

Combatting Sexual Exploitation and Abuse Policy

CSO has zero tolerance for inaction regarding allegations of sexual exploitation and abuse (SEA) occurring in relation to a federal award, and advocates for a survivor-centered approach to addressing such misconduct. The Recipient, Recipient employees, and their agents must:

- Not engage in sexual exploitation and abuse of award beneficiaries in the performance of this award;
- Adopt a zero tolerance for inaction policy and take all reasonable and lawful measures to prevent and address sexual exploitation and abuse occurring under this award.

Recipient Requirements.

To comply with the Policy in paragraph (a)(2), the Recipient shall:

- Develop and adhere to a minimum set of organization-wide policies and internal controls necessary to reasonably prevent, detect, address, and resolve incidents of SEA, which must include:
 - A zero tolerance policy for inaction in addressing SEA;
 - A readily available organizational policy or code of conduct for employees that includes safeguarding and [IASC principles](#);
 - A safe, accessible and confidential internal reporting mechanism, such as a hotline, for reporting SEA, with appropriate safeguards to protect whistle-blowers and survivors, including express protection against retaliation for reports of SEA;
 - Investigative procedures that provide due process to the accused;
 - Hiring policies aimed at preventing re-circulation of perpetrators on successive government awards, including policies on the impact of misconduct on rehiring or transfer and referencing for subsequent employers;
 - Prohibit all personnel from engaging in SEA and notify employees of relevant policies, including remedies against employee perpetrators;
 - Take appropriate action against perpetrators that commit SEA or fail to take reasonable steps to prevent it;
 - Upon obtaining credible information of SEA, take prompt and reasonably appropriate action to stop harm occurring, investigate, and report to relevant authorities (for criminal matters) in a manner consistent with a survivor-centered approach. The Recipient must maintain appropriate standards that govern the conduct of its personnel and sub-recipients and a suitable mechanism for complete and comprehensive reporting of such conduct.

Notification.

The Recipient shall inform the Grants Officer (GO) and Grants Officer Representative (GOR) immediately of:

- Any credible information it receives from any source (including host country law enforcement) that alleges a Recipient employee, sub-awardee, sub-awardee employee, or

Recipient's agent has engaged in conduct included in paragraph (a) of this Combatting Sexual Abuse and Exploitation clause; and,

- Any actions taken against a Recipient employee, sub-awardee, sub-awardee employee, or Recipient's agent pursuant to this Combatting Sexual Abuse and Exploitation clause.

Each notification referred to in paragraph (c)(1) and (c)(2) will indicate, as reasonably available to Recipient: the agreement number, description of the alleged SEA, date of alleged SEA, date of first report to the Recipient, location, involvement of sub-recipient, state of affairs concerning the investigation and the action that will be taken by the Recipient, and whether the case is referred to law enforcement. The Recipient will provide updates on the status of the case. The notice will be given in writing.

It is understood and accepted that the Recipient's duty to report on SEA is subject to not compromising the safety, security, privacy, and due process rights of any concerned persons and limitations that may be imposed by applicable law. Any information or documentation provided in accordance with this Combatting Sexual Abuse and Exploitation clause will be treated by State Department with utmost discretion in order to ensure, inter alia, the probity of any investigation, protect sensitive information, ensure the safety and security of persons or assets, and respect the due process rights of all involved. State Department will presume information/documentation to be confidential, deliberative, and investigatory and will ensure that information/documentation provided to State Department personnel will be available solely to those who strictly require access to such information/documentation. Any disclosure of such information/documentation beyond such personnel will require notification and consultation with the Recipient.

Full Cooperation.

Recipient will:

- Fully cooperate with State Department in the event of investigation, audit, or corrective action, including by disclosing info, providing timely and complete responses, and providing reasonable access to facilities; and
- Take measures designed to ensure that employees suspected of being victims of or witnesses to prohibited activities are not subjected to additional prohibited conduct, harassment or retaliation, and shall not prevent or hinder the ability of these employees from cooperating fully with Government authorities.

Full cooperation will have the meaning prescribed at 48 C.F.R. 52.203-13 and be subject to the applicable law.

Sub-awards.

The Recipient shall include the substance of this clause in all sub-awards and in all contracts with agents.

Policies and Procedures and Oversight.

The Recipient shall provide copies of its Code of Conduct and related policies and procedures to S/GWI upon request and by no later than within 60 days of award, unless a different schedule is agreed in writing.

Should any change be made to the Recipient's code of conduct and related PSEA policies and procedures during the validity period of this agreement, the Recipient shall inform S/GWI in writing within thirty (30) days of the changes.

State Department or any of its duly authorized representatives may at all times carry out reviews, evaluations, or other oversight measures to verify the Recipient's zero tolerance for SEA. The Recipient will fully cooperate with State Department or any of its duly authorized representatives or agents to carry out such oversight measures.

Termination.

Failure to comply with the terms of this provision may result in termination of the award.

Definitions.

As used in this clause:

- “Information” means any communication or representation of knowledge such as facts, data, or opinions, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual (Committee on National Security Systems Instruction (CNSSI) 4009);
- “Sexual Abuse” means any actual or threatened physical intrusion of a sexual nature whether by force or under unequal or coercive conditions. For child sexual abuse, it specifically includes but is not limited to fondling a child's genitals, penetration, incest, rape, sodomy, indecent exposure, and exploitation through prostitution or the production of pornographic materials;
- “Sexual Exploitation” means any actual or attempted abuse by Recipient or sub-awardee employees or agents of a position of vulnerability, differential power or trust, for sexual purposes, including profiting monetarily, socially, or politically from the sexual exploitation of another;
- “Survivor-centered approach” means an approach for which the survivor's dignity, experiences, considerations, needs, and resiliencies are placed at the center of the process, from the initial award design to investigating and responding to potential incidents. Consistent with the UN Protocol on Allegations of SEA Involving Implementing Partners, the survivor should be informed, participate in the decision-making process, and provide consent on the possible use and disclosure of their information. Those interacting with the survivor and/or handling information regarding the allegation must maintain confidentiality, ensure safety of the survivor, and apply survivor-centered principles which are safety, confidentiality, respect, and non-discrimination. When the survivor is a child, the approach must consider the best interests of the child and engage with the family/caregivers as appropriate. Staff and partners should comply with host

country and local child welfare and protection legislation and international standards, whichever gives greater protection;

- “Credible information” - information that, considering its source and the surrounding circumstances, supports a reasonable belief that an event has occurred or will occur; and,
- “Zero Tolerance for Inaction” means that every allegation is treated seriously and appropriate action is pursued to resolve it.