



Commission for Gender Equality
A society free from gender oppression and inequality

2018/19 REPORT ON GENDER TRANSFORMATION IN TERTIARY INSTITUTIONS

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INSTITUTIONS **2018/19**

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ABBREVIATIONS

BCEA	Basic Conditions of Employment Act, 75 of 1997
BPA	Beijing Platform of Action
CCTV	Closed-circuit television
CGE	Commission for Gender Equality Act, 39 of 1996, as amended
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CPSP	Crime Prevention Students Programme
DHET	Department of Higher Education and Training
DG	Director-General
DVC	Deputy Vice -Chancellor
EE	Employment Equity
EEA	Employment Equity Act, 55 1998, as amended
GBV	Gender-based violence
HEAIDS	Higher Education HIV/AIDS Programme
HIV	Human immunodeficiency virus
HR	Human resources
LGBTQIA+	Lesbian, gay, bisexual, transsexual, queer, intersex, asexual, plus
nGAP	New Generation of Academics Programme
NMU	Nelson Mandela University
NSFAS	National Student Financial Aid Scheme
PE	Port Elizabeth
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000
PWD	Persons with disabilities
SADC	Southern African Development Community
SAPS	South African Police Service
SDGs	Sustainable Development Goals
SPU	Sol Plaatje University
SRC	Student Representative Council
UMP	University of Mpumalanga
UPE	University of Port Elizabeth
USAf	Universities South Africa
UniZulu	University of Zululand
VC	Vice-Chancellor

1. INTRODUCTION

The Commission for Gender Equality ('the Commission') is an independent statutory body established in terms of Chapter 9 of the Constitution of the Republic of South Africa 108 of 1996 ('the Constitution'). The Commission's mandate is to promote respect for, and the protection, development and attainment of gender equality. To this end, the Commission for Gender Equality Act 39 of 1996, as amended, ('the CGE Act') gives the Commission the power to monitor and evaluate policies and practices of organs of State at any level; statutory bodies and functionaries; public bodies and authorities and private businesses, enterprises; research and make any recommendations to Parliament.

2. BACKGROUND

The Annual Performance Plan 2018/2019 (APP) requires the Commission to conduct hearings looking at gender transformation in universities. The hearing serves as a platform to understand gender dynamics accompanied by a slow pace of transformation within institutions of higher learning; taking into consideration the labour legislations aimed at transformation more especially, Employment Equity Act 55 of 1998, Basic Condition of Employment Act 75 of 1997, Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 and applicable common law developments.

This report is based on the information and policy documents submitted by the institutions that appeared before the Commission.

These hearings were precipitated by disturbing media reports, as well as complaints received by the Commission such as:

- sex-for-marks allegations;
- allegations of sexual harassment at institutions of higher learning, and
- the need for inclusion of persons with disabilities (PWD) in senior management and the adoption of gender policies.

It is against this backdrop that the APP 2018/2019 requires the Commission to proceed further with transformation hearings with the focus on tertiary institutions to ascertain:

- The vulnerabilities and risks experienced by women in institutions of higher learning – both as employees and students.
- The general level of compliance by employers with obligations flowing from specific provisions in labour legislation aimed at promoting equality or affirming the rights of women.

- Reasons why employers fail to comply with obligations aimed at promoting gender equality in the workplace.
- Needs of women in the workplace.
- The nature of amendments that should be proposed in respect of the current reform to existing labour legislation.

And to

- Identify relevant gender equality provisions in international instruments which have not been mainstreamed into existing and proposed labour legislation.
- Collate reasonable expectations on labour legislation which will address the concerns of women.
- Identify shortcomings in the workplace which impede gender transformation and propose remedial measures.
- Make recommendations to the relevant institution to enforce compliance with employment equity legislation.
- Identify obstacles faced by women in the workplace which existing legislation fails to address.

Institutions that appeared before the Commission in previous financial years represented by Vice-Chancellors were the University of South Africa, University of Venda, University of Pretoria, North-West University, Tshwane University of Technology, Rhodes University, University of Cape Town, University of KwaZulu-Natal, University of the Witwatersrand, University of Johannesburg, University of the Free State, University of Limpopo and Stellenbosch University.

For the current financial year, the Commission selected the following universities to participate in the hearings:

- University of Zululand
- Nelson Mandela University
- Sol Plaatje University
- Mpumalanga University
- Department of Higher Education and Training.

3. LEGAL FRAMEWORK

3.1 Domestic Legislation

3.1.1 Constitution of the Republic of South Africa 108 of 1996

Section 9(1) states that everyone is equal before the law and has the right to equal protection and benefit of the law. Section 9(3) further states that the State may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

3.1.2 The Commission for Gender Equality Act 39 of 1996 as amended (CGE Act)

The CGE Act was promulgated into law in 1996 and regulates the Commission which has been established to promote respect for, the protection of, development and attainment of gender equality. In terms of Section 11(1)(e) read with Section 12, the Commission is mandated to investigate any gender-related issue on its own accord or on receipt of a complaint and shall endeavour to resolve same.

Furthermore, in terms of Section 12 of the CGE Act, the Commission is obliged to make known the procedure that it has determined by way of notice in the *Government Gazette*. Accordingly, the Act sets out the procedure to be adopted in respect of investigations relating to gender discrimination.

3.1.3 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA)

The Promotion of Equality and Prevention of Unfair Discrimination Act of 2000 (PEPUDA) came into effect in 2000. This law prohibits gender-based discrimination and provides for remedies designed to protect any person who experiences discrimination across the full spectrum of society including gender-based discrimination. PEPUDA was enacted because of section 9(4) of the Constitution which requires the State to pass legislation which promote equality and prevent unfair discrimination. PEPUDA gives effect to section 9 of the Constitution and binds the State and all persons. However, PEPUDA does not apply to any person to whom and to the extent to which the Employment Equity Act (EEA)¹ applies.²

Neither the State nor any person may unfairly discriminate against any person.³

No person may unfairly discriminate against anyone on the ground of race, gender, disability, including the engagement in any activity which is intended to promote,

¹ The Employment Equity Act (No. 55 of 1998), as amended.

² Section 5(3) of PEPUDA.

³ Section 6 of the PEPUDA.

or has the effect of promoting, exclusivity, based on race, gender-based violence, female genital mutilation and the system of preventing women from inheriting family property⁴ and failing to eliminate obstacles that unfairly limit or restrict persons with disabilities from enjoying equal opportunities or failing to take steps to reasonably accommodate the needs of such persons.⁵

PEPUDA addresses systemic inequalities and unfair discrimination that manifest in the institutions of society and the practices and attitudes of South Africans insofar as these “undermine the aspirations of our constitutional democracy”.⁶ PEPUDA puts two responsibilities on persons that are operating in the public domain to promote equality⁷ and on the social commitment for all persons to promote equality.

3.1.4 Employment Equity Act 55 of 1998

The purpose of the Act is to achieve equality in the workplace by promoting equal opportunity and fair treatment through elimination of unfair discrimination and implementation of positive measures to ensure the equitable representation of black people, women and PWD at all levels in the work place.

Section 6(1) of EEA, read together with Code of Good Practice, states that an employer must, in order to eliminate unfair discrimination, take steps to eliminate differences in terms and conditions of employment, including pay or remuneration, of employees who perform the same or substantially seminal work or work of equal value that are directly or indirectly based on any other arbitrary ground.

3.1.5 Basic Conditions of Employment Act 75 of 1997

The Act regulates labour practices and sets out the rights and duties of employees and employers with the aim of ensuring social justice by establishing the basic standards of working hours with regard to working hours, leave, payment, dismissal and dispute resolution.

Section 13 of the Act places a duty on the designated employer to implement affirmative action measures for designated groups to achieve employment equity.

⁴ See *Bhe v the Magistrate, Khayelitsha, Shibi v Sithole and South African Human Rights Commission v President of the Republic of South Africa* 2005 (2) SA 580 (CC)

⁵ Section 7,8 and 9 of the PEPUDA

⁶ Preamble of the PEPUDA.

⁷ Section 26,

It is the responsibility of any person directly or indirectly contracting with the State or exercising public power to promote equality by –

- (a) Adopting appropriate equality plans, codes, regulatory mechanisms and other appropriate measures for the effective promotion of equality in the spheres of their operation;
- (b) enforcing and monitoring the enforcement of the equality plans, codes, regulatory mechanisms developed by them; and
- (c) Making regular reports to the relevant monitoring authorities or institutions as may be provided in regulations, where appropriate.

3.1.6 Labour Relations Act 66 of 1995

The Act regulates organisational rights of trade unions and promotes, facilitates collective bargaining at the workplace and at sectoral level. It also deals with strikes and lockouts, workplace forums and alternative dispute resolution.

3.1.7 Broad-based Economic Empowerment Act 53 of 2003

The objective of the Act is to facilitate broad-based black economic empowerment by promoting economic transformation to enable meaningful participation of black people in the economy; increasing the extent to which black women is involved in, and manage existing and new enterprises, and increasing their access to economic activities, infrastructure and skills training.

3.1.8 Higher Education Amendment Act 9 of 2016

The Act gives the national minister greater powers to intervene in university matters and furthers the government higher education transformation plans. It makes universities more inclusive, without racial barriers of language and ensuring that universities are representative of the population; sensitive to gender and disability needs.

3.2 Regional and International Instruments

South Africa has ratified and is party to a number of regional and internal instruments.

3.2.1 AU Agenda 2063

The vision of the African Union Agenda 2063 is a commitment to speed up actions to catalyse education and skills revolution, and actively promote science, technology, research and innovation, to build knowledge, human capital, capabilities and skills to drive innovations and for the African century; and achieve gender parity in public and private institutions.

3.2.2 African Charter on the Rights and Welfare of the Child 1990

Article 11(3)(b) provides that member states to the present charter shall take all appropriate measures with a view to achieving the full realisation of this right and shall in particular encourage the development of secondary education in its different forms and progressively make it free and accessible to all; and make higher education accessible to all on basis capacity and ability to every appropriate means.

3.2.3 African Charter on Human and Peoples Rights 1981

Article 17 provides that every individual shall have the right to education; may freely take part in the cultural life of the community and promotion and that protection of morals and traditional values recognised by the community shall be the duty of the state.

In terms of Article 25, which states that parties to the chapter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present charter and to see to it that these freedoms and rights, as well as corresponding obligations and duties, are understood.

3.2.4 Protocol to the African Charter on Human and Peoples' Rights on Rights of Women in Africa 2002

Article 12 provides that member states shall take appropriate measures to eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training. Positive action shall be taken to promote literacy among women; promote education and training for women at all levels and in all disciplines, particularly in the fields of science and technology; and retention of girls to promote the enrolment in schools and other training institutions, and the organisation of programmes for women who leave school prematurely.

3.2.5 African Youth Charter 2006

Article 13 of the charter provides that every person shall have the right to education of good quality. The value of multiple forms of education, including formal, non-formal, informal, distance learning and, or life-long learning to meet the diverse needs of young people shall be embraced. Education of young people shall be directed to fostering respect for human rights and fundamental freedoms as set out in the provisions of the various African human people's rights and international human rights declarations and conventions; preparing young people for responsible lives in free societies that promote peace, understanding, tolerance, dialogue, mutual respect and friendship among all nations and across all grouping of people.

State parties shall take all appropriate measures with a view to achieving full realisation of this right and shall, in particular: provide free and compulsory education; take steps to encourage regular school attendance and reduce drop-out rates; strengthen participation in and the quality of training in science and technology; revitalise vocational education and training relevant to current and prospective employment opportunities and expand access by developing centres in rural and remote areas; make higher education equally accessible to all, including establishing distance learning centres of excellence; ensure, where applicable, that girls and young women who become pregnant or married before completing their education shall have the opportunity to continue their education; allocate resources to upgrade the quality of education delivered and ensure that it is relevant to the needs of contemporary society and engenders critical thinking rather than rote learning; introduce scholarship and bursary programmes to encourage entry into post-primary school education and into higher education outstanding youth from disadvantaged communities, especially young girls. State parties should also encourage youth to conduct research and

enterprises in Africa, should establish partnerships with training institutions to contribute to technology transfer for the benefit of African students and researchers.

In terms of Article 20, state parties shall take the following steps to promote and protect the morals and traditional values recognised by the community: eliminate all traditional practices that undermine the physical integrity and dignity of women; recognise and value beliefs and traditional practices that contribute to development; work with educational institutions, youth organisations, the media and other partners to raise awareness of and teach and inform young people about African culture, values and indigenous knowledge; introduce and intensify teaching in African languages in all forms of education as a means to accelerate economic, social, political and cultural development; promote inter-cultural awareness by organising exchange programmes between young people and youth organisations within and across states parties.

State parties undertake to promote widespread access to information and communication as a means for education, employment creation, interacting effectively with the world and building understanding, tolerance and appreciation of other youth cultures; help young people to use positive elements of globalisation, such as science and technology and information and communication technology to promote new cultural forms that link the past to the future.

3.2.6 SADC Protocol on Education and Training 1997

This protocol encourages member states to work in common pursuit of the objectives of the protocol to work towards the reduction and eventual elimination of constraints to better and freer access, by citizens of member states, to good quality education and training opportunities within the region; promote policies for the creation of an enabling environment with appropriate incentives based on meritorious performance, for educated and trained persons to effectively apply and utilise their knowledge and skills for the general development of member states and the region.

3.2.7 Convention on the Elimination of All Forms of Discrimination Against Woman (CEDAW)

In terms of Article 10 of CEDAW, the South African government is obliged to take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular, to ensure equality of men and women.

CEDAW General Recommendation 28 to state parties provides that the means adopted by states must address all aspects of their general obligations under the convention to respect, promote and fulfil women's right to non-discrimination and to the enjoyment of equality with men. State parties must ensure that they promote equality of women through the formulation and implementation of national plans of

action and other relevant policies and programmes in line with the Beijing Declaration and Platform for Action, and allocating adequate human and financial resources; develop and establish valid indicators of the status of and progress in the realisation of human rights of women, and establish and maintain databases disaggregated by sex, and related to the specific provisions of the convention.

3.2.8 International Labour Organisation, Remuneration Convention 110 of 1951

This convention provides that each member state must by means of appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

3.2.9 International Labour Organisation, Discriminatory Convention 111 of 1958

This convention provides that each member state must undertake to declare and pursue a national policy aimed at designed to promote, by methods appropriate to national condition and practice, equal opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

3.2.10 International Convention on Economic, Social and Cultural Rights 1966

This convention places an obligation on member states to recognise the right of everyone to education. In terms of Article 13, state parties to the covenant agree that education shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms. Education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. Higher education shall be accessible to all, on the basis of capacity by every appropriate means, and in particular by the progressive introduction of free education.

Article 14 further provides that each state party to the present covenant which, at the time of becoming a party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of principle of compulsory education free of charge for all.

3.2.11 Convention on the Rights of Persons with Disabilities 2006

This convention places an obligation on member states to recognise the rights of persons with disabilities to education without discrimination and on the basis of equal opportunity. Article 24 provides that states must ensure an inclusive education system

at all levels and lifelong learning directed to the full development of human potential and sense of dignity and self-worth, and strengthening of respect for human rights, fundamental freedoms and human diversity; developing of persons with disability of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential; and enabling persons with disabilities to participate effectively in a free society. In realising this right, state parties must ensure that persons with disabilities are not excluded from the general education because of their disability. They must ensure that persons with disability receive the support required, within the general education system, to facilitate their effective education.

State parties must further enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community through appropriate measures, such as facilitating learning of braille, alternative script, augmentative and alternative modes, means of format of communication and orientation and mobility skills, and facilitating peer support and mentoring; learning of sign language and the promotion of the linguistic identity of the deaf community; ensuring that the education of persons and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environment which maximise academic and social development.

In order to ensure the realisation of this right, state parties must take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and, or braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

3.2.12 UNESCO Convention Against Discrimination in Education 1960

Article 3 provides that in order to eliminate and prevent discrimination, state parties must undertake to abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practice which involve discrimination in education; ensure by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions; and not to allow, in any form of assistance the public authorities between nationals, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and the necessary permits and facilities for the pursuit of studies in foreign countries; not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground that pupils belong to a particular group; to give foreign nationals resident within the territory the same access to education as that given to their own nationals. Article 4 places an obligation

on state parties to formulate, develop and apply national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and treatment in the matter of education and in particular to ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent; to provide training for the teaching profession without discrimination.

Article 5 further provides that member states of the convention agree that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3.2.13 The Beijing Platform for Action (BPA)

The BPA provides that the advancement of women and the achievement of equality between women and men are a matter of human rights. Empowerment of women and equality between women and men are prerequisites for achieving political, social, economic and environment security among all peoples. It requires governments, international communities and civil society, including non-governmental organisations and the private sector to take strategic action to address 12 critical areas of concern. These areas include but are not limited to persistent and increasing burden of poverty on women; inequalities and inadequacies in and unequal access to education and training, health care and related services; violence against women; the burden of poverty on women; inequality between women and men in the sharing of power and decision-making at all levels; insufficient mechanisms at all levels to promote the advancement of women; lack of respect for and inadequate promotion and protection of the human rights of women; stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media; gender inequalities in the management of natural resources and in the safeguarding of the environment and persistent discrimination against and violation of the rights of the girl child.

One critical area of action is education and training of women. It is seen as an essential tool for achieving the goals of equality, development and peace. That is, ensuring equal access to education; eradicate illiteracy among women; improve women's access to vocational training, science and technology, and continuing education; develop non-discriminatory education and training; allocate sufficient resources for and monitor the implementation of educational reforms and promote lifelong education and training.

3.2.14 Sustainable Development Goals

The Sustainable Development Goals (SDGs) are set by the United Nations. They are part of Resolution 70/1 of the United Nations General Assembly, also known as "2030 Agenda". The goals cover social, economic and environmental development issues

including: no poverty; zero hunger; good health and well-being for people; quality education; gender equality; clean water and sanitation; affordable and clean energy; decent work and economic growth; industry, innovation, and infrastructure; reducing inequalities; sustainable cities and communities; responsible consumption and production; climate action; life below water; life on land; peace, justice and strong institutions; partnerships for the goals.

Gender equality is one of the goals, targeting the empowerment of women and girls with a belief that it can be achieved if the needs of women receive the same attention as the needs of men. It also requires enforceable legislation that promote empowerment of all women and girls and requires secondary education for all girls. It is crucial that women and girls are engaged in the implementation of this goal.

3.2.15 International Convention on the Elimination of All Forms of Racial Discrimination

Article 5 provides that in compliance with the fundamental obligations laid down in article 2 of this convention, states parties undertake to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: economic, social and cultural rights particularly rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for work, to just and favourable remuneration; right to form and join trade unions; right to housing; right to public health, medical care, social security and social services; right to education and training; right to equal participation in cultural activities; right to access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

4. TRANSFORMATION HEARINGS: TERTIARY INSTITUTIONS

The Commission issued notices to appear to the above-mentioned institutions of higher learning, including the Director-General (DG) of the Department of Higher Education and Training (DHET), to participate in the transformation hearings for the 2018/19 financial year to account on gender transformation at universities. The transformation hearings were conducted at the Parktonian Hotel, Braamfontein on 22–23 November 2018.

The Commission formulated a questionnaire addressing the issues surrounding transformation practices. The questionnaire was designed in a manner to determine transformation within the universities in detail, i.e. the compliance, non-compliance, successes, challenges and policy gaps on local, regional, and international transformation prescripts. The said questionnaire was dispatched to all four universities and was responded to. That was followed by consultations with students' representative council (SRC) and workers' union representatives.

When analysing the information submitted by the universities, the Commission considered gender representation at all occupational categories, race and disability in addition to the provisions of the prescripts listed at paragraphs 3.1.1 to 3.2.15 above.

Despite challenges of non-appearance by the DG of the DHET and inadequate information among others, the Commission successfully hosted the transformation hearings. The purpose was to investigate gender policies affirming gender equality and identify the gender gaps.

4.1 University of Zululand

4.1.1 Background

The University of Zululand (UniZulu) was established in 1960 and became a comprehensive university in 2003. The university has two campuses which are situated at Richards Bay and KwaDlangezwa. The latter, being the main campus of the institution, is situated in a rural area.

The Commission noted various gender-related incidents emanating from the university which included a well-published⁸ allegation that the university failed to act against a lecturer who raped a student. Another allegation was that of a student that was harassed within the university premises for wearing a mini skirt.

It was against this backdrop that the university was identified to take part at the hearings.

⁸ <https://www.news24.com/SouthAfrica/News/unizulu-abandons-rape-probe-20170610>

4.1.2 Analysis of information received from the University of Zululand

The university employs about 1 060 personnel. The majority of 534 of the employees are female compared to 526 male employees.

The top two echelons are dominated by male employees. At the top management level are three positions, two of which are occupied by men. At senior management level, the university has 50 positions and 29 of the positions are occupied by men. A total of 165 academic staff positions are occupied by men and 124 are occupied by women. These figures indicate that women are in the minority in top and senior management, as well as at academic levels.

Women dominate in the administrative level, with 389 females as compared to 330 male employees.

UniZulu is developing a number of measures to comply with the university's Employment Equity (EE) Plan in promoting gender transformation. These include the following policies:

- a) EE Policy;
- b) Talent Management Policy, and
- c) Policy on Learning and Development.

The above-mentioned policies are meant to address the low number of female employees at the higher echelons of the university and to ensure that the university appoints, train and promote women within the university ranks.

The university has two executives who has the responsibility to implement gender transformation. UniZulu is developing a Remuneration and Pay Gap Policy to ensure that all employees are remunerated in a non-discriminating manner.

UniZulu staff indicated that they are not aware of the interventions by management to create a fully integrated university and transparent institution, and that the university does not have programmes to create awareness of the policies. Which is contrary to the university submission to the Commission.

Despite the above challenges, the institution is showing commitment to have women in academic leadership positions and provided the following statistics:

- Out of four Faculty Deans, two are female
- Out of eight Deputy Deans, four are female
- In a total of four Faculty Managers, two are female
- In a total of 40 Heads of Departments, 16 are female
- Out of 23 Management Committee members, ten are female

UniZulu has allocated the following resources to support gender transformation as per the university's response to the CGE questionnaire that was sent to the university:

- a) Leadership Development Programme which had 17 women participants in 2017 at a cost of R747 116.00.

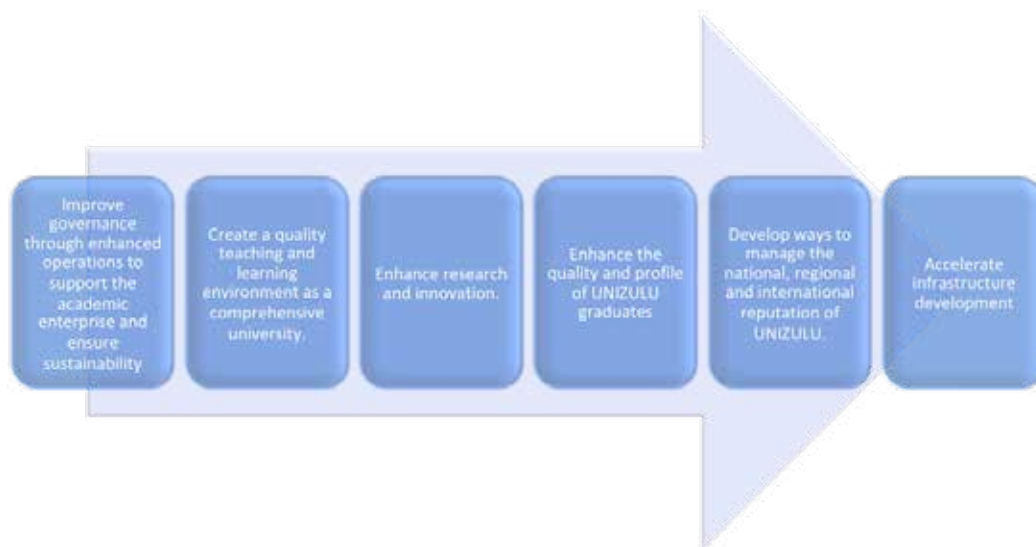
- b) Leadership Development Programme which had nine women participants in 2018 at a cost of R376 533.00.
- c) HERS Programme which had four women participants in 2017 at a cost of R67 892 and two participants in 2018 at a cost of R35 800.00.
- d) Business Communication Programme which had 17 women participants at a cost of R118 269.00 in 2017.
- e) Office administration training for 25 women at a cost of R221 975.00 in 2017.

The Commission commends UniZulu for allocating a budget that benefits women. The above is tied with UniZulu's EE tracking and staff progression programme that seeks to equip and develop women to be appointed to the higher echelons of the university. In 2017, the university had a female progression rate of only 10% to higher levels.

The university does not have a recruitment policy and is in the process of developing a draft policy that will guide appointments. Currently appointments are made in terms of the university EE Plan. The university relies on the EE Plan for guidance on appointments and take the economically active population statistics as supplied by the Department of Labour into account.

The Commission obtained information from the SRC office that pregnant students are excluded from the university residences at the third trimester of their pregnancy. The Commission found the allegation to be very serious and committed to investigate the allegations to determine the facts and truth of the allegations.

The university has a five-year strategic plan for 2016 to 2021 aimed at turning the university into a modern institution. The below graph indicates the focus areas that the institution has identified:



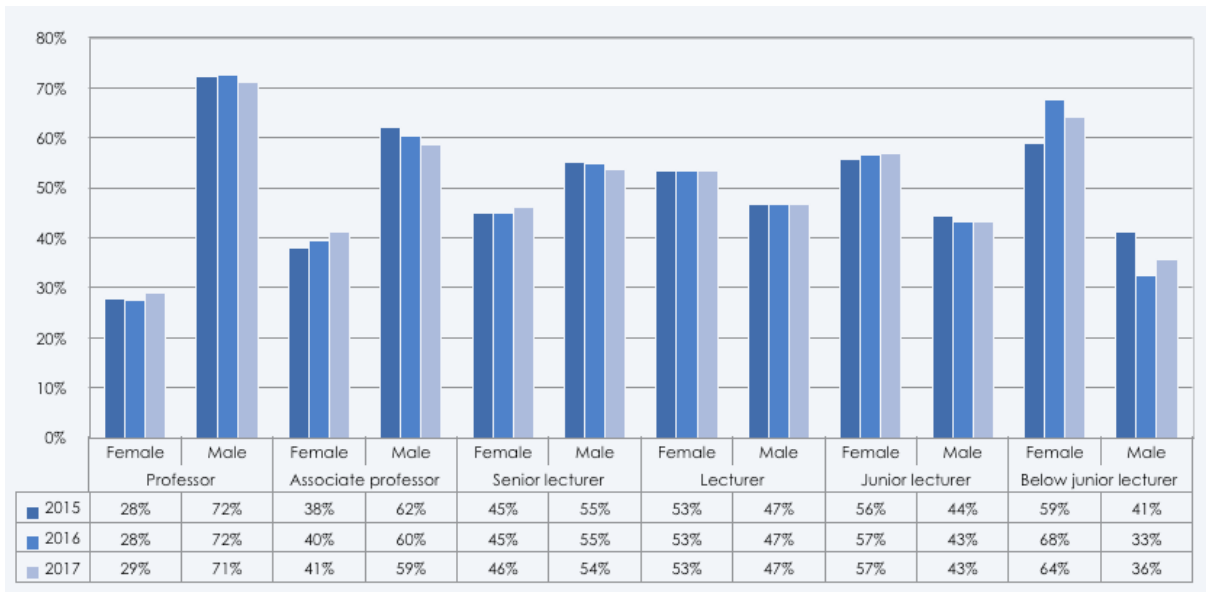
UniZulu is setting the scene for transformation and gender imperatives and has developed mechanisms to achieve its targets by establishing an integrated Transformation Plan that started in 2014 in response to the Declaration of the 2010 Higher Education Summit.

UniZulu recruited the expertise of the chairperson of the Higher Education Transformation Committee to assist with transformation. The university held a two-day planning retreat for Deans and the Executive Team to inform them of transformation targets and commitments that the university has developed.

In 2018, the university appointed a transformation manager, implementing a recommendation from the planning retreat that resulted in the establishment of the following:

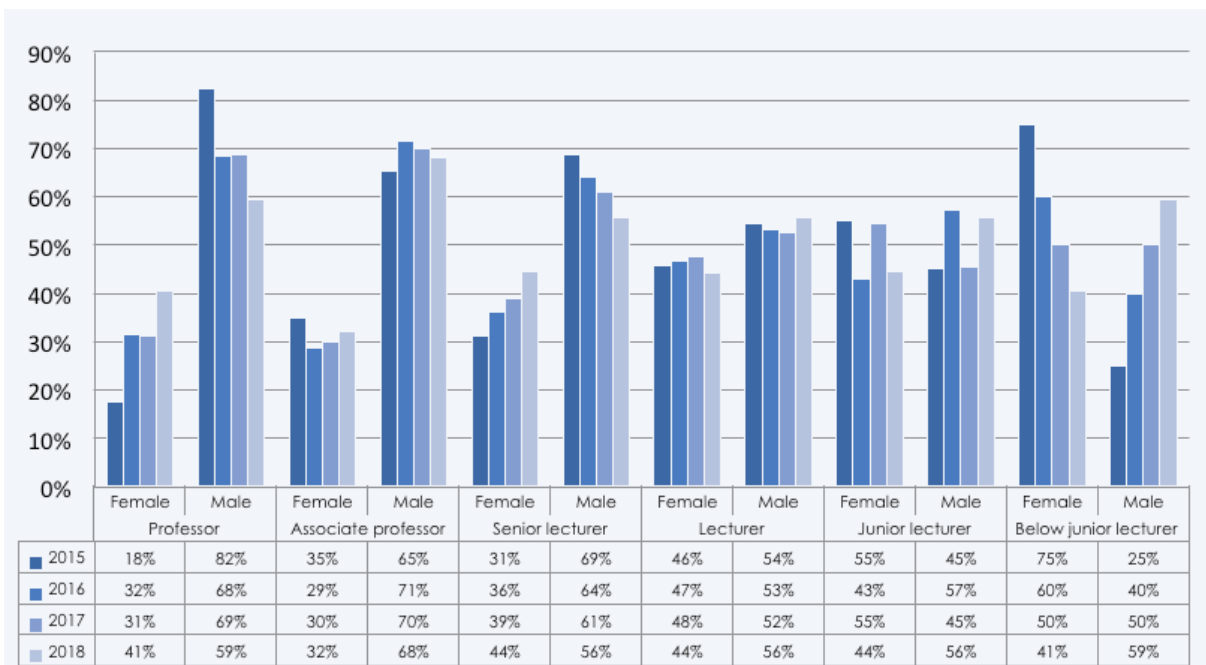
- Gender Forum, draft gender-based violence policy, draft sexual harassment policy and a draft anti-discrimination policy.
- The university developed a transformation charter to address past injustices and all forms of unfair discrimination, established mechanisms to enrol students from diverse backgrounds and track their performances, while putting in place mechanisms to address racism, sexism, gender-based violence (GBV) and sexual harassment.
- In 2017, the university invited the then Deputy Minister of Higher Education to conduct a seminar on GBV for students. This was a great success in terms of creating awareness on GBV.
- The university established a UNIZULU 101 programme that is compulsory for first-year students that cover topics such as values, integrity human rights and social justice.
- The university established mechanisms to address challenges posed regarding vulnerable groups by providing golf carts for students with disabilities to move around the campus with ease. The university has established an infrastructure development plan and funding to renovate old buildings to accommodate and be easily accessible to PWD. A manager was appointed to develop mechanisms to address the needs of students with disabilities.
- The university established partnerships with civil organisations for advocacy programmes that benefit the LGBTQIA+ groups.
- The below graphs indicate the statistics for the above-mentioned comparisons as provided by the University of Zululand:

All Academic Ranks – National Data



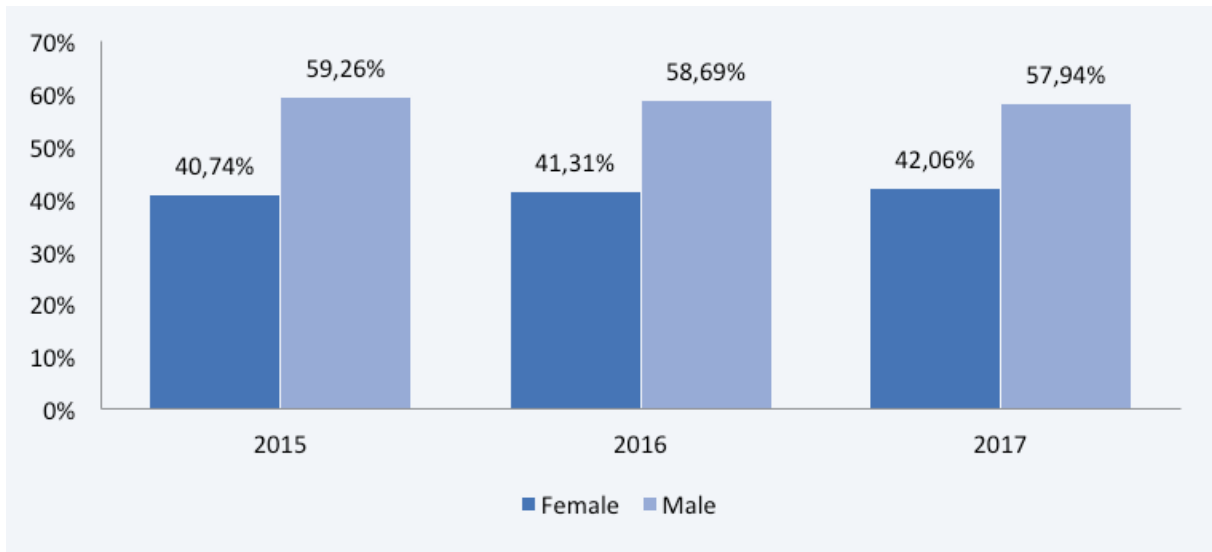
HEMIS Data – Academic ranks by gender (all universities) for 2015, 2016 and 2017 sourced from HEDA

All Academic Ranks – UNIZULU Data



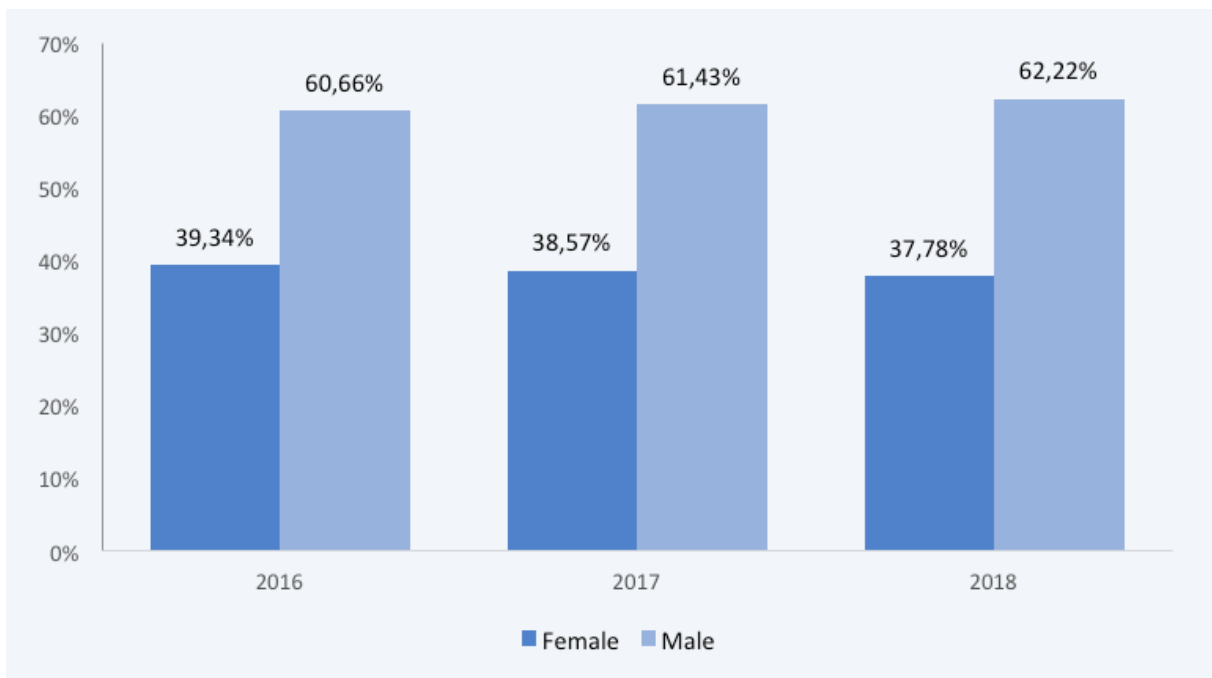
HEMIS Data – Academic ranks by gender (UniZulu) for 2015, 2016 and 2017 sourced from HEDA (2018 data is current and unaudited)

National Profile – Academic Staff with PhDs



HEMIS Data – Academic staff with PhD (All universities) for 2015, 2016 and 2017 sourced from HEDA

UNIZULU – Academic Staff with PhDs



Comparing the statistics, UniZulu has shown commitment on transforming the academia in South Africa and contribute a significant proportion of PhD students/candidates.

Best Practices, Observations and Discussions:

- a) The Commission raised concerns about the university's commitment to establishing a gender policy and noted that the appointments of the university are not guided by the university's EE Plan. The Commission requested reasons for the above.
- b) The Commission noted the university's submission that deaf students are not provided with a sign language interpreter but these students "lip read" lecturers when lectures are conducted. The Commission expressed concern about the deeming nature of the university's response and the lack of regard that the university indicated towards deaf students. The Commission requested the university to provide reasons why sign language interpreters cannot be employed.
- c) The Commission commended the university for establishing the UNIZULU 101 programme. However, the Commission raised concerns that the UNIZULU 101 programme lacked a module on gender. The Commission asserted that gender should not be assumed to be part of human rights and specific education on gender is needed.
- d) The Commission enquired about the impact of measures of the University to provide a safe place for the LGBTQIA+ community and whether the university is monitoring the impact.
- e) The Commission raised concerns about the low number of females targeted by the university to be appointed at senior and top management levels as on the university's EE Plan.

UniZulu advised the Commission that the university lacked capacity in the past to address issues of gender equality. The university has new leadership which has developed a new stance on gender and is in the process of finalising the gender policy amongst other policies that are being developed, such as the GBV and sexual harassment policy.

The university apologised for discriminating against deaf students who were expected to lip read during lectures. To address this, the university has drafted a language policy that includes sign language as an official language. The university is establishing a budget to address the above in order to implement and appoint sign language practitioners. The university informed the Commission that it has established student's residences which are configured to accommodate students with disabilities.

UniZulu undertook to review the UNIZULU 101 programme to include gender and LGBTQIA+ advocacy. The decision was taken engagement with the gender forum.

UniZulu indicated that the university appoints new employees according to the economically active population of KwaZulu-Natal and especially Zululand. The university is constantly monitoring the above and is setting up measurements to grow its own timber to address the low number of women in senior and top management. The university has a challenge as not receiving enough women applicants when positions are advertised. It is forced to overlook EE targets and appoint from these applicants as it could take up to 18 months to fill a position.

The university confirmed that it had a dispute with staff and a strike which resulted in the university not having a recognised union. The university has established a management and employee consultative forum. The forum was established three months prior to the hearing.

The Commission requested UniZulu to provide measures that were put in place to support students who experienced sexual harassment. UniZulu advised the Commission that all reports of GBV and sexual harassment received are investigated by the university's protective services; and where needed the university refers matters to the South African Police Service (SAPS).

Currently the university has a draft policy on sexual harassment and GBV. All incidences of GBV and sexual harassment are dealt with according to the code of conduct and code of ethics which do not specifically cover sexual harassment as a separate matter, but refer to transgressions as misconduct.

UniZulu advised that counselling for students residing on the campus is provided by a university counsellor, whilst staff members are referred in accordance with the employee wellness programme. The university has scheduled training of the protective services staff, clinic staff, human resources (HR) and all other role players for December 2018 onwards. This is aimed at equipping all role players and improving the investigation and handling of case.

Members of the EE Committee were nominated by employees and they represent sections/departments. These representatives have a responsibility to update their constituencies on developments. The Human Resources Department is charged with disseminating the information to all employees of the university.

Although the university currently has no control over students that stay in private residences (*imiqasho*), recent engagements with the Ministry of Police helped the university establish a community forum to address activism and protection of students living in communities. The meeting was also attended by traditional leadership, and the university management.

The National Student Financial Aid Scheme Private accommodation provided to students through the National Student Financial Aid Scheme (NSFAS) has to be accredited to meet security and transport standards in terms of a condition of the grant. The university provides security for on campus students 24 hours a day.

It is important to note that even though these are supposed to be efficient as security measures, the university is faced with a challenge in terms of demarcation between the university premises and the community due to long-standing issues with the university not having a title deed. In the absence of the title deed the university is constrained in procuring rights to restrict unauthorised community access. The university believes that this poses a danger to security of students. The provision to put infrastructure has been provided by DHET more than five years ago.

Stemming from the joint venture between the Ministry of Police, traditional leadership

and the UniZulu Protective Services Department, a proposal was made to establish a student-driven Crime Prevention Students Programme (CPSP) which will benefit both on and off campus students by educating students about crime and hotspots of crime within their areas.

4.1.3 Findings and recommendation

1. The Commission found that the University of Zululand did not have mechanisms to drive gender transformation, especially at the top two echelons, prior to the appointment of the transformation manager. Recruitment of female candidates in these top two echelons is required and therefore, mechanisms must be put in place to ensure that UniZulu's employment equity target is reached by 2020.
2. The Commission recommended that the University of Zululand should appoint sign language practitioners to assist deaf students with interpretation during lectures with immediate effect.
3. The Commission recommends that the university should urgently adopt the following policies by 2019/20 financial year:
 - 3.1 Gender Policy
 - 3.1 Gender-based Violence Policy
 - 3.2 Sexual Harassment Policy.
4. The commission recommended that gender transformation should be included as a key performance indicator in the contracts of the two executives who are charged with gender transformation at UniZulu.
4. Since UniZulu could not provide disaggregated data on PWDs, it was recommended by the Commission that it must make effective use of the Recruitment Policy to include persons with disabilities in the workforce.
5. The Commission undertook to investigate allegations that pregnant students are expelled from campus residence when they are in their last three months of pregnancy.
6. In conclusion, the Commission shall continue to monitor gender transformation at UniZulu in terms of S. 11 of the CGE Act.

4.2 Nelson Mandela University

4.2.1 Background

Nelson Mandela Metropolitan University (NMU) opened on 1 January 2005, the result of the merging of the Port Elizabeth Technikon, the University of Port Elizabeth (UPE) and the Port Elizabeth campus of Vista University. It was renamed Nelson Mandela University (NMU) in 2017, the only university in the world to carry the name of Nelson Rolihlahla Mandela⁹. NMU boasts in a large student population, based on six campuses which are:

1. North Campus (former PE Technikon);

⁹ <https://www.mandela.ac.za/About-us/Our-impact/History> [Accessed on the 7 October 2018]

2. South Campus (former UPE);
3. Second Avenue Campus (former PE Technikon College Campus);
4. Missionvale Campus (former Vista);
5. Bird Street Campus;
6. George Campus at Saasveld.

Compelling reasons for the Commission to sample the MNU included its large student populace and the horrific rape and assault of female students which took place at its Second Avenue Campus in 2017, culminating in students protesting over the lack of security on campus¹⁰. In September 2018, the Minister of Higher Education and Training reported in Parliament that NMU ranks number two, with five cases of reported rape and/or sexual assaults at institutions of higher learning in the Eastern Cape province for 2017¹¹.

It is emphasised that the publicised¹² rapes and sexual offences at NMU may be directly attributed to a lack of adequate security which is exacerbated by the vastness and number of NMU campuses. On 2 October 2017, Kwanele Jack Kilana (Kilana) broke into a computer laboratory on the Second Avenue Campus and raped one female student and sexually assaulted another. Kilana pleaded guilty to the charges. It was noted in the indictment that Kilana had scaled the perimeter fence of NMU's Second Avenue Campus before making his way into the fashion design building¹³.

Prior to the hearing, NMU's Vice-Chancellor (VC), sought an indulgence to be excused from the Public Investigative Hearing on the 23 November 2018 and in turn be represented by a high-profile member delegation comprising of the Deputy Vice-Chancellor (DVC): Institutional Support, Senior Director: Institutional Planning and Director: Legal Services.

The request was made as the Minister of Higher Education and Training had called a meeting on the same day with its "primary to discuss and develop a comprehensive sectoral approach to 2019 fee increases". It was further highlighted that the VC served as the current Chairperson of the Funding Strategy Group, "whose focus area is most relevant to the issues to be dealt with at the meeting with the Minister, and whose role is critical in guiding the sector funding and resourcing issues"¹⁴.

The Commission granted the request and the delegation was permitted to account before it¹⁵. The required letter of delegation was provided to the Commission before

¹⁰ <https://www.nnews.co.za/article/16672/night-vigil-held-at-nmu-2nd-avenue-campus-over-rape-and-stabbing-amid-rumour-of-abduction>

¹¹ Walter Sisulu University ranks number one with seven cases. <https://www.iol.co.za/capetimes/news/call-for-summit-as-uct-tops-list-for-sexual-assault-at-universities-17235963> [Accessed on 7 October 2018]

¹² Both published within media and electronic print.

¹³ <https://news.mandela.ac.za/Mandela-University-in-the-NEWS/NMU-rapist-pleads-guilty-on-seven-counts> [Accessed on 22 February 2019].

¹⁴ NMU's correspondence addressed to the CGE's Chairperson dated 19 November 2018

¹⁵ The relevant letter of authority was held by the DVC.

the delegation led by the DVC: Institutional Support was permitted to account under oath before the Commission.

Pursuant to the hearing, the Commission requested additional information relating to the number of women (disaggregated as to race and disability) who have benefited from the programmes aimed at increasing women within the professoriate. NMU provided oversight into the strategic imperatives guiding its gender interventions. In alignment with the international, regional and domestic commitments¹⁶, NMU formulated an overarching integrated Vision 2020 and Transformation Monitoring, Evaluation and Reporting Framework which encapsulates gender transformation. In respect of NMU's transformation priorities, its Transformation Plan (2018 – 2022) sets out the priorities as follows:-

- a) curriculum transformation and decolonisation;
- b) broaden student access for success;
- c) provide student support;
- d) diversify staff and student profile;
- e) foster values base, transformative institutional culture;
- f) improve effectiveness of governance structures;
- g) implement mechanisms to address all forms of discrimination and gender-based violence;
- h) expand collaborations and partnerships with other institutional types;
- i) develop and implement a language policy that promotes multilingualism;
- j) foster sustainable resource stewardship.

4.2.2 Analysis of information submitted by Nelson Mandela University

In respect of the overall staffing complement, females form the majority. NMU noted progression in respect of gender representation from 2005 to 2018 as follows:

Academic Staff¹⁷	Male	Female
2005	59%	41%
2018	49%	51%

NMU has a high retention rate of staff which is relatively equal to gender figures in its 2018 data. This reflects a retention rate of 92,5% for females to 90,4% for males.

¹⁶ Sustainable development goals and African Union Agenda 2063.

¹⁷ As per NMU's presentation.

Females year on year form the majority of students, with a slight increase of female students in the graduates' data at 47% male and 53% female.

The Commission's consultation with the SRC indicated that in certain disciplines, females are hardly represented, such as engineering. The SRC does not track gender parity, however it advised the Commission that its constitution had been amended to ensure gender equality of this importance leadership structure.

Table: SRC profile 2014 – 2018

Year	Male	Female
2014	17	04
2018	13	08

Despite the recruitment policy not specifically targeting women for recruitment to senior positions, NMU cited that the “recruitment and selection of applicants and candidates are informed by the EE Plan of the NMU and targets will be guided by where there is under- or over-representation of designated groups in the various occupational categories and levels”.

Measures taken to promote gender transformation to increase women's representation, NMU highlighted: -

Policies

- a) Sexual Harassment and Sexual Offences Policy;
- b) Disclosure of Criminal and Irregular Conduct (whistle-blower);
- c) Disciplinary and Grievance Procedure;
- d) Employment Equity Policy and Plan;
- e) Gender Equity Policy;
- f) Disability Policy;
- g) Racial Discrimination Policy;
- h) Religion/Belief/Opinion;
- i) Broad-based Black Economic Empowerment Policy.

Policies relating to inequality and discrimination are under review. The anticipated date for finalisation was not detailed. However, it may be assumed that these would be in 2019/2020, given the recent finalisation of the integrated Vision 2020 and Transformation Monitoring, Evaluation and Reporting Framework and that NMU's organigram is under review to undergo amendment by 2019.

The Commission noted that the above-mentioned policies provide a comprehensive policy framework in the quest for an environment free from violence and, in turn, promoting inclusivity. In respect of the Sexual Harassment and Sexual Offences Policy, the Commission found it was progressive and all-inclusive wherein it made clear provision for same sex harassment. The Commission has taken cognisance of the following provision which appears not to have been implemented to date:

“An online complaints mechanism will be developed and implemented to facilitate monitoring of cases after being logged, and to facilitate reporting to the Transformation Committee and other stakeholders”

The Commission encourages the development of the online complaints mechanism as a means to fast-track reporting of complaints and further assists in effective monitoring of the progress. Nonetheless, it may be argued that NMU's high rate of GBV matters is due to a comprehensive policy which clearly sets out the procedure. NMU reported that as from 2013, the following cases have been reported.

Report	2013	2014	2015	2016	2017	2018
Sexual harassment – restorative mediation ¹⁸	3	4	4	2	3	2
Sexual harassment – formal Disciplinary Hearings			1	2	4	2
Sexual assault/rape				1	1	5
Assault by intimate partner					2	1

NMU's detailed incorporation of the responsible persons for the implementation of EE at the institution is considered by the Commission as necessary for implementation and effectiveness of the EE Plan. Within its Equity Policy as per section 7, it clearly sets out that the VC's responsibilities, to that of Heads of Department and cascades downward. Moreover, the appointments are made in alignment with the requirements of the EE Plan and this may be regarded as a direct factor in NMU's current *status quo* in respect of female representation, specifically in the top and senior management.

Plans

- a) Employment Equity;
- b) Integrated Transformation and University Capacity Development (which is linked to the NMU's Strategic Plan of 2020).

Programmes

- a) Future Leaders Programme;
- b) Leadership Effectiveness Advancement Programme;
- c) Women in Leadership Programme;

¹⁸ *All sexual harassment complaints dealt with via the restorative mediation process are concluded within five days of the date of complaint. Where required no-contact orders were issued.

- d) HERS-SA (Higher Education Women Leadership Development Academy);
- e) Seven Choices of Successful Women;
- f) Programmes to Support Early Career Academics as Emerging and Engaged Teachers and Researchers;
- g) University Capacity Development Grant;
- h) Programmes to Support Mid-career and Senior Academics;
- i) Teaching Development Grant;
- j) Research Development Fund;
- k) DBA in Higher Education Management Programme (University of Bath).

The following illustrates the progression of women to senior roles at NMU:-

Academic AD-PERSONAM Promotions: Senior Lecturer to Associate Professor - Female and Race (All campuses)						
	African	Coloured	Indian	White	Non-SA	Total Female
2015				2		2
2018	2	1		5		8
Academic AD-PERSONAM Promotions: Associate Professor to Professor - Female and Race (All campuses)						
	African	Coloured	Indian	White	Non-SA	Total Female
2015				2		2
2018	1	1		4		6
Academic Internal Appointment: Associate Professor to Professor - Female and Race (All campuses)						
	African	Coloured	Indian	White	Non-SA	Total Female
2015						
2018				1		1
PL (1-4) Progression - Female and Race (All campuses)						
	African	Coloured	Indian	White	Non-SA	Total Female
2015						
2018	1					1
PL (5-7) Progression - Female and Race (All campuses)						
	African	Coloured	Indian	White	Non-SA	Total Female
2015						
2018		1				1
PL (5-7) Progression PASS to ACADEMIC- Female and Race (All campuses)						
	African	Coloured	Indian	White	Non-SA	Total Female
2015						
2018		1				1
Future Leaders Initiative (FLI) (2017/2018) - Female and Race (All campuses)						
	African	Coloured	Indian	White	Non-SA	Total Female
2015						
2018	1	2				3
HERS-SA ACADEMICS Female and Race (All campuses)						
	African	Coloured	Indian	White	Non-SA	Total Female
2015	1					1
2018	1	1		1		3
HERS-SA PASS Female and Race (All campuses)						
	African	Coloured	Indian	White	Non-SA	Total Female
2015	1					1
2018	2					2

White females dominate the progression from Associate Professor to Professorship. This is attributed to the arduous process in becoming a Professor which may take up to 20 years. NMU recognised the need to overturn the demographics of this vocation band within its ranks.

The NMU advised the Commission that it is in the process of establishing a research, engagement and advocacy centre that specifically focuses on Women and Gender Studies. The establishment of the centre received the support of the Executive Management at its meeting in 2018 subject to the financial and staffing implications to be deliberated on by the Management Committee.

NMU cited that “an audit was conducted at the start of 2018 and the recommendations that were provided by the external service providers are being implemented using a phased approach. As part of these ongoing improvements, the NMU will be enhancing its closed-circuit television (CCTV) and biometric access control across the different campuses, and more specifically access into student accommodation”.

Upon further exploration and presentation, NMU amplified its objectives and plans in respect of campus security as encapsulated in its Integrated Safety and Security Strategy. Key facets of the upgrade in security include:

- a) CCTV and biometric access control;
- b) regular meetings with SAPS and METRO Police;
- c) upskilling of insourced protection services personnel;
- d) crime alerts communicated via internal communique;
- e) personal protective equipment provided to all relevant support services employees;
- f) cellular phone app that can act as a panic button that can be activated to solicit a response from the university's control rooms;
- g) new staff and student transportation strategy – provision of transport along set routes.

In respect of GBV on campus, MEMEZA (blow the whistle programme) is regarded as the primary GBV campaign and focuses on enhancing awareness, as well as empowering individuals through seminars, dialogues and safe spaces where student can share their lived experiences. No complaints were reported against members of staff.

4.2.3 Findings and recommendations

1. The Commission observed that there is progression in respect of gender representation in academic staff since 2005 from 41% to 51%. Top and senior

management positions favour women. Men dominate in the bands professional qualified/specialised/mid-management and unskilled. The Commission recommended that NMU must explore strategies to increase women in those bands.

2. The Commission observed that the NMU falls short in respect of a gender parity of staff members in the faculties of science, engineering and law. In respect of this professionally qualified band, it may be raised as a red flag that more women should populate the band, given the assumption that it is the band which feeds senior and top management.
3. The Commission noted that PWD are extremely under-represented. Out of 2 451 employees, NMU only has 36 employees with disabilities, with females the lowest represented. NMU staffing pool is not adequality representative of PWD. It is recognised that NMU has recently absorbed in excess of 900 previously outsourced workers which have skewed the statistics, however strategies must be put in place to increase the number of PWD within its ranks. NMU must actively recruit PWD to increase representation.
4. The Commission commended NMU on its integrated policy framework which incorporates gender transformation into its objectives. It noted that despite NMU holding an extensive policy framework, it was a concern that there is inadequate flexi-time policy and childcare facilities. It recommended that NMU explore the development of a flexi-time work policy.
5. The Commission also found that policies were not reviewed bi-annually. It recommended further that NMU must commit to have policies reviewed bi-annually as per policy to ensure the policies are pragmatic and in compliance with the changing legal landscape and needs of its staff/students.
6. The Commission found that prioritisation of the security upgrades on all NMU campuses is of key importance and resolved that it would monitor the implementation of the upgrades as per its Integrated Safety and Security Strategy.

4.3 Sol Plaatje University

4.3.1 Background

Sol Plaatje University (SPU) was established in 2014. It is the only university in the Northern Cape province and is situated in the central business district in Kimberly.

The VC of SPU appeared in person and made a presentation before the Commission. Following the presentation of the VC the Commission raised concerns regarding the lack of commitment of SPU to gender transformation. The Commission required more information and clarity from SPU and resolved that SPU responds in writing to the following issues:

- a. Measures to be put in place for the implementation of the sexual harassment policy applicable to students.
- b. Plans to fence off the central campus and an indication of time frames.
- c. Elaboration on envisaged plans and programmes to increase women representation and PWD in top and senior management.
- d. Explanation of the process or contingency measures taken by the SPU when lecturers dismiss classes late at night leading to difficulty for students to obtain transport.
- e. The commitment of SPU to develop a gender policy.
- f. Plans and details of gender transformation budgeting for future financial years, given the lack of transformation currently faced by SPU.
- g. Challenges faced by SPU in attracting qualified women academics in the top echelons of academia.
- h. Elaboration of the consultation with student representative bodies and unions on gender transformation issues if any.
- i. Programmes in place to support survivors of GBV, and to discourage the withdrawal of cases.
- j. Circumstances in which mediation is used in respect of sexual harassment cases.

SPU responded on 14th December 2018. The Commission analysed the information provided by the SPU.

4.3.2 Analysis of information submitted by Sol Plaatje University

The tables below indicate gender, disability and race disaggregated data at SPU.

Top Management

Designation	Gender	Race	Disability
Vice-Chancellor	Male	Indian	None
Deputy Vice-Chancellor: Academic	Female	Coloured	None
University Registrar	Male	Indian	None
Chief Operating Officer	Male	White	None

Senior Management

Designation	Gender	Race	Disability
Director: Special Projects	Male	White	None
Deputy Director: ITS System Support	Male	White	None
Head of School: Education	Male	African	None
Head of School: NAS	Male	African	None
Head of School: Humanities	Male	African	None
Head of School: EMS	Male	African	None

SPU did not employ PWD in all occupational levels. SPU employed one female in the top management out of four positions. All the senior management positions are occupied by men. In academic positions, SPU employed 38% women as compared to 62% men.

SPU plans to increase representation of women across all occupational levels from 43% in 2017 to 48% in 2019, which includes an increase from 32% to 47% in middle management positions, as well as an increase from 44% to 49% in junior management positions. SPU appointed a DVC: Academic to head the programmes on career path development, who will give specific emphasis to women development. SPU encourages senior academics to participate in the HER-SA programme that is geared towards promoting career and leadership development for women in higher education.

Subsequent to the hearing, SPU informed the Commission that the representation of women in the senior management has improved. SPU has appointed two women in the Executive Management team. It also appointed a woman as Head of School, an equivalent of a dean at other universities. The Head of School is expected to commence duties in February 2019. The women representation at senior management will increase from zero to three (37.5 %) by February 2019. According to SPU, it is a countrywide challenge to appoint PWD at senior management positions, however the SPU continues to actively seek applications from PWD when these positions become available.

SPU determines salaries based on the premise that men and women are equal when competing for positions and remuneration packages. Managers KPA's are still being discussed and expected to be finalised in the next financial year. SPU is considering including gender transformation in the managers KPA's in the next financial year, in ways that make it practically feasible.

SPU struggles to attract established and senior academics. Its profile of academic staff is characterised as predominantly young and emerging academics. This creates the problem of an absence of senior academic mentors for young emerging academic staff. All similar challenges are indicated as barriers in Employment Equality Plan, among others, lack of employment opportunities for spouses of applicants in Kimberley, small

national pool of designated group candidates for certain skilled positions in a sector where institutions are competing for the same staff, and remuneration packages that are not always comparable to that at other universities.

Although SPU does not have a specific budget allocated to support gender transformation, the university has already started initiatives/programmes for targeted development of women to accelerate their promotion to professorships levels. Funding of these programmes is made through dedicated budget items in the SPU's expenditure plan.

Table: Gender disaggregated data of students that enrolled at the SPU from 2014 to 2018

Student Headcounts from 2014 - 2018 per Gender									
2014		2015		2016		2017		2018	
Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
64	60	172	153	380	316	595	444	899	648

The statistics in the above table indicate that SPU enrol more female students than male.

Table: Gender disaggregated data of the SPU graduates from 2014 to 2018

Sol Plaatje University Graduates							
Academic Year		2015		2016		2017	
Qual Code	Qualification Name	Female	Male	Female	Male	Female	Male
DSC700	BACHELOR OF SCIENCE IN DATA SCIENCE					3	10
EDU731	B.ED LIFE SCIENCES, NATURAL SCIE. TEACH.					10	8
EDU732	B.ED GEOGRAPHY, MATHEMATICS AND TECH					7	7
HER500	HIGHER CERTIFICATE IN HERITAGE STUDIES	2	9	10	8	18	7
ICT600	ICT DIPLOMA IN APPLICATION DEVELOPMENT			9	8	4	21
RBM600	DIPLOMA IN RETAIL MANAGEMENT			22	10	7	9
TOTAL		2	9	41	26	49	62

The statistics in the above table indicate that 97 male students graduated at SPU from 2015 to 2017 as compared to 92 female students. The difference in number of graduates is not substantial although male graduates are higher.

