



PREVENTION OF WORKPLACE SEXUAL
HARASSMENT POLICY.

ABSTRACT

This policy applies to all staff, consultants, contractors, volunteers, or any other person working on behalf of – or representing – Nairobi Waldorf School Trust (referred to as "staff" in this policy). This policy applies to the Nairobi Waldorf School Trust workplace and any work-related event or activity, regardless of where it occurs. This policy also applies to all staff at all locations. All workers, at every level, will be subject to disciplinary action, up to and including discharge, for any violation of this policy. Staff is prohibited from harassing others both on and off the employer premises and during or outside work hours.

TABLE OF CONTENTS

PURPOSE.....	1
SCOPE	1
STATEMENT RESPONSIBILITIES.....	1
DEFINITION OF SEXUAL HARASSMENT.....	1
Sexual harassment includes:	1
Workplace Sexual Harassment:	2
Gender identity:	2
Gender expression:	2
RESPONDING TO CONDUCT IN VIOLATION OF POLICY.....	2
Staff.....	2
Supervisors.....	2
Human resources.....	3
DISCIPLINE.....	3
Reporting Procedure.....	3
Who to report to?.....	3
INVESTIGATION.....	4
The Human Resource department is committed to investigate Who will investigate?	4
Timing of the investigation.....	4
Investigation process.....	4
Results of the investigation.....	4
RECORD-KEEPING.....	5
APPENDIX.....	6
WORKPLACE HARASSMENT COMPLAINT FORM.....	7
INVESTIGATION TEMPLATE.....	8

PURPOSE

Nairobi Waldorf School Trust (NWST) is committed to providing a safe work environment that respects all people's dignity. The objective of this policy is to define workplace sexual harassment and outline procedures for filing complaints, investigating sexual harassment claims, and issuing appropriate disciplinary measures in the case of violations.

SCOPE

This policy applies to all staff, consultants, contractors, volunteers, or any other person working on behalf of – or representing – Nairobi Waldorf School Trust (referred to as "staff" in this policy). This policy applies to the Nairobi Waldorf School Trust workplace and any work-related event or activity, regardless of where it occurs. This policy also applies to all staff at all locations. All workers, at every level, will be subject to disciplinary action, up to and including discharge, for any violation of this policy. Staff is prohibited from harassing others both on and off the employer's premises and during or outside work hours.

STATEMENT

Nairobi Waldorf School Trust will not tolerate any sexual harassment by any staff in the workplace/work-related event

RESPONSIBILITIES

1. To provide a work environment where all people are treated with respect and dignity.
2. To promote a harassment-free environment in the workplace

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is defined in the employment act of 2007 section 6 as unwelcome conduct of a sexual nature that is persistent or offensive and interferes with staff's job performance or creates an intimidating, hostile, or offensive work environment. Sexual harassment can be physical and psychological. An aggregation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Sexual Harassment includes:

1. Asking questions, talking, or writing about sexual activities.
2. Vulgar humor or language related to sexuality, sexual orientation, or gender.
3. Showing or sharing pornography, sexual images, or offensive sexual jokes in print or electronic form.
4. Leering or inappropriate staring.
5. Unnecessary physical contact, including inappropriate touching.
6. Making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes.
7. Physical assaults of a sexual nature, such as rape, sexual battery, molestation, or attempts to commit these assaults, and intentional physical conduct that is sexual, such as touching, pinching, patting, grabbing, brushing against another staff's body, or poking another staff's body.
8. Unwelcome sexual advances, propositions, or other sexual comments, such as sexually oriented gestures, remarks, jokes, or comments about a person's sexuality or sexual experience.
9. Preferential treatment of staff for submitting to sexual conduct.
10. Subjecting, or threats of subjecting staff to unwelcome sexual attention or conduct or intentionally making the performance of the staff's job more difficult because of that staff's gender.
11. Sexual or discriminatory displays or publications anywhere in Nairobi Waldorf School Trust workplace.
12. Verbally abusing, threatening, or taunting someone based on gender or sexual orientation.
13. Threatening to penalize or otherwise punish staff if they refuse their sexual advances.

Workplace Sexual Harassment:

1. Engaging in an upsetting comment or conduct against a staff member in a workplace because of sex, sexual orientation, gender identity, or gender expression where the course of a comment or conduct is known or ought reasonably to be known to be unwelcome, or
2. Making a sexual solicitation or advance where the person is making it can confer, grant, or deny a benefit or advancement to the staff. The person knows – or should know – the solicitation or advance is unwelcome.

Gender identity:

1. A person's internal and individual experience of gender – their sense of being a woman, a man, both, neither nor anywhere along the gender spectrum.

