



## Sexual Misconduct Policy

June 2024

Approved by the VWB/VSF & VWB USA Board of Directors on June 17<sup>th</sup>, 2024

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“VWB NA” refers to “Veterinarians without Borders North America”, which consists of two organizations,

Veterinarians Without Borders/Vétérinaires sans frontières (VWB/VSF) registered under the Canada Corporations Act

Veterinarians without Borders USA registered as a 501 (c)(3) in the United States

### 1. VWB NA Policy Statement

VWB NA seeks to incorporate respect for, and promotion of basic human rights into all of its programming. At the heart of VWB NA’s efforts to impact poverty through a One Health approach is its engagement with marginalised communities, and vulnerable adults and children. Vulnerable adults and children are particularly at risk of sexual exploitation and abuse.

VWB NA has **zero tolerance for Sexual Misconduct** of any kind among VWB NA Employees or Related Personnel. In the promotion of a working environment free of harassment and abuse, VWB NA has committed to fight abuse and to reinforce mechanisms and procedures to prevent and address it. This includes enhancing grievance channels at all levels of the organisation, and supporting victims and whistleblowers. VWB NA follows these guidelines:

- Everyone engaged in the work of VWB NA has a right to work in a harassment-free and respectful environment.
- VWB NA is committed to addressing inappropriate behaviour, including Sexual Misconduct, by or towards its employees or related personnel.
- VWB NA Employees or Related Personnel responsible for conduct which can be construed as Sexual Misconduct will be subject to appropriate administrative and/or disciplinary measures.

- Measures to deal with Sexual Misconduct will be based on the principles of fairness, impartiality, sensitivity and respect. However, VWB NA recognize the importance of believing those people who come forward with accusations of Sexual Misconduct and taking steps to protect victims from the person or people alleged to have committed Sexual Misconduct.
- Everyone who represents VWB NA has a responsibility to sustain a respectful work environment by upholding the highest standards of conduct and applying necessary confidentiality measures. VWB NA will ensure that adequate resources are available to promote a positive work environment and to prevent inappropriate behaviour in the workplace.
- Complainants have the right to choose an informal (discussion with Immediate Supervisor, Country Director and/or Local Coordinator) or formal dispute resolution process (via the online complaints mechanism – [www.vwbincidents.ca](http://www.vwbincidents.ca))
- VWB NA will provide appropriate mechanisms to prevent or deal with retaliation related to the reporting of allegations of Sexual Misconduct.

## 2. Definitions

### **Sexual Misconduct**

Sexual Misconduct includes any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different genders. Sexual Misconduct includes, but is not limited to:

#### **(a) Sexual Harassment**

Defined as any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another person. Sexual harassment may occur when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive environment. It can include a one-off incident or a series of incidents. Sexual harassment may be deliberate, unsolicited or coercive. Colleagues of any gender can be the victim or offender. Sexual harassment may also occur outside the workplace and/or outside working hours.

#### **(b) Sexual Assault**

Defined as any form of sexual contact without freely given valid consent. Consent is defined in accordance with Canadian law, as the voluntary agreement of a person to engage in the sexual activity in question.

Consent does not exist where:

- a person is too young to provide consent under applicable law;
- a person is incapable of consenting to the activity due to an impaired mental state (including impairment by drugs or alcohol);
- one person convinces another person to engage in the activity by abusing a position of trust, power or authority;
- a person expresses, by words or conduct, a lack of agreement to engage in the activity (either before or during that activity);

- a person has not expressed agreement by words or unambiguous conduct to engage in the activity; or
- a person, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

**(c) Sexual Exploitation**

Defined as sexual coercion and manipulation, including all types of sexual acts, by a person in a position of power providing any type of assistance in exchange for sexual acts. In these situations, the potential victim believes they have no other reasonable choice than to comply; this is not consent, but exploitation. Sexual exploitation is any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically from sexual exploitation of another.

**(d) Sexual Intimidation**

Defined as:

- threatening another person with an unwanted sexual act against them;
- engaging in indecent exposure, or
- distributing intimate or sexual images or information about another person without that person's consent.

**(e) Prohibited Sexual Relationships**

Defined as any consensual sexual relationship that is specifically prohibited by VWB NA policies. This includes undisclosed consensual sexual relationships that would not be permitted by VWB NA policies if they had been disclosed.

**(f) Child Sexual Abuse**

Defined as any form of sexual contact or mistreatment of a person who is either under 18 years of age or older than 18 years of age but considered a child in accordance with local standards. Child Sexual Abuse includes any situation in which a younger or less powerful child is used by an older or more powerful child, youth or adult for sexual gratification. Sexual abuse can be contact or non-contact.

*Contact*

- Touched in sexual areas (mouth, breasts, buttocks, anus, and genital area)
- Forced to touch another's sexual areas
- Held in a sexual way
- Anally or vaginally penetrated

*Non-contact*

- Shown sexual videos
- Being flashed/exposed to sexual areas, in person or through technology
- Forced to listen to sexual talk
- Forced to pose for sexualized photos
- Forced to look at sexual areas of another person

**VWB NA Managers and Supervisors**

VWB NA Managers and Supervisors are those VWB NA Employees or Related Personnel who exercise any authority over other VWB NA Employees or Related Personnel, and includes local coordinators.

