



SAFE. SUPPORTED. RESPECTED.

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 *Generations*, 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.



GEMMERS HAVE GOT THE POWER! Youngsters mix serious work with some serious fun at the end-of-year GEM & BEM empowerment camp (see back page for more).



UNWANTED:

Sexual abuse at schools

SEXUAL HARASSMENT

Grey areas to do with sexual harassment

In the *Guidelines*, the basic definition of sexual harassment is **unwanted conduct of a sexual nature**. It includes any **unwelcome physical, verbal or non-verbal conduct**.

This is a purposefully broad definition because individuals have different feelings about what they consider to be unwanted, or sexually inappropriate, conduct.

For example, one individual may not mind someone putting his/her arm around his/her shoulder and being called "Sweetie". However, someone else may find this an offensive and inappropriate violation of his/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 repeated (although a single incident can be considered as being 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/s) know, or should 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 using intimidation, threats of violence, or physical force**.

Such acts at school may include:

- Assault, forced sex or rape;
 - Sexual harassment; and
 - Sexual abuse through the sexualised touching of another's intimate parts, and/or forcing any person to touch any person's intimate parts.
- Intimate parts** refers to areas of the body such as the mouth; primary genital area; groin; inner thighs; buttocks; breasts; as well as clothing covering these areas.

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 are not dealt with effectively, 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.



Straight talk:

Educators and the law

All 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 be registered in order to teach, has set out a Code of Ethics to help guide educators to do the right thing in their working lives.

The Code sets out what educators "ought to do". They should:

- Act in a proper and becoming way such that their behaviour does not bring the teaching profession into disrepute;
 - Acknowledge, uphold and promote basic human rights, as embodied in the constitution of South Africa; and
 - Exercise authority with compassion.
- All teachers are required to sign the Code when registering with SACE, indicating their commitment to the ethical behaviour it sets out.

For a copy of the *Code of Professional Ethics*, or the *Handbook for the Code of Professional Ethics*, visit www.sace.org.za and click on the link in the menu to "Publications".

Alternatively, contact SACE at:

Tel: (012) 663-9517

Fax: (012) 663-9238

Helpline: (012) 663-0419

CASE STUDY:

"I have fallen in love with my teacher and agreed to have sexual relations with him. I am 15 years old. Does the school have the right to interfere in this relationship?"

YES! In fact, the school not only has a right to interfere – they have a duty to do so. Not only is this in violation of a whole set of laws, it is also statutory rape. If an adult has sexual intercourse with a child under the age of 16 – with or without his/her agreement – the adult should be charged with statutory rape. Any person can lay a complaint with the police in such an instance. The police will then follow up on the information, and if it is found to be accurate, the state will lay a charge of statutory rape against the adult.

Email: info@sace.org.za or ethics@sace.org.za

What educators **must** do

Both the Constitution and the South African Schools Act set out the rights of learners to dignity and respect, and to an education in a safe, supportive environment.

According to common law principle, educators act as "in loco parentis" (or stand-in parents) to learners while they are in their care at school.

This means that educators have a legal duty to take the necessary steps to protect learners from any harm while they are at school.

Like health professionals, educators have the legal duty to notify the authorities if there are **reasonable grounds for suspecting that a child is being abused or is in need of care**. Examples of the authorities that could be contacted are provincial education

and/or social welfare departments, or the police.

What educators **must not** do

Sexual relations of any kind between an educator and a learner are **absolutely forbidden**.

- The Employment of Educators Act requires provincial departments of education **to dismiss** any educator found guilty of having a sexual relationship with any learner.
- The South African Council of Educators (SACE) Act will remove the name of an educator found guilty of having a sexual relationship with a learner, or of sexually abusing a learner, from their register. This means that **the dismissed educator may not work again as a teacher – not at state schools, nor at an independent school**.

Watch out for signs of abuse

Some of the more obvious signs of abuse are those resulting from physical violence, such as bruises or scratches.

But there are also types of behaviour to be aware of that could signs that a learner is being abused:

- Loss of self-esteem and confidence;
- Depression;
- Emotional withdrawal;
- Absenteeism;
- Loss of interest in school work and resulting drop in achievement;
- Difficulty in concentrating in class; and
- Anger, which may be expressed to the perpetrator, but may also be directed towards others.

You can report any case of sexual violence and/or harassment involving educators anonymously to SACE at:

Fax: (012) 663-3331

Tel: (012) 679-9700

Please make sure that you supply as much information as possible (especially details such as the name and address of the school, and the names of the perpetrator and the victim), so that the lead can be properly followed up.

YOU'RE NOT ALONE
THE DEPARTMENT OF EDUCATION HELPLINE

0800 202 933

Contact details:

Website: www.education.gov.za

Thutong Education Portal:

www.thutong.org.za

Setting out school rules for learners

Different kinds of individuals can perpetrate sexual violence or harassment at school. He/she could be a learner; an educator; an adult who is a non-educator, but is employed at school; or even an outsider who visits the school.

When managing such incidents, the procedures followed and corrective measures imposed on the accused person should be appropriate to who the individual is (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 grade 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 Generations 5 and 6 for more on dealing with different kinds of perpetrators.

Level of offence	Examples of misconduct	Procedures/corrective measures
Level 1	Making rude jokes. Graffiti of a sexual nature.	• Verbal or written warning by the educator or principal. • Supervised schoolwork that will contribute to the learner internalising values of respect. • Improvement of the school environment, providing that the parents are informed and the security of the learner is assured. • Performing tasks that would assist the offended person. • Replacement of damaged property. • Temporary suspension from some school activities, eg sport or cultural activities.
Level 2	Circulating offensive material. Threatening assault and intimidation of a fellow learner.	• Verbal or written warning by the educator or principal. • Supervised schoolwork that will contribute to the learner internalising values of respect. • Conflict resolution in a peer education group for a specified period.
Level 3	Pornography distributed at school. Improper suggestions of a sexual nature. Sexual harassment.	• Disciplinary hearing. • Detention with an assignment on values. • Detention with community service. • Detention and work with the leadership of a peer education group for a specified period.
Level 4	Persistent harassment despite previous corrective measures. Public indecency. Sexual assault and rape.	• A letter outlining the decision shall be placed in the learner's personal file. • Once a learner is being charged for sexual violence, the learner's parent/s or guardian/s must be informed that the child is being charged with sexual violence. Social workers should be informed where the child is from a child-headed household. • All cases of sexual violence or rape must be reported to the South African Police Services (SAPS) within 72 hours of occurrence. SAPS will then follow up on the matter according to their Criminal Procedure Act. • The school governing body may recommend to the Head of the Department that the learner be expelled from school for serious cases of misconduct like sexual assault or rape.



GIRLS & BOYS EDUCATION MOVEMENT CLUBS

I AM MY BROTHER'S AND SISTER'S KEEPER

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 “Gemmers” and “Bemmers” 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.



JOINING IN THE FUN: Minister Pandor couldn't resist the great sounds of popular band, Malaika.



AFRICA UNITE: Youngsters from around the continent put their heads together to find solutions to gender-related issues in their lives – and to enjoy themselves, too.



Have you heard about the GEM/BEM clubs?

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 life. 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;

- Edutainment 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