



KIBABII UNIVERSITY

SEXUAL AND GENDER BASED VIOLENCE POLICY

SEPTEMBER, 2022

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KIBABII UNIVERSITY – ISO 9001:2015 QUALITY MANAGEMENT SYSTEMS		
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SEXUAL AND GENDER BASED VIOLENCE POLICY



Approved by: Prof. Donald N. Siamba (Management Representative)	Sign: 	Date: 22/9/2022
Authorized by: Prof. Isaac Ipara Odeo (Vice Chancellor)	Sign: 	Date: 22/09/2022



Table of Contents

FOREWORD	iv
ACKNOWLEDGEMENTS	v
DEFINITION OF TERMS	vi
ABBREVIATIONS AND ACRONYMS	viii
UNIVERSITY MANDATE	ix
1.0 Introduction	1
1.2. Objectives	1
1.3 Rationale	2
1.3.2 Guiding Principles	3
2.0 Policy Implementation Framework	3
2.1 Forms of SGBV	3
2.1.1 Sexual Violence/Harassment	4
3.0 Monitoring, Evaluation, Reporting and Learning	10
3.1 Monitoring	10
3.2 Evaluation	10
3.3 Reporting	10
4.0 Policy Review	10
5.0 Commencement	11
6.0 References	12



FOREWORD

Sexual Harassment and Gender-Based Violence (SGBV) issues are not only closely related but are also at the heart of human rights and social justice. A society that tolerates abuse of and violence on any segment of its population undermines its chances of attaining meaningful progress. Individual liberties and physical integrity are crucial ingredients for individual and collective prosperity and ought to be non-negotiable in any forward-looking society. Indeed, any society aiming at civilization should first ensure there are no systemic loopholes that offer a sanctuary of perpetrators of Sexual Harassment and Gender Based Violence (SGBV) among many other forms for harassment. Kibabii University commits to lead and remain true to the cause.

Cognizant of achievements already registered through existing policies and efforts made by the Institute of Gender and Development Studies, the emphasis of this Policy is on ensuring that all key concepts and principles of SGBV are well understood and applied uniformly to and by all. The said will further strengthen the pre-established foundation by addressing SGBV within the University, and ensuring that mechanisms for addressing unjust cultural norms and stereotypes hindering the war against SGBV are put in place. For instance, this Policy addresses the misconception that SGBV only affects women and girls and thus makes a deliberate move to enlist both genders in the fight against SGBV.

I therefore strongly believe that this Policy framework will provide vital mechanisms for preventing and coordinating responses to SGBV. This will thus guarantee everyone's ability to participate in all academic and non-academic activities without fear or threat of any form of Gender-Based Violence.



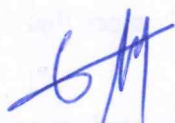
Prof Isaac Ipara Odeo
Vice Chancellor

ACKNOWLEDGEMENTS

I take this opportunity to appreciate the efforts, energy and time invested by all who participated in drafting this Policy and bringing it to light. I particularly wish to laud the leadership provided by the Director and the IGDS Board in ensuring that this Policy comes into being.

I also wish to acknowledge the valuable and timely contributions and advice from the Ad-hoc Committee of the Senate which resulted in this comprehensive and workable document.

Finally, my special gratitude goes to our Vice Chancellor Prof Isaac Ipara Odeo for his due support and guidance.



Prof. Eng. Kiriimi Henry Kiriamiti

Deputy Vice Chancellor (Academics and Students Affairs)



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DEFINITION OF TERMS

- Adolescents:** These are persons aged between 10 to 19 years as defined under the National Adolescent Sexual and Reproductive Health Policy 2015 Policy.
- Child Marriage:** This is a situation where marriage, cohabitation or any arrangement is made with someone below the age of 18 years
- Defilement:** An act which causes the penetration of a child's genital organs
- Sexual Violence:** 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.
- Gender:** Refers to the social and cultural constructs based on sex that identifies an individual as a man, woman, boy or girl
- Sexual and Gender Based:** Any act or threat meted upon a person due to their gender that results
- Violence:** In physical, sexual or psychological harm or suffering including child marriage; female genital mutilation; forced marriage; forced wife inheritance; sexual violence within marriage; virginity testing; widow cleansing; defilement; intimidation; physical abuse; sexual abuse; stalking; verbal abuse; or any other conduct against a person, where such conduct harms or may cause imminent harm to the safety, health, or well-being of the person.
- SGBV Survivor:** Any person of either gender who survives an injury, loss or damage as a consequence of an offence; also defined under Section 2 of the Victims Protection Act.
- 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.
- Multi-Sectoral Approach:** The holistic inter-organizational and inter-agency efforts that promote participation of people of concern, interdisciplinary and inter-organizational cooperation, and collaboration and coordination across key sectors, including (but not limited to) health, psychosocial, legal/justice and security.

