

Sexual Misconduct:

Reporting and Response Guidelines & Checklists for AFS National Organizations (NO)

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Sexual Misconduct: Reporting and Response Guidelines & Checklists for AFS National Organizations (NO)

Because our organization is dedicated to maintaining a zero tolerance for abuse, it is imperative that everyone actively participates in the protection of youth. The purpose of this document is to ensure that any suspicion or allegation of sexual misconduct as defined below is reported to and addressed by AFS in a prompt, supportive and consistent manner with the safety and well-being of the participant as the highest priority. While these guidelines are focused on active AFS participants, many of the steps can be followed in relation to other individuals connected to AFS such as volunteers and staff. (If an AFS participant is accused of committing sexual misconduct, please see notes in the section titled "Special Situation - Participant Accused of Sexual Misconduct" below.)

All participant issues should always be handled in a confidential manner. Out of respect for individual privacy and increasing clarity from laws regarding privacy, these matters must not be discussed among staff and volunteers outside of the group needed to address the situation.

SEXUAL MISCONDUCT

AFS purposely uses the term 'sexual misconduct' as it refers to a wide range of inappropriate physical or verbal behaviors. These inappropriate behaviors include (but are not limited to):

- Unwanted physical contact, not only limited to areas of the body commonly considered 'private' (such as face, hair, breasts, buttocks, genitals, etc.) Individuals may have different levels of comfort when it comes to physical contact, based on relationships and/or culture for example in one context it may be appropriate to greet a person with a kiss on a cheek, while in a different context that may not be appropriate.
- Inappropriate comments of a sexually suggestive nature.
- Invitations to view materials of a sexual nature such as pornography.
- Exposing oneself (i.e., showing someone your genitals)
- <u>U</u>sing obscene language or content with sexual connotations in phone calls and text messages (e.g., sending a photo of your genitals; discussing sexual acts or pornography; using graphic sexual language while texting, etc.)
- Producing or sharing pornographic images or movies, (pornographic images of minors often come with severe consequences)
- Masturbation in the presence of another person, or forcing someone to masturbate
- Sexting sharing inappropriate pictures or comments via texts or social media
- Use of graphic language
- Requests of someone to send nude photos
- Sexual assault
- Rape

In the event that staff observe or become aware of any suspicious or inappropriate behaviors or policy violations on the part of other staff or volunteers, it is their responsibility to immediately report their observations to appropriate senior staff.

Remember, at AFS, the policies apply to everyone.

LEGAL ISSUES

Each AFS Network Organization (NO) is responsible for knowing and understanding applicable local laws regarding sexual misconduct, including reporting requirements. Regulations vary from country to country and in any situation, it is important to understand both the laws of the Hosting Partner as well as the law of the Sending Partner. Each NO should consult with a local attorney to be sure you understand your roles and responsibilities if a report of sexual misconduct is made to you or if you become aware of a situation that may involve sexual misconduct.

AFS strongly recommends that each Partner office consult with any governmental regulatory body regarding what your requirements are.

Each NO is responsible for understanding the following regulations in their own country and for then sharing this, as needed, with the AFS NO in another country if a situation arises. AFS <u>strongly</u> recommends that each AFS NO prepare a brief document with the answers to the following questions for easy access for your staff:

Age of consent (both in sending and hosting country)
☐ What is the legal age of consent for a young woman or a young man to have
consensual sexual relations with another adult? These ages may be different.
☐ Is there a different age of consent (or other legal complications) for sexual relations between two people of the same gender?
Are there any laws regarding consent if both parties are below the legal age o consent for sexual relations?
Statutory Rape - How is this defined within your laws? (Usually, this implies that one party
was below the legal age of consent and the other party was not. Even if both said they
wanted to have sex, the older party could be guilty of statutory rape.)
Mandatory Reports -
☐ If an AFS staff member or volunteer is informed of a sexual misconduct situation
what requirements are there to report this to the police or other governmenta authorities? (This can include school principals or other administrators.)
☐ Within the laws of your country, if you are required to report sexual misconduc
situations, what are the guidelines concerning the situations which must be reported?
☐ Within the laws of your country, who else may be mandatory reporters? Doctors
Nurses? Teachers? School Counselors? Etc.
Other -
☐ What other legal or regulatory guidelines is your organization required to follow?
☐ Are there mandatory or optional trainings your staff or volunteers may need to receive?

