

UCT SART Quarterly Report: Second Quarterly Report 2016

From the chairperson's desk: Associate Professor Sinegugu Duma

Preamble

The UCT Sexual Assault Response Team (SART) has an obligation to inform the university community of all known cases of sexual violence that have occurred on campus by issuing quarterly reports. These reports document how the university has responded to such cases, highlighting any gaps and identifying trends for further consideration.

The focus of this, SART's second quarterly report, is incidents of sexual harassment that occurred in the first semester of 2016, coupled with incidents of rape reported both on and off campus during the same period, but which were not captured in the first quarterly report. Reporting incidents of sexual harassment is complex and requires a thorough understanding of the definitions of sexual harassment as outlined in UCT's [sexual harassment](#) and [sexual offences](#) policies.

Reported cases of sexual violence

In total, 19 incidents of sexual harassment have been formally reported to UCT since the beginning of 2016. This number includes those incidents detailed in the first quarterly report and is tentative for a number of reasons. In some instances, there were allegations of incidents of sexual harassment perpetrated by one person (usually in a position of power, such as academic staff) against more than one complainant/survivor (usually a student). In other instances, incidents of continuous sexual harassment of one individual by the same person were reported.

The incidents of sexual harassment formally reported in the first semester are as follows:

- One male staff member (on dual employment between UCT and the Department of Health) who allegedly sexually harassed a female student by constantly trying to contact her. He also kissed her without her consent, which constitutes sexual assault. The staff member was asked to excuse himself from his duties while a decision on how the matter should be handled is being discussed by the two employers. The complainant/survivor decided to pursue the "informal route", and asked that the respondent/alleged perpetrator receive a warning through the Discrimination and Harassment Office (DISCHO). The alleged perpetrator received the warning. SART has recommended that the university and the Department of Health take the necessary disciplinary measures against the alleged perpetrator.
- One male staff member who allegedly sexually harassed an undisclosed number of female students. The case was heard at a UCT disciplinary enquiry. The accused was found guilty of [unwelcome conduct of a sexual nature](#) towards female students. The accused is required to attend a sexual harassment awareness-raising workshop and has received a final written warning for a period of 18 months. This means that if he is found guilty of sexual harassment within the next 18 months, he will most likely be dismissed. SART has tabled their disappointment with the disciplinary measure.
- One male staff member who allegedly sexually harassed an undisclosed number of female study-abroad students. This harassment included telling one of the complainants/survivors that he could not concentrate on her project presentation because he was "distracted by

her outfit". In this incident the complainant/survivor said that she was left feeling objectified and uncomfortable. This male staff member was alleged to have sexually harassed study-abroad students in the past. The complainant/survivor chose to have the alleged perpetrator spoken to concerning his behaviour and for him to issue a letter of apology.

- One male staff member who allegedly sexually harassed a male student verbally. The complainant/survivor opted for an unofficial and mediatory route through DISCHO so that the alleged perpetrator could be taught how his behaviour is considered discriminatory and a form of harassment. The staff member pleaded guilty and apologised to the male student.
- One non-UCT male who allegedly sexually harassed a female UCT student. The alleged perpetrator was a friend of the complainant/survivor's employer. The student contacted DISCHO for assistance on how to handle the sexual harassment case. She received advice on the options available to her. Although the incident did not happen on campus, it is reported here because it highlights how UCT services are being utilised for advice and support to UCT survivors of sexual harassment, regardless of where the incident occurs/ occurred.
- One male student who allegedly sexually harassed two different female students at different times in a co-ed residence. The matter was reported to the warden who referred it to DISCHO. At a pre-hearing conference, the alleged perpetrator pleaded not guilty, claiming short-sightedness and to not fully understanding what behaviours constitute sexual harassment. He was issued with a no-contact order but was not relocated to a different residence (a measure that is sometimes taken to protect the complainants/survivors). SART is following the matter closely.
- One male student who allegedly sexually harassed two female students at different times – both on campus and in their residence. The matter was handled by the relevant faculty. Due to suspected mental illness, the alleged perpetrator was sent for a mental-health assessment. No abnormalities were detected in the assessment. DISCHO and SART ensured that the alleged perpetrator was moved to another residence and was barred from making contact with the complainants/survivors through the no-contact order application process. The case will resume in the second semester. The issue of harassment in the classroom and the related suspension of academic activities is still under review by legal experts at the university. Meanwhile measures will be taken to separate the alleged perpetrator and complainants/survivors in classroom activities.
- Three male students in one residence who allegedly sexually harassed a female student by going through her laundry and playing with her underwear while making unwanted sexual comments in her presence. One male student slapped her on her buttocks, which constitutes [sexual assault](#). There were challenges in following-up with this case: the complainant/survivor was not acquainted with the alleged perpetrators and could not identify them except that they seemed to be students in the same residence and knew her well – they referred to her by her room number. The complainant/survivor also stated that she did not want to pursue the case further. The option of changing residences was presented to the student and she is still considering this option.
- Two international male students who allegedly sexually harassed a female student by putting an image of an ejaculating penis on her work station. When confronted, the two

alleged perpetrators replied that they did not know that such matters were taken “this seriously” in South Africa. The complainant/survivor chose for the matter to be dealt with at a departmental level as she wanted the department to address the issue of sexism and for the alleged perpetrators to apologise and be aware that such behaviour is unacceptable. The complainant/survivor did not wish to pursue formal disciplinary measures.

