



UNIVERSITY OF NAIROBI

WORKPLACE POLICY ON GENDER BASED VIOLENCE (GBV)

JUNE 2022

TABLE OF CONTENTS

FOREWORD	iii
CHAPTER ONE: INTRODUCTION	1
2.1 Rationale.....	3
2.2 Scope	3
2.3 Policy Objectives.....	4
2.4 Core Principles	4
2.5 Gender Strategy and Core Principles	4
CHAPTER THREE: LEGAL AND POLICY FRAMEWORK	6
CHAPTER FOUR: POLICY STATEMENTS	7
4.1 Working and Learning Environment.....	7
4.2 Role models, Mentors and Guardians	7
4.3 Staff Organizations, Student Organisations and Co-Curricular Activities	8
4.4 Teaching and learning	9
4.5 Research, Innovation and Enterprise.....	9
4.6 Gender Based Violence.....	10
4.7 Staff and Student Welfare	10
CHAPTER FIVE: IMPLEMENTATION FRAMEWORK	12
5.1 Implementation.....	12
5.1.1 Strong anchorage of equal opportunities in the institutions.....	12
5.1.2 Awareness of gender stereotypes and biases, respectful conduct and communication	12
5.1.3 Career development for women at all stages	13
5.1.4 Conditions for a good life domain balance	13
5.1.5 Gender issues in research and teaching	13
5.2 Campus-based Gender Focal Points.....	13
5.3 Complaints Procedures.....	14
5.4 Resource Mobilisation Strategy	15
5.5 Monitoring and Evaluation Systems	15
5.6 Review.....	15

FOREWORD

Gender-based violence, including Sexual harassment is a global, regional and national concern due to increasing trends within work spaces, including higher learning institutions thus the need to recognize the challenge and initiate work place policy measures to address the challenge. This Workplace Policy on Gender-Based Violence articulates the University of Nairobi's zero-tolerance approach to sexual harassment and sexual exploitation and abuse. It clarifies, standardizes and simplifies the functions of the University of Nairobi on matters appertaining to Gender-Based Violence.

The purpose of this Gender-based violence Policy is threefold: Firstly, it articulates Policy Statement, the Code of Practice at the University and the Implementation Mechanisms that would provide the policy statement which draws attention cover gender parity in GBV implementation frameworks under this policy. Secondly, it would provide specific advice and guidelines as outlined under the Code of Practice regarding gender issues at the University of Nairobi. Thirdly, it will identify suitable mechanisms of implementing the policy at the colleges, faculties, departments and all other sections.



PROF. S.G. KIAMA, PhD.
VICE – CHANCELLOR

CHAPTER ONE: INTRODUCTION

Gender-Based Violence (GBV) occurs across all socio-economic and cultural backgrounds, and in many societies across the world. GBV is a symptom of underlying gender inequalities and power imbalances that transcend the bounds of geography, race, culture, class, and religion, touching virtually every community. It is often condoned by customs and reinforced by institutions.

Sexual harassment and the threat of Gender-based violence is common and forms one of the most prevalent human rights violations globally. Gender-based violence (GBV) disproportionately affects females, particularly women from vulnerable groups. Despite inadequate evidence-based information, GBV in the work place is widespread, as the number of women entering the work force grows so do instances of this type of violence. The vice also occurs among males, gender non-conforming groups and non-binary people. Gender-based violence is a violation of human rights and is a form of discrimination against the victims. Despite the fact that it is widespread, GBV in the workplace remains under-reported due to the fear of disbelief, blame, social or professional retaliation.

GBV in the work place and in the learning environment violates the right to work and to learn in a peaceful atmosphere. The International Labour Organization (ILO) on the 21st June 2019 held a Convention on Violence and Harassment at Work and set out key measures to tackle this scourge in Geneva, Switzerland. Among these key measures were the adoption of national laws prohibiting workplace violence and taking preventive steps. Work place policies on violence are an integral part of these efforts.

