

**CHUKA**



**UNIVERSITY**

**CHUKA UNIVERSITY  
SEXUAL AND GENDER BASED VIOLENCE POLICY**

**OCTOBER, 2018**

## Acronyms

AIDS:	Acquired Immunodeficiency Syndrome
ASALs:	Arid and Semi-Arid Lands
BPFA:	Beijing Platform for Africa
CEDAW:	Committee on the Elimination of Discrimination against Women
CU:	Chuka University
DEVAW:	Declaration on the Elimination of Violence Against Women
FGM:	Female Genital Mutilation
GMC:	Gender Mainstreaming Committee
H.E.	His Excellency
HIV:	Human Immune Deficiency Virus
NGEC:	National Gender and Equality Commission
SGBV:	Sexual and Gender Based Violence
SH:	Sexual Harassment
SDGs:	Sustainable Development Goals
STI:	Sexually Transmitted Infections
ST &I:	Science, Technology and Innovation
UN:	United Nations
UNHCR:	United Nations High Commission for Refugees

## Definition of Terms

Assault:	Physical harm inflicted on a person
Child Marriage:	This is a situation where marriage, cohabitation or any arrangement is made for such marriage or cohabitation with someone below the age of 18 years
Confidential Advisor:	The SGBV Counsellor
Consultation:	Encounter between SGBV survivor and standing committee member
Defilement:	An act which causes penetration of a child's genital organs
Sexual Abuse:	Actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions
SGBV Survivor:	These are victims of sexual and gender violence
Gender Based Violence:	Violence that targets individuals or groups on the basis of their gender. It includes infliction of pain, sexual and mental harm or suffering, coercion and deprivation of liberty
Harmful Practices:	All behavior, attitudes and/or practices which negatively affect the fundamental rights of people as their right to life, health, dignity, education and physical integrity
Reporting:	Giving information on a SGBV occurrence
Sex:	The biological characteristics of males and females. The characteristics are congenital and their differences are limited to physiological reproductive systems
Sexual Harassment:	Any unwelcome, usually repeated and unreciprocated sexual advance, unsolicited sexual attention, demands for sexual access or favours, sexual innuendo or other verbal or physical conduct of a sexual nature, display or pornographic material, when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work or study environment
Sexual Based Violence:	Any act, attempt, or threat of a sexual nature that result, or is likely to result in physical, psychological and emotional harm, actual, attempted or threatened (vaginal, anal or oral) rape, including marital rape; sexual abuse and exploitation;

forced prostitution; transactional/survival sex; and sexual harassment, intimidation and humiliation

Service Providers:

Health, counselling and other Personnel involved in the management of SGBV survivors

Standing Committee:

Personnel to handle SGBV cases

Staff:

Employees of all cadres in Chuka University

Violence:

A means of control and oppression that can include emotional, social or economic force, coercion or pressure, as well as physical harm

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## **Foreword**

The vision of Chuka University is to be a Premier University for the provision of quality education, training and research for sustainable national and global development. In order to become the envisaged institution and fulfill the mandate of providing access, to generating, preserving and sharing knowledge, and in order to provide quality, effective and ethical leadership in higher education, training, research and outreach Chuka University has developed elaborate policies which provide guidance in the university's endeavour to deliver on its mission. This policy is one such document that will provide the direction to be taken on matters of gender based violence and sexual harassment.

Chuka University is committed to eliminating sexual and gender-based violence (SGBV). In addition, the University has developed mechanisms to enhance compliance with constitutional requirements on gender and affirmative action. The University also applies affirmative action to ensure attainment of gender and vulnerable groups' equity and equality. Kenya and by extension Chuka University is party to the UN SDGs, 2015, specifically Goal 4 which is: "Provision of equitable and inclusive quality education and life-long learning opportunities for all," and Goal 5 which is: "Attainment of gender equality and empowerment of women and girls everywhere." It is also party to AU Agenda 2063, including Aspiration (1): "A Prosperous Africa, based on Inclusive Growth and Sustainable Development," Goal (2): "Well Educated Citizens and Skills Revolution Underpinned by Science, Technology and Innovation," and Prioritizing: "Education and ST&I Skills Driven Revolution." These ideals cannot be realized without a focused and sustained effort. The policy will guide gender equality actions for the University in implementing the global commitments on gender.

Besides providing gender equality for the implementation of global commitments on gender, the policy on Sexual and Gender Based Violence Prevention outlines the means of eliminating gender biases within the University. The policy will provide guidelines on matters that relate to gender based violence and sexual harassment of staff and students of Chuka University so that they work and study in a conducive environment. The policy aims at eliminating sexual and gender based violence thus creating an enabling environment in the University.

I thank the committee members who developed the policy and the Senate for approving the policy. It is my hope that this document will provide a roadmap in the handling of SGBV issues and the ultimate elimination of the vice.

Prof. Erastus N. Njoka, Ph.D., D.Sc. (Hon.)

**VICE-CHANCELLOR**

## **SECTION I: PRELIMINARIES**

### **1.1 Brief History**

The establishment of Chuka University was foretold by Jerusha Kanyua, a philanthropist and seer who prophesied that a mountain would sprout at Ndagani, and that birds from all walks of life would fly to the mountain, perch and later fly away happily. In 1956, the Chuka community built a Craft Centre to train school leavers to acquire skills that could be useful in nation building. The Centre was upgraded to a Youth Polytechnic in 1969. In 2003, the community felt that they needed an institution that could provide higher education and training access to the people of eastern Kenya and Kenya at large. At that time no institution in the eastern part of Kenya had the capability of educating and training students at diploma and degree levels and as a result education and training opportunities were limited. During the same time, Egerton University was planning to open a Campus in eastern Kenya. The community then approached Egerton University who found Chuka to be centrally placed and, therefore, suitable for the establishment of a university campus.

In an effort to get land for the Campus, the Chuka community donated the Ndagani Youth Polytechnic and Sports Stadium. In addition, the Presbyterian Church donated more land on institutions forming the Ndagani Education Complex, which included the Secondary and Primary Schools. The Chuka community also added a further 500 acres at Kairini in Meru South District to make the total land area 550 acres.

On 21<sup>st</sup> August, 2004, when H. E. President Mwai Kibaki visited Chuka and held a meeting at Ndagani (the present location of Chuka University), the community through their leaders informed him of their desire to establish a university in the area. Among the dignitaries who attended the meeting were members of parliament from the Greater Meru and senior Government officials. The President supported the aspirations of the people of Meru and pledged Government's support to establish a university at the site. Due to the goodwill of the Government, Egerton University Council approved the establishment of a Campus, named Egerton University Eastern Campus. The Campus was then launched on 27<sup>th</sup> September, 2004. The Youth Polytechnic was then relocated to another site.

On 23<sup>rd</sup> August, 2007, H.E. President Mwai Kibaki elevated the Egerton University Eastern Campus to Chuka University College through Legal Notice Number 161 of 2007. On 10<sup>th</sup> October, 2007, H.E. President Mwai Kibaki visited and inaugurated the Chuka University College. After about five years, H.E. President Mwai Kibaki visited again and inaugurated the Chuka University on 8<sup>th</sup> January, 2013, making it the 2<sup>nd</sup> public university to be chartered and the 9<sup>th</sup> full-fledged public university in Kenya.

The University is located within the Chuka Municipality in Meru South District, Tharaka-Nithi County. It is situated approximately 186 km from Nairobi along the Nairobi-Meru Highway on the slopes of the snow-capped Mt. Kenya at an altitude of approximately 2,000 m above sea level. The area provides a cool climatic environment, with 16°C to 24°C temperatures and an annual average rainfall of about 1,000 mm, excellent for learning and working. The University is designated as a centre of excellence in Environmental and Renewable Energy Studies and offers



university education, training and research at certificate, diploma, bachelors, masters and doctorate degree levels in Education and Resources Development, Business Studies, Agriculture and Environmental Studies, Arts and Humanities, and Science and Technology.

### **1.2 Mandate**

The Mandate of Chuka University is enshrined in its objects and functions. The objects of the University are to:

- (a) Provide directly, or in collaboration with other institutions of higher learning, facilities for quality university education, including technological, scientific and professional education, and the integration of teaching, research, outreach and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;
- (b) Provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time-to-time determine and in so doing, contribute to realisation of sustainable national economic and social development;
- (c) Provide programmes, products, and services in ways that reflect the principles of equity and social justice.

The functions of the University are to:

1. participate in technological innovation as well as discovery, transmission, preservation and enhancement of knowledge, and stimulate the intellectual participation of students in the economic, social, cultural, scientific and technological development of Kenya;
2. inculcate a culture of lifelong learning, responsible citizenry and innovation in technology, engineering and mathematics within the institution and society;
3. engage in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
4. conduct examinations for and grant such academic awards as may be provided for in the Statutes, and syndicate examinations for award at other institutions as may be approved by Senate; and
5. facilitate the development and provision of appropriate academic programmes, and community services.

### **1.3 Philosophy**

Chuka University believes that sustainable national and global development can be achieved through nurturing an intellectual culture that integrates theory with practice to produce graduates with relevant knowledge, skills and responsible citizenry. The Institution also believes that education and training leads to social cohesion, human and economic development. This can be

realized through passion for excellence, devotion to duty, accountability, prudent utilisation of resources, corporate citizenship, and teamwork. To actualise these beliefs, the University is committed to generation, preservation and sharing of knowledge for effective leadership in education, training, research and extension. The ultimate goal of Chuka University is to be a Premier University for the provision of quality education, training, research and extension in both basic and applied environmental and related studies.

## **1.4 Fundamental Statements**

### **1.4.1 Vision**

The Vision of Chuka University is: “A Premier University for the provision of quality education, training and research for sustainable national and global development.”

### **1.4.2 Mission**

The Mission of Chuka University is: “To provide access, generate, preserve and share knowledge for quality, effective and ethical leadership in higher education, training, research and outreach through nurturing an intellectual culture that integrates theory with practice, innovation and entrepreneurship.

### **1.4.3 Core Values**

The management and operations of Chuka University are guided by the following Core Values:

1. **Customer Value and Focus:** Enhancing customer satisfaction levels by providing products and services that meet or exceed customer expectations.
2. **Diversity and Social Fairness:** Appreciation of varied cultures and commitment to ensure balanced distribution of resources and opportunities while instituting affirmative action to cater for marginalized sections of the society.
3. **Environmental Consciousness:** Considering the impact of all activities and programmes to be implemented and taking measures that ensure zero tolerance to environmental damage.
4. **Fidelity to the Law:** Dutiful adherence to the Kenya Constitution, 2010 and other legal, statutory and regulatory requirements.
5. **Innovation:** Creativity in undertaking programmes and activities earmarked to contribute novel, effective and efficient ways of advancing humanity.
6. **Integrity:** Upholding honesty, transparency, accountability and strong moral principles and values in all decisions and actions taken.
7. **Passion for Excellence:** Being outstanding in all services, activities and programmes undertaken by the University.

8. **Peaceful Co-Existence:** Living harmoniously with neighbours and the environment and promoting the ideals of cohesion, integration and unity.
9. **Professionalism and Confidentiality:** Professionalism is the skill, good judgment and polite behaviour exhibited by an expert when discharging responsibilities and delivering services, while confidentiality means commitment to not disclose classified information to unauthorized parties.
10. **Prudent Utilization of Resources:** Utilizing resources without wastage and misappropriation by ensuring maximum value and complying with various planned arrangements, internal controls and government regulations.
11. **Teamwork:** Adopting a participatory and inclusive approach in undertaking operations and functions of the University.
12. **Timeliness and Devotion to Duty:** Timeliness refers to being time-conscious in undertaking activities, assignments and programmes, while devotion to duty is selfless commitment to undertake activities, assignments and programmes for the good and advancement of humanity.

### **1.5 Policy Statement**

A survey on gender mainstreaming conducted among staff and students of Chuka University in 2012 found a number of inhibitions to incorporation of mainstreaming activities within the University. They included; lack of gender analysis framework, lack of support from senior management and low organizational priority for gender issues. Lack of training was also identified as an obstacle to implementing gender mainstreaming within the University. These issues should be addressed by ensuring commitment from senior management in implementation of gender mainstreaming and training on SGBV. Adequate financial resources should be allocated to gender mainstreaming activities and implementation of gender analysis framework within the university. Therefore, Chuka University should provide adequate resources and enhance partnerships with relevant stakeholders for a comprehensive response to the increasing incidences of SGBV.

### **1.6 Rationale for the Policy**

There is need to sensitize staff and students on the content and purpose of gender mainstreaming and SGBV issues. In order to curb SGBV, there is need to improve gender related awareness so as to adequately impart gender mainstreaming ideals to the staff and students. It is therefore necessary that training on gender mainstreaming and SGBV is done to enlighten staff and students on the tenets of putting gender issues in the mainstream management decisions. It is also imperative that there should be equality of both gender in decision making organs of Chuka University.

### **1.7 Goal**

The goal of this policy is to eliminate or prevent sexual harassment and other forms of gender based violence. This will be accomplished through training and education, sensitization, review and continuous development of a sense of community. This policy framework will further provide a mechanism for coordinating the response to SGBV. The policy framework will bring long-term

and sustained change within the University. The University is at liberty to respond appropriately whenever an SGBV incident is reported.

