



**Welcome the stranger.  
Protect the refugee.**

## **HIAS WHISTLEBLOWING POLICY**

### **Purpose**

In keeping with its vision, values, and Code of Conduct, HIAS aims to maintain the highest standards of accountability, integrity, and ethics, and to comply with all applicable laws, rules, and regulations. In furtherance of these commitments, all Covered Persons (as defined below) must act in accordance with all applicable laws and regulations, and with the Code of Conduct and other policies of HIAS at all times, and assist in ensuring that all those who work for or represent HIAS conduct its business and affairs accordingly.

This Whistleblower Policy (this “Policy”) is a transparency and accountability measure to encourage staff and associated personnel to disclose wrongdoing by HIAS or persons associated with HIAS. The Policy (a) establishes procedures for the reporting and handling of concerns regarding action(s) or suspected action(s) taken by or within HIAS that is or may be illegal, fraudulent or in violation of any law, rule, regulation or HIAS policy, as well as any other matter that could cause serious damage to HIAS’ reputation, as more fully described below (each, a “Prohibited Activity”), and (b) prohibits retaliation against any Covered Person who, based upon a reasonable belief, reports a Prohibited Activity.

If HIAS determines that the Covered Person’s information may reasonably disclose a Prohibited Activity, HIAS will conduct an investigation. If that investigation finds that a Prohibited Activity exists, appropriate corrective action should be taken to cure any harm and the violator may be subjected to disciplinary action, up to and including termination of any employment or other relationship with HIAS. By appropriately responding to Prohibited Activities, HIAS can better support an environment where compliance is valued and ensure that HIAS is meeting its ethical and legal obligations.

For the avoidance of doubt, any HIAS staff or personnel who at the time of reporting a Prohibited Activity has a *reasonable belief* in the accuracy of their disclosure qualifies as a “Covered Person” under this Policy and is protected against retaliation, provided, however, that any HIAS staff or personnel who makes a disclosure of a Prohibited Activity which they know to be false may be subject to disciplinary action, up to and including termination.

### **Applicability**

This Policy applies to all HIAS staff and associated personnel, including but not limited to, board members, directors, officers, employees, independent contractors, consultants, fellows, interns, and volunteers or any others working on behalf of HIAS in any HIAS global location or on behalf of HIAS in a non HIAS location (each a “Covered Person”, “you”, or “your”, and together, “Covered Persons”, “they”, or “their”).

This Policy may be incorporated into and form a part of an employee's terms and conditions of employment and may be subject to change at the discretion of management. Adherence to this Policy by all Covered Persons is mandatory.

If any provision of this Policy conflicts with a law, rule or regulation, the law, rule or regulation shall control, absent a clear conflict with generally recognized humanitarian standards. In such a case, the remainder of this Policy shall remain in force and effect and be construed as if the conflicting provision were deleted.

This Policy does not apply to (1) performance concerns about personnel or (2) conduct not included as a Prohibited Activity. Other complaints should be directed to your local Human Resources ("HR") representative and, as appropriate, elevated to HIAS Headquarters ("HIAS HQ") Human Resources.

### **When to Raise a Prohibited Activity**

Covered Persons are encouraged to disclose any Prohibited Activity. While Prohibited Activities may be submitted at any time, Covered Persons should report a Prohibited Activity as soon as reasonably possible after becoming aware of the matter. A "Prohibited Activity" shall include any violations of law, rule or regulation or any HIAS policy, including the Code of Conduct, which is hereby incorporated by reference, and shall include, but shall in no way be limited to, the following:

- Financial wrongdoing, including but not limited to, theft, bribery, fraud, circumvention of internal controls, violations of any HIAS accounting policies, money laundering and aid diversion
- Failure to comply with any applicable law, rule, regulation or other legal obligations
- Sexual misconduct, including but not limited to, sexual abuse, harassment or exploitation (see HIAS' Safeguarding Policy for further detail)
- Abuse or exploitation of any person (see HIAS' Safeguarding Policy for further detail)
- Abuse of power
- Gross mismanagement or waste
- Breach of HIAS' Code of Conduct
- Breach of HIAS' Data Protection Policies
- Breach of HIAS' Procurement Procedures
- Breach of HIAS' Discrimination and Harassment Policy
- Breach of HIAS' Safeguarding Policy
- Breach of Funder Guidelines
- Breach of Country Office/Resettlement Support Center local policies and procedures
- Any activity which, if disclosed, would bring HIAS into disrepute
- Any action that will cause unreasonable danger to an employee or property
- Deliberate concealment of information relating to any of the matters listed above

### **What to Report**

Disclosures must be based on credible information, including but not limited to, first-hand observation(s), sworn affidavits of third persons, physical or documentary evidence. No specific form is required to be filled out in order to submit a Prohibited Activity, but you are encouraged to provide as

much information and detail as possible so that the Prohibited Activity can be properly investigated. In making a disclosure, to the extent possible, you should provide the following information:

- What is the Prohibited Activity you are reporting?
- How do you know this Prohibited Activity occurred?
- When did you first learn of or become suspicious about the matter?
- Who is involved? Include all possible violators and/or victims.
- What happened? Describe what you know about the matter, including dates, times, places and what transpired.
- Can anyone else vouch for or corroborate your concerns?
- Have you previously reported this matter?
  - If so, when and to whom?
  - Was any action taken?
- Does the Prohibited Activity pose an immediate risk of danger or physical harm?

