

# EGERTON UNIVERSITY



## INSTITUTIONAL POLICY ON ANTI-SEXUAL HARASSMENT

*October 2009*

## **List of abbreviations and acronyms**

SH	Sexual harassment
CEDAW	United Nations Convention on the Elimination of all forms of discrimination against women
AU	African Union
IWGDS	Institute of Women, Gender and Development Studies
ILO	International Labour Organization
DVC	Deputy Vice Chancellor
VC	Vice Chancellor

# Table of Contents

Definition of Terms .....	4
Preamble.....	5
<b>Chapter 1.....</b>	<b>7</b>
<b>Introduction .....</b>	<b>7</b>
Background Information .....	9
Situational Analysis.....	10
<b>Chapter 2.....</b>	<b>12</b>
<b>2.0 Policy Framework .....</b>	<b>12</b>
2.1 Rationale.....	12
2.2 The policy formulation process.....	13
2.2 Goals and Objectives of the policy .....	14
2.3 Scope of the Policy .....	15
2.4 Guiding principles.....	15
<b>Chapter 3.....</b>	<b>17</b>
<b>Areas of Intervention .....</b>	<b>17</b>
3.1. Awareness and Sensitization.....	17
3.2. Capacity Building and training.....	18
3.3. Curriculum .....	19
3.4. Safety and Security .....	19
3.5. Research on HIV/AIDS and Sexual Harassment.....	20
<b>Chapter 4.....</b>	<b>21</b>
<b>4.0 Procedures for handling sexual harassment .....</b>	<b>21</b>
4.1 Reporting Mechanisms .....	21
4.2 Investigation procedures .....	23
4.3 Disciplinary measure .....	23
4.4 Confidentiality .....	24
4.5 Support for victims of Sexual Harassment .....	24
4.6 Dissemination of the policy .....	25
4.7 Monitoring and Evaluation .....	25
4.8. Implementation roles and responsibilities .....	25
4.8.1. Awareness and Sensitization .....	25
4.8.2. Curriculum programmes .....	25
4.8.3. Capacity building .....	26
4.8.4 Research on Sexual harassment and HIV/AIDS .....	26
4.8.5. Reporting mechanisms .....	26
4.8.6. Investigation procedures .....	26
4.8.7. Disciplinary measures .....	26
4.8.8. Confidentiality .....	26
4.8.9 Support for victims .....	26
4.8.10 Dissemination.....	26
4.8.11 Monitoring and evaluation .....	26
4.8.12 Institutional Framework for implementation of Egerton University Anti-Sexual Harassment Policy (Organogram) .....	27
4.8.13 APPENDIX1: REPORTING MECHANISM SH CASES.....	28

## Definition of Terms

Curriculum	The contents of an education programme
Empowerment	A process through which men, women, boys and girls acquire knowledge, skills and attitudes to critically analyze their situations and take appropriate action to change the status quo of the underprivileged and other marginalized groups in society
Gender Equality	A state whereby women's and men's similarities and differences are recognized as equally valuable; where women and men enjoy equal status, recognition and consideration; where women and men, girls and boys have equal access to the control of opportunities and resources
Gender Equity	The application of the principle of fairness and justice in the distribution of benefits, access to and control of resources, responsibilities, power, opportunities and services. It is essentially the elimination of all forms of discrimination based on gender.
Policy	A proposed action by a person, group or government within a given environment providing obstacles and opportunities which the policy was proposed to utilize and overcome in an effort to reach a goal or realize an objective or purpose
Sexual harassment	Unwanted acts of sexual nature that cause discomfort to the affected. It may include words, unwelcome persistent requests for sexual favors, dates, gestures, touching, uninvited sexual overtures, coerced sexual intercourse and rape.

## **Preamble**

Egerton University sees itself as a world class University for the advancement of humanity. The University is committed to creating and maintaining a working, living, and learning environment free from sexual harassment, in which all members are assured of their dignity, security and well-being.

The idea of developing an Anti Sexual Harassment Policy was initiated in the University through the Institute of Women, Gender and Development Studies after realizing the need for institutionalizing efforts to address acts of sexual harassment that were rampant in all the campuses and constituent colleges of Egerton University and the failure of the HIV/AIDS Policy to effectively counter the menace.

