



KENYATTA UNIVERSITY

SEXUAL AND GENDER BASED VIOLENCE POLICY



2022-2027

Fundamental Statements

Vision Statement

The vision of Kenyatta University Centre for Gender Equity and Empowerment (CGEE) is to be an inclusive gender-responsive centre that is sensitive and responsive to the unique needs of staff and students.

Mission Statement

The mission of the Centre is to promote gender equality and equity and ensure a safe and conducive learning/working environment through mainstreaming gender perspectives in all operations of Kenyatta University.

Identity Statement


Kenyatta University is “a community of scholars committed to the generation and dissemination of knowledge and cultivation of wisdom for the welfare of society.”

Philosophy Statement

Kenyatta University’s philosophy is “Sensitivity and Responsiveness to societal needs and the right of every person to knowledge.”

Core Values

- | | |
|------------------------------------|---------------------------------------|
| i. Truth | Work |
| ii. Excellence | xiii. Competiveness |
| iii. Creativity | xiv. Academic Freedom |
| iv. Self-Reliance | xv. Respect for Diversity |
| v. Innovation | xvi. Unity |
| vi. Quality & Relevance | xvii. Participation of the people |
| vii. Equal Opportunity | xviii. Human dignity |
| viii. Professionalism | xix. Equity |
| ix. Moral Integrity | xx. Social justice |
| x. Democracy | xxi. Inclusiveness |
| xi. Corporate Governance | xxii. Transparency and accountability |
| xii. Institutional Culture of Hard | |

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Approved by..........

Date.....30/07/2021.....

PROF. PAUL K. WAINAINA

VICE-CHANCELLOR

Foreword

Kenyatta University is a community of scholars committed to the dissemination of knowledge and cultivation of wisdom for the welfare of the society. Guided by its vision of attaining world class status, the University is committed to providing an environment that ensures the safety and security of all University employees, students, minors and visitors. A safe workplace is one where a holistic environment (physical, social, psychological, and spiritual health) wellbeing of all staff, students and any stakeholder associated with the university is assured irrespective of the status they hold within the university. As such, the University prohibits any activities that might have detrimental effects upon the orderly, safe and efficient operation and service delivery.

Sexual and Gender Based Violence (SGBV) especially against women and girls is pervasive throughout the world. According to the World Health Organization (WHO), about 1 in 3 (35%) of women worldwide have experienced either physical and/sexual intimate partner violence or non-partners sexual violence in their lifetime. In Kenya, it is considered a serious crime under the Sexual Offences Act 2006 of Kenya. However, despite strict measures to address it, it remains widespread in the country, occurring within home and community environments and even worse, at the workplace.

At Kenyatta University we believe in the intrinsic value of all human beings, as upheld in our Constitution, national values and principles of governance, hence the commitment to the full and peaceful participation of all members in the educational endeavours the University fosters. To this end, Kenyatta University is committed to maintaining a safe learning and working environment that is fair, respectful and free from all forms of Sexual and Gender Based Violence (SGBV). We are aware that (SGBV) within Universities in Kenya continues to compromise gender equity and equality as well as learning. However, addressing it is always a challenge often by compromised confidentiality, protection of the dignity of survivors and disseminating appropriate information to and from survivors. In addition, fragmented sections all dealing with it sometimes overwhelm already traumatized person(s) thereby creating confusion on where to ac-

cess help, besides wasting valuable time. Such frustration deters service delivery as SGBV continues militating against service delivery.

Acknowledging that SGBV is a barrier to the educational scholarly and research purposes of the university, Kenyatta University has worked and will continue labouring towards eliminating it in all its forms. Moving with the challenges of the 21st Century, we turned to technology through the use of a mobile App, a system that anonymously, efficiently and securely helps survivors to report SGBV cases. The App also enables us to analyse data and provide reports on submitted cases for further investigation; subsequently also sensitizing the university community on Gender Issues. With a focus to consolidate our efforts, we are able to direct survivors to where they can seek timely help as the university is dedicated to timely and thorough response to all reports on SGBV.

Timely reporting is crucial as the University can only eradicate SGBV if everyone boldly takes it upon themselves to report cases whether one is directly or indirectly affected. Therefore, I wish to appeal to all staff and students to help the university achieve this goal by reporting any case of the vice which they have witnessed or experienced. I am convinced that this Policy will strengthen other University policies and regulations to make Kenyatta University free from all forms of SGBV.

PROF. PAUL K. WAINAINA

VICE-CHANCELLOR

ACRONYMS

BPFA	Beijing Platform for Action
CEFDW	Convention on Elimination of all Forms of Discrimination Against Women.
DVC	Deputy Vice-Chancellor
SGBV	Sexual and Gender Based Violence
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HODs	Heads of Departments
NFLS	Nairobi Forward Looking Strategy
SOA	Sexual Offences Act
STDs	Sexually Transmitted Diseases
STGs	Sexually Transmitted Grades
UN	United Nations
VC	Vice-Chancellor

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CHAPTER 1: GENERAL INTRODUCTION

1.1 Introduction

Kenyatta University is committed to eliminating Gender Based Violence and Sexual Harassment (SGBV) within its campuses. The University recognizes that any form of SGBV is punishable under, inter alia, the National Gender and Development Policy 2000. Others include: Kenyan Sexual Offences Act of 2006 and the Employment Act of 2007, the Penal Code, Cap.63, the Persons with Disability Act, 2003, Kenya Adolescent Reproductive Health Policy 2003, the Education Gender Policy 2007, The Vision 2030 Second Medium Term Plan, 2013-17, the National Guidelines on the Management of Sexual Violence 2014, the National Reproductive Health Strategy, 2009-2015 and the National Adolescent Sexual and Reproductive Health Policy 2015, the Children Act 2001, the Marriage Act 2014, the HIV & AIDS Prevention and control Act 2006, the Matrimonial Property Act 2015, the Prohibition of Female Genital Mutilation Act, 2011 and the Protection against Domestic Violence Act 2015.

