

MGIC Policies and Procedures – Ethics and Conduct

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2 - ETHICS AND CONDUCT

Definitions

Child: A person who has not attained 18 years of age.

Child abuse, exploitation, or neglect:

Constitutes any form of physical abuse; emotional ill-treatment; sexual abuse; neglect or insufficient supervision; trafficking; or commercial, transactional, labor, or other exploitation resulting in actual or potential harm to the child's health, well-being, survival, development, or dignity. Includes, but is not limited to: any act or failure to act which results in death, serious physical or emotional harm to a child, or an act or failure to act which presents an imminent risk of serious harm to a child.

Coercion:

1. Threats of serious harm to or physical restraint against any person;
2. Any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
3. The abuse or threatened abuse of the legal process.

Commercial sex act: Any sex act on account of which anything of value is given to or received by any person.

Conflict of Interest: A situation in which a person is in a position to derive personal benefit from actions or decisions made in the person's official capacity; a situation in which the interests of the person compete with the interests of Maryland Global Initiatives Corporation (MGIC) or the University of Maryland, Baltimore (UMB).

Country director (CD): The lead manager of a country office. The CD position directly supervises senior management positions in an MGIC country office and reports to the designee of the MGIC President. In non-traditional MGIC structures (such as MGIC USA, small teams or embedded positions), the CD role is referred to as a Country Representative (CR).

Country office (CO): An MGIC branch office, corporate affiliate, field office, or program office established in a physical facility outside the United States, to conduct business in a country where UMB's research, education, and related programs are implemented.

Country representative (CR): The senior-most representative of MGIC based in a country or representing MGIC in that country remotely, as designated by the MGIC President. In countries where MGIC operates a full country office, the senior-most MGIC representative is the Country director (CD). In countries where MGIC is not legally registered, does not have a full country office, or has another operating model (e.g., embedded within a partner institution), the MGIC Country Representative role may be held by the AVP of International Operations, an MGIC consultant or employee hired through the MGIC under an Employer of Record (EOR) contract, or another position as designated by the MGIC President.

Debt bondage: The status or condition of a debtor arising from a pledge by the debtor of the debtor's personal services or of those of a person under the debtor's control as a security for debt, if

Our Values

MGIC's core values are at the heart of our mission to improve the human condition and serve the public good through education, research, clinical care, and service. These core values guide our programs, operating philosophy, and commitment to our constituents, while supporting our dedication to global enhancement and social progress.

Respect and Integrity: We value each other and hold ourselves accountable for acting ethically and transparently using compassion and empathy.

Well-Being and Sustainability: We care about the welfare of our people, planet, communities, and University.

Equity and Justice: We embrace and are committed to diversity, and we value inclusive and just communities. We oppose racism and oppression in all its forms.

Innovation and Discovery: We imagine and explore new and improved ways to accomplish our mission through education, research, clinical care, and service.

the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Director of finance and administration (DFA): The lead manager of the financial and accounting functions for an MGIC office or team, who may oversee and direct the office's administrative/operational functions as well, and whose title might be Director of Finance and Administration, Head of Finance, International Finance & Procurement Manager, or some other title indicating their leadership role in MGIC financial management.

Emotional abuse or ill treatment: Constitutes injury to the psychological capacity or emotional stability of the person caused by acts, threats of acts, or coercive tactics. May include, but is not limited to: humiliation, control, isolation, withholding of information, or any other deliberate activity that makes the person feel diminished or embarrassed.

Employer of Record (EOR): A professional employment firm that takes on the role of managing payroll, benefits, and risk management for a company's employees on its behalf, relieving the company of these responsibilities.

Exploitation: Constitutes the abuse of a person where some form of remuneration is involved or whereby the perpetrators benefit in some manner. Represents a form of coercion and violence that is detrimental to the person's physical or mental health, development, education, or well-being.

Financial conflict of interest: A significant financial interest that could directly and significantly affect the design, conduct, or reporting of research.

Forced labor: Knowingly providing or obtaining the labor or services of a person -

1. By threats of serious harm to, or physical restraint against, that person or another person.
2. By means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or
3. By means of the abuse or threatened abuse of law or the legal process.

Fraud: Wrongful or criminal deception that is intended to result in financial or personal gain or to deprive a victim of a legal right. Fraud can violate civil law or criminal law, or it may cause no loss of money, property, or legal right but still be an element of another civil or criminal wrong.

Gender identity or expression: A person's actual or perceived gender identity, self-image, appearance, behavior, or expression, regardless of whether that identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the person's gender at birth.

Gross misconduct: Severe negligence or willful conduct that is violent, is unlawful, or has the potential to severely harm the organization or others within the organization.

Harassment: Unwelcome conduct that is based on gender, marital status, pregnancy, race, ethnicity, tribe, color, religion, age, ancestry, national origin, sex, gender identity or expression, sexual orientation, or physical or mental disability, and that interferes with an individual's work performance or creates an intimidating, hostile, humiliating, demeaning, or sexually offensive working environment.

Human resources (HR) lead: The lead specialist in an MGIC office with responsibilities related to human resources management, which could in some cases be the DFA or a project manager.

Institutional Conflict of Interest (ICOI): A significant financial interest or significant relationship which may compromise University research and other academic activity.

Involuntary servitude: Includes a condition of servitude induced by means of -

1. Any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such conditions, that person or another person would suffer serious harm or physical restraint; or
2. The abuse or threatened abuse of the legal process.

MGIC Office: A unit, team, or designated representative within MGIC who maintain a physical presence in a country (such as a Country Office) or operate remotely when there is no physical office in country (such as MGIC USA).

MGIC Office Leadership: The CD or designated Country Representative, director of finance and administration (DFA), and other senior managers whom the CD supervises and who are collectively accountable for office or team management, operations, and programs.

MGIC Personnel: Individuals engaged under MGIC Employment Contracts or by a third-party Employer of Record (EOR) retained by MGIC. MGIC Personnel may live and work in a country regardless of whether MGIC has an established country office or not.

MGIC USA: The operational structure of MGIC procedures and services provided to UMB Funding Units outside of an MGIC country office. MGIC USA's services include procurement, financial transactions, recruitment and employment, and facilitation of legal services in countries where MGIC is not registered or operational. MGIC USA is an MGIC Office and is subject to the MGIC policies and procedures.

Neglect of a child: Constitutes failure to provide for a child's basic needs within organizational activities that are responsible for the care of a child in the absence of the child's parent or guardian.

Partner: A civil society organization (CSO), including local and international non-governmental organizations (NGOs), or a governmental (state) actor with which MGIC has an alliance that supports UMB research and programmatic aims.

Payment Authorization Agreement (PAA): An agreement instrument that establishes the terms under which sponsor or lightly restricted funds that are disbursed from UMB to its affiliate must be used for direct implementation of UMB's research and programs through the affiliate.

Physical abuse: Constitutes acts or failures to act resulting in injury (not necessarily visible), unnecessary or unjustified pain or suffering without causing injury, harm or risk of harm to a person's health or welfare, or death. Such acts may include, but are not limited to: punching, beating, kicking, biting, shaking, throwing, stabbing, choking, hitting (regardless of object used), or burning. These acts are considered abuse regardless of whether they were intended to hurt the person.

