

# “WE WILL NOT BE SILENCED”

A THREE-PRONGED JUSTICE APPROACH TO SEXUAL OFFENCES  
AND RAPE CULTURE AT RHODES UNIVERSITY/UCKAR

## EXECUTIVE SUMMARY



**RHODES UNIVERSITY**  
*Where leaders learn*

**SEXUAL VIOLENCE TASK TEAM**  
**DECEMBER 2016**

“WE WILL NOT BE SILENCED”<sup>1</sup>:  
A THREE-PRONGED JUSTICE  
APPROACH TO SEXUAL OFFENCES  
AND RAPE CULTURE  
AT RHODES UNIVERSITY/UCKAR<sup>2</sup>

SEXUAL VIOLENCE TASK TEAM  
DECEMBER 2016

**This document contains the executive summary of the Sexual Violence Task Team report. For the full report, please refer to:  
<http://www.ru.ac.za/criticalstudies/policybriefsfeedbackreports/>**

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1 This was a slogan used during the #RUReferenceList protests. As with all slogans, there are multiple possible meanings, for example that women will not be silenced by: (1) the stigma surrounding rape; (2) the gender dynamics implicit in sexual violence; or (3) the injustices surrounding low conviction rates. It also refers to the Silent Protest, which used silence as a metaphor to highlight the injustices perpetrated around sexual violence, but which, it was argued, did little to fundamentally shift the dynamics underpinning sexual violence.

2 The name of the University is currently under review. Given that the outcome of this process is not yet finalised, we use both signifiers: Rhodes University and the University Currently Known as Rhodes (UCKAR) in the title of this document. In the document itself we refer to the University.

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- » RUReferenceList protesters for their activism in putting the issue of sexual violence and rape culture at the forefront of thinking in this University and in the Higher Education sector in general. Whatever any particular individual may think of the methods used, the protests raised an important and neglected area of focus.
- » Members of the steering committee of the Sexual Violence Task Team (SVTT) as well as the various sub task teams. The names of these members are listed in Appendix 2. They committed hours to attending meetings, talking to relevant people, consulting documents, and sharing their ideas for how to effect change around rape culture and sexual violence at our University.
- » The members of the Sexual Violence Task Team who contributed to the writing of this report. These are, in alphabetical order: Rod Amner; Dinah Arnott; Charmaine Avery; Kim Barker; Werner Bohmke; Dr Malvern Chiweshe; Laura de Lange; Natalie Donaldson; Sarah Green; Chelsea Haith; Prof Michael Joseph; Dr Lindsay Kelland; Jordan King; Prof Philip Machanick; Prof Catriona Macleod; Jabulile Mavuso; Manthipe Moila; Nomangwane Mrwetyana; Prof Sam Naidu; Yanela Ndabula; Craig Paterson; Jay Pillay; Prof Lynn Quinn; Prof Esther Ramani; Diale Rapula; Judith Reynolds; Susan Robertson; Prof Alex Sutherland; and Prof Pedro Tabensky.
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- » Liz Chitiki, who will continue with administrative assistance in 2017.
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# EXECUTIVE SUMMARY

In April 2016, a Sexual Violence Task Team (SVTT) was set up to explore how a counter culture to rape culture may be implemented at the University. The task team and its terms of reference were set up in a participatory process outlined in Appendix 1 of this report. Six major issues were identified for consideration: creation of safe spaces for complainants; review of policies and procedures; curriculum issues; systemic issues; local and national dialogues; and monitoring and evaluation of implementation of recommendations.

The SVTT consisted of various sub task teams and a steering committee. Each sub task team produced a report that was consolidated by the steering committee. Names of the members of the task team are included in Appendix 2. Draft reports were sent out to all members of the University community for comment. Comments were incorporated or responded to. In addition, the advice of external legal experts from Wits University and the University of Cape Town was sought, and discussions were held with Advocate Turner of the National Prosecuting Authority (NPA).

This executive summary provides an overview of the recommendations emanating from the SVTT. Details concerning how the SVTT arrived at these recommendations are provided in the body of this report.

## OVERARCHING RECOMMENDATIONS

The overarching recommendations of the SVTT are:

1. The University should adopt a three-pronged justice approach to dealing with sexual harassment at the University. The limitation of relying solely on a retributive form of justice has been exposed by the #RUReferenceList protests. It is, therefore, recommended that the University adopt a conceptual approach that draws simultaneously from the principles of:
  - a. retributive justice (support for people who opt to use the criminal justice system; internal disciplinary procedures);
  - b. remediation, mediation, and restorative justice (processes whereby harms are acknowledged and amends made);



Manager of the Sexual Harassment Office in conjunction with relevant people in other divisions (notably Human Resources and Student Affairs), but, if there are delays in appointment, by a person designated to do so.

6. Summarised, easy to read documents of the policies should be easily accessible both electronically and in hard copy in spaces that students frequent (e.g. residences, library). As a result of the #RUReferenceList protests in April, a RUConnected Resource was created as a central repository for various pieces of information and resources. The RUConnected site should be further developed with not only resources and information, but also ideas and conversations about sexual violence and how to deal with these issues in various contexts within the University, including residences and the classroom.
7. A network of support for complainants should be created, including support advocacy officers/peers: staff members and students from across the University (including all grades of staff), who volunteer to be trained and to support complainants as necessary. It is recommended that reporting be the purview of the Manager of Sexual Harassment Office, who will be thoroughly *au fait* with all procedures relating to the reporting of sexual offences. Complainants should be offered a choice of support advocacy officers/peers once they have reported their complaint (either online – see recommendation below – or in person). These support advocates would be well versed in the policies and procedures, both internal and external, and will be trained in basic listening and containment skills. They will provide informational support, particularly in terms of the various options available and the importance of retaining evidence in the case of prosecution. Importantly, they would provide emotional support to a complainant and would walk them through the various phases of the process decided upon. These support advocates are not legal representatives or counsellors, but rather people who are “on the side” of the complainant, who can see the complainant through whichever avenue s/he chooses (lawyers and counsellors may, of course, volunteer to be support advocates). There should be a range of support advocates with varying demographics available in order for students to select a support advocate with whom they feel most able to talk about sexual violations. Support advocates would be required to take an oath of confidentiality tailored to the requirements of the position, and should receive regular debriefing from a qualified professional. They should provide regular updates to the Manager of the Sexual Harassment Office. These support advocacy officers/peers are not the same as the supporting or reporting officers referred to in the current policies. They will not be tasked with receiving the complaint or ensuring that the complaint is followed up through the system. In addition, their function is to work with specific complainants, rather than doing outreach or preventative work that the peer supporters referred to in Recommendation 42 (see below) would do.
8. Reporting officers in the Sexual Harassment Office should be trained to take proper statements under oath and follow correct procedures in terms of obtaining medical examinations, even if the complainant does not wish to proceed with the case. Apart from the complainant’s own health needs, following strict and correct procedures could help in opening a case docket and in the case holding up in court, should the complainant decide to proceed through the Criminal Justice System (CJS) at a later stage. If a complainant wishes to be examined at a state hospital, then a case docket is needed.
9. There should be various options open to complainants who lay a complaint within the University, as follows (each of these is outlined in more detail in the body of the report):

