

MADA

Anti-discrimination and anti-sexual
harassment policies

Annex 1 | Procedural annex

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Introduction

This document serves as a procedural mechanism annex to both the anti-discrimination and the anti-sexual harassment policies, and it aims to ensuring the resolution of complaints and grievances of discrimination and sexual harassment while adhering to the principles of fairness, transparency and respect of privacy.

The Annex lays out the standards and procedures for preventative action, filing complaints, resolution, and response (measures both addressing specific acts and the institutional context ie wrong-specific and wrong-insensitive), in addition to the rights of the complainant and respondent and the guidelines to be respected in the process.

The Anti-Discrimination and Anti-Sexual Harassment Policies are dynamic policies that should be revisited and modified according to need and developing understanding of the nature of the challenges to equity and safety in the workplace. This is especially true of the procedural annex, which should be treated as a document under constant development to ensure that challenges of the incidents occurring in the institution and local context can be addressed in practice, while respecting its core commitment to the principles of equality, fairness, confidentiality and protection of complainant and witnesses.

1. PRINCIPLES AND STRUCTURES

1.1. Principles

The design and execution of the anti-discrimination and anti-harassment policy is firmly rooted in the principles of fairness, transparency, confidentiality, accessibility, and timeliness. The leadership at Mada will ensure that every alleged act of discrimination or sexual harassment is taken seriously and considered, and shall not be dismissed without following due process (formal and/or informal). All complaints shall be responded to upholding the following four core principles:

a) Fairness

- All resolutions should be carried out in a fair and timely manner.
- Any attempt to influence a complainant, respondent, and/or the investigation committee, will not be tolerated and will be subject to subsequent disciplinary action.

b) Confidentiality

- All reports of discrimination and harassment will be treated with confidentiality throughout and after the process, to ensure that the right to privacy and confidentiality of all parties are respected, maintained and protected. This is also to prevent claims of defamation of character or damage to the reputation of the alleged harasser/aggressor. Anyone who is aware of a sexual harassment complaint or involved in its resolution must respect this need for sensitivity and strict confidentiality, until the process has been resolved or concluded. In instances where an alleged complaint is substantiated, a formal report describing the nature of complaint and subsequent measures taken will be attached to the harasser/aggressor's employment record.

- All information provided during the investigation process should be kept confidential, and should not be released unless the complainant, the respondent and Mada's management have agreed to it.

c) Impartiality

- This policy has placed safeguards to ensure impartiality by placing clear criteria regarding the composition of the Internal Complaints Committee, and through a case-by-case selection of the investigation group. Furthermore, complainants have the opportunity to opt for a process of mediation facilitated by an external professional.
- Both the complainant and respondent shall be given a fair opportunity to present their side, and to be heard.

d) Promptness and timeliness

- Complainants are encouraged to file a complaint as soon as they are able after the incident.
- Once a complaint is filed, the Internal Complaints Committee should act in a prompt and timely manner. The committee should be transparent about its process and keep the complainant and respondent aware and updated with the internal time frame for the investigation.

1.2. Internal Complaints Committee

All ~~formal~~ complaints should be submitted to the Internal Complaints Committee along with any documented evidence as a written submission. The Internal Complaints Committee shall be composed of four members. One of these will be the staff representative chosen by the team and the other three will be staff across different departments and positions, each of whom will serve on the committee for a period of 1 year. Therefore, every 6 months, 1 or 2 of the committee members will change/rotate. This process has been designed to ensure continuity.

The three members are chosen at random out of two hats, one with women's names and one with men's names, in a team-wide meeting so as many staff can be present as possible. If two names are pulled out of the hat from the same team, the two names are folded again, and one is returned to the hat. This goes on until the composition reflects different parts of the organization.**

2. PREVENTIVE ACTION

The institutionalization and operationalization of this policy document is intended to lay the foundations for the next steps towards achieving a discrimination-and harassment-free workspace. A key component of this includes increasing the levels of understanding and knowledge among Mada staff members and stakeholders, on the issues of discrimination and harassment, their root causes and how they operate in daily life, and the concepts of identity, power and privilege.

Mada shall initiate activities aimed at ensuring that all staff members and stakeholders are aware of the policy, including the procedures and mechanisms it sets in place, and to increase the individual and collective understanding of discrimination and harassment. These activities could include:

- a) Developing resources and reading materials available to all staff on the Mada drive
- b) Obligatory induction training during induction phase for new staff members.
- c) Training sessions/workshops during annual staff retreats/institutional trainings
- d) Making the policy publicly available and accessible to all staff members and stakeholders, in the relevant language/s.
- e) Formal or informal meetings, discussion or reading groups on a periodic basis. These workshops could be initiated and/or led by different staff members.
- f) Ensuring that the leadership at Mada feels well equipped in terms of skills and information to be able to effectively respond to a complaint by facilitating and

supervising an appropriate course of action.

g) Active efforts to make sure issues are communicated across the board.

3. FILING A COMPLAINT

We hope that the operationalization of this policy will encourage our staff members, stakeholders, and partners to report incidents of discrimination and sexual harassment, whether the occurrence was a single act or continuous, present or retroactive.

A key intended outcome of implementing this policy and subsequent activities is that staff members and stakeholders have a greater sense of comfort and agency in bringing up complaints themselves. Moreover, it is the duty of every staff member to communicate any instance/s of discrimination and/or harassment that they may observe or hear of to a member of the Internal Complaints Committee, albeit informally at first in cases of clarification of scope or attestation of facts is required.

A complaint can be brought by:

- Person/s who have been discriminated against or harassed himself/herself/ themselves.
- Colleague/s or a facilitator who has witnessed another staff member/s or stakeholder being discriminated against or harassed shall raise the issue to be discussed with the person who was discriminated against/harassed (the victim of the incident), but no investigation or complaint should be started without his/her request.
- An individual who files a complaint on behalf of a group of individuals. This is applicable, for example, in cases of systemic discrimination and/or harassment towards members belonging to a certain group or sharing a similar identity.

Complaints can be brought to notice to the following members at Mada, relevant to the nature of complaint, identity of complainant and accused, and preference of complainant:

- A fellow colleague
- **Facilitator** at Mada
- **A member of** the Internal Complaints Committee
- The executive directors

The first step of the process does not require a written submission. This provision has been put in place, specifically keeping in mind, that staff members or stakeholders may feel hesitant filing an official complaint, may be unaware of who to reach out to, or unsure of whether their claim is valid, or simply feel more comfortable using or starting with an informal conversation. ~~We encourage individuals to reach out to a colleague who is aware of the composition of the Internal Complaints Committee, and consequently, speak to any of its members in an informal manner.~~ The course of action taken shall be directed and designed entirely based on the comfort-levels, and needs of the complainant.

Once the complainant has taken the decision to file an official complaint, a written complaint, including all facts and evidence known at the time, should be compiled and submitted to the Internal Complaints Committee **or Investigation Committee if an investigation will take place.**

4. RESOLUTION PROCESS

Staff members and stakeholders have the option to choose between an informal or formal procedure, or both, for investigating and resolving the incident. There is no standard, pre-determined chronology in terms of protocols. However, once a complaint is filled, all communication and activities must be documented, in order to

maintain fairness and transparency, irrespective of the nature and gravity of the complaint. A complainant can file a complaint for recent or retroactive incidents.

The mechanisms laid out in this policy have intentionally been designed to be flexible and self-directed, so that they are context-specific and meet the needs and nature of individual complaints. The course of action, design of investigation, and the degree of participation from external parties, should be defined by the Internal Investigation Committee, based on what the complainant deems most appropriate.

The process of investigation and resolution should also work towards identifying the underlying issues and root causes behind the incident, and include measures to respond to them, including identifying action that can be taken to prevent its occurrence in the future.

At the completion of the investigation process a written report is submitted to the Internal Complaints Committee and Mada's senior management.

4.1 Informal procedure

The complainant can choose from one or a combination of the following suggested routes, **which they communicate to the Internal Complaints Committee even if they do not want the committee to play an active role.** The complainant may start with an informal procedure before moving to a formal procedure later if desired.

- **Direct communication:** The complainant chooses to approach the respondent directly, either through a written communication (email) or in person, and asks for the behavior to be stopped. Ensuring, physical and mental safety and health is of the highest priority for us, and thus we ask of the complainant to only choose this route if they feel entirely comfortable and safe in doing so. Complainants are encouraged to seek support and be accompanied by a fellow colleague, facilitator, or member of the Internal Complaints Committee, during

this process. There could be cases in which, the person/s being approached may be unaware the impact of their behaviour, and actions, and thus, fail to deem it as inappropriate or objectionable, or that their behaviour or actions may have been misinterpreted. In such a case, it must be cleared up with both parties, possibly with the support of a third party. ~~In cases where the behaviour, and actions are intentional, an appropriate response condemning the action, accompanied by the appropriate disciplinary and remedial measure, shall be applied.~~

- **Third party negotiator:** The complainant can seek the assistance of a colleague, acting as a spokesperson, to directly approach the respondent. S/he can also communicate their concern/complaint directly with their facilitator or the facilitator of the respondent, or a member of the Internal Complaints Committee.
- **Mediation:** The process involves bringing in a third, independent individual/party, who can bring the two sides together and facilitate a mutual agreement. The process of mediation can be invoked at any stage of the complaint and investigation process.

It must be noted, that in mediation processes, the resolution comes from the parties in the dispute and not the mediator. The mediator is in charge of the process of seeking to resolve the problem, but not the outcome.

The mediator must be someone who can maintain an impartial and independent stance through the process. They must thus be independent from the people involved in the dispute. Mediators can be a Mada employee or from an external organization. It is important to ensure that the individual has the facilitative skills and technical know-how, to understand the nature of the conflict, and facilitate a resolution. If the mediator is from an external organization, s/he must have a copy of and be well versed with Mada's anti-discrimination and anti-sexual harassment policies.

The Internal Complaints Committee can be requested to organize a mutually agreed on trained/experienced mediator.

Where collective issues are raised, the committee may work with management or other individuals to pursue informal ways to address them.

The informal channels are subject to the same remedial and disciplinary actions as the formal channels and are recommended to complainants who feel they prefer this form of handling complaints.

*We request staff members to continue sharing and updating this policy document with effective informal resolution strategies and processes, from their experiences and learning.

4.2 Formal procedure

Filing a complaint

The Internal Complaints Committee shall set the formal complaint procedure into motion upon receiving written complaint/allegation. The written complaint may be brief and once an investigation committee is formed, the complainant is expected to submit a fuller complaint accompanied by all supporting documents and evidence available with the complainant at the time.

Investigation process

Mada considers any act, subtle or overt, of discrimination or harassment, a serious and abominable offense necessitating an immediate and proportionate response. It is therefore, essential for all formal complaints to be dealt with the highest standards of thoroughness, impartiality and fairness.

The investigation process consists of the following two key components:

a) Formation of an impartial, independent and trained group of individuals to carry out the investigation Two to three members** of the Internal Complaints Committee will be responsible for investigating the incident. Their choice will be made on a case-by-case basis, to ensure representativeness, and an un-biased,

transparent and fair procedure, and depending on the time and availability of individual members serving on the Internal Complaints Committee. For instances in where a minimum of two persons cannot be met, the Internal Complaints Committee, may request another staff-member or stakeholder to join the Investigation Group. A complainant may also request for there to be a member from outside Mada.

b) Collection of all relevant information, facts, and documentation

This collection of relevant information shall be carried out by the Investigation Group and is crucial for

- Understanding the nature and cause of the alleged discrimination or harassment.
- Concluding whether the allegation can be substantiated or not.
- Designing an appropriate response, including both remedial and disciplinary measures.

The Investigation Group can collect data through the following activities, depending on the nature of case:

- a) Informal interviews and conversations.¹
- b) Review of documentation provided by the complainant while filing his/her/their complaint.
- c) Individual conversations with the complainant and respondent.
- d) Seeking inputs from witnesses, if any.
- e) Reviewing past employment records of respondent and/or witnesses.

The investigation committee must deal with complaints of harassment and discrimination as phenomena of imbalance of social power and therefore the burden of proof on the complainant is not to be investigated. The role of the investigation committee is to verify the characterization of the facts of the complaint and to identify appropriate measures in case of verification.

¹ Even if the conversations are conducted in an informal manner, it is essential for the Investigation Committee to document and file each one of them. Documentation must include, time and place of conversation, who was involved, who initiated the conversation, questions and responses, and any other observations made.

The investigation process cannot be closed without both the complainant and respondent being afforded a fair chance to provide their side of the story, including providing a suggested list of persons to be interviewed, if needed.

The process should focus on the establishment of facts, instead of speculation and interpretations. The Investigation Committee can reach out to experts in other organizations, for opinions and advice, while upholding the confidentiality clause at the same time. The committee can reach a conclusion that the complaint is substantiated, non-substantiated or that their process was non-conclusive.

Responsibilities of the investigating committee include:

- Interview the complainant.
- Interview the respondent, separately and impartially. This includes, providing complete details on the nature of the complaint.
- Identify and notify, the witnesses, and ensure that their involvement is kept to the minimum, ideally just to substantiate facts provided.
- Uphold principles of confidentiality, integrity, dignity and safety, throughout the process.
- File a written report at the end of a formal investigation process, highlighting the facts of the case, individuals involved, process followed, information gathered through the process (including responses from both parties and witnesses), and the disciplinary and compensation actions recommended. The report must be submitted to the executive directors.
 - o *Confidentiality Clause:* In order to maintain confidentiality throughout the process, after a process has been completed and closed, a summary report must be submitted to the executive directors. In the case of appeal, all documentation of the process shall be submitted to the executive directors and should remain accessible only to him/her. Members of the Internal Complaints Committee, especially those appointed to lead the investigation as a part of the Investigation

Committee, and witnesses, are expected to respect the personal boundaries of the individuals involved in good faith.

Protected status: Depending on the nature of the cases protective measures can be taken, to prevent further harm or threat to the complainant/grievant. This can include,

- a) Offering *compassionate leave* to a complainant during the course of the investigation.
- b) *Re-assignment of work space and/or job responsibilities:* An accused aggressor/harasser can be re-assigned their workspace, ranging from shifting desks to being asked to work from out of office, and/or job responsibilities, during the course of the investigation process, depending on the nature and severity of the case being investigated.

4.3 Rights of complainants and respondents²

Rights of the complainants

- Anyone filing a complaint must be treated fairly, and afforded a non-judgmental and safe environment.
- The right to a timely, confidential resolution process.
- Is entitled to know the procedure (time-frame, process and individuals involved) being followed and the measures and actions that may result at the end of the process (formal and informal mechanisms).
- To request an investigator based on a certain criterion e.g. sex, gender, age, gender identity and sexual orientation, disability, **being from outside Mada.**
- **To object to particular individuals being on the committee if they have reasonable grounds**
- To seek (and be granted) protection during the course of the investigation.
- The right to be accompanied by a colleague of their choice through the course of the investigation.

² Amnesty International, Policy on sexual harassment (Internal document)

- The right to know what records will be kept, and where relevant ensure no record of the complainant's personal life is maintained.

Rights of the respondents

- Must be treated fairly, and afforded a non-judgmental and safe environment.
- The right to a timely, confidential resolution process.
- The right to a fair and transparent investigation. H/she should be informed of the complaint and along with the identity of the person/s who filed the complaint.
- Must be informed of the details of the allegations made.
- Be provided an opportunity to respond to the allegations made by and evidence provided by the complainant.
- Is entitled to know the procedure (time-frame, process and individuals involved) being followed, and the measures and actions that may result at the end of the process (formal and informal mechanisms).
- The right to be accompanied by a colleague of their choice through the course of the investigation.
- The right to know what records will be kept, and if the allegations are not substantiated to ensure where relevant that no record of the respondent's personal life is maintained.

4.4. Appeals

Appeals should be taken up with the executive directors, and should an appeal go forward an ad hoc committee would be formed (likely including individuals from outside Mada staff). The application should clearly specify the gaps in the previous investigation, any new evidence that was not considered previously, and a written explanation on why the previous investigation and subsequent conclusion, needs to be re-evaluated.

5. RESPONSES AND MEASURES

Mada has a two-fold approach to preventing and responding to incidents of discrimination and harassment, which includes actions/responses that are “wrong-specific” and actions that are “wrong-insensitive.”³ The measures may be a mixture of “wrong-specific” (addressing a particular act of discrimination/abuse etc) and “wrong-insensitive” (measures taken to prevent these types of situations happening again if it was seen that there was something in the context that enabled it/made it more likely).

A written copy of the conclusion and decision on action to be taken, including a summary of facts, will be given to both parties and their facilitators.

5.1. Wrong-specific measures

a) Disciplinary action

For instances in which an allegation of discrimination or harassment is substantiated, through an informal or formal procedure, disciplinary actions shall be implemented. The nature of actions will correspond directly to the severity of the specific case under investigation, and will be determined on a case-by-case basis. The action shall be decided through a consultative process involving the investigation group, complainant/grievant, and Mada’s senior management. It can range up to and including the permanent termination of employment of the staff member.

The main principles to guide a decision on sanctions are:

³ The distinction has been taken from ‘A Theory of Discrimination Law’ by Tarunabh Khaitan, Chapter 8, Page 215, where the author makes a distinction between remedial and non-remedial action, as the former being a response/specific to a specific act of discrimination, while the latter being a ‘wrong-insensitive’, wherein the person adopting the measure need not themselves have done anything wrongful. Non-remedial actions are often responses to structural inequities and historic wrong.

- Being survivor-centered — comforting to an extent to the people who have incurred the harm of that wrong doing
- Ensure the specific conduct in question is stopped
- Act as a deterrent
- Encouraging the person penalized to think constructively about their wrong-doing

If the respondent is found guilty of a wrong doing, a key question we are obliged to answer is whether it calls for a termination of employment. Two questions to ask here are:

- Would the continued presence of this team member constitute hostile working conditions for the person/s who has been harmed
- Would the continued presence of this team member present a danger or hostile working conditions to others

If the answers to these questions are inconclusive, also consider what has been tried informally before and how did it work.

A sanction or set of sanctions should be formulated. These may be permanent, temporary or a combination.

If a sanction is suggested that is not on the below list, strong reasoning should be provided.

Actions may take the following forms:

- Not representing Mada abroad or at events
- Not coming to Mada events
- Suspension of external opportunities
- Denial of bonuses
- Issuing a formal warning (only apply where there is a clearly articulated consequence of violation of the agreement)
- Demotion
- Going part-time/freelance
- Re-assignment of work space
- Remote work (with possibility of exception for certain meetings)

- Long-term suspension

Any person/s, found guilty of committing act of discrimination or harassment for a second time will be asked to leave the organization and shall not be granted a referral for future employment opportunities. In other cases, such as involvement in a collective issue at Mada, the investigation committee is encouraged to suggest measures in case of future reoccurrence.

Anyone whose employment with Mada is terminated on the basis of harassment or discrimination claims will not be granted referral for future employment opportunities.

We encourage a culture of self-critique and accountability, and therefore encourage respondents to reflect on the nature of the complaint, and if at any moment of the investigation they want to acknowledge their wrong-doing and apologize to the complainant, we encourage them to do so after consulting with the investigations committee. An accepted apology does not waive the disciplinary or remedial actions, but the committee with the approval of the complainant can slightly lessen the degree of the disciplinary action for one degree only if the complainant requests it.

A respondent found guilty but not asked to leave the organization may also be encouraged to reflect in any form that they prefer on the accusations and the process, and what they learnt from it.

b) Remedial measures

Complainants have a right to seek remedial measures in instances where their claim has been substantiated, which can include:

- Written and formal apology from the accused.
- Assistance with the impact of the incident/s will be considered, including, providing assistance in accessing and affording counseling services and/or medical fees.

- Transfer out of the environment in which the incident took place.
- Offering of compassionate paid leave

5.2. Wrong-insensitive measures⁴

a) **Protective Measures** are aimed at preventing the recurrence of incidents in the future. In addition to activities mentioned under prevention mechanisms, protective measures can include the following set of activities, based on resources, capacity, and relevance:

- A public or **internal** statement by the Internal Complaints Committee and/or facilitator, including a statement of condemnation.
- All acts of discrimination and harassment that are substantiated, through a formal or informal process, shall reflect on the accused's employment record.
- Facilitating multi-stakeholder dialogues on the manifestation and effects of discrimination and harassment, at the work place, aimed at bringing out successful ways to combat and mitigate the same.

b) **Affirmative action**

Affirmative action at Mada encompasses a range of actions aimed at ensuring substantive equality. It involves identifying and dismantling discriminatory barriers to participation, opportunity and growth for individuals or a specific group of individuals.

A fundamental first step towards designing a responsive mechanism is to identify groups that are vulnerable and marginalized and thus need to be afforded a Protective Status. This process needs to be updated periodically, and should be on-going, informed by the institutional focus, national legal framework, and social and cultural structures.

⁴The distinction has been taken from 'A Theory of Discrimination Law' by Tarunabh Khaitan, Chapter 8, Page 215, where the author makes a distinction between remedial and non-remedial action, with the former being a response/specific to a specific act of discrimination, while in the case of the latter, wrong-insensitive, the person adopting the measure need not themselves have done anything wrongful. Non-remedial actions are often responses to structural inequities and historic wrong.

Subsequent actions can include:

- Increasing workplace diversity
- Placing minimum standards and safeguards against obstacles to advancement.
- Ensuring diversity and representation across institutional clients, and participants.
- Investing in leadership through mentorship targeted training programs, and linking staff members to external opportunities and trainings.
- Revisiting recruitment and hiring practices, and promotion criteria, to ensure that they are inclusive and are not perpetuating inequalities.
- Monitoring and identifying systematic/structural barriers that may exist and hinder the advancement and inclusion of individuals or a certain group of individuals, based on their identity. Facilitating open dialogues and discussions, with the leadership at Mada, staff members and stakeholders, aimed at devising actionable next steps, relevant to the needs of the specific institutions.

6. PROCEDURAL GUIDELINES – STANDARDS AND EXPECTATIONS

- Record keeping: A written record relating to the nature of the complaint/allegation/dispute, summary of evidence, actions taken, grounds for action, individuals/groups involved, if any appeal was lodged, outcomes and subsequent developments will be shared with all relevant parties, who will be afforded the chance to formally respond and comment to the record. The complainant should be asked to make a detailed record of all incidents, their reactions and concerns, dates, places and witnesses. This will be important in the event of a formal investigation. Documentation (minutes) from all conversations must be filled within 24 hours of them taking place, to prevent any misinterpretation and loss of data.
- Each investigation process must allow the respondent and opportunity to present their side.

- Managers involved in informal or formal application of policy must strive to maintain objectivity, approaching each case on its merits, and declaring any vested or conflicting interests in advance. Decision-making bodies and decision-making shall be conducted in a manner so as to be seen to inspire the confidence of all concerned.⁵
- All those involved in the application of policies in accordance with these guiding principles, including those carrying out investigations, providing information or acting as a witness or representative shall be free from fear of personal criticism, victimization or reprisals.⁶
- Ensure that each party is provided with a reasonable opportunity to fully prepare, and present any case, across all stages, under conditions that do not put them at a disadvantage.
- Individuals who have been found responsible for a violation will not serve on the **internal complaints committee in the future**. ~~as investigators in the future, or be involved in decision making on disciplinary or remedial measures. They, however, should be engaged in the process on preventive action.~~
- Accompaniments in formal meetings is recognized as a right⁷ — the staff member can arrange to be accompanied/represented by a colleague.
- All staff members and stakeholders are expected to support and encourage the reporting of cases of discrimination and harassment. Respect the confidentiality of any involved in a complaint (informal and formal processes). Co-operate when asked to provide information relevant to an investigation and fact-finding process. Have zero-tolerance towards any subtle and/or overt forms of discrimination and/or harassment towards any person/s. Be accessible and available for other staff members and associates who may wish to raise any

⁵ Amnesty International Bullying and Harassment Policy, Appendix IV, People Management Policy Standards, August 27, 2013, 20.

⁶ Ibid.

⁷ Amnesty International, Bullying and harassment policy — “If a staff member believes that an issue may affect staff terms and conditions, health and safety, workload or job description(s) and that she/he may need support or advice from a colleague during discussions to resolve the issue, the staff member may postpone or adjourn discussion of that issue until another meeting can be arranged to discuss that particular issue. At that further meeting the staff member can arrange to be accompanied/represented by a colleague.” August 27, 2013, p. 20-21.

concerns, seek clarifications and information, and/or seek assistance, regarding a claim or on-going investigation, in a confidential setting.

- ~~Ensuring that Mada is free of “intimidation, hostility, offensive behavior and any form of discrimination and/or harassment.”~~
- Reprisal: Every person has a right to a workplace free of harassment and discrimination. No person shall be treated negatively for bringing forward a complaint, providing information related to a complaint, or assisting in the resolution of a complaint. It is a violation of this policy to discipline or punish a person because they have brought forward a complaint, provided information related to a complaint, or otherwise been involved in the complaint resolution process. Reprisal may be the subject of a complaint under this policy, and persons engaging in reprisal are subject to disciplinary measures.
- Counseling: A complainant (victim) has the right to receive counseling across all phases of the process, from clarifying whether a complaint should be filled, while deciding on the course of action/procedure to be taken, during the investigation, and as a part of the remedy offered.
- Proportionate response: disciplinary action shall be proportionate to the severity of action under consideration.
- Wording and application of other institutional policies shall respect the rights of all individuals to be free from any form of discrimination and/or sexual harassment.

7. OTHER CONSIDERATIONS

7.1. Non-staff personnel

The policy is applicable to all Mada employees. It is applicable across the workplace, i.e. where ‘work is performed’ and locations where ‘work-related business is conducted.’ It provides protection and procedural access to Mada staff members and stakeholders. The policy is also applicable outside of the workplace in cases

where both parties were Mada staff members during the time when the incident in question took place.

However, staff members interact and developing professional relationships with individuals and groups, not employed and thus not contractually bound by Mada's institutional policies. In instances, where the:

- Accused is not a Mada employee: While the standard protocol may not be able to be operationalized, we request and encourage our employees to bring up the complaint with the Internal Complaints Committee, who will employ the necessary actions relevant to the context and the details of the specific case.
- Complainant is not a Mada employee, however the accusation is made towards a Mada employee – the safeguards and mechanisms guaranteed by this policy are applicable, and the Internal Complaints Committee shall follow the same guidelines and procedures on receiving a complaint or mention of discrimination.

- If there are accusations against a freelancer we work with, we may refrain from working with them without an investigation, or if the person contributes to us regularly we may carry out an investigation if they will cooperate before reaching a decision.

7.2. Process for false accusations of malicious intent

In the event that the investigation committee concludes that the accusation was fabricated for malicious intents and/or in conspiracy, disciplinary action will be taken against the complainant and witnesses, if found to be involved. A formal statement detailing the nature of the case and investigation, along with an explicit statement affirming the respondent's innocence will be released to those concerned and attached to the staff members file.

7.3. Timeline

Implementing and closing the process in a timely manner is crucial to the effectiveness of the policy. The process must be reasonably prompt i.e. allowing for sufficient time for preparation and investigation for all relevant parties. The Internal Complaints Committee must be transparent and prompt in sharing the proposed timeline for each investigation process at the inception.