

**Integrity Framework**  
**September 2020**  
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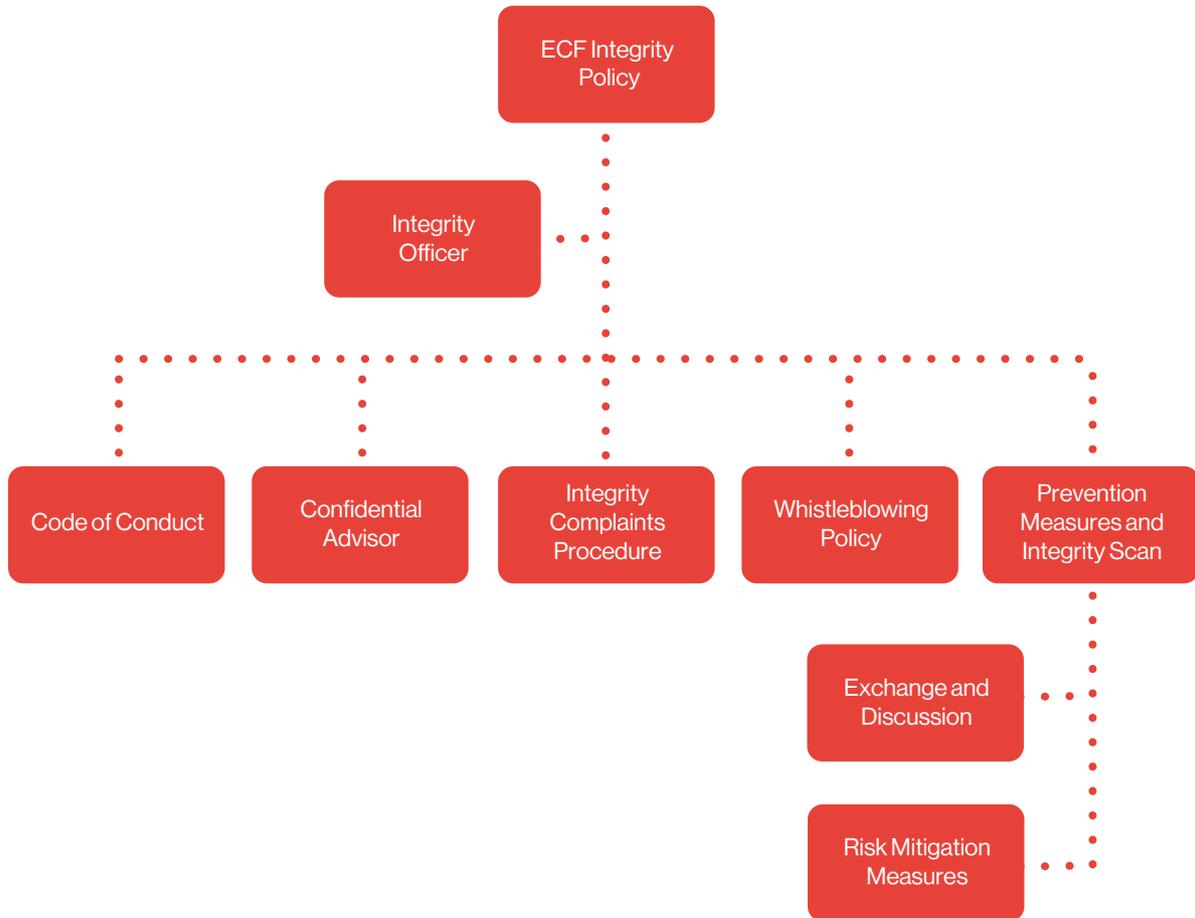
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## Introduction

This document sets out the components of the Integrity Framework of the European Cultural Foundation as detailed in the below diagram.

The Integrity Framework enters into effect as of 1 September 2020.



Where this policy refers to ‘he’, ‘him’ or ‘his’ this is intended to include reference to ‘she’/‘her’ or ‘they’/‘their’ as appropriate.

