



# Abuse of Power, Harassment and Safeguarding Policy

November 2019

## Policy version control

Title	Abuse of Power, Harassment and Safeguarding Policy
Adapted by	Finance & Administration Director
Approved by	Executive Director
Approved by	Board of Directors
Distribution list	All boards, all committees, all staff and external consultants

## Revision history

Version	Reasons and Changes	Date
Version 1.0	Executive Director	October 2019
Version 1.0	Management Team presentation	October 2019
Version 1.0	Board presentation	November 2019

## Contents

<b>1</b>	<b>INTRODUCTION AND PURPOSE</b> .....	<b>3</b>
<b>2</b>	<b>GOVERNANCE PRINCIPLE</b> .....	<b>3</b>
<b>3</b>	<b>DEFINITIONS</b> .....	<b>5</b>
<b>4</b>	<b>GUIDING PRINCIPLES AND CONCEPTS</b> .....	<b>9</b>
	<b>Appendix A: Forms of Harassment</b> .....	<b>15</b>
1.	Introduction .....	15
2.	Racial Harassment .....	15
3.	Sexual Harassment .....	15
4.	Harassment on the grounds of Sex.....	16
5.	Harassment on the grounds of Disability .....	16
6.	Harassment of the grounds of Religion or Belief .....	16
7.	Harassment on the grounds of Sexual Orientation .....	16
8.	Harassment on the grounds of Gender Reassignment .....	17
9.	Harassment on the grounds of Age.....	17
	<b>Appendix B: Inappropriate Behaviour Resolution Processes</b> .....	<b>18</b>
1.	Definitions .....	18
2.	Addressing harassment and source of support.....	18
3.	Informal Procedure for addressing Harassment .....	19
4.	Formal Procedure for addressing Harassment.....	21
5.	Internal Complaints Committee (ICC).....	22
6.	Reporting to the Board and Staff .....	25
7.	Appeal and Withdrawal of Complaint .....	25
	<b>Appendix C: Sources of Help and Advice</b> .....	<b>26</b>

# Abuse of Power, Harassment and Safeguarding policy

## 1 INTRODUCTION AND PURPOSE

1.1. GARDP is a Swiss not-for-profit foundation whose mission is to work in partnership with the public and private sectors to develop and deliver new treatments for bacterial infections where drug resistance is present or emerging, or for which inadequate treatment exists. GARDP wishes to set standards of behaviour that all GARDP Staff are required to adhere to, with the understanding that we wish to foster a diverse, inclusive and tolerant workplace, and to provide assistance to those who need help.

1.2. With a global team bringing together experienced professionals from diverse backgrounds, including academia, non-profit organizations, the private sector and public institutions, and having staff hosted by DNDi or in GARDP shared offices (i.e. South Africa), GARDP welcomes and appreciates the multicultural nature of its workforce. The organization seeks to ensure that this diverse team continue to interact with each other in a spirit of collegiality and inclusiveness, thereby contributing to the organization's strength and its ongoing source of innovation.

1.3. The GARDP Foundation believes that Harassment pollutes the working environment and has a detrimental effect upon the wellbeing, health, confidence, morale and performance of those directly affected by such behaviour or who are witness to it. Therefore, GARDP is committed to creating and maintaining a working environment free from Harassment and discrimination in which all staff, patients, visitors or other stakeholders are treated with equal treatment, dignity and respect.

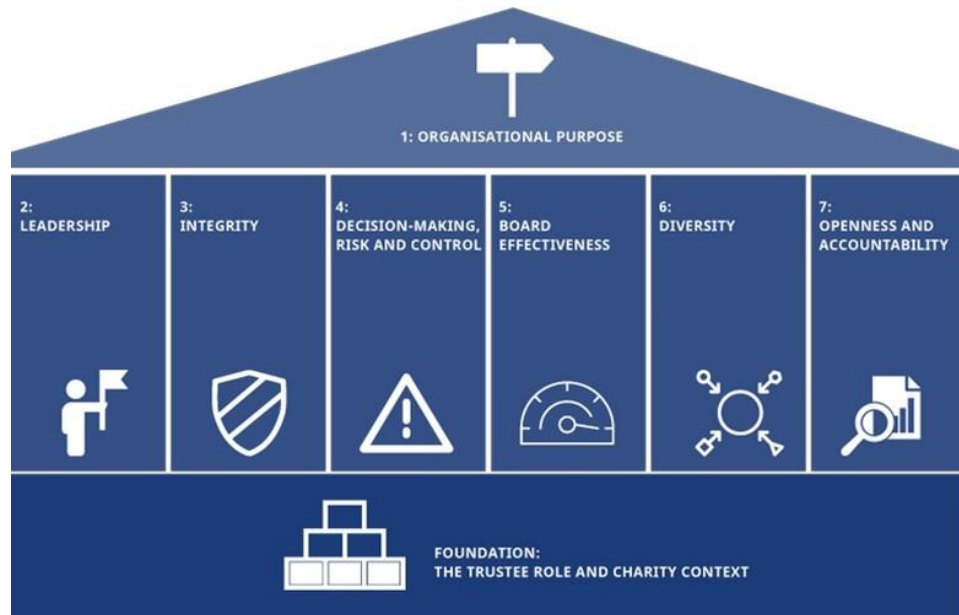
1.4. This document **sets out the GARDP policy for the prevention and management of inappropriate behaviour, such as abuse of power, harassment and Safeguarding, and sets out the reporting mechanisms available within GARDP.**

1.5 Accordingly, GARDP has developed this Policy:

- a) to stress the importance of reporting inappropriate behaviour as a way to decisively act against misconduct and abuse, thereby encouraging all our staff members to help ensure a caring, safe and inclusive environment for all
- b) to prevent abuse and exploitation of its Staff, Participants, the GARDP Community, and any other persons who may be vulnerable with whom GARDP Staff may have contact;
- c) to state GARDP's position on Harassment to raise awareness amongst the GARDP community of behaviour that would be considered Harassment, and to provide guidance on informal and formal means of dealing with Harassment when it occurs.
- d) to enhance the likelihood that every Staff member feels valued, respected and safe to report concerns regarding potential incidents of inappropriate behaviour and to provide information in investigations without fear of retaliation or negative consequences for his or her career within GARDP; and
- e) to enhance the integrity of the engagement among GARDP Staff, Participants and partners, including donors, and others.

## 2 GOVERNANCE PRINCIPLE

GARDP is committed to adopting best practices in respect of governance, including Safeguarding. Consequently, it has adopted the principles of the Charity Governance Code for larger charities (Charity Commission for England & Wales) which is based on the pillars below:



### 2.1. Organisational purpose

The GARDP board is clear about the Foundation's aims and ensures that these are being delivered effectively and sustainably.

### 2.2. Leadership

The GARDP Foundation is led by an effective Board that provides strategic leadership in line with the Foundation's aims and values.

### 2.3. Integrity

The GARDP Board acts with integrity, adopting values and creating a culture which help achieve the organisation's not-for-profit purposes. The board is aware of the importance of the public's confidence and trust in charities, and trustees undertake their duties accordingly.

### 2.4. Decision-making, risk and control

The GARDP Board makes sure that its decision-making processes are informed, rigorous and timely and that effective delegation, control and risk assessment and management systems are set up and monitored.