Physical Violence: The intentional use of physical force with the potential to cause harm, injury, disability or death.

Psychological Violence: Verbal abuse, insults/humiliation, isolation, trauma to the victim caused by acts, threats of acts or coercive tactics; that are often related to sexual or physical violence.

Safe House/Shelter: A residential facility providing short-term intervention for victims of SGBV in crises. This intervention includes meeting basic needs as well as, counseling and skills development.

Sexual Assault: This involves unwanted sexual experiences, sexual aggression and sexual abuse ranging from sexual coercion, attempted rape, rape, gang rape, marital rape and date rape. It also refers to the use of objects. (other than the sexual organs) to cause penetration.

Sexual Exploitation: This refers to the use of one's authority, position and power, either explicitly or implicitly to force or cause another into unwanted sexual relations or to punish another for his/her refusal to submit. At the core of sexual exploitation is power and misuse of authority.

Sexual Harassment: Unwelcome advances, requests for sex favours or other verbal or physical conduct of sexual nature by way of words, acts, gestures or comments that would embarrass, humiliate, demean or compromise a reasonable person at whom such advances, requests or conduct are directed.



ABBREVIATIONS AND ACRONYMS

AIDS:	Acquired Immuno-Deficiency Syndrome
FGM:	Female Genital Mutilation
HIV:	Human Immuno-Deficiency Virus
IGDS:	Institute of Gender Development and Studies
NGEC:	National Gender and Equality Commission
SGBV:	Sexual and Gender Based Violence

UNIVERSITY MANDATE

Kibabii University was awarded a Charter on 14th November, 2015. The University endeavours to achieve quality education and training by Gender mainstreaming in its academic and non-academic programmes, innovation, research, consultancy and extension, community service, and management practices.

Philosophy

Kibabii University embodies the view that Science, Technology and Innovation are critical for sustainable utilization of material and human resources for the posterity of the universe.

Vision

To be a global and dynamic University of excellence in Science, Technology and Innovation.

Mission

To achieve excellence in generation, transmission and enhancement of new knowledge in Science, Technology and Innovation through quality Teaching, Research, Training, Scholarship, Consultancy and Outreach programs.

Motto

Knowledge for Development

Core Values

Kibabii University is anchored on six (6) Core Values whose acronym is EASIIA.

The six (6) core values are:

- i. Excellence;
- ii. Accountability and transparency;
- iii. Social Responsibility;
- iv. Innovation;
- v. Integrity; and
- vi. Academic freedom.



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1.0 Introduction

Sexual and Gender Based Violence (SGBV) is defined as any harm perpetrated against a person's will based on and gender that results in physical, sexual or psychological harm or suffering. It manifests in such acts as threats and coercion or arbitrary deprivations of liberty, including economic destitution and isolation which may cause harm to the safety, health and well-being, whether occurring in public or private life. SGBV is a common occurrence across communities and cultures although it disproportionately affects women and girls. It is rooted in gender inequalities and power imbalances and is increasingly sustained by harmful social and cultural norms and attitudes which are also primarily responsible for the widespread underreporting of SGBV.

To a large extent, poverty and situations of conflict as well as humanitarian crisis are recognized as the main catalysts of SGBV. Acts such as rape, confinement and sexual slavery have turned out to be the prevalent weapons of war and have increasingly aggravated women and girls, men and boys' vulnerability and susceptibility to SGBV; this with women and girls comparatively being majority survivors. Furthermore, SGBV has strongly been linked to HIV/AIDS, with studies showing an increased risk of HIV infection amongst SGBV survivors. Generally, SGBV has profound and far-reaching ramifications including physical injuries resulting in death or disfigurement, psychological trauma, HIV/AIDS infection, unwanted pregnancies, social stigmatization and exclusion as well as economic deprivation and all these collectively call for strengthened and safe preventive, protective, supportive as well as transformative measures.

1.1 Purpose

This Policy aims to provide a framework that allows for the implementation of strategies and guidelines aimed at preventing and responding to SGBV issues in Kibabii University.

