



**RHODES UNIVERSITY**

*Grahamstown • 6140 • South Africa*

# Sexual Offences Policy for Students

Policy Volume	Academic Faculty and Students
Policy Chapter	Student Affairs
Responsible Committee/Unit/Division/Faculty	Student Disciplinary Committee
Responsible Chairperson/Director/Manager	Director: Student Affairs and Director: Special Projects
Dates of First and Subsequent Council Approvals	
Revision History: Approved Reviews	
Review Cycle (e.g. every 2/5/7 years etc)	Every 3 years
Next Review Date	2022

## 1. POLICY PARTICULARS

<p><b>1.1. Policy Title</b></p>	<p>Sexual Offences Policy for Students</p>
<p><b>1.2. Policy Statement</b> (State in a single paragraph the policy mandate and how this relates to the University Mission and Vision)</p>	<p>Rhodes University is committed to fostering and maintaining an institutional environment that upholds human rights and recognises the inherent dignity and worth of every person, in line with the Bill of Rights and all relevant national legislation.</p> <p>Sexual misconduct subverts our institutional values and constitutes a serious violation of the rights and dignity of another person.</p> <p>All members of the Rhodes University community are expected to conduct themselves in a manner that maintains an environment free of sexual misconduct. The University will not tolerate any form of sexual violation as it constitutes a serious offence and will result in disciplinary action. The University takes a two-pronged approach to dealing with sexual violation and gender-based violence – prevention and prosecution.</p> <p>This policy is rooted in the <i>Constitution of the Republic of South Africa (1996)</i> which defines the rights to which all citizens are entitled. The following provisions of our Constitution are particularly relevant:</p> <ul style="list-style-type: none"> <li>▪ Section 9: Everyone is equal before the law and has the right to equal protection and benefit of the law. The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. No person may unfairly discriminate directly or indirectly against anyone.</li> <li>▪ Section 10: Everyone has the right to human dignity and the right to have their dignity respected and protected.</li> <li>▪ Section 12(1): Everyone has the right to freedom and security of the person, which includes the right to be free from all forms of violence from either private or public sources.</li> <li>▪ Section 12(2): Everyone has the right to bodily and psychological integrity, which includes the right: to security in and control over the body; and not to be subject to medical and scientific experiments without their informed consent.</li> <li>▪ Section 35(3) (h): Every accused person has the right to a fair trial, which includes the right to be presumed innocent, to remain silent, and not to testify during the proceedings.</li> </ul> <p>The Rhodes University Student Disciplinary Code is the governing document as to how disciplinary cases shall run.</p> <p>The University is committed to fostering a campus environment that both promotes and expedites prompt reporting of misconduct and timely and fair adjudication of cases. The University's procedures are designed to protect the rights, needs, and privacy of the student making a University complaint, as well as those of students accused of misconduct. The University also adheres to all statutorily prescribed requirements for intervention, crime reporting, and privacy provisions related to sexual misconduct, dating/domestic violence, and stalking.</p> <p>The University will make this policy and educational opportunities readily available to all students and other members of the University community. By engaging as</p>

	active bystanders, all members of the University contribute to a respectful, safe, and nonthreatening environment.
<b>1.3. Reason for Policy</b> (What this policy aims to achieve)	The overarching objective of this policy is to ensure a safe institutional environment in which all members of the Rhodes University community can study, work and live with dignity and without any fear of unwanted sexual attention. Specifically, the objectives are to: <ul style="list-style-type: none"> <li>a. promote a positive, welcoming, safe and inclusive environment in which every member of the Rhodes University community is treated with respect and dignity;</li> <li>b. provide a framework of support for students who have experienced sexual violation of one kind or another;</li> <li>c. prohibit all Rhodes University students from engaging in any form of sexual misconduct;</li> <li>d. provide a policy framework for the prevention and prosecution of all forms of sexual misconduct;</li> <li>e. ensure that all cases of sexual misconduct are treated with due care and confidentiality, both in respect of the complainant and the alleged perpetrator;</li> <li>f. provide clear mechanisms for the reporting and handling of sexual misconduct cases;</li> <li>g. better inform the University community of all forms of sexual misconduct.</li> </ul>
<b>1.4. People affected by this Policy</b> (e.g. All units of the University)	Students, staff, visitors and affiliates of Rhodes University and contracted service providers to Rhodes University.
<b>1.5. Who should read this Policy</b> (People who need to heed this policy to fulfil their duties)	<ul style="list-style-type: none"> <li>▪ All students and staff of Rhodes University</li> <li>▪ Manager: Anti-harassment &amp; Discrimination</li> <li>▪ Head Nurse: Health Care Centre</li> <li>▪ Manager: Health Care Centre</li> <li>▪ Director: Student Affairs</li> <li>▪ Prosecutors</li> <li>▪ Manager: Employee Relations</li> <li>▪ Manager: Campus Protection</li> </ul>
<b>1.6. Website address/link for this Policy</b>	

