

## **DRAFT**

# **Code of Conduct Policy on Integrity and Improper Behaviour**

The Nederlandse Stichting International Campaign for Tibet (NSICT), based in Amsterdam, The Netherlands, is a non-profit organization recognized by the Dutch non profit hallmark organization Centraal Bureau Fondsenwerving (CBF). NSICT, as a CBF-recognized charity, is obliged to formulate an internal Code of Conduct policy on Integrity and Improper Behaviour for its staff members.

NSICT distinguishes three clusters of integrity violations based on the CBF Recognition Regulations, Article 6:

- **1. Abuse of power:**  
Corruption, conflicts of interest, leaking of confidential information, culpable negligence;
- **2. Financial violations:**  
Fraud, theft, abuse of resources or services, culpable wastefulness;
- **3. Interpersonal violations:**  
Discrimination, intimidation, humiliation, violence, bullying, sexual harassment, sexual intimidation, sexual violence.

### **1. Prevention of integrity violations**

- Integrity violations in whatever form – and at whatever level – are not accepted within NSICT. These regulations are designed to prevent and resolve arbitrary and/or inconsiderate treatment within NSICT. Employees who are nevertheless confronted with such improper behaviour shall be provided with appropriate remedies to put an end to this.
- NSICT pursues an active policy using the appropriate means for the prevention and resolution of integrity violations.
- The employer considers itself obliged to pursue a coherent policy that prevents and resolves integrity violations.
- Integrity violations can be reported by employees who are witnesses or victims through three channels: Executive Director, Integrity Officer and Whistleblower.

### **2. Counselor for integrity violations**

- The employer has appointed a Counselor responsible for integrity violations.
- The Counselor is not one of the violation reporting channels within the integrity mechanism, but acts as a first point of contact for the victim or witness.
- The Counselor is tasked with providing first-line assistance to employees who are witnesses or victims of a violation. The Counselor will take no action and will not report the violation to the violation reporting mechanism, unless asked by the victim or

witness. The Counselor shall listen to, assist, support and advise the witness or victim. Conversations between the Counselor and the victim or witness are strictly confidential.

- The Counselor undertakes no action in the performance of their duties before consulting with – and receiving permission from – the victim or witness.
- The Counselor shall provide advice, on request or otherwise, to the Executive Director and other employees of the organization on the prevention and resolution of improper behaviour.
- The conversations with the Counselor serve multiple purposes:
  1. To give the affected witness or victim an opportunity to tell his or her story.
  2. To clarify whether the complaint concerns a workplace conflict, a moral doubt or an integrity violation.
  3. To establish what are the possible steps, taking into account that the interests and protection of the victim or witness are paramount.
  4. The victim or witness is entitled to receive support from the Counselor in reaching a decision. The victim or witness determines for him/herself whether he or she wishes to take further steps and report the violation to the violation reporting mechanism.
  5. The Counselor guides the victim or witness to report the identified complaint to:
    - The violation reporting mechanism (Executive Director, Integrity Officer and Whistleblower);
    - Executive Director if the case concerns a workplace conflict, moral doubt, or for assistance, including referrals to victim support or coaching.

### **3. Integrity Violation Reporting Mechanism**

The reporting mechanism comprises three channels through which employees who are witnesses or victims can report violations:

#### **1. Executive Director**

The first channel through which violations can be reported is the Executive Director. If a violation is reported to the Executive Director, the victim or witness identity cannot be protected. The Executive Director will inform the Integrity Officer of the complaint within one week, to start the investigation procedure, unless the Integrity Officer is directly involved in the violation. If the Integrity Officer is directly involved in the violation being reported, the Executive Director shall initiate an investigation and, if required, an external investigator.

#### **2. The Integrity Officer**

The second channel concerns a direct report to the Integrity Officer. The Integrity Officer is the operational coordinator of the investigation process. This channel is used if the Executive Director is absent for more than three weeks in a row from the moment that the violation has been reported, and therefore unable to respond to the reported violation on time. The Integrity Officer will inform the Whistleblower of the complaint within one week. The Whistleblower shall initiate an investigation together with the Integrity Officer as coordinator of the

investigation process, and an external investigator. If the violation is reported directly to the Integrity Officer, the identity of the victim or witness can be protected on his or her request and the report shall remain anonymous.

### 3. Whistleblower

The third channel is a Whistleblower. This channel can be used in the following two situations:

- If the reporting victim or witness does not receive notification within two months from the Executive Director or Integrity Officer about the steps to be taken in response to the report. In this case the reporting victim or witness notifies the Whistleblower. The Whistleblower shall notify the Executive Director with the urgent request to undertake action as soon as possible. If the reporting victim or witness has still not received notification after one month after the notification of the Whistleblower, the Whistleblower shall report this to the Board of NSICT.
- If the Executive Director is directly involved in the violation being reported or if the Executive Director is absent for more than three weeks in a row from the moment that the violation has been reported. In this case, the Whistleblower shall conduct an investigation together with the Integrity Officer as coordinator of the investigation process and, if necessary, depending on the type of integrity violation, an external investigator. If the violation is reported directly to the Whistleblower, the identity of the victim or witness can be protected on his or her request and the report shall remain anonymous.

## 1. Integrity violations procedure

### a. *Preliminary investigation*

- Reports of improper behaviour must be submitted in writing to one of the three channels mentioned above: Executive Director, Integrity Officer or Whistleblower. The victim or witness has the right to make the report anonymously to the Integrity Officer or Whistleblower. Reports to the Executive Director cannot be made anonymously.
- After receiving a report (via any of the three channels), the Executive Director or Whistleblower carries out a preliminary investigation together with the Integrity Officer within two months and, if required, an independent external investigator.
- Within one month of receiving the report, the Executive Director, Whistleblower and/or external investigator conducts separate interviews with: the employee who has submitted the complaint, the subject(s) of the complaint and any witnesses. The purpose of this preliminary investigation is to determine whether a disciplinary investigation or other follow-up action is required in response to this report. The first thing that needs to be determined is whether a violation has actually taken place. The next step is to establish whether there are reasons for concluding that the accusation cannot be true and whether there is any evidence. Finally, a judgment must be made as

to whether the investigation might cause damage that is disproportionate to the violation.

b. *Investigation*

- If the Executive Director, Whistleblower and/or external investigator conclude that an investigation is necessary, the Integrity Officer will draw up a proposal for the investigation based on a protocol that sets out the powers of the investigators and protects the rights of all persons involved. This proposal contains the conclusions of the preliminary investigation, the names of the nominated internal or external investigator(s), the budget (if applicable), the wording of the investigators' assignment and the questions to be answered during the investigation.
- The victim or witness and the subject of the complaint have the right to receive legal assistance and can choose to view the relevant documents.
- The Executive Director, Whistleblower and/or an external investigator are authorised to hear other employees who are relevant to the investigation.
- A written report is made of every session, and is signed as read and understood by all persons involved. If any person involved refuses to sign, the reason is mentioned in the report.
- The Executive Director and Whistleblower can decide to have an investigation carried out by experts of an independent consultancy at the employer's expense.
- If the investigation is carried out by external investigators, the Integrity Officer shall act as coordinator. He/she monitors the progress and budget. When the investigation is completed, the Integrity Officer presents the investigator's final written report to the Director together with an explanatory document written by him or herself.
- The Executive Director, Integrity Officer, and/or Whistleblower assess the quality of the external investigators' work, and challenge the experts with critical questions about their method and conclusions.
- With complicated investigations, it will almost always be necessary to enlist external investigators. The choice of consultancy shall depend on the nature of the violation.
- If the investigation is not carried out by external investigators, the final written report will be drawn up by the Executive Director, Integrity Officer, and/or Whistleblower.

c. *Verdict*

- The final written report has to be drawn up as soon as possible, but no more than three months after the complaint was submitted.
- The report shall at least contain:
  - the name of the subject of the complaint;
  - the victim(s) of the improper behaviour;
  - a description of the complaint;
  - the assessment of the plausibility of the complaint;
  - advice to the employer on appropriate measures (including any sanctions) for the specific case in hand;
  - advice to the employer on appropriate general measures.

- If the three-month deadline cannot be met, the reporting victim or witness and the subject of the complaint are notified in good time and given a new timeline.
- A copy of the written report is sent to those directly involved as well as to the Counselor if he/she was involved in the complaint.

*d. Sanctions and measures*

- The Executive Director makes a decision about the measures to be taken at the individual level within 14 days of the final written report. The Executive Director bases the decision on the advice written in the report. The Executive Director shall only deviate from the advice in consultation with the Integrity Officer or Whistleblower and shall explain the reasons for the deviation in the written decision.
- Depending on the severity of the complaint(s), the Executive Director can impose various sanctions on the subject of a proven complaint. These include:
  - a written reprimand
  - suspension
  - dismissal
- A copy of the decision is sent to those directly involved.
- If the complaint is not upheld, the Executive Director shall take the necessary measures to normalise the situation at the workplace. The Counselor and Integrity Officer shall be requested to advise on this.
- In the case of a deliberately false complaint, the Executive Director shall take appropriate measures to rehabilitate the subject of the complaint. Appropriate measures shall also be taken against the person who deliberately submitted the false complaint.

*e. Objection to decision*

- Anyone involved who objects to the Executive Director's decision can submit a written objection within 14 days, stating reasons, directly to the Executive Director. The Executive Director shall respond to the objection within 14 days.
- If the Executive Director's reaction is not found to be satisfactory, the objecting person can take the matter to the Whistleblower or the competent court.

*f. Confidentiality*

- All persons involved are required to keep the information that comes to their knowledge strictly confidential. This confidentiality does not apply to the advice provided by the Whistleblower and Integrity Officer or the employer's final decision, as the Executive Director is required to report this to the Board. Also the Board is required to keep the information to their knowledge strictly confidential



## **Addendum: proposal three positions**

As mentioned in the last board meeting, we need to decide whether we will appoint an internal or external Counselor, Integrity Officer and Whistleblower. Please find below the proposal of the Integrity Work Group (Christina Jansen, Tsering Jampa and Jorieke Bakker)

### **External Counselor**

Any type of violation could be very traumatic for the witness or victim. Therefore it is very important that the Counselor is professionally trained in providing first mental aid. Also, a lot of small CBF hallmark-recognized organizations have appointed a professional External Counselor. Our proposal is therefore to appoint a professional External Counselor.

Our accounting firm has advised us to contact their External Counselor, Mrs. Hilde Bleichrodt. Hilde Bleichrodt is Counselor for multiple schools and small non-profit organizations and she is willing to discuss a future collaboration with NSICT.

#### Contact details:

Mrs. Hilde Bleichrodt

E-mail: [h.bleichrodt@gmail.com](mailto:h.bleichrodt@gmail.com)

Telephone: 06-45988092

### **Internal Integrity Officer**

When a violation has been reported, the Integrity Officer is the coordinator of the investigation procedure on behalf of the Executive Director or Whistleblower. Also, the integrity officer has knowledge of the rules and procedures of the national government and CBF hallmark regarding integrity and improper behaviour. These tasks are similar to the tasks of HR. Therefore, in almost all CBF recognized organizations the integrity officer is their internal HR manager. Our proposal is to appoint Jorieke Bakker, Senior Operational Manager, who is tasked with HR, as the Integrity Officer.

#### Contact details:

Mrs. Jorieke Bakker

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Telephone: 06-84994235

### **Internal Whistleblower**

The CBF advised NSICT to appoint a board member as Whistleblower due to the nature of the Whistleblowers tasks. Our proposal is therefore to appoint Christina Jansen, board member, as Whistleblower.

#### Contact details:

Mrs. Christina Jansen

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