



WENDYWOOD HIGH SCHOOL



MANAGEMENT ON SEXUAL VIOLENCE AND HARASSMENT

PREAMBLE

There is a high level of sexual violence and harassment in South African schools, depriving learners of their inherent right to dignity and equality and sometimes preventing them from full participation in education. It has thus become necessary for schools to have policies in place to deal with both victims and perpetrators of sexual violence and harassment. Plans are needed to create a safe, caring and enabling environment for learning and teaching.

Schools are required to have plans in place to try and prevent inappropriate behaviour, as well as plans for action if sexual harassment and violence occur. All those involved in addressing these issues must be informed of their roles. The school should work closely with representatives of the relevant government departments to ensure that victims are given the necessary assistance and perpetrators receive appropriate censure.

The school's Code of Conduct must clearly state zero tolerance for sexual violence and harassment. This should be clearly displayed in classrooms.

To protect the privacy and dignity of those involved sexual violence cases must be handled with confidentiality.

NATURE AND FORMS OF SEXUAL VIOLENCE AND HARASSMENT

Sexual violence is any sexual act or attempted sexual act using intimidation, threats or physical force. It includes sexual harassment, assault, forced sex or rape or merely touching of a sexual nature. Threats and emotional abuse are also forms of sexual violence. Sexual violence is a criminal offence and must be immediately reported to the South African Police Service and the Social Workers of the Department of Social Development.

Sexual harassment is any unwanted conduct of a sexual nature. It may be physical, verbal or non-verbal conduct where the recipient considers the behaviour to be

offensive. It may be committed by or against a male or female. It is offensive and is often based on the gender or sexual orientation of the recipient. It may occur anywhere – school toilets, classrooms, corridors, playing fields or hostels and may even happen in dating relationships.

It affects not only the individual suffering the violence or harassment, but the environment for all learners, and creates an atmosphere of fear and aggression. The impact on the learner could result in a loss of self-esteem or confidence, emotional withdrawal, absenteeism and even underachievement at school. The head of the institution is ultimately accountable and must deal with reported incidents of sexual violence and intimidation.

PROCEDURES FOR HANDLING SEXUAL OFFENCES AT SCHOOLS

Sexual Harassment

In the case of sexual harassment the learner should ask the perpetrator to stop. Thereafter the incident should be reported to a trusted adult or to a designated educator (eg. Social Worker or member of the Care Team) This can be done verbally or in writing.

If the matter is reported to a trusted adult, that person should offer counselling himself/herself, or, if the adult is not able to give counselling the matter should be referred to the social worker or the principal. If there is no support currently available in the school the child should be encouraged to phone Childline (0800 055 555).

Once the matter has been reported to the relevant authority the parents of the recipient and the perpetrator must be contacted and informed. A full and fair investigation must follow. Each case should be considered according to the severity of the incident. The follow up must happen without delay, feedback must be given to both parties regarding the outcome of the investigation and the entire matter must be handled confidentially. A report on the incident and the outcome thereof should be filed and a copy forwarded to the district.

Sexual Violence

This can take many forms, including child abuse, sexual assault and rape, and constitutes a criminal offence. In such instances the principal/social worker should report the incident directly to the police. No attempt should be made to investigate such cases. Parents of both parties must be contacted if they are learners at the school.

The safety of the victim must be secured before he/she is counselled and informed of the procedures to take place. He/she should be advised not to eat, drink, wash or

take medicine until a medical examination has been completed. The medical team must provide the treatment necessary to prevent pregnancy or infection. Thereafter extensive counselling of the victim becomes a priority.

PROCEDURE FOR ALLEGED PERPETRATORS

The school's Code of Conduct must be implemented and if necessary the SGB must suspend the learner for one week as a correctional measure. Thereafter any action taken will depend on the seriousness of the offence. The learner may be given counselling, asked to write a letter of apology or even placed in another school or sent to an alternative supervised location.

Once a learner has been accused of sexual harassment or violence the parents must be informed. They must also be notified of the outcome of any decision taken and a full report must be placed on the child's file.

ALLEGED SEXUAL VIOLENCE OR HARASSMENT BY AN EDUCATOR

If an educator is alleged to have behaved in a disgraceful improper or unbecoming manner, or while on duty commits sexual or any other form of harassment, he or she may be charged with misconduct in terms of the Employment of Educators Act No 76 of 1998 (amended 2000), which deals with all the procedures to be followed if an educator is charged with misconduct. If the educator is in the employment of the SGB the employer must be made aware of the offence so that it can be addressed in terms of the labour laws.

Steps to be taken by the school will depend on the severity of the incident reported, but in all cases it is incumbent upon the school to listen to the complaints, to investigate fairly and to report back to both parties once the investigation has been concluded.

In all cases the educator must be informed in writing of the reported alleged offence and on conclusion of the procedure the incident must be placed on record.

The relevant legislation will apply to any not educator employed as a public servant or employed by the SGB.

SUPPORT FOR VICTIMS WHO HAVE EXPERIENCED SEXUAL VIOLENCE AND HARASSMENT

The school based support team is in place to ensure that cases of sexual violence harassment are reported, dealt with and referred accordingly within reasonable time frames.

The primary responsibility for investigating cases of sexual harassment and violence and managing disciplinary proceedings rests with the SMT. Investigations should run concurrently with the Department of Education, the South African Council of Educators and the Police.

At all times the parties concerned must maintain confidentiality; provide necessary support e.g. counselling; make the guidelines for procedures for reporting part of the curriculum; understand that it is a criminal offence not to report allegations of sexual violence and the accounting officer could be prosecuted.

REPORTING AND MONITORING

Principals should keep records of sexual violence and harassment and should forward the information to the district office. Reports should include existing interventions, including referrals to the school social worker. A list of contact details for reporting cases of sexual harassment and related offences will be kept on file for easy referral.

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