



**higher education  
& training**

Department:  
Higher Education and Training  
**REPUBLIC OF SOUTH AFRICA**



**COMMUNITY EDUCATION  
AND  
TRAINING COLLEGE**  
Transforming communities into vibrant learning  
centres of excellence.

# **MPUMALANGA CET COLLEGE**

## **GENDER BASED VIOLENCE POLICY**

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## 1. ACRONYMS

ACRONYMS	SUBJECT
BCEA	Basic Conditions of Employment Act, 75 of 1997
CET	Community Education and Training
CET ACT	Continuing Education Act No 16 of 2006
CGE	Commission for Gender Equality
Childline SA	Childline South Africa
CLC	Community Learning Centre
CWSA	Child Welfare South Africa
DHET	Department of Higher Education and Training
FAMSA	Family and Marriage Society of South Africa
GBV	Gender Based Violence
MP CET C	Mpumalanga Community Education and Training College
POWA	People Opposing Women Abuse
PSET	Public Service Education and Training
SAHRC	South African Human Rights Commission
SAPS	South African Police Service
SETA	Sector Education and Training Authority
SGBV	Sexual and Gender Based Violence
SGJ	Sonke Gender Justice
SLC	Satellite Learning Centre
TCCs	Thuthuzela Care Centres
Tears Foundation	Transform Education About Rape and Sexual Abuse Foundation
TLAC	Tshwaranang Legal Advocacy Centre
TTC	The Trauma Centre for Survivors and Torture
TVET	Technical, Vocation, Education and Training
UN	United Nations

## **2. INTRODUCTION**

This policy guidelines recognise that sexual and gender- based violence serves to reinforce and legitimise social, political and economic inequalities and power relations in society, affecting the most vulnerable in society.

These sexual and gender related misconduct implementation guidelines were put together in a context where sexual harassment and gender -based violence is a global problem, occurring in all settings, including online.

The United Nations (UN) Declaration on the Elimination of Violence against Women describes Gender Based Violence (GBV) as follows: Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life.

Violence against women shall be understood to encompass, but not limited to, the following: physical, sexual and psychological violence occurring in the family [and in the community], including battery, sexual abuse of female children, dowry related violence, marital rape, female genital mutilation and other traditional practices to harmful women, non-spousal violence and violence related to exploitation, sexual harassment and intimidation at work, in educational institutions including CLC's & SLC's learning centres and elsewhere, trafficking in women and forced prostitution and violence perpetrated or condoned by the State (UN General Assembly in 1993. i.e. 20/12/1993 Resolution 48/104).

Without clear guidelines for dealing with sexual and gender related misconducts at a central office, centre or satellites are in jeopardy of not demonstrating the required duty of care to the students and staff.

## **3. BACKGROUND ON STRATEGIC INTENT**

### **3.1 Vision Espoused in the Policy Framework**

Mpumalanga CET College commits itself to provide a safe and conducive environment where all may learn, work and go about their duties and activities free from sexual harassment, sexual violence, gender harassment, gender bullying, sexual assault,

relationship violence, other forms of gender related misconduct and associated claims of retaliation.

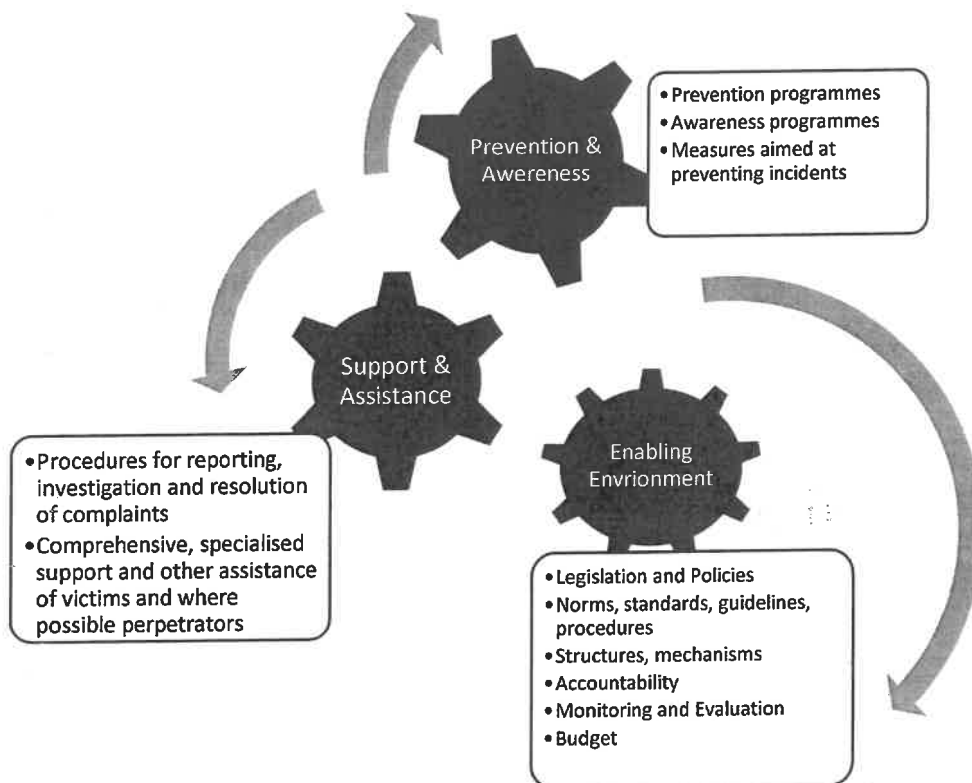
Mpumalanga CET College has a zero- tolerance approach to sexual and gender related misconduct. It recognises that it has an obligation to put in place reasonable measures to ensure, as far as possible, the safety and wellbeing of all students and staff as part of its institutional and academic duty of care.