The Institute with the consent and authority of the Senate and University Administration commissioned a study which indicated not only that many different forms of sexual harassment exist in the university community, but that it was one of the most rampant forms of gender-based violations in the university. The study undertaken through the administration of questionnaires to a sample population representing all aspects of the university population found out that there were explicitly and implicitly glaring forms of sexual harassment among students, administrators, teaching and non teaching staff.

66% of the respondents who took part in the survey were male while 29% were female. The remaining 5% did not indicate their sex. The general age range was 18-25years with 86% falling in that category. 10% fell within the 26-40years age range. 83% of the respondents reported to have experienced some form of sexual harassment. Of the 17% who had not experienced, they reported to know someone who had experienced sexual harassment. 71% reported that students were the ones responsible for the actions, 3% reported that the support staff were the ones responsible, lecturers 1% and administrators 2%. The survey established that only 12% felt that the current

procedure for handling sexual harassment cases was effective. Infact 86% of the respondents expressed the need for an anti-sexual harassment policy.

On the basis of the above mentioned research findings, the University developed this draft Anti Sexual Harassment Policy. The policy acknowledges that sexual harassment not only undermines the vision and the mission of the University which is to generate and disseminate significant knowledge and offer exemplary education to contribute to and innovatively influence national and global development, but it also erodes its academic and social fabric. Therefore, the successful implementation of this policy will bring social and academic harmony among members of the university community.

All employees, students and third parties are subject to this policy and are expected to take full responsibility and accountability in understanding, implementing, observing and adhering to the terms of this policy in their conduct with other employees, students and third parties to ensure that the objectives of the policy are achieved. Sexual harassment will not be tolerated. Acts of sexual harassment may lead to disciplinary action being taken, possibly resulting in the dismissal (of employees) or the exclusion (of students) from the University or the termination of contractual or other relationships with third parties.

The intention of the policy is to provide the students, University Administration, teaching and non teaching staff with information and intervention strategies designed to make all of them aware of conduct which could constitute sexual harassment, procedures to follow if one is sexually harassed, and what consequences may follow from violation of the provisions of the Policy.

This policy is focused on the management of sexual harassment in the workplace, learning, residential, and social environments of the University. The policy should be understood and implemented in the context of other University policies and statements, including the Gender Policy, HIV and Aids Policy, and

protocols on the management of complaints of sexual offences within the University.

The negligent failure of supervisory or managerial employees to observe and implement the terms of this policy shall be regarded as serious misconduct and may lead to disciplinary action being taken, possibly resulting in dismissal.

This policy is aimed at empowering the victims of sexual harassment to address such conduct. In view of its duty to provide a safe working, learning, residential and social environment, the University may on its own accord and where appropriate, proceed with formal steps against an alleged perpetrator. The privacy and dignity of the victim will be protected at all times.

## **Chapter 1**

### **Introduction**

Despite both national and international efforts to eliminate sexual harassment, there is no single definition of what constitutes prohibited behavior. All definitions, however, are in agreement that the prohibited behavior is unwanted and causes harm to the victim. At the International level, the United Nations General Recommendation 19 to the Convention on the Elimination of all Forms of Discrimination Against Women defines sexual harassment as including:

“such unwelcome sexually determined behavior as physical contact and advances, sexually colored remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.”

The International Labor Organization (ILO) is a specialized United Nations agency that has addressed sexual harassment as a prohibited form of sex discrimination under the Discrimination (Employment and Occupation) Convention (No. C111). The ILO has made clear that sexual harassment is more than a problem of safety and health, and unacceptable working conditions, but is also a form of violence (primarily against women).

In Kenya's jurisdiction, Sexual harassment has been defined as unwelcome advances, requests for sexual favors or other verbal or physical conduct of sexual nature by way of words, acts, gestures or comments that would embarrass, humiliate, intimidate, demean or compromise a reasonable person to whom such advances, requests or conducts are directed. It also refers to the imposition of sexual requirements in the context of a relationship of unequal power. According to a 1992 study conducted by the International Labor Organization (ILO), "Sexual harassment is inextricably linked with power and takes place in societies which often treat women as sex objects and second-class citizens."