Table: Students living in SPU residences

2018 Residence Registration Stats per Gender		
2018/08/01		
Residence Description	Gender	
	Female	Male
JP HUGO HOSTEL	105	89
MHUDI HALL OF RESIDENCE	33	26
MOROKA HALL OF RESIDENCE	314	210
RA-THAGA HALL OF RESIDENCE	64	49
Total	516	374

More female students are accommodated at the SPU residences than male students. SPU gives accommodation preference to students outside Kimberley and not by ethnic identity. SPU will investigate the allegations made to the Commission that the residences are allocated to certain ethnic groups.

SPU does not have a gender policy but implemented a Sexual Harassment and Unfair Discrimination Policy. However, it is keen to develop and implement a gender policy in 2019 which particularly considers the SPU's approach to gender equality with the assistance and guidance of peer institutions.

SPU sexual harassment policy provides for the management of sexual harassment complaints emanating from staff but is not applicable to students. SPU plans to develop a sexual harassment policy applicable to students through appropriate consultation with the internal and external communities of the university. The aim is to have the policy approved at the first meeting of the Council in March 2019. Two cases of sexual harassment were reported to the Student Advisor alleging that students were touched inappropriately, or that inappropriate words were used. The students were not keen to report these cases to the police or campus security.

Parallel to the implementation of the sexual harassment policy applicable to students, SPU will also initiate training, dialogues and awareness campaigns on sexual harassment and GBV as in the previous years. This will be included in the orientation programmed for 2019. SPU anticipates the participation of the Commission on the above-mentioned campaigns. The staff and Executive Management will also be required to support the campaigns. SPU offers compulsory courses for all first-year students that, among other things, focus on gender sensitivity and human rights.

In respect of the SPU sexual harassment policy applicable to staff, the SPU uses mediation only at the request of the complainant to resolve the complaints. There are no programmes in place to support victims of GBV and discourage withdrawal of

cases. SPU never allowed withdrawal of cases. Cases are investigated and disciplinary action is taken against offenders. A challenge is posed when the complainant refuses to testify and is not keen to report the case to the police. The Commission is currently investigating a case of sexual harassment of its own accord, following a media report alleging that a lecturer was touched inappropriately by a senior academic official.

SPU is yet to develop the following policies, HIV/AIDS Policy, Succession Policy/Career Pathing, Staff Retention Policy, Gender Policy and policy pertaining to retirement planning.

All the SPU policies above do not refer to the provisions of international or regional instruments, for example, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and Southern African Development Community (SADC) Protocol.

Although SPU has an Employment Equity Plan and the recognition of unions, it lags behind with transformation with top and senior management positions being male-dominated. SPU failed to meet targets set out in the plan. Unions and the SRC are properly represented on the Institutional Forum. SRC members also serve as full members of the Senate and Council of the SPU where they contribute to policy decision-making.

Table: Enrolment of students with disabilities at SPU from 2016 to 2018

Student Headcounts – Disabilities						
2018/08/01						
Disabilities	2016		2017		2018	
	Gender					
	Female	Male	Female	Male	Female	Male
Physical						2
Partially Sighted	1		1		3	1
Cerebral Palsy						1
Learning Disability						1
Quadriplegic						1
Total	1		1		3	6

There is a total of 11 students with disabilities enrolled from 2014, five being female and six male students. SPU's buildings are accommodative to and accessible to PWD. The Health and Wellness Centre is actively involved in supporting students with disabilities.

The SPU does not offer subjects to deaf students. Lecturers are to be trained in sign language.

The Commission made observations with regard to the security around the SPU central campus. The campus is not fenced in. Anyone can easily access the premises, contact

and interact with the students. Security personnel and gates partially restrict access to lecture rooms but not to the premises. Many students gather and socialise in areas where the public has access, some students were allegedly robbed from their belongings on the SPU premises. In line with the recommendations of the Commission, the SPU has commenced with fencing of the central campus and is expecting to complete the fencing by 28 January 2019. The installation of new security turnstiles at the building entrance has also commenced.

The SPU reminded the Heads of Schools to end classes in good time for students to travel home in safety. Where students are delayed on extramural activities, such as sports, the SPU will make transport arrangements for students.

The students and unions did not report any cases of sexual harassment/GBV to the Commission that were not attended to, but were concerned about the robberies that took place on campus because of poor security.

Table: SRC composition at the SPU from 2015/6 to 2017/8

2015/16		2016/17		2017/18	
Female	Male	Female	Male	Female	Male
3	7	3	7	1	9

From 2015 to 2018, the number of women s in the SRC decreased from 30% to 10%, the SRC is currently 90% male-dominated.

4.3.3 Findings and recommendations

1. The Commission found that women are under-represented at the top and senior management positions at the SPU, with only one woman in top management and none in the senior management. Male domination at these positions is at 90% as opposed to 10% of female representation. The same percentage is observed within SRC. The Commission recommended to SPU to increase and empower women for leadership positions. The Commission elaborated that, as opposed to universities carrying historical disadvantages, SPU was in a better position to start by moving away from a culture of patriarchy. Apart from appointing two women in the Executive Management team and as a Head of School, an equivalent of a dean at other universities, SPU undertook to increase women representation in senior management to three women (37.5 %) by February 2019.
2. The Commission observed that SPU did not employ PWD and therefore, recommended that it include representation of persons with disability in their employment.

3. The Commission found that SPU does not offer subjects to deaf and visually-impaired students. SPU is unfairly discriminating against the deaf and visually-impaired students, although it did not register any currently, this can deter them from registering at SPU. Offering subjects to deaf and visually-impaired students will create a suitable learning environment for prospective students. The Commission recommends that SPU trains lecturers on sign language and offers subjects to deaf and visually-impaired students as a matter of urgency.
4. During the hearing the Commission recommended that SPU fence the campus off and improve security on campus and in residences. In line with the recommendations of the Commission, SPU gave the assurance that it had commenced with the erection of a fence around the campus and turnstiles at the building entrance. The Commission recommends that SPU complete the fencing and improve the entire campus and residences security by June 2019.
5. The Commission found that SPU does not have policies on gender, HIV/AIDS, Succession/Career Pathing, Staff Retention, and retirement planning. The Commission recommends that SPU develop and implement these policies, including flexi-time for breastfeeding and after-care facilities by October 2019.
6. All SPU policies do not refer to the provisions of international or regional instruments, for example, the CEDAW and SADC Protocol. The Commission recommends that SPU refers to these instruments in all institutional policies when policies are reviewed.
7. The Commission recommends that SPU allocates budget to support gender transformation, through initiatives/programmes targeted at the development of women and accelerates their promotion to professoriate levels.
8. The Commission observed that there is no sexual harassment policy applicable to students. The Commission recommends that SPU develops a sexual harassment policy for students or to extend the scope of application of the staff sexual harassment policy to include students. This review must be completed by 2019/20 financial year.
9. The Commission found that there are no programmes in place to support victims of GBV and discourage the possible withdrawal of cases. The Commission recommends that SPU develops programmes to support victims of GBV.
10. The Commission commends SPU for offering compulsory courses to all first-year students that focus on gender sensitivity and human rights.

4.4 University of Mpumalanga

4.4.1 Background

The University of Mpumalanga (UMP) was established in 2014. It is the only university in Mpumalanga province with two campuses in Siyabuswa and Mbombela, respectively. The main campus is in Mbombela.

It was represented by its VC, accompanied by the Dean of Students, Senior Lecturer: Development Studies and Executive Manager: Human Resources.

4.4.2 Analysis of information submitted by Mpumalanga University

Top Management

Race	Disability	Male	Female
African	0	3	1
Coloured	0	1	0
Indian	0	1	0
White	0	1	0

Senior Management

Race	Disability	Male	Female
African	0	6	4
Coloured	0	0	0
Indian	0	0	0
White	0	2	0

Professors

Race	Disability	Male	Female
African	0	4	2
Coloured	0	0	0
Indian	0	0	0
White	0	1	1

Senior Lecturers and Lecturers

Race	Disability	Male	Female
African	1	80	35
Coloured	0	0	0
Indian	0	0	4
White	0	11	10

Administration Staff

Race	Disability	Male	Female
African	1	47	69
Coloured	0	0	0
Indian	0	0	1
White	0	2	5

UMP employs 104 academic staff of which 44,2% is female. There is a lack of transformation of female representation in top management and academic positions. There is no female full professor and representation of female senior lecturers stands at 19,4%; and 29% in the College of Agriculture. That confirms unequal representation of employees from designated groups.

UMP employs only two PWD. As a new institution, it intends achieving the target by more appointments or personal promotions, as well as tracking the movement of women to top or senior management positions. The development of female academic staff at Senior Lecturer and Associate Professor levels is supported in the following ways:

- a) Development as educators, researchers and leaders through in-house workshops and development programmes.
- b) Supporting them to participate in externally provided development opportunities, such as the HELM Programme, the Haaga-Helia Research development initiatives, HR Business Partnering under Universities South Africa (USAf).
- c) UMP's University Capacity Development Plan aims to place mentors for academic staff to assist the development of staff in 2019.

There are no measures in place to promote gender transformation. Although Section 24 of the EEA provides that a designated employer must appoint a senior manager to ensure implementation and monitoring of the EE Plan, the university's Vice-Chancellor oversees gender transformation with the Executive Director of Human Resources as its EE Manager.

Implementation of UMP's EE Plan is scheduled for the period October 2017 to October 2019, monitored quarterly. The university still advertises available vacant positions. There is no recruitment policy, instead UMP uses a Recruitment Programme.

The university has measures in place to curb wage gaps between men and women which is according to the Remuneration Policy, and makes no gender differentiation. UMP does not have a gender policy. HERS-SA Academy offers mentorship and capacity building programmes.

Below is the budget allocation for programmes supporting gender transformation:

Activity	2017		
	Total expenditure	Expenditure on females	Female/total
Conference attendance	R886 045.77	R365 865.91	10 out of 20
Research support	R274 614	R127 928	5 out of 7
Mobility to supervisor	R150 567.22	R75 269.30	9 out of 18
Statistical training			
Writing retreat	R371 404.50	R148 561.80	7 out of 15
SATN proposal writing	R939 431.10	R688 916.00	11 out of 15
Publications			
	2018		
Conference attendance	1 145 962.83	R459 294.18	15 out of 33
Research support	R90 000	0	0 out of 3
Mobility to supervisor	R36 441.02	R14 930.00	3 out of 7
Statistical training	R148 904.06	R53 180.02	5 out of 14
Writing retreat	R497 071.33	R338 008.50	17 out of 25
SATN proposal writing	R2 257 200.00	R 1 041 784.46	12 out of 26
Publications	R224 857.84	R59 636.56	8 out of 12

The budget reflects that more than 50% of female academic staff participated in the activities.

