



KMTTC is ISO 9001:2015 Certified

Kenya Medical Training College



SEXUAL HARASSMENT
POLICY

MAY 2019

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PREFACE

On behalf of the Kenya Medical Training College (KMTc) Board of Directors, I am delighted to approve this Policy for use by Management. The KMTc Board is determined to improve access to and equity of quality medical training and to ensure that the institution plays its role in the realization of Sustainable Development Goals (SDGs), Vision 2030, health sector policies and the government agenda on the “Big Four”. The Board continues to realize the set milestones which contribute to improving the quality and quantity of essential health care providers. Inadequate numbers of skilled care providers have had a negative impact on efforts to expand access and improve the quality of health services. This situation is compounded by continued high prevalence of communicable and non-communicable diseases in the country.

Towards this end, the KMTc Board of Directors under my leadership is determined to critically address the task of defining long-term strategies for addressing the constraints to training and development of quality health care providers through:

- i. Improved policy and corporate governance for enhancing accountability and decision making.
- ii. Enhanced access, quality, relevance and equity in medical training.
- iii. Prudent resource utilization and good infrastructural management.
- iv. Increased visibility of Kenya Medical Training College nationally and internationally as a premier institution focusing on training, research and consultancy.
- v. Improved resource base, partnership and linkages.

All forms of sexual harassment and gender based violence by any member of the KMTc fraternity shall not be tolerated both on and/or off campus. For this very reason, this Policy serves to inform on what constitutes sexual harassment, ways and means of dealing with and handling instances of sexual harassment and provides a roadmap for sustaining an environment free of sexual harassment. It is of paramount importance to highlight that KMTc provides guidance and assistance to victims of sexual harassment without discrimination or bias. This document ensures that the College and its associations proscribe to the fundamentals laid out in the UN Sustainable Development Goals (SDGs) for a just society that embraces gender equality.

I believe successful implementation of the Policy will be realized through total commitment of the entire staff, students and other key stakeholders.



Prof. Philip Kaloki, MBS,

Chairperson, KMTc Board of Directors.

FOREWORD

Kenya Medical Training College is committed to creating and maintaining a teaching, learning and working environment that focuses on equal opportunity where all individuals are protected from any form of mistreatment or discrimination. The College will endeavour to ensure that its environment is free from Sexual Harassment, in which all members are assured of their dignity, security and well being. The idea of developing a Sexual Harassment Policy was initiated by the need to comply with the Employment Act, 2007 and the Sexual Offences Act, 2006 and all other relevant enabling laws, rules and regulations and the commitment of the College's Management in preventing abuse of personal authority or power in interpersonal relationships in all its dealings and amongst all stakeholders.

This Policy provides a frame work for staff and students in the planning and operation of sexual harassment responsive education, training and research. It highlights the key concerns and intervention strategies in various aspects including enhancement, governance and management with an aim to enhance overall performance through incorporation of holistic and successful organization practices and adaptation of best practices.

Sexual Harassment is across-cutting issue and the implementation of the Policy requires the commitment, participation and contribution of all staff members and students. Our commitment to integrating Sexual Harassment perspectives will need to be reflected in all academic and administrative programs, work plans, research and publications, in budgeting as well as in technical operation activities with other institutions.

The successful implementation of this Policy will hinge on unrelenting and concerted efforts of all members of the College by ensuring KMTC operates on a zero tolerance policy for any form of sexual harassment by treating all incidents seriously and promptly investigating all allegations of sexual harassment and ensure lack of victimisation of complainants.



Prof. Michael Kiptoo,

Chief Executive Officer.

VISION

A model institution in the training and development of competent health professionals

MISSION

To produce competent health professionals through training and research, and provide consultancy services

CORE VALUES

Accountability

Integrity

Responsiveness

Equity

Teamwork

Professionalism

Creativity and innovation

ABBREVIATIONS

AU	African Union
CEDAW	United Nations Convention on the Elimination of all forms of Discrimination Against Women
DC	Disciplinary Committee
DoS	Dean of Students
HIV	Human Immunodeficiency Virus
ILO	Internal Labour Organization
KMTC	Kenya Medical Training College
SH	Sexual Harassment

DEFINITION OF TERMS

Sexual Harassment:	Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of either a sexual nature when submission to such conduct is made explicitly or implicitly; a term or condition of an individual's employment, or submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
Sexual Assault:	Any involuntary sexual act in which a person is coerced or physically forced to engage in against their will.
Sexual Abuse:	Unwanted sexual activity, with perpetrators using force or taking advantage of victims not able to give consent.
Sexual Exploitation:	Use of one's authority, power and position to sexually abuse someone through the exchange of sex or sexual acts unwillingly.