### **1.8 General Objectives of the Policy**

The general objective of this policy is to enhance eradication of SGBV in Chuka University. The university does not condone SGBV by students, staff and other members of the community. Staff and students deserve to work and learn in an environment free from discrimination and conduct that is harassing, coercive, or disruptive, including sexual harassment. Any person involved in sexual harassment will be subjected to disciplinary action, including warning, termination of employment or expulsion from Chuka University.

#### **1.8.1 Specific Objectives are to:**

1. train Chuka University community on SGBV;
2. provide information on mechanisms for reporting and penalties to be meted for SGBV;
3. facilitate the development of structures for prompt investigations; fair and impartial hearing, and confidentiality when handling complaints; and
4. monitor and evaluate in order to inform policy on SGBV.

### **1.9 Guiding Principles**

The implementation of this policy shall be guided by the following principles:

1. Respect
2. Confidentiality
3. Honesty
4. Fairness
5. Sensitiveness
6. Promptness
7. Privacy
8. Integrity
9. Compassion
10. Empathy

### **1.10 Application of the SGBV Policy**

This policy applies to all Chuka University staff and students.

## **SECTION II: RIGHTS AND RESPONSIBILITIES**

### **2.0 RIGHTS AND RESPONSIBILITIES OF STAFF AND STUDENTS UNDER THIS POLICY**

#### **2.1 Rights of Staff and Students**

Every Chuka University staff and student has a right to:

1. Information regarding SGBV
2. Fair hearing
3. Protection against SGBV
4. Management in case of SGBV

#### **2.2 Responsibilities**

##### **2.2.1 Staff and Students' Responsibilities**

Members of staff and students should:

1. exercise transparency, accountability, confidentiality and sensitivity in the implementation of this policy;
2. participate in the implementation of this policy;
3. report cases to the relevant University authorities;
4. participate in discussions regarding SGBV at the university;
5. attend SGBV sensitization seminars at the university;
6. give evidence in SGBV cases when called upon to do so; and
7. Refrain from acts that are likely to provoke SGBV.

##### **2.2.2 University's Responsibility**

The University Management shall:

1. hold workshops on SGBV among university staff and students;
2. create an advocacy group to advance issues of SGBV;
3. publish the SGBV policy as a booklet and disseminate it to all members of staff and students;
4. create an enabling environment where disclosure is possible;
5. appoint Confidential Advisors/Counsellors on matters of SGBV;
6. appoint a standing committee to investigate cases of SGBV;
7. establish a reporting mechanism for SGBV matters;
8. mobilize and train CU community resource persons to respond to SGBV;
9. facilitate free legal assistance, advice, advocacy to SGBV survivors;
10. facilitate professional and social reintegration of survivors into the CU community; and
11. facilitate development of rehabilitation programmes for perpetrators.

#### **2.3 Strategies for Prevention of SGBV**

- a) Create awareness among students and staff
- b) Install telephone hotline numbers in strategic points for reporting
- c) Maintain separate female and male hostels and enforce rules and regulations governing residency

- d) Put in place mechanisms for open door working environment
- e) Train Confidential Advisors/counselors on matters of SGBV
- f) Train the University medical staff on how to respond to emotional and psychological needs of those affected
- g) Develop programmes for rehabilitation of SGBV survivors

## **SECTION III: RESPONSE MECHANISMS FOR SGBV SURVIVORS**

### **3.1 Procedures for Handling Sexual and Gender Based Violence**

Chuka University has the major responsibility of creating and promoting an enabling environment free from SGBV through the implementation of this policy. Therefore, the University recognizes the need to have a well-articulated procedure for effective handling of SGBV cases whenever they occur as follows:

### **3.2 Confidentiality**

Confidentiality is an ethical issue where the SGBV survivors' shared information should not be disclosed to others without the survivors' consent. 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 law and as necessary to meet its legal obligation to investigate and take action to end the vice. Inappropriate breaches of confidentiality of SGBV survivors' information will lead to disciplinary measures by the University.

#### **3.2.1 Objective**

The objective is to ensure observation of strict confidentiality in handling cases of SGBV to protect the dignity of the SGBV survivors.

#### **3.2.2 Strategies**

To achieve the above objective, Chuka University shall:

- a) put in place mechanisms to ensure confidentiality in handling cases of SGBV; and
- b) respect the privacy of the complainant, perpetrator and the witnesses as much as possible.