### 2.5. Board effectiveness

The GARDP board works as an effective team, using the appropriate balance of skills, experience, backgrounds and knowledge to make informed decisions.

### 2.6. Diversity

The GARDP board's approach to diversity supports its effectiveness, leadership and decision-making.

### 2.7. Openness and accountability

The GARDP board leads the organisation in being transparent and accountable. The Foundation is open in its work, unless there is good reason for it not to be.

### 3 DEFINITIONS

3.1. **“Anything of Value”** means any benefit, consideration or item of pecuniary value, including but not limited to: money, gifts, travel, medical, educational or living expenses, meals, lodging, shopping or entertainment expenses.

3.2. **“Community”** means socio-economic groups of people that GARDP aims to help through its programs.

3.3. **“Discrimination”** means the unjust or prejudicial treatment of any person or categories of people on the grounds of any of the Protected Characteristics.

3.4. **“Harassment”**: Harassment is defined as improper and unwelcome conduct by a Staff member or non-Staff personnel against another Staff member or non-Staff personnel or a group that:

- has or that might reasonably be expected or be perceived to cause offence or humiliation to another or has the purpose or effect of violating an individual’s dignity, or
- creating an intimidating, hostile, degrading, humiliating or offensive working environment for him/her.

Harassment may take place for any number of reasons. A person may be subjected to Harassment because they are perceived as being ‘different to the norm’ in some way or are in a less powerful position than the harasser. For this reason, people who are in a minority position – be it numerical or hierarchical – may be more vulnerable to being harassed. It is important to recognise however, that Harassment can occur in less obvious scenarios and outside of traditional power relationships. For example, a staff member could be harassed by a manager or a manager by a member of staff.

Prevalent forms of Harassment are Harassment on the grounds of:

- age
- disability (physical or mental)
- gender reassignment
- race (including ethnic and national origins, colour and nationality)
- religion or belief (including lack of belief)
- sex (including sexual harassment)
- sexual orientation

Harassment on these grounds is unlawful. Even though GARDP is a Switzerland based Foundation which complies with Swiss laws, GARDP is a global organisation and aims at complying with the laws in all countries and at following governance best practices, including countries where such legal protection does not exist.

**Appendix A** provides further details of the various forms of Harassment.

#### 3.5 **“What behaviour constitutes Harassment?”**

3.5.1 As the definition of Harassment makes clear, any behaviour that is unwanted and could reasonably be considered as violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them is potentially Harassment. Typically, for behaviour to be considered Harassment, it must be persistent and continue or develop over a period of time. However, a one-off incident that is particularly serious can in itself constitute Harassment.

3.5.2 Harassment can be communicated verbally, be physical in nature, or be expressed through other means of communication, such as letters, emails, text messages and graffiti. It may be expressed directly to the person concerned, occur in their presence or be communicated about them to a third party. Often Harassment is targeted at a particular

individual. However, a prevailing workplace or learning culture, where, for example, the telling of racist jokes or homophobic comments is tolerated, can also constitute Harassment.

3.5.3 Behaviour generally accepted as amounting to Harassment includes:

- Insults, name-calling and offensive language and gestures
- Inappropriate jokes
- Ridiculing and undermining behaviour
- Inappropriate or unnecessary physical contact
- Physical assault or threats of physical assault
- Intimidating, coercive or threatening actions and behaviour
- Unwelcome sexual advances
- Isolation, non-cooperation or deliberate exclusion
- Inappropriate comments about a person's appearance, intrusive questions or comments about a person's private life and malicious gossip
- Offensive images and literature
- Pestering, spying or stalking

These examples are not intended to be exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by GARDP. **Appendix A** provides further examples.

3.6 "**Misconduct**" means any conduct that violates GARDP policies or guidelines or applicable laws or regulations, for which sanctions may be imposed by GARDP, or any act of Discrimination, Harassment, exploitation, violence, abuse, or coercion, whether of a sexual nature or otherwise.

3.7. "**Participants**" means patients or subjects who are involved in or are likely to be involved in GARDP-sponsored clinical trials, including members of their families.

3.8. "**Protected Characteristics**" means age, civil partnership, class, disability, ethnicity, gender, gender reassignment, maternity, mental capacity, mother tongue, nationality, origin, physical appearance, political affiliation, pregnancy, race, religion or sexual orientation.

3.9 "**Reasonableness**"

3.9.1 On occasion, individual perceptions of behaviour may differ - perhaps due to differences in attitude, experience or culture - and what one person would consider acceptable behaviour may be unacceptable to another. The defining factor in determining if behaviour amounts to Harassment is that the behaviour is unacceptable to the recipient and could 'reasonably be considered' to amount to Harassment. The intention of the person engaging in the behaviour - whether or not they meant to harass - is not a primary factor in determining if Harassment has taken place.

3.9.2 When considering allegations of Harassment, GARDP will therefore apply a test of 'reasonableness' to determine if Harassment has taken place. That is, with due regard to the circumstances, including in particular the perception of the Complainant, could the behaviour in question 'reasonably be considered' to cause Harassment, e.g. could it reasonably be considered to:

- violate the Complainant's dignity, or
- create an intimidating, hostile, degrading, humiliating or offensive environment for them.

3.9.3 GARDP recognises Harassment as distinct from vigorous scientific or academic debate, which is characterised as being respectful, encouraging a variety of viewpoints and having the effect of stimulating and encouraging thought and discussion. Whilst staff or scientists will clearly hold a range of views on a variety of issues, they would be expected to treat all members of the GARDP community with dignity and respect and ensure that the expression of their views is not manifested in such a way that creates an environment that is intimidating, hostile, degrading, humiliating or offensive to others.

### 3.10 **“Bullying”**

3.10.1 Bullying can be defined as unwanted ‘offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Typically, bullying is one person against another, or a group of people against an individual. Bullying can also occur in less obvious scenarios and outside of traditional power relationships, e.g. a member of staff may be bullied by a manager or a manager by a member of staff.

### 3.11 **“What behaviour constitutes Bullying?”**

3.11.1 Behaviour generally accepted as amounting to bullying includes:

- Ridiculing a person
- Shouting or screaming at a person
- Setting someone up to fail, e.g. withholding necessary information or deliberate work overload
- Unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance
- Persistently ‘singling out’ a person without good reason or deliberately excluding, isolating or ignoring an individual
- Making threats or comments about job security or scientific/academic success or failure without foundation

3.11.2 The above examples are not exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by GARDP.

3.11.3 When considering allegations of bullying, GARDP will apply the test of ‘reasonableness’ to determine if bullying has taken place. The test will be applied as outlined in paragraphs 3.9.1-3.9.2 above with due regard, in particular, to the perception of the Complainant and whether the behaviour in question could reasonably be considered to undermine, humiliate, denigrate or injure the Complainant.

3.11.4 Bullying is distinct from vigorous academic or scientific debate, or the actions of a supervisor or manager making reasonable (if unpopular) requests. It is also distinct from techniques used to manage and improve performance, the distinguishing factor being that these have the effect of supporting and developing potential or promoting desired work performance, whereas bullying has the effect of undermining, humiliating, denigrating or injuring the recipient.

### 3.12. **“Victimisation”**

3.12.1 Victimisation is the less favourable treatment of a person because they have, in good faith, made allegations of Harassment, intend to make such an allegation or have assisted or supported a person in bringing an allegation.

3.12.2 Examples of victimisation may include labelling an individual a ‘troublemaker’ and/or refusing to advance them professionally, refusal to provide a reference once the working or learning relationship has ended, or to treat them in any way less favourably as a result of their actions.

3.12.3 Victimisation is unlawful under Harassment legislation and will be treated as a form of Harassment under this Policy.

### 3.13. **“Hate Crimes”**

3.13.1 GARDP accepts the following definition of hate crime and intolerance:

‘Crimes or behaviour motivated by prejudice, hatred or intolerance that intentionally demean individuals and groups defined by their ethnicity, race, religion and belief, sexuality, gender,

conscience, disability, age or lawful working practices and which give rise to an environment in which people will experience, or could reasonably, fear harassment, intimidation or violence.'

3.13.2 GARDP reaffirms its belief that the diversity of its staff is a source of strength. Accordingly, it will actively seek to protect its community from prejudice, hatred or intolerance.

3.14. "**Sexual Harassment,**" as one form of Harassment, is understood as any unwelcome sexual advance, request for sexual favour, or other verbal or physical contact of a sexual nature when such conduct either:

- has the purpose or effect of creating an offensive, hostile or intimidating environment or interferes with an individual's job performance (examples include, but are not limited to, offensive pictures, cartoons, symbols, or apparatus in the work environment of member of Staff); or
- is made a term or condition of employment or compensation (or in the case of a potential Participant a condition for enrolment in a clinical trial or for receiving medical care), either implicitly or explicitly, or when a hiring decision is based on an individual's acceptance or rejection of such conduct.

3.15 "**Sexual Exploitation and Abuse**" refers to an abuse of authority, trust or a situation of vulnerability for sexual ends in exchange for Anything of Value, or the profiting monetarily, socially or politically, from the sexual exploitation of another.

3.16 "**Sexual Violence**" refers to acts of a sexual nature committed against any person by force, threat of force or coercion. Sexual violence encompasses acts such as non-consensual or coerced sexual acts, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other conduct of comparable gravity. "Coercion" includes not only a show of physical force but can also be caused by fear of violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of a coercive environment or of a person's incapacity to give genuine consent (e.g., when dealing with a minor).

3.17 "**Sexual Misconduct**" means any form of Sexual Harassment, Sexual Exploitation and Abuse, or any other form of Sexual Violence.

3.18 "**Staff**" means any member of GARDP's Board of directors, officers, employees, agents, representatives or consultants.



## 4 GUIDING PRINCIPLES AND CONCEPTS

### 4.1. General

Harassment and Discrimination may take different forms. They may be present in the form of words, gestures, electronic communication forms, or other actions that annoy, alarm, abuse, demean, intimidate, belittle, cause personal humiliation or embarrassment to another, or cause an intimidating, hostile or offensive work environment. They may be deliberate, unsolicited, or non-coercive. They will often consist of a series of incidents but may be brought about by a single incident as well.

### 4.2. Taking action

GARDP is committed to provide a work environment that is professional and free from Discrimination, Harassment, intimidation, hostility or other offenses that might interfere with work performance or the dignity of any human being, and that is particularly mindful of those who are vulnerable. Harassment or Discrimination of any sort, whether verbal, physical or visual, regardless of whether it involves co-workers or anyone else, will not be tolerated and is prohibited. GARDP Staff are expected:

- a) to behave in accordance with GARDP's values and create and maintain an environment which prevents any form of Discrimination or Harassment;
- b) to treat their colleagues, whether supervisors, peers or subordinates, all Participants, as well as other people with whom they come into contact while under employment or contract with GARDP, with dignity, caring, fairness, respect, tolerance, equality and understanding;
- c) not to engage in any form of Harassment or Discrimination, whether physical or verbal, by intimidation, favouritism, or exploitative relationships;
- d) to assess within their areas of responsibility the risks related to Harassment and Discrimination, with a view to putting in place appropriate measures to prevent such violations from occurring; and
- e) to report incidents of Harassment and Discrimination.

Note: the mere expression of disagreement, admonishment, criticism or similar action regarding work performance, conduct or related issues within a supervisory relationship will not normally be considered Harassment or Discrimination within the meaning of these guidelines if it is based on objective grounds. Any such work-related disagreement or expression of disagreement is dealt with under separate Human Resources guidelines.

### 4.3 Applicability

All GARDP Staff as defined in art. 3.18 above are expected to contribute to building a harmonious workplace and working relationships based on team spirit, dignity, caring, fairness, respect, tolerance, equality and understanding. All are equally expected to uphold the dignity of all persons with whom they come into contact, especially those who are vulnerable, by ensuring that their personal and professional conduct is of the highest standards at all times.

### 4.4 What does GARDP consider as inappropriate behaviour?

While the notion of inappropriate behaviour can be a matter of individual interpretation and it is impossible to establish an exhaustive list of potential forms of abuse; GARDP expects all members of staff to conduct themselves in accordance with the following behavioural Commitments approved by the GARDP Management Team:

*1. GARDP staff members and operational partners shall behave respectfully and not discriminate against patients, colleagues or members of the local population on the basis of*

*their race, opinions, lifestyle, gender, sexual orientation, socio-economic background, origin, religion or beliefs and other markers of identity;*

*2. GARDP staff members and operational partners shall not abuse anyone physically (i.e. physical violence, sexual aggression or other forms of physical abuse) or psychologically (e.g. bullying, abuse of power, harassment, discrimination or favouritism);*

*3. GARDP staff members and operational partners shall not accept, under any circumstances, behaviour that exploits the vulnerability of others, in the broadest possible sense (sexual, economic, social, etc.). This includes exchange of goods, benefits or services for acts of a sexual nature, including the use of sex workers' services while on assignment;*

*4. GARDP staff members and operational partners shall not accept child abuse, exploitation and violence and not engage in sexual relations with children; As defined by the UN Convention on the Rights of the Child, a child is "a human being under the age of 18 years, unless under the law applicable to the child, majority is attained earlier". If working in a country where childhood ends before 18 and not being from the country itself, the definition of "child" should remain 18.*

*5. GARDP staff members and operational partners shall not take advantage of their position for personal gain. Each member shall use GARDP resources (including premises, goods, money, reputation, image, etc.) with respect and care and in the interests of the organisation and the populations it seeks to assist.*

#### **4.5 Sexual Misconduct or inappropriate behaviour of a sexual nature:**

GARDP strongly condemns and prohibits all forms of Sexual Misconduct or inappropriate behaviour of a sexual nature. The following sets forth additional guidance:

a) Sexual Harassment in the workplace occurs when it involves another Staff member, their work, is made a condition of hiring or when it creates an intimidating, hostile or offensive environment for the victim, or witnessed by surrounding observers. A one-time incident may fall within the definition of Sexual Harassment if it has been perceived by the victim or by surrounding observers to be of an unambiguously offensive sexual nature. Sexual harassment can involve people of any gender.

b) Exchange of Anything of Value for sex, sexual act or for any inappropriate physical contact is prohibited whenever acting or travelling in a professional capacity, which includes on travel missions, secondments, postings, etc. GARDP Staff are prohibited from using the services of sex workers no matter when acting or travelling in a GARDP capacity or on a private trip.