1.2 Objectives

The overall objective of this Policy is to accelerate efforts toward SGBV in KIBU through the development of a preventive, protective, supportive and transformative environment.

Specifically, the Policy seeks to:

- i. Promote the enforcement of laws, policies and guidelines for SGBV prevention



- and response in KIBU;
- ii. Institute sustainable intervention programs for addressing SGBV cases in KIBU;
 - iii. Undertake Advocacy, Education and Training among KIBU staff, students and the surrounding community; and
 - iv. Promote research and publication of findings on matters of SGBV in KIBU and beyond.

1.3 Rationale

Statistics from the Kenya National Bureau of Statistics, the United Nations Office on Drugs and Crime and the National Crime Research Centre reveal high SGBV prevalence in Kenya with variations being along typologies, demographics and geographic locations. Reported cases of SGBV were on the increase during the peak COVID-19 period. Although men and boys experience SGBV, women and girls account for the bulk of the statistics. 40% of women in Kenya are likely to face physical and/or sexual intimate partner violence in their lifetime, with over one (1) in five (5) girls facing child marriage or FGM (<https://www.equalitynow.org>, August, 2021). Between the months of January and December 2020, for instance, 5009 SGBV cases were reported through the National SGBV toll-free helpline; this indicating an increase of 36% from the previous year. This is a grim trend given that SGBV is an upward of 80% of SGBV cases in Kenya go unreported.

The high prevalence of SGBV in Kenya, generally and in the hotspots for instance in Kakamega, Kisumu, Nakuru and Nairobi (National, Gender and Equality Commission, 2016) has had a negative impact on individuals, families and the entire community. At the individual level, SGBV results in pain and psychological trauma, while at the social level, it often results in a breakdown of the family unit. Economically, SGBV results in an economic burden on the government in terms of increased spending on health care, social services, the civil and criminal justice system, absenteeism from work, and lost productivity. All the said negative effects necessitate the development of a comprehensive policy framework for the assurance of an effective prevention and protection on/and response to SGBV.



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Cognizant of the University's responsibility and being host to people from diverse backgrounds, KIBU, through this Policy, seeks to ensure cases of SGBV are prevented, mitigated and dealt with decisively and effectively.

1.3.1 Scope

This Policy shall apply to all staff, students and stakeholders of KIBU.

1.3.2 Guiding Principles

This Policy shall be guided by the following principles:

- i. Equal access to health, social services and justice for all and impacted on by SGBV;
- ii. Integrity in the implementation of laws, policies and programmes on SGBV;
- iii. Recognition of the importance of gender equity and gender equality in national development;
- iv. Accountability at all levels for all those involved in programmes targeting SGBV;
- v. Equal participation of women, men, girls and boys in the planning, implementing,
- vi. Monitoring, evaluation, reporting and learning of SGBV programmes;
- vii. Affirmative action directed to SGBV survivors;
- viii. Confidentiality of survivors/victims and their families at all times; and
- ix. Non-discriminatory laws, policies and programmes on SGBV and respect for diversity based on race, sex, age, religion, and ethnicity.

2.0 Policy Implementation Framework

The implementation framework of this Policy will outline forms of SGBV and the intervention measures, as well as the legal framework and the management and administrative structures.

2.1 Forms of SGBV

Forms of SGBV apply to both children and adults. The main forms of SGBV include violence in the sexual, physical/assault, domestic, emotional and psychological and socio-economy; as well as by way of harmful traditional practices and human trafficking. This list of the main SGBV forms is by no means exhaustive and each form has varied manifestations as indicated below:



2.1.1 Sexual Violence/Harassment

The following types of sexual violence including and not limited to the listed below will constitute a violation of the SGBV Policy at Kibabii University to:

- i. Rape/defilement/incest/sexual exploitation/forced prostitution/sexual torture;
- ii. Sexual noises, innuendos, jokes, lewd suggestions, foul language, obscene gestures;
- iii. Belittling comments on a person's anatomy, persistent demands for dates;
- iv. Requesting for sexual favours in return for rewards, gender exclusions or inclusions;
- v. Telling lies or spreading rumours about a person's sex life with the purpose of character assassination;
- vi. Unwanted physical contact of any sort which is sexual in nature especially by touching of any body parts, brushing against another's body, hair or clothes, kissing, pinching, patting, grabbing or cornering;
- vii. Sharing pornographic and sexually suggestive pictures and/or sexual objects;
- viii. Transmitting offensive written telephone or electronic communications;
- ix. Indecent dressing/exposure; and
- x. Indecent curiosity such as peeping, eavesdropping, persistent unwanted brazen.

