



UNIVERSITY OF CAPE TOWN

IYUNIVESITHI YASEKAPA • UNIVERSITEIT VAN KAAPSTAD

► Sexual Violence Response Report



Introduction

National Context

International treaties, the South African law and university policies places a multi-sectoral responsibility on government, civil society and other public institutions such as universities to address gender based violence¹.

These responsibilities derive from the comprehensive policy framework developed in South Africa to address GBV, as well as the regional and international protocols and treaties the country is party to. Taken together, they locate universities and colleges' responses to GBV at the nexus of criminal, civil and labor law.

University of Cape Town

The management review of the Transformation Office which took place from 2014 to 2017; redefined the work of the Discrimination and Harassment Office, the HIV/AIDS, Inclusivity & Change Unit and the Disability Services.

From November 2017 to September 2018 significant systemic changes have been established to ensure that the University of Cape Town is responsive and effectively managing the incidences of sexual violence and sexual harassment.

Currently, sexual violence and sexual harassment reported cases are dealt with in the following ways,

- Survivor Support – providing medical and legal assistance
- Mediation – providing informal measures as requested by survivors and/or complainants
- Registrar (students) – providing formal measures as requested by students who are survivors and/or complainants
- Human Resources (employer relations) – providing formal disciplinary measures as requested by staff who are survivors and/or complainants

The above functions are being revised in light of the tabled Ministerial policy for gender based violence responses in the PSET sector. The Director of the OIC, formed part of this ministerial committee and is informing the practice at UCT to align with the DHET's policy. UCT Compliance with the GBV minimum standards for the PSET sector are tabulated in the section titled Minimum Standards on pages 10-20.

Systemic Changes

Online Case Management System

UCT systemic changes include the development of an Online Case Management System that is not only responsive to UCT's needs but responds to the call by survivors for transparency in the management of their cases. The latter provides for the facility of anonymous reporting and the ability for survivors to access the system to track where their case is within the UCT structure.

¹ Gender Based Violence is a term that encompasses all forms of gender discrimination, sexual assault, sexual harassment, rape and general assault.

The online case management system will ensure that UCT can track repeat offenders; provide transparency to survivors about where their case is within the UCT system; provide anonymous reporting; identify hotspots for sexual assault; and generate accurate data analytics for UCT. This system is expected to be complete by December 2018.

Only one other university has an online reporting system – but after an analysis of their system, the Director found that the functions of the system is limited and would not respond adequately to the needs of UCT.

The development of UCT’s online case management system sets precedent for the higher education sector and has generated interest from UN Women and other universities who may wish to model their own system on UCT’s online system.

Structural Changes and Policy Revision

Changes within the tactical operations of sexual violence and sexual harassment involve the various units that have responsibility for sexual violence and sexual harassment on campus. These working groups include Human Resources, the Office for Inclusivity & Change, Properties and Services, the Registrar’s Office and the Department of Student Affairs.

Policy Revisions

Currently, all UCT policies in relation to sexual offence and sexual harassment are being reviewed. The intention is to ensure alignment of the UCT policies with national legislation; the UCT disciplinary processes and include in them the new processes that have been initiated between units overseeing sexual violence response at UCT. An outcome of this process, will see the development of a specialized tribunal for sexual offences and sexual harassment for staff and students. The purpose of this tribunal is to have proctors with relevant expertise oversee sexual violence cases.

Training and Prevention education

Eleven staff standby advisors have been trained this year to provide support to survivors after hours, on public holidays and weekends.

A further sixteen student survivor support officers have been trained to provide support to students during operational hours. The range of support offered includes, peer lay counselling; court support and accompaniment during medical treatment (if requested).

Rape culture education, peer education, dialogues and training of student leaders are conducted by 30 Agents of Change Educators (ACES). This peer education training takes place throughout the year and evaluated annually.

Specialized training of first responder staff is conducted in collaboration with the Sexual Assault Response Task Team – who provides training to Campus Protection Security services. Bespoke training is offered to all interested staff and students throughout the year.

It is further recommended that more regular training is required for all new staff – ideally through a specialized induction programme.

Overview of Reported Cases

To date Survivor Support has received 22 cases of rape, and 5 sexual assault cases and 1 attempted sexual assault case, and have provided advice and assistance in twenty cases. Four of the rape survivors were male bodied persons, and 18 rape survivors are female bodied persons. All of the victims in the sexual assault and attempted sexual assault incidents were female, but the call for assistance was received from the husband of one the victims.