Principal investigator: An individual designated by UMB as director of a project or program supported by an award; referred to as the *UMB department program lead* in these Policies.

Report: A report in these procedures is a report of a known or reasonably suspected, serious violation of law or policy.

Reporter: A person making a report under these procedures, including a whistleblower.

Reprisal action: A disciplinary or adverse action against a reporter if the action is taken solely in retaliation for making a report.

Reprisal action complaint: A written allegation by a reporter that a reprisal action has been taken against the reporter.

Retaliation: Any action taken against someone who raised a concern about suspected misconduct, which includes making threats, demoting, terminating employment, or other punishment or unfair treatment.

Sensitive data: Any personal, confidential, and legally protected information, including personally identifiable information (PII) associated with patient and study participant data.

Severe forms of trafficking:

1. Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
2. The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Sex trafficking: The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.

Sexual abuse of a child: Constitutes fondling a child's genitals, penetration, incest, rape, sodomy, indecent exposure, and exploitation through prostitution or the production of pornographic materials.

Sexual harassment: Unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature.

Sexual orientation: The identification, perception, or status of an individual as to homosexuality, heterosexuality, or bisexuality.

Sponsor: A funder of a sponsored project; an awarding agency or institutional donor; a funding source; an institution that funds activity that is separately budgeted and accounted for according to the terms the institution lays out in an award agreement.

Sponsored project: A project funded by a sponsor (as opposed to those funded by UMB lightly restricted or unrestricted funds).

UMB Central Administration: The offices and departments of UMB that oversee university-wide systems, policies, procedures, and standards. These offices are designated by the MGIC Board to support the governance, compliance, and administration of MGIC. They include, among others, International Operations, Sponsored Program Administration, Sponsored Program Accounting and Compliance, Human Resources, the Office of the Controller, the Office of Accountability and Compliance, and the Office of Legal Counsel.

UMB department administrator: The person in a UMB Funding Unit who typically serves as chief financial and operating officer for the UMB unit and is responsible for the planning and execution of compliance, financial, personnel, and other administrative affairs for the department's programs. When multiple UMB Funding Units engage the same MGIC office, the MGIC President designates one individual to serve as the UMB department administrator for that MGIC office's approvals and oversight purposes.

UMB department operations lead: The person in a UMB Funding Unit with responsibilities related to program operations, human resources management, and administration. When multiple UMB Funding Units engage the same MGIC office, the MGIC President designates one individual to serve as the UMB department operations lead for that MGIC office's approvals and oversight purposes.

UMB department program lead: The person in a UMB Funding Unit who directs the program. This role is often performed by the Principal Investigator or equivalent program director named in UMB's award agreement. This role may directly supervise MGIC technical leads in collaboration with the CD/CR.

UMB Funding Unit: A UMB school, department, institute, center, or other structure that manages international program awards and engages and funds MGIC to implement those programs.

UMB lightly restricted or unrestricted funds: UMB private funds (versus award funds) that are provided to MGIC with minimal spending restrictions indicated; sometimes referred to as "discretionary funds." **Whistleblower:** A person making a report.

Whistleblowing: Reporting issues of suspected or known fiscal irregularities, illegal activity, and violations of policy.

2-1 Overview of MGIC Ethics and Conduct Policies and Procedures

Organization of the policies and procedures for ethics and conduct

The Maryland Global Initiatives Corporation (MGIC), an affiliate of the University of Maryland, Baltimore (UMB), carries out UMB's programs to improve the human condition. In pursuit of this mission and in the implementation of all UMB's international programs, MGIC holds a commitment to reflecting UMB's and MGIC's stated core values and carrying out the work with the highest standards of ethical behavior and professionalism.

This section lays out the requirements of laws and policies that relate to ethical and professional conduct in the MGIC workplace. It includes MGIC’s Code of Ethics and Professional Conduct, which covers general standards of conduct, nepotism, fraternization and romantic relationships, and confidentiality, as well as reporting of violations, non-retaliation, and cooperation with investigations. It presents policies on conflict of interest, whistleblowing, equal opportunity, prohibition of harassment and discrimination, including sexual misconduct, combatting trafficking in persons, and child safeguarding.

About “Designees”

MGIC Policies and Procedures assign authorities and responsibilities to certain leadership positions. However, directors and managers may designate or delegate those authorities and responsibilities to colleagues, unless otherwise indicated and in accordance with [5-4 Signature Authorities](#) and with appropriate internal controls in place.

Definitions related to MGIC Policies

The definitions of terms used in this section of the MGIC Policies and Procedures are important to the direction and guidance provided herein (see [Definitions](#)). Terms such as “harassment,” “child abuse,” or “conflict of interest” may have varying interpretations in the contexts in which MGIC operates, and the MGIC definitions seek to provide explanation and detail to prevent any misunderstandings. MGIC personnel with questions about the meanings and applications of these terms are urged to consult their supervisor, the human resources (HR) lead, or MGIC leadership.

2-2 MGIC Code of Ethics and Professional Conduct

- All personnel are urged to report any suspected or known misconduct.
- MGIC prohibits retaliation in any form for the reporting of reasonably suspected or known misconduct.

Policy statement

All MGIC personnel (hereafter referred to simply as “personnel”) must receive a copy of these **MGIC Policies and Procedures on Ethics and Conduct** both upon hire and whenever they are updated. They must also receive the HR Handbook, which contains more specific guidance on standards of conduct, and sign the HR Handbook Employee Acknowledgement committing to adhere to the policies and procedures described therein (see [4-2 Human Resources Handbook](#)).

All personnel are called upon to develop and maintain the highest standards of integrity and professionalism in conducting MGIC business. Personnel subject to this Code include staff, faculty, fellows, students, interns, and volunteers. In fulfilling the responsibilities of their positions, personnel are expected to adhere to and act in accordance with this Code and all laws, rules, regulations, policies, and procedures applicable to their MGIC activities.

The country director (CD) or country representative (CR) is responsible for holding personnel accountable for adhering to this Code, which reflects applicable UMB Policies and U.S. government (USG) laws and regulations, as well as adhering to local laws and regulations related to ethics and conduct. In the event of a contradiction between MGIC Policies and Procedures and local law, the CD/CR shall consult MGIC’s VP – Policy & Administration, who shall consult with UMB Funding Units

and the MGIC Board of Directors as needed, and then render a decision and recommend a course of action.

MGIC has a zero-tolerance policy for violations of the Code. A zero-tolerance policy means MGIC will strictly enforce this Policy to prevent undesirable actions and will impose immediate consequences for violating it. Conduct that causes or threatens harm to others or that constitutes persistent, unwanted behavior will not be tolerated. Fraud and other fiscal irregularities, undisclosed conflicts of interest, and other illegal and unethical behavior and misconduct will also not be tolerated.

Anyone found to be engaging in any type of improper, unethical, or illegal behavior, violating the Code, retaliating against a whistleblower, or violating MGIC Policies and Procedures shall be subject to disciplinary action, up to and including termination of employment, as appropriate. Violations that are criminal offenses may be referred for legal prosecution.

