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Protection from Sexual Exploitation and Abuse (PSEA) Policy

Loy Kandahar Reconstruction Organization
(LKRO NGO)



-Contact: 0700302908, 0700300245
Email: Lkronko.kdhafg@gmail.com, Lkro.kandahar@yahoo.com

PSEA Policy:

Loy Kandahar Reconstruction Organization (LKRO NGO) promotes a zero-tolerance policy with respect to harassment and discrimination. LKRO believes and promotes full equality of all its members and the right of each member to be treated with dignity and respect. The LKRO administration, staff and volunteers are responsible for assuring that the LKRO maintains an environment for work free from sexual harassment. Sexual harassment is unlawful and impedes the realization of the LKRO's mission of distinction in services and projects. Sexual harassment violates the dignity of individuals and will not be tolerated. The LKRO management seeks to eliminate sexual harassment through its mission and by encouraging its employees and volunteers to report concerns or complaints. Prompt corrective measures will be taken to stop sexual harassment whenever it occurs. Since we are representing organization so we are the ambassador of the organization therefore during work hours or after that we should abide by policy of the organization and must follow the below six core principles and organization ethics because the way we conduct our personal life may impact the organization we are working with.

1. Six Core Principles:

- 1) No second chances SEA constitute acts of gross misconduct & are grounds of termination of employment.
- 2) No sex with children sexual activity with children (under 18 year of age) is prohibited.
- 3) Do not hire/bribe anyone for sex (exchange of money, employment, goods for services for sex is prohibited, including hiring prostitutes).
- 4) No sex with beneficiaries, any sexual relationship with beneficiaries that involves improper use of position is prohibited.
- 5) Always report SEA, humanitarian workers are obligated to report any concerns regarding SEA by fellow workers.
- 6) Discourage SEA around you, humanitarian workers are obligated to create and maintain an environment which prevent SEA.

2. Organization Ethics:

Looking at female at sexual way it's a case of sexual harassment and sexual exploitation. Being peer colleagues so each other staff must treat equally and make a comfortable place the organization for women to work in. In your internal office policy, it's something you felt bad, demon seeing sexual misbehaving and looking at women in sexual way.

If it comes to staff (person to person relation) which will be PSEA policy so the first step you follow the informal procedure to solve this matter. Tell that particular staff I noted the point and you should avoid this kind of abuse and unethical behavior. The notice is taken and he do not do it to another person. If it did not prevent, then make it official complaint and take action.

3. Policy Guidelines:

I. Definition

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when it meets any of the following:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status.
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual.
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or performance or creating an intimidating, hostile, or offensive environment for working. Sexual

harassment can occur between any individuals associated with the LKRO, e.g., an employee and a supervisor; coworkers; staff member, or vendor, or contractor etc.

II. Examples of Sexual Harassment include the following but may not be limited to these examples:

- A. Some incidents of physical assault.
- B. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation.
- C. Direct propositions of a sexual nature and/or subtle pressure for sexual activity that is unwanted and unreasonably interferes with a person's work.
- D. A pattern of conduct that unreasonably interferes with the work or academic environment (not legitimately related to the subject matter of a course) including:
 1. Sexual comments or inappropriate references to gender.
 2. Sexually explicit statements, questions, jokes, or anecdotes regardless of the means of communication (oral, written, electronic, etc.).
 3. Unwanted touching, patting, hugging, brushing against a person's body, or staring.
 4. Inquiries and commentaries about sexual activity, experience, or orientation.
 5. The display of inappropriate sexually oriented materials in a location where others can view them.

III. Romantic and/or Sexual Relationships:

Romantic and/or sexual relationships between individuals in a supervisory, teaching, evaluation, advising, coaching, or counseling relationship constitute a conflict of interest. The person in the position of higher institutional authority has the responsibility to eliminate the conflict of interest. The conflict of interest must be eliminated in a way which minimizes potential for harming the person with lower institutional authority.

Staff who are in the position to influence employment decisions about others with whom they are in a romantic and/or sexual relationship should keep themselves from such decisions. In the event of an allegation of sexual harassment, the LKRO will strictly scrutinize a defense based upon consent when the facts establish that an organizational power differential existed within the relationship.

A. Prohibited Relationships:

1. Romantic and/or sexual relationships between staff whenever there are supervisory, evaluation, advising, coaching, or directing responsibilities. Alternative supervisory arrangements must be made to avoid being in a prohibited relationship; if acceptable alternative arrangements are not feasible, the relationship cannot continue.

Romantic and/or sexual relationships between supervisor and employee are prohibited. No person involved in a romantic and/or sexual relationship will have direct responsibility for evaluating the performance or for making decisions regarding the hiring, promotion, tenure, compensation, or termination of the other party to the relationship. Supervisors must take immediate steps to make acceptable alternative arrangements regarding their supervisory responsibility for the other party to avoid an actual or apparent conflict of interest. If acceptable alternative arrangements are not feasible, the relationship cannot continue.

2. Notification responsibilities to avoid prohibited relationships: LKRO staff must notify their supervisor of any prohibited relationship in which they are involved; and, have a duty to cooperate in making acceptable alternative arrangements. The Office of Human Resources and Organization is available to facilitate or consult with parties about notification and making acceptable alternative arrangements.

Individuals who engage in prohibited relationships (i.e. who do not notify their supervisors and do not make acceptable alternative arrangements) are in violation of this policy. Supervisors, who obtain information that would lead a reasonable person to believe that the Romantic and/or Sexual Relationships section of this policy has been violated, have an institutional duty to report the violation to the Office of Human Resources and Organization.

Individuals in positions of power, who engage in a series of exploitive sexual or romantic relationships, whether or not notification has occurred, may be held in violation of the romantic and/or sexual relationship policy.

3. Acceptable alternative arrangements: Acceptable alternative arrangements mean removing any supervisory, evaluation, advising, coaching, or counseling responsibilities between the person with organizational power and the employee. The alternative arrangements should avoid negative consequences for the employee; if acceptable alternative arrangements are not feasible, the relationship cannot continue.

B. Corrective Action:

After a thorough review of the facts, corrective action will be taken with any staff who violates this romantic and/or sexual relationship policy by:

1. Entering into or engaging in a prohibited relationship without notification and without making immediate acceptable alternative arrangements, or
2. Failing to follow any part of this policy, or
3. Failing to implement any responsibility of supervisors as identified in this policy. This applies to all supervisors who serve in supervisory roles.
4. The corrective action process will be in accordance with LKRO policies, rules, or Code of Staff Conduct.
5. An individual who promptly provides notification of a prohibited relationship and cooperates in making acceptable alternative arrangements in a timely manner will not be held in violation of the romantic and/or sexual relationship policy.

C. Important advisory statement on romantic/sexual relationships:

Individuals in positions of power must be aware that romantic or sexual relationships with students are fraught with danger for exploitation and pose a legal risk to both the individual and the institution.

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions of power. These relationships may be subject to concerns about the validity of consent and unfair treatment of other employees. Such relationships can undermine the atmosphere of trust essential to the work process and the employment relationship. They may, moreover, be less consensual than the individual whose position confers power believes. The apparent consensual nature of the relationship is inherently suspect due to the fundamental asymmetry of power in the relationship and it thus may be difficult to establish consent as a defense to a charge. Even when both parties consented at the outset to a romantic or sexual involvement, this past consent does not remove grounds for or preclude a charge or subsequent finding of sexual harassment based upon subsequent unwelcome conduct.

The greater the organizational power differential that exists the greater risk there is for exploited consent. Exploited consent exists when consent to a relationship is given as a function of the position of power one occupies over another within an institution.

