

Guidelines for the Prevention of Sexual Misconduct

DNDi POLICIES

DNDi
Drugs for Neglected Diseases *initiative*

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I. Introduction and purpose

1.1. DNDi is a Swiss not-for-profit foundation whose mission is to develop new treatments for neglected patients and diseases, and to provide collaborative, patient-focused, needs-driven, drug research and development (R&D) solutions for those who are vulnerable. The foundation wishes to set standards of behaviour that all DNDi Staff are required to adhere to, with the understanding that we wish to foster a diverse, inclusive and tolerant workplace, and to provide assistance to those who need help. The purpose of this document is not to try and impose any cultural sense of morality, but to provide generally acceptable guidelines with respect to preventing Sexual Misconduct and other forms of inappropriate sexual or other behaviour, to protect those people who are vulnerable with whom DNDi Staff may interact in the course of their professional activities.

1.2. With a global team bringing together experienced professionals from diverse backgrounds, including academia, non-profit organizations, the private sector and public institutions, and having established offices and workplaces around the world, DNDi welcomes and appreciates the multicultural nature of its workforce. The organization seeks to ensure that this diverse team continue to interact with each other in a spirit of collegiality and inclusiveness, thereby contributing to the organization's strength and its ongoing source of innovation.

1.3. DNDi is committed to creating and maintaining an environment that values human dignity and equal treatment without any distinction with respect to certain Protected Characteristics as defined below. Accordingly, DNDi has developed these Guidelines:

a) to Safeguard (as defined below) and to prevent abuse and exploitation of its Staff, Participants, the DNDi Community, and any other persons who may be vulnerable with whom DNDi Staff may have contact;

b) to enhance the likelihood that every Staff member feels valued, respected and safe to report concerns regarding potential incidents of sexual misconduct and to provide information in investigations without fear of retaliation or negative consequences for his or her career within the DNDi, and

c) to enhance the integrity of the engagement among DNDi Staff, Participants and partners, including donors, and others.

II. Scope of application

2.1. DNDi Staff are expected to contribute to building a harmonious workplace and working relationships based on team spirit, dignity, caring, fairness, respect, tolerance, equality and understanding. All are equally expected to uphold the dignity of all persons with whom they come into contact, especially those who are vulnerable, by ensuring that their personal and professional conduct is of the highest standards at all times. These Guidelines are applicable to, and binding upon, all DNDi Staff.

III. Definitions

3.1. **“Anything of Value”** means any benefit, consideration or item of pecuniary value, including but not limited to: money, gifts, travel, medical, educational or living expenses; meals, lodging, shopping or entertainment expenses.

3.2. **“Community”** means socio-economic groups of people that DNDi aims to help through its programs.

3.3. **“Discrimination”** means the unjust or prejudicial treatment of any person or categories of people on the grounds of any of the Protected Characteristics.

3.4. **“Harassment”** is defined as improper and unwelcome conduct by a Staff member or non-Staff personnel against another Staff member or non-Staff personnel or a group that has or that might reasonably be expected or be perceived to cause offence or humiliation to another or has the purpose or effect of violating an individual’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive working environment for him/her.

3.5. **“Misconduct”** means any conduct that violates DNDi policies or guidelines or applicable laws or regulations, for which sanctions may be imposed by DNDi, or any act of Discrimination, Harassment, exploitation, violence, abuse, or coercion, whether of a sexual nature or otherwise.

3.6. **“Participants”** means patients or subjects who are involved in or are likely to be involved in DNDi-sponsored clinical trials, including members of their families.

3.7. **“Protected Characteristics”** means age, civil partnership, class, disability, ethnicity, health (e.g. AIDS/HIV), gender, gender reassignment, maternity, mental capacity, mother tongue, nationality, origin, physical appearance, political affiliation, pregnancy, race, religion or sexual orientation.

3.8. **“Safeguard”** means, in its broad sense, to protect people and the environment from harm. More specifically, in the context of DNDi’s operations, it means to prevent harm caused by exploitation, abuse, harassment or bullying, whether or not of a sexual nature.

3.9. **“Sexual Harassment,”** as one form of Harassment, is understood as any unwelcome sexual advance, request for sexual favour, or other verbal or physical contact of a sexual nature when such conduct either:

a) has the purpose or effect of creating an offensive, hostile or intimidating environment or interferes with an individual's job performance (examples include, but are not limited to, offensive pictures, cartoons, symbols, or apparatus in the work environment of member of Staff); or

b) is made a term or condition of employment or compensation (or in the case of a potential Participant a condition for enrolment in a clinical trial or for receiving medical care), either implicitly or explicitly, or when a hiring decision is based on an individual's acceptance or rejection of such conduct.