This policy, and all MGIC policies, apply equally to personnel engaged by MGIC through an Employer of Record (EOR) service.

Expectations for ethical and professional conduct

MGIC expects and requires all personnel to:

- Uphold the highest standards of intellectual honesty and integrity in research, programming, and administrative activity
- Seek guidance concerning the application of ethical standards to their MGIC activities, either from their supervisor, the CD/CR, or another member of senior management or through the [Ethics Hotline](#)
- Act as good stewards of the resources entrusted to the care of MGIC
- Comply with financial requirements and internal controls applicable to funds and property managed by them and under their oversight
- Comply with all laws, rules, regulations, policies, procedures, and professional standards applicable to their employment and their responsibilities
- Comply with their assigned or assumed responsibilities to fulfill obligations under Payment Authorization Agreements (PAAs), other fund transfer instruments, contracts, and other legal agreements
- Avoid improper or unlawful conflicts of interest and conflicts of commitment
- Disclose any conflicts of interest and commitment that arise
- Combat bribery and corruption
- Encourage and promote the dissemination of the Code

Managers at all levels have a special responsibility to support and develop training and evaluation systems that maintain this environment. These should include visible statements of the expectations set forth in the Code and instructions for reporting violations, e.g., signs or posters that are prominently displayed in MGIC offices.

Encourage reporting - “Do not wait or hesitate”

- MGIC leadership should actively encourage reporting of known or suspected misconduct, making sure employees understand the importance of **speaking up**.
- MGIC leadership should encourage personnel to use the [Ethics Hotline](#) without hesitation.

Key Definitions

Fraud: Wrongful or criminal deception that is intended to result in financial or personal gain.

Retaliation: Any action taken against someone who raised a concern about suspected misconduct, which includes making threats, demoting, terminating employment, or other punishment or unfair treatment.

Whistleblowing: Reporting issues of suspected or known fiscal irregularities, illegal activity, and violations of policy.

Managers are responsible for ensuring all personnel have access to the latest version of the Code. All personnel are responsible for complying with the current version of the Code and any accompanying interpretations.

MGIC offices are advised to encourage partners to adhere to these standards and to join all personnel in upholding them.

Reporting violations of this Code

All personnel and other parties who interact with an MGIC office must be vigilant for signs of misconduct and report ***any known or reasonably suspected wrongdoing, ethics concerns, and possible violations of this Code***. Such violations include criminal offenses, suspected or known fraud, sexual misconduct, or other serious offenses that could potentially result in litigation and damage the reputation of MGIC or UMB, or otherwise pose a serious risk to MGIC or UMB.

This also applies to potential known or suspected misconduct by personnel and those who interact with MGIC offices, including but not limited to UMB personnel, partners' staff, host government representatives, vendors, program and research participants, and clients.

Any suspicions or knowledge of misconduct or wrongdoing should be reported through the [Ethics Hotline](#), which is a confidential and anonymous reporting mechanism.

- If comfortable, the person may communicate the concern to a supervisor, the CD/CR, or another member of senior management.
- Any MGIC or UMB employee who receives a report of an ethics violation is responsible for submitting information on the reported violation through the [Ethics Hotline](#).
- Those who fail to make such notifications may be subject to disciplinary action, up to and including termination of employment, as appropriate.

See [2-5 MGIC Whistleblower Policy](#) below, for more information on ethics reporting and investigation procedures.

Non-retaliation and cooperation with investigations

MGIC does not permit retaliation against any person who reports known or suspected unethical behavior, violations of the standards of conduct, discrimination, harassment, or other unlawful behavior. Reports of this nature should be directed through the same channels as other reports of misconduct – that is, to a manager or through the [Ethics Hotline](#).

All personnel are expected to cooperate fully with MGIC or UMB investigations of reports of wrongdoing. For its part, MGIC management will provide due process for affected personnel. Investigations will be conducted on a confidential basis, to the extent feasible, and will be diligent, thorough, and timely.

Unanticipated situations

This Code does not address every situation or ethical dilemma that may be faced by personnel in the course of their employment or other MGIC role. Each person is expected to exercise good judgment in the absence of specific guidance from this Code or other policies and procedures. Each person is

expected to consult an appropriate supervisor, the CD/CR, another member of senior management, or other resource person if the appropriate course of action is not clear.

Bribery and corruption

MGIC prohibits offering, giving, receiving, or soliciting payment of money or anything of value to or from government officials in order to influence any act or decision of the officials in their official capacity or to secure any other improper advantage in order to obtain or retain business. The anti-bribery provisions of the [U.S. Foreign Corrupt Practices Act](#) (FCPA) apply where **corrupt intent** is present – that is, the intent to improperly influence government officials. This includes all offers, payments, promises, or gifts that are intended to induce the recipients to misuse their official position.

Specific examples are:

- Offering bribes to customs officials
- Paying cash in the guise of “consulting fees” or “commissions” given through intermediaries
- Paying travel expenses that do not have a clear business purpose

In addition, MGIC prohibits personnel from paying bribes and kickbacks to and taking bribes and kickbacks from vendors, subrecipient organizations, and any other entity with which the MGIC engages. This includes giving or receiving payments of money or accepting promises or gifts offered to personnel to influence MGIC actions or otherwise induce misuse and/or illegal use of the recipient’s position.

Nepotism

MGIC permits the employment of members of the same family in select circumstances only. A supervisor-subordinate relationship shall not exist between family members, nor shall one member of a family assume for the other the role of advocate or judge with respect to conditions of employment, promotion, or compensation and benefits.

Notification: If a supervisor-subordinate relationship between family members develops during employment, the family members must notify the office’s HR lead immediately. MGIC shall take necessary corrective action so that all employment is consistent with this policy. Such action may include transfer, reassignment, or removal of one or more of the family members.

Definition of a “Family Member”

Family members include but are not limited to: spouses, domestic partners, parents, siblings, biological and adopted children, grandparents, grandchildren, aunts and uncles and their children (first cousins), nieces and nephews, parents-in-law, sons- and daughters-in-law, and brothers- and sisters-in-law.

Special case for certain personnel: Family members of certain categories of personnel ***shall not be employed by MGIC under any circumstances***. These categories are:

- Personnel considered part of the MGIC leadership
- Members of the finance team
- Members of the procurement team
- Members of the HR team
- Other personnel who perform finance, procurement, and HR functions

For example, the daughter-in-law of the director of finance and administration (DFA) may not work for the same office, even as a member of the program team.

Fraternization and romantic relationships

To mitigate possible misunderstandings, conflict of interests, complaints of favoritism, and claims of sexual harassment, MGIC strongly discourages fraternization and romantic relationships among personnel, as well as romantic relationships between personnel and clients, vendors, consultants, and contractors.

Disclosure: In the event that a romantic relationship exists or develops between personnel or between a member of personnel and any of the above-listed parties, the personnel involved should disclose the relationship to a supervisor, the CD/CR, or another member of senior management. The senior member that receives the disclosure will record it in the personnel file(s) and make a determination as to whether the relationship presents an actual or potential conflict of interest. Should an actual or potential conflict of interest exist, management shall identify solutions and initiate arrangements to address that conflict of interest.

