



POLICY AND PROCEDURES

on

SEXUAL HARASSMENT AND GENDER BASED VIOLENCE

POLICY NUMBER	IP P1	POLICY OWNER	Executive Director: Institutional Planning
OVERSEEING COMMITTEE(S)		Transformation Committee → MANCO → Senate → Institutional Forum → Council	
APPROVAL DATE	28 June 2019	REVISION DATE	28 June 2024

POLICY STATEMENT
<p>In recognition of the past, ongoing and possible future challenges with regard to gender based violence and sexual harassment behaviour in Universities including this institution, the University of Zululand undertakes to create a safe campus environment which is free of gender based violence and sexual harassment; and where sexual harassment is not tolerated. Through this policy, the University commits to establish mechanisms through which sexual harassment practice, gender based violence and gender discriminatory behaviour will be reported, investigated, assessed and eliminated through due process using internal systems and external agency referral of sexual harassment cases. The policy addresses sexual harassment conducted against both staff, students or guests of the university, and any other sexual harassment offences committed on University premises.</p>

CURRENT APPROVAL CYCLE	
DATE OF APPROVAL BY MANCO	05 October 2018
DATE OF APPROVAL BY SENATE	14 June 2019
DATE OF APPROVAL BY COUNCIL	28 June 2019
EFFECTIVE DATE FOR IMPLEMENTATION	28 June 2019
NEXT REVISION DATE	28 June 2024

APPROVAL HISTORY	
POLICY NUMBER	COUNCIL APPROVAL DATE

RELATED POLICIES	
POLICY NUMBER	NAME OF POLICY
VC P1	Disciplinary Code: Students
HR P5	Code of Conduct: Staff

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SECTION 1: THE POLICY

1. PREAMBLE

Gender is a non-binary and sexualised violations are a continuum of gender based violence. Gender based violence is a violation of a person's fundamental rights. According to The Constitution of the republic of South Africa, Act 106 of 1996, gender based violence contravenes rights to equality, human dignity, life, and freedom and security of the person. As an institution of higher learning the University of Zululand (hereafter referred to as UNIZULU), subscribes to the ethos and values of the constitution and is therefore committed to providing quality education in an environment that is free from any forms of unfair discrimination, harassment, and all forms of violence. UNIZULU will not tolerate any member of its community engaging in violence on the basis of gender, sex, marital status or sexual orientation. It seeks to proactively eradicate the scourge of gender-based violence.

UNIZULU acknowledges that all forms of gender-based violence (hereafter GBV) can only be understood within the larger context of normative gender roles and practices and continued unequal power relationships which exist between heterosexual and same-sex interactions as well as other forms of discrimination including, but not limited to gender, sex, marital status, sexual orientation, class, race, ethnicity, language, age, citizenship, and disability. UNIZULU will not tolerate the justification of any form of gender based violence on the basis of patriarchal, societal, cultural, institutional or religious norms and practices that legitimise and perpetuate gender based violence. UNIZULU therefore establishes this policy as a comprehensive framework aimed at:

- Prevention of incidents of GBV and sexual harassment;
- Management of the University's response to such incidents; and
- Responding speedily, efficiently and fairly to instances of GBV and sexual harassment.

This policy is binding on all full and part time university staff, students, guests visiting the university and third party contractors.

The policy should be read in conjunction with:

- UNIZULU Anti-Discrimination Policy;
- UNIZULU Code of Conduct for Staff;
- UNIZULU Code of Conduct for Council;
- UNIZULU Disciplinary Code for Students; and
- Any other relevant national legislation

2. OBJECTIVES

The objectives of this policy and these procedures are:

- to develop a common understanding of what constitutes sexual harassment and gender based violence among the University community;
- to create a safe campus environment which is free of sexual harassment and gender based violence and where such acts are confronted with no tolerance;
- to ensure that any staff member, student or guest of the university who experiences sexual harassment is offered appropriate support by the University;
- to provide all staff and students with appropriate information about sexual harassment and the procedures that need to be followed if sexual harassment is experienced;
- to institutionalise mechanisms to mitigate against sexual harassment at the University of Zululand; and
- to provide a safe environment which is free of gender based violence and sexual harassment and is conducive to learning and teaching, research and working for all students and staff.

