



ICVA ORGANISATIONAL SAFEGUARDING POLICIES COMPREHENSIVE CODE OF CONDUCT ON MATTERS RELATING TO SEXUAL EXPLOITATION, ABUSE AND HARASSMENT

*December 2018
Revised ICVA Board 11 May 2021*

This policy document is part of the employment contract.

ICVA Secretariat and ICVA members have been reviewing their approach to safeguarding and improving their policies, procedures, and practices. Individual action is essential to prevent sexual exploitation, abuse, and harassment.

ICVA renewed its [commitments](#) to work collectively through sector-wide solutions to deliver systematic change.

Sexual exploitation, abuse and harassment are driven by power imbalances linked to social and gender-related inequalities. A profound effort is needed to ensure systematic and lasting cultural change. The ICVA Human Resource strategy and related plans of action set out approaches to improve the quality and the consistency of the sector's collective safeguarding practices.

ICVA adheres to international minimum standards relating to preventing sexual exploitation, abuse and harassment, namely elements of The [Core Humanitarian Standards on Quality and Accountability](#), the [IASC Minimum Operating Standards on Prevention of Sexual Exploitation and Abuse](#) and the [IASC Six Core Principles Relating to Sexual Exploitation and Abuse](#) (Annex 5). ICVA recognises and advocates for proposed solutions that need to be adaptable to the diverse global contexts and to acknowledge the realities of local resources and capacity constraints.

This Comprehensive Code of Conduct is a document that summarises, restates, and refers to the institutional policies and rules that define ICVA's activity (hereinafter, the "**Code**") on Sexual Exploitation and Abuse (SEA) and Sexual Harassment in the Workplace (SHW) matters.

It aims to provide for a coherent, professional, and readable framework on the subject. This Code applies to ICVA secretariat staff (hereinafter "**ICVA Staff**"), but is also applicable to ICVA interns, consultants, other contractors, or other parties (hereinafter "**ICVA Associates**"), who, under an ICVA mandate undertake field trips to locations, where they come in contact with persons of concern to ICVA member and partner organisations ("persons of concern") or otherwise assist ICVA in organising events and conferences at national, regional and international level.

All ICVA Staff & Associates are expected to be fully acquainted with the requirements of this Code and to act accordingly. ICVA Board Members are submitted to special vetting requirements as per Annex 1 to this Code.



1. Values and Commitments

Values are enduring beliefs that influence attitudes, actions and the choices made by ICVA Staff and Associates. ICVA Staff and Associates take pride in sharing such values and commit to applying them while working efficiently for the realization of their goals.

ICVA Staff & Associates commit to the principle of Non-Discrimination. In undertaking their ICVA related activities, Staff & Associates do their utmost to promote and practice tolerance, understanding and respect for all, without distinction as to race, ethnicity, religion, colour, national origin, marital status, gender and gender identity, sexual orientation, age, physical disability, political conviction, or any other status. Gender equality entails the concept that all human beings are free to develop their personal abilities and make choices without the limitations set by stereotypes, rigid gender roles and prejudices. ICVA Staff & Associates undertake to protect & uphold equality and especially gender equality, both in their internal and external dealings.

ICVA Staff & Associates respect Human Dignity. Human Dignity entails the right to be treated in an ethical, respectful, and worthy manner, by virtue of being a human being. That also includes dignity in the workplace, irrespective of the ranking, position, gender, age, or any other status. ICVA Staff & Associates undertake to create relations and environments that are respectful to human dignity and integrity and that are protective of any potential abuse.

ICVA Staff & Associates act in Solidarity. Solidarity is a most essential human quality that is indispensable for the success and cohesion of our modern society. It is the main reason behind the existence and everyday endeavour of all the humanitarian and development sector. All activities and actions carried out by Staff & Associates on behalf of ICVA are in the spirit of solidarity and mutual help and understanding with the concerned population.

ICVA Staff & Associates strive for social justice. All actions undertaken by ICVA Staff & Associates respect international human rights law, humanitarian law, the humanitarian principles, rule of the law and good governance principles, including accountability to persons of concern.

ICVA Staff & Associates demonstrate professional and personal integrity. They share concerns in a constructive and responsible manner. An open organisational culture, ethical awareness and behaviour is promoted through training, communication, policy development and liaison.

ICVA Staff act with independence and impartiality when they handle SEA and SHW matters. This is of paramount importance when we investigate any complaints and reports on SEA and SHW allegations.

ICVA Staff and Associates commit themselves to refrain from abuse of power. The key element defining most of SEA and SHW acts is linked to some form of power relationship. Striving to perform one's duties on behalf of ICVA in full respect of others' dignity entails making a conscious effort not to abuse any such power vested in them.



2. Institutional Resources

- 2.1 The adequate implementation and compliance with this Code of Conduct is a high priority for the ICVA Board, Staff and Associates and adequate measures proportional to the needs are invested in this regard.
- 2.2 **The Executive Director (ED)** is responsible for promoting the values of the organisation and advising ICVA staff about ethics and codes of conduct, when needed. The ICVA Executive Director reports regularly to the **Board Human Resources Focal Point (HR Focal Point)** and to the Chairperson of the Board on any concerns on the implementation of this Code of Conduct. Reporting on implementation and compliance with the Code and other related Safeguarding issues is a standard point on every ICVA Board meeting.
- 2.3 ICVA contracts an external **Trusted Person service to offer** listening and support to employees facing interpersonal issues (conflicts, bullying, sexual harassment, discrimination), or any other behaviour with a negative impact on personal wellbeing. The conversations with the employees remain confidential. The trusted person will not reveal the name of the employees nor the content of the conversations held with the latter to ICVA management nor to a third party unless previous consent of the employee involved is granted. The trusted person offers punctual assistance and help evaluate the possible solutions. The trusted person may encourage dialogue or orientate the employees to other suitable professional services.
- 2.4 In line with the ICVA Reserve Policy, a **reserve** is agreed to ensure victims' protection and readdress as well as adequate investigation of any complaint.
- 2.5 ICVA will make public in its Annual Report information on the complaints received under this Code and measures undertaken.
- 2.6 Data protection laws are fully respected throughout the implementation of this Code.



3. Bans and Breach Consequences

3.1 ICVA bans and prohibits the hereunder defined actions and practices as in flagrant conflict with the above stated Values and Commitments.

Workplace Harassment - Repeated, and over time, offensive behaviour or hostile communication that is directed in a systematic manner by one or more individuals, mainly toward one individual, and that could impact on the self-worth; dignity; emotional and physical well-being; and health of the individual targeted.

Sexual Harassment - is defined as any unwelcome sexual advance; request for sexual favours; or other verbal or physical conduct of a sexual nature or with sexual implications when it interferes with work; is made a condition of employment; or creates an intimidating, hostile, or offensive work environment. It is particularly serious when behaviour of this kind is engaged in by an official who can influence the productivity, emotional stability, career, or employment conditions (including hiring, assignment, contract renewal, performance evaluation, or promotion) of other staff.

Sexual Abuse - the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Sexual abuse can take place within a work environment or in relation to individuals outside the ICVA work environment. Sexual relations with children (under 18 years of age) constitute Sexual Abuse, irrespective of the existence of consent from the other person or knowledge of the fact that the other person was under 18 years of age. Sexual Abuse comprises also exchange of monetary/material value for sexual favours, including also exchange of humanitarian aid to that extent.

Sexual Exploitation - any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, with the aim of profiting monetarily, socially, or politically from the sexual exploitation of another. That includes any actual or attempted blackmail, extortion, and any form of coercion due to information of sexual nature on others (whether actual or fictitious).

3.2 Any *proven breach* of such ban entails immediate disciplinary action, ranging from written warning to temporary suspension from duties up to termination of employment. It is in the ED's discretion, in consultation with the Board Human Resources Focal Point, to select the appropriate disciplinary measure proportionate to the breach committed, taking in mind the best interest of the survivor(s). Such decision shall be taken rapidly after the completion of the investigation on the matter, as per Section 6 of this Code (Principles to Investigate Complaints).

3.3 Besides any disciplinary action, ICVA reserves the right upon careful evaluation of the specific circumstances of the relevant case and consequences on the human rights of those involved, *to further report* any allegations on such actions *to competent authorities*.

3.4 ICVA undertakes to make further efforts to limit the ability of the offender to commit similar acts in the future by reserving the *right to require or inform other organisations* through inter alia a Statement of Conduct¹ when referenced and/or queried, or otherwise based on any existing agreement.

¹ As per Inter-Agency Misconduct Disclosure Scheme ([Annex 6](#)).



