Dealing with sexual harassment at institutions of higher learning: Policy implementation at a South African university

A. Gouws
Department of Political Science
University of Stellenbosch
Stellenbosch, South Africa
e mail: ag1@sun.ac.za

A. Kritzinger
Department of Sociology and Social Anthropology
University of Stellenbosch
Stellenbosch, South Africa
e mail: ask@sun.ac.za

Abstract
In the past two decades universities in South Africa have started to develop and implement sexual harassment policies to protect their staff and students against this type of harassment. The article first looks at the negative impact of sexual harassment on students from a health, psychological and academic perspective. The focus then shifts to policy implementation. While policy development has been relatively successful it is unclear if the implementation of sexual harassment policies is succeeding. It is also unclear what successful policy implementation around sexual harassment looks like. A gap often exists between policy making and policy implementation. This is a multi-dimensional problem varying from the way the policy was formulated to issues of perceptions of the policy and a lack of institutional support.

The article explores notions of what policy impact may mean and then report on the findings of a case study of policy implementation at a tertiary institution in South Africa, as one of three case studies done on the implementation of sexual harassment in tertiary education institutions. The study uses quantitative and qualitative methodology such as a small survey as well as focus groups. The findings show that policy implementation is problematic with the biggest problem being a lack of coordination between the major stakeholders where cases can be reported. One of the consequences of this lack of coordination is that the university's management has no clear understanding of the nature and extent of sexual harassment on the campus, leading them to think that sexual harassment does not occur, while those whom the policy is supposed to protect lose faith in the policy and grievance procedure. To conclude recommendations are made to deal with some of the existing problems.

INTRODUCTION
In the past two decades dealing with issues of sexual harassment in tertiary education has globally become a matter of great urgency. The elimination of sexual
harassment on university campuses has become a priority for those institutions that are really serious about the creation of gender equality. And even for those campuses that do not take gender equality seriously changes in national legislation, activism by women on and off campus and changing institutional leadership that is more gender sensitive, have forced many to formulate policies to deal with sexual harassment. What policy design and implementation around sexual harassment have shown is that institutional cultures have to change in order to deal with sexual harassment successfully.

In the past ten years the impetus of transformation to democracy in South Africa has led to large-scale law reform that included prohibitions on sexual harassment in labour legislation. Where institutions were slow to take up the issue of policy formulation on sexual harassment, a few high profile court cases have jarred them into action since ‘vicarious liability’ of employers has now become entrenched in law.

Most universities in South Africa have by now introduced policies and grievance procedures to deal with sexual harassment. Two universities in the Western Cape, namely the University of Cape Town (UCT) and the University of Stellenbosch (US) did path breaking work in the early 1990s to formulate policies and grievance procedures in a legal vacuum at the time and in hostile institutional environments. The motivation for the establishment of policies and procedures was due to a gender consciousness and activism among the authors of the policies but also due to an inability to deal with or channel sexual harassment cases to a place where it could be dealt with effectively in the institutional culture.

THE IMPACT OF SEXUAL HARASSMENT ON HIGHER LEARNING

Because sexual harassment and gender-based violence in educational settings are most often invisible the impact this behaviour has on learning has only come under scrutiny in the past two decades. Sexual harassment includes a whole spectrum of behaviour ranging from verbal comments and sexist jokes (creating a hostile environment) to quid pro quo behaviour (a very common occurrence in educational settings where lecturers can demand sexual favours for improving students’ marks) to sexual assault and rape.

Recent research conducted by Wear and Aultman (2005) on the impact of sexual harassment on learning of medical students indicates the very negative and pernicious impact. These authors show that acceptance of mistreatment is passed on from one generation to the next by students who believe that such behaviours (such as ridiculing women medical students, making jokes about them or flirting with them) are part of the ‘territory’. It also became clear from this study that students thought that it was futile to report harassment and that reporting could have serious repercussions for those who report it. Students who report are more likely to be viewed as ‘troublemakers’ and risk negative judgement by others.
Literature on sexual harassment at institutions of higher learning suggests that sexual harassment not only has significant health, physical and academic implications for students but also raises concerns regarding the implementation of sexual harassment policies and grievance procedures at institutions.