The DHET's vision as contained in the as set out in the White Paper for Post-School Education and Training (2013), is set within the context of cooperation and mutual support among the DHET and institution for the benefit of the PSET system, its students and other stakeholders.

This Policy Framework acknowledges the vision of the White Paper for PSET as:

- A PSET system that assist in building a fair, equitable, non-racial, non-sexist and democratic South Africa;
- A single, coordinated PSET system;
- A PSET system that has expanded access, improved quality and increased diversity of provision;
- A stronger and more cooperative relationship between education and training institutions and the workplace; and
- A PSET System that is responsive to the needs of the individual citizens and of employers in the public and private sectors, as well as broader societal and developmental objectives.

Within the vision of the DHET, the vision/impact of the Policy Framework is that; 'everyone has the right to live, study and work freely and safely in PSET institutions without any fear of sexual/gender-based intimidation, harassment, abuse, rape or other forms of sexual/gender-based harm.



### 3.2 GOALS OF THE POLICY FRAMEWORK

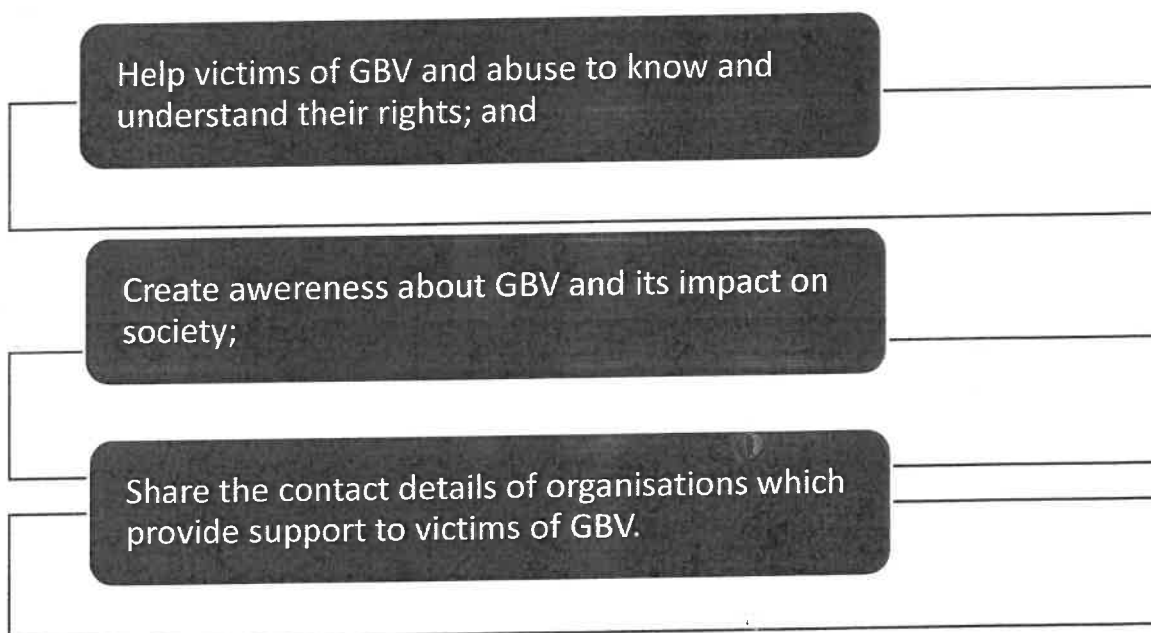
The goals of the Policy Framework can be encapsulated as follow:

- An enabling environment is created to inform, prevent, support and monitor GBV in College. These include:
  - Support College through policies, norms, standards, guidelines and standardised procedures;
  - Create national structures and mechanisms intended to support PSET institution's implementation of GVB policies;
  - Ensured effective implementation of policy and programmes through attention to budgeting, monitoring, reporting and evaluation; and the creation of a system of accountability;
- Promote the safety of all students and staff by putting in place comprehensive awareness and prevention programmes intended to raise awareness of policies and services addressing GBV, as well as other measures aimed at preventing incidents of GBV in the College;

- Put supportive, efficient and reparative assistance procedures to complaints/victims in place. These include;
  - Establish just and specialised procedures for the reporting, investigation and resolution of complaints; and
  - Provide comprehensive, specialised support and other assistance to victims and where possible perpetrators of GBV.

#### 4. PURPOSE

This Policy seeks to provide information to all employees including WIL, SETA Interns, TVET Graduates and internship programmes of Mpumalanga Community Education and Training College on procedures and processes to follow when reporting gender- based violence problems, particularly victims of gender-based violence (GBV), to:



The information provided in this Policy should not be assumed to be a checklist or an exhaustive list of options available to victims of Gender Based Violence. There are many other organisations which render invaluable services in the fight against the scourge of Gender Based Violence.

The purpose of these guidelines is to guide GBV responses at Mpumalanga CET College and ensure that:

- a common understanding of what constitutes sexual and gender related misconduct at the centres is reached,
- All staff and students receive appropriate information about sexual and gender related misconduct and are aware of the procedures which should be followed if sexual and gender related misconduct occurs,
- An environment is created where complainants feel safe, comfortable and willing to report sexual and gender related misconduct without fear of discrimination or victimisation,
- Any student or staff member who experiences sexual and gender related misconduct is offered proper support in a timely and sensitive manner.

## 5. DEFINITIONS

5.1 **"Allegation"** is an assertion that someone has done something illegal or harmful, which one intends to prove, on a balance of probabilities, through an investigation procedure and disciplinary hearing.

5.2 **"Victim"** means a survivor of sexual and gender related misconduct, being a person against whom an act of sexual and gender related misconduct has allegedly been perpetrated.

5.3 **"Complainant"** is a person that alleges that sexual and/or gender misconduct took place and was experienced by them and is a victim of the alleged misconduct.

5.4 **"Perpetrator"** is a person found guilty of sexual and / or gender related misconduct.

5.5 **"Alleged perpetrator"** is a person who has been accused of committing any form of sexual and/ or gender misconduct by a complaint.

5.6 **"Appellant"** is a complaint and/or respondent who submits an appeal following the outcome of a disciplinary hearing.



- 5.7 **“Investigator”** is a person appointed by the institution to conduct a prompt, thorough, and equitable investigation into a complaint involving allegation of sexual and gender related misconduct.
- 5.8 **“Respondent”** is member of the campus community against whom a complaint of sexual or gender related misconduct has been made once formal proceedings have been initiated against them.
- 5.9 **“Sexual and gender related misconduct”** refers to any conduct of a sexual or gender related nature that constitute an implant of the dignity of a member of the campus community and includes, though not exclusively, sexual and gender harassment ,sexual violence and assault ,gender bullying, relationship violence, act of bullying ,discrimination, harassment or victimisation as more fully described in clause 8 of the guidelines.
- 5.10 **“Student”** means a registered (full –time or part –time) student of the institution who has agreed to be bound by the rules and policies of the institution relating to students and includes visiting students.
- 5.11 **“Staff”** means the collective group of employees of the institution and can include students who are employed
- 5.12 **“Centre”** means Community Learning Centre which consists of Satellites Learning Centre
- 5.13 **“Satellite”** means Satellite Learning Centre which reports directly to the Community Learning Centre
- 5.14 **“Confidentiality”** means ensuring that the information is accessible only to those who are authorised to have access to it.
- 5.15 **“Consent”** means free and informed agreement as more fully described in clause 9 of these guidelines.
- 5.16 **“DHET Framework”** means the department of higher education and training policy framework to address gender- based violence in the post-school education and training system, published in July 2020
- 5.17 **“Employee”** means any person, include student in employment, or any other person who work for an institution and is entitled to receive remuneration and any other benefits.

