

## Frequently Asked Questions about Pathfinder’s Reporting and Whistleblower Protection Policy

The 2019 “Reporting and Whistleblower Protection” policy (“the *Reporting* policy”) requires anyone who works for, represents, or acts on behalf of Pathfinder to report suspected misconduct. It also protects individuals (“whistleblowers”) from retaliation for making a report.

The following questions (FAQs) are based on real questions, circumstances, and investigations. The questions are grouped by topics as follows:

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### Reporting – General

**Q:** I saw something but I am not sure if it is misconduct. Should I keep it to myself?

**A:** When in doubt, seek guidance from your Local Compliance Officer or Global Compliance. It is not up to you to determine if something is misconduct. If you have a reasonable basis for believing there is misconduct or “something is wrong”, you should make a report or obtain guidance. However, you must always *act in good faith*: do not submit false or malicious reports.

**Q:** Is it really necessary to report something that you suspect but cannot confirm? I’m concerned this could lead to a work environment where we are suspicious of each other.

**A:** You must report suspected misconduct even when you cannot confirm it, but you can protect the individual by holding the matter in confidence until you know it is resolved. By reporting suspected misconduct, you can help Pathfinder to maintain a healthy and productive environment. We can better support your colleagues by identifying issues and fixing them before they become major problems. It is the responsibility of the person(s) investigating to determine the validity of a report.

When issues do exist, they can be remediated. While disciplinary action may be necessary, there are many ways to mitigate or resolve an issue. For example, perhaps policies and procedures need to be clarified because they are poorly understood, or organizational training is needed. A properly conducted review can help to surface new or escalating issues.

Finally, an investigation may confirm there are no issues of concern.

Q: Do I need to include the name of the person committing misconduct with my report?

A: If the name of the person who has committed the misconduct is known, *yes*, the name must be reported. If the misconduct is suspected or known but the name of the person who did it is not known, your report should state that the perpetrator is not known.

Q: If someone makes a false report (also known as a report made in “bad faith”), what effect will it have on both parties?

A: When investigating a report, names and information will be kept confidential and will only be disclosed as needed to complete the investigation. Anyone consulted during the investigation will be requested to keep the information confidential. Limiting the spread of information is one way individuals are protected from having their reputation damaged by a false accusation.

A person who is determined to have made a report in bad faith will be subject to disciplinary action, up to and including termination.

Q: Why are whistleblower protections reduced in the *Reporting* policy? There was more language about federal protection in the previous policy.

A: Pathfinder is committed to protecting all employees from retaliation. We have simplified the *Reporting* policy language to be clear that Pathfinder extends the *same level* of whistleblower protection to *all* employees. Pathfinder does not tolerate retaliation.

Employees working under federal grants and contracts may have access to additional rights and remedies under the terms of the award agreement for their project. More information about these additional rights and remedies can be found by reviewing [41 USC 4712](#), which is a US law extending protections from reprisal to US government contractors who disclose certain information. A citation and hyperlink to this law is included in the references section of the 2019 *Reporting* policy. There is less text dedicated to describing this law in the *Reporting* policy because the law does not apply to all Pathfinders AND the number of affected Pathfinders will decrease as we continue to diversify our funding.

Q: Does misconduct include violations of PLGHA and other US legislative (USG) restrictions on Pathfinder funding?

A: Yes, violations of PLGHA and other USG restrictions on Pathfinder funding may constitute misconduct and there are specific guidelines about how to report suspected violations of USG policy. Review the PLGHA training and other relevant guidance from Country and Program Strategies to understand the appropriate channels for reporting this type of misconduct and the actions to take (also known as “Inform, Investigate, Correct”).

Q: Suppose my LCO is uncertain whether a particular action is misconduct?

A: If an LCO does not know if the allegation describes actual or suspected misconduct, he or she can obtain guidance from Global Compliance. You can also contact Global Compliance directly for guidance or to report misconduct.

Q: How can I be sure my report will be treated confidentially?

A: Managers and supervisors have obligations to treat reports of misconduct confidentially. Guidance will be provided periodically on best practices for maintaining confidentiality.

## Reporting Channels

Q: Why are there so many reporting channels and how do I know which one to use?