4. Recruitment of Staff and Associates

4.1 ICVA recruitment process is fair and transparent, aiming at the appointment of the best candidate, based solely on merit and best fit with the job and ICVA organisational values, goals, and policies.

4.2 ICVA's selection process includes rigorous background checks and reflects ICVA's organisational integrity and commitment to make humanitarian action more principled and effective.

4.3 Whenever possible, appointment will be conditional upon presentation of a criminal record extract and/or Statement of Conduct ([Annex 6](#)) from previous employers, which will be used only to form an accurate picture of whether a candidate may pose a safeguarding risk in relation to this Code. Statements of Conduct will cover employment over the 5 years prior to the application and will be securely kept in the HR file of the employee. In cases where, despite best efforts, a Statement of Conduct could not be obtained, the signature of the [Statement of Commitment](#) at the end of this Code will be deemed sufficient.

4.4 While applicable legal and regulatory requirements will be respected, including data privacy regulations (i.e., EU General Data Protection Regulation), ICVA Staff and Associates consent to ICVA issuing a Statement of Conduct ([Annex 6](#)) related to this Code and as per the Inter-Agency Misconduct Disclosure Scheme to support recruitment processes.

4.5 Any induction to newly recruited Staff and Associates will include in depth induction on this Code as other organisational policies, which upon signature form all part of the employment contract.

5. Principles to Handle Complaints and Reports

5.1 Victims or persons duly authorized by victims of banned SEA and SHW acts defined in Section 3 of this Code and carried out by ICVA Staff & Associates, can complain about/report such acts to ICVA as per this procedure.

5.2 ICVA Staff & Associates have an obligation to report any events relating to potential banned SEA and SHW acts listed in Section 3 above and perpetrated on others, when they become aware of the existence of the breaches on the bans.

5.3 ICVA ensures accessible, safe, and responsive mechanisms to receive and record complaints and reports. A complaint/report form is attached as Annex 3 to this Code and is also available online at [this address](#)². All Complaints & Reports are duly and timely addressed, and

² <https://www.icvanetwork.org/internal-and-external-reporting-and-communication-alleged-misconduct-icva-secretariat-staff-and-icva>



safeguards are in place to ensure full respect for the rights of all those involved, especially alleged victims.

- 5.4 Whistle-blowers are protected: under no circumstances will they be dismissed, demoted, or discriminated against for reporting a breach. In the event of malicious complaints, if so, proven by the internal investigation instigated by the same complaint, ICVA reserves the right to take disciplinary measures. ICVA's Whistleblowing Policy is integral to this Safeguarding Policy and is included as Annex 2.
- 5.5 Any complaint against ICVA Staff and Associates is addressed in full confidentiality to the ICVA Executive Director. When concerns exist on how the allegations would be managed, the Complaint should be addressed to the HR Focal Point as per <https://www.icvanetwork.org/internal-and-external-reporting-and-communication-alleged-misconduct-icva-secretariat-staff-and-icva>
- 5.6 The responsibility for the management of the ICVA Procedure to handle complaints under this Code rests with the ED, unless the complaint is against the ED, in which case the HR Focal Point takes over responsibilities, in close consultation with the Chair and the Vice-Chair. To this exception, the ED will act as the key interface with all individuals presenting any complaints, reports, claims and/or counterclaims on SEA and SHW matters. Such communications shall be carried out whether on anonymous or disclosed basis, whichever suits best the needs to clarify any allegations on SEA and SHW and using a survivor-based approach. Such function can only be delegated in specific cases.
- 5.7 The ED/HR Focal Point has the responsibility to initiate and lead/oversee an investigation on an alleged breach, as per details stated under Section 6 of this Code (Principles to Investigate a Complaints).
- 5.8 Upon closure of the investigation, ultimate decision-making power on any disciplinary measures based on the findings of the investigation rests on the ED or ICVA Board in case investigations made were against the ED.
- 5.9 The Senior Management Team led by the Executive Director shall exercise care in reminding ICVA Staff and Associates of the importance of substantiating any claims made under this Code, to avoid any malicious reporting or any attempts and blackmailing which can lead to disciplinary measures under this Code.
- 5.10 It is a main duty of the Senior Management Team led by the Executive Director to create an atmosphere of trust especially among the ICVA Staff but also external complainants/reporters of alleged breaches to minimize any anonymous reporting, considered to be not very useful/helpful in investigating alleged breaches of banned SEA & SHW acts.



6. Principles to Investigate Complaints

ICVA advocates for reinforced prevention and response measures to SEA and SH based on a victim/survivor-centred approach that are operationalized in a way that is systematic, predictable, and resourced accordingly, in line with defined priorities. The reporting and investigative procedures should take a priority a victim/survivor approach.

Upon obtaining a report/complaint on alleged sexual exploitation, abuse, or harassment acts, ICVA shall set up a small investigation team – as a rule - led by the ICVA ED. Experienced and qualified professionals who are also trained on sensitive investigations such as allegations of SEA considered as beneficial to the aims and needs of the investigation shall be engaged. Such people can be either internal to ICVA network or external.

Main Quality Features of the Investigation:

1. Investigation should be aiming to swiftly collect any physical evidence (medical if available), witness testimonies, etc. and record them meticulously.
2. The victim/survivor will be asked to express informed consent to the reporting and investigation procedure, and in case of SEA will be made aware that there is a mandatory reporting obligation.
3. Investigation should be impartial and as objective as possible, showing concern of the interests of the alleged victim, but also respecting the presumption of innocence as a fundamental principle of a fair investigation.
4. Investigation should fully guarantee confidentiality and anonymity while considering that it is not detrimental to its aims and the need to confront different and conflicting versions of the alleged facts.
5. Investigation should be led while being sufficiently informed on the existing legal framework in the concerned jurisdiction about the alleged acts. This includes consideration of any legal duty to report any alleged crimes to the local authorities, but also the right to hold private investigations on such matters and the manner that such investigations are carried out.
6. Investigation should give ample opportunity to any accused person to be heard and to hear and see all evidence presented against him/her. If so wished, the concerned individual shall have the right to be advised by a personal advisor.
7. While taking a victim/survivor approach, investigation should be focused on establishing whether a breach of the defined banned actions has taken place based on any collected evidence and testimonies. This should serve solely for establishing whether any internal disciplinary actions listed in point 3.2 of this Code will be needed.
8. Any definitions and/or categorisations of potential crimes under national law should be prerogative of the national authorities who can be seized by the concerned victim. ICVA shall make that possibility known to the concerned victim. In the event the seriousness of the breach is such that a report is warranted by ICVA Staff, management shall consider and undertake such step-in respect of the rights of all those involved (point 3.3 of this Code).



7. Principles for Victim Assistance³

7.1 **Victim Assistance Facilitator (VAF)** will be designated by the ED. In the event the ED is involved in the allegation presented by the victim, the HR Focal Point will designate the VAF. Due attention will be paid to conflict of interests, gender considerations and competencies required in the designation of VAF.

7.2 VAF shall carry out his/her role in compliance with the following principles:

- uphold the victim's rights, dignity, and best interests at all times,
- maintain confidentiality on a need-to-know basis in all circumstances,
- act quickly to assist the victim as needed, and
- be knowledgeable about and use existing referral networks for victims of gender-based violence, where feasible.

7.3 In collaboration with other actors, as much as possible in proximity to the alleged victim, the VAF should ensure that:

- the alleged victim is protected from retaliation by being able to refer the victim to specialized services that can provide such support, including safe shelter.
- basic emergency assistance is provided to the victim, including medical aid and assistance if needed.
- psycho-social support and legal assistance is available by qualified professionals.

7.4 Interacting with victims in a careful manner entails the following immediate *actions and duties* for the VAF role:

- Explain to the victim in a clear and sensitive manner the role of the Victim Support Facilitator and what s/he can and cannot offer as well as VAF's respect for confidentiality duties towards the victim.
- Together with the victim, identify potential security risk for the victim and her/his family as well as work on risk management plan (like retaliation risk).
- Together with the victim, identify the types of care that are needed and refer the victim (and potentially his/her family) to the respective services, as available at national level.
- Facilitate access to such services.
- Act as an interlocutor between the victim and the relevant persons involved in the investigation and help the victim navigate the respective administrative process.
- Maintain contact with the victim before, during and after both the investigation and disciplinary processes to respond to needs.
- Ensure that all queries and concerns of the victim are followed up.
- Ensure that the victim is consulted and informed at all stages of the process.

³ This Procedure is prepared in compliance with the United Nation's victim assistance strategy developed to assist and support victims of sexual exploitation or abuse-General Assembly Resolution 62/214



8. Statement of commitment

I, the undersigned,.....declare that I have received, read, and understood ICVA Code of Conduct.