- □ How comfortable are your staff and volunteers with the idea of discussing these issues? Cultures vary, so it will be important to consider the best ways to be sure your staff and volunteers are 'on the same page'. You may want to work with an attorney to create a short set of written guidelines on legal issues for your staff and volunteers articulating what actions are appropriate for staff and volunteers and what actions should be left to officials such as police, etc.. You may also want to bring in counsellors with experience in these situations to advise you and therapists to work with those affected.
- □ Privacy: Legal Age as a Sending Partner it will be important for you to know what the laws are regarding informing parents of a sexual assault against their child. In some countries, participants above a certain age may have the legal right to ask AFS to NOT inform their parents. If such a request comes through, see guidelines below for working with your Hosting Partner.

RESPONSE STEPS

Every report of Sexual Misconduct **must** be received as if it is true. AFS **must** respond on that basis.

It is important to understand that in case of any sexual misconduct disclosure from the participant, we need to create a safe space in order to give the participant enough confidence to reveal the background of the situation.

Initial Steps

- 1. If the participant reports any level of sexual misconduct, we must ensure that the participant is in a safe place. If the incident happened in the home of the host family and a family member is accused, then the participant must be moved out of the home immediately out of concern for the safety of the participant.
- 2. If abuse is disclosed to you, assure the individual disclosing that he or she was correct to tell you and take immediate steps to protect the alleged victim from intimidation, retribution, or further abuse.
- 3. If the participant is the victim of sexual assault or rape be sure that the participant is taken right away to an Emergency Room for a medical examination. Doctors may process a 'rape kit' which helps document the assault. Doctors will generally process tests for Sexually Transmitted Diseases (STDs) as well as prescribing medications to help prevent infection or pregnancy. Ask the participant if there is a person of trust to accompany the participant. In cases like this, the participant's comfort is key.
- 4. If the participant was a victim of sexual assault or rape but did not report this to anyone for a few days, the participant should still visit a doctor for an exam, testing for STDs and medications as appropriate.
- 5. Based on the legal guidelines of your country, the AFS office might be required to report any incident to the appropriate authorities. If you are required to report, be sure the participant understands this requirement before you make the report. If you are not required to report the incident, do not report the incident to authorities without the consent of the participant. If you have questions regarding this, please call the Risk Management Team at AFS International.
- 6. The Hosting Partner must also report the incident to the Sending Partner via phone (and Duty Officer system if necessary) for more serious cases. All cases must be documented via the Support Module. AFS International (Eunice Neta & Larry Barnett) must be added to the Support case in the Support Module. Only AFS staff with a need to know in order for AFS to properly address the situation and provide support (e.g. support staff, Partner Director, etc.) should be informed, and are required to keep this information confidential as appropriate. Similarly, documentation produced in connection with the incident (such as the below check-list) must be kept confidential and only shared on a "need to know" basis.

- This documentation contains very sensitive information and it is AFS duty to protect the privacy of those involved in the incident.
- 7. When considering how to inform the Sending Partner, please recognize that in this day of instant communication, the participant may have texted or called home making sure the Sending Partner knows right away will help them respond with compassion and assurance to the parents. Thus, even if you do not judge the case to be very severe, you may want to call the Duty Officer of the Sending Partner.
- 8. Review to be sure all appropriate steps were taken using appropriate checklists such as the one below.

Checklist of Initial Steps

	Is the p	participant in a safe place? Y / N
		If not, where will the participant go for safety?
		Does the participant need to be moved from the host family home? Y / N
		If so, where will the participant go?
		What are the next steps?
	Has th	e participant seen a doctor? Y / N
		Who?
		Where?
		When?
		If not - why?
	If the p	participant has seen a doctor:
		What tests were performed?
		Were any medications prescribed?
		Is hospitalization necessary?
		Were any physical injuries reported?
		If so, how severe were the injuries?
		Did the medical facility provide or recommend counseling?
		What are the next steps?
	Are th	ere mandatory requirements for reporting this incident? Y / N
		vill make the report?
		What authorities will receive the report?
	Has th	e Sending Partner been notified? Y / N
		Who called?
		Who was called?
	Did th	e participant ask for privacy (that the information not be shared with the family back
	home)	?Y/N
		If so, has the Sending Partner indicated based on age whether the participant has that legal right? Y $/$ N
	٥	If the participant does NOT have the legal right, has the Hosting Partner discussed this with the participant so that he/she knows AFS must inform the parents per the
		Participation Agreement? Y / N