1.0 INTRODUCTION

1.1 Background

There has been concerted efforts both nationally and internationally to eliminate Sexual Harassment at places of work. At the international level, the United Nations General Recommendation 19 to CEDAW defines Sexual Harassment as including:

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

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

In Kenya's jurisdiction, Sexual Harassment has been defined as unwelcome advances, requests for sexual 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 reasonable person to whom such advances, requests or conducts are directed. It also refers to the imposition of sexual requirements in the context of a relationship of unequal power.

KMTC is committed to eliminating Sexual Harassment. The College recognizes that any form Sexual Harassment is punishable under the Kenyan Sexual Offences Act of 2006. To this end, KMTC shall have zero tolerance to Sexual Harassment at any organizational level, be it formal or informal and/or at any individual level. The College is devoted to creating and maintaining a conducive working and learning environment free from any form of Sexual Harassment.

The College recognizes that Sexual Harassment may occur regardless of the status or position of the persons involved. Any form of this vice subverts the mission and vision of the College, and can threaten the education, career and wellbeing of staff and students. Therefore, all members of the College community have the responsibility of ensuring that KMTC is free from Sexual Harassment.

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

This Policy is further grounded on the Kenyan National laws and policies prohibiting Sexual Harassment such as the HIV/AIDs Prevention and Control Act and the Sexual Offences Act among others. The Policy borrows from international human rights principles enumerated in international and regional human rights conventions such as the Universal Declaration on Human Rights (1948), the Beijing Declaration and Platform Action (BPFA), the Millennium Development Goals, CEDAW, the African Charter on Human and People's Rights and its protocol on the rights of women, the ILO among others, which emphasize the need to eradicate all manner of sexual exploitation including Sexual Harassment. These documents are important in the context of this Policy not only because they serve the same need as the Policy, but also due to the fact that the Kenyan Government is a signatory to the international instruments and therefore have the duty to fulfil its obligations according to the aforementioned instruments to the citizens of Kenya. It is on this premise that the College shall have zero tolerance on Sexual Harassment at any organizational level whether formal or informal and/or at an individual level.

This Policy prohibits any form of sexual harassment in recruitment of students, employees, award of scholarships, teaching, awarding marks and offering any service to the College.

2.0 POLICY FRAMEWORK

2.1 Rationale

KMTC is committed to ensuring that cases of Sexual Harassment are dealt with firmly by observing utmost confidentiality and impartiality. The College acknowledges that sexual harassment is a violation of the fundamental human rights, debilitates morale and interferes with the effectiveness of the living, working and learning environment.

KMTC recognizes the importance of documents that outline regulations governing the conduct of members of the College community, with clear guidelines on how to handle sexual harassment and distinguishes the explicit connection between sexual harassment and the spread of HIV and AIDS. Consequently, the College notes that clear guidelines for dealing with the perpetrators should be observed in the process of addressing reported cases.

There needs to be recognition that Sexual Harassment Sexual Harassment is one of the casual effects of HIV/AIDs and discouraging it will lead to reduced cases of HIV/AIDs infections. It is necessary to provide standard guidelines and a mechanism for handling Sexual Harassment cases e.g. reporting, investigation, punishment and counselling victims to cope with the experience. The Policy will create awareness on what constitutes Sexual Harassment and serves as a deterrent to potential perpetrators.

2.2 Scope of the Policy

All employees, students and stakeholders are subject to this Policy and are expected to observe and adhere to it's terms of this Policy in their conduct with other employees, students and stakeholders.

The Sexual Harassment Policy will apply to all activities and operations taking place at the College, whether on or off campus as long as the activities are associated and organised by the College. It is binding on all employees, students and stakeholders that deal with the Institution and its affiliate structures. The implementation of the Policy will be the responsibility of everyone in the College. The Department of Gender, Disability and Equity will provide guidance, coordinate and act as a resource centre for implementation of the Policy. Specifically, this Policy covers: -

- (i) Teaching staff
- (ii) Non- teaching staff in departments and sections
- (iii) Administrators
- (iv) Students

2.3 Guiding Principles

This Policy shall be guided by the guiding laws and principles that are outlined below and international conventions and shall promote the rule of law and promote and protect human rights:

- i. The Constitution of Kenya; Article 27, 28 & 29
- ii. The Sexual Offences Act No. 3 Of 2006
- iii. The Employment Act, 2007
- iv. UN Convention of the Elimination of all forms of Discrimination Against Women (CEDAW)
- v. The International Labour Organisation Discrimination (Employment and Occupation)

Convention (No. 111)

- vi. The Protocol to the African Charter on Human and Peoples' Rights on the Rights on the Rights of Women in Africa

3.0 AREAS OF INTERVENTION

To achieve the objectives of the Sexual Harassment Policy, the following areas of intervention shall be initiated:

- i. Awareness and sensitization
- ii. Capacity building and training
- iii. Curriculum
- iv. Safety and security
- v. Research on HIV/AIDs and Sexual Harassment.

3.1 Awareness and Sensitization

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

3.1.1 Challenges

- i. Ignorance on the part of the College community that indeed Sexual Harassment is a vice and a human rights violation.
- ii. Lack of accurate information of what exactly constitutes Sexual Harassment.

3.1.2 Policy Statement

The College has and will continue to provide support for initiatives that are already placed and are aimed at educating the public on the importance of eradicating Sexual Harassment.

3.1.3 Intervention Strategy

- i. The College will ensure that this Policy is published and disseminated to all staff, students and the community.
- ii. Conduct awareness workshops on Sexual Harassment and HIV/AIDs.
- iii. Require all students, staff and the community to undertake and abide by the Sexual Harassment Policy.
- iv. Continue to support advocacy groups and create new ones where applicable.

3.2 Capacity Building and Training

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

3.2.1 Policy Statement

The College has and will continue to implement capacity building programs such as workshops and seminars that are aimed at empowering the staff, students and the community to join forces against Sexual Harassment and HIV/AIDs.

3.2.2 Intervention Strategy

- i. Facilitate training of the College Counsellors, the Human Resource Manager, the office of the Dean of Students, the Gender, Disability and Equity affairs staff to recognize and be responsive to the emotional and psychological needs of staff and students.
- ii. Strengthen the guidance and counselling unit to deal with Sexual Harassment cases.
- iii. Empower members of the College community to take part in the implementation process.

3.3 Curriculum

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

3.3.1 Policy Statement

KMTC commits itself to incorporate Sexual Harassment into the curriculum whether through the formal learning system or the co-curricular system.

3.3.2 Intervention Strategy

- i. Mainstream Sexual Harassment into the formal curriculum.
- ii. Audit and device methods of rewarding students and staff who actively engage in anti-Sexual Harassment activities.

3.4 Safety and Security

In any given setting, safety and security pose a great challenge especially with regards to preventing sexual offences and other related offences. The College and the office of the Dean of Students may receive numerous complaints about sexual offences against female students which make it imperative that the Policy provides for it.

3.4.1 Policy Statement

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

3.4.2 Intervention Strategy

To achieve the above objective, the College will:

- i. Provide training for staff and students on life skills.
- ii. Provide adequate lighting within the College.
- iii. Ensure all reports on Sexual Harassment are kept private and confidential to avoid jeopardizing the safety and security of the victim as it may attract victimization.

- iv. Install suggestion boxes and hotlines in appropriate locations within the College.

3.5 Research on HIV/AIDs and Sexual Harassment

KMTC shall continuously carry out research on Sexual Harassment and HIV/AIDs to ensure that the Policy keeps up to date with the changing current situations and also that it remains focussed on its commitment to eradicate Sexual Harassment.

3.5.1 Policy Statement

The College will continually support research initiatives in the area of Sexual Harassment and HIV/AIDs.

3.5.2 Intervention Strategy

Allocation of funds for research and dissemination of research findings.

4.0 ELEMENTS OF SEXUAL HARASSMENT

- i. The behavior should be unwelcome. This will depend on how the conduct in question was perceived and experienced by the recipient rather than the intention behind it;
- ii. It should be of a sexual nature;
- iii. It is offensive, humiliating and/or intimidating;
- iv. It may either be a one-time or repeated action;
- v. Spreading gossip or rumors may expose any involved student, staff or faculty to defamation action and the breach of the Sexual Harassment Policy.

4.1 Circumstances in which Sexual Harassment can occur

Sexual harassment can occur in a variety of circumstances including but not limited to the following:-

- i. The victim or perpetrator may be a woman or a man. An older man/woman harassing younger women/men, seniors harassing juniors. The victim does not have to be of the opposite sex.
- ii. The perpetrator can be a victim's manager, lecturer, a student, supervisor, a supervisor in another department, a co-worker, fellow student, an agent of the employer, a non-employee such as a supplier, a contractor or any service provider, client or customer.
- iii. Where there is inequality of power between a victim and the perpetrator that strongly suggests that the victim engages in sexual relation out of fear.
- iv. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- v. Sexual harassment is unlawful not only during working/teaching/learning hours but also in any College related context including conferences, work functions, sports, College trips and parties but also off the College as long as it involves students and staff.

4.2 Forms of Sexual Harassment

Sexual harassment can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated by males or females against people of the same or opposite sex. Sexual harassment can take different forms.

4.2.1 Physical Sexual Harassment

This occurs when a victim has been touched in an inappropriate way against his or her own will. Examples include but are not limited to:-

- i. Leering at a person or parts of their body in a sexually suggestive manner;
- ii. Touching or fiddling with a person's clothing including lifting up of skirts or shirts, flicking bra straps or putting hands in a person's pocket;
- iii. Blocking the victim's path in an aggressive way;
- iv. Standing very close to the victim which makes him/her uncomfortable;
- v. Non-consensual kissing or kissing attempts;
- vi. Rubbing one's genitals on a person;
- vii. Attempt or actual sexual assault;
- viii. Indecent exposure of one's genitalia;
- ix. Stalking with an intention to sexually harass the victim;
- x. Obscene gestures;
- xi. Groping;
- xii. Subtle pressure for sexual activity; and
- xiii. Unwelcome/uninvited physical contact such as massaging a person without invitation, hugging, pinching, patting, grabbing in a sexual manner.

4.2.2 Verbal Sexual Harassment

Verbal sexual harassment may be oral or written and may include but not limited to:-

- i. Comments that are sufficiently offensive to cause discomfort and interfere with work or learning;
- ii. Disparaging remarks about one's gender or physical appearance;
- iii. Sex based insults, taunts, teasing or name calling;
- iv. Verbal sexual abuse disguised as humor;
- v. Making promises or threats in return for sexual favors;
- vi. Requests or demands for sex or repeated unwanted requests to go out on dates after prior refusal;
- vii. Suggestive sexually demeaning remarks, comments or jokes;
- viii. Smutty jokes or comments about the victim's body or clothing;
- ix. Catcalls;
- x. Comments or questions about the victim's social or sexual life;
- xi. Intrusive questions or insinuations about an individual's private life;
- xii. Demands for sexual favors and threats of firing if the demands are not met; and
- xiii. Obscene communication and unwanted sexual innuendos.
- xiv. Demeaning references to either the male or female gender;

4.2.3 Visual Sexual Harassment

This is the use of different forms of visual media to suggest inappropriate sexual advances. Examples include but are not limited to:-

- i. Displaying sexually graphic materials including posters, magazines, cartoons, graffiti or messages left on notice boards, desks or common areas;
- ii. Sending or forwarding sexually explicit emails or text messages or emailing offensive “jokes” and pornographic material;
- iii. Inappropriate advances on social networking sites;
- iv. “Flashing” or making obscene sexual gestures;
- v. Accessing sexually explicit internet sites, downloading offensive screen savers and loading them into a colleagues’ computer or shared College computers; and
- vi. Technological sexual harassment is the inappropriate use of photography, email and internet.

4.2.4 Gender Harassment

This involves generalized sexist statements and behavior that convey insulting or degrading attitudes about both men and women. Examples include insulting remarks, offensive graffiti, obscene jokes or humor about both genders.

4.2.5 Seductive Behaviour

This includes unwanted, inappropriate and offensive sexual advances. Examples include repeated unwanted sexual invitations, insistent requests for dinner, drinks or dates, persistent letters, phone calls and other invitations.

4.2.6 Sexual Bribery

Solicitation of sexual activity or other sex-linked behaviour by promise of reward; the proposition may be either overt or subtle.

4.2.7 Sexual Coercion

Coercion of sexual activity or other sex-linked behavior by threat of punishment; examples include negative performance evaluations, withholding of promotions, and threat of termination.

4.2.8 Sexual Violence

This is a sexual act (including sexual assault) that is perpetrated against a person’s will or without a person’s consent, or when a person is incapable of giving consent due to his or her age, family relation to the other person, the ingestion of drugs or alcohol, or the person’s intellectual or other disability.

Sexual assault is any involuntary sexual act in which a person is coerced or physically forced to engage in sexual acts against their will. It includes rape (such as forced vaginal, anal or oral penetration, penetration with a foreign object).

5.0 PROCEDURE FOR HANDLING SEXUAL HARASSMENT

The Policy shall ensure that Sexual Harassment incidences in the College are reported without fear of stigmatization, reprisal, ostracism, punishment or victimization. The College shall put in place proper reporting structures and mechanisms to enhance its ability to handle sexual harassment cases.

This Policy provides laid down procedures for effective handling of sexual harassment cases when they occur.

5.1. Reporting Mechanisms

Any person who believes they have been offended of Sexual Harassment is strongly encouraged to report the incidence to the confidential advisors appointed to help in the implementation of this Policy. The individual offended by Sexual Harassment who wishes to pursue or make complaints has two options through which they can make the complaint: either through an informal complaint or through a formal complaint.

5.1.1 Informal Complaint

An informal complaint is made to any academic member of staff, College administrator or person in charge of handling Sexual Harassment issues. It is made in those cases where the offended wishes for something to be done (e.g. warn the harasser or transfer him/her to another department or change his/her dissertation supervisor) but is not ready to lodge a formal complaint. In any case, the alleged perpetrator must be notified of the complaint lodged against them. An additional advantage of an informal complaint is that it remains on record and may be used in future as evidence of repeated unwanted conduct should the need arise.

The aim of the informal grievance resolution process is not to determine whether there was intent to harass but to ensure that the alleged offending behaviour ceases and that the matter is resolved promptly. The following statements are true regarding this Policy:

- i. No disciplinary action is taken in resolving informal grievances.
- ii. Informal grievance resolution procedures should not be used for severe cases of Sexual Harassment, nor should they be used when the alleged harasser has been the subject of a previous formal grievance.
- iii. It is not a requirement that an individual use informal procedures before filing a formal grievance, nor that the grievance be put into writing before informal resolution procedures are utilized.
- iv. An individual is free to withdraw from informal procedures altogether, file formally with the College, and/or file charges under state law or use the courts.
- v. In severe cases of Sexual Harassment or instances involving a repeated offender, the College may conduct a College-generated investigation if there is sufficient evidence to believe that Sexual Harassment could have or does exist.

Some informal actions that may be appropriate are:

- i. Writing a confidential letter to the alleged Sexual Harassment perpetrator informing him/her of the negative/illegal behaviour, the resulting impact on the aggrieved, and what the aggrieved wants next, usually "I want the behaviour stopped", or "I want to be treated the way a student or fellow employee should be treated".
- ii. Asking that a workshop on Sexual Harassment awareness be conducted for the unit/division so affected or the College community
- iii. Asking that someone speak to the alleged offender.

- iv. Meeting with the alleged offender and a third party to explain the aggrieved feelings and the College's Policy.

Possible outcomes of an informal process include:

- i. The grievance is resolved to the satisfaction of both parties.
- ii. Grievance not resolved: In cases where resolution of the grievance is not possible, the College authorized personnel will advise the offended of the option of filing a formal grievance within the College and the options outside the College that maybe pursued, i.e., filing with office of Human Rights Commission or law courts.

5.1.2 Formal Complaint

In making a formal complaint, the offended will lodge a written and signed complaint to the department involved with the duty to implement the Policy. The department shall investigate the complaint exhaustively and make adequate disciplinary decisions.