**Health and psychological impact**

Larsson, Hensing and Allebeck’s (2003, 46) study of medical students in Sweden indicates that, while men and women suffer negative consequences of sexual harassment, women tend to internalise the resulting problems, leading to psychosomatic consequences, anxiety/depression, insomnia and stomach ache. Women students report that they experience the psycho-social environment as negative resulting in feelings of powerlessness. These results concur with international literature that suggest that women are more distressed than men by all forms of sexual and gender related harassment.

Because sexual harassment is most often aimed at women’s bodies and appearance it directly undermines women’s self esteem. The creation of a hostile environment has a psychological impact in that it generates anxiety and depression, often contributing to women students’ developing a preoccupation with their bodies and eating disorders. Evidence also suggests a link between sexual harassment and Post Traumatic Stress Disorder (Le Roux, Orleyan and Rycroft 2005, 8). This is a combination of physical and psychological symptoms such as debilitating fear and anxiety, physical pain of different kinds, damage to reproductive health, the devastating loss of self-esteem, suicidal thoughts, uncontrollable rage, depression and flashback memories which makes it very difficult for the survivors to function ‘as normal’ after the incidence of harassment (Bennett 2002, 26).

In response to sexual harassment some students have been shown to develop avoidance tactics such as walking a different route or always meeting a lecherous lecturer in groups. A lot of energy is spent on developing avoidance tactics, energy that could have been spent elsewhere. It also affects women’s equality since women disproportionately have to cope with the consequences of sexual harassment.

**Academic impact**

Research has shown that sexual harassment influences the academic performance of especially women in two significant ways. Firstly, when male students ridicule women’s class participation the latter systematically withdraw from class participation. Secondly, they develop an inability to concentrate in class. Transfer to other courses has also been related to sexual harassment (Larkin 1994, 110–114).

Herbert (1989) views sexual harassment as part of women ‘controlling
practices’ that are so normalised that women often do not question acts of sexual harassment as something devious. What Herbert (1989, 168) argues is that the social controls that are forced on them are educational, social and emotional. From an educational perspective they cannot perform optimally because of the hostile environment that is being created. Socially they are being controlled because they are being conditioned to believe that it is an acceptable way for men to behave and women have to accept this behaviour as ‘normal’. When they complain they are silenced, making them believe that men have power and they don’t. Emotionally they learn that their feelings cannot be trusted because what they have experienced is ignored or redefined.

Apart from the impact on the individual the institution also suffers when a campus becomes known as unsafe for women. Management is usually accused of being ineffective or even complicit, preventing students from developing a commitment toward the institution (Bennett 2002, 26).

**Concern with policy implementation**

Given the negative impact of sexual harassment on learning it is important that institutions of tertiary education develop and implement policies on sexual harassment as well as grievance procedures. One of the issues that triggered concern about policy implementation was an uncertainty whether the policies reach their intended targets – those who are being harassed. Only dealing with a few cases per year make those responsible for the policies wonder what the real state of sexual harassment on campuses was. Was it a case of under reporting or a case of the lack of legitimacy of the policy itself? Furthermore, institutional support was not really forthcoming because universities are very concerned about protecting their public image and generally do not want publicity around sexual harassment (see in this regard Williams et al. 2005).

As Dziech and Hawkins (1998, 24) point out ‘low reportage has been attributed to numerous factors – fear of retaliation, reluctance to engage in conflict or threaten a relationship with an authority figure, belief that the behaviour will disappear if ignored, concern that institutional remedies are inadequate and powerless to affect change, and conviction that the complaint will be disbelieved’. These authors also argue that institutions do very little to understand the problem of sexual harassment because they are eager to believe that ‘no news is good news’.

