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Introduction

Kyeema Foundation (Kyeema) is a not-for-profit organisation that works predominantly to reach resource-poor members of communities in developing countries. Kyeema does not tolerate sexual exploitation, abuse or harassment (SEAH) of any kind.

Purpose

The purpose of this policy is to state Kyeema’s commitment to strengthen our approach to safeguarding against and managing risk of SEAH and SEAH incidents, should they occur in the delivery of Kyeema’s operations.

Guiding Principles

This policy is based on the following ethical principles for preventing SEAH.

- Kyeema believes any form of SEAH is unacceptable and maintains a zero tolerance approach towards it. Kyeema will immediately respond and take seriously any concerns raised about SEAH.
- Kyeema believes all people have a right to be safe from SEAH, and therefore has an obligation to create and maintain an environment that prevents SEAH.
- Kyeema recognises that issues of SEAH are fundamentally about abuses of power. Situations of poverty, vulnerability and discrimination as well as power inequities between genders, between aid workers and beneficiary communities, and within organisations, create unequal power dynamics resulting in environments where SEAH can exist.
- Kyeema will promote cooperation and assistance between partner organisations in preventing and responding to SEAH.
- Kyeema is dedicated to embracing a Survivor-Centred Approach in our safeguarding measures, prioritizing the experiences, considerations, and needs of victims/survivors. This approach emphasizes amplifying the voices of victims/survivors, ensuring their wishes, rights, dignity, safety, and wellbeing take precedence in all stages of our efforts, including initial reporting, investigation, and follow-up actions. We are committed to placing the empowerment and support of survivors at the forefront of our initiatives, striving to create a safe and respectful environment throughout every phase of the prevention and response process.

Scope

This policy, the attached procedure and guidelines apply to all Kyeema Directors, Board Members, staff, consultants and subcontractors, volunteers, partners and observers/visitors accompanying a Kyeema activity. This Policy does not replace any laws relating to SEAH.

Definitions

For the purposes of this policy:

Child: Kyeema adopts DFAT's definition of a child as any person under the age of 18 years.

Staff: All Kyeema full-time employees, fixed term employees, consultants and sub-contracted individuals.

Sexual abuse: Kyeema adopts DFAT's definition of sexual abuse as the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It covers sexual offences 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 [18 years], is considered to be sexual abuse.

Sexual exploitation: Kyeema adopts DFAT's definition of sexual exploitation as any actual or attempted abuse of position of vulnerability, differential power, or trust for sexual purposes. It includes profiteering monetarily, socially or politically from sexual exploitation of another.

Sexual harassment: Kyeema adopts DFAT's definition that sexual harassment occurs when another person makes an unwelcome sexual advance or an unwelcome request for sexual favours, or engages in other unwelcome conduct of a sexual nature, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

Sexual harassment can take various forms. It can be obvious or indirect, physical or verbal, repeated or one off and perpetrated by any person of any gender towards any person of any gender. Sexual harassment can be perpetrated against beneficiaries, community members, citizens, as well as staff and personnel. (See **Attachment 2** for examples of sexual harassment).

Victim/Survivor: A person who has experienced or is experiencing sexual exploitation abuse and or harassment in relation to their involvement within a Kyeema activity or in any other agency organisation.

Policy statement

All Kyeema staff, volunteers, consultants, partners or any other representatives associated with the delivery of its work must, at all times:

- Undertake to create and maintain a safe and trusted environment that promotes implementation of this Policy and safeguards from SEAH.

- Immediately report to Kyeema any concern, suspicion or allegation of SEAH or breach of the Kyeema Prevention of Sexual Exploitation, Abuse and Harassment Policy. Reporting procedures are outlined in **Attachment 4**.
- It is mandatory for all Kyeema staff, consultants and partners to report any concerns or allegations of SEAH they become aware of.
- Malicious or deliberately false allegations will be taken very seriously, and the person may face disciplinary action.
- Actively engage in a process that places survivors at the heart of our initiatives.

