



Student Parliament

Accountability, Transparency and Consultative Governance
UNIVERSITEIT iYUNIVESITHI STELLENBOSCH UNIVERSITY

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Accountability Committee 2021/22 Report on the Discrimination Complaint

Introduction

On the 7th of June 2022, Student Parliament received a referral of a complaint that had been given to the SRC. The complaint centred around the alleged discrimination against the LGBTQIA+ community that had been posted on social media by a Stellenbosch University House Committee Member. This report serves to provide feedback on the process and outcome that the Accountability Committee, as a subcommittee of Student Parliament aimed at specifically holding all student leaders accountable for their actions, has achieved.

Background Information

The complaint was first laid with the SRC, to whom they advised the complainant to open a case with the Equality Unit, where it falls squarely under their jurisdiction, since it centers around discrimination, unfairness, and prejudice. This is where the first hurdle arose. The Equality Unit did not take on the case because the complainant wished to remain anonymous. This is troublesome as this case is surely not the only one whereby the complainant wishes to remain anonymous, so it begs to ask the question, how effective is the Equality Unit really in investigating all matters similar to this one. This is a practice that Student Parliament should investigate and work towards dismantling, as most of the time, a complainant of prejudice and discrimination, especially towards someone whom they have to share a living space with, would not want their involvement in the complaint to be public, especially given the sensitivity of the content in evidence. The Equality Unit referred the case to the Residence Head and Primaria. A conversation was held, and the accused had somewhat seen where they were in the wrong. However, upon the discussion that the Accountability Committee had with both the accused and Residence Head, it seemed as if there was no remorse or true understanding of her actions. It was rather a slight admission to get the investigation to blow over.

Despite the matter being dealt with by the Residence Head and Primaria, members of the residence and complainant felt that the measures that had been taken thus far were insufficient. The Residence Head also felt that this matter be dealt with more persistence by Student Parliament as they felt the accused could benefit from understanding the severity and consequences of her actions. The SRC thus, advised the complainant that the complaint be referred to Student Parliament for the Accountability Committee to commence an investigation.

It is important to note that the respondent was not acting in their professional capacity, but a recurring sentiment in the hearing was that all student leaders are responsible for the well-being and sense of belonging of all those under them and as much as everyone has a right to freedom of expression, they should not abuse the right by way of having such right impede and degrade those of another. In this sense, the case can be viewed as a case of homophobia combined with a somewhat abuse of freedom of religion, where the respondent displays an attitude of forcing one religion unto those, the sentiments she shares get received.

The Grounds for the Referral to, and Acceptance by, the Accountability Committee

The respondent is a student leader and a holder of a public office, and as such all under the jurisdiction of Student Parliament via Addendum F of the Student Parliament Constitution and Section 58 of the Student Constitution. As the complainant has exhausted other means of discipline, the referral to Student Parliament is welcomed by the Accountability Committee and the requirements thereof have been met. These requirements are elaborated in Addendum F of the Student Parliament Constitution.

Circumstances of the Complaint (Misconduct)

The initial complaint made mention of possible hate speech being spread by the student leader. It was mentioned that the student leader posts memes and other pictures that use religion to speak out against the LGBTQIA+ community. The complainant and others felt disappointed in seeing a student leader post such things in today's day and age and found it harmful since many people in residence, including the first years who look up to her, see these posts. Further reference was made to other incidents whereby religion was used to promote submission and condonation of the Huis Marais incident. However, upon investigation the only matter of concern were those posts regarding the LGBTQIA+ community.

Provisions in Relevant Constitutions to Take Note of:

To aid guiding the investigation, the Accountability Committee took note of Sections 4,6,9, 15(2) and 15(3) in the Student Constitution. As well as turning to the Student Parliament Constitution Addendum F. Considering it was a matter regarding a student leader, the Accountability Committee also turned to the Structure's Constitution that governs the leadership role of the student leader.

Evaluation of Violations to the Provisions:

Upon analyzing the provisions as laid out in the three constitutions, it was evidently clear that the student leader failed to uphold these provisions that provide for a conducive and inclusive environment. As a student leader, they are bound by the provisions, duties, and values of the Student Constitution and their structure's Constitution. This is due to the fact that the accused has imparted sentiments that lend itself towards the tendency of queer students receiving such as demeaning and excluded. Despite these sentiments representing their personality and views, one must realize there exists a limitation on the freedom of expression. And in this case, the limitation exists to ensure an environment is created that is safe and inclusive for all.

Feedback on the remarks made by the accused:

The accused agreed that one of the pertinent qualities of good, substantive, leadership is inclusivity. Given the context through which the culture of our university and history is—it is important for leaders to be inclusive of all people irrespective of their race, culture, religion, gender, or sexual orientation, to which they saw themselves being an inclusive leader. This is because, their relevant views need to be provided for in the notion of 'inclusivity' and since their religious stance does not support or align itself with the values of the LGBTQ+ community, they would not align themselves with the values of the LGBTQ+ community.

It is important note that the Accountability Committee's duties do not lie in changing the moral or ethical beliefs of students—this is somewhat irrelevant regarding the fulfilment of their formal duties. A student leader is obliged to serve those that they lead and to fulfil their formal duties without showing preference or disregard for any demographic of students.

Furthermore, the accused was reluctant and rather defensive in their interaction with the Committee. It was their belief that the information they communicate on social media, be it WhatsApp or Instagram, is part of their personal 'persona' and bears no relevance to how they are perceived as a leader. With this, it was evident that they were unable to reconcile with the possibility that those around them hold them, both personally and professionally, to a higher standard to which how they conduct themselves, either way, will be subject to scrutiny and question. It was enquired whether the accused was able to identify how their words and conduct could be perceived as homophobic and offensive, they communicated that they were unable to find offense. Speaker Petersen noted that as a queer person, the evidence against the accused could clearly be interpreted as derogatory, and offensive. It is important to note that the limitation on the freedom of speech is extended to hate speech.