In Kenya, there is the National Policy for Prevention and Response to Gender-based Violence, launched in 2016 by the Ministry of Devolution and Planning. The overall goal of this Policy is to accelerate efforts towards elimination of Gender-based violence in Kenya. Sexual harassment and other forms of Gender-based violence mostly affect women in Kenya, though men also experience the vice. Other Laws dealing with Gender-based violence in Kenya include: Sexual Offences Act, 2006 revised in 2017; the Constitution of Kenya 2010, and the National Policy on Gender and Development, 2019.

There have been media reports of certain forms of GBV and improper conduct within institutions of higher learning. Some of the reported accusations include “sex for marks”, “sex for promotion”, inappropriate behaviour between staff and students, between senior staff

and junior staff, between supervisors and supervisees at different levels and blatant disregard of the rights of the affected persons.

Given the prevalence of Gender Based Violence within the wider population and the size of the student and work force at UoN, a number of students and employees –past or current– may be perpetrators or may have experienced some form of Gender Based Violence. The University of Nairobi is therefore committed to ensuring that its working and learning environments are harassment-free. The University takes cognisance of the fact that GBV is unlawful and will not be tolerated in any form, and appropriate action will be taken against those who breach this policy. The University recognizes that the status of a world class University committed to scholarly excellence cannot be achieved in an environment where gender based violence is a daily occurrence. Hence the formulation of this Policy.

Gender Based Violence (GBV) has been defined as any act of gender-based violence that results in physical, sexual or psychological harm or suffering, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life. Further, the definition has been expanded to include economic deprivation and isolation which may cause eminent harm to safety, health and well- being. Sexual Violence refers to rape, attempted rape, defilement, sexual abuse, and sexual exploitation. Physical Violence is physical assault, while Psychological Violence includes Verbal abuse, insults/humiliation, isolation, sexual harassment. GBV is based on socially ascribed (gender) differences between males and females.

Gender can be seen as the allocation of roles, attitudes and values that are deemed by the community to be appropriate for each sex. These roles define power relations between men and women regarding who makes decisions and who owns resources. They are learned and reinforced through interactions in the home and community. GBV affects women, girls, men and boys, however, women have been found to be disproportionately affected by GBV. This has a direct correlation between women's subordinate status in society and their greater susceptibility to violence.

CHAPTER TWO: RATIONALE, SCOPE, OBJECTIVES AND CORE PRINCIPLES

2.1 Rationale

Gender inequality is one of the biggest obstacles to sustainable development, economic growth and poverty reduction. Goal 5 advocates equal opportunities for men and women in economic life, the elimination of all forms of violence against women and girls, the elimination of early and forced marriage, and equal participation at all levels. Improving gender balance and equal opportunities for women and men requires incorporating as much knowledge as possible regarding the effectiveness, the impact and other effects of potential measures.

The quality of service delivery at the University of Nairobi requires a level playground which is defined by gender parity. The top management of the University of Nairobi has undertaken the task to implement this Gender-based Violence Policy to ensure that all members of staff are protected against any form of adversity. They have also committed to carry out their respective administrative functions and to ensure that University staff are aware of, understand and comply with the deliberations of this policy document.

The Workplace Policy on Gender Based Violence is intended for use by staff, students and other stakeholders of the University of Nairobi. It is based on International best practices and intended to provide a safe work and learning environment free from any form of discrimination or Gender Based Violence against staff and students, commitment to equal pay for equal work, equal access to all University services and opportunities. Further, the university shall strive to actively support female and male students throughout their studies in order to ensure equal chances for success. Faculties will prioritize measures to attract the most talented female and male students and researchers, and to allow them to strive and excel on an equal footing.

It also provides a channel for reporting, action and monitoring should such a vice occur within the University of Nairobi environment.

2.2 Scope

This policy applies to all students, staff and relevant stakeholders as a guideline to ensure Gender concerns are mainstreamed in a processes and the environment in the entire

University, Colleges, Campuses, Faculties, Institutes, Centres and Departments. Within the framework of its core mandate of education, research, campus life and outreach with society, The University contributes to Goal 5 of the sustainable development goals. For instance, in the UoN Equal Opportunities and Diversity office, career development of staff in the academic field or the integration of gender-specific aspects into research and teaching will be promoted through affirmative action.

2.3 Policy Objectives

- i. To foster a prevention-focussed environment, free from all forms of Gender-based violence and reduce vulnerability of groups most at risk of Sexual harassment and Gender-based Violence (SGBV),
- ii. To provide a comprehensive service to victims of SGBV, improve accountability and eliminate impunity in a sustainable manner.
- iii. To enhance stakeholder engagement in the coordination, monitoring and evidence-based information sharing on Sexual harassment and Gender-based violence.
- iv. To progressively eliminate sexual harassment and other forms of Gender-based violence by providing a preventive, protective, supportive and transformative environment that is conducive to respect for the rights of all members of the University community.

2.4 Core Principles

The principles that guide the implementation of this policy are:

- i. Good governance, integrity, transparency and accountability
- ii. Equality, equity, human rights and non-discrimination
- iii. Inclusivity : To ensure all staff and students have the right to be heard and to participate
- iv. Good Work Environment : Should be free of any discrimination, respectful of their gender and diversity
- v. Preservation of human dignity

2.5 Gender Strategy and Core Principles

The UoN aims to improve the gender balance among its member institutions by increasing the share of women in education and in research, as well as in management positions. Ensuring equal opportunities for women and men within the UON is a prerequisite for achieving this objective. In this regards, the individual faculties are responsible for implementing the present strategy through adequate actions that match their respective situation.

CHAPTER THREE: LEGAL AND POLICY FRAMEWORK

The Policy is guided by the provisions of the following laws, policies, national and international instruments.

- i. The Constitution of Kenya 2010
- ii. National Policy for Protection and Response to Gender-based violence, Ministry of Devolution and Planning
- iii. Republic of Kenya, 2019. National Policy on Gender and Development, Ministry of Public Affairs, Youth and Gender services
- iv. Republic of Kenya, 2017. Sexual Offences Act 2006, 2017, Government Printer
- v. University of Nairobi, 2014. Gender Policy, UoN
- vi. University of Nairobi Act, 2012
- vii. Employment Act, 2008
- viii. The Sexual Offences (Amendment) Act, 2011
- ix. The Sexual Offences Dangerous Offenders DNA Data Bank Regulations,
- x. The National Reproductive Health Policy, 2007;

CHAPTER FOUR: POLICY STATEMENTS

4.1 Working and Learning Environment

In the University Gender Policy 2014, the University is committed to providing all students and staff, both male and female with a safe, clean, and comfortable working and learning environment. Moreover, to perform optimally, students and staff need to feel secure.

In view of this, the University is committed to:

- i. Creating a working and learning environment that is free from GBV and sexual harassment, where all members are treated with courtesy, dignity and respect
- ii. Raise awareness of GBV as a grave violation.
- iii. Implementing strategies to ensure that all members of the University community know their rights and responsibilities in this regard
- iv. Encouraging reporting of any unacceptable behaviour
- v. Providing an effective complaints procedure based on principles of gender justice and natural justice
- vi. Treating all complaints in a serious, sensitive, fair, timely and confidential manner
- vii. Ensuring that The UoN respond effectively to staff members and students who may be perpetrators of abuses relating to GBV.
- viii. Guaranteeing against all forms of victimization or reprisals.
- ix. Ensuring that all campus buildings have secure, adequate and appropriate provision of toilet facilities for different genders.
- x. Ensuring that all campus facilities, including office buildings, lecture halls, and libraries, are secure, clean and appropriate for use.
- xi. Ensuring that there are secure and adequate recreational facilities for all genders of students.
- xii. Ensuring that there is secure and adequate office space for male and female academic and non-academic staff.
- xiii. Strengthening security systems throughout the University.

4.2 Role models, Mentors and Guardians

Role models, mentors and guardians are an important part of the working and learning environment. It is necessary to present positive role models to male and female students and

staff. Mentors help to define the dream while guardians are the dream-enablers. Mentors prepare women, men, girls and boys to attract guardians. In turn guardians make individuals visible to leaders within and outside an institution, in this case, the University of Nairobi. They connect individuals to career opportunities and provide cover when they encounter trouble. They open not only one door but see their protégés to the threshold of power. Currently most of the role models, mentors and guardians in the University are largely male, partly due to various historical factors.

In view of this, the University is committed to:

- i. Training on gender acceptable behaviour for all (staff and students) so that we can speak the same language without cultural overtones which are patriarchal and expect submissive female behaviour rather than equality
- ii. Encouraging gender sensitivity in male students and staff by presenting male role models who demonstrate gender sensitivity in their language and behaviour.
- iii. Undertaking activities designed to raise the profile of gender-neutral scholars and other professionals equally, in a bid to reduce discrimination and possibilities of sexual harassment.
- iv. Institutionalizing the recognition of luminaries of positive gender norms within the UoN Awards system.

4.3 Staff Organizations, Student Organisations and Co-Curricular Activities

The University Staff Organizations and Student Association (UNSA) drama, music and sports have disproportionately high number of males in leadership positions compared to females. However, while the membership in University-sponsored student organisations reflects the overall student gender balance, the election processes are characterised by abuse and violence that discourage female participation.

In view of this, the University shall:

- i. Consider as per the Kenyan Constitution 2010 to include key gender positions so to achieve minimum 30% of one gender in all leadership structures of the organizations domiciled at the university.
- ii. Enforce 2/3 gender policy in all University organizations domiciled at the University
- iii. Ensure that university linked organizations conduct elections peacefully in a free fair, peaceful, and gender responsive and are free from sexual harassment and GBV and that sanctions are applied to alleged perpetrators of sexual violence.

- iv. Ensure that UNSA and other student elections are free, fair, peaceful, and gender responsive and are free from GBV and that sanctions are applied to alleged perpetrators of sexual violence.
- v. Facilitate within its mandate greater budgetary support for development of higher profile and active participation of students in monitoring incidences of SGBV.
- vi. Strive to attain equal gender representation in the Co-curricular activities not addressed: drama, music and sports.

4.4 Teaching and learning

The University is committed to ensuring fairness in examinations and coursework. Actualising this commitment involves putting in place measures to correct or prevent abuses based on the gender of the student or lecturer.

In view of this, the University shall:

- i. Ensure that the entire university is safe including adequate lighting, controlled vegetation, CCTV and gender-trained security.
- ii. Make spaces available on all campuses where all students can read in safety, security, and without fear of sexual harassment. Protect staff and students against victimisation if they report sexual offences or turndown the advances of any member of staff.
- iii. Strive to ascertain that gender sensitivity to language and behaviour is upheld in the use of all academic and administrative encounters.
- iv. Ensure that students taking examinations are properly and positively identified to minimize opportunity for gender-based abuse.
- v. Ensuring students, staff and other stakeholders know where to report violations.

4.5 Research, Innovation and Enterprise

Research is critical and forms a core business of the university and includes scholarship and related activities. The University shall:

- i. Ensure that field stations and field work are secure and free from any form of Gender-based violence.
- ii. Ensure that the University staff and students fieldwork is free from sexual harassment and gender based violence.
- iii. Within its mandate, facilitate university staff to access funding for their research.
- iv. Strive to ascertain that the award of university scholarships and other research benefits are fair and gender-responsive.

4.6 Gender Based Violence

Gender based harassment and violence, both physical and psychological, is prohibited at the University of Nairobi. Through this Policy, the University is committed to putting in place preventive and other measures designed to eliminate sexual harassment and all forms of gender-based violence.

