This is how learners should feel at school

Learning and teaching are much more effective in such an environment. Plus it is also every learner’s legal and Constitutional right.

TEACHERS MUST PLAY A LEADING PART

Teachers have a professional, moral and legal duty to protect learners from any harm while they are at school. They therefore have a leading part to play in protecting learners from sexual violence and harassment – which is currently occurring at too many of our schools.

GUIDELINES FOR BEST PRACTICE

Schools and school communities therefore need to develop practical strategies to create safe schools, and to respond effectively and fairly to incidents of sexual violence and harassment, should they occur. To support them in doing so, the Department of Education has developed Guidelines for the

Prevention and Management of Sexual Violence and Harassment. Find out all about the Guidelines in editions 4 to 6 of Genderations, where we’ll be looking at:

• What sexual violence and harassment are;
• Strategies to prevent such incidents from occurring; and
• Minimum standard procedures to follow when managing such incidents.
SEXUAL HARASSMENT

Grey areas to do with sexual harassment in the Guidelines, the basic definition of sexual harassment is unwelcome conduct of a sexual nature. It includes: any unwelcome physical, verbal or non-verbal conduct. This is a purposely broad definition because individuals have different feelings about what they consider to be unwelcome, or sexually inappropriate, conduct. For example, one individual may not mind someone putting their hand on her shoulder and her should say being called “sweetie”. However, someone else may find this an offensive and inappropriate violation of her personal space, and therefore experience it as sexual harassment.

Specifics about sexual harassment

The Guidelines state that sexual attention is sexual harassment if:

• The behaviour is unwanted (although a single incident can be considered as sexual harassment).
• The recipient (or person on the receiving end of such behaviour) has made it clear that s(he) considers the behaviour to be offensive. and/or
• The perpetrator (or person carrying out the action) to know, or to have known, that the behaviour is unacceptable.

Sexual harassment is not only committed by males against females. Females can also be perpetrators of sexual harassment.

SEXUAL VIOLENCE

The Guidelines define sexual violence as any sexual act or attempted sexual act not using intimidation, threats of violence, or physical force. Such acts at school may include:

• Assault, forced sex or rape;
• Sexual harassment;
• Sexual abuse through the sexualised touching of another’s intimate parts, that the behaviour is unacceptable. and
• Intimate parts refers to areas of the body such as the mouth; primary genital areas; groin; inner thigh; buttocks; breasts; as well as clothing covering these areas.

Setting out school rules for learners

Different kinds of individuals can perpetrate sexual violence/trafficking or sexual harassment. A teacher could be a learner; an educator; a worker who is not a teacher; or an even an adult who works outside the school.

When managing sexual misconduct, the procedures followed and corrective measures imposed on the accused person should be appropriate to the individual’s circumstances. (For example, a learner or an educator). In the case of learners, schools should refer to their Code of Conduct for Learners, which sets out rules that they are expected to follow while at school.

Part of the Code of Conduct could include a table, such as the one shown here (right), which articulates the types of behaviour regarded as being unacceptable. The table should guide these unacceptable types of behaviour according to how serious each case of misconduct is regarded as being, and indicate for each case what corrective measures will be taken and procedures followed.

See Guidelines 5 and 6 for more on dealing with different kinds of perpetrators.

<table>
<thead>
<tr>
<th>Level of offence</th>
<th>Examples of misconduct</th>
<th>Procedures/corrective measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1</td>
<td>Making rude jokes.</td>
<td>verbal or written warning by the educator or principal.</td>
</tr>
<tr>
<td></td>
<td>Gaffe of a sexual nature.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>psychological evaluation and intervention.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Conducting an investigation or referring to independent bodies.</td>
</tr>
<tr>
<td>Level 2</td>
<td>Circulating offensive material.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Threatening sexual and/or mental abuse</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Disciplinary hearing.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Detention with an assignment on values.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Detention with community service.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Understand and work with the leadership of a peer education group for a specified period.</td>
<td></td>
</tr>
<tr>
<td>Level 3</td>
<td>Pornography distributed at school.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Improper suggestions of a sexual nature.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sexual harassment.</td>
<td></td>
</tr>
<tr>
<td>Level 4</td>
<td>Persistent harassment despite previous corrective measures.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public indecency.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sexual assault or rape.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A letter outlining the decision shall be placed in the learner’s personal file.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The learner’s parents or guardians must be informed that the child is being charged with sexual violence.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All cases of sexual violence or rape must be reported to the South African Police Service.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Procedures of disclosure.</td>
<td></td>
</tr>
</tbody>
</table>

Cases of the rape, statutory rape or sexual assault are dealt with in accordance with the criminal justice system.

Victims of such unwanted conduct pay a very high price, often suffering damage that affects them for the rest of their lives. If the perpetrators of such behaviour do not deal with the broader school environment also suffers. To support schools in handling these difficult issues effectively and fairly, the Department of Education has developed the Guidelines for the Prevention and Management of Sexual Violence & Harassment in Public Schools.

