

SAFEGUARDING AT SEARRP

SEXUAL HARASSMENT POLICY

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If you would like to discuss any aspect of our safeguarding framework please contact SEARRP's Safeguarding Lead – Katie King: katie@searrp.org

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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*, *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

In the context of this policy, "employees" means anyone directly employed by SEARRP's Malaysian-based operating company Rainforest Research Sdn Bhd including full-time, part-time and daily-paid staff, or the SEARRP-UK charity. The term "associate" refers to scientists, students, non-SEARRP research assistants, interns, volunteers, consultants and representatives, including Trustees and members of boards (in the UK and Malaysia) and advisors who are engaged with SEARRP for research, training or other activities. We expect all SEARRP employees and 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.

The term "recipient" is used in this policy to describe the person who is the target of sexual harassment.

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

CONTENTS

This policy outlines the following:

1. SEARRP's zero-tolerance approach to sexual harassment in the workplace
2. Defining sexual harassment
3. Complaints procedure
4. Internal investigation procedure
5. Appeals
6. Disciplinary action
7. Remedial action for victims of sexual harassment
8. Monitoring and review

1. ZERO-TOLERANCE APPROACH

1.1. SEARRP prohibits sexual harassment in all workplace settings, including outside of the conventional workplace such as in the field, at staff quarters, at 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 any incidence of sexual harassment as quickly as possible after the event either takes place or is witnessed.

1.3. Any person may report an 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. Subject to the exceptions outlined in Section 3.9, case management will be conducted to the highest standards of confidentiality.

1.5. SEARRP prohibits any retaliation towards anyone who, acting in good faith, reports an incidence of sexual harassment (see Section 6).

1.6. Any employee or associate found in violation of this policy, and having been involved in sexual harassment, will be subject to the disciplinary actions outlined in Section 6.

Unlawful conduct

1.7. In the event that unlawful or suspected unlawful conduct has been reported to the police or other law enforcement authorities, SEARRP will fully cooperate with their enquiries

2. DEFINING SEXUAL HARASSMENT

2.1. Sexual harassment is defined as *“the occurrence of any form of unwanted verbal, nonverbal or physical conduct of a sexual nature, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment”*.¹

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. *is 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.

If the unwanted conduct is not intended (i.e. *is 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 which can include (but isn’t limited to):

¹ 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).

- Making sexual comments, jokes or engaging in gossip of a sexual nature which is directed towards or about an employee or associate;
- displaying sexually graphic pictures, videos or photos;
- taking intrusive, unsolicited pictures or videos, including 'up-skirting'²
- posting sexually explicit material on social media, or engaging in sexually offensive communications via email or text messaging;
- asking intrusive questions about a person's private or sex life, and discussing your own sex life;
- making overtly suggestive looks, staring or leering;
- propositioning and sexual advances;
- making sexual gestures;
- unwanted and unsolicited touching, hugging, massaging or kissing;
- making promises of job perks or promotions in return for sexual favours; and
- overtly criminal behaviour and actions including sexual assault, stalking and indecent exposure.

2.4. Sexual conduct or sexual interaction that is mutually consensual is not sexual harassment because it is not unwanted. However, it must not be taken for granted that a previous, consensual sexual relationship or other form of sexual interaction constitutes ongoing 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
- Sexual harassment that occurs in work contexts is especially distressing because it can place a *de facto* condition on the employment or engagement of the recipient. A recipient may be 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 people.

² 'Up-skirting' normally involves taking a picture under a person's clothing without them knowing with the intention of viewing their genitals or buttocks to obtain sexual gratification, or to cause upset to the victim. Upskirting often occurs in a public crowded place, making it hard for the victim to know that a photograph is being taken.

2.8. Sexual harassment can occur even when the unwanted conduct is not directed at a specific person or group of people, 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.

3. SEXUAL HARASSMENT 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 Head of Operations, Safeguarding Lead, Deputy Director or Director

3.4. The complainant is required to download the complaint form from our website www.searrp.org/safeguarding/ and submit the completed form to our Safeguarding Lead, Katie King at katie@searrp.org.

3.5. In situations where online access or sending emails may be problematic, an interim notification of sexual harassment can be submitted to the Head of Operations or Safeguarding Lead via a phone call, text or WhatsApp message on the understanding that a formal complaint form will be completed once communications permit. The contact numbers for the Head of Operations and Safeguarding Lead are +60 14 865 5922 and +60 14 862 3877, respectively

Receiving a sexual harassment report

Any report of sexual harassment received by one of SEARRP's Field Managers will be reported to the Head of Operations within 24 hours – who will directly forward a copy of the report to the Director and Deputy Director

3.6. The SEARRP Director, in consultation with the Head of Operations, Deputy Director and Safeguarding Lead, will determine whether to initiate an internal investigation, in accordance with the following guidance:

a) The initial assessment of a report will be completed within 24 hours

b) In most cases an internal investigation will be initiated, which will follow the procedure outlined in Section 2

c) If no internal investigation is actioned, the SEARRP Director will prepare a case report, with copies to the respective Chairs of the Board of Directors (BoD) of SEARRP's operating company in Malaysia (Rainforest Research Sdn Bhd - RRSB) and Board of Trustees (BoT) of SEARRP-UK. The Director will also notify the person submitting the report, outline

the reasons for an investigation not being taken forward and make clear that an appeals procedure is available.

3.7. The default position in most cases involving sexual harassment will involve the SEARRP Director instructing the temporary suspension, relocation or separation of the people involved in the report with immediate effect and until the complaints procedure has been concluded.

3.8. In complaints involving associates or organisations external to SEARRP, the SEARRP Director may engage with representatives of the respective organisation

Confidentiality

3.9. SEARRP will treat all complaints relating to sexual harassment, including any subsequent case management and ensuing actions, in confidence and with particular regard to the privacy and dignity of the person lodging the report. Departure from confidentiality requirements will only be considered in the following circumstances:

- a) when disclosure is with the prior consent of the complainant (or the alleged victim, if this is a different person);
- b) in situations involving a SEARRP associate (either as a complainant or the object of a complaint), where making a disclosure to the respective institutional authority (e.g. university department) is consistent with the need to conduct an adequate investigation, for the purposes of case management and/or disciplinary actions;
- c) in situations when police or other law enforcement or legal entities require disclosure
- d) in respect of information which is lawfully in the public domain.

Responsible personnel

3.10. The SEARRP Field Manager will be responsible for administering the complaints procedure in field-based settings. Their responsibilities will include:

- a) Receiving and recording complaints in a case log, which will be made available to the Head of Operations
- b) Reporting any complaints to the Head of Operations within 24 hours

3.11. The Head of Operations will be responsible for administrating the complaints procedure on behalf of SEARRP, in accordance with the following guidance:

- a) In the event that a complaint is received directly in the KK Office that relates to a research site, the relevant Field Manager will be appointed to administer the case in the field;
- b) Ensuring that, within 24 hours, the SEARRP Director, and where appropriate the respective the Chairs of the BoD of RRSB and the SEARRP-UK BoT, are fully briefed on the complaint and subsequent case management;

- c) Liaising with the person who has submitted a complaint in a timely way and ensuring that the complainant is kept informed at each stage of the procedure;
- d) Providing whatever support that may be required to an internal investigation, including engaging with independent third-party experts, if needed;
- e) Preparation of a case report for submission to the SEARRP Director, with copies to the respective Chairs of the RRSB BoD and the SEARRP-UK BoT

Conflict of interest

3.12. In the event of a complaint which implicates either a Field Manager or Head of Operations, the SEARRP Director shall either manage the complaint personally or assign alternative personnel to administer the case, including from independent third parties where appropriate

3.13. In the event of a complaint involving the SEARRP Director, the Chair of the SEARRP-UK BoT, in consultation with the Chair of the BoD of RRSB, shall take direct responsibility for the complaint and subsequent case management and may engage either Trustees and/or independent personnel to provide support, as required

4. INTERNAL INVESTIGATION PROCEDURE

4.1. SEARRP is committed to ensuring a transparent, timely and fair internal investigation into any reported complaints.

4.2. Subject to Section 3.12 and 3.13, the Head of Operations will be responsible for administering the internal investigation procedure

4.3. Based on the merits of the case, and in consideration of any conflicts of interest, the SEARRP Director may determine to either lead the procedure personally or appoint an independent third-party to lead or assist with the investigation.

Conduct of the internal investigation

4.4. An internal investigation will involve:

- Conducting interviews with the person making the complaint;
- Conducting interviews with any witnesses and/or other people possessing information that is relevant to the case;
- Collecting any documentary evidence (e.g. testimonials, photos, emails, social media posts, etc.) relevant to the case; and
- Examining the site(s) where the reported incident has taken place

4.5. Under normal circumstances, an investigation will be completed no later than 14 days from receipt of the complaint. If an extension to this timeframe is necessary, the person submitting the complaint will be informed at least 7 days in advance with new completion deadlines recorded and advised

Conduct of the internal investigation

4.6. The investigation is completed with the submission of a report to the SEARRP Director (unless the provisions in Section 3.13 apply, in which case the investigation will be completed when a report is submitted to the Chairs of the BoT of RRSB and the BoT of SEARRP-UK.

4.7. The SEARRP Director, in consultation with the Deputy Director, shall be responsible for determining the next course of action, including reporting the case to the to the Chairs of the BoT of RRSB and the BoT of SEARRP-UK and other authority as appropriate.

4.8. The SEARRP Director 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 complain about the handling of a case and/or contest the outcome of an internal investigation may submit an appeal in writing (within 7 days) to the Chair of the BoD of RRSB, who will notify the Chair of the BoT of SEARRP-UK that an appeal has been lodged.

5.2. The SEARRP Director will ensure full disclosure of all information pertaining to the case to the Chair of the BoD of RRSB and the Chair of the BoT of SEARRP-UK

5.3. The Chair of the BoD of RRSB, in consultation with the Chair of the BoT of SEARRP-UK, will initiate an inquiry. Depending on their view of the merits of the appeal, the Chairs may elect to appoint an Inquiry Panel to comprise the independent non-executive director of RRSB and one or more Trustees from the SEARRP-UK Board. If deemed necessary, a fully independent third party panel member may be appointed

5.4. The Inquiry Panel will aim to complete an inquiry within 14 days of the receipt of the appeal, with a case report submitted to the Chair of the BoD of RRSB and the Chair of the BoT of SEARRP-UK.

5.5. The Chair of the BoD of RRSB, in consultation with the Chair of the BoT of SEARRP-UK, will notify 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 arrangements, 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 shall issue a termination letter that includes a written statement outlining the nature of the misconduct and the consequences 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 Deputy Director, 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 is 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 shall issue a written warning to the offending person and instruct the Head of Operations to administer and supervise any recommended actions (e.g. suspension, fulfilment of community service programmes, seek treatment or counselling).

6.6. A maximum of one exception shall be granted to any single offender.

No-retaliation approach

6.7. SEARRP operates on a strict 'no retaliation' basis with respect to any person who raises concerns or reports misconduct. This means that anyone making a complaint will 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 made a complaint.

6.8. The SEARRP Director will, after consultation with the Deputy Director and Head of Operations, impose severe disciplinary actions against any employee or associate who retaliates or threatens retaliation against a person who has raised concerns or reported misconduct. In most cases this would involve dismissal or expulsion from SEARRP.

Acting in good faith

6.9. Our default assumption is that any report of sexual harassment will have been made in good faith. This means that the person making a complaint must have reasonable grounds for believing that a) the information they have provided is true, and b) that the behaviour they have been subject to or witnessed constitutes sexual harassment

6.10. Any person found to have made knowingly false, malicious or vexatious allegation of sexual harassment will be subject to disciplinary action, up to and including termination of employment or engagement with SEARRP.

6.11. SEARRP reserves the right to seek legal recourse against a person who does not act in good faith with respect to a report of sexual harassment

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 particular circumstances, merits and severity 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 of up to 12 months – with any extensions to this support being at the discretion of the SEARRP Director

7.4. Other forms of remedial action will be at the discretion of the SEARRP Director in consultation with the Chairs of the BoT of RRSB and the BoT of SEARRP-UK.

8. MONITORING AND REVIEW

8.1. The Head of Operations, supported by the Safeguarding Lead, will be responsible for ensuring that the employees and associates who may be directly involved in administering this policy are appropriately informed and trained.

8.2. The Head of Operations, supported by the Safeguarding Lead, will 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.

8.3. This policy and any subsidiary guidelines and procedures will be reviewed every two years.

[END]