

# **GREAT LAKES UNIVERSITY OF KISUMU (GLUK)**



## **GENDER & SEXUAL HARASSMENT POLICY**

FEBRUARY, 2018

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Signed:

\_\_\_\_\_  
Vice Chancellor, Secretary to Council

\_\_\_\_\_  
Date:

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Chairman of Council

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Date:

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## **DEFINITION OF TERMS**

**Sexual harassment** Sexual harassment connotes unwanted conduct of a sexual nature which has the effect of or has the intention to violate one's dignity or to create an intimidating, hostile, degrading, humiliating or offensive environment

**Consent** is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of both persons an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, resistance, or silence, alone does not imply consent. Affirmative consent must be on going and can be reversed or stopped at any time during sexual activity. Dating relationship or past sexual relations should never by itself be assumed to be consent.

**Sexual Violence: Sexual Assault - Penetration:** Without the consent of the Complainant, penetration, no matter how slight, of the vagina, anus, or mouth by a penis; or the vagina or anus by any body part or object.

**Sexual Assault: Contact:** Without the consent of the Complainant, touching an intimate body part (genitals, anus, groin, breast, or buttocks) (i) unclothed or (ii) clothed.

Because this definition includes a range conduct, some of which is not sexual violence, the officer in charge will determine whether a reported incidence should dealt with as sexual violence or sexual harassment.

Recording, photographing, transmitting, or distributing intimate or sexual images without the prior knowledge and consent of the parties involved.

**Confidential Resources:** Those who receive reports in their confidential capacity

Designation as a "Confidential Resource" for purposes of this Policy only exempts a person from reporting to the implementing office but not from other mandatory reporting obligations

**Complainant:** Any person who files a report of sexual violence or sexual harassment or other prohibited behaviour or retaliation or any person who has been the alleged subject of such Prohibited Conduct or retaliation.

**Location** Any University facility.

**Preponderance of Evidence:** A standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not.

**Respondent:** A person alleged to have engaged in Prohibited Conduct and about whom a report of sexual violence, sexual harassment, other prohibited behaviour, or retaliation is made.

**Responsible Employee:** Any University employee who is not a Confidential Resource and who receives, in the course of employment, information that a student (undergraduate, graduate, or professional) has suffered sexual violence, sexual harassment or other prohibited behaviour shall promptly notify the Officer in charge or designee.

This includes Graduate Teaching Assistants, and all other student employees, when disclosures are made to any of them in their capacities as employees. Others who may be in a position of responsibility include:

- Security officers
- Human Resource Administrators, Academic Personnel
- Managers and Supervisors including Deans, Department Chairs, and
- Faculty members

**EXECUTIVE SUMMARY**

Great Lakes University of Kisumu is committed to fostering an environment that is free from all forms of sexual misconduct, including sexual assault and sexual harassment. In support of that commitment, GLUK takes steps to increase awareness of such misconduct, eliminate its occurrence on campus, provide support for survivors, diligently investigate all reports of sexual misconduct, and deal fairly and firmly with offenders. Creating a safe Campus environment and culture of respect is the shared responsibility of all members of the GLUK community, Individually and collectively.

GLUK Sexual Harassment Policy aims to protect men and women in the institution from unwanted sexual advances and give them guidelines to report incidents. It also explains how GLUK handle claims, punish sexual harassment and help victims recover. GLUK will not tolerate sexual harassment in the workplace in any shape or form. GLUK culture is based on mutual respect and collaboration. Sexual harassment is a serious violation of those principles

Signed:

\_\_\_\_\_

Vice Chancellor, Chair of the University Senate

Date:

## **1.0. GENERAL UNIVERSITY INFORMATION**

Great Lakes University of Kisumu is committed to maintaining high standards of education and training of professionals who are responsible stewards of resources and services in the society. GLUK graduates after going through the learning experience with the institution go out equipped with the following rare and important attributes; high level of integrity, transparency and accountability, they are selfless, inclusive and participatory providing space and voice for all people. Our curricula prepare them to meet the needs of the market and professional bodies.

The following section provides guidelines that are applied to determine the eligibility of the applicants seeking admission to various programmes offered at GLUK.

### **1.1. Vision, Mission, Philosophy and Core Values of the University.**

#### **1.1.1. Vision:**

The Great Lakes University of Kisumu (GLUK) is established as a centre of excellence bridging academics with community and institutional based development.

#### **1.1.2. Mission:**

The Mission of GLUK is to develop effective and concerned managers or leaders with a vision for the transformation of situations in the African context.

#### **1.1.3. Philosophy of the University:**

GLUK believes that all people and communities have capacities and are fully engaged in individual, collective and collaborative actions to solve their own problems.

#### **1.1.4. Core Values and principles:**

All members of the University in their individual and collective capacities shall be fully committed to high standards of good governance and shall act in a manner consistent with the following values and principles which shall provide the framework within which all the University activities shall be performed:

- a) Excellence.
- b) Respect for dignity of every person.
- c) Results orientation.
- d) Accountability and prudent stewardship of resources.
- e) Integrity and honesty.
- f) Mutual respect.

g) Inclusive participation.

## **1.2. SCOPE**

This policy applies to everyone in our institution regardless of gender, sexual orientation, level, function, seniority, status or other protected characteristics. Everybody is obliged to comply with this policy.

Also, GLUK shall not tolerate sexual harassment from inside or outside of the institution. Staffs, students, investors, contractors, suppliers and everyone interacting with GLUK are covered by this policy.

## **1.3. Fundamental Statements**

### **1.3.1. Vision**

To build a strong, winning team that will enable Great Lakes University of Kisumu (GLUK) to achieve its objectives.

### **1.3.2. Mission**

To provide equal opportunity to all, recruiting and hiring the most qualified employees and retaining them through service characterized by respect and humility.

**Motto:** Your Community Partner.

### **1.3.3 Core Functions**

- Provide quality university education and training.
- Stimulate intellectual participation of students and staff.
- Provide a foundation for professional development.
- Carry out research and innovation activities.
- Participate in discovery, preservation and application of knowledge.
- Engage in collaborations, linkages and partnerships.
- Engage in needs-based community service and technology transfer for development.

### **1.3.4. Core Values**

- Faith/ Trust.
- Integrity
- Efficiency and Efficacy.
- Commitment.
- Quality Service Deliver

## **1.4. GLUK's Rule on Sexual Harassment**

Sexual harassment is considered a form of gender violence

In the GLUK Statutes 2015 "harassment" means a course of unwarranted behaviour which causes and could reasonably be expected to cause such distress or annoyance as seriously to disrupt the work or substantially to reduce the quality of life of other person; in a University



context” means either (a) on University premises: or (b) in the course of University activity within or outside the University whether academic, sporting, social, cultural, or otherwise.

The Great Lakes University of Kisumu (GLUK) is committed to creating and maintaining a community dedicated to the advancement, application and transmission of knowledge in human resource development academic excellence, where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation.

Every member of the community should be aware that the University prohibits sexual violence and sexual harassment, retaliation, and other prohibited behavior that violates law and/or University policy, and will respond promptly and effectively to noncompliance.

The evolving context has resulted in increased reporting of sexual harassment, with women predominating as victim, even though men are also affected

This Policy addresses GLUK’s responsibilities and procedures related to Prohibited Conduct in order to ensure an equitable and inclusive education and employment environment free of sexual violence and sexual harassment. The Policy defines conduct prohibited by the University and explains the administrative procedures the University uses to resolve reports of Prohibited Conduct.

### **1.5. Legal and Policy Framework**

- Treaties and conventions ratified form part of the law in Kenya (art. 2(6), Constitution of Kenya); provisions of CEDAW are therefore binding.
- Constitution offers protection against discrimination (art. 27(Constitution of Kenya)
- Redress for violation of rights and fundamental freedoms is determined by the High Court.
- Complaints to the National Gender and Equality Commission (s.26(c) National Gender and Equality Commission Act).

### **1.6. Requirement**

All organisations with more than 19 employees to have in place sexual harassment policies at the workplace Employment Act 2007.

Such policies must be brought to the attention of every employee and include: information that every employee has a right to sexual harassment-free environment

Employers are required to:

- Take disciplinary action against perpetrators of sexual harassment at the workplace;
- Provide information on how to bring to the attention of the employer cases of harassment;
- Keep names included in reports on sexual harassment confidential save where disclosure is necessary to facilitate investigations

## **2.0. SEXUAL HARASSMENT:**

Sexual Harassment is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical conduct of a sexual nature when:

Quid Pro Quo: a person's submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program; or

Hostile Environment: such conduct is sufficiently severe or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the education, employment or other programs and services of the University and creates an environment that a reasonable person would find to be intimidating or offensive.

Consideration is given to the totality of the circumstances in which the conduct occurred. Sexual harassment may include incidents:

- Between any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients);
- in hierarchical relationships and between peers; and
- between individuals of any gender or gender identity.

Implementation of this Policy takes due recognition of the importance of the rights to freedom of speech and expression and shall not be interpreted to prohibit expressive conduct that is protected by the free speech and academic freedom principles

### **3.0. IMPLEMENTATION OF POLICY**

The University through its leadership and management structures have the authority to develop procedures and supplementary information to support the implementation of this Policy. Responsible Officers, the Dean of Student and head of Human Resources will apply appropriate and consistent interpretations of this Policy that do not result in substantive changes to the Policy.

The Vice Chancellor, or designee, shall establish and implement local procedures consistent with this Policy, and shall approve any exceptions to local procedures required by the Policy.

### **4.0. REPORTING**

Any person may make a report, including anonymously, of Prohibited Conduct to the Officer in charge (OIC), or to any Responsible Employee, or to another appropriate office such as the Academic Personnel Office, Student Affairs, Office of the Dean, or to the Human Resources Office. The report shall be sent forward to the OIC. If the person to whom a report normally would be made is the Respondent, reports may be made to another Responsible Employee.

#### **4.1 Timelines for Making Reports**

While there is no time limit for reporting, reports of Prohibited Conduct should be brought forward as soon as possible; all incidents should be reported even if significant time has elapsed but prompt reporting will better enable the University to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate.

### **5.0. FORMAL INVESTIGATION**

If Alternative Resolution is inappropriate or unsuccessful, the Officer may initiate a Formal Investigation (“investigation”) in coordination with other offices, depending on whether the Complainant and Respondent are faculty, other academic appointees, staff, or students. A Complainant’s request for an investigation will be considered but is not determinative.

If the Complainant requests that no investigation occur, the OIC shall determine whether the allegations nonetheless require an investigation to mitigate a potential risk to the campus community. If proceeding with an investigation without the participation of a Complainant,

the OIC shall attempt to maintain the identity of the Complainant confidential from the Respondent or inform the Complainant that such confidentiality cannot be maintained. If determining not to proceed with an investigation, the OIC shall inform the Complainant that the ability to provide remedies may be limited, but the OIC shall nonetheless afford such remedies as are consistent with maintaining confidentiality and the absence of an administrative finding.

When the OIC determines to conduct a Formal Investigation, the Complainant and Respondent will be provided with a written summary of the allegations, the procedures that will be followed, resources available to them, and a copy of the Policy.

The investigation shall be completed promptly, typically within 60 business days of its initiation, unless extended by the OIC for good cause followed by written notice to the Complainant and Respondent of the reason for the extension and the projected new timeline. If the alleged conduct is also the subject of a criminal investigation, the OIC will coordinate its investigation with the police but must nonetheless act promptly without delaying its investigation until the conclusion of the criminal investigation.

The investigation generally includes interviews with the Complainant, the Respondent, and witnesses, if available, and a review of documents as appropriate. Disclosure of facts to persons interviewed shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation may be advised to maintain confidentiality when essential to protect the integrity of the investigation.

The Complainant or Respondent may have an advisor present when personally interviewed and at any related meeting. Other support persons may be allowed under other policies. Other witnesses may have an advisor present at the discretion of the investigator or as required by University policy or collective bargaining agreement.

In cases where the investigation contemplates issues of academic merit or academic freedom, the investigator shall consult with the appropriate academic officer for relevant academic judgment.

## **6.0. REFERENCES:**

This policy was informed by relevant national legislation and documents such as:

1. The Constitution of Kenya
2. The Commission for University Education Standards and Guidelines
3. Universities Act 2012 (revised 2016)