## 2. RELATED DOCUMENTS FORMS AND TOOLS

(University Policies, Protocols and Documents (such as rules/policies/protocols/guidelines related to this policy))

<b>2.1. Relevant Legislation</b> (Legislation/Regulatory requirements/Organisational Reports – name these)
Constitution of the Republic of South Africa, 1996 Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, Education White Paper 3: A Programme for Transformation of Higher Education (1997), Department of Education Gender-Based Violence Policy and Strategy Framework for the Post-School Education and Training Sector, Final Draft (2018) RU Sexual Violence Task Team Report, 2016
<b>2.2. Related Policies</b>
Student Disciplinary Code Staff Disciplinary Code & Procedure

<b>1.7. Related Protocols</b>
RU Protocol on Managing Close Relationships Between Staff and Students and Between Staff
<b>1.8. Forms and Tools</b> (documents to be completed in support of this policy implementation)
Appendix A    Flow chart

### 3. POLICY DEFINITIONS

Definitions include, but are not limited to, the following:

TERM	DEFINITION
<b>Alleged Perpetrator</b>	a person alleged to have committed some form of sexual misconduct.
<b>Alternative Dispute Resolution (ADR):</b>	a collection of dispute resolution processes and techniques, such as mediation, facilitation, compensation and restorative justice that act as a means of assisting disagreeing parties to come to an agreement, or resolve the issue, with the help of a third party.
<b>Complainant</b>	the alleged victim of some form of sexual misconduct.
<b>Consent</b>	<p>Free, voluntary, informed and un-coerced agreement to a sexual act.</p> <p>In terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, circumstances in which a person <b>cannot consent</b> to a sexual act include:</p> <p>Where the person is:</p> <ol style="list-style-type: none"> <li>asleep;</li> <li>unconscious;</li> <li>in an altered state of consciousness, including under the influence of any medicine, drug, alcohol, or other substance, to the extent that their consciousness or judgement is adversely affected;</li> <li>mentally disabled;</li> <li>below the age of 12.</li> </ol> <p>Consent is similarly absent in circumstances where the person submits to a sexual act as a result of:</p> <ol style="list-style-type: none"> <li>force or intimidation;</li> <li>a threat of harm, either to the person or another person;</li> <li>an abuse of power or authority to the extent that the person is inhibited from indicating his/her unwillingness to participate in such a sexual act (e.g. students who are subordinate to staff members).</li> </ol> <p>The fact that a person does not say 'no' to, or does not physically resist, a sexual act does not, of itself, mean that they consent to it.</p> <p>A person is free to withdraw their consent at any time prior to or during a sexual act.</p>
<b>No-contact Order</b>	an absolute prohibition on making contact directly or indirectly, with named person(s) in any way, including, but not limited to, contact in person, by mail, by telephone, by electronic media or by, or through, any other medium or person, unless the Vice-Chancellor, Proctor presiding over a disciplinary hearing, or Disciplinary Board determines otherwise. This is an internal process as opposed to the process in the Magistrates Court.

