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Procedure on Handling Reports of Alleged Misconduct

1. General Objective

This Procedure sets out the steps for the handling of allegations of misconduct reported through the established channels, including allegations of violations of the Code of Ethics and Business Conduct and related ethics policies.

Staff must be aware of risks of potential ethics violations and have a duty to report actual or possible violations of CGIAR's rules, policies, or procedures and/or of applicable local laws that may come to their attention to help protect the people potentially affected, as well as CGIAR and its resources, in line with the Policy on Whistleblowing and Protection from Retaliation.

This Procedure is not a substitute for routine communications within CGIAR between employees and their supervisors and managers, particularly as to workplace duties. Likewise, it does not replace communications with Human Resources staff about benefit issues or other job-related issues.

2. Procedure description

Informal Resolution in Interpersonal Cases

- 1.1. Early, direct intervention to address behaviors perceived to be offensive may be effective in ensuring that any inappropriate conduct ceases. Any person who feels they are the subject of, or who witnesses, inappropriate conduct, is encouraged to make it clear to the alleged offender that the behavior is unwanted and should immediately cease. Any person who believes they have been the target of misconduct under relevant ethics policies is also encouraged to document the incidents.
- 1.2. Informal intervention by an impartial third party (e.g., the Ombudsperson) may also be an effective mechanism to prevent an interpersonal conflict from escalating and help to ensure that any inappropriate conduct ceases.

- 1.3. Any attempts to resolve the matter through informal resolution do not preclude the aggrieved person from filing a complaint through the formal reporting channels.

Formal Report Procedures for Any Alleged Misconduct

- 1.4. CGIAR Staff may report concerns with regard to possible alleged misconduct – including but not limited to interpersonal misconduct, financial irregularities, misuse of resources, and more – through the established channels as identified in the Policy on Whistleblowing and Protection from Retaliation and as linked at Ethics at CGIAR - CGIAR.
- 1.5. If the person filing the report chooses to do so on an anonymous basis, they must provide sufficient information concerning the basis of the allegations and the parties involved, and sufficient detail or supporting factual evidence to enable CGIAR to pursue the matter. Anonymous reporting may not allow for the matter to be pursued beyond an initial review.
- 1.6. There is no specific time limit for filing a report after the alleged events have occurred. However, individuals who report allegations are encouraged to do so, to the extent possible, as soon as possible after the relevant event(s) have become known, as the passage of time is likely to affect the ability of CGIAR to look into the matter and, where warranted, take disciplinary action.
- 1.7. All reports received shall be treated with discretion, sensitivity, and confidentiality. Anyone involved in receiving and handling reports of alleged misconduct has a duty to maintain the confidentiality of the process. Information is therefore shared on a need-to-know basis only.

Exit Interview Process

- 1.8. All staff members leaving CGIAR employment should be informed, as part of the exit interview process run by a representative of the respective Center People and Culture team, of the option to speak confidentially with Ethics and Business Conduct in case they wish to make a report or address any concerns. Senior Management who leave the employment of CGIAR will be expressly recommended to have a confidential exit interview with Ethics and Business Conduct.

2. HANDLING REPORTS OF ALLEGED MISCONDUCT

I – Reporting Requirements

- 2.1. The CGIAR System Organization has a legal requirement to notify funders of credible concerns¹ of financial irregularities and interpersonal misconduct.² There is a corresponding legal duty on Centers to promptly inform the System Organization if there is a credible concern of financial

¹ A “credible concern” is understood to be more than a mere rumor or suspicion, but less than a final determination following an investigation. Whenever there is an allegation that is (i) not incredible on its face, and (ii) that sets out alleged facts that, if true, could constitute financial irregularities or interpersonal misconduct, this should be reported to Ethics and Business Conduct for a discussion, with a presumption this would constitute a reportable “credible concern.”

² The mechanism to do this has been via the Audit, Finance and Risk Committee of the System Board and via the System Council including via committee.

irregularities in connection with the implementation of activities financed by Window 1, 2 and 3 funds (in addition to any bilateral reporting requirements of Centers to funders). In addition, under annual Decision Letters, there is an additional requirement to report a credible concern of interpersonal misconduct in connection with the implementation of activities financed by Window 1, 2 and 3 Funds. In practice, this should cover all CGIAR Staff since there is a high likelihood at least some portion of their work or funding is from those funds, absent clear evidence to the contrary.

- 2.2. In practice any misconduct allegation should be reported to and discussed with Ethics and Business Conduct, including, importantly, to help in the determination of whether the credible concern threshold is met, as well as to discuss how to address in line with the ethics policies and best practice. The purpose of this is to ensure fairness and a high standard of conduct and performance in our decision-making processes to protect the reputation and integrity of CGIAR and each Center. By doing so, we will promote broad public trust and confidence in our ability to properly manage our activities.
- 2.3. Once a report of misconduct has been relayed to Ethics and Business Conduct, the matter should be considered confidential pending final resolution. As such there should be no further reporting of the alleged misconduct, except by Ethics and Business Conduct to the relevant Committee of the System Council and/or the System Board, or in annual and standard reporting, as necessary and in line with standard reporting practices.

