

Policies and Procedures

Protection from Sexual Exploitation, Abuse or Harassment (PSEAH) Policy

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1. Policy Statement

- 1.1 The University of the South Pacific is committed to providing a safe, inclusive and equitable environment that nurture, promote and facilitate mutual respect, constructive empowerment and progress amongst its employees, students, stakeholders including visitors, without being hampered by any form of sexual misconduct.

2. Purpose

- 2.1 Sexual misconduct is unacceptable behaviour and prohibited by USP. This policy sets out a USP approach to prevent and respond to protection from Sexual Exploitation, Abuse and Harassment (SEAH). The policy applies to all employees and related personnel, both on and off duty.
- 2.2 Perpetrators of sexual misconduct will be held to account for their actions. All incidents and complaints of sexual exploitation, abuse or harassment shall be promptly investigated and treated in strictest confidence and due diligence, impartially, and without impunity and victimisation.
- 2.3 Any person alleged to have committed sexual exploitation, abuse or harassment shall be subjected to an impartial due process and disciplinary regime. If found guilty, the perpetrator shall be punished accordingly.

3. Scope of application of the Policy

- 3.1 This Policy binds the University of the South Pacific and its employees including visitors, consultants, and external contractors operating under a contractual agreement with the University.
- 3.2 This Policy applies to incidents and complaints of sexual exploitation, abuse or harassment that occur during business and social events including training sessions, conferences, workshops, seminars, field trips, etc., organized and/or sponsored by the University, held within and outside the University premises.
- 3.3 Nothing in this Policy shall prevent the Complainant from seeking redress of the sexual exploitation, abuse or harassment complaint with the Police, Ombudsman, or other law enforcement agency in all regional countries.
- 3.4 This Policy does not apply specifically in situations where the Complainant and alleged Harasser or perpetrator are both students of the University. Such complaint must be directed to the Deputy Vice-Chancellor of Education and dealt with accordingly under the [Regulation Governing](#)

[Student Conduct.](#)

4. Commitment to Protection from Sexual Exploitation, Abuse and Harassment (PSEAH)

USP will make every effort to create and maintain a safe environment, free from SEAH, and shall take appropriate measures for this purpose in the communities where it operates, through a robust PSEAH framework, including prevention and response measures.

- 4.1 This PSEAH framework, affirms USP's commitment to achieving full, ongoing implementation of the Six Core Principles relating to sexual exploitation and sexual abuse.
- 4.2 The University has a policy of zero tolerance towards Sexual Exploitation, Abuse and Harassment (SEAH). All USP employees and related personnel are expected to uphold the highest standards of personal and professional conduct at all times and to provide assistance and services in a manner that respects and fosters the rights of beneficiaries and other vulnerable members of the local communities.
- 4.3 USP is fully committed to having an approach to prevent and respond to SEAH that is rights-based, age, disability and gender sensitive, non-discriminatory and culturally appropriate, and victim-centric should an SEAH allegation occur.

5. Six Core Principles:

- 5.1 Sexual Exploitation, Abuse and Harassment by USP employees constitute acts of gross misconduct and are therefore grounds for termination of employment.
- 5.2 Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. A mistaken belief regarding the age of a child is not a defence.
- 5.3 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 the exchange of assistance that is due to beneficiaries.
- 5.4 Any sexual relationship between USP employees or related personnel and beneficiaries of assistance or other vulnerable members of the local community that involves improper use of rank or position is prohibited. Such relationships undermine the credibility and integrity of the University.
- 5.5 Where a USP employee or related personnel develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same organisation or not, he or she must report such concerns via established reporting mechanisms.
- 5.6 All USP employees and related personnel are obliged to create and maintain an environment which prevents SEAH and promotes the implementation of this policy. Managers at all levels have particular responsibilities to support and develop systems which maintain this environment.

6. Definitions

- 6.1 The term '**Sexual Misconduct**' refers to Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH).
- 6.2 The term '**related personnel**' include sub-contractors, consultants, academic consultants, adjunct academics, part-time employees, interns or volunteers associated with or working on behalf of the University of the South Pacific.
- 6.3 '**Sexual Exploitation and Abuse**' (SEA) is the abuse or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes or the actual or threatened physical

intrusion of a sexual nature by USP staff, related personnel, their implementing partners, against the people they serve. Prohibited conduct includes, but is not limited to:

- Sexual activity with a child (a person under the age of 18). A mistaken belief that the child is over 18 is no defence. Even in a country where the age of majority or the age of consent is lower than 18, all USP staff and other personnel are forbidden to have sexual activity with anyone under the age of 18.
- Exchange of money, employment, goods or services for sex or sexual favours. This includes any exchange of money, food, employment, goods, assistance, or services for sex or sexual favours.
- Sexual activity with sex workers, even when it is legal in the country.
- Using a child or adult to procure sex for others.

6.4 The term ‘**sexual exploitation**’ means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, academically or politically from the sexual exploitation of another.

6.5 The term ‘**sexual abuse**’ means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

6.6 The term ‘**sexual harassment**’ refers to 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 causes offence or humiliation. Sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the offenders. Sexual Harassment can occur to all USP personnel and includes acts perpetrated away from the workplace. It consists of, but is not limited to:

- Unwelcome verbal conducts such as comments, jokes, condescending or paternalistic remarks;
- Sexually inappropriate conversation, gestures or actions about the physical appearance or sexual identity of a person or group;
- Written or any form of electronic communication of a sexual nature, via phone, email, or social media (e.g. Facebook, Messenger, Viber, Instagram, REACT, Zoom, etc.)
- Unwanted physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching;
- Showing or sending sexually inappropriate materials to persons that is indecent, offensive and intimidating.

6.7 The term ‘**person**’ includes male, female and other gender as alleged perpetrator of sexual exploitation, abuse and/or harassment (i.e. Harasser) who are:

- (i) Employees of the University of the South Pacific including visitors, consultants, and external contractors operating under contractual agreement with the University; or
- (ii) Enrolled students of the University of the South Pacific.

6.8 The term ‘**Complainant**’ includes male, female and other gender as Complainant of the alleged sexual harassment who are:

- (i) Employees of the University of the South Pacific including visitors, consultants, and external contractors operating under contractual agreements with the University; or
- (ii) Enrolled students of the University of the South Pacific.

6.9 The term ‘**Informant**’ is a person other than the Complainant who has witnessed the Complainant being sexually exploited, abused and/or harassed, or has been duly informed by the Complainant or another person of the Complainant being sexually exploited, abused and/or harassed.

7. PSEAH Framework

- 7.1 As appropriate, USP will consult with beneficiaries and local communities, including at-risk groups as identified by USP, to ensure that the systems put in place and measures taken for the prevention and response to SEAH are sensitive to the vulnerabilities and needs of beneficiaries and culturally appropriate.
- 7.2 Integration of PSEAH into planning, programming and operational processes partnerships:
 - 7.2.1 USP ensures that risks of sexual exploitation, abuse and harassment are properly assessed, addressed and monitored through integrating PSEAH into its planning, programming and operational processes when jointly implementing projects with the university's development partners and member countries in line with relevant partnership agreements. This includes considering the risks of SEAH as part of project-level strategic planning, project budgeting, development partners project programme cycle management, and allocating sufficient human and financial resources.
 - 7.2.2 USP conducts thorough and inclusive risk analysis and assessments on SEAH while designing projects and programme activities for joint projects with development partners or other relevant entities, including considering mitigation measures, and identifies the groups that are the most marginalized and at heightened risk of SEAH. This may include site safety mapping, focus group discussions with intended beneficiaries and other stakeholders (including women, children, local authorities/communities, etc.) and other relevant consultation methods.
- 7.3 Recruitments:
 - 7.3.1 USP has safe and PSEAH-sensitive human resources practices and processes in place during recruitment, contracting and performance management.
 - 7.3.2 PSEAH Focal Points: USP provides designated PSEAH focal points with specific terms of reference related to their PSEAH roles and responsibilities¹.
 - 7.3.3 HR processes: USP aligns its HR processes with its SEAH policy to describe the reporting and response mechanism for SEAH allegations (disciplinary measures for proven allegations).
- 7.4 Organisational management - Cooperation agreements:
 - 7.4.1 USP includes a standard clause in all its contracts and partnership agreements with its suppliers, contractors, subcontractors and sub-partners requiring them to commit to a zero-tolerance policy on SEAH and to take measures to prevent and address SEAH.
 - 7.4.2 Where suppliers, partners and contractors do not have appropriate policies and measures in place, USP will support them in developing such policies and take such measures, as deemed relevant.
 - 7.4.3 The failure of those entities or individuals to take preventive measures against SEAH, to investigate allegations thereof, or to take corrective action when SEAH has occurred, shall constitute grounds for termination of any cooperative arrangement.
- 7.5 Awareness of personnel, including mandatory training:
 - 7.5.1 USP is committed to ensuring that its personnel understand PSEAH, are aware of the PSEAH systems of the organisation and are informed of their obligations as well as what actions to take in case of an allegation. In particular, personnel shall be informed of the