By protecting their images universities use a tactic of ‘stonewalling’ that have devastating effects such as Dziech and Hawkins (1998, 25) argue. In the absence of awareness of or open discussion of sexual harassment the belief is fostered that it is non-existent and victims start to think that their cases are isolated incidents that are unwelcome to the institution. When perpetrators are not properly disciplined it leads to mistrust of the institution and a delegitimation of the policy and grievance procedure.
Research of 78 universities in the UK has shown a great variation in handling cases of sexual harassment in a two-year period – 28 per cent dealt with 10 or more cases, and 22 per cent did not get any complaints at all (Thomas 2004, 148). Twenty five percent of the universities stated that they were not sure of the effectiveness of their policies, 55 per cent were fairly satisfied, 11 per cent were somewhat dissatisfied and 2 per cent were very dissatisfied. Many respondents acknowledged limitations of their policies.

What the research by Thomas (2004, 151) reveals is that a top down approach with the development of sexual harassment policies (where the policies were developed by staff or senior management) a reactive strategy is followed, dealing with sexual harassment as it arises by taking disciplinary action against perpetrators. Responsibility therefore rests with line managers, human resource departments or an equal opportunity officer. Cases involving students are dealt with separately, mostly by Deans of Student Affairs. In cases where a consultative approach was used, involving an informal network of advisors more cases were reported and staff was more willing to use the policy and grievance procedure. In contrast the ‘line manager approach’ did not appeal to many people, making them reluctant to use the procedure (Thomas 2004, 151).

What has becomes clear is that there often exists is a gap between policy-making and policy implementation. This is a multi-dimensional problem varying from the way the policy was formulated to issues of perceptions of the policy and a lack of institutional support. Recent research at tertiary institutions globally has shown that policy design alone is only as good as the paper it is written on when limited success is reached with policy implementation.

In light of the above this article aims to assess the implementation of a sexual harassment policy and grievance procedure at the University of Stellenbosch in South Africa and the extent to which implementation can be seen to be successful. The article consists of four sections. Section one contextualises the formulation and implementation of the sexual harassment policy and grievance procedure at this university. The second section covers the methodology used to obtain the views of various stakeholders on the implementation of the policy and grievance procedure. Our most important findings are presented and discussed in section three. In the last section our most important conclusions are set out.

**CONTEXTUALISING THE SEXUAL HARASSMENT POLICY AND GRIEVANCE PROCEDURE**

Following research and policy initiatives around sexual harassment at neighbouring universities at the time (for example, University of Cape Town), a group of academic staff and students at the University of Stellenbosch conducted research in 1994 to determine students’ perceptions and experience of sexual harassment as well as tolerance of sexual harassing behaviour on campus. Using a survey methodology questionnaires were completed by a representative sample of 2000 students (Gouws and Kritzinger 1995, 6).
What the findings showed is that incidents that could be classified as ‘student fun or pranks’ were considered as sexual harassment by only a small number of students, while a higher percentage of students viewed sexist jokes/remarks and unwelcome invitations for a date as sexual harassment. Incidents of sexual harassment that are deemed more serious in nature such as quid pro quo behaviour, sexual assault and rape were considered to be sexual harassment by a high percentage of students (see Gouws and Kritzinger 1995, 7). Women students were also found to be more willing to label certain behaviour sexual harassment than male students.

The results of this study were presented to the management of the US in the form of the LOST Report⁴ that strongly recommended the formulation of a policy and grievance procedure on sexual harassment. After the completion of the policy it took another seven years to get the policy institutionalised.⁵
In 2001 the Advisory Committee on Sexual Harassment was appointed and in a meeting held on 21 February 2001 the Vice-Rector commented on the ‘passive’ role of the Advisory Committee and asked members to be ‘preventative’, and to be involved in ‘empowerment’ and ‘consciousness raising’. For the first time the treatment of sexual harassment was linked to ‘employment equity’, making it easier to claim a space for the work of the Advisory Committee within the institutional culture.  

Figure 1 gives an indication how different stakeholders are involved in the policy and procedure. It also indicates the different entry points such as line managers (environmental heads or heads of departments) and the Sexual Harassment Advisory Committee (complaints can be laid with different members of the committee). For students a similar committee exists with the Senior Clinical Psychologist of the Centre for Student Counselling acting as chair. This committee also has student members that are linked to the Centre for Student Counselling.

**RESEARCH METHODOLOGY**

In this study quantitative and qualitative methods were used to explore different role players’ views and understanding of the sexual harassment policy, the grievance procedure and the extent to which the policy and procedure are seen to be effective in addressing sexual harassment on Stellenbosch campus. Because the grievance procedure is duplicated for staff and students it was important to interview stakeholders in both procedures. While the study focused primarily on role players’ views of policy and implementation matters, students were also asked to share their views on and experiences of sexual harassment on campus.

The authors held unstructured interviews with a number of senior institutional stakeholders at the Stellenbosch campus who have/should have a direct involvement with the policy and grievance procedure. The key interviewees included the Vice-Rector of Operations, Director of Human Resources, Dean of Student Affairs, Director of the Centre for Student Counselling (CSC), the Senior Clinical Psychologist for CSC, Director of the University of Stellenbosch Protection Services and the local district surgeon. A number of other stakeholders were invited via e-mail to participate in the study by responding electronically to a set of questions related to the policy on sexual harassment and its implementation. These included (i) members of the Sexual Harassment Advisory Committee (ii) a group of 28 randomly selected heads of departments in the different faculties of the university and (iii) members of the Stellenbosch Women’s Forum (a campus-based interest group that addresses gender equity on campus).

In order to obtain data regarding students’ views on and knowledge of the university's sexual harassment policy and its implementation, two data collection methods were used, namely a small survey and focus group interviews. In the case of the survey, interviews based on a short structured questionnaire were held with a non-representative sample of 50 undergraduate and graduate students. Students
frequenting the Student's Centre and some of the social science buildings were randomly invited to participate by responding to a set of questions. Additional information regarding students’ gender, race, home language, age and year of enrolment was also obtained.

In the case of the focus group interviews, advertisements and contact numbers were placed on different notice boards on campus inviting students to participate in discussions on the university's sexual harassment policy and its implementation. A total of 21 students responded. Focus group interviews were arranged with a mixed gender group consisting of 10 students and a women only group consisting of 11 students. Discussions were taped and transcribed and students were reimbursed for participation in the focus group. With the exception of the focus groups all interviews and responses were in Afrikaans. Interview material was translated into English.

RESEARCH FINDINGS

Findings based on our interviews with different role players are presented below:

Senior institutional stakeholders

The senior stakeholders occupy different positions within the university hierarchy and their views and opinions on the extent of sexual harassment on campus, the policy on sexual harassment and its implementation tend to reflect this. However, they do share some common views and concerns that are summarised below:

Most of these stakeholders suggest that there is a lack of serious involvement with the sexual harassment policy and its implementation on the part of line management. Although resources appear to be available the policy issue is not always strategically addressed. Furthermore, line managers have never received training on sexual harassment and therefore do not have the necessary skills to deal with issues pertaining to sexual harassment. Most of the interviewees agree that there is lack of training and consciousness raising of, not only staff, but students as well. In the case of the latter it was suggested that more programmes be developed that target specific student groups as one cannot target one group only. Students at this campus come from different cultural backgrounds and this is seen to be relevant for training and sensitising students. The involvement of male students was also emphasised – ‘it’s a gender issue – and the two genders do not always view sexual harassment and related issues in the same way’.

These stakeholders also emphasised the fact that there does not exist a holistic view of the situation around sexual harassment on campus and that discussions have been on an ad-hoc basis. Given that there are different ‘entry’ points, information tends to be highly fragmented. This partly explains why the university has no holistic approach to and understanding of the extent of sexual harassment on campus and why the Sexual Harassment Advisory Committee has been driving...
initiatives up to now. There was also agreement that the university is not sending a strong enough message about the seriousness of dealing with incidents of sexual harassment. The message is seen to lack ‘visibility’ – especially as far as students’ residences are concerned.