- 5.18 **“Evidence”** refers to the availability body of information to support whether a belief or proposition on sexual and gender related misconduct is valid, purely on a balanced of probabilities.
- 5.19 **“Institution”** refers to a post school education and training institution.
- 5.20 **“Parties”** are the complaint and the alleged perpetrator/respondent in any matter involving sexual and/or gender related misconduct.
- 5.21 **“Protective measure”** is a measure that the institution puts in place to secure the safety of the complainant or to guard against potential harm to the complaint or to the centre / satellite community.
- 5.22 **“Whistleblowing”** is the act of informing institution authorities and/ or senior management that another party/third party is in violation these guidelines.

## **6. OBJECTIVES**

### **a. Strategic Objective 1: Enabling Environment**

Create an enabling environment to ensure the effective implementation of the policy framework, actions and programmes.

### **b. Strategic Objective 2: Prevention and Awareness**

Promote the safety of all staff by putting in place comprehensive prevention programmes intended to raise awareness of policies and services addressing GBV, as well as other measures aimed at preventing incidents of GBV in the College

### **c. Strategic Objective 3: Support and Assistance**

Each institution will provide proper support and assistance to victims of GBV. College Central Office, Community Learning Centres and Satellites Learning Centres must provide for and refer the victim of GBV appropriately to comprehensive, specialised support and other assistance.

## **7. PRINCIPLES**

- 7.1 Fairness and transparency** - All complaints will be investigated thoroughly and handled through a fair process that is consistently and transparently applied.
- 7.2 Confidentiality** – All responses to sexual and gender related misconduct will maintain the confidentiality and privacy of the complainant whose trust, safety, physical and psychological needs must be prioritised.
- 7.3 Professionalism and Credibility** - All complaints and responses to sexual and gender related misconduct will be treated with a high standard of professionalism and credibility.
- 7.4 Consistency** - All complainants of sexual and gender related misconduct will be treated same way without containing any logical contradictions.
- 7.5 Integrity** - All complaints on sexual and gender related misconduct will be treated in honesty and will follow strong principles as stipulated in this policy guidelines.
- 7.6 Respect** - All complainants of sexual and gender related misconduct will be handled thoroughly in deep admiration of a complainant.
- 7.7 Non- discrimination** - All complaints will be dealt with without fear or favour of someone.
- 7.8 Honesty** - All complaints will be investigated thoroughly and handled through a fair process that is honestly and fairly applied.

## **8. SCOPE OF APPLICATION**

This policy applies to all employees including WIL, SETA Interns, Graduates and internship programmes of the Mpumalanga Community Education and Training College.

## **9. WHAT IS DOMESTIC VIOLENCE**

Domestic violence is the most common form of Gender Based Violence among other partners. It refers to forms of abuse which include physical abuse; emotional, verbal and psychological abuse economic abuse; intimidation; harassment stalking damage to property; etc. however, any abuse or controlling behaviour that threatens the health, safety and well-being of the complainant also amounts to domestic violence (Domestic Violence Act No 116 of 1998).

These types of violence have a potential to hamper the performance of a staff member affected either at the CLC, SLC or College Central Office level.

## **10. WHAT TO DO IF YOU OR SOMEONE ELSE IS BEING ABUSED**

- Provide the necessary help and support to a friend, family member or support staff, lecturer or Supervisor or Centre Manager who has experienced or is experiencing GBV.
- Do not suffer in silence: if you are being physically, psychologically (mentally), emotionally or sexually abused, talk to someone you can trust such as a friend, neighbour, relative, spiritual leader, doctor or counsellor.
- Do not place shame, blame or guilt to her, help her make a safety plan, set up a time to talk, let her know that you are concerned about her safety and be supportive
- Get professional help by:
  - ✓ Opening a criminal case against the abuser for rape, sexual assault or physical violence.
  - ✓ Applying for a Protection Order at your nearest Magistrate's Court.
  - ✓ As a lecturer, supervisor, centre manager or support staff, one can report the matter to the Sub- directorate: Corporate Services who acts as a liaison official to Departmental Employee Health and Wellness Directorate and other recognised organisations that purports to be fighting GBV.

## **11. WHAT IS A PROTECTION ORDER?**

It is a written order that is issued by a Magistrate to stop any person from committing any act of domestic violence against another person with whom he or she has a domestic relationship.