Rape incidents

Time of reporting

Eleven of the 22 rape cases were reported within 72 hours after the rape occurred, and could obtain vital medical assistance at Victoria Hospital (our preferred medical facility for UCT survivors), or another rape care centre. One survivor reported a rape that happened in October 2017 and another survivor reported being rape in 2009.

Relationship with perpetrator

In 14 incidences of rape, the perpetrator was known to the survivor, compared to 2 incidents where the perpetrator was not known. In 6 cases, the survivor did not indicate who the perpetrator was. In one rape incident, the survivor met the perpetrator at a restaurant and went home with the perpetrator. In another incident, the survivor met the perpetrator on a dating app a few days before the incident happened. One of the survivors was raped by a boyfriend and another was raped by an ex-boyfriend. Two survivors were raped by a family friend. Two survivors indicated that they did not know the perpetrator.

Location

Four rapes happened in our university residences, and 14 rapes happened off campus. In another 4 cases, the survivor did not indicate where the rape occurred.

Medical assistance

Survivor Support has accompanied ten survivors to Victoria Hospital for medical assistance, one survivor received medical assistance at Karl Bremer hospital, and one person did not indicate where the police took her for medical assistance.

SAPS, CJS & University Discipline

Three cases were reported to South African Police Services, and three complaints have been forwarded to Student Discipline as the perpetrators are university students. In 13 cases, the survivors chose not to open criminal cases against the perpetrator.

Sexual Assault

Relationship with perpetrator

In four cases, the complainants knew the perpetrator, whilst one complainant indicated that the perpetrator was not known, and one person did not indicate whether the perpetrator is known.

Location

Two of the sexual assaults happened on campus, one in residence and one in a postgraduate lab. Two of the incidents happened off campus, and in two cases, the complainants did not reveal where the incident occurred.

SAPS, CJS & University Discipline

One of the sexual assault cases was reported to South African Police Services, whilst in two cases, the complainants chose not to initiate criminal proceedings, and in three cases, the complainant did not indicate if criminal proceedings will be pursued.

Survivor Support

Survivor Support provided assistance to 4 complainants, have invited 2 complainants for consultations, but they have yet responded to the invitation and two complainants wanted the matter resolved informally. One complainant chose that the perpetrator be warned and another complainant requested that the perpetrator be warned about his behaviour. The requests for informal resolutions were referred to the Relations Strategist for execution.

An overview of the above cases reported to the OIC are tabulated below.

	04- Apr- 18	03- May- 18	25- Jul- 18	25- Sep- 18	Accumulative Case Total for 2018
New Survivor Support Cases Per Month					
Sexual harassment	8	4	3	10	25
Harassment	6	1	0	1	8
Rape and sexual assault including threats of sexual assault	6	7	7	7	27
Attempted rape and attempted sexual assault	1	0	0	0	1
Domestic violence	1	0	3	0	4
Assault	1	0	0	0	1
SubTotal of Cases by Survivor Support					66

Limitations of UCT historic and current data on reported incidents

Currently the UCT policy definitions for sexual assault and rape inform the way in which the OIC classifies cases. However, these classifications are not nuanced enough as a result the threat of sexual assault, for example, is reported together with actual investigated rapes, alleged rapes and actual sexual assaults. It will be important to distinguish these categories as well as to identify the location of the action – as most of the reported rapes are off campus. Similarly, the OIC will be including more data categories by position and department and faculty so that hotspots can be identified and preventive interventions initiated. In 2019, the implementation of the Online Case Management system will resolve the limitations of the current system.

Alternative Dispute Measures

Often, survivors may request alternative measures rather than using the formal disciplinary measures that are available in UCT. Mediation is one alternative method which survivors may use. In 2018, 4 respondents were referred by the survivor support officer to the relations strategist to initiate informal measures.

Summary

The work of all units involved in the sexual violence response at UCT is as effective as it can be for the moment. Areas for improvement have been identified and are being actively implemented. UCT is currently compliant with the minimum standards provided by the Ministerial Commission for Gender Based Violence – but we are also aware of the areas of change that are needed to be confident that our sexual violence response and programmes are effective. In the final section that follows this report, the Minister of Higher Education is considering the minimum standards proposed by the task team that was established to consider GBV in the PSET sector. UCT's GBV response is mapped against these minimum standards – highlighting the gaps and measures of redress that are underway.