3.10. **“Sexual Exploitation and Abuse”** refers to an abuse of authority, trust or a situation of vulnerability for sexual ends in exchange for Anything of Value, or the profiting monetarily, socially or politically, from the sexual exploitation of another.

3.11. **“Sexual Violence”** refers to acts of a sexual nature committed against any person by force, threat of force or coercion. Sexual violence encompasses acts such as non-consensual or coerced sexual acts, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other conduct of comparable gravity. “Coercion” includes not only a show of physical force but can also be caused by fear of violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of a coercive environment or of a person’s incapacity to give genuine consent (e.g., when dealing with a minor).

3.12. **“Sexual Misconduct”** means any form of Sexual Harassment, Sexual Exploitation and Abuse, or any other form of Sexual Violence.

3.13. **“Staff”** means any member of DND’s Board of directors, officers, employees, agents, representatives or consultants.

IV. Guidelines against sexual misconduct or other forms of inappropriate sexual behaviour

4.1. General: Harassment and Discrimination may take different forms. They may be present in the form of words, gestures, electronic communication forms, or other actions that annoy, alarm, abuse, demean, intimidate, belittle, cause personal humiliation or embarrassment to another, or cause an intimidating, hostile or offensive work environment. They may be deliberate, unsolicited, or non-coercive. They will often consist of a series of incidents but may be brought about by a single incident as well.

4.2. DNDi's Commitment: DNDi is committed to provide a work environment that is professional and free from Discrimination, Harassment, intimidation, hostility or other offenses that might interfere with work performance or the dignity of any human being, and that is particularly mindful of those who are vulnerable. Harassment or Discrimination of any sort, whether verbal, physical or visual, regardless of whether it involves co-workers or anyone else, will not be tolerated and is prohibited. DNDi Staff are expected:

- a) to behave in accordance with DNDi's values and create and maintain an environment which prevents any form of Discrimination or Harassment;
- b) to treat their colleagues, whether supervisors, peers or subordinates, all Participants, as well as other people with whom they come into contact while under employment or contract with DNDi, with dignity, caring, fairness, respect, tolerance, equality and understanding;
- c) not to engage in any form of Harassment or Discrimination, whether physical or verbal, by intimidation, favouritism, or exploitative relationships;
- d) to assess within their areas of responsibility the risks related to Harassment and Discrimination, with a view to putting in place appropriate measures to prevent such violations from occurring; and
- e) to report incidents of Harassment and Discrimination.

4.3. Safeguarding: Given DNDi's respect for all people, the organization – and all those who work for it -- have a duty of care towards others. DNDi is committed to:

- a) providing a safe and trusted environment for its staff and anyone who works with the organization or is under the organization's care;
- b) nurturing an organizational culture that accepts everyone's accountability for the safety and well-being of others;
- c) maintaining adequate policies and procedures for safeguarding DNDi's staff, patients, and everyone with whom the organization works, and ensuring that its policies and procedures, as well as the contents of these Guidelines, are well communicated, understood, and accepted; and
- d) providing a structure and an escalation process that ensures that secure reporting channels are available for all levels of the organizational hierarchy.

Note: the mere expression of disagreement, admonishment, criticism or similar action regarding work performance, conduct or related issues within a supervisory relationship will not normally be considered Harassment or Discrimination within the meaning of these guidelines if it is based on objective grounds.

Any such work-related disagreement or expression of disagreement is dealt with under separate Human Resources guidelines.

4.4. Sexual Misconduct or inappropriate behaviour of a sexual nature: DNDi strongly condemns and prohibits all forms of Sexual Misconduct or inappropriate behaviour of a sexual nature. The following sets forth additional guidance:

a) Sexual Harassment in the workplace occurs when it involves another Staff member, their work, is made a condition of hiring or when it creates an intimidating, hostile or offensive environment for the victim, or witnessed by surrounding observers. A one-time incident may fall within the definition of Sexual Harassment if it has been perceived by the victim or by surrounding observers to be of an unambiguously offensive sexual nature. Sexual harassment can involve people of any gender.

b) Exchange of Anything of Value for sex, sexual act or for any inappropriate physical contact is prohibited whenever acting or travelling in a professional capacity, which includes on travel missions, secondments, postings, etc. DNDi Staff are prohibited from using the services of sex workers when acting or travelling in a DNDi capacity where such services are likely to be exploitative or involve people who are vulnerable.

c) Sexual activity with vulnerable people, such as children or adults unable to give consent is prohibited, regardless of the local legal age of majority or age of consent. Mistaken beliefs in the age of a child or ability of an adult to consent are not a defence.

d) A sexual relationship between a DNDi Staff member and a Participant is prohibited. Any relationship that was present prior to the Participant's involvement in a clinical trial must be declared and the Participant's involvement will be considered on a case-by-case basis by DNDi's senior management responsible for the clinical trial.

e) A sexual relationship between a DNDi Staff member and a member of the Community (who is not a Participant) is prohibited if it is exploitative. Whether a relationship is exploitative or not has to be determined according to the specific circumstances of each individual case. Are the interests in the relationship reciprocal? Is there an abuse of a position or of a vulnerability? How much control over his/her personal circumstances does each of the persons have? The greater the difference in level of control over personal circumstances between the parties, the stronger is the indication that the relationship is of an exploitative nature and likely to be Sexual Misconduct.

f) It is inappropriate sexual behaviour for DNDi Staff to produce, procure, distribute or use pornographic material in any DNDi workplace or on any DNDi equipment, including reading/surfing pornographic websites or message boards or sending or engaging with pornographic emails or text messages.

4.5. Effect of Violations of these Guidelines: Sexual Misconduct or inappropriate sexual behaviour constitutes serious Misconduct and is therefore grounds for disciplinary action up to and including immediate termination or dismissal for cause.

4.6. Reporting: The grave consequences that Sexual Misconduct by DNDi Staff carry for victims and DNDi's ability to operate make it necessary that all concerns or suspicions of Sexual Misconduct are managed properly, so that any such harmful behaviour can be stopped, and victims receive the necessary assistance. As such, when a DNDi Staff member has a good faith concern or suspicion regarding Sexual Misconduct by another DNDi Staff member, (s)he must report such concerns to a member of Staff of their choice. The matter should then also be reported (with the help of that Staff member, if preferred) to the Human Resources and Organization Director or the Ombudsperson(s) (as defined in Annex A). It is not necessary to be sure or to have proof before reporting a concern, as long as the concern is in good faith. DNDi Staff, including managers, should not take it upon themselves to investigate allegations in order to obtain proof before reporting. All good faith concerns or suspicions must be reported. Further, all DNDi Staff should actively identify and report risks in DNDi programs that they genuinely believe could present a risk of Sexual Misconduct.

4.7. Confidentiality: Confidentiality is particularly important during the reporting of potential incidents of Sexual Misconduct in order to ensure that the rights and dignity of victims are respected, that those with information are not hesitant to come forward, and to avoid damaging the reputation of individuals, workplaces, projects or organizations by the premature disclosure of allegations. As such, the number of people who are informed about any reported complaint should be kept to a minimum, although other persons believed to be vulnerable and likely to become victims may be informed of the disclosing person's concerns. In particular, the identity of any person or entity reporting observed or suspicions of Sexual Misconduct must be kept confidential.

4.8. Investigations: DNDi will investigate promptly any complaint of Sexual Misconduct and will take immediate and appropriate disciplinary action if Sexual Misconduct has been found. The organization is committed to investigate with due regard for the privacy of everyone involved.

4.9. No Retaliation: DNDi is committed to avoid any retaliation against victims and any person acting in good faith who reports on Sexual Misconduct, whether by DNDi Staff, or who cooperates in a Sexual Misconduct investigation carried out under the authority of DNDi or working with DNDi's Ombudsperson(s). Allegations made in bad faith (which include malicious or seriously reckless allegations), however, shall be deemed to be a form of Misconduct.

4.10. Anonymity: Reports received from anonymous sources may be assessed by Human Resources or external advisors and may lead to an investigation, if they include sufficient detail to allow for independent corroboration of the information provided.

4.11. Training and Raising Awareness: DNDi is committed to ensuring that effective sensitization and training measures are continuously developed and implemented with the aim to provide guidance and increase awareness of the risks of Sexual Misconduct or other inappropriate sexual

behaviour and to develop skills for understanding, detecting, preventing and reporting any form of Sexual Misconduct or other forms of inappropriate sexual behaviour by any DNDi Staff. These trainings and sensitization courses are to be conducted at regular intervals in all DNDi workplaces.

