



CHAI Global Code of Conduct and Ethics

Appendix 3: Policy on the Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH)

The Clinton Health Access Initiative, Inc. (“CHAI”) does not tolerate sexual exploitation, sexual abuse or sexual harassment. CHAI joins the international nonprofit community in strongly supporting the core principles regarding the prevention of sexual exploitation and abuse, established in 2003 by the UN Secretary General’s Bulletin on Special Measures. We believe that all people have the right to live their lives free from sexual violence.

This policy applies to all CHAI staff, at all times, regarding their interactions with beneficiaries and the public. (CHAI’s Global Code of Conduct and Ethics covers sexual misconduct towards CHAI staff, or towards staff of partner organizations or government agencies collaborating with CHAI; please see the section on Creating and Maintaining a Respectful Workplace.)

All CHAI staff must:

- Behave ethically, treat all individuals with dignity and respect, and abstain from engaging in any acts of sexual exploitation, abuse or harassment.
- Contribute to an environment where all staff and beneficiaries are able to recognize unacceptable behavior and feel able to discuss their rights and concerns. Managers have particular responsibility to uphold this environment.
- Raise concerns promptly, in accordance with applicable reporting procedures, regarding any case of suspected sexual exploitation, abuse or harassment.
- Cooperate fully with any CHAI investigation, with respect for the privacy of all concerned and with particular sensitivity to victims’ autonomy and welfare.

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I. Responsibility and Purpose

CHAI's work puts staff members in contact with diverse sets of beneficiaries and others, including children and vulnerable populations. The work also puts many staff in positions of trust and relative power, especially when in control of resources and resource allocation.

The purpose of this policy is to create a secure environment for beneficiaries and members of the public and to protect children and vulnerable adults from any harm that may be caused due to their coming into contact with CHAI. It is also to establish procedures for addressing incidents of sexual exploitation, abuse and harassment, and to inform staff of their contractual and moral responsibilities to safeguard children and vulnerable adults in all areas of CHAI's work.

This policy is an extension of CHAI's Global Code of Conduct and Ethics and has been adopted by CHAI's Senior Leadership Team and Board of Directors. CHAI's Senior HR Director acts as the Senior Focal Point for Prevention of Sexual Exploitation, Abuse and Harassment with responsibility for implementation and monitoring of this policy, with oversight from the CHAI Chief Operating Officer.

II. Glossary

Allegation: the formal complaint regarding a possible breach in CHAI's Global Code of Conduct and Ethics by a member of staff.

Beneficiary: a person, other than another CHAI staff member, who receives assistance from the activities of CHAI and is therefore in a position of some reliance or dependency toward CHAI.

Child: any individual under the age of 18, irrespective of local country definitions of when a child reaches adulthood.

Complainant: the person making the complaint, including the alleged victim of the sexual exploitation, abuse and harassment or another person who becomes aware of the wrongdoing and reports/brings forward the allegation.

Evidence: information gathered during the investigation that corroborates or contradicts an allegation.

Focal point: a person designated by CHAI to take on specific responsibilities in relation to PSEAH, including receiving complaints of cases of sexual exploitation, abuse and harassment.

Global Code of Conduct and Ethics: a set of behavioral standards to which all CHAI staff are obligated to adhere.

Investigator: a person assigned by the CHAI Senior Focal Point or designate to investigate a particular complaint. The investigator may be a trained CHAI staff member or an external investigator.



Partner: an agency or organization that plays a key role in supporting the delivery of a CHAI program, executes a critical coordination role or undertakes activities in the name of CHAI.

Sexual abuse¹: the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Sexual exploitation²: any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.

Sexual harassment³: any unwelcome sexual advance, request for sexual favors, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature, when, for example, such conduct interferes with work, is made a condition of employment, or creates an intimidating, hostile, or offensive environment. Sexual harassment may be carried out in person or remotely, including, but not limited to, via phone, email, or social media. While typically involving a pattern of behavior, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. All genders can be either the victims or the offenders.

Sexual misconduct: for the purpose of this policy, this refers to acts of sexual exploitation, abuse or harassment as defined above.

Staff/staff member: a person who works full- or part-time for or represents CHAI, whether or not s/he is compensated monetarily for such work or representation. This includes volunteers and secondees.

