

 <small>An Action Center for Social and Environmental Research</small>	POLICIES AND PROCEDURE			
	Title: Code of Conduct			
Policy No. SI-05	Effectivity	Approved 9 February 2019	Supersedes all previous guidelines on SOP	

Policies and Procedures Code of Conduct

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Code of Conduct – Policies and Procedure

- I. Draft, 2015
- II. Approved by Board, 9 February 2019

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1. GENERAL

- a. The Samdhana Institute works to achieve human rights, in particular the rights of indigenous people, to sustainably manage their customary territories and natural resources. The Samdhana Institute values and commits to integrity and believes it is critical to the successful results of our work.
- b. This Code of Conduct summarizes the Samdhana Institute's most important principles and ethical standards of the organization. It is intended to promote ethical behavior, encourage compliance with ethical standards, facilitate the reporting of unethical and illegal behavior, and address violations of ethical standards.
- c. This Code of Conduct is applicable to all members of the Samdhana family. Breaking the code and the standards it promotes and requires will result in a response by the organization (including, potentially, dismissing staff or removal of board members or Samdhana Fellows). In some cases, serious transgressions could lead to criminal prosecution or reporting to relevant professional or legal organizations or authorities.
- d. All staff, consultants, Fellows and board are hereafter referred to as "members of the Samdhana Family." Members also include any person who can reasonably be expected to represent the interests of the Samdhana Institute, such as, but not limited to, interns, volunteers or long-term partners. All members of the Samdhana family must read and understand this Code and report any action or occurrence that they believe or suspect violates this Code. A lack of understanding of this Code will not be an excuse for violating it. A staff member or consultant should ask questions or report any concerns related to this Code to his/her direct supervisor or other supervisor with whom s/he is most comfortable to speak. Other members of the Samdhana family can report any abuses directly to the Board or executive director. Reports made under this policy can be submitted anonymously if the employee or reporter chooses to do so.
- e. No member of the Samdhana family will take any adverse action against anyone for providing truthful information relating to a violation of law or the Samdhana Institute's policy. The Samdhana Institute will not tolerate any retaliation against persons asking questions or making good faith reports of possible violations of the Code of Conduct. Anyone who retaliates or attempts to retaliate will be disciplined. Any person who believes he/she has been retaliated against should immediately report to her/his supervisor or other supervisor (or to the board or executive director in the case of board or Fellows).

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2. FREEDOM FROM BULLYING, DISCRIMINATION AND HARASSMENT

- a. The Samdhana Institute is committed to a workplace free from bullying, discrimination and harassment. All members of the Samdhana family should work to create an environment that maximizes the professional contributions of colleagues, respects their *Right to Work*¹ and leads to their personal and professional fulfilment and wellbeing.
- b. A person offends the *Right to Work* when she/he engages in improper behavior that is directed at and is offensive to others, and which that person knew or ought reasonably to have known would be offensive, and which interferes with work or creates an intimidating, hostile or offensive work environment.
- c. Bullying is defined as repeated or persistent aggression by one or more persons whether verbal, psychological or physical, at the workplace or in connection with work, that has the effect of humiliating, belittling, offending, intimidating or discriminating against a workplace colleague. Bullying includes but is not limited to:
 - (i) measures to exclude or isolate a person from professional activities;
 - (ii) persistent negative attacks on personal or professional performance without reason or legitimate authority;
 - (iii) manipulation of a person's personal or professional reputation by rumor, gossip and ridicule;
 - (iv) abusing a position of power by persistently undermining a person's work, or setting objectives with unreasonable and/or impossible deadlines, or unachievable tasks;
 - (v) unreasonable or inappropriate monitoring of a person's performance; and
 - (vi) unreasonable and/or unfounded refusal of leave and training.
- d. Workplace Discrimination is defined as making any distinction, exclusion or preference towards a person based on group, class, gender, hierarchical status in the organization, marital status, sexual orientation, religion, health status, language spoken at home, cultural practice, political opinion or social origin that has the effect of nullifying or impairing equality of treatment in the workplace.
- e. Harassment is defined as any conduct or comment(s) made by a staff member or group of staff members on either a one-time or continuous basis that demeans, belittles or causes personal humiliation. Harassment can take many different forms, including threatening comments, whether oral or written, or threatening physical behaviour; intimidation, blackmail

¹ Samdhana respects the ILO standards for the Right to Work. See, for example, "Towards the right to work: A guidebook for designing innovative public employment programmes," 2012, accessed at http://www.ilo.org/global/topics/employment-intensive-investment/publications/WCMS_559267/lang-en/index.htm

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or coercion; making deliberate insults related to a person's personal or professional competence; humiliating, degrading or making offensive or abusive personal remarks to someone; undermining or isolating people; or making it impossible for staff to do their jobs by, for example, withholding information.

(i) Sexual Harassment is any improper conduct, comment, gesture or contact of a sexual nature, whether on a one-time basis or in a continuous series of incidents, that might reasonably be expected to cause offense or humiliation to another or others; or that another or others might reasonably perceive as placing a condition of a sexual nature on employment or on conditions of employment. Generally, sexual harassment is deliberate, unsolicited, coercive and one-sided and both male and female staff members can be the victim or the perpetrator.

f. All members of the Samdhana family should respect human rights of those with whom they come in contact. Professional activities such as, but not limited to, hiring, benefits, transfers, compensation, and layoffs must be administered without discrimination. Specifically, all members of the Samdhana family should:

- (i) Act fairly, honestly and tactfully and treat people with dignity and respect;
- (ii) Refrain from bullying, harassment and workplace discrimination;
- (iii) Respect national laws and local culture, traditions, customs and practices in regions in which the Samdhana Institute operates;
- (iv) Comport themselves and conduct professional activities in a peaceful, ethical, honest and socially responsible manner with an emphasis on justice and equity for all parties.

g. All members of the Samdhana family are entitled to be treated with dignity and respect. The Samdhana Institute's policy is to provide our people with a workplace and activities free from bullying, harassment, discrimination and/or intimidation of any sort. We do not tolerate such behavior because it is inconsistent with our philosophy of mutual respect for all our people.

- (ii) We require that all members of the Samdhana family understand and practice zero tolerance for bullying, harassment or discrimination.
- (iii) All professional evaluations of employees, officers, consultants and directors will be conducted based on demonstrated skills and abilities, and performance—not on the basis of personal characteristics.

3. HEALTH, SAFETY AND SECURITY

- a. The personal health, safety and security of each member of the Samdhana family is of chief importance to the Samdhana Institute.
- b. The Samdhana Institute's policy is that each member of the Samdhana family:

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- (i) Has responsibility for creating and maintaining a safe and healthy work environment;
 - (ii) Must comply fully with applicable national and local laws and regulations on health and safety; and
 - (iii) Is expected to perform his or her duties in accordance with the Samdhana Institute's policy by, among other things, following safety and health rules and practices and reporting accidents, injuries, and unsafe equipment, practices, or conditions.
- c. The Samdhana Institute highly values respect for and conformance to safety standards. The Samdhana Institute requires all staff or consultants to pay attention in regard to safety standards and regularly update their knowledge about them. A safe and healthy work environment also means:
- (i) A workplace free from violence;
 - (ii) Threats or violence or intimidation will not be tolerated;
 - (iii) Zero tolerance for sexual acts with children under 18 years of age;
 - (iv) Zero tolerance for sexual abuse, sexual exploitation and harassment;
 - (v) Possession and use of drugs is unacceptable; and
 - (vi) Gambling is not an acceptable practice, even for the purpose of building a social relationship.
- d. The Samdhana Institute gives primacy to the security of its staff, community partners, Fellows, Board members and other members of the Samdhana family. Staff are required to conduct activities and other engagements with community partners with utmost consideration to ensure the security of everyone, and to be appraised of any possible security threats in communities or while on field work.

4. SOCIAL RESPONSIBILITY

- a. The Samdhana Institute is firmly committed to a policy of social responsibility in all areas in which we operate. We strive to demonstrate corporate citizenship by ensuring that the organization acts for the health and safety of the environment in all our operations.
- (i) We support the saving and restoring of natural resources.
 - (ii) We promote green practices in our operations and projects, which may include recommendations on land conservation and planting trees, use or renewable energy, and others in an effort to improve efficiency of conservation of natural resources.
 - (iii) We do not employ child labor in violation of any local laws or contrary to respectable and accepted employment practices.
 - (iv) We are absolutely committed to the compliance of all our personnel with applicable laws.
 - (v) We strive to ensure all personnel comply with this Code through training and mentoring.
 - (vi) We prohibit staff from engaging in riots or civil disorder, acts of violence, or causing damage to property or injury to persons.

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(vii) We prohibit staff from engaging in criminal, infamous, dishonest, immoral, or notoriously disgraceful activities or other conduct that can discredit the organization or the work it does.

5. COMPLIANCE WITH LOCAL LAWS AND MORES

- a. It is important for the Samdhana Institute to ensure its operation complies with legislation and regulations. We believe that each organization is held accountable for its 'compliance behavior' and non-compliance carries heavy risks. Proper compliance with legislation and regulations is a precondition for operating a sustainable and socially responsible organization. The Samdhana Institute requires all staff and consultants to respect and comply with:
 - (i) Host country laws provided that they are not in conflict with universal's human rights standards;
 - (ii) Cultural values and customs at each locality where we work provided that they are not in conflict with human rights standards.

