

## SAFEGUARDING AT SEARRP

## SEXUAL HARASSMENT POLICY

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Sexual Harassment Policy	ENG	v05	25.11.2019

We regularly update our safeguarding framework, policies and guidelines. Please enquire for the latest versions of all documents.

If you would like to discuss any aspect of our safeguarding framework please contact SEARRP's Safeguarding Officer – Katie King: [katie@searrp.org](mailto:katie@searrp.org)

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## SEXUAL HARASSMENT POLICY

### COMMITMENT TO SAFEGUARDING

This policy is aligned with SEARRP's commitment to creating and maintaining a safeguarded environment for the people and partners who work with us, including any children or vulnerable adults with whom we may engage. We actively promote a safe, caring, tolerant and rewarding environment for all of our staff and scientists, students, interns and volunteers - including those of partner organisations who work and visit with our programme.

The *Sexual Harassment Policy* forms an essential component of our safeguarding framework, which includes a *Whistle-blower Policy*<sup>1</sup>, *Employee Code of Conduct*, *Cultural Guidance* for visiting scientists and students and *Complaints and Investigations Procedures*. These policies and procedures are intended to ensure that everyone is treated professionally and respectfully, in line with our duty-of-care to protect the safety and welfare of our staff and the people with whom we engage.

### SCOPE OF THIS POLICY

SEARRP requires all of its employees irrespective of employment status (i.e. includes full-time, part-time and daily-paid) [hereafter "**employees**"] and "scientists, students, non-SEARRP research assistants, interns, volunteers, consultants and representatives, including Trustees and members of boards (in the UK and Malaysia) and advisors," [hereafter "**associates**"] to observe high standards of professional and personal ethics in the conduct of their duties and responsibilities, in addition to compliance with applicable laws and regulations.

This policy articulates SEARRP's zero-tolerance approach to sexual harassment, reflecting our commitment to eradicating sexual harassment from the workplace and our related activities. The policy applies to all SEARRP employees and associates, with the aim of ensuring a safe and mutually respectful working environment and is in line with our duty-of-care to protect the safety and welfare of our our staff and the people with whom we engage.

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<sup>1</sup> In development

## 1. ZERO-TOLERANCE APPROACH

- 1.1. SEARRP prohibits sexual harassment in all workplace contexts and related activities, including outside of the conventional workplace such as, but not limited to, at staff quarters, meetings and conferences, during travel, work-related social events, and in the digital realm.
- 1.2. All SEARRP employees and associates are responsible for reporting incidence of sexual harassment in a timely manner.
- 1.3. Any person may report the incidence of sexual harassment using the complaints procedure outlined in Section 3.
- 1.4. All reports relating to sexual harassment shall be treated as having been made in good faith and any subsequent case management shall be treated with the strictest confidentiality, subject to Section 3.9.
- 1.5. SEARRP prohibits any retaliation towards any person(s) who, acting in good faith, report incidence of sexual harassment (see Section 6).
- 1.6. Upon due investigation, any employee or associate found in violation of this policy shall be subject to disciplinary actions outlined in Section 6.

### Unlawful conduct reported to the authorities

- 1.7. In the event that unlawful or suspected unlawful conduct has been reported to the relevant authorities, SEARRP shall fully cooperate with any actions taken by the authorities.

## 2. DEFINING SEXUAL HARASSMENT

- 2.1. "Sexual harassment" happens "where any form of unwanted verbal, nonverbal or physical conduct of a sexual nature occurs, with the *purpose* or *effect* of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment".<sup>2</sup>
- 2.2. An "intimidating environment" includes placing a condition on the recipient's employment or career prospects. This is particularly relevant where sexual harassment occurs in workplace contexts, for example, when a recipient feels they have no choice but to endure the sexual harassment so that they won't lose their job or jeopardise their career prospects.

In particular:

If the unwanted conduct is intended (i.e. on purpose) to violate a person's dignity, place a condition on the recipient's employment or career prospects, or create an offensive environment, it does not matter whether the unwanted conduct has that effect or not. It is considered sexual harassment.

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<sup>2</sup> Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

If the unwanted conduct is not intended (i.e. *not on purpose*) to cause distress, yet the unwanted conduct has the effect of violating a person's dignity, placing a condition on the recipient's employment or career prospects, or creating an offensive environment, it is still considered sexual harassment.

2.3. "Conduct of a sexual nature" refers to a wide range of behaviours such as, but not limited to:

- sexual comments, jokes or sexual rumours about a person;
- displaying sexually graphic pictures, videos or photos;
- sexual gestures;
- sexual contact via email or text messaging;
- sexual posts on social media, or sexually offensive communications;
- intrusive questions about a person's private or sex life, and discussing your own sex life;
- suggestive looks, staring or leering;
- propositions and sexual advances (e.g. an unsolicited request for a kiss);
- touching, hugging, massaging or kissing;
- making promises of job perks or promotions in return for sexual favours; and
- criminal behaviour, including sexual assault, stalking, and indecent exposure.

2.4. Sexual conduct or sexual interaction that is consensual, mutual, or invited is not considered as sexual harassment because it is not unwanted. However, it should not be taken for granted that sexual conduct or interaction that has been welcome in the past constitutes consent for future actions.

2.5. The recipient of the behaviour determines whether it is wanted or unwanted conduct. In other words, it is the recipient's perspective, given the circumstances at the time, that determines whether their dignity has been violated or whether an offensive environment has been created.

It is useful to bear in mind that:

- Behaviour that may seem harmless to one person may be perceived differently and more seriously by another.
- There are many factors that can influence how people react to sexual conduct and the boundaries that people have in determining what is unwanted or unacceptable sexual conduct. Factors can include the professional seniority and relative power, age, gender, ethnicity and the cultural background of the people involved.
- Even if the unwanted conduct was not intended to cause distress or offend, it may have the effect of creating an offensive environment or placing a condition on the employment or career prospects of the recipient.
- It does not matter if the unwanted conduct is considered a norm or acceptable to other people or in the work environment.
- Sexual harassment that occurs in work contexts is especially distressing because it places a condition on the employment or engagement of the recipient. A recipient is unable to escape the unwanted conduct and may avoid reporting incidents of sexual harassment, especially by persons holding positions of power, because the recipient feels intimidated, scared, embarrassed or humiliated.

- 2.6. Sexual harassment can be experienced by anyone, irrespective of their age, gender, sexual orientation, ethnicity, education, professional seniority or affiliation, or other socio-economic characteristics.
- 2.7. A person can experience sexual harassment from someone of the same or different gender, and from a single person or group of persons.
- 2.8. Sexual harassment can occur even when the unwanted conduct is not directed at a specific person or group of persons, but it has the effect of creating an offensive environment (i.e. it can be witnessed, overheard, viewed on social media, etc.).
- 2.9. Sexual harassment can be a one-off incident. It does not need to be repeated or recurring for it to be considered sexual harassment.
- 2.10. Examples of sexual harassment include:
  - An employee imitates a sexual action at work that makes a colleague feel degraded.
  - A research assistant uses sexually offensive language in a discussion with a colleague which causes the colleague to feel distressed and offended.
  - At a weekend party in the dining area, you witness male colleagues sharing photos of topless women on their phones and this makes you feel denigrated and offended.
  - A colleague blocks a door to the exit and won't move, making sexual advances.
  - Getting locked in a car by a boss, who wants to talk about sexual topics.
  - A staff member "accidentally" brushes up against you, often touching intimate parts of your body or moves so that their body presses against yours.
  - A staff member is invited by their boss to join him in his room after dinner and she feels intimidated to refuse.
  - Following someone back to their accommodation to make unsolicited sexual advances, such as asking for a kiss or getting into his/her bed.
  - A manager makes a sexual proposition to a research assistant and he is refused. The manager then denies the research assistant a job promotion.
  - An employee takes a picture up the skirt (or under the shirt) of a female colleague at the weekend party.
  - A group of managers are telling jokes related to sexual orientation and this is overheard by a research assistant and causes him to feel humiliated and denigrated.

### 3. SEXUAL HARRASMENT COMPLAINTS PROCEDURE

- 3.1. This section outlines a stand-alone procedure for receiving and processing reports of sexual harassment. Reports that are not related to sexual harassment shall be handled under SEARRP's general complaints and investigations procedures.

#### **Making a sexual harassment report**

- 3.3. Any person may report sexual harassment by submitting a complaint to any SEARRP Field Manager or to the SEARRP Operations Manager based at the KK Office or the SEARRP Director or Safeguarding Officer.
- 3.4. The complainant is required to download the complaint form from [here](#) and submit the completed form to SEARRP's Safeguarding Officer: [katie@searrp.org](mailto:katie@searrp.org)

- 3.5. In exigent circumstances, complaints may be submitted via phone call, text messaging or other means deemed expedient given the circumstances at the time. In this situation, the responsible personnel shall make copies of all communications (e.g. audio recording, transcripts, text messages, screen-shots, photos, etc.) and process the complaint duly and in a timely fashion. At the next convenient juncture, the Operations Manager shall require the complainant to complete and submit a complaint form as formal documentation of the complaint either by email or in hard copy.

### **Receiving a sexual harassment report**

- 3.6. The Field Manager shall, within 24 hours of receiving the complaint at the field-level, record the complaint in the case log and report the complaint to the Operations Manager with copy to the SEARRP Director and Safeguarding Officer.
- 3.7. The SEARRP Director and Safeguarding Officer, in consultation with the Operations Manager shall, within 24 hours and based on the merits of the complaint, determine whether to initiate an internal investigation.
- a) An internal investigation shall be conducted according to the procedure outlined in Section 4.
  - b) If no internal investigation is instructed, the Operations Manager shall prepare the case report for submission to the SEARRP Director and Safeguarding Officer.
- 3.8. To prevent the escalation of conflict or further trauma, the SEARRP Director or Safeguarding Officer may instruct the temporary relocation or separation of the people involved in the complaint with immediate effect and until the outcome of the case is determined.

### **Confidentiality**

- 3.9. SEARRP shall treat all complaints relating to sexual harassment, including any subsequent case management and ensuing actions, with the strictest confidentiality, except:
- a) when disclosure is with the prior consent of the complainant and victim;
  - b) to the respective institutional authority (e.g. university department, organisation, etc.) consistent with the need to conduct an adequate investigation and for the purposes of case management;
  - c) to the extent required by applicable law or a competent court or other competent authority (e.g. police) as determined by law; or
  - d) in respect of information which is lawfully in the public domain.
- 3.10. In complaints involving parties external to SEARRP, the SEARRP Director and Safeguarding Officer may, at their discretion at any stage in case management, and subject to Section 3.9, determine to engage with the respective institutional authority of the external party/ies.

### **Responsible personnel**

- 3.11. The SEARRP Field Manager shall be responsible for administering the complaints procedure at the field-level. The responsibilities of the Field Manager include:
- a) Receive and record all complaints in a case log;

- b) Report all complaints to the Operations Manager within 24 hours of receiving the complaint;
  - c) Provide support to the internal investigation;
  - d) Prepare the case log for submission to the Operations Manager.
- 3.12. The SEARRP Operations Manager based in the KK Office shall be responsible for administrating the complaints procedure at the organisation-level. The responsibilities of the Operations Manager include:
- a) In the event a complaint is received directly in the KK Office, appoint a Field Manager to administer the case at the field-level;
  - b) Ensure that the SEARRP Director and/or Ass, and where appropriate the Chair of the SEARRP UK Board and Chair of the Rainforest Research Board, are fully briefed on the complaint and subsequent case management;
  - c) Liaise with the complainant in a timely fashion and ensure that the complainant is informed and consulted as appropriate;
  - d) Provide secretariat support to the internal investigation, including engaging independent third-party experts, where appropriate;
  - e) Prepare the case report for submission to the SEARRP Director and/or Safeguarding Officer, or the Chair of the SEARRP UK Board and the Chair of the Rainforest Research Board in the event of their direct involvement.

#### **Conflict of interest**

- 3.13. In the event of a complaint or conflict of interest implicating either the Field Manager or Operations Manager, the SEARRP Director or Assistant Director shall assign alternative personnel, including from independent third parties where appropriate, to administer the case.
- 3.14. In the event of a complaint involving the SEARRP Director or Safeguarding Officer, the Chair of the SEARRP UK Board of Trustees, in consultation with the Chair of the Board of Directors of Rainforest Research Sdn Bhd, shall take direct responsibility for the complaint and subsequent case management. The Chair of the SEARRP UK Board of Trustees shall assign alternative personnel, including from independent third parties where appropriate, to assume the relevant roles in administering the case.

#### **4. INTERNAL INVESTIGATION PROCEDURE**

- 4.1. SEARRP is committed to ensuring a transparent, confidential, timely and fair internal investigation into any reported complaints of sexual harassment.
- 4.2. Subject to Section 3.13 the SEARRP Operations Manager shall be responsible for administering the internal investigation procedure and may appoint other personnel, as appropriate, to assist.
- 4.3. Based on the merits of the case, the SEARRP Director and/or Safeguarding Officer may determine to appoint an independent third-party to lead or assist with the investigation.

#### **Conduct of the internal investigation**

- 4.4. The internal investigation shall conduct activities that include but are not limited to:

- Conduct interviews with the parties involved;
  - Conduct interviews with witnesses and/or other parties possessing relevant information to the case;
  - Collect documentary evidence (e.g. testimonials, photos, emails, social media posts, etc.) relevant to the case; and
  - Examination of the site(s) where the incident took place.
- 4.5. The investigation shall be completed no later than 14 days from the receipt of the complaint except in the event of extenuating circumstances, in which case the investigation shall be completed within 21 days.

#### **Outcome of the internal investigation**

- 4.6. The investigation is completed with the submission of the report to the SEARRP Director and Safeguarding Officer.
- 4.7. The SEARRP Director, in consultation with the Safeguarding Officer, shall be responsible for determining the next course of action, including reporting the case to the Chair of the SEARRP UK Board, Chair of the Rainforest Research Board and other authority as appropriate.
- 4.8. The SEARRP Director or Safeguarding Officer shall inform the complainant of the outcome of the investigation and advise on actions or next steps, if any.

#### **5. APPEALS**

- 5.1. Any person who wishes to contest the handling and/or outcome of an internal investigation may submit an appeal to the Chair of the SEARRP UK Board within 7 days of being informed of the outcome.
- 5.2. Appeals are to be submitted in writing to the Chair of the SEARRP UK Board with copy to the Chair of the Rainforest Research Board, SEARRP Director and Safeguarding Officer.
- 5.3. The SEARRP Director and Safeguarding Officer shall ensure full disclosure of all information pertaining to the case to the Chair of the SEARRP UK Board and Chair of the Rainforest Research Board.
- 5.4. The Chair of the SEARRP Board shall, in consultation with the Chair of the Rainforest Research Board and based on the merits of the appeal, initiate an inquiry by appointing an Inquiry Panel from amongst the SEARRP UK Board and, where appropriate, from an independent third-party.
- 5.5. The Inquiry Panel shall complete the inquiry within 14 days of the receipt of the appeal with the submission of a case report to the Chair of the SEARRP UK Board with copy to the Chair of the Rainforest Research Board.
- 5.6. Upon conclusion of the inquiry, the Chair of the SEARRP UK Board shall, in consultation with the Chair of the Rainforest Research Board, inform the appellant of the outcome in writing and advise on next steps, if any.



## 6. DISCIPLINARY ACTIONS

### Summary dismissal or termination of contract

- 6.1. SEARRP reserves the right to summarily dismiss, or terminate contractual relations, with any person found guilty of sexual harassment with immediate effect. This applies to outcomes arising from the internal investigation or from any lawfully mandated investigation by the relevant authorities.
- 6.2. The SEARRP Director or Safeguarding Officer shall issue a termination letter that includes a written statement outlining the nature of the misconduct and consequences thereof that justify the termination of the offending person's contract with immediate effect.

### Exception in instances of minor infraction

- 6.3. The SEARRP Director, in consultation with the Safeguarding Officer, may determine to grant an exception to Section 6.1.
- 6.4. Exceptions may be granted in instances of minor infraction if the offending person recognises what they have done wrong, that they will take the necessary measures towards continuous self-improvement, and that they commit to upholding SEARRP's standards of professional and personal ethics.
- 6.5. In granting an exception, the SEARRP Director or Safeguarding Officer shall issue a written warning to the offending person and instruct the Operations Manager to administer/supervise any recommended actions (e.g. suspension, fulfilment of community service programmes, seek treatment or counselling, etc.).
- 6.6. A maximum of one exception shall be granted to any single offender.

### No-retaliation approach

- 6.7. SEARRP prohibits any retaliation towards any person(s) who, acting in good faith, report incidence of sexual harassment. The "no-retaliation approach" means ensuring that such person(s) shall not suffer intimidation, harassment, discrimination, abuse or other form of retaliation, or in the case of employees any form of adverse employment consequences, that may arise as a direct or indirect consequence of having reported incidence of sexual harassment.
- 6.8. The SEARRP Director shall, in consultation with the Safeguarding Officer and upon investigation, impose disciplinary actions against any employee or associate who retaliates or threatens retaliation against any person(s) who has, acting in good faith, reported incidence of sexual harassment.

### Acting in good faith

- 6.9. All reports relating to sexual harassment shall be treated as having been made in good faith. This means having reasonable grounds for believing that the information disclosed

is true and is perceived by the complainant as harmful or in violation of this policy or illegal.

- 6.10. Any person who has made allegations that are found to be knowingly false, made maliciously or with vexatious intent shall be subject to disciplinary action, up to and including termination of employment or engagement with SEARRP.
- 6.11. SEARRP retains the right to seek legal recourse against cases of malicious or vexatious behaviour and shall not hesitate to refer such cases to the relevant authorities for action through legal, disciplinary or other appropriate measures.

## **7. REMEDIAL ACTION FOR VICTIMS OF SEXUAL HARASSMENT**

- 7.1. SEARRP is committed to supporting victims of sexual harassment and protecting their professional interests and standing in the organisation.
- 7.2. The SEARRP Director is responsible for determining the form(s) of support that will be extended, based on the merits of the case.
- 7.3. Examples of forms of support that may be extended to employees and associates who are victims of sexual harassment include:
  - a) Granting immediate leave with pay until the outcome of the investigation has been determined;
  - b) Granting extended leave with pay to allow victims to seek treatment and recuperate; and
  - c) Covering the costs of professional counselling for a period not exceeding 12 calendar months from the receipt of the complaint.
- 7.4. Other forms of remedial action shall be at the discretion of the SEARRP Director and Safeguarding Officer in consultation with the SEARRP UK Board and Rainforest Research Board.

## **8. MONITORING AND REVIEW**

- 8.1. This policy shall come into effect upon the date of announcement by the SEARRP Director.
- 8.2. The Operations Manager shall be responsible for ensuring that the responsible personnel who may be directly involved in administering this policy are appropriately trained.
- 8.3. The Operations Manager shall take all reasonable measures to communicate this policy, create awareness and provide training opportunities to all employees in order to enable the eradication of all forms of sexual harassment in the workplace.
- 8.4. The Operations Manager shall be responsible for preparing an annual report to track the implementation of this policy. Annual reports shall at all times respect the confidentiality of cases.

- 8.5. This policy and any subsidiary guidelines and procedures shall be subject to review every five years from the date of effect.

[END]