



HIGHER HEALTH

Higher Education and Training
Health, Wellness and Development Centre

Implementation Protocol on Rape and Sexual Assault Cases

Version: 23 August 2021

Guidelines and Protocol writing committee: Ms Crystal Dicks, Ms Erica Emdon, Ms Thobekile Finger and Dr Vincent Zishiri, in support with the PSET Gender Based Violence Technical Task Team, chaired by Professor Puleng LenkaBula
Supported by European Union (EU), Health and Welfare Sector Education and Training Authority (HWSETA) and National Skills Fund (NSF)

Professor Ramneek Ahluwalia
Chief Executive Officer

Implementation Protocol on Rape and Sexual Assault Cases

To accompany the Sexual and Gender Related Implementations ('GBV Guidelines') adopted by the Post School Education & Training (PSET) institution ('the institution')

A person who is raped or sexually assaulted suffers acute physical, emotional and mental trauma. It is the institution's responsibility to ensure that any member of the campus community who is raped or sexually assaulted is offered humane and professional care and support. Insensitive, ignorant or inefficient institutional responses constitute secondary traumatisation.

This protocol has been developed to guide the institution through the steps required to offer support to victims/survivors of these offences.

Principles

- All members of the campus community must share the responsibility for addressing campus rape and sexual assault by being aware of the institution's Sexual and Gender Related Misconduct Contextual and Procedural Protocols (GBV Protocols) and by proactively responding to any incident of rape or sexual assault they become aware of. It is the responsibility of all members of the campus community to support and assist victims of rape and sexual assault as timeously, sensitively, and confidentially as possible.
- Any student or staff member who is raped or sexually assaulted, whether on or off campus, can access assistance in accordance with this protocol.
- All reports of rape and sexual assault must be treated as confidential and all complainants (or victims in the case of those who choose not to report) treated with respect, dignity and without victim-blaming.
- The rights of the victim of rape or sexual assault should be respected, including their right regarding the action they would like to take. When a report of rape or sexual assault is made it is the choice of the victim whether to report the incident to the South African Police Services (SAPS) or not.

This guide must be read with the institution's GBV Protocols.

1. If it comes to the attention of any member of the campus community that someone has been sexually assaulted or raped they must refer that person to the office or officer on the campus responsible for implementation of the GBV Procedural Protocol (**Responsible Office**).
2. A person who has been raped or sexually assaulted can take themselves directly to the **Responsible Office** to report the incident.
3. The person to whom the rape or sexual assault is reported must be sensitive to the wishes of the victim and enable the victim to make a choice that they are most comfortable with in regard to what action to take. If they do not want to make a choice immediately this must be respected.
4. The person to whom the report is made must explain to the victim what their options are regarding the incident and provide information to the victim. This includes:

- a. Informing the victim of the necessity of receiving immediate medical attention including post-exposure prophylaxis (PEP) for HIV, sexually transmitted infection and post-coital contraception to prevent pregnancy.
 - b. Advising the victim that they can lay a criminal charge at the SAPS.
 - c. Informing them that they can also, or alternatively, lodge a complaint in terms of the institution's GBV Procedural Protocol that might result in the alleged perpetrator being fired if they are a staff member or being expelled if they are a student, should they be found guilty on a balance of probabilities.
 - d. If the victim chooses to lay a charge with the SAPS the **Responsible Office** must explain to them the importance of forensic medical evidence and other evidence given that they would have to prove the rape or assault beyond a reasonable doubt in a criminal court.
5. Campus security staff, campus residence staff, clinic/wellness staff, and any other identified staff that might receive reports of GBV must be trained as first responders with the required expertise to respond to rape, sexual assault and other assaults in their immediate aftermath. They should have the expertise to take a statement in a manner that is sensitive to the victim's state of mind and vulnerability after having experienced trauma. In particular:
- a. If incidents take place during office hours, the **Responsible Office** must be contacted to assist in cases of rape and sexual assault.
 - b. If incidents take place after hours, and the **Responsible Office** is not immediately able to assist, in addition to taking a statement, as provided above, first responders must assist the victim in taking any action that the victim indicates they want to take.
 - c. This may include reporting the incident to the SAPS, campus security, the afterhours manager at a residence if the victim lives in one of the institution's residences, a medical facility near the person's home or near the campus, a medical practitioner, psychologist or social worker or any other responsible person.
 - d. The first responder may themselves give the victim assistance to report the incident to the SAPS by accompanying them to the nearest police station, assisting them to report to an afterhours campus residence staff member if the victim lives in one of the institution's residences and the victim is comfortable to do so, assisting them by taking them to a medical facility near their home or near the campus, assisting them by taking them to a medical practitioner, psychologist or social worker or any other responsible person.
6. Off campus accommodation that is not in a campus residence, but is in housing leased by the institution must, where possible, be located in areas that do not expose students to rape, sexual assault and other crimes, particularly when they walk to and from the institution. These off-campus residences are also subject to a safety audit and will contractually include the GBV Protocols.
7. Where the **Responsible Office** was not involved from inception because the incident took place after hours, off campus or on the weekend, on the next working day, the victim or person who assisted the victim after hours, should report the incident to the **Responsible Office** who can take the steps outlined above and any further steps as outlined in the GBV Procedural Protocol to assist the victim.

8. The **Responsible Office** must provide the victim with the necessary psychological support. While this is preferable, if such support is not available the victim must be referred to another psychological support service available at the institution or if not available at the institution at an off-campus service provider.
9. It is common for people that are victims of rape and sexual assault not to report the incident. This is particularly regarding students who sometimes are not sure they have been raped. There should be no time limit to when a rape or sexual assault is reported. Once it becomes known to any member of the campus community that a fellow member of the community has been raped or sexually assaulted the person that is informed of the incident must report it to the **Responsible Office**.
10. When the **Responsible Office** receives a report of rape of sexual assault at any time, and from any person, there is an obligation to investigate the allegation, to ascertain whether the victim requires support and whether the victim wishes to lay a complaint at the institution or lay a charge at the SAPS.
11. All incidents of rape or sexual assault must be reported to the **Responsible Office** as soon as is reasonably possible.
12. A register of all rape or sexual assault cases must be kept by the **Responsible Office**.