

Policy on the Prohibition of Sexual Harassment

1. Introduction

With its mission to strengthen the rule of law and promote good governance around the world, the International Development Law Organization (“IDLO” or “the Organization”) is committed to promoting a work environment that is free from all forms of Sexual Harassment and where every person is treated with dignity and respect.

IDLO’s Code of Conduct prohibits Sexual Harassment and commits IDLO to fully, fairly, and promptly investigating all such allegations. This IDLO Policy on the Prohibition of Sexual Harassment (“Policy”) is intended to supplement and elaborate upon the prohibitions set forth in the Code of Conduct to make clear the duties of IDLO Employees and of the Organization to prevent and counter Sexual Harassment. It provides a comprehensive definition of Sexual Harassment misconduct and in Annex A elaborates on the types of behavior that may constitute Sexual Harassment. The Policy also outlines both informal and formal measures that can be taken when such conduct is alleged to have occurred. Through this detailed Policy, IDLO intends to make all IDLO Employees aware of the standards that they are expected to uphold and the consequences for not doing so, as well as to outline a process for submitting and handling complaints that encourages the reporting of Sexual Harassment.

2. Scope and Application

This Policy supplements and should be read in conjunction with the Code of Conduct, as well as the Employee Regulations and Rules, the Human Resources Manual (“HR Manual”), and other applicable policies. It applies to all IDLO Employees at all times during their employment with IDLO. It covers conduct in the workplace, as well as outside conduct that affects the workplace, including during social events, work travel, training sessions, conferences, and other contexts where IDLO Employees are present as representatives of the Organization.

Any IDLO Employee or any other person who experiences, witnesses, or receives credible information regarding Sexual Harassment by an IDLO Employee should report it promptly to IDLO Management, which includes the Employee’s supervisor, Department Director, Country Director or highest country representative, the Director of the Department of Human Resources and Office Services (“DHROS”), or the General Counsel (collectively “IDLO Management”). Reports and complaints may also be submitted electronically to sexualharassmenthotline@idlo.int, a dedicated e-mail account monitored by DHROS. All allegations of Sexual Harassment will be fully, fairly, and promptly investigated and addressed in a manner that is sensitive to the rights, privacy, and confidentiality of the Employees concerned. The Organization has a “zero tolerance” approach to Sexual Harassment and will take action against any IDLO Employee found to have acted in violation of this Policy, up to and including terminating the Employee’s contract and reporting the conduct to law enforcement, as appropriate.

IDLO recognizes that certain types of behavior – including some that are sexual in nature – may be tolerated to a greater extent in some cultures than in others. Regardless of its relative acceptance in a particular society, when this behavior is unwanted or potentially harmful, it falls within the

scope of this Policy and is prohibited. If an Employee is uncertain as to whether certain behavior is prohibited by this Policy, he or she should seek clarification from DHROS or the Office of the General Counsel (“OGC”) prior to engaging in it. In any event, where the recipient of conduct potentially covered by this Policy has indicated that it is unwelcome, the Employee should stop immediately.

IDLO is also committed to promoting a work environment that is free from all forms of sexual harassment with respect to IDLO partners (including but not limited to program donors, implementers, contractors, and beneficiaries). In this regard, IDLO will include provisions in its program-related contracts and sub-grants that commit such partners to prohibit, prevent, and take action against sexual harassment. Any IDLO Employee who experiences, witnesses, or receives credible information regarding sexual harassment by an IDLO partner should report it promptly to IDLO Management.

3. Definitions

IDLO Employee (or “Employee”) includes employees, affiliates, consultants, interns, volunteers, and any other person in a similar relationship with IDLO.

Retaliation means adverse action taken against an individual because he or she made a good faith report of suspected misconduct.

Sexual Harassment is any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that has caused or might reasonably be expected or be perceived to cause offense or humiliation to another. Such conduct is always unacceptable, particularly when it interferes with work, is made a condition of employment, or creates an intimidating, hostile or offensive work environment. It is distinguished from acceptable social behavior by its unwelcome, unreciprocated, or coercive nature. While typically involving a pattern of behavior, Sexual Harassment can take the form of a single incident in serious cases. Sexual Harassment may occur between persons of the opposite or same sex and both males and females can be either the victims or the offenders. Sexual Harassment may occur regardless of whether the offender considers the behavior to be offensive or not.