6. NO BRIBERY

- a. The Samdhana Institute's policy is zero tolerance for bribery and corruption in any form. We are committed to conduct all our activities with integrity and in an honest and ethical manner. Bribes are not only against the Samdhana Institute policy, but they are against the human rights principles we promote. Bribes and corruption may also raise serious liability for staff and the organization. Bribes take many forms—not just cash. The Samdhana Institute prohibits all employees from offering, promising, or giving anything of value (gifts, entertainment, travel expenses, unduly favorable business arrangements, etc.) as a bribe to anyone. We have a simple rule: We do not pay bribes.
- b. The Samdhana Institute does not discourage individual staff from participating in the political process in their own right, including the making of voluntary contributions to candidates or parties of their choosing. However, the Samdhana Institute does not make donations, whether in cash or in kind, in support of any political parties or candidates and should not be represented as supporting any political party or candidate. All staff must not make any political contribution or donation or incurring expenditure on behalf of the Samdhana Institute. All other members of the Samdhana family should also not make contributions on behalf of Samdhana or represent Samdhana in any advocacy for or protest of any political party.

7. GIFTS AND ENTERTAINMENT

- a. Gifts are a normal part of business life. Exchanging business courtesies such as meals, entertainment, small gifts, and other items with partners of the Samdhana Institute is an acceptable practice to build stronger relationships and foster goodwill. Staff, however, must understand when such gift practices are inappropriate. There are certain principles that apply without

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exception. All members of the Samdhana family must consider these principles when considering giving or receiving a business courtesy. It is never permissible to:

- (i) Offer or accept a bribe;
 - (ii) Offer or accept cash or cash equivalents;
 - (iii) Participate in any business activity that would violate the law;
 - (iv) Accept kickbacks and secret commissions from vendors, partners or others; and
 - (v) Ask for anything directly or indirectly from organizations doing business or seeking to do business with the Samdhana Institute.
- b. All staff must refrain from giving and accepting a business courtesy unless a gift meets the following criteria:
- (i) It is not a bribe and it does not create the appearance of being improper;
 - (ii) It is for the purpose of promoting goodwill;
 - (iii) It is not intended to create an obligation for the recipient to take any action she or he would not normally take;
 - (iv) It is consistent with acknowledged business practices;
 - (v) It is of reasonable and appropriate value and is customary, as determined by applicable local laws and reasonable local practice;
 - (vi) Public disclosure of the courtesy would not be an embarrassment to the Samdhana Institute; and
 - (vii) It will not create a conflict between the Samdhana Institute staff's personal interests and the best interests of the Samdhana Institute.
- c. All gifts and entertainment valued at \$ 10 or more received by staff should be reported, with the following exceptions:
- (i) Business-related gifts and entertainment provided by a Fellow, staff member or by the Samdhana Institute;
 - (ii) Commemorative items such as an inscribed paperweight, plaque or crystal bowl received to commemorate a special event; and
 - (iii) Personal gifts among staff members.

8. CONFLICTS OF INTEREST

Please refer to our Conflict of Interest's Guideline No. SI-010, dated 1 August 2017

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9. ACCOUNTING CONTROLS

- a. All staff and consultants (and other members of the Samdhana family) are not allowed to disclose any classified or proprietary information to anybody without authorization. A staff member or consultant who has access to or is in control of such information should at all times provide adequate safeguards to prevent its abuse or misuse. Examples of misuse include disclosure of information in return for monetary rewards or use of information for personal interest. It should also be noted that unauthorized disclosure of any personal data is also prohibited. The Samdhana Institute has developed an accounting policy and internal controls system for all employees to assure that:
- (i) Transactions are executed in accordance with management's general or specific authorization;
 - (ii) Transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles or any other criteria applicable to such statements and to maintain accountability for assets;
 - (iii) Access to assets is permitted only in accordance with management's general or specific authorization; and
 - (iv) Recorded accountability for assets is compared with the existing assets at reasonable intervals and appropriate action is taken with respect to any differences.

The Samdhana Institute also strongly maintains the following prohibitions:

- (i) No false, artificial, or fictitious entries shall be made on the books or records of any company or business in the Samdhana Institute family for any reason.
- (ii) No payment on behalf of the Samdhana Institute shall be made or approved with the understanding that it will or might be used for something other than the stated purpose.
- (iii) No undisclosed or unrecorded fund, account, or asset of any Samdhana Institute family member may be maintained or established for any purpose.
- (iv) No action may be taken, either directly or indirectly, to fraudulently influence, force, manipulate, or mislead the independent registration of the Samdhana Institute.