

TITLE	POLICY ON GENDER-BASED VIOLENCE (GBV)
POLICY OWNER	VICE-CHANCELLOR AND PRINCIPAL
APPROVAL AUTHORITY	COUNCIL
OVERSEEING COMMITTEE(S)	FACULTY BOARDS → SENATE → STUDENT AFFAIRS COMMITTEE → COUNCIL
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POLICY STATEMENT
This policy aims to create a holistic and integrated response to gender-based violence (GBV) at MUT through the explication of specific guidelines, processes, and strategies needed to effectively respond to GBV at the institution. This policy acknowledges the detrimental impact of GBV on society as a whole, the specific targetting of vulnerable groups including women, children, people living with disabilities, the LGBTQI community, and seeks to protect and support MUT staff and students in particular. This policy, therefore, offers a structured and coherent framework that encompasses education and awareness, advocacy, support, and redress mechanisms to effectively prevent and respond to incidents of GBV at MUT.

MANAGEMENT CONTROL PAGE

Document management control

1. This document is the property of the Mangosuthu University of Technology. It contains information that is public to the university community and can be used by outside parties so long as they acknowledge their source.
2. This document has gone through the following mandated development and approval process as determined through the operation of the MUT Delegations of Authority Framework.

DEVELOPMENT AND CURRENT APPROVAL PROCESS		
COMMITTEES	COMMENTS	DATE OF RECOMMENDATION/ APPROVAL
EMC	Supported	2020
FACULTY BOARDS	Recommended for approval	15-18 February 2021
SENATE	Recommended for approval	18 March 2021
STUDENT AFFAIRS COMMITTEE	Recommended for approval	20 May 2021
COUNCIL		

POLICY HISTORY		
NAME OF THE OLD POLICY	POLICY NUMBER	APPROVAL OR LATEST AMENDMENT DATE
GENDER-BASED VIOLENCE POLICY	Not Applicable	Not Applicable

LEGISLATURE THAT INFORMED THIS POLICY:

	Relevant Government Legislation and/or
1	Policy Framework to address Gender-Based Violence in the Post-School Education and Training System (2019)
2	The South African Constitution Act No 108 of 1996
3	Labour Relations Act No 66 of 1995
4	Basic Conditions of Employment Act No 75 of 1997
5	Protection from Harassment Act 17 of 2011
6	Sexual Offences and Related Matters Amendment Act (SOA) No 32 of 2007
7	South African Domestic Violence Act No 116 of 1998 T
8	Presidential Summit Against GBV and Femicide (2018)

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1. RATIONALE

Mangosuthu University of Technology (MUT) seeks to uphold the principles enshrined in the Constitution of South Africa, particularly Chapter 2 (the Bill of Rights) and other related legislation governing the rights of all people, as these pertain to respect for human dignity, equality, and freedom. MUT furthermore recognizes the global prevalence and seriousness of Gender-Based Violence (GBV) across contexts, and in particular, the impact of GBV on student wellness, academic success, staff productivity, and academic outcomes in Higher Education. The University acknowledges that it has an ethical obligation and a social responsibility to address issues of GBV to protect MUT staff and the student community, as such injustices infringe on the democratic values of human dignity and freedom. In addition, the University recognizes that GBV is not only committed against females but males as well. MUT is furthermore cognizant of the fact that GBV is also directed at sexual orientation, in the form of corrective form. GBV violations are especially pronounced amongst vulnerable groups such as women, children, the Lesbian, Gay, Bisexual, Transgender, Queer, or Questioning, and Intersex (LGBTQI) communities, with the latter enduring significant discrimination and oppression. MUT deems such acts unacceptable and incompatible with the values and principles of the institution and as such, seeks to implement an explicit, contextually relevant, and sustainable response document that guides and informs identification, monitoring, response, and management protocols for GBV incidents at MUT.

