



# MAASAI MARA UNIVERSITY

## GENDER BASED VIOLENCE POLICY

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## **1.0 PREAMBLE**

Gender based violence both reflects and reinforces inequities between men and women compromise the health, dignity, security and autonomy of its victims. It encompasses a wide range of human rights violations, including sexual abuse of children, rape, domestic violence, sexual assault and harassment, trafficking of women and girls and several harmful traditional practices. Any one of these abuses can leave deep psychological scars, damage the health of women and girls in general, including their reproductive and sexual health, and in some instances, results in death.

### ***1.1 PURPOSE***

The purpose of this policy is to ensure the safety and welfare of all staff and students who may be the subject of gender based violence and provide impartial processes for dealing with such violence.

### **1.2 VISION OF MAASAI MARA UNIVERSITY**

To be a world class university committed to academic excellence for development.

### **MISSION STATEMENT**

To provide Quality University education through innovative teaching, research and consultancy services for development.

### **CORE VALUES**

1. *Teamwork*: To adopt a participatory approach in discharging the mandate of the University.
2. *Professionalism*: To maintain high standards of professionalism in executing the business of the University.

3. *Creativity and Innovativeness*: To utilize the latest, up-to-date and most appropriate technology in achieving the university's objective,
4. *Transparency and Accountability*: To uphold clarity and simplicity in all endeavors of the University.
5. *Excellence*: To uphold and practice outstanding and quality performance within the University.
6. *Equity and Social Justice*: To uphold equal treatment to all and practice fair judgment in all matters of the University

### 1.3 UNIVERSITY PHILOSOPHY ON GENDER BASED VIOLENCE.

The University values all employees and students and acknowledges that they have a right to work in an environment that promotes equality, dignity at work and encourages individuals to treat each other with respect

Comment [m1]: CHANGE TO FIT MMU

### 1.4 DEFINITION OF TERMS

**Gender:** This term refers to the socially or culturally determined power relations, roles, responsibilities and entitlements for men, women, girls and boys. The social constructors vary between cultures as well as overtime.

**Gender-Based Violence:** It is an umbrella term for any harm that is perpetrated against a person's will as a result of gender-power inequalities that exist among males and females.

It refers to any violent action inflicted on the victim primarily because of his/her gender.

Gender-based violence is often a display of male power, which is manifested in various forms including physical, psychological and sexual. It also includes any unwarranted behavior directed towards another person, which disrupts that person's work or reduces his/her quality of life. The commonest forms of gender-based violence include: bullying, physical abuse, ill-treatment, shouting, domestic violence, threats, name-calling, stalking, isolation and actual or threatened physical harm and suggestive gestures.

**Gender Biases:** Refers to attitudes held by people regarding the superiority or inferiority of being a male or a female.

**Gender Equality:** Refers to the equal treatment of women and men, girls and boys so that they can enjoy the benefits of development such as equal access to and control of opportunities and resources.

**Gender-Equity:** Refers to the practice of fairness and justice in the distribution of benefits, access to and control of resources, responsibilities, power, opportunities and services.

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

**Sexual Assault:** It refers to a wide range of forms of non-consensual sexual conduct, ranging from sexual coercion, attempted rape and date-rape. Sexual assault involves unwanted sexual experiences, sexual aggression and sexual abuse, ranging from non-consensual kissing to coerced sexual intercourse. At the core of sexual assault is power and misuse of authority, which may include threats of harm or use of actual physical force.

Sexuality is a key factor in power relations and one of the ways society uses to sustain gender hierarchy.

**Sexual Harassment:** it refers to unwelcome advances, requests for sexual favours or other verbal or physical conduct of sexual nature by way of words, acts, gestures or comments that would embarrass humiliate, intimidate, demean or compromise a person at whom such advances, requests or conduct are directed. It also refers to the imposition of sexual requirements in the context of a relationship of unequal power.

### ***1.5 ABBREVIATIONS AND ACRONYMS***

ABC	Abstinence, being faithful to one uninfected partner, Condoms
AIDS	Acquired Immune –Deficiency Syndrome
MMU	Maasai Mara University
GBV	Gender Based Violence
HIV	Human Immune-deficiency Virus
VCT	Voluntary Counseling and Testing

## **1.6 POLICY RATIONALE**

This policy seeks to ensure that the University responds effectively to staff and students who may be perpetrators or victims of such abuse.

The impact of gender-based violence (GBV) on the health and well-being of staff is a serious, recognisable and preventable problem.

This policy has therefore been created to promote the welfare of staff affected by **current** or **previous** experience of such abuse.

## **1.7 SCOPE OF THE POLICY**

This policy document provides guidelines on how to prevent, deal with, mitigate, and manage gender violence at the work place at MMU

The policy applies to all staff, students and contracted staff within the university. The university strives to ensure that employers of sub-contracted and agency staff have policies and procedures in place which meet the standards outlined in this policy. Furthermore, where contractors are the perpetrators of abuse, they are advised that their contract may be terminated prematurely.

## **1.8 OBJECTIVES**

Maasai Mara University shall;

- i. Sensitize MMU community on what constitutes GBV.
- ii. Create awareness on the reporting procedure for victims of GBV including circumstantial evidence.
- iii. Provide disciplinary procedure and reprieve for the aggrieved.
- iv. Provide prompt, effective and consistent, sensitive and fair guidelines for handling cases of GBV at MMU.
- v. Promote harmony among different categories of staff and students at MMU.

## **2.0 GENDER VIOLENCE**

This refers to any form of violence at the work place related to social expectations and social positions based on gender. It also includes any kind of violence at the work place based on non conformance to a socially accepted gender role. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.

Gender violence like other forms of violence at work place, has serious negative ramifications to the parties involved, their families, other workers and the organization at large. Affront to human dignity, death, injuries, stress, destruction of property, poor working relationships, loss of revenue, absenteeism, low morale are just but a few of these consequences.

Where abuse is currently being experienced there may be a requirement for an urgent response, safety planning, flexible working arrangements and the provision of information. Where abuse has occurred historically the required response will be on supporting the employee to identify and address the long term consequences of the abuse.

## **3.0 SEXUAL HARASSMENT**

An employee is sexually harassed if the employer of that employee or a representative of that employer or a co-worker ;

- i. Directly or indirectly requests that employee for sexual intercourse, sexual contact or any other form of sexual activity that contains an implied or express promise of preferential treatment in employment, threat of detrimental treatment in employment or threat about the present or future employment status of the employee.
- ii. Uses language whether written or spoken of a sexual nature.
- iii. Uses visual material of a sexual nature; or
- iv. Shows physical behavior of a sexual nature which directly or indirectly subjects the employee to behavior that is unwelcome or offensive to that employee and that by its nature has a detrimental effect on that employee's employment, job performance, or job satisfaction.

#### **4.0 GUIDING PRINCIPLES**

The policy is guided by the following principles;

- i. Prevention of GBV and sexual harassment from occurring in the first place and from recurring at the work place.
- ii. Protection from GBV and sexual harassment by identifying and providing services to victims.
- iii. Accountability to ensure that the perpetrators are disciplined.

#### **5.0 ROLES AND RESPONSIBILITIES**

To achieve the above objectives the various stakeholders shall play the following roles:

##### **5.1 Management**

Through this policy the management of Maasai Mara University undertakes

- i. To promote and provide a work environment that is free from all types of gender based violence.
- ii. Communicate the policy to all employees.
- iii. Take appropriate action to resolve any complaints or claims brought to their attention.
- iv. Monitor situations where complaints have been substantiated to ensure corrective measures have been successful.

##### **5.2 Workers**

Workers and their representatives should take all reasonable care to prevent, reduce and eliminate the risks associated with gender violence at workplace. In fulfilling this objective, they should:

- i. Be aware of and comply with the policy.
- ii. Treat all persons in the work place with dignity and respect.
- iii. Cooperate with formal investigations, facilitated discussions and mediations conducted under this policy.
- iv. Treat complaints and investigation or mediation process as confidential.
- v. Report all acts of gender based violence and sexual harassment at workplace.

### **5.3 General public, customers and clients**

Customers, clients and the general public are key stakeholders in the prevention of gender violence and sexual harassment at workplace. The customers of Maasai Mara University have a right to be treated with respect and dignity while within the University. The customers are equally expected to abide by the provisions of various policies in place at Maasai Mara University. Any form of violence including gender based violence perpetrated by or directed to the staff, students or customers shall be dealt with in accordance with the provisions of the policy in place. The stakeholders are expected to:

- i. Report all acts of gender based violence at Maasai Mara University to the management.
- ii. Cooperate with management during investigation and disciplinary proceedings
- iii. Refrain from acts that might promote gender violence at Maasai Mara University.

### **6.0 COMPLAINT AND RESOLUTION PROCEDURE**

Where gender violence or sexual harassment has occurred, either formal or informal complaint and resolution procedures can be followed.

#### **6.1 Informal process**

Where the parties involved deem it fit the following informal process can be followed.

##### **i) Direct response**

Where safe and reasonable to do so, an employee who believes that he or she is subject to GBV should inform his or her head of department. The head of department will review the situation and where necessary take appropriate action. If the perpetrator is the head of department, the employee should inform the next level of management.

##### **ii) Facilitated discussion**

Managers may choose to use facilitated discussion as a resolution tool.

##### **iii) Mediation**

Formal mediation may also be facilitated by an outside party who is acceptable to both parties and can occur at any time during the process when agreed to by both parties.

#### **6.2 Formal Process**

Either party can choose to follow the formal complaint and resolution procedure as follows;

##### **i) Written Complaint**

A formal written complaint may be made to the immediate supervisor. The complaint will specify the details of the allegation, including;

Name, title and location of the respondent;

A description of the action/circumstances of the complaint

Date(s) of incident(s)

Name of witnesses, if any.

If the complaint is against the supervisor, it can be filed with the next level of management.

The supervisor will send formal written complaints to the Department of Human Resources.

The department of HR shall write to the DVC (AF&P) through the Registrar (Administration) on the same and request for constitution of an investigating panel. The DVC (AF&P) shall appoint an investigating panel constituting of the Registrar (Administration) as the chair, HR officer as the secretariat with one representation from academic departments, one from non academic divisions and legal officer. In case any of the above officers is the complainant or the accused, the DVC (AF&P) shall substitute them with other suitable officers.

#### **ii) Investigation**

The investigation panel shall investigate the allegations of gender violence and make recommendations through a written report to the DVC (AF&P). The investigations shall involve giving a fair hearing to all the parties.

The panel may summon such witnesses who may hold necessary evidence to the benefit of the investigations.

Based on the investigations, disciplinary action will be taken in line with the terms and conditions of service for staff members and as per students' rules and regulations.

### **6.3 Retaliation**

The University will not tolerate retaliation, reprisals or threats as a result of filing a complaint or speaking as a witness. Any acts of retaliation will be dealt with as per the terms and conditions of service.

## **7.0 PRIVACY AND CONFIDENTIALITY**

The management shall ensure that any information relating to grievances and disciplinary procedures, medical treatment, debriefing, counseling and rehabilitation is kept confidential, in accordance with national laws and regulations.

## **8.0 REPORTING TO THE POLICE**

Maasai Mara University has a responsibility to report a suspected crime to the police. Where gender violence constitutes a criminal offence then Maasai Mara University shall report and cooperate with the police in ensuring justice and fairness to both the victim and the accused.

## **9.0 MEDICAL TREATMENT AND SUPPORT**

Appropriate medical treatment shall be availed, where required, to workers affected by gender violence at workplace. Counseling services shall also be made accessible to such victims and their close family members as appropriate.

## **10.0 PROMOTION OF THE POLICY**

The employees shall be made aware of this policy through a range of methods such as providing information about the policy on notice-boards, notices, newsheets, in canteens, restaurants, websites, through training courses and more creatively where possible via the media of drama, promotional DVDs and staff seminars etc. Information on the policy should be included in employee handbooks, induction packs, pay slips, and relevant in-house training. The policy shall be promoted by senior staff in partnership with employee representatives.

## **11.0 RECORDING ACTS OF VIOLENCE AT THE WORKPLACE LEVEL**

Incidences of gender violence at workplace in Maasai Mara University shall be recorded. This is important for Maasai Mara University to learn from those experiences. The management shall review these experiences in order to identify patterns and trends, including:

- i. Identifying sources of workplace violence as being internal or external, where possible;
- ii. Categories and severity;
- iii. Incidence of violence in particular area/task categories;

- iv. Perpetrator and victim characteristics;
- v. Forms of violence;
- vi. Possible contributing factors, such as delays in service provision;
- vii. Situational contexts;
- viii. Other risk factors such as time of day or night.

## **12.0 MONITORING AND EVALUATION**

The monitoring and evaluation will be effected by the gender and disability committee.

## **13.0 POLICY REVIEW**

This policy will be reviewed from time to time as the need arises

## **ANNEX 1. IMPLEMENTATION OF THE POLICY**

The responsibility for the implementation of this policy lies with the Vice Chancellor on behalf of Council. However, the functions responsibilities outlined in the policy shall be delegated according to the structure of the University.

Information will be recorded and collated on the use of this policy, ensuring anonymity of employees (i.e. numbers of staff seeking support, action taken, outcome for employee). Other information will include feedback from staff through training sessions and questionnaires / surveys.

This policy will be reviewed from time to time by Senate.

In order to measure how successful the policy has been in operation, it is important to establish a baseline position. This will be achieved by carrying out a baseline survey at the beginning and undertaking a comparison study at the end of the first year. The main indicators to monitor include:

- i. Staff awareness that a policy exists and they have an understanding of how it works.
- ii. Management and staff using the policy.
- iii. Evaluation of training for key staff.
- iv. Improvements in responding to the issue of gender-based violence.

## **ANNEX 2 : EFFEECTS OF GBV**

Violence against women has been called” the most pervasive yet least recognized human rights abuse in the World.” According, the Vienna Human Rights Conference and the Fourth World Conference on Women gave priority to this issue, which jeopardizes women’s lives, bodies, psychological integrity and freedom.

Violence may have profound effects-direct and indirect on a woman’s reproductive health, including:

- Unwanted pregnancies and restricted access to family planning information and contraceptives
- Unsafe abortion or injuries sustained during a legal abortion after an unwanted pregnancy
- Complications from frequent, high-risk pregnancies and lack of follow-up care
- Sexually transmitted infections, including HIV
- Persistent gynecological problems
- Psychological problems