Many international students, faculty, and staff come from cultures in which deference to any authority figure is important and sexual harassment laws do not exist. Some individuals may be especially vulnerable to exploitive relationships given cultural, language, and immigration/visa issues. Faculty, staff, and students should be very careful to avoid relationships that may be exploitive in nature.

The LKRO discourages romantic and/or sexual relationships between staff for all the reasons provided above.

Finally, it is important to be aware that in some cases non-consensual relations may constitute sexual harassment, and allegedly consensual relations that “go bad” may later result in allegations of sexual harassment.

IV. Duty to Act:

Any staff member or supervisor, who becomes aware of information that would lead a reasonable person to believe that sexual harassment has occurred will notify the Office of Human Resources, Organization and Human Resource Consulting, by ensuring that a Discrimination/Harassment Complaint Form or other appropriate documentation is filed within five working days of becoming aware of the information. The Complaint Form/documentation will initiate collaboration between the Office of Human Resources, Organization and Human Resource Consulting and the unit to determine how to proceed with resolving the complaint.

V. Regulations:

A. Confidentiality and non-retaliation:

The LKRO will make every reasonable effort to conduct all proceedings in a manner that will protect the confidentiality of all parties. Parties to the complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.

LKRO policy and state and federal law prohibit retaliation against an individual for reporting sexual harassment, or for participating in an investigation. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the sexual harassment allegation.

The LKRO has a compelling obligation to address allegations and suspected instances of sexual harassment when it obtains information that would lead a reasonable person to believe that this policy has been violated. Precluded from taking any action it deems appropriate, including informing the alleged harasser of the complaint and pursuing an investigation even in cases when the complainant is reluctant to proceed. The complainant will be notified in advance when such action is necessary.

B. Corrective measures:

When it has been determined that sexual harassment has occurred, steps will be taken to ensure the harassment is stopped immediately. Corrective measures consistent with the severity of the offense will be imposed consistent with applicable LKRO procedures and may include sanctions.

Sanctions imposed on the harasser may include, but are not limited to, a reprimand, suspension, or dismissal from the LKRO. In the event that a record of such sanctions will become a part of the harasser's personnel records, prior notice will be given to the harasser. Sanctions also may be imposed on any individual with a duty to act (under this policy and associated procedures) who fails to respond to a complaint of sexual harassment in a manner consistent with the provisions of this policy and the associated procedures. The complainant will be informed of the corrective measures taken.

C. False allegations:

It is a violation of this policy for anyone to knowingly or with reckless disregard for the truth make false accusations of sexual harassment. Failure to prove a claim of sexual harassment is not equivalent to a false allegation. Sanctions may be imposed on individuals who knowingly or with reckless disregard for the truth make false accusations of sexual harassment.

D. Use of sexual harassment allegations in employment actions:

When making decisions affecting an individual's employment or academic status, allegations of sexual harassment may be considered only if they have been addressed through this policy or procedure, a court of law, or other administrative proceeding. Whenever such an allegation is discussed as part of a determinant in the terms and conditions of an employment or academic status, the affected party should be given notice.

VI. Policy and Procedure Administration:

The Office of Human Resources is responsible for the administration of this policy and the associated procedures. The president and each vice president, dean, department chair, director, administrator, faculty member, and supervisor is responsible for assuring compliance with this policy. Any such

individual who obtains information that would lead a reasonable person to believe that this policy has been violated must refer the matter to the appropriate individual for investigation or, if so authorized, initiate a prompt and thorough investigation.

4. Procedure:

I. Educational Program Goals and Objectives:

The LKRO is committed to eliminating and preventing sexual harassment of staff and volunteers and to fostering an environment of respect for all individuals. The LKRO promotes educational programs coordinated by the Office of Human Resources to meet the following goals:

- A. Informing all individuals about their rights through training and dissemination of the sexual harassment policy.
- B. Including the sexual harassment policy in orientation materials for new staff and volunteers.
- C. Notifying persons of prohibited conduct.
- D. Informing all individuals of the appropriate procedures and reporting mechanisms for addressing concerns of sexual harassment.
- E. Informing the community about the problems caused by sexual harassment.
- F. Addressing issues of sexual harassment from a multicultural perspective.