4.12. Prospective Staff Screening, Staff Monitoring and Provision of References: In order to minimize the risks of hiring someone who might engage in Sexual Misconduct while acting as a DNDi Staff member, or retaining someone who might be engaged in Sexual Misconduct, or of facilitating the hiring by another employer of Staff found to have committed Sexual Misconduct while a DNDi Staff member, the Director of Human Resources and Organisation shall, in compliance with applicable laws:

a) ensure that the organization is recruiting individuals that meet the standards of conduct expected of Staff, by incorporating a number of safeguards into the recruitment process, including but not limited to assessment tools for integrity, professional experience, academic checks, and vetting and reference checks. In line with best practices adopted by other international humanitarian organizations, this means that prospective Staff will be asked to confirm in writing whether they have ever been found to have engaged in Sexual Misconduct or inappropriate sexual behaviour in the past, and to consent to the disclosure of all information regarding any misconduct or other inappropriate behaviour that led to the termination of their employment or consultancy relationship by their former employer, to facilitate the verification of references;

b) ensure that the organization is regularly monitoring the performance of Staff through appropriate evaluation processes with managers. This evaluation process should include the competencies and responsibilities related to compliance with, and the responsibilities outlined in, these Guidelines; and

c) notify an inquiring prospective employer of a former Staff member of any findings of Sexual Misconduct in such person's employment record at DNDi.

4.13. Sexual Misconduct Resolution Processes: DNDi has established informal and formal resolution processes to address allegations of Sexual Misconduct as soon as possible, in a fair and respectful manner, and to prevent situations from deteriorating or escalating, in which parties can become inappropriately adversarial or seeking to create hostile coalitions. These resolution processes are described in Annex A below.

Annex A: Sexual Misconduct Resolution Processes

The following describes the informal and formal resolution processes established by DNDi to address allegations of Sexual Misconduct.

1. Definitions

1.1. “**Complainant**” means a person who believes they have been the victim of Sexual Misconduct.

1.2. “**Observer**” means a DNDi Staff member who observes behaviour which (s)he believes in good faith amounts to Sexual Misconduct.

1.3. “**Reportee**” means the person whose behaviour is believed to constitute Sexual Misconduct.

2. Complaints

2.1. Informal Complaint Process:

a) Any DNDi Observer or Complainant who believes a Reportee has committed Sexual Misconduct is encouraged (if they are comfortable doing so) to bring this directly to the attention of the Reportee in an attempt to resolve the problem at its source or at least to prevent the situation from recurring or deteriorating.

b) Depending on how the Observer or Complainant feels most comfortable, (s)he may do so either in person or in writing. If possible, the Observer or Complainant should make clear to the Reportee the observed behaviour that is believed to constitute Sexual Misconduct, and should ask him/her to cease such behaviour.

c) The Observer or Complainant may choose to discuss any Sexual Misconduct incidents informally with any of the following colleagues, for advice and support:

- i. her/his supervisor or another manager;
- ii. a local member of Staff or a person who has been designated locally to receive such complaints;
- iii. the Director of Human Resources and Organisation;
- iv. the Ombudsperson(s);
- v. the Board member (when concerning a complaint against the Executive Director);
- vi. via the web based 24/ anonymous reporting platform¹.

d) DNDi Staff are encouraged to initiate a formal complaint process for any behaviour they find to be offensive or to be repeatedly offensive, whether to themselves or to others.

¹ Being set-up in 2019 with aim to launch in early 2020

2.2. Formal Complaint Process:

- a) Any Complainant or Observer who believes (s)he or someone in the workplace or outside it is being subjected to Sexual Misconduct in any of its forms by any DNDi Staff member(s), is expected to submit a confidential written complaint the Director of Human Resources and Organisation, and/or the Ombudsperson(s), and/or to the ICC (if one is already constituted locally, as defined in Section 4 below),
- b) The complaint should include the name and signature of the Complainant or Observer and the date it was signed. It may also include the names of any people who may have helped in the preparation of the document.
- c) Complaints to the ICC may be sent directly by e-mail to the Ombudsperson(s) or the Director of Human Resources and Organization, or via any DNDi member of the Complainant or Observer's choice.
- d) The ICC may send and consult with the Ombudsperson(s) on any complaints received, and the Ombudsperson(s) shall be entitled to ask the ICC for information on a confidential basis and to attend its meetings.