٥	☐ If the participant does have the legal right, see guidelines below. Has an internal report been written in the Support Module and categorized appropriately (Legal / Sexual Misconduct - Victim)? ☐ When? ☐ By whom? ☐ Was it shared with the appropriate people? Y / N
Follow	r-up Steps - Informing AFS International
	Is anyone from AFS International added to the Support Case? Y / N (If not, be sure to add Eunice Neta and Larry Barnett). Note: AFS is required to report all cases of sexual misconduct to our liability insurer, United Educators (UE). This will be done by Eunice or Larry.
Follow	r-up Steps - Participant care
	Have you offered counseling to the participant? Y / N (Note that the AFS Medical Plan would cover up to 12 sessions of counseling, claims may also be made for post-program counseling via the Grief & Trauma Counseling benefit of the 7 Additional Benefits.)
	Will the local support contact make an effort to check-in with the participant and the host family on a more frequent basis for the next few weeks? (While our participants and families should all have a 'monthly contact', in a situation like this it would be important for local AFS volunteers to be more present and more available to be sure the participant is well-supported.)
ū	If the participant would like to seek advice independent from AFS, is there a hotline / counselling service the participant could call?
	If the situation must be reported to officials such as police, do you have a consulting attorney who can help the participant understand the legal process? Y/N
	What are the next steps?

Follow-up Steps - Supporting Sending Parents

It is important to recognize that in situations where a participant is a victim of a crime, parents often are looking for AFS to take an active part in any court case. It is important to remember that AFS was neither the victim, nor the perpetrator of the crime. The crime was committed by an individual and the crime was committed against another individual. Often, legal systems and privacy laws may severely restrict AFS' ability to participate in any legal proceedings. It is not uncommon that parents may feel that AFS 'should do more', 'should be more active'.

In most legal systems, crimes against an individual are considered to be crimes against 'the state' and so it is the state which prosecutes the crimes. AFS does not have the authority to 'prosecute' a crime, that is up to local officials. Their actions will be based on any evidence presented and investigations can take some time.

The reality is that AFS will be there to support the participant as an individual, but often our ability to be active in the legal process will be very limited. Partners will need to have kind, informative and supportive discussions with Sending Parents on these issues.

If the participant needs to obtain legal counsel, hosting Partner staff should make a reasonable effort to assist in identifying possible resources. Partner staff may also contact AFS International for advice and assistance if there are questions or problems.

Follow-up Steps - Ongoing communications

☐ Have Partners agreed on regular communications in the first week or two following the incident? Y / N

Remember that often, parents back home will be very concerned and will have many questions. Additionally there may be a need to carefully clarify ongoing issues as participants may give their parents confusing, partial and/or inaccurate information based on their own understanding of the situation. Given language issues present, participants may develop inaccurate or incomplete understanding. AFS must show both patience and must be proactive in making sure everyone understands things well.

Special Situations - Privacy Request

Sometimes, an AFS participant who has been a victim of a sexual assault will ask AFS not to inform the parents back home. In the Participation Agreement, AFS promises to inform the parents of any significant change in their child's welfare during the program.

However, in many countries, especially in Europe, youth are protected by privacy laws which may allow them to keep personal information from their parents. Thus, a 17 or 18 year old may be legally able to request that AFS in the home country keep information from the parents. However, each sending country should check the laws carefully as the age to keep this information private may be as low as 14.

If an AFS participant makes this request, the initial response of the Hosting Partner should be to inform the Sending Partner immediately - we must protect the participant's right to privacy. It also may be that the participant would prefer to inform the parents about the situation directly before AFS contacts the parents. This should be respected, but it will be important to set a time and date for the call so that the Sending Partner will know when they may call the participant's family and / or expect to hear from the participant's family.