Educators and the law

A ll of us in South Africa are bound by laws that indicate what behaviour is unacceptable, and what behaviour is expected from us.

Some professionals – including educators – have other legal duties as well, because of the nature of their work.

Values at the heart of education

The South African Council of Educators (SACE), the professional body with which all educators must engage in order to teach, has set out a Code of Ethics to help guide educators in the right way to teaching. The Code sets out what educators “ought to do.” They should:

• Act in a proper and becoming way such that their teaching does not bring the teaching profession into disrepute.
• Adhere to constitutional, statutory, and other legal, social, ethical, and professional norms.
• Be role models to all learners.
• Be respected as colleagues.
• Be trustworthy and forthright in their dealings with all learners.
• Be fair and objective, and use critical judgment to the best of their ability.

Some of the more obvious signs of abuse are those resulting from physical violence, such as bruises or scratches. But there are also signs of behaviour to be aware of that could signal that a learner is being abused:

• Loss of self-esteem and confidence;
• Depression;
• Emotional withdrawal;
• Abnormalities;
• Loss of interest in school work; and
• Difficulty in concentrating in class and at home.

Any person can lay a complaint with the police in such an instance. The police will then follow up the information, and if it is found to be accurate, the state will lay a charge of statutory rape against the adult.

Email: info@saou.org.za or contact SACE at
Tel: (012) 679-9700
Fax: (012) 663-9238

In South Africa, the Department of Education has developed the Guidelines for the Prevention and Management of Sexual Violence & Harassment in Public Schools.
Making rights and responsibilities real

December holidays began on a high note for the 56 girls and boys who gathered for a week-long Girls and Boys Education Movement (GEM/BEM) empowerment camp outside Pretoria.

These “Gemmies” and “Bemmies” not only came from all corners of South Africa, but from as far away as Botswana, Liberia and Uganda as well. They had come to put their heads together to better understand the meaning behind the camp’s theme, “Enjoying Rights, Taking Responsibility and Making Positive Choices”.

This international GEM/BEM camp, funded and organised by the Department of Education and UNICEF, carefully balanced having fun with covering some really important work. The fun part included meeting new friends, staying at a resort in the beautiful area of Kameeldrift, and first-class events such as the camp’s opening ceremony.

Serious work to do

At this opening dinner, youngsters were hosted by the Minister of Education, Naledi Pandor, to a five-star feast in the company of illustrious guests who included the Deputy Minister of Education, Andre Gaum; the MEC for Education in Mpumalanga, Mrs Mathulare Coleman; and the Head of the Department of Limpopo, Reverend Nevhutalu.

In her speech, Minister Pandor celebrated the power of social movements such as GEM/BEM clubs to change society for the better.

She challenged the youngsters to go back into their communities armed with the new knowledge and ideas they gain at the camp, and work towards making both Rights, and their twin, Responsibilities, a lived reality.

And some serious fun, too

The award-winning band, Malaika, added its inspirational music to make the opening ceremony a truly magical evening, with young and old alike jiving to their hit tunes.

These “Gemmies” and “Bemmies” not only came from all corners of South Africa, but from as far away as Botswana, Liberia and Uganda as well. They had come to put their heads together to better understand the meaning behind the camp’s theme, “Enjoying Rights, Taking Responsibility and Making Positive Choices”.

These are school-based clubs made up of boys and girls. They’re motivated and thinking youngsters who are committed to the promotion of equal human rights, dignity for all, and mutual respect between boys and girls.

FOR LEARNERS, BY LEARNERS

These clubs are started, organised and run by learners themselves.

In this way, these young adults will learn to become self-reliant and active participants in their lives. Of course, they will need the support and guidance of a number of adults, including their educators, and members of business and NGO communities.

THEY’RE ABOUT GETTING THINGS DONE

GEM/BEM clubs are the start of a movement – so they’re about taking action, not just talking.

Some of the activities South African GEM/BEM clubs are involved in include:

• Starting campaigns to keep school premises clean and safe;
• Setting up recreational activities such as drama, art or sports codes at schools;
• Educational events that include activities such as gumboot dancing, choir, drama, poetry and story telling, which use talent and entertainment to get important social messages across;
• Debating, especially on topics to do with healthy living and gender equality;
• Charity activities, such as collecting and donating clothes and food to those in need in a community;
• Forming walking teams to ensure the safety of learners on their way home; and
• Inviting speakers to present information on different topics in their schools.

START YOUR OWN GEM/BEM CLUB

For more information on how to set up GEM/BEM clubs at school, request a copy of the GEM/BEM Guidebook for Schools from the Gender Equity Directorate at the National Department of Education:

Tel: (012) 312 5383; Fax: (012) 312 5218; or Email: ramatlo.c@doe.gov.za or hlatshaneni.d@doe.gov.za