¹ UNICEF PSEAH Toolkit, Tools #2, p.50 and #3, p.52.

following:

- Definitions of SEAH and a clear understanding of behaviors that constitute SEAH;
- The obligation of all personnel to report any suspicions or concerns and consequences for failing to report (e.g., disciplinary measures);
- The option of reporting information anonymously;
- The organization's protections for those who make an allegation in good faith (e.g., whistleblower policy, protection plans for complainants);
- Details regarding who to report to and what information to share to allow for proper response and follow-up;
- Actions that personnel are required to take (i.e., prompt reporting of allegations and referral of survivors).

- Explanation of how the organisation will use the information (e.g., who will receive the reports and the internal procedure for response and follow-up).
 - o A clear prohibition of SEAH;
 - o Actions that personnel are required to take (i.e., prompt reporting of allegations and referral of survivors).

7.5.2 USP provides at least twice a year, an online and face-to-face for relevant employees and related personnel on the Organization's PSEAH policy and procedures. To do this:

- USP develops an annual training plan for relevant staff, targeting different levels of audiences and participants.
- USP keeps a record of the attendance of all its personnel to induction and refresher training and the updating of the lists of participants.
- USP has training materials on PSEAH, that are adapted to the type of training provided as well as the audience of the training, and ensure opportunities for exchange and discussions among personnel.

PSEAH training is mandatory for any personnel who work on a project that is implemented through an implementing partner agreement with the United Nations. These staff may complete online training and/or the USP-provided training and should submit proof of completion to USP.

7.5.3 In addition to training, USP takes measures (both in writing and verbally) to ensure that its employees and associated personnel are informed of their PSEAH-related obligations as well as what actions to take in case of an allegation. This may include, without being limited to, posters, memos, reminder emails, integration into relevant meeting agendas, etc.

7.6 Reporting:

7.6.1 USP has set up safe, confidential and accessible mechanisms and procedures for personnel, beneficiaries and communities, including children, to report SEAH allegations that comply with core standards for reporting and ensure that beneficiaries are aware of these. USP has mechanisms in place to restrict access to information and keep written reports safely for the security of the survivor and the complainant. Information about an allegation will be shared only on a 'need to know' basis.

7.6.2 USP ensures that its reporting mechanisms meet the basic principles of effective reporting:

- o Accessibility²
- o Responsiveness
- o Safety³
- o Confidentiality

² For more information on child-friendly complaint mechanisms, see UNICEF, [Child-friendly Complaint Mechanisms](#).

³ UNICEF PSEAH Toolkit, Section 6.2, p.33 – Assistance and Referrals

- Transparency⁴

7.6.3 Notification: USP provides training to staff likely to receive complaints on the relevant procedures and the alleged incident report⁵.

7.6.4 Protection from retaliation: USP is committed to upholding a culture of transparency and a safe environment where personnel and beneficiaries can report SEAH allegations as soon as possible without any adverse or punitive action being taken against them. The organisation does not tolerate any kind of retaliation, or threat thereof, against anyone who reports a situation of SEAH or cooperates in any investigation process related to a SEAH allegation. USP organisation has safe, confidential and accessible mechanisms and procedures for personnel, beneficiaries and communities, including children, to report any consideration of retaliation against them.

7.6.5 The description of the available reporting mechanisms, mechanisms/procedures to review SEAH allegations and associated information sharing protocol are outlined in the Procedures for Protection from Sexual Exploitation, Abuse or Harassment (PSEAH).

7.6.6 Inter-organizational mechanisms⁶: USP aligns its internal reporting mechanisms with inter-agency reporting mechanisms where they exist in its member countries.

7.7 Awareness-raising to beneficiaries and local communities

7.7.1 USP is committed to ensure the awareness by its beneficiaries and local communities on PSEAH and its organizational PSEAH systems. For this purpose, USP has visual communication materials for communities and “ready-to-use” awareness-raising messages when working with local communities to implement UN partnership projects. These materials are:

- Adapted to local context;
- Drafted in the relevant local languages;
- Designed to be easily understood by and accessible to beneficiaries of USP, especially those groups considered at higher risk of abuse.

7.7.2 USP organises regular awareness-raising sessions in the communities in which activities are implemented with Development Partners, on PSEAH and relevant policies and procedures.

7.8 Assistance to SEAH victims/survivors

7.8.1 USP is committed to ensuring that any victims of SEAH have access to assistance and support as soon as information about an allegation is received, regardless of:

- (i) the USP decision to investigate the case by the organisation,
- (ii) the outcome of the investigation and
- (iii) irrespective of whether the victim cooperates with an investigation or any other accountability procedure.

7.8.2 Assistance and support shall be provided by skilled and competent service providers in line with the “do no harm” and victim-centred approach, in full respect of the rights and best interests of victims and with respect to Gender-Based Violence key principles, especially informed consent. Services shall be rights-based, age, disability- and gender-sensitive, non-discriminatory and culturally appropriate and ensure the best interest of the child. Support and assistance shall entail

⁴ UNICEF PSEAH Toolkit, Section 5.3, p.32 -Reporting of allegations to UNICEF

⁵ UNICEF PSEAH Toolkit, Tools #8, page 65 - Sample of SEA allegations incident report form.

- (a) Provision of safety measures to protect against retaliation, secondary victimisation and re-traumatization,
- (b) Services including, without being limited to, immediate medical and health care, dignity kits, mental health and psychosocial support, legal services, basic material assistance and support to children born as a result of SEA.

7.8.3 To do this, the organisation has:

- An up-to-date list of local service providers with options for child and adult survivors where appropriate, along with the types of services offered.
- A defined and articulated system and process described in its standard operating procedures (SOPs) on referrals and victim support including information-sharing protocols to respect the complainant privacy, confidentiality, safety and security.
- Referral forms

7.9 Investigations

7.9.1 Investigations: USP has a process for investigating SEAH allegations in place and shall properly and promptly conduct the investigation of any SEAH situation reported to it and committed by its employees or associated personnel or refer to the appropriate investigative body if the perpetrator is affiliated with another entity. The procedures for investigation management and process will be detailed in a separate document.

7.9.2 Referral to national authorities: If, after proper investigation, there is evidence to support allegations of SEAH, these cases may be referred to national authorities for any appropriate action, including criminal prosecution. Informed and voluntary consent of the victim shall be sought prior to any referral to national authorities.

7.9.3 Corrective action: The person or team responsible for investigating SEAH allegations will make recommendations for improvement so that USP can reduce the recurring risk of any misconduct. The management of the organisation is in charge of reviewing and implementing these recommendations; such changes brought to the organization's PSEAH systems will be communicated to the personnel as relevant.

8 Implementation of this policy

8.1 The University will ensure that this Policy is widely disseminated to all schools, sections and departments, for the purpose of enabling all staff and students to be aware of the Policy. All first-year students shall be made aware of the Policy during orientation at the beginning of each semester.

8.2 The Policy shall be an integral part of the induction of new staff members and also incorporated into the annual human resource management training agenda primarily to enhance employees' and management awareness, comprehension, and competency in the application of the Policy.

8.3 The University in collaboration with the USPSA Federal Council and USPSA Branches, shall provide the students regular awareness of the Policy aimed at enhancing the students' knowledge and comprehension of the Policy.

8.4 It is the responsibility of all heads of schools, sections and departments including managers and supervisors to ensure that all employees are aware of the Policy.

9 Monitoring and Evaluation

9.1 The University recognises the importance of monitoring and evaluating sexual exploitation, abuse and harassment cases, and will ensure that relevant data and statistics are properly and effectively collated, analysed, and archived.

- 9.2 The Human Resources Office in collaboration with the heads of schools, sections and departments including managers' and supervisors', shall report on the degree of compliance with this Policy to the Diversity, Equity and Inclusion Committee (DEIC) on a bi-annual basis. The bi-annual report shall include the number of incidents and complaints of sexual exploitation, abuse and harassment, the manner in which such complaints were handled, and any pertinent recommendation(s). Based on such report, the University shall evaluate the effectiveness of the Policy and, if necessary, make appropriate amendments to the Policy.

10 Related Documents

- a) Sexual Exploitation, Abuse and Harassment Procedure
- b) Staff Code of Conduct Policy
- c) Child Protection Policy and Procedure
- d) USP Discipline of Academic, Professional, Administrative, Library and Technical, Intermediate and Junior and Hourly Paid Staff Ordinance
- e) USP Relationship between Staff and Students and between Members of Staff Policy
- f) USP Whistleblowing Policy
- g) USP Whistleblowing Procedure
- h) UN Secretary General's Bulletin on Special Measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13)