

## Statement of the Wits Sexual Harassment Advisory Committee (SHAC) on gender-related matters at the University

6 May 2019

### **Background: Reactionary Pushback at Wits**

Wits University is experiencing a significant pushback against its victim-centered policies and procedures for dealing with gender-based harm (GBH). Against this backdrop, the members of the Wits Sexual Harassment Advisory Committee (SHAC) – as established by the University’s Senate and Council and comprising experts from a range of disciplines to advise and advance the University’s efforts to end GBH on campus – are issuing this statement.

Globally, women have made substantial gains in terms of political representation and the institutionalization of policies and mechanisms designed to achieve gender equality and address gender-based harm. In the wake of the #MeToo moment, we observe that such steps have triggered in many places a backlash instigated by (alleged) perpetrators and their allies. Those at the forefront of this pushback are attempting to destroy the gains made within institutions, arguing that progressive mechanisms put whole societies at risk which, of course, assumes that only a patriarchal social order is stable. Proponents often occupy positions of high social status that enable them to organize this pushback from behind the scenes as they attempt to re-establish non-transparent old boys’ networks. A key strategy proponents of pushback deploy, amongst others, is to appeal to [Himpathy](#) (“...the inappropriate and disproportionate sympathy powerful men often enjoy in cases of sexual assault...”) in order to portray gender and social justice activists as irrational and ideologically blinded, whilst (alleged) perpetrators are presented as innocent victims.

At Wits, SHAC has been observing this pushback with grave concern. Concrete evidence of the pushback was provided most recently in an anonymous email circulated on 2 May 2019 to all members of Wits Senate. Hiding behind the label ‘Witsiesatheart’, the email questioned Wits’ systems for dealing with GBH in terms of a victim-centered approach. We understand this to be part of a larger strategy as it speaks to a [recent newspaper article](#) (of 16 April 2019) which, written only from the perspective of persons accused of GBH at Wits, clearly perpetuates *Himpathy*.

In reaffirming the critical importance of the struggle against GBH, we call on Wits to defend and fortify its current structures and systems as well as to protect its actors who operationalize Wits’ commitment to fully embrace victim-centered, zero-tolerance approaches to GBH.

As SHAC, we do not feel that the Vice Chancellor has put the University at risk, as suggested in the “Witsiesatheart” email, when commissioning the Hassim report. We are confident that the report will again affirm our structures and policies and procedures. These policies and procedures (which include documents C2013/452 and C2015/35) were developed and formalized, following campus-wide multi-disciplinary consultative approaches between 2012 and 2015, and were scrutinized and approved initially and over the years again by the Senior Executive Team (SET), Senate, Council, the Legal Office, Wits law professors, as well as a

leading labour law firm. Further, to date, no CCMA appeals to outcomes in disciplinary matters handled by the GEO have been success.

### **Wits' victim centered approach vindicated**

Wits' announcement on 23 April 2019 regarding the dismissal of a senior manager for gender-based bullying (a systemic form of harm or discrimination that includes aggression, belittling, verbal intimidation, or maltreatment directed at someone on the basis of their gender identity and/or expression) speaks to the fact that Wits' policies and procedures are legally sound. In the announcement the Vice Chancellor's Office (VCO) explained that, in an appeal by a perpetrator found guilty of gender-based bullying, two former Constitutional Court judges had upheld the findings of the disciplinary panel constituted by the University to hear the matter. This, too, confirms the integrity of the work of the Gender Equity Office (GEO) and reinforces that Wits' victim-centered systems for holding perpetrators of GBH accountable are legally sound and fair.

We note that the [media article](#) of 16 April 2019 quotes the Vice Chancellor, Prof Adam Habib, as stating that the University is refining and perfecting its processes for holding perpetrators of GBH accountable. SHAC embraces its mandate as per policy (C2013/453, §10, 2.iii) to identify systemic issues that frustrate the operations of these policies and procedures, to propose recommendations and work collaboratively towards refining and fortifying Wits' systems for holding perpetrators of GBH accountable. We trust that the findings and recommendations of the Adila Hassim report as contracted by the Vice Chancellor will soon be shared, and we look forward to engaging with the content of the report. Doubtless the refinements the Vice Chancellor is considering will include the following:

- **Listening to complainants' perspectives:**  
There is a growing sense amongst complainants that the GEO does not have the resources to process cases speedily, especially when facing delaying tactics by alleged perpetrators. We have also become aware that the office needs to broaden its services to complaints beyond the conclusion of cases in order to be a fully supportive and safe environment for complainants. This is especially important as we know that whistleblowers' often are often made to face alienation and multiple repercussions after speaking out.
- **Strengthening existing structures:**  
In light of the intensifying pushback, SHAC reinforces its position within the University's policies and structures to end GBH. SHAC acknowledges that SHAC will have to play a much more pro-active and visible role within the University community, particularly in advising the SET about how to 'perfect' Wits' victim-centered approaches. SHAC will do this based on the expertise that all the members of SHAC collectively hold, with the plan being to expand this expertise base further in the future. The recent international conference at Wits on the #MeToo movement, which was co-hosted by GEO, produced the evidence that reactionary backlash is real and that it also targets universities globally. SHAC plans to host a follow up conference specifically investigating the phenomenon of pushback against GBH in South African institutions of higher learning.

- Developing new Instruments:

Wits must now take the lead nationally and internationally in resolving the systemic problem of non-accountability of GBH perpetrators while respecting due process, especially given the Vice Chancellor's position as a [United Nations HeForShe University IMPACT Champion](#). At universities such as Wits, non-accountability means at least two things. First, (alleged) perpetrators resign or deregister prior to a disciplinary hearing being convened; and, contrary to emerging best practice, Wits does not continue the disciplinary process in their absence. Second, perpetrators who have been found guilty of GBH remain unnamed and, as such, are able to move freely between universities in South Africa and globally because their record does not follow them.

### **Recent developments**

We congratulate Charlene Beukes as she assumes the Directorship of GEO. We look forward to working with Charlene and continuing to support GEO.

We thank the previous two co-chairs of SHAC, Danai Mupotsa and Charmika Samaradiwakera-Wijesundara, for their commendable work under immense pressure and within an increasingly difficult university environment.

We also welcome our two new SHAC co-chairs, Mpumi Seme ([Nompumelelo.Seme@wits.ac.za](mailto:Nompumelelo.Seme@wits.ac.za)) and Jackie Dugard ([Jackie.Dugard@wits.ac.za](mailto:Jackie.Dugard@wits.ac.za)), who will serve mainly in an administrative capacity and work hand in hand with the newly mandated working group.

We acknowledge with immense gratitude the role that Crystal Dicks played as GEO's Director since January 2017. We particularly appreciate her championship of student gender advocates, her unwavering support to complainants and her tireless work in holding perpetrators of GBH on campus accountable under challenging conditions that include an escalation of complaints, limited resources and the growing backlash against gender activism. SHAC remains puzzled regarding the non-renewal of Crystal's contract.

In the current climate of pushback, it is more important than ever for Wits to deal with the challenges we encounter as openly and as consultatively as possible. Further, it is important that Wits defend and provide adequate resources to its structures, policies and procedures, including those colleagues who work to make this University a safe place for all.

The Sexual Harassment Advisory Committee  
of the University of the Witwatersrand