In view of this, the University shall:

- i. Develop and enforce University rules aimed at protecting students and staff from sexual harassment. These will cover matters including but not limited to student-staff interactions and among learners themselves, appropriate gender-sensitive dressing, organisation of dining and library facilities and use of gender-sensitive language.
- ii. Establish support centres and provide counselling services to promptly and effectively respond to and deal with sexual harassment cases.
- iii. Ensure that all reports or records on allegations or complaints of sexual harassment are treated with utmost confidentiality, bearing in mind matters of mutual consent.
- iv. Strictly enforce rules designed to protect students from sexual harassment or violence in the University halls of residence, especially through prohibition of cohabitation and regulations pertaining to visiting hours.
- v. Treat rape and other sexual offences as provided for in the Sexual Offences Act as crimes which upon proof will lead to automatic expulsion or dismissal. In such cases the University shall report the offence to the law enforcement authorities.
- vi. Ensuring students, staff and other stakeholders know where to report violations.

4.7 Staff and Student Welfare

The University aims to promote staff and student welfare by providing medical services, housing and accommodation, recreational facilities, and transport to some or all members of the University community in a secure environment.

In view of the above, the University shall:

- i. Provide regular communication to all members of staff concerning the GBV prevention procedures and facilities that are available to them.
- ii. Continuous staff sensitization to create awareness, empower staff and students on individual rights to seek redress in case of any occurrence of GBV and enhance principles of integrity among staff to prevention all forms of GBV at workplace.
- iii. Establish a GBV unit for staff and students, which includes counselling services as well as training members of staff and students on self-defence as a preventive measure.

- iv. Within its mandate, provide family planning services to all students.
- v. Support pregnant students by granting them maternity leave as per the National framework
- vi. Facilitate accessibility of affordable day-care facilities for babies of students and members of staff, bearing in mind that childcare is a national responsibility.
- vii. Facilitate maternity and paternity leave, recognizing the equal value and importance of both women and men in parenting and upbringing of children as per the National framework.
- viii. The UoN shall provide access to health care to staff and students, including reproductive health services according to the national framework guidelines (the most cost effective health care intervention and affordable with resource envelope of the university).
- ix. Diversify recreational facilities and activities to cater for the different needs of male and female students and staff.
- x. Provide transport to security staff working late in the evening and other staff with special arrangements to convenient points from which they can safely get their connecting modes of transport.

CHAPTER FIVE: IMPLEMENTATION FRAMEWORK

5.1 Implementation

The Policy shall guide the development and enforcement of regulations and codes of conduct at the University. For example, some of the consequences shall apply according to the severity of the situation and whether the offense in question is a first or subsequent occurrence. Consequences or enforcement sanctions may include: apology, counselling, compensation, disciplinary action, misconduct proceedings or even suspension or expulsion or sacking.

The Policy shall be widely disseminated to all staff and students to ensure that they are all aware of the Policy. A copy of the Policy shall be available at the University website for easy access and reference to this policy shall be made on Staff Employment contracts.

5.1.1 Strong anchorage of equal opportunities in the institutions

A strong institutional anchorage and commitment of the top management is a central factor for the implementation and effectiveness of gender balance and equal opportunity policies. The responsibility for implementing and communicating such policies lies with the Vice Chancellor or Deans and the Management Boards of the respective Faculties and with the Heads of their sub-entities (e.g. faculties, departments, administration) according to the faculties' individual structure. The development and implementation of equal opportunity policies in the UoN will be supported by corresponding professional structures, as well as by staff with adequate resources linked to a member of the executive boards or faculty committees.

5.1.2 Awareness of gender stereotypes and biases, respectful conduct and communication

Gender stereotypes and biases are an impediment to gender balance and equal opportunities. All UoN faculties shall take action to enhance awareness among their members regarding stereotypes and their impacts. They will implement measures to systematically identify these stereotypes; these measures include e.g. workshops, lectures, online tools, etc. The UoN institutions are also committed to detecting internal structural gender biases. They will ensure equal treatment regarding salary conditions and access to resources and follow the rules of the UoN Charter for equal opportunities in the public sector, which all UoN signed.

5.1.3 Career development for women at all stages

Based on monitoring and benchmarking, each faculty shall set quantitative targets and specific measures for increasing the proportion of women in academia, administration and technical professions, in line with the institutions' particular situation.