I declare that I am familiar with and accept to work in full accordance with this document and other ICVA policies and rules referred to. I understand that any failure to comply with the Code of Conduct⁴ may result in my actions being reported to the relevant authorities and the imposition of disciplinary measures, including the immediate termination of my employment contract.

I am made aware that ICVA Secretariat has signed up to work to a common standard to share information between organisations as part of the recruitment process about staff and affiliates who have been found to have committed sexual harassment, sexual abuse, or sexual exploitation, while respecting applicable legal and regulatory requirements as per the “inter-Agency Misconduct Disclosure Scheme” (Annex 6).

During the recruitment process, I had the opportunity of explaining gaps in my employment history, and I shared information on any reported concerns and formal investigation procedures relating to my behaviour that may be of concern to the adherence to the ICVA Safeguarding Policies. I am aware that failure to disclose such information might be ground for termination of the employment contract or other disciplinary measures.

Place / Date:

⁴ ICVA Organisational Safeguarding Policies. Comprehensive Code of Conduct on Matters relating to Sexual Exploitation, Abuse and Harassment – Latest revision – May 2021



ANNEX 1 - ICVA Board Candidate Integrity Vetting

Due Diligence Confirmation

ICVA Member Organisation:

ICVA Board member:

Background

The ICVA Board mandates ICVA ED to request to organisations who nominate a **board candidate to be elected at the General Assembly** to certify they have done the due diligence and, amongst others, carried out background checks.

The Board members receive a briefing on PSEA and SHW from ICVA Secretariat.

Briefing covers the integrity policies in place at ICVA with a particular focus on recognising and responding to risks and concerns. Board members are asked to sign the ICVA code of conduct.

Attestation

I, undersigned _____⁵ certify that _____⁶ has carried out due diligence checks on _____⁷, nominated by _____⁸ and elected on the ICVA Board by the ICVA General Assembly on _____.

Amongst others, the following standard due diligence measures for recruitment have been applied (indicate “YES” or “NO”):

1. Gaps in employment history checked during interview. YES / NO
2. Questions related to Prevention of Sexual Exploitation and Abuse asked during recruitment interview or subsequently in a formal and documented way. YES / NO
3. At time of recruitment, at least two references were taken from previous employers which include questions on candidate’s conduct, behaviour. If not the case, references have been taken and documented subsequently. YES / NO
4. Recent criminal records check has been conducted YES/NO
Where not possible, explain reason:
5. Has a code of conduct in place and board member has signed it? YES / NO
Please attach.

I hereby declare that the above information is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

I acknowledge that my attestation will be transferred and stored in the Human Resource ICVA server with restricted access. Attestation will be shared with board members.

Full name:

Organisation:

Function:

Date:

Signature:

⁵ Name and function of authorised person at ICVA member organisation

⁶ ICVA member organisation

⁷ Name of ICVA board member

⁸ ICVA member organisation



ANNEX 2

ICVA WHISTLEBLOWING POLICY

1. Purpose

We are committed to conducting our work in accordance with “[ICVA’s organisational Safeguarding Policies and Comprehensive Code of Conduct](#)”. However, all organisations face the risk of things going wrong or of unknowingly harbouring illegal or unethical conduct. A culture of transparency and accountability is essential to prevent such situations occurring and to address them when they do occur.

2. Objectives

ICVA’s policy for whistleblowing aims to:

1. Encourage and enable Whistle blowers to report suspected wrongdoing within ICVA as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality and, if desired, anonymity will be respected.
2. Provide Whistle blowers with a safe, effective, and accessible procedure for how to raise Whistleblowing concerns; and
3. Reassure Whistle blowers that they should be able to raise genuine concerns regarding the conduct described below without fear of retaliation or reprisals, even if they turn out to be mistaken. Though maliciously false reporting will not be accepted.

3. Application and scope

1. This Whistleblowing Policy applies to all “ICVA Staff” and “ICVA Associates”⁹.
2. Nothing contained herein is intended to provide any Protected Person with any additional rights or causes of action, other than those provided by law. We further reserve the right to amend this policy at any time.
3. This Whistleblowing Policy is not designed to allow “ICVA Staff” and “ICVA Associates” to express concerns about their individual terms and conditions of work. “ICVA Staff” and “ICVA Associates” are encouraged to use ICVA’s Complaint Mechanisms in order that such concerns may be resolved and redressed.
4. This Whistleblowing Policy should be read in conjunction with local legislation (where possible).
5. This policy supersedes all prior policies, guidelines and practices that pertain to Whistleblowing.

⁹ [ICVA’s organisational Safeguarding Policies and Comprehensive Code of Conduct](#) applies to ICVA secretariat staff (“ICVA Staff”) as well as to ICVA interns, consultants, other contractors or other parties (“ICVA Associates”), who, under an ICVA mandate undertake field trips to locations, where they come in contact with persons of concern to ICVA member and partner organisations (“persons of concern”) or otherwise assist ICVA in organising events and conferences at national, regional and international level.



4. Roles and responsibilities

1. All “ICVA Staff” and “ICVA Associates” shall be responsible for:
 - a. Reporting any Whistleblowing concerns they may have in accordance with the reporting procedure described below, as ICVA may amend in its discretion.
 - b. Assist in any investigations of Whistleblowing concerns by making available all relevant information and by cooperating in interviews.
2. Managers are responsible for:
 - a. Ensuring that the principles of this policy are communicated and understood throughout their teams.
 - b. Escalating any reports of Whistleblowing concerns they may receive as per section 5 of “Principles to Handle Complaints & Reports” of « [“ICVA’s organisational Safeguarding Policies and Comprehensive Code of Conduct”](#)”.
3. The Senior Management Team led by the Executive Director shall be responsible for:
 - a. Providing training, advice, guidance, and ongoing support to Staff on the implementation and use of the Whistleblowing Policy.
 - b. Determining the scope of investigation of Whistleblowing concerns raised pursuant to this policy and ensuring that any subsequent investigation is promptly and properly managed.
 - c. Facilitating the implementation of appropriate responses to recommendations made in Whistleblowing investigation reports.
 - d. Advising, the Finance and Admin Committee of the Board of all reported Whistleblowing concerns.
 - e. The retention of all records of reported Whistleblowing concerns and Whistleblowing investigations on a strictly confidential basis for the required periods.
4. The Executive Director is responsible for ensuring the implementation and monitoring of the Whistleblowing Policy.
5. The Board of ICVA is responsible for overseeing management’s implementation and monitoring of the Whistleblowing Policy.

5. Process

Raising a Whistleblowing concern:

- a. “ICVA Staff” and “ICVA Associates” should be encouraged to report Whistleblowing concerns to their line manager, a more senior manager up to and including Director, or a senior representative of their choice. Reports may be made in person, by telephone or in writing.
- b. Third parties and ICVA members
Third parties can report any suspected irregularities or wrongdoing by ICVA by raising their concern with a member of “ICVA Staff” or “ICVA Associates”.
- c. External disclosures



This Policy aims to provide an internal mechanism for reporting, investigating and remedying Whistleblowing concerns. This does not, however, affect the right of “ICVA Staff” and “ICVA Associates” to report Whistleblowing concerns to an external body (such as a regulator) where the individual believes this is the appropriate course of action. We would encourage Whistle blowers to seek advice from a Manager before reporting Whistleblowing concerns externally.

An [on-line report form](#)¹⁰ (Annex 3) is suggested on-line for internal and external reporting and communication on alleged misconduct.

6. Confidentiality

Whistle blowers should feel comfortable reporting Whistleblowing concerns openly under this Policy. Reports of Whistleblowing concerns will be treated with the utmost confidentiality by all parties involved or otherwise aware of what has been reported, subject to any disclosures required as part of any regulatory process or legal proceedings.

Although not prevented from doing so, Whistle blowers are encouraged not to make anonymous disclosures since proper investigation may be obstructed if investigators cannot clarify or obtain further information from the Whistle blower. Whistle blowers who are concerned about possible retaliation or reprisals if their identity is revealed should make this clear when making the report so that appropriate measures can be taken to protect their identity as far as possible.

7. Investigating Whistleblowing concerns

The ICVA Executive Director is the “Policy Administrator”. He/she shall determine who is appropriate to manage reports of Whistleblowing concerns. The Policy Administrator may delegate the responsibility to investigate a reported Whistleblowing concern to one or more appropriate members of Staff or to any other individual, including persons not employed by ICVA. ICVA will make use, where possible, of the investigation capacity of ICVA members.

Whistle blowers may request to be accompanied at any meetings in respect of the Whistleblowing concern by a colleague of the Whistle blower’s selection. The Whistle blower may be requested to select an alternative colleague if the one identified is deemed not to be a reasonable choice.

Where appropriate and subject to the need for confidentiality, the Whistle blower should be kept informed of the progress of the investigation.

If an investigation concludes that a Whistle blower has maliciously or knowingly made false allegations, the Whistle blower may be subject to disciplinary action, up to and including termination of employment.

¹⁰ <https://www.icvanetwork.org/resources/reporting-form-internal-and-external-reporting-and-communication-alleged-misconduct-icva>



8. Protection and support for Whistle blowers

ICVA is committed to protecting members of “ICVA Staff” and “ICVA Associates” who make disclosures under this Policy.

Any member of “ICVA Staff” and “ICVA Associates” who retaliates against a Whistle blower or in any way causes a Whistle blower to suffer adverse employment consequences as a result of their report is subject to discipline up to and including termination of employment. Retaliation and adverse employment consequences may include, for example, intimidation, bullying, harassment and discrimination, failure to promote, adverse impact on compensation or benefits, termination, suspension, demotion, or other change in responsibilities whether formal or informal.

“ICVA Staff” and “ICVA Associates” who believe they have suffered retaliation or adverse employment consequences because of having reported a Whistleblowing concern should inform the Policy Administrator.



ANNEX 3 - CONFIDENTIAL COMPLAINT OR REPORT FORM

Please complete this form to report any suspicion or knowledge of breach to this Code. Staff members and others submitting such reports in good faith have the right to be protected against retaliation.

Information about you (the complainant or reporter)

Name _____

Title _____

Email Address _____

Telephone No _____

Information about the person(s) committing the alleged misconduct

Name _____

Title _____

Email Address _____

Telephone No _____

ICVA Staff have the right to remain anonymous. However, remaining anonymous or refusing to give names of people who can corroborate their story may make it difficult to do anything.

Please state the alleged misconduct and provide a detailed description, including where and when it occurred.

Provide the names of any witnesses and their contact information

Please state if you have taken any other action regarding the alleged misconduct

Please attach any documents that have information supporting the alleged misconduct

In signing, I acknowledge that the information I have provided is accurate to the best of my knowledge. *

Name

Date and Location



Annex 4:

ICVA BOARD HUMAN RESOURCES FOCAL POINT TERMS OF REFERENCE

Revision May 2015.

Approved as part of Staff Rules and Regulations at ICVA Board meeting 5-6 October 2017

Revision July 2018

Revision approved at Board meeting 2 March 2021

Authority and Responsibility

On behalf of the Board, one board member assumes the specific responsibility to act as the focal point for members of staff from the ICVA Secretariat on human resources related issues. This specific role is in addition to the Board member's regular responsibilities.

Background

The Executive Director is responsible for the successful leadership and management of the organization and its staff. The Executive Director oversees the work of staff. The Executive coordinates the administrative functions for human resource management.

The Board HR Focal Point offers advice and support on matters relating to human resources on strategic staffing plans, benefits, training and development, budget, and labour.

The HR focal point has a specific responsibility with regards to the *Procedure for Dealing with Offensive, Harassing, and Discriminatory Behaviour*, to the Staff Rules & Regulations and *Code of Conduct in relation to Sexual Abuse and Exploitation*.

Responsibilities

- Support the Executive Director in key HR related matters at his/her request, including the interviewing and hiring of senior ICVA staff; reviewing staff policies; and other human resources issues.
- Act as a focal point for ICVA Secretariat staff members in accordance with the *Procedure for Dealing with Offensive, Harassing, and Discriminatory Behaviour* and *Code of Conduct in relation to Sexual Abuse and Exploitation*. The HR Focal Point does not have responsibility to resolve matters brought to his/her attention but rather serves as a liaison and conduit for engaging the appropriate parties such as the Executive Director and the Board Chair, or the full Board.
- The HR Focal Point should ensure confidentiality of the contact(s) with ICVA Secretariat staff and information brought to his/her attention and protect the privacy of all individuals as appropriate. The HR focal point may choose to inform the Executive Director that s/he has received a staff complaint in accordance with ICVA safeguarding procedures.