II. Who Can Make Allegations:

Sexual harassment concerns can often be resolved by the person being harassed addressing the matter directly with the alleged harasser. When such resolution is not feasible, any faculty, staff, student, or volunteer may bring an allegation against any member of the LKRO community or any customer, vendor, or contractor of the LKRO.

III. Confidentiality:

To the extent possible, all information received in connection with the filing, investigation, and resolution of allegations will be treated as confidential except to the extent it is necessary to disclose particulars in the course of the investigation or when compelled to do so by law. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved in the process.

IV. Retaliation:

LKRO policy prohibit retaliation against an individual for reporting sexual harassment, or for participating in an investigation. The LKRO will not tolerate retaliation in any form against any staff or volunteer, who files an allegation, serves as a witness, assists an alleged, or participates in an investigation of sexual harassment. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the sexual harassment allegation. Allegations of retaliation should be directed to the Office of Human Resources, Organization and Human Resource Consulting.

V. Counseling and Support:

A person seeking counseling or support may contact LKRO Staff Assistance Program. The role of this office is not to investigate allegations but to provide counseling and support.

VI. Receipt and Referral of Allegations:

- A. An alleged violation of the LKRO's sexual harassment policy may be taken to any of the following designated individuals:
 1. The human resource professional within a department or unit.
 2. A consultant in the Office of Human Resources, Organization and Human Resource Consulting.
 3. Any supervisor or staff administrator.
- B. If the alleged harasser is the alleged's supervisor, the alleged should directly contact either a higher-level administrator in the college/unit or the Office of Human Resources, Organization and Human Resource Consulting.

- C. When the above individuals receive an allegation of sexual harassment, they will promptly refer the matter to the appropriate individual for investigation or, if so authorized, initiate a prompt and thorough investigation.
- D. The Office of Human Resources, Organization and Human Resource Consulting, is available to provide consultation to any person who has a potential sexual harassment concern. Likewise, consultants are available to assist any administrator in handling an allegation.
- E. All individuals who are designated to receive allegations are expected to participate in training provided by the Office of Human Resources, Organization and Human Resource Consulting, related to handling sexual harassment allegations.

VII. Victims:

Victims may be community, beneficiary or staff member. Look at the do's and don'ts of your internal sexual policy. Six core principles of PSEA (Protection from Sexual Exploitation and Abuse). To save the beneficiaries you are serving are not exploited by your staff. Have the system to either prevent or eliminate.

We have zero tolerance against the harassment of beneficiaries and we do not take it lightly. One way is to do prior employment reference check to avoid hiring previous perpetrator. If your policy says your staff can not have relation, then stick to it.

VII. DON'Ts:

- 1) Child below age 18
- 2) Pay bribe
- 3) Having sex with beneficiaries

And sharing phonographic photos with child and touching improperly. If you did not report the incident so you breach the principles. If you heard the rumors so you should report your suspicions and concerns. To confirm the delegation so you do not have to collect your suspicions and concerns.

VIII: DO's:

- If they need services.
- Do your review the whole of that.
- Do not judge & blame survivor & make them doubt
- Do not give inaccurate information & only give guidance & lesson to them without making your own judgement & ask them how I can help.
- Keep appropriate boundary (not far, not too close).
- Make informal decision if he wants to go X facility rather than going to Y facility.
- Ensure the best interest of the child is done.
- Transport victim for interview, provide meal or accommodation. So, the organization should take care of such expenses.

Heighten visibility means if aid worker does abuse then he will be treated differently. Power dynamic What are the gaps in the services so, what should be done to fill those gaps?