To this end, Kenyatta University shall have zero tolerance to SGBV at any organizational level, be it formal or informal and/or at an individual level. The University is devoted to creating and maintaining a conducive working and learning environment free from any form of SGBV. This policy is anchored on the University strategic plan and vision for 2016-2026, which states that Kenyatta University aspires to be a dynamic and inclusive Centre of excellence in learning, research, moral values and service to humanity. The vision acknowledges that the environment in which research and learning takes place is critical to achieving the University goals. The University recognizes that Sexual and Gender Based

Violence (SGBV) may occur regardless of the status or position of persons involved. Any form of this vice subverts the mission and vision of the University and can threaten education, career and well-being of staff and students. As such, all members of the University community have the responsibility of ensuring that Kenyatta University is free from SGBV.

1.2 Background Information

Over the past several decades many global conferences have drawn attention to gender issues, including SGBV, that affect both women and men. A variety of international agreements and action plans have emerged from such conferences with the result that various organizations, institutions and networks have subsequently charted new directions. They have developed interventions to propel the transformation of their societies with regard to gender relations.

Among the key international conferences, was the 1985 Third World Conference on women in Nairobi, which marked the end of the UN Decade for Women (1975-1985). It was during this decade that the most significant legal instrument known as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) was agreed upon by world governments as the Bill of rights for women. World governments including Kenya agreed to protect women against all forms of discrimination by ratifying the conventions.

Building on the spirit of the Nairobi Conference, was the more renowned 1995 Fourth World Conference on Women in Beijing, where governments, international organizations, civil society organizations and the private sector met and agreed on what came to be known as the Beijing Platform for Action (BPFA).

Several international instruments that specifically address GBV and related issues include:

- i. The United Nations Declaration of Human Rights (1948)
- ii. The Convention on the Rights of the Child (1989)
- iii. The Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- iv. The African Charter on the Right and Welfare of the Child (1990)
- v. The United Nations Declaration and Elimination of Violence against Women
- vi. The Beijing Declaration and Platform for Action (1995)
- vii. The International Covenant on Civil and Political Rights, 1966
- viii. The African Charter on Human and Peoples' Rights, 1986
- ix. The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990

Apart from the international instruments listed above, the Constitution of Kenya, 2010 (COK) provides that every person has the right to freedom and security of their person which includes the right not to be subjected to any form of violence from either public or private sources, any form of torture whether physical or psychological or cruel, inhuman or degrading treatment (Articles 25(a), 28, 29). The right to security means that the Constitution safeguards individual rights against SGBV and any other related form of gender-based violence. It is important to note that by dint of Article 2(5) & (6), whenever Kenya signs and ratifies any International Treaty, it becomes part and parcel of the National Laws.

Kenyan Domestic Laws (i.e., Criminal and Family Laws) supplement the International Instruments and the COK by providing, inter alia, intervention procedures for authorities in cases of commission of any form of violence, complaint and representation procedure, measures adopted for investigation, reporting, referral, rehabilitation and follows-up as well as educational measures.

For instance, the Sexual Offences Act, 2006 (SOA) makes provision in regard to sexual offences, their definition, prevention and the protection of all persons from harm, unlawful sexual acts, and for connected purposes. In particular, the Act considers the following as sexual offences and thus criminal in nature: a) Rape, b) Attempted rape, c) Sexual assault, d) Compelled or induced indecent acts, e) Vulnerable witnesses, f) Defilement, g) Attempted defilement, h) Gang rape, i) Acts which cause penetration or indecent acts committed within the view of a family member, child or person with mental disabilities, j) Promotion of sexual offences with a child, k) Child sex tourism, l) Child prostitution and pornography, m) Exploitation of prostitution, n) Prostitution of persons with mental disabilities, o) Incest by male and female persons, p) Sexual harassment, q) Sexual offences relating to position of authority and persons in position of trust, r) Deliberate transmission of HIV or any other life threatening sexually transmitted disease, s) Administering a substance with intent, t) Cultural and religious sexual offences, u) Indecent act with child or adult such as committing an unlawful intentional act which causes: a) any contact between any part of the body of a person with the genital organs, breasts or buttocks of another, but does not include an act that causes penetration; b) exposure or display of any pornographic material to any person against his or her will.

In the Criminal Law Amendment Act, which came into effect in July

2003, men and boys were brought into the bracket of persons who require protection against sexual abuse.

Penalties prescribed for sexual offences under the SOA are as follows:

- i. Rape –Imprisonment for a term not less than 10 years but which can be enhanced to imprisonment for life.
- ii. Attempted rape- Imprisonment for a term not less than 5 years but which can be enhanced to imprisonment for life.
- iii. Sexual assault - Imprisonment for a term not less than 10 years but which can be enhanced to imprisonment for life.
- iv. Compelled or induced indecent act - Imprisonment for a term not less than 5 years.
- v. Defilement:
 - a. With a child 11 years or less – Imprisonment for life.
 - b. With a child between 12 and 15 years – Imprisonment for a term not less than 20 years.
 - c. With a child between age of 16 and 18 years – imprisonment for a term not less than 15 years.
- vi. Gang rape - Imprisonment for a term not less than 15 years but which can be enhanced to imprisonment for life.
- vii. Indecent act with a child - Imprisonment for a term not less than 10 years.
- viii. Indecent act with an adult- Imprisonment for a term not exceed-

ing 5 years or a fine of not less than Ksh. 100,000 or both.

- ix. Sexual harassment - Imprisonment for a term of not less than 3 years or a fine not exceeding Ksh. 50,000 or both.
- x. Sexual offenses relating to position of authority and persons in position of trust - Imprisonment for a term not less than 10 years.
- xi. Deliberate transmission of HIV or any other life threatening STD - Imprisonment for a term not less than 15 years but which may be enhanced to imprisonment for life (SOA, 2006)

The Kenyatta University Employment Code of Conduct and Ethics highlights the issue of sexual harassment and abuse. It gives guidelines and general rules of conduct to be observed by University employees so as to maintain and uphold the dignity of the University office to which he/she has been appointed. The Student Code of Conduct also gives guidelines on how to deal with all other forms of student offences, regrettably not making any mention of how to deal with SGBV.

1.3 Definition of Terms

1.3.1 Gender

Refers to the socially/culturally determined power, relations, roles, responsibilities and entitlements for men and women. The social constructs vary between cultures as well as over time.