4. Duties of Employees, Supervisors and the Heads of Departments/Units/Offices

IDLO Employees shall maintain a harmonious working environment free of intimidation, hostility, and harassment of any kind. Creating a work environment free from Sexual Harassment is every Employee’s responsibility. IDLO Employees have an obligation inside and outside of the office to ensure that they do not engage in or condone behavior that would constitute Sexual Harassment. This includes not only with respect to their peers, supervisors, supervisees or any other persons performing duties for or with IDLO, but also with respect to any other persons they engage with in the course of their work, including IDLO program beneficiaries, trainees, employees of partner institutions, and visitors. IDLO Employees have an affirmative responsibility to familiarize themselves with IDLO’s policies, including understanding the types and forms of behavior

prohibited by this Policy. Lack of familiarity with the standards in this Policy will not be considered a defense to allegations of Sexual Harassment.

Managers and supervisors have an enhanced responsibility to act as role models by upholding and promoting the highest standards of behavior, as well as the obligation to ensure that complaints of Sexual Harassment are promptly notified to the Director of DHROS so that they can be addressed in a prompt, fair, and impartial manner. They must also take immediate and appropriate steps to protect the individual reporting the alleged Sexual Harassment (“Complainant”) from Retaliation or further victimization. Failure on the part of managers and supervisors to fulfil their obligations under the present Policy may be considered misconduct in itself and, if established, potentially subject the manager or supervisor to appropriate administrative or disciplinary action in accordance with Employee Rule 100 and Chapter 10 of the HR Manual.

Heads of departments/units/offices are responsible for the implementation of the Policy in their respective departments/units/offices and for holding all managers and other supervisory staff accountable for compliance with the terms of the Policy. DHROS will provide appropriate training for Employees, including those appointed to management positions, on the key matters addressed in this Policy.

5. Prevention

Prevention of Sexual Harassment is an essential component of the action to be taken by the Organization. IDLO will strive to conduct regular and mandatory programs for all IDLO Employees to raise awareness of the Organization’s zero tolerance approach to Sexual Harassment, provide guidance on the relevant policies and procedures, and foster a harmonious working environment.

In order to resolve problems which could potentially give rise to instances of Sexual Harassment, managers and supervisors shall maintain open channels of communication and ensure that IDLO Employees who wish to raise their questions or concerns in good faith can do so freely and without fear of adverse consequences.

6. Corrective Measures

An effective way to deal with unwelcome behavior is, if feasible, to address and discourage it at an early stage. Individuals who believe they have been subjected to Sexual Harassment, or who have witnessed or received credible reports of Sexual Harassment, are encouraged to address the problem as early as possible and may opt for an informal or a formal process, as set forth below. A Complainant may opt to pursue either process at any time and there is no requirement that informal measures be taken before opting for formal action. However, even if the Complainant chooses only to pursue the informal process, IDLO retains the discretion to initiate the formal process and implement disciplinary measures against an offender, as warranted and in accordance with the Employee Regulations and Rules and the HR Manual.

Regardless of the choice made, the Complainant is encouraged to keep a written record of events, noting dates, places, a description of what happened, a description of any efforts to object to or stop the conduct, and the names of any witnesses and of anyone who may have information

concerning the incident or situation at issue. These records can prove useful in establishing misconduct if pursuing the formal process outlined below. All reports and allegations of Sexual Harassment shall be handled with sensitivity in order to protect the privacy of the individuals concerned and ensure confidentiality to the maximum extent possible consistent with due process and the need to fairly investigate the allegation.

Managers and supervisors shall take prompt and concrete action in response to reports and allegations of Sexual Harassment including, as noted in Section 4 above, notifying the Director of DHROS and taking actions to ensure that the Complainant is protected from Retaliation or further victimization.