- a. Strong support for the complainant to lay a charge through the CJS should that be her/his decision (nobody should be coerced into this option though);
  - b. Internal disciplinary procedures in which sanctions are applied for the misconduct of sexual violence/harassment if proved on balance of probabilities;
  - c. Restorative Justice Procedure in which a restorative justice conference results in an acknowledgement of harm and the making of amends;
  - d. Mediation between parties with a trained mediator facilitating the process (it is recommended that a clear distinction be made between mediation and restorative justice; it may be inappropriate for more serious cases and cases where there is a large power differential to be resolved in this manner as mediation implies resolution of a conflict rather than a form of justice);
  - e. Remedial Discussions where the complainant does not wish to pursue any of the above, but the University feels that the complaint is of a sufficiently severe nature or there is evidence that the alleged perpetrator has offended more than once (recommended procedures for this are contained in the body of the report).
- 10.** Clear structures of accountability will be necessary for the proposed Sexual Harassment Office. The Gender Action Forum (GenAct) should oversee the implementation of all of the task team mandates through the Sexual Harassment Office, taking into cognisance the recommendations made in all of the task team reports. Regular reports should serve at GenAct and the Equity and Institutional Culture Committee meetings. Where necessary, these reports should also serve at meetings of Senex and Senate. These reports should include a formal, anonymised record of all reports of sexual harassment. These reports should be made publicly available to the University community.

## RETRIBUTIVE JUSTICE

There are two forms of retributive justice open to a University student/staff complainant: the criminal justice (CJS) system and the University disciplinary procedures. It must be noted that these are very different and parallel systems: the CJS system punishes crimes and needs to prove that a crime is committed beyond a reasonable doubt for conviction. The internal disciplinary system punishes offences that contravene the agreed upon rules laid out by the University. Proof, in this instance, is on a civil rather than criminal standard – on a balance of probabilities/preponderance of evidence. Various possible avenues should all be made available, as appropriate, for the exercise of retributive justice:

- a. Criminal justice system only: the complainant decides to lay a criminal charge without laying a formal complaint within the University system.
- b. Criminal justice system followed by disciplinary system: complainant lays a charge with the criminal justice system, which, depending on the outcome of this process is followed by a disciplinary hearing at the University. The Student Disciplinary Code provides that “[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”. However, if they are not found guilty of the crime, but there is sufficient evidence for an internal charge of misconduct, a disciplinary hearing may proceed, provided that it is noted that while certain evidence (such as a medical report) used in criminal proceedings can be used



as evidence, any testimony given in the criminal prosecution cannot be reused. Testimony would have to be delivered anew.

- c. Criminal justice system and disciplinary system are set in motion simultaneously. The two streams of prosecution can run concurrently and do not interfere with one another. They carry different burdens of proof from one another and they are done via two different and separate channels. Furthermore, the verdict in one does not affect the verdict in the other, and the charges are not identical (It has been suggested by members of the Law Faculty that this option is not possible. Our response is contained in the body of the report and in Appendices 3 and 4; we recommend that the prosecutors and Manager of the proposed Sexual Harassment Office liaise directly with the National Prosecuting Authority when charges are laid simultaneously through both the CJS and the internal disciplinary system).
- d. Complainant lays a disciplinary charge only.

In terms of (a) above, Advocate Turner of the National Prosecuting Authority indicates that the police investigation takes about six weeks. She indicates that the NPA will communicate with the University their decision about whether to proceed with prosecution. She recommends that the University consider issuing no contact orders and/or suspension orders on the charge being laid with the CJS. If the prosecution does not proceed, the NPA will make any complainant statements and medical reports available to the University in case they wish to proceed with a disciplinary case, as in (b) above. She questions the word “rebuttably” noted in (c) above, as this seems to suggest that the respondent may rebut the court’s judgement. This word may need to be reviewed in the context of the disciplinary codes.

### The criminal justice system

- 11. Mechanisms of support for the administration of external retributive justice need to be established. These include, but are not limited to:
  - a. Providing information on the processes to be followed for the magistrate’s court to issue a protection order; support in navigating such processes should the complainant opt for this;
  - b. Assisting the complainant in obtaining legal counsel;
  - c. Liaison with the National Prosecuting Authority regarding the case, including information about the possibility of no contact and suspension orders on the basis of the complaint being laid through the CJS;
  - d. Advocacy support officers or peers providing support (e.g. information on processes; accompanying complainant to court etc.).

### Formal internal disciplinary procedures

- 12. The contradictions between the various policies for internal disciplinary procedures need to be ironed out. These include: supporting officers referred to in one policy and reporting officers in another with no clarity on the difference between them (however, see our recommendation regarding this); no-contact orders being issued by the VC in one policy and by the Dean of Students in another; the Fairness Forum being referred to in one policy but not in another (see later recommendation, however); the Sexual Offences Disciplinary Board being referred to in one policy but not in another.

13. A number of processes that are referred to in the policies are no longer being implemented, and there are a number of inaccuracies. For example, reporting officers are still referred to although these positions have been eliminated; the Dean of Students, and student and staff co-ordinating officers are referred to although these positions no longer exist. These inaccuracies need to be attended to in the writing of the comprehensive Sexual Offences Policy recommended above, and in the revisions of other policies.
14. The definitions of rape, sexual assault, and sexual harassment must be constructed in a manner that is clear, well-thought out and not contradictory, and must be in line with national legislation; these definitions must highlight that any form of sexual harassment or violence is deemed as **serious** misconduct, and is an abuse of power.
15. Future policies and guidelines should acknowledge that offenders may be in positions of authority that provide them with added responsibility in terms of moral behaviour. In addition to general sanctions, guidelines should explicitly address what happens when, for example:
  - a. An alleged student perpetrator is in an elevated position of power because they are a tutor, mentor, house committee member, sub-warden, SRC representative (Suspension from this position while the case is pending and removal from it if found guilty should form part of the list of possible sanctions);
  - b. An alleged perpetrator is in an elevated position of power – e.g. a staff member abuses a student, a senior staff member abuses a junior staff member (It is recommended that stiffer penalties should accrue in such instances, in comparison to cases where such differentials are not in place);
  - c. There are particular power relations between the parties that suggest that, in addition to the gendered nature of the abuse, the action could be viewed as a hate crime in terms of race, class, ability, religion, or sexual orientation (Stiffer penalties than would accrue in the absence of the hate crime are recommended).

It should be acknowledged that the determination of power differentials in relationships is, in itself, an operation of power. It is recommended that the view of complainant is explicitly elicited in this regard, which may reveal often hidden dimensions of power differentials (e.g. affiliations, familial associations, past links etc. in addition to questions of race, class, ability, religion, sexual orientation mentioned above).