A: Use whichever reporting channel makes you most comfortable. We want to ensure all Pathfinder Representatives can feel comfortable making a report. Offering many reporting channels gives you the freedom to choose the best option for you. Some staff will feel more comfortable reporting to a supervisor. Other staff will prefer to report to a neutral third party or someone who is not in their reporting line of management.

Q: Can I go to any member of the Board with a report or concern?

A: The Chairperson of the Audit Committee for the Pathfinder Board of Directors is one of the reporting channels for reports of misconduct: you can email the current chair at [auditcommittee@pathfinder.org](mailto:auditcommittee@pathfinder.org). The Audit Committee is typically the designated Board committee to receive reports of fraud and has processes and protocols in place for receiving and addressing reports of misconduct.

Q: How do I determine the names for the current senior management of Pathfinder?

A: Members of Pathfinder's senior management are publicly listed under the Executive tab of the ["About Us – Meet Our Team" page](#) on Pathfinder's website ([www.pathfinder.org](http://www.pathfinder.org)).

Q: How does the WhatsApp reporting channel work?

A: You can contact Global Compliance directly on WhatsApp by sending a text message or leaving a voicemail to +1-617-972-1316. The Compliance Director or Global Compliance Officer will check this twice per day and follow up with you as soon as possible. This reporting channel is confidential but does *not* give you the option to remain anonymous.

Q: Who is part of the matrixed Compliance business unit?

A: "Global Compliance" refers to the Compliance Director and Global Compliance Officer based in the US. Your "Local Compliance Officer" (LCO) is a person in your country who is responsible for

local compliance matters, including recording reports and sending them to Global Compliance. Some LCOs may have multiple roles in your Country Office. A list of LCOs for each country and their job titles is available on the Compliance BU website on iShare.

Q: What happened to the fraud hotline?

A: What you may know as the “fraud hotline” is the EthicsPoint hotline and can be used for reporting all types of suspected or actual misconduct, not just fraud. The posters in your office for what you may think of as the “fraud hotline” have information on making a report through the EthicsPoint hotline.

## Reporting Anonymously

Q: How can I make a report anonymously?

A: Use the EthicsPoint reporting channel. EthicsPoint is a reporting channel that is managed by an independent company. When you make a report through EthicsPoint by phone or online, you will have the option to remain anonymous.

When reporting anonymously, remember to be careful not to reveal any details that could allow you to be identified. For example, “from my cube across from Jane Smith, I saw her...” might mean the investigator could learn who you are from where you sit in the office.

Q: What is the difference between being anonymous and confidentiality?

A: If you are “anonymous”, you will not provide your name or contact information in connection with the report. Neither the receiving person nor the investigating party will know your name or contact information. You can *choose* whether to report anonymously on EthicsPoint.

Whether or not you provide a name or contact information, Pathfinder treats all reports of misconduct confidentially. This means that the name of the reporting individual will only be disclosed to the extent necessary to undertake the investigation. The person receiving the report or investigating the allegation is responsible to take steps to protect the confidentiality of the reporting party. Other individuals involved in the investigation will be requested to keep discussions confidential.

Q: I reported something anonymously but I want to know what happened afterwards. How can I get an update on the investigation?

A: When you make a report on EthicsPoint you will be provided a unique case number and password to access your report, even if you remain anonymous. You can use this to log in to the EthicsPoint website and view your case. Additionally, for some investigations, anonymous reporters may be asked to provide additional information. You are encouraged to check in on your report to monitor the progress and if requested, answer any follow-up questions.

Q: How can I be sure I am anonymous if you are able to follow up with me?

A: EthicsPoint is required by US law and our contract with them to guarantee that you remain anonymous if you have chosen to do so. The report received by Pathfinder representatives will only identify you by a unique case number. Follow-up communication is done through the secure EthicsPoint website by online chat or posting and receiving messages.

## What Happens After I Report?

Q: Who receives the report? Will my supervisor and Country Director see it?

A: Who receives your report of misconduct depends on the reporting channel that **you** use. If you report misconduct to someone in your line of management, this person is required to share the allegation or complaint with the Local Compliance Officer (LCO) for tracking purposes. The LCO (with the assistance of Global Compliance) is responsible for deciding who is best positioned to review, investigate, or remediate the situation.

It is always possible that the LCO or the report-receiving-person will inform your supervisor or the Country Director if they determine that is the best course of action. If you do not want your supervisor or the Country Director to be informed of the report, you can report confidentially to Global Compliance or anonymously through EthicsPoint and state your concerns.

Please refer to the *Investigation Policy* and Appendix 3 of the *Reporting* policy for more information about what happens when you report misconduct at Pathfinder.

Q: Will I know what actions are taken after I report?

A: The LCO or an investigator will follow up after reviewing the allegation or complaint and will update you on the outcome of the review or investigation. For complicated incidents, it may take time for a preliminary review or investigation to be completed: please be patient. Depending on the outcome and sensitivity of the matter, you will be informed of the outcome or you may simply be told that the review was completed and the matter is resolved. Pathfinder will make every effort to be transparent and to comply with relevant laws.

Q: Who receives reports made on EthicsPoint?

A: The individuals who are currently notified of reports in EthicsPoint are:

- the Internal Audit Director and her direct reports (Internal Auditor and Internal Audit Associate)
- Compliance Director and her direct report (Global Compliance Officer)
- Chief Legal Officer

If any of these individuals are implicated in a report, EthicsPoint will not notify that individual(s) of the report. For example, if the report involves the Chief Legal Officer, only Internal Audit and Global Compliance will receive the report from EthicsPoint.

Q: How can the Compliance Director conduct this investigation if she is more junior than the person accused of misconduct? How can we be sure that a rigorous investigation was conducted?

A: The Compliance Director may or may not conduct the investigation, depending on the nature of the allegation and the severity of the issue. She does have the option at all times of raising issues that require more senior oversight to the Audit or Compliance Committee of the Board or to the Chief Legal Officer (assuming he is not implicated in the allegation). If the Compliance Director determines that the matter is severe enough or meets the standards outlined in the [Board Reporting Policy](#), the report will immediately go to the Board. Pathfinder continually tries to ensure checks and balances are built into the reporting and investigation process.

## Third Parties

Q: What is considered a “third party”?

A: A third party is anyone representing or acting on behalf of Pathfinder. This includes, but is not limited to, consultants, sub-awardees, and agents such as legal counsel. Generally, these are individuals or entities that have signed an agreement to represent or act on behalf of Pathfinder. A beneficiary of Pathfinder services is generally not considered a “third party” or “Pathfinder representative”.

Q: How will subawardees be informed of and trained on their responsibility to report and whistleblower protections?

A: Global Compliance is coordinating with the Grants, Contracts, & Procurement (GC&P) business unit on how to inform subawardees and other third parties of their compliance responsibilities. If you are the primary point of contact for subawardees in your country, please ensure you are communicating with GC&P to understand what has been communicated to subawardees and your responsibilities.

## Local Compliance Officer Responsibilities

Q: When do I need to have completed my training session on the policy for staff in my country?

A: LCOs must train staff by April 26, 2019. You are encouraged to hold the session as soon as possible to allow time for staff to provide feedback on the policy and ask questions. See the “Launch Plan” on the [Reporting and Whistleblower Protection iShare page](#) for more information on timelines.

Q: When is the first *Reported Misconduct Tracking Register* due to Global Compliance?

A: The tracking register must be submitted to Global Compliance when the current quarter ends on May 31, 2019. Although the policy will not be in effect until June, LCOs should begin recording reports in the tracking register now.

Q: What do I do if there are no reports to record in my register during the quarter?

A: Send an email at the end of the quarter to the Compliance Director stating that there were no reports. Confirming there are no reports will avoid confusion over whether your register actually has no data, or if Excel is malfunctioning.

Q: I received a report but we do not yet have an *Investigation Policy* and I have not been trained on conducting an investigation. What do I do with the report?

A: Send all reports of misconduct to Global Compliance immediately and the Compliance Director will provide guidance on next steps. Once the *Investigation Policy* is finalized and you are trained, the procedure will change – more information to follow.

Q: After I send my tracking register to the Compliance Director, will there be feedback?

A: When a LCO sends the tracking register for their country, the Compliance Director will provide feedback or ask questions about the issues reported in country, including guidance on how it was investigated. If the LCO wants support with an investigation, the LCO can also request specific guidance.