This policy furthermore recognizes that the eradication of GBV at MUT goes beyond reactive, punitive measures, and is a collective responsibility that warrants greater collaboration and partnerships between internal and external stakeholders. This entails proactive empowerment processes that encompass education and awareness, resource identification and expansion, skills development and capacity building, psychosocial support, and effective safety and security mechanisms.

1.1 PURPOSE AND THE OBJECTIVES OF THE POLICY

The purpose and objectives of the policy are as follows:

- a) To establish a safe and enabling environment for all MUT staff and students that is free from Gender-Based Violence and is aligned to the values and principles of MUT;
- b) In line with the Policy Framework to address Gender-Based Violence in the Post-School Education and Training System (April 2019), this policy seeks to advance and formalize MUT's zero-tolerance stance on GBV, to eradicate such behaviour both at an institutional and societal level;

- c) To formulate a comprehensive institutional response to the prevention and management of Gender-Based Violence at MUT, that encompasses the necessary rules, guidelines, procedures, and processes needed to effectively address GBV at the institution;
- d) To promote a common and accurate understanding of what constitutes Gender-Based Violence and to make explicit the procedures to follow in addressing incidents of GBV at MUT;
- e) To make explicit GBV support resources and mechanisms needed to support GBV survivors;
- f) To clarify disciplinary processes and procedures applicable to GBV perpetrators and incidents of GBV;
- g) To promote and advance the notion of GBV eradication as a collective responsibility involving multi-level collaboration and partnerships between MUT internal stakeholders and external stakeholders

Such measures will be implemented to the extent that it does not cause the University unjustifiable hardship and does not impose a disproportionate or undue burden on the University. Such will be determined based on the circumstances of each case.

2. DEFINITIONS

- 2.1 The words that appear in bold have specific meaning or relevance to interpreting and understanding this GBV Policy:
- 2.2 **Complainant** refers to any individual forming part of the MUT staff or student community, who alleges a form of GBV perpetrated against him or her.
- 2.3 **Confidentiality** refers to accessibility or availability of information only to those permitted to access it.
- 2.4 **Consent** refers to informed, voluntary, and explicit communication of agreement between the parties involved. Consent cannot be procured by the use of physical force, compelling threats, intimidation, coercion, and any other controlling behaviour. Silence cannot be interpreted as consent (UKZN, 2017).
- 2.5 **Perpetrator** refers to any person alleged to have committed an act of Gender-Based Violence.
- 2.6 **MUT** refers to Mangosuthu University of Technology

- 2.7 **MUT Employees** applies to individuals employed at MUT on a permanent or temporary basis.
- 2.8 **Student of MUT** refers to an individual that is registered at MUT for the academic year.
- 2.9 **Family Members** includes, but is not limited to, members of the Victim's extended family, by blood or marriage, including the Victim's parents, children, dependents, aunts, uncles, cousins, parents-in-law, siblings, spouses and children, and other members of a shared household.
- 2.10 **SAPS** refers to South African Police Services.
- 2.11 **Human Rights:** Rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include civil, political, social, and economic rights. For instance, these include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination (National Strategic Plan on Gender-Based Violence & Femicide, 2020).
- 2.12 **Gender** refers to socially constructed identities assigned to the biological characteristics of people in society. The concept of gender includes the values, attitudes, feelings, and behaviours, as well as the interactions and relationships associated with being a woman (femininity) and being a man (masculinity) in a given culture and setting and these, are also influenced by social, historical and crosscultural factors (National Strategic Plan on Gender-based Violence & Femicide, 2020).
- 2.13 **GBV-** refers to Gender-Based Violence as specified below:
- (a) Physical, psychological, mental, economic, or sexual violence, harm, or suffering, coercion, and other deprivations of liberty (including incidents of Domestic Violence, sexual violence, dating violence, and stalking, but not including acts of self-defense) that are directed against a person based on gender and committed, attempted or threatened (i) by or against MUT Students, Employees, and/or Employees' families or property; and
 - (b) Physical, sexual and psychological violence occurring within the general MUT community.
- 2.14 **Domestic Violence-** Domestic violence is the most common form of GBV that occurs amongst partners. Domestic violence includes physical abuse; emotional, verbal, and psychological abuse; economic abuse; intimidation; harassment; stalking; damage to property; etc. However, any abusive or controlling behaviour that threatens the health, safety, and well-being of the complainant also amounts to domestic violence.

