



**Welcome the stranger.
Protect the refugee.**

**HIAS BOARD OF DIRECTORS RESOLUTION APPROVING THE REVISED
POLICY ON PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE**

WHEREAS, HIAS, Inc. (“HIAS”) takes very seriously concerns about safeguarding generally and safeguarding against sexual exploitation and abuse in particular;

WHEREAS, HIAS previously adopted a Safeguarding Policy to address this concern; and

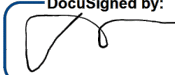
WHEREAS, HIAS aims to conform its Policy with that of the international humanitarian sector;

NOW, THEREFORE, BE IT:

RESOLVED, upon resolution made and passed, that the HIAS Board of Directors approves the attached “Protection from Sexual Exploitation and Abuse Policy.”

Secretary’s Certification:

It is hereby certified by the undersigned that the foregoing resolution was duly approved at a meeting of the Board of Directors of HIAS, duly called and held in person on September 18, 2022 in Alexandria, Virginia at 12:00 p.m. EDT, and the foregoing resolution has been duly recorded in the meeting minutes of the Board and is in full force and effect.

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Philip. E. Wolgin, Secretary-Treasurer

9/22/2022

Date



HIAS SAFEGUARDING POLICY FOR PROTECTION FROM SEXUAL EXPLOITATION AND ABUSE (PSEA)

Purpose

In keeping with HIAS' vision and values and as referenced in its Code of Conduct, HIAS is committed to the protection of persons from any harm caused directly or indirectly due to their coming into contact with HIAS. HIAS expects that anyone working in the name of or on behalf of HIAS will treat all program participants with dignity and respect, and not engage in conduct that is exploitative or abusive. This HIAS Safeguarding Policy ("Policy") informs HIAS staff and associated personnel of their legal, contractual, and ethical responsibilities to safeguard all program participants and community members in all areas of HIAS' work wherever HIAS operates.

This Policy covers sexual exploitation and abuse caused by:

- The conduct of HIAS staff and associated personnel (together "Personnel"), and partners
- The design and implementation of HIAS' programs and activities, including operations, recruitment, procurement, fundraising and communications

This Policy does not cover:

- Sexual harassment in the workplace, which is addressed by HIAS' Discrimination and Harassment Policy
- Safeguarding concerns in the wider community not perpetrated by HIAS staff, associated personnel, or partners

See Appendix A for a glossary of terms and definitions.

Applicability

This Policy applies to all HIAS staff and associated personnel globally (collectively referred to as "HIAS Personnel"). "HIAS Personnel" is defined as all: (a) permanent, fixed term, and temporary

staff; (b) board members; (c) outside consultants, independent contractors, and sub-contractors; (d) third-party representatives and agents; and (e) volunteers, community workers, interns and public service or fellows who conduct work on behalf of HIAS. This Policy also applies to external parties, such as HIAS' partners, sub-recipients, suppliers, and vendors, working for or receiving funding from HIAS ("HIAS Partner"). In short, this Policy applies to any individual or entity having a contractual relationship with HIAS and any individual or entity that is funded, in whole or in part, with HIAS resources or that acts on HIAS' behalf at HIAS' direction.

This Policy applies to the above parties in all locations, at all times, both during and outside of working hours.

HIAS maintains a zero-tolerance approach to any form of sexual exploitation or abuse. Adherence to this Policy is mandatory and non-compliance will lead to disciplinary action, which may be up to and including termination. For partners, violation of this Policy and failure to take appropriate corrective action may result in suspension or immediate termination of the partnership agreement and may also result in the party being deemed ineligible for future partnership agreements with HIAS.

Where any provision of this Policy conflicts with a law or regulation, the law or regulation shall govern and supersede the conflicting provision. Where the HIAS safeguarding standard is higher than the applicable national laws, HIAS' policy shall be followed.

What is safeguarding?

This Policy specifically covers harm caused by sexual exploitation and abuse and forms part of HIAS' Safeguarding Framework. Safeguarding, more broadly, refers to the measures put in place to prevent, identify, and respond to exploitation, abuse, and other forms of harm caused by an organization and its partners, in order to protect the health, well-being and human rights of anyone who comes into contact with the organization.

Policy Statement

HIAS is committed to undertaking all its work in a manner that does not put any program participants or community members at risk of sexual exploitation, abuse, or other exploitative or abusive conduct.

HIAS Personnel are humanitarian workers, subject to universally recognized humanitarian protection principles, including the principle of "do no harm." HIAS is committed to the core principles regarding the prevention of sexual exploitation and abuse laid out by the UN Secretary General in 2003¹ and in the Inter-Agency Standing Committee's (IASC) Six Core Principles Relating

¹ <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=ST/SGB/2003/13&Lang=E>

to Sexual Exploitation and Abuse². HIAS Personnel are required to comply with the following principles:

- HIAS strictly prohibits Personnel and partners from engaging in sexual exploitation and/or abuse of program participants, community members, or anyone else. Sexual exploitation and abuse constitute acts of gross misconduct and are therefore grounds for termination of employment.
- Sexual activity is prohibited with children (persons under the age of 18) regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.
- Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading, or exploitative behavior is prohibited even when such transactions would be legal and/or consensual in the jurisdiction where they would occur. This includes exchange of assistance that is due to program participants.
- Any sexual relationship is prohibited between HIAS Personnel and program participants that involves improper use of rank or position. Such relationships undermine the credibility and integrity of humanitarian aid work. HIAS requires that any Personnel who has an existing relationship or enters into a relationship with a program participant discloses the relationship to their Safeguarding Focal Point, HR Lead, or Country Director and notify the Office of General Counsel by telephone (1-888-559-8518), email (ethics@hias.org), or via www.hias.ethicspoint.com. A relationship may be permitted upon a determination by HIAS that it is not exploitative or based on unequal power, will not jeopardize the community's trust in HIAS' work, and does not present any conflict of interest for HIAS. Failure to disclose relationships will be considered a breach of this Policy.
- Where a HIAS Personnel develops a concern or suspicion regarding sexual exploitation or abuse by a fellow aid worker, whether employed by HIAS or a partner agency, he or she must report such concerns via HIAS' reporting mechanisms. Failure to report knowledge, a reasonable suspicion, or concern of a safeguarding violation will be subject to disciplinary action, up to and including termination.
- Personnel are obliged to create and maintain an environment that prevents sexual exploitation and abuse and promotes the implementation of HIAS' Code of Conduct. Managers at all levels have responsibilities to support and develop systems that maintain this environment.

² <https://interagencystandingcommittee.org/inter-agency-standing-committee/iasc-six-core-principles-relating-sexual-exploitation-and-abuse>

In addition, all HIAS Personnel are obliged to:

- Contribute to creating and maintaining a culture and secure environment that prevents safeguarding violations and promotes the implementation of the Safeguarding Policy.
- Cooperate in any investigations of safeguarding concerns where their participation is needed.

Executives, Senior Management and Supervisors are obliged to:

- Hold themselves and others accountable for a working culture that prevents safeguarding violations and promotes the implementation of this Policy.
- Ensure any HIAS Personnel under their direct or indirect supervision receives, understands and agrees to comply with this Policy.
- Make sure that all Personnel have a level of knowledge and competence with regard to this Policy that is appropriate to their function and role.
- Take seriously and prioritize any allegation of conduct that violates this Policy and immediately report it to the General Counsel.
- Ensure, per the Whistleblowing Policy, that anyone who reports safeguarding concerns or participates in investigations is not retaliated against.
- Ensure that performance management of staff supports an accountable and safe organizational culture to prevent exploitation, abuse and other forms of harm.
- Ensure that staff with specialized duties for implementing this Policy have appropriate experience, training, and support available to them.
- Support and develop systems which reinforce the implementation of this Policy, including through appropriate staffing and resourcing.

HIAS will:

- Design and undertake all programs and activities (including data and content gathering) in a way that protects clients, beneficiaries of assistance, children, vulnerable adults and any other persons of concern from physical or psychological harm that may arise from coming into contact with HIAS Personnel.
- Implement stringent safeguarding procedures when recruiting, managing, and deploying HIAS staff and associated personnel, including but not limited to criminal background checks.
- Train all Personnel on the contents of this Policy and their specific responsibilities related to their job role and function.
- Display in conspicuous locations at all offices and project sites, in relevant working languages, awareness-raising material about this Policy, including the available reporting channels.
- Designate a focal point for every country office and sub office who can act as a resource for Personnel, program participants and community members; carry-out training and

awareness raising activities; and receive disclosures.

- Inform program participants and host communities about this Policy and how to report any concerns of safeguarding violations.
- Ensure multiple safe, confidential, and accessible complaint and feedback mechanisms are available to program participants and community members, as outlined in the Accountability to Affected Populations Guidance, and that procedures are in place to ensure that safeguarding reports are swiftly escalated to HIAS' General Counsel.
- Include the obligation to adhere to this Policy and any additional, related donor requirements in contractual agreements and memoranda of understanding with partners; assess partners' capacity and systems to comply with this Policy; and monitor partners' compliance with these obligations.
- Comply with national legislation in any activities involving contact with children and vulnerable adults (noting, however, that where HIAS sets a higher standard than national laws, it is expected that HIAS' policy will be followed).

Reporting

HIAS requires all Personnel and partners to immediately report any safeguarding concerns to HIAS' General Counsel by telephone (1-888-559-8518), email (ethics@hias.org) or via www.hias.ethicspoint.com. Reports may also be submitted to Safeguarding staff or focal points where they are trained and in place. Reports may be submitted anonymously.

HIAS Personnel who are aware of conduct that violates this Policy and do not report it will be subject to discipline, up to and including termination.

Any staff reporting concerns or complaints will be protected from any form of retaliation or negative employment consequences, per HIAS' Whistleblowing Policy. Personnel who knowingly and willfully report false information will be considered in breach of this Policy and subject to disciplinary action.

HIAS will also accept complaints from external sources, such as program participants and other persons of concern, members of the public, partners, and official bodies, per the "Accountability to Affected Populations" procedures. If HIAS receives a complaint regarding another aid agency, HIAS will make its best effort to ensure that the complaint is properly directed to the corresponding agency.

In accordance with the risk reporting framework, HIAS' General Counsel shall report possible safeguarding violations to HIAS' Board of Directors and, per funder notice guidelines, determine if the funder/donor also receives a report. If the report constitutes criminal misconduct, it will also be disclosed to local authorities taking due account of the safety, security, and wishes of the survivor.

Investigations

HIAS will carry out independent, confidential, and survivor-centered investigations by trained investigators, recognizing the rights and interests of everyone involved, including the complainant, survivor (if different from the complainant), witnesses, and subject of complaint. Investigations will be carried out according to HIAS' Standard Operating Procedures for Dealing with Safeguarding Concerns. If necessary, HIAS may also refer reports to other agencies for investigation.

Confidentiality

It is essential that confidentiality is maintained at all stages of the process when dealing with safeguarding concerns. Information relating to the concern and subsequent case management will be shared only on a need-to-know basis and will be kept secure at all times. Where a law, rule, or regulation, such as the European Union General Data Protection Regulation (GDPR), governs a person's access to information, HIAS will comply with that law, rule, or regulation while also keeping information related to the concern confidential at all times.

Survivor-Centered Approach

HIAS is committed to responding to all reports of conduct that violate this Policy with a survivor-centered approach. This means that the safety, dignity, and well-being of the survivor are the primary considerations in all steps that HIAS takes in responding to safeguarding concerns and in taking precautions to minimize any additional harm to the survivor. HIAS will seek to ensure that survivors are referred to medical, psychosocial, legal, and safety support services, as appropriate and available, and according to the survivor's specific needs and wishes. HIAS will assist survivors with reporting incidents to the proper authorities should they so choose.

Associated Policies

[HIAS Code of Conduct](#)

[HIAS Safeguarding of Children Policy](#)

[Anti-Human Trafficking Policy](#)

[HIAS Whistleblowing Policy](#)

Changes and Updates to this Policy

HIAS reserves the right to make changes and updates to this Policy as required. If modified, the Policy will be communicated to all HIAS staff and associated personnel and posted on HIASnet, indicating the date of the latest revision.

Document Type: Board policy

Version Number: 2 (replaces Safeguarding Policy)

Owner: Director, Safeguarding

Date of Approval: September 18, 2022

APPENDIX A

Program participant is someone who directly receives goods or services from HIAS' program(s). Note that this Policy also covers exploitation and abuse caused by HIAS in the wider community where our programs are taking place.

Child is a person below the age of 18 - *UN Convention on the Rights of the Child, Article 1*.

Harm is physical, sexual, emotional abuse, neglect, and exploitation, and any other infringement of an individual's rights.

Safeguarding children means any action, measure, or structure to prevent and protect any child from harm.

Safeguarding is the measures put in place by organizations to prevent, identify and respond to harm that may be caused by inappropriate sexual activity, abuse or exploitation, or other exploitative or abusive conduct. It is the organization's responsibility to make sure their staff, operations and programs "do no harm" to anyone that comes in contact with the organization, especially children and vulnerable adults, and to not expose them to the risk of or actual harm and abuse - *Keeping Children Safe (adapted)*.

Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions - *UN Secretary-General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13)*.

Sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another - *UN Secretary General's Bulletin on Special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13)*.

Vulnerable adult is a person who is, or may be, in need of care by reason of mental, physical, emotional, psychological, or other disability; age, sex, gender, sexual orientation, gender identity, or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation. - *UK Government Department of Health (abridged)*. Note: Due to issues of poverty, marginalization, relative lack of power, and lack of access, program participants served by HIAS programs are considered vulnerable.

Zero tolerance is the organization's responsibility to adequately respond to any concerns of violations of this Policy. This includes the obligation to report any knowledge, suspicion, or concern about a safeguarding violation, the responsibility to investigate any concerns that are brought to our attention, and, in the case of substantiated allegations, to respond with adequate remedial and corrective measures, including through disciplinary action, up to and including termination of employment or a third-party agreement.

HIAS Personnel PSEA Certification Form

I hereby affirm and acknowledge that I have received a copy of this PSEA Policy, and I fully understand all of the terms contained herein. I agree to comply with all terms of this policy and to report any potential or acts of violation of this policy or related policies and procedures. Reporting options include anonymous reporting through EthicsPoint (www.hias.ethicspoint.com) by email (ethics@hias.org), by telephone (1-888-559-8518), or to a Safeguarding staff or focal point. I understand that it is my sole responsibility to ask any questions about this Policy, and I confirm that I have had the opportunity to do so.

I acknowledge and understand that my non-compliance with this Policy or my non-disclosure of a violation of this Policy of which I am fully aware, or my willful and intentional concealment of a violation of this Policy committed by myself or others, may result in disciplinary action, including the termination of my employment or other relationship with HIAS and the pursuit of legal action against me by HIAS.

I further understand that the foregoing may result in criminal or civil penalties and fines imposed by law, which HIAS reserves the right to pursue in its sole discretion.

I understand that this policy should be signed upon employment or relationship with HIAS and January 1 every year after.

Print name

Position or Affiliation with HIAS

Signature

Date