- The HR Focal Point should remind staff members who bring information to his/her attention of their responsibility to explain their expectations with regards to follow up on the information. This follow up could include actions such as the HR Focal Point referring the information to the Chair, or by dealing with it in another appropriate manner, as agreed between the HR Focal Point and staff member.
- The HR Focal point is a permanent member of ICVA Finance and Administration Committee.

Requirements

- The Focal Point should, preferably, be Geneva-based to facilitate contacts with ICVA Secretariat staff members based primarily in Geneva. S/He serves for the duration of the Board (i.e., three years) and should be appointed by the Board at its first session of the Board's three- year term.
- S/He should have experience in a management position, including human resources management, or have a specific background or experience in human resources.



Annex

IASC Six Core Principles Relating to Sexual Exploitation and Abuse

1. “Sexual exploitation and abuse by humanitarian workers constitute acts of gross misconduct and are therefore grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defence.
3. Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
4. Any sexual relationship between those providing humanitarian assistance and protection and a person benefitting from such humanitarian assistance and protection that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of humanitarian aid work.
5. Where a humanitarian worker develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same agency or not, he or she must report such concerns via established agency reporting mechanisms.
6. Humanitarian workers are obliged to create and maintain an environment which prevents sexual exploitation and abuse and promotes the implementation of their code of conduct. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.”



Annex

Misconduct Disclosure Scheme

Statement of Conduct

ICVA

As part of its recruitment process, ICVA carries rigorous background and reference checks for all candidates. As ICVA participates in the [Inter-Agency Misconduct Disclosure Scheme](#), all reference checks include a written questionnaire, the “Statement of Conduct”, sent to past employers regarding Misconduct (sexual exploitation, sexual abuse, or sexual harassment). This Statement of Conduct adopts the definitions used in the Scheme.

STATEMENT OF CONDUCT – CONFIDENTIAL

This Statement is provided in answer to a request by- _____ name/position/ICVA

Name of Candidate: _____

1. Duration of employment / term with Organisation from _____ to _____
2. Was the Candidate found¹¹ to have committed Misconduct (sexual exploitation, sexual abuse, or sexual harassment) during the period of employment defined above?

No

Yes

The nature of the Misconduct is:

I am unable to specify the nature of the Misconduct because of the following legal/regulatory requirements:

¹¹ “Found” for these purposes shall mean that, in accordance with the Organisation’s own relevant internal processes and standards, Misconduct has been determined to have occurred.



3.1. If the answer is yes, was a Disciplinary Measure imposed upon the Candidate?¹²

- No, for the following reasons:
- Yes, the Disciplinary Measure was:
- Date of Disciplinary Measure:
- I cannot provide an answer to this question for the following reason(s):

3.2. Is the Candidate currently being investigated for an allegation of sexual exploitation, sexual abuse, or sexual harassment?

- I am unable to provide an answer
- Yes
- No

¹² Organisations must at a minimum disclose information where a Candidate was dismissed for Misconduct. Organisations may, in their discretion, disclose the fact of lesser Disciplinary Measures such as suspension and warning. Organisations are encouraged only to include warnings within the Statement of Conduct where they have been issued within the last two years of the Candidate's employment or position within the organisation. Organisations are not expected to disclose Disciplinary Measures which are considered "spent" or "expunged" according to applicable law or policy.



4. ICVA adopts the following definitions of sexual exploitation, sexual abuse, and sexual harassment:

Sexual Harassment - is defined as any unwelcome sexual advance; request for sexual favours; or other verbal or physical conduct of a sexual nature or with sexual implications when it interferes with work; is made a condition of employment; or creates an intimidating, hostile, or offensive work environment. It is particularly serious when behaviour of this kind is engaged in by an official who is in a position to influence the productivity, emotional stability, career, or employment conditions (including hiring, assignment, contract renewal, performance evaluation, or promotion) of other staff.

Sexual Abuse - the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Sexual abuse can take place within a work environment or in relation to individuals outside the ICVA work environment. Sexual relations with children (under 18 years of age) constitute Sexual Abuse, irrespective of the existence of consent from the other person or knowledge of the fact that the other person was under 18 years of age. Sexual Abuse comprises also exchange of monetary/material value for sexual favours, including also exchange of humanitarian aid to that extent.

Sexual Exploitation - any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, with the aim of profiting monetarily, socially or politically from the sexual exploitation of another. That includes any actual or attempted blackmail, extortion and any form of coercion due to information of sexual nature on others (whether actual or fictitious).

Name and Title:

Date:

Signature: