

Vice-Chancellor's Communiqué

INDEPENDENT INVESTIGATION INTO POTENTIAL AND/REAL SEXUAL HARASSMENT

22 May 2013

The recent news coverage in national and other media on sexual harassment practices perpetrated against students at universities in South Africa remains a matter of grave concern for the whole university sector and Central University of Technology, in particular.

Sexual harassment creates a barrier to the full and equal enjoyment of any person's rights in the workplace or place of study. It is virulently oppressive and discriminatory. It may also be considered as a subtly violent invasion of dignity, privacy and choice. The Central University of Technology views sexual harassment in a particularly serious light especially when it is perpetrated by employees on students whose future it is our duty to mould and safeguard.

As model and enlightened institutions of society, universities are required to take leadership in eradicating all forms of oppression or harassment against students, employees and members of the public, even. This can only be done successfully if students and staff members in general are forthcoming with information on sexual harassment practices. We can no longer talk about this scourge in general terms, but reveal the names of the perpetrators.

As Vice-Chancellor and Principal, and on behalf of Central University of Technology, I have decided to institute a university wide independent investigation into sexual harassment, should there be specific cases that members of our community would like to have investigated. In this respect, I hereby invite any student or staff member to report any case of sexual harassment they are aware of. You need not have personally suffered any sexual harassment. But, if you are aware of a case and can provide some leads and evidence in that regard, we urge you to come forward.

In this respect, I have commissioned **Advocate Dirk van der Walt**, a renowned Senior Counsel (SC) from the Free State Bar to receive, examine and analyse all evidence surrounding cases of sexual harassment that may be reported. Further, he will make recommendations on relevant policy, governance and management issues including disciplinary process that may arise from this investigation. The rest of the information about the conduct of this investigation will come direct from Adv van der Walt.

The following are **Adv. Dirk van der Walt's** particulars:

Adv. Dirk Van der Walt SC
Iustitia Building 4th Floor
Corner Aliwal and St Andrews Street
Bloemfontein
9300

Tel: 051 430 3567

Email: viersuid@vodamail.co.za (for attention Adv. Dirk Van Der Walt SC)

As you can tell from the address provided above, Adv. van der Walt's Chambers are within a walking distance from the Bloemfontein Campus where most of CUT's students and staff are located.

I have to hasten to apologise to our Welkom Campus based staff and students that we could not split this investigation into two and have a separate one based in Welkom. However, depending on requests to Adv. van der Walt, he could consider visiting Welkom to interact with those who would have expressed a wish to report a case.

I know that some of our students and staff might find it hard to report cases of sexual harassment they are aware of in fear of victimization. I, hereby, commit the Central University of Technology to the following protective measures:

- Adv. Dirk van der Walt will ensure that the identities of the complainants are protected and the information given will be treated with the strictest confidentiality.
- The University will further safeguard the complainants and victims of sexual harassment (be it a student or a staff members) against further victimisation of any kind. In case of complainants who are students of an accused person, we are prepared to consider having their test and examination scripts marked by a different and/or independent person.
- Should a complainant provide enough evidence to establish a *prima facie* case, and important step towards taking more drastic action, CUT will consider suspending the accused person whilst the investigation continues.
- All students and staff members who may have been traumatized by sexual harassment are encouraged to consult CUT's Counselling Services.

I hope the CUT community will welcome this investigation and cooperate accordingly. As we welcome it, we would not like to see false accusations being levelled against innocent members of our community. This is why it will be important for complainants to produce their pieces of evidence when they submit their complaints. Without any evidence, some accusations may be seen as being malicious and would scupper the noble intentions of this investigation. Thus, when Adv. van der Walt requests more information from a complainant, the retort cannot be that: "but. I gave you the name of the person". In a democratic country with the rule of law more will be required to back up one's claims.

In conclusion, I must emphasise the fact that CUT eschews any form of sexual harassment. Any person found guilty of sexual harassment or the concealment thereof will be punished in accordance with our labour laws and/or the criminal justice system, depending on the nature of the case.

Thandwa Mthembu
Vice-Chancellor and Principal