Another misconception that the accused had was regarding Hate Speech. It must be noted that it does not only need to incite violence or have a violent undertone, but it is rather speech that is derogatory and/or defamatory towards a marginalised group of people—be it on the grounds of race, religion, or orientation. Any rights which an individual affirmatively possesses, such as that to speech or religion, are subject to limitation whenever they infringe on the rights of others, mainly freedom, equality, and protection against wrongful discrimination. Additionally, the accused was adamant that other channels should have been followed in addressing her conduct and that our investigation thereof was a result of people being 'sensitive'. The means through which an individual decides to address problematic behaviour irrelevant as the complainant had every right to speak out and approach the resources that the University offers for such behaviour.

Although the accused is unlikely to change their values, we are hopeful that our session with them has provided insight into the responsibility vested in active leadership. We are hopeful that they, through to the end of their leadership term, will actively try and make a safe space for all demographics that they lead and represent. Most importantly, we are hopeful that they will keep their religious views and controversial rhetoric within the boundaries of their personal life and away from their duties and professional capacity.

Recommendations:

The committee after deliberation and having heard the accused's defense have recommended the following action be taken against the accused:

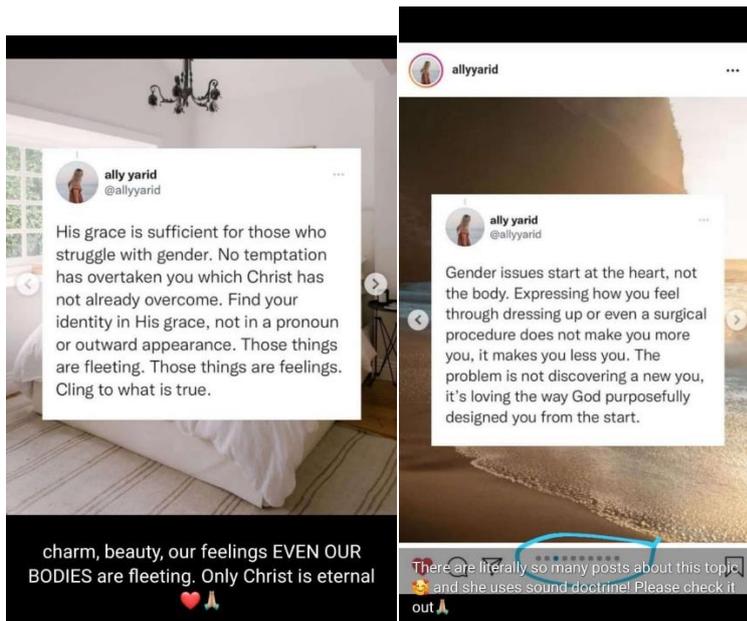
- A written apology be made out to the affected residence and published on official residence social media platforms and notice boards within 5 weekdays of receiving this notice.
- The withholding of half of the final term honorarium of the accused.

Annexures:

The evidence and initial complaint have been attached below. However, due to confidentiality the minutes of the meeting will be made available on request.

Also my posts relating to same sex attraction/lgb... are NOT directed at people who aren't Christians. If you're not Christian, I don't expect you to live or act like one, I don't hold you to the standard that I hold my brothers/sisters in Christ to, bc that would be unfair. If you are a Christian and you aren't convicted from sin in your life IN GENERAL or you do conform to culture- then my posts are for you, because we are to be a unified body, judging one another righteously and extending grace to each other, but also holding each other accountable. So to my Christians: we are to act like Jesus and glorify God in EVERYTHING we do...if He was alive would He promote this month?

Ok so, I'm homophobic for expressing my disagreement w a movement ? 🤔
I'm transphobic for sharing that i dont support a case? 🙄
Just because I express my views and you don't have the same views, doesn't mean that I hate you. It doesn't mean that I don't care about you and it certainly doesn't mean that I wish you the worse in life. I don't think you're going to hell for being a lesbian/gay/trans etc. In the same way, I don't think you're going to hell because you struggle with lust/anger/drunkenness etc. Sin doesn't send you to hell - no faith in Jesus does. At the same time, if you do have fai



"Good evening

I am writing this email to report what I believe to be hate speech from **the head mentor of Erica, Kd Sass**. Firstly, I would just like to note that I would like to stay anonymous throughout everything as we live close to each other, so I have to interact with her regularly.

I am not in **Erica**, but I have known **K** since 2020, our first year. She regularly posts things about the Queer community, bashing it in the name of God. As a Queer person, this is very disappointing and harmful to see. I am also worried about her juniors in **Erica** as she was part of the **HC** last year and is **head mentor** now. I am worried that a lot of first, second and even third year students are seeing her posts and feeling like I do. She also regularly posts about women and how we should obey the men in our lives, also in the name of God. Another example of her harmful posts is when the protests were happening after the racist incident at Huis Murais she posted a video in which she said that we should forgive Theuns Du Toit because God forgives him. I too am a Christian, but I am, again, so disappointed in these posts and the way she uses religion to back up her harmful views.

I've attached screenshot of some of her posts. Most of them are from today, but I've also inserted some from last year that I had taken a screenshot of and saved. I also have a screen recorded video of her speaking on the topic of pride month and her harmful views regarding it which is too large to attach to the email. I'll be happy to WhatsApp that to you if needed. ().

Once again, I would like to stay anonymous, but I have been feeling very strongly about this for a long time and had to finally speak up. Thank you in advance for your help with this."