- A romantic relationship between a supervisor and subordinate **always** poses a conflict of interest and must be reported immediately and addressed quickly.

Confidentiality

Personnel must sign a [Data Confidentiality Agreement Form](#) at the time of hire (see [4-4 Standards of Conduct](#)). This agreement requires personnel to limit the use and disclosure of **sensitive data**, which is any personal, confidential, and legally protected information. This includes personally identifiable information (PII) associated with patient and study participant data. Confidentiality is particularly important for protecting the privacy of individuals' healthcare information, including their HIV status.

Personnel must not publish or otherwise divulge sensitive data in whole or in part, nor authorize others to do so, unless requested by MGIC as part of the person's normal duties. Personnel must also take such reasonable measures as are necessary to restrict access to such information while in their personal possession, including use of equipment locks, password protection, and encryption.

MGIC files and documents must be stored in MGIC offices, on MGIC- or UMB-owned IT equipment, and in MGIC or UMB online repositories and not on personal IT devices or in other personal spaces. If an exception is warranted, the CD/CR may give permission for storing MGIC files and documents in physical or online spaces not owned or controlled by MGIC or UMB. Such permission must be documented in writing and include a statement as to the measures that will be taken to mitigate the risk of violation of security and confidentiality.

Personnel who are assigned to work outside of an MGIC office – including remote workers, staff embedded in other institutions, and in other non-traditional office structures – must have an approved data and file security plan that is subject to periodic inspection and revision by UMB Central Administration and UMB Funding Unit(s) as needed to safeguard MGIC's and UMB's information.

All personnel must not use or disclose **confidential and proprietary information** relating to the activities or business affairs of MGIC and UMB, except as may be necessary in carrying out MGIC duties and collaborating on program implementation and research with partner organizations. This includes not disclosing information about MGIC and UMB processes, inventions, fundraising strategies, and funding proposals, all of which are the sole property of MGIC or UMB.

Individuals who become aware that sensitive data (including confidential information) has been shared or otherwise divulged contrary to this Code should immediately notify their supervisor and the CD, preferably in writing, and/or report the data breach through the [Ethics Hotline](#).

For more detailed MGIC procedures and related policies, see:

- [3-11 Confidentiality and Data Security](#)
 - [7-4 Data and Systems Security](#)
-

Checklist for CDs/CRs

A tool for managing policy implementation and conducting compliance monitoring

- ☐ Foster a work environment where illegal and unethical behavior, harassment of any kind, and discrimination are not tolerated
- ☐ Provide all personnel with a copy of the **MGIC Policies and Procedures on Ethics and Conduct** upon hire and whenever they are updated
- ☐ Encourage reporting of any known or suspected unethical behavior, harassment, or other misconduct
- ☐ Follow MGIC Whistleblower Policy and procedures to report violations of the Code of Ethics and Professional Conduct, including criminal offenses, suspected, or known fraud, sexual misconduct, or other serious offenses
- ☐ Protect from retaliation or reprisal any individuals who report suspected or known misconduct
- ☐ Discourage and manage family and romantic relationships in the workplace and encourage disclosure of such relationships
- ☐ Develop and maintain procedures to protect the confidentiality of sensitive data and other confidential information

Key references

- [Data Confidentiality Agreement Form](#)
- [Ethics Hotline \(https://www.umaryland.edu/mgic/ethics-hotline/\)](https://www.umaryland.edu/mgic/ethics-hotline/)
- [2-3 MGIC Conflict of Interest Policy](#)
- [2-5 MGIC Whistleblower Policy](#)
- [3-11 Confidentiality and Data Security](#)
- [4-2 Human Resources Handbook](#)
- [4-4 Standards of Conduct](#)
- [7-4 Data and Systems Security](#)
- [U.S. Foreign Corrupt Practices Act](#)
- USG [Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards](#), commonly referred to as the Uniform Guidance – 2 CFR 200

2-3 MGIC Whistleblower Policy

Policy statement

MGIC is committed to conducting business with the highest standards of integrity and professionalism. MGIC strives to foster a work environment that enables upholding core values, ensures fairness and transparency, and promotes accountability and excellence. MGIC expects the same of all personnel and those who may be performing services or implementing activities on MGIC's behalf.

Definition of "whistleblower"

A whistleblower is a person making a report about fiscal irregularities, illegal activity, and serious violations of policy.

In line with USG whistleblower law, MGIC encourages all personnel and other parties who interact with the country office to be vigilant for signs of misconduct and to report any fraud, fiscal irregularities, illegal activity, and serious violations of policy, including these other MGIC and UMB Policies:

- [2-2 MGIC Code of Ethics and Professional Conduct](#)
- [2-3 MGIC Conflict of Interest Policy](#)
- [2-4 UMB Policies on Conflicts of Interest and Research](#)
- [2-6 MGIC Equal Opportunity Policy](#)
- [2-7 MGIC Policy Prohibiting Harassment and Discrimination](#)
- [2-8 MGIC Policy on Combatting Trafficking in Persons](#)
- [2-9 MGIC Policy on Child Safeguarding](#)

Examples of fraud and fiscal irregularities

- Theft of funds or property
- Improper use of grant funds
- Falsification of documents
- Forgery of signatures
- Accepting kickbacks or bribes

MGIC and UMB personnel should report all suspected or known misconduct or violations of the Code of Ethics to the Ethics Hotline. The [Ethics Hotline](#) provides a confidential and anonymous means for such reports to be made by personnel and by outsiders who interact with MGIC and UMB personnel, such as contractors, vendors, applicants for employment, program or research participants, and clients.

Contents of the report: A report should provide information that evidences a serious violation of law, regulation, or policy related to activities and personnel. When possible and lawful, the report should include documents or data to support the allegations in the report.

Anonymity and confidentiality: A person may report a concern about a serious matter on a confidential basis, so that the reporter's identity is not disclosed to the persons whose actions are the subject of the report. A person may also report anonymously, so that MGIC itself does not know the reporter's identity.

To the extent practical, MGIC and UMB will maintain the confidentiality or anonymity of a reporter as they investigate reports and resolve issues. It is possible that a person whose actions are being investigated will be able to identify a reporter as a result of the investigation. MGIC and UMB therefore cannot guarantee confidentiality or anonymity of a reporter.

Protection against reprisal actions (non-retaliation): Individuals who report suspected fraud will be protected against retaliation, in line with laws and regulations that protect personnel who disclose information about ethical concerns or violations.

- MGIC will protect such individuals against reprisal actions such as threats, demotion, or termination of employment.
- MGIC will take action to protect personnel, regardless of whether suspicions prove to be true.
- MGIC will not tolerate punishment or unfair treatment when concerns about suspected misconduct are raised in good faith.

All concerns reported in good faith will be investigated thoroughly, sensitively, and fairly.

Procedures for whistleblower reporting

The reporting procedures for whistleblowing are the same as for reporting other violations of the MGIC Code of Ethics and Professional Conduct. All personnel and other parties who interact with MGIC must report ***any known or reasonably suspected fiscal irregularities, illegal activity, and serious violations of policy.***

All whistleblower reports of suspected misconduct must be entered in the [Ethics Hotline](#). If not already submitted by the reporter themselves, the supervisor, CD/CR, or another member of senior management must submit the information through the Ethics Hotline.

