

Date: 5<sup>th</sup> February 2016

For Immediate Release



**Higher Education  
Transformation Network**

Non-Profit Organization (NPO) Reg No: 116-851

## **PRESS RELEASE: SEXUAL HARASSMENT & VICTIMIZATION AT THE UNIVERSITY OF PRETORIA**

The Higher Education Transformation Network (HETN), hereby condemns the alleged sexual harassment and ongoing subsequent workplace victimization of our member, a senior female academic at the hands of the management of the University of Pretoria led by the Vice-Chancellor Prof Cheryl de la Rey.

We condemn the complicity of the management of the University of Pretoria for failing to take adequate steps to ensure that victims of sexual harassment who do report alleged sexual harassment cases are protected from latent victimization and patriarchy by amongst others the mostly white executive managers of the University of Pretoria

Our consultations with our member, a senior female academic currently employed at management level within the University of Pretoria's Quality Assurance unit (the Complainant), indicates that within the 3 years of her employment with the University of Pretoria that the following events have taken place:-

1. The Complainant is the victim of alleged sexual harassment and victimization allegedly perpetrated by her direct supervisor, Dr Gerald Ouma.
2. On the 22nd September 2014, the Complainant informed her supervisor in writing of her intention to lodge a sexual harassment case with the UP's HRM team.

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3. On the 1st January 2015, a senior position in the Complainant's business unit (Quality Assurance) was moved to the Academic Planning Unit within the Institutional Planning Department without any replacement.
4. On the 13th February 2015, a Performance Contract was generated online by the Complainant as part of normal performance evaluation processes and a response was only received from the line supervisor two months later in April 2015.
5. On the 6th May 2015, a response to the 2015 Performance Contract was sent by the Complainant to the supervisor and Prof Anton Ströh without any response from them and as such no 2015 Performance Contract/Plan was agreed on or finalised.
6. On the 19th May 2015, a formal complaint was lodged by the Complainant with the University of Pretoria's HRM team regarding the supervisor's alleged sexual misconduct.
7. On the 12th August 2015, three months later, a Sexual Harassment Report was made available to the Complainant by the UP's Human Resource Management office after its "investigation" by a Mrs E Gardner, the UP Protection Officer was concluded. The parameters and processes utilised by this "investigation" remain vague and alleged perpetrator friendly.
8. According to UP's Sexual Harassment Report, no prima facie evidence of sexual harassment can be found and hence UP's Sexual Harassment policy was therefore allegedly not violated. The report further recommends mediation between the Complainant and supervisor.
9. Conspicuously absent in the report is the lack of meaningful engagement with national legislation and the directives of the Commission for Gender Equality. UP hereafter proceeded as though the matter was no longer an issue and instead focused on what can only be seen as opportunistic "performance management".
10. On the 30th September 2015, the Complainant sent an appeal to the UP Vice-Principal: Institutional Planning, Prof Anton Ströh, which has remained unanswered. Prof Ströh, was her designated "temporary line manager" at the time due to the acute shortage of support staff in the beleaguered Quality Assurance Unit operations.
11. On the 7th October 2015, Complainant received a letter on performance related issues/

concerns from Prof Anton Ströh.

12. On the 14th October 2015, the Complainant submitted a response to Prof Anton Ströh on the alleged performance related issues for his consideration and support again without receiving any response.
13. On the 30th October 2015, a formal response was sent by Complainant to the UP's HRM team regarding the unsatisfactory outcomes and recommendation contained in the Sexual Harassment Report. There is no statute of limitations prescribed by UP's policies in this regard and Complainant was suffering extreme trauma as a result of her experiences and the realisation that she had no internal institutional recourse.
14. On the 4th November 2015, a response to the Complainant's concerns on the Sexual Harassment Report was made available to her by the UP HRM Office
15. On the 13th November 2015 a recommendation on mediation between the Complainant and supervisor as per the recommendations of the UP's own Sexual Harassment Report was agreed to by the Complainant, who felt that she had no option, if she a) wanted to remain employed, and b) if the alleged sexual harassment were to be seriously addressed.
16. On the 22nd November 2015, the supervisor declined to participate in the mediation process as per the recommendation of the UP's own Sexual Harassment Report, which was alleged perpetrator friendly.
17. On the 25th November 2015, the Complainant was asked by Ms. Patience Mushungwa: UP Executive Director : HRM and Transformation to lodge an appeal with the Vice-Chancellor, Prof Cheryl de la Rey
18. On the 2nd December 2015 a meeting was held between the Complainant and Prof Anton Ströh, chaired by the UP Executive Director: HRM and Transformation, Ms Patience Mushungwa during which the Complainant was allegedly instructed to resign with settlement or face legal charges relating to alleged "incompatibility". During this period, the Complainant was not given leave to have any representation with her despite the sensitivity of the matter, and her already traumatised state.

