

# Don't raise your voice here.



Angela Kabari

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My name is Angela. I am the woman in the centre of the current Ushahidi sexual harassment scandal.

The past six months have been some of the most bizarre in my life and, on the balance, I think there is benefit in sharing my experience with the world so that lessons may be learned from it. It is my hope that, my story shall prompt a change in company policies, both in the Kenyan tech space and in other fields.

I joined Ushahidi in September 2015 as a Capacity Development Officer for Making All Voices Count. My time there was mostly enjoyable: the work was challenging, the team was great, and the environment was liberal and progressive. All in all, a good place to be. Of course, everything was not perfect, but what organisation does not have issues and day-to-day frictions?

This changed on the morning of January 19th 2017, when Daudi Were, the Executive Director at Ushahidi asked me to have sex with a colleague, presumably for his own titillation. The events of that night left me troubled and confused. I knew that what had happened to me was not right, but I thought it was an isolated incident and decided to forget it and attempted to move on. (For details of this, see here my statement on the events of the night as well as a transcript of the audio. Some of the names in the transcript have been altered to protect the identities of my former colleagues. Aside from this, no other alterations have been made to it).

I managed to do this for precisely one week after which I began to lose focus on my work. Over the next two weeks, I started to experience migraines whenever I went to the office. I did not want to leave my bed, yet I was sleeping poorly. I had experienced some periodic stomach upsets prior to and during the team retreat. However, after the retreat,

these became worse and more frequent. At first, I thought that this was due to the upheaval that the Making All Voices Count programme was experiencing at the time due to international politics (it was negatively impacted by Brexit and changes in US presidency).

I also thought that I might be physically ill so I sought professional advice from my doctor. I was diagnosed with a bacterial infection of the gut, but my doctor could not account for all my other symptoms. Upon his advice, I went to see a therapist who suggested some exercises to help me figure out what was wrong. I also took 3 weeks off from work from late February to mid-March as I thought I might be suffering from ordinary stress and burnout.

It was during this time off that I did the exercises prescribed by the therapist and I realised that my problem was psychosomatic. The distress from the incident in January had caught up with me, almost a month later. I had tried to pass off Daudi's remarks as drunkenness or joking but my body wasn't buying it. It was at this point that I decided to quietly resign; I still wasn't convinced that it was something I could or should raise with my employers.

Once I had made this decision in early March, I separately confided in two close friends that I was looking for a new job because I was uncomfortable with continuing to work at Ushahidi. When they asked why I was leaving, I shared with them some details of what had happened with Daudi. In the course of our conversations, I was stunned to learn that Daudi's comments were not the isolated incident I had assumed but rather that he had a years' long, widely-known reputation for sexually inappropriate conduct, socially and at work.

After my leave was over, I began predominantly working from home, which thankfully was possible as Ushahidi allows remote working. I was going to the office only thrice a month on average and I timed my visits to the office to ensure that I would not have to run into Daudi. It was in early April, after a month of soul searching and conversations with three other women who had been on the receiving end of unwelcome attention from Daudi, that I came to the conclusion that something needed to be done.

Unfortunately, I seemed to be the only person with both tangible evidence of his misconduct, as well as an employer-employee relationship. It is then that I sought legal

advice and learned that, based on the provisions of Ushahidi's HR Manual, as well as Kenyan and Florida Law, Daudi's comments qualified as sexual harassment by creating a hostile environment. I was advised that I could file a court case but that it would be prudent to first give the company an opportunity to address the issue internally as the court should be a last resort.

With this in mind, I began to reach out to some of the women I had spoken to earlier. At this stage, I had been able to identify over five women who had also had inappropriate encounters with Daudi. Only one woman was willing to come forward if the Board could guarantee that she would remain anonymous. Some of the other women had no evidence of their allegations and thus did not expect to be believed. Others did not want to be associated with something so potentially scandalous or to rehash past traumatic events. It therefore took about three more weeks to get my ducks in a row and submit the complaint to the board; I did that on 4th May 2017.

See this timeline for what transpired since.

Since then, I have heard terrible stories from a total of eleven women who have told me about having similar unpleasant encounters with Daudi, in addition to another ten or so stories that I've been unable to verify. The behaviour told of in these stories varies from inappropriate and/or suggestive text messages to sending of pictures of male genitalia and pornography. In one incident Daudi allegedly exposed his genitals to a woman in the middle of a conversation about her work.

