



## **SEXUAL HARASSMENT POLICY**

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<b>Accountable executive manager</b>	Executive Director: People and Culture
<b>Policy Owner</b>	Executive Director: People and Culture
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## **SEXUAL HARASSMENT POLICY**

### **Preamble**

Against the background of our vision to discover new frontiers and opportunities that benefit society, thereby advancing our relevance and impact, the Council of the North-West University (“NWU”, “university”) adopted this policy on 19 November 2025, 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 Protection from Harassment Act, 17 of 2011;
  - 1.1.3 Higher Education Act, 101 of 1997;
  - 1.1.4 Statue of the North-West University (2017) (the statute);
  - 1.1.5 Labour Relations Act, 66 of 1995;
  - 1.1.6 Employment Equity Act, 55 of 1998;
  - 1.1.7 Basic Conditions of employment Act, 75 of 1997, and
  - 1.1.8 Criminal Law (Sexual Offences and Related Matters) Amendment Act, 32 of 2007
- 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 a comprehensive policy, 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 that respects human dignity;
- 3.4 enable all managers, employees and students at the University to contribute to creating a climate in which victims of sexual harassment will not feel that their grievances are ignored, trivialised or subject to 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 individuals such as suppliers, job applicants, contractors and clients, who have dealings with the NWU, are not subjected to or instigate sexual harassment at the NWU;

- 3.8 allow any person subjected to sexual harassment by persons referred to in 3.7 to file a complaint through the NWU's internal structures;
- 3.9 ensure that management takes 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 dealing with the NWU the right to be treated fairly and without any form of sexual harassment;
- 3.12 maintain an effective, efficient, safe and healthy environment that is free from any form of sexual harassment;
- 3.13 deal with allegations of sexual harassment in a serious, expeditious, sensitive and confidential manner, and
- 3.14 protect persons such as employees, students, suppliers, job applicants, contractors, clients and others who have dealings with the NWU against victimisation, retaliation for lodging grievances, and 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. This includes strip searches conducted by or in the presence of someone of the opposite gender.

### **4.2 Verbal forms of sexual harassment**

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

### **4.3 Non-verbal forms of sexual harassment**

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

### **4.4 Visual forms of sexual harassment**

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

### **4.5 Quid pro quo forms of harassment**

*Quid pro quo* harassment occurs when 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 member of management undertakes or attempts to influence the grades of a student, their acceptance into residences or team selections for different sports, etc. in exchange for sexual favours.

### **4.6 Sexual favouritism**

Sexual favouritism exists where a person in a position of authority rewards only those who respond to their sexual advances, whilst deserving employees and/or students who do not submit to such advances are denied benefits such as promotions, merit ratings or salary increases and acceptance into residences.

## 5 Rules

- 5.1 All line managers must implement this policy and take appropriate action against anyone accused of sexual harassment.
- 5.2 Action taken by a line manager in compliance with this policy must be undertaken in conjunction with the People and Culture department (Employee Relations Unit) 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 is defined as per the Protection from 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 offend, intimidate or humiliate the complainant or a related person, in circumstances where a reasonable person would anticipate 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) *Implied or expressed threat of reprisal or actual reprisal for refusal to comply with a sexually oriented request.*

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