



SEXUAL HARASSMENT POLICY

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Sexual Harassment policy

Preamble

Against the background of the dream to be an internationally recognised university in Africa, distinguished for engaged scholarship, social responsiveness and an ethic of care, the council of the North-West University has adopted this policy on 21 November 2019 for the purpose of creating an environment that is free of sexual harassment.

1 Interpretation and application

- 1.1 This policy must be interpreted and applied in a manner consistent with the:
 - 1.1.1 Constitution of the Republic of South Africa, 1996;
 - 1.1.2 Higher Education Act, 101 of 1997;
 - 1.1.3 Statute of the North-West University (2017) (the Statute);
 - 1.1.4 Labour Relations Act, 66 of 1995;
 - 1.1.5 Protection from Harassment Act, 17 of 2011;
 - 1.1.6 Employment Equity Act, 55 of 1998; and
 - 1.1.7 Basic Conditions of Employment Act, 75 of 1997.
- 1.2 This policy must be interpreted and applied in conformity with all other relevant policies, guidelines and rules of the University.

2 Definitions

In this Policy Sexual Harassment has the meaning defined in section 1 of the Protection from Harassment Act, 2011

3 Policy statement

It is the policy of the NWU to –

- 3.1 provide for a comprehensive policy and procedures and guidelines to establish uniform standards for dealing with sexual harassment, applicable to all components of the University;
- 3.2 ensure fairness, equitability, consistency, objectivity, legitimacy, confidentiality and transparency when dealing with allegations of sexual harassment;
- 3.3 ensure that the NWU creates and maintains an environment which respects human dignity;
- 3.4 enable all managers, employees and students of the University to contribute to creating a climate in which victims of sexual harassment will not feel that their grievances are ignored or trivialised, or fear reprisals;
- 3.5 ensure that management, employees and students refrain from committing acts of sexual harassment;
- 3.6 provide management, employees and students with a role to play in contributing towards creating and maintaining an environment in which sexual harassment is unacceptable;

- 3.7 enable management to ensure that persons such as suppliers, job applicants, contractors, clients and, others who have dealings with the NWU, are not subjected to or instigate sexual harassment at the NWU;
- 3.8 allow any person who is subjected to sexual harassment of or by persons referred to in 3.7 to file a complaint through the NWU internal structures;
- 3.9 ensure that management take appropriate action in accordance with this policy, when instances of sexual harassment are brought to its attention;
- 3.10 ensure that sexual harassment is not tolerated or condoned;
- 3.11 provide all employees, students and other persons who have dealings with the NWU the right to be treated with fairness without any form of sexual harassment;
- 3.12 maintain an effective, efficient, safe and healthy environment free from any form of sexual harassment;
- 3.13 deal with all allegations of sexual harassment in a serious, expeditious, sensitive and confidential manner;
- 3.14 use fair practices to correct behaviour not only to punish or dismiss those accused of sexual harassment; and
- 3.15 protect persons such as employees, students, suppliers, job applicants, contractors, clients and, others who have dealings with the NWU against victimisation, retaliation for lodging vexatious grievances and from false accusation.

4 Forms of Sexual harassment

For the purposes of this policy “sexual harassment” is understood to include the following:

4.1 Physical forms of sexual harassment

Physical conduct of a sexual nature such as unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite gender

4.2 Verbal forms of sexual harassment

Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person’s body made in their presence or directed toward them, unwelcome and inappropriate enquiries about a person’s sex life, and unwelcome whistling directed at a person or group of persons.

4.3 Non-verbal form of sexual harassment

Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.

4.4 Visual forms of sexual harassment

Visual forms of sexual harassment include exhibiting pornographic photos, comics, objects etc. that create a hostile environment.

4.5 Quid pro quo forms of harassment

Quid pro quo harassment which occurs where an owner, employer, supervisor, member of management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favours.

Where an employee, supervisor or a member of management, undertakes or attempts to influence the marks of students, acceptance into residences, team selections for different sports, etc. in exchange for sexual favours.

4.6 Sexual favouritism

Sexual favouritism exists where a person who is in a position of authority rewards only those who respond to sexual advances made by such a person, whilst other deserving employees and/or students

who do not submit themselves to any sexual advances are denied such benefits, e.g. promotions, merit rating or salary increases, acceptance into residences, etc.

5 Rules

- 5.1 All line management must implement this policy and take appropriate action against any person accused of sexual harassment.
- 5.2 Action taken by a line manager in compliance with this policy must be done in conjunction the People and Culture department or the relevant Student Judicial Office.
- 5.3 The implementation of the policy must be undertaken in a manner that is consistent and substantively and procedurally fair regarding labour and administrative practices.

Annexure 1

Sexual harassment will have the same definition as per the Protection of Harassment Act (17 of 2011) and means any:

- (a) *Unwelcome sexual attention from a person who knows or ought reasonable to know that such attention is unwelcome;*
- (b) *Unwelcome explicit or implicit behaviour, suggestions, messages or remarks of a sexual nature that have the effect of offending, intimidating or humiliating the complainant or a related person in circumstances, which a reasonable person having regard to all the circumstances would have anticipated that the complainant or related person would be offended, humiliated or intimidated;*
- (c) *Implied or expressed promise of reward for complying with a sexually oriented request;*
- (d) *Or implied or expressed threat of reprisal or actual reprisal for refusal to comply with a sexually oriented request.*