

# Sexual Assault Response Team

## End of Year Report for 2016

*From the Chairperson's desk: Associate Professor Sinegugu Duma*

### Introduction

The Sexual Assault Response Team (SART) was established in April 2016 with the purpose of informing the university community, as well as the broader community, about the state of, and response to, sexual violence on campus through quarterly reports and online communication.

The SART website was developed to provide information on how to respond to sexual violence at the University of Cape Town (UCT) and can be accessed at [www.sart.uct.ac.za](http://www.sart.uct.ac.za). This report focuses on the outcomes of rape, sexual assault and sexual harassment cases reported during the year 2016 only. Information on the definitions of rape, sexual assault and sexual harassment and related policies can be obtained on the abovementioned website. In reviewing all cases of sexual violence on campus, SART identifies trends and gaps in order to inform the development of prevention interventions and strengthen the university's response to sexual violence on campus.

### Rape and Sexual Assault Cases

Thirty-two cases of rape and sexual assault were reported in 2016. Only ten of these were also reported to the police for criminal charges, this includes the three Rhodes Memorial rape cases. Though the latter occurred outside the UCT premises, these cases are reported here because all survivors were UCT students. The Rhodes Memorial rapist was arrested in March 2016 and handed 108 years of direct imprisonment in November 2016.

The outcomes of the three rape cases which were reported to the University Student Disciplinary Tribunal (USDT) indicate one acquittal and two ongoing cases that are pending outcomes. The rest of the cases were not reported to the USDT because the alleged perpetrators were not associated with the University or for other personal reasons. It is the survivor's right to decide on whether or not the case must be dealt with formally by South African Police Services, USDT tribunal or the Employee Relations Office.

### Sexual Harassment Cases

Twenty-seven cases of sexual harassment were reported in 2016. Two of these cases involved a female student and a female ad hoc staff member as complainants against UCT staff members respectively. Both of these cases were reported to the Employee Relations Office and the respondents were dismissed from their jobs after the hearings.

One case involved an undisclosed number of female students who were complainants against a staff member and a disciplinary hearing was held in the faculty concerned. The respondent was found guilty of "unwelcome conduct of sexual nature towards students". He was handed a written warning for 18 months and required to attend sexual harassment awareness workshops.

In another case, two female students reported sexual harassment by the same male student in one residence. He was moved to another residence and was handed 'no contact' orders. The alleged perpetrator was also sent for a mental health assessment after concerns were raised about his mental wellbeing. Within a week of his arrival at his new residence, however, he allegedly

committed a similar offence. He has since gone on a long leave of absence to attend to his mental health problem. A similar case was reported in another residence where two female students complained of sexual harassment by a fellow male student in their residence. He pleaded not guilty, but cited a visual impairment (deteriorating sight) that he argued affects how he physically positions himself in other people's personal spaces. He was referred to Student Wellness for counselling and removed from the same residence where the complainants stayed. He also received a 'no contact' order, preventing him from contacting the two complainants.

A sexual harassment case involving a wife of a staff member was also reported. She allegedly received messages of a sexual nature from one of her husband's colleagues. The matter was resolved through mediation by the Discrimination and Harassment Office (DISCHO) personnel with her husband and his colleagues who were all concerned that similar incidents may happen to their families. The matter was resolved with the accused and his colleagues who agreed collectively to apologise to the wife of their colleague.

A case of sexual harassment was reported by a staff member against a number of the private security staff who were on campus during the student protests. The case was closed as the alleged respondents could not be identified. Footage from two of the cameras which filmed the area around the time of the incident was no longer available when Campus Protection Service (CPS) tried to review it. A third camera, which also covered the area, was not functioning at the time of the incident. The complainant received counselling and was informed that if any further information emerged concerning the alleged perpetrators/respondents, the case would be reopened. Following the complaint, the security company instituted a number of measures to prevent such incidents from occurring again.

In most cases of sexual harassment, complainants opted for the informal route of resolving issues, such as asking for – and receiving – an apology from the respondent, or requesting that the respondents receive awareness training regarding sexism, harassment and discrimination. DISCHO handled most of the cases related to awareness-raising and made relevant referrals where possible.

### Trends related to Rape and Sexual Assault Cases

- Most people who reported rape received medical and forensic care and appropriate referrals for counselling, eg to [Rape Crisis Cape Town Trust](#).
- Most cases were reported as having occurred on campus; in residences in particular. This highlights the university residences as risk communities for sexual violence. These cases also identify the need for targeted sexual violence prevention interventions such as compulsory training on sexual violence for every student entering the university for the first time, irrespective of whether they are at undergraduate or postgraduate level.
- While DISCHO remains the primary service for reporting rape and other forms of sexual violence on campus, some survivors used alternative avenues for reporting. This highlights a need for the coordination of all services; educating the university community on different structures and services available on campus and their respective roles; and providing accessible online information for people to access services as, and when, needed.
- In line with international literature on risks for sexual violence among college students, in the majority of cases there was a strong presence of alcohol and substance use prior to the incidents of rape and sexual violence. In a number of instances this was coupled with the person waking up in an unfamiliar space or a stranger's home, with no memory of how they got there and a realisation of having been sexually violated. This highlights a need to promote a buddy-system as a sexual violence prevention intervention, in which friends who

go out together to drink alcohol look after each other. Obtaining consent for sex from a drunk or an unconscious person is impossible and constitutes rape. Training on sexual consent, including conditions under which consent can be obtained, needs to be implemented across campus.

- The fact that only three cases out of so many reported cases reached the level of the USDT in the last 12 months, with only one case that reached trial, is a concern regarding processing of cases by the USDT and the reasons behind the option of not reporting criminal offences to the criminal justice system. Rape and sexual assault are criminal offences which should be treated and reported.

### Trends related to Sexual Harassment Cases

- In line with literature on sexual harassment, most reported cases indicated repeated incidents of harassment by the same respondent before the complainants could report the matter. Sexual harassment awareness campaigns are needed to prevent its occurrence and encourage early reporting.
- The presence of witnesses who were willing to testify facilitated decisions such as the two reported dismissals of the respondents who were also staff members. This indirectly highlights the importance of bystanders' involvement in sexual violence prevention. There is a need to train bystanders to intervene whenever they observe any form of sexual violence and harassment.
- Mental health and other disabilities were identified as risks for sexual harassment in cases involving at least two respondents. Both respondents were referred for health care and counselling. A multi-pronged approach to prevention of sexual harassment and sexual violence interventions is needed. It is important to note that mental health or disabilities are not used as an excuse for perpetration of any form of sexual violence. If someone is mentally unwell but has insight into their behaviour, then they should be responsible for their behaviour. It is also important to note that people with mental health concerns should not be collectively stigmatised as potential perpetrators of sexual violence.

### General Concerns

- Most survivors reported anxiety which interfered with their academic and personal lives. This necessitated referral of some survivors to Rape Crisis and the UCT Student Wellness Service. A dedicated sexual violence-trained psychologist is needed on campus.
- The increase in reporting of sexual violence cases possibly highlights the increased visibility of services on campus, but also indicates a need to increase and improve resources to respond to sexual violence on campus.

### Conclusion

We all have a role to play in preventing sexual violence on our campuses. We can start by reflecting on how our everyday conversations, behaviours and attitudes reinforce or normalise it.