Where to publicize the Ethics Hotline

- In job advertisements
- On procurement forms
- By the desk of the petty cash custodian
- On posters in the office
- On websites

Procedures for investigation of whistleblower reports

The CD/CR or equivalent MGIC leadership is authorized to take immediate action locally, using their best judgement, to safeguard MGIC personnel and property, mitigate risk, and secure potential evidence, upon receipt of a report of suspected misconduct and during subsequent investigations. Such actions may include placing an employee on temporary administrative leave, notifying local authorities, consulting legal counsel, adding temporary security services, and restricting access to offices and financial assets. The CD/CR must notify the UMB department operations lead and MGIC VP – Policy and Administration when such precautions are taken.

Once a report is submitted to the [Ethics Hotline](#), MGIC senior leadership will collaborate with relevant UMB Funding Unit(s) as appropriate to conduct an initial internal inquiry. This initial step will inform a preliminary determination as to whether the allegation, if true, would constitute a violation of MGIC or UMB policy, grant or research requirements, or relevant laws and/or regulations, as applicable. The personnel assigned to lead the inquiry will document and share the results with the UMB Office of Accountability and Compliance (OAC) and the department of International Operations (IO) for case management and to inform the MGIC Board.

For resolution processes that OAC determines in consultation with the MGIC President, or their designee should be managed by MGIC, the CD/CR with support from assigned senior MGIC and UMB staff will engage local legal counsel, law enforcement, audit services, and independent investigation services as necessary to comply with local law. MGIC will follow legal advice to conduct employee disciplinary hearings and other appropriate compliance and corrective actions, and/or sanctions. OAC will assist MGIC in the evaluation of any required third-party investigators for appropriate expertise, and will provide case management, procedural guidance to MGIC leadership, and quality assurance of the process and resolution deliverables. At the completion of MGIC's resolution process, the case file will be updated to reflect the outcome of the investigation and actions taken.

For resolution processes conducted directly by OAC, UMB's policies and procedures will be followed, as well as OAC's internal standard operating procedures for compliance resolutions for Intake/Preliminary Review, Inquiry, Investigation, and Adjudication. For all complaints to be resolved using UMB processes, MGIC will designate a point of contact and support the resolution activities by providing access to personnel, evidence, and other information as may be needed or desired.

Communications to the reporters: Reporters will receive notification when the investigation commences and when it is complete, what action was taken to resolve the issues they had described in their report, to the extent this can be done consistent with confidentiality obligations applicable to MGIC and UMB. The [Ethics Hotline](#) allows reporters to receive such notifications while remaining anonymous if they so choose.

Documentation: All compliance resolution activities are to be documented throughout the course of the resolution process. International Operations will update the MGIC Board on investigations and their outcomes.

Procedures for investigation of complaints about reprisal action

Any form of retaliation or reprisal action is not permitted. Complaints about reprisal actions may be submitted through the same mechanisms – through a supervisor, the CD/CR, or another member of senior management, and the [Ethics Hotline](#) – as used for initial reports of suspected or known fiscal irregularities, illegal activity, and violations of policy.

People against whom such complaints are made will be given a full and fair opportunity to understand and respond to the allegation.

Checklist for CDs/CRs

- ☐ Foster a work environment where MGIC core values are upheld
- ☐ Provide all personnel with a copy of **MGIC Policies and Procedures on Ethics and Conduct** upon hire and whenever they are updated
- ☐ Encourage reporting of any suspected or known fiscal irregularities, illegal activity such as fraud, and violations of policy
- ☐ Reinforce with personnel their understanding of when and how to use the [Ethics Hotline](#)
- ☐ Follow the procedures for investigating whistleblower reports
- ☐ Protect whistleblowers from retaliation or reprisal actions

Key references

- [Ethics Hotline](#)
- [2-2 MGIC Code of Ethics and Professional Conduct](#)
- [2-3 MGIC Conflict of Interest Policy](#)
- [2-4 UMB Policies on Conflicts of Interest and Research](#)
- [2-6 MGIC Equal Opportunity Policy](#)
- [2-7 MGIC Policy Prohibiting Harassment and Discrimination](#)
- [2-8 MGIC Policy on Combatting Trafficking in Persons](#)
- [2-9 MGIC Policy on Child Safeguarding](#)
- [USG Uniform Guidance](#)

2-4 MGIC Conflict of Interest Policy

Policy statement on conflict of interest

Personnel are called upon to uphold MGIC core values and avoid damage to the reputation of MGIC and UMB. To this end and in compliance with USG and local laws and regulations, MGIC and UMB staff, faculty, fellows, students, interns, volunteers, and service providers are required to avoid conflicts of interest or apparent conflicts of interest between their obligations to MGIC and their personal affairs.

What are conflicts of interest?

- A situation in which personnel are in a position to derive personal benefit from actions or decisions made in their official capacity
- A situation in which the interests of personnel compete with MGIC's or UMB's interests
- A situation in which personnel have direct and personal interests in transactions or arrangements that could affect their judgment and divide loyalty to MGIC or UMB with loyalty to their own interest

All personnel are required to abide by this Conflict of Interest Policy in all their dealings with sponsors, suppliers, vendors, consultants, and other MGIC and UMB contacts. No MGIC or UMB information, position, or property may be used for personal gain or benefit, and no personnel may compete with MGIC directly or indirectly. All personnel must exercise good faith in all transactions relating to their duties and must be careful to avoid situations that could present a conflict of interest or an appearance of a conflict of interest between their own personal or professional interests and the interests of MGIC and UMB.

Personnel must promptly and fully disclose all known and potential conflicts of interest to the DFA or other manager or through the and disclosures must be placed in individuals' personnel files. Any relationship or activity which could or would appear to be a conflict of interest must be disclosed in accordance with this Conflict of Interest Policy as soon as possible. This includes any relationship or activity that could influence performance of one's duties with MGIC and interfere with one's loyalty to MGIC and UMB.

Examples of Conflict of Interest

- When a staff member's family member works for an MGIC sponsor or supplier
- When a staff member has a financial stake in an MGIC business transaction
- When a staff member accepts a gift (something of value) from or gives a gift to a supplier or potential supplier, a government official, a competitor, or a subrecipient representative
- When a supervisor proposes promoting a subordinate staff member in whom they have a romantic interest

Policy statement on gifts and honoraria

Gifts: To avoid perceived or real conflicts of interest, personnel may not solicit any gift, whether for themselves or on behalf of MGIC, UMB, or others.

In general, personnel may not accept gifts, directly or indirectly, from business-related parties, such as vendors, suppliers, potential employees, potential vendors, government officials, and representatives of partner organizations. Exceptions include:

- Ceremonial gifts or awards of insignificant monetary value
- Unsolicited gifts worth less than US\$20 or the equivalent in local currency
- Gifts such as t-shirts, pens, book bags, and other items obtained at conferences and other events where the gifts are offered equally to all members attending

If personnel receive gifts that are not permitted, the gifts should be returned, if feasible. If not feasible, recipients should consult with the DFA or equivalent leadership for guidance on how to proceed.