Subject of the complaint (SOC): the person alleged or suspected to have sexually exploited, abused or harassed the victim.

Victim: the person who is, or has been, sexually exploited, abused or harassed.

Witness: any person who has information that may be relevant to the investigation, including the victim, the complainant, a staff member of a partner agency, the subject of the complaint or another staff member.

III. Standards for Staff Conduct

Sexual exploitation, sexual abuse and sexual harassment constitute acts of serious misconduct, and *any violation of these Standards may be grounds for disciplinary action up to and including immediate termination*. Any CHAI staff member who commits acts of sexual exploitation, sexual abuse, or sexual harassment may also be subject to criminal prosecution or other legal action under applicable laws.

¹ Source: UN Secretary General's bulletin (ST/SGB/2003/13).

² Source: UN Secretary General's bulletin (ST/SGB/2003/13).

³ Source: adapted from UN Secretary General's bulletin (ST/SGB/2008/5).



1. CHAI staff shall not engage in acts of sexual exploitation or knowingly benefit from the sexually exploitative acts of others. For example, if a CHAI staff member uses his/her position or authority to solicit sexual favors in exchange for benefits, this constitutes sexual exploitation.
2. CHAI staff shall not engage in acts of sexual abuse or knowingly benefit from the sexually abusive acts of others. For example, if a CHAI staff member uses force or coercion to engage in sexual acts, this constitutes sexual abuse. Such acts include, but are not limited to, kissing or groping through to serious sexual assault.
3. CHAI staff shall not engage in acts of sexual harassment. For example, if a CHAI staff member makes unwelcome verbal or physical advances, sexual or sexually charged jokes, or written or spoken references to sexual conduct and/or gossip regarding one's sex life, this constitutes sexual harassment.
4. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defense.
5. Offering or providing money, employment, goods, or services in exchange for sexual activity, or offering or arranging the sexual activity of another person as part of such an exchange, is strictly prohibited, including outside working hours. This includes offering or providing assistance due to a beneficiary, if used as a means to coerce sexual activity.
6. CHAI strongly discourages any sexual activity between CHAI staff and beneficiaries who interact directly in connection with assistance the beneficiaries receive, where inherently unequal power dynamics may undermine the credibility and integrity of CHAI's work. A staff member may consult with a Focal Point for guidance on the appropriateness of a particular relationship. (For the avoidance of doubt, this paragraph does not apply to individuals who work for partner organizations or government agencies receiving assistance from CHAI activities, except to the extent they also receive direct personal assistance from CHAI. CHAI's Global Code of Conduct and Ethics governs conduct between CHAI staff and such individuals.)
7. Where a CHAI staff member develops concerns or suspicions regarding sexual exploitation, abuse or harassment by a fellow worker, whether at CHAI or another organization, he/she must report such concerns via one of the complaint reporting procedures outlined below or in the *Violations: Reporting Concerns and the CHAI Helpline* section of CHAI's Global Code of Conduct and Ethics.
8. CHAI staff members are obligated to create and maintain an environment that prevents sexual exploitation, abuse, and harassment. Managers at all levels must support and develop systems that maintain this environment and act immediately in response to any reported concerns. Managers at all levels must follow reporting procedures regarding concerns raised with them.



For standards of conduct related to CHAI staff interactions with other CHAI staff members, and related to CHAI staff interactions with the staff members of partner organizations and government agencies with whom CHAI works, please see CHAI's Global Code of Conduct and Ethics.

IV. Implementation and Monitoring

All allegations of misconduct or inappropriate behavior will be investigated fairly and in accordance with CHAI's policies and processes. CHAI will do everything it can to prevent sexual exploitation, abuse and harassment and to protect victims when concerns arise. To fulfill this commitment, CHAI has taken the following steps:

- Assigning oversight of PSEAH efforts, policies and protocols to the Chief Operating Officer in order to monitor effectiveness, report progress, and improve efforts to prevent and respond to sexual exploitation, abuse, and harassment.
- Assigning the Senior HR Director as the Senior Focal Point at CHAI for PSEAH-related activities and other Focal Points, with responsibility for assigning Focal Points and investigators, managing investigations, and reporting to the Chief Operating Officer, Senior Leadership Team (SLT), and Board as appropriate.
- In compliance with applicable laws and to the best of CHAI's abilities, preventing perpetrators of sexual exploitation, abuse and harassment from being hired or rehired by CHAI. This may include use of background and criminal records checks.
- Investigating allegations of sexual exploitation, abuse and harassment involving CHAI staff in a timely and professional manner, and ensuring due process to the best of CHAI's ability. Investigators shall act impartially with respect for the rights and dignity of complainants, victims, and subjects of complaints. This includes the use of appropriate interviewing practices with complainants and witnesses, particularly with children and the engagement of professional investigators or securing investigative expertise as appropriate. CHAI will act on the findings of investigations and ensure lessons learned are used to improve policy and practice as appropriate.
- Providing consistent training on topics related to the PSEAH for all CHAI staff.
- Including PSEAH policy information in partnership, subgrant or subrecipient agreements and requiring them to report to CHAI immediately any behavior believed to violate this policy.
- Regularly reviewing and updating this policy.
- Having resources in place to provide emergency assistance and psychological support as appropriate and feasible to victims and others affected by sexual exploitation, abuse, and harassment.

V. Reporting Complaints and Concerns

All concerns regarding actual or possible sexual misconduct or breaches of this policy must be reported immediately. CHAI will respond to any complaint or suspicion of sexual exploitation, abuse



or harassment, even if this is at the level of rumor. It is not necessary to have proof to support a concern in order to make a report. If an individual feels uncomfortable with something seen or heard that may indicate a breach of the policy, this is sufficient cause to submit a complaint.

Complainants must feel they are safe to report, that they are listened to, and that action is taken. CHAI is committed to encouraging and enabling all staff and beneficiaries to come forward and raise any concerns they have on a formal basis as soon as possible, to enable concerns to be dealt with in a timely manner. Staff and beneficiaries should feel confident and comfortable about reporting any allegations including sexual abuse, exploitation and sexual harassment – either historic or current.

CHAI will therefore treat all concerns seriously and sensitively. Staff can report an issue anonymously if they do not wish to come forward personally.

Complaints and concerns may be submitted in any one or more of the following ways:

- **CHAI staff may contact his/her manager.**
- **Contact the CHAI Senior Focal Point or another designated CHAI Focal Point.**
- **Contact the CHAI Helpline.** The Helpline is a third party “whistleblower” service that allows individuals to report (anonymously or by name) possible cases of misconduct. Anonymous reports will be taken just as seriously as reports where individuals identify themselves.

CHAI Helpline

chai@integritycounts.ca

+1-866-921-6714 (Toll-Free U.S.)

+1-604-922-5953 (International)

www.integritycounts.ca

Every CHAI staff member has a responsibility to report suspected cases of sexual exploitation, abuse or harassment by CHAI staff members or partner organizations.

Anyone who deliberately makes a malicious report (e.g. falsifies a concern) will be subject to disciplinary action, to the extent permitted by applicable law.

VI. No Retaliation

CHAI will not tolerate any form of harassment, retaliation, victimization, or adverse employment consequence against any CHAI staff member who expresses concerns or lodges a good faith complaint under this policy, the Global Code of Conduct and Ethics, or otherwise. Concerns can be raised in good faith, even if mistaken. Any CHAI staff member who harasses, retaliates, victimizes, or takes adverse action against someone who has raised a concern in good faith will be subject to disciplinary action, to the extent permitted by applicable law, up to and including termination of employment.

VII. Investigations

Every effort will be made to protect the privacy of all complainants, reporters and subjects of complaint. While CHAI cannot guarantee complete confidentiality, information about complaints and



investigations shall be limited to individuals with a need to know. Where the subject of a complaint is a CHAI leader, focal point, or Global HR staff member, the focal point receiving the complaint shall follow procedures to avoid involvement in a case by those who may have a conflict of interest.

During and after an investigation, any person who has knowledge of a report or complaint must respect the sensitivity of the matter and the need to protect the identities, privacy and reputation of the alleged subject of the complaint, the complainant, reporter, alleged victim and any witnesses. Individuals who do not cooperate with an investigation or who breach confidentiality strictures will be subject to disciplinary action, to the extent permitted by applicable law.

CHAI focal points and investigators shall take all reasonable actions to protect the complainant, alleged victim, alleged subject of the complaint, reporter and any witnesses from retaliation, and to maintain their safety throughout the investigation procedures.