- Remember we should refer the survivor to other facility if we do not have it our self.
- Relocate him to a safer place.
- We may form community structure like children group exist in the society to provide the emotional support to the child.
- We may have disability and women groups in the community too.
- We must always remember that we must work with GBV and child protection sub-cluster network.

What is referral pathway:

- GBV sub cluster network will be rolled out in June 2022 in Afghanistan.
- Around 66 GBV services are existed in mixing way link shared to download map showing these 66 GBV services.

Reporting link of PSEA matters:

There should be reporting line for PSEA matters. PSEA matters should not be reported to anyone. You should be having a specific reporting system.

- 1) PSEA care should be reported to PSEA focal point.
- 2) Then your manager.
- 3) Then your director.

In case if you do not have a particular PSEA focal point staff so, still your HR officer can be assign as PSEA focal point. There should be a safe way for reporting PSEA matters

IX. Victims Assistance:

Example: Staff with beneficiary, if you do not sleep with me so I would not give you scholarship. How do we assess these kind of victims:

- 1) That can be community member so, they can lean on him who can help us assess the case.
- 2) There is nearby medical service provider so the victim should be taken to the facility for treatment.
- 3) Legal service provider should be provided based on victim choice.
- 4) Victim survivor care givers should have access to services.
- 5) If the victim is pregnant so, we may require impartiality test.
- 6) If the survivor is a child so, as a child 's guardian, he/she should have access & referred to services.
- 7) We have PSEA coordinator & PSEA focal point. What is referral system in Afghanistan when you get PSEA disclosure eg. someone comes to you that/this person has done A & B so, who you do as organization.
 - 1) Receive PSEA incident as organization.
 - 2) Review the case & find out who was victim & who is perpetrator. (ie. Beneficiary, IP, staff, project participants).
 - 3) See our policy & review & act according to our own policy & share the finding.
 - 4) Need to take consent of the victim.
 - 5) Organization can refer to the investigation team (ask all when, where, how, who questions) and review all findings.
 - 6) Its confidential and we cannot share it with other stakeholders.
 - 7) Provide immediate services & protect to further getting it worse.
 - 8) Refer her to legal social consoler & refer to senior management for advice.
 - 9) Safe home finding for victim.
 - 10) Decrease stress & provide psychological service.
 - 11) If you do not have the capacity, then we refer victim to other service providers.
 - 12) Hear what happened & find out the detail of incident.
 - 13) Referral for immediate assisting.
 - 14) Ease tension & social counseling.
 - 15) Immediate medical attention.
 - 16) Follow legal aspects.
 - 17) All these services can be done concurrently.

What do you do as PSEA survivor because my daughter is pregnant from one of your staff?

- 1) They come to you for services.
- 2) What information we give so, we listen to him.
- 3) Better to involve elderly women to go & ask question with survivor.
- 4) Calm the victim.
- 5) Tell the victim I am glad you come here so let me refer you to the right person who is our PSEA focal point.

- 6) Tell him, you will be protected from perpetrator who will not do any harm to you so your case will be referred to the responsible authority in that community for offering you support.
- 7) Assess the needs of survivor while you providing any assistance.
- 8) At the same time, you report the incident.
- 9) We will report & tell him we will need to share your information you need to report to PSEA focal point as standard operating procedure.
- 10) Respect the information of the reporter and do not discuss the information with everyone.
- 11) Understand the survivor so that reporting is for your good.
- 12) Make sure fairer accountability in the organization is in place.
- 13) You can positively affect the survivor. eg. You provide timely assistance to the victim. Making him feel comfortable & tell him i am glad you come here & who i am & what assistance you can expect from us.
- 14) Assess the issues that are there.
- 15) What are their immediate concerns & what are the immediate needs (ie. Its bleeding, the child is alone so, asking if you need adult to accompany you).
- 16) Link them up & refer them.
- 17) If it's a child use friendly language to feel him comfortable and I refer you to receive GBV services.
- 18) Ask if you want to keep this confidential.