

THE NAIROBI WALDORF SCHOOL TRUST



**LEARNING
CENTER SEXUAL
HARASSMENT
POLICY**

**PREVENTION OF
WORKPLACE AND
LEARNING
CENTER SEXUAL
HARASSMENT
POLICY**

NWSTHR/W/P/001/11/24

This Policy is issued on the authority of the Board of Trustees, Nairobi Waldorf School Trust.

Effective Date of the Policy: **24th June 2022**

Execution Date of the Policy: 7th May 2025

Chairperson, Board of Trustees

Name: Pooja Patel

Signature: 

Date: 7th May 2025

POLICY AMENDMENTS

Serial No.	Amendment	Date of Amendment	Nature of Change	Name and designation of the authorized person	Signature of the authorizing person

Table of Contents

POLICY AMENDMENTS.....1

ABSTRACT.....3

1. PURPOSE.....4

2. SCOPE..... 4

3. Statement..... 4

4. RESPONSIBILITIES..... 4

5. DEFINITION OF SEXUAL HARASSMENT..... 4

6. Forms of sexual harassment.....4

7. Workplace Sexual Harassment:..... 5

7.2.1 Staff.....5

7.2.2 Supervisors..... 5

 7.2.3 Human Resource Office or Management..... 6

8 Discipline..... 6

9 Reporting Procedure..... 6

10 INVESTIGATION..... 6

The complain form must include the following details:..... 6

11 Results of the investigation..... 7

APPENDIX I..... 8

APPENDIX II..... 9

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.

1. PURPOSE

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

2. 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 & learning places and any work and learning related event or activity, regardless of where it occurs within the school compound or outside. All workers, at every level, will be subject to disciplinary action, up to and including discharge, for any violation of this policy and where required, involvement of the legal redress to in accordingly. Staff is prohibited from sexually harassing anyone both on and off the employer's premises and during or outside work hours.

3. Statement.

Nairobi Waldorf School Trust will not tolerate any sexual harassment by any staff in the workplace/work-related event. Any romantic relationship or suggestive meeting with students within the school or outside school is strictly prohibited.

4. RESPONSIBILITIES

- 4.1 To provide a work environment where all people are treated with respect and dignity.
- 4.2 To promote a harassment-free environment in the workplace.
- 4.3 To provide safe place for learning for the students.

5. DEFINITION OF SEXUAL HARASSMENT.

- 5.1 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 offense Act 2006 which regulates sexual offenses is applied on this policy.
- 5.2 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.

6. Forms of sexual harassment.

- 6.1 Asking questions, talking, or writing about sexual activities.
- 6.2 Vulgar humor or language related to sexuality, sexual orientation, or gender.

- 6.3 Showing or sharing pornography, sexual images, or offensive sexual jokes in print or electronic form.
- 6.4 Leering or inappropriate staring.
- 6.5 Unnecessary physical contact, including inappropriate touching.
- 6.6 Making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes.
- 6.7 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.
- 6.8 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.
- 6.9 Preferential treatment of staff for submitting to sexual conduct.
- 6.10 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.
- 6.11 Sexual or discriminatory displays or publications anywhere in Nairobi Waldorf School Trust workplace.
- 6.12 Verbally abusing, threatening, or taunting someone based on gender or sexual orientation.

7. Workplace Sexual Harassment:

- 7.1 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, o
- 7.2 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.

7.2.1 Staff

- 7.2.1.1 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.
- 7.2.1.2 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 office in written as per incident reporting format annexed herein.
- 7.2.1.3 The complaint should be filled to the supervisor or the Human Resource Office within 48 hours of the occurrence of the incident.

7.2.2 Supervisors.

- 7.2.2.1 Supervisors must commence the investigation on the matter within the first 12 hours of working days and take all the precautions.

- 7.2.2.2** MUST investigate all cases received and document the conclusion.
- 7.2.2.3** Report all incidents to the Human Resource office or School Director or Chair of the Board (Where applicable in regards to the organizational structure)
- 7.2.2.4** Take appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaint(s).
- 7.2.2.5** 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.

7.2.3 Human Resource Office or Management.

- 7.2.3.1** Ensuring that both the individual filing the complainant and the accused individual are aware of the seriousness of a sexual harassment complaint
- 7.2.3.2** Explaining Nairobi Waldorf School Trust sexual harassment policy and investigation procedures to all parties involved.
- 7.2.3.3** Institute a formal inquiry into the allegations.
- 7.2.3.4** Notifying the police if criminal activities are alleged.
- 7.2.3.5** Submitting a written report summarizing the investigation results and making recommendations to the management.
- 7.2.3.6** Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.
- 7.2.3.7** The manager in charge will determine if an in-house investigation will be conducted or if a third party will be contracted to complete the investigation.

8 Discipline.

- 8.1** Staffs who violate this policy are subject to appropriate disciplinary action, which may include civil damages or criminal penalties and or discharge of duties.

9 Reporting Procedure

- 9.1** Staff and student are required to report an incidents or complaints of workplace or learning center sexual harassment through writing or filling the reporting form annexed herein.
- 9.2** The report should be submitted to the supervisor, or Human Resource or the School Director, or the Chair of the Board within forty eight hours of the incident reported.

10 INVESTIGATION.

- 10.1** Investigation on the report must commence within 12 hours upon receiving the report.
- 10.2** The investigating Manager will either create an investigation committee or conduct a discrete investigation depending on the magnitude of the issue. Where applicable, the nearest police must be notified to conduct an investigation.

The complain form must include the following details:

- 10.2.1** Name(s) and contact information of staff member(s) who allegedly experienced workplace sexual harassment.

- 10.2.2** Name(s), position(s) and contact information of alleged harasser(s) (if known).
- 10.2.3** 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).
- 10.2.4** Details about what happened during the incident, including date(s), frequency, and location(s) of the alleged incident(s).
- 10.2.5** Include any supporting documents the accuser may have in their possession relevant to the complaint.
- 10.2.6** List any documents a witness, another person, or the accused may have in their possession that is relevant to the complaint.

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

- 10.2.6.1 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.
- 10.2.6.2 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.
- 10.2.6.3 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.
- 10.2.6.4 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.
- 10.2.6.5 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.
- 10.2.6.6 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.
- 10.2.6.7 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.

11 Results of the investigation.

- 11.1** 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.
- 11.2** The results Must detail any corrective action taken – or that will be taken – by the institution to address sexual harassment claims.
- 11.3** Disciplinary actions for violation of this policy will consider the nature and impact of the violation(s). Disciplinary action may include a written reprimand, suspension (with or without pay), or termination (with or without notice) and civil redress.

11.4 If the accuser or the accused is unsatisfied with the process or outcome of an investigation, they may appeal the process to the highest authority in the organogram within seven days on receipt of feedback.

APPENDIX I

WORKPLACE HARRASMENT COMPLAINT FORM.

Victim's name (Optional) _____ **Department. (Optional)** _____

Event date _____ **Location.** _____

Details of the complaint of workplace harassment:

Please provide detailed explanation of the harassment incident (s), including;

- a) The names of the parties involved**
- b) Any eye witnesses**
- c) The location, time and details of the incident**
- d) Details about the incident(s) behavior and words used.**
- e) Any additional details**
- f) Attach any relevant documentation, print images and audio.**

Signature of the victim _____ **Date:** _____

Human Resource Manager/School Director _____ **Date:** _____

APPENDIX II

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. Date of the first incident:
2. 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.
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: