



Postnet Suite 10328, Private Bag X7005, Hillcrest, 3650

Tel: 031 765 5774 Fax: 031 765 6014

Email: info@umthomboyouth.org.za

Website: www.umthomboyouth.org.za

28 September 2017

UYDF

SEXUAL AND GENERAL HARASSMENT POLICY, GUIDELINES AND PROCEDURE

1. Introduction

The UYDF is committed to providing a work and study environment that is free of any form of unfair discrimination or harassment. This includes any acts or threats that interfere with the performance at work or study of any individual or group on account of race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, political opinion, culture, language or birth.

Definition: Sexual harassment is defined as the unwelcome and unwanted sexual advances, insinuations and requests for sexual favours, and other verbal or physical conduct of a sexual nature. Physical and verbal harassment of a non sexual nature is also considered unacceptable and this policy applies to it as well.

Sexual harassment as well as physical and verbal harassment are unacceptable behaviours and will not be tolerated, and hence these policies exist to **educate staff, local mentors and students** and lay out actions to be taken when cases of sexual or general harassment are identified.

Sexual and general harassment are serious issues, which undermines morale and can adversely affect the ability of staff and students to achieve their full potential.

The UYDF is committed to taking action to deter sexual and/or general harassment, to increase awareness that such behaviour is unacceptable, and to ensure that complaints are dealt with fairly and promptly.

Policy and procedures for resolving complaints of sexual or general harassment shall be adopted by the UYDF to:

- promote a safe and secure work and study environment in which the dignity of all persons is respected and which is free from sexual or general harassment;
- provide an internal procedure for dealing with issues and complaints of sexual or general harassment which may arise;
- meet the requirements of the Employment Equity Act and Labour Relations Act, 1995 with regards sexual and/or general harassment
- Code of Good Practice on the Handling of Sexual Harassment cases;

2. Scope

This policy applies to all UYDF staff, local mentors and UYDF students

The Umthombo Youth Development Foundation exists to help provide high quality health services to rural communities in South Africa, by the identification, training and support of rural students who have the potential to become rural health care professionals.

Trustees: Dr AJ Ross; Ms M Themba; Mr SS Mngomezulu; Ms NC Dladla; Dr TC Nkabinde; Mr MJ Motha
Trust Registration: IT 1856/95 Non Profit Registration: 010-021 Public Benefit Organisation: 18/11/13/4296

3. Purpose

To outline the procedures and guidelines in dealing with sexual and/or general harassment matters.

4. Responsibilities of all levels of line management, Staff, Local Mentors and Students

All staff and students shall have responsibility for upholding the policy on sexual and/or general harassment. It is the UYDF Director's responsibility to:

- ensure that all staff and students are aware of appropriate and acceptable standards of behaviour;
- make known the UYDF's sexual harassment policy, including the procedures for resolving complaints or accusations;
- taking early corrective action to deal with behaviour that may constitute sexual or general harassment;
- promoting awareness programs designed to prevent sexual or general harassment.

5. Procedures for Resolving Complaints/Accusations

These procedures aim to ensure that:

- complaints of sexual harassment are considered seriously and sympathetically and are dealt with sensitively, efficiently, effectively and confidentially;
- complainants are protected against victimisation or retaliation for lodging complaints;
- the rights of both the complainant and the alleged harasser are protected and respected

Process to follow

A person who believes s/he has experienced sexual or general harassment should immediately send an email to the anonymous UYDF email address: report@umthomboyouth.org.za with details of the incident (alleged perpetrators name, date, time and place of the incident) or report it to a UYDF staff member, colleague or friend. It is advised to report the matter sooner than later.

Stage 1

The first course of action will entail an independent person chairing a meeting between the parties concerned with the objective of resolving the matter amicably. Should this not be possible for whatever reason including the victim fearing to face the alleged perpetrator, the independent person will meet with each party separately to gather facts to better understand the situation. Based on the information collected a decision will be made whether more qualified people be engaged to professionally deal with the matter.

Stage 2

A person with the appropriate training, skills and experience will be engaged to undertake a thorough investigation of the matter and provide a report to the UYDF Director/Trustees. In addition to stating the facts of the case and suitable remedial action, the report will make recommendations regarding possible counselling needed by the victim.

The Umthombo Youth Development Foundation exists to help provide high quality health services to rural communities in South Africa, by the identification, training and support of rural students who have the potential to become rural health care professionals.