- The person who seeks the Protection Order is referred to as the complainant while the person who has or allegedly committed an act of domestic violence and against whom the Protection Order is applied for is called the respondent.
- The complainant of domestic violence must be or must have been involved in a domestic relationship with the respondent to qualify for a Protection Order.

In terms of the Domestic Violence Act of 1998 (as amended), a domestic relationship means a relationship a complainant and a responded if they:

- ✓ Are or were married to each other in terms of any law, custom or religion.
- ✓ Are of the same or opposite sex, live or have lived together in marriage or single relationship.
- ✓ Are parents of a child or are persons who have or had parental responsibility for that child.
- ✓ Are family members related by blood relation, affinity or adoption.
- ✓ Are or were engaged, dating or in a customary relationship.
- ✓ Share or recently shared the same residence.

### **11.1 Persons who can apply for a Protection Order**

- The victim of domestic violence;
- Any minor without the assistance of a parent, guardian or any other person;
- Any other person on behalf of the complainant who has a marital interest in the well-being of the complaint including counsellors, health workers, police officers, social workers or teachers. The written consent of the complainant is required, unless the complainant is a minor, mentally retarded, unconscious or is found by the court to be unable to give such consent.

- A lecturer, support staff, supervisor or centre manager may instead of applying for Protection Order if the problem exists at their workplace should use the internal systems of lodging a grievance in terms of Disciplinary Codes and Procedures towards the resolution of such.

**The respondent will only be arrested upon breach of the terms of the order by failing to comply with the terms, such as persisting with the physical or verbal abuse.**

## **12. PROCEDURES FOR DEALING WITH SEXUAL AND GENDER- BASED MISCONDUCT AT THE COLLEGE/ CENTRE OR SATELLITE**

### **12.1 Responsible office or body**

As part of its commitment to (i) implementing the Department of Higher Education and Training's (DHET) Policy Framework to Address Gender-based Violence in the Post-School Education and Training System and (ii) its commitment to the purpose and principles contained in the guidelines, all institutions must establish an office/body/structure/person responsible for implementing this guideline here (**Corporate Services Office**) for the execution of the implementation guidelines on sexual and gender related misconduct. This is in recognition that:

- 12.1.1 Existing institutional functions in relation to sexual and gender related misconduct are not sufficient in addressing this particular institutional challenge.
- 12.1.2 Effective mechanisms for reporting, intervention, accountability and prevention require a less fragmented approach.
- 12.1.3 Complainant-driven interventions, specifically including disciplinary hearings, regardless of whether staff or students are involved require specialist gender expertise and less alienating procedures for complaints of sexual and gender related misconduct.
- 12.1.4 Safer spaces and procedures are required for the reporting and handling of incidents of sexual and gender related misconduct in order to encourage rather than deter reporting.
- 12.1.5 Executive seniority and support are required for the effective handling of sexual and gender misconduct, while not compromising the confidentiality and independence in authority to the Corporate services Office for overseeing sexual and gender related misconduct within the centre community.

12.1.6 No deviation from these guidelines is permitted without due consultation with the Corporate services Office and provided there are good reasons to do so.

12.1.7 In line with these requirements the Corporate Services Office is accordingly tasked with all functions related to sexual and gender related misconduct pertaining to staff and students alike.

## **12.2 Reporting or initiating a complaint**

Persons that are part of the campus community who believe that they have been subjected to sexual or gender- based misconduct may report the incident to any person of their choosing or the Corporate Services Office.

12.2.1 If the first report is not to the Corporate Services Office, the person receiving the complaint must refer it to the Corporate Services Office immediately or as soon as possible after receiving the complaint.

12.2.2 Any person, both from within the campus community or from outside the campus community, may make a report of sexual and gender related misconduct on behalf of another person.

12.2.3 If a complaint of sexual and gender related misconduct is made at a time when the Corporate Services Office is closed, the complaint can be made on the next working day. In the case of rape or sexual assault, the complaint must be made immediately to the campus 24-hour reporting line, to centre/ satellite first responders or to any other person or persons who have the duty of receiving such reports.

12.2.4 Reporting of sexual and gender related misconduct is mandatory for all members of the centre/ satellite who became aware of such misconduct. A failure to report is a breach of these guidelines. Anyone with a strong suspicion of sexual and gender related misconduct or who has received a disclosure of sexual and gender related misconduct should report the incident to the Corporate Services Office, who will investigate the allegations being made.