Mention was also made of the role that the university's institutional culture plays in addressing gender hierarchies. One of the stakeholders emphasised that women on this particular campus are disempowered (staff and students) and in order to facilitate the reporting of incidents of sexual harassment, it is essential that there be sustained efforts to address this. Another emphasised the need to create a value system of transparency within the organisational culture where staff and students will have the necessary trust to lay complaints of incidents of sexual harassment.

Stakeholders involved with the Centre for Student Counselling have specific views on the role and functioning of this unit. They emphasise that the follow-up of reports of incidents of sexual harassment at the Centre is problematic because of the confidentiality of the procedures. The Senior Clinical Psychologist puts a high premium on confidentiality so that it is very difficult to gain information where a case involves both committees (where a student is harassed by a lecturer). Furthermore, most complaints do not go further than the informal stage. The Centre emphasises mediation between parties and, with the exception of rape, many cases are resolved through written agreements between parties. In most cases individuals involved enter therapy and it is seen as vital that the university provides this service to their students.

Students’ need to feel ‘comfortable’ with the Student Committee on Sexual Harassment was also stressed. The composition changes regularly as students who are members leave campus after completing their studies. High turnover of membership can have negative consequences for the efficient functioning of the Committee. The grievance procedure is also seen to pose certain problems. Stipulated time frames are often difficult to adhere to. Holidays in particular are problematic as relevant role players are not always on campus. This leads to unnecessary delays in the process.

Members of the Sexual Harassment Advisory Committee

The Sexual Harassment Advisory Committee presently consists of sixteen members including the two authors. Only six members responded to questions sent to them via e-mail (see above). Of these six members five have not received any complaints and thus have had no experience of the implementation of the sexual harassment policy. They were not in a position to evaluate the effectiveness of the existing policy and three members view the policy as something available on paper only.

All of the respondents felt that the existing policy should receive a higher profile and that it should be more creatively, aggressively and dynamically
marketed and advertised by the university. There was also a suggestion that members of the Advisory Committee should take responsibility for the marketing of the policy in smaller and demarcated environments. Most of them expressed uncertainty about the role of the Advisory Committee as well as their contribution to this committee.

Members’ opinions regarding the ‘true’ state of sexual harassment on campus vary. While some suggest a decrease in incidents due to legislation and the university’s policy on sexual harassment, others suggest that the incidence of sexual harassment is probably higher than what is generally thought. This relates to the fact that most people who are harassed are reluctant to lay formal complaints.

**Heads of academic departments**

Of the 25 heads of academic departments to whom questions related to incidents of sexual harassment and the sexual harassment policy were sent, 16 responded. Of the 16 who responded to the questions, 9 indicated that they were informed as to what the policy on sexual harassment entails, while 5 indicated that they had a general idea of the policy or were ‘more or less’/superficially informed about it. Two stated that they had no knowledge of the existing policy. Heads of departments who were informed of the policy identified a variety of sources that provided them this information. These include documentation on employment equity, posters, website, brochures and Human Resources. Some could not remember what their source of information was. Only two heads of departments indicated that they had received complaints of sexual harassment from their staff none of which reached the formal stage.

**Members of the Stellenbosch Women’s Forum**

Of the 14 women who responded to questions on the sexual harassment policy and its implementation only 5 were informed about the policy. Four have had access to the policy (guide for personnel; policy was sent to department for discussion; posters on notice board in the tea room) and one member had been involved in the formulation of the policy. Most of the respondents were either unsure or sceptical about whether the policy is being successfully implemented on campus, for example, ‘No, from what I hear it does not sound particularly positive. However, I don't have first hand knowledge of the policy's implementation’ and ‘No, the policy is not being implemented successfully because there are only a few individuals who are aware of the policy and there still is the perception that people keep quiet about it’.

Only one respondent expressed a more positive view pointing out that ‘As a past PA in management, I feel more confident about the past three years; not only has a policy been formulated but complaints about sexual harassment are dealt with in a very serious way’.
Students

Survey

Of the 50 students who participated in the survey 23 were women and 27 men. Thirteen were first years and 17 and 11 were second and third years respectively. Nine of the students were postgraduate students. In terms of race, 26 of the 50 students were white, 11 were so-called 'coloured', while 10 students were black. The majority of students (38) were Afrikaans speaking, while 9 were English and one Xhosa speaking. Two students had a home language classified as ‘other’.