1.3.2 Gender-Based Violence

Gender-based violence (GBV) is an umbrella term for any harm that is perpetrated against a person as a result of gender power

inequalities that exist among males and females. It refers to any violence inflicted on the survivor primarily because of their gender. GBV is often a display of male power which manifests itself in various forms including physical, economic, psychological and sexual. It can also be a display of female power especially where the man does not seem to conform to the standards of masculinity. SGBV also includes unwarranted behaviour directed towards another person which disrupts that person's work or reduces their quality of life.

The commonest forms of GBV include: bullying, physical abuse, shouting, domestic violence, threats, name-calling, stalking, isolation and actual or threatened physical harm.

1.3.3 Gender Discrimination

Refers to unequal or preferential treatment of individuals or groups on the basis of their gender that results in reduced access to or control of resources and opportunities.

1.3.4 Gender-sensitization

This is the process of developing people's awareness, knowledge and skills on gender issues.

1.3.5 Gender Transformative Policy

A policy that takes into account the needs of men and women and seeks to transform the existing relations to be more equitable through the redistribution of resources and responsibilities.

1.3.6 Sex

Refers to the biological and physiological differences between males and females as determined by nature. It is determined at conception, universal and non-changeable.

1.3.7 Sexuality

This refers to social processes by which society/individuals create, organize, express and direct sexual desires. But broadly speaking, sexuality goes beyond sexual desire. It is a form of power and linchpin of gender inequality. Sexuality is a key factor in power relations and one of the ways society uses to sustain gender hierarchy. The ingredients of sexuality include gender roles, sexual activity, and choice of partner, sexual ideology, fantasy, pleasure, desire, gender identity and reproduction.

1.3.8 Sexual Harassment

Sexual harassment is defined as unwelcome advances, requests for sexual favours or other verbal or physical conduct of sexual nature by way of words, acts, gestures or comments that would embarrass, humiliate, demean or compromise a reasonable person at whom such advances, requests or conduct are directed. It also refers to the imposition of sexual requirements in the context of a relationship of unequal power. Sexual harassment is the abuse of power and an assault of one's right to dignity, respect and freedom.

Sexual harassment may consist of any or all but shall not be limited to the following illustrative examples:

- i. Sexual jokes, innuendos, noises, lewd suggestions, foul

- language, obscene gestures.
- ii. Belittling comments on a person's anatomy, persistent demands for dates;
 - iii. Requesting for sexual favours in return for rewards, favours, exclusions or inclusions;
 - iv. Telling lies or spreading rumours about a person's sex life with the purpose of assassinating the character of the survivor;
 - v. Unwanted physical contact of any sort which is sexual in nature especially touching of any body parts, brushing against another's body, hair or clothes, kissing, pinching, patting, grabbing or cornering;
 - vi. Displaying to a person pornographic and sexually suggestive pictures and/or sexual objects;
 - vii. Transmitting offensive written telephone or electronic communications;
 - viii. Indecent exposure;
 - ix. Indecent curiosity such as peeping, eavesdropping, persistent unwanted brazen questioning into a person's sexual matters.

In a University context, for instance, this phenomenon may include a lecturer demanding sexual favours in return for better grades (in this case, failing to comply may lead to victimization in the form of poor grades and other forms of harassment) or stu-

dents' blackmailing lecturers with sex for better grades. It may also include a member of staff demanding sexual favours from another in return for rewards related to terms of employment, leave, day-offs, promotions, change of term etc.]

1.3.9 Sexual Assault

This refers to a wide range of forms of non-consensual sexual conduct ranging from sexual coercion, attempted rape, rape, marital rape and date rape. Sexual assault involves unwanted sexual experiences, sexual aggression and sexual abuse, ranging from non-consensual kissing to non-consensual sexual intercourse. It also refers to the use of objects (other than the sexual organs) to cause penetration. According to Section 5 of the SOA, it is an act where a person unlawfully:

- a) penetrates the genital organs of another person with: i) any part of the body of another or that person; or ii) an object manipulated by another or that person except where such penetration is carried out for proper and professional hygienic or medical purposes;
- b) manipulates any part of his or her body or the body of another person so as to cause penetration of the genital organ into any part of the other person's body.

1.3.10 Sexual Abuse

Sexual abuse is the misuse of sex. It refers to unlawful forceful sexual contact or intercourse. It is abuse of a sexual nature including acts such as rape, incest, fondling and indecent exposure.

1.3.11 Sexual Exploitation

This refers to the use of one's authority and power position, either explicitly or implicitly to force or cause another into unwanted sexual relations or to punish another for his/her refusal to submit. Such authority or power may include threats of harm or use of actual physical force. Although anyone in a powerless position such as young boys and poor men can also be survivors of sexual exploitation, the commonest survivors are women and girls.

1.3.12 Sexual and Gender-Based Violence

Any act that is perpetrated against a person's will and is based on gender norms and unequal power relationships. It encompasses threats of violence and coercion. It can be physical, emotional, psychological, or sexual in nature. It inflicts harm on women, girls, men and boys

1.3.13 Defilement

Having sexual intercourse with a minor (anyone below 18 years of age) with or without the child's consent.

1.3.14 "Indecent act" is defined as an unlawful intentional act which causes: a) any contact between any part of the body of a person with the genital organs, breasts or buttocks of another, but does not include an act that causes penetration; b) exposure or display of any pornographic material to any person against his or her will.

1.3.15 Sexual offence

This refers to any offence such as rape, attempted rape, gang rape, sexual assault, compelled or induced indecent acts, defilement, attempted defilement, acts which cause penetration or indecent

acts committed within the view of a family member, child or person with mental disabilities, promotion of sexual offences with a child, child sex tourism, child prostitution and pornography, exploitation of prostitution, prostitution of persons with mental disabilities and incest by male and female persons

CHAPTER 2: POLICY FRAMEWORK

2.1 Rationale

Kenyatta University recognizes SGBV as a violation of an individual's human rights and thus, has several documents outlining regulations governing University community members' conduct. Such documents however lack depth for dealing with SGBV.

