



25th January 2017

Dear Ms. Toerien Van Wyk

I understand that you have been in discussions with our Vice Chancellor about the Gasas report as a PAIA request had been made from SAHA. He requested that I share this with you.

“STATEMENT FROM THE VICE-CHANCELLOR ON THE GASAS REPORT

Dear Colleagues and Students

Ms Nomboniso Gasas yesterday provided me with her report on her investigation into the manner in which the University and its various structures handled a complaint of rape, and her recommendations on what measures the University might take to address any lapses on its part. She went far beyond the call of duty in meeting both the very tight deadline that she and I agreed, and delivering a comprehensive report. The University is particularly grateful to her for ensuring that the matter was dealt with timeously.

Ms Gasas has done her part and it is now the responsibility of the University to do its part. Let me state at the outset that Wits’ policies are clear – we condemn all forms of violence including rape, sexual harassment and gender based harm at Wits, and the general rape culture that permeates our society. We have acted strongly against these abhorrent acts in the past, and will do so again.

I cannot distribute the report as it mentions the names of individuals and they have not yet been afforded an opportunity to respond to the findings and recommendations of the report. It is their right to do so. I understand that some people may be unhappy about this decision, but we do live in a constitutional democracy and the legal rights of all must be upheld, respected and protected.

However, I do think that there needs to be accountability to the University community, especially to the individuals involved in this incident and the activists who have insisted that it be brought to the attention of all. I therefore believe that it is prudent to inform you of the substance of this report.

The substantive findings of the report are as follows:

1. Ms Gasas begins by commending the young woman at the centre of the rape complaint and without making a judgment on the actual incident, recognises that it takes enormous courage to lay a rape complaint because it often means that one is subjecting oneself to processes and outcomes that are unclear. She commends the friends who supported the complainant, because they too experienced emotional trauma during this process, and the activists who played an important role in highlighting the issues.
2. Ms Gasas recognises the professionalism of a number of officials within the University. These individuals provided counselling and support, and reflected a professionalism and empathy in their duties that was warranted in this case. Her report commends them highly for their actions.
3. The report is quite categorical that while one individual from Residence Life in particular was empathetic and continuously supportive, other officials did not demonstrate sufficient empathy and care, and failed the complainant by not meeting the University’s commitment to providing a safe space for complainants of gender based harm.
4. The University ought to have intervened to avoid the state of affairs where the complainant and the person against whom she had lodged a complaint resided in the same residential block, while at the

same time respecting the legal rights of all. The report particularly recommends that measures be immediately implemented within residences to ensure that these lapses are not repeated.

5. The report recommends that the University consider sanctioning any official of the University who failed to abide by University processes, was not sufficiently supportive when empathy was required, or was not measured in their engagements with the individuals involved and the activist community that emerged around the incident.
6. The report recognises that the Gender Equity Office (GEO) was established as an institutional innovation after the sexual harassment cases that the University addressed in 2013. It recognises the progress that has been made in bringing counselling, prosecutorial services and advocacy functions into a single office although it recommends that these distinctive roles need to be appropriately managed within GEO.

It commends GEO's investigation and counselling operations, although it recognises that there are systemic weaknesses and procedural gaps which manifest in times of crisis. In particular, it notes that GEO management did not anticipate the need for a mechanism to deal with the fact that its request to Residence Life to remove the alleged perpetrator was rejected. Procedures to anticipate this should be designed. It questions why, when recommendations of GEO were rejected by other University structures, alongside having initiated suspension proceedings within GEO procedures, the matter was not elevated to executive management for urgent intervention.

7. The report recommends a greater stewarding of Residence Life by the Office of the Dean of Students so that its decisions and operations, and those of structures within residences, are appropriately student-centred and gender-sensitive. In this regard, it recommends appropriate stewarding of the senior management in Residence Life and insists that all members elected to house committees undergo an induction that includes committing to an appropriate code of conduct and undergoing gender sensitivity training. Gender sensitivity training was also recommended for other officials within the University community.
8. The report also recommends that executive management needs to act on previous recommendations and communicate more effectively on progress with regard to complaints of rape and/or gender based harm that are reported within the University community. In particular, it recognises that executive management and GEO may sometimes be constrained by the requirements of confidentiality which they are obliged to respect. However, it recommends that a balance be struck between observing confidentiality and effectively communicating with the University community so that it is aware that progress is being recorded on these matters.
9. The report commends activists for having brought focus to this complaint and ensuring that it did not get drowned in the multitude of institutional bureaucratic processes and procedures. However, it also suggests that the activists need to be mindful that the way in which they engage in their activism must be respectful of the complainant and must ensure that the complainant's emotional and physical state is always at the centre of their concerns.
10. Related to the above, the report recommends that a series of deliberative conversations be convened by GEO under the auspices of the Office of the Vice-Chancellor to tackle difficult issues associated with addressing rape and gender based harm in our institution and in society as a whole. It has recommended that the first discussion in this regard be focused on how in a world of social media, such conversations be directed in a way that is sensitive to the complainant's interests, but that is also constructed in a way

that builds cohesion and enables an inclusive University community that is respectful of the collective values of non-racialism and gender equity that are enshrined in our Constitution.

In the coming days, this report or parts of it will be made available to the appropriate structures and individuals with the view to addressing the gaps that are highlighted in the report and implementing the recommendations. Further communications will flow both from my office and the relevant divisions within the University to continuously update the University community on the corrective processes that have been put in place with regard to this incident.

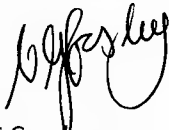
Note that the investigation into the rape complaint continues as part of a separate process and will be managed as per the recommendations of that report. I am assured that the investigation into the rape complaint will be concluded within seven days provided that the appropriate documentation is received from the complainant and other relevant parties.

Once again, I would like to thank Ms Gasa for her dedicated and sterling assistance to the University. I would also like to thank the complainant for her courage in laying the complaint, as well as all those who provided her with support during this trying time.

In 2013, Wits went through enormous institutional trauma around a number of cases of sexual harassment. We addressed these firmly and developed institutional innovations to learn from the weaknesses in our structural processes. As a University community, we will once again deal firmly with the weaknesses that have been exposed and we will work towards the goal of building a non-racial, gender-sensitive, inclusive University community that is truly capable of addressing all the scourges that afflict our society.

Professor Adam Habib
Vice-Chancellor and Principal
25 November 2016”

Yours sincerely



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