There is a new Sexual Harassment Policy to ensure the safety of women in the workplace with an appointed sexual harassment committee, provision for counselling, involvement of the student affairs directorate and above all, it is gender-sensitive. It is applicable to both staff and students. Sexual harassment awareness or campaigns are addressed through informal talks.

Three cases of sexual harassment were reported with no prosecution taking place. One harassment incident took place at a students' residence and was referred to the Nelspruit SAPS. In two of the cases which occurred outside the campus, the parties were advised to report the matter to the local police station. Victims are provided counselling services by a clinical psychologist appointed on full-time basis.

Buildings are designed to accommodate and support PWDs, whereas some unisex toilets are available for the LGBTIQA+ community. There are no subjects offered for deaf students and no lecturers are trained in sign language. No interpreters are appointed to assist deaf students.

Table: Disaggregated data of PWDs enrolled

Year	Male	Female
2014	0	0
2015	1	0
2016	2	2
2017	3	2
2018	2	3

The community of UMP being students and employees have access to transport. Transport with taxis and busses is supplied with a designated service provider, BUSCOR. Off-campus accommodation is provided by service providers with contracts with the university. Both on campus and off-campus residences have policies such as:

- a) Access Control Procedure;
- b) Crime Reporting Procedure;
- c) Search and Seizure Procedure, and
- d) Disciplinary Code for Students.

UMP provides personal protective clothing designed for female staff such as shoes, harnesses and overalls, except for agriculture students. It does not provide childcare facilities or flexi-time to its female employees or working from home to balance women's responsibilities with work.

Gender disaggregated data of students registered in terms of gender since inception of UMP.

Registration

Year	Male	Female
2014	78	90
2018	1 028	1 445

Graduates

Year	Male	Female
2015	42.6%	57.4%
2017	47.4%	52.6%

It registered more female students in historically male-dominated fields such as agriculture and nature conservation. A female Head of School has also been appointed.

Statistics of students residing within UMP's residence on the Mbombela campus, is 51% female and 49% male, while Siyabuswa campus is 64% female and 36% male.

There is a whistle-blower policy that is not in compliance with gender-related legislation in that it makes no provision for individuals to report complaints as anonymous to protect their identity.

Gender composition of SRC, UMP

Year	Mbombela Campus		Siyabuswa Campus	
	Male	Female	Male	Female
2015	4	3	4	3
2018	5	2	4	3

4.4.3 Findings and recommendations

1. The Commission observed that the UMP appointed an Executive Director, who forms part of management, as a gender transformation manager. The Commission recommended that a senior manager be appointed for implementation of the EE Plan and and to ensure that the institution is transformed against a culture of patriarchy. It should implement a New Generation of Academics Programme (nGAP) to recruit female lecturers.
2. It is critical that the university must have a gender policy that provides for an operational plan with clear allocation of responsibilities and time for monitoring and evaluation of transformation. A gender forum must be formed to drive the policy by the 2019/20 financial year.
3. The university must institute strict measures such as dialogues, workshops or campaigns to sensitise the university community on policies such as sexual harassment, disciplinary code of staff and students. It must also draft the following policies:
 - a) Recruitment and Selection;
 - b) Employee Wellness;
 - c) Staff Retention, and
 - d) redraft Whistle-blower.

4.5 Department of Higher Education and Training

4.5.1 Background

This is a second hearing for the DHET since 2014. DHET appeared before the Commission to account on gender transformation. The department was represented the DG, accounting officer, and a delegation at the 2014 hearings.

The DG for the department failed to appear after being served with a subpoena on the 19th of October 2018. The purpose was for the CGE to determine the extent of compliance its recommendations of 2014 and the progress made. Representatives who appeared with a letter of delegation from the DG could not provide sufficient information required by the Commission.

It was resolved in the Hearings of 2018 that:

1. A formal letter be written for the attention of the DG to express its displeasure at the non-appearance at the hearings.
2. Another notice to appear be re-issued to enable the DG to advise the CGE of the implementation and progress made thus far:
 - a. the successes achieved by the Gender Unit on transformation and gender mainstreaming;
 - b. budget for social inclusion and equity directorate dealing with transformation in higher education institutions;
 - c. Budget for the Gender Directorate;
 - d. Disaggregated data on gender procurement, dropouts in the context of gender, students with disabilities who benefited from the Minister's special bursary fund, retained women and people with disabilities, specifically in junior and senior management.

The following findings were made in 2014:

Findings – 2014

The CGE found in its 2014/2015 transformation report that:

- The department is not compliant with disability EE target as they were on 0 % at the top management and overall there were only ten persons with disabilities in a staff complement of 1 274.
- The department lacks responsive gender budgeting and gender system management to monitor, evaluate and implement gender transformation, both internally and externally within the educational institutions.
- Adoption of gender sensitive policies is not a priority as there were no commitment to develop reasonable accommodation, flexi-time, childcare facility policies.

- There was no sexual harassment policy in place at the DHET. There was a lack of awareness about key international obligations and agreements on the advancement of women, women's rights and promotion of gender equality.
- There was a lack of recognition on issues of women empowerment and gender equality.
- There was a lack of clear goals on gender equality targets, and a lack of monitoring and evaluation against goals to ensure their implementation.
- There was weakness in the development of special measures to accelerate the inclusion of women through procurement processes.
- The DHET has not created a specific recruitment policy to target women or people with disabilities.
- The department lacked succession planning to ensure that vacant posts be filled by women or people with disabilities – nor does the department have specific a policy/plan to retain women staff members or staff members with disabilities.
- The department was requested to furnish a full policy on succession planning with a plan to develop capacity-building programmes on gender in higher education. These have not been provided.
- The department outlined that it is targeting women to enter the aviation industry as technicians and pilots. It will be key for the department to outline the progress in this initiative.
- There were two cases of sexual harassment in recent memory. The department indicated that its members have received training on how to deal with sexual harassment cases. The department needs to provide evidence of sexual harassment workshops conducted in the workplace.
- The department did not have a clear policy on flexi-time. This was left as the prerogative of managers. The department needs to provide a final flexi-time policy.
- The department did not have gender-sensitive policies around procurement.
- The department was not able to provide disaggregated data on how gender was being considered in its procurement policies.
- The department lacked representation of PWD in its staff complement. The department could not show that any policies or special mechanisms were in place to actively recruit people with disabilities.

Recent Developments and Observations

In July 2018, DHET outlined its intention to adopt its first-ever framework policy addressing gender-based violence at universities and colleges to curb the scourge.

DHET submitted a Gender Transformation Report and the following policies:

- a) Affirmative Action,
- b) Bereavement,

- c) Employment Equity,
- d) Employee Health and Wellness,
- e) Guidelines for Childcare Facilities in the Public Service,
- f) HIV & Aids and TB Management,
- g) Leave,
- h) Policy on Alcohol and Substance Abuse,
- i) Recruitment Selection,
- j) Salaries and Benefits in the Public Service,
- k) Sexual Harassment and Procedures and
- l) Staff Retention.

DHET once again appeared before the Commission on 26 February 2019.

CGE observed that DHET failed to achieve gender parity and the progress on transformation is too slow. Despite powers guaranteed in terms of the Higher Education Amendment Act 9 of 2016, the department failed to intervene in higher institutions matters to further higher education transformation plans. Issues of gender equality and disability are still not taken seriously at all.

DHET appointed Change Management and Transformation Unit candidate at deputy director level, a junior position, in November 2018. It was recommended in 2014. The same candidate is expected to be a gender focal person within the department.

In terms of the disaggregated data provided by DHET, the PhD student intake is dominated by foreign candidates at 42%; which is a foreign influx.

CGE, however, applauded the department on its postgraduate students programme and increasing the number of students intake in Community Education and Training Colleges.

The Commission further applauded the outside structure or body formed by DHET and which has an oversight role on legislative impact.

Recommendations

1. Internationalism standard need to be maintained in education and therefore, DHET must lead in the conversation of foreign influx in academia. That is, it must initiate a dialogue on African diaspora.
2. It is a national imperative that gender mainstreaming be implemented in DHET policies and in the department itself.

3. DHET must train its cohorts in respect of disabilities, retain women for higher positions.
4. DHET must have a policy addressing gender equality and equity in higher education with set targets.
5. DHET must identify ways to attract more funds from private sectors to the NSFAS with at least a tax rebate as a reward.
6. There is a need for inclusion of Africans and coloured persons at academic level.
7. DHET must set a clear target to meet with regard to PWD.
8. There is a need for the review of internal units as against oversight body, in line with the transformation process. There are serious challenges to these units to drive transformation at institutions of higher learning.
9. There must be minimum standards for institutions of higher learning to achieve their employment equity targets.
10. DHET must institute policies to deal with the scourge of gender-based violence within institutions of higher learning rather than outsourcing services to Higher Education HIV/AIDS Programme (HEAIDS).

5. CONCLUSION

Although few institutions of higher learning have improved on recruitment of female candidates and persons with disabilities in academic, top and senior management positions; progress on transformation is still slow. Equal representation of women and PWD is required in terms of employment equity. It is also vital that universities provide adequate funding for gender transformation to achieve their employment equity targets, as well as managing retention of female staff by 2020.

The Commission found that gender policies of the universities do not refer to the provisions of CEDAW and the SADC Protocol. The Commission recommended that the universities refer or align all the institutional policies with above-mentioned international instruments as a sign of commitment to gender transformation.

Implementation of gender policies will assist the institutions of higher learning in affirming commitment to gender equality and ensuring an enabling environment for women and students. Inadequate addressing of sexual harassment and sexual offences are other challenges faced by the universities that appeared during the financial year 2018/2019. Programmes must be instituted to support victims of gender-based violence by 2020.



Commission for Gender Equality
A society free from gender oppression and inequality

2 Kotze Street, Women's Jail, East Wing
Constitutional Hill
Braamfontein
2017

Tel: +27 11 403 7182

Fax: +27 11 403 7188

Email: cgeinfo@cge.org.za

Website: <http://www.cge.org.za>

 [@CGE_ZA](https://twitter.com/CGE_ZA)

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