16. In line the Criminal Law (Sentencing) Amendment Act 38 of 2007 that “regulate[s] the imposition of discretionary minimum sentences for certain serious offences”, guidelines for sanctions for particular kinds of offences should be outlined in the policy and linked to various levels of discipline and/or levels of offences subject to the Zinn Triad - sanction requires consideration of three factors viz. the crime (the offence), the criminal (the offender), and the interests of society (the interests of the University community). There should therefore be a prescribed sanction of exclusion and dismissal for rape and sexual assault. In line with the Sexual Offences and Related Matters Amendment Act 32 of 2007, the following should also be considered: (a) whether the alleged perpetrator (i) committed the offence with the intent to gain financially, or receive any favour, benefit, reward, compensation or any other advantage; or (ii) gained financially, or received any favour, benefit, reward, compensation or any other advantage; (b) if exclusion is not the sanction, then if practicable and if the convicted person demonstrates the potential to benefit from such, the sanction should include attendance of, and participation in, treatment and/or courses related to sexualities, gender, and violence. The overarching Sexual Offences Policy and all disciplinary codes should include definitions of all types of sexual offences that are subject to discipline.

- 17.** The Student Disciplinary Code currently states that where “a student has been acquitted due to lack of mental capacity, the student may not remain at the University or return to the University without undergoing a full psychiatric assessment, the findings of which must confirm that the student is of sound mind.” Remembering that the University must undertake to ensure that all students and staff members are protected from harm, and that psychiatric assessments are based on clinical judgement, it is recommended that this be changed to: “where a student has been acquitted due to lack of mental capacity, the student may not remain at the University or return to the University without undergoing a full psychiatric or clinical psychological assessment by a person designated by the University. The student him/herself may supplement this assessment with a privately obtained one. The assessment must confirm that the student is stable, unlikely to be a harm to others or self, and must contain information on the treatment that s/he has undergone or is undergoing. Mechanisms of ongoing treatment and compliance with this treatment while on campus should be included”.
- 18.** In the case of students, sexual offences are heard by a Disciplinary Board for Sexual Offences, a panel of three people appointed by the Vice-Chancellor: a Proctor, a member of academic staff in the Faculty of Law (including the Rhodes University Law Clinic), and a member of the Senate Disciplinary Committee. It is recommended that the Senate Disciplinary Committee member should have a background in gender-based violence and a sensitivity to psychological issues. Should no such person be available on the Senate Disciplinary Committee, the Vice Chancellor should approach another staff member of the University community with the requisite background. In addition, it is recommended that at least two of the members are of the same gender as the complainant. Where the complaint emanates from the Law Faculty itself, no person internal to the Law Faculty should form part of the Disciplinary Board.
- 19.** The decision to prosecute the misconduct of sexual offence is currently determined by the Prosecutor, and the Prosecutor prosecutes on behalf of the University. The complainant has no recourse to other internal retributive justice measures (in external retributive justice, where the National Prosecuting Authority decides to not proceed with charges, individuals have the option of instigating a civil claim). It is recommended that, while the Prosecutor retains the final decision, policy should reflect that the complainant’s wishes must be carefully considered.
- 20.** The policies make provision for Leave of Absence, and no contact and suspension orders, but it is not made explicit that these rights should be emphasized to the complainant. It is recommended that all points of contact with the complainant (including reporting officers located within the Sexual Harassment Office, support advocates, and prosecutors) emphasise the protective measures to which the complainant has access, as well as the procedures that are followed in obtaining these orders.
- 21.** Policies should emphasise the basis on which no contact orders are made and how these orders restrict the person against whom the complaint has been lodged. In the event that a no contact order is issued, various procedures should be put in place: (1) The complainant needs to give permission for relevant people to be notified; (2) the Sexual Harassment Office needs to notify the relevant people (e.g. wardens, HoDs, lecturers) so that arrangements can be made to effect the order (e.g. if the complainant and accused are in the same tutorial group or residence); (3) These relevant people must be informed of the necessity of the no contact order remaining confidential; (4) A copy of the no contact order must be sent to the Campus Protection Unit and the complainant should be alerted to the fact that she may call CPU should the accused breach the no contact order; (5) The limits of what CPU can do in case of their being called in such instances (witnessing the breach; preventing any escalation; warning the accused

of the consequences of breaching a no contact order) should be made clear to the complainant; (6) The accused should be made aware of the consequences of a breach of a no contact order. If someone is convicted of a sexual offence in a court of law, but given a suspended or limited sentence, and they are permitted to return to the University, the complainant should be alerted to this and the possibility of a no contact order discussed with him/her. Clear guidelines should be laid out for official communication of such disciplinary action to all parties concerned in effectively implementing the action. A no contact order without this attendant action is meaningless and amounts to an empty gesture. It must be clear that a no contact order is binding, and that hall wardens, HoDs etc. cannot overturn such an order.

- 22.** It is recommended that the proposed Sexual Offences Policy explicitly states that prosecutors may not discontinue an investigation on the basis of an accused's standing in the University or the wider community, their academic record, or their academic/professional future.
- 23.** The definition of consent contained in the policies should be supplemented to include broad requirements in law (e.g. the capacity to give consent) and to indicate that consent can be withdrawn. Where consent is withdrawn during sexual activity, it is the other party's responsibility to stop. Preventive measures instituted in the University should emphasize the notion of affirmative consent ("yes means yes" rather than "no means no").
- 24.** Further detail on how incidents that occur between staff and students are dealt with is required in all of the policies. In addition, reference to the protocol governing intimate relationships between staff and students needs to be referred to and integrated into all policies.
- 25.** It must be made clear in the Grievance Procedure that staff are entitled to initiate a grievance procedure on the basis of sexual harassment.
- 26.** The various types of sexual offences need to be defined in the Staff Disciplinary Procedure. Currently, there is room for misinterpretation with regards to the disciplinary category of offences. Although sexual offences of any kind are noted in Category C (highest level that results in dismissal), these are not excluded from harassment in Category A (lowest level of offence). Including all sexual offences in Category C may result in complainants not wishing to report more minor cases of sexual harassment, as they do not wish the harsh sanctions attached to Category C offences (i.e. dismissal) to be meted out to the accused. Nevertheless, we feel that sexual harassment of any sort should be seen as a "more serious form of harassment" and should be dealt with under Category B (serious offences). Sexual violence and assault and severe sexual harassment should be dealt with under Category C.
- 27.** The harshest sanction that the University can implement in terms of its internal disciplinary procedures is exclusion for students, and dismissal for staff. In cases of serious sexual violence, charges in the alternative (i.e. a different type of offence) that are sufficient for exclusion/dismissal should be considered. Charges must be framed in terms of what there is a reasonable possibility of proving.
- 28.** The University should employ both internal and external prosecutors. Given the sensitive nature of sexual violence that involves rape or bodily harm, it is recommended that these cases be dealt with by external prosecutors. More minor sexual harassment cases can be dealt with by internal prosecutors.
- 29.** Prosecutors (whether internal or external) should also be conversant with gender and sexuality issues and not just the law. They should have a background in sexual offences law and practice.