It is strictly prohibited for Kyeema staff, volunteers, consultants, partners or any other representatives associated with the delivery of its work to:

- Sexually exploit, abuse or sexually harass a child or adult.
- Use their position of trust and authority to request any service or sexual favour from beneficiaries of Kyeema programs, adults, children or others in the communities in which Kyeema works, in return for protection or assistance, or coerce a person to engage in sexual intercourse or sexual activity.
- Use personal accounts on social media and other online communication platforms to sexually harass or intimidate coworkers and personnel.

Kyeema is committed to:

- Creating a safe working culture for all those whom Kyeema serves and those working for and representing the organisation
- Ensuring that all concerns or allegations of sexual harassment, abuse or exploitation are responded to in a timely and appropriate manner and there are multiple channels through which staff and other stakeholders can raise concerns.
- Adopting a survivor centric approach where survivors are treated with dignity and respect, are involved in decision making, provided with comprehensive information and are offered support.

The procedure and guidelines for implementation of this policy are detailed in **Attachments 1 – 4**.

Responsibilities

All Kyeema staff, volunteers, consultants, partners or any other representatives associated with the delivery of its work are responsible for championing a safe working environment that prioritises safeguarding against SEAH and challenges attitudes which permit or excuse a breach of the PSEAH policy.

Adherence to this policy, the procedure and operational guidelines is mandatory for all staff and partners engaged by Kyeema.

The CEO, in consultation with the Kyeema Board, is responsible for ensuring the implementation of this policy and for advising on the need to review or revise this policy as and when the need arises.



Where issues related to compliance to this policy are identified, the CEO will work with staff and other relevant stakeholders to address these issues promptly. The policy will be reviewed every three years and revised as needed, with the approval of the Board.

Information Resources

ACFID Code of Conduct Commitment 1.5 We advance the safeguarding of those who are vulnerable to sexual exploitation and abuse

<https://acfid.asn.au/good-practice-toolkit/quality-principle-1-rights-protection-inclusion/commitment-1-5/>

DFAT Preventing Sexual Exploitation, Abuse and Harassment Policy (2019)

<https://www.dfat.gov.au/international-relations/themes/preventing-sexual-exploitation-abuse-and-harassment/Pages/default>

DFAT Guidance on assessing the risk of SEAH

<https://www.dfat.gov.au/sites/default/files/guidance-on-assessing-the-risk-of-seah.docx>

ACFID's Guidelines for Ethical Research and Evaluation in Development

https://acfid.asn.au/sites/site.acfid/files/resource_document/ethics-guidelines.pdf

Related Documents

This policy is to be read in conjunction with:

- *Kyeema Foundation Code of Conduct*
- *Kyeema Foundation Child Protection Policy*
- *Kyeema Foundation Complaints Policy*
- *Kyeema Foundation Risk Management Matrix*

Authorisation

Signature of Policy Officer

Name of Policy Officer

SINEAD MAGILL

13/03/24

Date: _____

Attachment 1 Procedures

PSEAH Officer

Kyeema will have at all times nominated an organisational person to assess compliance, respond to and manage evolving PSEAH policy and procedure needs within the organisation.

Sexual Exploitation, Abuse and Harassment Risk Management

Kyeema recognises the importance of managing and monitoring the risk of SEAH in its activities. Kyeema will assess whether there are any risks to SEAH prior to implementing a new project and where such risks are identified, will proactively manage those risks.

Code of Conduct

Kyeema's Code of Conduct outlines ethical standards and acceptable behaviour that must be adhered to by all Kyeema Directors, Board Members, staff, consultants, volunteers and partners. Breaching the Code of Conduct is considered a serious offence and carries with it disciplinary action, including possible termination, and if criminal activity is suspected, reporting to the relevant authorities.

Kyeema also has a separate Child Protection Code of Conduct. All Kyeema Directors, Board Members, staff, consultants and Sub-contractors, volunteers and partners are required to sign the specific Child Protection Code of Conduct (**Attachment 5**).

Training

All current and new Kyeema staff will receive training on preventing SEAH and policy enforcement. Training for all new Kyeema staff will be included in pre-mobilisation briefings. Kyeema staff will be expected to brief sub-contractors and grantees when negotiating sub-agreements.

Working with partners

Kyeema extends its commitment to preventing sexual exploitation, abuse, and harassment (PSEAH) to our valued partners. Our formal agreements will explicitly articulate PSEAH expectations, solidifying a joint commitment to uphold the principles outlined in our policy. We recognize the pivotal role of education and training and will provide comprehensive sessions to ensure our partners understand and actively contribute to our zero-tolerance stance on misconduct.

Ongoing communication channels will be established for transparent dialogue, allowing partners to share insights and concerns. Continuous training initiatives and capacity-building programs will empower our partners to actively implement and integrate PSEAH principles into their organizational culture. This collaborative approach ensures that our joint efforts maintain the highest standards of integrity and accountability. Together, we create a safe environment and work towards a collective commitment to prevent and address sexual exploitation, abuse, and harassment in all aspects of our collaborative initiatives.

Recruitment and Selection Process of Staff

Kyeema will implement recruitment practices (**Attachment 3**) that minimise the risk of engaging staff who may sexually abuse, exploit or harass other Kyeema staff or its beneficiaries. These procedures will be designed to deter potential abusers and to recruit the most suitable people to work with vulnerable adults and children.

Reporting and Grievance Redress Process

It is mandatory for all Kyeema staff, consultants and partners to report any concerns or allegations of SEAH they become aware of. Kyeema will take all such reports seriously and will follow the project-specific operational procedures accordingly to manage reports and redress grievances (**Attachment 4**), subject to the wishes and welfare of the complainant/survivor. All parties will be treated fairly and the principles of natural justice will be adhered to.

Malicious or deliberately false allegations will be taken very seriously, and the person may face disciplinary action.

Attachment 2 Sexual Harassment

Examples of sexual harassment can include, but are not limited to:

- Physical approaches or physical contact of a sexual nature, or sexual assault;
- Gestures and other nonverbal communication with sexual undertones;
- Comments of a sexual nature about individuals and/or their body, conduct, sex life or sexual identity;
- Sexually discriminatory language and humiliating remarks, including sexually explicit jokes;
- Requests to perform sexual activities;
- Showing or displaying pornographic or sexist images;
- Repetitive questions or prying into an individual's relationship status or details of their relationship;
- Invitations to inappropriate locations outside the workplace for work-related meetings;
- Offers to, or the sending of gifts that are unwelcome, out of context or embarrassing to an individual;
- Suggestive logistics or questions around work trips, including offers to share hotel rooms and unwelcome social invitations;
- Sexually motivated stalking; and
- Behaviour that may also be considered to be an offence under criminal law such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.

Attachment 3 Recruitment and Selection Guidelines for Personnel

Kyeema will apply robust recruitment and screening procedures for all Kyeema staff to reduce the risk of engaging a person with a background of unacceptable risks to children or adults, particularly vulnerable children and adults.

Procedures include:

- Verbal referee checks from applicant's last place of employment/volunteer/program placement and will include a question regarding any concerns of sexual misconduct.
- Human resource records to include performance or conduct issues regarding concerns or allegations of SEAH.
- All employment/assignment contracts must contain provisions for potential disciplinary action including termination of employment/assignment following breach of this policy.
- Criminal record checks and verbal referee checks will be conducted on selected personnel before engagement.
- All interviewees are provided a copy of Kyeema's Code of Conduct, and its contents and principles are explained, including the section on child protection.
- All successful candidates are required to read and sign a copy of this Prevention of Sexual Exploitation, Abuse and Assault Policy and Kyeema's Code of Conduct.

Attachment 4 Reporting and Grievance Redress Guidelines

These guidelines have been developed to inform all staff of their legal and moral responsibilities regarding suspected SEAH that is in any way connected with one of Kyeema's projects.

Kyeema provides a safe, supportive and secure environment to report SEAH. Kyeema will take all concerns seriously and respond immediately. All reports of SEAH will be recorded, regardless of whether substantiated or full investigation required.

Any disclosure or allegation made by any Kyeema staff, consultant, volunteer or partner regarding an incident of sexual abuse, exploitation or harassment must be reported. A staff member/ consultant is also obliged to report any incidents or behaviour they may witness that could be interpreted as SEAH. The report should be made within two days of the incident, and where this is not possible, it should be made as soon as reasonably practicable. Kyeema will report in line with the DFAT incident reporting requirements:

- **Mandatory and immediate** (within two working days of becoming aware of an alleged incident) reporting by all personnel and DFAT partners of any alleged incident of SEAH related to the delivery of DFAT business. This includes any alleged incident that poses a significant reputational risk to DFAT. For example, an allegation against a senior staff member of a partner organisation.

- **Mandatory reporting** (within five working days) by all personnel and DFAT partners of any alleged Policy non-compliance; for example, failure to adhere to the PSEAH Policy Minimum Standards or principles.

All reports to DFAT of alleged SEAH incidents will be made by either the Programs Director (and where the Program Director is unavailable, the CEO) and should be made using the DFAT Sexual Exploitation, Abuse and Harassment Incident Notification Form (www.dfat.gov.au/pseah) and emailed to seah.reports@dfat.gov.au

Complaints will be prioritised according to the seriousness of the case. Kyeema will keep a documented organisational record of all misconduct complaints and will deidentify complaints at the request of the complainant or survivor.

Reports of abuse or exploitation of individuals under the age of 18 years must follow Kyeema's Child Protection Policy.

Kyeema staff and partners may report a concern regarding sexual abuse, exploitation and harassment to any of the following people:

- Regional Manager or Program Manager: if the worker feels comfortable doing so, and if he/she is not directly or indirectly implicated in the alleged report.
- The Chief Executive Officer

Complaints that do not fall within the scope of Kyeema’s policy, e.g. other organisations or government departments, after due consideration may be referred to the appropriate organisation for its own investigation.

Each project must have its own reporting and grievance redress procedure that abides by the laws of the country in which the project is operating. Statements about Kyeema’s commitments to PSEAH and the complaints process will be displayed in public spaces such as head office, country office and project sites. Kyeema is committed to upholding the safety, dignity, and rights of survivors throughout every stage, including reporting, investigation, and assistance provision. In collaboration with our partners, we ensure that all our program activities incorporate community-based complaints mechanisms and reporting processes. These mechanisms are designed in consultation with the communities we serve, emphasizing transparency and accessibility. We recognize the importance of tailoring these processes to meet the specific needs of the supported communities.

Additionally, Kyeema actively collaborates with partners to ensure robust referral pathways, particularly in rural settings, to provide adequate support for survivors. This collaborative effort ensures that survivors receive the necessary assistance, fostering a holistic and community-centred approach to addressing their needs. Our commitment extends beyond mere compliance, aiming to create a supportive environment that respects the rights and well-being of survivors across all facets of our programs.

Each project’s reporting and grievance redress procedure will take into account the following issues:

- The treatment the person may receive from local authorities e.g. will the person be victimised?
- Will the person be ostracised by their community or family?
- How will the local authorities deal with the alleged perpetrator e.g. death penalty, corrupt justice systems?
- Whether reporting to local enforcement authorities is subject to the wishes and welfare of the complainant.
- Impact on Kyeema and the project’s reputation.
- Managing the media.
- Whether the complainant requires appropriate assistance e.g. medical, social, legal or financial assistance.

None of the above are reasons to avoid reporting child abuse, but they must be managed appropriately.

Actions that must always be taken include:

- Distancing the alleged perpetrator e.g. where the alleged perpetrator is a member of staff, have the individual placed on leave with full pay until resolution of the matter.
- Keeping the matter as confidential as possible where the relevant people are informed on a need- to-know basis only.