The University will take appropriate measures to ensure that more women enroll in their Bachelor's and Master's programmes in fields of current under-representation. To this end, they will also co-operate with secondary and teacher training institutions and other stakeholders active in the promotion of science outreach and education. They will actively support female and male students throughout their studies in order to ensure equal chances for success.

5.1.4 Conditions for a good life domain balance

The University of Nairobi and the University Executive Board shall provide work conditions supporting a good "life institution balance", which represents a more encompassing concept in comparison with the notion of work-life balance. The balance should be conducive to equal opportunities for women and men.

Day nurseries and childcare facilities for specific occasions (like emergency childcare, holiday activities, or childcare solutions for conferences) shall be further developed, based on the assessment of employees' and students' needs. A similar process applies for developing framework conditions to support care of the elderly, or enhanced care requirements of family members.

5.1.5 Gender issues in research and teaching

The University of Nairobi shall take measures to ensure that gender-related aspects are taken into account in research projects, large research programmes and in (institutional) evaluations. They undertake to engage to train people involved in teaching, assessment and curriculum development to be aware of potential gender differences in learning strategies and perceived self-efficacy, as well as of their impact on examination methods. The measures adopted shall ideally build on research, innovative approaches and best-practice examples.

5.2 Campus-based Gender Focal Points

Each campus will have a gender focal point with a full-time staff in charge, assisted by other part-time staff such as students on work-study programmes. The focal points shall be responsible for information gathering and monitoring the incidences of sexual harassment and other forms of Gender-based violence as well as liaison with other organs and Gender based violence unit of the university. These services shall be provided 24 hours per day

throughout the week, and delivered through a variety of methods such as deployment of office staff during working hours, and help line outside office hours as may be determined by the Division.

5.3 Complaints Procedures

These procedures relate to complaints of all forms of discrimination on the basis of sex, including but not limited to gender-based violence and sexual harassment. The procedures shall be based on the underlying principles of confidentiality, gender sensitivity, protection of whistle blowers, and user friendliness and speedy action.

Staff and students shall be advised on a variety of possible informal and formal options for dealing with sexual harassment, such as confronting the harasser through the Head of the Department or Dean of Students, or the processes of making a complaint within the university system. The Dean of students, working with the Deputy Vice Chancellor (HRA) office can be contacted, in addition to intervention of the Gender focal points at various units at the College level. The Policy shall be circulated to all staff at the University.

The procedure shall be as follows:

- i. Upon receipt by the University of a Complaint of discrimination on the basis of sex, the Gender Mainstreaming Division shall carry out preliminary investigations to determine the merit of the complaint. If the complaint has merit, the Division will make appropriate recommendations to the University. The Gender Mainstreaming Division shall have regular training, capacity building and re-tooling to enable them to handle such cases of harassment
- ii. In the case of gender-based violence or sexual harassment, the provisions of the Sexual Offences Act will apply to all staff and students. The provisions of the Employment Act relating to sexual harassment shall apply to all staff. Upon receipt by the University of a Complaint of gender-based violence or sexual harassment, in addition to the procedure stated above, the alleged offender will be suspended pending investigations. The case will also be referred to the law enforcement authorities for further investigations and action in line with the Sexual Offences Act. If the offending student or member of staff is found guilty by a court of law, he or she will be expelled or dismissed from the University.
- iii. If the alleged offender is an outsider, the case shall immediately be referred to the law enforcement authorities.

5.4 Resource Mobilisation Strategy

The University will fundraise for resources for gender mainstreaming, at the division, college and focal point levels. The University will develop an effective resource mobilization strategy to generate funds and develop human resource capacity for implementation of the policy and gender mainstreaming.

5.5 Monitoring and Evaluation Systems

The University recognizes the importance of monitoring the existence and effectiveness of this Sexual harassment and Gender-based violence Policy in all working and learning environments. The data shall be collected through the Gender Focal Points in each Unit and analysed quarterly and annually to determine the incidences of SGBV and steps taken to address the various issues.

5.6 Review

This Policy shall be reviewed after every five years or as it will be deemed necessary.