2.1.2 Physical Violence

The following types of physical violence including and not limited to will constitute a violation of the SGBV Policy at Kibabii University:

- i. Physical assault;
- ii. Human trafficking;
- iii. Slavery; and
- iv. Rape.

2.1.3 Domestic Violence

The following types of violence in the home including and not limited to will constitute a violation of the SGBV Policy at Kibabii University:

- i. Spousal or child abuse;
- ii. Stalking/cyber stalking/cyber bullying; and
- iii. Physical/sexual/emotional/psychological/economic abuse.



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2.1.4 Harmful Cultural Practices

The following cultural practices including and not limited to the listing below will constitute a violation of the SGBV Policy at Kibabii University:

- i. Early child marriage/ Forced marriage;
- ii. Widow inheritance and disinheritance;
- iii. Infanticide and/or neglect/defilement;
- iv. Ritual killings; and
- v. Female Genital Mutilation.

2.1.5 Emotional and Psychological Violence

The following type of psychological violence including and not limited to the listing below will constitute a violation of the SGBV Policy at Kibabii University:

- i. Verbal abuse;
- ii. Insults/humiliation;
- iii. Silent treatment/Isolation;
- iv. Confinement;
- v. Intimate partner violence;
- vi. Controlling of socialisation;
- vii. Threats and intimidation;
- viii. Unfaithfulness;
- ix. Virginity testing; and
- x. Ritual killings.

2.1.6 Socio-Economic Violence

The following types of socio-economic violence including and not limited to the listing below will constitute a violation of the SGBV policy at Kibabii University:

- i. Gender based discrimination and/or denial of rights, opportunities and services;
- ii. Gender based exclusion/Ostracism;
- iii. Obstructive legislative practice related to property, succession and employment;
- iv. Wife/spouse inheritance; and
- v. Bigamy.



2.2 Initiatives/Interventions for Addressing SGBV in KIBU

2.2.1 SGBV Intervention Programmes

- i. Establish a SGBV response centre at KIBU;
- ii. Set up a SGBV helpline in KIBU;
- iii. Conduct capacity building of medical and counselling personnel at KIBU on SGBV response and management;
- iv. Establish a SGBV Information Management System (SGBVIMS) at KIBU;
- v. Establish a SGBV reporting desk in the University;
- vi. Develop an Institutional code of conduct on SGBV; and
- vii. Develop the Standard Operating Procedure for SGBV.

2.2.2 Legal Framework

The SGBV Policy will be anchored on the following laws and regulations.

- i. The Constitution of Kenya, 2010;
- ii. The Penal Code;
- iii. Criminal law (Amendment) Act, 2003;
- iv. The Sexual Offences Act, 2007;
- v. The Sexual Offences (Amendment) Act, 2011;
- vi. The Sexual Offences Regulations, 2008;
- vii. The Sexual Offences Dangerous Offenders DNA Data Bank Regulations;
- viii. The Counter Trafficking in Persons Act, 2011;
- ix. The Prohibition of Female Genital Mutilation (FGM) Act, 2011;
- x. The Employment (Amendment) Act, 2021.
- xi. The Universities Act, 2012
- xii. The Kibabii University Charter, 2015
- xiii. The Kibabii University Statutes, 2021
- xiv. The Respective University CBAs

2.3 Administrative Structure

The Administrative Structure for the implementation of the Sexual and Gender Based Violence Policy is shown in Figure 2.1.