## VWB NA Employees or Related Personnel

The term “VWB NA Employees or Related Personnel” includes all employees of VWB NA and country offices. The term also includes board members, volunteers, interns, and international and local consultants, in addition to individual and corporate sponsors (private sector grantors, foundations) of these entities and related personnel. This includes non- VWB NA entities and their employees and individuals who have entered into partnership, sub-grant or sub-recipient agreements with VWB NA.

### 3. Core Principles<sup>1</sup>

In order to protect the most vulnerable populations, particularly vulnerable children, and to ensure the integrity of VWB NA activities, the following Core Principles must be adhered to:

1. Sexual Misconduct by VWB NA Employees or Related Personnel is prohibited in all its forms, whether it occurs during or outside of work hours.
2. VWB NA Employees or Related Personnel are prohibited from exchanging money, employment, favours, goods, or services for sexual activity regardless of whether it occurs during or outside of work hours and regardless of local laws regarding sex work.
3. Sexual relationships between VWB NA Employees or Related Personnel and members of a community in which VWB/VSF is operating programs have the potential to undermine the credibility and integrity of VWB NA humanitarian and development work and are at high risk for involving power differentials that may vitiate consent. Therefore, sexual relationships with community members are:
  - (a) prohibited in the case of community members who are program recipients because the inherently unequal power dynamics involved in such relationships prevents them from being considered consensual
  - (b) prohibited in the case of members of crisis-affected populations given their increased vulnerability, since such relationships are based on inherently unequal power dynamic ; and
  - (c) discouraged in the case of community members who are neither program recipients nor members of a crisis-affected community.
4. Where VWB NA Employees or Related Personnel develop concerns or suspicions regarding Sexual Misconduct by a fellow worker, whether or not the fellow worker is a VWB NA Employee or Related Personnel, the person must immediately report such concerns to their VWB NA Manager or Supervisor or via the VWB NA reporting mechanism: [www.vwbincidents.ca](http://www.vwbincidents.ca)

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<sup>1</sup> The six Core Principles are adapted from the UN Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Abuse (ST/SGB/2003/13).

5. VWB NA Employees or Related Personnel are obliged to create and maintain an environment that prevents Sexual Misconduct and promotes the implementation of this Policy. VWB NA Managers and Supervisors at all levels bear a particular onus to support and develop systems, which maintain this environment.
6. Proven Sexual Misconduct by VWB NA Employees or Related Personnel constitute acts of gross misconduct and are therefore grounds for termination of employment, volunteer mission, or consultancy contract.

#### 4. Commitments<sup>2</sup>

VWB NA is dedicated to fulfilling the six Core Principles through implementation of the following Commitments. This includes time-bound, measurable indicators of progress to enable all entities of VWB NA, and others, to monitor VWB NA's performance:

1. VWB NA will adhere to our strategies and procedures to prevent and respond to Sexual Misconduct. These include assigning specific job responsibilities (such as staff training, review of police checks prior to recruitment, careful review of behaviour with employee references, monitoring complaints and response mechanisms, and coordinating high-level oversight and progress reports by directors) to specific staff positions to support and ensure effective implementation of organization strategies to prevent and respond to sexual exploitation and abuse.
2. VWB NA will undertake annual risk assessments to identify areas of risk and document steps to be taken to remove or reduce these risks.
3. VWB NA will ensure that the all VWB NA Employees or Related Personnel are provided with a copy of the Sexual Misconduct Policy and agree to abide by the Code of Conduct, and that standards on Sexual Misconduct are addressed in contracts, country manuals and in induction materials and training courses for VWB NA Employees or Related Personnel, including specific provisions for child sexual exploitation and abuse.
4. VWB NA will ensure that when engaging in partnerships, sub-grant or sub-recipient agreements, these agreements will: a) incorporate this Policy as an attachment; b) include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers to abide with the Code of Conduct that is set out in this Policy; and c) explicitly state that the failure of those entities or individuals, as appropriate, to take preventive measures against Sexual Misconduct, to investigate and report allegations thereof, or to take corrective actions when Sexual Misconduct has occurred, shall constitute grounds for VWB NA to terminate such agreements and pursue legal action.
5. VWB NA will regularly inform VWB NA Employees or Related Personnel and communities in which we are active about measures we have taken to prevent and respond to Sexual Misconduct. Such information will often be developed and disseminated in-country in

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<sup>2</sup> The Commitments are based on the Statement of Commitment Relating to Sexual Exploitation and Abuse by UN and non-UN Personnel, August 2008.

cooperation with other relevant agencies (VCAs, NGOs, partners who could be impacted) and VWB NA will use its best efforts to ensure that these materials include details on complaint mechanisms, the status and outcome of investigations in general terms, feedback on actions taken against perpetrators, and follow-up measures taken as well as assistance available to complainants and survivors. Any information that is not of a general nature and concerns specific cases must respect confidentiality for all parties involved, including the survivor and family, VWB NA Employees or Related Personnel, and the ongoing investigation process, particularly where there are legal implications.

6. VWB NA will ensure that complaint mechanisms for reporting Sexual Misconduct are accessible to anyone wanting to make a report of Sexual Misconduct, whether that complainant is a VWB NA Employee or Related Personnel, a program recipient, a community member, or a member of the wider public. VWB NA undertakes to ensure that VWB NA Employees or Related Personnel assigned a role in the receiving of complaints are knowledgeable about how to discharge their duties. VWB NA has put in place institutional protocols that have been added to this policy and include: Procedures for Reporting Sexual Misconduct (Appendix B to this Policy), for Investigating Allegations of Sexual Misconduct (Appendix C to this Policy) and processes for managing VWB NA Employees or Related Personnel VWB NA Employees or Related Personnel accused of violating the Sexual Misconduct Policy or Code of Conduct, including the potential disciplinary steps for VWB NA Employees or Related Personnel found to have violated the Policy or Code of Conduct.
7. VWB NA will ensure the reasonable support and assistance to complainants of Sexual Misconduct. This may include medical treatment, and psychosocial support as appropriate and according to the needs of the survivor whilst also taking account of confidentiality, cultural sensitivities and survivor safety.
8. In compliance with applicable laws, VWB NA will prevent perpetrators of Sexual Misconduct from being (re)hired or (re)deployed. VWB NA Managers and Supervisors, in conjunction with human resource personnel (at headquarters and in the field) must ensure robust recruitment screening processes for all personnel, particularly for personnel who will have any direct or indirect contact with children. Depending on local conditions this could include use of background and criminal reference/record checks, verbal referee checks, and interview plans that incorporate behavioural-based interview questions.
9. VWB NA will investigate all allegations of Sexual Misconduct in a timely and professional manner. This includes the use of culturally- and age-appropriate interviewing practices with complainants and witnesses, particularly with children. VWB NA will engage professional investigators or secure investigative expertise as appropriate, including law enforcement.
10. Where an investigation into an allegation of Sexual Misconduct against VWB NA Employees or Related Personnel suggests that the allegation is credible, VWB NA will take immediate steps to ensure the safety of the victim by preventing the alleged perpetrator from engaging in Sexual Misconduct or intimidating a victim or witness.
11. VWB NA will take swift and appropriate action, including legal action when required, against VWB NA Employees or Related Personnel who commit Sexual Misconduct. This may include administrative or disciplinary action, and/or referral to the relevant authorities for

appropriate action, including criminal prosecution, in the abuser's country of origin as well as the host country.

12. VWB NA will take appropriate actions to the best of VWB NA's abilities to protect persons from retaliation where allegations of Sexual Misconduct are reported involving VWB NA Employees or Related Personnel.
13. VWB NA strives to ensure high-level oversight and review of how Sexual Misconduct reports are received and acted upon in order to monitor the effectiveness of VWB NA policies and procedures in preventing and responding to Sexual Misconduct.



## 5. Responsibilities

### **All VWB NA Employees or Related Personnel**

All VWB NA Employees or Related Personnel share an obligation to prevent and respond to Sexual Misconduct. It is the responsibility of all VWB NA Employees or Related Personnel to uphold the Core Principles of this policy along with the Code of Conduct. All VWB NA Employees or Related Personnel must sign the Code of Conduct. VWB NA Employees or Related Personnel, who work with communities concerned, will also contribute to regular monitoring by seeking feedback from program participants.

### **VWB NA Managers and Supervisors**

VWB NA Managers and Supervisors must ensure that all VWB NA Employees or Related Personnel for which they are responsible understand and comply with this policy and sign the Code of Conduct. VWB NA Managers are also responsible for robust recruitment, induction and training, whilst Managers and Supervisors are responsible for performance management to prevent Sexual Misconduct.

### **Country Directors, Local Coordinators, and VWB NA Senior Leadership in any Country or Region**

Where VWB NA has local staff (e.g., South Sudan), Country Directors or VWB NA Local Coordinators must provide clear guidance to local partner staff, volunteers and project beneficiaries and demonstrate how the organisation, across its operations, will ensure that adults and children are protected from Sexual Misconduct in the delivery of projects and programs in-country. Country Directors must ensure that culturally appropriate community-based complaint mechanisms are developed, implemented, and monitored and reviewed for effectiveness. This includes raising awareness with program participants and VWB NA Employees or Related Personnel about protection from Sexual Misconduct and how to use the complaints mechanism. Country Directors will also ensure that complaints handling and investigation procedures are enacted, along with appropriate employee disciplinary procedures as necessary. Country Directors are responsible for the provision of appropriate survivor assistance.

### **Board of Directors**

The VWB NA Board of Directors is responsible for ensuring that VWB NA policies and procedures to prevent and protect against Sexual Misconduct are in place. The Board of Directors is also expected to take steps to ensure that VWB NA acts in compliance with the policies and procedures, which may include performing annual reviews with staff, auditing compliance with Sexual Misconduct policies and procedures, and establishing a committee that includes board members and staff to oversee these activities.

## Appendix A: Code of Conduct

### **Protection from Sexual Misconduct – for Employees and Related Personnel (which includes board members, volunteers, interns, international and local consultants, in addition to individual and corporate sponsors of these entities and related personnel)**

1. I understand that it is my responsibility to respect and promote fundamental human rights without discrimination of any kind and regardless of social status, race, ethnicity, colour, religion, gender, sexual orientation, age, marital status, national origin, political affiliation or disability.
2. I undertake to treat all refugees, internally displaced people, program participants, community members, and other people fairly and with respect, courtesy, dignity, and according to the respective national law, international (humanitarian, human rights and refugee) law and local customs to the best of my ability.
3. I acknowledge that I must help to create and maintain an environment that prevents Sexual Misconduct and promotes the implementation of the VWB NA Sexual Misconduct Policy.
4. I will uphold the highest standards of accountability, efficiency, competence, integrity and transparency in the provision of goods and services. I will not participate in abuse of authority, corruption, or criminal activity according to international and local laws.
5. I will never commit any form of harassment that could result in physical, sexual or psychological harm or suffering to individuals, especially women and children.
6. I will never exploit the vulnerability of any person or group, especially women and children, or allow any person to be placed in a compromising situation if it is my power to prevent or report any such abuse of power.
7. I will not engage in any sexual activity with a person under the age of 18, regardless of local law about the age of majority or of consent. I understand that mistaken belief in the age of a child is not a defence.
8. I will not engage in the sexual exploitation or abuse of any person.
9. I will never trade money, employment, goods or services for sex, including sexual favours. I understand that this includes trading of assistance that is due to program participants.
10. I will never abuse my position to withhold humanitarian assistance, to give preferential treatment, or to solicit sexual favours, gifts, payments of any kind, or advantage. I will consciously avoid taking advantage of my position and will not accept gifts (except small tokens of appreciation) or bribes.
11. I will not engage in sexual relationships with program recipients. I understand that my position as a VWB NA Employee or Related Personnel places me in an inherently unequal position with respect to program recipients, and because of this, I cannot assume or infer that their apparent consent to a sexual relationship is freely given. I further understand that such

- relationships undermine the credibility and integrity of humanitarian/development work. I understand that this prohibition applies both during and after working hours.
12. I will not accept, solicit, or profit from, sexual services. This rule applies both within and outside of working hours.
  13. I will not condone or participate in any form of Sexual Misconduct as defined by the VWB/VSF Sexual Misconduct Policy.
  14. If I have a suspicion that any VWB NA Employee or Related Personnel or other co-worker is committing or has committed any act of Sexual Misconduct, I will report these suspicions to my VWB NA Manager or Supervisor or through [vwbincedents.ca](http://vwbincedents.ca).
  15. If a person discloses that they themselves or someone else has experienced what I believe to constitute Sexual Misconduct, I will report this information to my VWB NA Manager or Supervisor or through [vwbincedents.ca](http://vwbincedents.ca) but I will otherwise ensure that I maintain the confidentiality of the person making the report and the person who was or is subject to Sexual Misconduct.
  16. I understand that any breach of this Code of Conduct will result in disciplinary action in accordance with VWB NA policies and procedures.
  17. VWB NA recognizes that it is essential to believe complainants who report Sexual Misconduct, and to take action to protect victims of alleged Sexual Misconduct before conclusive proof of Sexual Misconduct has been established. However, any VWB NA Employees or Related Personnel who purposely or recklessly make false accusations of Sexual Misconduct or a breach of this Code of Conduct against another person will be subject to disciplinary action in the discretion of VWB NA.
  18. The signatory below has read, understood and is in agreement with the content of this document. The VWB NA Code of Conduct shall be subject to periodic revision and review. The signatory also accepts the consequences of any violation of any of the above provisions under this Code of Conduct.

**Terms and conditions for Employees and Related Personnel of VWB NA**

Compliance with VWB NA the Code of Conduct (including definitions contained in the Sexual Misconduct Policy) is a condition of VWB NA employment/volunteering/contracting. VWB NA Employees or Related Personnel are reminded to regularly review these documents to ensure they are aware of their obligations under these policies and codes.

I have received, read, and understand the VWB NA Code of Conduct – Protection from Sexual Exploitation and the VWB NA Sexual Misconduct Policy.

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Signature:

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Date:

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VWB NA Representative – Name/Title/Signature

## Appendix B: Procedures for Reporting Sexual Misconduct

VWB NA has **zero tolerance for Sexual Misconduct** of any kind among VWB NA Employees or Related Personnel and its Board of Directors. Whilst VWB NA provides security, gender, and social inclusion training to all staff, local co-ordinators, local partners, and volunteers, it does not make us immune to potential incidents of harassment or misconduct. As such, we have implemented internal processes to greatly reduce the chance of these incidents occurring or reoccurring. The two central components of these internal systems – which work hand in hand – are our Incident Reporting Process and the Incident Assessment Committee. In this procedure document, all capitalized terms not otherwise defined here are as defined in the VWB NA Sexual Misconduct Policy.

Any employee, local co-ordinator, project beneficiary or volunteer who believes they have been subjected to Sexual Misconduct or has witnessed Sexual Misconduct by any VWB NA Employees or Related Personnel may choose to deal with the matter informally or formally. Both processes are outlined below.

Throughout this document, it is important to keep in mind that VWB NA takes a victim-centred approach to reporting and investigating Sexual Misconduct, and the strict compliance with these procedures **is not** required to make a complaint. Wherever the procedures specify a timeframe for reporting or completing a step in the reporting process, the failure or inability of a complainant to act within that timeframe **does not** invalidate the complaint. Likewise, the fact that certain information is requested in the complaint form **does not** mean that a complaint will be invalidated if that information is unknown or unclear (e.g., date and time). Compliance with these procedures will help VWB NA investigate and respond to complaints, but imperfect compliance will not prevent a complaint from being taken seriously and pursued by VWB NA.

### 1) Informal Incident Reporting Process

The informal incident reporting process involves direct communication between a person who has witnessed or experienced Sexual Misconduct (the complainant) and the person responsible for that misconduct (the respondent). Because VWB NA takes a victim-centred approach to Sexual Misconduct reporting and investigating, the decision to follow the informal reporting process is up to the victim of misconduct. Electing the informal reporting process depends on the comfort level of the victim in addressing their experiences with the person responsible for the misconduct. VWB NA will not pressure any victim to pursue an informal resolution instead of the formal procedure. However, VWB NA may, at times, be required to elevate an informal process to a formal process in cases where the misconduct is serious enough that VWB NA has a duty to protect vulnerable people or to prevent future harm.

The informal reporting process is meant to address smaller issues or incidents that may arise in the field for VWB NA Employees and Related Personnel and for which the person affected by perceived Sexual Misconduct feels able to address in a more direct, informal approach. These incidents would be those considered less serious or borderline misconduct that can likely be addressed quickly and satisfactorily through the education of the person engaging in the misconduct. Typically these would be incidents between VWB NA Employees and Related Personnel where there are minimal power imbalances, and in which there are no realistic concerns for the safety of the person affected by the perceived misconduct. Incidents that could reasonably be dealt with through the informal incident reporting process include:

- Sexual banter, innuendo, or advances that may or may not rise to the level of Sexual Harassment.
- Sexual discussions or commentary by one group of people in circumstances that create an uncomfortable environment for others.
- Unwanted touching (e.g. shoulder massages or hugging) that are interpreted as potential romantic or sexual advances.
- Attempted or actual sexual touching (e.g. kissing) in circumstances where power imbalances are minimal and the person subjected to the behaviour believes it may have been unintentional, a result of miscommunication, or a function of cultural differences.

In the informal incident reporting process, the person who believes they have experienced or witnessed Sexual Misconduct should approach the person(s) responsible for the perceived misconduct directly or with a trusted friend or colleague, discuss the incident as well as any relevant context (e.g. past incidents that were not reported), and request that the misconduct stop. This discussion should occur within 7 days of the (latest) incident.

If a satisfactory resolution cannot be reached, the person reporting the perceived misconduct should proceed to the formal reporting process below.

If a satisfactory resolution is reached, then the person reporting the misconduct is to prepare notes that set out the date, time, people involved, nature of the incident with any additional context, and the outcome of the discussion with the person(s) responsible for the misconduct (this is called the “Report of Complaint”). These notes should be prepared within 10 days of the meeting and immediately submitted to the appropriate VWB NA Manager or Supervisor.

The appropriate VWB NA Supervisor depends on who is making the Report of Complaint:

- in the case of a report by a VWB NA volunteer, a community member or a program recipient reporting misconduct, the report should be made to the local coordinator or a VWB NA Manager or Supervisor;
- in the case of a report by a local coordinator, program coordinator, or office staff, the report should be made to the Finance and Administration Manager;
- in the case of a report by the Finance and Administration Manager, the report should be made to the Executive Director;
- in the case of a report by the Executive Director or members of the Board of Directors, the report should be made to the Chair of the Board of Directors; and
- in the case of a report in which the chair of the Board of Directors is the respondent, the report should be made to the Vice-Chair.

However, in any case where the report would normally be made to a person who is, in fact, the person responsible for the perceived Sexual Misconduct, the report should be made to the next most senior VWB NA employee or Board member in the list above.

## **2) VWB NA Formal Incident Reporting Process**

When incidents occur that cannot be resolved satisfactorily in the informal process or are considered serious in nature, these will require an Incident Report to be submitted to VWB NA staff following the formal incident reporting process. For perceived misconduct that could be addressed informally, the informal resolution process, above, is encouraged whenever possible. However, if the person making the report fears reprisal from a supervisor, or if that person does not feel comfortable having a conversation with the person responsible for the misconduct directly the formal incident reporting process is always available.

For incidents that are potentially criminal in nature (e.g. sexual assault, child sexual abuse), the VWB NA formal incident reporting process is not a substitute for reporting the matter to police. People who have witnessed or experienced potentially criminal Sexual Misconduct are encouraged to consider making a police report as well.

In the formal incident reporting process, the person who believes they have experienced or witnessed Sexual Misconduct makes an Incident Report in person or online.

To make an Incident Report in person, the person making the report should contact the appropriate VWB NA Supervisor which depends on who is making the report:

- in the case of a report by a VWB NA volunteer, a community member or a program recipient reporting misconduct, the report should be made to the local coordinator or a VWB NA Manager or Supervisor;
- in the case of a report by a local coordinator, program coordinator, or office staff, the report should be made to the Finance and Administration Manager;
- in the case of a report by the Finance and Administration Manager, the report should be made to the Executive Director;
- -in the case of a report by the Executive Director or members of the Board of Directors, the report should be made to the Chair of the Board of Directors; and
- in the case of a report in which the chair of the Board of Directors is the respondent, the report should be made to the Vice-Chair.

However, in any case where the report would normally be made to a person who is, in fact, the person responsible for the perceived Sexual Misconduct, the report should be made to the next most senior VWB NA employee or Board member in the list above. Furthermore, if a complainant feels uncomfortable with reporting an incident to the person set out in this list, the complainant may make a report to **any** of the individuals identified in the list above.

To make an Incident Report through the secured online portal, the person reporting should fill in the requested information at [www.vwbincidents.ca](http://www.vwbincidents.ca). The secured online portal ensures the option of anonymity for complainants if desired. Complaints entered through the online portal are received by an independent third party to ensure that the complaint is directed to the appropriate person at VWB NA (i.e., to a person with no conflict of interest or connection to the incident). Prior to filling in the report online, it will be helpful for the person making the report to have the following information:

- Date, time, and location of the incident(s)
- Nature of misconduct
- Name of person(s) responsible for the conduct
- Any details, witnesses, or documents to substantiate the claim

In person or online Incident Reports should be made within 7 days of the (latest) incident or, in the case of Incident Reports being made after an unsuccessful informal process, within 7 days of the meeting with the person responsible for the conduct.

Once a report is received, the VWB NA Incident Assessment Committee (IAC) will determine the nature of the investigation required. The investigation will proceed in accordance with the VWB NA procedures for Investigating Allegations of Sexual Misconduct.

(The incident reporting portal has also been set up for reports of other types of serious incidents that can include motor vehicle accidents, fraud and/or suspected corruption. They can include:

- A serious disagreement between VWB NA volunteers and local partners/staff/local coordinators, which may include yelling or intimidation
- Motor vehicle incidents (a pedestrian or animal hit by local partner vehicle, car accidents with minor injury; (for major incidents, please see the Crisis Management Plan)
- Any security issues experienced by VWB NA personnel such as muggings or robberies
- Illegal drug usage or excessive consumption of alcohol by VWB NA personnel
- Consistent barriers for volunteers to achieve placement objectives that are discriminatory (i.e., a volunteer being told they cannot go to the field based on their gender, race, etc.)

### **Confidentiality**

Confidentiality and the dignity of victims is of utmost concern for VWB NA. In most cases, only the person receiving a Report of Complaint or an Incident Report and the IAC will see the full details of a complaint. In the course of investigating a complaint, witnesses (including the respondent) will not be provided with any more details of the complaint than strictly necessary for eliciting their evidence. Where VWB NA has a legal duty to share information with authorities in the country where the incident took place, VWB NA will provide only that information required by law. Where VWB NA is required to notify its Board of Directors or funding agencies (e.g. Global Affairs Canada) of allegations of Sexual Misconduct, the IAC will, as much as possible, provide non-identifying information about the people involved in the incident and with only those details about the incident necessary for the Board of Directors or funding agency to perform their oversight responsibilities.



## Appendix C: Investigating Allegations of Sexual Misconduct

### The Incident Assessment Committee (IAC)

The heart of the VWB NA investigation process is the Incident Assessment Committee (IAC). The IAC is comprised of:

1. the Executive Director, as the Chair of the IAC;
2. in the case of allegations of serious Sexual Misconduct (as determined by the Chair of the Board of Directors in consultation with the executive committee) a member of the Board of Directors designated by the Board of Directors;
3. in the case of:
  - (a) incidents involving VWB NA programs, the Program Director responsible for the program in which the misconduct occurred
  - (b) incidents involving office staff as complainants or respondents, the Finance and Administration Manager
  - (c) incidents involving directors as complainants or respondents, the chair of the board of directors; and
4. an external consultant retained by VWB NA in the case of serious or complex allegations of Sexual Misconduct, or in the case where any of the above members cannot serve because that person is the respondent in a complaint.

The IAC is made up of specific program staff as well as non-program staff to ensure a neutral perspective is provided to all investigations.<sup>3</sup>

VWB/VSF has a strict whistleblower support stance, and as such, those involved in the IAC are to maintain the strictest of confidentiality and discretion in the course of the investigation. At all stages of the investigation, all information will be kept on a strict 'need to know' basis. However, the IAC must also fulfill VWB NA's legal obligations to disclose information pertaining to complaints of Sexual Misconduct. These include (but are not limited to):

1. Credible allegations of Sexual Assault, Sexual Exploitation or Child Sexual Abuse occurring in the delivery of Canadian-funded international development and humanitarian projects need to be reported to Global Affairs Canada (within 48 hours of determining that such allegations are credible). These include cases of incidents that are perpetrated by VWB NA Employees and Related Personnel working on an initiative funded by Global Affairs Canada and that may have a negative impact on the reputation of Global Affairs Canada or of a partner funded by Global Affairs Canada;
2. Any mandatory reporting of allegations of child sexual abuse in the countries where VWB NA operates;
3. In any circumstances where knowledge of a complaint gives rise to a duty to warn or protect a vulnerable person; and

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<sup>3</sup> This policy provides transparency and ensures all incident reports are handled without any bias. It is important to note that we do not believe we have any biases among VWB/VSF staff, but rather, VWB/VSF wishes to implement best industry practices.

4. Serious allegations will need to be reported to the VWB NA Board of Directors with updates on the developments of the incidents without identifying the parties involved.

### **Receiving a Report of Complaint (Informal Process)**

#### ***Background:***

A Report of Complaint in the informal reporting process is a summary prepared by the complainant setting out the misconduct, the steps taken to address the misconduct, and the response from the respondent. As between the complainant and respondent, the matter can be considered resolved. The role of the IAC at this point is to confirm with the respondent that Report of Complaint is accurate, and to ensure that appropriate follow-up actions are taken.

#### ***Notification Procedure***

When a Report of Complaint is submitted by a complainant under the informal reporting process, the VWB NA Supervisor who receives the Report of Complaint will: (1) ensure that the complainant is advised that it has been received and that there will be a response to Report of Complaint within 10 days; and (2) immediately forward the Report of Complaint to the Incident Assessment Committee.

#### ***IAC Investigation***

Upon receiving a Report of Complaint, the IAC shall:

1. within 3 days of receiving the Report of Complaint, meet in person or by confidential electronic means;
2. review the allegations in the Report of Complaint as well as any additional information in the possession of VWB NA about the respondent's performance, or any previous incidents;
3. assign a member of the IAC or an outside expert to contact any witnesses that the IAC consider necessary to hear from (e.g. the victim of the Sexual Misconduct in the case where the complainant is not the victim);
4. assign a member of the IAC or an outside expert to contact the respondent to:
  - (a) review the Report of Complaint with the respondent; and
  - (b) receive the respondent's version of events if different from those in the Report of Complaint; and
5. within 7 days of receiving the Report of Complaint, make a written decision to be filed in the respondent's personnel file setting out:
  - (a) the facts as determined by the IAC;
  - (b) a conclusion as to whether the respondent committed Sexual Misconduct;
  - (c) any additional context relevant to the decision; and
  - (d) the discipline imposed on the respondent (e.g. education, warning, reprimand, removal from the field, suspension of employment, termination of contract).

Within 10 days of receiving a Report of Complaint, the IAC shall:

1. in a case where the complainant is not the victim of the Sexual Misconduct, contact the complainant and confirm that VWB NA has responded to the Report of Complaint; and
2. contact the victim to notify them of the steps taken in response to the Sexual Misconduct (to the extent that the steps taken are not confidential personnel matters).

### **Receiving an Incident Report (Formal Reporting Process)**

## **Background**

Incident Reports are complaints prepared under the formal complaint process and can be submitted either in-person or by the [www.vwbincidents.ca](http://www.vwbincidents.ca) website. These reports are submitted without the person responsible for the misconduct having been notified and may involve serious forms of misconduct that require expert assistance. The role of VWB NA in this case will be to investigate the allegations, draw conclusions as to what happened, and take appropriate follow-up actions.

## **Notification Procedures**

When an Incident Report is received by a VWB NA Supervisor in-person, the VWB NA Supervisor shall:

1. advise the complainant (if known) that there will be a response to Incident Report within 10 days; and
2. immediately forward the Incident Report to the chair of the IAC.

When an Incident Report is received through the online incident reporting tool, the report will be received by a third party and forwarded to the chair of the IAC who shall then contact the complainant (if known) and advise that there will be a response to the Incident Report within 10 days.

Immediately upon receiving an Incident Report, the chair of the IAC shall make an initial assessment to determine whether the complainant's allegation constitutes a potential violation of VWB NA Sexual Misconduct policies. If so, the IAC chair shall commence an investigation in accordance with the procedures below. If the Incident Report does not set out Sexual Misconduct, then the chair shall direct the matter to be resolved in an appropriate manner.

## **IAC Investigation**

Upon receiving an Incident Report involving Sexual Misconduct, the IAC shall:

1. immediately assign a member of the IAC or an outside expert to:
  - (a) obtain any documents in the possession of VWB NA about the incident, the respondent's past performance or any previous incidents involving the respondent;
  - (b) interview any witnesses that the IAC consider necessary to hear from (e.g. the victim of the Sexual Misconduct in the case where the complainant is not the victim);
  - (c) interview the respondent; and
  - (d) compile all of the above information for consideration by the IAC;
2. meet in person or by confidential electronic means to:
  - (a) review the available evidence;
  - (b) make a preliminary decision whether the seriousness of the alleged misconduct or the vulnerability of potential victims requires immediate action to remove the respondent from their position or relocate them on an interim basis; and
  - (c) determine whether the facts constitute a "credible allegation" of Sexual Misconduct that requires third parties to be notified (e.g. Global Affairs Canada, police, child welfare authorities, potentially vulnerable people);
3. within 7 days of receiving the Incident Report of Complaint, make a written decision to be filed in the respondent's personnel file setting out:
  - (a) the facts as determined by the IAC;
  - (b) a conclusion as to whether the respondent committed Sexual Misconduct;
  - (c) any additional context relevant to the decision;

- (d) the discipline imposed on the respondent (e.g. education, warning, reprimand, removal from the field, suspension of employment, termination of contract); and
- (e) the third parties notified.

Within 10 days of receiving an Incident Report, the IAC shall:

1. in a case where the complainant is not the victim of the Sexual Misconduct, contact the complainant and confirm that VWB NA has responded to the Incident Report; and
2. contact the victim to notify them of the steps taken in response to the Sexual Misconduct (to the extent that the steps taken are not confidential personnel matters).

### **Record Keeping and Confidentiality**

The IAC shall keep its files (electronic and paper) in a manner that ensures the confidentiality and dignity of victims (e.g., in locked filing cabinets and in password-protected computer files). At all times, the IAC shall act in a way that keeps the disclosure of complaints and the personal information in complaints to a minimum. This includes:

- In the course of investigating a complaint, witnesses (including the respondent) should not be provided with any more details of the complaint than strictly necessary for eliciting their evidence.
- Where VWB/VSF has a legal duty to share information with authorities in the country where the incident took place, VWB NA will provide only that information required by law.
- Where VWB NA is required to notify its Board of Directors or funding agencies (e.g. Global Affairs Canada) of allegations of Sexual Misconduct, the IAC will, as much as possible, provide non-identifying information about the people involved in the incident and with only those details about the incident necessary for the Board of Directors or funding agency to perform their oversight responsibilities.

The IAC shall fully document the steps it takes in its investigations, the evidence it receives, the reasons it has for deciding whether witnesses are credible, the conclusions of fact that it makes based on the evidence, and the decisions it makes regarding any disciplinary steps taken against a respondent.

The IAC shall, annually or when requested by the VWB NA Board of Directors, generate anonymized reports summarizing the number and nature of incidents and their resolutions.

**VWB NA Incident Report**

Reported By: \_\_\_\_\_ Date of Report: \_\_\_\_\_

Title Role: \_\_\_\_\_ Incident Report: \_\_\_\_\_

**INCIDENT INFORMATION**

INCIDENT TYPE: \_\_\_\_\_ DATE OF INCIDENT: \_\_\_\_\_

LOCATION: \_\_\_\_\_

CITY/DISTRICT: \_\_\_\_\_ PROVINCE: \_\_\_\_\_ POSTAL CODE: \_\_\_\_\_

SPECIFIC AREA OF INCIDENT: \_\_\_\_\_

INCIDENT DESCRIPTION (attach a blank page if more room is required):



**NAME/ROLE/CONTACT OF PARTIES INVOLVED**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

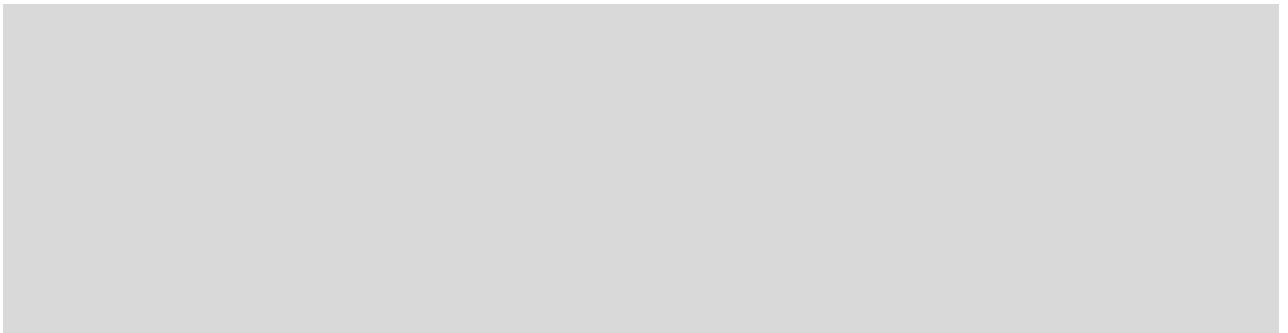
NAME/ROLE/CONTACT OF WITNESSES

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

POLICE REPORT FILED  YES  NO

REPORTING OFFICER: \_\_\_\_\_ PHONE: \_\_\_\_\_

FOLLOW UP ACTION (attach a blank page if more room is required):



SUPERVISOR NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

All information submitted will be handled in a secure, discrete manner. All reports will be reviewed thoroughly by an Incident Assessment Committee which may require follow-up correspondence to all parties involved. VWB NA takes volunteer, staff, and partner security and safety very seriously.