



Policy on the Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment

January 2021 – Version 1.0

Code Version Control and History: Policy on the Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment

Version 1.0

Source language

English

Responsible Unit

Director

Developed by

Director

Subject (Taxonomy)

Ethics and compliance

Date approved

January 2021

Approved by

Director

Applicable to

IC's Staff

Purpose

Ensure that IC provides a professional, respectful and harassment-free atmosphere for its Staff and imposes on its partners to also take actions with this regard

Related Documents

Code of Conduct and Professional Ethics

Distribution

Sent to all Staff members world-wide volunteers and seconded individuals, provided for information to all partner organisations and suppliers with contracts with IC, and available publicly on request.

Introduction

1. Institute Circle (IC) is a non profit, non governmental organization that strives to ensure best practice in its everyday operations. Therefore, the highest standards of conduct and professional ethics are expected from its Staff in their conduct of its business. IC respects a strict political and religious impartiality, and operates following principles of neutrality, non-discrimination, transparency, according to its core values: responsibility, impact, enterprising-spirit and inspiration.

2. IC is committed to providing a safe environment for its community, free from discrimination on any ground and from harassment at work including sexual harassment. IC has zero tolerance for all forms of sexual wrong doing including Sexual Exploitation, Sexual Abuse, and Sexual Harassment (SEAH) in all its activities. Sexual Exploitation and Sexual Abuse violate human dignity and universally recognized international legal norms and standards and have always been unacceptable behaviour. Sexual Harassment results from a culture of discrimination and privilege, based on unequal relations and power dynamics. It creates hostile work and work-related environments, which limit the ability of affected persons to thrive and IC to achieve its mission. SEAH has no place at IC and IC recognises the imperative to prevent and respond effectively to SEAH and to protect persons, especially vulnerable individuals, and victims of SEAH in related activities. These protections are essential to strengthen integrity throughout IC.

Policy Aims

3. This Policy explains the steps IC will take to provide a safe environment free from sexual harassment and violence. IC recognises the need to challenge any tacit or explicit acceptance of sexual harassment or sexual violence to prevent escalation. IC also undertakes to improve the understanding of sexual harassment across IC's community to prevent it from occurring, as well as providing a supportive culture, which encourages reporting of incidents and ensures that they are dealt with sensitively and appropriately. It is recognised that it can be distressing for all those affected by a sexual harassment disclosure; this Policy aims to ensure that all parties are treated with dignity and respect and provided with appropriate support.

Scope and Applicability of the Policy

4. This Policy establishes IC's zero tolerance of SEAH.

5. This Policy applies to persons covered under the IC Code of Conduct and Professional Ethics, namely all Staff members of the IC, regardless of location, volunteers working, individuals subcontracted as consultants, and individuals seconded by other organizations to –or hosted by- the IC.

6. In the absence of an overarching and explicit sexual abuse, exploitation and harassment Policy for the IC, requests that comply with this Policy until such a time that distinct policies are in place for the IC.

7. This Policy complements the general principles established in IC Code of Conduct and Professional Ethics and clarifies the expected standards of conduct and professional ethics, including the respect for other people's dignity and integrity. In particular, it sets clear obligations for IC Staff to prevent and respond to SEAH and to refrain from condoning, encouraging, participating in, or engaging in SEAH. This may go beyond the physical premises and normal business hours of IC, such as conduct at meetings, events, workshops, training, or on social media.

8. While issues relating to SEAH may arise as a result of a power differential, they are not necessarily confined to the behaviour of any particular group of Staff to another.

Definitions

9. For the purposes of this Policy, the following definitions apply:

a) **'Consent'** is providing permission for something to happen or agreement to do something with a full understanding of the facts and without coercion. In cases of sexual activity, consent cannot be presumed but must be explicitly given, verbally or non-verbally. Consent cannot be deemed to have been given if it is provided under pressure or situations where someone is not capable of providing it. Consent can be withdrawn at any time.

b) **'False or Malicious Report'** means an inaccurate or misleading report that is made recklessly, or knowingly or deliberately for the purpose of gaining undue advantage or causing harm to a person or entity;

c) **'Implementing Party/Partner'** is, for the purposes of this Policy, any party that contributes to, executes, implements, bids for, or in any way participates in IC-related Activities, including any form of financing or support from IC;

d) **'IUCN Staff'** means those persons covered under the Code of Conduct and Professional Ethics for the IC, namely any individual who is a party to a contract of employment with IC, regardless of location. This includes Staff members of the IC Staff and hosted Staff, interns and volunteers working for the IC and individuals seconded by other organisations, all of the above regardless of location;

e) **"IC Individuals"** means IC Staff.

f) **'IC-related Activity'** means any activity which is financed, administered, or supported by IC, either with its own resources or those of others, any activity that materially affects or may affect or otherwise be relevant to IC or any activity undertaken under the name of IC or using the IC logo.

g) **'Partners'** means implementing partners, consultants or any other type of partners involved in IC-related activities.

h) **'SEAH'** means Sexual Exploitation, Sexual Abuse, and Sexual Harassment;

i) **'SEAH Check'** means a recruitment practice whereby job applicants are required to provide a SEAH Declaration and whereby the information contained in the Declaration is checked, as far as possible, through Reference Checks;

j) **"Policy" or "SEAH Policy"** means Policy on the Prevention and Protection from Sexual Exploitation, Sexual Abuse, and Sexual Harassment.

k) **'Sexual Abuse'** means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;

l) **'Sexual Exploitation'** means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening or profiting monetarily, socially, or politically from the sexual exploitation of another;

m) **'Sexual Harassment'** any unwelcome sexual advance, request for sexual favour, or other verbal, non-verbal, or physical conduct of a sexual nature, that interferes with work, is made a condition of employment, or creates an intimidating, hostile, or offensive environment in

connection with an IC-related activity, and, for the avoidance of doubt, Sexual Harassment may occur between or amongst persons of different sexes or genders or of the same sex or gender, and may be initiated by any gender or sex;

n) **'Reference Checks'** mean the part of a selection and employment process whereby checks are performed to verify the accuracy and authenticity of references, statements, or declarations made by external job applicants on their educational, professional, and other background;

o) **'Victim'** means the person who is, or has been, sexually exploited, abused, or harassed.

Policy Principles

10. IC will not tolerate any form of Sexual Exploitation, Sexual Abuse, or Sexual Harassment (SEAH).

11. IC will take all available measures to prevent, mitigate, investigate and remedy SEAH in IC-related activities. IC will actively promote equality in order to provide a collegiate, lawful and harmonious working and learning environment.

12. IC will endeavour to raise awareness of SEAH among IC Individuals and its implementing partners, consultants or any other type of partners ("Partners") involved in IC-related activities. At the Secretariat's level this will be done across all Regions and. All Staff will play a leading role in organizing such awareness raising through meetings, workshops, posters, town halls, etc.

13. IC will take steps to encourage its Partners involved in IC-related activities, to abide by this Policy or adopt policies and procedures that are consistent with this Policy, with the purpose of safeguarding against SEAH in IC-related activities.

a) Partners must have policies and/or procedures designed to ensure prevention to those set out in this SEAH Policy.

b) Partners must have policies and/or procedures designed to ensure prevention, detection, investigation, remedial action and, where appropriate, sanctions and reports to state agencies with authority over criminal prosecution over SEAH offences in IC-related activities . This includes protection against retaliation for actual and apparent victims of SEAH,

witnesses of and whistleblowers with respect to SEAH; and procedures to identify risks related to SEAH and to prevent, report, investigate and remedy SEAH in IC-related activities;

c) Partners must have carried out all due diligence as necessary or desirable in accordance with their own internal rules and usual practice when dealing with funds for which they have management or investment responsibility in relation to IC-related activities of risks of SEAH and the establishment, as necessary, of SEAH protection plans and procedures.

