

Code of Conduct Prince Claus Fund – 26 March 2020

I. Introduction

The code of conduct of the Prince Claus Fund takes into consideration the nature of the organisation, the fact that the Fund is financed in large part by the Ministry of Foreign Affairs from public taxes and that it functions in and communicates with different cultures.

The Fund's way of working should be in line with its mission and vision.

Mission:

We support, connect and celebrate artists and cultural practitioners where cultural expression is under pressure. We stand firm with those who create, who believe in the transformative power of culture, who advance new ideas and develop new perspectives. The Fund also provides quick help to rescue cultural heritage under threat and helps to build capacity among stewards of heritage.

Vision:

We strive for a world where cultural expression is free and valued.

It is essential to maintain the quality of internal and external communications, as well as transparency concerning decisions for the reputation and image of the Fund and to ensure that in dealings with the Fund people feel properly treated. It requires a professional and open attitude towards the various people who work for the Fund and to those who deal with the Fund. These include people of all ages, from all parts of the world, with different faiths and in many different roles.

We make the following guarantees in line with the requests of the Ministry of Foreign Affairs:

1. That the Fund has a safe and trusted environment that offers protection to all the people who are in contact with the Fund, including partners, staff and volunteers.
2. That the Fund prioritises a culture of protection, in which people who observe or experience violations of integrity are able to speak out, report incidents and concerns, with the assurance that complaints will be handled with care;
3. That the Fund has a broad policy for conduct that is known, with clear procedures and rules to adequately protect people;
4. That within the Fund there is complete clarity as to how incidents and accusations will be handled, including reporting to competent authorities.

2. Organisation

The Prince Claus Fund must be transparent about its goals and who belongs to its target groups; it must be clear in its decision-making process and the outcomes that result; clear in agreements made with third parties and with its own staff and it is obligated to inform people concerned, such as partners and members of the Board, in a timely and sufficient manner about policy, finances and activities.

The Fund accepts that it has responsibilities towards a variety of groups and individuals. These include people who:

- submit a proposal
- have a financial relationship with the Fund
- request information about the work, goals and network of the Fund
- are national or international collaborating partners
- are staff members, interns, Board members or advisors

All the parties named above can count on communications with the Prince Claus Fund that are clear, helpful and accessible.

Staff members of the Fund are sufficiently informed and able to carry out the responsibilities that are appropriate for their function.

The Fund provides stimulating working conditions and suitable opportunities for further development.

It expects employees and board members to be prepared to take responsibility for the way in which they perform their duties and to demonstrate the commitment required for active, open and honest action by the Fund. Collegial relationships and credibility with a view to the public interest are a shared responsibility for both director and employees.

3. Basic values

In all its dealings, the Prince Claus Fund must be governed by a number of guiding principles or basic values:
We believe in the inherent value of culture and the right to cultural expression
We believe in the power of culture to have a real, positive and lasting social impact
We work on the basis of equality & transparency, and build relations based on mutual trust & respect
We value quality and seek partners doing outstanding work in their respective fields
We strive to be an informed and context-sensitive organisation through close contact with our international network

The Fund is currently developing a *Gender Equality and Diversity Inclusion Strategy as well as a Green Office Policy*

Elaboration of the Basic Values

The basic values listed above determine the actions and omissions of the Fund vis-à-vis its stakeholders. In practice, these values have concrete significance for the institution's relationship with donors and other funders as well as with the aims of the projects it supports; for relationships with fellow institutions, with the government and with the general public.

Compliance with the basic values means that:

a. Donors can trust that

- Respect will be shown to both the donor and the project partner concerned
- Correct and complete information will be made available relating to their contribution;
- The aim will be to achieve the highest quality in all activities undertaken;
- To the extent possible, all funds received will be spent on the stated aim;
- A full, fair and comprehensible account will be given of the use of resources and the activities to achieve the objective.

b. Grantees and partner organisations can trust that

- They will be treated with respect
- In realising their project and its goals, the aim is to achieve the highest quality in all activities

c. Interns and volunteers can trust that

- They will be given good guidance and clear instructions and any specific rules for the tasks they are expected to perform
- They will work in a positive and open atmosphere and under good conditions
- They will be appropriately valued for their contribution and commitment

d. Collaborating institutions can trust that the Fund will

- interact on the basis of mutual respect
- be willing to consult on common interests;
- seek coordination and cooperation in fundraising, selection and management of projects and disbursement of funds

- assume that all parties adhere to generally accepted values and norms, both of social behaviour and of the principles of the democratic constitutional state.

4. Integrity policy

a) Staff

Integrity means that everyone who carries out work in the service of the Fund is aware that they each represent an institution that in turn represents the interests of many others. This requires that each employee performs their work in a professional, responsible and careful manner, with attention to service and the required confidentiality.

It is important that there is an organizational culture in which:

- there is clarity about what the fund stands for
- problems can be resolved through discussion
- management acts with integrity (they set the standard and lead by example)
- employees are involved and are able to meet expectations with regard to ethical conduct
- there is transparency about what ethical behaviour entails
- there is a culture of accountability.

Integrity can be further defined by a number of key concepts:

Service

An employee of the Fund is at the service of the Fund's contacts and relations. This requires being creative and communicative and willing to take an extra step if necessary.

Professionalism

Employees of the Fund are professionals in their field. Employees know what their job entails and have the knowledge and skills to fulfil it well. They follow developments in their profession, take initiative where necessary and know how to deal with new situations.

Responsibility

Responsible performance rests on these elements:

- the Fund gives its employees the responsibilities that are appropriate to their positions;
- employees are willing to take on their responsibilities;
- employees feel accountable to colleagues, managers, and the public at large for the way in which they fulfil their responsibilities.

Employees of the Fund are aware that they work on behalf of the Fund, with resources from the Fund and in the interests of the Fund. This requires careful exercise of the Fund's powers and use of its financial and material resources. It also requires care towards people, the Fund's partners and public as well as colleagues, who each deserve consideration, respect and credibility.

Confidentiality

Strict confidentiality is honoured for any knowledge and information of a confidential nature that is available to the Fund's employees. Third parties and colleagues can count on sensitive or confidential information only being used for the specific purpose it was given.

Independence

The Fund's employees avoid situations in which their personal interests or the interests of the relations of the Fund that they are in contact with are in conflict with, or might conflict with, the interests of the Fund. Where possible they avoid even the appearance of such a conflict of interests.

b) Board members

The Prince Claus Fund Board follows the recommendations of the Governance Code Cultuur.

Administrative integrity and responsibility can be further defined by a number of key concepts:

Service

Commitment to the Fund's interests and to the interests of the Fund's partners should be the hallmark of their actions.

Functionality

Actions taken by board members must have a demonstrable link with their function on the board; the Fund's best interests must be their guiding principle.

Independence

Members of the Board avoid situations in which their personal interests or the interests of groups they are associated with are, or can be, in conflict with the interests of the Fund. To the extent possible, they will avoid even the appearance of such a conflict of interests.

Openness

Openness and transparency are guiding principles for the Fund and for its Board members, but must be exercised responsibly, given the complex and sensitive political context within which the board works.

Confidentiality

Board members will be careful that the knowledge and information available to them by virtue of their position will not be used in any way that harms the interests of the Fund or third parties.

Responsibility

Members of the board show respect to all individuals and bodies with whom they have contact in the performance of their duties.

5. Rules and standards regarding inappropriate behaviour

No tolerance policy

Inappropriate behaviour between colleagues (including superiors) is unacceptable. A work climate characterised by openness, commitment and trust are important for employees as well as the organisation as a whole. The Prince Claus Fund takes all complaints very seriously. This also includes inappropriate behaviour towards PCF staff and interns by partners or contacts of the Fund that they come in contact with in the course of their work. There is no place for bullying, sexual harassment, aggression, racial or any other type of discrimination, such as ageism or sexism.

Definition of harassment

Harassment in general is any unwelcome conduct that makes a person feel offended, humiliated and/or intimidated. In dealing with allegations of sexual harassment, the starting point is not the intention or interpretation of the perpetrator but how the recipient experiences the behaviour.

It creates an unpleasant working environment for the recipient. Any form of harassment can involve one or more incidents, actions or behaviour that may be physical, verbal or non-verbal.

Harassment is often based on stereotypes (e.g. racial, ethnic, religious or LGBTQ+). It may include, but is not limited to:

- Offensive jokes or remarks about a person's appearance, beliefs, behaviour or background
- Mimicking of speech patterns, behaviour, or physical attributes in a way that is meant to demean
- Exclusion from normal workplace conversation or activities because of ethnic origin, colour, nationality, sexual orientation or beliefs
- Intentional and systematic difference in treatment based on expectations that come from (negative) stereotypes

Sexual harassment refers specifically to conduct of a sexual nature. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, contract or supply of services. Sexual harassment may include, but is not limited to:

- Staring, leering or unwelcome physical touching
- Sexual or suggestive comments, jokes or taunts
- Making or displaying sexually demeaning gestures, offensive pictures or other materials in the workplace
- Making remarks with sexual connotations
- Unwanted invitations to go out on dates
- Unsolicited demands or request for sexual favours
- Intrusive questions about a person's private life or body
- Unnecessary familiarity such as deliberately brushing up against a person

- Unsolicited acts of physical intimacy
- Sexually explicit physical contact
- Sexually explicit letter, emails, SMS text messages or social media expressions
- Repeatedly asking a person to socialize during off duty hours when the person is not interested
- Giving unwanted gifts or any objects that are of a sexual nature
- Off duty, unwelcome conduct of a sexual nature that affects the work environment.

Discrimination is against the law in the Netherlands. Some forms of sexual harassment, such as physical/sexual assault, rape, indecent exposure and stalking, are also criminal offences and will be reported to the police.

Labour disputes do not fall under the category of sexual harassment. These conflicts are resolved between the employee and the director.

Procedure

Interpersonal relationships, especially in intercultural contexts, are complex and may lead to miscommunication and misunderstanding. Some misunderstandings are quickly resolved by direct confrontation, but in cases where that is not possible, or when the offensive behaviour persists, the next possibility, if appropriate, is for the employee to discuss the complaint with their superior or the HR representative to try to find a solution.

If those first steps do not lead to a solution, the confidential counsellor (*vertrouwenspersoon*) is key. When a complainant submits a complaint to the confidential counsellor, the counsellor offers advice and support to the complainant. If the complainant wishes, the counsellor can act as a point of contact, mediating between the offender and the complainant.

Details about the role of the confidential counsellor, follow-up procedures and possible actions/sanctions are specified in the *Protocol Vertrouwenspersoon*.

Obligation to report to Ministry of Foreign Affairs and CBF

Any suspicion of serious inappropriate behaviour (sexual or otherwise) must be reported to the Foreign Ministry *meldpunt* via safeguarding@minbuza.nl and via the contact person.

The CBF uses a reporting form for inappropriate behaviour (see attachment). The form should be sent to integriteit@cbf.nl. Both the Foreign Ministry and CBF respect the confidentiality of all reports.

This Code of Conduct replaces the former code, approved by the Board on 2 March 2007

Annexes

Annex I: Notification form for CBF and the Ministry Foreign Affairs (BZ)

Waarom dient u ernstig grensoverschrijdend gedrag te melden?

Zowel het ministerie van Buitenlandse Zaken als CBF Toezichthouder Goede Doelen kennen een meldplicht voor ernstig grensoverschrijdend gedrag.

Voor het ministerie van Buitenlandse Zaken is de meldplicht o.m. van belang om een oordeel te vormen of de betreffende organisatie adequaat heeft gehandeld na het ontvangen van een melding.

Het CBF ziet toe op de ontwikkeling en toepassing van het integriteitsysteem binnen organisaties.

Wanneer gebruikt u dit formulier?

U gebruikt dit formulier zodra er sprake is van een vermoeden van ernstig grensoverschrijdend gedrag waar uw organisatie bij betrokken is.

Hoe werkt u met dit formulier?

In dit formulier beschrijft u beknopt het (vermoedelijke) grensoverschrijdend gedrag. Ook beschrijft u op grond waarvan u dit grensoverschrijdend gedrag als ernstig beoordeelt.

Aan wie zendt u dit formulier?

Organisaties die CBF-Erkend Goed Doel zijn dienen te melden aan het CBF via integriteit@cbf.nl.

Organisaties die subsidie ontvangen van het ministerie van Buitenlandse Zaken dienen te melden via de verantwoordelijke budgethouder.

Wanneer u met zowel CBF als het ministerie een relatie heeft, dient u bij beiden te melden. U kunt daarvoor hetzelfde formulier gebruiken.¹

Hoe behandelen wij uw melding?

Uw melding wordt vertrouwelijk behandeld. Wanneer wij uw melding hebben ontvangen, nemen wij contact met u op. In overleg bepalen wij dan welke vervolgstappen gezet dienen te worden.

1. Contactinformatie	
1a. Organisatie die de melding doet	
1b. Naam contactpersoon	
1c. E-mail contactpersoon	
1d. Functie contactpersoon	
1e. Telefoonnummer contactpersoon	
1f. Is de organisatie CBF-Erkend Goed Doel?	
1g. Is de organisatie partner van het ministerie van Buitenlandse Zaken?	

2. Rapportdetails	
2a. Datum van deze eerste rapportage	

¹ CBF en het ministerie wisselen geen gegevens van individuele meldingen uit.

3. Overweging	
3a. Waarom meldt u het (vermoedelijke) grensoverschrijdend gedrag? Op grond waarvan beoordeelt u het (vermoedelijke) grensoverschrijdend gedrag als ernstig?	
<p><i>Bijvoorbeeld, maar niet beperkt tot:</i></p> <p><i>Vermoedelijke daders zijn leden van het (top)management; het aantal (vermoedelijke) slachtoffers is aanzienlijk; de (vermoedelijke) incidenten beïnvloeden het functioneren van de organisatie sterk; maatregelen op eerdere meldingen blijken niet toereikend; de publieke opinie houdt ons verantwoordelijk; etc.</i></p>	
3b. Wanneer was u voor het eerst bekend met het (vermoedelijke) grensoverschrijdend gedrag?	
3c. Datum eerste incident:	
4. Melding van grensoverschrijdend gedrag	
4a. In welk(e) land(en) heeft het gemelde grensoverschrijdend gedrag zich voorgedaan?	
4b. Type grensoverschrijdend gedrag – markeer in onderstaande opsomming:	
<p>1. Machtsmisbruik <i>(corruptie; belangenverstrengeling en nepotisme; manipulatie van of misbruik/lekken van informatie;)</i></p>	
<p>2. Financiële schendingen <i>(fraude; oneigenlijk gebruik/misbruik van middelen; diefstal; belastingontwijking en vermogensbeheer/beleggingsbeleid in strijd met de doelstelling van de organisatie)</i></p>	
<p>3. Interpersoonlijke schendingen <i>(ongewenste intimiteit, seksuele intimidatie en seksueel geweld; agressie, discriminatie en pestgedrag)</i></p>	
5. Status van het onderzoek	
5a. Startdatum onderzoek:	
6. Onderzoek	
Welke maatregelen heeft u ondernomen om het vermoedelijke grensoverschrijdend gedrag te onderzoeken?	
7. Maatregelen	
Welke maatregelen heeft u op dit moment genomen?	

Annex 2: Overview of other relevant regulations and protocols of PCF

- Governance Code for cultural organisations
 - Complaints regulations
 - Protocol for a confidential counsellor (protocol vertrouwenspersoon)
 - Regulations concerning whistleblowers (klokkenluidersregeling)
 - Shared beliefs and values
 - Social responsibility policy
 - Administrative Organisation 2019
 - Relevant paragraphs in contracts in connection with confidentiality, etc.
- Diversity Strategy (ready in 2020)
- Green Office Policy (ready in 2020)