



**POLICY: HARASSMENT**

<b>Document Number</b>	
<b>Custodian</b>	<b>DVC: Strategic Services; DVC: Internationalisation, Advancement, Student Affairs; Registrar</b>
<b>Responsible Division</b>	<b>Human Resources; Student Affairs; PsyCad</b>
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<b>Amendments</b>	
<b>Dates of Amendments</b>	
<b>Review Date</b>	<b>2018</b>

**RELATED DOCUMENTS**

<b>UJ documents</b>	<b>Other</b>
<ul style="list-style-type: none"> <li>• UJ Vision, Mission and Values;</li> <li>• Standard Institutional Statute</li> <li>• Code of Academic and Research Ethics;</li> <li>• UJ Student Regulations</li> <li>• UJ Student Regulations for Student Discipline;</li> <li>• UJ Conditions of Service.</li> <li>• UJ Grievance Procedure</li> <li>• UJ Disciplinary Code</li> <li>• Policy: Handling of Student Complaints</li> <li>• Policy: Eradication and reporting of Improper Activities</li> </ul>	<ul style="list-style-type: none"> <li>• Constitution of the Republic of South Africa: Act 108 of 1996;</li> <li>• Higher Education Act (Act 101 of 1997);</li> <li>• Protected Disclosures Act no 26 2000</li> <li>• All legislation pertaining to Labour</li> <li>• Civil Proceedings Evidence Act 25 of 1965 as amended</li> <li>• Criminal Procedure Act 51 of 1977 as amended</li> <li>• Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.</li> <li>• Intimidation Act 72 of 1982</li> <li>• Protection Against Harassment Act, Act 17 of 2011</li> </ul>
<b>Divisions, Constituents and/or Individuals affected by the Policy</b>	<ul style="list-style-type: none"> <li>• Executive Deans;</li> <li>• Heads: Academic Departments;</li> <li>• Lecturers (Part time &amp; Full Time);</li> <li>• Dean of Students</li> </ul>

	<ul style="list-style-type: none"><li>• Executive Directors: Divisions</li><li>• Wardens of student residences</li><li>• All registered students</li><li>• Council Members</li><li>• All University Employees</li><li>• Students</li><li>• External Stakeholders</li></ul>
<b>Website address of this document:</b>	UJ Intranet & Blackboard

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## **1. PREAMBLE**

- 1.1 The Constitution of the Republic of South Africa guarantees the right to equality and the right to equal protection under the law. These rights are guaranteed for all people regardless of race, gender, sex, pregnancy, marital status, ethnic or social origins, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth. The Employment Equity Act prescribes that the working environment should be free of discriminatory practices, including sexual and other forms of harassment.
- 1.2 The University is committed to providing an institutional environment where all may pursue their studies, careers, duties and activities free from harassment, intimidation or exploitation. Harassment is considered to be a form of unlawful discrimination and is therefore prohibited. The Bill of Rights contained in the Constitution of the Republic of South Africa ensures that all persons have the right to equality, human dignity, freedom and security of the person and privacy and any form of harassment encroaches on these human rights. All persons covered by this policy ought to treat one another with respect.
- 1.3 Harassment constitutes serious misconduct and may result in disciplinary action. Reports of harassment will be taken seriously and will be dealt with promptly, but in a fair and objective manner. The nature and gravity of each instance will dictate the specific action to be taken, which may include intervention, mediation, investigation, and the initiation of grievance or disciplinary procedures.
- 1.4 Harassment is proven with sufficient and credible evidence.
- 1.5 This policy applies to complaints of alleged harassment that may have taken place both on-campus, off-campus, or through communication media, digital, or social media.
- 1.6 A false claim of harassment is a serious offence.
- 1.7 This Policy is to be read and applied in conjunction with the Standard Operating Procedure: Harassment.

