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*Institutional*

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Policy

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IMS Policy on Prevention of  
Sexual Exploitation, Abuse and  
Harassment

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# Policy

## Revision history

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# Contents

1. Definitions and policy positions	3
Introduction	3
Scope	3
Policy statement	3
Survivors first	4
Confidentiality and non-retaliation	4
Transparency	5
2. Safe work culture	5
Recruitment & Human Resource Management	5
Awareness raising	5
3. Reporting concerns	6
4. Responding to concerns	6
Incident Management Process	6
Referral to justice system	7
Referral to other organizations	7
Working with partners	7
5. Roles and responsibilities	8
Annexes	9
Incident Management Flowchart	9

# 1. Definitions and policy positions

## Introduction

IMS supports local media in countries affected by armed conflict, authoritarian rule and political transition. Across four continents, IMS helps to promote press freedom, strengthen professional journalism and ensure that media can operate in challenging circumstances. IMS is committed to safeguarding freedom of expression and related international human rights standards endorsed by the international community. IMS is a support mechanism for professional peers, independent media and other media related institutions, where professional journalism can be promoted.

IMS strives to ensure that our media development initiatives are shaped by both international human rights standards and the priorities of each country we operate in. Founded on a Human Rights Based Approach (HRBA), our programmes are implemented in an accountable, inclusive and transparent manner in favour of marginalized groups. In every aspect of our work, IMS strives to be conscious of and responsive to gender inequalities hindering equal access to the media, both in terms of the production of media and the information disseminated by and through media.

The purpose of this policy is to ensure that procedures are in place to protect staff members, partners and beneficiaries from sexual exploitation, abuse or harassment (hereafter sexual misconduct), carried out by any IMS staff or associated personnel. Sexual harassment between staff members of IMS is regulated in IMS Policy on Harassment, Sexual Harassment and Bullying.

## Scope

The following standards apply to all IMS' paid and unpaid staff members, members of the board of IMS, entities and/or individuals partnering with IMS and consultants hired by IMS (hereafter IMS staff and associated personnel).

This policy shall be adhered to both during and after work hours, and both in the individual's duty station and during travel.

The following policy must be adhered to in all countries where IMS works or where IMS representatives visit for work. In countries where the following policy contravenes local legislation, local legislation must be followed. IMS policy will apply in the event that it is more stringent than local legislation.

The policy is valid until indefinitely but shall be revised every two years.

## Policy statement

IMS prohibition against sexual exploitation, abuse and harassment is stipulated in IMS' Code of Ethics of October 2019.

IMS prohibits sexual exploitation and abuse and considers such acts a serious misconduct, which may constitute grounds for disciplinary sanctions, including summary dismissal and criminal proceedings.

Sexual exploitation is defined as the abuse of a position of vulnerability, differential power, or trust for sexual purposes. IMS forbids the exchange of money, employment, goods, assistance or services for sex, including

sexual favours or other forms of humiliating, degrading or exploitative behaviour, regardless of whether such an activity (e.g. prostitution) is legal in the country of work.

Sexual abuse is defined as the actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions. IMS strictly forbids sexual activity with persons under the age of 18, regardless of the local age of consent. Mistaken belief regarding the age of a child is not an acceptable defence.

Sexual relationships between IMS employees and members of IMS partner organizations are strongly discouraged since they are based on inherently unequal power dynamics and might undermine the credibility of IMS. IMS employees engaged such relationships should report to the relevant line manager, to avoid potential conflicts of interest.

Sexual harassment is understood as unwanted non-verbal, verbal or physical conduct of sexual nature.

Clear procedures must be implemented, to ensure professional handling of internal reports of sexual harassment.

IMS employees and related personnel are obliged to create and maintain an environment that prevents sexual misconduct and promotes the implementation of this policy. IMS managers at all levels have particular responsibilities to support and develop systems, which maintain this environment.

## **Survivors first**

IMS stands by survivors of all forms of sexual misconduct and puts the safety and wellbeing of the survivor in the centre of its response. IMS recognize that understanding of what is perceived as unwelcome sexual behaviour is both contextual and individual.

Support might be offered to survivors regardless of whether a formal investigation is carried out. Support will also be offered as appropriate to others involved in an incident management process, recognizing the impact this can have, for example on witnesses and those accused of carrying out inappropriate or harmful behaviour. This can include specialist psycho-social counselling, medical support, legal support and/or access to other specialist and appropriate support as needed.

