

Preventing and responding to sexual harassment:

Funders' practices
and challenges

Contents

1. Introduction: by Ariadne's director, Julie Broome	1
2. Foundations' approaches to dealing with sexual harassment	4
3. Foundations as good employers	9
Prevention	10
Reporting and response	13
Effectiveness	15
4. Foundations as their partners' responsible supporters	17
Prevention	19
Reporting and response	21
Effectiveness	23
5. Sexual harassment in spaces that bring foundations (and others) together	25
6. Next steps: Going deeper in a conversation among foundations	27
7. Questions to prompt foundations to engage (more deeply) with the prevention of and response to sexual harassment	29

Researched + Written by Stephanie Schlitt | Independent Consultant
Stephanie Schlitt is a consultant for the World Health Organisation and German and international NGOs, with a focus on gender equality, women's human rights and gender justice within and supported by philanthropy.

Edited by Julie Broome | Ariadne – European Funders for Social Change and Human Rights

Designed by Nadine Fleischer | irishbutcher.co.uk

Special thanks to the working group for this project

Elizabeth Eagen | Open Society Foundations
Karin Heisecke | Amadeu Antonio Stiftung
Poonam Joshi | Sigrid Rausing Trust
Maria Palomares Arenas | Calala Women's Fund

This project would not have been possible without support from Open Society Foundations.

**OPEN SOCIETY
FOUNDATIONS**

About Ariadne:

Ariadne is a European peer-to-peer network of more than 578 individuals from 164 grantmaking organisations in 23 countries which support social change and human rights. Ariadne helps those using private resources for public good achieve more together than they can alone by linking them to other funders and providing practical tools of support.

For more information:

ariadne-network.eu
Email: info@ariadne-network.eu
[@AriadneNetwork](https://twitter.com/AriadneNetwork)

Ariadne is a programme of Global Dialogue, a registered charity (1122052) and limited company (5775827) which promotes human rights and social change by supporting innovative and collaborative philanthropy.

A large, stylized number '1' in orange, positioned on the left side of the white content area. The background of the entire page is orange, with a white rectangular area on the left containing the text. To the right of the white area, there are several black, angular, overlapping shapes that resemble a staircase or a series of steps, extending from the top to the bottom of the page.

1

**Introduction by
Ariadne's director,
Julie Broome**

In discussions with the board and the CEO I have noticed that #metoo has made sexual harassment into 'society's issue'.

Sexual harassment is an experience many women (and also men) are forced to confront and deal with at some point in their lives.ⁱ While it has often remained hidden and not discussed, especially in the workplace, the #metoo campaign has surfaced a more active discussion about the need to tackle sexual harassment and abuse in all domains. Sexual harassment is among the central manifestations of gender inequality and a form of gender-based violence. It may be defined as “any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.”ⁱⁱ

As in the rest of society, among those who work for and interact with foundations, there will be individuals who are the target or perpetrators of sexual harassment in its various manifestations. All of these manifestations are grounded in – and reinforce – structural inequalities on grounds of gender and other intersecting factors like race, age, class, and sexual orientation. Sexual harassment in the work context violates a person's entitlement to a safe and respectful workplace, and employers have an obligation to take steps to try to prevent it. Justice also demands that anyone who is harassed can safely report and is supported in ending the abuse and holding the alleged perpetrator accountable, with due respect for the (alleged) perpetrator's rights.

Foundations committed to social justice and human rights have an important role in combating sexual harassment *through* their work, but they must also take all steps necessary to prevent and respond to it *in* their work.ⁱⁱⁱ Some foundations were engaging with the social, criminal and gender justice aspects raised by sexual harassment and with its implications for their workplace practices and their relationships to their (potential) grantees even before the #metoo campaign brought these issues into greater focus, but there is need and scope for further support by foundations in this area.^{iv}

The Oxfam sexual exploitation scandal^v and revelations in various countries such as those relating to Save the Children UK's handling of sexual misconduct claims against two former executives,^{vi} however, have (or should have) put *all* foundations on notice that their approach to and effectiveness at preventing and responding to sexual harassment requires attention. Foundations in some jurisdictions have had to change their policies and procedures to be in compliance with the law. New safeguarding and sexual harassment guidance for the charity sector has been developed, which many donors have been contributing to and following. There is now also enhanced scrutiny by regulators.

This is the context in which, in December 2017, we circulated a survey among our members to get a sense of how they were responding to sexual harassment within their own institutions. Of the more than 30 responses received to that survey, roughly half indicated that their foundation did not have a policy specifically addressing sexual harassment. In addition, 10% of respondents indicated that they had experienced sexual harassment while working in philanthropy yet had not felt able to report it, or had even been bullied out of reporting it. We felt this was a wake-up call that foundations need to make the prevention and addressing of sexual harassment a more explicit priority. As such, we have established a small working group on sexual harassment and have commissioned this research. As a next step, we hope to be able to support foundations through the development of policies on sexual harassment.

When we began talking with foundations at the end of 2017 about sexual harassment in philanthropy and how they were thinking about it and addressing it, most of the responses we received indicated that foundations were uncertain about *how* to ensure their workplaces are free from harassment. Funders need to “walk the talk”. So our motivation in embarking on this project was to reflect on foundations' current practice and gather ideas and good practices from across the human rights and social change funding sector to give foundations an idea of the questions they need to be asking themselves, the things they need to take into account in developing policies, and possible practical measures they could take to prevent and address sexual harassment.

“It is surprising how few foundations responded to the Ariadne survey. From anecdotal conversations we believe there must be more going on. There are nuanced and candid conversations happening between staff – but who is willing to share these conversations in wider fora?”

We interviewed a range of staff at 17 private foundations based in Belgium, France, Germany, the Netherlands, the United Kingdom and the United States and asked them about their approach, policies and practices. The foundations varied in size and thematic and geographic focus. Interviewees were a mix of executive, programme, legal, and human resources staff – each with their own area of experience and expertise.^{vii} Beyond the scope of the interviews we also researched publicly accessible foundation policies and procedures.

This report is intended for the executive leadership, board and staff of foundations as a thought-provoking presentation of perspectives on, elements of, and alternatives regarding foundations' ways of dealing with the risk and reality of sexual harassment. It is an invitation to think, discuss, and learn.

Different foundations – and individuals within them – will have very different starting points, prior experiences and analyses and will need to think through different aspects of the full picture. This report seeks to provide some food for thought in the form of foundations' shared experiences as a basis for this kind of thought process. Chapters 2, 3 and 4 focus, respectively, on the approaches foundations take, their experiences as employers and their experiences as grant-makers. Chapter 5 reflects on sexual harassment as a concern needing to be tackled in the spaces where foundations get together, while chapter 6 draws out potential actions Ariadne might take to support its members in tackling sexual harassment.

Taking a step back from individual foundations' experiences, in chapter 7 the report concludes with a set of questions to help foundations reflect on and start a conversation about how they tackle the risk and reality of sexual harassment in what they are doing – and could do – to prevent and respond to sexual harassment.

For some foundations, one of the central challenges may be the fact that there is no shared view between the individuals comprising the leadership, staff and board on how to define “sexual harassment”, what constitutes power and its abuse, how to assess the nature and gravity of a sexual harassment allegation, and what an appropriate response might look like. In this case, especially given the differentials of power and privilege within foundations (as well as between foundations and their grantees) some of the questions this report raises may be difficult to discuss. The task then may be to create safe spaces where these questions can be discussed and a shared understanding and commitment found, including – where necessary – by drawing on the support of external facilitators.

The key point that comes across through the interviews conducted for this report as well as other research is that policies and procedures are only part of what it takes to combat sexual harassment, not the complete solution. More important is building a culture of respect and transparency in which harassment of any kind, including sexual harassment, is not tolerated. For foundations, this means extending that culture to relationships with grantees, not only among the staff and board. This is not always easy, but several foundations have given examples of how they try to create such a culture of openness with their partners.

We are grateful for the time and information that all of the interviewees shared with us, including ideas of how networks can help the sector combat sexual harassment, and we look forward to continuing to support foundations on their journeys.

A large, stylized number '2' is formed by thick black geometric shapes. The top part of the '2' is a horizontal bar that tapers to the right. The middle part is a vertical bar that tapers to the left. The bottom part is a horizontal bar that tapers to the right. The entire graphic is set against a solid orange background.

2

**Foundations'
approaches to
dealing with
sexual harassment**

The ways in which the foundations interviewed approach sexual harassment differ widely. Unsurprisingly, especially those foundations interviewed which support actors active in combating sexual harassment or in the public eye for having failed to deal with it adequately, acknowledge that it is a concern for them. By contrast, some of the interviewed foundations apparently do not feel a need for action on combating sexual harassment because they do not perceive the issue having manifested as a priority for them. Several interviewees indicated their foundations were small and were concerned about spending resources on sexual harassment prevention, given there had not been a particular concern that the foundation was going to have to grapple with sexual harassment claims.

'We don't have a complaints procedure like an ombudsperson or an equal opportunities officer. We have not felt these were necessary given there have not been any incidents. Our staff are very sensitive. In our discussions they articulate salient issues. In those conversations sexual harassment has so far not come up, was not identified as a problem.'

Other interviewees, however, highlighted that an absence of reported claims of misconduct does not mean there is no misconduct or no risk of it. The worldwide conversation around #metoo strongly supports this long-held axiom of gender justice activism, highlighting vast numbers of personal experiences of sexual harassment and related abuse and crime which many of the survivors have spoken about for the first time.

'We only know what we catch. We don't know what we haven't been able to identify.'

'The Ethics Committee cannot track what happens when there is no official complaint.'

'We have not had a case of sexual harassment within organisations we support. But, frankly, sexual harassment has very likely happened within these organisations because in the region where we work violence and harassment against women remain widespread.'

Conversations with interviewees about their foundations' approach to sexual harassment focused on a wide range of factors including:

- good governance
- the foundation's values
- basic methods (such as the analysis of power dynamics)
- basic assumptions and foundational concepts such as "social and gender justice"
- theories of change
- the types of work and organisations they support (and the information, analysis and learning being shared with them by those organisations)
- the people who make up the foundation
- the influence of social and political developments such as the Trump presidency and the #metoo debate
- the foundation's learning from past experiences

Some foundations look at the prevention of and response to sexual harassment in parallel to – or even as part of – the protection from harm and welfare promotion of vulnerable groups, including children, subsumed under the concept of "safeguarding". This concept and related practice have gained visibility particularly in the wake of the Oxfam scandal. The core focus is on children and young people but "safeguarding" relates more broadly to vulnerable individuals.^{viii}

'Over the past year, our definition of 'safeguarding' has grown: it includes sexual harassment, bullying and sexual misconduct in the workspace. This means a crossover between human resources and safeguarding policies and who does what.'

Some foundations have found the safeguarding lens useful for introducing discussion of diversity and equality within their work. Others find that characterising certain communities as inherently vulnerable is problematic and question whether a safeguarding approach is the most appropriate and effective framework for tackling the gendered power abuses that underlie sexual harassment. However, some have found that the discussion raised around the need for safeguarding opens a space for reflection on the power dynamics that underlie harassment, abuse and violence:

'This is about the way the world works, about power differentials in terms of age and other factors. With the Oxfam scandal, people honed in on sexual violence and tried to figure this out. But this is only one way of abusing power. We need to look also at class and racial violence. If we don't do this, we will miss the plot again: how do people with power abuse that power?'

Alongside a safeguarding lens, some foundations' policies address sexual harassment as a form of discrimination.

'We have done nothing specifically about sexual harassment as a particular issue. We have done a lot of work on safeguarding because of the client groups we work with, vulnerable children and adults. We felt we needed to strengthen our approach with grantees on this. We are working a lot on diversity and equality more broadly – not specifically from a sexuality or gender lens but more broadly, and we would look at the wider issue under this.'

'We lump 'sexual harassment' together with 'discrimination' – the same issues exist with allegations of discrimination. Our approach overlaps significantly in the two areas. The position organisations find themselves in are similar.'

Whatever frame a foundation takes for its policy, it is important that victims of sexual harassment feel that their particular situation and needs are covered. Several interviewees stressed that, in the end, what matters is not terminology or clearly delineated concepts but whether and how those experiencing abuse are supported. They emphasised "creating a culture of openness" in which people are encouraged to talk about the things that concern them and in which issues are addressed at an early stage.

'Dialogue and relationships are critical.'

Conversations surfaced several approach-related questions which may benefit from further discussion among foundations, including the following:

- What definition(s) of sexual harassment do foundations work with?
- Are policies and procedures specifically targeted at sexual harassment needed, or are general governance and management standards and procedures sufficient to address sexual harassment, for instance a Code of Conduct and a grievance procedure?
- Do foundations need to have a detailed process of how to deal with claims of sexual harassment within their grantee partner organisations or is an ad hoc approach defensible, perhaps preferable?

Interviewees gravitated towards an acknowledgment that different approaches may prove relevant and effective depending on the specific context and nature of the organisation and that responsiveness to specific contexts is what matters both to what foundations are aiming to do and how they do it.

'At Oxfam there was not a lack of policies and procedures but a failure of the system. The question is how people have thought about what system is needed as opposed to understanding why sexual violence is so deeply entrenched in our culture and what can we do to shift that. That's how we address the issue within our organisation and with partners.'

'My advice is: Listen to your staff and try to be responsive to their needs. We take much input from the work our staff do out in the field. Staff wanted an anonymous route – so that's what we ended up doing. It's an issue of power. If you feel harassed, there is a hesitancy regardless of the organisation.'

'So much of this has to be ad hoc. The critical thing is, organisationally, to send message after message that the organisation takes it seriously. People hear things at different times, differently. Your audience changes. It's got to be safe to make complaints – you need to let people know that. Yet the way you address sexual harassment can't be rigid or even necessarily transparent or it won't work to the situation – despite the fact that we call for transparency so often.'

Some foundations operate in more than one country, and interviewees talked about the challenges of developing a global approach. Legal requirements vary from country to country, but having different procedures in place in different locations can also be complicated for the organisation. Foundations in this situation try to ensure that there is as much consistency as possible in the messaging and training provided to staff.

In an effort to interrogate more deeply foundations' commitment to tackling sexual harassment, interviewees were asked about the evidence they had that the approach their foundation takes is effective. Responses to this question presuppose an understanding of what "effectiveness" constitutes in this context. This may be open to debate. For instance, is an effective approach to combating sexual harassment one which minimises the foundation's risk? Whose risk? The foundation's risk of reputational or other damage? The risk of those working for the foundation to experience and/or be the target of allegations of sexual harassment? The risk of their partners not to be equipped to protect those who work for them or interacting with them through their work from sexual harassment? If "risk" is not the main or only lens for considering effectiveness in this context, what other lens(es) need to be considered?

'Things on paper don't work if just left on paper. In the work we fund, our partners tell us laws and policies aren't the way change happens. Change happens when people's practices and habits change, when social norms change. This is hardest to do and hardest to measure. That said, it's important to have policies in place for when things go wrong – so people know what levers to pull.'

Is an effective approach to combating sexual harassment one which minimises the foundation's risk? Whose risk?

Efforts are underway to synthesise the available evidence: Giving Evidence is producing an open-source map of the evidence (and gaps in it) around the abuse of people aged 18 and under in institutions such as schools, clubs, residential care, detention centres. One of the purposes of this map is to help foundations and others make evidence-based decisions where there is sound evidence; another is to help them understand when they are operating in an evidence-free zone and so need to produce relevant evidence themselves.^{ix} This project highlights the need to establish an evidence base to ground policies – a need that clearly also exists with regard to sexual harassment policies and practices.

In the following sections we reflected interviewees' thinking on what they consider effective approaches and how they gauge their foundation's effectiveness in tackling sexual harassment.

In brief:

*Foundations' approaches
to dealing with sexual harassment*

Preventing and being able to respond to sexual harassment incidents is a task every foundation confronts, as a matter of legal obligation and/or to ensure that it provides a safe, non-discriminatory and respectful working environment and sound, principled support to its grantees. Foundations seeking to interrogate and strengthen their approach may start off from a range of internal and external points of departure, including their foundation's people, commitments, ways of working and external context. The concept and practice of "safeguarding" provide a starting point for many. While a fruitful question concerns how to define and assess an effective approach, the central commitment to any effective approach is a commitment to identifying and transforming the discriminatory and stereotyping social norms that underpin and enable the abuse of power that sexual harassment constitutes.

A large, stylized number '3' is formed by thick black geometric shapes. The top part consists of two parallel slanted bars. The bottom part is a complex shape with three horizontal steps, resembling a staircase or a series of stacked blocks. The entire graphic is set against a solid orange background.

3

**Foundations
as good
employers**

Given how pervasive sexual harassment is – both at the workplace and in other social environments – there clearly is a risk as well as a reality of people working for and associated with the work of foundations experiencing sexual harassment in their working environment. Foundations are concerned as employers whose duty it is to create and maintain safe working environments free of sexual harassment.

Yet a number of interviewees appeared to presume that sexual harassment is not prevalent in foundations. Explaining this presumption with reference to their own foundation, some interviewees stated that their foundation has few employees and/or that most staff are women. Some of the interviewees offering an explanation along these lines acknowledged that sexual harassment could still occur in foundations with these characteristics. None of the foundation interviewees reported having heard of or having had to deal with a case of sexual harassment against their colleagues by a person whom staff encountered through their work, in particular persons associated with (potential) partner organisations. But interviewees acknowledged that sexual harassment by an individual associated with a foundation against another individual associated with a (potential) partner organisation or other foundation-related institutions as a valid area of concern.

“This has come up in the field: Grantee partners told us about inappropriate comments by other foundations’ programme officers. People have told us about a programme officer with a reputation, not for sexual harassment, but this person gets talked about as being “too friendly”, “too forward”. Grantee partners have asked our advice on how to deal with this.”

“A grantee complaining about our staff regarding sexual harassment: this question has never been posed, we have had no case of this. This would be dealt with like any other cases of misconduct or corruption – with zero tolerance. We would inform the Board, perhaps refer the case to the authorities.”

Interviewees highlighted that the prevention of sexual harassment in foundations – as in other institutions – concerns a shared **organisational culture**.

“I think in philanthropy this issue of sexual harassment is not new. Many people share this view. But I am surprised inside the organisation how much dialogue is necessary to come to a common place. People say: ‘It’s not our responsibility’ or ‘It’s just that individual’ or ‘Boys will be boys’ – there are always any number of reasons why organisations don’t respond to allegations. The message to employees as actors and potential victims has to be: You will be heard, we will deal with it.’ No matter where you work there will be incidents: This concept makes people uncomfortable. Some of these incidents will be perceived differently by both sides. The way that an organisation responds and its efforts to prevent sexual harassment define the organisation.”

One element of an organisation's culture central to dealing with sexual harassment is its way of thinking about and structuring power differences.

“Because of the work we do we’re in a constant conversation about misuse and abuse of power, about the social impact we’re trying to have. How do we see those things operating in the world and living in us? This is also about examining the shadow sides of ourselves, the implicit biases. It is about how to build internal capability around reflection and learning from mistakes, from things that have not been planned, and about reinforcing an environment of open, honest dialogue where we engage in difficult conversations, where there is not a huge power distance between those in the conversation. We have reporting lines, etc, but work to create an environment where there isn’t a huge power difference. Where there are big power differences, we are less likely to hear about things not going well.”

“Everyone is running to make policies and procedures. These play a role but can't be the end point. This is about social norm change and how to make that possible. These are hard and challenging conversations internally. It's most important to recognise: It's great if people read the Code of Conduct but a piece of paper is not as important as cultural change. How do we make the Code of Conduct a living document? Staff can use this question to spark conversation. How do we 'socialise' the Code of Conduct? How do those values inform our everyday engagement?”

Interviewees' explorations of various **organisational policies and procedures** relevant to preventing and responding to incidents of sexual harassment converged on the conclusion that these both express and determine a foundation's organisational culture.

“We haven't had an experience of a complaint by someone associated with a grantee partner against a staff member yet. This raises the question: Given the power dynamics between funders and grantee partners, beyond saying “this is the process, this is the person you talk to if you want to make a complaint” – how do we create the type of relationship where complaining is even possible? If there is too much power difference, there is a high likelihood people will access the system in a very limited manner. We call our grantee partners “grantee partners” for a reason. We are not ignoring the power differential but working hard to reduce the gap so that if there was an incident, folks would know and feel they could bring complaint.”

Some interviewees drew attention to the fact that **organisational structures** that are attentive to the risk of abuse of power may also be conducive to the prevention of sexual harassment (as of other forms of misconduct and abuse of power). Some foundations operate with flat management structures or have joint directorships to minimise the hierarchy within the organisations and encourage staff to feel empowered to share their views on all matters.

Most of the foundations interviewed for this report do not currently have a dedicated sexual harassment policy and/or procedure but rather fold sexual harassment prevention and response into policies on ethics, safeguarding, whistleblowing, grievances, general data protection regulation, and communications, for example. Foundations may have more **general guiding principles, policies and frameworks** which also apply to conduct that constitutes sexual harassment and set a standard of commitment and conduct expected of foundation staff. Interviewees referred to the following:

- **Organisational value statement:** This might cover programmes and grant making but also lay out the ethos of the organisation.
- **Code of Conduct:** While such codes often cover a broad range of behaviour, they might include sexual harassment and apply across a foundation's work.
- **Anti-bullying statement:** These may make explicit reference to sexual harassment.
- **Gender Policies:** These address the climate in the work place, including roles and models in the organisation.
- **Policy on personal relationships in the workplace**
- **Risk management procedure:** Most organisations have a risk register or matrix, and this can also be expanded to include sexual misconduct and lay out a process for reporting and dealing with it.
- **Engagement with grantees:** Two foundations referred to providing grantees with more than one contact person as relevant in the context of sexual harassment prevention. Having a practice of grantees always meeting with more than one foundation staff member can be a mechanism to reduce the potential for abuses of power.

Some of the interviewed foundations have **specific safeguarding or sexual harassment** policies, in part in order to meet legal requirements. While these results are not necessarily representative of the foundation sector, among the foundations interviewed there appeared to be a larger number with procedures focused on safeguarding than on sexual harassment.

One foundation interviewee queried whether and how **standard management procedures** might be re-tooled to surface sexual harassment concerns.

“We haven’t had a case of sexual harassment in the workplace. But we are trying to examine situations where there was an abuse of power which may have happened unconsciously. The intersection of gender, race and positional power – how are we able to unpack all those things with regard to potential abuse, whether this is intentional and conscious or not? We need to create vehicles for those dialogues to happen beyond standard policy and practice. I am thinking about how to get at foundational elements like “speaking truth to power” where that’s welcome, embraced and expected. It’s not just about creating the conditions so that this can happen but about giving people the skills and ability to do it. How can we use traditional vehicles like annual performance reviews to this purpose?”

One foundation with a strong focus on child-safeguarding instituted **designated safeguarding (SG)** officers at a regional level, who receive training on SG policy implementation and procedures. These officers work at the regional level to ensure that policies and procedures are presented in an appropriate cultural context.

Some interviewees highlighted the difference that decisive **leadership** – in particular leadership by women – and clear **managerial responsibilities** can make to an organisation’s commitment to combating sexual harassment. When the senior directors and the board make a commitment to tackling harassment and abuse, and model appropriate behaviour, it filters down throughout the organisation. Also, having different people responsible for safeguarding throughout the organisation can help instil a culture of rights, respect and protection.

To prevent and end sexual harassment everyone needs to take responsibility for their organisation’s culture, for supporting victims and holding perpetrators accountable. But managers play a particular role and have particular responsibilities and need to be supported through targeted training to meet these. They must not only make sure staff are aware of the policies but also reflect them in their practice and be prepared to enforce them.

One interviewee highlighted the difficult position in which managers might find themselves:

“The disappointing part in the most recent case has been the amount of time it took to get the manager of the alleged perpetrator to understand the difference in role between being a manager and an advocate for staff day to day and supporting an investigation even if this is uncomfortable. The manager was more challenging in some ways than the alleged perpetrator. With perpetrators you know what to do: you’ve got the policy, you follow it, you try hard not to jump to conclusions, you have an independent process to do right by both sides. There are challenges with managers who haven’t seen this side of the accused person and thus assume it doesn’t exist before you have gone through the process.”

A foundation’s culture is determined by its people – its Board and staff. Several foundation interviewees felt the likelihood of someone within their foundation engaging in sexual harassment was reduced by the careful **staff selection**. This includes asking candidates about whether they have ever been accused of sexual harassment and engaging in dialogue to understand how they handle power dynamics.

“We assess how people live in the world in terms of their life experiences, how they understand issues around power differentials. To test this, we go through scenarios to get at people’s belief systems, their values, how they wear and hold their privilege and power. This way we tap into their conceptualisations.”

To develop and sustain a healthy organisational culture, some foundations integrate attention to sexual harassment in their internal **training and capacity-building** measures, including during **staff induction** and the probation period. Training attendance may be mandatory. One foundation reported ensuring 100% staff attendance at relevant trainings.

“Every employee goes to one of two classes in first three months of work. There are separate classes for managers and employees. People are handed the sexual harassment policy when they arrive; it’s talked about as part of their induction; it’s available on intranet.”

Reporting and response

Several foundation interviewees specifically mentioned **security training** as a vehicle to help staff take measures to protect themselves against sexual harassment. Of particular concern are interactions between staff members and a (potential) grantee organisation's staff during site visits. One of the elements of a preventative approach is clear communication with the (potential) grantee organisation about mutual expectations in advance of the visit. Having a code of conduct or other safeguarding policy in place could help protect both grantees and foundation staff. It's important that staff receive training so that they know what to do if someone discloses abuse to them during a site visit. Some foundations also make a point of sharing their policies in advance of a visit and being clear about what kind of vetting their staff have or have not received (for example, criminal record checks), particularly if they will be meeting children or other potentially vulnerable beneficiaries.

“When visiting grantees, we share our policies and make sure grantees have the contact details of the person in charge of safeguarding in our foundation. We send them an email in advance to say: ‘We are visiting you. You are in control. We will follow your rules. If you have concerns, please voice them.’”

One interviewee highlighted **abuse in social media** spaces as a particular concern that foundations must address.

“We address sexual harassment regarding our communications team. Our foundation is active on social media. There is lots of violence in the responses. We are thinking about mechanisms to support staff: The foundation provides access to a confidential counsellor. We have conversations about needing to be aware and proactively supporting staff.”

Foundations as workplaces are not isolated from **the wider world** around them. Those who work for a foundation bring their personal (including their political) experiences and preoccupations into the work space. As conscientious and caring employers, foundations need to take account of this fact by offering their employees possibilities to share their concerns and how these affect their work.

“#metoo has come into our organisation. We ask ourselves: How are we providing support to staff members who are triggered by these #metoo conversations? We want to give staff opportunities to process what is happening in the world – not just around #metoo but also around the onslaught on our communities. A huge number of people (including staff members) are survivors of sexual violence. How do we provide support to them?”

Interviewees highlighted several kinds of mechanisms to which staff can report an experience of sexual harassment. These included **managers, human resources officers or departments, board members, ethics committees, whistleblowing mechanisms and external hotlines and advisers.**

The people who are designated to receive such complaints vary widely depending on the size and structure of the foundation. It is therefore difficult to recommend a one-size-fits-all reporting structure. However, what emerged from the interviews is that what matters is for those experiencing sexual harassment to feel able and enabled to turn to **someone** to speak to about it with a view to ending it and for those to whom an affected person turns to be able to advise her on avenues to seek support and redress. Everyone within the organisation should be sensitised to how to respond if someone comes to them with information about harassment or abuse.

“It’s important not to limit who people can talk to. People talk to who they trust. They may not feel able to come to the Legal Counsel or to the Head of Human Resources. So we have to make everyone responsible. If someone tells you, you need to know where you can take it. We need not one or two channels. Instead we need to simply tell people: ‘Tell someone.’”

“The important thing is that everyone knows to turn to someone they feel safe with. It’s acknowledged in the Code of Conduct that this doesn’t need to be the person you report to.”

“The approach is one of picking several single avenues because one could be blocked. Make sure you have enough avenues so someone always has a place to turn. Make sure people know claims will be treated respectfully.”

Some interviewed foundations permit **individuals from outside their foundation to report sexual harassment by a staff member in the work context.** This is important because the foundation's response to a complaint may be the only effective way for an external person to address sexual harassment by foundation staff. Foundations take

different approaches, from less to more formalised ones. In most foundations staff would be obligated to share any complaints against members of staff with senior leadership or the board of the foundation. One concern in this situation is protecting the staff member's rights during the investigation of the complaint.

Interviewees referred to **anonymous complaint hotlines, ombudspersons and a “report-a-concern” button on the foundation's website** from which complaints are sent to (and get dealt with by) the Human Resources manager. Some foundations with a more formalised approach spoke about proactively informing their grantees of it.

Several interviewees spoke about their foundation's approach as one of providing mechanisms that tackle sexual harassment (and other forms of misconduct) in all dealings of the foundation, **internally and externally**.

“We are at early stage of developing a whistleblowing procedure for internal and external people. This would exist in parallel to the confidential adviser we already have. The person managing this can be someone inside the organisation who has been trained or someone at an external organisation. The person concerned speaks with the case manager who will assess the information. If there is enough evidence (if it is a ‘critical case’), the case will be passed on and handled by an Ethics Committee which writes a report. This policy will be part of our ethical framework. Co-workers will know this to be part of our policies. Partners will be briefed. Perhaps there will be a telephone number to call publicised on our website.”

Others referred to making **independent external hotlines** available to their employees and individuals interacting with their foundation where individuals affected by sexual harassment can seek advice. There are commercial businesses offering such services (such as NAVEX EthicsPoint), and these can be contracted to enable anyone who works at or interacts with a foundation to report instances of misconduct by the foundation or its employees, including anonymously. The foundation must then have a procedure for how to respond to reports.

Another example is the **confidential and independent advice and support mechanism** offered to staff at German foundations which are members of the Federal Association of German Foundations (Bundesverband Deutscher Stiftungen) by the Women's and Gender Equality Officer at Charité University Hospital since autumn 2018.^x This relies on a clearly structured, sequenced procedure for addressing a sexual harassment allegation, helping the affected person to get clarity on what she or he experienced, what to do about it and who to call on for support and to end the misconduct. The affected person decides what actions are taken and each step is documented.

None of the interviews went into detail on the **follow-up to a sexual harassment report: the informal process** and the formal process, which may include correctional measures such as training, coaching, a shift in responsibilities or dismissal. The way foundations handle follow-up may be assumed to be similar to how other types of employers do so. One interviewee highlighted the need to take into account the experience of those staff who are indirectly affected:

“In the aftermath of an investigation, we need to figure out what the programme needs to go forward. Up to this point, it's been all about two individuals. But probably what has been complained about and the complaint process have been lived through by the whole programme. Human Resources and the leadership need to figure out: Has the process run its course, is everyone ready to move on? Or does the programme need support to deal with the aftermath? This is about prevention but also about creating a safe space – making sure you hear about the next one.”

It is also important to note that some conduct constitutes a criminal offence which should be reported to the police. Although this will vary between jurisdictions, in general such conduct will include anything rising to the level of a sexual assault or physical threat but may also include sexual harassment. When taking a decision to report such an incident to the police, action should be taken in consultation with the victim, who will likely require ongoing support throughout the process. The concerned foundation may investigate a complaint and follow its own disciplinary procedure whilst criminal proceedings are ongoing.

The main type of evidence those interviewed foundations which have taken action to prevent and respond to sexual harassment rely on to gauge whether their approach works are “ways of taking temperature” such as **periodic staff surveys** concerning working conditions and **staff turnover**. Several interviewees also referred to what they perceived to be the **adequate resolution of specific complaints**. As with the difference between “doing justice” and “being perceived to be doing justice”, however, there is a concern here about whether an effective approach to responding to sexual harassment in a particular case would necessarily be perceived to be effective.

“Within the organisation we reflect on why sexual violence is normalised. This is part and parcel of addressing how we may be replicating that violence in our work, what we can do to ensure we as individuals change so as not to support this.”

“For us this is not so much about #metoo but rather about professionalising our work. We are currently conducting a survey with staff about psychological stress in the workplace. One of the questions is to what extent there have been experiences of as yet unacknowledged sexual harassment in the workplace.”

“The concern is: There is a false sense of security. In fact, all may not be in order. We as directors are comfortable: We have a healthy team dynamic. Staff bringing up issues is good feedback. But are there ways to have more than an implicit cultural approach, to be more explicit about escalation routes?”

“You may have prescribed a set of remedies [to deal with a case of sexual harassment] but people may not know that because of confidentiality. Say someone made comments that make people uncomfortable. We would point this out to the person, give them coaching or send them to training. But then it’s fair for them to have the opportunity to change their behaviour. If they are not self-aware enough to take advantage of that opportunity, you may need to help them leave at some point. People won’t make that connection: that someone leaves the organisation because of this long trajectory. Confidentiality is necessary. But this leaves a lot of room for discomfort.”

“I [person responsible for safeguarding issues] report every month to trustees on what’s come up, asking ‘what can we learn, how can we do things differently?’ Every six months we do a learning review and identify broad themes and issues.”

“We haven’t had many cases of sexual harassment. [Rather than on learning from incidents] the changes we have made to our policies are based on external information, on other organisations’ learning. Some of our grant-making work is related to this area so we hear from programme staff. One thing the foundation changed as a result of learning from grantee partners is to no longer have non-disclosure agreements regarding sexual harassment unless the complainant wants it.”

Institutional reflection and learning came across as an important element in foundations’ quest for effective ways to prevent sexual harassment and other forms of misconduct.

In brief:

Foundations as good employers

Foundations can use a range of vehicles to meet their responsibility to create a work environment free of sexual harassment. These pertain to:

- *the foundation's organisational culture*
- *organisational structures and procedures*
- *general guidance principles, policies and frameworks such as those relating to risk assessment and management*
- *specific sexual harassment or safeguarding policies and procedures*
- *standard management procedures*
- *staff selection*
- *staff induction*
- *training (including security training) and capacity-building*

In their efforts to prevent sexual harassment, foundations should pay attention also to supporting staff to deal with abuse in social media spaces and with their experiences outside the workplace.

Foundations can enable staff affected by sexual harassment to report to one – or ideally a number of – the following (and possibly other) people or internal or external mechanisms: managers, human resources officers or departments, board members, ethics committees, whistleblowing mechanisms and external hotlines, counsellors and advisers. Mechanisms such as internal or external complaint hotlines, ombudspersons or “report-a-concern” buttons on the foundation's website may be made accessible to staff and to individuals interacting with the foundation.

Foundations need to consider what aims they are trying to achieve when they take action to prevent and respond to sexual harassment and devise appropriate ways to assess the extent to which their approach and the measures taken contribute to reaching these aims. Reflection and learning by all concerned is crucial.



4

**Foundations
as their partners'
responsible
supporters**

Foundations' role in dealing with sexual harassment claims within or concerning their grantee organisations is that of a third party, except in cases where the person harassed by someone associated with a grantee organisation is a foundation staff member. Endorsing grantee organisations through their support, foundations are identified with grantee organisations' work and their ways of doing things. Allegations of sexual harassment against a person associated with a grantee organisation and the way the organisation deals with these – but also the foundation's own manner of responding to such allegations – therefore reflect on the foundation's reputation. As some interviewees pointed out, given foundations' focus on social change and human rights, the standard to which foundations should hold themselves and those they support is high – foundations need to “walk the talk.”

The concept and practice of **due diligence** is central to grant-making, and all interviewees appeared to understand attention to risk factors for and past or current cases of sexual harassment as part of their scrutiny of (potential) partners during the due diligence cycle. That said, responses to the question of how explicitly foundations address sexual harassment as a particular kind of misconduct and potential indicator of governance challenges varied widely. Most of the interviewed foundations do not address sexual harassment outright with their (potential) grantees but rather inquire about organisational characteristics which they believe to have a bearing on or to be indicative of the organisation's willingness and ability to deal with sexual harassment. These include organisational leadership, structures, processes and policies and the organisation's connectedness to the constituencies it supports and works with.

"We look at decision-making and management structures. We address situations where there is a clear concentration of power, a lack of oversight or supervisory capacity proactively with grantees. We look at the notion of healthy relationships within the staff team, supervision through lines of communication other than to the director. This comes predominantly out of our view of responsible governance practice, not the specific risk of sexual harassment. Checks and balances and shared responsibilities tend to create an atmosphere where misconduct can be reported."

Some foundations are grappling with what approach to take. Specifically, there is a question mark over whether to impose **specific requirements on grantees** – such as having particular policies or procedures in place.

"This is an area we're in the process of examining more deeply. We are conducting a six months' listening exploration process with grantee partners around their capacity building and leadership needs, for us to understand how they are living their values,

thinking about incidents in the organisation that are not consistent with the work they do in the world the short answer to the grantee question is: When we look to fund someone, we assess their core values and approach to be consistent with ours. The piece we're trying to figure out is: Some foundations ask for the policies in place and what the NGO's practice is. We don't ask them to demonstrate they have a policy in place or what their practice is. We assess them around their philosophy, approach, values – but this is an open question for us."

"We are just starting to have conversations about whether to require grantees to have a sexual harassment policy. My inclination is to not make it a requirement to have a specific policy or procedure. I am afraid to have just a tick-the-box exercise. The question for programme officers is rather: 'How in your diligence process do you get comfort that grantees are open and responsible and there aren't allegations?'"

The three interviewed foundations with a particular focus on (child) safeguarding which all support organisations working for and with minors all ask their grantees to have relevant policies.

"We ask grantees to have safeguarding policy which we check as a condition of funding. We check the policy is to a minimum standard for keeping children safe: people, procedures, processes and accountability. Grant managers read the organisation's policy and ask questions to assess how real and internalised and operationalised the policy is."

Foundations that require their (future) grantees to have specific policies may commit to providing **dedicated support** to enable them to develop and implement such policies, including support for training and capacity-building. Some interviewees spoke about helping their grantees with such support as part of dealing with the aftermath of abuse cases. One foundation interviewee referred to the foundation's commitment to fund its grantees to hire a consultant to help set up internal procedures.

“Abuse does happen. We are grateful if grantees trust us and raise these issues with us. We want to reward this trust by jointly looking at making sure this will not be happening again.”

“As funders, what are we asking for? Just compliance? Or do we support them to address this? [An NGO the foundation supported where there had been allegations of sexual harassment by senior leadership] has a safeguarding plan now. We allowed them extensive time to implement it and allowed them to move funds around to finance this. We were initially going through a grant-holder INGO. But what was effective was when I talked directly to the project, when we had an honest dialogue. They said: ‘We have many interactions with donors but never like this where you have said let’s work together, we know this can happen to any organisation.’”

Some of the foundations interviewed have **more general requirements** of their grantees which, they believe, are relevant to the prevention of and response to sexual harassment, for instance requirements to communicate allegations of abuse proactively and in a timely manner and/or to observe what they consider general standards of good governance.

“We wouldn’t tell grantees to adopt a particular policy. We added language to the grant letters to the effect of ‘we expect you have policies and procedures in place.’”

“We don’t require grantees to have a sexual harassment policy. But we insist on having a board equally represented by men and women. The second instalment of the grant can be conditioned on an increased representation of women on the Board.”

Two foundations reported **asking potential grantees about past cases of sexual harassment** and how these were dealt with. An interviewee from one of these foundations spoke about having to consider how to take into consideration persistent but unproven allegations of sexual

harassment against a person seeking to apply for a grant. These examples highlight the fact that what matters to foundations may be not just whether a (potential) partner organisation has had to deal with (or is dealing with) a sexual harassment case but whether the way the organisation did or does so is effective. If so, this may be a sign of a mature governance system; if not, it may be a sign of organisational weakness. Several interviewees pointed out that findings of past cases of sexual harassment would not necessarily mean their foundation would cease considering the organisation in question a potential partner. What matters ultimately is how the organisation responds.

“Even if allegations are true: If the organisation deals with them responsibly, is resilient, there may be a long future together. We need education internally: People are scared to bring the foundation into a context where there were allegations. There is an assumption we would write the organisation off as grantees forever.”

One foundation which has a particular focus on child safe-guarding due to the focus of some of its work asks potential and current partners to undertake a **self-audit** based on the foundation's child safeguarding standards to rate their NGO's risk exposure and their own standards. The self-audit approach may help the NGO reflect on and convey to the foundation the nature, complexity, strengths and challenges of its policies and practices.

Interviewees at one foundation that has recently made its attention to sexual harassment more explicit in its due diligence process also spoke about “going broader” and seeking to **integrate a gender analysis and commitment to women’s rights across the board into discussions with (potential) grantees**. This approach holds promise especially with regard to (potential) partners whose work is not focused on gender issues: If the organisation's work endorses or fails to challenge gender inequality (or indeed other forms of discrimination), even organisational policies that look good on paper may appear in a different light.

“As part of our due diligence we try to make sure people we speak with, Board and staff, demonstrate the highest professional standards and ethics. For example, we would not support activists who say ‘women’s rights: forget it’ while saying they work for universal human rights.”

Taking a step back, interviewees highlighted a set of fundamental underlying questions: What are the aims – and, relatedly, the limits – of due diligence? What does this mean for the relationship between foundations and their (potential) grantees? For small foundations, especially, it can be burdensome to monitor the policies of grantees and make sure they are being implemented. Creating space for open discussion with grantees and building relationships of trust can help ensure that information is flowing without too many cumbersome procedures.

“The recent cases about Oxfam and Save the Children have made us think more carefully about the conditions for our grant funding. This is a challenge because we don’t deliver the services ourselves, they do. There is an issue about wanting to do the right thing but not pretending we have the skills and capacity to follow through problems to the end. What is our responsibility and what is the responsibility of the chairs and directors of our partner organisations? Where does the accountability stop?”

“The ultimate goal is: We want open transparent conversations with partners, also when dealing with uncomfortable truths about incidents that happen. It’s natural to keep silent and cover up – we want to counter that. Foundations can share with their grantees: ‘It’s not because we want to punish you that we want to be informed.’ Nothing is won if reporting means no more funding. Why do we want to have incidents reported? For us as well as for organisations to learn from and to adjust procedures so that it cannot happen again. To solve the situation and try to improve it in the interest of the victim and of potential future victims. It takes a lot of work to create an open atmosphere.”

Some interviewees provided case examples of how they dealt with allegations of abuse (not in all cases sexual harassment) by grantees, highlighting that information about such abuse could come from a number of sources, not necessarily from the management of the grantee organisation: the foundation’s programme officers (potentially relating to their own experience of abuse), the NGO’s staff, other NGOs, other donors, the (potentially hostile) media. Depending on what was alleged, who made the allegation and a number of other factors, responses varied. There were divergent views on **whether foundations confronted with allegations should investigate these themselves and, if so, how to do that.**

“The role of philanthropy is not trying to get at the truth of an individual allegation but to make sure organisations have adequate structures, behave responsibly, provide avenues to raise allegations and have them adequately heard. Funders are not fact finder or judges.”

“We have had one case where a partner had a sexual harassment complaint. We acted directly by putting pressure on the organisation to solve the problem. The victims did not dare to speak out because they felt we would not react. The Director was harassing employees. The employees told us this after a certain time. There had been a high turn-over of staff, mainly of young women. After the abuse came to light, we learnt they left due to the sexual harassment they had experienced. It is difficult when people who get harassed don’t want to go to justice. When there is no proof or evidence, you can only negotiate. We asked the organisation to let the director go and to go to a lawyer to do this. The organisation was very close to us. I cannot say we investigated. It was very clear, there were no doubts.”

For many foundations interviewed, their responses depended heavily on the particularities of the respective case.

“We’ve not had a consistent practice for complaints of sexual harassment. We have taken cases on a case-by-case basis working with the board or through an independent investigation, suspending funding pending the investigation. We’re looking at what we want to do differently. A possible model might be an Ombudsman, a role available to grantee partners to look at different complaints.”

“The grantee reported a case to us. The conduct in question didn’t break the country’s law. We had a webinar with our designated safeguarding officer for the grantee to describe how their policy had been implemented. In this case the context was important. We learnt how the victim came to report, some of the resistance. Our role was to assess how the grant holder had handled the case according to the country’s law. We didn’t bring in an external auditor. They reported what had happened and the context. We shared this experience with recently recruited designated safeguarding officers in the foundation as an example of good practice.”

The following steps were highlighted in the interviews as basics in the response to allegations:

- Finding out what happened, whether and how the incident has been (or is being) dealt with and what is being done to prevent repetition by speaking with the organisation – management and/or Board members
- Clarifying the foundation’s expectations with the grantee organisation’s board concerning, for instance, the board’s active monitoring of the investigation and follow-up, ensuring the protection of and non-retaliation against the complaining staff member
- Where the complainant communicates directly with the foundation, clarifying the foundation’s understanding of its role with the complainant and the organisation
- Communicating with the foundation’s Board
- Depending on the case and on internal procedures, foundation management taking or facilitating the board to take a decision on consequences for the relationship between the foundation and the grantee (including potentially suspension or discontinuation of funding)
- Keeping the foundation’s staff informed, as necessary
- Responding to external questions, e.g. from the media

One question that foundations confront immediately in their practice relates to their **sharing concerns about allegations of sexual harassment with the grantee’s other current or potential future funders**. Foundations have dealt with these situations on a case-by-case basis, and there is no standard practice. On the one hand, conversations between funders can help clarify a situation, and a joint approach can help address the problem. On the other hand, it raises questions around privacy and confidentiality. Problems may also arise if different foundations assess the situation differently and/or propose conflicting courses of action. These are questions that could benefit from further reflection and discussion within and among foundations.

Foundations are challenged to evaluate the effectiveness of their (potential) grantees' approaches to tackling sexual harassment and the effectiveness of their own measures to help grantees prevent sexual harassment and to respond in case of allegations against someone associated with a grantee organisation.

With regard to grantees' approaches, foundations need to develop an understanding of what they consider essential or adequate. This understanding also needs to be shared across the organisation; one interviewee indicated that having good practice guidelines would help create alignment between the way the staff and board of a foundation view what is adequate and acceptable. At present, some programme officers do not feel equipped to offer guidance on policies, but the grantees frequently ask for this, especially when pressed to put policies in place. This leaves programme officers in a difficult situation, particularly when they want to focus on how to bring those policies to life. One foundation has engaged an outside expert to work with their grantees on policies and the transformation of organisational cultures, specifically as a way to deal with this problem. Some foundations also recognise that developing truly meaningful policies is a process that takes time, and they try to recognise every step along the way as a form of progress.

As to how foundations deal with allegations, several of the interviewed foundations believe a priority for an effective approach is developing the **kind of relationship** where problems are being voiced freely by either of the two sides. Even if no claim of sexual harassment has to be addressed, there is then a sense that if a case of sexual harassment were to occur, the grantee would raise it with the foundation, just as other problematic issues have been and are being raised.

An important consideration, not least with regard to non-formalised, case-by-case escalation routes, is the extent to which foundations communicate to grantees the manner in which such allegations will be dealt with. Taking a step back from the specifics discussed in the interviews, the following emerges as a take-away: Communicating what grantees may expect from the foundation independently of a particular allegation and/or at the initial stage of dealing with an allegation is conducive to creating and maintaining a sound relationship that may prove resilient in situations where allegations have to be dealt with.

In brief:

Foundations as their partners' responsible supporters

To ensure they endorse and support organisations holding themselves to a high standard regarding the prevention and response to sexual harassment, foundations can opt to take a more or less directive approach. Elements of such approaches include:

- asking about past cases and how they were dealt with*
- asking the organisation to conduct a self-audit on sexual harassment prevention and response (or on safeguarding or a broader set of organisational challenges)*
- scrutinising the organisation's way of working from a gender, equality and women's rights perspective*
- requiring the organisation to have or develop specific policies and procedures*

If they opt to require their grantees to have dedicated policies and procedures, foundations may consider supporting organisations in obtaining the necessary external expertise and input, including for training and capacity-building. Foundations' response to sexual harassment allegations against an individual associated with a grantee relates to both what the foundation expects of the grantee and what the grantee knows to expect from the foundation. To set these expectations out at the start of the relationship and independently of having to deal with a case may be conducive to a sound relationship which has to be the bottom line in any effective way of preventing and responding to any case of misconduct.

A large, stylized number '5' is the central graphic of the page. It is composed of several black, angular shapes that form the digits, set against a solid orange background. The number is positioned on the right side of the page, partially overlapping a white rectangular area.

5

**Sexual harassment
in spaces that
bring foundations
(and others)
together**

There was a range of responses to the question of whether sexual harassment is a concern and how it is being dealt with in spaces that bring foundations together. Read jointly, the responses indicate clearly that individuals' experiences in and views of such spaces depend crucially on how they are positioned and perceived among their peers. Some foundation representatives navigate these spaces as the (potential) grantees of other foundations whose officers experience the power dynamics between them very differently.

We will here reflect the responses of four interviewees at length to convey a sense of the diversity of experiences. The hope is that this will provide the ground for a conversation among foundations on how to do justice collectively to the task of creating and maintaining convening spaces in which everyone participates and interacts on an equal, non-discriminatory and respectful basis.

"I have never found misconduct to be an issue in funders' spaces. I have not felt the need to have a safe space. If there was an issue, I would have felt I felt I could raise it. Yes, there is a power dynamic. It's highly unlikely I [a white female native English speaker CEO] would feel threatened and not know how to deal with it. The opposite is the case: these spaces feel safe and people can talk about issues."

"Why wouldn't we be thinking about sexual harassment in those spaces as well? The relationship to power when you bring different foundations together feels different. People abusing their power happens in all sorts of different spaces. We should think about how that might show up, what conditions need to be created to minimise it."

"During the meetings and travel we do, there is a thin line between what is assault and harassment and what is not. I have heard of cases of women feeling abused in their personal space, being touched. There is a culture in the foundation sector: We want to meet with colleagues, to have panels and workshops. This means contacts in bars, hotels, networking. These spaces are complicated because you try to be more open, try to be yourself and

connect. There is a possibility that abuse can happen. In meetings with people from different cultures, with different ways of behaviour, for instance about touching and kissing, you can have misunderstandings. We need to deal with this in a good way, not by closing spaces but by being honest."

"Power dynamics and patriarchy exist in funders' spaces too. There are problems of alcohol consumption. This is not specifically about sexual harassment but it's a factor. It's interesting how much alcohol there is at receptions, what a climate that produces. People want to network. But different people do or do not want to be in those kinds of spaces. It would be great to have a code of conduct for convenings, to make clear what is not accepted in these spaces. There is a role for Ariadne to make clear what behaviour is not acceptable."

Some suggestions emerged regarding mechanisms the interviewees had experienced in other spaces which may have a role to play in funders' convening spaces. These included creating a code of conduct which everyone is informed about and consents to as well as providing the possibility of making a complaint in case of violations of the code, either by email or to a designated person (or persons) at the event. A code of conduct would not only address sexual harassment but also any other forms of harassment, abuse, or discrimination that a participant might experience. Such an approach is not about policing people's behaviour but rather about creating a shared set of values for the community and ensuring that those values are upheld and respected.

It is, of course, not just foundation staff that are at risk in such common spaces. The potential for sexual harassment exists in all convenings, whether among grantee organisations, foundations, or both. Following a series of allegations to come out regarding sexual harassment at digital rights conferences, groups like the Open Technology Fund and the Internet Freedom Festival have been leading development on codes of conduct for events, which have now been developed and adopted by many high-profile conferences in the field.^{xi}

A large, stylized number '6' is formed by thick black geometric shapes. The top part of the '6' is a trapezoid that tapers to the right. The middle part is a horizontal bar. The bottom part is a vertical bar that tapers to the left. The entire graphic is set against a solid orange background.

6

**Next steps:
Going deeper in
a conversation
among foundations**

Interviewees welcomed Ariadne's attention to foundations' practices to prevent and respond to sexual harassment and saw promise in foundations' sharing their concrete experiences with each other in safe spaces. There was a professed appetite for learning from other foundations' experiences, ideally by way of concrete examples.

“We need safe spaces and networks because it’s important for organisations to learn from each other – this also applies to funders. We need safe spaces where people can talk about difficult cases, how they dealt with them, what went wrong. There is a huge fear around naming and shaming.”

“In the end, this comes down to someone making a judgment call. You cannot prescribe how judgment will be exercised. That’s why case examples are interesting. What made people exercise their judgment in a particular way?”

Some interviewees also made concrete suggestions for steps Ariadne should consider taking. These related to:

- Giving visibility to efforts to prevent and respond to sexual harassment within Ariadne spaces.
- Developing a model policy to help foundations start the process internally.
- Training on policy development and implementation.
- Requesting feedback on grantees' experiences of sexual harassment by foundation staff via an anonymous phone line or other mechanism set up by Ariadne: Feedback received would generate case studies to help foundation get a better sense of the extent and nature of sexual harassment, of strengths and weaknesses of foundations' responses to date and of outstanding challenges.
- Establishing a confidential reporting and advice mechanism for use by foundation staff and individuals associated with grantee organisations: This could be especially useful for smaller foundations with fewer dedicated resources.

The most important message from foundations that have been struggling with these issues is that solidarity among foundations in tackling sexual harassment would be helpful. When staff are faced with incidents of harassment, whether internally or within grantee organisations, they can benefit from the advice and support of peers. Learning from one another and having the backing of a larger philanthropic community can help put the pressure on foundation leadership to take such matters seriously.

A large, stylized number '7' is the central graphic of the page. It is composed of several black, angular shapes that form the digits, set against a background of orange and white. The top part of the page is orange, and a white rectangular area is positioned over the lower part of the '7' shape.

7

**Questions to
prompt foundations
to engage
(more deeply) with
the prevention of
and response to
sexual harassment**

Taking a step back from the detailed interview feedback, we have pulled together a set of questions which we offer as a resource for foundation boards, management and staff. The purpose of these questions is to help foundations individually and collectively to reflect on and start a conversation about how they tackle the risk and reality of sexual harassment in their work environment and in their work with grantees. The questions address:

- how the foundation currently does things
- whether this way of doing things is adequate and what the evidence for this is
- whether other ways of doing things might work (better)

Different foundations – and individuals within them – will have different starting points and prior experiences and analyses. For many of us, the first reaction to these questions may be: “Actually, I don’t have answers to these.” Engagement with these questions may thus help foundations start a process of reviewing and revising their approach – a process which Ariadne seeks to support.

What are we or could we be doing to prevent and respond to sexual harassment?

Sexual harassment is “any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.”

**When we think of “sexual harassment”, what do we think of? How do we define it?
What do we know about the legally binding definitions of sexual harassment and obligations on employers in our context(s)? What do definitions such as those in national law mean to us in the context of our work?**

**How do external, societal developments like #metoo affect us?
What do they trigger within the foundation?**

What data / information do we have on sexual harassment in the context of the work of our foundation?

What is our approach to preventing and responding to sexual harassment?

Structurally:

Are there spaces or relationships in the foundation that might permit harassment to take place? What elements of our organisational set-up need to be considered?

What is the culture of the foundation? Would someone experiencing harassment feel empowered to come forward?

What do we think our role and responsibilities are to prevent and respond to sexual harassment?

What do concepts in this context such as “gender justice”, “diversity”, “safeguarding” and “power abuse” mean to us?

Practically:

How would someone experiencing sexual harassment be able to address this with(in) the foundation?

How would we then deal with the allegation, including with regard to safeguarding the rights of the alleged perpetrator?

What has our experience been with responding to cases of sexual harassment?

Internally:

What policies, procedures and practices do we have whose purpose it is to prevent and respond to sexual harassment? Do we actually use them as intended when dealing with a case? Do we have (or need to have) a way to monitor and evaluate their effectiveness?

How can we use our management procedures to bolster an organisational culture of freedom from sexual harassment?

Externally:

What do we (not) ask and know about our (potential) grantees' commitment, approaches, policies, practices and procedures, their historical record, their capacity and their need for support in this area?

What do we require of our grantees and how do we communicate our expectations?

Do we know what kind of approach grantees would welcome from us in terms of dealing with the risk (and cases) of sexual harassment?

Do we think of sexual harassment as one of the “risks” our foundation confronts and needs to manage? What do we think the risks are?

What is needed to manage these risks?

Aspects to think of include:

Barriers to reporting sexual harassment that someone experiencing it might encounter at our foundation and the foundation's responsibility to eliminate these

Roles and responsibilities within the foundation – for creating an organisational culture of freedom from sexual harassment and for reacting appropriately to evidence or allegations of sexual harassment

Selection, induction and training of staff and dedicated training for managers and Board members, selection of contractors

Protecting and supporting staff during field work and in online spaces

Have we considered the guidance provided for employers and, specifically, charities on how to deal with sexual harassment? Considering such guidance and applying it to the particular conditions in which our foundation works, what challenges or inspirations come to the fore?

What can we learn from our staff and grantees when it comes to how to prevent and respond to sexual harassment? How?

What mechanisms or procedures for dealing with sexual harassment claims could work in our foundation? How can we make sure there is always at least one avenue anyone experiencing sexual harassment will feel comfortable to use in order not to stay silent about it?

Internally:

managers, human resources officers or departments, board members, ethics committees, complaint hotlines, whistleblowing mechanisms and external counsellors and advisers.

Internally and externally:

internal or external complaint hotlines, ombudspersons or “report-a-concern” buttons on the foundation's website

Do we need support or input from external facilitators, experts or trainers to help us discuss among ourselves (staff, management, board) how we want to deal with sexual harassment?

Do we want to join a founders' peer community to think through and learn how to better tackle this issue?

ⁱ Sexual harassment is perceived to be widespread: In a June 2016 gender-based violence survey of 27.818 EU citizens, 70% of surveyed individuals stated that sexual harassment against women is common in their country. Women were more likely to say this is common, compared to men. Almost one in five respondents across the EU thought touching a colleague in an inappropriate or unwanted way should not be illegal (18%). More than four in ten (42%) thought it should be illegal, while 37% say that it already was. (European Commission, “Special Euro-Barometer 449 – Report: Gender-Based Violence”, European Union, November 2016, <http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2115>) Sexual violence is in fact known to be widespread: According to a survey of 42,000 women published in 2015 by the European Union Agency for Fundamental Rights, 45 % to 55 % of women in the 28 EU countries have experienced sexual harassment since the age of 15. This ranged from physical forms through to verbal acts and nonverbal forms such as cyber harassment. Among women who have experienced sexual harassment at least once since the age of 15, 32 % indicated somebody from the employment context – such as a colleague, a boss or a customer – as the perpetrator. (European Union Agency for Fundamental Rights, “Violence against Women: An EU survey”, Publications Office of the European Union, 2015, <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>) Men too report being sexually harassed. A 2017 BBC survey of 2000 people found that a fifth of men (as compared to half of the women) surveyed had been sexually harassed at work or a place of study. 79% of the male victims did not report the harassment (as compared to 63% of the women). (BBC, “‘Half of women’ sexually harassed at work, says BBC survey”, 25 October 2017, <https://www.bbc.com/news/uk-41741615>)

ⁱⁱ Article 40 of the Council of Europe Convention on preventing and combating violence against women and domestic violence 2011. The Convention obliges its state parties to combat sexual harassment by taking “the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.” An official explanatory report on the Istanbul Convention expands: “The type of conduct covered by this provision is manifold. It includes three main forms of behaviour: verbal, non-verbal or physical conduct of a sexual nature unwanted by the victim. Verbal conduct refers to words or sounds expressed or communicated by the perpetrator, such as jokes, questions, remarks, and may be expressed orally or in writing. Non-verbal conduct, on the other hand, covers any expressions or communication on the part of the perpetrator that do not involve words or sounds, for example facial expressions, hand movements or symbols. Physical conduct refers to any sexual behaviour of the perpetrator and may include situations involving contact with the body of the victim. ... any of these forms of behaviour must be of a sexual nature in order to come within the remit of this provision. Furthermore, any of the above conduct must be unwanted on the part of the victim, meaning imposed by the perpetrator. Moreover, the above acts must have the purpose or effect of violating the dignity of the victim. This is the case if the conduct in question creates an intimidating, hostile, degrading, humiliating or offensive environment. It is intended to capture a pattern of behaviour whose individual elements, if taken on their own, may not necessarily result in a sanction. Typically, the above acts are carried out in a context of abuse of power, promise of reward or threat of reprisal. In most cases, victim and perpetrator know each other and their relationship is often characterised by differences in hierarchy and power.” (Council of Europe, Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, Council of Europe Treaty Series - No. 210, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d383a>)

ⁱⁱⁱ Nicolette Naylor, "The only black woman at the social justice philanthropy dinner party: Navigating patriarchy, power and racism within social justice spaces", *Sur International Journal on Human Rights – The Sur File on Race and Human Rights*, December 2018, <https://sur.conectas.org/en/the-only-black-woman-at-the-social-justice-philanthropy-dinner-party/>. "This article explores how some social justice organisations and leaders are beginning to navigate inequality within their own corridors of philanthropic power as well as in their interactions with civil society."

^{iv} Karin Heisecke and Karen Weissblatt, "Ending Violence against Women in Europe: An Exploration of Philanthropic Giving", *Weissblatt & Associés, Karin Heisecke, Ariadne European Funders for Social Change and Human Rights*, December 2017, <http://www.ariadne-network.eu/ending-violence-women-europe-exploration-philanthropic-giving/>

^v The Guardian, "Timeline: Oxfam sexual exploitation scandal in Haiti", 15 June 2018, <https://www.theguardian.com/world/2018/jun/15/timeline-oxfam-sexual-exploitation-scandal-in-haiti>

^{vi} BBC, "Save the Children review details harassment of staff", 8 October 2018, https://www.bbc.com/news/uk-45788872?intlink_from_url=https://www.bbc.com/news/topics/cme28x5grnt/charities-sexual-misconduct-scandal&link_location=live-reporting-story

^{vii} The interviews were conducted on the basis of confidentiality. Some of the interviewed foundations kindly shared their organisation's policy documents on the basis of confidentiality.

^{viii} Charities Commission, "Safeguarding children and young people", 14 July 2014, <https://www.gov.uk/government/publications/safeguarding-children-and-young-people/safeguarding-children-and-young-people#introduction>

^{ix} Giving Evidence, "Mapping the existing evidence about preventing child abuse in institutions", 2 August 2018, <https://giving-evidence.com/2018/08/02/csa/>

^x Bundesverband Deutscher Stiftungen, "Anlaufstelle bei sexueller Belästigung - Bundesverband stellt Angebot für seine Mitglieder bereit", <https://www.stiftungen.org/stiftungen/blogs/stiftungsblog/anlaufstelle-bei-sexueller-belaestigung-bundesverband-stellt-angebot-fuer-seine-mitglieder-bereit.html>

^{xi} See, e.g., codes of conduct for the Internet Freedom Festival (https://www.internetfreedomfestival.org/wiki/index.php/Code_of_Conduct) and RightsCon (<https://www.rightscon.org/code-of-conduct/>).

^{xii} Article 40 of the Council of Europe Convention on preventing and combating violence against women and domestic violence 2011. The Convention obliges its state parties to combat sexual harassment by taking "the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction." An official explanatory report on the Istanbul Convention expands: "The type of conduct covered by this provision is manifold. It includes three main forms of behaviour: verbal, non-verbal or physical conduct of a sexual nature unwanted by the victim. Verbal conduct refers to words or sounds expressed or communicated by the perpetrator, such as jokes, questions, remarks, and may be expressed orally or in writing. Non-verbal conduct, on the other hand, covers any expressions or communication on the part of the perpetrator that do not involve words or sounds, for example facial expressions, hand movements or symbols. Physical conduct refers to any sexual behaviour of the perpetrator and may include situations involving contact with the body of the victim. ... any of these forms of behaviour must be of a sexual nature in order to come within the remit of this provision. Furthermore, any of the above conduct must be unwanted on the part of the victim, meaning imposed by the perpetrator. Moreover, the above acts must have the purpose or effect of violating the dignity of the victim. This is the case if the conduct in question creates an intimidating, hostile, degrading, humiliating or offensive environment. It is intended to capture a pattern of behaviour whose individual elements, if taken on their own, may not necessarily result in a sanction. Typically, the above acts are carried out in a context of abuse of power, promise of reward or threat of reprisal. In most cases, victim and perpetrator know each other and their relationship is often characterised by differences in hierarchy and power." (Council of Europe, Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, Council of Europe Treaty Series - No. 210, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d383a>)

