



RHODES UNIVERSITY

Grahamstown • 6140 • South Africa

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4 May 2016

Dear Alumni, Parents, Donors and Funders of Rhodes University

I write to you as members of the Rhodes University family, to apprise you of events on our campus over the past few weeks.

On Monday 11 April 2016, a poster campaign drawing on Chapter 2.12 of the Constitution began. Chapter 2.12 asserts that

*Everyone has the right to bodily and psychological integrity, which includes the right -
(a) to make decisions concerning reproduction;
(b) to security in and control over their body;’ (RSA, 1994).*

The campaign involved a protest against the perceived ‘institutionalised rape culture’, alleging that survivors of sexual violence were not supported in pursuing cases of sexual abuse and rape at Rhodes University, and were effectively blamed for the trauma they had suffered.

On Monday, 11 April 2016, I issued a VC Circular (see **Attachment 1**) in full support of the campaign. Over the past eleven years our University has been at the forefront of raising awareness of gender-based violence through the annual ‘Silent Protest’, which is a special project located in my Office. Over and above the annual ‘Silent Protest’, there are a number of initiatives and programmes at Rhodes that seek to raise awareness of sexual violence in our society.

Over the week, interest in the protest grew on social media. On the night of Sunday, 17 April 2016, this resulted in an anonymous posting of the names of students currently or formerly registered at Rhodes University, accused of sexual violence or rape on the SRC Facebook page. This anonymous posting led to heightened emotions amongst students and staff members at the University. A group of students resolved to seek out the people accused, and take matters into their own hands. Three alleged perpetrators of sexual violence were apprehended by the protesting students. At Cullen Bowles residence, I tried to engage the protesting students, pleading with them that the accused be taken to the Police Station so cases of sexual violence against them could be opened. My appeals to the students fell on deaf ears. The alleged rapists were held by protesters and were subjected to ridicule. They were photographed and accusations were made against them.

The protesting students then proceeded to the Drama Department and formed a human barricade across the bottom of Prince Alfred Street. Two of the alleged rapists managed to escape during the course of the night. The third student was held hostage by the group of protesting students until around 08h20 on the morning of 18 April 2016 when I pleaded with them, again, to formally charge the individual or release him. Police intervention led to his release.

The events of the evening of 17 April 2016 resulted in a week in which protest action grew, and became increasingly forceful and violent, to the point that it was no longer possible for the academic programme to

continue. Classes were disrupted, and students and staff threatened with violence. During this week, a group of protestors were resolute in their attempts to shut the University, and barricade the entrances to the campus.

On Monday and Tuesday, the 18 and 19 April, my colleagues and I personally removed barricades to allow freedom of movement to and from the campus. On Wednesday morning however, the South African Police Services, which had been insistent that public roads crossing the campus should remain open, became involved when greater numbers of students refused to remove barricades that had been erected the previous night. Clashes between students and police ensued, with pepper spray being used and rubber bullets being fired to disperse the protesting students. Five students were arrested and charged under the Gatherings Act. It was an extremely distressing day for all at our University. I personally engaged the Police to diffuse the tension that had developed on South Street.

The police involvement, the heightened levels of student-on-student intimidation in the residence system, threats on the life of a warden and increased levels of concern for the safety of all (there had, for example, been attempts by vehicles to break through the barricades while protesters and journalists were in their pathway), led us to seek an interim court interdict on Wednesday, 20 April 2016. The interdict (available at <https://www.ru.ac.za/studentlife/rhodesnews/articles/courtorder.html>), sought to remind everyone of the law by pointing to actions which transgressed it. The decision to take out an interim interdict was not taken lightly. Given the levels of violence and the extent to which some students were prepared to take the law into their own hands, there was a real danger that a life could be lost or property damaged. The thought of having to face parents whose son or daughter would have died under the circumstances and because of our failure to take precautionary measures was too ghastly to contemplate. We suspended the academic programme for the remainder of the week, and brought in additional counseling staff to assist students and staff affected by the events of the earlier part of the week, to work through anger, shock, and other emotions. Our Harassment Office, Counselling Centre, and the Legal Resources Centre have assisted survivors who need support in laying charges or dealing with their trauma.

We continue to emphasize that those who wish to protest peacefully and lawfully may do so, that this is their right under the Constitution of our land. The interdict is not intended to silence or prevent any individual or group from raising concerns about sexual violence in our society and student body, and the very real difficulties faced by survivors in laying charges and securing justice.

