

Policy: The Asia Foundation is committed to providing a work environment free from sexual exploitation, abuse and harassment in any form as well as preventing the same in the implementation of all its activities. In keeping with that commitment, The Asia Foundation have established procedures by which allegations of sexual exploitation, abuse, harassment, or other unlawful behavior may be reported, investigated, and resolved.

- This policy applies but is not limited to managers, supervisors, employees, applicants, customers, clients, vendors, interns, sub-grantees, and independent contractors.
- The Asia Foundation strongly disapproves of and will not tolerate sexual harassment or other types of harassment (based on gender, race, color, religion, national origin, age, sexual orientation, or disability) of any of its employees or affiliates, by anyone.
- It is always the responsibility of anyone affiliated with The Asia Foundation to contribute to a workplace that is free from sexual and other types of unlawful harassment. This requires that employees and affiliates do not engage in offensive or inappropriate behavior and that they report incidents of such behavior. This policy applies to conduct at all Foundation locations, activities, sponsored events, and at any other time.
- Complainants must feel they are safe to report, that they are listened to, and that action is taken. The Asia Foundation is committed to encouraging and enabling anyone associated with the organization to raise concerns as soon as possible. Complainants should feel confident and comfortable about reporting any allegations including sexual abuse, exploitation, and sexual harassment – either historic or current.
- TAF is committed to a survivor-centered approach where individuals feel safe and respected and can access appropriate protections without fear of retaliation. TAF commits to policies, procedures, training and systems to prevent, detect, and respond to SHEA issues with a survivor-centered approach prioritizing the needs and rights of survivors.
- In addition to the requirement of adhering to this policy, The Asia Foundation requires all individuals affiliated with the organization to abide by the PSEAH (or similar) policies issued by its donor organizations (including, but not limited to, DFAT, DFID, and USAID)
- The Asia Foundation will include PSEAH training as part of our annual Ethics and Compliance training for all employees.
- All staff and associated personnel are required to sign a copy of the TAF Code of Conduct when joining the organization.
- Contractors, suppliers, and other personnel associated with TAF will also be made aware of the code of conduct.
- Staff will be required to attest to and understanding and commitment to abide by the TAF PSAEH policy including:
 - What is expected of them in terms of their conduct.
 - What are the implications of breaching the code of conduct.
 - How to report any concerns they might have regarding SEAH.
- Awareness raising materials will be used to remind staff of the code of conduct.
- Staff performance should be managed and evaluated on \ implementing their role and responsibility for PSEA effectively
- Senior managers' performance should be managed and evaluated on creating an environment to help prevent sexual exploitation, Abuse, and Harassment.
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Prohibited Conduct

- **Sexual Exploitation:** Any actual or attempted abuse of a position of vulnerability, differential power, or trust for

sexual purposes. It includes transactional sex, profiting monetarily, socially, or politically from the sexual exploitation of others.

- **Sexual Abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offenses including but not limited to attempted rape (which includes attempts to force someone to perform oral sex), and sexual assault (which includes non-consensual kissing and touching). All sexual activity with someone under the age of consent is considered sexual abuse.
- **Transactional Sex:** The exchange of money, employment, goods, or services for sex, including sexual favors.
- **Sexual Harassment:** A person sexually harasses another person if they make an unwelcome sexual advance or an unwelcome request for sexual favors or engage in other unwelcome conduct of a sexual nature. This applies to all circumstances in which a reasonable person would have anticipated the possibility that the subject of the request or conduct would be offended, humiliated, or intimidated.
- **Harassment:** includes any unwelcome verbal, physical, or visual conduct that denigrates or shows hostility or aversion toward an individual or their relatives, friends, or associates. Harassment may also have the purpose or intention to interfere with an individual's work performance by creating an intimidating, hostile, or offensive working environment, or otherwise, affect an individual's employment status or opportunities.
 - Examples of prohibited harassment conduct include, but are not limited to:
 - Any form of sexual or non-sexual bullying, derogatory language, intimidation, insults, or threatening behavior.
 - Sexist, sexually suggestive, or intimidating remarks or behavior
 - Unwelcome sexual advances. Examples of unwelcome sexual advances include:
 - *Lewd jokes or sexual anecdotes or innuendos;*
 - *Rude or offensive sexual gestures;*
 - *Inappropriate touching or contact;*
 - *Unwelcome calls, letters, or emails;*
 - *Questions about past sexual history;*
 - *Jokes about sexual preference or activity;*
 - *Staring in a suggestive or offensive manner;*
 - *Sharing sexually inappropriate images or videos;*
 - *Inappropriate comments about a person's clothing, appearance, or body parts;*
 - *Offensive comments about gender identity or sexual orientation;*
 - *Sexually oriented "kidding," "teasing," or "practical jokes"*
 - Explicit sexual propositions
 - Requests for sexual acts or favors (with or without accompanying coercion, promises, or threats of reciprocal favors or action)
 - Foul or obscene language or gestures
 - Display of foul, obscene, or sexually explicit printed or visual material, including pictures, greeting cards, articles, books, magazines, photos, or cartoons
 - Physical contact such as patting, pinching, or intentionally brushing against another's body
 - Slurs, jokes, or degrading comments concerning gender, gender-specific traits, age, race, color, national origin, religion, sexual orientation, or disability
- **Fraternization:** Any relationship that involves, or appears to involve, partiality, preferential treatment, or improper use of rank or position including but not limited to voluntary sexual behavior. It could include sexual behavior not amounting to intercourse, a close and emotional relationship involving public displays of affection or private intimacy, and the public expression of intimate relations.