### **3.3 Reporting Mechanisms**

While it is recognized that cases of SGBV occur at Chuka University, very few survivors report such cases. Reasons for not reporting include fear, intimidation, stigma and embarrassment. Under the terms of this policy, persons who believe they have been survivors of SGBV are encouraged to report the incidence to the SGBV Committee. In the case of SGBV, the survivor should immediately report to Health Unit for emergency care. Thereafter, he/she shall be guided on security, medical, legal and social support mechanisms available at the university. In case of sexual harassment, a survivor should report the incidence to Confidential University Advisor (SGBV standing committee) or to the Dean of Students. The Confidential Advisor, who should be a member of GMC, will guide the reporting parties prior to and throughout the reporting process. The advisors 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 which should include but not limited to the duration of the anonymity, stressful event, whether the trauma was one or multiple events and personal characteristics of the survivor. 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 or outside campuses, witnesses or guardians of such survivors should promptly report such cases to the GMC who shall forward the issue to the Vice-Chancellor for immediate action. 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.

### **3.3.1 Objective**

The objective is to put in place clear and detailed procedures for reporting and documenting cases of SGBV

### **3.3.2 Strategies**

To achieve the above objective, Chuka University shall:

- a) establish SGBV office that receives reports on SGBV issues;
- b) appoint one Confidential Advisor/Counsellor in each campus to handle SGBV cases and submit the reports to SGBV standing committee;
- c) induct the Confidential Advisors on procedures and ethical issues of receiving reports from survivors/witnesses of SGBV;
- d) develop a protocol or standard operating procedure for handling SGBV complaints;
- e) install suggestion boxes in all buildings in the University and University campuses and colleges;
- f) conspicuously post the names and contacts of all Confidential Advisors;
- g) maintain a website where all members of the University community can report cases of SGBV; and
- h) to create a Gender Based Violence Recovery Centre at the University Health Centre.

### **3.4 Investigation Procedures and Outcomes**

Proper investigation procedures of cases of SGBV are paramount for fair treatment of the individuals involved in the case. Investigations will include but not limited to:

1. interviews with and written statements by or with the complainant and the perpetrator; Persons with information on the incidence shall also be interviewed; and
2. to conduct all investigations in a discreet and confidential manner to the extent that is legally possible.
3. The GMC investigating committee will consider circumstances leading to the incidence, nature of the incidence, the relationship between the parties, past behaviour and the context under which the alleged incident occurred.

### **3.4.1 Objective**

The objective is to carry out a detailed and sensitive investigation on cases of SGBV.

### **3.4.2 Strategies**

To achieve the above objective, Chuka University shall:

- a) appoint a standing committee of three GMC members to rigorously investigate cases of SGBV;
- b) put in place mechanisms to ensure that all complaints are conducted with due regard to key principles including impartiality, objectivity, timelines, accuracy and thoroughness;
- c) ensure proper documentation of evidence provided during investigations;



- d) train members of the committee to effectively investigate cases of SGBV; and
- e) act promptly and effectively on recommendations from the investigation committee.

### **3.5 Disciplinary Measures**

Chuka University has the responsibility to institute disciplinary measures against perpetrators as may be appropriate whenever complaints shall have been investigated and substantiated beyond reasonable doubt. Violation of this policy will be treated seriously and with prompt action. 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 may also be removed and/or barred from the University premises and forwarded to the Kenya Police. The University prohibits retaliation against or harassment of individuals who act in good faith by reporting real or perceived violence or intimidation. The University also prohibits individuals from making deliberate false claims or misleading reports under this policy. Individuals who make such reports will be subject to disciplinary action. Cases that might be beyond the University jurisdiction capacity shall be forwarded to the relevant government authorities. However, whistle blowers will be protected as stipulated in the Chuka University Whistle Blower Policy of 2017.

#### **3.5.1 Objective**

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

#### **3.5.2 Strategies**

To achieve the above objective, Chuka University shall:

- a) put in place a special internal disciplinary sub-committee to handle cases of SGBV;
- b) take appropriate action on perpetrators, pending investigation once a case has been reported. Such actions may include, but not limited to warnings, suspension or termination of service/student status depending on the nature and severity of the offence;
- c) categorize cases of SGBV offences according to their severity;
- d) communicate the categories of offences and corresponding penalties to all staff and students;
- e) ensure the safety of all records concerning cases of SGBV;
- f) severely discipline any persons who threatens or victimizes individuals who report cases of SGBV; and
- g) provide an opportunity for appeal procedures.