Trustees: Dr AJ Ross; Ms M Themba; Mr SS Mngomezulu; Ms NC Dladla; Dr TC Nkabinde; Mr MJ Motha
Trust Registration: IT 1856/95 Non Profit Registration: 010-021 Public Benefit Organisation: 18/11/13/4296

The UYDF commits to cover all reasonable costs in this regard to ensure the victim is supported. If the perpetrator is found guilty the UYDF commits to providing the appropriate sanction as per the Policies and Procedures.

Stage 3

If the matter remains unresolved after the Stage 2 process the matter may be referred for Alternative Dispute Resolution (ADR).

This process will be strictly confidential and without prejudice to the rights of either party.

ADR may be impossible in circumstances where;

- either party is not prepared to conciliate or cannot be contacted.
- the relationship between the parties has broken down to such an extent that ADR will have no chance of success.
- the nature of the offence is of such a serious nature that these procedures would be inappropriate.

6. Criminal and/or Civil Charges

A victim of sexual assault and/or physical or emotional harassment has the right to press separate criminal and/or civil charges against the alleged perpetrator and the rights of the victim are in no way limited by these procedures and guidelines.

8. Vexatious/Malicious Complaints

If the complaint is found to be without substance, malicious, or fabricated, action against the complainant may be taken under the UYDF's disciplinary procedures.

9. Sanction for sexual harassment

As per UYDF Policies and Procedures should a person be found guilty of sexual or serious general harassment they may be dismissed immediately without any letters of warning i.e. it is a first offence dismissal. A staff member may be suspended from work, on full pay, during the investigation of the matter. During that time the staff member will not be allowed to contact other staff or students. Students found guilty of sexual or serious general harassment may be immediately excluded from the Scheme.

The Umthombo Youth Development Foundation exists to help provide high quality health services to rural communities in South Africa, by the identification, training and support of rural students who have the potential to become rural health care professionals.

Trustees: Dr AJ Ross; Ms M Themba; Mr SS Mngomezulu; Ms NC Dladla; Dr TC Nkabinde; Mr MJ Motha
Trust Registration: IT 1856/95 Non Profit Registration: 010-021 Public Benefit Organisation: 18/11/13/4296

Addendum

Rights of UYDF staff, local mentors and students and how to avoid being a victim of sexual or general (physical and/or emotional) harassment

In most cases of abuse the issue is about unequal power. A person in a position of power demands something unreasonable from you. This is a generalisation as abuse can occur in many ways and circumstances. However you have rights, and are allowed to speak against this unfair abuse of power.

Rules regarding meeting your mentor

The UYDF has a full time Student Mentor Manager who will meet you on campus once or twice a year and during your holiday work. In addition you may be allocated to a local mentor to meet with you monthly. The following applies:

- They are to be respected, but they are also to respect you
- They do **not** have the authority to provide a good report on your performance if it is not good (your examinations results are sent to the UYDF), or authorise additional money for you, so don't allow them to use this to control you. On the other hand do not try and manipulate them to your favour (to get a good report).
- Note that the UYDF Student Manager or Senior/Local Mentor does **not** have the authority to make decisions about your passing and failing, and continued support, or increased allowances alone. They are held accountable by the rest of the UYDF staff and have to provide evidence and an explanation for their recommendations and actions. The local Mentor's report is also used in decision making
- Your relationship with the UYDF Student Manager and Senior/Local Mentor is solely professional
- Female students/staff do not accompany a man into his hotel room at any time but especially not after dark. Likewise male students do not accompany a women to her hotel room. Don't believe the story s/he wants to show you something or needs your help to collect something
- When travelling in a car with a man/woman, ensure you have a friend with you
- All mentoring meetings should be held in public places. There is never a reason to meet a mentor in their room. One-on-one meetings with the Mentor should be conducted in a public place
- Gather as a group, prevent yourself being left alone in a quiet place with a person of the opposite sex
- Students do **not** share intimate or inappropriate information with the Mentor of the opposite sex, as it places them in a difficult position. Seek help from family, friends or professionals
- Use The Guardian anonymous reporting APP on your phone any situation that you are uncomfortable with

Note: it is the responsibility of **all** UYDF staff, local Mentors and UYDF students to be proactive to prevent themselves and others becoming victims of sexual or general harassment.

The Umthombo Youth Development Foundation exists to help provide high quality health services to rural communities in South Africa, by the identification, training and support of rural students who have the potential to become rural health care professionals.

Trustees: Dr AJ Ross; Ms M Themba; Mr SS Mngomezulu; Ms NC Dladla; Dr TC Nkabinde; Mr MJ Motha
Trust Registration: IT 1856/95 Non Profit Registration: 010-021 Public Benefit Organisation: 18/11/13/4296