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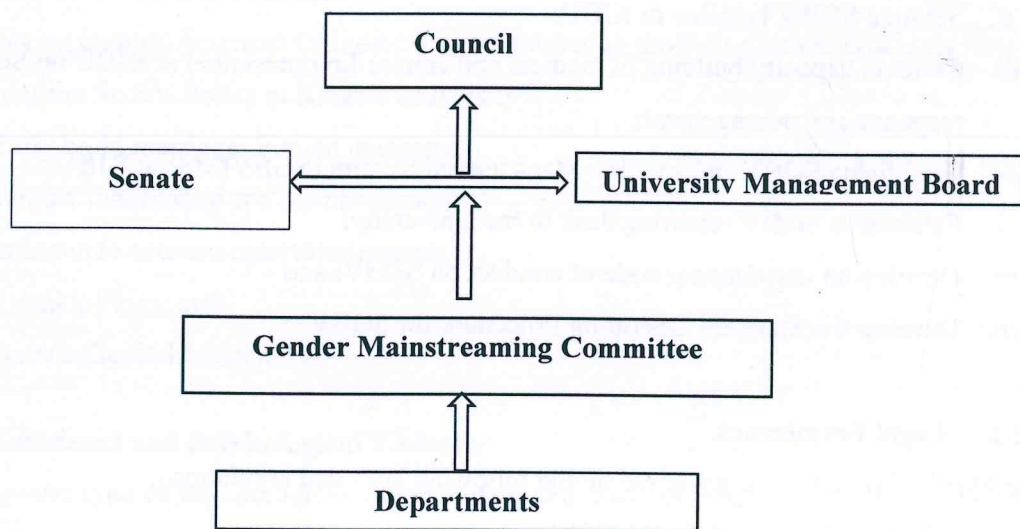


Figure 2.1: Administrative Structure

2.3.1 Administrative Structure

2.3.2 The University Council

The Kibabii University Council, as the employer and supreme governing body as well as the ultimate financial accounting authority of the University is responsible for:

- i. Ensuring that the University fulfils its responsibilities of promoting gender equality and eliminating discrimination;
- ii. Receipt of the annual progress report on the monitoring, evaluation, reporting and learning in the implementation of the Policy to ensure that it is being duly operationalized; and
- iii. Approval of the Policy.

2.3.3 Senate

The Senate shall be responsible for monitoring and the implementation of the Policy.

2.3.4 Deans Committee

On behalf of Senate, the Deans committee shall vet and approve the IGDS programmes and activities in accordance to the Policy.

2.3.5 IGDS Board.

The Institute of Gender and Development Studies (IGDS) Board shall:



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- i. Consider and make recommendation to senate on all matters relating to planning and formulating annual and other estimates of expenditure in the Institute;
- ii. Formulate the development of strategic plan for the Institute;
- iii. Consider and make recommendations to Senate regarding development plans for the Institute; and
- iv. Monitor and implement this Policy.

2.4 Management Structure

The Management Structure for the implementation of the Sexual and Gender Based Violence Policy is shown in Figure 2.2:

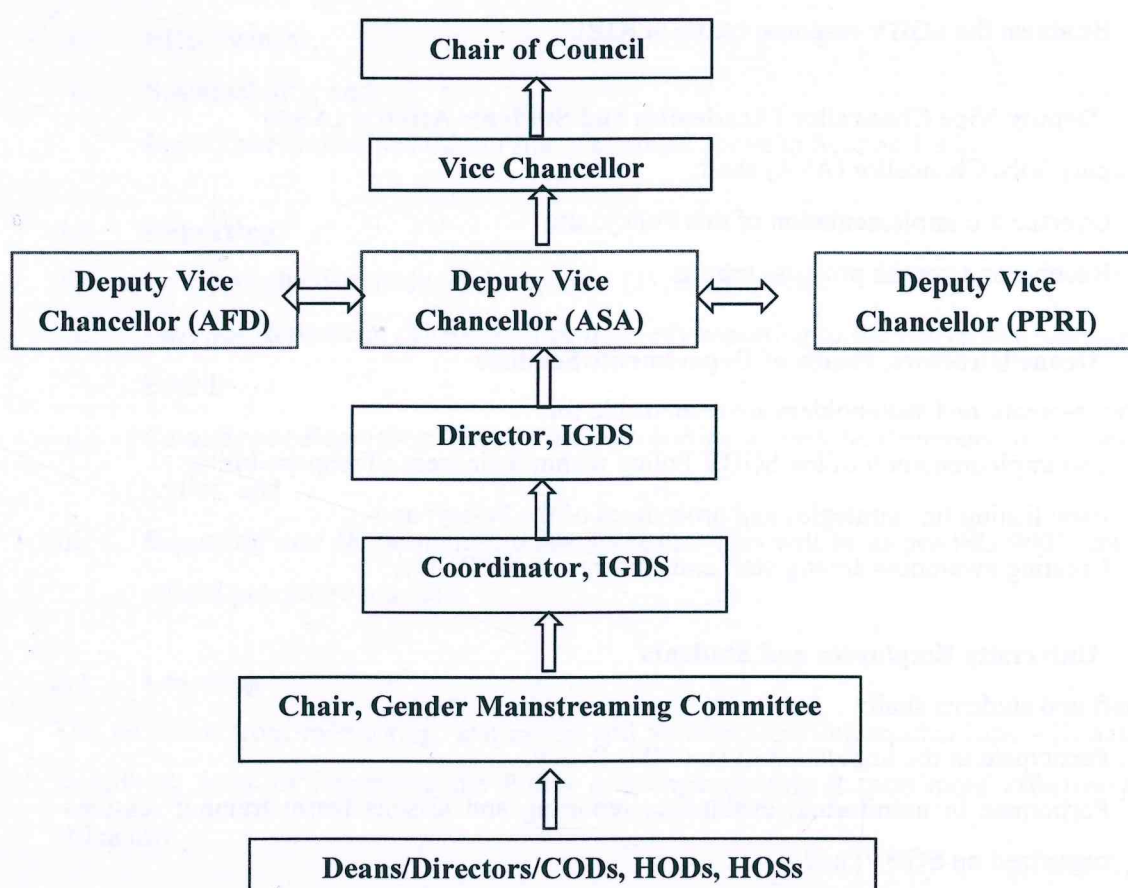


Figure 2.2: Management Structure



2.4.1 Chairperson of Council

The Chairperson of Council shall ensure that the University fulfils its responsibilities in the management of the implementation of this Policy and monitor progress thereon.

2.4.2 Vice Chancellor

The Vice Chancellor shall:

- i. Be the custodian of this Policy;
- ii. Facilitate the implementation of the Policy and creation of partnerships; and
- iii. Establish the SGBV response centre at KIBU.

2.4.3 Deputy Vice Chancellor (Academics and Students Affairs) (ASA)

The Deputy Vice Chancellor (ASA) shall:

- i. Oversee the implementation of this Policy; and
- ii. Receive and vet the progress reports.

2.4.4 Deans/Directors, Heads of Departments/Sections

The above-mentioned stakeholders are responsible for:

- i. The implementation of the SGBV Policy within their areas of responsibility;
- ii. Establishing line strategies and procedures of the Policy; and
- iii. Creating awareness among staff and students on the Policy.

2.4.5 University Employees and Students

The staff and students shall:

- i. Participate in the implementation, of this Policy;
- ii. Participate in monitoring, evaluation, reporting and lessons learnt training sessions organized on SGBV; and
- iii. Reporting/whistle blowing.

2.4.6 Partners and Service Providers

All partners, associates, contractors, professional, statutory and accredited bodies, and all those who provide services to the University will be required to comply with the SGBV Policy.



3.0 Monitoring, Evaluation, Reporting and Learning

3.1 Monitoring

The implementation of this Policy shall be monitored on a regular basis to guarantee its compliance and progressive implementation;

3.2 Evaluation

The realization of this Policy will be evaluated using appropriate indicators and will be carried out by way of the following parameters:

- i. Relevance;
- ii. Efficiency;
- iii. Effectiveness;
- iv. Sustainability; and
- v. Impact per Guidelines using Principles stated above in Section 1.3.2.

3.3 Reporting

The reporting mechanism is divided into three (3) distinct areas:

- i. **Internal Reporting:** There shall be quarterly reporting to the University Management Board;
- ii. **Compliance Reporting:** There shall be reporting as may be demanded by compliance bodies; and
- iii. **Reporting and Documentation Mechanisms:** This will be as per ISO 9001:2015 and related procedure manuals.

3.4 Learning

The feedback from monitoring, evaluation and various reporting mechanisms will assist in identifying ways of improving the Policy and implementing it even more effectively and efficiently.

4.0 Policy Review

This Policy will be reviewed after three (3) years or as need arises.



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5.0 Commencement

This Policy shall be effective upon approval by the University Council.

Approved this 22ND Day of SEPTEMBER, 2022

Signed for and on behalf of Kibabii University Council


VICE CHANCELLOR OF KIBABII UNIVERSITY

Signed for and on behalf of Kibabii University


CHAIRPERSON OF COUNCIL OF KIBABII UNIVERSITY



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6.0 References

Kenyan Constitution, 2010;

Universities Act, 2012;

Kibabii University Charter, 2015;

Kibabii University Statutes, 2021;

Kibabii University Strategic Plan, 2020-2022;

National Gender and Equality Commission, 2017; and

National Policy for Prevention and Response to Gender based Violence. <http://psyg.go.ke/docs>



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