

MEDIA RESPONSE

ATTENTION: Masego Panyane
Reporter: The Star
Contact Details: 011 633-2641
Masego.panyane@inl.co.za

DATE: 13/ FEBRUARY / 2017

Dear Masego,

Thank you very much for your media query.

At the outset, we wish confirm that the university is aware of this matter and has dealt with it internally, guided by our human resources policies on staff discipline. We wish to also confirm that the employee in question was not found guilty after undergoing a disciplinary hearing for alleged misconduct.

On the specific questions raised by yourself, our responses are as follows:

1. Does Unisa have a policy that regulates the conduct of students and academics that is used in matters such as that of Ms Lebitse as stated above?

Answer: Unisa has a comprehensive Anti-Harassment Policy which specifically includes Sexual Harassment. The principles and process of handling such matters are stipulated in this policy. We also have a Code of Ethics and Conduct which clearly set out acceptable standards of behaviour and conduct for all persons employed by the university. The Student Sexual Harassment Policy also applies in matters pertaining to students. In this particular case, the allegation was that the staff member had misconducted himself and the Employee Disciplinary Code was the applicable policy used to deal with the matter.

2. What is the policy called and where is it found? Is it placed in an area (intranet, internet or physical copies) that is relatively accessible to Unisa students?

Answer: In this particular instance, the Anti-Harassment Policy, the Code of Ethics and Conduct and the Employee Disciplinary Code have relevance. Unisa policies are available on the institutional intranet and are accessible to Unisa staff. The Student Sexual Harassment Policy is also accessible to both staff and students. Policies are easily obtainable from the relevant departments within the university on request.



3. Does Unisa have a functional office that is dedicated to dealing with issues of sexual harassment or gender equity issues that students and staff can approach for assistance with regard to these issues?

Answer: Unisa has a dedicated anti-harassment office in the Human Resources Department and an anti-harassment officer who deals with all cases involving sexual and other forms of harassment. The Student Sexual Harassment Policy directs that students should report sexual harassment complaints through the Dean of Students.

4. In the case of Ms Lebitse, what policy was used in the disciplinary hearing and why was she not eligible to be present at all sessions of the hearing, but also to get a copy of the judgement as she is the one that reported the matter?

Answer: The disciplinary case in this particular instance was handled in accordance with the Employee Disciplinary Code. It is not practice for complainants to be present in a disciplinary hearing, when the said complainant is not submitting evidence. There was also no compelling reason why the university should deviate from the practice.

NB: It should be noted that the employer runs the risk of being litigated against in the instance where sensitive and confidential information about one party as shared during the hearing is revealed to a third party or made public without the party's consent.

5. What recourse is available to students who want to appeal decisions taken by the disciplinary committee? Was this option made available to her?

Answer: In terms of paragraph 5.2.2(c) (i) of the Employee Disciplinary Code the University can only appeal the sanction of the Employee Disciplinary Hearing and not the finding, where it deems it necessary. If the finding was adverse to the University then the University has no further recourse. In terms of the Student Sexual Harassment Policy, the complainant is however at liberty to follow the criminal or civil route.

6. With regards to the allegations of improper procedure being followed in the disciplinary process, due to interference by management, is there a possibility of an investigation?

Answer: It is our considered view that the university handled the matter properly in accordance with the dictates of relevant policies. We have not had a formal complaint of interference with any phases of the investigation or the hearing lodged through the proper channels with our institution.

7. She was told that she would receive, after paying for it, a copy of the transcript of the hearing. She was also told that the transcript would be edited of any information the legal office deems private. How is the decision made to remove which pieces of information?

Answer: In terms of the Promotion of the Access to Information Act, an institution from which information is sought is entitled to payment for the transcription of the recordings. The matter sat on many days and the record is quite extensive, which will make it expensive to transcribe.



FOR MORE INFORMATION PLEASE CONTACT:

Martin Ramotshela

UNISA Spokesperson

Tel: (012) 441-5639/0762640921

E-Mail: ramotmm@unisa.ac.za