Attachment 5 Child Protection Code of Conduct

To be signed by all Directors, Board members, staff, subcontractors, volunteers and partners of Kyeema Foundation

I, _____ [insert name], acknowledge that I have read and understand Kyeema Foundation's Child Protection Policy, and agree that in the course of my association with Kyeema Foundation, I must:

- treat children with respect regardless of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;
- not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services or acts;
- wherever possible, ensure that another adult is present when working in the proximity of children;
- not invite unaccompanied children into my home, unless they are at immediate risk of injury or in physical danger or have been granted permission from a guardian/parent;
- not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible;
- use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass children or access child exploitation material through any medium;
- not use physical punishment on children;
- not give or provide children with alcohol or illegal drugs;
- not show favouritism through the provision of gifts or inappropriate attention;
- not hire children for domestic or other labour which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury;
- comply with all relevant Australian and local legislation, including labour laws in relation to child labour;
- immediately report concerns or allegations of child abuse in accordance with appropriate procedures;
- immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with Kyeema Foundation that relate to child exploitation and abuse;



- be aware of behaviour and avoid actions or behaviours that could be perceived by others as child exploitation and abuse.

When photographing or filming a child for work related purposes, I must:

- assess and endeavour to comply with local traditions or restrictions for reproducing personal images before photographing or filming a child;
- obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. As part of this I must explain how the photograph or film will be used;
- ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive;
- ensure images are honest representations of the context and the facts; and
- ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form.

I understand that the onus is on me, as a person associated with or engaged by Kyeema Foundation to use common sense, avoid actions or behaviours that could be construed as child exploitation and abuse. Also, I must immediately report any suspected cases of child abuse immediately to Kyeema Foundation.

Signed: _____

Date: _____

Attachment 6 Terms of Reference PSEAH Officer

Overview

The PSEAH Officer will ensure project operations are in line with Kyeema's PSEAH policy and procedures and act as a resource person for any issues related to sexual exploitation, abuse and harassment. The PSEAH Officer must at all times assess compliance, respond to and manage evolving PSEAH policy and procedure needs within the organisation. The PSEAH Officer will also ensure the implementation of this policy and advise on the need to review or revise this policy as and when the need arises. The PSEAH Officer will keep all senior management fully informed of any incidents, and follow Kyeema's grievance and complaints procedures accordingly. The Officer must ensure that complaints are prioritised according to the seriousness of the case and keep a documented organisational record of all misconduct complaints. Any complaints in written form will be de-identified at the request of the complainant or survivor. Reports of abuse or exploitation of individuals under the age of 18 years must follow Kyeema's Child Protection Policy. The PSEAH Officer is also responsible for ensuring all new and current staff receive training and that new project plans prepared by the team are inclusive of Kyeema's PSEAH policy.

Activities

- Undertake to create and maintain a safe and trusted environment that promotes the implementation of the PSEAH Policy and safeguards from SEAH;
- Ensure PSEAH training to all new and current staff are in line with Kyeema's PSEAH policy;
- Immediately report any concern, suspicion or allegation of SEAH or breach of the Kyeema PSEAH policy;
- Ensure that all concerns or allegations of sexual harassment, abuse or exploitation are responded to in a timely and appropriate manner;
- Be familiar with both DFAT and Kyeema SEAH complaints procedures; and
- When a complaint arises, adopt a survivor-centric approach where survivors are treated with dignity and respect, are involved in decision making, provided with comprehensive information and are offered support.

Relationships

The PSEAH Officer will work with in-country Program Managers and the wider Program Manager and volunteer team to collaborate on Kyeema's PSEAH policy and guiding principles throughout all program-related activities. The PSEAH Officer will also report any PSEAH-related matters to senior managers and DFAT in written form and in accordance with DFAT's complaints procedures. The PSEAH Officer will also collaborate with project teams to ensure project plans and operations are in line with Kyeema's PSEAH policy. The PSEAH Officer must have a thorough knowledge of Kyeema's current policy and procedures, as well as be aware of how to report in line with the DFAT incident reporting requirements.