## **2. PURPOSE**

- 2.1 The purpose of this Policy is the prevention and management of harassment in the University.
- 2.2 The purpose is furthermore to formalise the University's position on harassment, to implement a zero-tolerance approach to such activities, to afford victims of harassment an effective remedy against such behaviour and to ensure that:
  - 2.2.1 all allegations of harassment are investigated;
  - 2.2.2 avenues are provided for persons to lodge complaints in complete confidentiality;
  - 2.2.3 complainants are reassured that they will be protected from reprisals or victimisation for lodging complaints in good faith.

## **3. OBJECTIVE**

The objective of this Policy is the prevention and management of harassment in the University.

## **4. SCOPE AND APPLICATION**

This policy has institution-wide application and applies to all employees, students, visitors and applicants (for employment or for admission as students), regardless of date, time, or location.

## **5. DEFINITIONS AND INTERPRETATION**

In this policy, unless the context clearly indicates otherwise:

- 5.1 **"Applicant"** means any person who is applying for any position of employment at or admission as a student of the University.

- 5.2 “**Accused**” means the person alleged to have committed an act of harassment and “Respondent” bears a similar meaning.
- 5.3 “**Complainant**” means either the person who is, or was, subject to alleged act (-s) of harassment, namely the victim, or a person who lodges a complaint under this policy on behalf of a victim.
- 5.4 “**Harassment**” is defined, in terms of the *Protection Against Harassment Act, Act 17 of 2011*, as either directly or indirectly engaging in conduct that the harasser knows or ought to know:
- 5.4.1 causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably:
- (a) following, watching, pursuing or accosting of the complainant or a related person, or loitering outside of or near the building or place where the complainant or a related person resides, works, carries on business, studies or happens to be;
  - (b) engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues; or
  - (c) sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant or a related person or leaving them where they will be found by, given to or brought to the attention of, the complainant or a related person; or
- 5.4.2 amounts to sexual harassment of the complainant or a related person.
- 5.5 “**Harassment Officer**” means the persons appointed by the University and who are responsible for the receipt of, investigation of management of and resolution of harassment complaints.
- 5.6 “**Harm**” is defined, in terms of the *Protection Against Harassment Act, Act 17 of 2011* as any mental, psychological, physical or economic harm.
- 5.7 “**LRA**” means the Labour Relations Act, Act 66 of 1995.
- 5.8 “**Occupational detriment**” includes being:
- 5.8.1 subjected to any disciplinary action;
  - 5.8.2 dismissed, suspended, demoted, harassed or intimidated;
  - 5.8.3 transferred against her/his will;
  - 5.8.4 refused transfer or promotion;
  - 5.8.5 denied appointment to any employment, profession or office;
  - 5.8.6 otherwise adversely affected in respect of her/his employment, profession or office, including employment opportunities and work security;
  - 5.8.7 subjected to a term or condition of employment or retirement which is altered, or kept altered, to his or her disadvantage;
  - 5.8.8 refused a reference, or being provided with an adverse reference;
  - 5.8.9 threatened with any of the actions mentioned above;
  - 5.8.10 being victimised, persecuted, mistreated, oppressed or abused, directly or indirectly in any way whatsoever irrespective of whether the recipient thereof is an employee, student or external party.
- 5.9 “**PAIA**” means the Promotion of Access to Information Act, No. 2 of 2000 (as amended).
- 5.10 “**POPI**” means the Protection of Personal Information Act, Act 4 of 2013.
- 5.11 “**Protected Disclosure**” means a report or disclosure made by a person in good faith and substantially in accordance with the procedure prescribed herein aimed at reporting.

- 5.12 “**Sexual Harassment**” means any form of unwanted or unwelcome conduct of a sexual nature, whether physical, verbal or non-verbal, by a person of the same or opposite sex towards another.
- 5.13 “**Sexual Harassment Officer**” means the person appointed by the University to investigate and deal with sexual harassment complaints, if the HOD of a department, centre, or division, or any other line manager is not in a position or willing to deal with the issue.
- 5.14 “**Student**” means any person who is registered as a student of the University.