12.2.5 In the case of a complaint against the member of the staff the Corporate services office will not engage directly with the complainant or the alleged perpetrator but will work with the Corporate Services Office and/or the alleged perpetrator's representative where necessary.

12.2.6 There is no threshold for reporting a complaint or concern of sexual and gender related misconduct as described in this guideline. Any concern, however minor, can be reported.

12.2.7 A complaint can also be lodged via a specially protected online platform that will be accessible only to the Corporate Services Office and which will specifically enable anonymous reporting. This online platform is to be distinguished from any online 24-hour emergency reporting line that must be utilized if the Corporate Services Office is closed and the incident is of a serious nature.

12.2.8 To accept a complaint, the Corporate Services Office will consider whether the complaint is one that involves sexual and gender related misconduct and whether the complaint would constitute misconduct as set out in these guidelines.

12.2.9 If these two criteria are met, the Corporate Services Office can take forward the complaint, based on the needs and wishes of the complainant and must respond by initiating the steps set out in these guidelines within three (3) days of receipt of the complaint.

12.2.10 The Corporate Services Office is required to engage in sensitive and frequent communication with the complainant so that the complainant remains informed of all steps being taken to address the complaint.

12.2.11 The steps to be taken by the Corporate Services Office on receipt of a complaint, should include but not be limited to the following:

(a) Where reasonably practicable, offering the complainant advice, assistance, protective measures and counselling, including during any disciplinary enquiry that may be instituted.

(b) Advising the complainant of the informal and formal procedures available to deal with the misconduct.

(c) Following the procedures set out in these guidelines, in a manner that is procedurally and substantively fair.

12.2.12 Although it may be advisable to report an incident as soon as possible, the complainant may report regardless of when the incident occurred. A delay in reporting an incident shall not prejudice the complainant in any way and should not detract from the validity or seriousness of their complaint, no matter the reason of the delay.

12.2.13 The complainant may choose to report the matter to SAPS or any other relevant authority as well as, or instead of, to the Corporate Services Office.



12.2.14 Under certain circumstances, in the event that a complainant does not wish to pursue action against an alleged perpetrator in terms of these guidelines, and the complaint is judged by the Corporate Services Office to be of a serious nature, the Corporate Services Office may determine whether the institution should nonetheless pursue the matter. In making this decision, all relevant information will be considered including but not limited to:

- (a) Any risk to the complainant
- (b) Any risks or threat to other persons in the campus community, including circumstances that suggest that the alleged perpetrator may commit additional acts of sexual and gender related misconduct.
- (c) Circumstances that suggest that there is an increased risk of future acts of sexual and gender related misconduct under similar circumstances.
- (d) Whether the misconduct was perpetrated with a weapon.
- (e) The severity of the harm that may result from a failure to act.
- (f) The history of the alleged perpetrator with regard to previous cases and complaints of sexual or gender related misconduct.

12.2.15. An incident report will be compiled by the responsible office to document details of the incident, who will also take responsibility for investigating and taking the incident reported forward to completion.

12.2.16. While all complaints received will be acted on immediately and in timeous manner, the gravity of the complaint reported may necessitate extraordinarily prompt and expeditious actions in support of the complainant. These may include the immediate institution of the protective and supportive measures outlined in clause 19, including the provision of psychosocial support if required.

12.2.17 Any intimidating behaviour or secondary harassment by the respondent or facilitated by the respondent towards the complainant will constitute a disciplinary offence.

### **12.3 Supportive And Protective Measures**

12.3.1 If deemed in the complaint's interest, the responsible office can recommend supportive and protective measures that are reasonable to secure the safety of the complaint or to guard against potential harm to the complaint or others within the centre/ satellite centre, provided that any protective measure must be premised on an assessment of the balance of potential harm to both the complainant and the respondent.

12.3.2 Supportive and protective measures can be instituted regardless of whether formal proceedings will be undertaken or not.

12.3.3 Supportive and protective measures may include, but not limited to:

- Ongoing psychosocial support throughout the process.
- Access to free medical services for advice and treatment through the health facility on centre/ satellite.
- Additional, paid sick leave in case of serious sexual or gender related misconduct or trauma, where an employee's sick leave entitlement has been exhausted.
- Non-contact/restriction of activities orders, where appropriate.
- Change of academic classes and academic concession, where appropriate.
- Additional education and training.

12.3.4 The respondent must be informed by the responsible office of any protective measure affecting them as well as reason for proposing the protective measures, providing them an opportunity to respond.

12.3.5 The respondent must be given a fair opportunity, prior to the protective measure that affects them being implemented, to give a reason why the protective measure should not be imposed: provided that the responsible office has an obligation to not expose the victim to further harm and should consider the reason given by the respondent in accordance with this obligation.

12.3.6 Depending on the facts of the complaint, and particularly in the case of protective measure being taken, the relevant institution role-player will inform e.g. centre manager or supervisor in the case of students and also in the case of staff member/ lecturer.

12.3.7 All respondents who have a protective measure against them or whose matter is taken on investigation, will have a note indicating that a protective measures is in force placed against their name. for students this will be done via the centre manager, or supervisor and also for staff via the corporate services office. This note will be removed if the incident does not process or once the protective measure expires.

12.3.8 In addition to the supportive and protective measures outlined above, the following special procedures are applicable to victims of sexual assault and rape. When an incident of rape or sexual assault is reported to any other person responsible for assault when sexual assault and rape incidents take place on centre or satellite must:

- ✓ Inform the victim of the necessity of receiving immediate medical attention, including post-exposure prophylaxis (PEP) for HIV, sexual transmitted infections and pregnancy; and all reasonable effort must be made promptly to support the victim and transport the victim to a hospital/clinic in case proximity.
- ✓ Ensure that the victim receive psychosocial support or counselling.
- ✓ Ascertain whether the victim has made a complaint to the SAPS and provide support where they choose to do so.
- ✓ In the event that the victim has made a complaint to SAPS and action has not been taken by SAPS to assist the complaint in regard to medical care, raise with SAPS and the relevant hospital/clinic to ensure a comprehensive service is provided to the victim including ensuring proper forensic evidence is captured.
- ✓ When a rape occurs on a centre or satellite it must be reported immediately to the Corporate Services office designated by the College to take report on rape.

#### **12.4 Process of handling a complaint received**

12.4.1 The process will, in general, be guided by the needs and wishes of the complaint.

12.4.2 Complaint can choose to deal with the matter either formally or informally. Both the formal and informal process are outlined below.

12.4.3 A complaint may choose:

- ✓ Not to take any action or to pursue any process
- ✓ To participate in counselling, mediation or other informal processes.

✓ To pursue a formal disciplinary process.

✓ To take action outside of the institution in terms of criminal, civil or labour law.

12.4.4 Upon reporting an incident, the complaint will be informed of their rights; all aspects of confidentiality and anonymity; the options available to them regarding the steps involved; the procedural timeline; and the possible outcomes of both formal and informal processes.

12.4.5 The respondent will be informed, in writing, that a complaint has been filed and the process chosen by the complaint. The respondent will be further informed that the complaint laid is only an allegations and that a investigate will follow.

12.4.6 If the complaint elects to follow an informal process, the respondent will be notified of the next steps and if formal they will be informed that the matter will be investigated by the responsible office or by an investigator contracted by the institution.

12.4.7 Any respondent wishing to submit a written respond at this stage must do so within five (5) days of being notified of the complaint.

### **13. FORMS OF ABUSE IN TERMS OF THE DOMESTIC VIOLENCE ACT OF 1998, AS AMENDED.**

- Physical abuse
- Sexual abuse
- Emotional, Verbal and Psychological Abuse
- Socio- Economic Abuse
- Intimidation
- Harassment
- Stalking
- Damage to property
- Unauthorised entry into the victim's residence

#### **14. SEXUAL CRIMES TO BE REPORTED TO THE SAPS INCLUDE THE FOLLOWING:**

- **Rape**

Occurs when a person has a sexual penetration with a victim without their consent. The law also makes it a crime for one person to force another person to rape a victim. This is known as compelled rape.

- **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. The law also makes it a crime for one person to force another person to sexually violate the victim. This is known as compelled sexual assault.

- **Compelled Self-Sexual Assault**

Occurs when a person compels the victim to masturbate or engage in any form of self-sexual arousal or stimulation.

- **Flashing**

Happens when a person displays his/her private parts to a victim without their consent.

- **Sexual Exploitation**

Of children/persons who are mentally disabled occurs where a person engages the sexual services of a child victim or a mentally disabled person with or without consent, for financial favour or reward. This is generally known as child prostitution.

- **Sexual Grooming**

Of children/persons who are mentally disabled means making a child or a mentally disabled person sexually ready with the aim of committing a sexual act with such child/mentally disabled person.