Rhodes University unequivocally rejects all forms of sexual violence, and any social or cultural practices that condone and promote such. We commit ourselves to be part of the fight against gender discrimination and sexual violence. We are resolved to improve the support we provide on campus for survivors of this type of violence and injustice, irrespective of whether the incident/s that victimised them took place on our campus or elsewhere, or prior to them becoming Rhodes students.

The University leadership received a number of demands from the protestors about rape culture. With the exception of one, all the demands were readily agreed to (some were already in place in the Institution, just not well enough publicized). We could not agree to the demand that those named should be summarily dealt with, without an appropriate process that ensured that everyone's constitutionally enshrined rights of being presumed innocent until proven guilty were upheld.

The Legal Resources Centre has advised me that four (4) students have approached the Centre to date to report cases of rape/sexual assault and provide statements. Of the four, one relates to an incident that happened in 2011 and that neither the complainant nor the alleged perpetrator was a student at Rhodes University anymore. The other is of a student who had originally laid a complaint in 2013 and had been advised by the prosecutors that "the case will not be heard" and did not receive a reason for the decision. She was interested in having the case reopened and reconsidered. The other two complainants were new.

The Grahamstown Police Station has provided me with the following statistics: Prior to the start of the protest on 17 April 2016, SAPS were investigating two (2) cases of rape and one (1) of sexual assault. Following the protest, two (2) further cases of rape and one (1) of sexual assault have been reported.

We acknowledge the pain and anger experienced by our students and staff who have been subjected to sexual violence at Rhodes or prior to joining the Rhodes community. We have committed ourselves to both short-term and long-term efforts to address shortcomings in our systems that are intended to respond to the needs of our students and staff.

- In the short-term, we have committed to increasing the capacity and expertise in our Harassment Office so that we can create a safe, secure, caring, empathetic and supportive environment for those students and staff who have been sexually violated prior to coming to Rhodes and for those who experience sexual violation after joining the Rhodes University community.
- In respect of those who experience sexual violence at Rhodes, we want to ensure that the perpetrator is reported without delay and taken through the legal processes expeditiously.
- We have committed to ensuring that all our systems, procedures and processes are very responsive to the needs of the survivors.
- The Legal Resources Centre is assisting those who wish to lay charges of sexual assault. We have committed to engaging the services of external legal experts to prosecute these cases without delay.
- We are reviewing our Sexual Offences Protocol with a view to ensuring that the survivors of sexual violence are not burdened with onerous hurdles to establish the guilt of the accused.
- A website entitled “ Information to help Deal with Sexual Violence” has been created and can be found at: <http://ruconnected.ru.ac.za/course/view.php?id=5432>
- An interim Task Team, convened by Prof Catriona Macleod and Ms Thabani Masuku (a student), has made three public presentations on the Terms of Reference and Mandate of the Task Team. I have attached to this letter a document that has been prepared by this Interim Task Team.
- Funding has been made available for a PhD student in the Law Faculty to research our national legislation on Sexual Offences in order to shift the burden of proof of guilt in cases of sexual violence away from the survivor.

Be assured that the leadership will not rest in its endeavours to ensure that Rhodes University is

- the richest possible academic environment in which all who study here may reach their intellectual potential;
- the safest possible space for all who teach, learn, support, and produce knowledge, and
- a community in which respect for each other and the Constitution of our land is more than just voiced, but is practiced in all that we do.

I wish to reiterate that the entire University community is united in its support for all efforts to raise awareness of sexual violence in our University and the society at large and to rid our society of the scourge of rape and all other forms of sexual violence. The area of difference between the protesting students and the University leadership is in the manner in which the students have sought to take the law into their own hands. We have stated repeatedly that Rhodes University will never protect or defend any person who commits the horrendous crime of sexual violence. Such a person must be prosecuted to the full extent of the law and taken away from our society. For us, one rape incident is one too many. We believe every person has a right to his or her bodily integrity. We stand firmly and resolutely against all forms of sexual violence, including rape. We stand in full solidarity and support of all our students and staff who are survivors of sexual violence. We must never rest until the pernicious scourge of sexual violence in general, and rape in particular, is permanently eradicated from our society. Our University has an opportunity to lead the way.

Yours sincerely

Dr Sizwe Mabizela
Vice-Chancellor

Attachment1



Vice-Chancellor's Circular

11 April 2016

Sexual Assault and Harassment

As Vice-Chancellor I have committed myself to making Rhodes University a place where all people are treated with respect, dignity, compassion, and enjoy safety and security.