In order to facilitate reporting of Sexual Harassment, a dedicated e-mail address (sexualharassmenthotline@idlo.int) has been established and may be used to submit reports of Sexual Harassment instead of or in addition to reporting to IDLO Management directly. All e-mails sent to this address will be routed directly to the Director of DHROS for appropriate action.

a. Informal Process

The objective of the informal resolution process is to address and end problematic behavior as soon as possible, in a fair and respectful manner and without having to resort to formal complaint procedures. It is typically best suited to less serious allegations of Sexual Harassment such as inappropriate jokes or comments or other such conduct that makes the recipient uncomfortable. The elements of the informal approach are: 1) confronting an alleged offender about the behavior either individually or with the involvement of a third party; 2) making it clear that the behavior is unwanted and unacceptable under this Policy; 3) eliciting a commitment from the alleged offender to change his or her conduct; and 4) monitoring the alleged offender's conduct and reporting the behavior to IDLO Management if it continues.

i. Approaching the Alleged Offender

In some cases, an individual who is engaging in behavior that constitutes Sexual Harassment may stop or alter his or her behavior if s/he is told to do so firmly and clearly. Employees who feel that they have been or are being subjected to Sexual Harassment are encouraged, where feasible, to inform the alleged offender as soon as possible that his/her conduct is unwelcome and must cease immediately. Such action by a Complainant does not affect his or her right to inform his or her Director, supervisor or DHROS of the matter and/or to pursue the complaint through the formal process at any time.

ii. Involving a Third Party

If the Complainant feels unable to speak to the person alleged to have committed Sexual Harassment (for example, because the alleged offender is the supervisor or manager of the Complainant or exercises power in some other way) or if, after having spoken to the alleged offender, the behavior persists, the Complainant may raise the situation informally with any of the following:

- a) his/her supervisor or manager;
- b) another senior manager in IDLO; or
- c) the Director of DHROS or a designated human resources representative.

In cases where the matter is not raised directly with DHROS, the supervisor or manager should promptly inform the Director of DHROS of the matter. The Director of DHROS or another designated supervisor, manager, or designated human resources representative, as decided in coordination with the Complainant, can assist by conducting or facilitating discussions with the alleged offender about his or her behavior and the need to desist immediately, as well as advise on the informal and formal resolution processes more generally. Any third party involvement shall be handled confidentially.

Engagement in the informal resolution process will not result in the imposition of disciplinary measures as defined in the Employee Regulations and Rules or the HR Manual. However, pursuant to HR Manual Section 1000.5-6, informal action may include the imposition of non-disciplinary measures including, for example, oral or written warnings or reprimands. Additionally, IDLO Management may on its own initiative decide to initiate a formal process based on the specific circumstances of the case.

b. Formal Process

In addition to or instead of pursuing the informal process, an Employee who believes he or she has been or is being subjected to Sexual Harassment may submit a written complaint (“Complaint”) to a manager, a designated human resources representative, or through the dedicated Sexual Harassment reporting e-mail address at sexualharassmenthotline@idlo.int. The individual receiving the Complaint will then initiate the internal process described below by notifying the appropriate departments for further action, with due regard to the Complainant’s confidentiality. Complainants are encouraged to submit complaints within ninety (90) calendar days from the date on which the act(s) of Sexual Harassment are alleged to have occurred so that information is easier to obtain and corroborate and objectionable conduct can be addressed at the earliest opportunity. The Complaint may reference earlier conduct that the Complainant believes is part of a pattern of Sexual Harassment.

The process outlined below is based on and supplements HR Manual Section 1000 and Employee Rule 100: Disciplinary Measures, which should be read in conjunction with this Policy. However, in the event of conflict, this Policy shall supersede the relevant provisions in the HR Manual.

i. Submission of a Complaint

The Complaint should describe the alleged incident(s) in detail and include any additional evidence and information relevant to the matter. The Complaint may be submitted in hard copy or in an e-mail and should include:

- a) The name of the alleged offender(s);
- b) Date(s) and location(s) of incident(s);
- c) Description of incident(s);
- d) Name(s) of witness(es), if any;
- e) Names of persons who are aware of incident(s), if any;
- f) Whether and in which circumstances the Complainant made it clear to the alleged offender that his/her behavior was unwelcome or, where appropriate, any reasons that prevented the Complainant from doing this;
- g) Any other relevant information, including documentary evidence if available; and

- h) Date of submission and signature (or affirmation, if by e-mail) of the Complainant or the third party making the Complaint.

To ensure that reports can be effectively actioned, except as otherwise provided below, no anonymous Complaints of Sexual Harassment will be accepted. IDLO will take reasonable measures to protect the privacy and confidentiality of the Complainant and the alleged offender, consistent with the need to conduct a fair and effective investigation and disciplinary process that meets appropriate due process standards. The Complainant should be aware that for due process reasons, information from his/her Complaint will be shared with the alleged offender in order to allow the latter to provide any response or evidence in his or her defense. Without prejudice to the outcome of the Complaint, IDLO is committed to ensuring that a Complainant is not retaliated against for reporting alleged Sexual Harassment.

If a Complainant wishes to remain anonymous, he or she may report an incident through a third party or via the dedicated e-mail hotline at sexualharassmenthotline@idlo.int. A Complainant who chooses this option should be aware that retaining anonymity is likely to hamper the investigation and processing of the Complaint, as well as limit the options for IDLO to respond effectively. Thus, Complainants are encouraged to report directly whenever possible.

Complaints that are malicious or made in bad faith will be considered as misconduct. If, during the course of an investigation, it is determined that the Complaint was malicious or made in bad faith, the Complainant may be subject to administrative or disciplinary action under IDLO's Employee Regulations and Rules.

An IDLO Employee may be placed on administrative leave (with or without pay) at any time pending the results of an investigation and until the completion of the disciplinary process pursuant to Employee Rules 100.7-100.9. The Director-General may, in accordance with Employee Rule 100.5, initiate the disciplinary process where credible and sufficient information indicates that misconduct may have occurred.

- ii. *Due Process in the Investigation and Disciplinary Process*

IDLO will address Complaints of Sexual Harassment in a prompt, fair, and impartial manner with due regard to the rights of both the Complainant and the alleged offender.

- a. *Notification of the Allegations and Opportunity for Response*

The investigation and disciplinary process follows that set forth in the HR Manual Chapter 10, which is summarized below for reference. In accordance with HR Manual Section 1000.7(a), the alleged offender will be informed in writing of the allegation(s) of misconduct and of any relevant supporting information, to the extent possible without compromising the effectiveness of the investigation and the rights and confidentiality of the individuals providing information. Notification should be provided within thirty (30) calendar days from the date that the allegation(s) were submitted.

Pursuant to HR Manual Section 1000.7(b), except in cases of summary dismissal, the IDLO Employee alleged to have committed Sexual Harassment shall then have ten (10) calendar days from the date of notification to respond in writing (in English) to the allegations and produce any countervailing evidence. Additional time for the response may be granted in accordance with HR Manual Section 1000.7(b).

b. Director's Review

In accordance with HR Manual Section 1000.7(c), the responsible Director shall review the notification, the response, and any countervailing evidence provided, any disciplinary measure(s) recommended, and any other relevant information and, in consultation with the Director of DHROS and the General Counsel, decide whether to recommend that the Director-General impose a disciplinary measure or measures and, if so, the nature and length of such measure(s). The Director's review should be completed within thirty (30) calendar days of receiving the response, but he or she may, in coordination with DHROS and OGC, extend the deadline for a reasonable period if additional time is required for further investigation.

c. Decision of the Director-General

After receiving the Director's recommendation and, if requested by the alleged offender, conducting an administrative review in accordance with HR Manual Section 1000.8, the Director-General shall provide a reasoned decision pursuant to HR Manual Section 1000.9 as to whether the alleged misconduct occurred, based on the weight of the evidence, and determine whether to impose disciplinary measures. Factors such as the type of Sexual Harassment, its impact on the recipient of the behavior, the existence of a hierarchical relationship between the alleged offender and the recipient of the behavior, and the prior behavior of the alleged offender, shall be among those taken into account. Pursuant to HR Manual Section 1000.8(c), the alleged offender shall be sent the Director-General's reasoned decision. The Complainant shall be informed of the key findings of the decision and any disciplinary measures imposed or other actions taken in response to the Complaint.

7. No Retaliation

As set forth in IDLO's Whistleblower and Anti-Retaliation Policy, Retaliation in any form against either an IDLO Employee who brings a formal or informal complaint of Sexual Harassment to the attention of IDLO or who assists in the investigation of a complaint shall be considered misconduct. Any IDLO Employee who engages in Retaliation shall be subject to disciplinary measures, up to and including termination of the employment or contractual relationship. IDLO Employees are eligible for whistleblower protection as set forth in the Whistleblower and Anti-Retaliation Policy. Nothing in the present Policy is intended to modify or constrain the access of IDLO Employees to the safeguards and procedures set forth in the Whistleblower and Anti-Retaliation Policy.

8. Implementation and Ongoing Review

This Policy will be translated into key local languages to encourage reporting and compliance. Regular consultations shall be held with the Staff Association of IDLO and IDLO Management to review implementation and to address any concerns about the Policy's application. DHROS shall maintain statistical information with respect to instances of reported Sexual Harassment and the disposition of cases in order to monitor IDLO's compliance with this Policy.

Please contact OGC or DHROS for additional guidance in interpreting or applying this Policy, or to suggest improvements. This Policy will be reviewed periodically by IDLO and revised as needed. Any amendments to it must be authorized by the Director-General.

Effective Date: March 22, 2018

ANNEX A – EXAMPLES OF BEHAVIOR THAT MAY CONSTITUTE SEXUAL HARASSMENT

Unwelcome behavior that may constitute Sexual Harassment can take a wide variety of forms. The examples below are intended to be illustrative rather than a complete or exclusive list of behavior that may, particularly when repeated or part of a pattern of behavior, be considered Sexual Harassment under this Policy.

Physical Harassment:

- Sexual assault.
- Actual or attempted use of force to coerce someone to engage in sexual activity, even if between individuals who are dating each other or know each other as acquaintances (a prior relationship, excessive use of alcohol, or previous sexual involvement do not lessen the seriousness of such an incident).
- Unwanted, uninvited or inappropriate touching or other physical conduct.

Verbal Harassment

- Verbal abuse, insults, or name-calling of a sexual nature.
- Repeated requests or other forms of pressure for an unwanted sexual or more personal, rather than a professional, relationship (e.g., persistent requests for “a date”).
- Sexual innuendo or other suggestive, offensive, or derogatory comments or jokes about sexual matters, a person’s gender identity, or a person’s sexual orientation.
- Unwanted and/or demeaning comments of a sexual nature.
- Unwanted intrusion into a person’s private life, such as repeatedly asking inappropriate questions about personal affairs, including dating or sexual activities.
- Obscene or harassing messages of a sexual or unreasonably personal nature, including those left electronically or on voice mail.
- Open or implied threats that submission to sexual advances, or offers of sexual favors, will be a condition of some form of commendation, work status, access to a promotion or development opportunity or positive performance evaluation, or that failure to submit to sexual advances will result in negative professional consequences.
- Sexually suggestive remarks about a person’s clothing, body, hairstyle, appearance or any aspect of their person.
- Remarks speculating about a person’s sexual activities or history, or uninvited remarks about one’s own sexual activities or history.

Non-Verbal Harassment:

- Repeated use of sexually suggestive or offensive gestures.

- Displays of sexually offensive material including posters, pinups, cartoons, screensavers, photos, videos, gifs, memes or messages, left on desks or in common areas, or displayed on the computer or other electronic device.
- Unwanted letters, e-mails, or text messages of a sexual nature, including sexually suggestive, offensive or derogatory messages about a person's appearance, or messages which include sexual content or sexual innuendos.
- Repeated giving of unwanted gifts or invitations.
- Leering or sexually suggestive facial expressions.
- A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating distress and/or humiliation in another person.
- Repeatedly standing too close or brushing up against a person.