## **Confidentiality and non-retaliation**

Confidentiality is of uttermost importance to PSEAH because it protects the survivor, subject of concern and other witnesses and breaches of confidentiality undermines IMS safeguarding mechanism and poses a risk to the organization. The nature and facts about a SEAH allegation and the identity of those involved will be shared only on a “need to know basis” to those involved in incident management or duty of care.

All IMS staff, partners and others must be able to raise concerns without fear of reprisal or unfair treatment as a consequence of complaining.

IMS will take action against any staff or other representatives who seek to or carry out retaliatory action (e.g. intimidation, threatening behaviour) against complainants, survivors, witnesses or any others involved or believed to be involved in an incident management process. Staff who are found to have done this will be subject to disciplinary action, up to and including termination of employment.

## Transparency

To uphold transparency and accountability, IMS will share information with donors and other stakeholders on number of complaints received, actions taken to respond to complaints and results of investigations on a yearly basis or when requested. No personal identifiers will be shared.

# 2. Safe work culture

IMS shall do its uttermost to ensure a workspace and work culture free from sexual misconduct for all staff members and associated personnel working with IMS.

## Recruitment & Human Resource Management

IMS will not knowingly appoint any person with a history of sexual misconduct.

Job adverts and job descriptions shall clearly detail IMS' commitment to PSEAH and any role responsibilities relating to PSEAH.

IMS will ensure that recruitment of staff and other representatives will include reference checks (written and verbal where necessary). Consent will be sought from the successful applicant to request two references, including one from their most recent employer (or place of education).

All performance management processes and appraisals must include an assessment of how the individual upholds IMS Code of Ethics and safeguarding principles.

IMS will ensure exit processes are carried out in person or remotely, learning is recorded and acted upon as appropriate, and any SHEA and safeguarding concerns raised at this stage are addressed appropriately.

## Awareness raising

IMS Code of Ethics and PSEAH policy should be known to all IMS staff. IMS people managers shall make sure that the Code of Ethics is known to and understood by all new staff members during his/her induction.

IMS management must have undertaken relevant training on how to handle concerns of sexual misconduct received by them and shall be able to advice staff members and others who are involved in SEAH incidents.

All staff members shall on regular basis receive information and training on issues related to PSEAH, including rights and obligations under this policy.

IMS Code of Ethics and information about how to report misconduct shall be available on IMS website in the most commonly used languages of IMS.

## 3. Reporting concerns

Anyone, including beneficiaries and the public, can raise concerns or file complaint to IMS related to SEAH involving staff and associated personnel to whom this policy applies.

When an IMS employee develops concerns or suspicions regarding sexual misconduct, by an IMS employee or related personnel, such concerns *must* be reported via the established reporting procedures.

There shall be multiple ways to report misconduct to IMS including via oral or written reports or through established reporting e-mail.

Victims or witnesses might also inform other staff or board members of alleged misconduct. These should encourage the complainant to use any of the above reporting mechanisms. Any staff member who are made aware of suspicion of misconduct must within 24 hours forward the information to safeguarding focal point.

Concerns about sexual misconduct by IMS staff or associated personnel might also come to IMS' attention via media, social media or through rumours. Any staff member who is made aware of information in such channels shall forward the information to safeguarding focal point.

Anonymous complaints are complaints in which the victim and/or the complainant is not known. IMS accepts anonymous complaints and investigates if there is sufficient background information and/or information about witnesses who can give strong testimony about the alleged misconduct.

Complaints received by IMS will be logged in IMS case register by the safeguarding focal point within 24 hours.

## 4. Responding to concerns

IMS has a duty to respond to all allegations of sexual misconduct. All complaints will be taken seriously, and the procedure will be handled with fairness, sensitivity and with due respect for the rights and protection of all involved.

### Incident Management Process

As soon as a case is logged in the IMS case register, the safeguarding focal point call the safeguarding committee to convene and review the allegations. Decision on actions to follow will be taken by the safeguarding committee within 48 hours after logging.

Investigations shall be conducted according to the principles and standards of CHS Alliance.

Full cooperation with any IMS authorized investigation team is mandatory. Failure to cooperate with investigation team, at the request of IMS, may lead IMS to terminate the relevant business relationship.