c) Sexual activity with vulnerable people, such as children or adults unable to give consent is prohibited, regardless of the local legal age of majority or age of consent. Mistaken beliefs in the age of a child or ability of an adult to consent are not a defence.

d) A sexual relationship between a GARDP Staff member and a Participant is prohibited. Any relationship that was present prior to the Participant's involvement in a clinical trial must be declared and the Participant's involvement will be considered on a case-by-case basis by GARDP's senior management responsible for the clinical trial.

e) A sexual relationship between a GARDP Staff member and a member of the Community (who is not a Participant) is prohibited if it is exploitative. Whether a relationship is exploitative or not has to be determined according to the specific circumstances of each individual case. Are the interests in the relationship reciprocal? Is there an abuse of a position or of a vulnerability? How much control over his/her personal circumstances does each of the persons have? The greater the difference in level of control over personal circumstances between the parties, the stronger is the indication that the relationship is of an exploitative nature and likely to be Sexual Misconduct.

f) It is inappropriate sexual behaviour for GARDP Staff to produce, procure, distribute or use pornographic material in any GARDP workplace or on any GARDP equipment, including

C O N F I D E N T I A L

reading/surfing pornographic websites or message boards or sending or engaging with pornographic emails or text messages.

## 5. PREVENTION

### 5.1 An institutional and individual responsibility

The aim of our prevention activities is to promote an organisational culture that is based on collective and individual responsibility, respect and understanding, empathy and discernment.

As such, GARDP commits to promote regular discussion forums on the subject of respect, inclusion and behaviour; to create a safe working environment, where employees' health and well-being are preserved and they feel empowered to report inappropriate behaviour of any kind; this protection applies to all members of staff and partners, regardless of their employment status.

### 5.2 Information

Prevention of abuse starts with information: each individual is responsible for knowing – and respecting – the rules of their workplace or of any place they may find themselves temporarily (for instance during field or other HQ visits).

In turn, the human resources team has a duty to brief each staff member on the rules of conduct in force in that place and to systematically provide the corresponding documents to the individuals concerned.

For their part, the GARDP management teams commit to creating and facilitating training opportunities on behaviour and related topics for all staff members. They strongly encourage all staff members to actively participate in workshops, debates and any other events on such topics, as transparency on behavioural issues is crucial.

### 5.3 Diversity and inclusion

A healthy, diverse and inclusive work environment that promotes good behavioural practices and rich, multicultural interpersonal exchanges is also crucial. Aware of this, GARDP expects staff involved in recruitment to consider diversity as an essential element in their selection of new team members and to make greater efforts to ensure diverse pools of applicants for any vacancy.

### 5.4 Abuse of power

Inappropriate behaviour is often a manifestation of abuse of power. In this sense, one of the core responsibilities of all, and of managers in particular, is to ensure good working practices (respectful interactions, sharing of information, healthy management relationships, interpersonal communication, etc.) are the norm, and to foster a culture of empowerment where expressing our differences and questioning individual or collective assumptions is both natural and welcome.

It is also the managers' responsibility to demonstrate and demand exemplary conduct from all those in permanent or temporary positions of power, and to offer the necessary support to achieve this. Positions of power are linked to the organisation's hierarchical structure but also include opinion leaders, staff representatives, medical professionals in their interactions with patients, individuals who have, or have been delegated, decision-making powers, and anyone else who has an influential voice within the organisation.

At individual level, all staff members need to be vigilant and address situations and behaviours that could be considered questionable or in any way inappropriate. People working for GARDP or in any other way engaged with GARDP cannot and must not turn a blind eye to distress or suffering. That includes abuse of colleagues, patients or partners. Everyone has a duty to seek ways to help promote reporting and accountability.

## 6. GRIEVANCES MECHANISMS AVAILABLE - GUIDING PRINCIPLES

### 6.1 Zero tolerance policy

Inappropriate behaviour, whether harassment - sexual or not – and bullying, constitutes serious Misconduct and is therefore grounds for disciplinary action up to and including immediate termination or dismissal for cause.

### 6.2 Inappropriate behaviour Resolution Processes

GARDP has established **informal and formal resolution** processes as outlined in **Appendix B "Inappropriate Behaviour Resolution Process"** to address allegations of Inappropriate behaviour as soon as possible, in a fair and respectful manner, and to prevent situations from deteriorating or escalating, in which parties can become inappropriately adversarial or seeking to create hostile coalitions. These resolution processes are described in **Appendix B**.

### 6.3 Reporting

The grave consequences that inappropriate behaviour by GARDP Staff carry for victims and GARDP's ability to operate make it necessary that all concerns or suspicions of Inappropriate behaviour are managed properly, so that any such harmful behaviour can be stopped, and victims receive the necessary assistance. As such, when a GARDP Staff member has a good faith concern or suspicion regarding Inappropriate behaviour by another GARDP Staff member, S/he may decide to launch an **informal or formal procedure**.

It is not necessary to be sure or to have proof before reporting a concern, as long as the concern is in good faith. GARDP Staff, including managers, should not take it upon themselves to investigate allegations in order to obtain proof before reporting. All good faith concerns or suspicions must be reported. Further, all GARDP Staff should actively identify and report risks in GARDP programs that they genuinely believe could present a risk of Inappropriate behaviour.

### 6.4 Confidentiality

Confidentiality is particularly important during the reporting of potential incidents of Inappropriate behaviour in order to ensure that the rights and dignity of victims are respected, that those with information are not hesitant to come forward, and to avoid damaging the reputation of individuals (including the accused), workplaces, projects or organizations by the premature disclosure of allegations. As such, the number of people who are informed about any reported complaint should be kept to a minimum, although other persons believed to be vulnerable and likely to become victims may be informed of the disclosing person's concerns. In particular, the identity of any person or entity reporting observed or suspicions of Inappropriate behaviour must be kept confidential.

### 6.5 Investigations

In case of formal procedure, GARDP will investigate promptly any complaint of Inappropriate behaviour and will take immediate and appropriate disciplinary action if Inappropriate behaviour has been found. The organization is committed to investigate with due regard for the privacy of everyone involved.

### 6.6 No Retaliation

GARDP is committed to avoid any retaliation against victims and any person acting in good faith who reports an Inappropriate behaviour, whether by GARDP Staff, or who cooperates in an Inappropriate behaviour investigation carried out under the authority of GARDP or working with GARDP's Mediator. Allegations made in bad faith (which include malicious or seriously reckless allegations), however, shall be deemed to be a form of Misconduct.

## 6.7 Anonymity

Reports received from anonymous sources may be assessed by Human Resources or external advisors and may lead to an investigation, if they include sufficient detail to allow for independent corroboration of the information provided.

## 6.8 Training and Raising Awareness

GARDP is committed to ensuring that effective sensitization and training measures are continuously developed and implemented with the aim to provide guidance and increase awareness of the risks of Inappropriate behaviour or other inappropriate sexual behaviour and to develop skills for understanding, detecting, preventing and reporting any form of Inappropriate behaviour or other forms of inappropriate sexual behaviour by any GARDP Staff. These trainings and sensitization courses are to be conducted at regular intervals in all GARDP workplaces.

