexual attention from a person who knows or ought reasonably to know that such attention is unwelcomed;
- 1.1.2 Unwelcomed explicit or implicit behaviour, suggestions, messages or remarks of a sexual nature that have the effect of offending, intimidating or humiliating the complainant or related person would be offended, humiliated or intimidated;
- 1.1.3 Implied or expressed promise of reward for complying with a sexually orientated request; or
- 1.1.4 Implied or expressed threat of reprisal or actual reprisal for refusal to comply with a sexually orientated request. (Definition of the Protection from Harassment Act No. 17 of 2011).

It may take the form of **special victimization, quid pro quo harassment** and the creation of a hostile environment.

- 1.2 **Special Victimization** involves any form of victimization, discrimination or intimidation of a person for failing to submit to sexual advances.
- 1.3 **Quid pro quo harassment** involves the alleged perpetrator influencing or attempting to influence a person's employment circumstances (training, organizational or funding opportunities, grading or evaluation), or admission of a student to the WSU or WSU residents, or access to funding opportunities, by coercing or attempting to coerce that person to engage in sexual activities.
- 1.4 **Creation of hostile environment** occurs where the purpose or effect is to interfere with another's performance at work or in study.
- 1.5 **Third parties** mean any agents who provide a service to the WSU.
- 1.6 **Unwelcome sexual conduct** included physical, verbal and non-verbal conduct of a sexual nature that is perceived by the complainant as demeaning, compromising, embarrassing, threatening and/or offensive. Such conduct may be direct or indirect and may include technological devices, images and weapons. A single incident of unwelcome sexual conduct can constitute sexual harassment.
- 1.7 **Unwelcome physical conduct** ranges from touching to sexual assault and rape.
- 1.8 **Unwelcomed verbal conduct** includes innuendos, suggestion or hints of a sexual nature, sexual advances, sexual threats, comments with sexual overtones, sex-related jokes or insults, graphic comments about a person's physique, inappropriate enquiries about the person's sex life, wolf whistle, and sending sexually explicit text/graphics via electronic means or otherwise.
- 1.9 **Unwelcomes non-verbal conduct** includes gestures, indecent exposure and the display or sending of sexually explicit pictures or objects via electronic or other means.
- 1.10 **University/ WSU Community** refers to all staff, students, job applicants and third parties having dealings with the university.

2. POLICY CONTEXTS AND GUIDING PRINCIPLE

- 2.1 Provide guidance by what is meant by sexual harassment and gender based violence.
- 2.2 Promote a learning and working environment, and work-related social spaces, free from sexual harassment and gender discrimination.
- 2.3 Provide appropriate procedures for dealing with sexual harassment complaints by staff and students in a fair and sensitive manner, ensuring that confidentiality is maintained.
- 2.4 Provide appropriate procedures for dealing with sexual harassment and gender discrimination complaints by staff and students perpetrated by non-employees of the WSU.
- 2.5 Sensitize the WSU community to a zero-tolerance status pertaining to sexual harassment and gender discrimination.

3. ROLE OF MANAGERS

All managers, Unit heads and Supervisors shall take all reasonable steps to create and maintain an environment which is free from sexual harassment. This would require them:

- 3.1 Set a good example by treating all working within their unit with courtesy and respect.
- 3.2 Understand the terms of this policy and be responsible for the implementation thereof.
- 3.3 Attending training and educational sessions relating to this policy.
- 3.4 Communicate the contents of this policy to all staff and their respective areas of responsibility.
- 3.5 Refer complaints to Sexual Harassment Advisors within the University as soon as possible.
- 3.6 Promote a harassment free environment.