II - Preliminary Assessment

- 2.4. The filing of a report through the formal reporting channels triggers an initial assessment of the report and any supporting documentation, the purpose of which is to assess whether the report of alleged misconduct is credible and verifiable to inform a decision on appropriate next steps. The process may involve preliminary fact-finding.
- 2.5. If the conclusion of the preliminary assessment is that the matter does not raise a legitimate concern of possible misconduct, the complainant will be so informed.
- 2.6. If the conclusion of the preliminary assessment is that there is a legitimate concern of possible misconduct, the matter shall proceed to a full inquiry/investigation and the complainant will be so informed.

II - Fact-finding Inquiry/Investigation

- 2.7. The purpose of an investigation, if deemed to be warranted following the preliminary assessment, is to conduct a full fact-finding and consider the relevant evidence as to whether the alleged misconduct has occurred. The investigation may be conducted by an internal or external investigator(s) (the "Investigator"), at the discretion of Ethics and Business Conduct.
- 2.8. The Investigator identified is responsible for developing a detailed Investigation Plan, to document the process, including key decisions and actions, and to write the final Investigation Report.

The investigation shall be conducted in a timely, impartial and thorough manner that respects the sensitivities of the situation and the due process rights of all parties involved. In particular:

2.8.1.A complainant shall be given the opportunity to provide supporting information and suggest the names of persons to be interviewed. They shall also be provided with feedback in general terms on the progress of the investigation and be informed of the investigative findings and conclusions to the extent possible.

2.8.2.The alleged perpetrator shall be notified of the nature of the allegations against them and be heard in their defense, including being given the opportunity to provide information, suggest the names of persons to be interviewed and to know the evidence against them.

2.9. All persons interviewed for the purposes of an investigation have a duty to cooperate and be truthful. Everyone involved also has a duty to keep confidential the existence of an ongoing investigation. Any breaches of confidentiality may constitute grounds for disciplinary action and may have an adverse impact on any proceedings related to the complaint.

III - Interim Measures

2.10. The relevant Center Director General, Head of Human Resources/People and Culture, as applicable, in consultation with Ethics and Business Conduct, may decide to impose interim measures against the alleged offender, in accordance with relevant Center-specific personnel policies, during the investigation if they consider it to be warranted to protect the integrity of the process.

2.11. Interim measures (such as temporary reassignment or temporary leave of absence) may also be agreed with the complainant.

IV – Right to Appeal

2.12. CGIAR Staff have the right to file an appeal against a decision of the organization taken at the conclusion of the investigative or disciplinary process in accordance with the Center-specific regulation or as set out in CGIAR’s Dispute Resolution Policy if and when adopted.

V – Local Law

2.13. CGIAR seeks to maximize the uniformity of treatment of Staff with respect to allegations of misconduct and the applicability of this Procedure. To the extent local law – including local labor law – is applicable to Staff members involved in any report of misconduct, such law will be followed, based upon advice by the relevant CGIAR Center counsel, but with an eye toward maximizing uniformity of treatment.

VI – Reports involving Directors General or Executive Managing Director

2.14. When there is an allegation of misconduct against the most senior members of staff, the following process will take place due to the absence of a more senior staff-level decision-maker:

2.14.1 The report will be directed by Ethics and Business Conduct to the Focal Point for the Committee of the CGIAR System Board tasked with addressing ethics and risk as well as to the Chair of that Board.

2.14.2 In consultation the relevant committee of the CGIAR System Board referenced above, the report will be further directed by Ethics and Business Conduct to the Vice Chair of the relevant CGIAR Center (or Entity), or in the case of the Executive Managing Director, the Vice Chair of the CGIAR System Board. Oversight of any investigation will be by the Vice Chair of the relevant Board, in consultation with Ethics and Business Conduct.³

2.15. To the extent possible, efforts will be made to follow the standard processes used for staff investigations, as well as to take into account local employment law where relevant.

VII – Reports involving Board Members

2.16 An allegation of misconduct against a Board Member (who is not an employee of CGIAR) will be addressed in accordance with the CGIAR Code of Conduct for Governance Officials.

3. DOCUMENT MANAGEMENT

Management Table

Accountable Official	Responsible Official	Consulted Parties	
Elwyn Grainger-Jones	Andrew Giddings	CoPs: People and Culture Internal Audit Legal (ongoing)	
Related Documents			
<ul style="list-style-type: none"> • Code of Ethics and Business Conduct • Policy on Protection Against and Prevention of Harassment and Discrimination • Policy on Whistleblowing and Protection from Retaliation • Safeguarding Policy – Protection Against and Prevention of Sexual Misconduct, Exploitation and Abuse, and Human Trafficking 			
Revision History			
Version	Effective Date	Approval	Summary of Changes

³ It is anticipated that, if an investigation is warranted, this would be conducted by a third-party investigator contracted by the relevant Center based on consultations with Ethics and Business Conduct.