3. DEFINITIONS

In this policy, unless stated otherwise the following terms mean:

Coercion - can be the result of psychological pressure, undue influence, detention, abuse of power or someone taking advantage of a coercive environment, or the inability of an individual to freely consent.

Complainant - any person alleging any form of GBV.

Consent - informed, voluntary and explicit communication of agreement between the parties involved. Consent cannot be procured by the use of physical force, compelling threats, intimidation, coercion and any other controlling behaviour. Silence cannot be interpreted as consent.

Confidentiality – ensuring that information is accessible only to those who are authorised to have access to it.

Employee – employee of the university or any person who has agreed to be bound by the rules and policies of the university relating to staff.

Gender Based Violence (GBV) - any act of violence, whether persistent or isolated, directed against any person on the basis of their gender, sex, marital status, or sexual orientation that results in or is likely to result in physical, sexual or psychological harm or suffering and includes but is not limited to: intimate partner violence, sexual

harassment, sexual assault, rape, coercive sexual practices and harmful customary or traditional practices such as female genital mutilation and honour crimes.

Gender Based Violence Committee (GBVC) – a committee of various expertise established to advise on gender, rights, and the law.

Guest – any person/s visiting a student or staff member of the university for business or private purposes.

Interest Groups - any stakeholder with a vested interest(s) in the reporting, investigation, monitoring and outcome of alleged incidents of GBV.

Intimate partner violence - any act of violence committed between persons within a domestic relationship, including (a) physical abuse; (b) sexual abuse; (c) emotional, verbal and psychological abuse; (d) economic abuse; (e) intimidation; (f) harassment; (g) stalking; (h) damage to property; (i) entry into the complainant's residence without consent, where the parties do not share the same residence; or (j) any other controlling or abusive behaviour towards a complainant, where such conduct harms, or may cause imminent harm to, the safety, health or wellbeing of the complainant.

Line Manager – an employee with managerial, supervisory or warden responsibility.

Perpetrator - any person alleged to have committed an act of GBV, whether or not s/he falls into any of the categories of persons defined above. An alleged perpetrator is the respondent in disciplinary proceedings.

Quid pro quo harassment: Occurs where an employer, member of management, supervisor, co-employee, undertakes or attempts to influence the process of student admission, improved marks, employment, promotion, training, discipline, dismissal, salary adjustments or increments or any other benefit of an employee, or job applicant in exchange for sexual favours, staff members who use their position of power to give and or deny any benefit to students for sexual favours.

Rape - an unlawful and intentional act of sexual penetration of any part of a complainant without their consent.

Senate - the Senate of UNIZULU.

Sexual assault - an unlawful and intentional act of a sexual violation of another person without that person's consent.

Sexual favour – occurs when a person who is in a position of authority rewards only those who respond to his or her sexual advances whilst other deserving employees or students who do not submit to any sexual advances are denied promotions, merits,

training and fair assessment.

Sexual harassment - constitutes unwanted, unwelcome, unsolicited and/or unreciprocated conduct of a sexual nature such as unwelcome sexual advances, requests for sexual favours, and other verbal, physical, or non-verbal conduct of a sexual nature. Sexual harassment may include but is not limited to:

- Physical harassment such as unwanted and deliberate physical contact.
- Verbal harassment such as:
 - demeaning verbal comments of a sexual nature;
 - subtle or explicit demands or offers of sexual favours which demand implicitly or explicitly a condition that may affect a decision or other action in respect of student admission, funding, grading or academic progress or carries a condition that may affect a decision or other action in respect of staff recruitment, selection, appraisal, promotion or career progress or carries a condition that may affect a decision or other action in respect of third party contractor's goods or services; also called quid pro quo harassment;
 - unwanted or unwelcome innuendos, suggestions and hints of a sexual nature; and/or
 - comments with sexual overtones which create an intimidating or offensive and/or hostile learning or working environment that interferes with academic and/or work performance.
- Non-verbal harassment such as:
 - transmission, by any means, electronic or otherwise, or the gratuitous display of sexually explicit written or audio-visual materials;
 - flashing or exposing one's genital organs, buttocks, or female breasts to the view of others. Whether this is an offence will depend upon the context in which such exposure takes place;
 - offensive gestures or actions of a sexual nature such as indecent exposure;
 - stalking behaviour such as pursuing or following a person, or non-consensual communication or other contact.

Staff - any person who is employed by the university, in any capacity whatsoever, including but not limited to a permanent or contractual capacity.

Student - a person who has been admitted to the university for the purpose of studying or who has registered for a qualification.

Third Party Contractors - persons who are not in the employ of the university, but who have been contracted by the university, or any authorised agent of the university, to render services. This shall include but not be limited to employees, agents and sub-

contractors, as well as any person who is present at the university at the behest of the university or any third party contractor.

University - includes any campus of the university, as well as any other buildings, premises or sports facilities, which are owned or otherwise occupied by the university for the purposes of the activities of the university. This includes but is not limited to 'off-campus' residences, sports facilities, buildings and premises that are not situated on any campus.

University community – staff, students and guests of the university.

University process – the investigation of any complaint according to the university policies, rules and procedures. This does not include any civil, criminal or other forms of judicial investigation the complainant may wish to pursue.

Victim – any person(s) individually or collectively harmed or injured, through physical, psychological or economic loss, or serious infringements to their fundamental rights, caused by an act of sexual violence.

4. JURISDICTION

- 4.1. Under this policy, UNIZULU is able to investigate alleged incidents of GBV or sexual harassment that involve any of its community member/s if:
 - i. they are reported to the university, or
 - ii. they occurred at the university, or
 - iii. they occurred outside the university, but their impact has migrated to or has created a hostile environment at the university; or
 - iv. they occurred during the course of university programmes (regardless of location), or
 - v. the respondent is a staff member, student, guest or third party contractor.
- 4.2. This policy applies to all forms of sexualised violence, harassment and intimate partner violence.
- 4.3. This policy is inclusive irrespective of sexual orientation, gender identity, or gender expression.
- 4.4. This policy applies to staff, students (full time or part time) or third party contractors at the university, and to any act of GBV by a staff member, student, guest or third party contractor at or outside the university.

- 4.5. This policy applies to any complainant alleging GBV by a staff member, student, guest or third party contractor, whether or not the complainant is a staff member, student, guest or third party contractor.

5. POLICY PRINCIPLES

- 5.1. All forms of GBV can only be understood within the larger context of normative gender roles and practices and continued unequal power relations which exist in heterosexual and homosexual interactions as well as other forms of discrimination including, but not limited to, gender, sex, marital status, sexual orientation, class, race, ethnicity, language, age, citizenship, and disability.
- 5.2. UNIZULU will not tolerate the justification of any form of GBV on the basis of patriarchal, societal, cultural or religious norms and practices that legitimise and perpetuate GBV.
- 5.3. In any complaint involving an alleged act of GBV, the university commits itself to respecting and protecting the rights of all the parties involved to confidentiality, privacy, dignity and psychological and physical bodily integrity.
- 5.4. The university commits itself to ensuring complaints have sufficient access to counselling and health services in response to GBV.
- 5.5. UNIZULU reserves the right where appropriate and necessary to amend existing disciplinary rules and codes of conduct to make provision for GBV as a serious offence denoting severe sanctions.
- 5.6. UNIZULU commits itself to advising the complainant of his/her right to institute civil and/or criminal proceedings against the alleged perpetrator of the GBV.
- 5.7. The procedures will prescribe the steps to follow when a complaint of GBV is received and the response measures that must be taken.
- 5.8. UNIZULU will record all decisions taken under this policy, and keep comprehensive updated and accurate data on all reported cases of GBV, and will ensure that an annual statistical report is submitted to MANCO, Senate, Institutional Forum, Transformation and Social Inclusion Committee and Council.

- 5.9. UNIZULU commits itself to facilitating educational interventions towards raising awareness and developing understanding about gender-based violence, including the contexts of gender power inequalities and normative gender roles and sexualities that shape and legitimize practices of GBV.
- 5.10. UNIZULU commits itself to monitor the effective implementation of this policy.

6. ESTABLISHMENT OF A GBVC

- 6.1. The Office of the Vice Chancellor shall establish a GBV Committee (GBVC) to apply a gender and psychological assessment of complaints and make recommendations to the relevant disciplinary committee. The committee will also identify policy gaps and systemic issues in the handling of gender and sexual violations. The committee shall comprise knowledgeable members who as far as possible represent the different interest groups. The GBVC shall be constituted as follows:

6.1.1 Standing members:

- (a) 1 representative of the Faculty of Law
- (b) 1 member of the Gender Forum of the university
- (c) 1 member of Transformation and Social Inclusion Office
- (d) 1 representative of the Psychology Department

6.1.2 Per Invitation:

- (a) 1 SRC Representative (where a matter involves a student)
- (b) Manager: Human Resources Department (where a matter involves a staff Member)

- 6.2. The Transformation Manager or her/his nominee shall chair GBVC meetings.
- 6.3. Members of the GBVC shall be required to enter into confidentiality agreements before commencing committee work.

7. DISCIPLINARY MEASURES

- 7.1. This policy will apply to the UNIZULU Disciplinary Code for Students and the UNIZULU Code of Conduct for Staff. Any violation thereof will be subject to the appropriate sanctions depending on various factors such as the severity or gravity of the offence, the interests of the university and the impact on the complainant.
- 7.2. When an incident of gender based violence or sexual harassment has occurred, the decision whether to proceed with disciplinary measures rests with the university, regardless of whether criminal charges are pursued or not or whether the complainant wishes to withdraw any complaint lodged.
- 7.3. The university will promptly investigate every complaint that is reported regardless of when the alleged offence occurred.
- 7.4. This policy is not restricted to staff and students but includes all other persons that are in contact with the university in any manner and reason whatsoever.

SECTION 2: PROCEDURES

8. REPORTING PROTOCOL

- 8.1. The victim shall have a right to choose to be assisted by a male or female Protection Officer.
- 8.2. A complaint of GBV or sexual harassment must be lodged in writing with a Protection Officer in the Protection Services Department. A complaint may also be filed verbally where the complainant must consent to be recorded.
- 8.3. The Protection Officer must register the complaint in the register book and issue the complainant a reference number.
- 8.4. The complainant must be informed of his/her rights to lodge a complaint with the South African Police Services (SAPS). The Protection Officer must take necessary steps to take the complainant to SAPS should the complainant wish so. The Protection Officer must explain to the

complainant the difference between the criminal justice process and the university process.

- 8.5. When bodily harm has been caused, the Protection Officer must take necessary steps to ensure that the victim receives medical attention. The Protection Officer must inform the complainant that provision of medical assistance is not subject to him or her initiating a criminal or disciplinary proceedings.
- 8.6. When an incident of rape has been reported, the Protection Officer must inform the complainant of the necessity to lodge a complaint with the South African Police Services.
- 8.7. In instances where the complainant is an employee, the Protection Officer shall inform the complainant that s/he will not face job loss or any adverse consequences if s/he chooses to participate in the disciplinary proceedings.
- 8.8. The Protection Officer must refer the complaint to the Investigating Officer within 24 hours.

9. DUTIES OF THE INVESTIGATING OFFICER

- 9.1. An Investigating Officer must:
 - 9.1.1. Provide the alleged perpetrator with a copy of the Sexual Harassment and GBV policy and regulations as well as a copy of the respective university's disciplinary rules.
 - 9.1.2. Advise the alleged perpetrator of her/his right to obtain representation.
 - 9.1.3. Advise the alleged perpetrator that the university may choose to follow relevant university disciplinary rules even if the complainant does not wish to do so.
 - 9.1.4. Explain to the alleged perpetrator the protective measures available to the complainant.
 - 9.1.5. Interview all witnesses in the matter including the alleged perpetrator and produce a report.

9.1.6. Within 7 working days table the report to the GBVC.

9.1.7. Set an agenda or list of complaints with the Transformation Manager at least two days prior to the meeting of the GBVC.

10. DUTIES OF THE GBVC

10.1. Should the GBVC find merit in the case the committee may recommend that the perpetrator be placed on leave and a disciplinary hearing should be convened within 21 days of receiving the report from the Investigating Officer.

10.2. Upon merit, the GBVC may consider and recommend to the relevant disciplinary committee, the implementation of interim protective measures as required, including:

(a) No-contact orders;

(b) Change of University residence and

(c) Special leave (staff) or leave of absence (students) where appropriate.

11. VICTIM SUPPORT

11.1. Where a victim is a staff member, the Protection Officer must refer the complainant to the university's Employee Wellness Office for further counselling where necessary.

11.2. Where a victim is a student, the Protection Officer shall refer the matter to Student Services Department for Counselling.

12. DUTIES OF THE TRANSFORMATION OFFICE

12.1. The Transformation Manager shall play a coordination role in the handling of complaints. This duty includes:

12.1.1. Coordinating and chairing GBVC meetings;

12.1.2. Communicating GBVC recommendations to the Labour Relations Office or Registrar's office; and

12.1.3. Collecting quarterly reports from all role players and reporting these to all necessary committees.

13. DISPUTES AND APPEALS

- 13.1. The Sexual Harassment and Gender Based Violence Policy and regulations impact on the Code of Conduct for Staff and Disciplinary Code for Students. Any violation thereof will be subject to the appropriate sanctions depending on various factors such as the severity or gravity of the offence, the interests of the university and the impact on the complainant. Where appropriate and necessary, the Disciplinary Code for Students and the Code of Conduct for Staff will be amended to make provision for this policy, denoting specific sanctions which are not mutually exclusive such as temporary exclusion from university premises for the duration of a defined period, permanent endorsement of the student academic transcript or permanent expulsion from the university as the case may be.
- 13.2. This policy applies to all staff, students. Any violation thereof will be subject to the appropriate sanctions depending on (but not limited to) the factors as mentioned in 13.1 above. Where appropriate and necessary the Code of Conduct for Staff and Disciplinary Code for Students will be amended to make provision for this policy as a serious offence denoting specific sanctions which are not mutually exclusive such as temporary suspension, permanent endorsement on perpetrator personnel file or dismissal from the university.
- 13.3. In the event of there being no satisfaction with the outcome of the complaint, an appeal with the relevant Appeals Committee.

14. MONITORING AND EVALUATION

- 14.1. The university is committed to implementing appropriate mechanisms to track and assess the effective implementation of this policy and Regulations. These will include, but not limited to:
 - 14.1.1. Ensuring the collection of data and annual reporting by the Executive Director of Human Resources and Executive Director of Institutional Planning.
 - 14.1.2. Ensuring the policy is formally reviewed through regular policy review processes.

Annexure 1 - GBV PLAN

The university, through the office of the Vice Chancellor, Executive Director of Human Resources, and Executive Director Institutional Planning; commits itself to ensuring that awareness and education campaigns are conducted in relation to this policy and regulations. These will be carried out as follows:

- 14.2. Training and gender sensitization of Protection Officers tasked with receiving complaints;
- 14.3. Cooperation agreements with various stakeholders to promote and advance GBV prevention and victim support;
- 14.4. Continuous education and training of all members of the university involved in the handling of GBV and sexual harassment. The design of training interventions and selection of service providers should be undertaken upon the recommendation of the GBVC.
- 14.5. Develop a Special Relationships Policy and a Gender Equality Policy.
- 14.6. Establish a gender based violence reporting and handling system.
- 14.7. Awareness at Induction programs for all members of the university.
- 14.8. Communicating the policy to all employees, students and third parties.
- 14.9. Making this policy available on the university website.
- 14.10. Communicating policy and responsibilities of role-player to the Student Representative Council (SRC), staff, students and service providers in residences on all campuses.
- 14.11. Conduct an 'Enablers of GBV' survey to influence future prevention programmes.
- 14.12. Translate the Sexual Harassment and GBV Policy into Isizulu.
- 14.13. Popularise the policy through print and electronic avenues of the university.
- 14.14. Continuous gender sensitization of members of the GBVC and all role players.

ANNEXURE A

COMPLAINT FORM TO BE COMPLETED WHEN LODGING A COMPLAINT

PART A: BIOGRAPHICAL INFORMATION

TITLE, INITIAL/S, SURNAME	
STUDENT/STAFF NUMBER	
FACULTY	
CONTACT DETAILS	Cellphone number: Email:
NATURE OF COMPLAINT	
NAME OF THE ALLEGED OFFENDER (if known)	
CONTACT DETAILS OF THE ALLEGED OFFENDER (if known)	Cellphone number: Email:

PART B: DETAILS OF THE COMPLAINT

DETAILS OF THE COMPLAINT <i>(If more space is needed please attach additional page/s)</i>			
How has the incident impacted on you			
DATE(S) OF INCIDENT(S)			
PLACE(S) IF INCIDENT(S)			
SIGNATURE		DATE	