Viewed against this grim picture, I feel as if I got off lightly. And, in the larger spectrum of harassment that encompasses physical assault and even sexual assault, it is easy to dismiss what happened to me as trivial. Except that it is not. I've actually had people tell me "It was only words so it's not a big deal — at least he didn't rape you." However, in my view, verbal harassment is not inconsequential; in addition to being traumatic, it is often the gateway to more grievous offences and thus should not be treated lightly or ignored.

The reason I did not come forward with my story earlier is because, under Kenyan law, it is not permitted to comment on matters currently before a court. In this case, I was advised that as a show of good faith I should uphold this convention and extend its

application to the internal Ushahidi process, even though the convention does not apply because the internal process was not judicial. But now that the Ushahidi Board has suspended Daudi after finding him guilty of gross misconduct, and will issue him with a notice to show cause why his employment should not be terminated, I am of the view that I am finally free to speak and comment on this entire debacle.

I have two main bones of contention. The first is Daudi's behaviour. Based on the additional allegations made via tweets and offline discussions that have occurred since the news of my complaint came to light on 9th July, it would not be a stretch to call Daudi's alleged behaviour predatory. Such predation is enabled by a culture of silence and secrecy that encourages victims of harassment to "not make a fuss" or "persevere" or "just ignore him until he gets tired or bored and goes away." This culture leads many, many victims to not call out predatory behaviour and report it as the violence it actually is. This culture feeds into the victims' fears that there is no point in speaking out against the harassment they face and leads them to feel like they have no option but to suffer in silence. This must stop! We cannot expect victims of harassment to speak up if they are (rightly) afraid that public opprobrium will follow.

My second bone of contention is the Board's response. I have been deeply let down by the actions and inaction of David Kobia, Erik Hersman, Juliana Rotich and Jenny Stefanotti. Ever since I lodged my complaint on 4th May, I have been subjected to all the negative repercussions that make victims of harassment afraid to speak out:

1. Lack of support: Over the 74 days of this ordeal, not a single board member has reached out to inquire about my well being in any way, shape or form. Not a phone call, not an email, not through a third party. I shall repeat this again: nobody from Ushahidi leadership or the board has at any point bothered to ask if I'm okay or sought to alleviate the adverse impact this has had on my work and health. The only person in management who displayed any concern is my supervisor who, even though he is my direct line manager, only found out about this when I informed him of my intention to leave Ushahidi on 19th June. The Board have claimed on several occasions that they refrained from enquiring about my well-being because they feared incurring legal liability. To the best of my knowledge, no laws prohibit a person from asking "how are you?" Anyone possessing some basic human decency should know — and do — better.

2. Victim shaming: All through this process, I have been subtly censured by the Board for seeking and retaining legal counsel. The rationale is that I “made this legal and complicated” by involving a lawyer which forced everyone else to lawyer up and thus led to the delays in handling the matter. This has been said to me personally by Erik Hersman and is a sentiment that has been repeated several times by other Board members, and their counsel in both private and public conversations.
3. Slander: I have been reliably informed of more than one instance where Daudi has made comments to the effect that I am the one who pursued him for the purposes of establishing a sexual relationship and that I only filed a complaint when he rejected me. These comments were made to both colleagues and at project meetings with Ushahidi partners. I have tried to bring this up at least twice: once in the 24th May letter to the Board and subsequently at the internal hearing on 5th July. In the first instance, I received no response while in the second I was not even allowed to complete my question and was told that “my question is not relevant” as these events occurred after my complaint was made and thus were not covered by the inquiry.
4. Delays: It took 74 days to get a decision from the Board. Nothing except enthusiastic letter writing was done for the first 60 days. And even the letters from the Board’s counsel seemed to be sent by literal snail mail — there was always a delay of 1 to 4 working days, and unlike the other lawyers they did not send advance copies of their letters via e-mail. The Board only seemed to act once the matter became public — first with Making All Voices Count followed then in various Kenyan WhatsApp groups, blogs and media. More happened in days 60–74 (15 days) than in the initial 60 days combined.
5. An opaque process: Throughout the 74 days, and until now, I have had no clarity on how the board would handle this issue, save for the letter issued by the Board’s advocates after the meeting of 20 June 2017 where the terms of engagement of the hearing were set out. At no point did the Board provide me with the timelines within which they intended to conclude this matter. They could have chosen to do this any way they wanted as the Ushahidi whistleblower policy is vague and only states “*The Ushahidi’s Compliance Officer will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.*” And even when a process was outlined, it was not as advertised.

