## Harassment and Sexual Harassment Policy

1. Statement of Policy

It is the policy of Millennium Partners (“Millennium”) to maintain a working environment free from sexual, racial, age-based, religious, ethnic, disability, sexual orientation, and any other form of forbidden harassment of any Millennium personnel or applicant. Such harassment in any manner or form is expressly prohibited. Millennium's policy is broader than the legal definition of harassment. It is the policy of Millennium that all Millennium personnel and applicants are to be treated in a respectful and professional manner. Also, no individual is to be subjected to any unwelcome conduct that is or should be known to be offensive because of his or her gender, race, age, religion, ethnicity, disability, sexual orientation, or other protected category. Further, no Millennium personnel shall engage in unwelcome and offensive conduct towards any individual that is motivated by the individual's gender, race, age, religion, ethnicity, disability, sexual orientation, or other protected category. The term "harassment" in this Policy includes conduct that is contrary to this Policy, even if it does not meet the legal definitions for harassment.

This Policy applies to all employees and contract workers, and all applicants for such positions.

All reported or reasonably suspected occurrences of forbidden harassment will be investigated in a confidential manner and as promptly and thoroughly as is practicable and necessary. Where forbidden harassment has occurred, Millennium will take appropriate disciplinary and/or other corrective action, up to and including termination.

There will be no retaliation against an individual who has complained about or reported alleged harassment or who has cooperated with an investigation of alleged harassment.

2. Conduct Prohibited by the Policy

For purposes of this Policy, forbidden harassment includes the following:

A. Hostile Environment Harassment

Hostile environment harassment may occur when there are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Our policy is consistent with the United nations Secretary General’s Bulletin – Special Measures for Protection from Sexual exploitation and Sexual Abuse (ST/SGB/2003/13) - see attached.

Also, non-sexual conduct that is unwelcome and offensive and which is directed at an individual because of the individual's gender (female or male) may create a hostile environment. Racial, age-based, religious, ethnic, disability, sexual orientation, and other forbidden forms of harassment may occur when there is conduct which is motivated by or relates to an individual's

race, age, religion, ethnicity, disability, sexual orientation, or other legally protected characteristics. In all such cases, hostile environment harassment occurs when such conduct is

sufficiently severe or pervasive to and does: (1) unreasonably interfere with an individual's work performance, or (2) create an intimidating, hostile or offensive work environment.

B. “Quid Pro Quo" Sexual Harassment

"Quid Pro Quo" sexual harassment may occur when there are unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when: (1) submission to such conduct is an explicit or implicit condition of employment; or (2) submission to or rejection of such conduct is used as the basis for employment decisions.

C. Forbidden Harassing Conduct

Millennium’s Policy also prohibits any unwelcome harassing conduct, even if the conduct is not sufficiently severe or pervasive enough to create a hostile environment or is not "quid pro quo" harassment.

3. Examples of Forbidden Conduct

It is not possible to list all the conduct that may violate this Policy or is otherwise unacceptable. The following are examples only:

* All unwelcome and offensive jokes, stories, comments, or verbal abuse of a sexual, age-based, religious, racial, or ethnic nature, or relating to or motivated by gender, race, age, religion sexual orientation or disability.
* Use of any degrading or derogatory words or language to describe or refer to any person, or any harsh or unfair conduct towards another person that is motivated by the person's gender, race, religion or other protected category.
* The display in the workplace or on Millennium business of objects or pictures that expressly or implicitly degrade individuals or groups on the basis of race, age, gender, religion, ethnicity, sexual orientation, or disability.
* Offering, promising, or granting preferential treatment to any employee or applicant because of that individual's age, religion, race, ethnicity, gender, sexual orientation or disability, or as a result of, or in anticipation of, that individual's engaging in or agreeing to engage in sexual or romantic conduct, even if the conduct is consensual.
* Using Millennium's e-mail, voice mail, or Internet access for any purpose that reasonably is or should be known to be offensive because of its sexual, religious, racial or ethnic content, or its relationship to gender, sexual orientation or disability. Note: no Millennium personnel shall use Millennium equipment to access Internet web sites known to contain material that is sexually prurient or graphic, or that promotes or advocates sexism, racism or other forms of bigotry based on gender, race, religion or other protected category.
* Unwelcome flirtation, sexual advances, propositions, or pressures for sexual favors, and unwelcome inquiries into someone's sexual experience or activity, including but not limited to sexually foul language, leering, and whistling, or other unwelcome sexually suggestive conduct.
* Unwelcome and unnecessary physical contact, other than incidental and/or innocuous contact.

4. Special Note on Civility and Professionalism

It is not the purpose of this Policy to promulgate a detailed code of civility and professionalism. At the same time, Millennium believes that the best way to avoid situations that may be construed as harassment and to ensure that all personnel work in a positive working environment is to encourage all personnel to treat each other in a respectful and professional manner. Nonetheless, Millennium cannot and will not deem every instance of actual or perceived incivility or unprofessional behavior to be a violation of this Policy. There are too many occasions, especially in working situations that are at times fast-paced and pressure-filled and where personalities vary widely, where people with even the best of intentions can say things or act in ways that can be perceived as offensive or undesirable. While Millennium hopes that such occurrences will be the exception rather than the rule, Millennium cannot treat such occurrences as necessarily constituting "harassment" under this Policy. Similarly, Millennium expects that its personnel will use good judgment and common sense before reporting or accusing someone of "harassment" in such situations.

5. Special Note on Consensual Banter/Private Conversations

Millennium recognizes that human relationships sometimes involve occasional banter or conversations that may have a content that is sexual or that may otherwise be offensive to others. Neither Millennium nor any other employer can reasonably be expected to police inter-personal relationships to the point of eliminating from private consensual conversations all terms that might be offensive to others. However, Millennium personnel are expected to be sensitive to the fact that the content of private conversations, though not offensive to the parties involved, may be offensive to others if overheard; such parties will be held accountable if appropriate safeguards are not taken. Also, Millennium expects that even private conversations in the workplace will not regularly involve terms that are sexually crude, nor will such conversations involve the use of jokes or comments that are derogatory or perpetuate stereotypes on the basis of gender, race, religion, ethnicity, age, sexual orientation, disability or other legally protected characteristics.

6. Responsibilities

Millennium's Policy prohibits harassment by Company personnel against any person, as well as harassment directed towards Company personnel by contractors, consultants, suppliers, vendors, visitors, and other non-employees, when such conduct occurs at Millennium's offices or in connection with Company activities or the performance of Millennium's work.

Millennium will make reasonable efforts to see that its actions, and those of its agents and supervisory employees, are free from forbidden harassment of Company personnel and applicants and will take appropriate corrective action when it learns of such forbidden harassment. Millennium will also take appropriate corrective action in those instances where it, its agents, or supervisory employees, learn of forbidden harassment of any Company personnel or applicant.

All levels of Millennium management and supervisory employees will:

* Reject any offer or promise of sexual or other favors made by any employee or applicant for employment in anticipation of or in exchange for some employment decision and at the same time advises such employee or applicant for employment that such an exchange violates Millennium policy and will not be tolerated.
* Avoid involvement in even consensual romantic or sexual relationships with employees in less senior or non-supervisory positions because such involvement may lead to unforeseen complications and expectations.
* Avoid forbidden harassment, including the appearance of such harassment, by refraining from actions, language, and jokes, and by disposing of materials such as posters or magazines, or e-mails, which due, for example, to their sexual or racial content, could reasonably be anticipated to offend an employee or applicant.
* Report to Millennium management, in accordance with the procedures set forth below, any forbidden harassment that they observe, that is made known to them by others, or that they reasonably suspect has occurred.
* Assure Millennium personnel as necessary that all forms of forbidden harassment are expressly prohibited, that Millennium will investigate reported and suspected occurrences of forbidden harassment, and that Millennium will take appropriate corrective action when forbidden harassment is found to have occurred.

**A. Notification Procedures**

Any Millennium personnel or applicant who feels that he or she is being or has been subjected to forbidden harassment or who knows of or suspects the occurrence of forbidden harassment should promptly and in confidence inform the President or Chief Executive Officer of Millennium. Alternatively, reports or complaints can be directed to the Director of the Finance and Accounting Department or where the person applied for employment including on overseas projects to the Chief of Party or her or his designee. If for any reason a person does not feel comfortable reporting to one of these individuals, that person should report the matter to any Millennium senior manager.

In addition, all management and supervisory personnel at Millennium have an affirmative duty to report promptly to one of the individuals designated above any harassment that they observe, that is made known to them by others, or that they reasonably suspect has occurred.

B. Investigation Procedures

All reported occurrences of forbidden harassment will be investigated as promptly and thoroughly as is practicable and as is required under the circumstances. The individual who makes the report or is the target of the alleged harassment will be assured that all forms of forbidden harassment are expressly prohibited, that Millennium will conduct a confidential investigation and that Millennium will take appropriate corrective action if forbidden harassment is found to have occurred.

Millennium will designate the individual who will be responsible for conducting the investigation of reported incidents of harassment. The timing, scope, and extent of the investigation will be determined by Millennium on a case-by-case basis, considering the circumstances of the alleged harassment. All investigations will be conducted to protect, as much as practicable, the privacy of, and minimize the suspicion toward, all persons concerned.

Millennium expects Company personnel who are contacted in connection with an investigation to cooperate fully.

C. Procedure Pending Investigation

Pending the outcome of an investigation, reasonably necessary and prudent interim measures, such as separation of the complainant and the alleged offender, suspension of the alleged offender, and/or temporary leave for the complainant, will be taken at Millennium's discretion, taking into consideration the seriousness of the accusations, the background of the situation, and any other relevant information.

D. Resolution and Outcome of Investigation

Following an investigation, Millennium will take such action that it deems necessary or appropriate under the circumstances:

* No Violation. In the event that the investigation discloses no violation of this Policy or is inconclusive, all necessary parties will be so advised.
* Violation. In the event that the investigation discloses a violation of this Policy, Millennium will normally communicate its findings to both the complainant and the alleged offender. Based upon the totality of the circumstances, appropriate disciplinary and/or other corrective action, up to and including termination, will then be taken. The action taken will be reasonably calculated to prevent any further unacceptable conduct. It is within Millennium's discretion to determine the appropriate corrective action.

If the complainant or the alleged offender is not satisfied with the resolution, he or she is encouraged to contact Millennium's President or Chief Executive Officer.

In the event an investigation of a reported or suspected occurrence of forbidden harassment fails to reveal forbidden harassment and instead reveals that any person has abused the Policy by lodging a knowingly false or frivolous complaint, by fabricating facts, by failing to tell the truth, or by knowingly omitting important facts, Millennium may take appropriate disciplinary and/or other corrective action.

7. No Retaliation

No individual who reports or complains about harassment or unacceptable conduct, or who assists Millennium in its investigation, will be subjected to retaliation. Anyone who feels that he or she has been the victim of, or threatened with, retaliation, should immediately inform one of the individuals identified above for purposes of receiving reports or complaints.

Attachment: Secretary-General’s Bulletin, “Special measures for protection from sexual exploitation and sexual abuse,” ST/SGB 2003/13 (9 October 2003).

United Nations ST/SGB/2003/13

**Secretariat**

9 October 2003

**Secretary-General’s Bulletin**

**Special measures for protection from sexual exploitation and sexual abuse**

The Secretary-General, for the purpose of preventing and addressing cases of sexual exploitation and sexual abuse, and taking into consideration General Assembly resolution 57/306 of 15 April 2003, “Investigation into sexual exploitation of refugees by aid workers in West Africa”, promulgates the following in consultation with Executive Heads of separately administered organs and programmes of the United Nations:

# Section 1 Definitions

For the purposes of the present bulletin, the term “sexual exploitation” means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term “sexual abuse” means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

# Section 2

**Scope of application**

* 1. The present bulletin shall apply to all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations.
  2. United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General’s bulletin ST/SGB/1999/13, entitled “Observance by United Nations forces of international humanitarian law”.
  3. Secretary-General’s bulletin ST/SGB/253, entitled “Promotion of equal treatment of men and women in the Secretariat and prevention of sexual harassment”, and the related administrative instruction1 set forth policies and procedures for handling cases of sexual harassment in the Secretariat of the United Nations. Separately administered organs and programmes of the United Nations have promulgated similar policies and procedures.

1 Currently ST/AI/379, entitled “Procedures for dealing with sexual harassment”.

# Section 3

**Prohibition of sexual exploitation and sexual abuse**

* 1. Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.
  2. In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated:
     1. Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
     2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;
     3. Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;
     4. Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;
     5. Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;
     6. United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.
  3. The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules.

# Section 4

**Duties of Heads of Departments, Offices and Missions**

* 1. The Head of Department, Office or Mission, as appropriate, shall be responsible for creating and maintaining an environment that prevents sexual exploitation and sexual abuse, and shall take appropriate measures for this purpose. In particular, the Head of Department, Office or Mission shall inform his or her staff of the contents of the present bulletin and ascertain that each staff member receives a copy thereof.
  2. The Head of Department, Office or Mission shall be responsible for taking appropriate action in cases where there is reason to believe that any of the standards listed in section 3.2 above have been violated or any behaviour referred to in section

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3.3 above has occurred. This action shall be taken in accordance with established rules and procedures for dealing with cases of staff misconduct.

* 1. The Head of Department, Office or Mission shall appoint an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases of sexual exploitation and sexual abuse. With respect to Missions, the staff of the Mission and the local population shall be properly informed of the existence and role of the focal point and of how to contact him or her. All reports of sexual exploitation and sexual abuse shall be handled in a confidential manner in order to protect the rights of all involved. However, such reports may be used, where necessary, for action taken pursuant to section 4.2 above.
  2. The Head of Department, Office or Mission shall not apply the standard prescribed in section 3.2 (b), where a staff member is legally married to someone under the age of 18 but over the age of majority or consent in their country of citizenship.
  3. The Head of Department, Office or Mission may use his or her discretion in applying the standard prescribed in section 3.2 (d), where beneficiaries of assistance are over the age of 18 and the circumstances of the case justify an exception.
  4. The Head of Department, Office or Mission shall promptly inform the Department of Management of its investigations into cases of sexual exploitation and sexual abuse, and the actions it has taken as a result of such investigations.

# Section 5

**Referral to national authorities**

If, after proper investigation, there is evidence to support allegations of sexual exploitation or sexual abuse, these cases may, upon consultation with the Office of Legal Affairs, be referred to national authorities for criminal prosecution.

# Section 6

**Cooperative arrangements with non-United Nations entities or individuals**

* 1. When entering into cooperative arrangements with non-United Nations entities or individuals, relevant United Nations officials shall inform those entities or individuals of the standards of conduct listed in section 3, and shall receive a written undertaking from those entities or individuals that they accept these standards.
  2. The failure of those entities or individuals to take preventive measures against sexual exploitation or sexual abuse, to investigate allegations thereof, or to take corrective action when sexual exploitation or sexual abuse has occurred, shall constitute grounds for termination of any cooperative arrangement with the United Nations.

# Section 7

**Entry into force**

The present bulletin shall enter into force on 15 October 2003.

(*Signed*) Kofi A. **Annan**

Secretary-General

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