The University community is made up of people from diverse cultural backgrounds hence the need for a comprehensive policy, which provides campuses with procedures to be followed when incidences occur.

Due to the nature of SGBV and the stigma attached to the vice, many cases go unreported due to fear and embarrassment. Some students suffer in silence due to fear of failing examinations. Although the Students Guide prohibits use of drugs and alcohol, many Sexual offences among students within halls of residence have been due to rampant use of the two substances. Previously, many student perpetrators have appeared before the University disciplinary committee, but they have not been dealt with appropriately as lenient penalties are awarded which cannot deter other would-be offenders. Some staff members, too, exploit and oppress students as well as other members of the University community, making the discipline machinery ineffective without a policy.

Besides, there have been reports both in the electronic and print media of the existence of "Sexually Transmitted Grades"

(STG) in public universities. Such reports reveal the existence of relationships particularly between male lecturers and female students. Cases of female members of staff harassing male students have also been reported. Various categories of persons have been identified as harassers including students, teaching and non-teaching staff and visitors.

At Kenyatta University, cases of SGBV are thus not uncommon. Concerns over the incidences of sexual harassment have risen based on various complaints received by the University administration and the office of the Dean of Students from female students over SGBV violence against them by male students and lecturers. For instance, students have in the past filed complaints against lecturers for allegedly sexually harassing them. Complaints of female students and lecturers sexually harassing their male counterparts have also been received. Various factors have been identified to cause SGBV. These include: financial problems, ignorance, lack of empowerment and cultural attitudes. Female students from poor families have become “wives” to their male counterparts as a survival technique. Moreover, some students have also fallen prey to members of staff with the promise of cash rewards. This policy therefore will provide the University with a comprehensive procedure for dealing with any case of SGBV.

2.2 Goal and Objective of the Policy

The goal of this policy is to progressively accelerate, reinforce and maintain efforts towards the elimination of all forms of SGBV and improve the quality of life and wellbeing of Kenyatta University community so as to achieve the University mission to provide quality education and training,

promote scholarship, service, innovation and creativity and inculcate moral values for sustainable individual and societal development.

2.2.1 Specific Objectives of the Policy

The SGBV policy has the following specific objectives

- i. Prevent cases of SGBV in Kenyatta University environs.
- ii. Sensitize Kenyatta University community on what constitutes SGBV.
- iii. Create awareness on the reporting procedure for survivors of SGBV including circumstantial evidence.
- iv. Promote professional and harmonious relations between different categories of staff and students at Kenyatta University.
- v. Provide prompt, effective, consistent and fair guidelines for handling cases of SGBV at the University.
- vi. Promote research and publications of research findings and recommendations regarding SGBV.
- vii. Promote a progressive public debate on SGBV both within and outside the University to uphold fundamental human rights.
- viii. Provide data on SGBV.

2.3 Scope of the Policy

This policy covers all members of Kenyatta University

community that include:

- i. Teaching staff (fulltime, on contract, Part-Time and visiting staff)
- ii. Non-teaching staff in all campuses-(permanent, temporary and casual)
- iii. Administrators including management
- iv. Students (All students including residents and non-residents as well as off-shore campuses)

2.3.1 Conduct between Staff and Students

Staff is defined as anyone who has a working relationship with the University including all regular and non-regular administrators and employees of the University.

A student is any individual who is officially registered at the University to pursue a course under the guidance of a lecturer.

Because of the potential abuse or the appearance of abuse and the inherent differential in authority, the University prohibits any staff member from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with any student enrolled at the University as an undergraduate or postgraduate student. Such relationships are highly inappropriate, unethical and compromise the professional standing of all members of the University.

Besides, academic members of staff should never

be involved in any exploitation, harassment or other discriminatory treatment of students. They ought to foster honest academic conduct and ensure that any evaluation of students reflects each student's true merit.

A student shall not coerce any member of the University community into any sexual relationship or exhibit behaviour that may compromise the integrity of any member of the University community.

Any ill-treatment or sexual harassment of students or staff with disability is highly prohibited.

2.3.2 Student-Student Relationships

The policy covers all Kenyatta University students and applies to student-student relationships including relationships in which a female student acts as the harasser. With regards to the behaviour of students, no student shall coerce another student into a sexual relationship or exhibit behaviours that may compromise the integrity of any other student. Any student who specifically takes advantage of fellow students with disability, will, among others disciplinary measures, be expelled from the University community.

2.3.3 Staff-Staff Relationships

No member of staff shall coerce another member of staff or any member of the University community into a sexual relationship or exhibit behaviours that may compromise the integrity of any member of the University. Because of

the potential for abuse or the appearance of abuse and the inherent differential in authority, the University prohibits any staff member from engaging in a romantic and/or sexual relationship or in romantic and/or sexual conduct with another member of staff employed at the University.

The University prohibits any member of staff involved in any sexual relationship with another member of staff from having any direct responsibility for making decisions regarding the promotion, tenure or compensation of the other party in the relationship. All members of staff are expected to uphold the dignity of the University office to which they have been appointed or any other office within or without the University. It shall be against this policy for any member of staff to discriminate against another member of staff because of their gender.

2.4 Guiding Principles

This policy takes cognizance of the fact that abusive behaviour thrives in secrecy and that Kenyatta University is not immune to this problem, consequently, the guiding principles in this policy are as follows:

- i. The principles of gender equity and equality shall be upheld
- ii. The policy shall pay special attention to the situation and needs of female students and staff
- iii. Equal participation of male and female staff and students in the implementation of this policy shall be upheld

- iv. Gender empowerment is central to the achievement of the goals and objectives of this policy
- v. Transparency, accountability, confidentiality and sensitivity in the implementation of this policy shall be upheld
- vi. Partnership and collaboration between staff and students are essential to the realization of a conducive learning and working environment free from SGBV
- vii. The principle of zero tolerance to SGBV shall be upheld

CHAPTER 3: INSTITUTIONAL FRAMEWORK

3.1 Creation of Awareness on SGBV

Many survivors and perpetrators of SGBV are usually ignorant about the vice and as such become easy prey or predator due to lack of adequate and relevant information. In some cases, owing to gender insensitivity and socialization, the survivors and perpetrators are not aware that such acts are unacceptable and punishable.

Objective

To enhance better understanding and appreciation of SGBV throughout the entire Kenyatta University community with the aim of preventing its occurrence

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To achieve the above objective, Kenyatta University shall:

- i. Conduct regular sensitization workshops on SGBV for all staff and students
- ii. Create and support an advocacy group to advance issues of SGBV
- iii. Mandate the Head of Health Unit to put in place relevant programmes to deal with staff and students with regard to reproductive health and HIV/AIDS in relation to SGBV
- iv. Publish the policy on SGBV as a booklet and display it on the KU webpage; and disseminate it to new members of staff and joining students

- v. Require all University employees and students to abide by the SGBV policy
- vi. Invite guest speakers well versed in matters SGBV to talk to members of the University community
- vii. Utilize technology to address SGBV issues regarding reporting and sensitization

3.2 Safety and Security

Kenyatta University has several campuses that pose considerable challenges with regards to safety and security services provision. Inadequate safety and security exposes members of the University community, especially females, to acts of SGBV. Kenyatta University is fully committed to ensuring the safety and security of all staff members and students. The University community also has a duty to create and maintain a healthy environment in which SGBV is unacceptable and not tolerated. All members should also discourage unacceptable behaviour on the part of others in order to maintain an environment that is hospitable, equitable and conducive to safe and decent University community life.

Objective

To strengthen safety and security measures for the entire Kenyatta University community, especially female students and staff members with the aim of preventing the occurrence of SGBV.

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To achieve the above objective, Kenyatta University shall:

- i. Provide adequate lighting in all university campuses
- ii. Introduce and enforce a visitors' registry book in all University premises
- iii. Train employees and students on safety and security measures with regard to SGBV
- iv. Create awareness among students and staff on personal security and safety measures
- v. Display SGBV hotlines in strategic places in all university campuses
- vi. Maintain separate female and male hostels and enforce the 10 am to 10 pm visiting hours in the students' halls of residence, besides other stipulated rules
- vii. Put in place mechanisms for open-door working environment

3.3 Curriculum and Co-curriculum Programmes

Both formal and co-curricular programmes of educational institutions are critical avenues for teaching, learning and acquisition of knowledge and skills. The current university curriculum should be reviewed to include strategies of solving problems related to gender.

Objective

To review and mainstream gender in the formal curriculum and strengthen the co-curricular programmes with a view to keeping students effectively occupied to reduce idle time

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To achieve the above objective, Kenyatta University shall:

- i. Mainstream gender issues in the formal University curricula
- ii. Encourage staff and students to actively participate in co-curricular activities
- iii. Expand the existing health facility for effective service delivery to both staff and students
- iv. Audit all co-curricular activities and device motivational mechanisms for rewarding staff and students who excel in such activities

3.4. Capacity Building and Training

Adequate number of persons trained to handle SGBV incidences is critical for the implementation of this policy. Therefore, there is need to train individuals who are equipped to facilitate the implementation of the policy.

Objective

To enhance the capacity of members of the University community and managers to support the implementation of the policy

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To achieve the above objective, Kenyatta University shall:

- i. Train all members of the University community to facilitate the implementation process
- ii. Institute empowerment programmes to protect all members of the University community from SGBV
- iii. Strengthen the current guidance and counselling unit to deal effectively with cases of SGBV
- iv. Facilitate training of the University health providers to recognize and be responsive to the emotional and psychological needs of staff and students

3.5 Research on Sexual and Gender-Based Violence

Research is the engine that drives any development or decision making in all aspects of organizations. Elimination of SGBV requires that appropriate actions are taken based on solid research information.

Objective

To encourage academic staff and students to carry out research on Sexual and Gender Based Violence to inform Policy Planning and Programming

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To achieve the above objective, Kenyatta University shall:

- i. Encourage increased operational research leading to evidence based programming/service delivery for handling of SGBV cases
- ii. Facilitate the identification of SGBV research capacities/needs and develop an SGBV research agenda
- iii. Encourage Research and Approaches that are sensitive to survivors of SGBV and that lead to mechanisms of eradicating SGBV

CHAPTER 4: PROCEDURES FOR HANDLING SEXUAL AND GENDER BASED VIOLENCE

Kenyatta University has the major responsibility of promoting and creating an enabling environment free from SGBV through the implementation of this policy. The University has a well-articulated procedure for effective handling of SGBV cases whenever they occur.

4.1 Confidentiality

This policy recognizes that, acts of SGBV are usually sensitive and very distressing and may affect any member of the University Community. All persons involved in cases of SGBV shall treat the matter as strictly confidential. The University will disclose information regarding cases of SGBV only as required by the law or a Court order and as necessary to meet its legal obligation to investigate and take action to end the vice.

Objective

To ensure observation of strict confidentiality in handling cases of SGBV to protect the dignity of the survivors

Policy Statements

To achieve the above objective, Kenyatta University:

- i. Has mechanisms to ensure confidentiality in handling cases of SGBV
- ii. Respects the privacy of the complainant, perpetrator and the witness as much as possible

4.2 Reporting Mechanisms

While it is recognized that cases of SGBV occur at Kenyatta University, very few survivors report such cases. Reasons for not reporting include fear, intimidation, stigma and embarrassment. With effect from August, 2020, the CGEE has come up with an innovation that makes reporting incidents SGBV easier. This is the SGBV Mobile App available to Android Devices from Google Play Store via the link: <https://play.google.com/store/apps/details?id=ke.ac.ku.sgbv>. The App helps survivors to anonymously, efficiently and securely report SGBV cases to the CGEE, which in turn analyses the data and provides reports on submitted cases for further investigation. The CGEE also uses the App to sensitize students and the general university community on Gender issues, and promote the HeForShe Campaign. In addition, the Centre teamed up with the Women Researchers of Kenya (WERK) in a project on “Safe Work Spaces for Women Staff at Kenyatta University” and jointly enhanced the App’s features by utilizing the Short-Code and Messaging, which shall be integrated in the APP in the following ways: Send a message from the App to the short code; Display the Short code on the homepage and back-end (database and storage is shared); The App’s main features are:

- i. Reporting - via the App or via SMS Short code
- ii. Get Help: Gives information on General Safety of members of KU
- iii. Hotlines: Provides contact information where one can get help
- iv. News: To inform users of any news from the Centre

When reporting, data such as: gender, type of incident, location, details of the incident, contact, and image is collected. This data is stored se-

curely and can be accessed by the Centre's Administrators. The APP also gives the categories & sub-categories of SGBV cases: Gender Discrimination, Sexual Harassment, Sexual Assault/Abuse, Sexual Exploitation, Defilement and Indecent Acts. It also gives information on General Safety within the university, offers contact information to use in emergencies besides showing recent news from the CGEE, thereby advertising upcoming events.

