

SEXUAL HARASSMENT POLICY

1. PREAMBLE

- 1.1 The Unisa SRC takes a strong view on the promotion of human dignity among its members or co-students.
- 1.2 Sexual harassment is a form of misconduct that can be very serious. Sexual harassment can cause embarrassment, humiliation, anxiety and depression to the individual who is subjected to such conduct. Because matters associated with sexual harassment are sensitive, the policy and procedure described below will be adhered to before the provisions of the Disciplinary Code are invoked.

2. AIM

The aim of this policy is to deal with sexual harassment in respect of students decisively.

3. DEFINITIONS

The following terms have the meanings ascribed, unless the context indicates otherwise:

Term	Meaning
Sexual harassment	Unwelcome or unwanted attention or conduct of a sexual nature by someone in the learning environment that causes discomfort, humiliation, offence or distress, and/or interferes with the portfolio and or student studies
SRC	Student Representative Council
Student	Person registered at Unisa for any undergraduate or postgraduate qualification
Gender	The sex of a person (male, female)

4. OBJECTIVES

The objectives of this policy are to ensure the following:

- That all students (male and female) have the right to study in an environment free from sexual harassment, and to be treated with dignity.
- That the Unisa SRC takes all reasonable steps to ensure that students are not subjected to sexual harassment within the learning environment.
- That no form of sexual harassment is tolerated or condoned.
- That no victimisation of complainants, witnesses or accused persons occurs.
- That all reports of harassment are treated professionally and sympathetically, and are investigated thoroughly and confidentially.
- That appropriate disciplinary action is taken against anyone found to be guilty of sexual harassment.
- That false or vindictive accusation is viewed in a very serious light.

5. THE NATURE OF SEXUAL HARASSMENT

5.1 Sexual harassment or abuse may take many forms, e.g. subtle and indirect, or blatant and overt. Sexual harassment may be of a serious or less serious nature and may consist of any or all of the following:

- It may be conduct towards an individual of the opposite sex or the same sex.
- It may occur between peers or between individuals in a hierarchical relationship.
- It may be aimed at coercing an individual to participate in an unwanted sexual relationship.
- It may consist of repeated actions or may even arise from a single incident if sufficiently insulting.
- It may include insults or sexual advances historically acceptable in certain cultures.

For example:

- Sexual advances.
- Requests for sexual favours in return for study benefits.
- Verbal abuse with sexual overtones.
- Innuendos, including remarks about a person's appearance, body or clothing.
- Physical contact.
- Obscene gestures or indecent exposure.
- Staring, leering and whistling.

- Display of sexually offensive or explicit material, including posters, magazines, pictures or objects.
 - Direct sexual propositions.
 - Continued pressure for dates and sexual favours.
 - Letters or calls of a sexual nature.
 - Any of the above as a form of coercion or blackmail for advancement or for lack of advancement or dismissal if the recipient refuses.
 - Any other unwelcome form of physical or verbal behavior that has sexual overtones (dirty jokes are not necessarily viewed as sexual harassment except if aimed at an individual with the intention of causing embarrassment or offence).
- 5.2 In every case of sexual harassment, the victim will indicate clearly and immediately that she/he does not approve of what is being said, done or suggested.
- 5.3 The severity of the harassment is determined largely by the psychological effect it has on the victim, not by the intention of the person who performed the harassment. The severity will depend on the circumstances and nature of the offence. However, even a single serious act of sexual harassment could warrant suspension of the perpetrator.
- 5.4 The specific action in any particular case depends on the nature and gravity of the conduct reported.

6. REPORTING SEXUAL HARASSMENT

- 6.1 Any student who feels that she/he has been harassed brings the complaint to the attention of the Dean of Students, who, with the assistance of a panel of professional persons, then evaluates the evidence and the severity of the complaint and decides whether the matter can be resolved informally between parties or should be pursued in accordance with the disciplinary process.
- 6.2 The Dean of Students deals promptly with complaints of sexual harassment that he/she receives. Where sexual harassment is reported, the University will act to stop the harassment, prevent its recurrence and take appropriate action against the perpetrator.
- 6.3 The confidentiality and privacy of any individual who reports or is accused of sexual harassment will be respected.
- 6.4 The University will make available professional advice and counselling for victims of sexual harassment.
- 6.5 The Dean of Students will deal most severely with any victimisation resulting from the lodging of a complaint, regardless of whether sexual harassment is subsequently proven.
- 6.5 The Dean of Students will also take disciplinary steps against anyone who makes a false accusation. A person who falsely accuses another may be required to publicly clear the name of the person against whom the false complaint was laid.

7. PROCEDURE FOR DEALING WITH SEXUAL HARASSMENT ALLEGATIONS

The following procedures are possible for dealing with sexual harassment: an informal procedure and, failing a satisfactory solution, a formal procedure. Criminal and civil charges could also be laid.

7.1 Informal procedure

The informal procedure involves discussion and/or conciliation after the matter has been brought to the attention of the Dean of Students, with the assistance of a panel of professional persons. If the complaint cannot be resolved to the complainant's satisfaction and it is found through discussion that the incident warrants more serious action, formal disciplinary procedures will be instituted against the alleged offender.

7.2 Formal procedure

If the discussions/conciliation cannot resolve the issue, the complaint will be dealt with in accordance with the Student Disciplinary Code.

7.3 Criminal or civil charges

Particularly in the case of physical abuse the above procedures do not override the right of a student or any other person to lay criminal or civil charges against the person involved without consulting the University. Cases of assault and rape are criminal activities and will in any event be referred immediately to the police service by the University. If procedures of the University fail in other instances, a victim can take the matter to a criminal or a civil court.