Catharine MacKinnon, one of the foremost writers on the topic, describes sexual harassment as an "explosive combining of unacceptable sexual behavior and the abuse of power." A particular incident of harassment may or may not include any explicitly sexual behavior, but it always involves some form of abuse of power. Thus the definition of sexual harassment is multi-faceted, which adds to the complexity of the concept.

## ***Background Information***

Egerton University is the oldest institution of higher learning in Kenya. Founded in 1939, it traces its roots to the generosity of Lord Maurice Egerton of Tatton who donated 300 acres of his estate for its establishment.

For a number of years, there have been attempts to draw attention to the problem of sexual harassment and how they affect men and women. A number of conventions, international agreements, institutions, organizations and networks have attempted to provide direction and developed interventions to guide societies towards transforming the situations that perpetrate sexual harassment.

The Constitution of Kenya serves as the cornerstone upon which this policy derives its legitimacy. Being the supreme law of the land, any other law, policy, rules and regulations that are contrary to it are null and void to the extent of the inconsistency to the Constitution. The Constitution contains the principles of non-discrimination and equality which are fundamental to this Anti-Sexual Harassment Policy.

This policy is further grounded on the Kenyan National laws and policies prohibiting sexual harassment such as The HIV/AIDS Prevention and Control Act and the Sexual Offences Act, among others. The policy borrows from international human rights principles enumerated in international and regional human rights conventions such as the Universal Declaration on Human Rights(1948), the Beijing Declaration and Platform of Action (BPFA), The Millennium Development Goals, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), The African Charter on Human and People's Rights and its protocol on the Rights of Women, the international labor organization among others which emphasize the need to eradicate all manner of sexual exploitation including sexual harassment..

These documents are important in the context of this policy not only because they serve the same need as this policy, but also due to the fact that the Kenya Government is a signatory to the international instruments and therefore have the duty to fulfill its obligations according to the aforementioned instruments to the citizens of Kenya. It is on this premise that the University shall have zero tolerance on Sexual Harassment at any organizational level whether formal or informal and/or at an individual level.

The Egerton's HIV/AIDS Policy and the Gender Policy are crucially significant to this policy since sexual harassment; gender disparity and the spread of HIV/Aids are intricately interlinked. They emphasize the importance of eradicating discrimination, inequality and unequal power balance which are strong ingredients that allows SH to thrive.

### ***Situational Analysis***

There have been deliberate attempts globally and within Egerton University to eradicate sexual harassment and Hiv/Aids directly or indirectly.

Examples of sexual harassment that were identified by the students, university administrators, teaching and non-teaching staff through the questionnaire administered to them include but are not limited to:

- Unwanted physical contact of intimate body parts, e.g., patting buttocks or stroking breasts, massaging any part of the body or scratching the palm of the hand;
- Unwanted and persistent explicit or implicit propositions to engage in sexual activity;
- Unwanted verbal communication, e.g. dirty jokes, derogatory sexual remarks, leering, persistent social invitations or threats that failure to oblige to sexual advances might lead to unfair treatment;

- Unwanted nonverbal communication, e.g., obscene gestures, sexually suggestive actions or facial expressions;
- Remarks about sexual activities or speculation about sexual experiences;
- Exposure to sexually suggestive visual displays such as insinuating graphics, photographs, pictures, posters, calendars or other materials;
- Rape or defilement
- Sexual assault.

The factors that contribute to sexual harassment identified in the survey include:

- Poverty
- Gender discrimination
- Indecent/provocative dressing by both males and females
- Ignorance on what constitutes sexual harassment
- Impunity

The consequences of sexual harassment identified include:

- Low staff morale and productivity
- Contraction of HIV/AIDS
- Unwanted pregnancies
- Psychological problems
- Victimization
- Stigma

## **Chapter 2**

### **2.0 Policy Framework**

#### ***2.1 Rationale***

Egerton University is committed to being a high performance, reputable and vibrant institution which shall not tolerate all forms of behavior that perpetuate gender inequalities and sexual harassment in particular. The University acknowledges that sexual harassment is a violation of the fundamental human rights, debilitates morale and interferes with the effectiveness of the living, working and learning environment. Sexual harassment cases have been handled in an ad hoc manner within the precincts of the University. There is no guidance on how to handle the subject due to the absence of a comprehensive anti-sexual harassment policy.