Under the terms of this policy, survivors of GBV or Sexual harassment are encouraged to report the incident to the relevant authority and ensure they use the hotlines availed in this Policy. In the case of SGBV, the survivor should immediately report either physically to the University security office or CGEE or use the Mobile App. Thereafter, he/she shall be guided on medical, legal and social support mechanisms available at the university. If one is not able to utilize the above, they could quickly report in the office of the Dean of Students or Deputy Dean of students on campuses or Deans of Schools or Chairpersons of Departments. The confidential advisors in these offices will guide the reporting parties prior to and throughout the reporting process and link them to the Centre as soon as possible. The 'officers' will also serve as liaison officers between reporting parties and the investigation committee. Regardless of the status of the perpetrator or the nature of the incident, individuals who think they are survivors of SGBV should report promptly, ensure accurate communication of the allegations and fill the designated University forms for such cases. All survivors should as much as possible avoid verbal reporting of all cases of SGBV. In cases where the survivor of SGBV is a minor and the offence has been committed by a member of the University community, within University premises, witnesses or guardians of such survivors should promptly report such cases to the Director Centre for Gender who shall forward the issue to the Vice-Chancellor for immediate

action. To meet reporting obligations, as well as to provide protection to all children within the University, this policy applies to abuse that allegedly occurs on campus, on property owned or leased by the University, in accommodation areas for students outside the university or while members of staff or student body are participating in a University connected activity off campus.

Objective

To put in place detailed procedures for reporting and documenting cases of SGBV

Policy Statements

To achieve the above objectives, Kenyatta University will:

- i. Strengthen the office that receives reports on SGBV
- ii. Induct the confidential advisors on procedures of receiving reports from survivors/witnesses of SGBV
- iii. Put in place steps to be followed from the time of receiving a complaint to the action stage
- iv. Install suggestion boxes in all buildings in the University
- v. Conspicuously post the names and contacts of all confidential advisors
- vi. Maintain the KUSGBV Mobile App website where all members of the University community can continue reporting SGBV cases
- vii. Create a Gender Based Violence Recovery Centre at the Health Unit

4.3 Investigation Procedures

It is imperative to conduct a proper SGBV investigation procedure of cases of SGBV to ensure fair treatment of all parties involved in the case. Investigations include, but are not limited to, interviews with and written statements made by or with the complainant, the perpetrator, and third parties. All investigations will be conducted in a discreet and confidential manner to the extent that is legally possible. The investigating committee will consider, inter alia, circumstances leading to the incident, nature of the incident, the relationship between the parties, and past behaviours of the parties.

Objective

To carry out a detailed and sensitive investigation on cases of SGBV

Policy Statements

To achieve the above objective, Kenyatta University authorities:

- i. Appoint a standing committee to rigorously investigate cases of SGBV
- ii. Have put in place mechanisms to ensure that all complaints are investigated with due regard to key principles including impartiality, objectivity, transparency, timelines, accuracy and thoroughness
- iii. Ensure proper documentation of evidence provided during investigations
- iv. Train members of the committee to effectively investigate cases

of SGBV

- v. Act promptly and effectively on the recommendations of the investigation committee

4.4 Disciplinary Measures

Kenyatta University has the responsibility to institute disciplinary measures against perpetrators as may be appropriate whenever complaints are filed, investigated and substantiated.

Any employee or student of the University found violating this policy shall be subject to severe disciplinary action up to and including termination of service or student status with the University. Such individuals shall also be removed and/or barred from the University premises and forwarded to the Kenya law enforcement officers. The University prohibits retaliation against or harassment of individuals who act in good faith by reporting real or perceived SGBV cases. The University also prohibits individuals from deliberately making false or misleading reports/statements or concealing information/material on SGBV cases under this policy. Individuals who make such reports/statements or conceal information will be subject to disciplinary action. Cases that might be beyond the University jurisdiction shall be forwarded to the relevant government authorities.

Objective

To articulate internal disciplinary measures that shall be applied to various types of SGBV cases to ensure that perpetrators are disciplined accordingly

Policy Statements

To achieve the above objective, Kenyatta University:

- i. Has put in place a special internal disciplinary committee to handle cases of SGBV
- ii. Takes appropriate action on perpetrators, pending investigation, once a case has been reported. Such actions may include, but are not limited to, warnings, suspension or termination of service/student status depending on the nature and severity of the offence
- iii. Categorizes cases of SGBV offences according to their severity
- iv. Communicates the categories of offences and corresponding penalties to all staff and students
- v. Ensures the safety of all records concerning cases of SGBV
- vi. Severely disciplines any persons who threaten or victimize individuals who report cases of SGBV
- vii. Provides an opportunity for appeal procedures

4.5 Support for Survivors of SGBV

Due to the stigma associated with SGBV, most survivors opt to suffer in silence to avoid ridicule from friends and colleagues. Such survivors often require special support to help them overcome the trauma associated with the experience. If there is evidence that an alleged abuse, GBV or sexual harassment has occurred, the University shall assist in obtaining appropriate counselling for

the survivor and members of the survivor's family where appropriate. Appropriate shelter for the survivor may also be provided where necessary.