Despicable, violent and inhumane conduct against any person has absolutely no place at Rhodes University and the University will not, under any circumstances, tolerate such conduct. Rape and violence against women is a morbid and shameful feature of our society. Too many perpetrators of these sordid deeds walk free because of the difficulties that rape survivors face in securing justice.

I am troubled that despite our efforts there continue to be present amongst us those who imagine that they can behave with impunity, and that the University will tolerate their despicable, violent and inhumane conduct.

This must be an unequivocal message to all would-be perpetrators of violence against other persons that they will be prosecuted, and that we are determined to make Rhodes an institution where all people are treated with respect and dignity.

Students and staff with complaints of harassment, sexual assault and rape are encouraged to come forward and report their complaint to the Manager of Student Wellness, Ms Nomangwane Mrwetyana. There are four options available when reporting harassment - to simply report an incident, to report an incident and request that the perpetrator is called in, there is the option for mediation and there is an option for disciplinary action. Students and staff can also be assisted in opening police cases. Ms Mrwetyana can be found in Office 350 of the Counselling Centre, Steve Biko Building: Telephone: **046 603 7070** or Email: harassment@ru.ac.za

An alternate option available to students is to report complaints of harassment and assault to their wardens or hall wardens who can then take disciplinary action against perpetrators in cases where the sanction will not exceed 75 hours and exclusion from the Hall. Cases requiring a more serious sanction must be referred to the University Proctors.

I am in full support of students as they raise awareness around the rape culture that persists in our society; there is absolutely no place for this at our University.

Sizwe Mabizela

Vice-Chancellor, Rhodes University

Attachment 2

PRE-FINAL TERMS OF REFERENCE FOR A TASK TEAM TO ADDRESS ISSUES OF SEXUAL VIOLENCE AT RHODES UNIVERSITY

Background

At a meeting of students, deans, and management on the morning of 19 April 2016, it was agreed that a small committee would meet to put together proposed terms of reference for a task team to address issues and procedures regarding sexual violence at Rhodes University. A committee consisting of students (Naledi Mashishi, Lelona Mxesibe, Thabani Masuku), and staff (Diane Hornby, Catriona Macleod, Brahmi Padayachi) met in the afternoon of 19 April to draft these proposed terms of reference. These proposals were presented at a meeting held at 16h00 in Eden Grove Red on 20 April with approximately 120 staff and students in attendance. At the end of the meeting, the small committee was tasked with incorporating the inputs from those present at the meeting, and presenting a further iteration of the proposed terms of reference to another meeting of all stakeholders and interested parties. A second draft of the proposed terms of reference was presented to staff and students on 22 April (approximately 140 people present) and again on 28 April (approximately 50 people present). Based on the inputs from these meetings, this document represents the pre-final version of the terms of reference for the task team to address issues of sexual violence at Rhodes University. This document is now being circulated to all staff and students at Rhodes University for final comment. All comments are to be sent to **Yanela Ndabula** yanelandabula@yahoo.com by Wednesday 4 May 12h00. Comments will be incorporated where possible and the terms of reference will then be considered final. The first step will be to call for **volunteers** to serve on the various sub-task teams so please **consider putting yourself forward** for a suitable one.

Mandate of the task team

The task team is tasked with exploring ways in which a counter-culture to rape culture may be addressed at Rhodes University and more broadly. The following major issues, in order of priority listed below, will be considered and, where possible, concrete and actionable recommendations will be made. The task team will:

1. Make recommendations concerning the ways in which the experiences of survivors/victims of sexual violence can be heard in a safe, confidential, supportive space; recommend ways in which current spaces may be enhanced/improved upon and how relevant staff may be trained to provide these kinds of spaces.

