

Governance's Understanding of Nuances of Whistleblower Policy

Whereas, the Whistleblower policy makes clear that complaints can be alleged (without retaliation) to the Chair, the Executive Director, the Chair of Governance and/or the Chair of SFC; but the Code of Conduct makes clear that confidentiality and courtesy are cornerstones of conduct, the Governance Committee finds the following understandings of EO's charter documents, and best practices for communications of alleged wrongdoings and complaints of maladministration:

1. Any allegation can be made to the Governance or the Standing Finance Committee (Chair or any Committee Member) IN CONFIDENCE. These are EO's investigatory bodies. We are open to allegations, even those that are later proved untrue. Otherwise we will not be open to hear the true ones.
2. Anything can be said to a Global Board Member (Chair or any Global Board Member) IN CONFIDENCE. They too are open to allegations, even those that are later proved untrue. Otherwise we will not be open to hear the true ones.
3. Anything can be said within a Committee, Task Team, Council, or Board (EO's "committees") that a Member is appointed to, when said IN CONFIDENCE. There is no bar to these committees discussion alleged wrongdoing or complaints of maladministration in confidence.
4. Any allegation that is alleged IN PUBLIC against a Member or Staffer or Vendor, that is not a proven fact, may rise to libel or slander. This type of speech (or by email to a Member outside of the committee) is not protected by the Whistleblower policy. It is a violation of Trust and Respect and (in the case of email) Non-Solicitation.
5. Any opinion delivered with respect for or against a prospective Member Leader when they are standing as a candidate for a position is protected speech. We must be open to robust debate.
6. Communications within EO, outside of Forum, are assumed to be non-confidential (transparent). However, all committees of EO have the right and responsibility to keep some information confidential (e.g. discussions of allegations of Member or Staff wrongdoing can rise to libel or slander if they are later unproven). Therefore it is the responsibility of the author of the communication – or the Chair, Director or President presiding over the committee – to label as confidential any communication requiring confidentiality. This responsibility includes the level of confidentiality requested (e.g. to Global Board only, to committee only, to Members only, etc.).
7. When confidentiality is requested, what is said in committee stays in committee. The Confidentiality Policy can and should be adhered to within all committees. If something needs to come forward from one committee to another, or from committee to staff, or from committee to board, then that should come with "one voice" from the committee's chair or the committee's designate.
8. Any perceived conflict between these points, when it causes dispute within the organization, should be referred to Governance for consideration.
9. Best practice is for compliant responders to respond to complaints per the Whistleblower Policy, Section 9. But whether a timely response is received or not by the complainant, it is not allowed to make a complaint within EO to drum up support for your position. This gives rise to yet more complaints, may constitute libel or slander, and y interfere with the ability of SFC and/or Governance to perform the investigations as required.
10. Staff or Vendors are not presumed to be members of any committee, unless specifically appointed to, and meet regularly with, that body.