Objective

To Strengthen support mechanisms for survivors of SGBV

Policy Statements

To achieve the above objective, Kenyatta University:

- i. Shall expand the capacity of the existing guidance and counselling services to specifically address cases of SGBV and include both students and staff
- ii. Undertakes to encourage all staff and students to report to appropriate authorities any cases of SGBV which they have experienced or heard of, involving members of staff or students of the University
- iii. Has put in place mechanisms to protect parties involved in SGBV proceedings from any intimidation, threats or other negative repercussions once an incident has been reported

4.6 Dissemination of the Policy

The process of disseminating this policy is crucial to its success in reducing cases of SGBV. Therefore, it is imperative that appropriate mechanisms be put in place for the policy to reach all stakeholders.

Objective

To ensure effective dissemination of the policy to all members of the University community

Policy Statements

To achieve the above objective, Kenyatta University shall:

- i. Place copies of the policy in strategic places such as Schools, Departments, Sections, Hostels, and Libraries among others in all campuses
- ii. Undertake to publicize the anti-SGBV message in all campuses
- iii. Produce Braille editions of the SGBV policy
- iv. Make the policy part of the outreach programmes of clubs and societies
- v. Incorporate the policy in the orientation of new students and in mentoring programmes
- vi. Make the policy part of terms and conditions of employment at the University for Staff; and admission for students

4.7 Monitoring and Evaluation

Effective institutional arrangements for monitoring and evaluation are key components for achieving the objectives of this policy. This can only be achieved by instituting an effective mechanism for monitoring and evaluating the system to ensure adherence to this policy.

Objective

To appraise the steps taken and the success in the implementation of the policy

Policy Statement

To achieve the above objective, Kenyatta University:

- i. Has established a Board to monitor and evaluate the performance of the University in implementing this policy
- ii. Has put in place appropriate monitoring and evaluation systems to ensure that the necessary measures are taken promptly
- iii. Has put in place monitoring indicators with time frames to measure the implementation process
- iv. Undertakes to review the policy from time to time based on informed research
- v. Has put in place a forum for receiving views from members of the university regarding the policy

4.8 Implementation Matrix

Activity	Action	Players/Actors	Indicators
Awareness creation	<ul style="list-style-type: none"> • Create and support advocacy groups • Conduct workshops on SGBV • Update the policy and disseminate via several channels • Undertake to sensitize members of the University community on matters related to SGBV 	<ul style="list-style-type: none"> • Vice-Chancellor • DVC (Admin) • DVC (Acad) • Director, Student Affairs • Director, Centre for Gender Equity and Empowerment 	<ul style="list-style-type: none"> ▪ Advocacy groups created ▪ Workshops conducted ▪ Updated Policy disseminated & displayed in several channels ▪ Members of the University community sensitized
Curriculum and Core curriculum programmes	<ul style="list-style-type: none"> • Continued mainstreaming of gender in the curriculum 	<ul style="list-style-type: none"> • Vice-Chancellor • DVC (Acad), • Deans, Heads of Departments • Director, Centre for 	<ul style="list-style-type: none"> ▪ Gender mainstreamed curriculum

		Gender Equity and Empower ment	
Safety and Security	<ul style="list-style-type: none"> • Continued awareness on safety (safe and unsafe spaces) within the campus • Provision of adequate lighting • Train relevant staff on safety and security matters • Train staff and students on life skills • Sensitize members of the University community on the KU SGBV APP to enhance safety and reporting 	<ul style="list-style-type: none"> • Vice-Chancellor • DVC (Fin) • DVC (Admin) • DVC (Acad) • Director, Security • Director, Student Affairs • Director, (CGEE) 	<ul style="list-style-type: none"> ▪ Awareness on safety within the campus creation messages and workshops ▪ Adequate lighting installed ▪ Data on SGBV App usage ▪ Relevant staff and students trained ▪ Student peer counsellors/support groups in place ▪
Capacity Building	<ul style="list-style-type: none"> • Train all members to facilitate the implementation 	<ul style="list-style-type: none"> • Vice-Chancellor • DVC (Admin), • Director, Student 	<ul style="list-style-type: none"> ▪ Members of the University community empowered

	<p>process</p> <ul style="list-style-type: none"> • Liaise with other relevant directorates (health, security, counselling, etc. on handling SGBV) • Institute empowerment programmes for staff and students • Facilitating relevant directorates – service providers to recognize and be sensitive to SGBV cases 	<p>Affairs</p> <ul style="list-style-type: none"> • Director, CGEE 	<ul style="list-style-type: none"> ▪ Directorates service providers sensitized on SGBV matters
<p>Research on SGBV</p>	<ul style="list-style-type: none"> • Enhance SGBV research in collaboration with the Department of Sociology, Gender and development studies • Provide financial support for dissemination of 	<ul style="list-style-type: none"> • Vice-Chancellor • DVC-RIO • Director, CGEE 	<ul style="list-style-type: none"> • Research reports, and thesis • Research dissemination workshops held • Lists of participants for the workshops held ▪ Research findings dissemination

	research findings		
Reporting Mechanisms	<ul style="list-style-type: none"> Strengthen the reporting mechanisms of SGBV Streamline confidential advisors in outreach campuses to handle SGBV Sensitize the KU community on the Mobile App to coordinate and enhance reporting Continuously send messages via the App on SGBV awareness 	<ul style="list-style-type: none"> Vice-Chancellor DVC (Admin) DVC (Acad) Directors: Security, DUHS, Student Affairs, Wellness, Other Campuses Director, CGEE Investigating committee 	<ul style="list-style-type: none"> Reporting process, streamlined Data updated on SGBV reported cases Sensitization workshops held
Investigation procedures	<ul style="list-style-type: none"> Appoint a standing investigation committee to investigate cases of SGBV Ensure proper 	<ul style="list-style-type: none"> Vice-Chancellor DVC (Admin) DVC (Acad) Director, Security Director, DUHS Director, Student Affairs 	<ul style="list-style-type: none"> Investigation Committee appointed All evidence properly documented