- 30.** The policy needs to include the procedures that should be followed in order to obtain a no contact order and suspension order from the Sexual Harassment Office. In addition, the policy should outline the process to be followed in order to obtain a protection order from the magistrate's court.
- 31.** The Policy on Eradicating Unfair Discrimination and Harassment needs revision - as indicated in Recommendation 4(c).
- 32.** The Fairness Forum referred to in the Policy on Eradicating Unfair Discrimination and Harassment is meant to be convened prior to the initiation of disciplinary processes. The exact role of the Fairness Forum is unclear. In one place it is indicated that the Fairness Forum "plays an advisory role" to the University prosecutor. In another, it is stated that the Fairness Forum "shall determine if there is a prima facie evidence to proceed with a disciplinary hearing". It has been reported by the prosecutors that the Fairness Forum does not operate optimally and is an additional hurdle in the process. It is recommended that this process be revisited. Firstly, the notion of a "Fairness Forum" is, in and of itself, problematic, as decisions made in the preliminary process prior to prosecution may not necessarily be based on fairness at all, but rather lack of evidence, wishes of the complainant etc. Secondly, a pre-enquiry phase needs to be efficient. Therefore, it is recommended that a pre-enquiry phase is dealt with in the first instance by a small committee, and only by a broader advisory committee if necessary. It is recommended that the small pre-enquiry committee consists of: one prosecutor, the Manager of the Sexual Harassment Office and one other person from Human Resources, Directorate of Student Affairs, or the Equity and Institutional Culture Office, depending on the nature of the alleged offence. If this committee feels that the case is of such a nature that additional advice would be useful, or if agreement cannot be reached, this committee may call on the larger advisory committee or on external legal advice, including the National Prosecuting Authority. In cases where a pre-enquiry advisory committee is deemed necessary, the policy should provide guidance about the constitution of such a committee. This advisory committee cannot be constituted in the same way as the Fairness Forum as the current policy refers to reporting officers, who no longer exist. It is recommended that there is a balance in terms of gender and that a number of members are sufficiently steeped in the legal aspects as well as gender issues to make reasoned input. In cases pertaining to students, it would be useful if members included the Director of Student Affairs or delegate and SRC representative, and in the case pertaining to staff, a delegated person from HR.
- 33.** The recommended new Sexual Offences Policy needs to refer to the protocol governing intimate relationships between staff and students, as well as procedures to be followed if the complainant is a student and the alleged perpetrator is a staff member or vice versa.

## MEDIATION AND RESTORATIVE JUSTICE

Mediation involves the resolution of conflict between two parties through the facilitation of a trained mediator, while restorative justice is about working through harm and remorse, using a restorative justice process and facilitated by a trained restorative justice officer. In restorative justice no particular sanction is imposed. Rather a process is instituted whereby the accused acknowledges the harm caused, and engages in an agreed upon set of amends. A full explanation of procedures is contained in the body of this document.

- 34.** It is recommended that a clear distinction be made between mediation and restorative justice; it may be inappropriate for more serious cases and cases where there is a large power differential to be resolved

in this manner as mediation implies resolution of a conflict rather than a form of justice. In cases of sexual violence and in cases where the complainant and accused occupy positions that suggest power differentials, restorative justice may be more appropriate.

- 35.** During mediation, it should be made clear that a mediation agreement is binding and that failure to abide by the agreement could result in disciplinary action. In addition, mediation agreements should include provisions that any form of unacceptable behaviour in which a party engaged should not be repeated with other parties. Should this occur, it would constitute a breach of the mediation agreement and could be used in evidence.
- 36.** In restorative justice, rather than concentrating on guilt or a verdict, the primary concern is about harm and remorse. No particular sanction is imposed. Rather a process is instituted whereby the accused acknowledges the harm caused, and engages in an agreed upon set of amends. It is recommended that the RESTORE procedure of a restorative justice conference is followed (this procedure is outlined in the body of the report). It is recommended that strong support be in place so that the complainant is aware that if the restorative justice process is undertaken and guilt is admitted by the accused, this admission would not be helpful to the complainant in a court of law. Having said this, should the restorative process be unsuccessful, the complainant will still be able to pursue a disciplinary or criminal case.
- 37.** Restorative justice has been implemented on a number of college campuses in the United States and in other spaces in Aotearoa/New Zealand, but not in South Africa. It is recommended that funding be sought to bring an expert in this area to the University to provide guidance and training (or alternatively for the Manager of the Sexual Harassment Office to visit sites where the programme is implemented).

## REMEDIAL DISCUSSIONS

- 38.** If the complainant wishes to remain anonymous, or does not wish to pursue any of the mechanisms available to him/her, and if the Sexual Harassment Officer feels that the complaint is of a serious nature, or if multiple complaints have been made about a particular accused without any of the complainants wishing to pursue the matter through formal processes, a process of Remedial Discussions may be suggested by the staff of the Sexual Harassment Office or support advocates. This involves the Manager or another staff member of the Sexual Harassment Office having a discussion with the alleged perpetrator indicating that certain forms of behaviour constitute sexual harassment and violence, and are unacceptable. The alleged perpetrator is provided with a copy of the Sexual Offences Policy. The discussion should proceed without revealing the identity of the complainant or any aspects of the complaint from which the alleged perpetrator could identify the complainant. Procedures for instituting such a discussion in order to minimise harm to the complainant are outlined in the body of the document. The institution of remedial discussions serves the purpose of not only highlighting problematic behaviour to the accused, but also communicates the University's zero tolerance of any forms of sexual harassment.

## REPARATIVE JUSTICE

Reparative justice is associated with restitution or recompense for an injustice: when a person or community's rights, and his/her/their interests are harmed, then this injustice needs to be remedied. Reparations are generally considered at a systemic level. The SVTT understand reparations as consisting of strong support

for people who have experienced sexual violence as well as mechanisms that counter the conditions that enable the occurrence of sexual violence. The SVTT considered the following as resources and processes through which reparative justice could be effected institutionally: the provision of safe spaces to people who have experienced sexual violence; the incorporation of sexual violence and the gendered norms on which sexual violence is premised into the curriculum; the institution of extra-curricular activities to address gender issues and rape culture; transformation of the institutional culture to undermine rape culture; and an ethos of engagement with the broader local and national society in fostering gender equity and undermining rape culture.

### The provision of safe spaces

**39.** We recommend that a dedicated safe physical space (flat or room) be made available for complainants, with the following being in place:

- a. There is no pressure on the complainant to move out of his/her residence or digs;
- b. There are beds for more than one person in case the complainant wants to have a friend or family member stay with her/him;
- c. There is a time limit on the stay in the safe space. (we recommend two weeks as the maximum stay);
- d. Keys are kept at the Campus Protection Unit;
- e. There should be a warden/sub-warden who can help the student settle in and provide them with any practical help that they need;
- f. Packed meals and a care pack (towels, some toiletries, tea and coffee, sanitary pads etc.) are provided.

**40.** Harassment should be removed from the responsibility of the Manager of Student Wellness as a psychologist at the Counselling Centre due to various ethical dilemmas that have been evoked and which could be seriously problematic in future if not prevented. Instead, as noted above, the SVTT recommends that a separate Sexual Harassment Office should be established.