14. IC will reserve its right to terminate a contractual relationship with a partner in case of breach of those policies and procedures. IC will apply sanctions, disciplinary, or other remedial measures if this Policy is violated.

Obligations

15. IC should uphold the guiding principles of this SEAH Policy and contribute to creating and maintaining an environment which prevents SEAH.

16. IC Individuals should not condone, encourage, participate in, or engage in SEAH in IC-related activities. In particular, they should not:

a) Use their position to sexually abuse, exploit, or harass any person implementing, engaged in, or benefiting from IC-related activities; or

b) Engage in sexual activity with a child (as defined in Article 1 of the United Nations Convention on the Rights of the Child). Mistaken belief regarding the age of a child is not a defence. Any such activity will be deemed to constitute Sexual Exploitation and/or Sexual Abuse.

17. Subject to the availability of protections against retaliation, IC Staff have a duty to report any suspected SEAH in IC-related activities as soon as possible after becoming aware of it to director or institution related to that by the law.

18. Subject to the availability of protections against retaliation, person of IC who receives a report of suspected SEAH which is made in good faith, is obligated to transmit such report without delay to the director.

19. IC Individuals should not engage with any third-party that condones, encourages, participates in, or engages in SEAH.

20. Partners should not directly or indirectly condone, encourage or tolerate participation or engagement in SEAH or any conduct substantially equivalent to SEAH;

a) To the extent permitted by any national law applicable to it, inform IC through established channels, without delay, of SEAH or any conduct substantially equivalent to SEAH, suspected or alleged in connection with IC-related activities;

b) To the extent permitted by any national law applicable to it, cooperate with IC in any investigation by any donor of reports of suspected SEAH or any conduct substantially equivalent to SEAH, and take all appropriate measures to ensure the cooperation of relevant persons and entities within their control that are subject to such investigation; and

c) Contractually require all its partners including subcontractors implementing IC-related activities to comply with this paragraph (20 a), b) and c)) and act accordingly.

Prevention and Due Diligence

21. IC will ensure, as soon as practicable following the adoption of this Policy, that its recruitment, procurement, employment, or any other onboarding processes include SEAH Checks.

Awareness Raising, Communication, and Training

22. Director will prepare as soon as practicable a communication plan to support the dissemination and implementation of this Policy and to raise awareness across IC on the issue of SEAH and its potential ramification. The plan will include:

a) Making this Policy available on IC's website;

b) Developing through consultative processes with stakeholders, and making available, training, guidance, and communication materials for IC Individuals and implementing partners to raise awareness and support the implementation of this Policy;

c) Supporting Staff in their responsibilities for awareness raising and training activities for and/or in collaboration with persons covered under this Policy, partners, and relevant stakeholders in IC-related activities; and

d) Ensuring that all IC Staff undertake mandatory training to ensure compliance with this Policy and relevant operating procedures.

Reporting and Investigations

23. Any person or entity should report to the director any actual or suspected SEAH. Persons with information concerning suspected SEAH, particularly when it involves IC Individuals in IC-related activities, are strongly encouraged to also report such information to the director.

24. Reports of actual or suspected SEAH from or against an IC Staff shall be sent to the director through any of the following points of contact on the proviso that any changes regarding the contact details shall be communicated and disseminated appropriately:

Email: info@zavod-krog.si

Hotline: +386 41 401 619 (voice mail)

Mailing Address: Zavod Krog, Ul. Hermana Potočnika 17, 1000 Ljubljana, Slovenia

25. Persons or entities reporting actual or suspected SEAH shall do so in good faith and provide where possible any information or evidence in their possession that would support a reasonable belief that SEAH may have occurred. Prior to making a report, such persons or entities are not required to evaluate or to determine whether a report that they intend to make meets any threshold of seriousness or gravity. Reporting persons or entities are not required to prove the suspected SEAH or to meet any evidentiary requirements.

