

EarthRights International
Whistleblower Policy
Adopted November 2011

It is the policy of EarthRights International to abide by all applicable laws and regulations, and for its employees and Board members to observe high standards of organizational and personal ethics in conducting their duties and exercising their responsibilities. Violations of legal provisions and ethical standards can taint the credibility of the entire Organization and cause the Organization, its Board, and its employees to be subjected to adverse publicity and distrust by the public, our partners, and the government. We take seriously our obligation to prevent these kinds of violations, and this policy is intended to encourage Board members, staff, volunteers, and others to report suspected or actual violations of EarthRights International policies, practices, activities or conduct that violate applicable law or ethical obligations, without retribution.

Reporting Responsibility

It is the responsibility of all Board members, officers, volunteers and employees to promptly report violations or suspected violations of law or ethical obligations in accordance with this Whistleblower Policy. Any person who makes a report of such violation or suspected violation is a “Whistleblower.”

No Retaliation

No Board member, officer, volunteer, or employee who in good faith reports a violation or suspected violation pursuant to this policy, or who participates in good faith in an investigation of a violation pursuant to this policy, shall suffer harassment, retaliation or adverse employment consequence. Anyone who retaliates against a Whistleblower who reported a violation in good faith, or retaliates against anyone who participated in an investigation in good faith may be subject to discipline, up to and including suspension and termination of Board or employee status.

Reporting Violations

The Whistleblower should promptly report the suspected or actual violation of law or ethics to his/her supervisor. If the Whistleblower would be uncomfortable or otherwise reluctant to report to his/her supervisor or if that action is taken but does not correct the perceived violation, the report, preferably in writing, should be made by the Whistleblower to the Managing Director, U.S. Office Director, Asia Office Director or the Executive Director with the specific information that the Whistleblower knows, so that an investigation may be undertaken. If the alleged violation involves the conduct of the Executive Director, the violation should be reported in writing to the Chair(s) of the Board.* Board members acting as Whistleblowers should report to the Board Chair(s) unless the alleged violation involves the conduct of the Chair(s), in which case the Board member should report to any member of the Executive Committee.

EarthRights International encourages individuals to put their names to reports of violations or suspected violations of law or ethics because appropriate follow-up questions and investigation may not be possible unless the source of the information is identified. Any of those to whom reports may be made shall accept anonymous reports.

* Currently Rebecca Lambert (18 Victor Rd, Portland ME 04103, 207-319-3033) and Neil Popovic (Sheppard Mullin Richter & Hampton LLP, Four Embarcadero Center, 17th Floor, San Francisco, CA 94111-4106, 415-774-3156).

Acting in Good Faith

In reporting violations or suspected violations, responding to allegations of violations, and providing information in an investigation, all individuals should act in good faith. Acting in good faith means that the individual has reasonable grounds for believing a violation of the policy has occurred and has not made unsubstantiated reports or statements maliciously or knowing them to be false. Anyone not acting in good faith may be subject to discipline, up to and including suspension or termination of the Board or employee relationship, or other legal means to protect the reputation of the Organization.

Confidentiality

Reports of violations or suspected violations shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Handling of Reported Violations

All reports will be promptly investigated and appropriate corrective action shall be taken if warranted by the investigation. Any employee or Board member who is determined, after an investigation, to have violated applicable legal or ethical standards shall be subject to discipline, up to and including suspension and termination of Board or employee status. Any report pursuant to this policy shall be brought to the attention of the Board Chair(s) (unless it involves the Board Chair(s), in which case another member of the Executive Committee shall be informed).