### **3.6 Support for SGBV Survivors**

Due to the stigma associated with SGBV, most survivors opt to suffer in silence to avoid ridicule from friends and colleagues. Such victims often require special support to help them overcome the trauma associated with the experience. If there is evidence that an alleged abuse, SGBV 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.

### **3.6.1 Objective**

The objective is to strengthen support mechanisms for victims of SGBV.

### **3.6.2 Strategies**

To achieve the above objective, Chuka University shall:

- a) strengthen the existing guidance and counselling services to specifically address cases of SGBV and include both students and staff;
- b) 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; and
- c) put in place mechanisms to protect parties involved in SGBV proceedings from any intimidation, threats or harassment.

## **SECTION IV: MANAGEMENT OF GENDER BASED VIOLENCE SURVIVORS**

### **4.1 Introduction**

Every survivor has a right to fair management irrespective of age, gender, marital status, religion, race, social economic status and ethnicity. The SGBV service providers must uphold integrity, confidentiality, privacy, sensitivity and impartiality in the whole process.

There are several types of sexual and gender-based violence. These includes: sexual violence, physical violence, emotional and psychological violence, harmful traditional practices and socio-Economic violence.

Medical managements of sexual violence survivors is essential in mitigating against adverse effects of the violence. The health care professional should introduce himself/herself to the survivor victim. Reassuring the survivor that he/she is in a safe place is of much important. Any person who survives violence has experienced trauma and may be in an agitated or depressed state. She/he often feels fear, guilt, shame and anger. The health personnel should prepare the survivor for the examination which ought to be carried out in a compassionate and systematic manner.

### **4.2 Obtaining Consent**

Before any examination is done to the survivor it is essential that an informed consent is obtained by ensuring that the survivor fills the consent form. In case the survivor is not in the capacity to give consent such as in the case of mental illness/disability or a minor, then the guardian should fill the consent form. Before signing the form the survivor is explained all aspects of the consultation. It is crucial that the survivor/guardian understands the options open to them and are given sufficient information to enable them make informed decision about their care.

### **4.3 History Taking and Examination**

History taking and examination should be done immediately in a safe and trusting environment. Privacy and good rapport should be maintained. Any paper work brought by the survivor/guardian should be reviewed before taking history. The survivor/guardian is then allowed to tell his/her story freely and without interruptions. Clarification is then sought after s/he finishes the story. The SGBV service provider aims at understanding the details of exactly what happened in order to check for possible injuries. Confidentiality must be maintained and assured throughout the whole process. What the survivor did after the assault is recorded since this may assist or affect the collection of forensic evidence. In case of sexual violence evaluate the possibility of STIs and pregnancy in females.

Before starting examination the survivor is explained all the procedures to be done, explaining each and every step to take and respecting her/his wishes to continue or stop. The SGBV service provider should aim at addressing the survivors/guardian's questions and concerns in an empathetic manner and without being judgmental. The Service provider should also carry out a head to toe examination on the survivor.

#### **4.4 Investigations**

Basic investigations to ascertain the general condition of the survivor and for evidence purpose should include and not limited to: urine, blood, high vaginal swab in female or urethral swab, anal swab if indicative in males. The collected specimen is preserved and handed over to the police for further investigations and processing in courts.

#### **4.5 Treatment**

1. Any physical injuries on the survivor should be managed accordingly.
2. Post traumatic vaccination with tetanus toxoid should be given to any survivor within physical injuries of the skin and/or mucous membranes.
3. Post exposure prophylaxis for HIV should be given within 72 hours after the assault.
4. Emergency contraception should be given to all female survivors who present within 72 hours after sexual assault.
5. Prophylaxis of sexually transmitted infections is offered to all sexual violence survivors.

#### **4.6 Counselling**

Most of the survivors are in a state of psychological trauma, therefore counselling and reassurance are important. All survivors should be referred to SGBV confidential Advisor / counsellor for assistance.

#### **4.7 Follow up Care of the Survivor**

All SGBV survivors should be followed up for assessment of their wellbeing at the University Recovery Centre.

## **SECTION V: POLICY MONITORING AND EVALUATION**

### **5.1 Introduction**

Monitoring and evaluation is the systematic and continuous process of collecting, analyzing, and using information to track a programme's progress towards reaching its objectives and to guide management decisions. It also refers to activities designed to understand how a programme has been implemented and what it has achieved. It involves assessing the timeliness and/or quality of activities implemented as well as the outputs, outcomes and impact a programme achieves. The committee in charge of implementation of the SGBV policy will work closely with Management and key stakeholders to regularly monitor the performance and identify gaps in the policy over time.