Honoraria: An honorarium is a payment given for professional services that are usually given for free (without charge), such as making a speech at a conference or other event. Personnel who provide these services on a topic related to their MGIC activities may accept honoraria that do not exceed US\$100 (or the equivalent in local currency) for those services, if no conflict of interest exists. They may keep the funds for personal use.

Honoraria exceeding US\$100 for which no conflict exists may be accepted and are the property of MGIC. The funds shall be turned over to the MGIC office unless an exception is sought by the CD/CR or DFA and granted in writing by the UMB department administrator. It is recommended that the office's senior management team consult with head office as soon as they become aware of the possibility of an honorarium exceeding US\$100.

Disclosure

All personnel shall complete and submit a [Conflict of Interest Disclosure](#) **upon hire** and on an **annual basis** at the commencement of each fiscal year. In those statements, employees shall disclose both potential and existing conflicts of interest.

Translation of the Disclosure

The [Conflict of Interest Disclosure](#) may be translated as needed to ensure full understanding and promote reporting by all personnel.

Furthermore, personnel must promptly and fully disclose any known or potential conflict that arises during the course of the year in between completing the disclosure form annually. At the same time, they must refrain from further participation in whatever business engagement is taking place until the question is resolved.

- Personnel participating on interview panels or in the search for a consultant must disclose any personal relationship with candidates. Those who disclose relationships will be excused from the hiring process. See [4-7 Hiring](#) for more information.
- Personnel serving on procurement committees must disclose any perceived or real conflict of interest related to a particular procurement. See [5-15 Procurement](#) for more information.

Personnel who fail to voluntarily declare a conflict of interest situation are in breach of MGIC Policy and shall be subject to disciplinary action, up to and including termination of employment, as appropriate.

The DFA or equivalent position has the responsibility to:

- Inform personnel of these requirements
- Collect completed [Conflict of Interest Disclosures](#)

- Review any declared conflicts of interest, consult the office's senior management and head office as needed, take measures to address the conflicts of interest, and document those actions
- Place in individuals' personnel files the signed and reviewed disclosures, as well as documentation of any follow-up actions taken

Personnel hired by MGIC USA through an Employer of Record (EOR) service are required to complete the [Conflict of Interest Disclosures](#), which shall be collected and kept on file by the UMB International Operations (IO) department.

Reporting violations

Personnel who suspect an unreported situation in which a conflict of interest exists or appears to exist are encouraged to communicate their concern to a **manager**, through the [Ethics Hotline](#), and/or through submission of a [Conflict of Interest Disclosure](#).

Checklist for CDs/CRs

- ☐ Reinforce with personnel their understanding of what may constitute a conflict of interest
- ☐ Collect and maintain on file the signed annual [Conflict of Interest Disclosure](#) for all personnel
- ☐ Encourage immediate reporting of any suspected or known conflicts of interest

Key references

- [Conflict of Interest Disclosure](#)
- [Ethics Hotline](#)
- [4-7 Hiring](#)
- [5-15 Procurement](#)
- [USG Uniform Guidance](#)

2-5 UMB Policies on Conflicts of Interest and Research

The University of Maryland, Baltimore has two policies that address **financial and institutional conflict of interest in research** that MGIC personnel may face, however rarely.

Policy statement for financial conflict of interest related to PHS-funded research

The [UMB Policy and Procedures on Financial Conflict of Interest to Promote Objectivity in Public Health Service-Funded Research](#) concerns research that is funded by the U.S. Public Health Service (PHS). It establishes standards that provide a reasonable expectation that the design, conduct, and reporting of PHS-funded research are free from bias resulting from an MGIC or UMB employee's financial conflicts of interest.

Application of the Policy: This policy applies to any application for or receipt of research funding from PHS, including the National Institutes of Health (NIH) and Centers for Disease Control and Prevention (CDC). All such funding applications and receipts are made by UMB at the head office. The policy applies to the UMB department program leads serving as principal investigators (project directors) and others who are responsible for the design, conduct, or reporting of PHS-funded

research. Those individuals are subject to other applicable University Policies, and are required to complete training related to financial conflicts of interest. See the UMB Policy for more detail.

Policy statement for institutional conflicts of interest in research and other academic activity

The [UMB Policy on Identifying and Addressing Institutional Conflicts of Interest to Preserve Integrity of Research and Other Academic Activity](#) seeks to preserve and enhance integrity of research and other academic activity that could be subject to intentional or unintentional bias as a result of real or perceived Institutional Conflict of Interest (ICOI). An ICOI may exist when MGIC or UMB personnel are identified with entities that sponsor MGIC-implemented activity or have an interest in the outcome of UMB research.

Application of the Policy: This policy only applies to large commitments that MGIC and UMB make at the head-office level, such as sponsored projects with budgets in excess of US\$1 million. See the UMB Policy for more detail.

Procedures

- Personnel must identify and disclose to their MGIC office DFA and HR lead any real or perceived financial conflict of interest related to PHS-funded research and any institutional conflict of interest, so that the matter is reviewed and the conflict of interest managed to preserve the integrity of UMB research and other activity. Personnel should update their [Conflict of Interest Disclosure form](#), which is completed at the start of each fiscal year, whenever a new potential conflict of interest arises.

The expectations for reporting these types of conflict of interest, handling of violations, and non-retaliation are the same as those laid out in [2-3 MGIC Conflict of Interest Policy](#).

Checklist for CDs/CRs

- ☐ Share with the head office [Conflict of Interest Disclosures](#) in which personnel declare financial conflicts of interest related to research

Key references

- [Conflict of Interest Disclosure](#)
- [III-1.11\(B\) UMB Policy and Procedures on Financial Conflict of Interest to Promote Objectivity in Public Health Service-Funded Research](#)
- [III-1.11\(C\) UMB Policy on Identifying and Addressing Institutional Conflicts of Interest to Preserve Integrity of Research and Other Academic Activity](#)
- [2-3 MGIC Conflict of Interest Policy](#)
- [USG PHS Regulations - Promoting Objectivity in Research \(42 CFR Part 50, Subpart F\)](#)
- [USG PHS Regulations - Responsible Prospective Contractors \(45 CFR Part 94\)](#)
- [USG Uniform Guidance](#)

2-6 MGIC Equal Opportunity Policy

Policy statement

UMB and MGIC are firmly committed to the principle of equal employment opportunity. The work environment should fully reflect a commitment to ensuring that all people are accorded respect and are evaluated and advanced in the workplace on the basis of their abilities and accomplishments.

MGIC recognizes that implementation of such a policy requires constant attention and effort. MGIC will take every step necessary to guarantee that this commitment is honored, not only in principle but also in practice.

MGIC does not discriminate on the basis of race, ethnicity, tribe, color, religion, age, ancestry or national origin, sex, gender identity or expression, sexual orientation, physical or mental disability, marital status, status as a veteran, HIV status, or any other legally protected status. MGIC is committed to following the principles of equal employment opportunity when recruiting, hiring, training, and promoting persons in all job titles and administering all personnel actions. See [4-Human Resources](#) for details.