Finally, if the participant invokes their right to privacy in the sending country and is unwilling for AFS to contact the parents, the participant must put this in writing. The original of this written and signed request should then be forwarded to the Sending Partner. (Eventually, parents will learn and will be upset with AFS. While having the written invocation of privacy does not appease upset parents, it does help AFS show compliance with the participant's privacy request.)

Has the participant requested that information not be shared with the sending parents back home? Y/N
☐ If Yes, does the participant plan to contact the parents directly to inform them about the situation? Y / N When:
Or, if Yes, does the participant indicate that the law in the home country allows him or her to indicate that the information is private and may not be shared without permission? Y/N
☐ If Yes, has an experienced volunteer or staff member spoken with the participant to be sure he/she understands why AFS would like to inform the parents? Y / N
 Does the participant still insist on privacy? Y / N If Yes, has the Hosting Partner called (preferred) or written to the Sending Partner to confirm this legal right claimed by the participant? Y / N
☐ If the Sending Partner has confirmed they must respect this privacy, and the participant continues to insist on it, has the participant been asked to write a formal request for AFS to refrain from sharing the information? Y/N

☐ Has AFS International been informed of this request? Y / N

Special Situations - Participant accused of sexual misconduct

Most serious incidents of youth-to-youth abuse are preceded by more subtle incidents such as name-calling, taunting, or roughhousing. Interrupting these interactions early an establishing and communicating standards of conduct can keep the program environment safe. Our organization recognizes that the following interactions are high risk and should be prohibited:

- Hazing
- Bullying
- Derogatory Name-Calling
- Games of Truth or Dare
- Singling out one person for different treatment
- Ridicule or humiliation

Youth-to-youth sexual behaviors can include inappropriate touching, exposing body parts, using sexualized language, sexting, making threats of sexual activity, engaging in sexual activity, and similar types of interactions.

If a participant is accused of sexual misconduct, AFS continues to have a duty to protect the safety and the well-being of the AFS participant. This does not imply that AFS condones any illegal activity, it simply reflects that AFS continues to have a contract with the participant's parents and our duty of care for the participant remains.

If the participant is arrested or in danger of being arrested, it will be very important to identify a local attorney to help protect the participant's legal rights and to help the participant and the parents back home understand what the legal process is in the host country. The sending parents are responsible for hiring and paying the attorney. However, in some cases, AFS may need to provide an attorney initially to protect the legal rights of the participant. If this is the case, please consult with Larry or Eunice at AFS International to get confirmation that AFS will commit to covering 2-3 hours of an attorney's time to represent the participant. In the meantime, the sending parents can then decide if they want to hire this (or another) attorney and make appropriate arrangements.

It may be that the host family is unwilling to continue hosting the participant. The hosting Partner may need to find a temporary family to host the participant until the situation become clearer.

Has the participant been accused of sexual misconduct? Y/N	
If Yes, was this within the host family home? Y / N	
If Yes, has the participant been moved? Y / N	
If no, can the participant stay at the host family's home? Y / N	
☐ Has an experienced AFS volunteer or staff member spoken to the participant?	Υ/
N	

	Does the participant understand the serious nature of the accusation? Y / N
If the p	participant has been accused, has someone reported the incident to the police? Y / N $$
	If the accusation has <u>not</u> been reported to the police, are AFS staff or volunteers
	legally required to report the accusation? (Are you a 'mandatory reporter' by law?
	Y/N
	If the accusation has been reported to the police, does the participant have lega
	counsel (an attorney) to advise him or her of rights and legal obligations within the
	host country? Y / N
	If the participant has legal counsel do the parents back home understand that it is
	their responsibility (as described in the Participation Agreement) to hire and pay
	for this attorney? Y / N
	Has AFS International been informed of this situation? Y / N
	If the need for an attorney is urgent, has the Hosting Partner arranged for ar
	attorney after consulting with Larry or Eunice at AFS International? Y/N (Larry or
	Eunice can give you a guarantee of payment for 2-3 hours of time to be sure the
	participant's rights are understood and respected.)
	What are the next steps?