## Code of Conduct

### Statement of Values

The European Cultural Foundation (ECF) works for an open, inclusive and better Europe. ECF strongly believes in a core set of values that guide and drive us in our daily work, e.g. solidarity, diversity, sustainability, democracy, rule of law, human dignity and ingenuity, equality and freedom. Staff who work for or on behalf of ECF endorse and are loyal to these values and commit to embedding them in all we do and live by them in our interactions with colleagues, partners, grantees and all other stakeholders.

Externally, staff and Supervisory Board members are expected and agree to act with honesty, integrity and openness in all their dealings as representatives of the organisation.

Internally, ECF has policies in place to ensure a working environment free of any kind of intimidation, aggression or violence. ECF wishes to ensure that the working atmosphere is one in which respect between all colleagues is fostered, regardless of gender, race, nationality, sexual orientation, religion, belief, political leaning, disability, age, sex or marital status. This applies to all staff, interns, temporary personnel, freelancers and others who carry out work on behalf of the Foundation.

Additionally, the Foundation considers it its duty to prevent, investigate, and as appropriate disclose and punish any form of violation of integrity or unacceptable behaviour by its staff, both internally and externally.

### Measures

As a member of Goede Doelen Nederland (GDN), ECF complies with all the necessary codes and guidelines, including the CBF-code for good governance and the ‘Erkenningsregeling Goede Doelen’. As of 2019 and in line with the updated GDN requirements, ECF has been streamlining existing and introducing new measures to form a comprehensive Integrity Policy. These measures relate to: 1) prevention, 2) integrity complaints procedure and 3) penalty in the following areas that bear high risk of possible violation or misconduct and are not tolerated by the organisation:

- **Power abuse:** corruption, conflict of interest, leaking of confidential information, culpable negligence. *See the [Declaration of Responsibility](#) on our website to learn what we do to ensure good governance and minimize the risk of misconduct.*
- **Financial violations:** fraud, theft, misuse of resources and services, culpable waste. *See the [Declaration of Responsibility](#) on our website to learn what we do to ensure a healthy and transparent financial management. Additionally, the ECF Staff Manual stipulates that the former ECF staff are allowed to apply for grants from the Foundation only after a period of two years after leaving ECF.*

- **Interpersonal violations:** discrimination, intimidation, violence, bullying, unwanted intimacy, sexual intimidation, sexual violence. *ECF uses an external Confidential Advisor to support employees who are confronted with unwanted behaviour in the workplace.*

\* (Sexual) intimidation is understood to be unwanted (sexually nuanced) attention paid by one person to another, which can be expressed in words, gestures or other bodily actions, and which may or may not be intentional.

\*\*Aggression and violence are understood to include bullying, physical or psychological harassment, threats or attacks from others.

For handling incidents that are reported, the Foundation has described an **Integrity Complaints Procedure** as well as a **Whistleblowing Policy**. These are made available for members of staff and freelancers when signing the work agreement. A copy of these is published on our website under [Code of Conduct](#).

Additionally, the following new measures in relation to any of the abovementioned types of integrity violations have been introduced as of 1 September 2020:

- An internal Integrity Officer has been appointed;
- A Code of Conduct has been drafted, agreed upon by all staff and published online (see above);
- The Integrity Officer and the Management Team, assisted by an external adviser, have begun researching the vulnerability of the processes and functions in the organisation in order to identify and mitigate integrity risks;
- Mandatory integrity awareness sessions with staff are organised on a regular basis;
- A clear task distribution and internal process flow for managing integrity violation incidents have been mapped, incorporating policy around investigation and penalties;
- An external bureau has been selected identified that will carry out confidential investigations once an integrity violation has been reported;
- An email address has been introduced for complaints in relation to violations of any kind (see below).

### **Integrity Complaints Procedure**

To report any misconduct by or to file a confidential complaint about a representative of ECF staff, please write to our [Integrity Officer](#).

ECF actively encourages persons experiencing or witnessing integrity violations to report them so that appropriate action can be taken. All complaints will be treated as confidential, and ECF will take all necessary steps to ensure that persons reporting incidents in good faith will not be treated unfairly. The steps taken to investigate a report are detailed in our Integrity Complaints Procedure

(see further below), and disciplinary measures will always be determined based on professional, external legal advice.