Minimum Standards for Gender Based Violence Response in the PSET sector

The Ministerial Policy puts forward the following minimum standards for universities noting that if the minimum standards are already in place – then the university processes should be monitored for efficacy and ensuring that systemic processes are survivor focused.

Ministerial Standard for GBV in the PSET sector	University of Cape Town Compliance with Minimum Standard	Current Processes Underway at UCT	Apparent Gaps	Strategy(ies) to address Gaps
Standard 1: All PSET institutions have a comprehensive suite of policies addressing GBV in place				
At a minimum, policies must address the following:	Yes, we are compliant	Although UCT is compliant with the minimum standards, UCT is reviewing all policies in relation to sexual assault and sexual harassment in order to ensure that UCT is stringently focused on survivor centred approaches. Similarly, UCT is devising a specialised tribunal for staff and student sexual harassment and sexual violence reported cases. The formation of this specialised tribunal takes into account the deficits and successes of two other universities who already have a specialised tribunal.	The current definitions articulated in the UCT Policy do not allow for the correct delineation and categorization of cases. For example an actual (investigated) rape and an alleged rape are counted as actual rapes - regardless of whether an investigation has occurred. Similarly, the definitions in the policy do not distinguish between an actual investigated rape and the treat of sexual assault or threat of rape - the latter being counted as a rape	Policy review to align policies with national legislation
Scope of the policy				
Definitions of terms				
Relationship between the GBV policy and other related policies and guidelines				
Relevant structures, their roles and responsibilities				
Reporting of a complaint				
Investigation processes and procedures				
The range of justice processes that may be adopted to resolve complaints				
Counselling and other support to complainants Education and information strategies to popularise the policies and associated procedures	Yes, we are compliant	Prevention programmes are offered through peer education modalities, information and awareness dialogues, management training programmes	More progress can be made, in terms of accountability of line managers who do not report instances of sexual assault or	Staff training modules to be rolled out via HR twice a year. A revised induction programme

<p>Programmes and teaching strategies to address and prevent GBV</p>	<p>Yes, we are compliant</p>		<p>sexual harassment. Line managers should also ensure that all staff are very clear about sexual harassment and what constitutes consent. Similarly, line managers should be holding staff to the code of conduct expected at UCT.</p>	<p>should include detailed training and awareness about sexual violence, consent and harassment - which includes information on the repercussions about the breach of policy.</p>
<p>Monitoring and evaluation of the policies</p>	<p>Yes, we are compliant</p>	<p>Policy monitoring is currently conducted by the Sexual Assault Response Team that was formed by Council to oversee the development of Gender Based Violence Responses at UCT.</p>		

Ministerial Standard for GBV in the PSET sector	University of Cape Town Compliance with Minimum Standard	Current Processes Underway at UCT	Apparent Gaps	Strategy(ies) to address Gaps
Standard 2: All PSET institutions have developed and implemented strategies aimed at popularising their policy among staff and students				
Strategies could include, but not be limited to, the following:				
Webpage on the institution's website explaining the policy	Yes, we are compliant	The UCT webpage has all policies related to SVGBV		
Pamphlets and posters, distributed electronically or in hard copies	Yes, we are compliant	The SART committee developed posters for UCT which are still used and distributed on campus.		
Presentation and information sessions for staff and students	Yes, we are compliant	Peer dialogues throughout the year are conducted in residence; with student councils; bespoke training for staff	We have requested that all faculties extend their Orientation programmes to include sexual harassment, consent and rape culture information (2 hours). Some faculties have not prioritized this matter - resulting in limited time slots (15 mins) being allocated.	
Report backs on the particular institution's progress in implementing the policy	Yes, we are compliant	Council receives SART reports; OIC submits two reports a year to the DVC; Committee work continues throughout the year.	The Director is working on ensuring the UCT GBV strategic response is informed through data analytics. Current data sets are not as accurate/nuanced as they should be - which results in a misrepresentation of data.	

Ministerial Standard for GBV in the PSET sector	University of Cape Town Compliance with Minimum Standard	Current Processes Underway at UCT	Apparent Gaps	Strategy(ies) to address Gaps
Standard 3: All PSET institutions have developed specialised responses to GBV s				
Strategies could include, but not be limited to, the following:				
Designated reporting point	Yes, we are compliant	The OIC is the designated reporting point	Anecdotal and some reported evidence of persons withholding/not reporting/preferring to help survivors instead of reporting to OIC	Expanding protocol information - and urging all staff/students to report - even if this means that staff/students continue to help survivors instead of the OIC (as an interim measure). The inclusion of staff/students who prefer to help survivors instead of bringing students/staff to the OIC - is currently not catered for in the policy and thus we are placing survivors first by respecting their need to be supported by a peer/colleague. The policy will then need to include measures for reporting; accountability and potentially resourcing.
Integrated, cross-cutting structure(s) capable of case investigation, counselling/support and education and prevention and allocated the requisite level of authority to do so.	Yes, we are compliant	OIC, HR, P&S, and the Registrar's Office including Residence Disciplinary Tribunal work together to respond to sexual violence and rape on or off campus		
Where these functions cannot all be housed within a dedicated unit, evidence of centralised coordination of these functions must be presented.	Yes, we are compliant	As the work is cross cutting, the online reporting and case management system - bridges the work of the units by having a centralised database that captures the report through to the resolution/outcome of informal/formal processes.		

Ministerial Standard for GBV in the PSET sector	University of Cape Town Compliance with Minimum Standard	Current Processes Underway at UCT	Apparent Gaps	Strategy(ies) to address Gaps
Standard 4: PSET institutions have put structures and systems in place to oversee effective implementation of their policies				
Strategies could include, but not be limited to, the following:				
Systems for recording, analysing and reporting on complaints	Yes, we are compliant	Current paper based/Microsoft word and excel methods being transitioned to the online case management system		
Key performance indicators for senior managers evaluating their contribution to promoting safety and justice on campus	No we are not yet compliant		We have not yet considered this.	In 2019, together with HR a consultative meeting will be held to develop a strategy that will comply with this minimum standard.
The existence of functional panels or committees which meet regularly to support the individuals/units tasked with the implementation of the policy	Yes, we are compliant	SART is a multi-sectoral team that advises the work of the OIC and UCT in response to sexual assault and rape.	Broader engagement with UN Women, Safer Cities model with the City of Cape town are currently being explored. The Director has held meetings with CPUT, SAVI and UN Women and DHET to discuss a collaborative approach that bridges the boundaries of UCT and the community - to ensure that our work internally can impact externally. Noting that our physical environment is an open campus - it is important that the approach within our community setting is as impactful.	The intention is to have a unified Safe Cities model with the WC PSET sector in collaboration with the City of Cape Town and UN Women.

<p>At least one report issued annually by PSET institutions detailing the number of complaints received and their outcomes, as well as an outline of all activities undertaken by the institution to implement the policy.</p>	<p>Yes, we are compliant</p>			
<p>Institutions report on the budget they have allocated towards the establishment of these structures and systems</p>	<p>Yes, we are compliant</p>			

Ministerial Standard for GBV in the PSET sector	University of Cape Town Compliance with Minimum Standard	Current Processes Underway at UCT	Apparent Gaps	Strategy(ies) to address Gaps
Standard 5: Key personnel in PSET institutions have been trained around responding to incidents of GBV				
PSET institutions must demonstrate the existence of a range of different forms of training tailored to participants' roles in executing the policy. At a minimum such programmes must include:	Yes, we are compliant			
First responder training for all those likely to have some contact with complainants in the aftermath of rape or its attempt, as well as all forms of assault. These include house wardens of residences, security staff, clinic/wellness staff, and all personnel responsible for receiving reports. Training must equip first responders to assist those with disabilities, as well as LGBTQI+ complainants.	Yes, we are compliant	CPS staff and Standby Advisors are usually the first people to be called/in contact with survivors. These staff members have been trained. The training has been devised and delivered by SART.	New staff in CPS are not regularly brought in for training. This needs to be corrected.	MOU to be developed and induction training of CPS needs to be done monthly.
Peer support training enabling students in particular to provide emotional support to their peers. Peer support should be provided by students reflecting the diversity of the student population.	Yes, we are compliant	16 Student Survivor Support Officers are trained to provide specialised support. Prevention education is conducted by 30 ACES on rape culture, gender bias and intersectionality.	Broader student engagement is required.	Partnerships with Faculty student councils, Residence Committees, and UCT Radio have been forged with an alignment of the rollout communication and training plan for 2019. The Director has met with 2 out of 6 Faculty communication managers and will by the end of 2018 have delivered communication electronic packages for use during each month of 2019. In this way, faculties have ready-made materials to use on their websites, newsletters etc. to share information on process, policy and education.

<p>Case management, investigation and prosecution for all those tasked with receiving reports and grievances, investigating matters and readying them for disciplinary processes. This training should also include preparing complainants to testify.</p>	<p>Yes, we are compliant</p>	<p>Ongoing improvement. Online case management tool will expedite the cases through the system by embedding accountability measures for delay. The Registrar's office prepares survivors for the disciplinary processes and provides this type of support.</p>		
<p>Alternative justice processes – anyone mediating matters or managing restorative justice processes must have received training in this regard.</p>	<p>Yes, we are compliant</p>	<p>Mediation is used when the survivor hears all options available and decides to rather engage informally. Survivors may also choose to not follow up at all or they may choose to use the formal process.</p>		
<p>Duties and responsibilities – this training should focus on the spectrum of senior managers on campus and focus on the policy, paying particular attention to PSET institutions legal duties and responsibilities and the role of senior managers in upholding these.</p>	<p>Yes, we are compliant</p>	<p>Currently provided.</p>	<p>Needs to be more regular (monthly for new staff) and bi annually for current staff via the Staff training programme in HR.</p>	

Ministerial Standard for GBV in the PSET sector	University of Cape Town Compliance with Minimum Standard	Current Processes Underway at UCT	Apparent Gaps	Strategy(ies) to address Gaps
Standard 6: PSET institutions conduct campaigns and programmes aimed at preventing GBV				
Campaigns and other forms of mobilisation against GBV	Yes, we are compliant	OIC holds annual campaigns for GBV via the Curriculum course work in partnership with Michaelis School of Fine Art. Each year, artwork about GBV is installed on campuses to enabled peer engagement between these young artists and the broader UCT community. SART continues to host the UCT GBV campaign.		
Programmes aimed at promoting individual behaviour change among students	Yes, we are compliant	ACES peer education programme, along with other student leader programmes ensures that individual behaviour change is communicated via peer dialogues.	We are focusing on male only workshops. Sonke Gender Justice has partnered with OIC in this regard but we need to expand upon the reach of this model.	
Programmes aimed at promoting individual behaviour change among all categories of staff, from maintenance to academic	Yes, we are compliant		Currently the reach of education and awareness is limited. We need to regularize the training through HR.	

Trained peer educators reflecting the diversity of students	Yes, we are compliant	ACES peer education programme, along with other student leader programmes ensures that individual behaviour change is communicated via peer dialogues.		
Expansion of curriculum to address GBV and social justice	No we are not compliant		This is a gap that will be focused on more strongly in 2019. Whilst we do have many academics and researchers involved with this discourse in their curriculum - the OIC will focus on the areas of curriculum that will expand upon and embed the GBV content.	The VC has introduced a strong gendered focus for UCT. Together with the VC's strategic research areas, UCT will and should initiate a mapping document of gender based violence research and curriculum at UCT.
Training for staff and students responsible for prevention programming	Yes, we are compliant			
Copies of any research about GBV on campus.	No we are not compliant		In 2016 a GBV mapping document focused on curriculum and research was conducted by the OIC. An update is required of this work.	In 2019, the VC strategic areas will foreground the gender strategy that the VC initiated in 2018.

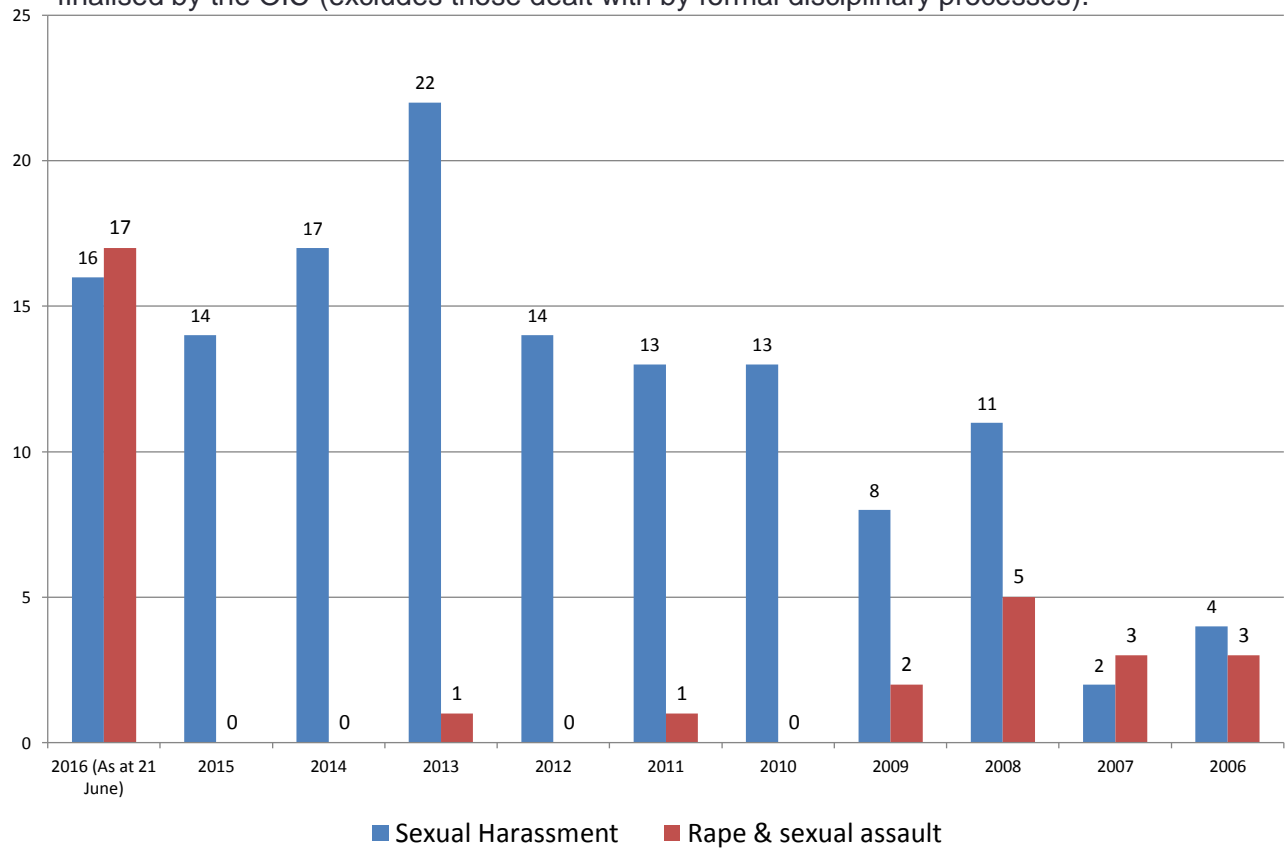
Ministerial Standard for GBV in the PSET sector	University of Cape Town Compliance with Minimum Standard	Current Processes Underway at UCT	Apparent Gaps	Strategy(ies) to address Gaps
Standard 7: PSET institutions take steps to promote the safety of all on campus				
Procedures prohibiting contact between parties, including in the form of orders, as well as transfers out of classes or residences	Yes, we are compliant			
Tools and approaches to auditing safety and campus, with at least one safety audit conducted annually.	No we are not compliant			Partner with SAVI to establish a UCT safety audit
Plans to address any issues of concern identified by the audit	No we are not compliant			
Participation in community policing forums and/or other community structures addressing GBV and broader issues of safety	No, we are not compliant			Partner with SAVI to establish a UCT safety audit

Ministerial Standard for GBV in the PSET sector	University of Cape Town Compliance with Minimum Standard	Current Processes Underway at UCT	Apparent Gaps	Strategy(ies) to address Gaps
Standard 8: PSET institutions show an increase in the number of cases reported to them				
<p>Given the problem of significant under-reporting, an increase in the number of reports made will be treated as evidence of the university or college having popularised their policy and its procedures and having created credible, effective reporting structures. Conversely, the absence of reports will be treated as cause for concern. It is accepted that not all reports will result in complaints – hence the emphasis on reports and not complaints.</p>	<p>Yes, we are compliant</p>	<p>We are currently seeing an increase in reporting. A decrease in the willingness for investigation of these matters - which means that UCT data is mainly constituted of reported alleged rapes or sexual assault or threats of sexual assault.</p>	<p>How UCT communicates this data (as reported) but not investigated incidences of sexual assault or rape - is important so that the broader community understands the nuances in the data and why they exist.</p>	<p>Work with CMD to address this. OIC will also ensure that the data analytics system provides the nuances for CMD to be able to communicate the data.</p>

Historical Overview

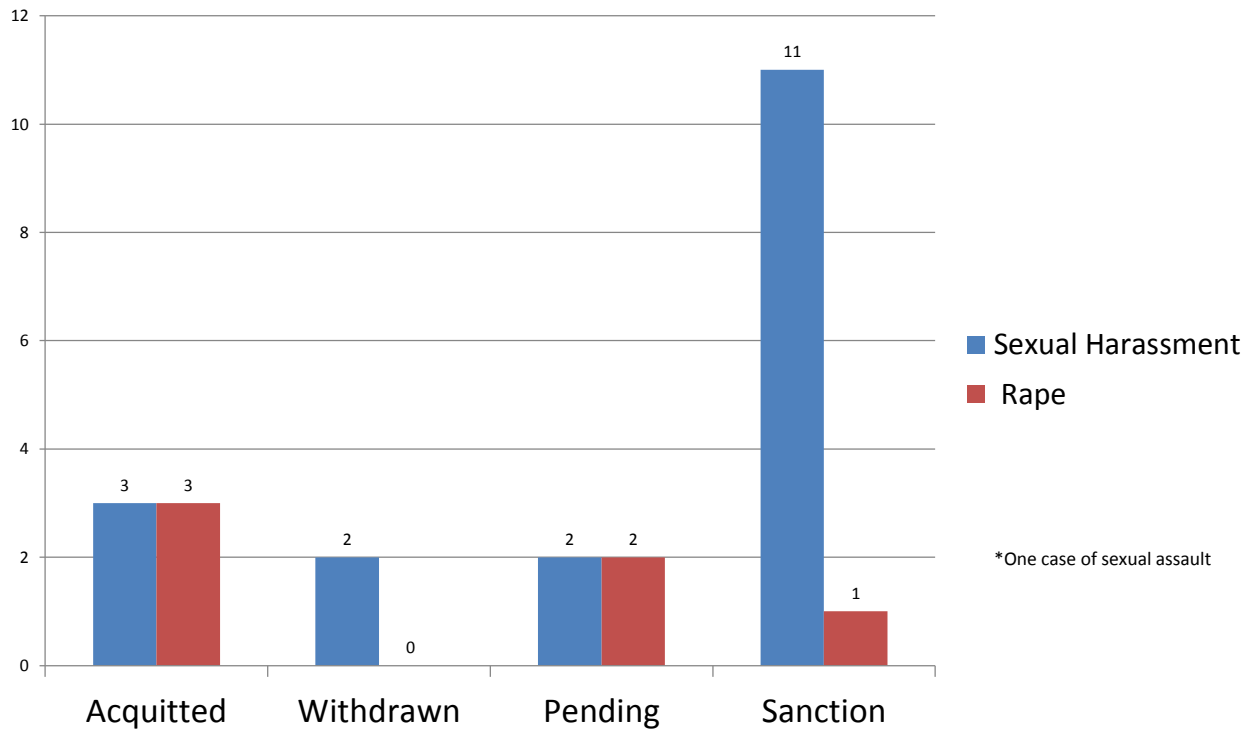
Cases of sexual harassment that were reported, investigated and finalised during the period 2006 to 2016

Over the period from 2006 to June 2016, 109 sexual harassment cases were reported and finalised by the OIC (excludes those dealt with by formal disciplinary processes).



Successful prosecutions and sanctions managed by the UCT Disciplinary Tribunal

Over the period from 2006 to June 2016, 25 sexual harassment cases were referred to the UCT Disciplinary Tribunal.





CASE CATEGORY	As at 23 Dec 2015	As at 19 Dec 2016	08 November 17	20 December 2017
Sexual harassment	14	31	20	22
Harassment	25	19	7	7
Racial harassment/ discrimination	14	9	7	7
Discrimination, sexism & homophobia	8	16	14	14
Rape & sexual assault	10	22	19+	21+
Attempted rape & sexual assault	-	-	9+	9+
Domestic violence	4	2	4	4
Assault	6	4	4	4
Advice in general	4	9	10	10
Other (general disputes)	3	8	-	-
Workplace relations (including HR and mediations)	25	23	24	26
Total	113	143	118	122

+ On 18 September 2017 the Registrar submitted an EXCO request for a separation between attempted sexual assault and rape cases and actual sexual assault and rape cases