Special Situation - Host Family accused of Sexual Misconduct toward a participant

If a member of the host family has been accused of Sexual Misconduct, the AFS office must take certain actions to protect the participant. These actions may be permanent or temporary, depending on what information comes out.

If a host family member is accused the participant <u>must</u> be moved out of the home immediately. AFS should speak directly with the accused party to inform them that AFS is taking this action for the safety of the participant. It is not our place to judge any individual, but until the situation is clarified, we must move the participant for his / her safety. (These cases are rare, you are encouraged to consult with your legal counsel and AFS International for assistance.)

If a member of the host family is accused, the host family should not participate in any AFS activities until a thorough investigation is concluded. AFS must not place any future participant with that family unless AFS becomes convinced that a participant would be safe and that the accused is innocent. Please consult with AFS International if you have questions on this.

If a host parent is accused, has AFS (staff or volunteer) spoken directly to that parent to
inform him or her of the concern raised and that for the safety of the participant (and of the
accused) the participant is being moved out of the home? Y / N
Was it made clear that AFS does not stand in judgment, but simply must act for the
participant's safety? Y / N
Was the host parent given the option to explain to other members of the family why the
participant moved? Y / N
If a host sibling or another household member is accused, were the host parents informed
of the person and the accusation? Y / N
Is AFS required to report this accusation to authorities? Y / N
☐ If yes, who will do this?
□ When?
Has the host family been instructed not to participate in any AFS activities until the matter
is clarified? Y / N
Has AFS International been informed of this situation? Y / N
Have you marked the family as "do not host" in AFS Global?

Special Situation - Volunteer accused of sexual misconduct

If an AFS volunteer is accused of sexual misconduct, for the safety of all participants and the volunteer, the accused volunteer may not participate in any AFS activities until AFS has a full understanding of the situation. The volunteer should be instructed to cease all communications with AFS participants and families and access to AFS data systems should be immediately removed. The AFS office should establish a person the volunteer may contact with any questions or information. If the accused volunteer is a liaison, a new (temporary) liaison has to be assigned to the student or family and the student or family have to be informed about the change. (If the spouse or partner of the accused volunteer is also a volunteer, that person's volunteer service, including access to AFS databases, should also be suspended.)

If a volunteer is accused, are you required to report the incident to the police? Y / N
If so, has the incident been reported to the police? Y / N
☐ If Yes, who made the report?
□ When?
☐ Has the volunteer been instructed to cease all contact with AFS participants? Y / N
Has the volunteer been instructed to cease all contact with AFS families? Y / N
Has the volunteer's access to AFS data systems been removed? Y / N
Has the volunteer been informed that participation in any AFS activities at any level
(national or local) is suspended until there is resolution to the situation?
Has the volunteer been given a contact at the AFS office? Y / N
If the local AFS organization has an official process to investigate such instances, has that
been activated? Y / N
Has AFS International been informed of this situation? Y / N
What are the next steps?

Special Situation - Staff accused of sexual misconduct

Offices must be very aware of local laws and labor laws regarding staff who are accused of sexual misconduct. Clearly, the staff person must cease all contact and responsibilities related to AFS participants and families. AFS offices should determine in advance whether laws require you to put a staff person on some sort of 'leave' (with or without pay), until the AFS office has clarity about the situation. We strongly recommend that AFS offices consult with their attorney and with AFS International (either your Partner Engagement contact or the Risk Management Team) if any such situation arises.

If a staff person is accused, has the incident been reported to the police? Y / N
☐ If Yes, who made the report?
□ When?
☐ If not, why? Who decided and who was consulted before making this decision?
Has the AFS office consulted with an attorney about the situation to be sure any steps taken respect local laws (including reporting and labor laws)? Y/N
Has the staff person been treated in accordance with local labor law, including any decision
to put the staff person on leave? Y / N
Has the staff person been instructed to cease all contact with AFS participants? Y / N
Has the staff person been instructed to cease all contact with AFS families? Y / N
Has the staff person been informed that participation in any AFS activities involving participants, host families, sending families and/or volunteers is not allowed?
If on leave, does the staff person recognize he/she should only contact the Partner
Director or designated legally appropriate person? Y / N
If the local AFS organization has an official process to investigate such instances, has that
been activated? Y / N
Has AFS International been informed of this situation? Y / N
Has the staff member had all access to AFS databases suspended or removed? Y / N

Special Situation - AFS group events such as orientations, mid-stays, etc.

Staff and volunteers have a heightened level of responsibility for the safety of our participants at events where they are in direct supervision of AFS participants. Generally, these are gatherings for orientation, reflection, fun, etc. Given these events often include overnight stays it is important that clear guidelines regarding rules and acceptable behavior are shared with participants in writing and verbally.

During the event, if staff or volunteers witness actual suspicious or inappropriate behavior,
policy violations, sexual activity or abuse, interrupt the behavior.
If abuse at an event is disclosed to you, assure the individual disclosing that he or she was
correct to tell you.
Protect the alleged victim from intimidation, retribution, or further abuse.
Immediately report the allegation or incident to the proper AFS staff member who will
determine what further mandatory reporting must be followed.
Document the incident citing the facts as you know them and what actions you took.

Special Situation - Press or Social Media reports / discussion of any incident above

If any of the above mentioned incidents are receiving press or social media attention, please take the following steps:

Inform the Risk Management unit (Eunice Neta & Larry Barnett) immediately
Do not respond to requests for information from reporters without consulting with your
local Public Relations firm and AFS International.
Do not respond to allegations posted on any type of social media. AFS <u>must</u> respect the
privacy of all individuals, whether victim or accused. If you are unsure about steps, please
consult immediately with AFS International.

APPENDIX 1 - Basic Principles

Basic principles for staff and volunteers in reacting to suspicions, allegations and/or disclosures.

What To Do	What Not To Do
Stay Calm.	Don't panic. Don't over-react. Work with an appropriate colleague to determine an appropriate response
Listen, hear and believe.	Don't probe for more information. Questioning may affect how the disclosure is received at a later date.
Give time to the person to say what they want.	Don't make assumptions, don't paraphrase and don't offer alternative explanations.
Re-assure and explain that they have done the right thing in telling. Explain that only those professionals who need to know will be informed.	Don't promise confidentiality to keep secrets or that everything will be ok (it might not).
Act immediately in accordance with the AFS procedures.	Don't try to deal with it yourself.
Try to get a full picture of what happened. Record your report (Support Module in Global)	Don't make negative comments about the alleged abuser. Don't make a child or young person repeat a story unnecessarily.
Report to the lead member of staff.	Don't discuss with colleagues: keep the information confidential and only share if on a need-to-know basis.

APPENDIX 2 - Summary of appropriate staff / volunteer conduct

Summary of the Appropriate Conduct when dealing with AFS participants

- Immediately report any concerns about negative attitudes or behavior (e.g. ridicule, physical bullying, racism, sexism, homophobia etc.)
- To avoid any misunderstanding of your intentions or action, you should:
 - Be mindful of physical contact, respecting boundaries. Different cultures have different understandings of physical contact - always respect the participant and let them set the appropriate contact, whether a bow, a handshake, or a hug, etc.
 - Never make suggestive remarks or gestures, or jokes with a sexual content
- You must never be under the influence of alcohol or drugs when volunteering for AFS / working for AFS
- Act with discretion with regards to your personal relationships and do not expose participants to inappropriate behaviour
- When interacting with a participant never, even in fun: Issue or threaten any form of physical punishment, physical or verbal violence or sexual behaviour
- If you are concerned that something has arisen that needs reporting regarding a participant, do so immediately according to the reporting channels in your office and the AFS procedures, available described above.

AFS Mission

AFS is an international, voluntary, non-governmental, nonprofit organization that provides intercultural learning opportunities to help people develop the knowledge, skills and understanding needed to create a more just and peaceful world.

AFS Values

AFS enables people to act as responsible, global citizens working for peace and understanding in a diverse world. It acknowledges that peace is a dynamic concept threatened by injustice, inequity and intolerance. AFS seeks to affirm faith in the dignity and worth of every human being and of all nations and cultures. It encourages respect for human rights and fundamental freedoms without distinction as to race, sex, language, religion or social status.

Learn more about AFS at afs.org

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