### Reporting Process

1. You may make a disclosure of a Prohibited Activity, whether orally or in writing:

- In person to the administrator of this Policy, HIAS' General Counsel
- By discussing it with a supervisor or manager, who will confidentially forward the Prohibited Activity to the General Counsel for review where appropriate
- By telephone at +1-888-559-8518
- Online via [www.hias.ethicspoint.com](http://www.hias.ethicspoint.com); or
- By email at [ethics@hias.org](mailto:ethics@hias.org).

All Prohibited Activities received will be treated confidentially to the extent reasonable and practicable under the circumstances. HIAS will use its best efforts to protect your confidentiality to the extent that doing so is lawful and consistent with any safety and security concerns or policies. You may report any Prohibited Activity anonymously, however, it may be more difficult to investigate an alleged Prohibited Activity that is submitted anonymously.

2. Generally, you should make your disclosure of a Prohibited Activity to your immediate supervisor or manager, however:

- (a) If for any reason you feel unable to raise the disclosure with your immediate supervisor, you may instead raise it with a more senior manager, your local HR representative, or any other method listed or provided for herein.
- (b) If the disclosure concerns theft, fraud, or corruption, or safeguarding concerns relating to sexual abuse or exploitation of children, vulnerable adults, clients or beneficiaries of assistance, you should immediately report this to either your Country Director or directly to HIAS HQ via the internet ([www.hias.ethicspoint.com](http://www.hias.ethicspoint.com)), by email ([ethics@hias.org](mailto:ethics@hias.org)), or by phone (+1-888-5598518).

3. Upon receiving your disclosure, it is the responsibility of the receiving official (supervisor, senior manager, HR representative or HIAS HQ) to report the allegation of a Prohibited Activity to the General Counsel, who will coordinate further action. Note: If the disclosure is of a criminal offense, such as fraud,

theft, or a sexual assault, the receiving official should also report the allegation to the police or other relevant law enforcement authority, absent exceptional circumstances.

4. The General Counsel shall investigate or direct the investigation of each alleged Prohibited Activity. Any such investigation shall take into account the information you present and, as appropriate, other reasonably available material information or testimony, in order to determine whether any Prohibited Activity is more likely than not true.<sup>1</sup> HIAS will use reasonable efforts to ensure that disclosures are handled in a confidential manner, so that information is disclosed only as needed to facilitate the investigation or as required by law. Failure to cooperate with any such investigation may subject you to disciplinary action, up to and including termination of employment. In the event a Prohibited Activity involves or implicates the General Counsel, the General Counsel will promptly recuse himself or herself from the investigation and inform the HIAS Board in writing. The HIAS Board may investigate such Prohibited Activity or appoint impartial attorneys to investigate the Prohibited Activity. In the event a Prohibited Activity involves or implicates the CEO, the General Counsel will promptly advise the Chair of the HIAS Board in writing.

5. If an investigation confirms that it is more likely than not that a Prohibited Activity occurred, HIAS will endeavor to correct any resulting harm. In addition, HIAS will consider possible disciplinary action against the alleged violator. The General Counsel shall report disclosures to the HIAS Board in accordance with the “HIAS Risk Reporting Framework.”

6. If the General Counsel does not find the disclosure more likely than not true, the matter will not be pursued any further under this Policy. In such a case, the complainant will be informed and their permission shall be sought to redirect the issue through the appropriate HR procedure(s) or applicable SOPs.

7. Regardless of the outcome, the complainant will be notified when the matter has been resolved and of any corrective action taken. However, specific personnel actions may be confidential and not reported.

In all cases, the General Counsel will maintain a written record of all Prohibited Activities, summarizing in reasonable detail for each Prohibited Activity: (i) the nature of the Prohibited Activity (including any specific allegations made and the persons involved); (ii) the date of receipt of the Prohibited Activity; (iii) the current status of any investigation, if any, into the Prohibited Activity and information about such investigation (including the steps taken in the investigation, any factual findings, and the recommendations for corrective action); and (iv) any final resolution of the Prohibited Activity. If deemed necessary by the General Counsel or required by this Policy, the General Counsel shall distribute an update of this record to the HIAS Board.

### **Retaliation**

It is HIAS’ policy to encourage the communication of bona fide Prohibited Activities relating to the lawful and ethical conduct of HIAS’ business. It is also the policy of HIAS to protect from retaliation

<sup>1</sup> Certain HIAS policies set out specific procedures in investigating possible violations. These procedures, to the extent they differ with this Policy’s procedures, shall govern such investigations. For example, if the disclosure concerns safeguarding, HIAS’ Safeguarding Investigation Standard Operating Procedures shall be followed.

those who report Prohibited Activities. To that extent, any HIAS personnel or staff (or other persons listed as a “Covered Person” hereunder) who has a *reasonable belief*<sup>2</sup> they are disclosing a Prohibited Activity qualifies as a “Covered Person” under this Policy and is protected against any retaliation.