The vast majority of the students (48) claimed that they know what sexual harassment entails, while only two students reported having experienced sexual harassment – the first entailing touching of a sexual nature in a club and the second through receiving abusive cell phone messages. Both students were women and in both cases they did not take any formal steps.

Only 12 of the total number of students interviewed reported that they have accessed information on the sexual harassment policy, while 37 reported having received no information. One student did not know about the policy, but expected or assumed that a policy would be in place. In response to the question as to where they have accessed information, students identified the following: father who is a lecturer at the University of Stellenbosch, university’s website, US publications and newsletters, pamphlets and posters on notice boards and first year orientation at the start of the academic year.

Of the 37 students who reported that they received no information on the existing policy, 28 indicated that they would like to know more about the policy. Of those who were informed about the policy (12 students), a number of students (6) indicated that they would like to have access to more information on the policy.

Most students did not respond to the questions concerning the message being sent out by the university authorities and how the implementation of sexual harassment policy could be improved. For most first years sexual harassment is not really an issue as they tend to be overwhelmed by the campus experience.

Focus groups

The mixed gender focus group consisted of 5 women and 5 men and their ages varied between 20 and 26 years. As to their home language 3 were Afrikaans, 4 were English and 2 were Xhosa speaking. One participant indicated Zulu/English as his home language. The age of the eleven students participating in the women only group varied between 19 and 22 years. Of the total number of students only 2 were Afrikaans speaking. The remaining participants were English speakers.

Knowledge about and experience of sexual harassment – especially on campus

Participants of both groups emphasised the confusion surrounding the definition of
sexual harassment resulting in students not knowing that they are sexually harassed – ‘It is very difficult to define, you cannot really pinpoint it’. One participant commented that she had heard about sexual harassment only very recently. However, some members of the women only group did define sexual harassment as ‘interaction that makes a woman feel uncomfortable and that this interaction need not be of a physical nature to qualify as sexual harassment’. Students emphasised the need for a clear definition of sexual harassment.

Those who participated in the mixed gender group discussion also referred to the relevance of context and the form that sexual harassment takes: ‘The classical idea that only girls being grabbed by the boobs is sexual harassment is not true. You get it daily on a verbal level with attention you don’t need – also remarks, comments – all those sorts of things’, ‘There are different degrees of harassment on campus’ and ‘Some people take it too far – it can even be just a look’.

Campus culture was seen as highly (hetero)sexualised and providing a fruitful context for sexual harassment. This view is illustrated by the following comments:

There are a lot of people on campus – the campus is very sexually charged; there is a lot of flirting happening and students don’t know the difference between flirting and sexual harassment.

Some of the women students have experienced sexual harassment as a student on campus. A woman student participating in the mixed gender group discussion responded as follows:

I have experienced four or five cases of sexual harassment the past few weeks. Local guys from town masturbated in front of a group of girls at the wooden bridge at Coetzenburg – the university needs to protect students against this type of incidents.

Some of the women students also reported being harassed when participating in outdoor activities, for example jogging. When you go jogging, one students says,

Students (guys) make harsh comments. It is to such an extent that you don’t want to go jogging anymore, because people are screaming and whistling at you. You feel cheap and you don’t want to do it.

It is evident from the women students’ stories that they are reluctant or hesitant to verbalise their discomfort when being sexually harassed. They seem to fear some kind of retaliation on the part of men. They often do not want to ‘provoke’ the perpetrator and are scared of the men’s reaction: ‘You don’t want to provoke a situation – so, you rather don’t say anything – but you still feel terrible about it’.

Alcohol and its abuse by men and women is seen by students of both focus groups as an integral element of the university’s campus culture and to be highly correlated with incidents of sexual harassment. ‘You can’t tell a drunk guy to stop it – it is difficult’, ‘Women students drink too much in Stellenbosch’ and ‘Peer
pressure plays a big role in alcohol consumption – especially in your first year of study’. Referring to sexual harassment in local bars, one women student commented as follows:

In the bars the guys get very drunk and they touch you; they look at you; they say things to you – and they are very persistent because they are so drunk.