The filing of a written grievance is generally required for the matter to be formally investigated and a determination made as to whether a violation of College Policy prohibiting Sexual Harassment has occurred.

The procedure and person handling formal grievances depend on the College community status of the offended and the College community status of alleged perpetrator. Accordingly, formal grievances are filed as follows:

- i. If the alleged Sexual Harassment perpetrator is a student, the grievances are filed with the Dean of Students office.
- ii. Faculty and other staff members' grievances are filed with the HoD of Gender/ Dean of Students.

Investigations will be conducted fully, impartially and timely. Investigating officials will provide the perpetrator with the allegations, to which that individual will be required to respond in a timely manner. During the course of the investigation the formal investigating officials normally will interview the offended, the perpetrator, the aggressor and witnesses identified by each party. Previously indicated herein, to the extent possible, grievances will be handled confidentially, with the facts made available only to those who have a compelling need to know for purposes of investigation, resolution, or legal compliance. The specific issues to be investigated/reviewed may include but are not limited to:

- i. Whether the specific conduct has occurred and constitutes a violation of the College's Sexual Harassment Policy, the type(s) of conduct; frequency of occurrence; date(s) on which or time period over which the conduct has occurred; location of alleged occurrence and all factual circumstances upon which the grievance is based;
- ii. The specific relationship of the perpetrator to the offended (e.g., lecturer-student, supervisor-staff, staff-student, staff-staff and student-student);
- iii. The effect of the harasser's conduct on the offended, including any consequences that may be attributed to the conduct;
- iv. Whether the perpetrator is aware of the aggrieved concerns;
- v. Whether the department chair or supervisor is aware of the aggrieved concerns;
- vi. The names of witnesses having factual knowledge of the circumstances surrounding the grievance;
- vii. Whether any prior steps were taken to resolve the grievance; and/or
- viii. Whether there is any additional resource that may be helpful to resolve the grievance.

Some possible outcomes of a formal investigation include:

- i. A finding that there is a reasonable basis for believing that the alleged violation occurred; or
- ii. A finding that there is no reasonable basis for believing that the alleged violation occurred; or
- iii. A finding that there is a reasonable basis that other Sexual Harassment misconduct may have occurred.

The Policy emphasizes the importance of documenting all cases of Sexual Harassment within the College's precincts or involving the students, College administrators, teaching and non-teaching staff. Thus, it is vital that an account of the incident that the offended is complaining about be documented as soon as possible after its occurrence, especially if they decide to bring a formal complaint. The written account should include the date, time and place of each incident, the behaviours involved in the incident, the offended response to it, and the names of any witnesses to it. Complaints must be lodged within a reasonable time, preferably within 72 hours especially in cases where the offended may need medical attention. In any case the time period for reporting should not exceed three (3) months from the date of the alleged Sexual Harassment.

The offended should report to the DoS, the HoD of Gender, Disability and Equity affairs, Security Office, the medical department or custodians in the hostels.

5.2 Investigation Procedures

Upon receiving a report, the receiving authority shall refer the matter to the Sexual Harassment Implementation Committee to investigate. The receiving authority shall also inform the CEO for necessary interim action especially in cases where the perpetrator is in higher authority than the offended and is likely to interfere with investigations. Investigations will include but not limited to interviews with and written statements by or with complainant and the perpetrator. Interviews shall be confidential and discreet. Persons with information on the incidence will also be interviewed and the investigators will establish the circumstances leading to the incidence, nature of the incidence, the relationship between the parties, past behaviours and the context under which the alleged incident occurred.

5.3 Disciplinary Measures

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

Any employee or student who violates this Policy shall be subjected to disciplinary action which could include:

- i. Termination of services.
- ii. Suspension or expulsion of the student from the College.
- iii. Barring such persons from accessing the College premises.
- iv. Conciliation.

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

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

5.4 Confidentiality

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

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

5.5 Support for Victims of Sexual Harassment

There is usually stigma and undue pressure associated with Sexual Harassment and most offended and especially female offended who experience this with their lecturer opt to keep quiet for fear of victimization. Once there is evidence that one is undergoing Sexual Harassment, the College shall provide appropriate counselling for the offended and any other member of the family of the offended where appropriate.