## 6. RIGHTS

- 6.1 Complainants have the right to lodge a complaint in accordance with the Standard Operating Procedure: Harassment.
- 6.2 Apart from such right, nothing precludes the complainant to enforce his or her rights in terms of the Protection Against Harassment Act, which rights may include the right to a protection order and warrant of arrest; and the right to lodge a criminal complaint of *crimen injuria*, assault, trespass, extortion or any other offence which infringes someone’s person or property. The complainant may further initiate civil claim for damages.
- 6.3 Complaints by employees and students
  - 6.3.1 Should a complaint of alleged harassment, where the complainant is an employee, not be satisfactorily resolved by the internal procedures as set out above, either party may, within 10 working days of the dispute having arisen, refer the matter to the CCMA for conciliation in accordance with section 135 of the LRA.
  - 6.3.2 Should the dispute still remain unresolved, either party may refer the dispute to the Labour Court within 30 days of receipt of the certificate of the commissioner in terms of section 135(5).

## 7. SUBJECTION TO OCCUPATIONAL DETRIMENT

No person may be subjected to any form of occupational detriment for reporting an incident of alleged harassment or testifying, assisting or participating in any proceeding, investigation or hearing relating to such allegation of harassment.

## 8. FORMS OF SEXUAL HARASSMENT

- 8.1 “**Sexual Harassment**” is defined, in terms of the *Protection Against Harassment Act, Act 17 of 2011*, as any:
  - 8.1.1 unwelcome sexual attention from a person who knows or ought reasonably to know that such attention is unwelcome;
  - 8.1.2 unwelcome explicit or implicit behaviour, suggestions, messages or remarks of a sexual nature that have the effect of offending, intimidating or humiliating the complainant or a related person in circumstances;
  - 8.1.3 implied or expressed promise of reward for complying with a sexually oriented request; or
  - 8.1.4 implied or expressed threat of reprisal or actual reprisal for refusal to comply with a sexually oriented request.
- 8.2 If such forms of conduct come from a person in a position of power over the person against whom the conduct is directed, that abuse of power will be judged to be an aggravating circumstance.
- 8.3 Examples of sexual harassment may include the following as a guideline and should in no way whatsoever be construed as exhaustive:
  - 8.3.1 physical conduct of a sexual nature, which includes all unwanted physical contact, ranging from touching to sexual assault and rape, or frisking or strip searches by another person;
  - 8.3.2 verbal forms of sexual harassment, which include innuendoes, suggestions and

- hints, sexual advances, comments with sexual overtones, sexual-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed at them, unwelcome and inappropriate enquiries about a person's sex life, unwelcome and inappropriate comments about a person's sexual orientation, and unwelcome whistling directed at a person or group of persons;
- 8.3.3 non-verbal forms of sexual harassment, which include unwelcome gestures, indecent exposure, and unwelcome displays of sexually explicit pictures and objects;
- 8.3.4 any form of communication of a sexual nature, including exerting pressure on a person for dates and sexual favours;
- 8.3.5 *quid pro quo*<sup>1</sup> harassment occurs in the academic context if a lecturer undertakes or attempts to influence any academic decision making process about good marks, academic honours, employment, promotion, training, or any other benefits, in exchange for sexual favours;
- 8.3.6 sexual favouritism in that a person who is in a position of authority rewards only those who respond to her/his sexual advances, whereas other deserving employees who do not submit themselves to any sexual advances are denied promotion, merit ratings or remuneration increases;
- 8.3.7 sending or viewing jokes, pictures or other information by e-mail, the internet, or through any other information or communication medium in which the information is sexually explicit or ridicules a person's sexual orientation, or contains sexual innuendos.
- 8.4 Occasional compliments of a socially acceptable nature accompanied by mutual consent do not constitute sexual harassment, and nor do acceptable teaching methods aimed at eliciting debate and discussion.
- 8.5 Mutual attraction between people also does not constitute sexual harassment. However, romantic relationships that may be unduly influenced by the power differential between lecturers and the students they teach are not allowed. Even if the relationship is consensual, if it involves any position of authority (such as that of a lecturer who is responsible for the supervision or evaluation of the student's work), such a relationship is not acceptable until after their formal teaching relationship has ended.

## **9. ROMANTIC OR SEXUAL RELATIONSHIPS**

The University strongly disapproves of romantic or sexual relationships between employees and students, even if the relationships:

- 9.1 are consensual;
- 9.2 do not involve any position of authority (such as that of a lecturer who is responsible for the supervision or evaluation of the student's work);
- 9.3 The University also strongly disapproves of romantic or sexual relationships between employees.

## **10. PROHIBITION ON RETALIATORY ACTS**

No retaliatory acts may be engaged in against any person who reports an incident of alleged sexual harassment, or any person who testifies, assists or participates in any proceeding, investigation or hearing relating to such allegation of sexual harassment.

## **11. CONFIDENTIALITY**

- 11.1 The University recognises that confidentiality is important.
- 11.2 In sexual harassment disciplinary inquiries, all parties endeavour to ensure confidentiality and only appropriate members of management, the complainant, the accused, their representatives, witnesses and interpreters may be present.

- 11.3 The Harassment Officer and all other interested parties respect the confidentiality and privacy of the complainant and the accused to the extent that is reasonably possible.
- 11.4 The University may, however, in some instances be unable to maintain confidentiality; for example, if it is compelled by an order of court to disclose information, or if communal interests outweigh individual ones.
- 11.5 The University discloses to either party or their representatives such information as may be reasonably necessary.
- 11.6 The relevant provisions of the LRA, PAIA, POPI and any other applicable legislation apply to the disclosure of information.

## **12. CRIMINAL AND CIVIL CHARGES**

The complainant's right to initiate criminal or civil proceedings is not limited by this policy.

## **13. TIME LIMITS**

- 13.1 All time limits outlined in this policy are aimed at speeding up the resolution of complaints in order to protect the interests of all concerned.
- 13.2 If time limits are not adhered to strictly, they may not be used by any party to justify objections to or an appeal against findings unless a form of prejudice can be demonstrated (for example prejudice to a party's abilities to present a case).
- 13.3 Time limits may be waived if all parties agree to this, but bearing in mind that the case should be resolved as quickly as possible.

## **14. OFFENCES**

Any offences as listed herein must be handled in accordance with the provisions of the University's Disciplinary Codes. The following constitute offences under this Policy:

- 14.1 engaging in any form of harassment;
- 14.2 intentionally making a false report of harassment;
- 14.3 engaging in any form of retaliatory act;
- 14.4 subjecting a person to occupational detriment in relation to this policy;
- 14.5 failure by a line manager or any other manager to report harassment;
- 14.6 failure by the Harassment Officer or the Employee Relations Officer to treat a report of harassment as confidential;
- 14.7 failure to comply with any other duty as set out in this Policy;
- 14.8 witnessing an act of harassment and failure to report it or failure to co-operate with an investigation.

## **15. MAXIMUM PENALTIES**

- 15.1 Any offences listed in this policy must be handled in accordance with the provisions of the University's Disciplinary Code.
- 15.2 Employees may be summarily dismissed if found guilty of an offence, but a lesser penalty may be imposed if the degree of the offence is less serious.

## **16. DISPUTE RESOLUTION**

Should a complaint of alleged sexual harassment not be satisfactorily resolved by the internal procedures as set out above, either party may, within 10 working days of the dispute having arisen, refer the matter to the CCMA for conciliation in accordance with section 135 of the LRA.

- 16.1 Should the dispute still remain unresolved, either party may refer the dispute to the Labour Court within 30 days of receipt of the certificate of the commissioner in terms of section 135(5).

## **17. ADDITIONAL SICK LEAVE**

The University may grant, at the University's discretion, additional sick leave to a

complainant upon receipt of a medical certificate.