Gender expression:

2. How a person publicly presents their gender; can include behavior and outward appearance (e.g., dress, hair, make-up, body language, and the person's name or pronoun also expresses gender.

RESPONDING TO CONDUCT IN VIOLATION OF THE POLICY

Staff

If the staff has been subjected to sexual harassment, he or they may immediately inform the accuser that the conduct is unwelcome and needs to stop. Suppose the inappropriate conduct does not cease or the staff cannot address the alleged accuser directly. In that case, they should report the incident to their supervisor or the human resource (HR) coordinator. It is crucial to provide a written record of the date, time, and nature of the incident(s) and the names of any witnesses.

It is essential to report all concerns of sexual harassment or inappropriate sexual conduct to the HR coordinator or supervisors as soon as possible. Management must be made aware of the situation to conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

Supervisors

Supervisors must deal expeditiously and relatively when there has been a sexual harassment complaint in their department. They must:

1. Take all complaints or concerns of alleged or possible harassment seriously, no matter how minor or who is involved.
2. Report all incidents to HR immediately to conduct a prompt investigation.
3. Take appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.
4. Managers and supervisors who knowingly allow or tolerate sexual harassment or retaliation, including failing to report such misconduct to HR immediately, violate this policy and are subject to disciplinary action.

Human Resources

The HR coordinator will be then responsible for:

1. Ensuring that both the individual filing the complaint (complainant) and the accused individual (respondent) are aware of the seriousness of a sexual harassment complaint.
2. Explaining Nairobi Waldorf School Trust sexual harassment policy and investigation procedures to all parties involved.
3. Exploring informal means of resolving sexual harassment complaints.
4. Notifying the police if criminal activities are alleged.
5. Arranging for an investigation of the alleged harassment and preparing a written report.
6. Submitting a written report summarizing the investigation results and making recommendations to the management.
7. Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.
8. The HR coordinator will determine if an in-house investigation will be conducted or if a third party will be contracted to complete the investigation.

DISCIPLINE

Staffs who violate this policy are subject to appropriate disciplinary action. If an investigation finds this policy violated, the mandatory minimum discipline is a written reprimand. The disciplinary action for very serious or repeat violations is the termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

Reporting Procedure

Staff can verbally report incidents or complaints of workplace sexual harassment or put them in writing. Please complete and submit the attached workplace harassment complaint form (see Appendix). The report should include the following information:

1. Name(s) and contact information of staff member(s) who allegedly experienced workplace sexual harassment.
2. Name(s), position(s) and contact information of alleged harasser(s) (if known).
3. Name(s) and contact information (if known) of witnesses(es) (if any) or another person (s) with relevant information to provide about the incident (if any).
4. Details about what happened during the incident, including date(s), frequency, and location(s) of the alleged incident(s).
5. Include any supporting documents the accuser may have in their possession relevant to the complaint.
6. List any documents a witness, another person, or the accused may have in their possession that is relevant to the complaint.

Reporting

Report a workplace harassment incident or complaint to the **Human Resources Department**

INVESTIGATION

The department is committed to investigating and ensuring that every reported incident and complaint of workplace sexual harassment are investigated appropriately.

Who will investigate?

The Human Resource department will form a committee of not less than three people to investigate an incident or complaint of workplace sexual harassment.

Timing of the investigation

The investigation will be completed promptly – generally 90 days or less, unless extenuating circumstances (e.g. illness, the complexity of the investigation) warrant a more prolonged investigation.

Investigation process

Whether the investigation is conducted by the Nairobi Waldorf School Trust or an external investigator, it will consist of the following actions:

1. The investigator will keep the case confidential. They will not disclose identifying information unless necessary to conduct the investigation. The investigator will remind all parties of confidentiality at the beginning of the investigation.
2. The investigator will conduct a thorough interview with the accuser and the accused(s) if they are Nairobi Waldorf School Trust staff. If the accused(s) is not a staff member, the investigator will make reasonable efforts to interview the accused.
3. The accused(s) will have the opportunity to respond to the specific allegations raised by the accuser. In some circumstances, the accuser will have the opportunity to reply.
4. The investigator will interview any relevant Nairobi Waldorf school Trust staff witnesses that the accuser, the accused, or other person identifies as necessary to conduct a thorough investigation. If any non-staff witnesses are identified, the investigator will make reasonable efforts to interview them.
5. The investigator will collect and review documents relevant to this case. The investigator will take notes and statements during interviews with the accuser, the accused, and witnesses.
6. The investigator will prepare a written report that summarizes the steps taken during the case, the complaint, the accuser's allegations, the response from the accused, the evidence from any witnesses, and the evidence gathered. The report will set out findings of fact and will state whether workplace sexual harassment took place or not.
7. During the investigation, the accuser and the accused may be temporarily reassigned to alternate work, or the school may take other measures to ensure that neither party is forced to interact or work close.