For instance, the inquiry that the board held was framed as a “conversation to try and establish what happened and seek clarification” but in my view, the “conversation” quickly degenerated to my being subjected to over 2.5 hours of brutal questioning designed not to get at the truth but to create an alternative narrative where the perpetrator became the victim. Even the 27-page Inquiry Report on this process ends with a Notice To Show Cause that once again has no timelines or clarity on when the process will end.

6. Character attacks: During the inquiry, I had several harmless and not so harmless personality flaws used against me. Because I have a potty mouth and used the word “fuck” during the incident, it was suggested that I am the one who turned the conversation to sex and thus invited Daudi’s sexual overtures. This was despite the fact that I did not use the word in a sexual context (see this video for various uses of the word “fuck”). It was also implied that I actively welcomed Daudi’s sexual proposition because I did not vociferously voice my protest at his inappropriate remarks but instead tried to change the subject.
7. The refusal to listen to, let alone address my concerns: Throughout this process, I have been provided with no opportunity to openly air my concerns to the board or receive a response to them. The issues I raised in my letters, such as Erik asking Ushahidi staff to report any sexual harassment to management, including Daudi, were not addressed. Even at the hearing, I was not permitted to ask any questions — I was not even allowed to explain why I resigned!

The blame for what is arguably the mismanagement of this entire issue lies squarely with the Board. David Kobia, Erik Hersman, Juliana Rotich and Jenny Stefanotti need to jointly and severally take responsibility for this. Their failure to properly manage my complaint is the sole reason I resigned from a job I was very fond of and was very good at. Their failure to set out crystal clear parameters for the hearing allowed Daudi’s counsel to turn it from an inquiry to a ‘courtroom’ with him as the prosecutor and the judge. Their failure to speak up or intervene as I was harangued for over 2.5 hours — even when my counsel objected — indicates that they found this acceptable.

They also lacked the independence to properly investigate and take action in this matter. This is evidenced by the following:

1. Previous knowledge of similar allegations: Daudi has a long history of allegations of sexually harassing women from his days in the Kenya Blogger Webring (KBW), which was active in the mid to late 2000s. What is even more horrifying is that at least three of the Board members have known about Daudi's alleged penchant for harassing women for a significant period of time. Juliana was an administrator at Kenya Unlimited as this was going on, while David Kobia was a co-founder and forum administrator at Mashada. Erik was also active online during this period and presumably was aware of these accusations. Even if he might not have heard of these allegations in the aughts, Erik Hersman was explicitly informed about allegations of sexual harassment against Daudi in late 2015 when a prominent Kenyan tech entrepreneur told him about them in November 2015. The allegations this time included sending unsolicited "dick pics" to women via DM on Twitter and making unwanted sexual advances to women within the Bishop Magua building (where Ushahidi, BRCK, GearBox and iHub were then located) and in the wider tech ecosystem. At this time Daudi was the acting Executive Director of Ushahidi Kenya. Despite all this knowledge, the Ushahidi Board made Daudi's Executive Director position permanent in January 2016. Furthermore, even when presented with unequivocal proof of gross misconduct, as I did when I made my complaint on May 4th 2017, the board had to be subjected to intense public pressure before they did anything meaningful. For over nine weeks after I lodged this complaint, Daudi continued to act in his capacity as Executive Director: he participated in project meetings, strategy sessions and even international travel as the face of the organisation, including attending the 2017 Advancing Good Governance seminar and the 6th Annual Luxembourg Peace Prize Awards. He was only sent on compulsory leave on the same day that Quartz Africa ran a story (12th July).
2. All through this 'investigation', the Board has bent over backwards to accommodate the requests of Daudi and his lawyer. Initially, they asked for the same level of procedure as a criminal court (e.g. witness lists and sworn statements) without having the authority to do so. Later, they turned around and insisted that it was an internal investigation and thus should exclude evidence from sources outside the company. The Board acceded to Daudi's lawyer's demands, apparently because they were afraid of a wrongful termination suit being filed by Daudi. This is at best disingenuous and at worst malicious. A company with the ethos Ushahidi purports to have should not shy away from doing what is right for fear of a lawsuit. Besides,

had Daudi sued Ushahidi, he'd have effectively turned a private matter public as he would have had to declare why he was terminated. Court documents in Kenya are public documents: having my complaint and particularly that audio recording in the public domain logically went directly against his own best interests.

3. Daudi's explanation for the events of the evening was that he lost an earpiece of his hearing aid and Erik, as well as the Aberdare staff, were helping him look for it. I then allegedly joined them without invitation and refused to leave him so all his statements were made in an effort to get rid of me. However, at the time of our conversation, Erik had already retired to bed for the night. This can be attested to by any of the Ushahidi Team Members who were still at the bonfire. During the hearing, Erik did not correct Daudi on this point and in so doing, indirectly corroborated that untruth. Even if Erik had been awake, the fact that he was called upon as part of Daudi's "alibi" should have clearly demonstrated his lack of independence. Erik should not have been a part of the panel that the Board constituted to investigate and make a decision. One cannot be a witness and judge in the same case!
4. To date, Daudi still has his job: From the board's latest update, Daudi has only been suspended. It is entirely possible that he may be reinstated in the company. This is despite the Board possessing audio evidence of him sexually harassing his junior as well as allegations from a plurality of victims which relate to multiple occurrences. Even with this, it still took public pressure for the Board to first send him on leave then suspend him. This is unacceptable. How are victims supposed to come forward if this is how a company with the reputation of Ushahidi handles these incidences?

I've received several explanations for the delay: The Board claims that this was a complex matter because Ushahidi is domiciled in the US, yet the employees are Kenyan and the incident occurred in Kenya. It really wasn't that complicated. Florida and Kenyan law are in sync when it comes to sexual harassment laws: we checked this before we submitted my complaint and even attached excerpts from both countries' laws.

The Board has also claimed that they were not able to action my complaint as quickly as they would have liked because they were trying to avoid a wrongful termination suit. As explained above this is insincere. Based on the speed of events from the 3rd of July, this could have been handled in 2 weeks. So why did it take 74 days? It seems clear that the



board was looking for reasons not to act despite their verbal and written assurances to the contrary. In such a case, the will to act is all that matters. Not assumed best intentions. And based on their findings, Daudi is guilty of misconduct on several fronts. None of that was news and was obvious even before the 5th July Inquiry was held. This should not have taken as long as it did.

As detailed extensively above, for some mysterious reason the Ushahidi board and leadership has been reluctant to take action even when presented with clear evidence about Daudi's misconduct. This completely boggles the mind because this scandal poses an existential risk to Ushahidi as an organisation. The Nairobi grapevine was already buzzing with rumours of this complaint after it was made on 4th May. The board just seems to have gone out of its way to avoid dealing with my complaint.

The board has also been less than forthright in the following ways:

1. Clay Shirky left the Board of Ushahidi in October 2015. This was not announced internally nor externally. Up until 15th July, Clay was still listed on the website as a Board Member.
2. The summary of the proceedings at the inquiry is dubiously interpreted, contains some outright misrepresentations as well as the omission of relevant sections. This can be borne out by the recording of said proceedings which the Board possesses and I invite them to share this recording in its entirety with the public.
3. Internally, Ushahidi has an open door policy. However, it seems that this openness exists in spite of, and not because of the Board. Erik has invited the staff to report any incident of harassment assuring them that the Board will handle it swiftly. This assurance is solidly contradicted by how the Board has thus far treated the two staff members who were sexually propositioned on 19th January 2017, one of whom had evidence (myself) and one who did not.
4. The Chronology of Events provided by the Board on 17th July is economical with the truth. Specific examples that demonstrate this are:
  - The failure to mention that I was travelling for work when I was unavailable on 31st May. This is information the Board had easy access to and should have taken into

consideration when they proposed a date for the hearing.

- The inaccurate description of the process of the giving of the evidence (5th to 15th June). See the timeline for what actually transpired, with an explanation for the delays.
- The inaccurate description of the process of agreeing upon the terms of engagement to be used at the inquiry (20th and 27th June)
- 5th July: At the hearing, the Board stated they needed a week to make their decision. This has now been revised to “7 working days to communicate its decision”
- “5th July: The Board communicates its decision to send the Respondent on leave until a decision is made.” It is not clear who they communicated that with. It certainly was not to me in the course of the hearing nor to the staff as I had access to e-mails until 10th July and this had definitely not been communicated to the team by then. Daudi was first sent on leave on 12th July after significant community and public pressure.

All in all, this complaint has been completely and utterly mismanaged from Day 1. Both the tech community and Kenyan society at large need to reject the terrible precedent that the Board of Ushahidi has set. Their process has been deeply flawed and this should not be ignored just because they have ostensibly come to the correct conclusion. In cases such as these, the means matter just as much as the end.

Having been on the wrong end of a poorly managed process, I would suggest that all organisations revisit their sexual harassment procedures and evaluate them in light of best practices. Specifically, they need to ensure that the following issues have been addressed:

- A well-articulated process should be described that covers:
  1. Timelines: The time taken for the entire process should be as short as possible. A maximum of 14 calendar days seems to be an acceptable global standard.
  2. The process to be followed: In what form and way should employees submit complaints or raise concerns? Are there alternate persons to whom employees can submit such complaints when the complaints are against the very person they are

normally supposed to submit them to? Is evidence of a claim required? If yes, what kind?

3. What each stage of the process will do, when it will be done and why.
  4. What form communication during the process will take and what each party should expect to hear / receive at each stage.
  5. Notification of other staff: Be explicit on what staff will be notified, when and in what form.
  6. Channel to raise concerns: A means should be created to allow all parties to raise any issues they have as the process is ongoing.
  7. Appeal process: if the outcome is not satisfactory to the parties, what if any avenues for recourse do they have?
- Support to the parties: what, if any, psychological support are the victim and perpetrator entitled to? When and where is this support available, and for how long?
  - Leave of absence during the investigation: If and for how long the victim and perpetrator should be sent on compulsory (paid) leave as the investigation process is undertaken.
  - Communication with the rest of the company and the outside world: A policy should exist on what is revealed, when and how to other staff as well as to parties outside the organisation.

It should go without saying it seems that it must be said: **Sexual harassment is not a harmless or victimless crime.** Because of it, I've had to resign from a job I liked and was very good at. This has been detrimental to both the Programme, and the organisation as a whole. I know of people who have been forced to resign due to harassment and are subsequently unable to find new jobs and new sources of income. This is because at its core sexual harassment is about an abuse of power. The person in a position of power leaves the victim in a position where they either remain silent or lose their livelihood. We cannot be speaking of building inclusive workplaces for women (who bear the brunt of the majority of sexual harassment cases) when we are still contending with such rudimentary issues as ensuring that offices are free of harassment.

Based on how effectively my complaint was bungled, Ushahidi's reputation has taken a massive hit. This need never have happened and is completely unfair to the majority of the staff of the organisation who have played absolutely no part in this series of unfortunate events, and to this day remain mostly in the dark about exactly what transpired. It breaks my heart that the good people who work at Ushahidi have been damaged by the actions of David Kobia, Erik Hersman, Juliana Rotich and Jenny Stefanotti. The good work that Ushahidi has done over the past 10 years, and continues to do should not be tarnished by the actions and lack thereof of this Board.

In order to begin the healing process within the company, and for the world to begin to regain confidence in Ushahidi, the Board should resign in its entirety. Only new management can begin to repair the damage done. There is a Swahili saying: "*Mwenzako akinyolewa, na wewe tia maji*". Current employees who have witnessed first hand how poorly I have been treated have very real fears about how their issues and concerns will be handled in the future. Only a fresh and independent Board and Executive Director can provide the assurances that the staff, the Kenyan tech community and the world at large need, as we all move on from here. A good first step would be to set up a Kenya HarassMap deployment and put aside some resources to pay for any legal and counselling support services to other victims of Daudi and other sexual predators.

Ushahidi is a great company with a valuable product. I hope the Board can put their egos aside and do what's best for the company, which is stepping aside to give Ushahidi a chance to rebuild its reputation.

*Update: Timeline updated on 21 July to correct typos and add a missing link*

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