**18. POLICY AVAILABILITY AND COMMUNICATION**

The policy must be made available in the following ways: the full policy on the Intranet and the UJ Web and the core contents of the policy in abbreviated, maximum accessible and understandable form via appropriate communication avenues with students.

**19. CONTACT DETAILS**

The contact details of all relevant functionaries must be made easily available on the UJ Intranet, UJ Web, Blackboard, and in abbreviated form in study guides and on public posters.

**20. POLICY REVIEW**

This policy will be reviewed in its entirety every five years (or earlier if an urgent need should arise).

Approved by the UJ Council on 11 June 2015.



## STANDARD OPERATING PROCEDURE: HARASSMENT (SOP)

<b>Document Number</b>	
<b>Custodian</b>	<b>DVC: Strategic Services; DVC: Internationalisation, Advancement , Student Affairs; Registrar</b>
<b>Responsible Division</b>	<b>Human Resources; Student Affairs; PsyCaD</b>
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<b>Review Date</b>	<b>2018</b>

### RELATED DOCUMENTS

UJ Documents	Other
<ul style="list-style-type: none"> <li>• UJ Vision, Mission and Values</li> <li>• Standard Institutional Statute</li> <li>• UJ Conditions of Service</li> <li>• Policy: Handling of Student Complaints</li> <li>• Regulations for Student Discipline</li> <li>• UJ Student Regulations</li> <li>• Policy: Harassment</li> <li>• Policy: Eradication and reporting of Improper Activities</li> </ul>	<ul style="list-style-type: none"> <li>• Constitution of South Africa Act 108 of 1996</li> <li>• Protected Disclosures Act no 26 2000</li> <li>• Higher Education Act 101 of 1997</li> <li>• All legislation pertaining to Labour</li> <li>• Civil Proceedings Evidence Act 25 of 1965 as amended</li> <li>• Criminal Procedure Act 51 of 1977 as amended</li> <li>• Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000</li> <li>• Intimidation Act 72 of 1982</li> <li>• Protection Against Harassment Act, Act 17 of 2011</li> </ul>
<b>Divisions, Constituents and/or</b>	<ul style="list-style-type: none"> <li>• Executive Deans;</li> </ul>

<b>Individuals Affected by the Policy</b>	<ul style="list-style-type: none"> <li>• Heads: Academic Departments;</li> <li>• Lecturers (Part time &amp; Full Time);</li> <li>• Dean of Students</li> <li>• Executive Directors: Divisions</li> <li>• Wardens of student residences</li> <li>• All registered students</li> <li>• Council Members</li> <li>• All University Employees</li> <li>• Students</li> <li>• External Stakeholders</li> </ul>
<b>Website Address</b>	UJ Intranet & Blackboard

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## REPORTING AND INVESTIGATING ALLEGATIONS OF HARASSMENT

### 1. PREAMBLE

This document should be read with and applied in conjunction with the *Policy: Harassment* as well as with established Human Resource and Student Affairs procedures and policies. Any allegations of harassment that may result in disciplinary action against an employee or a student shall be dealt with in terms of the pre-existing disciplinary policies and procedures. In all instances, the management of the University retains the prerogative to determine when a matter warrants an investigation and, in compliance with this policy and applicable laws and regulations, to decide on the appropriate investigative process to be employed.

### 2. PURPOSE

The purpose of the SOP is to provide guidance to employees, students, alumni and external third parties for reporting and investigating allegations of harassment.

### 3. REPORTING

- 3.1 Any UU employees who believe that they have experienced or witnessed harassment or related occupational detriment are encouraged to report such behaviour promptly to the relevant Harassment Officer or to the relevant line manager or manager, as the University cannot take any action against the accused unless it is aware of such incidents. Depending on the status of the victim, the report should be lodged with the Harassment Officer: Employees.
- 3.2 Any UU students who believe that they have experienced or witnessed sexual harassment or related actions are encouraged to report such behaviour promptly to a tutor, lecturer, head of the academic department concerned, the Executive Dean of the faculty, a PsyCad psychologist, or the lecturers who serve as Faculty Sexual Harassment Officers, as the University cannot take any action against the accused unless it is aware of such incidents.
- 3.3 Incidents must be reported preferably within 30 working days or as soon as reasonably possible to ensure prompt investigation and action.
- 3.4 Any line manager who experiences, witnesses or receives a written or oral report or complaint of harassment or related retaliation must promptly report it to the relevant Harassment Officer.
- 3.5 The Harassment Officer must treat all reports of harassment as confidential.
- 3.6 The Harassment Officer must inform complainants that they may elect to resolve the problem on a formal or an informal basis. Where appropriate, the Harassment Officer may also recommend counselling or other appropriate support services to provide the complainant with assistance. If necessary, the complainant, in the case of an employee, may also be transferred to another work environment in the University and, in the case of a student, may be transferred to another supervisor or lecturer.
- 3.7 Although it is for the complainant to decide whether to follow either the formal or the informal route, the University reserves the right to act as complainant itself and to institute formal proceedings against an accused by vicariously assuming the position of the complainant. The Harassment Officer must ensure that whichever option has been elected is followed to its full and logical conclusion.
- 3.8 Regardless of whether the formal or informal route is followed, it is recorded that the intention is to stop the offending behaviour, resolve the complaint, protect all parties' rights and reputations until a decision has been reached, and to resolve the matter in a manner that is timely and equitable to all parties concerned.
- 3.9 The Harassment Officer [or a delegate of the Harassment Officer] does a preliminary investigation of anonymous complaints to determine whether any justification exists

for a full investigation. Such an investigation is done with the utmost care to protect the rights and reputations of everyone involved.

#### **4. INVESTIGATION**

- 4.1 The University's Employee Relations Officer or Executive Director: Student Affairs, as the case may be, in consultation with the relevant Harassment Officer, undertakes a preliminary investigation to establish whether there is enough evidence to substantiate the allegation.
- 4.2 This investigation begins within 10 working days after the allegation was reported to the relevant Harassment Officer and is completed in the shortest reasonable period of time, but not later than 10 working days after the investigation was begun.
- 4.3 The preliminary investigation report becomes part of the record and may be used in either the informal or formal proceedings as defined below.
- 4.4 If the relevant Harassment Officer determines through the preliminary investigation that the allegations of harassment cannot be substantiated, the Officer may decide that a formal hearing process under the disciplinary code is not justified. It is, however, still possible to pursue the matter through the informal resolution process.
- 4.5 If complainants wish to appeal against the relevant Harassment Officer's decision not to use the formal hearing process, they may direct their appeal to the Executive Director: Human Resources or the Executive Director: Student Affairs, who will discuss the decision with the relevant Harassment Officer. The resulting decision is final.

#### **5. INFORMAL PROCESS**

- 5.1 In some instances, it is more effective to deal with a harassment complaint informally than formally.
- 5.2 The informal process involves either intervention by the Head of Department, Head of Division or the Faculty Executive Dean, or a mediation session arranged by the Harassment Officer.
- 5.3 If the parties agree to mediation, the relevant Harassment Officer arranges for an unbiased and impartial, objective mediator. The mediator consults with and advises both the parties about the mediation process. If the mediation results in a mutually acceptable agreement, copies of the agreement are forwarded to the Executive Director: Human Resources or Director of Student Affairs as the case may be and to the relevant Harassment Officer for review and monitoring. If the mediation does not result in an agreement, the case is returned to the relevant Harassment Officer at the earliest opportunity for a formal hearing.
- 5.4 Every effort must be made to finalise the mediation process within 20 working days from the day of first referral and all the parties' cooperation is imperative.