26. Reports of actual or suspected SEAH against IC Staff by an implementing partner should be investigated by the director in view of the responsibility for the duty of care that IC has to its staff and in accordance with the relevant IC policies and standards. The director will treat this seriously and thoroughly investigate reports of suspected SEAH in a manner that is independent and objective by conducting investigations, free of control or influence by any person or entity, and with scrupulous adherence to the principles of fairness and due process.

27. Following any director investigation, the IC will take measures to monitor the situation regarding the status of any Victims and alleged perpetrators of SEAH, to ensure that they are protected against retaliation as a consequence of the investigation, its findings or its outcome, and to ensure that any administrative or disciplinary measures taken as a result of the investigation have been duly implemented.

Protection and Remedies

28. Any Victim who reports, attempts to report, is believed to be about to report, or is believed to have reported suspected or actual SEAH (including concerns of suspected SEAH) in IC-related activities will be entitled to all the protections (which include anonymity and confidentiality, and protection from retaliation), and remedies afforded to whistle blowers as set out in the *Code of Conduct and Professional Ethics of the Secretariat, Section 9, Protection against retaliation*.

29. Any other person who reports, attempts to report, is believed to be about to report, or is believed to have reported actual or suspected SEAH in IC-related activities, or cooperates, attempts to cooperate, is believed to be about to cooperate, or is believed to have cooperated with a IC investigation concerning a report of suspected SEAH, will be deemed a whistle blower or as a witness, as appropriate, and will be entitled to all the related protections (which includes anonymity and confidentiality, and protection from retaliation), and remedies, as set out in IC's policies.

30. Any IC Individual who is a Victim of an act of SEAH perpetrated, may request that IC provide the following guidance and support:

a) In emergency situations, any IC Staff who is a victim of Sexual Exploitation or Sexual Abuse perpetrated by another IC Individual or Partner in connection with IC-related Activity may request interim medical relief or other support services as required to address the immediate harm.

b) Any person who is a victim of SEAH perpetrated by an IC Individual or during an activity or event hosted or facilitated by IC, regarding whom a report of SEAH has been made in accordance with the Reporting and Investigation Section of this Policy, may request that IC provide the protections provided for in paragraphs 26 to 29.

31. Acts of SEAH or retaliation against an actual or suspected SEAH Victim committed by IC Staff or Partners will amount to misconduct or breach of contract and will be subject to disciplinary or other remedial measures as provided in the relevant IC policies, rules, and procedures.

32. Any person or entity who makes a False or Malicious Report may be subject to sanctions or disciplinary action in accordance with relevant IC policies, and the provisions of any contractual agreements existing between IC and the person or entity.

33. Where an act of SEAH or retaliation against an actual or suspected Victim has been found in an IC-related activity, IC will endeavour to apply its good offices with appropriate authorities to secure necessary protection and to employ other reasonable measures for the Victim.

34. Where an act of SEAH or retaliation against an actual or suspected Victim is perpetrated by a Partner against an IC Staff in an IC-related activity has been substantiated through an investigation conducted by IC, and corrective or disciplinary measures have been imposed against the Partner, or sanctions have been imposed against the Partner, the director may recommend that IC or the Partner take appropriate remedies for the benefit of the Victim. For acts of SEAH committed by an IC Staff against a Partner, IC must ensure that such remedies are implemented by the IC without undue delay.

Policy Implementation, Monitoring, Reporting, and Review

35. The director is responsible for the effective implementation, monitoring, and reporting obligations under this Policy. The director will develop guidelines and procedures, to operationalise and implement this Policy promptly following its adoption.

36. The director will regularly review the Policy and recommend improvements to this Policy and related procedures and controls to mitigate opportunities for SEAH in IC-related activities and ensure that IC Individuals adhere to the Policy. The director will maintain a case registry of reports filed regarding SEAH.

Effective Date and Review

37. This Policy shall come into effect upon its issuance by the director.