Domestic violence can be committed between people regardless of race, sex, gender identity, sexual orientation, economic status, educational level, or religious belief, whether they are living together or separately, are married or unmarried, or in short-term or long-term relationships.

- 2.15 **Physical Abuse** may include, but is not limited to: shoving, slapping, punching, kicking, throttling, and biting, assault with objects, guns, knives, or any other dangerous weapon.
- 2.16 **Sexual Abuse** may include but is not limited to rape attempted rape and indecent assault.
- 2.17 **Emotional, Verbal and Psychological Abuse** may include, but is not limited to: constant insults, ridicule, or name-calling; repeated threats of violence or death to cause fear and emotional pain.
- 2.18 **Economic Abuse** may include, but is not limited to: deliberately withholding or abusing an individual's funds as a form of control, punishment, intimidation, and coercion that deprives the individual of personal freedom and choice. Economic abuse also encompasses the selling of shared property such as livestock or matrimonial house without the consent of the victim; accessing a joint bank account for personal use without the consent of the victim.
- 2.19 **Rape refers to the** unlawful and intentional act of sexual penetration of another person without that person's consent. Sexual penetration can be vaginal, anal, and oral (UPE, 2019).
- 2.20 **Compelled Rape** refers to forcing an individual to rape another person.
- 2.21 **Sexual Assault** occurs when a person sexually violates the victim by, for example, touching the genital organ of the victim or causing the victim to touch his/her genital organ.
 - i. **Compelled Sexual Assault** refers to forcing another person to sexually violate a victim.
 - ii. **Compelled Self-Sexual Assault** occurs when a person compels the victim to masturbate or engage in any form of self-sexual arousal or stimulation.

- 2.22 **Online Violence** refers to any act of Gender-Based Violence against an individual through the use of information technology devices such as mobile phones and smartphones, the internet, social media platforms, or email.
- 2.23 **Intimate Partners** mean (i) persons legally married to one another, (ii) persons formerly married to one another, (iii) persons who have a child in common, regardless of whether such persons are married or have lived together at any time, (iv) couples who live together or have lived together, or (v) persons who are dating or who have dated in the past. The definition of Intimate Partners includes same-sex couples.
- 2.24 **Intimate Partner Violence** means any act of violence committed between persons within a domestic relationship, including (a) physical abuse; (b) sexual abuse; (c) emotional, verbal and psychological abuse; (d) economic abuse; (e) intimidation; (f) harassment; (g) stalking; (h) damage to property; (i) entry into the complainant's residence without consent, where the parties do not share the same residence; or (j) any other controlling or abusive behaviour towards a complainant, where such conduct harms, or may cause harm to, the safety, health or wellbeing of the complainant.
- 2.25 **Stalking** may include, but is not limited to: constantly approaching the victim physically, telephonically, or via online means, and asking or demanding to talk or to have access to her/him against her/his will.
- 2.26 **Property Damage** may include but is not limited to: breaking the window or door to gain entry into the victim's property, cutting, breaking, or damaging in any other manner shared furniture or the victim's clothes.
Unauthorized entry into the victim's residence may include, but is not limited to:
- using a duplicate key to gain access to the victim's property;
 - jumping the wall to gain access to the victim's property;
 - misleading or coercing others to assist in accessing the victim's property or residence.
- 2.27 **Sexual Harassment** refers to unwanted, unwelcome, unsolicited, and/or unreciprocated conduct of a sexual nature such as unwelcome sexual advances, requests for sexual favours, and other verbal, physical, or non-verbal conduct of a sexual nature.
- Sexual harassment may include but is not limited to:
- a) **Harassment** such as unwanted and deliberate physical contact.
 - b) **Verbal Harassment** such as
 - demeaning verbal comments of a sexual nature;

- subtle or explicit demands for or offers of sexual favours which demand implicitly or explicitly a condition that may affect a decision or other action in respect of student admission, funding, grading, or academic progress or carries a condition that may affect a decision or other action in respect of staff recruitment, selection, appraisal, promotion or career progress or carries a condition that may affect a decision or other action in respect of third party contractor's goods or services; also called quid pro quo harassment;
- unwanted or unwelcome innuendos, suggestions, and hints of a sexual nature; and/or
- comments with sexual overtones which creates an intimidating or offensive and/or hostile learning or working environment that interferes with academic and/or work performance.

c) **Non-verbal harassment** such as:

- the transmission, by any means, electronic or otherwise, or the gratuitous display of sexually explicit written or audio-visual materials;
- offensive gestures or actions of a sexual nature such as indecent exposure;
- stalking behaviour such as pursuing or following a person, or non-consensual communication or another contact.

2.28 **Off-campus GBV violations** refer to acts of GBV in the various forms identified above, that occurs:

- a) outside of the MUT campuses or in contexts where MUT business is being conducted ;
- b) occurs during a MUT-related staff or student event or activity (whether physical, in-person or online) off the MUT premises
- c) occurs while a MUT student or staff member, although off-campus, is acting in an official capacity on behalf of MUT; (adapted from UFS policy)

2.29 **On-campus GBV violations** refer to acts of GBV occurring on official MUT premises i.e. Main Campus or Natural Sciences campus.

- **Residence-based GBV** refers to acts of GBV occurring at any of the official on-campus, university-controlled residences as well as private residences utilized by registered MUT students for accommodation purposes.

2.30 **Intersectionality** refers to the complex, interconnected nature of social categorizations such as race, class, gender, and sexuality as they apply to a given individual or group, and is regarded as creating overlapping and interdependent systems of oppression, discrimination, or disadvantage. "Intersectional paradigms remind us that oppression cannot be reduced to one fundamental type and that oppressions work together in producing injustice." (Hill Collins, 1990, p/18).

3. SCOPE OF APPLICATION

The MUT Gender-Based Violence Policy will apply to the entire University community comprising MUT staff, prospective and registered students, and as well service providers, contractors, visitors, and other third parties present on any MUT facility. It will guide the MUT student community, academic and administrative departments, and units in preventing and responding to, incidents of GBV on campus and in residences, as well as off-campus university-related trips and events. This policy should be considered in conjunction with other university policies such as the Student General Rules and Regulations of the University handbook and code of conduct for staff.

4. POLICY PRINCIPLES

- 4.1. MUT will seek to provide an enabling and supportive academic, living, and learning environment by prioritizing the well-being, safety, and security of the MUT staff and student community and seeking to protect it against the scourge of GBV.
- 4.2. The policy recognizes the complex and multi-layered nature of GBV as a microcosmic reflection of broader social dynamics, and as such, adopts a holistic two-pronged approach that is both responsive and proactive, effectively attending to incidents of GBV while also serving as a deterrent for future incidents with the ultimate goal of eradicating GBV at MUT.
- 4.3. This policy is underpinned by an ethos of empowerment, justice, and the protection of human rights, and strives to realize these ideals through education and awareness, promotion of justice for survivors of GBV, and the prioritization of staff and student safety and security.
- 4.4. The University will be sensitive to complaints emanating from the implementation of this policy and will give due regard to the confidentiality of all parties concerned. However, while MUT will take all reasonable measures to protect the confidentiality of information that has been collected from the complainants and suspect (s), the limits of confidentiality must be clarified during the investigation, i.e. where the University may be compelled to disclose the information in terms of legislation, disciplinary hearing or in some cases in a court order. Information is released to appropriate stakeholders only with the written consent of the student/staff when it relates to the health and /or safety of the students/ staff and others, and when a reasonable accommodation is requested (or, where applicable, from the student's parent or guardian).
- 4.5. The University takes cognizance of the fact that marginalized groups, especially the LGBTQI community, maybe at an increased risk of GBV and have special needs which necessitate additional support and interventions. As such, all relevant stakeholders will be mindful of this and endeavor to expedite justice and support for such groups, in addition to promoting a culture of diversity awareness and inclusivity through education and awareness.

4.6 Actions Prohibited by the Policy

4.6.1 The Policy prohibits and proscribes, in addition to the offenses created in the MUT Code of Conduct for staff and the Rules Applicable to Student Discipline, the following conduct:

- a) GBV by or between any faculty member, staff member, or student, including individuals of the same sex, in all academic, educational, extracurricular, athletic, and/or other activities of the MUT, whether those programmes take place at University facilities, at a class or training programme sponsored by the MUT at another location, or elsewhere;
- b) GBV by any faculty member, staff member or student while assigned to duties or academic programmes within the MUT (regardless of their work location) against any individual who is not a faculty member, staff member or student, including MUT invitees;
- c) GBV by any vendor or individual external to the MUT against any faculty member, staff member, student, or MUT invitee during the transaction of business with the MUT, during any programme or activity organized by the MUT and/or while on MUT premises;
- d) Retaliation by any faculty member, staff member, or student against any individual who, in good faith, has made any allegation of GBV or who has testified, assisted or participated in any way in any investigation, proceeding, or hearing conducted under the Policy or any legal proceeding;
- e) Any other action or conduct that complies with the definitions of GBV and the offences created in the Policy.

4.7 Education, Training and Advocacy

4.7.1 Through an intersectional and primary preventative approach to GBV, the University will provide on-going education and awareness initiatives about Gender-Based Violence, including but not limited to:

- a) The exploration of body positivity/neutrality, healthy sexuality and relationships, gendered socialization, stereotyping, rape culture, consent, digital access and communications relating to GBV, the impact of violence, bystander intervention, and disclosure training.
- b) The University will build the capacity of the University community to address Gender-Based Violence and play a pivotal role in ending Gender-Based and Sexual Violence in our community.
- c) The University shall develop a comprehensive, multi-disciplinary Gender-Based Violence Prevention Education Framework that will outline institution-wide GBV awareness and prevention programmes and projects.

4.7.2 Through its GBV programmes and projects the University shall:

- a) Endeavor to render relevant, responsive, and evidence-based content that empowers the MUT community;

- b) Commit to ongoing quality assurance and continuous improvement through program assessments, evaluations, and research;
 - c) Ensure staff rendering GBV programs and interventions are professional, suitably trained/qualified, and competent to deliver such services.
- 4.7.3 The University shall initiate and maintain, a dedicated webpage on Gender-Based Violence that will serve to inform and empower the MUT community. This website will comprise up-to-date information on GBV legislature, internal and community-based services, and support resources, as well as marketing and awareness of GBV programs and projects available to Members of the University Community.
- 4.7.4 The University will make available to members of the University community - including students, student leaders, employees, and affiliated persons - education and awareness training on this GBV policy and its various aspects. These include the prevention of Gender-Based Violence and responding to GBV incidents. Training and awareness content will be adapted according to different target audience needs, roles, and responsibilities in the prevention and management of GBV.
- 4.7.5 The University shall, furthermore, make available specialized training on internal reporting and investigation of GBV incidents, the ethical handling of GBV disclosures and complaints, and the supportive management of GBV survivors in a manner that preserves their dignity and provides a sense of safety.

4.8 Disciplinary Measures

- 4.8.1 The Mangosuthu University of Technology's Gender-Based Violence policy will apply to the University Rules and Regulations, the **Student Disciplinary Rules and Code of Conduct (to be developed), as well as the Staff Code of Conduct and Staff Disciplinary Code.**
- 4.8.2 Any violation thereof will be subject to the appropriate sanctions depending on various factors such as the severity or gravity of the offence, the interests of the University, and the impact on the complainant.
- 4.8.3 The Gender-Based Violence policy will also apply to all staff. Any violation thereof will be subject to the appropriate sanctions depending on (but not limited to) the factors as mentioned in 4.8.1 above.

5. GOVERNANCE, RESPONSIBILITY, AND AUTHORITY

5.1. The University has the responsibility to:

- 5.1.1. Ensure that this Policy is accessible to all staff, students, and associates; and

- 5.1.2. To ensure that this Policy is implemented and applied consistently across the MUT community.
- 5.1.3. All staff and students are expected to be aware of this policy and to comply with its provisions

5.2. Heads of Department (academic and support services) are responsible for :

- 5.2.1. Continuous monitoring and implementation of the policy.

5.3. Protection Services is responsible for:

- 5.3.1. Promoting the safety and security of the MUT community against GBV.
- 5.3.2. Responding to and investigating, reports of GBV from a security perspective. This includes immediate responding to reports and call-out during working hours and after-hours when incidents of GBV are reported.
- 5.3.3. In consultation with the Dean of Students, facilitate the GBV victim's access to necessary medical attention (i.e. transport, ambulance services, district surgeon access).
- 5.3.4. Liason with other relevant internal and external stakeholders in respect of upholding and maintaining, disciplinary measures instituted against GBV suspects found guilty of GBV violations.

5.4. Student Affairs Department is responsible for :

- 5.4.1. Administration and enforcement of the policy as it relates to MUT students. This includes the implementation of a **MUT-specific, GBV toll-free online reporting tool** that allows for immediate remote reporting of GBV both on and off-campus. This tool will be directly linked to the Protection Services control room, to expedite timeous security, psychological and psychosocial response for the victim. Development and implementation of this GBV online response mechanism will be done in consultation with the Dean of Students, Protection Services, and the Department of Audit, Risk, and Compliance.
- 5.4.2. Overseeing the internal investigation of student-related GBV incidents, instituting of disciplinary proceedings and disciplinary measures for GBV perpetrators, as well as the facilitation of support for GBV victims in collaboration with Protection Services, Office of the Registrar, and Student Housing Unit where applicable.
- 5.4.3. In addition to internal investigations and disciplinary proceedings, advising the complainant of his/ her right to institute civil and/or criminal proceedings against the alleged perpetrator of GBV.

5.5. Human Resources and Development Directorate is responsible for:

- 5.5.1. The administration, enforcement, and monitoring of MUT staff adherence to the GBV policy. This includes:
 - i) education of all employees about GBV;

- ii) investigating staff complaints of GBV;
- iii) liaising with external roleplayers such as SAPS, GBV activist, and support organizations;
- iv) instituting of disciplinary proceedings;
- v) co-ordinating an EAP support response for counseling of staff members affected by GBV.

5.6. The Student Counselling Unit is responsible for:

- 5.6.1. Provision of psychotherapeutic, counselling, and related support interventions for MUT students affected by GBV, as well as liaising and networking with GBV external support service providers
- 5.6.2 Initiation of GBV education and awareness programs, campaigns, and projects for the MUT community, in collaboration with relevant units, departments, and faculties within the University and beyond.

5.7. Marketing and Communications Department is responsible for :

- 5.7.1. Advancing MUT's zero-tolerance of GBV through marketing and awareness initiatives in collaboration with Student Affairs, Faculties, Academic Departments, and Administration Departments.

6. POLICY REVIEW

This policy will be reviewed every five years in line with the University Strategy, and when there are changes to the internal or external operating environment, including legislation and other legal prescripts.