### **5.2 Objectives**

1. To monitor the progress in implementation of the SGBV strategies.
2. To evaluate the impact of the SGBV interventions, trends and patterns.

### **5.3 Strategies**

To achieve the objective of this policy, the SGBV committee in charge of implementation will:

- a) put in place appropriate monitoring and evaluation system to track implementation of the strategies;
- b) schedule quarterly review meetings to reflect on implementation of the SGBV policy;
- c) identify gaps, trends and patterns in the policy implementation process;
- d) put in place indicators and time frames to assess the impact of interventions;
- e) Train implementation personnel on monitoring and evaluation concepts and procedures.

### **5.4 Policy Review**

The SGBV Policy will be reviewed after every five (5) years to take into account emerging issues and trends.

## APPENDICES

### Appendix A: Consultation and Reporting Procedures

- i. The SGBV standing committee shall be appointed by the Vice Chancellor and must hold office for one term period not exceeding three years.
- ii. The consultation shall consist of one or more meetings between the SGBV standing committee and the SGBV survivor/guardian based on one or more instances of gender violence that may be inappropriate.
- iii. The chairperson of the SGBV standing committee shall explain the SGBV policy to the survivor and clarify any questions that may arise. He or she will assist in developing strategies to deal with the matter, recommend counselling or any other assistance, determine that no further action is necessary or initiate the administrative review procedure.
- iv. The record obtained through consultation will be maintained confidentially by the SGBV standing committee office and shall only be disclosed if need be. Once a person is accused of sexual harassment, the person will be notified of the alleged offence in writing.
- v. When the SGBV standing committee has reason to believe that criminal conduct may have occurred or that action is necessary to protect the health or safety of any individual, the chairperson will refer the matter to appropriate government authorities with knowledge of the Vice Chancellor and the university Legal Officer.
- vi. Although consultation may be requested and administrative review procedure pursued within any reasonable time, persons who believe may have been subjected to or who otherwise have observed SGBV are encouraged to seek assistance from the university promptly.

### Appendix B: Administrative Review

- i. After consultation, a person who alleges SGBV (the complainant) has the right to pursue an administrative review procedure if not satisfied with the results of consultation.
- ii. The chairperson of SGBV standing committee will inform the Complainant to provide a factual account of the alleged harassment. He/she shall assist the Complainant to prepare a signed statement. If the complainant declines to provide a signed statement, the chairperson will prepare a written summary of the complainant's oral allegations.
- iii. The chairperson will inform the Accused of the allegations in sufficient detail to permit an informed response, including providing them with a written summary of the material allegations.

- iv. The chairperson will investigate the alleged harassment as promptly as circumstances permit and give the Accused reasonable time (within 7 working days) to respond to the allegations. He/she will advise the parties and persons interviewed or notified about the alleged harassment of the need for discretion and confidentiality.
- v. Based on the investigation report obtained, the standing committee shall recommend the imposition of corrective action, including one or more final sanctions other than a written reprimand. In case the respondent does not give written consent to the imposition of such a sanction, the SGBV committee shall determine whether to initiate a formal hearing against the accused.
- vi. The standing committee will notify the parties in writing of the disposition of the administrative review procedure.
- vii. After the investigation, cases that cannot be concluded at the committee level shall be forwarded to the office of the Vice-Chancellor. In case the Accused is in Management the committee will consult with the VC for further action. The university may take interim corrective action at any time if doing so reasonably appears to be required to protect staff and student of the CU.
- viii. If dissatisfied with the outcome of administrative review procedure, the complainant may request for the formal hearing procedure to be initiated or pursue the CU grievances procedure.

## **Appendix C: Formal Hearing Procedures**

### **1. Initiation of Procedure**

- i. The SGBV standing committee will initiate a formal hearing within 30 days by sending a written notification to both parties. The committee shall write a description of the material fact related to the alleged SGBV stating why disposition of the matter should be modified or overturned and may include a statement of relief/ remedy requested.
- ii. The standing committee shall complete, if feasible, the formal complaint procedure within 45 working days of the notification.

### **2. Scheduling Hearing**

The standing committee will set a hearing date and time which will be held within 30 working days.

- i. In the event that either party is not available for the hearing, he/she shall notify the chairperson of the committee within 2 working days upon receipt of the hearing notice. The chairperson after consulting the members has discretion to reschedule the hearing and notify all parties.
- ii. In the event that any of the parties does not appear or fail to give notice of non-attendance, the case shall be referred to the Vice-Chancellor.

- iii. If a party does not present themselves within 30 minutes on the day and time of hearing, the members will decide whether to reschedule the hearing or proceed.

### **3. Conduct of Hearing**

- i. All the necessary documents should be available at the time of hearing. Only persons participating in the proceeding may be present during the hearing except as otherwise provided in these procedures. The hearing will be conducted in the following sequence:
- ii. The chairperson will introduce the parties, their advisors, and standing committee members; review the order of the proceeding; explain procedures and present a brief summary of the complaint.
- iii. The Complainant and the Accused may present to the panel a testimony, witnesses, documents or other evidence and make submissions.
- iv. The hearing will be conducted according to the SGBV procedure. However, the standing committee chairperson may limit or exclude irrelevant or repetitive testimony and may otherwise rule on what evidence may be given. To determine whether a persistent pattern of SGBV exists, the standing committee may request that the chairperson seeks and provides evidence of prior written reprimands and or sanctions imposed against the Accused as part of the hearing record.
- v. When the hearing cannot be completed in one session, the standing committee chairperson may schedule the hearing to a later date and time.

### **4. Witnesses**

- i. The standing committee may ask witnesses to testify at the hearing, but no person may be compelled to testify. However, each party shall have a right to know prior to the hearing the contents of any written statements that will be used during the proceedings.
- ii. At least three working days before the hearing, each party must provide the standing committee chairperson and the other party a list of witnesses he or she intends to present at the hearing.
- iii. The standing committee may request that additional witnesses appear.
- iv. Each party is responsible for notifying its witnesses of the hearing date, time, and location.
- v. In identifying persons to appear as witnesses, parties should be aware that live testimony is preferred and that the panel may give less weight to the evidence of a witness who is able but unwilling to appear.



- vi. All witnesses except for the Complainant and the Accused will be excluded from the hearing before and after the testimony. A witness may be recalled at the discretion of the standing committee chairperson.
- vii. If an employee or student needs assistance in obtaining permission to appear at a hearing, he or she should contact the relevant authority.

## **5. Advisors**

- i. Each party may be accompanied by not more than two advisors who may be university employees or other persons the party selects; provided that none of the advisors are advocates.
- ii. No advisor may speak on behalf of the party, make an opening or closing statement, present testimony or examine witnesses. The advisor's role is limited to assisting the party to prepare for the hearing and providing the party private advice during the hearing.
- iii. A complainant or respondent who plans to be accompanied by an advisor at the hearing must notify the standing committee chairperson and the other party at least five working days before the hearing.
- iv. The university legal officer may represent the university as an observer at the hearing.

## **6. Decision after Hearing**

- i. After the hearing, the SGBV will meet to review the hearing and make a decision on the complaint. In order to make a determination that the SGBV occurred, the decision must be supported by the weight of the evidence adduced and approved by a majority of the SGBV members.
- ii. The SGBV committee report of its decision must be in writing and set forth findings of fact, conclusions, and where appropriate, recommendations for corrective action, including sanctions that are approved by a majority of the SGBV members.
- iii. The SGBV committee will submit the report of its decision to the Vice Chancellor for further action.
- iv. If the SGBV committee concludes that a SGBV has occurred, the Vice chancellor will forward a copy of the report to the Registrar (Administration and Planning) for implementing corrective or disciplinary action. After reviewing the SGBV report, the R(A&P) will decide whether to impose corrective action, including sanctions, consistent with Registrar (Administration and Planning) university ethics and disciplinary procedures. The Registrar (Administration and Planning) /Dean of Students will notify the parties in writing of the disposition, and the basis for that disposition.

**Appendix D: Consent Form**

**Chuka University Health Recovery Centre**

*Note to the service provider: read the entire form to the survivor, explaining that she/he can choose any (or none) of the items listed. Obtain signature/ a thumb print of the survivor and witness.*

I..... (Survivor's name) authorize the Chuka University Recovery Centre to perform the following (tick the appropriate boxes).

	Yes	No
Conduct a medical examination, including pelvic examination.		
Collect evidence, such as body fluids samples, collection of clothing, hair combings, scrapings or cutting of finger nails, blood samples, and photographs.		
Provide evidence and medical information to the police and law courts concerning my case; this information will be limited to the results of this examination and any relevant follow up care provided.		

Signature .....

Date .....

Witness .....

Date .....