	<p>coordination and documentation of evidence</p> <ul style="list-style-type: none"> • Act promptly and effectively on recommendations of the investigating committee 	<ul style="list-style-type: none"> • Director, CGEE • Investigating committee 	<ul style="list-style-type: none"> ▪ Prompt and appropriate action taken
Disciplinary Measures	<ul style="list-style-type: none"> • Internal disciplinary committee meets frequently • Fast appropriate action taken pending investigation • Categorized cases communicated and corresponding penalties to staff and students • Ensure the safety of all records concerning cases of SGBV • Discipline any person who 	<ul style="list-style-type: none"> • Vice-Chancellor • DVC (Admin) • DVC (Acad) • Director, Security • Director, DUHS • Director, Student Affairs • Director, CGEE • Disciplinary committee, 	<ul style="list-style-type: none"> ▪ Disciplinary Committee in place ▪ Appropriate action taken ▪ Cases categorized and communicated to all staff and students ▪ Records safely secured ▪ Disciplinary measures taken

	threatens or victimizes individuals who report cases of SGBV procedures		
Confidentiality	<ul style="list-style-type: none"> Adhere to strict confidentiality in handling SGBV cases Respect the privacy of the complainant, perpetrators, and witnesses 	<ul style="list-style-type: none"> Vice-Chancellor Director, Security Director, DUHS Director, CGEE Investigation and disciplinary committees 	<ul style="list-style-type: none"> Confidentiality upheld Privacy upheld
Support for survivors	<ul style="list-style-type: none"> Strengthen coordination of relevant service providers Encourage all staff and students to report cases of SGBV Refer survivors to the correct service provider as per the need 	<ul style="list-style-type: none"> Vice-Chancellor DVC (Admin) DVC (Acad) Director, Security Director, DUHS Director, Student Affairs Director, CGEE 	<ul style="list-style-type: none"> Coordination of relevant service providers. Strengthened-regular reports and meetings Cases of SGBV reported All parties involved in cases of SGBV protected
Policy	<ul style="list-style-type: none"> Upload the KU 	<ul style="list-style-type: none"> Vice-Chancellor 	<ul style="list-style-type: none"> SH Policy

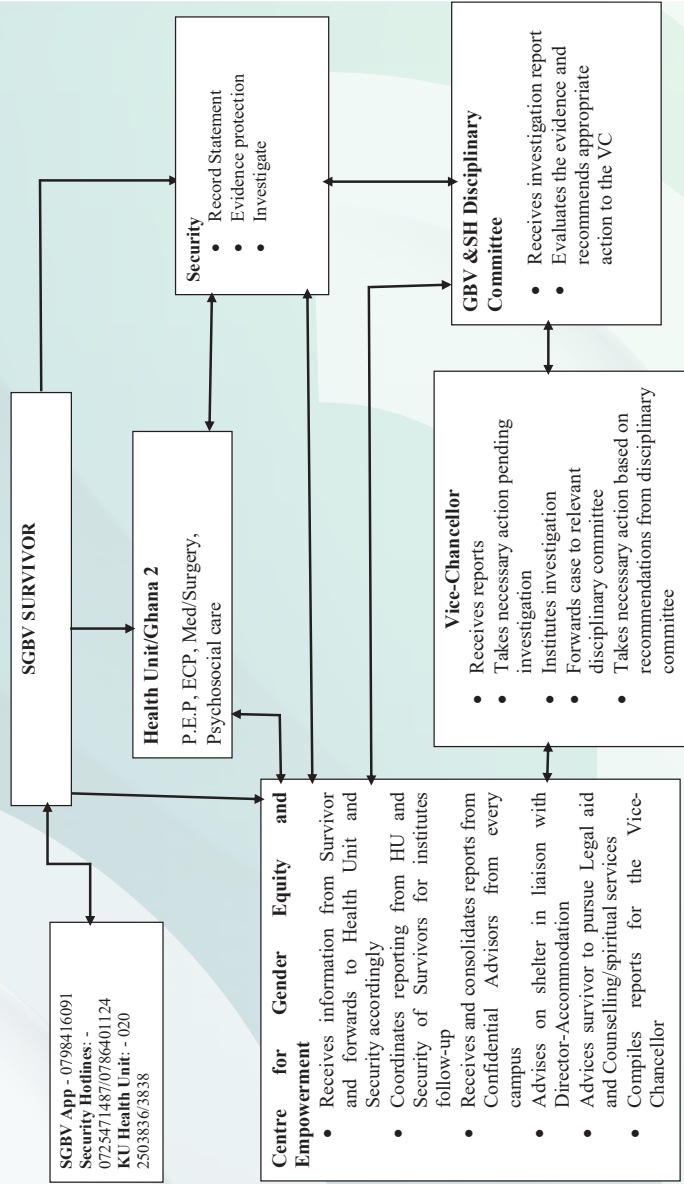
Dissemination	<p>website with a copy of the SH policy</p> <ul style="list-style-type: none"> • Sensitize the community to frequently access it • Send soft copies to all relevant offices within the University • Undertake to send anti SGBV messages frequently via the App • Make policy part of outreach programmes • Incorporate the policy in the orientation of new students and New staff 	<ul style="list-style-type: none"> • DVC (Admin) • DVC (Acad) • Director, CGEE 	<p>uploaded in the KU website and community sensitized to frequently access it</p> <ul style="list-style-type: none"> ▪ Soft copies sent to all relevant offices within the University ▪ Anti SGBV messages frequently sent via the App to KU community ▪ SH Policy made a part of outreach programmes ▪ Policy incorporated in the orientation of new students and new employees
Monitoring and Evaluation	<ul style="list-style-type: none"> • Put in place appropriate monitoring and evaluation system • Collect and analyse data 	<ul style="list-style-type: none"> • Vice-Chancellor • CGEE Board Director, QMS &PC 	<ul style="list-style-type: none"> ▪ Monitoring and evaluation system put in place ▪ Collected and analysed data on mechanisms addressing SGBV

	<p>frequently on mechanisms addressing SGBV</p> <ul style="list-style-type: none"> • Put in place monitorable indicators and time frame • Undertake to review the policy from time to time 		<ul style="list-style-type: none"> ▪ Monitoring and Evaluation board operational ▪ Monitorable indicators and time frame put in place ▪ Policy reviewed regularly
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4.9 Review of Policy

The SGBV Policy will be reviewed after every four (4) years to take into account emerging issues and trends.

REPORTING FRAMEWORK FOR SEXUAL AND GENDER BASED VIOLENCE AT KENYATTA UNIVERSITY











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