<b>Rape</b>	A person who unlawfully and intentionally commits an act of sexual penetration, without consent, is guilty of the offence of rape.
<b>Sexual act</b>	An act of sexual penetration or sexual violation.
<b>Sexual assault</b>	<p>1. A person (“A”) who unlawfully and intentionally sexually violates a complainant (“B”), without the consent of B, is guilty of the offence of sexual assault.</p> <p>2. A person (“A”) who unlawfully and intentionally inspires the belief in a complainant (“B”) without the consent of B that B will be sexually violated, is guilty of the offence of assault.</p>
<b>Sexual harassment</b>	<p>any –</p> <ul style="list-style-type: none"> <li>(a) unwelcome sexual attention from a person who knows or ought reasonably to know that such attention is unwelcome;</li> <li>(b) unwelcome explicit or implicit behaviour, suggestions, messages or remarks of a sexual nature that have the effect of offending, intimidating or humiliating the complainant or a related person in circumstances in which a reasonable person would have anticipated that the complainant or related person would be offended, humiliated or intimidated;</li> <li>(c) implied or expressed promise of reward for complying with a sexually oriented request;</li> <li>(d) implied or expressed threat of reprisal or actual reprisal for refusal to comply with sexually-oriented request;</li> <li>(e) unwelcome sexually suggestive comments and jokes from a person who knows or ought reasonably to know that such attention is unwelcome; or</li> <li>(f) unwelcome intrusive questions about a person’s private life or physical appearance, from a person who knows or ought reasonably to know that such attention is unwelcome.</li> </ul>
<b>Sexual offence</b>	any offence as described in Chapters 2, 3, 4 and 55 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007.
<b>Sexual penetration</b>	<p>includes any act which causes penetration to any extent whatsoever by –</p> <ul style="list-style-type: none"> <li>(a) the genital organs of one person into or beyond the genital organs, anus, or mouth of another person;</li> <li>(b) any other part of the body of one person or, any object, including any part of the body of an animal, into or beyond the genital organs, or anus of another person; or the genital organs of an animal, into or beyond the mouth of another person.</li> </ul>

<b>Sexual violation</b>	<p>includes any act which causes—</p> <p>(a) direct or indirect contact between the—</p> <p>(i) genital organs or anus of one person or, in the case of a female, her breasts, and any part of the body of another person or an animal, or any object, including any object resembling or representing the genital organs or anus of a person or an animal;</p> <p>(ii) mouth of one person and—</p> <ul style="list-style-type: none"> <li>• the genital organs or anus of another person or, in the case of a female, her breasts;</li> <li>• the mouth of another person;</li> <li>• any other part of the body of another person, other than the genital organs or anus of that person or, in the case of a female, her breasts, which could— <ul style="list-style-type: none"> <li>▪ be used in an act of sexual penetration;</li> <li>▪ cause sexual arousal or stimulation; or</li> <li>▪ be sexually aroused or stimulated thereby; or</li> <li>▪ any object resembling the genital organs or anus of a person, and in the case of a female, her breasts, or an animal; or</li> </ul> </li> </ul> <p>(iii) mouth of the complainant and the genital organs or anus of an animal;</p> <p>(b) the masturbation of one person by another person; or</p> <p>(c) the insertion of any object resembling or representing the genital organs of a person or animal, into or beyond the mouth of another person, but does not include an act of sexual penetration, and “sexually violates” has a corresponding meaning.</p>
<b>Student</b>	<p>includes:</p> <p>(a) any person who is registered as a student at the University;</p> <p>(b) any person who has been accepted by the University with a view to his / her becoming a registered student;</p> <p>(c) any person who has left the University where the question of the propriety of a degree improperly obtained, or of conduct during an examination, is in issue;</p> <p>(d) a person contemplated in (a) and (c) above when disciplinary proceedings are instituted (this will include when notice of a hearing has been served on that person) until disciplinary proceedings (including any appeal proceedings) are finalised.</p>

#### 4. PRINCIPLES GOVERNING THIS POLICY

<b>OVERVIEW</b>
Rhodes University strives to carry out the following principles:
<p><b>4.1. Confidentiality</b></p> <p>All reports of sexual misconduct are confidential both in respect of the complainant and in respect of the alleged perpetrator. Information pertaining to the complainant and the sexual misconduct must be kept strictly confidential. All responses to sexual misconduct and gender-based violence must maintain the confidentiality and privacy of the complainant. The University will strive to uphold confidentiality within the confines of the law.</p>
<p><b>4.2. Complainant-centred</b></p> <p>Assistance to complainants must support and encourage their sense of personal control, which includes respecting the complainant’s informed decision at every stage of the process. The safety, physical needs and psychological needs of the complainant must be prioritised. Reporting, investigative or support staff must offer comprehensive information about all processes and options in a manner which is non-judgemental, appropriate, clear and sensitive to the complainant in terms of language, culture, disability, gender and sexuality.</p>

#### **4.3. Rights-based**

The University will strive to uphold the complainant's constitutional rights with particular reference to the right to be provided with information on the investigation and prosecution of the case. In the event that the complainant chooses not to request an investigation by the University, this decision will be respected including their right not to participate in any investigation that may occur.

The rights of the alleged perpetrator as enshrined in the Constitution of the Republic of South Africa will be upheld.

#### **4.4. Efficiency**

Processes and procedures are clearly outlined such that support services for the complainant can be offered successfully. Each officer or department will have a specific role to perform as expeditiously as is reasonably possible.

#### **4.5.Accountability**

Within a context of adequate resources and personnel and with respect to the domains of authority and responsibility, the Director: Student Affairs shall be held responsible for the implementation of this policy. The Sexual Violence Task Team will monitor the implementation of the policy and evaluate its impact on the eradication of sexual and gender-based violence.

Every student upon registration shall be required, when they register each year, that they are aware of the Sexual Offences Policy for Students; that they understand its contents; commit to abiding by it, and understands the consequences of violating its provisions.

## **5. DIRECTIVES FOR IMPLEMENTING THIS POLICY**

(Actions and processes by which the objectives of the policy will be achieved.)

### **5.1. Education and awareness**

The University shall take proactive, visible measures to provide education, guidelines and dissemination of information relating to sexual and gender-based violence including the consequences of the commission of such offences. This education and awareness shall be through a variety of means, including, but not limited to:

- a. information dissemination (road shows) across campus;
- b. training and information sessions within the Rhodes University community;
- c. orientation and training sessions for all students, academic staff and administrative and support staff intended to raise awareness about sexual and gender-based violence;
- d. training for all academic, administrative and support staff who provide front-line services to students.
- e. Interventions and approaches listed in (a) to (d) above to be framed by promotion of positive cultural change towards zero tolerance of sexual and gender-based violence and a commitment to respect for self and others.

### **5.2. Reporting**

Students are strongly encouraged to report incidents of, or share information about, a sexual offence to the Manager: Anti-harassment and Discrimination as soon as possible after the incident occurred. There is no time limit on lodging a complaint about a sexual offence. However, any delay in lodging a complaint could compromise the investigation and the successful prosecution of the case. If students are in doubt as to whether an incident amounts to a sexual offence, they should nevertheless report it to the Manager: Anti-harassment and Discrimination.

(i) *Internal process:* In the event the complainant decides not to proceed with a criminal case, the University shall ensure that the complainant receives care and support, including medical care, psychosocial support, safety and security. The incident reports will be documented.

The Manager: Anti-harassment & Discrimination must inform the complainant of the options that s/he/they have in relation to recourse and that these options are not mutually exclusive (i.e. formal internal disciplinary process and/or reporting the matter for criminal prosecution). If the complainant chooses merely to have the incident noted by the University, with no intentions of pursuing a formal internal disciplinary process, s/he/they must be informed that this decision does not preclude him/her/them from laying a charge with the South African Police Service. The Manager: Anti-harassment & Discrimination must ensure that the complainant understands the implications of the options such that an informed decision can be made.

(ii) *External process:* Upon reporting the incident to the Manager: Anti-harassment & Discrimination, the complainant will be encouraged to report the matter to the South African Police Service (SAPS). This is an external process. In the event of a complainant exercising this choice, the Manager: Anti-harassment & Discrimination must arrange for the complainant to be taken to Settlers Hospital for a medical examination and the collection of forensic exhibits (if this step is required). Forensic evidence is collected from complainant only if the sexual offence is reported to the police. The University Health Care Centre does not collect forensic evidence from complainants. A detective will be called in to take a statement in the complainant's preferred language. If the complainant's preferred language is not English, the statement will be translated into English if necessary. A member of the Rape Survivors Support Group will assist the complainant. The complainant may request a copy of his/her/their statement. An additional statement may be obtained from the complainant at a later stage if the initial statement lacks detail or is unclear.

The police official who takes the statement will give the complainant a case number which the complainant must use whenever s/he/ they makes enquiries about the progress of their case. The complainant must provide the police official with his/her/their contact details and must inform the investigating officer assigned to the case of any change of address or contact details.

The investigating officer will let the complainant know –

- his/her/their contact number;
- when the suspect is arrested;
- if the suspect is released on bail;
- if the complainant needs to attend an identification parade;
- the date of the trial;
- when the complainant will have to give evidence; and
- the outcome of the case.

Once the police have completed their investigation of the case, the case docket will be handed to a prosecutor to decide whether or not to institute a prosecution. The complainant does not need a lawyer. The prosecutor acts on the complainant's behalf. The complainant is not required to pay for this service.

### 5.3. Medical care

The Manager: Anti-harassment & Discrimination will make an immediate referral, unless a criminal case is lodged, to the Health Care Centre for the complainant to receive urgent attention for medical services. Complainants presenting themselves at a Health Care Centre alleging that they have been raped or sexually assaulted, must be treated with dignity and respect and in an unquestioning manner (i.e. the complainant's version must be accepted as accurate).

Medical services offered by Rhodes University to the complainant include, but are not limited to:

- a. PEP for HIV and for other sexually transmitted infections ( within 72 hours );
- b. Emergency contraception;



- c. Treatment of injuries.
- d. Laboratory investigations e.g. Cervical smear and Sexually Transmitted Infections blood.
- e. Tetanus injection

**Note: The Health Care Clinic does NOT collect forensic evidence from complainants for the purposes of DNA comparative testing. This is only done if the complainant lays a complaint with the South African Police Service.**

#### **5.4. Psychosocial support**

The Manager: Anti-harassment & Discrimination must establish the complainant's need for psychological attention and ensure that the complainant does receive psychological attention immediately. Complainants will be referred to the Counselling Centre and the Manager: Counselling Centre will ensure that they receive priority attention. If the Counselling Centre is not available, services of an external Counselling Psychologist who is based in Grahamstown/Makhanda will be secured.

Continuous psychosocial support will be available for complainant/s whether they opt for an internal or external reporting process.

#### **5.5. Safety and security**

In instances where there is a reasonable apprehension that the unmonitored presence of the alleged perpetrator on campus may impinge the safety and/or wellbeing of the complainant and/or potential witnesses, the University may take such interim measures as may be necessary to limit the prospects of the alleged perpetrator interfering with the complainant and/or potential witnesses. In this regard, the Manager: Anti-harassment & Discrimination must inform the complainant of the availability of protective measures where and when appropriate, ideally at the first meeting with the complainant. These protective measures include:

- a.** alternative accommodation: The Director: Student Affairs shall provide alternative accommodation ( safe house) for students on request;
- b.** no-contact order: An order must be requested and will be granted only after assessment by the Vice-Chancellor or his/her nominee as stipulated in the Student Disciplinary Code. In addition, a no-contact order can only be issued after the alleged perpetrator has been informed of the no-contact request and has been afforded an opportunity to respond to the request;
- c.** suspension order: An order must be requested and will only be granted after assessment by the Vice-Chancellor or his/her nominee as stipulated in the Student Disciplinary Code;
- d.** protection order through the Magistrates Court.
- e.** leave of absence for the complainant: This must be supported by the Director: Student Affairs;

#### **5.6. Alternative Dispute Resolution (ADR) and sexual offences**

The University permits the resolution of certain charges through a mediated process, however it is extremely important that the complainant (as well as the accused student) be fully informed in regard to such a decision. The Student Disciplinary Code stipulates that mediation; is not permitted in matters which are (in the discretion of the Vice-Chancellor) of a serious nature.

Alternative Dispute Resolution, including but not limited to mediation, in cases of sexual assault and rape will not be permitted. Reasons for this include:

- a.** In the ADR process there will be no official decision in regard to the guilt or innocence of the accused student, and the accused student will not have any sanction imposed upon him/her/them.
- b.** The accused student will not necessarily admit guilt or show remorse during an ADR process, as this is not a requirement.

- c. The interests of justice require that in matters of a serious nature (particularly sexual assault and rape matters, which the courts have recognised are a scourge upon society), a clear message needs to be sent in order to protect the public interest, promote public confidence in the justice system, as well as obtaining justice for those affected by such offences.
- d. The ADR facilitator or the complainant can be compelled to give evidence in a court of law as there is no legal privilege existing in the ADR process. The alleged perpetrator would need to be informed of this.

In **Seedat v S (2016) SCA at paragraph 39** the court stated:

“Rape has become a scourge in our society and the courts are under a duty to send a clear message, not only to the accused, but to other potential rapists and to the community that it will not be tolerated. (See *S v Chapman* 1997 (3) SA 341 (SCA) at 344-345D.) Whilst the object of sentencing is not to satisfy public opinion, it needs to serve the public interest. (See *S v Mhlakaza & another* 1997 (1) SACR 515 (SCA) at 518e-f; *S v Maseola* [2010] ZASCA 37; 2010 (2) SACR 311 (SCA) para 13.) Criminal proceedings need to instil public confidence in the criminal justice system with the public including those close to the accused, as well as those distressed by the audacity and horror of crime. (*S v Jaipal* 2005 (1) SACR 215 (CC) para 29.) Indeed the public would justifiably be alarmed if courts tended to impose a suspended sentence coupled with monetary compensation for rape.”

In **Director of Public Prosecutions, North Gauteng v Thabethe 2011 (2) SACR 567 (SCA) at paragraph 20** the court stated:

“I have no doubt about the advantages of restorative justice as a viable alternative sentencing option provided it is applied in appropriate cases. Without attempting to lay down a general rule I feel obliged to caution seriously against the use of restorative justice as a sentence for serious offences which evoke profound feelings of outrage and revulsion amongst law-abiding and right-thinking members of society.”

#### 5.7. Conduct between Staff and Students

- a. The University has a protocol which regulates close relationships between staff and students. This protocol must be followed as soon as such a relationship develops.
- b. The University strongly discourages sexual or intimate relationships between staff and students and urges all staff and students to avoid relationships that may compromise the image of the University or render either party, in particular the student, vulnerable to exploitation because of the relationship.

## 6. ROLES AND RESPONSIBILITIES

(Roles and responsibilities of Key personal/Divisions/Faculties/Departments)

ROLE	RESPONSIBILITY
<b>ROLE 1</b> <b>Manager: Anti-harassment and Discrimination</b>	<ul style="list-style-type: none"> <li>• Being the first port of call for complainants of sexual and gender-based violence, s/he /they must explain the options available to the complainant including criminal prosecution (see the attached flow chart).</li> <li>• Provide a complainant with assurance that their complaint will be dealt with confidentially unless particular recourse is sought and confidentiality cannot be guaranteed. However, the prior consent of the complainant must be obtained.</li> <li>• At the first time of contact with the complainant, be it in person or by phone or email, the Manager: Anti-harassment &amp; Discrimination must establish if the complainant has received medical attention and counselling.</li> <li>• If the complainant has not yet received medical attention, s / h e /they must be informed of what this might entail, and if they wish to receive</li> </ul>

	<p>medical assistance, the necessary transport to an appropriate medical facility must be arranged promptly.</p> <ul style="list-style-type: none"> <li>• If the complainant wishes to receive crisis counselling, the Manager: Anti-harassment &amp; Discrimination must arrange an appointment promptly.</li> <li>• The Manager: Anti-harassment &amp; Discrimination must, at the time of the first contact, inform the complainants: <ul style="list-style-type: none"> <li>(i) of available protective measures ( as outlined in 5 above );</li> <li>(ii) of the right to lay a criminal charge <del>at</del> with the South African Police Service; and</li> <li>(iii) that the prosecuting authorities will decide whether or not to institute a prosecution but the complainant may approach the authorities to withdraw the charge.</li> </ul> </li> <li>• Where the complainant chooses formal disciplinary action, the matter must be referred immediately to the relevant officer for further action. <ul style="list-style-type: none"> <li>(i) In the case of an alleged perpetrator being a student, matters for disciplinary action must be referred to the Prosecutors.</li> <li>(ii) In the case of an alleged perpetrator being a staff member, matters for disciplinary action must be referred to the Employee Relations Manager.</li> </ul> </li> </ul> <p>The Manager: Anti-harassment &amp; Discrimination must :</p> <ol style="list-style-type: none"> <li>a. make a record of any reported incident, how it was handled and any decisions taken with regard to the incident;</li> <li>b. ensure that there is awareness in the University community about sexual and gender based violence;</li> <li>c. provide weekly reports and a six-monthly report to the Director: Student Affairs;</li> <li>d. co-ordinate the review of this policy (as outlined in this policy).</li> </ol>
<p><b>ROLE 2</b>  <b>Head Nurse: Health Care Centre</b></p>	<ul style="list-style-type: none"> <li>• Explain the options to the complainant including the option of criminal prosecution;</li> <li>• Ensure that the complainants receive priority attention upon arrival at the Health Care Centre;</li> <li>• Ensure that Rhodes University medical services are offered to the complainant, including, but not limited to: <ol style="list-style-type: none"> <li>i. PEP for HIV and for other sexually transmitted infections</li> <li>ii. emergency contraception</li> <li>iii. treatment of injuries.</li> <li>iv. laboratory investigations for cancer and STI s</li> <li>v. tetanus injection</li> </ol> </li> </ul>
<p><b>ROLE 3</b>  <b>Counselling Centre Head</b></p>	<ul style="list-style-type: none"> <li>• Ensure that the complainants receive priority attention upon arrival at the Counselling Centre;</li> <li>• Ensure that counselling services are offered to the complainant.</li> </ul>

<b>ROLE 4</b> <b>Director: Student Affairs</b>	<ul style="list-style-type: none"> <li>• Provide oversight and advice in relation to the services rendered to the complainant/s;</li> <li>• Ensure that there is provision for alternative accommodation for complainant/s who may be in need.</li> <li>• Support the leave of absence for the complainant/s as a protective measure.</li> </ul>
<b>ROLE 5</b> <b>Prosecutors</b>	<ul style="list-style-type: none"> <li>• Activating the disciplinary action process in line with the Student Disciplinary Code;</li> <li>• Ensure that matters are handled and concluded as expeditiously as is reasonably possible;</li> <li>• Providing regular feedback to complainant/s regarding progress in the investigation;</li> <li>• Providing the Director: Communications and Advancement with information for media</li> <li>• reporting as and when needed, whilst maintaining confidentiality.</li> </ul>
<b>ROLE 6</b> <b>Employee Relations Manager</b>	<ul style="list-style-type: none"> <li>• Activating the disciplinary action process in line with the Staff Disciplinary Code;</li> <li>• Ensure that disciplinary matters are handled and concluded in an expeditious manner;</li> <li>• Providing regular feedback to the complainant regarding progress in the investigation;</li> <li>• Providing the Director: Communications and Advancement with information for media reporting as and when needed, whilst maintaining confidentiality.</li> </ul>
<b>Role 7</b> <b>Vice-Chancellor</b>	<ul style="list-style-type: none"> <li>• Entering into memoranda of understanding with other training institutions to ensure that procedures are put in place that enable students and staff to lodge their complaints and ensure that these are investigated expeditiously.</li> <li>• Ensuring that contracts with service providers that offer direct services to students include a provision deterring them from any form of sexual assault. Any sexual assault of a student by an employee of a service provider may constitute a breach of contract and there is an expectation that the employee of a service provider will be reported to the police.</li> </ul>

## 7. MECHANISMS TO MONITOR THE IMPLEMENTATION OF THE POLICY

The University has established a Sexual Violence Task Team, which will monitor the nature and extent of sexual and gender-based violence on campus.

- a. The Manager: Anti-Harassment & Discrimination will keep an anonymous record of every reported case, notwithstanding the fact that the complainant does not wish the matter to proceed with any formal process.
- b. Using these individual records, the incidents of sexual violence and gender-based violence will be collated by the Manager: Anti-Harassment & Discrimination and reported on. The report must indicate whether the complainant reported merely for record purposes, or to seek advice or to explore the option of instituting a prosecution.
- c. A six-monthly report on the statistical data must be presented to the Sexual Violence Task Team.
- d. Regular surveys must be conducted to assess the nature and extent of sexual and gender-based violence on campus.