#### **6. FORMAL PROCESS**

- 6.1 Complainants may file a formal written complaint immediately after an incident, after a preliminary investigation by the line manager or the Harassment Officer, or after efforts to reach an informal settlement have proved unsuccessful.
- 6.2 The complaint is lodged on the confidential form set out in Annexure A.
- 6.3 The relevant Harassment Officer sends a copy of the complaint, signed by the complainant, to the accused and to the Human Resources Division or Student Affairs within five working days of the finalisation of the investigation.
- 6.4 In accordance with the University's disciplinary or grievance codes, the relevant Harassment Officer sets a date for a disciplinary or a grievance hearing within 10 working days of receipt of the complaint.

- 6.5 In spite of any other provision in the University's disciplinary or grievance codes, the disciplinary hearing is completed within 10 working days after its commencement, unless all the parties agree otherwise in writing.
- 6.6 The accused's silence at or absence without good reason from a disciplinary or grievance hearing does not prevent the hearing from proceeding. The accused's failure or refusal to respond may result in the hearing proceeding solely on the basis of the complainant's testimony.
- 6.7 A complainant may withdraw a charge after it has been filed, provided that the accused agrees to the withdrawal.
- 6.8 Subject to paragraph 3.7 above, a complainant's failure to cooperate with the process in a timely manner may negate the University's obligation to continue with the proceedings.
- 6.9 The relevant Harassment Officer makes every effort to cooperate closely with the complainant to ensure due process, but may administratively close a complaint if the complainant fails to cooperate or participate fully in the process.
- 6.10 Where the complainant, victim or accused of the alleged harassment is a minor, the parents and/or guardian is informed of the allegations and the processes implemented by the University.
- 6.11 The minor is entitled to be represented by her or his parent and/or guardian and where a formal process is implemented, the parties may make use of external legal representation on the provision that all the parties agree thereto, alternatively on condition that the Harassment Officer permits it.

## **7. BURDEN OF PROOF**

Harassment is proven on a balance of probabilities to discharge the burden of proof.

## **8. REVIEW**

The procedure will be reviewed in accordance to reviews of the Policy.

Approved by the UJ Council on 11 June 2015.





<p><b>NATURE OF COMPLAINT</b></p>	<p><b>Please describe the nature of your complaint:</b></p> <p>.....</p> <p>.....</p> <p><b>Please summarize the facts surrounding your complaint:</b></p> <p>.....</p> <p><b>The complaint arose on:</b></p> <p>.....</p> <p>(day, month, year)</p> <p><b>The complaint arose where:</b></p> <p>.....</p> <p>(place, city, town)</p>
<p><b>DETAILS OF DISPUTE PROCEDURES FOLLOWED PRIOR TO LODGING THIS COMPLAINT</b></p>	<p><b>Have you followed any other procedures?</b>                      <input type="checkbox"/> YES                      <input type="checkbox"/> NO</p> <p><b>If YES, please describe what steps have been taken:</b></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p><b>SPECIAL FEATURES:</b></p>	<p><b>Briefly outline any special features / additional information the GCO needs to note:</b></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

**Consent to process Personal Information in terms of the Protection of Personal Information Act:**

I, the undersigned, hereby confirm that the personal information ("PI") contained herein were furnished by myself directly and personally, and that it is accurate, true and in no way misleading.

I acknowledge and confirm that the PI is specifically required and necessary to comply with obligations imposed by Law and in order to act in my interest and that the processing of such PI is therefore necessary for proper performance of duties and governance and therefore adequate, relevant and not excessive under the circumstances.

I understand that, under the circumstances, the furnishing of the PI is mandatory and that failure and/or refusal to supply the PI may result in the Complaints Office/Ombud not being able to assist me. I further understand that the PI will be treated confidentially.

I confirm that I am aware of my right to object to the collection of PI; the right to the PI not being used to infringe my privacy; the right to withdraw the consent to process the PI at any time and the right to gain access to the PI supplied for purposes of rectification thereof.

<b>SIGNATURE</b>	<p><b>Confirmation of above details:</b></p> <p>Signature of party referring the complainant:</p> <p>.....</p> <p>Signed at.....on this .....</p> <p style="text-align: center;"><b>(place)</b> <span style="float: right;"><b>(date)</b></span></p>
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