Actions which invoke whistleblower protection from retaliation include, but are not limited to, a Covered Person who:

- discloses a Prohibited Activity, whether internally or to a law enforcement or government agency;
- publicly objects to the commission of a Prohibited Activity;
- participates in an investigation of a Prohibited Activity;
- encourages another person to report a Prohibited Activity;
- is identified by the retaliator as a whistleblower; or
- files, testifies, assists or participates in any manner in any investigation, proceeding or hearing conducted internally or by a law enforcement or governmental agency regarding a Prohibited Activity.

Retaliatory actions which are protected against hereunder include, but are not limited to termination, demotion, or suspension; failing to hire or considering for hire; failing to give equal consideration in making employment decisions; failing to make employment recommendations impartially; taking any personnel action that adversely affects working conditions or denies any employment benefit; or other forms of retaliation (including, without limitation, intimidation, harassment, discrimination, coercion, or otherwise, whether express or implied).

Any person who violates this prohibition against retaliation will be subject to appropriate disciplinary action, which may include termination of employment or other relationship with HIAS.

In addition, the initiation of a disclosure by a Covered Person provides such Covered Person the following protection:

- (a) Except as provided under (c) below, no personnel action shall be taken by HIAS against the Covered Person pending a determination by the General Counsel whether the disclosure is based on a reasonable belief.
- (b) Upon a finding of a reasonable belief of a retaliation, a 180 calendar-day period commences in which any adverse personnel action may only be taken for good cause and it mandates that the Chief Human Resources and Administrative Officer (“CHR&AO”) inform such Covered Person of the bases of any intended personnel action. If the CHR&AO determines there is not good cause, no personnel action shall be taken against such Covered Person and the “for cause” period shall be extended for another 180 calendar days.
- (c) Nothing in this Policy or provision precludes HIAS from placing a Covered Person on paid administrative leave pending the General Counsel’s determination.

<sup>2</sup> A “reasonable belief” is a belief that an ordinary person facing similar circumstances might plausibly hold. Where a HIAS policy expressly mandates reporting on the basis of less than a “reasonable belief,” then meeting that lesser standard qualifies the disclosure as protected whistleblowing hereunder. For example, under the Code of Conduct, which applies to “any potential or known incident, abuse or concern they witness, are made aware of, or suspect,” reporting a mere suspicion would qualify for whistleblower protection hereunder. The same is true under HIAS’ Safeguarding Policy, which applies to “any concerns or suspicions...”

### **Changes and Updates to this Policy**

HIAS reserves the right to amend and/or update this Policy as required. A copy of this Policy will be distributed to each Covered Person promptly following the adoption of or any amendments to this Policy, and at such time as a person becomes a Covered Person. This distribution requirement may be satisfied by posting a copy of this Policy on HIASnet, HIAS' website or at HIAS' offices in a conspicuous location accessible to employees and associated personnel. HIAS has a policy of complying with all applicable laws, rules, and regulations.

### **Policy Adoption and Oversight**

The HIAS Board is ultimately responsible for providing oversight of the adoption and implementation of, and compliance with, this Policy.

This Whistleblower Policy was adopted by the Board [on [month] [day], [year]] [[and amended through [month] [day], [year]].

Updated: March 14, 2021

## Frequently Asked Questions [FAQs]

### **What if the supervisor is involved in the alleged Prohibited Activity in some way?**

If the supervisor is allegedly involved in a Prohibited Activity in some way, or for any reason you feel unable to raise the disclosure with your immediate supervisor, you may instead raise it with a more senior manager, your local HR representative, or any other method listed or provided for herein.

### **May the disclosure be made anonymously?**

All disclosures, whether anonymous or by an identified individual, will be reviewed. In all cases, HIAS will endeavor to protect the complainant's confidentiality. Under this Policy, an individual may make their disclosure anonymously (such that their identity is unknown to HIAS), but they should recognize that disclosing anonymously may mean the investigators do not know to interview them. This could make identifying critical information more difficult and thus lessen the chance of establishing a Prohibited Activity. To help ensure that they are interviewed, an anonymous complainant may choose to describe in their disclosure a group of people, including themselves, who may have knowledge of the alleged Prohibited Activity. That way, it is more likely that the investigators will know to interview them. An anonymous disclosure can be made via the internet ([www.hias.ethicspoint.com](http://www.hias.ethicspoint.com)) or by phone (+1-888-559-8518).

### **Who will conduct the investigation?**

The Policy Administrator will typically appoint an investigator from within HIAS HQ. If the circumstances merit it, the Policy Administrator may engage an external investigator.

### **What if the matter involves a criminal offense?**

If the disclosure alleges a criminal offense, such as fraud, theft, or a sexual assault, it shall be reported to the police, absent exceptional circumstances.

### **What if the matter concerns my work performance or the behavior of a manager or colleague towards me?**

Unless the allegations relate to Prohibited Activity such as acts identified in this Policy, such complaints will be directed for action under the appropriate HR policy.