## 8. CONTACTS

Area of Concern	Division/Faculty/Department	Telephone	Email
Reporting	Equity and Institutional Culture	046 6038187	z.mkhize@ru.ac.za
Reporting	ER 24	010 205 3068	
Reporting	Grahamstown Police Station Duty Officer	071 475 1838	

## 9. POLICY REVIEW PROCEDURE

(Actions and processes by which the policy will be reviewed)

The Chair of the Disciplinary Committee shall set up a task team every three years to review the Policy. This Committee shall include the following officers or their nominees:

- Director: Equity and Institutional Culture
- Director: Student Affairs Division
- Director: Special Projects
- President and Vice President of the SRC
- A University Prosecutor
- A Proctor.
- Chair of GENACT
- Manager: Anti-Harassment & Discrimination.

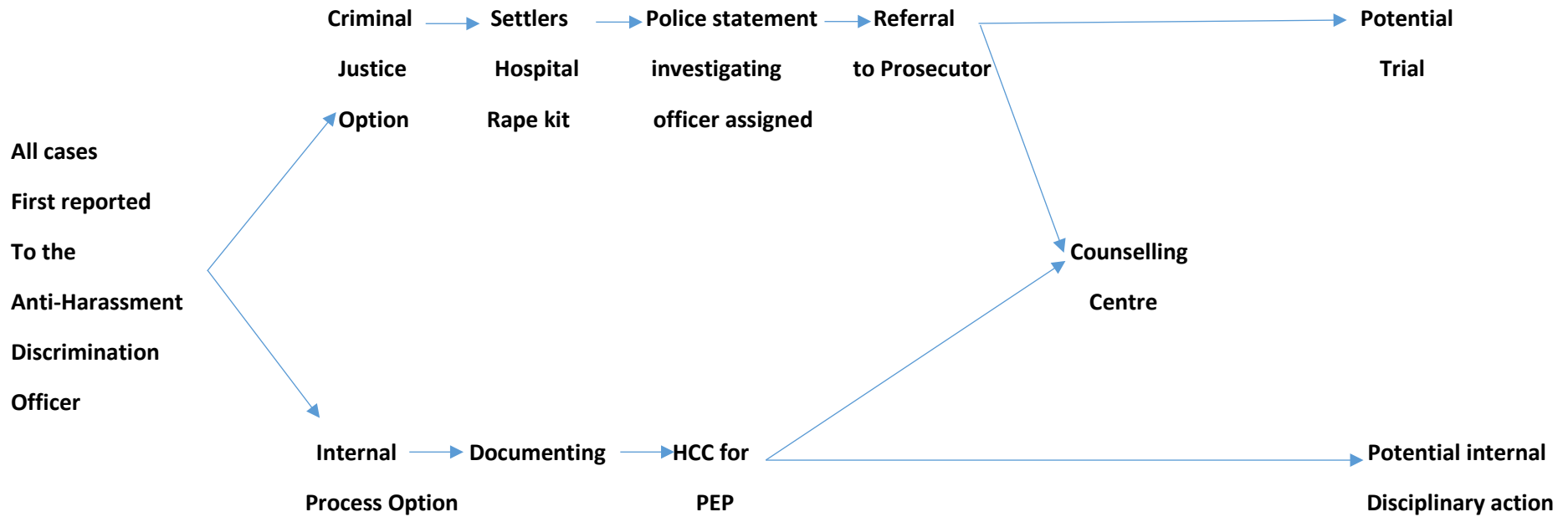
### Communication of the review process

The Sexual Violence Monitoring Task Team shall identify the gaps in the policy as determined by the various role players at implementation level. Changes to be effected will be integrated into the policy and a draft document will be developed. Consultative sessions will be held with the Student Representative Council, Student Services Council, GENACT and then the document will be forwarded to the relevant approval structures namely the Student Disciplinary Committee, Senate Executive, Senate and Council.

LIST OF APPENDICES

**APPENDIX A**

**SEXUAL ASSAULT REPORTING PROCESS**



*Paragraph 1.15 of the Student Disciplinary Code provides: "A student who is convicted of any crime in a court of law shall be rebuttably presumed to have committed the crime(s) of which they have been found guilty".*

