

## **Whistleblower and Anti-Retaliation Policy**

The International Development Law Organization (“IDLO”) is committed to detecting, investigating and taking action against misconduct that occurs in the course of its operations. This document outlines the policy and procedures for reporting suspected misconduct, and the protections IDLO affords to its staff members and to individuals in a direct contractual relationship with IDLO who, in good faith, report suspected misconduct.

### **1. Scope and Application**

The terms of this policy apply globally to all IDLO staff members and individuals in a direct contractual relationship with IDLO as consultants, contractors, persons seconded to IDLO, interns and volunteers.

### **2. Definitions**

- **Misconduct:** means any illegality, breach of IDLO’s internal rules, gross waste, mismanagement, abuse of authority, substantial and specific danger to public health or safety, and any other activity that undermines the institutional mission to its stakeholders. Examples include, but are not limited to, corruption, fraud, theft, misrepresentation, misuse of IDLO property, retaliation against whistleblowers, and abuse of privileges and immunities.
- **Retaliation:** means adverse action taken against an individual because he or she made a good faith report of suspected misconduct.
- **Whistleblower:** is a person who, in good faith and on the basis of a reasonable belief that misconduct has occurred, reports suspected misconduct.

### **3. Duty to Report and Cooperate**

IDLO staff members and other individuals with a direct contractual relationship with IDLO have a duty to promptly report suspected misconduct associated with any activity of IDLO and to cooperate fully and truthfully in any internal or external review, audit, or investigation conducted by or on behalf of IDLO. Failure to report and/or cooperate, including by withholding material information, may result in disciplinary action, including termination of employment or contractual relationship.

### **4. Confidentiality**

It is the duty of the individual or body that receives a report of suspected misconduct to protect the confidentiality of the person making the report and all communications in relation to the report to the maximum extent possible. Absent the individual’s consent, his or her identity should be exceptionally disclosed only if it is necessary for administrative, disciplinary or judicial action or in order to ensure due process in the investigation of the allegations made.

### **5. Procedure for Reporting Suspected Misconduct**

IDLO staff members and other individuals with a direct contractual relationship with IDLO should report suspected misconduct in the first instance to their direct supervisor. If the suspected misconduct involves the direct supervisor, the reporting individual has reason to believe that he or she may be subject to retaliation, or the reporting individual has reason to believe that evidence of suspected conduct will be concealed, destroyed, or not acted upon, the individual should report

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the suspected misconduct to any other senior IDLO manager (such as the Country Director, Department Director, General Counsel, or the Director-General). Supervisors and senior managers, in turn, shall promptly elevate all reports of suspected misconduct directly to the Director-General.

## **6. External Reporting**

If the suspected misconduct involves the Director-General, the reporting individual has reason to believe that the Director-General may subject the individual to retaliation, or the reporting individual has reason to believe that evidence of suspected conduct will be concealed, destroyed, or not acted upon by the Director-General, the individual should report the suspected misconduct to the President of the IDLO Assembly of Parties whose contact information will be made available to all employees.

The President of the IDLO Assembly of Parties will determine what action, if any, to take in response to the report including sharing it with IDLO governing bodies, select IDLO personnel, and/or external reviewers, auditors, or investigators. Anyone receiving such information are subject to the confidentiality requirements in Section 4 of this policy.

## **7. Anonymous Reporting**

Individuals are encouraged to include their names or other contact information in their reports of suspected misconduct to add credibility to the report and facilitate any follow-up. The names of individuals making reports will be kept confidential to the maximum extent possible. Individuals may, however, submit their reports completely anonymously.

## **8. Information to be Included in a Report of Suspected Misconduct**

Individuals submitting reports of suspected misconduct should submit all pertinent information with regard to the suspected misconduct including any documentary or other evidence. While reports of suspected misconduct may be submitted anonymously, including the name of the individual making the allegation may add to the credibility of the allegation and may facilitate a more effective investigation.

## **9. Investigation of Suspected Misconduct**

The decision whether a review, audit, or other investigation is warranted under the circumstances will be determined on a case-by-case basis by the Director-General (or the President of the IDLO Assembly of Parties, as applicable). Such a decision should be made within 30 days of the receipt of the report of suspected misconduct. The reporting individual will likewise be informed of whether follow-up action is being taken with respect to his or her report.

## **10. Action Based Reviews, Audits, or other Investigations**

Any disciplinary or remedial actions required to address instances of confirmed misconduct will be taken consistent with the applicable IDLO rules and regulations. The reporting individual should be informed, as appropriate, of the action taken with respect to his or her report.

## **11. Bad Faith Conduct**

In order to receive protection under this Policy, individuals must make a report in good faith and have a reasonable belief that misconduct has occurred. The transmission or dissemination of unsubstantiated rumors is not considered a protected activity under this Policy. IDLO views the

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intentional submission of false reports or false witness testimony under this Policy as misconduct. Making allegations through the Whistleblower and Anti-Retaliation Policy that the individual knows to be false, intentionally and materially incomplete, or with an intent to misinform will be investigated and may result in disciplinary action, up to and including termination of employment or contractual relationship.

## **12. No Retaliation**

Retaliation against whistleblowers is strictly prohibited and is misconduct. IDLO staff members or other individuals with a direct contractual relationship with IDLO who retaliate against any person making a report shall be subject to disciplinary measures, up to and including termination of employment or contractual relationship. Examples of retaliation include, but are not limited to:

- Employment actions such as termination, and denial of renewal of contract or promotion unless otherwise justified;
- Other unjustified actions affecting employment such as negative evaluations, negative references, placement on administrative leave, increased oversight, changes in duties, reduction of responsibilities, denial of leave or creation of an uncomfortable physical environment; and
- Other actions including, but not limited to, harassment, intimidation, or assault that are intended to punish an individual for reporting alleged illegal activities or misconduct or to deter such individual from continuing to cooperate in an ongoing review, audit, or other investigation.

## **13. Reports of Suspected Retaliation**

Reports of suspected retaliation will be treated as reports of suspected misconduct under this policy. Reports of suspected retaliation must be made as soon as possible and not later than three months after the alleged acts of retaliation have taken place.

## **14. Application of Normal Standards of Performance or Conduct**

Whistleblowers and those participating in a review, audit or other investigation are not exempt from the application of normal standards of performance and conduct or other IDLO policies affecting continued employment. For example, IDLO is not required to maintain the employment of a whistleblower or of an investigation witness when the Organization has an independent basis to terminate the employment or abolish a position in accordance with IDLO's policies and procedures for the disestablishment of positions.

## **15. Protection of the Person Who Suffered Retaliation**

If retaliation against an individual is established, the Director-General shall promptly take appropriate measures aimed at correcting negative consequences suffered as a result of the retaliatory actions.

## **16. Review**

The Director-General shall take reasonable steps to ensure that this Policy is followed and to evaluate annually the effectiveness of this Policy in coordination with the General Counsel. The Office of the General Counsel will maintain a confidential record of all cases reported to the Director-General and their disposition and provide a summary report annually to the Standing

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Committee. The Policy may be revised as necessary and as required by any changes to any internal rules, regulations, and standards.