## 6.9 Prospective Staff Screening, Staff Monitoring and Provision of References

In order to minimize the risks of hiring someone who might engage in Inappropriate behaviour while acting as a GARDP Staff member, or retaining someone who might be engaged in Inappropriate behaviour, or of facilitating the hiring by another employer of Staff found to have committed Inappropriate behaviour while a GARDP Staff member, the Head of Human Resources and Business Support shall, in compliance with applicable laws:

- a) ensure that the organization is recruiting individuals that meet the standards of conduct expected of Staff, by incorporating a number of safeguards into the recruitment process, including but not limited to assessment tools for integrity, professional experience, academic checks, and vetting and reference checks. In line with best practices adopted by other international humanitarian organizations, this means that prospective Staff will be asked to confirm in writing whether they have ever been found to have engaged in Inappropriate behaviour or inappropriate sexual behaviour in the past, and to consent to the disclosure of all information regarding any misconduct or other inappropriate behaviour that led to the termination of their employment or consultancy relationship by their former employer, to facilitate the verification of references;
- b) ensure that the organization is regularly monitoring the performance of Staff through appropriate evaluation processes with managers. This evaluation process should include the competencies and responsibilities related to compliance with, and the responsibilities outlined in, these Guidelines; and
- c) notify an inquiring prospective employer of a former Staff member of any findings of Inappropriate behaviour in such person's employment record at GARDP.

## Appendix A: Forms of Harassment

### 1. Introduction

1.1 Harassment on the grounds of age, disability, gender reassignment, race, religion or belief, sex (including sexual harassment) and sexual orientation is unlawful. Harassment on these grounds is defined as being:

‘Unwanted conduct that has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.’<sup>1</sup>

1.2 The following section describes these forms harassment in greater detail and provides examples of how such harassment may be manifested. These examples are not intended to be exhaustive. They are, however, indicative of conduct that would be considered unacceptable by the University.

### 2. Racial Harassment

2.1 Racial harassment is unwanted conduct that occurs on the grounds of a person’s race, including their ethnic or national origins, colour or nationality. It is usually, although not exclusively, directed at individuals from minority ethnic groups.

2.2 Specific manifestations of racial harassment may include racist jokes, ‘banter’ and language, the expression of racist views and stereotypes on the grounds of race, the display of racist materials, or deliberately excluding or refusing to cooperate with someone on the grounds of their race. Conduct that focuses upon a person’s appearance, dress, culture or customs can also constitute racial harassment, as does behaviour that has the effect of fostering hatred and/or prejudice towards individuals of particular racial groups. Racial harassment is explicitly prohibited under Swiss Federal Act on Gender Equality (Gender Equality Act, GEA) of 24 March 1995.

### 3. Sexual Harassment

3.1 Sexual harassment is unwanted conduct by either sex that is sexual in nature. Conduct that would amount to sexual harassment includes:

- Physical contact, ranging from invasion of personal space, inappropriate touching or physical assault
- Intrusive questions and remarks about a person’s private life
- Inappropriate remarks about a person’s appearance or dress
- Sexually explicit language, jokes, verbal and physical innuendo
- Using demeaning, gender-specific terminology
- Display or circulation of sexually explicit materials
- Coercive demands for sexual favours, (such as promotion or academic success depending on the response to the demand)
- Intrusion by pestering, spying or stalking
- Persistent, unwanted advances, (e.g. inviting a colleague or friend out would not in itself amount to harassment. However, if it was indicated that the approach was

unwelcome and the individual persisted in making such approaches, this is likely to be considered harassment by the recipient).

3.2 Sexual harassment is specifically prohibited under the Swiss Federal Act on Gender Equality (Gender Equality Act, GEA) of 24 March 1995.

#### **4. Harassment on the grounds of Sex**

4.1 Harassment on the grounds of sex describes unwanted conduct that is directed at a person because they are male or female. For example, to deliberately exclude someone because they are the only man or woman in a team, group or class would be considered sex harassment. Harassment on the grounds of sex is distinct from sexual harassment as, whilst the behaviour relates to a person's sex, it is not sexual in nature. Harassment on the grounds of sex is unlawful under the Swiss Federal Act on Gender Equality (Gender Equality Act, GEA) of 24 March 1995 .

#### **5. Harassment on the grounds of Disability**

5.1 Harassment on the grounds of disability is unwanted conduct directed at a person on the grounds of their physical or mental disability. It may relate to the disability itself or the person's real or presumed capabilities.

5.2 Specific examples of disability-related harassment include individuals being ignored, disparaged or ridiculed because of their disability, inappropriate personal remarks, unnecessarily intrusive and inappropriate questions about a person's condition or excessive and unnecessary references to a person's disability. At its extreme, it can manifest as refusal to work or study alongside someone with a disability. Harassment on the grounds of disability is unlawful under the Swiss Federal Act on Gender Equality (Gender Equality Act, GEA) of 24 March 1995.

#### **6. Harassment of the grounds of Religion or Belief**

6.1 Harassment of the grounds of religion or belief is unwanted conduct directed at a person on the grounds of their religion or a comparable belief system. It can also occur because a person is presumed to be of a particular religion or belief, even if this is not the case, or on the grounds of a person's non adherence to a religion or belief system.

6.2 Harassment may take the form of insults or ridicule of a person's religion or belief. Behaviour may focus upon a particular aspect of a religion or belief system, such as clothing, religious artefacts, beliefs and rituals or the expression of stereotyped perceptions and assumptions about a religion or belief and its followers. It can also take the form of coercive pressure to convert or conform to a religion or belief system.

6.3 Harassment on the grounds of religion or belief is unlawful under the Swiss Federal Act on Gender Equality (Gender Equality Act, GEA) of 24 March 1995.

#### **7. Harassment on the grounds of Sexual Orientation**

7.1 Harassment on the grounds of sexual orientation is unwanted conduct directed at a person on the grounds of their actual or perceived sexual orientation. It most frequently affects individuals who are gay, lesbian or bisexual, transgender and other spectrums of sexuality and gender (LGBT+) but can sometimes be directed at heterosexuals too. Harassment on these grounds may often go unreported because a person does not wish to disclose their sexuality.



7.2 Harassment on the grounds of sexual orientation may be specifically manifested as intrusive questions about a person's private life, homophobic comments, jokes and 'banter' about sexuality, gossip and speculation about a person's sexuality, refusal to work or study alongside someone on the grounds of their sexuality and actual physical assault. 'Outing' someone by, for example, the release of personal information, would also be considered harassment. Harassment of staff on the grounds of sexual orientation is unlawful under the Swiss Federal Act on Gender Equality (Gender Equality Act, GEA) of 24 March 1995.

### **8. Harassment on the grounds of Gender Reassignment**

8.1 Harassment on the grounds of gender reassignment is unwanted conduct directed at a person who intends to undergo, is undergoing or has undergone a gender reassignment process, (that is, to change their identity from one gender to the other). Specific examples of such harassment include excluding a person, jokes and name-calling and refusing to acknowledge the person in their acquired gender. Harassment on the grounds of gender reassignment is unlawful under the Swiss Federal Act on Gender Equality (Gender Equality Act, GEA) of 24 March 1995.

### **9. Harassment on the grounds of Age**

9.1 Harassment on the grounds of age is unwanted conduct related to a person's age. It can occur on the grounds of a person's real or perceived age and applies to the 'young' and 'old' alike. Specific examples of age-related harassment include jokes, name-calling and comments relating to a person's age or comments about their presumed abilities. Harassment on the grounds of age is unlawful under the Swiss Federal Act on Gender Equality (Gender Equality Act, GEA) of 24 March 1995.

## Appendix B: Inappropriate Behaviour Resolution Processes

The following describes the informal and formal resolution processes established by GARDP to address allegations of Inappropriate behaviour.

### 1. Definitions

- 1.1. “**Complainant**” means a person who believes they have been the victim of Inappropriate behaviour.
- 1.2. “**Observer**” means a GARDP Staff member who observes behaviour which (s)he believes in good faith amounts to Inappropriate behaviour.
- 1.3. “**Reportee**” means the person whose behaviour is believed to constitute Inappropriate behaviour.
- 1.4. “**ICC**” means the “Internal Complaints Committee” as defined in section 5.

### 2. Addressing harassment and source of support

2.1 Any person who believes they have been subjected to Harassment has the right to be listened to and have their concerns taken seriously. GARDP would not wish that any person suffer distress or leave GARDP because they consider others are subjecting them to Harassment. GARDP encourages staff and visitors to take action using the guidance set out below. No person will be treated less favourably or suffer any detriment for having raised or supported an allegation made in good faith.

2.2 If a person (Complainant) believes they are being subjected to Harassment, a number of informal and formal options are available to them. It is recommended that, where possible and appropriate, attempts to resolve the situation informally should be taken in the first instance. It is, however, up to the individual to decide how they wish to proceed.

2.3 Whichever approach is chosen, it is recommended that a written record of any incident of Harassment is made as soon as possible after an incident occurs. This should be signed, dated and kept for future reference and should include:

- Details of when and where the Harassment takes place, including dates and times;
- Details of the behaviour; and
- Details of any witnesses to the behaviour.

2.4 The HR Department can also provide support and advice for staff who believe they are affected by Harassment. HR staff can provide guidance on the informal and formal options available and assist individuals in thinking those options through. All HR staff are trained staff and the service they provide is completely confidential. HR staff can offer support at any stage of the procedure, from initial concerns to formal complaints/allegations. Further information about other sources of support is attached in **Appendix C**.

2.5 Human Resources can provide signposting for staff on the options available under this Policy. Staff should be aware however, that if specific allegations are reported to Human

Resources, the Head of HR has the right to take this forward as a formal complaint of Harassment. Staff not wishing to make a formal complaint should take action under the informal procedures below and/or discuss their options with an HR staff.

### 3. Informal Procedure for addressing Harassment

3.1 If a person believes they are being subjected to Harassment there are a number of ways to deal with the matter quickly and effectively. An 'informal approach' can effectively address the unwanted behaviour without recourse to formal procedures. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships. It is recommended that informal approaches be used in the first instance, as this is often sufficient to resolve the matter without the need for more formal means. It is however, up to the individual to decide if this approach is appropriate to their situation. There are a number of 'informal approaches' that can be adopted, as outlined in sections 3.2 - 3.4 below.

#### 3.2 Individual Action

3.2.1 In many cases, speaking directly with the person concerned can be enough to bring the situation to a close. Sometimes people do not realise that their conduct is causing offence and explaining this to them is enough to make them rethink their behaviour. Ideally, the person should be approached at the earliest opportunity to prevent the behaviour from continuing or escalating.

3.2.2 When taking individual action, the Complainant should try to:

- Pick a time and a place where they can speak privately and without interruption;
- Clearly identify the behaviour that is causing concern, giving examples and instances of when it has occurred;
- Make it clear that the behaviour is unwelcome and must stop immediately.

3.2.3 If the Complainant feels unable to speak directly to the person concerned, they could try putting their concerns to them in writing.

3.2.4 It is advisable to keep a record of any discussions or correspondence at this stage, as this may be useful in the event that further action becomes necessary.

3.2.5 Persons who are approached about their behaviour are advised to consider what is being said carefully. They should listen to the request and ensure that they understand what they are being asked to do/not do. Persons are advised to try and follow reasonable requests to cease the behaviour described. Even if it was not the intention to cause offence, actions can still constitute Harassment if they could reasonably be considered to have this effect. If this is the case, then behaviour will need to change.

3.2.6 In many cases people may feel that there has been a misunderstanding, and that they did not intend to cause Harassment. In this case the person engaging in the behaviour should explain that the behaviour would not be repeated and come to an agreement with the Complainant regarding what is/isn't acceptable. Behaviour that some individuals find acceptable, or even friendly, may be offensive to someone else and this should be respected.

3.2.7 All persons involved in an allegation of Harassment can seek support and advice from the people/groups listed in **Appendix C**. Specific advice regarding procedures can be obtained from Human Resources Policy and Standards as appropriate.

### 3.3 Third-party intervention

3.3.1 If approaching the person directly does not resolve the situation, or is inappropriate, seeking third party intervention may be helpful. Asking an appropriate person who is not directly involved in the situation to speak with the person concerned can often help get the right message across. For staff, an appropriate third party would be their line manager or, where this is not possible, the next senior level of management, or the Head of Human Resources and Business Support.

3.3.2 The third party will seek to resolve the situation quickly and with minimal disruption. Options may include meeting with the Alleged Harasser to discuss the allegation and make clear that any behaviour that could be considered Harassment under this Policy must stop immediately. Alternatively, the third party may facilitate a meeting between the persons involved to discuss the situation and jointly reach agreement on the way forward. Outcomes may include a recommendation of ongoing mediation to help rebuild the relationship, (see section 3.4 below). In the case of staff, both the Complainant and Alleged Harasser have the right to be accompanied by a work colleague or employee representative to any meetings at this stage in the process.

3.3.3 Although asking someone to act as a third party may be helpful, Complainants should avoid involving too many independent people in the situation. This can be counter-productive and may lead to allegations being made against Complainant.

### 3.4 Mediation

3.4.1 Where relationships have been damaged, the HR Department can provide the external assistance of a Mediation Service which can help both parties to rebuild their relationship. Mediation is a voluntary and confidential process, whereby parties in dispute go through a structured process to enable them to resolve issues with the assistance of a neutral third party. The process encourages open communication of feelings and incidents and empowers parties to deal directly with the conflict and determine the resolution.

3.4.2 Role: If agreed by both parties, GARDP will appoint a Mediator who will be selected in the official list of civil or penal sworn mediators recognized by the Canton of Geneva. The Mediator is an independent, neutral, impartial and external person appointed by GARDP, whose role is to resolve conflicts, contribute to the creation of a respectful and harmonious workplace environment, by facilitating good communications, understanding and trust within the organization and with outside persons. The Mediator offers various forms of support for handling disputes, providing an opportunity to all persons concerned to act responsibly, taking into consideration their interests and concerns. These forms of support can include facilitation of dialogue, coaching and mediation. The Mediator may also involve an additional person (e.g., for language or cultural support) as (s)he may deem appropriate in any case.

3.4.3 Services: The services of the Mediator consist of accompanying any Staff members involved in a dispute that is related to a workplace issue, including any allegations of Inappropriate behaviour, by listening, helping to understanding observed behaviours, and working collaboratively on options that may help the individuals concerned and the organization to learn from any incidents in a positive manner, facilitating dialogue, the exchange of perceptions or mediating between the persons involved in any dispute or allegations of Inappropriate behaviour if the Complainant and Reportee consent to the Mediator's involvement. The Mediator will help to explore possible options and mutually acceptable outcomes during the reporting process and provide support without violating any identities or information received in confidence. The Mediator may also observe and participate in any complaint processes provided for pursuant to these Guidelines.

3.4.4 Confidentiality: The Mediator may not disclose any information received under confidentiality to any member of Staff, regardless of their position (e.g., Board member or manager) without the disclosing person's prior consent, unless there exists an imminent risk of serious harm or the commission of a crime. In such cases, the Mediator may report such behaviour (although not its source, unless absolutely necessary) to the relevant authorities. The Mediator acts with neutrality and does not represent the interests of any individual members of management or Staff, but is available to GARDP for managing and/or resolving any disputes or situations regarding allegations of Inappropriate behaviour.

3.4.5 Communications to the Mediator: may be sent to the external email address provided by the Mediator, or you may reach him on his phone for emergencies.

3.4.2 Staff referrals for mediation: should be made to the Head of HR, who will first meet with the parties to determine whether the case can be mediated in a 'mediation suitability conference'. Suitability is determined according to the nature of the alleged Harassment, risk to individuals involved, the individual situation and the nature of Harassment

#### 4. Formal Procedure for addressing Harassment

4.1 In most cases following the informal procedures will be effective in resolving the situation. If informal methods do not achieve satisfactory results, or if the Harassment is particularly serious, a formal allegation of Harassment should be submitted.

4.2 In order to file a formal allegation of Harassment, GARDP staff are expected to submit a confidential written complaint to the "Internal Complaint Committee" (ICC) by writing to the [harassment@gardp.org](mailto:harassment@gardp.org) email address or [safeguarding@gardp.org](mailto:safeguarding@gardp.org) email address.

4.3 Formal allegations of Harassment should be made in writing and include:

- The Complainant's personal details;
- An outline of the allegation (including dates, times and places);
- Details of the Alleged Harasser;
- Details of any witnesses/observer; and, if relevant
- Details of any informal attempts to resolve the situation and the outcome(s).
- Name of any people who may have helped in the preparation of the document.

4.4 The ICC may consult with the Mediator who has been appointed for the complaints received, and the Mediator shall be entitled to ask the ICC for information on a confidential basis and to attend its meetings.

4.3 Members of staff should send a copy of the formal allegation report to the Head of HR, whether their allegation is against a member of staff or a consultant. If this is not appropriate, the letter should be addressed to the next senior line of management or to the Director of Finance and Administration. Formal complaints are made under the relevant staff grievance procedure and will involve a formal investigation into the allegations. The procedure for investigating staff complaints is outlined in sections 5.1 – 5.2 below.

4.4 Where an investigation finds that Harassment has taken place, this may result in disciplinary action against the harasser under the relevant staff disciplinary procedure or the grievance procedures included in art.10.6 or 10.7 of the **GARDP Global Staff Guidelines**.

4.5 Allegations should be made by named individuals. GARDP cannot guarantee that anonymous allegations will be taken forward, as the anonymous nature of the allegation may prevent a fair investigation.

## 5. Internal Complaints Committee (ICC)

An Observer or Complainant may submit a formal request or written complaint to GARDP's Head of Human Resources and Business Support and/or to the Finance & Administration Director, requesting the appointment of an Internal Complaints Committee ("ICC"): (a) to initiate a formal complaint process; (b) to provide input into an ongoing matter; or (c) if (s)he is not satisfied with the results of any reporting process or outcome provided for in this Section and seeks a review of the way that process was handled. Any complaint received shall lead to the appointment of an ICC in accordance with the provisions of this Section 5.

### 5.1 ICC Composition:

- a) The ICC's composition shall be appointed by the Finance & Administration Director upon recommendation of the Head of Human Resources and Business Support or the Mediator on a case-by-case basis to handle each complaint received, with the view to enabling an objective, neutral and impartial review of any allegations or complaints made. The Head of Human Resources and Business Support and the Mediator will coordinate their activities to ensure the appointment of a neutral and impartial ICC that is appropriately adapted to each case.
- b) A minimum of two (2) members of the ICC will be nominated by the Finance & Administration Director, **including one Board Member** to allow a more direct oversight/involvement by the Board. The Head of Human Resources & Business Support, who will join and become the third member of that ICC, subject to the provisions of subsection 5.1.f) below.
- c) Each ICC should usually consist of at least two (2) people who shall be of the same gender as the alleged victim(s), unless the Head of Human Resources and Business Support recommends otherwise for legitimate reasons.
- d) The composition of each ICC may be reviewed and adjusted to ensure that the Complainant, Reportee and any Observers are able to provide information in their language of choice, to avoid any direct lines of hierarchy between members of the ICC or with the Complainant, Reportee or Observers that may be problematic, or to avoid any possible perceptions of bias.
- e) External investigators, counsellors, lawyers or other external experts who are neutral and impartial may also be co-opted to the appointed ICC for each complaint by the Head of Human Resources and Business Support, or as advised by the Mediator.
- f) The Head of Human Resources and Business Support may be replaced by the Finance and Administration Director in Geneva or a member of the Board of Directors in any of the above situations, should the circumstances so require. The Mediator will be consulted in such cases.
- g) For any complaints filed against the Executive Director or any member of the Management Team, the ICC shall consist of three (3) external neutral and impartial people appointed by the Mediator.

- h) The ICC may ask the Mediator for assistance in setting up or organizing any proceedings.
- i) The composition of any ICC and its proceedings shall be amended as may be necessary to comply with local laws.

## 5.2 ICC Process:

### a) Preliminary Steps in the Event of a Formal Complaint:

- i. Upon receipt of a formal complaint and following the appointment of the ICC, the ICC will consider whether the behaviour described in the complaint meets the criteria for Inappropriate behaviour.
- ii. If the behaviour described clearly meets the criteria for Inappropriate behaviour, an investigation must be carried out unless the Complainant, Reportee and any Observers involved provide a written document stating that the incident has been resolved to their mutual satisfaction (e.g., following an informal complaint process or mediation). If so, however, the ICC may still proceed with an investigation, at its sole discretion, if it thinks the circumstances may warrant this.
- iii. If the behaviour described does not clearly meet the standards of Inappropriate behaviour, but another form of Misconduct or inappropriate behaviour, following consultation with the Mediator, the ICC may decide to proceed with an investigation or not.
- iv. If the ICC decides not to conduct an investigation, it shall advise the Complainant and/or Observer having signed the complaint accordingly. The matter may also be handled through mediation (e.g., using the Mediator) or through the implementation of a performance management review via the Human Resources department. If the Complainant or Observer contests that the behaviour described clearly does meet the criteria for Inappropriate behaviour, (s)he may appeal this decision.
- v. Confidentiality: In all cases, extreme care should be taken to ensure utmost confidentiality. All interviewed Staff members should be informed in writing that they have the obligation to keep all information obtained in the course of an investigation or interview under strict confidentiality. Any breach of this obligation may be treated as serious Misconduct and result in serious consequences.
- vi. The ICC may discuss with the Complainant and/or any Observers the possibility of considering an informal resolution process and/or that they speak to the Mediator. The ICC may (at its discretion) suspend its investigation activities if an informal resolution process is initiated.

### b) Investigation:

- i. If an investigation is to occur, the ICC will inform the Reportee about the existence of the complaint and provide him/her with a copy of it, redacting any sensitive names or information as may be appropriate. The alleged offender shall have ten (10) business days to respond in writing to the complaint should (s)he chooses to do so. However, if in the view of the ICC the disclosure of the formal complaint would put at risk any alleged or potential victims, witnesses or evidence, the investigation may begin without notifying the Reportee. In that case, the Reportee will be notified subsequently, but no later than three (3) business days before his/her interview in the course of the investigation. The ICC may still choose to redact any particular information at such time, if it believes that divulging such information is

more likely than not to be prejudicial to its ability to conduct its investigation or would put at risk alleged or potential victims, witnesses or evidence.

ii. The ICC may determine that certain interim measures should be taken to protect vulnerable people involved or to safeguard evidence in the investigation proceedings, while the situation continues to be investigated or is being resolved. Such interim measures may include separating the persons concerned from working in the same place, in the same department, or in their lines of reporting, and/or placing one or more of the individuals involved on special leave with pay.

iii. The ICC will undertake a full investigation of any Inappropriate behaviour complaint that is not amicably resolved and will also submit a final written report within sixty (60) days following the date of its appointment or as soon as possible thereafter, or following any amicable resolution process, with its conclusions indicating how it should be resolved or why it considers the matter properly settled. If there is an unavoidable delay in completing a full investigation, the Complainant, the Observer(s) and the Reportee, as well as any other persons concerned will be notified of this delay in writing.

iv. Any Reportee or any GARDP Staff member who has a close personal relationship with a person accused of Inappropriate behaviour (e.g., a friend, partner, family member, etc.), may refuse to be interviewed and may refuse to cooperate with any pending investigation proceedings. The ICC, however, may make adverse inferences as a result of such persons' failure to cooperate or to answer questions.

v. Any persons involved in an investigation may contact the Mediator directly at any time. Any information provided to the Mediator will be treated in confidence, unless the disclosing person has authorized the Mediator to share it, or withholding that information may endanger the health or lives of other people. The failure of the Complainant, the Reportee or any Observers to cooperate with the Mediator may not be communicated by the Mediator without that person's consent, and it shall not give rise to any adverse inferences.

vi. If the complaint involves a Management Team member, then the complaint may be brought directly to the Executive Director and/or the Mediator. If the complaint involves the Executive Director, the complaint should also be brought to the attention of the Chair of the Board of Directors, and the Audit Committee Chair, who will be kept informed of the investigation (unless the Chair and/or the Audit Committee Chair is also alleged to be personally involved, in which case another member of the Board of Directors shall be so informed).

c) Final Report

The final report of the ICC's investigation will be submitted to the Executive Director (or the Board of Directors, if the Executive Director is one of the accused persons), and a copy shall be provided to the Mediator. The Complainant and the Reportee will be informed that the investigation has been completed and that a final determination will be made. If the final report is based on the acceptance of an amicable resolution following an informal complaint process, the ICC shall explain why it believes the matter should be considered as appropriately settled.

d) Final Determination Process:

i. Upon receipt of the investigation report, the Executive Director or delegated persons (e.g., the Board or a subcommittee thereof) will provide the Complainant, the Observer(s) and the Reportee with a copy of the final investigation report, which shall be subject to strictly confidentiality and may not be disseminated to anyone other than their lawyers without the prior written consent of the Executive Director or two Board directors. Any documents may



be redacted as deemed appropriate by the Head of Human Resources and Business Support. The Complainant, the Observer(s) and the Reportee may submit comments on the investigation report in writing within ten (10) business days from receipt of the final report.

ii. The Executive Director or a person with delegated authority will consider the findings of the report and any comments made by the Complainant, the Observer(s) or the Reportee before deciding on any final action.

iii. Disciplinary proceedings may be initiated based on the ICC's findings, the conclusions set forth in the investigation report issued by the ICC, the comments of the Complainant, an Observer or the Reportee, or the ICC's final report. Disciplinary measures may include dismissal, demotion, suspension, salary adjustment, written warning, a reprimand, mandatory training, a change of functions, line reporting, or responsibilities, contract termination, counselling or other appropriate corrective measures. Any internal disciplinary measures shall be without prejudice to any other proceedings that may be required by local law (e.g., local criminal law proceedings) or that an alleged victim may choose to file before national courts or police authorities.

iv. GARDP will maintain a written record of each complaint, the ICC's decision whether or not to investigate, the investigation, the final report and the final determination. Written records will be maintained in confidence to the extent practicable.

## **6. Reporting to the Board and Staff**

6.1 The Executive Director or the Finance & Administration Director has the obligation to report to the Board during its Board meetings any cases of Inappropriate behaviour leading to dismissal, or involving judicial proceedings, whether in criminal or civil courts.

6.2 In addition, GARDP shall issue an annual, non-nominative confidential report to the Board of Directors, providing the numbers of complaints filed, investigations carried out, final report written and final determinations decided per calendar year, and a summary of all disciplinary measures taken.

6.3 GARDP's Finance & Administration Director or Head of Human Resources and Business Support shall give an annual summary presentation, available to all GARDP Staff and donors, on the number of complaints filed and investigations carried out, and the number of final determinations decided per calendar year.

## **7. Appeal and Withdrawal of Complaint**

7.1 Requests for Appeal: Both the Complainant and the Reportee may request a review of any alleged failures to properly implement the procedures and principles of these Guidelines fairly and reasonably. They may also request a review of any administrative or disciplinary actions taken pursuant to these Guidelines. Any reviews shall be conducted in accordance with local laws or such other provisions as may have been provided for in relevant contracts.

7.2 Withdrawal of a Formal Complaint: If a Complainant or Observer wishes to withdraw a formal complaint at any stage, (s)he may do so. In that case, (s)he shall file a written request with the ICC. After considering the reasons for withdrawal, the ICC may accept the withdrawal of the complaint or may nonetheless decide to pursue the matter if it determines that the gravity of the allegations merit a full investigation and final report, despite the request for a withdrawal.

## Appendix C: Sources of Help and Advice

GARDP recommends the services of the HR Department as the first source of support and advice for anyone who believes they are being subjected to Harassment. The HR Department is also available to offer support and advice to any person involved in an allegation of Harassment.

The groups/people below will also be able to offer support, help and advice to those subjected to, witnessing or accused of Harassment.

Service	Contacts
Mediator Service	For a full list of sworn mediators from the Canton of Geneva, please visit:  <a href="https://www.ge.ch/document/tableau-mediateurs-civils">https://www.ge.ch/document/tableau-mediateurs-civils</a>
<b>Support specifically for Staff</b>	
Angela Decool (Head of HR & Business Support)	022 907 7607 <a href="mailto:adecool@gardp.org">adecool@gardp.org</a>
Sara Gargaté (HR Officer)	022 555 1927 <a href="mailto:sgargate@gardp.org">sgargate@gardp.org</a>
Pierre-Yves Delhez (Finance & Administration Director)	022 555 1916 <a href="mailto:pydelhez@gardp.org">pydelhez@gardp.org</a>
<b>Formal reporting line for all</b>	
Internal Complaint Committee (ICC)	For a formal complaint, please send your report to the <a href="mailto:harassment@gardp.org">harassment@gardp.org</a> or <a href="mailto:safeguarding@gardp.org">safeguarding@gardp.org</a> email address.