Members of the mixed gender focus group emphasised the occurrence of same-sex sexual harassment on campus. A male student commented that he has homosexual friends and, he says, ‘they are stalked as well – they experience the same degradation as heterosexuals’. One gay male student commented that he gets harassed daily – as a gay person. ‘When I walk into Tollies (local bar) – men touch me just to be irritating.’ He also referred to lack of knowledge as to where to lay a complaint: ‘My gay friends don’t know where to complain. They wonder whether it is worth the effort. Their complaints had no effect in high school because of the image of the school.’ According to this student, ‘Being a gay person – I have to restrict myself to about two bars/clubs. The other eight is not even an option – because you are going to be discriminated against.’

A graduate coloured female student specifically commented on the harassment experienced by especially first-year coloured female students on campus. According to her (and she experienced this as a first-year student),

Coloured students hang out with older men of the wider Stellenbosch community and they often get together in private student houses. The coloured police officers bring alcohol to the students. They have a few drinks, go back to their rounds and come back again.

In her view this practice ‘has become such an accepted norm that it is not constituted as harassment at all – first-year coloured female students have no idea that they are actually being sexually harassed’. She also emphasised that Coloured students often come from a very conservative background – ‘Anything that has got to do with sexuality is never spoken about; you grow up in a household that, if anything happens to you, you never talk about it’.

Members of the women only focus group emphasised the fact that women students who have experienced serious incidences of sexual harassment (for example rape) are poorly informed or not informed at all about facilities on campus that might assist them in dealing with such incidents. Mention was also made of the stigma that is often attached to seeking help, for example, counselling, and the need for attitudes to change: ‘The last resort for most students is counselling because they are scared that people might think there is something wrong with them; the moment you go see a professional – you get classed as “having a problem”’.
Information on sexual harassment policy

In response to the question whether they received any information on the US sexual harassment policy when they first arrived on campus most participants indicated that they were not informed at all. Members of both focus groups emphasised the volume of information they had to digest when first arriving on campus: ‘In my first year I did not take much notice of the information I got on this policy’ and ‘There is too much information in your first year – if it does not matter to you at that time – you just shift it aside’. It was also suggested that too much emphasis is put on weight problems often experienced by first-year women students. Students expressed a need to be informed about facilities available on campus should a student experience sexual harassment – particularly rape – as well as the consequences of excessive alcohol consumption for women. Most of the participants agreed that the best time to discuss and be informed about sexual harassment would be when ‘all the students are settled in their class situation’. The difficulty that private (non-residential) students experience in accessing information was also pointed out. However, most students agreed that sexual harassment is an important issue and, as one suggested, ‘It will only take one big scandal too get people aware of it; people will actually start reading about it etcetera’.

Participants were in agreement that the university is neither sending out a strong enough message regarding sexual harassment, nor providing information to students on the prevalence of sexual harassment incidents on campus. One student remarked that ‘it is usually dealt with in a very hush-hush way because of potential damage to the person’s career – it is usually dealt with in a very quiet way’. It was also pointed out that ‘There are no real statistics – you always hear rumours about girls being raped here and there; you never hear what eventually happens to the culprits, etcetera’.

Improving knowledge of sexual harassment policy

Participants were also asked to suggest ways to improve students’ knowledge of sexual harassment, the existing policy on sexual harassment and grievance procedure and what the university needs to do to send out a stronger message to the campus community. Most students agreed that there are ‘a lot of things going on behind the scenes’ and that the university doesn’t communicate well enough. More specifically they emphasised the need to be informed about the channels to follow if they experience a problem. Some suggested that the Faculty Student Committee should advertise the policy and the channels. One student, however, commented as follows: ‘If I get harassed – I want to go to the top – not a fellow student’. They also wanted to know ‘who’ they would meet when they complain (someone you can trust). One student suggested that the university needs to ‘create that “fear” element of sexual harassment’.
CONCLUSION

The majority of respondents who participated in our study have no or little information of the policy on sexual harassment, its implementation and grievance procedure. Most of the Advisory Committee on Sexual Harassment has not received any complaints, feel unable to evaluate the effectiveness of the existing policy and tend to see it as something available only on paper. Some are unsure as to the role of the committee and their role in the committee. The fact that only six members responded and that only one could evaluate the policy is an indication of their lack of involvement with the sexual harassment policy.

Only two of the present heads of departments have received complaints of sexual harassment and none of these cases reached the formal stage of the grievance procedure. The majority of members of the Women’s Forum were uninformed about the policy and are negative or sceptical about the effectiveness of the policy.

Many of the stakeholders are of the opinion that the policy on sexual harassment is not successfully advertised or marketed and suggest a more aggressive approach on the part of the university to inform students and staff. There is a clear absence of active marketing of the policy on sexual harassment by the Human Resource Department. While the Sexual Harassment Advisory Committee made a major effort to advertise the policy and grievance procedure it seems that few stakeholders and staff are aware of this effort three years down the line. Thus the university is not sending a strong message around issues concerning sexual harassment and seems to be stonewalling.

The low reporting of incidents of sexual harassment has led the university management to believe that sexual harassment is not a problem and that the policy and grievance procedure are dealing with problems effectively. It is not clear at all why there is such a low reporting of incidents. The findings of the focus group show that students do experience sexual harassment on and off campus but tend to accept it as part of student culture. It suggests that management does not have a clear understanding or knowledge of the sub-cultures that exist in the student population. The experience of gay and women coloured students as reported in the focus group discussion clearly illustrates that the ‘cookie cutter’ approach to dealing with sexual harassment does not work. The university needs much broader investigation into elements of the student culture with reference to sexual orientation, ethnic sub-groups and power differentials between staff and students especially where one-on one tutoring takes place.

There is no or very little coordination between the stakeholders in centralising evidence on the occurrence of sexual harassment on campus and the effectiveness of the existing policy on sexual harassment as well as grievance procedure. To the extent that information is shared this happens on an ad-hoc basis. While the
existence of different ‘entry points’ may facilitate the reporting of incidents of sexual harassment, it may also contribute to an ad-hoc and fragmented approach to issues surrounding sexual harassment.

When issues of sexual harassment are dealt with in the informal stage the focus is on mediation and counselling with the aim of resolving the problem between the two parties. When a complaint moves into the formal stage where the disciplinary committee becomes involved, the process becomes one of an adversarial nature where lawyers often force survivors to put experiences into a legal straitjacket where no grey areas of understanding what has happened to them are allowed. The secondary victimization of both the survivor and the alleged perpetrator often undermines the aim of policies and procedures that attempt to redress sexual harassment. Both parties become damaged in the process. It raises the question as to whether a process based on rights claiming through legal recourse can contribute to justice and fairness when the process is adversarial and not reconciliatory.

NOTES

2 The case of Margaret Orr at the University of South Africa that was settled out of court with damages paid to Orr (in this case the Rector of UNISA claimed that sexual harassment is a private matter between two individuals) and Grobler vs Naspers Bpk. R800 000 ($100 000) was awarded to Grobler to be paid by Naspers.
3 See for example Wilken and Badenhorst (2003) although we dispute the accuracy of some of their information.
4 An Afrikaans acronym meaning ‘die Verslag van die Loodskomitee op Seksuele Teistering’ translated as the Report of the Steering Committee on Sexual Harassment.
5 This lengthy period of time concurred with findings for other SADC universities where research has shown that it takes between 7 10 years of advocacy and research to institutionalise sexual harassment policies (Bennett 2005, 5).
6 The Advisory Committee embarked on a huge marketing campaign of the policy and grievance procedure with its first budget in 2003 which involved brochures, posters and the university website.
7 Although the sample is non representative of the student population students in the social science and humanities are more likely to have a greater awareness of how human conduct is regulated through policies on the campus.

REFERENCES