In as much as Egerton University has documents that outline the regulations governing the conduct of members of the University community, such documents lack clear guidelines on how to handle sexual harassment cases and neither do they recognize the explicit connection between sexual harassment and the spread of HIV and AIDS. Consequently, many cases are never reported, and even when they are reported, there are no clear guidelines for dealing with the perpetrator.

There needs to be recognition that sexual harassment is one of the causal effects of HIV/aids and discouraging it will lead to reduced cases of HIV/Aids infections. It is necessary to provide standard guidelines and a mechanism for handling sexual harassment cases e.g. reporting, investigation, punishment and counseling victims to cope with the experience.

Female students who have suffered indignity at the hands of their lecturers do not report for lack of an institutional framework for reporting and punishments

thus fearing getting low marks. Some staff members have been accused of oppressing and exploiting students but have never been punished and even if they are punished, the punishments are lenient and no appropriate action has been taken against them.

The policy will create awareness on what constitutes sexual harassment and serve as a deterrent to potential perpetrators. The survey further established that there is stigma attached to sexual harassment and HIV and Aids which results in many cases going unreported due to fear and embarrassment.

Students too have fallen into the trap of sexually harassing their fellow students especially due to the fact that drugs and alcohol intake is rampant at the universities. Respondents were of the opinion that drugs and alcohol contribute to cases of SH and therefore the university had to deal with such issues severely. Such offences sometimes result into rape in the student hostels but the perpetrators even when they appear before the disciplinary committee, their cases have not been dealt with appropriately.

## ***2.2 The policy formulation process***

The development of the anti-sexual harassment policy was spearheaded by the Institute of Women, Gender and development. This was in the period of July to November 2009. The institute employed a highly participatory and rigorous process. Consultations and surveys were carried out through the administration of questionnaires. The purpose of the surveys was to get input from the entire Egerton University community on significant sexual harassment concerns in the institution. A validation workshop was held on the 11<sup>th</sup> November 2009 where participants validated the survey findings, critiqued the draft policy and made recommendations. The involvement of the community has fostered ownership of the policy by the community and facilitate acceptance of the document for implementation. The Institute bench marked with Kenyatta University, Makerere University, the African Union, University of Pretoria, the International

Labour Organization and other anti-sexual harassment and HIV/Aids policies. Stakeholders' comments and views were also incorporated in the various drafts that culminated into the final policy.

## ***2.2 Goals and Objectives of the policy***

The overall goal of this policy is to provide a comprehensive framework for preventing and redressing sexual harassment without and within the context of HIV/AIDS. It is also aimed at empowering and building the capacity of the Egerton University community and its affiliates in the bid to eradicate the vice.

### **The specific objectives include:-**

1. To create and maintain a conducive learning and working environment at Egerton University so as to achieve the University Mission to generate and disseminate significant knowledge and offer exemplary education to contribute to and innovatively influence national and global development.
2. To prevent sexual harassment.
3. To remedy sexual harassment situations.
4. To provide disciplinary procedures for the perpetrators of sexual harassment.
5. To provide guidelines and mechanisms/structures for handling cases of sexual harassment at the University.
6. To provide a platform for debate on sexual harassment both within and outside the University and to uphold fundamental human rights
7. To sensitize Egerton University Community on what constitutes SH and its consequences.
8. To create awareness on the reporting procedure.
9. To consistently handle cases of sexual harassment promptly, effectively and with utmost sensitivity and fairness

10. To promote research and publication of research findings and recommendations for cultural reforms regarding sexual harassment.

### ***2.3 Scope of the Policy***

All employees, students and third parties are subject to this policy and are expected to observe and adhere to the terms of this policy in their conduct with other employees, students and third parties.

The sexual harassment policy will apply to all activities and operations taking place at the University. It is binding on all employees, students and third parties that deal with the institution and its affiliate structures. The implementation of the policy will be the responsibility of everyone in the university. The Institute of Women, Gender and Development Studies will provide guidance, coordinate and act as a resource centre for implementation of the policy. Specifically, this policy covers:-

1. Teaching staff
2. Non-teaching staff in Departments and Sections (permanent, temporary and casual)
3. Administrators
4. Students (regular, self-sponsored, part-time, school-based, diploma and postgraduate)

### ***2.4 Guiding principles***

- Rule of law, promotion and protection of human rights
- Access to accurate information on the reporting mechanism
- Adherence to principles of gender equality and equity
- A Sexual harassment free university
- Research based interventions

- Sustained approaches to coordination and management of anti-sexual harassment activities.
- Confidentiality
- Non-discrimination
- Zero tolerance to Sexual Harassment
- Transparency and Accountability
- The dignity and integrity of every human being must be given due regards at all times.

## **Chapter 3**

### **Areas of Intervention**

To achieve the objectives of the anti-sexual harassment policy, the following areas of intervention shall be initiated:

- Awareness and sensitization
- Capacity building and training
- Curriculum
- Safety and security
- Research on HIV/AIDS and sexual harassment

#### ***3.1. Awareness and Sensitization***

This is the process through which people or the public are made aware of SH and the redress mechanisms available at their disposal in order to increase their level of awareness and empower them to confront SH.

#### **Challenges**

- Ignorance on the part of the University community that indeed sexual harassment is a vice and a human rights violation.
- Lack of accurate information of what exactly constitutes sexual harassment

#### **Policy statement**

The University has and will continue to provide support for initiatives that are already in place and are aimed at educating the public on the importance of eradicating sexual harassment.

#### **Intervention strategy**

- The University will ensure that this policy is published and disseminated to all staff, students and the community.
- Conduct awareness workshops on SH and HIV/AIDS.

- Require all students, staff and the community to undertake to abide by the anti- Sexual Harassment Policy.
- Continue to support advocacy groups and create new ones where applicable.

### ***3.2. Capacity Building and training***

The University recognizes that it needs to take proactive measures to train individuals and equip them with knowledge on how to handle SH cases. These individuals would preferably be those who deal with grievances of other nature within the University such as the Disciplinary Committee, the office of the Dean of Students, the Human Resource Officer, Spiritual Leaders and any other University Advisor that students present grievances to or confide in. These persons are in turn expected to build the capacity of the larger University Community on SH and HIV/AIDS as they have a wider reach due to their leadership positions within the University.

### **Policy statement**

The University has and will continue to implement capacity building programmes such as workshops and seminars that are aimed at empowering the staff, students and the community to join forces against sexual harassment and HIV/AIDS.

### **Intervention Strategy**

- Facilitate training of University counselor's, the human resources officer, the office of the dean of students, the IWGDS staff to recognize and be responsive to the emotional and psychological needs of staff and students.
- Strengthen the current guidance and counseling unit to deal with sexual harassment cases.
- Empower members of the University Community to take part in the implementation process.

### **3.3. Curriculum**

The curriculum is the avenue for teaching, learning and acquisition of knowledge and skills at the University and any other educational institutions.

#### **Policy statement**

Egerton University commits itself to incorporate sexual harassment into the curriculum whether through the formal learning system or the co-curricular system.

#### **Intervention strategy**

- Mainstream sexual harassment into the formal curriculum
- Audit and devise methods of rewarding students and staff who actively engage in anti-sexual harassment activities.

### **3.4. Safety and Security**

In any setting, safety and security pose a great challenge especially with regard to preventing sexual offences and other related offences. The Institute and the office of the dean of students especially have received numerous complaints about sexual offences especially against females which make it imperative that this policy provides for it.

#### **Policy statement**

The University has continually tried to ensure the safety and security of staff, students and the community especially female students. The university will ensure that the University and its environs are made secure and safe, especially for female students to foster a secure environment for teaching, learning, working, recreation and respect for dignity and privacy.

#### **Intervention Strategy**

To achieve the above objective the university will:

- Provide training for staff and students on life skills.

- Provide adequate lighting within the university
- Ensure all reports on sexual harassment are kept private and confidential to avoid jeopardizing the safety and security of the victim as it may attract victimization.
- Install suggestion boxes and hotlines in appropriate locations within the University.

### ***3.5. Research on HIV/AIDS and Sexual Harassment***

Egerton University shall continuously carry out research on SH and HIV/Aids to ensure that the policy keeps upto date with the changing current situations and also that it keeps up the momentum in its attempt to eradicate sexual harassment.

#### **Policy statement**

The University will continually support research initiatives in the area of sexual harassment and HIV/AIDS.

#### **Intervention strategy**

- Establish a research unit.
- The University shall allocate funds for research and dissemination of research findings.

## **Chapter 4**

### **4.0 Procedures for handling sexual harassment**

While studies undertaken in the University Campuses and Constituent Colleges reveals that sexual harassment is rampant at the University, very few of the survivors reported the incidences. There are several reasons for the non reporting of sexual harassment incidences in the university such as; fear of stigmatization, fear of reprisal, fear of ostracism, fear of punishment or victimization, lack of proper reporting structures and mechanisms, lack of confidentiality, ignorance and lethargy and inability of the university administration to handle such cases when reported.

It is in recognition of the above mentioned failures that the university has seen the need to have a well laid down procedure for effective handling of sexual harassment cases as and when they occur.

#### ***4.1 Reporting Mechanisms***

Persons who believe they have been survivors of sexual harassment are strongly encouraged to report the incidence to the confidential advisors appointed to help in the implementation this policy. The survivor of sexual harassment who wishes to pursue or make a complaint of sexual harassment has two options through which they can make the complaint: either through an informal complaint or through a formal complaint.

*An informal complaint* is made to any academic member of staff, personal tutor or administrator. It is made in those cases where the survivor wishes for something to be done (e.g. warn the harasser or transfer him/her to another department or change his/her dissertation supervisor) but is not ready to lodge

a formal complaint. In any case, the alleged perpetrator must be notified of the complaint lodged against him/her. An additional advantage of an informal complaint is that it remains on record and may be used in future as evidence of repeated unwanted conduct should the need arise.

In making a *formal complaint*, the survivor will lodge a written and signed complaint to the board or committee with the duty to implement the policy. The committee will then investigate the complaint exhaustively and make adequate disciplinary decisions.

The Committee can also on its own motion and with no formal complaint being received from the survivor of sexual harassment initiate an official investigation in circumstances where such an intervention is clearly required or justified.

The policy emphasizes the importance of documenting all cases of sexual harassment within the university's precincts or involving the students, university administrators, teaching and non teaching staff. Thus, it is vital that an account of the incident that the survivor is complaining about be documented as soon as possible after its occurrence, especially if they decide to bring a formal complaint. The written account should include the date, time and place of each incident, the behaviours involved in the incident, the survivor's response to it, and the names of any witnesses to it. Complaints must be lodged within a reasonable time, preferably within 72 hours especially in cases where the survivor may need medical attention. In any case the time period for reporting should not exceed three months from the alleged harassment.

Survivors should report to the dean of students, the Institute of Women, Gender and Development Studies, Security (Gender/sexual harassment desk), medical department or custodians in the hostels or directly to the anti-sexual harassment committee.

## ***4.2 Investigation procedures***

Upon receiving a report on sexual harassment, the receiving authority shall refer the matter to the anti-sexual harassment committee to investigate. The receiving authority shall also inform the vice chancellor for necessary interim action especially in cases where the perpetrator is in higher authority than the survivor and is likely to interfere with investigations. Investigations will include but not limited to interviews with and written statements by or with the complainant and the perpetrator. Interviews will be confidential and discreet. Persons with information on the incidence will also be interviewed. The investigators will establish the circumstances leading to the incidence, nature of the incidence, the relationship between the parties, past behaviors and the context under which the alledged incident occurred.

## ***4.3 Disciplinary measure***

Once the investigations are complete, they shall be submitted to the vice chancellor. The vice chancellor shall then direct the disciplinary committee to deliberate on the appropriate disciplinary action. Disciplinary measures shall be instituted against perpetrators as appropriate once investigations have been conducted and it is established beyond reasonable doubt that the incident occurred. The disciplinary committee shall then submit its recommendation to the Vice Chancellor for action.

This policy document states the university's commitment to providing an environment within the university that is free from sexual harassment and any employee or student who violates the policy shall be subject to serious disciplinary action which could include:

- 1) Termination of services
- 2) Suspension or expulsion of the student from the University.
- 3) Barring such persons from accessing the University premises.
- 4) Conciliation

The University recognizes that persons may make false reports and therefore prohibits this. Persons who make false allegations are subject to disciplinary action. Cases beyond the University jurisdiction will be forwarded to the appropriate authorities outside the University.

Sexual harassment is a crime in Kenya as is provided for in the Sexual Offences Act, 2006. Notwithstanding, any other action that has been taken by the survivor as is provided for under this policy; the survivor should be informed that she/he also has a right to pursue criminal charges against the perpetrator and thus have them prosecuted in a Court of Law.

#### ***4.4 Confidentiality***

All complaints of sexual harassment shall be treated confidential to the extent practicable. Only those individuals who may have received informal complaints or are necessarily involved in an investigatory process and in the making of decisions regarding resolution of the complaint should ordinarily be provided access to information regarding any allegation of sexual harassment. All information regarding sexual harassment complaints shall be maintained in a confidential file and locked away in a secured safe place in the exclusive office of the body charged with the duty of implementing the policy.

Due to the sensitivity and the distressing nature of sexual harassment cases, all persons involved shall treat the matter with utmost confidentiality. The University shall only disclose such information as required by law and only to the extent that such information will aid further investigation and thereby ensure perpetrators are punished and the vice eradicated.

#### ***4.5 Support for victims of Sexual Harassment***

There is usually stigma and undue pressure associated with SH and most survivors and especially female survivors who experience this with their lecturer opt to keep quiet for fear of victimization. Once there is evidence that one is undergoing SH, the University shall provide appropriate counseling for the survivors and any other member of the survivor's family where appropriate.

#### ***4.6 Dissemination of the policy***

Egerton University shall circulate copies in strategic places such as Schools, Departments, libraries and hostels. It will also produce brailed editions and Kiswahili versions. It shall further orient any incoming new students on the anti-SH policy. It will make the policy part of the conditions of employment and incorporate it in the performance contract.

#### ***4.7 Monitoring and Evaluation***

The Anti Sexual Harassment Committee created by this policy in conjunction with the Institute of Women, Gender and Development Studies and the University Administration will develop tools for monitoring and evaluating the progress made in the implementation of the policy strategies. The Committee and the Institute will continue to undertake research, collect, collate and analyze information to monitor or track progress of the implementation. Evaluation of interventions will be undertaken yearly to assess the extent of impact and the shortcomings thereof, which in turn will feed the policy cycle for improvement in content and context. The policy will be reviewed every three years to take into account new developments in research and lessons learnt from the monitoring and evaluation of the policy. The review will also take into account the social and economic realities associated with sexual harassment and the overall university environment.

#### ***4.8. Implementation roles and responsibilities***

##### **4.8.1. Awareness and Sensitization**

The actors involved are the Vice Chancellor, the Deputy Vice Chancellor (Administration) and the Dean of Students.

##### **4.8.2. Curriculum programmes**

The actors involved in its implementation are the Vice Chancellor the Deputy Vice Chancellor Academics Affairs, Deputy Vice Chancellor Administration, Dean of Students, and Heads of Department.

#### **4.8.3. Capacity building**

The actors involved in its implementation are the Vice Chancellor and the Deputy Vice Chancellor Administration.

#### **4.8.4 Research on Sexual harassment and HIV/AIDS**

The actor involved in its implementation is the Vice Chancellor, Deputy Vice Chancellor in charge of research.

#### **4.8.5. Reporting mechanisms**

The actors involved in its implementation are the vice chancellor, the investigating committee, the DVC (administration) and the various Deans.

#### **4.8.6. Investigation procedures**

The actors involved are the Vice Chancellor, the investigation committee.

#### **4.8.7. Disciplinary measures**

The actors involved are the Vice Chancellor, the disciplinary committee, the DVC (Administration).

#### **4.8.8. Confidentiality**

The actors involved are the Investigation and the Disciplinary Committees.

#### **4.8.9 Support for victims**

The actors involved are the Vice Chancellor, the Deputy Vice Chancellor (Administration), Dean of students, Head of Departments, Guidance and counseling section.

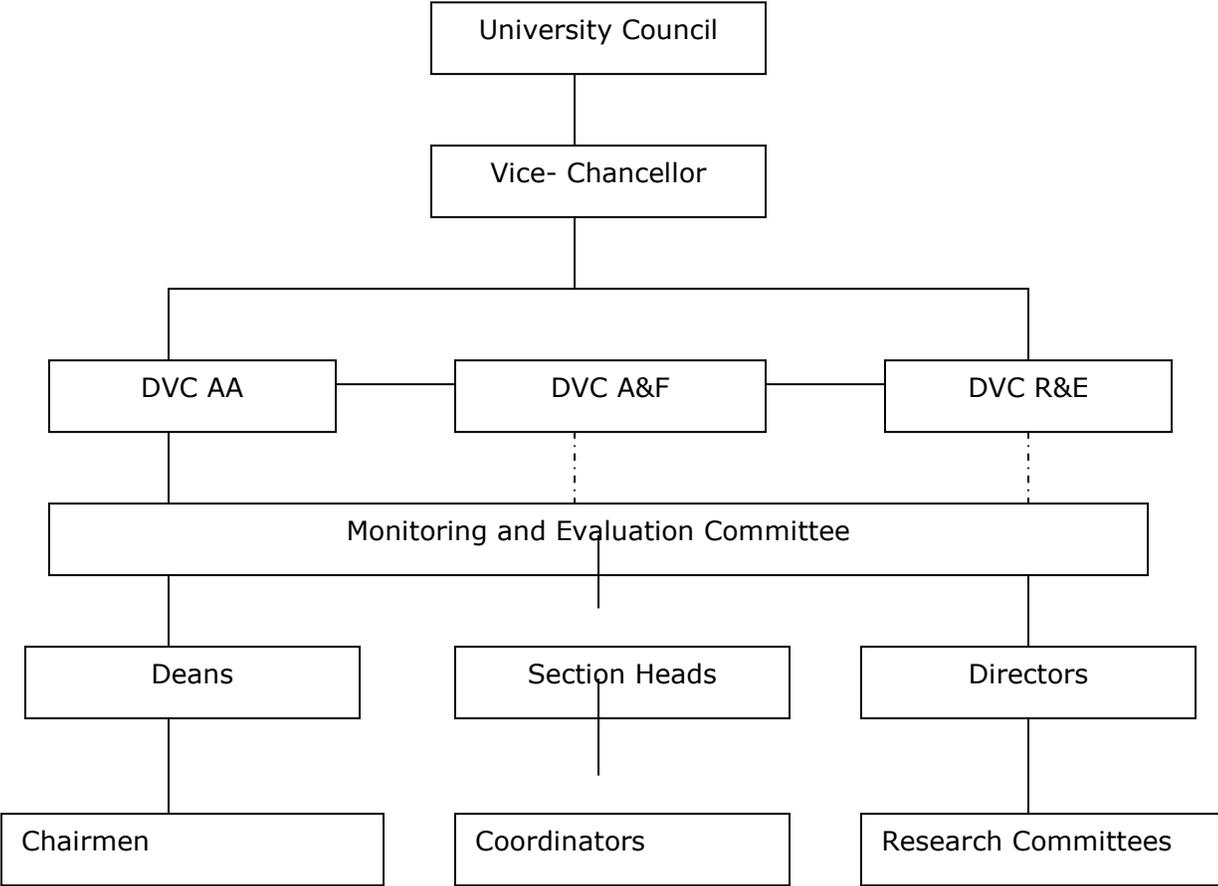
#### **4.8.10 Dissemination**

The actor involved is the Deputy Vice Chancellor (Administration).

#### **4.8.11 Monitoring and evaluation**

The actors involved are the Vice Chancellor, the anti-sexual harassment committee and the Deputy Vice Chancellor (Administration).

**4.8.12 Institutional Framework for implementation of Egerton University Anti-Sexual Harassment Policy (Organogram)**



#### 4.8.13 APPENDIX1: REPORTING MECHANISM SH CASES