- One male student who allegedly harassed two female students. In one of these incidents, the alleged perpetrator sent the complainant/survivor sexually inappropriate text messages while threatening her to not get him into trouble (implying that he knew what he was doing to her constituted sexual harassment, which could get him in trouble). The incidents happened on campus and via social media. The alleged perpetrator is currently receiving medical treatment for mental illness through Student Wellness Services. Neither of the complainants/survivors chose to apply for no-contact orders. The department has been observing the alleged perpetrator’s behaviour and his response to medical treatment. His behaviour is stable and no more incidents have been observed or reported.
- One male student who allegedly sexually violated a study-abroad female in their shared UCT accommodation by repeatedly making sexually inappropriate comments and, in one incident, kissing and fondling her without her consent. The matter was reported to the warden and to DISCHO. The alleged perpetrator pleaded not guilty. The complainant/survivor requested a room swap and the alleged perpetrator was moved to a same-sex accommodation facility. The complainant/survivor did not want to pursue the matter further after the alleged perpetrator was moved from her residence because she said that she had already reported it to the leader of her study-abroad programme and submitted a complaint report.
- One male student (an ex-boyfriend) who has allegedly constantly harassed the complainant/survivor, a female student. The stalking behaviour includes his repeatedly staring at her, taking photos of her and constantly contacting her. In this regard, he has repeatedly contravened the no-contact order she has against him. The complainant/survivor is currently receiving psychological counselling. This highlights the traumatising impact of sexual harassment. The contravention of the no-contact order is currently being addressed by UCT’s Student Discipline Tribunal.
- One male student who allegedly sexually harassed a number of fellow female students, with some incidents occurring during class time. The complainants/survivors reported this to one of their professors and a tutor, who then consulted with DISCHO. The alleged perpetrator took the accusations as a joke and said he did not see how his actions constituted sexual harassment. Following this, it was reported that the accused continued to exhibit harassing behaviour. DISCHO contacted him once again, but he did not respond. In addition, the alleged perpetrator had previously been reported for violent behaviour.

Trends identified from these sexual harassment incidents

- There is often self-blame experienced by survivors of sexual violence, especially if the incident happened while under the influence of alcohol. It is essential to understand that sexual violence is never the survivor’s fault; the responsibility and blame lies with the perpetrator. Further, according to South African law, if a survivor is drunk or drugged, then

they are not capable of giving consent to sex. Self-blame – and the stigma associated with sexual violence while drunk – has been reported in peer-reviewed studies to affect university students' patterns of reporting sexual violence to authorities.

- While a number of no-contact orders were issued for the protection of complainants/survivors, most cases were not followed up by formal disciplinary processes when the complainants/survivors indicated that they did not wish to pursue the case. SART is currently in consultation with UCT's legal experts concerning whether or not to prosecute cases in which the complainant/survivor does not wish to pursue the case further.
- A number of no-contact orders have been issued. In most cases where the complainant/survivor and alleged perpetrator stayed in the same residence, the alleged perpetrator was relocated to another residence (generally to a same-sex residence). There has, however, been no clear guidance on what to do in cases where harassment is perpetrated by a classmate/s against another classmate/s. SART is currently consulting with UCT's legal experts concerning this matter.
- Although some faculties and departments referred the incidents of sexual violence to DISCHO, the general trend was for faculties and departments to consult with DISCHO on how to handle the matter themselves. This highlights the need for extensive training of heads of departments (HODs) and senior members of staff on the implementation of sexual violence policies. DISCHO had started this training before and may have to restart the training programme for HODs and senior management in every department.
- Two of the three incidents involving sexual harassment of female students by staff members are unfortunately from a faculty where students work in very close proximity to staff members. The lenient disciplinary measures meted out to one of the staff members is of serious concern. The message it may send out to other staff members in that faculty and the rest of the university is that "sexual harassment is okay".

Rape on campus

Following the first quarterly report, there has been a reduction in the number of rape incidents reported on campus. In this period (May–August 2016) seven rapes were reported. These include:

- Two incidents occurred in the university's residences. Female students reported having been raped by acquaintances who they had signed in as visitors. This highlights how sexual violence is often perpetrated by individuals who are known to the complainant/survivor. One incident was reported to DISCHO, and the complainant/survivor received forensic care at Victoria Hospital Forensic Unit. In this case, the complainant/survivor subsequently laid a charge with the police. The alleged perpetrator did not attend his court hearing and a warrant has been issued for his arrest. In the second incident, the complainant/survivor did not initially report the case to anyone for a few weeks after the incident, at which point she eventually consulted with SART for support. She was referred to the Rape Crisis centre where she received counselling.
- Four incidents occurred off campus. In two of the incidents, the complainants/survivors reported being at clubs in Claremont. In the first incident the female complainant/survivor was raped inside a club. In the second incident, the female complainant/survivor was left behind at a club by her friends. She was later raped by an acquaintance who had offered to assist her. Both complainants/survivors went directly to Victoria Hospital Forensic Unit, but

did not want to report the incidents to the police. The other two reported incidents occurred in the perpetrators' apartments. In the third incident, the complainant/survivor's boyfriend raped her at his apartment. The complainant/survivor visited the Victoria Hospital Forensic Unit for medical treatment, but did not want to lay a charge with the police. In the fourth incident, the female complainant/survivor was raped by an acquaintance at his apartment in the presence of other male friends. The alleged perpetrator is a UCT student. The complainant/survivor fled and sought assistance from neighbours who called the police. The police transported her to Victoria Hospital.

- In another case, the complainant/survivor did not identify whether the incident took place on or off campus. In this case, the complainant/survivor woke up to find his boyfriend's friend raping him. The complainant/survivor did not want to take the case further, but he sought advice from DISCHO concerning medical assistance. Both the complainant/survivor and the alleged perpetrator are study-abroad students.

These incidents highlight a number of issues for consideration in the future planning of sexual violence awareness campaigns and prevention interventions.

Conclusion

For confidentiality purposes, the names of specific faculties and departments mentioned in the report have not been disclosed. However, SART is working closely with them to strengthen their responses to incidents of sexual violence on campus.