**41.** An online reporting system such as Callisto, a digital rape reporting system which is currently being used in some US colleges, could be developed to allow complainants to report at a time and place that feels safest to them. Funding should be made available either to purchase an out-sourced version that is appropriate to South Africa or for an internal group of Masters/PhD students to develop equivalent software. Clear information of a complainant's reporting options and justice options should be provided on the system. The system allows for the storage of data and for the Sexual Harassment Office to be made aware of cases where complainants point to the same alleged perpetrator. Staff members of the Sexual Harassment Office can then follow up with the complainants (if they did not wish to pursue charges) to ascertain if, in light of there now being more than one complaint against the alleged perpetrator, they wished to proceed with a case. Alternatively, Remedial Discussions, as outlined above, could be followed. When complainants report their complaint, they should be alerted to the fact that University may contact them should further information (e.g. more complaints) come to light. The online system could include channels of support if the complainant chooses to stay anonymous. A similar "information portal" (including information on support) could also be set up for people who consider themselves potentially to be perpetrators.

- 42.** In addition to the support provided by support advocates, peer supporters could provide ongoing and sustained support. People may choose to do both the support advocate work and the peer support work or either. Peer supporters' work could include outreach-type activities: talks, opportunities for sharing stories, workshops etc. In addition, they could provide support to any complainants needing support (outside of the formal support provided during the retributive justice or restorative justice process, and for incidents that may have taken place prior to the person entering the University). This support could take place online or face to face. Training and debriefing opportunities for the peer supporters will need to be provided.
- 43.** Some, but not all, complainants may welcome the opportunity to speak to a psychologist in the Counselling Centre. This option should be made clear to the complainant. Psychologists and interns working at the Counselling Centre should be versed in dealing with cases of sexual violence, which should be included in their training; in addition, the caseload of the Counselling Centre should be reviewed on a regular basis to see if additional human resources are required.
- 44.** We recommend that the Academic Project and Protocol Facilitation Committee investigate interventions which would highlight the importance of mutual respect and tolerance of difference in political practices and engagements specifically in residences, as these should remain a space where students should feel safe and at home.

### **Increasing student safety**

The SVTT recommends instituting a number of initiatives that could assist with preventing sexual violence directly. This is separate to the initiatives that undermine rape culture and gendered norms.

- 45.** Bystander intervention trains students to identify and intervene in potentially harmful situations. The aim is to prevent sexual assaults by training students and staff to recognise and intervene in situations that could lead to sexual assault. It is recommended that this be included in the Orientation Programme of First years. Lessons from other such initiatives (e.g. Bell Bajao, Ring the Bell, which encouraged men to act against gender based violence) can be used to inform this training.
- 46.** There are a number of generic safety applications for cellphones (e.g. Circle of 6 which allows a person to add 6 people to contact in cases of emergency); these could also be an important tool in rape prevention. It is recommended that a customized app for the South African context with emergency numbers, support services' details etc. be developed/explored and that students be made aware of, and encouraged to use, the app.
- 47.** Contact numbers and physical addresses of doctors, the hospital, the Sexual Harassment Office, and the Counselling Centre should be made available to all students and staff in the form business cards, flyers, and posters on campus and online.

### **Increasing awareness and training on campus: Extra-curricular activities**

- 48.** A code of conduct that covers sexual violence, offences and harassment should be developed and every student and staff member should be required to sign a declaration stating that they have read the document, understand it, and agree to abide by the code.
- 49.** We recommend (a) an online training programme be instituted that all staff and students completes, with



basic information that everyone should know, and (b) more comprehensive workshops (which includes basic counselling skills) for those (e.g. wardens) who are more likely to be approached be conducted.

- 50.** In terms of 48(a), it is recommended that all staff and students be required to complete an online programme on sexual violence with the aim of instilling: (1) basic knowledge about South African law when it comes to rape and sexual violence, not only in terms of the legal definitions of rape, consent etc., but also in terms of reporting a case of rape to the police and how to go about getting evidence collected in ways that will hold up in court; (2) an understanding of whatever internal policies and procedures there are in place at Rhodes University, both in terms of disciplinary action and support; and (3) an understanding – gained through a range of vignettes, narratives etc. – of the impact(s) of rape and sexual violence on complainants, and on society, as well as the impact of rape culture on the ways in which we, as individuals, see ourselves and one another, and act in the world, and how our language, beliefs, values, and norms reflect rape culture.

Haven and End Violence Against Women International's Online Training Institute are online courses currently being used in some American and British Universities. They are effective as methods for disseminating information and training on sexual violence. The SVTT recommend that an online course mapped onto the Haven system but that accounts for the South African context of rape culture, and perhaps drawing on theory from Pumla Dineo Gqola's book *Rape: A South African Nightmare*, should be made compulsory for students entering the University. It would need to be implemented campus-wide initially but after this initial roll-out it could be implemented solely at first year level.

- 51.** In terms of 48(b), it is recommended that a range of in-depth workshops be provided in line with the needs of the particular participants. This would apply to Hall and Residence Wardens, Health Care Centre staff, support advocates, peer supporters, any staff members (and older students/survivors) to whom the students are likely to report, those working in the Division of Student Affairs and the Vice-Chancellor's Office, and prosecutors and proctors. The aims of the workshops would include: how to respond to the survivor in a way that does not cause further harm; in-depth analysis of rape culture and gendered norms; and basic listening and counselling skills (where appropriate).
- 52.** Student leaders (which include sub-wardens and house committee members) are expected to attend a week of training before the Orientation Week Programme commences. The SVTT recommends that the Student Leadership Training Programme, which is vital in equipping student leaders within the residence and Oppidan system to speak about, and assist with, issues pertaining to sexual violence, should continue. Consideration should be given to increasing the amount of time devoted to gender and sexuality issues during this week. The Manager of Student Wellness should liaise with the proposed Manager of the Sexual Harassment Officer in providing these inputs.
- 53.** The SVTT recommends a re-imagined Orientation Week and Beyond with activities and initiatives relating to sexual violence and rape culture being included in this week. These activities could then form the foundation for ongoing extra-curricular initiatives. Ongoing focussed events should take place during the first semester – during, for example, lunch time, in the evenings, and at weekends. A re-imagined O-Week and Beyond programme could involve a sustained and regular programme of residence discussions, rather than a single workshop during O-Week. It is also imperative to find a way of reaching Oppidan students. One of the Oppidan Committee portfolios from 2017 is a Transformation Representative. This person's portfolio could include issues of sexual violence.

- 54.** Over the past few years, but particularly in 2016, a number of students and staff members who are regarded as knowledgeable on issues of gender, sexuality, and rape culture, have been asked by residence student leaders and/or wardens to facilitate discussions with their students in their residence. It is recommended that more of these types of conversations take place. The Manager of the proposed Sexual Harassment Office should alert all wardens and sub-wardens to the possibility of such talks, and co-ordinate the setting up of such talks.
- 55.** It is recommended that a new profile be added to the residence House Committees, namely a Sexual Violence representative responsible for talks in residences, knowing the sexual harassment policies and procedures, and as a potential port of call for students to speak to.
- 56.** It is recommended that staff with expertise in gender/sexual violence and rape culture facilitate discussions/workshops with the various levels of staff at the University. This is particularly important as Table 7 in Appendix 6 shows that in the Quality of Residence Life Surveys conducted from 2010 to 2013, 15.1% to 21.3% of students indicated that they did not feel comfortable discussing personal issues with house wardens.
- 57.** Community engagement projects (such as the Gender and Sex Project – GASP) that engage with gender and sexual violence should be encouraged. The Sexual Harassment Office should keep a registry of projects/people/units conducting work, or with expertise, in gender and sexual violence for use within and outside the University community as necessary.
- 58.** The SVTT recommend that the Sexual Harassment Office, GenAct, and other pertinent units work with the OutRhodes and Gender Action Project student societies in the implementation of the recommendations contained in this report.
- 59.** It is recommended that the Silent Protest planning committee find ways of reimagining the Protest in light of what has occurred on campus in 2016, and the critiques that the #RURReferenceList protests suggest about the protest. Recommendations from previous organizers should be carefully reflected upon.
- 60.** The “My Body My Choice” (MBMC) campaign is an exhibition that aims to disrupt and challenge the prejudice and discrimination people face due to their perceived or actual identity and the ways in which their identity is performed. The campaign involves a photoshoot where participants can represent themselves and perform their identities in the way they choose. While there have been some concerns, and negative reactions to the campaign, these should be worked with and the campaign continued in future years. It is recommended that the housing and resourcing of the annual MBMC campaign needs attention. Potentially this could fall under the Sexual Harassment Office, with staff of this office drawing on the expertise of others.
- 61.** In line with the aim of prevention, it would be useful to provide information to people who either feel that they may have committed sexual harassment (wittingly or unwittingly) or who have been accused of sexual harassment. This information would concern their actions, the implications thereof, and where to obtain support in preventing further incidents. An anonymous “information portal” could be set up for such people. Various options could be provided: (a) the provision of information on: what actions constitute sexual harassment/violence; University policies; the possibility of self-reporting, restorative justice processes; sources of help to work through psychological issues associated with being a perpetrator and how to desist from the behaviour; readings that could assist the person in understanding

the gendered dynamics (including the harm caused by particular forms of hegemonic masculinities) that underpin sexual harassment and violence; and (b) the possibility of anonymous electronic interaction with a staff member of the Sexual Harassment Office to talk through the actions and steps that an individual can take to remediate his/her behaviour.

- 62.** The proposed Sexual Harassment Office should keep a log of on-going extra-curricular activities on campus which challenge rape culture, and provide an over-arching co-ordination function of these activities. The Office should assist with resourcing where possible, or provide input on how to resource various initiatives, where this is necessary.

### **Inclusivity and institutional culture**

- 63.** The University's social space is not as inclusive as it could be, especially for "minority"/gender non-conforming students. On-going engagement is recommended with the imperatives of transformation of the University, specifically in terms of issues related to the appropriate representation of gender and race in both formal and informal University structures, as well as the tackling of key issues related to the lived realities of social exclusion experienced by many members of the University community when confronted with the prevailing cultural paradigm of the institution. It is suggested that the Office of Equity and Institutional Culture be sufficiently empowered to act as the driving force behind dedicated and continuing initiatives for transformation.
- 64.** For the years 2010-2013 the University conducted annual Quality of Residence Life (QUORL) Surveys. The purpose of the survey was to gain an indication of students' general satisfaction with the residence system/life in residence, and identify problems experienced by students with the view of improving the quality of residence life. The SVTT recommend that the QUORL Survey should be revised and resumed with input from the proposed Sexual Harassment Office; the surveys should include questions about sexual violence and sexual harassment that are constructed in a sensitive manner. These surveys have shown that a minority of students are discontented with their residence life, and this population of the University community deserves our attention. Therefore, attempts must be made to improve students' quality of life based on previous and future results of the QUORL Survey.
- 65.** The effectiveness of the QUORL Survey would require the items to be phrased in a clear and unambiguous way and for items to be consistently included from year to year. If re-instated, it would be more useful for the survey to be submitted online than in person during a house meeting as was the procedure. This would enable honest and uncoerced participation in the survey, which might be prevented by the presence of house committee members, sub-wardens and the warden during the administration and filling out of the survey. The results of the surveys would need to be published, in a number of formats (not simply made available on the University website) and students made aware of their publication. Where the results indicate problems, for example, in relation to student-warden, and student-sub-warden power dynamics, a mechanism should be put in place for these to be acted upon appropriately and the University community made aware of this.
- 66.** Issues affecting Oppidan students tend to be invisibilised. Although the QUORL Survey cannot be used for students living in digs, the SVTT recommends that a similar form of information gathering should be developed to gain an understanding of the experiences of the students living off campus.

- 67.** Student media editors, writers, and moderators should engage in reflective practice regarding how, and in what ways, they support particular University culture(s). The Media Representative of the SRC should take on the role of monitoring the SRC Facebook page to ensure that it creates and sustains an environment where rape culture is not tolerated. Balancing the right to freedom of expression and the sanction of hate speech, this could include not allowing hate speech, and the SRC Media Representative engaging with posts that foster rape culture, explaining why they are problematic.
- 68.** Important to a discussion on institutional culture at the University is the creation of a 'purple rhodent' identity as a way to unify students and collectively celebrate and (re)create University culture. This is most clearly identified in the 'Purple Thursdays' initiative. Where attempts at unification do not adequately include and address diversity, however, there is a risk of marginalising and invisibilising particular experiences by portraying a homogenous identity and experience. This is reflected in the 'Purple Rhodent' narrative which presents all students as enjoying equal opportunities at the University. It thus erases any differences in students' experiences of the University, experiences which are mediated and shaped by individuals' intersecting identities and backgrounds which afford or deny them privilege in varying ways. Importantly, in doing so, the narrative takes the experiences of the most privileged students at our University and misrepresents these as the experiences of a unified and homogenous student body. For these reasons, the SVTT recommends that 'campus culture' initiatives like 'Purple Thursdays' should be reviewed as part of the review of institutional culture undertaken by the Equity and Institutional Culture Office.
- 69.** Informal practices such as 'hunt-the-grunt', 'horse-racing', 'whale-harpooning', and 'seal-clubbing' desensitise students to the reproduction of particular discourses and practices regarding gender and sexuality. These identified informal gendered socialisation practices on campus need to be unpacked and problematized in a range of spaces, including as part of Orientation Week activities, student media, workshops with house wardens, and in the recommended common course.
- 70.** The drinking culture at our University, whilst not necessarily a causal factor in sexual violence, can be viewed as an exacerbating one, in that it forms the backdrop against which specific gender and sexual socialisation practices occur in the University context. A conscientising campaign organised through the proposed Student Safety Forum is recommended in relation to gendered practices around drinking. In particular, a campaign around 'enthusiastic/affirmative consent'<sup>1</sup> in Grahamstown's bars is recommended. This campaign can be used to conscientise students regarding some of the identified practices relating to drinking culture at our University, particularly where the drinking culture overlaps with or reinforces rape culture. The Eastern Cape Communication Forum (ECCF) in the School of Journalism and Media Studies have been engaged by the task team and have agreed that, upon the creation of the proposed Student Safety Forum outlined later in this document, the ECCF would be willing to help with the implementation of media projects around the idea of affirmative/enthusiastic consent.
- 71.** In addition to the residence culture at the University, the nature of social life for Oppidan students (i.e. those living in rented accommodation not on campus) must be considered. Oppidan wardens should engage with Oppidan students regarding gendered practices that occur within digs (in particular digs formals, which are 'blind date' drinking parties).

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<sup>1</sup> Enthusiastic/affirmative consent represents a move away from the common understanding of "no means no" to "yes means yes." Open communication and mutual respect are encouraged, with the absence of declining sex not being taken as affirmation.

- 72.** In order to support the formal work being done at a curriculum level, it is recommended that halls and residences be developed as spaces for conversations, deliberation, or sustained dialogues about rape culture and sexual violence. Residence culture will need to be addressed alongside curriculum activities, first, through the appropriate training of residence staff. Second, the position of an Anti-Sexual Violence Representative needs to be established on the House Committees of all residences and in the Oppidan Committee. This portfolio should include fostering conversations about sexual violence, patriarchy, and rape culture as well as being trained in temporarily handling and correctly directing any cases that may be brought to them. These roles can overlap with those of support advocates or peer supporters.
- 73.** Residence and hall wardens, as well as house committee members, need to engage with students regarding the creation of a non-sexist, non-heteronormative residence culture. This includes a review of inter-visiting rules and residence security (in line with the view of residences as safe spaces).
- 74.** ‘RU Jamming’ which replaced ‘Serenades’ should be reviewed. This could take the form of the inclusion of an open-ended item in the Quality of Residence Life Surveys, if re-instated, asking students to describe their experiences. Alternatively, a study or qualitative survey focusing specifically on students’ experiences of this event could be conducted or developed. The results of this should be widely publicised, along with the results of the previous investigation that Dr Vivian de Klerk (no longer at the University) committed to instituting. If the results do not confirm students’ experiences of coercion (even implicitly), heteronormativity, and harm, the activity may be allowed to continue. It is suggested that if RU Jamming is found to be heteronormative in nature, that another activity be created, with clear rules that will be enforced by a SRC representative. It is recommended that all who choose to participate are required to abide by these rules or face disqualification from the event. A suggestion could be a musical piece that reflects the identity/spirit of the residence. Alternatively, students themselves could send suggestions to the SRC and the best one selected by the SRC.
- 75.** Institutional responses to reports on transformation and institutional culture (all of which feed into sexual violence) requires attention. The Office of the Vice-Chancellor together with the Equity and Institutional Culture Office should develop a monitoring and evaluation framework to check the progress of reports relating to institutional culture through the University structures and the progress of implementing the agreed upon recommendations.
- 76.** The policy on relationships between staff and students should be revisited and updated, with consideration being given to students’ statements regarding these relationships. The policy must apply across all categories of staff and students, and should be well-publicised, with all HoDs and Head of Divisions being aware of, and abiding by, it.

### Promoting conversations

- 77.** Combatting rape culture requires that all members of the University community need to participate in conversations about the internal and external manifestations of rape culture. Constructive conversations of every kind (formal, informal, related to curriculum or not, confrontational or uncomfortable) which are not violent, disrespectful or hierarchical, are encouraged. Opportunities for more conversations about curricula and issues of sexual violence between staff and students should be facilitated. These conversations can be organised by centres such as CHERTL (Centre for Higher Education Research, Teaching and Learning), or by departments, faculties, residences, and student societies. To avoid topic-fatigue or overload, specific topics for conversations should be devised.

- 78.** At the same time, staff members need a space for communal, supportive discussions about methods of embedding issues of sexual violence in their specific disciplines and curricula. The Deans' Forum and specific faculties should discuss the possibilities for these spaces. An online forum of some kind might be suitable for this purpose.
- 79.** The use of a theatre intervention as a pedagogical tool to bolster the various other (curriculum included) activities on campus which tackle rape culture and sexual violence is strongly advocated but with many provisos. If theatre is considered an effective pedagogical tool, the University cannot expect that 'the drama department will do it' without recognition for student and staff labour, either monetarily or within other reward structures. The issues/stories/scenes will need to be scripted and developed with other sectors to ensure quality and impact; Janet Buckland's company Ubom! is a useful conduit which has been used regularly to help administrate the production and contract key people, and run the whole project. A strong and experienced director is required to ensure that what is created can reflect complexity and sensitivity. This person will work with diverse University constituents to research topics and gather views and opinions and key issues that can be translated theatrically. The start of the year is not the most ideal time – or – the play or scenarios need to be revisited mid-way in the year. This has implications, however, if students are involved as they are often busy with their University work. The alternative is that it be outsourced to a professional company such as Ubom!. Perhaps a model in which short scenarios are developed (20 minutes) and then played in smaller spaces (lecture venues/common rooms etc.) followed by more interactive strategies around the scenario or characters presented would allow for a deeper more manageable engagement. This would require finding a skilled facilitator to run these sessions multiple times in multiple spaces. Decisions will be needed as to whether such an intervention is 'extra' to curriculum or embedded within certain curricula. The task team recommends that Ubom! be funded to resurrect *Mina Nawe*, to adapt one of the other shows to deal adequately with representing rape culture on the stage, or to develop new theatre interventions as suggested above. Crucial to these interventions are post-performance conversations and the interventions should take place at least two or three times a year so as to sustain the conversations and thinking about rape culture in the student body.
- 80.** Sustained dialogue is a systematic, prolonged discussion among small groups of citizens in a community committed to change. It is recommended that the proposed Sexual Harassment Office, together with the Equity and Institutional Culture Office support a range of units/bodies within the University (student clubs, SRC, student and academic groups, wardens and sub-wardens in the residence system, and academic and administrative departments) in engaging in sustained dialogues. Input on how to conduct such dialogues could be given together with support in deciding and training moderators/facilitators and on-going support during the process.

### The implementation of a common course

- 81.** The University should consider implementing a common course across the University at undergraduate level as a DP requirement. The course should include issues of social justice, transformation, and sexual violence. The course could have online and personal contact aspects, with facilitators monitoring and assisting in discussions. The *liNtheto zoBomi* course can function as a template for such a common course. This course could be tailored to include more focus on sexual violence and related issues and be run across campus as a general compulsory course on critical thinking and ethics. With the input of Prof Pedro Tabensky and Dr Lindsay Kelland we thus identify the *liNtheto zoBomi* course as a prototype

course that has scope for expansion into a wider ranging and perhaps compulsory common course that can be completed by every student who enrolls at the University. The logistical and financial implications of a common course will need to be carefully and collectively planned.

### Embedding sexual violence prevention in the curriculum

**82.** The Dean of Commerce has prepared a document outlining how the Commerce Faculty could embed issues relating to sexual violence in its curriculum (see Appendix 7). It is recommended that ALL faculties engage in a similar process to the one engaged in by the Commerce Faculty to consider how issues relating to sexual violence and rape culture (and other issues relating to social justice) may be included in the Faculty curriculum. The report produced by the Commerce Faculty may serve as an example. It is recommended that reports from faculties serve at the Deans Forum and at Senate and that such engagement form part of the formal Curriculum Review process that is currently underway.