- **Child Pornography**

Occurs when a person or company uses a child to make pornographic material for a reward or money, with or without the consent of the child.

**NB: For All sexual crimes committed by the support staff, lecturer, supervisor or centre manager, should it be reported to SAPS, the College will also concurrently evoke its internal Disciplinary Codes and Procedures towards the resolution of the problem.**

## **15. ORGANISATIONS WHICH CONTRIBUTE TO THE FIGHT AGAINST GBV INCLUDE THE FOLLOWING:**

### **15.1 Commission for Gender Equality (CGE)**

The CGE was established in terms of Section 187 of the Constitution of the Republic of South Africa of 1996 in order to promote respect for gender equality, and the protection, development and attainment of gender equality.

The CGE advances, promotes, and protects, gender equality in South Africa by undertaking research, public education, policy development, legislative initiatives and litigation.

### **15.2 People Opposing Women Abuse (POWA)**

POWA provides counselling, both telephonically and in person, temporary shelter for, and legal help to, women who have experienced violence.

### **15.3 South African Human Rights Commission (SAHRC)**

The SAHRC is the national institution established to support constitutional democracy. It is committed to promoting respect, for observance of and protection of human rights for everyone, without fear or favour.

### **15.3 Childline South Africa**

This non-profit organisation helps abused children and their families. It deals with issues such as physical and sexual abuse, substance abuse, behavioural problems and human trafficking, and also provides legal advice.

#### **15.4 Child Welfare South Africa (CWSA)**

CWSA focuses on child protection, childcare and family development. Negligent and child abuse can also be reported.

#### **15.5 Family and Marriage Association of South Africa (FAMSA)**

FAMSA provides counselling and education to help improve marriages and families. It helps in cases of domestic violence and trauma, divorces and mediation.

#### **15.6 Tshwaranang Legal Advocacy Centre (TLAC)**

The TLAC to End Violence Against Women (Tshwaranang) is a non-profit organisation that promotes and defends the rights of women to live their lives without fear or experience of violence. Its key activities include research, capacity-building and advocacy.

Tshwaranang's overall purpose is to facilitate access to justice for women who have experienced or are at risk of experiencing GBV.

#### **15.7 TEARS Foundation**

TEARS Foundation provides access to crises intervention, advocacy, counselling and prevention education services for those impacted by domestic violence, sexual assault and child sexual abuse. Free confidential services are provided to all victims.

#### **15.8 Thuthuzela Care Centres**

Thuthuzela Care Centres are one-stop facilities that have been introduced as a critical part of South Africa's anti-rape strategy, aiming to reduce secondary victimisation, improve conviction rates and reduce the cycle time for finalisation of cases.

Thuthuzela Care Centres operate in public hospitals and communities where there is a particularly high number of rape incidents and they are also linked to Sexual offences

Courts. The Thuthuzela project is led by the Sexual Offences and Community Affairs Unit of the National Prosecuting Authority.

#### **15.9 The Trauma Centre**

The Trauma Centre believes violence is predictable and preventable. It contributes towards violence prevention through advocacy, capacity building, research and the provision of mental health of services for survivors. It also provides counselling to survivors of domestic and sexual abuse.

#### **15.10 Sonke Gender Justice**

Sonke Gender Justice is a non-partisan and non-profit organisation to create the change necessary for men, women, young people and children to enjoy equitable, healthy and happy relationships that contribute to the development of just and democratic societies. Sonke Gender Justice pursues this goal across Southern Africa by using a human rights framework to build the capacity of government, civil-society organisations and citizens to achieve gender equality, prevent GBV and reduce the spread of HIV and the impact of AIDS.

### **16. DISPUTE RESOLUTION**

Any dispute arising out of the interpretation and/or application of this Policy shall be dealt with in terms of the DHET Labour Relations Manual.

### **17. POLICY MONITORING**

This Policy shall be monitored by the Sub-Directorate: Corporate Services which is responsible for HRM in the College.

### **18. POLICY REVIEW**

The Policy shall be reviewed every three (3) years, unless changes in legislation and Ministerial Directives dictate otherwise.



## 19. POLICY APPROVAL

Signed at Siyabuswa on this 25<sup>th</sup> day of OCTOBER 2023



**Mr KM Mokone**

**Principal: Mpumalanga Community Education and Training College**


Approved / not approved:

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Signed at Siyabuswa on this 25<sup>th</sup> day of OCTOBER 2023



**Mr MW Jiyana**

**Council Chairperson: Mpumalanga Community Education and Training College**