5.6 Dissemination of the Policy

KMTC shall circulate copies in strategic places such as faculties, departments, libraries and hostels. It will also eventually produce brailed editions and Kiswahili versions. It shall further orient any incoming new students on the Sexual Harassment Policy. The College will make the Policy part of the conditions of employment and incorporate it in the performance contract.

5.7 Monitoring and Evaluation

The Sexual Harassment Implementation Committee created by this Policy in conjunction with the Department of Gender, Disability and Equity affairs and the College Administration will develop tools for monitoring and evaluating the progress made in the implementation of the Policy strategies. The Committee and the CEO will continue to undertake research, collect, collate and analyse information to monitor or track progress of the implementation. Evaluation of interventions shall be undertaken yearly to assess the extent of impact and the shortcomings thereof, which in turn will feed the Policy cycle for improvement in content and context.

The Sexual Harassment Implementation Committee shall further ensure that data relating to Sexual Harassment incidences in the College is updated annually.

5.8. Implementation Roles and Responsibilities

5.8.1. Awareness Creation and Sensitization

The Head of Gender, Disability and Equity affairs Unit shall be in charge of conducting awareness and sensitization to all stakeholders on Sexual Harassment.

5.8.2. Curriculum Programs

The Deputy Director Academics shall ensure that the curriculum programs provide for training in Sexual Harassment issues.

5.8.3. Capacity Building

The Deputy Director Administration, Finance and Planning shall ensure that there is enhancement and ability to evaluate and address issues on Sexual Harassment. This will involve putting into place modes of implementing this Policy.

5.8.4 Research on Sexual Harassment and HIV/AIDS

The Deputy Director Academic shall ensure that there is constant research on Sexual Harassment issues for purposes of aiding the implementation of this Policy.

5.8.5. Reporting Mechanisms

- i. Sexual Harassment issues shall be reported either directly to the CEO or as provided for under Clause 5.1 in this Policy.
- ii. The Human Resource Committee of the Board shall receive quarterly reports and make recommendations for the Board of Directors.

5.8.6. Investigation Procedures

The HoD of Gender, Disability and Equity affairs shall ensure that the investigation procedures as provided for under Clause 5.2 in this Policy are adhered to.

5.8.7. Disciplinary Measures

The CEO shall ensure that the Sexual Harassment Implementation Committee and the DC handle Sexual Harassment issues appropriately.

5.8.8. Confidentiality

The Deputy Director Administration and Finance shall ensure that all cases relating to Sexual Harassment are kept in the confidential registry.

5.8.9 Support for Victims

The HoD of Gender, Disability and Equity affairs shall ensure that there has been put into place a mechanism that shall support Sexual Harassment victims.

5.8.10 Dissemination

The Deputy Director Finance and Administration shall ensure that there this Policy is available and circulated to all stakeholders.

6.0 IMPLEMENTATION COMMITTEE

There shall be a Gender, Disability and Equity committee to oversee the implementation of the Sexual Harassment Policy comprising the following: -

- | | | |
|------|--|---|
| i. | Deputy Director Finance and Administration | – Chairperson |
| ii. | HR representative | – Member |
| iii. | Security officer representative | – Member |
| iv. | Workers Union representative | – Member |
| v. | Legal officer | – Member |
| vi. | Health Unit representative | – Member |
| vii. | Secretariat | – Gender, Disability and Equity affairs Unit. |

7.0 POLICY IMPLEMENTATION

The Sexual Harassment Implementation Committee, DC and KMTC Management will be responsible of implementation of this Policy. However, all the stakeholders shall be called upon to participate at the individual and collective level.

8.0 POLICY REVIEW

The Policy will be reviewed every three (3) years and the Department in consultation with the Sexual Harassment Implementation Committee to take into account new developments in research and lessons learnt from the monitoring and evaluation of the Policy. The review will also take into account the social and economic realities associated with Sexual Harassment and the overall College environment.

APPROVAL

Title : Sexual Harassment Policy

Contact : Deputy Director Finance and Administration

Approval Authority : The Board of Directors

Commencement Date : May 2019

SIGNED



Prof. Philip Kaloki, MBS,
Chairperson, KMTC Board of Directors

15th May 2019

Date



KMTC is ISO 9001:2015 Certified.

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