Campus rape plans favour perpetrators

Survivors of sexual violence are unhappy with universities’ policies and actions, and researchers say under-reporting is a part of the problem.

Wits University of the Witwatersrand

Wits University would not reveal number of cases

University of the Western Cape had

UWC: 7 cases over the past five years

SU: Stellenbosch University had

Stellenbosch University had 9 cases over the past five years

UCT: University of Cape Town had

University of Cape Town had 39 cases between 2011 and 2015

Rhodes University had

Rhodes had 13 cases between 2011 and 2015

University of the Western Cape had

UWC had 7 cases over the past five years

Wits would not reveal number of cases

Rhodes University had 13 cases between 2011 and 2015

Pontsho Filane

Universities’ policies and handling of rape and gender-based violence have created safe havens for perpetrators, say survivors on campuses. The Mail & Guardian looked into the sexual offense policies of five universities: Rhodes University, Stellenbosch University and the universities of Cape Town, the Western Cape (UWC) and the Witwatersrand.

These policies, although drafted with the intention of addressing incidents of sexual violence on campuses, have left students — especially sexual assault or rape survivors — dissatisfied with management’s actions and say the systems favour the perpetrators.

Although the universities’ statistics on reported rape and sexual assault cases over the past five years are low — with UWC’s seven incidents being the least — Lisa Venter, a research associate at the Wits Institute for Social and Economic Research (Wiser), says the figures indicate a lack of trust and confidence in institutional structures to handle these matters.

“The under-reporting of rape and sexual assault is a reflection of what is happening in the country — rape and sexual assault survivors are less likely to report their experiences to the authorities,” she said.

Rhodes student Zodwa Nkambule was sexually assaulted in the first quarter of 2016 by a student she had considered to be a friend. Confused and traumatised by the incident, she waited until the fourth quarter of the year to lay a formal complaint with the university.

“I felt that my case was not taken seriously by the reporting officers because it did not fit the typical narrative of rape. I may not have been raped, but I felt very violated. That is why I decided to open up the case,” she said.

This process left her questioning the validity of her violations.

Nkambule chose mediation as a form of intervention, in which a psychologist facilitated a session between herself and the perpetrator. Almost a year after opening a case with the university, she discovered that he had sexually assaulted another person.

Nkambule wanted to reopen her case so that her perpetrator could be formally disciplined, but was told that because she opted for mediation she could not open a disciplinary case.

Rhodes’s student higher disciplinary hearing case reports reflect that there were 13 cases of sexual assault and rape between 2011 and 2015. Of these, only one resulted in a guilty verdict of sexual assault, after which the perpetrator was academically excluded from the university for a period of one year.

In two of the 13 reported cases, victims chose mediation as a way of resolving their cases. On closer inspection, the case reports document shows that one case was withdrawn, two led to acquittal and the other nine were still under investigation at the time the reports were published.

When asked about the cases still under investigation, university spokesperson Catherine Detner only responded regarding one case, saying that, according to the university’s prosecutor, the case of date rape had been reported — but the charges were subsequently dropped by the complainant when the new academic year resumed.

Wits University did not provide M&G with its statistics.

The head of Wits’s gender equity office, Jackie Dugard, said: “We don’t focus on numbers per incident — especially not regarding rape or gender-based harm — because we understand that it is notoriously under-reported.”

This office was opened in 2014 after students laid sexual harassment complaints against a number of lecturers. It employs four full-time staff members — a director, an administrator, an investigator and an advocate — and a clinical social worker — who are trained to deal with gender-based harassment.

Despite UWC’s low number of incidents, students still feel unsafe. They say campus security often turns a blind eye to sexual violence incidents that take place at the on-campus pub, The Barn.

UWC student Nqobile Mhlabo says: “Many students seem to think it is normal to be groped or harassed; that is why there are no protests here. It bothers me that there are places I can’t jog past on campus because they are dark and therefore unsafe.”

Stellenbosch University’s senior director of student affairs, Birgitt Schreiber, said students have raised grievances about how the university handles rape and sexual assault cases.

She added that the university was in the process of establishing a task team dedicated to tackling the culture of rape at the institution. Only nine cases of rape and sexual assault have been reported at the university over the past five years.

UCT’s media liaison manager, Patricia Lucas, says the university received reports of nine sexual assaults and nine rapes between January 1 and April 11 this year.

In 2014, they received a total of 10 complaints dealing with rape, attempted rape and sexual assault.

She said the drastic increase might be the result of the space of rapes that happened at the Rhodes Memorial earlier this year.

Delia Gwala, a master’s student at UCT and curator of UCT Survivor — a student-run blog on which students can post their experiences of sexual harassment or assault — believes there are far more cases than the university is aware of.

She explains that the blog has been in existence for just 11 months “and in that time we’ve had 16 accounts submitted to us about sexual violence on campus or students off campus who experienced sexual violence.”

Tanya Charles, a gender-based violence specialist at Sonke Gender Justice, says universities must prioritise survivors in their policies and “must handle this matter better than they did at Rhodes University last week.”

Vetten says: “The current conversation is overtly focused on rape. This can silence those who haven’t been raped but have been sexually violated. Universities must focus on addressing these types of cases with care.”

* Name has been changed

Graphic: KIPP MC DON
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Enough: Wits students bare their breasts in solidarity with Rhodes students’ protests against the culture of rape. Photo: Delwyn Verasamy

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