### **Transparency / Communication**

Information about how ECF ensures good governance and transparent financial management is provided on a yearly basis in our publicly available [Annual Reports](#).

## **Integrity Officer(s) European Cultural Foundation**

The Integrity Officer is a vital part of the reporting system for integrity violations at the European Cultural Foundation.

### **Reporting process and roles for integrity violations**

If an employee or a stakeholder of the organisation is party to, or victim of, an integrity violation, then there are various ways in which victims can access help, and in which this can be reported, as outlined in the [Support and Reporting Process](#) described further on in this document, and incorporated in the Staff Manual.

A victim of unwanted or inappropriate behaviour (as defined in the Integrity Policy) can access first line support by talking to his manager, the Confidential Advisor, or the Integrity Officer. The Confidential Advisor is fully trained in how to help the victim (or witness) start to come to terms with what has happened and decide whether to take action.

The victim may then choose to report the incident to Management (which is not fully anonymous, as managers are required to report incidents to the Director).

The Integrity Officer is the second line support option within the organisation for the reporting of a violation by an employee or stakeholder. The Integrity Officer is permitted to 'hold' the issue and protect the anonymity of the reporter whilst determining a course of action, unless legal or safety considerations dictate that the Integrity Officer must immediately report.

ECF wishes to have an internal Integrity Officer who is approachable and accessible to all staff and has chosen to link the role of Integrity Officer to that of Head of Operations, meaning that the Head of Operations will automatically also be appointed as Integrity Officer. The Integrity Officer will be supported in their task by an external bureau that is experienced in conducting internal confidential investigations.

### **Task description Integrity Officer**

The Integrity Officer is appointed primarily to receive and where required, address reports of integrity violations within the organisation by conducting a preliminary investigation and preparing a proposal for further investigation. The Integrity Officer also ensures that integrity policies and processes are up to date in the organisation, and makes recommendations for improvements. The Integrity Officer acts independently without supervision.

The Integrity Officer signals to Management themes and patterns emerging in reporting, and ensures that employees are well informed about the application of integrity policy, and how to mitigate risks.

### *Tasks and responsibilities*

The appointed Integrity Officer holds the following tasks and responsibilities:

- Receive and follow up on reports of integrity violations from staff and external stakeholders, according to the workflow determined by ECF in its integrity framework;
- Protect the identity of the reporter if requested and as far as possible;
- Conduct a preliminary investigation to determine if an integrity violation has indeed taken place, if there are reasons to believe the accusation could be false, whether it is possible to prove the accusation, and whether the damage done by an investigation would be greater than the potential punishment;
- Prepare proposals for investigation for the Director, assign the external bureau, set the budget, and formulate the question(s) to which the investigation should respond;
- Monitor the progress of an investigation (if not part of the investigating committee);
- Ensure victims are referred to the appropriate place(s) or person(s) for follow-up care (usually HR, who may recommend further specialists);
- Based on integrity scans and themes signalled in reports of violations, advise managers and teams on risk mitigation measures including training and education;
- Update organisation on integrity matters arising;
- Establish and evaluate integrity policy and protocols, and recommend improvements.

### *Competences*

The following criteria and competences are crucial in an Integrity Officer and will be taken into account in recruiting or appointing future Heads of Operations:

- The candidate has an impeccable track record on integrity matters and has a high level of personal integrity;
- The candidate is decisive and acts with authority, and inspires trust and respect amongst colleagues of all levels;
- The candidate is able to respect confidentiality and withstand pressure from others to act against this;
- The candidate has experience with, or is willing and able to invest time in learning about, the handling of integrity matters.

NB due to this additional role, it is imperative that the ‘Personeelsvertegenwoordiging’ (PVT) or other staff representation is involved in the selection of a future Head of Operations.

### *Conflict of interest*

In the event of a grievance against the Integrity Officer, the Director will assume his/her role.

## Safe Workplace: Support and Reporting Procedures

ECF has policies in place to ensure a working environment free of any kind of intimidation, aggression or violence. ECF wishes to ensure that the working atmosphere is one in which respect between all colleagues is fostered, regardless of gender, race, nationality, sexual orientation, religion, belief, political leaning, disability, age, sex or marital status. This applies to all staff, interns, temporary personnel, freelancers and others who carry out work on behalf of the Foundation.

ECF has three measures in place to deal with integrity violations (or suspected violations):

1. The Confidential Advisor, for supporting the person submitting the grievance;
2. An Integrity Complaints Procedure, in principal accessed via the Integrity Officer, for internal reporting and follow-up of integrity violations;
3. A Whistleblowing Policy for external reporting and follow-up of integrity violations.

### 1. Vertrouwenspersoon (Confidential Advisor)

#### *Role of Confidential Advisor*

ECF provides the opportunity for employees to consult with a ‘*vertrouwenspersoon*’ (Confidential Advisor) to give advice in strictest confidence when unwanted behaviour arises.

Unwanted behaviour is defined in Dutch labour law as:

- (Sexual) intimidation: unwanted (sexually nuanced) attention paid by one person to another, which can be expressed in words, gestures or other bodily actions, and which may or may not be intentional;
- Discrimination;
- Aggression and violence: physical or psychological harassment, threats or attacks from others;
- Bullying.

The primary role of the Confidential Advisor is to advise and support staff who are dealing with unwanted behaviour (sexual harassment, bullying, discrimination, aggression, or violence) in the workplace. Employees who find themselves the victims of this sort of behaviour may contact the Confidential Advisor at any point within five years of the incident occurring.

#### *Tasks of a Confidential Advisor:*

- To provide first line support to employees who are victims of workplace discrimination, intimidation, conflicts, harassment, etc. and who need help or advice;

- To refer employees to external experts if further support is needed (e.g., to a doctor or therapist), or to HR to access this support;
- To explore the possibility of finding a solution by informal means, e.g., addressing the issue with the perpetrator if appropriate;
- To inform the victim of other ways of addressing the problem, e.g., by referring him or her to the Integrity Complaints Procedure;
- To support the employee if he or she wishes to raise the matter with organisational management or with the Integrity Officer, or if external steps need to be taken such as reporting the matter to the police, e.g., by helping the employee to formulate a report;
- To support the organisation in formulating policy to prevent and to deal with unwanted behaviour as described above.

In performing their duties, the Confidential Advisor acts independently according to the relevant codes of conduct and laws.

The Confidential Advisor:

- May report anonymously to Management on cases of unwanted behaviour which they have heard about in the course of their work, and where no formal grievance has been lodged with Management.
- Can support the employee in the case of an official complaint (written and orally).
- Can consult internal and external experts.
- Is compelled to observe complete secrecy except where the safety of an individual is at stake.

The Confidential Advisor will not assume the role of a coach to the employee and does not mediate or investigate grievances. If the position is filled internally, it is understood that the function of a confidential advisor may not have any negative consequences on the work and career of the employee concerned.

### ***External Confidential Advisor at the European Cultural Foundation***

ECF has appointed an external ‘*vertrouwenspersoon*’ with its occupational doctor, Human Capital Care (HCC). HCC provide two contact persons, who are trained in advising individuals and organisations on dealing with unwanted behaviour.

Employees and interns of ECF who are the victims of the behaviours described above should not hesitate to get in touch with ECF’s external Confidential Advisors:

<b>Name</b>	<b>Speaks</b>	<b>E-mail</b>	<b>Phone number</b>
Eelco Jongenburger	Dutch, English	<a href="mailto:e.jongenburger@humancapitalcare.nl">e.jongenburger@humancapitalcare.nl</a>	020 3057010
Nicole Noyons	Dutch, English	<a href="mailto:n.noyons@focusnederland.nl">n.noyons@focusnederland.nl</a>	020 -3057010

			06 3002 8950
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Alternatively, please contact the [HCC office](#).

## 2. Integrity Complaints Procedure

### *Procedure*

Where possible, a grievance should in the first instance be addressed directly to the offending party, if necessary with advice and support from the Confidential Advisor.

Where this is not possible, a grievance from a staff member may be addressed directly to the employee's manager, to the Director, or to the Integrity Officer. In the case of a report to Management, the manager is compelled to report the grievance immediately to the Integrity Officer and the Director.

### *Preliminary investigation*

If the employee or stakeholder wishes confidentiality to be maintained, the grievance may be reported to the Integrity Officer. The Integrity Officer conducts a preliminary investigation to determine the need for a disciplinary procedure. This investigation comprises the following:

- Whether the grievance is a violation of Integrity Policy;
- Whether there are reasons to assume that the accusation is false;
- Whether actions other than an investigation are necessary;
- To what extent the incident can be proved;
- Whether the damage done by a possible investigation would exceed the disciplinary measures attached to the violation.

If the Integrity Officer concludes that an external investigation is required, he/she prepares a proposal for the Director which details the conclusions of the preliminary investigation, a proposal for assigning the external bureau that should investigate the matter, required budget, and the question(s) to be investigated.

The preliminary internal investigation will be completed within two weeks, including the preparation of the report.

The Director is always informed of integrity reports, if necessary with the maintenance of confidentiality.

### *Confidential external investigation*

If external investigation is needed, it will be assigned to an independent bureau. In certain cases the Vice Chair of the Supervisory Board will be asked to be part of the committee, or to delegate an appropriate colleague from the Board:

- If the seriousness of the matter requires that the Board be involved (for example criminal cases, or matters which could seriously threaten the continuation of ECF);
- If the matter reported involves the Director, who is then unable to carry out his role in the investigation;
- If the matter involves potential misuse of the financial assets of the Foundation.

A grievance can be raised at any time within a year of the incident occurring.

### *Suspension*

Suspension of the employee against whom the grievance is raised is not the norm and would not be used in less serious cases. In some cases however it may be necessary to suspend the member of staff against whom a grievance has been raised. This would be the case if:

- Evidence needs to be gathered (or legal advice obtained) about a case which would, if proven, be grounds for instant dismissal, for example if the employee is suspected of fraud, assault or theft.
- ECF has strong reason to believe that the employee will cause wilful damage to the employer or to facilities belonging to the employer.
- There is a valid concern that the employee would destroy evidence.
- The continued presence of the employee at work could damage or in some other way influence the investigation.
- The employee is accused of intimidation or bullying, or
- The sensitivity of the grievance to be examined justifies a suspension.

In case of a suspension the employee would be informed about the following:

- The reason for suspension;
- The anticipated duration of the suspension;
- The conditions of salary payment during the period of suspension;
- That the suspension is not a punishment or a declaration of culpability;
- That the employee will be given the opportunity during the period of suspension to tell his version of events, explain his behaviour, and/or to react to all accusations.

### *Investigation*

The role of the external bureau is to investigate the incident and advise the Director of possible steps to be taken as a result of a grievance. The Integrity Officer oversees the work of the bureau,

managing the budget, and ensuring the quality of the investigation. Essential aspects of the bureau's work are to:

- Talk to the person submitting the grievance, who may be supported by the Confidential Advisor, or a third party;
- Talk to the person against whom the grievance is directed, who may also be supported by a third party;
- Establish whether the grievance can be proved to be grounded in fact, and pursue other lines of enquiry where appropriate and relevant (bearing in mind considerations of confidentiality and potential damage to the victim or accused perpetrator).

The statements provided will be signed by the parties providing them. Within two months of the grievance being expressed, the bureau must provide the Integrity Officer with advice on how to proceed. This period can be extended by a maximum of one month. The Integrity Officer presents the advice of the bureau to the Director with a recommendation on how to proceed.

Within two months of the advice being provided, the Director must take a decision. If the decision is not to follow the bureau's advice, then the Director must explain the reasons.

#### *Penalty and disciplinary advice*

If the investigation shows that an employee has violated Integrity Policy, an external lawyer will be consulted for disciplinary advice, taking into account jurisprudence so that the disciplinary measures are both proportional and consistent. The director takes the final decision on disciplinary measures to be taken, and informs the person submitting the grievance, and the accused perpetrator, in writing of the decision and the actions to be taken.

#### *Measures if no investigation is pursued*

If the preliminary investigation concludes that investigation is not an appropriate option, then the grievance may be followed up in another way. This may involve a risk analysis or reconstruction so that lessons may be learned for the future. Forms of restorative justice may also be used in order to compensate damage to the victim insofar as this is possible.

#### *Criminal actions*

Criminal actions will always be followed up with a police report, which may run parallel to the internal investigation.

#### *No unfair treatment*

ECF wishes to encourage reporting of integrity violations so that they may be fairly investigated and justice can be achieved for the victims. The more ECF learns from integrity reports, the more effective its integrity policies will be in the future. Serious integrity violations threaten not only (in some cases) the wellbeing of individuals, but also the future of the organisation.

ECF therefore undertakes to ensure that reporters of integrity violations shall not be treated unfairly in connection with a report made in good faith and according to the proper procedure of concerns about wrongdoing or irregularities in the organisation.

The Integrity Officer will immediately discuss with the reporter the potential risks of unfair treatment that may exist, how those risks can be reduced and what the reporter can do if he believes that he is being treated unfairly.

The employer shall speak to any employees who treat the reporter unfairly about their actions and may give them a warning or take disciplinary measures against them.

### *Confidentiality*

The Integrity Officer will ensure that the information concerning the report is stored in such a way that it is only physically and electronically accessible to the persons involved in dealing with this report.

No person involved in dealing with a report will disclose the identity of the reporter without the explicit written consent of the reporter and each such person shall deal confidentially with the information concerning the report.

## **3. Whistleblowing Policy**

The Whistleblowing Policy is intended for *external* reporting if an employee or other stakeholder has concerns that wrongdoing or irregularities exist within the organisation where the wrongdoing has serious consequences, which may include one or more of the following:

- Illegal actions;
- A risk to public health;
- A risk to human safety;
- A risk to environmental safety;
- A risk to the proper functioning of the organisation due to improper conduct or a failure to act.

Employees, former employees, freelancers, temporary personnel, volunteers and interns of ECF may make use of the Whistleblowing Policy, as well as other stakeholders who in the course of their own work are involved with ECF.

The concerns about wrongdoing must be based on reasonable grounds, arising from knowledge acquired by the employee in working for his employer or arising from knowledge acquired by the stakeholder through activities conducted with or by the organisation.

### *Process*

An individual who is concerned about wrongdoing should in an ideal situation report this via the internal Integrity Complaints Procedure as described above. However, there may be situations in which this is not possible, and external reporting is necessary. Examples of those situations would be:

- a. Immediate danger, where a significant and urgent public interest necessitates an immediate external report;
- b. A reasonable suspicion that the ultimate responsibility holder within the employer's organisation is involved in the suspected wrongdoing;
- c. A situation in which it is reasonable for the reporter to fear reprisals in connection with making an internal report;
- d. A clearly identifiable threat of falsification or destruction of evidence;
- e. An earlier report about the same wrongdoing made in accordance with the procedure that did not put an end to the wrongdoing;
- f. A duty to make an immediate external report.

An individual considering a report is advised to seek help prior to reporting an incident, from the [Advice Centre for Whistleblowers \(advies@huisvoorklokkenluiders.nl\)](mailto:advies@huisvoorklokkenluiders.nl) the advice department of the House for Whistleblowers (*Huis voor klokkenluiders*) which provides information, advice and support with respect to concerns about wrongdoing.

The advisers of the House for Whistleblowers will help the reporter decide if, and how to report the incident, as well as advising the reporter of the possible risks they run in making the report, and how they are protected by law.

The reporter may make the external report to the external body to which the reporter reasonably believes it is most appropriate to make an external report of his concerns about wrongdoing. The term 'external body' is understood to include:

- a. A body responsible for investigating criminal offences;
- b. A body responsible for monitoring compliance with any requirements imposed by statute or under statutory authority;
- c. Any other competent body to which concerns about wrongdoing can be reported, including the investigation department of the House for Whistleblowers.

If the reporter reasonably believes that the public interest outweighs the employer's interest in confidentiality, the reporter may also make the external report to an external third party whom the

reporter reasonably believes to be capable of directly or indirectly resolving or bringing about the resolution of the suspected wrongdoing.

The commitment to fair treatment described in the Integrity Complaints Procedure applies equally to the Whistleblowing Policy.



# INCIDENT