4. ROLE OF STAFF AND STUDENTS

All staff and students should contribute to creating and maintaining an environment that is free of sexual harassment by:

- 4.1 Showing respect for the dignity of others.
- 4.2 Being familiar with the contents of this policy



5. INFORMAL ADVICE PROCEDURE

- 5.1 Complaints of alleged sexual harassment must be lodged with an SHA as soon as reasonably possible. It may be sufficient for the complainant concerned to have an opportunity where he/she can explain to the alleged offender that the behaviour in question is not welcome that it interferes with their work, studies, business or social interaction. The complainant may choose to do this in one of the following ways, namely:

- (i) By approaching the accused on his/her own.
- (ii) By requesting one of the SHA's or staff member or a student to accompany him/her.

5.1.1 Should a SHA receive a complaint, the chairperson will be informed of such a submission.

5.1.2 The chairperson will constitute an informal advisory committee comprising of 2 to 4 members of the SHC, within 5 working days, to consult on the submission.

5.1.3 The informal advisory committee will thereafter meet with the complainant within the 5 working day period and advise him or her of the different levels of resource available and discuss the way forward.

5.1.4 A member of the University community acting on the complainant's behalf may approach a SHA (with the complainant's permission).

5.2 Informal Grievance Procedure

5.2.1 Should the complainant be a staff member and the informal approach has not yielded a satisfactory outcome to the complainant, and/or if the unwanted sexual conduct of physical, verbal or non-verbal continues, it will be more appropriate, for the complainant to embark upon the University's formal grievance procedure applicable to staff.

5.2.2 Should the complainant be a student, and the informal approach has not provided a satisfactory outcome to the complainant, and/or if the unwanted sexual conduct of physical, verbal and non-verbal continues, it will be more appropriate, for the complainant to embark upon the University's formal grievance procedure applicable to students.

5.2.3 Disciplinary steps will be taken against any person who victimizes or retaliates against a complaint who, in good faith, lodges a sexual harassment grievance. The complainant is at liberty to report the rape case to the South African Police Service.

5.3 Formal Mediation Procedure

Should a dispute regarding the alleged sexual harassment not be resolved through the WSU's formal grievance procedure, the University

may at its discretion, hire the services of an acceptable, independent, impartial mediator to assist the disputing parties to arrive at an agreed solution.

6. CRIMINAL AND CIVIL CHARGES

A complainant of sexual assault and rape has the right to institute separate criminal and/or civil charges against an alleged perpetrator with the South African Police Service (SAPS). The legal rights of the complainant are in no way limited by this policy.

7. CONFIDENTIALITY

- 7.1 The WSU is committed to maintain confidentiality unless the complainant gives specific permission for his/her name to be revealed.
- 7.2 The SHA and those responsible for the implementation of this policy shall treat sexual harassment, rape and gender discrimination complaints in the strictest confidence.
- 7.3 A complainant who wishes to have the matter addressed through the University's formal grievance procedures cannot lodge anonymous complaints.

CLOSURE

This information is extracted from the WSU Policy of Sexual Harassment and Gender Discrimination Policy. Students and staff members are encouraged to visit the policy for further information on the WSU Intranet, the policy has been effective since 01 February 2019.



GENDER BASED VIOLENCE GBV

- It is based against a person because of their gender. Both women and men experience GBV but the majority of victims is women and girls.

Examples of GBV

- Child marriage
- Female genital mutilation
- Trafficking for sex slavery
- Intimate partner violence
- Physical punishment
- Sexual, emotional or physical violence

What are the 3 type of GBV?

- The term 'Sexual' and other forms of gender-based violence comprise not only of rape, attempted rape, but also sexual exploitation, forced marriage, domestic violence, mental rape, trafficking and female genital mutilation.
- All employees and students are encouraged to educate themselves of gender-based violence.
- Employees and students are encouraged to report cases based on GBV.

WSU is dedicated in the fighting Sexual Harassment and Gender-Based Violence in its working environment. This barbaric behaviour is not acceptable.

Thank you

From: Employee Relations Specialist, Human Resource Department

Ms TK Breakfast

NB: Everyone is an entity and has the right to be!



