

Code of Conduct: Protection from Sexual Exploitation and Abuse Policy

Approval Date: 16 June 2023

Purpose

The purpose of this policy is to outline the definition of sexual exploitation and abuse (SEA) with the process to follow for protection from sexual exploitation and abuse (PSEA).

Policy Scope

EDUKANS Foundation staff is expected to uphold the highest standards of personal and professional conduct and integrity, within their personal lives, and within their involvement with EDUKANS always to protect vulnerable persons from sexual exploitation and abuse (SEA). EDUKANS has a zero-tolerance policy for SEA. EDUKANS implements efficient policies, procedures, and systems to prevent and respond to SEA.

This policy applies to all EDUKANS full and part-time employees, board members, volunteers, interns, consultants, and contractors.

Partner Organizations

All our partners are responsible for developing, implementing, and adhering to their own PSEA policies and their policies will be consistent with the scope of this policy. In the absence of their own PSEA Policy, this policy must be incorporated into the contract and accepted by the partner. Organizational and programme policy and measures on mitigating and addressing integrity risks including PSEA are to be part of the due diligence procedure.

Standards of Conduct:

It is the policy of EDUKANS that all employees are responsible for ensuring a workplace and engagement with partners, communities, schools and scholars free from sexual harassment, exploitation and abuse.

- Sexual Harassment: Any unwanted sexual advance, request for sexual favor, verbal, or physical conduct of a sexual nature.
- Sexual exploitation refers to any actual or attempted abuse of a position or vulnerability; differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation or another.
- Sexual abuse refers to an actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

In addition to the above definitions, workplace inappropriate behavior, including sexual joking, lewd comments, and possession or accessing on the internet of sexually explicit images and any conduct that tends to make, imply, or infer that member of one gender are "sex objects" are prohibited.

Core Principles

EDUKANS abides by the Inter-Agency Standing Committee (IASC)'s six core principles on Sexual Exploitation and Abuse:

1. SEA by humanitarian workers and related personnel constitute acts of gross misconduct and are therefore grounds for disciplinary actions and/or termination of an employment contract within the applicable and current regulations.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. A mistaken belief regarding the age of a child is not a defense and in no way should ignorance of the age of the person be accepted as a justification.
3. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior is prohibited. This includes exchange for assistance that is due to community members.
4. Sexual relationships between humanitarian workers and members of the community are strongly prohibited since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of humanitarian work.
5. When humanitarian workers or related personnel develop concerns or suspicions regarding sexual abuse by an individual, whether the individual works for EDUKANS or other organizations, partners, suppliers, or other related stakeholders, they are mandated by a legal and moral duty of care. They must report such concerns through the means and tools available within the agency's reporting mechanisms. The management must be informed about all the concerns and suspicions, including rumors, in good faith, regarding SEA.
6. All humanitarian workers are obliged to create and maintain an environment that prevents SEA and promotes the implementation of the Code of Conduct. Managers at all levels have responsibilities to support and develop systems which maintain this environment.

Prevention

To prevent and mitigate the risk of SEA, EDUKANS commits to:

- Ensure robust recruitment screening, vetting, and referencing process for all personnel, particularly for persons who will have any direct or indirect contact with children by emphasizing clauses on PSEA throughout the employment cycle including job advertisements, job descriptions, performance contracts, written and verbal interview questions, and by carrying out thorough employer and professional references, background, and police checks.
- Ensure all new and existing employees sign EDUKANS's Declaration Statement which is part of EDUKANS's PSEA Policy. The acceptance of the PSEA Policy by signature of this declaration form is a condition for undertaking any relation with EDUKANS.
- Have clear and concise policies on SEA and sexual violence in the workplace written in languages that can be understood by everyone in the organization, implementing partners, and the public, clearly indicating who it applies to and consequences of violation.

- Provide a Code of Conduct that establishes, at a minimum, the obligation of all the staff and collaborators not to exploit, abuse or otherwise discriminate against community members and consequences for violations are in place and duly known to the intended recipients.
- Provide training sessions on SEA and PSEA in the workplace for new staff and refresher training for existing staff which recognizes and responds to risks and concerns at regularly scheduled intervals.

Reporting and Complaints Mechanisms

EDUKANS commits to;

- Develop a diverse, gender sensitive, confidential, and culturally appropriate complaint, and reporting mechanism for cases of SEA from the field and within EDUKANS for different audiences. All grievances are treated with utmost confidentiality. Procedures in place would encourage people to report on concerns without fear of reprisals or victimization at the organizational and community level. This would include.
 - a. Any EDUKANS employee who may have suffered sexual exploitation or abuse at work by anyone, including supervisors, co-workers, or visitors, should first clearly inform the harasser that his/her behavior is offensive or unwelcome and request that the behavior stop immediately.
 - b. If the employee does not want to do this for whatever reason, or when the behavior continues, the employee must immediately bring the matter to the attention of his / her supervisor or the Human Resources Coordinator.
 - c. At any time, a witness or victim can file a formal report directly to the integrity committee of EDUKANS INTERNATIONAL by e-mail (Integrity@edukans.nl) or anonymously via the web-based portal (<https://report.whistleb.com/en/edukans>) who will investigate the report.
 - d. If the Executive Director or the Human Resources Coordinator is involved in the matter, it should be reported to an assigned Board Member, who will take the matter further for appropriate investigation and necessary remedial action immediately.
 - e. If the alleged behavior involves any types of threats of physical harm to the complainant, the alleged may be suspended with pay. During such suspension, an investigation will be conducted by EDUKANS. If the investigation supports charges of sexual exploitation or abuse, disciplinary action against the alleged will take place and may include termination and or involvement with local or national authorities responsible for conducting investigation of SEA allegations (See Annex II: EDUKANS SEA Reporting Template).
 - f. If the investigation reveals that the charges were brought falsely and with malicious intent, the charging party may be subject to disciplinary action, including termination of the contract.
 - g. At all times the protection and safety of survivors and witnesses are key.
- Ensure that members of the community and staff know where and how to report cases of SEA and of the appropriate assistance they can expect to receive in both national and international programs. This will be available on the EDUKANS website.

Annex I: EDUKANS Code of Conduct: Protection from Sexual Exploitation and Abuse Policy

Statement to be signed by all EDUKANS staff

I _____ (insert full name) confirm that I have read and understood EDUKANS's Protection against Sexual Exploitation and Abuse (PSEA) Code of Conduct and agree that in the course of my work and/or association with EDUKANS will comply with the PSEA Policy as stated.

I understand that a breach of the PSEA Policy may provide grounds for disciplinary action, including grounds for termination of employment with EDUKANS. I also understand that a breach of the PSEA Policy, or applicable laws, could result in criminal prosecution, administrative penalties, or other legal proceedings. To the extent permitted by applicable laws, I agree to indemnify and hold harmless EDUKANS and its staff and directors, board members, volunteers, interns, consultants, contractors, any current or potential suppliers of any sort of goods, services, or works and all other people not included in the above-mentioned categories who have signed a contract with EDUKANS from and against any claims, expenses, liabilities, damages, proceedings, actions or causes of action brought against them resulting or arising from my breach of the PSEA Policy, or applicable laws.

I understand that it is my responsibility, as a person engaged by EDUKANS, to use common sense and avoid actions or behaviors that are abusive or exploitative and could be construed as such.

I authorize EDUKANS to undertake any necessary inquiries, including criminal record checks and reference checks, as part of my appointment or recruitment process.

Position:

Name:

Signature: _____ Date: _____