3. Ombudsperson(s)

3.1. Role: The Ombudsperson(s) are independent, neutral, impartial and external person appointed by DNDi, whose role is to contribute to the creation of a respectful and harmonious workplace environment, by facilitating good communications, understanding and trust within the organization and with outside persons. The Ombudsperson(s) offers various forms of support for handling disputes, providing an opportunity to all persons concerned to act responsibly, taking into consideration their interests and concerns. These forms of support can include facilitation of dialogue, coaching and mediation. The Ombudsperson(s) may also involve an additional person (e.g., for language or cultural support) as (s)he may deem appropriate in any case.

3.2. Place in DNDi: The Ombudsperson(s) is independent from management and governance, and reports to DNDi's Board of Directors, although her/his performance is overseen and administered by the Director of Human Resources and Organization. The Ombudsperson(s) shall present a written report at least once a year to the Board. The Ombudsperson(s) shall deal with all issues brought to her/his attention (whether an Observer, Complainant, Reportee or other member of Staff) under rules of confidentiality.

3.3. Services: The services of the Ombudsperson(s) consist of accompanying any Staff members involved in a dispute that is related to a workplace issue, including any allegations of Sexual Misconduct, by listening, helping to understanding observed behaviors, and working collaboratively on options that may help the individuals concerned and the organization to learn from any incidents in a positive manner, facilitating dialogue, the exchange of perceptions or mediating between the persons involved in any dispute or allegations of Sexual Misconduct if the Complainant and Reportee consent to the Ombudsperson(s)'s involvement. The Ombudsperson(s)

will help to explore possible options and mutually acceptable outcomes during the reporting process and provide support without violating any identities or information received in confidence. The Ombudsperson(s) may also observe and participate in any complaint processes provided for pursuant to these Guidelines.

3.4. Confidentiality: The Ombudsperson(s) may not disclose any information received under confidentiality to any member of Staff, regardless of their position (e.g., Board member or manager) without the disclosing person’s prior consent, unless there exists an imminent risk of serious harm or the commission of a crime. In such cases, the Ombudsperson(s) may report such behavior (although not its source, unless absolutely necessary) to the relevant authorities. The Ombudsperson(s) acts with neutrality and does not represent the interests of any individual members of management or Staff, but is available to DNDi for managing and/or resolving any disputes or situations regarding allegations of Sexual Misconduct.

3.5. Communications to the Ombudsperson(s) may be directed to the following telephone/email addresses

DNDi’s Ombudsperson(s)	
Jeremy Lack	ombuds_lack@extern.dndi.org jlack@lawtech.ch + 41 79 247 1519
Dr Fernanda Salina	ombuds_salina@extern.dndi.org fernanda.salina@bluewin.ch + 41 79 263 5726

4. ICC

An Observer or Complainant may submit a formal request or written complaint to DNDi’s Director of Human Resources and Organization and/or to the Ombudsperson(s), requesting the appointment of an Internal Complaints Committee (“ICC”): (a) to initiate a formal complaint process; (b) to provide input into an ongoing matter; or (c) if (s)he is not satisfied with the results of any reporting process or outcome provided for in this Section and seeks a review of the way that process was handled. Any complaint received shall lead to the appointment of an ICC in accordance with the provisions of this Section 4.

4.1. ICC Composition:

a) The ICC’s composition shall be appointed by the Director of Human Resources and Organization or the Ombudsperson(s) on a case-by-case basis to handle each complaint received, with the view

to enabling an objective, neutral and impartial review of any allegations or complaints made. The Director of Human Resources and Organization and the Ombudsperson(s) will coordinate their activities to ensure the appointment of a neutral and impartial ICC that is appropriately adapted to each case.

b) A minimum of two (2) members of the ICC will be nominated by the Director of Human Resources and Organization, who will join and become the third member of that ICC, subject to the provisions of subsection 4.1.f) below.

c) Each ICC should usually consist of at least two (2) people who shall be of the same gender as the alleged victim(s), unless the Director of Human Resources and Organization should decide otherwise for legitimate reasons.

d) The composition of each ICC may be reviewed and adjusted to ensure that the Complainant, Reportee and any Observers are able to provide information in their language of choice, to avoid any direct lines of hierarchy between members of the ICC or with the Complainant, Reportee or Observers that may be problematic, or to avoid any possible perceptions of bias.

e) External investigators, counsellors, lawyers or other external experts who are neutral and impartial may also be co-opted to the appointed ICC for each complaint by the Human Resources and Organization Director, or as advised by the Ombudsperson(s).

f) The Director of Human Resources and Organization may be replaced by the Director of Operations in Geneva or a member of the Board of Directors in any of the above situations, should the circumstances so require. The Ombudsperson(s) will be consulted in such cases.

g) For any complaints filed against the Executive Director or the Director of Human Resources and Organization, the ICC shall consist of three (3) external neutral and impartial people appointed by the Ombudsperson(s).

h) The ICC may ask the Ombudsperson(s) for assistance in setting up or organizing any proceedings.

i) The composition of any ICC and its proceedings shall be amended as may be necessary to comply with local laws.

4.2. ICC Process:

a) Preliminary Steps in the Event of a Formal Complaint:

- i. Upon receipt of a formal complaint and following the appointment of the ICC, the ICC will consider whether the behavior described in the complaint meets the criteria for Sexual Misconduct.
- ii. If the behavior described clearly meets the criteria for Sexual Misconduct, an investigation must be carried out unless the Complainant, Reportee and any Observers involved provide a written document stating that the incident has been resolved to their mutual satisfaction (e.g., following an informal complaint process or mediation). If so, however, the ICC may

- still proceed with an investigation, at its sole discretion, if it thinks the circumstances may warrant this.
- iii. If the behavior described does not clearly meet the standards of Sexual Misconduct, but another form of Misconduct or inappropriate behavior, following consultation with the Ombudsperson(s), the ICC may decide to proceed with an investigation or not.
 - iv. If the ICC decides not to conduct an investigation, it shall advise the Complainant and/or Observer having signed the complaint accordingly. The matter may also be handled through mediation (e.g., using the Ombudsperson(s)) or through the implementation of a performance management review via the Human Resources department. If the Complainant or Observer contests that the behavior described clearly does meet the criteria for Sexual Misconduct, (s)he may appeal this decision.
 - v. Confidentiality: In all cases, extreme care should be taken to ensure utmost confidentiality. All interviewed Staff members should be informed in writing that they have the obligation to keep all information obtained in the course of an investigation or interview under strict confidentiality. Any breach of this obligation may be treated as serious Misconduct and result in serious consequences.
 - vi. The ICC may discuss with the Complainant and/or any Observers the possibility of considering an informal resolution process and/or that they speak to the Ombudsperson(s). The ICC may (at its discretion) suspend its investigation activities if an informal resolution process is initiated.

b) Investigation:

- i. If an investigation is to occur, the ICC will inform the Reportee about the existence of the complaint and provide him/her with a copy of it, redacting any sensitive names or information as may be appropriate. The alleged offender shall have ten (10) business days to respond in writing to the complaint should (s)he chooses to do so. However, if in the view of the ICC the disclosure of the formal complaint would put at risk any alleged or potential victims, witnesses or evidence, the investigation may begin without notifying the Reportee. In that case, the Reportee will be notified subsequently, but no later than three (3) business days before his/her interview in the course of the investigation. The ICC may still choose to redact any particular information at such time, if it believes that divulging such information is more likely than not to be prejudicial to its ability to conduct its investigation or would put at risk alleged or potential victims, witnesses or evidence.
- ii. The ICC may determine that certain interim measures should be taken to protect vulnerable people involved or to safeguard evidence in the investigation proceedings, while the situation continues to be investigated or is being resolved. Such interim measures may include separating the persons concerned from working in the same place, in the same department, or in their lines of reporting, and/or placing one or more of the individuals involved on special leave with pay.
- iii. The ICC will undertake a full investigation of any Sexual Misconduct complaint that is not amicably resolved and will also submit a final written report within sixty (60) days following

the date of its appointment or as soon as possible thereafter, or following any amicable resolution process, with its conclusions indicating how it should be resolved or why it considers the matter properly settled. If there is an unavoidable delay in completing a full investigation, the Complainant, the Observer(s) and the Reportee, as well as any other persons concerned will be notified of this delay in writing.

- iv. Any Reportee or any DNDi Staff member who has a close personal relationship with a person accused of Sexual Misconduct (e.g., a friend, partner, family member, etc.), may refuse to be interviewed and may refuse to cooperate with any pending investigation proceedings. The ICC, however, may make adverse inferences as a result of such persons' failure to cooperate or to answer questions.
- v. Any persons involved in an investigation may contact the Ombudsperson(s) directly at any time. Any information provided to the Ombudsperson(s) will be treated in confidence, unless the disclosing person has authorized the Ombudsperson(s) to share it, or withholding that information may endanger the health or lives of other people. The failure of the Complainant, the Reportee, or any Observers to cooperate with the Ombudsperson(s) may not be communicated by the Ombudsperson(s) without that person's consent, and it shall not give rise to any adverse inferences.
- vi. If the complaint involves the Director of Human Resources and Organization, then the complaint may be brought directly to the Executive Director and/or the Ombudsperson(s). If the complaint involves the Executive Director, the complaint should also be brought to the attention of the Chair of the Board of Directors, and the members of the Nominations, Remuneration and Safeguarding Committee (unless they are also alleged to be personally involved, in which case another member of the Board of Directors shall be so-informed).

c) Final Report: The final report of the ICC's investigation will be submitted to the Executive Director (or to the Board of Directors via the Nominations, Remuneration and Safeguarding Committee, if the Executive Director is one of the accused persons), and a copy shall be provided to the Ombudsperson(s). The Complainant and the Reportee will be informed that the investigation has been completed and that a final determination will be made. If the final report is based on the acceptance of an amicable resolution following an informal complaint process, the ICC shall explain why it believes the matter should be considered as appropriately settled.

d) Final Determination Process:

- i. Upon receipt of the investigation report, the Executive Director or delegated persons (e.g., the Board or a subcommittee thereof) will provide the Complainant, the Observer(s) and the Reportee with a copy of the final investigation report, which shall be subject to strictly confidentiality and may not be disseminated to anyone other than their lawyers without the prior written consent of the Executive Director or two Board directors. Any documents may be redacted as deemed appropriate by the Director of Human Resources and Organization. The Complainant, the Observer(s) and the Reportee may submit comments on the investigation report in writing within ten (10) business days from receipt of the final report.

ii. The Executive Director or a person with delegated authority will consider the findings of the report and any comments made by the Complainant, the Observer(s) or the Reportee before deciding on any final action.

iii. Disciplinary proceedings may be initiated based on the ICC's findings, the conclusions set forth in the investigation report issued by the ICC, the comments of the Complainant, an Observer or the Reportee, or the ICC's final report. Disciplinary measures may include dismissal, demotion, suspension, salary adjustment, written warning, a reprimand, mandatory training, a change of functions, line reporting, or responsibilities, contract termination, counselling or other appropriate corrective measures. Any internal disciplinary measures shall be without prejudice to any other proceedings that may be required by local law (e.g., local criminal law proceedings) or that an alleged victim may choose to file before national courts or police authorities.

iv. DNDi will maintain a written record of each complaint, the ICC's decision whether or not to investigate, the investigation, the final report and the final determination. Written records will be maintained in confidence to the extent practicable.

2. Reporting to the Board and Staff

2.1. The Executive Director or the Director of Human Resources and Organization (designated as Safeguarding Officer for DNDi by the Board) has the obligation to report to the Board during its Board meetings any cases of Sexual Misconduct leading to dismissal, or involving judicial proceedings, whether in criminal or civil courts.

2.2. In addition, DNDi shall issue an annual, non-nominative confidential report to the Board of Directors, providing the numbers of complaints filed, investigations carried out, final reports written and final determinations decided per calendar year, and a summary of all disciplinary measures taken.

2.3. DNDi Director of Human Resources and Organization shall give an annual summary presentation, available to all DNDi Staff and donors, on the number of complaints filed and investigations carried out, and the number of final determinations decided per calendar year.

3. Appeal and Withdrawal of Complaint

3.1. Requests for Appeal: Both the Complainant and the Reportee may request a review of any alleged failures to properly implement the procedures and principles of these Guidelines fairly and reasonably. They may also request a review of any administrative or disciplinary actions taken pursuant to these Guidelines. Any reviews shall be conducted in accordance with local laws or such other provisions as may have been provided for in relevant contracts.

3.2. Withdrawal of a Formal Complaint: If a Complainant or Observer wishes to withdraw a formal complaint at any stage, (s)he may do so. In that case, (s)he shall file a written request with the ICC. After considering the reasons for withdrawal, the ICC may accept the withdrawal of the

complaint or may nonetheless decide to pursue the matter if it determines that the gravity of the allegations merit a full investigation and final report, despite the request for a withdrawal.