

RHODES UNIVERSITY

**POLICY PROTOCOL**

**HARASSMENT POLICY AND PROCEDURE**

Policy Number: H1

**1. POLICY PARTICULARS**

DATE OF APPROVAL BY RELEVANT COMMITTEE STRUCTURE:

Student Services Council.....16 May 2000

Institutional Forum on.....21 October 2000

DATE OF APPROVAL BY SENATE: 01 September 2000

DATE OF APPROVAL BY COUNCIL: 07 September 2000

COMENCEMENT DATE: 07 September 2000

REVISION HISTORY: 16 August 2000

REVIEW DATE: To be reviewed at the end of 2006, and thereafter, every 3 years

POLICY LEVEL: All students and staff

RESPONSIBILITY:

- IMPLEMENTATION & MONITORING: Student Services Council, Hall & House Wardens, SRC, Psychology Clinic, Counselling Centre, Dean of Students Division, Human Resources Division, Registrar's Division, and Heads of Departments
- REVIEW AND REVISION: Student Services Council and thereafter the Equity Committee but any of the above structures may recommend changes

REPORTING STRUCTURE:

Dean of Students→ Vice Principal→ Vice-Chancellor

Hall & House Wardens→ Dean of Students →Vice Principal→ Vice-Chancellor

Heads of Department→ Deans→ Vice-Chancellor

Registrar→ Vice-Chancellor

**2. POLICY STATEMENT**

**2.1. POLICY**

In its dedication to academic freedom, Rhodes University commits itself to an environment conducive to learning, which is free from all forms of harassment. The dignity, self-esteem and fundamental rights of any member of the University community are essential to this environment and the University cannot accept behaviour which violates the dignity of

individuals. Harassment is considered unacceptable behaviour and will be dealt with in terms of this policy.

## **2.2. APPLICABILITY**

This policy applies to all students and staff of the University.

## **2.3. POLICY GUIDELINES**

### DEFINITION OF HARASSMENT

Harassment is either verbal or physical conduct that denigrates or shows hostility towards an individual because of the individual's race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, conscience, belief, culture, language, birth and health status. Harassment can occur in many forms and covers a wide range of actions and behaviour, but will be considered to be any conduct of an offensive nature including the following:

Behaviour which is unwelcome, or ought to be known as unwelcome, distinguishable from behaviour that is welcome and mutual

For example - racist remarks, lascivious leering or unwelcome physical contact, rape, attempted rape, indecent assault, or statutory rape (whilst rape is a form of harassment, it is a heinous criminal offence).

2.3.1. Any action which affects the dignity or violates the rights of any person

For example - offensive, abusive or suggestive communications.

2.3.2. Actions which have the element of coercion or abusive power implicit in such conduct

For example - actions which have the implied or expressed promise of reward for complying with or submitting to a sexually oriented request, or the implied threat of reprisal for not complying with or submitting to a sexually oriented request or advance.

Derogatory reference to age, gender or sexual orientation, as well as insensitive or derogatory remarks about ethnic, social, cultural or religious background.

2.3.3. Conduct which creates an intimidating, hostile, or offensive environment for working, learning or living in the Rhodes community.

2.3.4. Display of inappropriate or offensive material in a public location.

The standard for determining whether conduct constitutes *harassment* is whether a reasonable person in the same or similar circumstances would find such conduct intimidating, hostile or abusive. A reasonable person's standard includes consideration of the perspective of persons of the alleged victim/s race, colour, religion, gender, national origin, age or disability.

### **3. POLICY IMPLEMENTATION**

#### **3.1. RESPONSIBILITY AND RESOURCES**

The Dean of Students' Office is responsible for ensuring that issues of harassment amongst students are dealt with through *inter alia*: educating students, dealing with complaints of harassment and the recording of incidents.

The Human Resources Division will perform the same functions for any harassment issues amongst staff.

Additional resources available, particularly for counselling are:

The Office of the Counselling Centre.

The Dean or Assistant Dean of Students

The Sanatorium.

The Anti-Harassment Officer [when appointed]

This does not preclude anyone contacting other people for assistance, e.g, Wardens in the case of students.

#### **3.2. PREVENTION AND EDUCATION**

Educational efforts are essential to the establishment of an environment as free as possible from forms of harassment and which fosters respect for individuals.

The primary goals to be achieved through education include:

- 3.2.1. Ensuring that people are aware of their rights;
- 3.2.2. Educating people about prohibited conduct;
- 3.2.3. Informing staff and students about the procedures for addressing complaints.

#### **3.3. OPTIONS AVAILABLE TO COMPLAINANTS**

Persons who believe they have been harassed can utilise any number of the following options:

- 3.3.1. The complainant may request that the dispute be mediated, and or resolved through informal resolution i.e. resolved in a non-adversarial manner;
- 3.3.2. The complainant may utilise the grievance and disciplinary procedures of the University;
- 3.3.3. The complainant may seek remedy by laying charges with the police;
- 3.3.4. The complainant may use the Counselling Centre and/or any other remedial services of the University.

#### **3.4. PROCEDURE**

The following are the primary methods for dealing with harassment. They are not required to be followed in any specific order. However, early informal methods are often effective:

##### **3.4.1. Consultation**

Consultation is available for anyone who wants to discuss issues related to harassment, whether the person is a complainant, a third party, or a person who believes his or her actions may be subject to criticism. These consultations will be confidential and can be "off the record" if so requested.

### 3.4.2. Direct Communication

An individual may act on concerns about harassment directly, by addressing the other party in person or in writing, describing the unwelcome behaviour and its effect and stating that the behaviour must stop. One of the above listed Counsellors can assist the individual in preparing what to say or write.

### 3.4.3. Third Party Intervention

Depending on the circumstances, third party intervention in the work place, student residence or academic setting may be attempted. When this is used, the third party will meet privately with each person involved, try to clarify their perceptions, and attempt to develop a mutually acceptable understanding that can ensure that the parties are comfortable with their future interactions. Other processes, such as mediated discussion between the parties or with a facilitator or mediator, may also be explored.

### 3.4.4. Formal Grievance and Disciplinary Processes

Complainants may file a formal complaint through the University's normal grievance and disciplinary procedures. Should the complaint be withdrawn, the University reserves the right to insist that disciplinary procedures be instituted where this is considered necessary to protect the interests of staff, students or the University.

## **3.5. CONFIDENTIALITY & ANONYMITY**

The University will make every effort to conduct all proceedings in a manner that will protect the confidentiality of all parties. Parties to the complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved. However, complaints against an alleged perpetrator cannot be pursued unless the complainant is prepared to be identified.

## **3.6. TIME FRAME**

All complaints of harassment will be dealt with timeously and as expeditiously as possible.

## **3.7. CONSENSUAL RELATIONSHIPS**

Consensual romantic and sexual relationships between supervisor and employee or between academic staff and student are strongly discouraged. Such relationships can undermine the atmosphere of trust essential to the educational process and the employment relationship. Even when both parties have consented at the outset to such a relationship, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct.

*Updated mam 20 oct 2005*