The conclusion of an investigation is submitted by investigators to senior management who formalizes the conclusions and takes decision on disciplinary or other actions to follow. Such decision is to be taken within 72 hours upon receipt of investigation report.

## Referral to justice system

If an alleged breach of IMS Code of Ethics constitutes a criminal offence in the country where it occurred, IMS will review the allegations and decide whether the complaint shall be referred to competent authorities (police) of that country, or, when applicable, in Denmark. Decision is made after assessing the risks and wellbeing of the parties involved.

IMS does not have necessary expertise in investigating allegations of sexual abuse of children. Allegations involving children will be investigated by external experts brought in for this specific purpose.

All cases referred to external agencies will be supported and closely monitored by IMS.

## Referral to other organizations

Investigations should primarily be conducted by the organization in which the Subject of Concern is employed or contracted. IMS will refer concerns or complaints to other organizations through established mechanisms.

If the Subject of Concern reports to both IMS and another organization in joint programmes, it will be agreed between IMS and the other organization who will conduct the investigation. Alternatively, a joint investigation team can be formed. Information about the outcome of an investigation will be shared between the concerned organizations, with strong consideration for the confidentiality and protection of the parties involved.

## Working with partners

IMS partners must abide by IMS' Code of Conduct and all PSHEA and safeguarding related policies. All partner contracts shall include the IMS' Code of Conduct. Breaches can lead to termination of partnership agreements or contracts.

IMS shall assure that partner organizations are aware of the IMS Code of Conduct and PSEAH Policy. IMS shall before entering into partnership assess the organizations capacity to prevent and respond to sexual misconduct. When appropriate, capacity building can be offered for the partner organization to live up to safeguarding requirement.

Concerns regarding or complaints against partner staff members or associated personnel must be reported within 24 hours to the IMS safeguarding focal point. If IMS receives a complaint about a member of staff or associated personnel at a partner organisation, IMS will work with the partner to ensure this is responded to quickly and appropriately. In exceptional circumstances, IMS can decide to initiate an investigation against staff of or associated personnel to partner organizations. If there is reason to believe that a complaint has been dealt with inappropriately or inadequately by a partner, IMS might decide to withdraw funding or end the relationship.



## 5. Roles and responsibilities

### **All staff and associated personnel**

Each individual staff member and associated personnel must take responsibility for his/her own conduct and for adhering to IMS Code of Ethics and PSEAH policy. All staff members and associated personnel shall contribute to his/her best ability to a work environment and work culture that is not conducive to sexual misconduct. Staff members are obliged to report, through established reporting mechanism, any suspicion of sexual exploitation and abuse and to fully cooperate with any SEAH investigation.

### **Programme managers**

Programme managers are responsible for carrying out assessment of partner organization's capacity to prevent and respond to sexual misconduct. Programme managers are obliged to ensure that IMS Code of Ethics and other relevant policies on sexual misconduct is shared with organizations and individuals partnering with IMS within his/her programme or project. When appropriate, Programme Managers should assure that partner organizations receive adequate training and capacity building on prevention of sexual misconduct.

### **Heads of Department and Heads of Unit**

IMS people managers are responsible for informing all new staff of IMS Code of Ethics and PSEAH Policy and keep all staff members in his/her department/unit informed about any changes in existing or new policy. People managers are responsible for assuring that the work environment and culture in his/her department/unit is not conducive to sexual misconduct and that concerns or complaints raised in his/her department/unit are managed according to IMS policies and guidelines. Heads of Department and Heads of Unit are obliged to keep informed about IMS PSEAH policies and safeguarding mechanism and to give adequate and correct information and advise to any survivor, subject of concern or witness that is seeking his/her advice.

### **Safeguarding focal point**

Safeguarding focal point is obliged to register any complaint of concern that has come to IMS attention in the IMS case register within 24 hours from when it was first known to him/her. The safeguarding focal point might be part of the safeguarding committee. Safeguarding focal point should assist the organization with advice related to prevention of sexual misconduct and safeguarding.

### **Senior Management**

Deputy Director of Finance & Resources, or other representative of Senior Management, has the overall responsibility for prevention of sexual misconduct, safeguarding and duty of care. Deputy Director of Finance & Resources, or other representative of Senior Management, takes decision on the outcome and actions to follow of an investigation.

### **IMS Board**

IMS Board hold overall accountability for this policy and its implementation.

# Annexes

## Incident Management Flowchart