19. Since the 8th December 2015, the electronic locks to the Complainant's office were unilaterally changed resulting in her being unable to access her office, whilst at the same time being unilaterally replaced with an "acting manager" as appointed by the UP. It would seem that UP management saw the Complainant's vacating her post as a given.
20. In December 2015, the HETN received an appeal from the Complainant that she has been unofficially suspended and told to go home and that the locks in her office have been changed to deny her access.
21. On the 20th December 2015, the Complainant, still wishing to give of her best to the university, asked Prof. Anton Stroh for an opportunity to remedy the alleged "incompatibility". Again Prof Ströh treated the Complainant as a non-entity and did not reply.
22. On the 4th January 2016, Prof Anton Stroh finally refused the Complainant's request, leaving her to have spent the entire Christmas period without a sense of what to expect. At this point, Prof Stroh also finally informed that the University of Pretoria would be lodging a formal disciplinary case against the Complainant that would argue incompatibility as a reason for dismissal. The dismal respect for procedure by UP management cannot be ignored.
23. On the 7th January 2016 an appeal was lodged by the Complainant with the Vice-Chancellor, Prof Cheryl de la Rey and no formal reply or feedback has yet been received.
24. The Higher Education Transformation Network ((HETN) subsequently intervened into the matter through correspondence to UP management demanding the immediate cease, desisting and reversal of the continued suspension of the Complainant without any formal charges and normalize workplace relations to ensure the continued employment of the Complainant free from continued victimization.
25. We further demanded that the UP take mitigatory measures to address the complained-of-sexual harassment charges through an independent third party without any prejudice to any party on the matter.
26. Through our subsequent interventions and meetings with the UP Vice-Chancellor, the UP management relented and the Complainant was again allowed to go back to work.

Instead of addressing the sexual harassment matter at hand, UP management is dead set on conducting psychological evaluations on the Complainant and wants to transfer her to another business unit and indirectly stripping her of her management status and reporting responsibilities. Inadvertently, UP is acknowledging what the Complainant has been trying to get them to notice all along, namely, that her experiences at the alleged hands of her supervisor were taking their toll and were affecting her intensely.

27. To date no formal performance management and / or disciplinary processes have taken place

This is the fourth reported case of victimization involving senior African academics reported to us within the UP workplace. The HETN has in the past repeatedly notified and warned the UP of its tacit tolerance for alleged racism, patriarchy and sexism in the workplace.

This is evidenced by the judgement of the Equality Court (**Case No EC38/2012**) delivered against the UP and its Tuks Alumni Board on the 31<sup>st</sup> July 2013 including the UP's failed North Gauteng High Court appeal (**Case No A778/2013**) on the 10<sup>th</sup> June 2014.

We are particularly concerned about this specific alleged case as there are already two cases in Kenya that have come to our attention involving a certain private individual also named Gerald Ouma. We have since written to the UP management on the 19<sup>th</sup> January 2016 requesting for written clarity whether the aforesaid stated person shares the same identity or is not the same private individual cited in Case No.2290/1999 (Makadara Principal Magistrates Court, Kenya) and in Appeal Case No. 149/2000 (Kenyan High Court, Nairobi).

The University of Pretoria through their alleged tolerance for sexual harassment is acting contrary to the prescripts of the **National Development Plan Vision 2030** which has prioritized transformation within higher education workplaces (**including UP**) and has set a national target for the Republic of South Africa to increase the output of black and female academic staff and researchers to ensure the reversal of gender and racial imbalances in the higher education sector to ensure that Africans **and particularly African women** make up 50% of the teaching and research staff of universities by 2030.

We therefore demand answers to the following demands:-

- 1. Which external Specialist was appointed by the UP to investigate the sexual harassment case independently in lieu of the objections received from the Complainant?**
- 2. What is the basis of the alleged incompatibility since the UP management has not contacted any performance management / agreement with the Complainant?**
- 3. What remedial actions is the UP taking, noting that the supervisor has allegedly rejected mediation with regards to above-mentioned matter?**
- 4. What interventional management measures has the UP taken place to shield the Complainant from the complained of alleged sexual harassment?**
- 5. What remedial actions are being planned by the UP to reverse the ongoing victimization against the Complainant?**
- 6. What is the data on the success rate and success trends with regards to the utilization of the University of Pretoria's anti-discrimination policies by the university community and the success rates of such policies for the alleged victims of violations?**

It is unfortunate that these events are taking place at the time when the University of Pretoria has a black female Chancellor, a female Vice-Chancellor and a female Executive Director of Transformation who instead of being expected to defend women's rights at the institution are the very defenders of the status quo and conveyor belts of a polluted workplace rife with patriarchy, racism and sexism.

We urge the arrogant University of Pretoria management to immediately **cease, desist and reverse** their continued victimization of our member and to normalize workplace relations to ensure the continued employment of our member free from continued victimization.

We warn the arrogant University of Pretoria management not to proceed with their malice-ridden underhanded intentions to dismiss our member and call on all roleplayers in the higher education sector to support us to ensure justice takes place. Ends

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About the Higher Education Transformation Network (HETN):-

The Higher Education Transformation Network (HETN) is an independent network of alumni and graduates from various higher education and further educational institutions across South Africa committed to the process of transformation of education and training to increase equitable and meaningful access to education, skills and learning to eliminate of socio-economic disparities.