2. Review all policies and procedures relating to sexual offences at Rhodes University, gathering input from all stakeholders and interested parties through open invitation. Engage in a reflective process in which the inadequacies of the present situation are highlighted and better ways of dealing with issues of sexual violence instituted. Ensure that the policies and procedures put the survivor first and create mechanisms whereby survivors are not required to be in the same space as the perpetrator. Recommend ways in which staff (including Grades 1 to 6 staff members) and student knowledge of policies and procedures may be improved in an on-going and sustained manner (including creating readable and summary policies and fact sheets and ensuring the all of these are translated into isiXhosa).
3. Recommend ways in which issues related to sexual violence, rape culture, and hetero-patriarchal gendered norms can be embedded in the curriculum and other activities in the university (e.g. Orientation week, staff orientation, CHERTL's work with academic staff, residences, work with trade unions) in a sustained manner, and in a way that emphasises the prevention sexual violence and its locatedness within gendered power relations. Situate this endeavour within the on-going process of the de-colonisation of the curriculum and of teaching endeavours. Recommend ways the learning that occurs through activism and social agitation can be capitalised upon.
4. Conduct an audit of systemic issues (e.g. institutional culture; staff-student relations; relations between different grades of staff, residence rituals, drinking culture, oppidan issues, attitudes of management, academics, students, administrative and support staff, wardens/subwardens) that promote or undermine rape/sexual violence culture at Rhodes University. Recommend ways in which systemic issues that promote rape/sexual violence culture may be addressed in ways that recognise the differential impact of rape culture on specific people and the intersectionality of power relations. Recognise the strengths, where they do exist, and recommend ways in which these can be enhanced.
5. Investigate ways in which the university does, and may further, engage locally (with the immediate Grahamstown community and businesses, club etiquette, schools, community engagement) and nationally (e.g. policy, law, research, activism, schools, community engagement) regarding sexual violence.
6. Liaise with Academic Project and Protocol Facilitation committee that is working on the staff-student engagement protocol with specific emphasis on how academic staff may be involved in the agitational anti-rape movement led by students with the aim of solidarity and resistance against police intervention. Ensure that there are space created in which staff can listen to students.
7. Develop a system of monitoring and evaluating the embedding of the recommendations within general policy and procedures of the university, and the implementation of accepted recommendations.

Proposed composition of the task team

A steering task team, with a number of sub-task teams is proposed. The steering task team will consist of the two facilitators of the sub-task teams: one staff member and one student from each sub-task team. Each sub-task team will choose the facilitators from amongst their members, and the steering task team will choose two co-ordinators (one staff and one student) from amongst the members.

Initially a call will go out for people to volunteer for particular task teams. Once these have been received, the interim committee will collate responses and will ensure that all stakeholders are reasonably represented on the task team and that there is a reasonable spread of men and women. Where this is not the case, the interim committee will approach particular groupings to encourage members to volunteer. External stakeholders, like the Young woman’s forum of Grahamstown and the Department of Social Development will be asked to participate where appropriate.

| STEERING TASK TEAM: TWO MEMBERS FROM EACH OF THE SUB TASK TEAMS – ONE STUDENT AND ONE STAFF MEMBER | | | | | | |
|--|-----------------------------------|-------------------------------------|---------------------------|-------------------------------------|---|-------------------------------------|
| Safe spaces for survivors/victims task team | Policies and procedures task team | Curriculum and activities task team | Systemic issues task team | Local and national issues task team | Academic project and protocol task team | Monitoring and evaluation task team |

It is also proposed that a general call for volunteers goes out so as to make possible participation as broad as is feasible.

Proposed timeline

A staggered timeline is suggested, with more urgent issues having a tighter deadline. Issues that require more work have a longer timeline.

Report 1: Safe spaces for survivors/victims: End of June

Report 2: Policies and procedures: Middle of July

Report 3: Curriculum: End of September;

Report 4: Systemic issues: End of September;

Report 5: Local/National issues: End of September;

Report 6: Academic project and protocol: End of September;

Report 7: Monitoring and Evaluation: End of October.

Proposed reporting procedures

The task team will report to students, the relevant university structures and the wide university community (parents, alumni).

In addition, large report-back sessions with staff and students, possibly in faculty specific or residence spaces. to encourage on-going debate and dialogue is important.

To students: The reports need to be distributed widely via the various structures listed above (SRC, current student movement, Gender project, Activate, OutRhodes, Oppidan Press, Legal Activism); conversations

To parents and wider stakeholders community: Through university communications

To university: relevant Senate subcommittees for onward transmission for decision-making and implementation (including Equity and Institutional Culture committee, Gender Action Forum; Teaching and Learning committee, Board of Residences; Students Services Council; HIV and Aids Committee; Health and Safety Committee; Safety and Events Committee; Research Committee; Community Engagement Committee; Faculty Boards, Senate).

Resourcing for task team

To enable the functioning of the task team, resources will need to be made available. A reasonable budget will be prepared by each sub-task team for presentation to the relevant structures within the university.