### Transformation of teaching and learning spaces: The construction of deliberative spaces

**83.** Deliberation aims to establish the common understandings within a ‘community’ about the nature of their problems and to facilitate discussion and consideration before a decision or action is made. The notion of ‘deliberation’ can be used to develop new courses or to enhance existing courses, and to shape teaching practices at the institution in order to engage collectively and constructively with the problem of sexual violence. It is suggested that a multi-disciplinary course in the theory and practice of deliberative democracy (possibly involving Political Science, the School of Journalism and Media Studies, Sociology, the Allan Gray Centre for Ethical Leadership and other interested departments and institutes) be developed at the University. It may be advisable to limit the content of the course to issues of transformation and sexual violence in the first instance, given the urgency of these issues. Suitable training of staff (facilitators, lecturers, and tutors) will need to be undertaken.

**84.** ‘Disruption’ as a negative word in everyday parlance should not be confused with the term ‘disruptive pedagogies’ which is a technical term used in educational thinking among academics. ‘Disruptive pedagogy’ seeks to challenge the taken-for-granted approach to so-called neutral knowledge, in order for teachers and students to be aware of how knowledge reflects the injustices of society i.e. in terms of class, race, patriarchy, gender, colonialism, religion, and language. Instead of safe spaces, disruptive pedagogy advocates creating zones of discomfort so that students and staff can critically reflect on their identities. Using the theoretical and conceptual tools of ‘disruptive pedagogies’ can be creative and effective strategies to resist rape culture in the classroom context. CHERTL can provide support to lecturers wishing to utilise these methodologies in their courses.

**85.** The attitudes and power relations that constitute and create rape culture need to be understood through examining the institution’s invisible curriculum. Research on the institution’s invisible curriculum will help direct responses that change attitudes and power relations. Through processes informed by deliberation and sustained dialogue the invisible curriculum can be transformed to healthier, equitable relations between members of this community. Research into the invisible curriculum could include:

- a. identifying factors that cause some constituents of the University to feel disempowered and lacking agency;
- b. addressing the underlying causes of unhealthy power imbalances and disempowerment;

- c. identifying factors that lead to power imbalances and devising strategies to rectify these imbalances;
- d. incorporating the results of these studies in staff development and support;
- e. including these results in the Curriculum Review.

- 86.** It is necessary to make support material available for academics in faculties that do not deal directly with issues of sexual violence, and for all academics who require this kind of support. Reports from staff working in disciplines that do not explicitly deal with these issues convey that they feel the need to be made aware of and equipped with knowledge of the discourses that have informed the protests against rape culture. They express a desire to be better able to understand and respond appropriately to their students' pain and concerns. Existing staff should have the option of completing a course or workshop on the discourses of rape culture and sexual violence, or have access to relevant materials, so as to adequately equip themselves to address these issues in their classrooms or in other related contexts. These workshops can be set up by the proposed Sexual Harassment Office in conjunction with HR.
- 87.** New staff will have the opportunity to be guided and supported on how to tackle issues of sexual violence in their curricula during the Academic Orientation Programme run by CHERTL. The Academic Orientation Programme should involve more students so as to give new staff an opportunity to learn about the context which they are entering.
- 88.** A strong recommendation is made to put together a booklet with various case studies and ideas of how rape culture can be countered at curriculum level (drawing on the data gathered by Task Team 3 and from beyond). This task will be undertaken by a group of academic staff across disciplines and will be co-ordinated by CHERTL. The booklet will follow a similar format to that of the CHERTL series of booklets on various aspects of academic practice which is published on the Teaching and Learning page of the University website. The booklet will focus on stories of/by students who have experienced rape and gender violence. Perhaps something interesting could be done with text boxes which offer suggestions or point to additional resources for others who may have experienced something similar.

### **Towards a clear institutional ethos of engagement with society**

- 89.** It is recommended that a 'commitment statement' is drafted by the University outlining the position of the University with regard to how it encounters the community, society and the legal system governing our country. Specifically it should state:
- a. the understanding of our University as a community, collectively owned and guided by all its members;
  - b. the role, powers, and responsibilities of our University in creating a more just and equitable society;
  - c. a commitment to continuously engage with our country's legal system as a tool towards seeking justice, both inside and outside our University, but never in a way which may give the impression of creating or reinforcing the injustices of our society;
  - d. a commitment to be proactive in challenging laws or policies which hamper our University's goal of seeking justice and a more just and equitable society.



The University's staff, including senior management, senior administrators, and directors, should sign a declaration of their commitment to apply these tenets in all their actions during their time at the University and to inculcate every action they take in our University with these principles.

- 90.** We recommend certain changes be made by the Student Representative Council to establish better representation of student issues and develop relationships between the student body and the wider Grahamstown community, including:
- a.** The establishment of two non-executive posts within the SRC structures to offer student representation on the Grahamstown Victim Empowerment Program (VEP) and Community Policing Forum (CPF) respectively. These two representatives should be required to attend all VEP and CPF meetings and represent the concerns of students at these forums with a view to building relationships between the institution and the Grahamstown community. These representatives should report to the SRC, but should not have portfolios in the Council beyond their representation of student interests. In other words, these should not be political posts but should rather be focused only on representing and liaising between students and Grahamstown community structures.
  - b.** An SRC-led investigation into ways to establish a Student Safety Forum that will work proactively on the societal causes of sexual violence and other issues around student safety. The forum would aim to address rape culture both in terms of changing attitudes on campus and in our wider society. The focus would be on promoting safety by changing attitudes that provide cover for sexual violence, abuse, and harassment. It is suggested that the forum be established by, and consist of, the following founding members: SRC Community Policing Forum representative; SRC Victim Empowerment Programme representative; Community Engagement Office representative; Gender Action Forum (GenAct) representative; Grahamstown Business Forum (GBF) representative; SRC Council Member for Community Engagement; and a representative of the Office of Equity and Institutional Culture.
- 91.** It is suggested that the proposed Sexual Harassment Office - together with the Equity and Institutional Culture Office, Community Engagement Office, GenAct, Gender Action Project, and SRC engage with other stakeholders in the country (e.g. the national Sexual and Reproductive Justice Coalition (SRJC); other Universities; HEAIDS) to discuss the possibility of setting up a national Annual Convention on Sexual- and Gender-based Violence to be hosted in different parts of the country. This University could take the lead by hosting the first Convention.
- 92.** There are a number of researchers engaging in research on gender and sexuality related issues. Apart from the Chair in Critical Studies in Sexualities and Reproduction (CSSR), a number of researchers in diverse departments engage in relevant research that could be taken up in policy engagements. The translation of research into policy, however, is a particular process that requires particular skills. While the CSSR has had some success in inserting its research into policy forums, this has been with considerable effort. The proposed Sexual Harassment Office should compile a list of researchers conducting relevant research. Workshops on writing policy briefs should be held with these researchers and opportunities for presenting these in policy spaces discussed. The possibility of forming part of the national Sexual and Reproductive Justice Coalition should be discussed. Support for these endeavours should come from the Research Office. The possibility of obtaining research funding to support the translation of research into policy should be considered.

**93.** Sub-task team 6’s mandate was to “develop a system of monitoring and evaluating the embedding of the recommendations within general policy and procedures of the University, and the implementation of accepted recommendations”. This work will start next year in conjunction with GenAct and the Equity and Institutional Culture Office. Appendix 9 contains a summary list of the recommendations with space for responsible people/units to be filled in. This applies to many people and units across the campus.