Results of the investigation

Within ten days of the investigation process being complete, the accuser and the accused (if they are Nairobi Waldorf School Trust staff) will receive the investigation results in writing. The results will detail any corrective action taken – or that will be taken – by the institution to address workplace sexual harassment. Disciplinary actions for violation of this policy will consider the nature and impact of the violation(s). Disciplinary action may include a verbal or written reprimand, suspension (with or without pay), or termination (with or without notice).

Note that an unproven allegation does not mean workplace sexual harassment did not occur. It simply means there was insufficient evidence to provide or that, while the accuser may have had reason to believe harassment occurred, the investigation did not bear out the complaint. If the accuser or the accused is unsatisfied with the process or outcome of an investigation, they may appeal the process to the School Manager for review.

RECORD-KEEPING

The human resources department will keep records of the investigation, including:

1. Copy of the complaint or details about the incident.
2. Record of the investigation, including notes.
3. Copy of the investigation report.
4. Summary of results of the investigation, provided by the accuser and the accused (if they are Nairobi Waldorf, the school staff)
5. Copy of any corrective action taken.
6. All investigation records will be kept confidential.
7. Investigation documents – including the report – will not be disclosed unless necessary to investigate an incident or complaint of workplace sexual harassment, take corrective action, or otherwise as required by law.

The institution will keep records for five years.

APPENDIX

WORKPLACE HARASSMENT COMPLAINT FORM

Staff number: _____ Staff _____ Title _____

Event date: _____ Campus: _____

Name of alleged accuser Contact _____ Department _____

Number: _____ Contact email: _____

Details of the complaint of workplace harassment:

Please describe in as much detail as possible the harassment incident(s), including.

- (a) the names of the parties involved.
- (b) any witnesses to the incident(s).
- (c) the location, date, and time of the incident(s).
- (d) details about the incident(s) (behavior and words used).
- (e) any additional details. (Attach additional pages if required).

Relevant Documents/Evidence:

Attach any supporting documents, such as email, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted if you cannot attach documents.

Staff Signature: _____ Date_____

Human Resource Coordinator Signature: _____ Date:_____

INVESTIGATION TEMPLATE

This template may be used for guidance in investigating workplace harassment incidents or complaints. It may not be appropriate for complex workplace harassment investigations. The person conducting the investigation must not have been involved in the incident or complaint of workplace harassment and must not be under the direct control of the alleged accuser.

Name of investigator:

Date of investigation:

Section A: Background Information

1. Who are the people involved? Who reported and when?
2. Name of the person who reported the workplace harassment (the **accuser**):
3. Date complaint/concern was raised.
4. Name(s) of accuser and position/department:
5. Name(s) of accused(s) and position/department: If not a staff member, provide details:

Section B: Investigation Plan

1. Plan and conduct the investigation:
2. Obtain the accuser's concerns of harassment in writing, if possible. The assistance should be provided in completing the form where necessary.
3. An investigator will interview the accuser and the accused. If the accused is not a staff member, the investigator should make reasonable efforts to interview them.
4. Make a list of possible relevant witnesses. The accuser and the accused should be asked for the names of any relevant witnesses.
5. Interview relevant witnesses. Ask specific questions about what they have observed, are aware of, or have personally experienced. If the witnesses are not staff members, the investigator should make reasonable efforts to interview those witnesses.
6. Collect and review relevant documents from the accuser, accused, witnesses, and the employer.
7. Take detailed notes.
8. Keep the investigation confidential. Instruct the accuser, the accused, and witnesses not to talk to each other or other staff members about the investigation unless it is necessary to obtain advice about their rights.

Section C: Staff concerns/Workplace Harassment Allegations

- 1 . When did the incident(s) occur? Confirm the date of the first incident and any subsequent behaviors or conduct. Note that recalling events of harassment can be stressful for the accuser.
- 2 . Date of the first incident:
- 3 . Date of the last incident:
- 4 . Date of other incidents (s):

Section C: Alleged Harasser(s) Response

The accused(s) will likely need details of the allegation of harassment to respond.

Section D: Interview Relevant Witnesses

List witnesses. Interview relevant witnesses and make notes.

Section E: Collected Documentation

List the documents collected for the investigation and how or from whom they were obtained.

Section F: Investigation Result(s)

The investigator's summary report should set out who was interviewed, what evidence was obtained, and an analysis of the evidence to determine whether workplace harassment occurred.

Summary of key evidence: Recommended next steps: Report provided to: