

# “Gender is Over”: Researching the Implementation of Sexual Harassment Policies in Southern African Higher Education<sup>1</sup>

Jane Bennett, Amanda Gouws, Andriennetta Kritzinger, Mary Hames, Chris Tidimane

## Introduction

From mid-2005 to 2006, the African Gender Institute (AGI) carried out a project which allowed research teams in three Southern African universities to explore the effectiveness of official campus policies on sexual harassment in the complex climates of diversity, discrimination and opportunity that characterise contemporary higher education institutions. The three campuses involved comprised one where the initiation of a sexual harassment policy occurred in the early 1990s (the University of the Western Cape), and two with relatively new policies (the University of Botswana and the University of Stellenbosch).<sup>2</sup>

This article discusses aspects of the background to the research project, and explores critical findings from the research. We argue that while there is little evidence that policies on sexual harassment in Southern African higher education have been integrated into campus-based discourses on citizenship or democracy, this could be read as complex commentary on the location of feminist activism within Southern African higher education, and tackled as such.<sup>3</sup>

## Notes on Gender and Higher Education in the Southern African Development Community context

In order to understand the broad context of the research on sexual harassment policy implementation in three Southern African Development Community (SADC) universities, we sketch the profile of current challenges to higher education in the region, and identify key questions concerning gender dynamics within the sector. Of the ten countries involved, all have a higher education sector, but the structure and composition of the sector differ dramatically from one country to another. Most countries, however have one national university, a number of teacher training colleges, schools of agricultural training, medical

and nursing schools (sometimes attached to the university), as well as smaller educational enterprises training school-leavers in a variety of professional skills (secretarial, computer-related, hairdressing, and business management). Within SADC, South Africa's educational sector is the most complex, because the sector is the largest, and it has undergone massive restructuring through state policies designed to maximise access to tertiary education over the past five years; Botswana has the fewest institutions.

In each SADC country, systems of higher education face enormous challenges because the ever-increasing demand far outstrips the resources and infrastructures available. National politics, too, have heavily influenced the operation of the sector (this is especially true for Zimbabwe, Malawi, and South Africa) and financial exigencies have come to dominate discussions on the meaning, directions, and shape of higher education in each country.

Full analysis of the profile of higher education in the SADC region is therefore beyond the scope of this article. It is safe to suggest, though, that over the past five years many Southern African institutions of higher education have moved, through a combination of restructuring initiatives and projects explicitly dedicated towards the improvement of the quality of life on campus for educators and learners, into increasing acceptance of their seminal role in the leadership of democratic strategy and practice in the region. However, such initiatives have to negotiate both the politics of what constitutes "democracy" in each context<sup>4</sup> and, as seriously, the increasing economic pressures on SADC states within a global market economy.

In the past ten years, a body of serious research on the impact of globalisation on higher education in Africa has highlighted the tensions between dwindling national resources available for university and technikon subsidies and the need for the institutions to deliver high-quality education in environments protected by the values on human rights.<sup>5</sup> The general research on gender and globalisation has exposed, in particular, the assumptions of structural adjustment programmes concerning women's labour, identity and mobility, and noted that within higher education, these assumptions continue to have an impact on women's access to full equality of opportunity.<sup>6</sup> If South Africa is to be considered as part of the scenario, however, it has to be noted that while national economic policies certainly include aspects of structural adjustment programmes (such as commitment to free trade agreements, focus on the development of export industries, and an eye on downsizing domestic expenditures targeted at social welfare), gender is less of a factor in determining

access to higher education than class (and the legacies of race so embedded in South African class systems).

Quantitative measurement of access has been a dominant route into analysis of gender questions in higher education. While such measurements remain very valuable in profiling the status quo at a numerical level, and for introducing analysis of the impact of interventions (such as the implementation of affirmative action programmes, or the official encouragement of girls into fields of study traditionally marked as “masculine”), many feminist researchers have stressed the need to recognise that gender operates at the levels of culture, sexuality and epistemology, zones in which access to “being a human being” is negotiated through life-long engagement with constructions of “manhood” and “womanhood” upon which the possibilities of society itself are predicated (Mama: 2003). The implications of this for analysing gender within institutional space are serious. To put it simply, at one level, it may not matter how many human beings identified as “women” are offered access into territory from which they were previously excluded. If their exclusion is a result of their cultural construction as “women” (say, as people whose mental capacities were inadequate to the task of scientific research, or as people whose primary responsibilities did not include public political leadership), it does not necessarily follow that offering “women” new access radically reconstructs their admission to deep citizenship as “human beings, *as long as they continue to be recognised primarily as “women” within the new space.*

Bearing witness to the complexity of day-to-day gender dynamics within higher education has for us also been an engagement with issues of sexual harassment and sexual violence on campuses. Strategies to explore possibilities for gender equality into the institutional culture have taken several routes in higher education, and tackling sexual harassment has been one of the most powerful routes into analyses of institutional culture because such research can illuminate the axes of power through which academic and social “careers” are forged (Bennett: 2002). Most research on sexual harassment and sexual violence in Southern Africa has been undertaken with explicitly activist intentions, and has led to the institution of new policies, educational programmes, and disciplinary procedures.<sup>7</sup> In the course of this research over the past few years, interesting and complex realities concerning gender, sexuality, and institutionally-created opportunities for abuse have emerged, and before turning to questions of policy-formation within higher education, it would be useful to survey some of the most illuminating ideas emerging from the region.

## Teaching women a lesson<sup>8</sup>

In an introduction to a recent workshop on researching gender and institutional culture in African universities,<sup>9</sup> Teresa Barnes brilliantly summarised a core “gender challenge” for higher education institutions:

Scholarship has exhaustively demonstrated that a crucial aspect of the colonial project was the femininisation of the African man, and thus a crucial aspect of post-colonialism has been a search for a “new man”. To the extent that the project of regaining “the nation” (in some post colonies) or fashioning it anew (in others) was deeply woven with concepts of wresting indigenous masculinity away from demeaning social engineering projects, the university has been a prime site of struggle over gender meanings in a new age . . . (the university) spaces and places are intricately marked with codes for man-as-thinker, man-as-aggressive debater, man-as-athlete, boys-becoming-men, etc. The addition of women to this men’s club is thus not only a statistical, but also an extremely meaningful social and symbolic exercise – which is by its very nature, dynamic, challenging, and likely conflictual.” (Barnes: 2005)

This formulation captures the context in which participation within the project of higher education demands engagement with constructions of “manhood” and “womanhood”, inserting staff and students into very particular (although rarely acknowledged) gendered negotiation with the histories of being, and becoming, “intellectuals” and “professionals” within urbanised African political space. Although processes of gendering are ubiquitous, and certainly not confined to campus borders, within higher education the trajectories of class mobility for students (and some staff) proffered through campus participation are linked with profound debates concerning relationships between men and women. Such debates concern identity, authority, and – critically – the operation of heterosexuality as part and parcel of university life.

Research on secondary education has long established the importance of linking gender and sexuality in studies of school teaching and organisational practice. Often drawing on Foucauldian theories concerning institutional interests in surveillance of gendered and sexual practices and norms, interactions between boys and girls around “dating”, flirtation, sexual connections, and densely interactive constructions of “good” and “bad” routes to gendered sexuality, have been foregrounded as resistance to educational institutions’ policing of students’ identities, through regulations and discourses designed to keep active sexuality away from “children” (legal permission for sexual

activity remains a core political dividing line between “children” and “adults”). At the same time, researchers argue that beneath the performance of generally “sex-averse” culture within educational institutions, overt and covert energies contribute to the construction of ideas about masculinities and femininities that assume heterosexuality, and seek to produce a heterosexual citizenship conservative in its acceptance of dominant contextual norms concerning reproduction, forms of sexual behaviour, and the regulation of sexual partnerships. Such energies often concentrate on girls, stressing appropriate “femininity”, encouraging education “before” sexual activity (or marriage), and placing the burden of their sexual and reproductive health and safety solely on their own (moral) shoulders.

Research on the way in which heterosexuality is part and parcel of university life is, however, thin on the ground for SADC campuses. Anecdotal evidence suggests a high level of sexual liaison within student communities (especially on residential campuses), histories of marriages contracted between those who have encountered one another as part of their campus-based scholarship or work, and concern about reproductive health and HIV transmission encountered by student health services and counselling centres. Gender-mixed social events are consistently integrated into sporting, religious, and residence life, and there is evidence of active homophobia (always an index of the importance of heterosexuality as a key cultural norm).

What campus-based research on sexual harassment and sexual violence has offered is one window into the cultures of heterosexuality within higher education. While it is critical to note that such cultures may offer people access to important, life-enhancing, and deeply pleasurable relationships, a focus on sexual harassment and sexual violence allows certain tensions of gendered dynamics to be brought to the surface, possibly named as “abusive” and identified as core zones for intervention, both for the sake of those likely to become abused and for the sake of higher education itself.

Since the early 1990s, there have been a number of important studies on the nature and practice of sexual harassment and sexual violence in higher education in South Africa and neighbouring countries.<sup>10</sup> The picture painted by the researchers and activists is one in which many different forms of sexually abusive interactions could be found simultaneously within higher education institutions. Each campus is differently constituted in terms of its geographical, institutional and political location, and the demographics of its student population, but the following concerns have been consistently identified over a

decade of discussion. Firstly, the hierarchical nature of universities, coupled with patriarchal cultures of leadership, means that there are multiple zones of seniority operating within the campus, and those considered “junior” are consistently vulnerable to unwanted sexualisation from senior men.

These vulnerabilities are confirmed by survivors’ accounts during research projects, and are described within surveys of attitudes and perceptions about sexual harassment. These analyses do not differ from global descriptions of institutional climates inhospitable to women, because of the prevalence of sexually harassing behaviour. Within the SADC region, however, where access to higher education remains harshly competitive and highly prized, the costs of naming complex vulnerability to sexual harassment and sexual abuse – the risk of losing credibility, employment or academic credentials – are intensified.

Secondly, research attests to the presence of relationships in which explicitly transactional sex plays a key role in organising heterosexual liaisons for men and women. Such transactions could include the provision of grades or academic opportunities, from men academics to women students, or access to financial resources (including housing) for women in exchange for sex. This theme is connected to a sense that university environments are changing rapidly, and that economic struggles (for staff and students) are accompanied by the need to handle increasingly diverse campus populations, where different norms about gender and sexuality jostle for recognition and dominance.

Thirdly, much of the research suggests that some men (students and staff) are suspicious of campus-women’s sexuality (especially among the student population), resenting their potential “bedroom power”, or “bottom-power”, blaming them for provoking men lecturers. Male lecturers and students were sometimes more ready to challenge sexual harassment from a sense that they themselves were “harassed” by (overt and covert) offers of sex by women than from any analyses of patriarchal privilege. Early South African-based research<sup>11</sup> conveys a sense that ideas about sexual harassment were being regarded as just another racist ploy to destabilise and control men, especially black men.

This position is echoed by the fourth broad finding emerging in Southern African research on sexual harassment and sexual violence in higher education, namely the power of discourses on culture and tradition. In virtually every study carried out between 1990–2001, there is mention of confusion and anger concerning the relationship between challenges to certain forms of sexual abuse and the meaning of “cultural” norms concerning heterosexual masculinities. Practices such as men touching women without their permission

through bottom-patting, palm-scratching, shoulder-rubbing are defended, as is men's perceived right to pursue women aggressively with overt interest in sexual liaison, regardless of the women's expressed disinterest. All this is pursued in the name of "culture". The histories of colonial and racist discourses concerning the "immorality" or illegitimacy of African peoples' (diverse) social and cultural systems can make such defences difficult to tackle where alleged harassers identify themselves as embedded within the histories of colonialism as victims. Those who challenge these harassers may find themselves dismissed as "new colonisers", "white people", "Westerners", or "those who have abandoned their roots."

The fifth theme concerned the difficulty survivors have in naming experiences of sexual harassment and sexual violence. Even within institutional environments with long histories of radical engagement with the politics of social justice, such as the University of the Western Cape in South Africa, those who found a route into disclosing the pain, humiliation, confusion and anger of their encounters with sexual abuse were afraid of publicising their experience beyond the counselling room, or in a private conversation with a sympathetic lecturer or residence warden, or a friend. Where "cases" of sexual harassment or sexual violence surfaced (sometimes through student protests), they were accompanied by a sense, fuelled by third-party narratives, that such experiences were far from isolated. Nevertheless, there is a dearth of specific, self-authored, publicly available narratives of being sexually harassed or abused.

Again, the prevalence of fear about complaining publicly of subjection to sexual violence is part and parcel of all analyses of gender-based violence. This is easily explicable as an effect both of the distress and trauma of the experience and of realistic apprehension of the gender politics at play in "normalising" many experiences of sexual abuse as integral threads of healthy, masculine, heterosexual prerogative. Identifying the "normal" as destructive stigmatises one as an outsider, alien to the terms on which heterosexual citizenship is negotiated, even if these seem dangerous or absurd. The willingness to talk openly, within higher education institutions, about personal experiences of sexual harassment and sexual violence was rare.

The research thus sketches a profile of complex gender dynamics, and alongside continual hints of heterosexualities that afforded participants pleasure and community, it also illuminated strong suggestions of anger, tension, conflict, misunderstanding, and abuse which are operative in myriad ways between women and men on university campuses.

Nevertheless, almost all the research attests to the power of the research process itself as a tool of advocacy, solidarity-building, and communication with key members of the university community. While some researchers spoke of the discouragement and humiliations they encountered while conducting their explorations, many viewed their research as valuable feminist interventions within the university space. They describe the levels of genuine enthusiasm, sometimes from key management figures, for opening up discussions on gender, sexuality, equality, and democracy generated by their work as key achievements. This is important; the years 1990–2001 within SADC higher education have witnessed waves of interest in, and debate over, questions of gender equality, democracy, and citizenship. Although maintaining a focus on the need to challenge sexual harassment and sexual violence has been hard, it would not have been possible at all without rich discourses concerning “equality,” “human rights”, “transformation”, and “change.” It could be argued that the capacity of activists and researchers on different campuses to explore sexual harassment and sexual violence as core impediments to democratic education constituted a key index of the degree to which questions of gender had become “real” – and powerful – within campus politics.

### **Policy-making on sexual harassment within SADC higher education**

It has been argued<sup>12</sup> that on the African continent, there has been more feminist political activism targeted at legal and policy reforms concerning sexual violence than at any other question except access to organs and processes of governance. There are many ways to theorise this interest in policy-making and policy reform. Key among them is the engagement with notions of citizenship which argue for “active citizenship” from within the recognition that *activity*, for women (people very likely to be targets of sexual violence), requires reconceptualisation of the very terms and conditions on which safety, dignity, and access to social presence and power are predicated (Walby: 2005). Such reconceptualisation includes reclaiming “the private” as a zone to which public policy may be relevant, challenging norms about definitions of abuse, and interrogating issues of access to voice.

Policy-making has been the most popular avenue for institutional discussion of campus-based sexual violence and sexual harassment. Despite this, it would be wrong to assume that most campuses within the SADC region have developed and institutionalised policies against sexual harassment. Indeed, at an Audit Workshop of Resources within the region, hosted by the African

Gender Institute in February 2002, just under a quarter of the 18 institutions represented by participants had policies in place. Of these, most indicated that it had taken 7–10 years of advocacy and research work to formalise their policy. Despite this, all participants present agreed that without policy, institutions are impotent in the face of serial sexual harassers and sexual abusers, and that those vulnerable to attack continue to include the institution itself as a source of menace. Those at the forefront of demands for policies on sexual harassment within higher education saw policy as a platform into campus consciousness, a means of formulating a clear (feminist) link to other statements of university principles around equality, excellence, and integration into (often) national development goals. These activists also needed concrete language into which the experiences of survivors could be fashioned so that offenders could be confronted, not simply by the survivor, but by the institution itself. As with much feminist policy-formulation, the risks of handing over authority for the processing of injustices to women to traditionally patriarchal bodies (states, institutions) were theorised as part and parcel of the need to believe in “gender mainstreaming,” the idea that new conceptions of gender – which radically shifted the meanings of women and men away from predefined, traditional power relations – could be infused throughout the university environment.

### Researching implementation?

Most researchers would agree that the processes of conceptualising, designing, and implementing research projects are as vital to its impact as any “findings” or “analyses”. Undertaking our research was, for all concerned, explicitly concerned with an interest in re-invigorating campus-based debates on gender, sexuality, violence and democracy, and a simultaneous interest in revitalising institutional and collegial connections. The proposed key objectives of the research project were:

- To describe and analyse the impact of institutional policies on sexual harassment and sexual abuse in specific sites of Southern African higher education;
- To make recommendations on strengthening the link between policy-making, policy-implementation and the development of democratic cultures, (interested and invested in open debate, the promotion of human rights and respect for difference) within specific sites of Southern African higher education.

The team recognized from the outset of the project that each institution involved would need to develop research processes attuned to its own context and priorities. Because the interest in initiating research on existing policies

prioritised the potential for strengthening their relevance, it was essential that case studies be shaped by local institutional voices. The three different universities who elected to participate in the project did so through the local research leadership of people who had long been involved in institutional work on gender, rights, and social transformation, and in most cases, had themselves participated in activism which had led to ratification of policies on sexual harassment on their campuses.

Workshop discussions (held at different stages of the research process) highlighted the need to design a framework through which to conceptualise “policy implementation” on a campus, and in whose terms individual case studies for specific campuses could be designed. Research on policy implementation is intellectually challenging partly because it entails deep tolerance for the notion of fluidity and (unpredictable) change. As is well understood, “implementation” as a noun simply reifies a relationship to multiple energies. Theoretically, “implementation” achieves cohesion through adherence to a set of guidelines but in practice, “implementation” of policy is unevenly dispersed across bodies, texts, interaction, offices and space in ways that cannot be captured in any single frame of analysis.

In a US study of sexual harassment policy implementation in a large public university and a city, Reese and Lindenberg (1998) approached the meaning of “implementation” through research on people’s awareness and understanding of the policy, through analysis of reported cases, and through people’s “levels of satisfaction” with the policy – their perceptions on how it contributed to a better working or academic climate. Peirce, Rosen and Bunn Hiller (1997) looked at the use of sexual harassment policies in the workplace as described by a survey of 1 500 US women, exploring the meaning of “successful implementation” as the creation of policies and procedures which encourage reporting.<sup>13</sup>

Recent South African research on sexual harassment policy implementation in universities and in the workplace stresses that “implementation” means accessibility to survivors (where accessibility means both the opportunity to read, ingest, and understand the policy and the opportunity to find policy-structured help within the organisation easily),<sup>14</sup> but this is not something permeable to conventional research procedures. As Gouws, Kritzinger and Wenhold point out, policy implementation which changed the institutional culture of silence around gender-based violence would result in more formal and informal complaints. How many more remains an open question (2005). To research the success or failure of implementation by counting complaints, or asking people

whether they would report personal experience of sexual harassment, offers insights only into a small pool of experiences, which may or may not be representative.

In the project workshops on conceptual frameworks and methodologies, there was much debate both on how to define implementation, and how to research it as a living dynamic. Teams agreed that the narratives of how university policies came to be ratified were a key resource in contextualising current perceptions and experiences, and also a way of understanding that policy implementation began for all institutions in activist work committed to addressing the sexual harassment of particular staff or student. Research teams also agreed that implementation could be categorised into different areas of engagement (such as “communication”; “education”; or “disciplinary management of complaints”) but that to some extent such categorisations necessarily somewhat fragmented and distorted the profile of university engagement with sexual harassment policies. Thus, while it was critical to try and understand the ways in which policies had first been developed, it was also important to examine the ways in which different institutions had embedded their policies into campus-wide opportunities for staff and students to understand the meaning of sexual harassment, and to find ways to address it when it occurred. Each campus chose a different lens through which to examine these opportunities, and this article presents only those findings which cut across different campus realities.

## Research findings and analysis

The three case studies explored the operation of policies officially instituted as tools in their university’s suite of policy-based strategies for encouraging respect and equality within university communities. There were important differences between the institutions’ approaches, but they all approached implementation of a sexual harassment policy through (at least) five main questions:

- In the current campus context, who knew that there are policies on sexual harassment?
- What did the policy structures look like, in terms of relationships both to national legislation and to units of authority located in different zones of the university?
- How did those to whom the policy allocated specific responsibility for addressing sexual harassment evaluate their work in this arena?
- Was there evidence that campus members, at any level, saw the policy as a helpful resource?
- What changes did the research process – as a probe into campus discourses about gender, sexuality, and violence – catalyse?

None of the case studies on the implementation of sexual harassment policies in Southern African higher education suggested that implementation is currently being taken seriously as a core strand of their university's interest in building cultures of democracy. There was a widespread sense that most campus constituents perceive policy statements and structures as marginal to their own theorisations of gender, sexuality and violence. Very few complaints had been formally reported through policy procedures.

Discourses on human rights or democracy turn constantly to the language of international, or national, policy formulation as a backdrop to any local debate. But interviewees across all three campuses explored notions of sexual harassment from personal positions of experience, anecdote, or opinion, rather than using the language of policy. There were two exceptions to this: those interviewees who worked in contexts where national labour legislation required employers to consider sexual harassment as a form of unfair labour practice, and those interviewees with long feminist experience of global (and national) trends in policy-making and gender-based violence.

All the institutions under research in this project had formally established procedures through which to handle complaints of sexual harassment. Such procedures paid nominal attention to the fact that university populations include people of many different affiliations to the campus (by recognising more than one "route" for processing complaints), and had also attempted to foresee the need for a "double-layer" of redress: "informal" problem-solving and "formal" disciplinary action. The separation of these spheres corresponds mainly to two concerns: the need to privilege survivors' choice in terms of the direction she or he wanted to travel in pursuit of resolution, and the recognition that there are degrees of difference in the severity and complexity of what can be experienced under the umbrella term "sexual harassment" (and, equally, degrees of intentionality or malice on the part of alleged perpetrators). The policy procedures thus – at a superficial view – accommodate both the diversity of campus constituents and the fact that sexual harassment may occur in many different shapes.

In practice, the research showed this is deeply confusing, especially on campuses where, within national labour legislation, all sexual harassment is defined as a form of discrimination. According to the case studies, Human Resource officers (with minimal training in the philosophical nuances of legal definition) are left to determine the level of discrimination constituting "minor misconduct", what should be handled "informally" (leaving no forensic trace in a staff file), and which levels of discrimination are worthy of "serious

misconduct”, and must be treated formally. Given survivors’ reluctance to lay complaints, such officers may process no more than one or two cases a year, which is not enough to build up strong conceptual and practical experience. In addition, the anxiety created by such inexperience when complaints are made (coupled with the fact that these complaints sometimes allege that senior, and powerful, university members are perpetrators – something that in a hierarchical culture hugely escalates the stakes), may cause delays, procedural mistakes, lapses of confidentiality, and certainly attenuates the survivor’s distress.

The implications of having multiple entry points for complaints was constantly raised as a reason for overall policy “failure”: the issue of “fragmented structures” was raised by all three studies. It may well be true that sensitivity to the diversity on campus deserves policy attention. It is certainly true that university policy making must – in a robust and pro-active way – engage with national policy making.<sup>15</sup> In South Africa, that means engagement with at least four zones of law: legislation on rape, and on sexual assault (criminal justice law, currently under review), the Prevention of Domestic Violence Act (which pertains to all shared residence spaces), and labour legislation. In Botswana, two are involved: national legislation on rape, and the Public Service Act of 2002. However, given that the need for “multiple paths” is likely to remain a feature of the campus policy landscape when it comes to sexual harassment, it is imperative that there is a very rich knowledge of how these routes cohere, and that “knowing where to turn” for help is a critical issue.

At the moment, on the University of Botswana campus, there is no unit or office, specified by the policy procedures there; the place to turn to is the Counselling Centre. The research at the University of Botswana showed that students overwhelmingly see counselling as the best option for addressing the issue. They are probably not alone in this perception; research on both other campuses in the case studies suggests there is a preference for mediation, counselling, and supportive “confidential” services when sexual harassment occurs.

The universities are often working simultaneously with two different approaches to justice. One approach (which leads to the criminalisation of an activity, and sentences of expulsion, disciplinary warnings, or public disgrace) works with justice as a matter of surveillance and punishment: parties are either clearly “innocent” or “guilty”, and the process of justice-making is a dichotomised affair, full of the divisions and language of competition. The other approach is more rehabilitative, privileging non-punitive explorations of activity, assuming the possibility of reharmonising an acrimonious situation, and open to the possibility of both “mutual responsibility” and “forgiveness” as part of the process.

There are challenges to both approaches for those with solid understandings of gender-based violence. Policy approaches which criminalise perpetrators certainly speak with some accuracy to the impact of sexual harassment and sexual violence: their effects are assaultive, in ways akin to those of other criminalised acts. However, the discursive power of “criminalisation” intensifies alleged perpetrators’ rage, frustration, or anxiety; and this can dramatically escalate the dangers to a complainant’s safety, especially where both complainant and defendant live and work at close quarters. In addition, interaction with criminalising processes are traumatising, especially to complainants whose credibility is the primary target of the defence. Few survivors are willing to endure these processes, and few are actually able to do so. All three research teams uncovered data on withdrawn complaints, breakdowns of health for survivors, drop out from the university, and long-term bitterness – usually targeted as much at “the university” as at the perpetrator. So, feminist policy-making with a regard to the ultimate health of a survivor (and to the humanity of a perpetrator) might easily concur that non-criminalising processes (which include confidential counselling) were more useful to building institutional cultures inhospitable to sexual harassment.

However, it is equally clear that a preference for non-criminalising procedures concerns the politics of gender. All three case studies bear witness to on-going cultures of deeply gendered access to confidence around speaking of personal experience of sexual harassment or sexual violence. Sometimes embedded in discourses of sympathy for the perpetrators whom they “don’t want to hurt,” complainants’ preference for rehabilitative processes may indicate a gendered investment in heterosexuality that requires a benign third-party who will refashion the (hurt, feminised, silent) body back into language through reconnection to a communicative, even conciliatory, masculine presence (the perpetrator). Perhaps this is over-simplified. Micro-transformations of gender politics may well occur within the small spaces of the counselling office – but then, how do these changes move out to become a broader change in institutional culture, bounded as they are by the discourse of psychological health?

It has to be acknowledged that a preference for rehabilitative approaches, in an environment where there is evidence of strong patriarchal beliefs about gender and sexuality and where women interviewees are open about the fact that they witness sexual harassment regularly, cannot be read as a political choice about the prospects for non-abusive heterosexualities.<sup>16</sup> It is, more likely, evidence of a culture in which access to the rights of citizenship is compromised. Complainants’ preference for rehabilitative approaches to sexual harassment may

simply bear witness to the threat of masculine authority, and to the strategic politics of the structurally “weak” but individually “tough.”

Despite the difficulties of implementation, all case studies professed optimism about the potential for their policies on sexual harassment to carry more transformational power. The University of the Western Cape (with the most long-standing policy) pointed to the fact that some survivors had, in fact, drawn on policy processes to challenge perpetrators successfully; for evidence of usefulness, the other two studies looked more to the interest generated in the “sexual harassment debate” among research interviewees.

Finally, the research on policy implementation in all three cases hinted at a broad historical narrative concerning the ebb and flow of feminist interventions at international, national and local levels. In the case of the University of Botswana, the report suggests that during the early 1990s (immediately prior to the 1995 Beijing Conference), NGO and academic activism in Gaborone created an environment in which – despite hostility – ideas about “women’s rights”, and the intimate connection between those rights and a national profile of democratic praxis percolated in ways that genuinely transformed the atmosphere.

But the University of Botswana case study also documents a contemporary campus culture in which ordinary feminist ideas about the causes of sexual harassment or about the importance of working visibly towards gender equity through policy are no longer discursively in play. While some of the members of committees especially established to promote gender advocacy were still well-informed about debates on gender equity, and were deeply interested in the details of how policies on sexual harassment were (or were not) functioning, their knowledge and commitment was not answered by most other constituents. There was evident pride in the history of the policy, but this had not translated into ongoing advocacy campaigns nor into education and training programmes. The difference between the era of initial policy-research at the University and the current context is marked.

The University of the Western Cape case study is structured through an historical lens which echoes aspects of the University of Botswana’s conclusions about current political space. The UWC report argues that initial policy-making on the campus was ahead of its time, driven by radical black feminists whose political education in anti-apartheid struggles had taught them how to mobilise both arguments and action. The case study of policy implementation hints at a history of South African engagement with ideas of “democracy,” moving from ideals of

redistribution and deeply co-participative government to the post-1994 realities of (at most) liberal approaches to imagining nationhood. While such approaches inspired new laws,<sup>17</sup> many very helpful to women, the integration of demands for new approaches to gender into state legislation (inevitably) lost their original edge. The most critical loss has been the lack of *on-going* recognition that being gendered as a woman in South Africa carries culturally entrenched vulnerabilities to sexual violence and sexual stigmatisation.

At the University of Stellenbosch, historically deeply linked to the education of the elite within the apartheid regime, the post-1994 era has required massive engagement with restructuring the university's image and culture. A small group of highly effective feminists on campus had made it possible for a policy on sexual harassment to be ratified (after years of research and activism), but the current case study showed clearly that a wide range of campus constituents were ignorant about the policy's procedures, and had a poor sense of how an actual survivor could find him- or herself supported by the institution. The research hinted strongly at the "disappearance" of gender as a key concern within the (very high-profile and well-resourced) university engagement with transformation.

## Conclusion

Research on policy implementation thus illuminates the status of feminist activism and discourse within institutional spaces. It is clear that the current era is posing very particular challenges to the legitimacy of earlier gains (such as the ratification of a policy capable of addressing sexual harassment). In all three cases, broad swathes of the institution are unaware of the policy's potential: those sitting on structures designed to implement textual commitments feel under-employed or frustrated; those who experience sexual harassment are embedded in contexts only nominally aware of its implications; those with theoretical and practical knowledge of how gender, sexuality and violence intersect (and of how to address this strategically) experience themselves as "out-dated", "marginal," or "exhausted."

It is important to analyse this, as others have done elsewhere, as the effects of resistance to change. The ratification of policies on sexual harassment constituted a major challenge to deeply embedded notions of gendered sexuality. All case studies revealed pervasive current resistance to the integration of these policies into university life, resistance identified by many research interviewees. We listened to staff disillusioned with their marginalisation (despite management rhetoric of inclusivity), heard anger at the denial of multi-lingualism (which

denied many staff access to their policy) on campuses, of women staff students who are worried about their safety. We spoke with men disturbed by collegial *quid pro quo* transactions, and to survivors who identify “the university” as analogous to those who assault with impunity. While managers and university authorities tended to be optimistic about their policies, those actually engaged with issues of security, sexuality and gender, and the bodies set up to have formal responsibility for policy implementation, were often disheartened.

We do not see this situation as proof of the idea that in Southern African higher institutions of higher education, feminist energies around sexual harassment policy-making have failed. Our research on sexual harassment policy implementation shows evidence of an on-going contest between core principles of feminist activism and ideas which erase gender from a general approach to questions of social justice, an erasure quintessentially rooted in intellectual and philosophical fear. On each campus, there are feminists (men and women, in different strata of the campus) who remain dedicated to practicable gender justice within the institution. Simultaneously, there are those at both management and student levels who feel that “*gender is over; the gender issue has been dealt with; we have other issues to deal with now*”.<sup>18</sup>

The case studies we carried out suggest that while there are serious concerns about different institutions’ failure to take up the opportunities offered by the formal presence of a policy on sexual harassment on their books, policy remains just that: *an opportunity*. As Manicom suggests,

“Opening up some analytic windows through which to review rights is the growing volume of critical accounts of rights politics drawn up by feminists in postcolonial contexts, fundamentalist states and in the former communist regimes. These depict gendered subjects of rights that distinctively reflect their embeddedness within respective political formations, cultural and ideological traditions . . . . [Such reviewing] also inevitably disrupts hegemonic cultural constructions of gender and reveals the contestability of gender relations... This dislocation provides new opportunities and recharts the political ground for women’s struggles, ground that is necessarily configured by communal relations, class, racialised and national relations” (Manicom, 2005: 39).

The research conducted for this project illuminates clearly that in the process of exploring the implementation of sexual harassment policy, campus “cultural” performances of gender, sexuality, and violence become foregrounded as critical contestations concerning university citizenship.

A focus on sexual harassment may appear to target a micro-dynamic within institutional culture. But careful analysis of this dynamic coaxes open the worlds of the “private,” the “subterranean,” and “the personal,” revealing the layers of human interaction least permeable to rigid theorisation, and holding the most precious possibilities for creating policy formulations and processes truly responsive to principles of democratic citizenship.

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## Endnotes

1. A book which includes the full case study reports from the three universities involved with the project has been published, by the African Gender Institute of the University of Cape Town. The book, edited by Jane Bennett, is entitled "*Killing a Virus With Stones?*" *Researching the Implementation of Policies on Sexual Harassment in Southern African Higher Education*. The details of the individual research reports on each universities can be found here. Electronic access is available from Jane Bennett: [jane.bennett@uct.ac.za](mailto:jane.bennett@uct.ac.za).
2. This action research project was made possible by the generous support of the International Development and Research Centre (IDRC) of Canada.
3. See Endnote 1.
4. This is a complex discussion, but the terms of nationalism currently operative across SADC countries do not share in-depth understandings of "democracy". In current Zimbabwe, for example, state discourse on democracy includes what Terence Ranger has referred to as "patriotic nationalism"; in South Africa, "democracy"

comprises a wide range of commitments to equality across citizenship, and a strong interest in redressing historical legacies of race/class privilege; in Malawi, recent state changes have revolutionised possibilities of broadening popular access to government but poverty is worse than under the previous, much more authoritarian regime. There are threads of semantic agreement running through the diverse approaches to “democracy” (predominant are ideas on access to representation at state level, and interest in protection of human rights), but in practice, the meaning of “democracy” is negotiated contextually, and in intimate relationship to priorities which respond to local emphases, authorities, and debates.

5. See Zeleza, P. 2002.
6. See, for example, general theory on this: Lumumba, N. 1993; Fall, Y. 1999; Kwesiga, J. 2002.
7. See for example, Gouws, A. and Kritzing, A. 1995; Letsie, L. and Tlou, S. D. 1997.
8. In October, 2004, a young woman was sexually assaulted and beaten by a group of men at a taxi rank, in Manzini, Swaziland. Their defence, according to an article in the South African newspaper, *The Sunday Independent*, was that they were “teaching her a lesson” for wearing provocative clothes (a mini-skirt). See Timburg, C. “Women Take to the Streets After ‘Mini-Skirt’ Rape”, *The Sunday Independent*, October 10, 2004.
9. This project is currently hosted by the African Gender Institute, and funded by the Association for African Universities; some of the case studies funded are published in this issue of FA8.
10. Dominant researchers here have been Finchilescu (1994), Gaidzanwa (1997), Gouws and Kritzing (1995), Mate (2000), McFadden (1997, 2001), Letsie and Tlou (1997), Simelane (2001).
11. See Sutherland (1991).
12. See Bennett (2002b).
13. They argue that policies which “encourage reporting” are characterised by three things: commitment to ensuring privacy, supportive and fair investigative procedures, and top management support for policy enforcement (Peirce et al, 1997: 235).
14. See Le Roux, Orleyn and Rycroft (2005); Wilken and Badenhorst (2005).
15. This is not to say that such engagement should be one of mere compliance. In the best case scenario, institutional research and intellectual debate should be stimulating national policy formation processes although the contextual politics of the day will determine the meaning of this. But where issues of gender-based violence are concerned, there is an especial need to be vigilant about policy congruity and coherence, across diverse zones of employment, because there is: (a) a base-line need to collate rich information about the implementation of such policies that can properly inform stronger approaches to the issue; and (b) chances of maximising survivors’ access to policy resources accrue with the development of popular “common denominator” meanings for “sexual harassment,” “rights,” and “complaints processes”.

16. The research was dominated by questions of heterosexual interactions; all research teams were however deeply aware of the possibility for abuse within lesbian or gay interactions, and explored interviewees' ideas about sexual citizenship in a way which allowed for the expression of homophobia, and for rejections of the powerful heteronormativities operative on SADC campuses. This material will form the focus of a second article on this research project, currently in preparation; Jane Bennett (jane.bennett@uct.ac.za) can be contacted for more information.
17. Such as the Child Support Grant, the Termination of Pregnancy Act, the Prevention of Domestic Violence Act, and others.
18. See Endnote 1.

#### **Jane Bennett**

is Associate Professor of Gender/Women's Studies, at the African Gender Institute, University of Cape Town. She coordinated the project, has worked on gender-based violence and sexual harassment for many years, and authored the Southern African Higher Educational Institutions Challenging Sexual Violence/Sexual Harassment; A Handbook of Resources (AGI 2000).

#### **Amanda Gouws**

is Professor of Political Science, at the University of Stellenbosch.

#### **Mary Hames**

is the Director of the Gender Equity Unit, at the University of the Western Cape

#### **Andriennetta Kritzinger**

was Professor of Sociology at the University of Stellenbosch; she has since retired from this position but continues to be active in work against gender-based violence

#### **Chris Tidimane**

is a senior counsellor at the Centre for Counselling at the University of Botswana, and was a founder member of the Gender Policy and Programmes Committee there.