Reporting Sexual Exploitation, Abuse, and Harassment

Anyone who believes that they have encountered or witnessed inappropriate behavior is strongly encouraged to promptly notify the offender that their behavior is inappropriate and unwelcome. If such notifications are unsuccessful or there is a preference not to deal directly with the offender, the individual should report the behavior to Human Resources, their supervisor, any senior member of Foundation management, or through Ethics Point, the Foundation's external third-party hotline. All reports submitted through Ethics Point are confidential and may be reported anonymously. Every effort will be made to treat all notifications and complaints as confidential. The Asia Foundation will then investigate, and where necessary, take remedial and/or disciplinary action.

Each manager and employee have the responsibility to maintain a workplace free of sexual and other unlawful harassment. This duty includes ensuring that employees do not endure insulting, degrading, or exploitative sexual

treatment.

Every employee in a management role is obligated to report any suspected violations of this policy to Human Resources. A manager who is aware of a violation but does not report it, even if the employee is outside the manager's immediate area of supervision, will be held accountable for their inaction.

Investigation of Sexual Exploitation, Abuse, and Harassment

The Asia Foundation will undertake a prompt, discreet investigation of all reported incidents of sexual exploitation, abuse, or harassment and/or retaliation, ensuring confidentiality to the maximum extent possible. All managers, supervisors, and employees have an obligation to cooperate with any investigation. Should the investigation result in a finding of misconduct, The Asia Foundation will take appropriate remedial and/or disciplinary action. Any employee found to have engaged in harassment will be subject to disciplinary action up to and including immediate termination.

All allegations of harassment and discrimination will be taken seriously in accordance with TAF's established investigation procedures.

Investigations are undertaken by experienced and qualified professionals, who are trained on sensitive investigations such as allegations of SEA.

Breaches of the Policy

Breaches of this policy will be investigated in accordance with disciplinary procedures and contractual agreements. Where deemed appropriate, a referral may be made to statutory authorities for criminal investigation under the law of the country in which they work. Breaches may incur sanctions including disciplinary action leading to possible dismissal, termination of all relations including contractual and partnership agreements, and where relevant, appropriate legal or other such actions.

Reprisals and Retaliation

The Asia Foundation will not permit any reprisals or retaliation against an employee who reports known or suspected harassment. In addition, The Asia Foundation will not tolerate reprisals or retaliation for initiating or assisting in any investigation, action, or proceeding resulting from a harassment claim.

Prohibited reprisals and retaliation include but are not limited to:

- Demotion
- Suspension
- Failure to hire or consider for hire
- Failure to give equal consideration in making employment decisions
- Failure to make impartial employment recommendations
- Adversely affecting working conditions or otherwise denying any employment benefit to an individual

The Asia Foundation recognizes that false accusations of harassment can have a serious effect on an innocent individual. Allegations that are found to be intentionally or recklessly false may result in disciplinary action.

Reporting to Donor Agencies

The Asia Foundation will comply with reporting requirements identified by donors.

Association to Other Policies

The Asia Foundation has a series of policies that support a safe workplace and project implementation environment. All staff, consultants, members of the Board of Trustees, subgrantees, and other stakeholders must adhere to our institution-wide and location-specific policies, many of which include language that contributes to PSEAH. These policies include:

- Anti-Human Trafficking
- Code of Business Ethics and Ethical Conduct
- Confidential Information
- Child Protection
- Employment with The Asia Foundation
- Gender Equality
- Sexual and Other Unlawful Harassment

- Whistleblower; and,
- Work Environment.

The process of maintaining effective safeguards is a dynamic one. Policies, procedures, and attendant training programs are reviewed and enhanced as needed and when appropriate.