



UNIVERSITY OF TM
KWAZULU-NATAL
 INYUVESI
YAKWAZULU-NATALI

SEXUAL HARASSMENT POLICY

Name of policy:	Sexual Harassment Policy	
Reference Number:	CO/02/1809/17	
Originator/Author: <i>(name and position)</i>	Executive Director: Human Resources	
Custodian: <i>(position/office)</i>	Human Resources	
Structures Consulted	EMC	01 June 2017
	Staffing Committee	22 August 2017
	JCF	14 June 2017
	Senate	30 August 2017
Policy approved by:	Council	18 September 2017
Policy effective date:	01 October 2017	
Policy review date:	30 September 2020	
Implementation responsibility:	Human Resources	

CONTENTS

SECTION NUMBER	SECTION	PAGE NUMBER
1	PREAMBLE	1
2	DEFINITIONS	1
3	SCOPE OF APPLICATION	1
4	PURPOSE	1
5	FORMS OF SEXUAL HARASSMENT	1
	- Physical	2
	- Verbal	2
	- Non-verbal	2
6	POLICY STATEMENT	3
	- Responsibilities of Executives, Deans, Heads of Division, Line Managers, Staff and Students	3
	- Confidentiality	3
	- Conflict of Interest	3
	- Victimization	3
7	EFFECTIVE DATE	3
8	REVIEW DATE	4

1. PREAMBLE

The University is committed to providing a work and study environment that is free of any form of unfair discrimination or harassment. This includes any acts or threats that interfere with the performance at work or in study of any individual or group on account of race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, political opinion, culture, language or birth.

Sexual harassment is unacceptable behaviour, which is a serious issue that undermines morale and can adversely affect the ability of staff and students to achieve their full potential within the University. As a result of it being a serious issue the University is committed to taking action to deter sexual harassment and to ensure that complaints are dealt with fairly and efficiently.

2. DEFINITIONS

Sexual harassment is defined in South African legislation as "unwanted conduct of a sexual nature". The distinguishing characteristics of sexual harassment are that it is conduct with a sexual component, which is unwelcome, unsolicited and unreciprocated.

Sexual attention becomes sexual harassment if:

- The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment, and/ or
- The recipient has made it clear that the behaviour is considered offensive and / or
- The perpetrator should have known that the behaviour is regarded as unacceptable.

It is not only the intention of the alleged harasser that is the issue, but also the complainant's reasonable perception and experience of the alleged harasser's behaviour.

3. SCOPE OF APPLICATION

All UKZN staff, students, visitors and third party contractors, and includes staff, visitors and third party contractor interactions with students. UKZN would not have jurisdiction over external parties involved, however, the University would endeavour to provide support if their staff and/or students are involved.

4. PURPOSE

The purpose of this policy is to set out the framework and broad principles for dealing with sexual harassment in the UKZN workplace.

5. FORMS OF SEXUAL HARASSMENT

Sexual harassment may include physical, verbal and non-verbal conduct, which includes, but is not limited to:

Physical

- unwanted and deliberate physical contact;

Verbal

- unwelcome verbal comments of a sexual nature;
- subtle or explicit demands for, or offers of, sexual favours;
- verbal sexual harassment such as unwelcome innuendos, suggestions and hints;
- comments with sexual overtones; sex-related jokes or insults or unwelcome graphic comments about a person's body made in his/her presence or directed to him/ her;
- unwelcome and inappropriate enquiries about a person's sex life; and unwelcome whistling directed at a person or group of persons.

Non-verbal

- gratuitous display of sexually explicit written or audio-visual materials;
- transmission or display of offensive email, screen savers or pornographic computer images;
- offensive gestures or actions of a sexual nature including indecent exposure or "flashing";
- persistent unwanted attention: following or stalking behaviour.

Sexual favouritism exists where a person who is in a position of authority favours those who respond to his/her sexual advances, whilst other deserving employees and students who do not respond to sexual advances are disadvantaged or denied opportunities for example in relation to promotion, nominations for merit awards, training opportunities, grading of assignments and practicals, etc .

Some forms of sexual conduct, which are considered innocuous by some people, may be considered offensive by others. In addition, different social or cultural backgrounds may lead persons to perceive the same conduct differently. All staff and students are expected to respect the sensitivities of others especially where there may be variations in the interpretation of acceptable behaviour and accordingly cultural differences may not be used as an excuse or justification for sexual harassment

Quid pro quo harassment, occurs where an 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. Accordingly, the University has concerns where sexual harassment:

- implicitly or explicitly imposes a condition on student admission , funding, grading or academic progress;
- implicitly or explicitly imposes a condition on staff recruitment, selection,

- appraisal or career progress;
- interferes with academic or work performance;
- creates an intimidating or offensive learning or working environment and undermines social functioning.

6. POLICY STATEMENT

Responsibilities of Executives, Deans, Heads of Division, Line Managers, Staff and Students

All staff and students shall have responsibility for upholding the University's Policy on Sexual Harassment. Line managers shall have a particular responsibility to ensure that areas within their jurisdiction are free from sexual harassment.

Confidentiality

Employers, employees and students must ensure that grievances about sexual harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential.

In cases of sexual harassment, management, employees, students and the parties concerned must ensure confidentiality in the disciplinary enquiry. Only appropriate members of management as well as the aggrieved person, representative, alleged perpetrator, witnesses and interpreter if required, must be present in the disciplinary enquiry.

All parties will be required to preserve anonymity, as far as practicable, to seek advice from others without divulging the identity of the respondent or complainant. Information may be disclosed where there is an imminent physical threat of danger to a person.

Management must take appropriate action when instances of sexual harassment which occur within the workplace or during the course of University programmes (regardless of location) are brought to their attention.

Conflict of Interest

All staff and students involved must ensure that they have no conflict of interest or bias in relation to any party to the complaint and that there is no perception by the parties that they have a conflict of interest or bias.

Victimisation

Complaints of victimisation will be treated seriously and investigated by the appropriate authority.

7. EFFECTIVE DATE

The effective date of this policy is 01 October 2017.

8. REVIEW DATE

This policy will be reviewed at minimum every three (3) years from the effective date.

Labour Relations Act, 1995. Code of Good Practice on the Handling of Sexual Harassment Cases