Checklist for CDs/CRs

- ☐ Foster a work environment where MGIC core values are upheld and where all forms of harassment and discrimination are not tolerated
- ☐ Reinforce with personnel, especially throughout hiring processes, their understanding of equal opportunity employment

Key references

- [4-Human Resources](#)
- [USG Uniform Guidance](#)

2-7 MGIC Policy Prohibiting Harassment and Discrimination

- MGIC prohibits and does not tolerate **any** form of harassment or discrimination in the workplace.
- All personnel are urged to report any known or reasonably suspected sexual misconduct and other harassment.

Policy statement

MGIC is committed to providing a working and learning environment free from all forms of harassment and discrimination. MGIC prohibits and does not tolerate **any** type of harassment or discrimination.

Harassment is defined as any type of unwelcome behavior:

- that is based on gender, marital status, pregnancy, race, ethnicity, tribe, color, religion, age, ancestry, national origin, sex, gender identity or expression, sexual orientation, or physical or mental disability, AND

- that interferes with an individual's work performance or creates an intimidating, hostile, humiliating, demeaning, or sexually offensive working environment.

This includes **sexual misconduct**, which MGIC considers a serious offense (gross misconduct), and which includes sexual and gender-based harassment, sexual violence, dating violence, domestic violence, sexual exploitation, and sexual intimidation. MGIC endeavors to foster a work environment free from sexual misconduct through training, education, prevention programs, and policies and procedures. These are designed to promote prompt reporting, prohibit retaliation, and promote timely, fair, and impartial investigation and resolution of sexual misconduct cases in a manner that ends the sexual misconduct, prevents its recurrence, and addresses its effects.

Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent under local law.

Application: This policy applies to all staff, faculty, fellows, students, interns, volunteers, service providers, and vendors, regardless of sex, sexual orientation, gender identity, and gender expression.

Definition of sexual harassment

Sexual harassment is defined as unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature. The following actions constitute sexual harassment under any one of these situations:

- Submission to the conduct is made or implied as a term or condition of an individual's employment.
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, including for work assignments, promotions, or disciplinary actions.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment exists where activities of a sexual nature, even though they may be welcome to the direct recipient, result in a hostile, offensive, or intimidating atmosphere or interfere with the work or performance of other personnel.

Examples: Examples of sexual harassment include, but are not limited to:

- Physical: touching a person's body, hair, or clothing; standing close or brushing up against a person; hugging, kissing, patting, or stroking.
- Verbal: telling sexual jokes or stories; making sexual comment about a person's body; asking personal questions about social or sexual life; making sexual comments or innuendoes; repeatedly asking out on a date a person who is not interested; issuing invitations with conditions (e.g., suggesting sexual favors are linked to a favorable job performance review).
- Other: making sexual or suggestive gestures with hands or body movements; sharing electronically or displaying sexually suggestive posters, calendars, cartoons, pictures, or other objects in the workplace; intentionally blocking a person's physical path.

Sexual exploitation and abuse

In accepting to work for the country office, all personnel accept the humanitarian and moral values that underlie MGIC's work and vouch that their individual behavior will positively reflect those

values. They agree to carry out their duties in ways that avoid any suggestion of exploitation, partiality, or gain.

The following principles shall guide this behavior:

1. Sexual exploitation and abuse by personnel constitute acts of gross misconduct and are grounds for termination of employment.
2. Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defense. (See [2-9 MGIC Policy on Child Safeguarding](#).)
3. Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading, or exploitative behavior, is prohibited. This includes exchange of assistance, services, or other support that is due to program and research participants and clients.
4. Sexual relationships between personnel of the same office and program and research participants and clients are strongly discouraged, since they are based on inherently unequal power dynamics. Such relationships undermine the credibility and integrity of MGIC's work.
5. Where an employee develops concerns or suspicions regarding sexual abuse or exploitation by a fellow worker, whether in the same organization or not, the employee must report such concerns.

Application of the principles

It is important to apply these principles to all personnel in the delivery of services. Violation of any of the principles may be grounds for immediate dismissal of the concerned individual.

Managers' responsibilities as leaders: Managers are held to a higher professional standard. They are responsible for demonstrating, through their actions, the importance of maintaining an environment that prevents sexual exploitation and abuse. They are expected to:

- Promptly and professionally respond to questions that personnel raise
- Immediately address situations that arise in their presence or otherwise come to their attention
- Promptly address concerns and follow guidelines for confidentiality and prevention of retaliation

Harassment and discrimination reporting and non-retaliation

MGIC expects and requires all personnel to report harassment and discrimination, whether directly experiencing or only witnessing the misconduct, exploitation, or abuse. They must:

- Report any known or reasonably suspected harassment and discrimination, including sexual misconduct, by personnel and those who interact with country offices, such as partners' staff, program and research participants, clients, and other parties
- Refrain from retaliating against those who report known or reasonably suspected harassment and discrimination
- Cooperate fully with authorized investigations of reports of harassment and discrimination

Reporting in person: The procedures for reporting in person are as follows:

1. The person experiencing or witnessing harassment or discrimination should notify and discuss the situation with a supervisor or another member of senior management.

2. The supervisor or manager must then report any violation or alleged violation to the HR lead or senior management (if not reported to one of those directly).
3. In the case of serious harassment, including sexual misconduct, the CD/CR or Senior Manager must **immediately** report the situation to the [Ethics Hotline](#).

Reporting through the hotline: A person may choose to report harassment through the [Ethics Hotline](#), which provides a confidential and anonymous reporting mechanism.

Non-retaliation and confidentiality: Any person who brings such a matter to the attention of management in good faith is assured that no retaliation against that person will be tolerated. The incident will be held in the strictest confidence and the investigation will be conducted in such a manner as to protect the privacy of all concerned.

Checklist for CD/CR

- ☐ Support and develop systems that maintain a work environment that prevents harassment, including sexual misconduct, and does not tolerate discrimination
- ☐ Reinforce with personnel their understanding of sexual misconduct and sex and gender-based discrimination, the gravity of such actions, the prohibitions, and the requirement to report
- ☐ Take proactive measures to safeguard children, defined as persons under the age of 18 regardless of the age of majority or age of consent under local law
- ☐ Take measures to encourage reporting of any suspected or known harassment or discrimination by another employee or other person with whom the country office engages
- ☐ Immediately report to head office any serious case of harassment or sexual misconduct
- ☐ Protect those who report concerns from any retaliation or reprisal actions

Key references

- [Ethics Hotline](#)
- [2-9 MGIC Policy on Child Safeguarding](#)
- [USG Uniform Guidance](#)

2-8 MGIC Policy on Combatting Trafficking in Persons

Policy statement

MGIC has zero tolerance for trafficking in persons as defined in the USG Code of Federal Regulations under [48 CFR FAR 52.222-50 Combating Trafficking in Persons](#).

A zero-tolerance policy means MGIC will strictly enforce this policy to prevent the undesirable actions and will impose immediate consequences for violating it.

No employee, consultant, subcontractor, or other party may engage in any of the following:

1. Trafficking in persons, which includes the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation

2. Procurement of a commercial sex act during the period of employment
3. Use of forced labor in the performance of activities
4. Acts that directly support or advance trafficking in persons, which include:
 - Destroying, concealing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents
 - Failing to provide return transportation or pay for return transportation costs to an employee who was recruited from another country and who, upon the end of employment, requests to return,
 - unless exempted from the requirement to provide or pay for such return by law or the U.S. government, or
 - the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action
 - Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment
 - Charging employees recruitment fees
 - Providing or arranging housing that fails to meet host-country housing and safety standards

Definitions related to trafficking in persons

For more definitions, see the USG regulation [48 CFR FAR 52.222-50 Combating Trafficking in Persons](#).

Coercion:

1. Threats of serious harm to or physical restraint against any person;
2. Any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
3. The abuse or threatened abuse of the legal process.

Commercial sex act: Any sex act on account of which anything of value is given to or received by any person.

Debt bondage: The status or condition of a debtor arising from a pledge by the debtor of the debtor's personal services or of those of a person under the debtor's control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Forced labor: Knowingly providing or obtaining the labor or services of a person -

1. By threats of serious harm to, or physical restraint against, that person or another person;
2. By means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or
3. By means of the abuse or threatened abuse of law or the legal process.

Involuntary servitude: Includes a condition of servitude induced by means of -

1. Any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such conditions, that person or another person would suffer serious harm or physical restraint; or
2. The abuse or threatened abuse of the legal process.

Severe forms of trafficking:

1. Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
2. The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Sex trafficking: The recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.

Reporting trafficking in persons

All personnel who suspect or have knowledge that an employee, consultant, subcontractor, or other party is violating this policy must immediately communicate their concern to a **manager** or through the [Ethics Hotline](#).

- If comfortable, the person may communicate the concern to a supervisor, the CD, or another member of senior management.
- Additionally, the person may report concerns through the [Ethics Hotline](#)

Violation of this policy may result in disciplinary action, up to and including termination. See [Reporting violations of this Code](#) in 2-2 MGIC Code of Ethics and Professional Conduct.

An individual who makes a report in good faith is protected from retaliation. See [Non-Retaliation and Cooperation with Investigations](#) in 2-2 MGIC Code of Ethics and Professional Conduct.

Checklist for CDs/CRs

- ☐ Foster a work environment where MGIC core values are upheld
- ☐ Provide all personnel with a copy of **MGIC Policies and Procedures on Ethics and Conduct** upon hire and whenever they are updated
- ☐ Reinforce with personnel their understanding of “trafficking in persons” and acts that directly support or advance trafficking in persons
- ☐ Strongly encourage reporting of any known or suspected activity associated with trafficking in persons
- ☐ Protect those who report such acts from any retaliation or reprisal actions

Key references

- [Ethics Hotline](#)
- [2-2 MGIC Code of Ethics and Professional Conduct](#)
- USG Code of Federal Regulations under [48 CFR FAR 52.222-50 Combating Trafficking in Persons](#)

2-9 MGIC Policy on Child Safeguarding

Policy statement

Because field activities may involve children, or personnel engaged in project implementation may come into contact with children, these activities could raise the risk of child abuse, exploitation, or neglect. MGIC requires the application of the following principles to safeguard children:

- MGIC prohibits personnel from engaging in any form of child abuse, exploitation, or neglect.

- The office and its personnel must consider child safeguarding in planning and implementing research and programs. This includes determining potential risks to children that are associated with project activities and operations and adjusting their design and implementation to avoid them.
- The office must apply measures to reduce the risk of child abuse, exploitation, or neglect, including, but not limited to, limiting unsupervised interactions with children; prohibiting exposure to pornography; and complying with applicable laws, regulations, or customs regarding the photographing, filming, or other image-generating activities of children (see [3-10 Communications](#)).

What is the relationship of child safeguarding to HIV?

- Violence against children – especially sexual abuse, violent, or forced sex – increases the risk of exposure to HIV and other sexually transmitted infections.
- HIV status can increase the likelihood of victimization and violence.

Definitions related to child safeguarding

Child: A person who has not attained 18 years of age.

Child abuse, exploitation, or neglect: Constitutes any form of physical abuse; emotional ill-treatment; sexual abuse; neglect or insufficient supervision; trafficking; or commercial, transactional, labor, or other exploitation resulting in actual or potential harm to the child's health, well-being, survival, development, or dignity. Includes, but is not limited to: any act or failure to act which results in death, serious physical or emotional harm to a child, or an act or failure to act which presents an imminent risk of serious harm to a child.

Emotional abuse or ill treatment of a child: Constitutes injury to the psychological capacity or emotional stability of the child caused by acts, threats of acts, or coercive tactics. May include, but is not limited to: humiliation, control, isolation, withholding of information, or any other deliberate activity that makes the child feel diminished or embarrassed.

Exploitation: Constitutes the abuse of a person where some form of remuneration is involved or whereby the perpetrators benefit in some manner. Represents a form of coercion and violence that is detrimental to the person's physical or mental health, development, education, or well-being.

Neglect of a child: Constitutes failure to provide for a child's basic needs within organizational activities that are responsible for the care of a child in the absence of the child's parent or guardian.

Physical abuse of a child: Constitutes acts or failures to act resulting in injury (not necessarily visible), unnecessary or unjustified pain or suffering without causing injury, harm or risk of harm to a child's health or welfare, or death. Such acts may include, but are not limited to: punching, beating, kicking, biting, shaking, throwing, stabbing, choking, hitting (regardless of object used), or burning. These acts are considered abuse regardless of whether they were intended to hurt the child.

Sexual abuse of a child: Constitutes fondling a child's genitals, penetration, incest, rape, sodomy, indecent exposure, and exploitation through prostitution or the production of pornographic materials.

Procedures for child safeguarding

Personnel who suspect or have knowledge that an employee, consultant, subcontractor, or other party is violating this child safeguarding policy must immediately communicate their concern to a **manager** or through the [Ethics Hotline](#).

- If comfortable, the person may communicate the concern to a supervisor another member of senior management. Additionally, the person may report concerns through the [Ethics Hotline](#). Violation of this policy may result in disciplinary action, up to and including termination. See

[Reporting violations of this Code](#) in 2-2 MGIC Code of Ethics and Professional Conduct.

An individual who makes a report in good faith is protected from retaliation. See [Non-retaliation and cooperation with investigations](#) in 2-2 MGIC Code of Ethics and Professional Conduct.

Checklist for CDs/CRs

- ☐ Foster a work environment where MGIC core values are upheld
- ☐ Provide all personnel with a copy of **MGIC Policies and Procedures on Ethics and Conduct** upon hire and whenever they are updated
- ☐ Reinforce with personnel their understanding of what constitutes child abuse, exploitation, and neglect and what measures personnel must take to protect children from harm
- ☐ Take into account child safeguarding in planning and implementing research and programs
- ☐ Strongly encourage reporting of any known or suspected activity of risk or harm to children
- ☐ Protect those who report such acts from any retaliation or reprisal actions

Key references

- [Ethics Hotline](#)
- [2-2 MGIC Code of Ethics and Professional Conduct](#)
- [2-8 MGIC Policy on Combatting Trafficking in Persons](#)
- [3-10 Communications](#)
- USG Code of Federal Regulations under [48 CFR § 752.7037 - Child safeguarding standards](#)