

## **Code of Conduct for Ethiopian Civil Societies Organizations**

### **Preamble**

Recognizing that Civil Society organizations (CSOs) operating in Ethiopia are committed to the overall development of Ethiopian people;

Cognizant of the importance of self-regulatory initiatives in building public trust, creating conducive environment for the CSOs sector to operate and sharing good practices and learning among CSOs;

Convinced that it is essential to devise and implement a uniform Code of Conduct which not only reflects the sector's own core values and ensures the observance of its norms, but also leads to an effective and efficient co-ordination and collaboration with beneficiaries, the government, the general public and other partners;

Recalling that self-regulation promotes high standards of practice within the civil societies sector and establishes a framework for professional behavior, responsibility, and accountability;

Taking cognizance of the legal environment under which Civil Societies operate and which creates new opportunities and demands;

Whereas it has become necessary to adopt a Code of Conduct for the civil societies organizations which will be governed by the Civil Society Council established as per the Civil Societies Organization's Proclamation No. 1113/2019.

NOW THEREFORE, the General Assembly of Ethiopian Civil Societies Council has adopted this Code of Conduct as follows.

### **SECTION ONE**

#### **GENERAL**

##### **Article 1: Title**

This Code may be cited as "**Ethiopian Civil Societies' Code of Conduct**". hereinafter referred to as the "Code of conduct".

##### **Article 2: Definitions**

1. "**Civil Societies Organizations** (hereafter called 'CSOs') means a non-governmental, non-partisan entity established by at least two or more persons on voluntary basis and registered to carry out any lawful purpose, and includes non-government organizations, professional associations, mass-based societies and consortiums as per Proclamation No. 1113/2019. CSOs may take the following form:

- A. An association;
- B. A Board-led Organization;
- C. A charitable endowment;
- D., A charitable trust; or
- E. A Charitable Committee

2. **“Accountability”** mean the processes through which a CSO makes a commitment to respond to and balance the needs of stakeholders (beneficiaries, the public, the government, donors and staffs) in its decision-making processes, activities, and it delivers against the commitment;

3. **“Certification”** means a process by which an independent third party verifies compliance against an established set of norms for accountability and transparency;

4. **“Complaint”** means a specific grievance of anyone who has been negatively affected by a signatory’s action or who believes that a signatory CSO has failed to meet the obligations stated in this code of conduct, and the alleged action may be committed in the name and on behalf of the signatory by its leaders, staff, volunteers, interns or consultants;

5. **“Complainant”** means the person submitting a complaint against a signatory organization;

6. **“Conflict of interest”** means, subject to Article ..... of this code of conduct, a situation where a staff, board member, ordinary member, consultant, volunteer, intern or any other person entrusted with such powers and responsibilities to work for the CSO becoming in a position to influence a decision that may result in any direct or indirect, potential or actual personal gain for him or herself, or for any other individual or organization, or an immediate family member.

7. **“Consortium”** means an association of two or more CSOs formally established and re-registered by the ACSO according to Proclamation No. 1113/2019.

8. **“Governing body”** shall mean the authority ultimately responsible for decision over aspects of the Signatory Organization and includes, but not limited to the General Assembly, Board which are responsible for the Organization’s signature to and compliance with this Code of Conduct;

9. **“Participation”** means an act of involving key stakeholders in the decisions and activities that affect them and listening and incorporating to their concerns and needs;

11. **“Partners”** shall mean organizations that collaborate with signatory organizations to achieve mutually agreed objectives in development activities;

12. **“Signatory”** means any organization which has signed and accepted and committed to be abided by the is code of conduct . Even if a CSO is not signatory, the Code of conduct applies.

13. **“Respondent”** means a signatory CSO against which a complaint is submitted;
14. **“Stakeholders”** means individuals and groups that can affect or are affected by a CSOs policies, decisions or actions;
15. **“Transparency”** means an organization’s openness about its activities, providing information on what it is doing, where and how this takes place and how it is performing to stakeholders
16. **“Person”** shall mean a physical or juridical person;

### **Article 3: Objectives of the Code of Conduct**

This Code of conduct shall have the following objectives;

1. Promoting adherence by CSOs operating in Ethiopia to generally accepted ethical standards and operational norms;
2. Enhancing the credibility and integrity of CSOs operating in Ethiopia;
3. Improving the quality of services provided by CSOs through the adoption of high standards of conduct and to devise efficient decision-making processes;
4. Enhancing communication and collaboration between and among CSOs and stakeholders;
5. Improving the performance of CSOs by encouraging the exchange of experiences and learning from proven best practices;
6. Strengthening CSOs internal governance system and therefore making them more democratic, transparent and accountable to their stakeholders.
7. Maintain and enhance ethical standards, ensuring public confidence and trust on the integrity of the overall CSOs sector.

### **Article 4: Scope of Application of the Code of Conduct**

The provisions of this Code shall be applicable to all legally registered and functioning CSOs and their leaders, employees, volunteers, interns, consultants who act for and/or on behalf of the CSOs operating in Ethiopia.

### **Article 5: Subscribing to the Code of Conduct**

- 1 Any CSO registered under the Civil society Proclamation No. 1113/2019 of Ethiopia shall be abided by this Code of Conduct.

2. However, for documentation purposes, a CSO shall apply in writing to the CSOs Code Observance Panel (Panel). After reviewing the application, the panel of the CSOs Council shall issue a certificate of signatory to the applicant affirming its being a signatory.

## **SECTION TWO**

### **GUIDING PRINCIPLES OF THE CODE**

#### **Article 6: Accountability**

1. All signatories shall be accountable for their actions and decisions to all stakeholders including the beneficiaries they serve, their members, their funding agencies, the government, the general public, their staff, their members and other partner organizations.
2. Signatories shall ensure that their purpose and processes are shaped by stakeholders and that their work is open to review and comment by partners and participants alike. In all instances those directly affected by their activities should be considered as the primary stakeholders and their views should be accorded the highest priority.
3. Signatories shall seek the genuine, informed, consensual participation of their constituencies through their representatives in development activities, ensuring in as much as possible that they have the opportunity to actively contribute to the design, implementation, monitoring and evaluation of these activities.
4. A written annual report shall be produced and be made available to stakeholders including members, staff, volunteers, supporters, partner agencies, and members of the public.

#### **Article 7: Transparency**

1. Signatories shall communicate their core and shared values in their relationships with all stakeholders.
2. Signatories shall proactively make available accurate, accessible and timely information to stakeholders.
3. Signatories' basic financial information, governance structure, activities, and listing of officers and partnerships shall be open and accessible to public scrutiny.
4. Signatories shall ensure that in any references to financial performance, stakeholders are made aware of their right to access the full financial reports.
5. Signatories shall prepare and make available to the public, information on its programs and services, and provide public access to appropriate records of those programs and services.
6. Signatories shall annually prepare and make available to the public basic financial information on the organization, including the source of its funding; the use of those funds; the percentage of the

funds used for service and programs, administrative activities, and fundraising; and any compensation provided to members of the governing body.

7. Signatories shall make available to the public the names of its Executive board, the Executive Director and other management staffs.

8. Signatories shall have a clear and easily accessible privacy policy that informs the public what information is being collected on individuals and donors and how that information will be used, how to contact the organization to review personal information collected and to request corrections, how to inform the organization that the individual does not wish his or her personal information to be shared outside the organization, and what security measures are in place to protect personal information.

9. Notwithstanding the above provisions, signatories shall maintain the confidentiality of personal information on staff, clients and other individuals, unless the individuals waive this right, or disclosure is required by law.

### **Article 8: Participation**

Signatory organizations shall:

1. Proactively encourage and enable the development of self-reliance and advance the right of people to fully participate in decisions that affect their lives.

2. Involve their target communities to the greatest possible extent in the design, implementation and evaluation of projects and programs.

3. Ensure the engagement of beneficiaries and their voices to be heard in the different levels of governance of the organization.

4. Promote and support effective community participation by empowering communities to take responsibility and ownership.

### **Article 9: Diversity and Inclusion**

1. Signatories shall seek to advance diversity and inclusion giving equal opportunity to women, PWDs and other marginalized communities and their representatives and endeavor to ensure the equal participation of all in all development and project initiatives.

2. Signatories shall fully integrate gender and disability sensitization into their human resources development and promote non-discriminatory working practices and relationships.

3. Signatories shall attempt to increase the number of women, persons with disabilities, and marginalized communities in decision-making positions at all levels.

4. The policies and procedures of signatories shall be designed to promote diversity and inclusion in recruitment, hiring, training, professional development and advancement.

5. Signatories shall strive to have an organizational policy on women, persons with disabilities and marginalized communities and, where possible, establish departments.

### **Article 10: Respect for Human Rights**

1 Signatories shall respect and adhere to nationally and internationally recognized human rights principles, particularly in their dealings with their staff and beneficiaries.

2 Signatories shall be sensitive to the rights and needs of disadvantaged/marginalized persons, such as women, children, the poor, persons with disabilities, and the elderly.

3 Signatories shall be sensitive to the moral and religious values, customs, traditions and culture of the peoples they serve.

Notwithstanding the above,

4 All staff shall be treated with fairness and equity, and as individuals with rights to be respected and protected. In particular, their freedom of association, conscience and expression must be respected and protected.

### **Article 11: Environmental Consciousness**

1. Signatories shall exercise a responsible and proactive approach to the care of the environment and to the proper management of eco-systems in all their activities and to that effect they shall undertake to carry out environmental impact assessment when necessary.

2. Where possible, signatories shall use environmentally friendly technologies, avoid harm to the environment and share their knowledge to others on environmental conservation and restoration and reuse of natural resources.

### **Article 12: Independence and Impartiality**

1. Signatories shall ensure that any support does not compromise their independence, autonomy and their ability to speak for the people.

2. Signatories shall strive to maintain their autonomy and to resist conditionalities that may compromise their missions, objectives and principles.

3. Signatories shall maintain their independence and not be aligned to or affiliated with any political party or interest group that derogates their impartiality.

4. Signatories shall enter into a partnership agreement with any organ, government or non-governmental, only when it is beneficial to the achievement of the organization's objectives and does not compromise the independence or autonomy of the organization.

### **Article 13: Non-Discrimination and Equality**

1. Signatories shall treat right holders equally, and avoid discrimination among members of the community they serve in terms of ensuring access to the services they provide, (e.g .on the basis of gender, religion, ethnicity, disability, social or economic status and political affiliation, etc. )
2. Signatories shall ensure equality in the relation between the management and staff in implementation of policies and procedures of the organization.
3. The Signatories shall develop and implement a written policy that affirms their commitment to equal opportunities in the recruitment, promotion and development of staff.

### **Article 14: Integrity**

Signatory CSOs shall:

1. Ensure that their development activities are clearly aligned with the vision, purpose and values of their organization and that these are clearly communicated in their relationships with all stakeholders.
2. Ensure that the use of images and messages portraying women and men, boys and girls in their communications respects the dignity, values, history, religion and culture of the people portrayed and where appropriate and possible obtain their consents for the use of the images.

### **Article 15: Legal Compliance**

1. Signatories' activities, governance, and other matters shall conform to the laws and regulations of the country.
2. The governing bodies of signatories shall design the CSO's programs and services and monitor their compliance with its mission as well as with the legal requirements.
3. Signatories shall periodically conduct an internal review regarding compliance of the organization with current laws and regulations and findings of this review should be presented to the governing body of the CSO as well as the stakeholders.

### **Article 16: Networking and partnership**

1. Signatories shall foster an atmosphere of collaboration and cooperation in their partnerships and supportive relationships to the best advantage of their CSOs and beneficiaries.
2. Signatories shall promote harmony, solidarity, collaboration and team spirit within and outside the civil society sector.

3. Signatories shall share and exchange information, experiences and resources pertinent to their missions and activities with a view to promoting learning and common understanding within and outside the sector.
4. Consortiums should be built on shared visions and goals for society which imply mutual support and solidarity beyond the implementation of specific programs and projects.
5. Members of a consortium should respect the autonomy and constraints of each other and strive to foster a climate of mutual trust in all their partnership activities.
6. CSOs with overlapping missions, values and target groups should refrain from engaging in unnecessary competition and duplication of services that would undermine credibility of the sector
9. Organizations with overlapping missions, values and target groups should share relevant project information with other organizations, and mutually support each other.
10. Unless it compromises the integrity or values of the organization, an organization are encouraged to express solidarity with campaigns and actions and promote the effectiveness and success of other organizations.

### **Article 17: Organizational Management**

1. Signatories shall have a written constitution or a memorandum of association that clearly defines their missions, objectives and organizational structures.
2. The services of the governing body shall be given freely and voluntarily other than reimbursements for essential costs incurred during service.
3. An indirectly or directly compensated person should not serve in the Board or Executive Committee of a CSO.
4. Members in the Board of a CSO should be unrelated by blood or marriage to each other.
5. Individuals serving as auditors (internal and external) and treasurers should be unrelated by blood or marriage to any person in the Board of a CSO as well as the Executive committee.
6. The Board of a CSO should have broad representation, reflecting the diversity of the organization's beneficiaries, gender equity, skill and commitment.
7. The Board of a CSO shall regularly and periodically evaluate its own performance and that of the Executive Director.
8. The governing body shall approve a code of conduct for the CSO and assure regularly that the organization is in compliance with this code.
9. Governing bodies shall have regular and periodic meetings. Minutes of each meeting of the governing body shall be produced and distributed to each member of the governing body, concerned government organ as appropriate and archived for future reference.



10. The minutes shall be made available to an organization's membership, officers, staff, and the general public, with the exception of discussions related to personnel evaluation and other confidential information.

### **Article 18: Program Development and Management**

1. The governing body shall actively participate with the staff in long-term and short-term strategic planning processes.
2. The governing body shall determine the organization's programs and services, and monitor their compliance with the mission, objectives, their effectiveness and efficiency.

### **Article 19: Financial Management**

1. The governing body shall ensure that the organization has the proper resources to fulfill its mission and objectives.
2. The governing body shall approve the annual budget and actively participate in the fundraising process.
3. In approving the annual budget, the governing body shall ascertain the percentage of the resources allocated and spent on administrative and project activities are in line with the legal requirements.
4. The secretariat of the organization shall adhere to the annual budget lines and limits approved by the governing body; any major deviation has to be requested and approved by the governing body. The governing body shall be given a mandate to approve certain amendments within limits determined in advance.
5. The organization shall have established financial policies, suitable for the size of the organization, regarding the receiving and disbursement of financial resources, investment of assets, purchasing practices, and internal control procedures. (as required by the law)
6. The organization shall adhere to professional standards of accountancy and audit procedures as stipulated by the Civil Societies Proclamation, and fulfill all financial and reporting requirements.

### **Article 20: Human Resources Management**

1. The governing body shall hire the executive director, undertaking a careful search process to find the most qualified individual.
2. The governing body shall set the benefits of the executive director, ensure that he or she has the moral and professional support needed to advance the goals of the organization, and periodically evaluate his or her performance.
3. The organization shall hire capable and responsible staffs that are committed to its mission.

4. Recruitment should be based on merit and regardless of race, gender, ethnicity, disability, affinity, religion, or any other status.
5. The organization shall put in place a policy encouraging women and people with disabilities to apply and to be considered for vacant positions.
6. In addition to merit, the organization shall be governed by the principle of diversity and inclusion in all respects (ethnic, religion, sex, or any other status).
7. The organization shall provide opportunities for individual growth and staff development, and foster an atmosphere whereby supervisors encourage personal growth of staff.
8. Depending on its size, the organization shall have a written human resource policy adopted by the Board of the CSO.
9. Staff shall be enabled and encouraged to communicate serious concerns to a member of the governing body.

#### **Article 21: Internal and External Complaints and Response Mechanisms**

1. Signatories shall put in place mechanisms through which stakeholders are able to make complaints against their decisions and actions and ensure these are properly reviewed and acted upon.
2. Signatories shall have procedures in place at all levels of their operation that guide the handling and investigations of complaints from internal stakeholders such as staff and volunteers regarding allegations of misconduct or non-compliance with organizational policies.
3. Signatories shall have an organizational policy on how it should respond to complaints from external stakeholders, such as right holders, the public, donors and government organs.

#### **Article 22: Resource Mobilization and Utilization**

1. The organization shall have a standard resource mobilization and utilization policy which provides emphasis for domestic resource mobilization
2. The Board shall actively participate in the fundraising effort, including being active in solicitations and in making individual contributions.
- 3.

The organization shall accept funds from legal sources only that are consistent with its mission and objectives for which it has been established.

4. The organization or association must be transparent in all matters relating to the raising of funds and their use.

5. Programs shall be designed to meet the mission and objectives of the organization and never designed simply to meet the needs of a funding sources.
6. The organization must not tolerate any unethical activities such as double funding for one project, diversion of dedicated funds to use other than the project for which funds were approved, or overstatement of achievements.
7. The organization shall be careful in ensuring that all solicitation and promotional materials are accurate, and that they clearly and truthfully represent the organization, its mission, objectives and programs. There shall not be any exaggerations of facts or material omissions, nor any communication or images that would create a false or misleading impression.
8. The organization shall ensure that contributions are used as promised or implied in project proposals or for the purposes intended by the donors. The organization may alter the conditions of a grant only by obtaining explicit consent by the donor.
9. The organization shall set up an organized system to track grant expenditures.
10. The organization shall have internal control procedures which preclude or minimize the risk of misuse of funds.
11. The organization shall produce timely reports on the use and management of funds.
12. Financial statements regarding donations shall be made available upon request by the donor and interested parties.

### **Article 23: Prevention of Conflict of Interest**

A signatory organization shall have a policy of conflict of interests which ensures, among others,

1. All organizational transactions shall be free of conflicts of personal and professional interests.
2. The board and ordinary members, officers, consultants, interns and volunteers or any other employees have the responsibility of administering the affairs of the organization honestly and prudently, and of exercising their best care, skill, and judgment for the sole benefit of the organization.
3. Members of the governing body, paid staff, and volunteers shall make known to the governing body any conflict of interest or any affiliation they might have with an actual or potential supplier of goods and services, recipient of grant funds or organization with competing or conflicting objectives.
4. Subject to the provisions of the above sub-article, members of the governing body and paid staff shall recuse themselves from discussion and abstain from voting or otherwise participating in the decision on any issue on which there is a potential conflict of interest.
5. These persons shall exercise the utmost good faith in all transactions involved in their duties, and they shall not use their positions in the organization or knowledge gained in the Performance of their duties for their personal benefit.
6. The interests of the organization must be the first priority in all decisions and actions.

7. The organization's conflict of interest policy shall define clearly areas in which conflict may arise, nature of conflicting interest, disclosure of potential and actual conflicts, and abstention from decision making.
8. The governing body shall provide its members and staff with the written conflict of interest statement, which should be signed by the individual at the outset of each term of service or upon joining the organization.
9. No member, director or staff shall participate in deciding a matter directly impacting that Individual

### **SECTION THREE**

#### **MISCELLANEOUS PROVISIONS**

##### **Article 24: Enforcement of the Code of Conduct**

1. A code observance panel, the responsibility of which would be to manage the compliance of the code of conduct and oversee its enforcement, will be established by the council.
2. The overall operational procedures of the panel and its membership composition will be determined by the council.

##### **Article 25: Signatory Fees**

1. Signatories shall pay fees to be decided by the CSOs Council General Assembly. The details shall be determined by a regulation to be adopted by the CSOs council.

##### **Article 26: Amendment Procedure**

1. Amendment of this Code may be requested by at least 10% of the signatories of the Code, by the Panel or by at least three consortium signatories.
2. Request for amendment shall be addressed to the General Assembly of signatories in writing with reasonable justifications.
3. This Code of conduct may be amended where there is a quorum and only by 3/4th majority of the General Assembly of signatories present and voting.

##### **Article 27: Effective Date**

1. This Code of Conduct shall come into effect from the date it is approved by the General Assembly of signatory organizations.

2. The Code shall be open for signature to all Civil Society Organizations operating in Ethiopia.

### **Article 28: The Final Legal Authority**

The Amharic version of this code of conduct shall have final legal authority.

## **ENFORCEMENT OF THE CODE OF CONDUCT**

**Enforcement of the Code will be the responsibility of a Code Observance Panel established within the Civil Society Council.**

### **Article 24: Establishment**

1. A Code Observance Panel (hereinafter referred as the Panel) established within the structure of the Civil Society Council as an independent body will be responsible for promoting the ethical standards and ensuring their adherence by signatories.
2. The Panel shall be accountable to the General Assembly.
3. The Panel shall consist of nine members with personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters pertaining to and operations of civil society organizations; particular consideration being given to persons having legal experience.

### Article 25: Election and Composition of Members of the Panel

1. The election of the members of the Panel shall be conducted in a democratic and participatory manner.
2. The General Assembly of signatories may set criteria for the nomination and election of members of the Panel.
3. Members of the Panel shall be drawn from signatory organizations
4. Subject to the above, the Chair of the Panel shall be an independent legal expert with a good track record, served in the legal field.
5. Any signatory organization can make a nomination.
6. Composition of members of the Panel shall be as follows:
  - a. CSOs - 3
  - b. Professional associations -1
  - c. Women and youth organizations -2
  - d. PWD -1
  - e. Consortiums – 1
  - f. Foreign Organizations - 1

7. Members of the Panel shall serve on their personal capacity. Unless they have other problems, Panel members shall continue survive the Panel despite the termination of their relationship with their organization or association

#### Article 26: Term of Office

Members of the Panel shall serve for a term of three years, and no member may serve in the Panel for more than two consecutive terms.

#### Article 27: Mandates of the Panel

The Panel shall have the following duties and responsibilities:

- 1 It shall act as custodian of the Code of Conduct and oversee the implementation and management of the Code of Conduct
- 2 In collaboration with signatory organizations promote the ethical standards stated in this Code and in particular;
  - a) Collect documents, undertake studies and research on civil society organizations ethical challenges,
  - b) In support of the implementation of the Code, organize seminars, symposia and conferences, and disseminate information,
  - c) Formulate and lay down, principles and rules aiming at solving ethical challenges.
  - d) Co-operate with consortia concerning the promotion and protection of the ethical standards
  - e) Interpret the provisions of the Code
- 3 Ensure the observance of the Code by signatories using different mechanisms such as:
  - a) Receiving reports
  - b) b. Handling complaints
  - c) c. Organizational visit
  - d) e. Award for extraordinary and exemplary conduct
- 4 Perform any other tasks which may be entrusted to it by the General Assembly

#### Article 28: Reporting Procedures

1. Signatories shall undertake to submit to the Panel regular and periodic reports on the measures they have adopted to give effect to the provisions of this Code.
2. Signatories shall submit their reports every three years according to the schedule to be arranged by the Panel.
3. The report shall provide comprehensive information on the implementation of the Code; its successes and challenges.
4. The Panel shall make a review of the report and may resort to any source of information on the veracity of the same and make concluding observations which include identifying the strengths and challenges surrounding the implementation of the Code in that organization as well as providing recommendations for future improvement.
5. Any other signatory organizations or any interested person can comment on the report of the signatory and provide its (his/her) opinion in writing to the reviewing body which shall take into account the comments in reviewing the report.
6. The Panel may adopt reporting rules of procedures as well as tools of compliance.

#### Article 29: Certification

1. This Code recognizes Certification by an accredited body as a means of strengthening self-regulation.
2. The Panel may act as a certifying body as determined by the General Assembly of signatories.
3. Signatory organizations which pass through the certification process and accredited organization may not be required to submit a report to the Panel under article 28 of this Code for the period the certification remains valid.
4. Notwithstanding the above provision, the Panel shall look into the compatibility of the standards under which the certification process has been carried out with the ethical standards enshrined in this Code. Depending on the degree of this compatibility, the Panel may or may not acknowledge the certification.
5. The Panel shall adopt detailed rules and procedure for the administration of the certification mechanism.

#### Article 30: Communications (Complaints)

1. Signatory organizations/members, donors, government organs, beneficiaries or the public or any other person who has a good reason to believe that a signatory to this Code has violated the



provisions of the Code, may draw, by written communication, the attention of that signatory to the matter before submitting their formal complaint to the Panel. This communication may also be made known to the Panel and/or the consortium to which the signatory is a member for proper follow up.

2. Within one month of the receipt of the communication or complaint, the signatory organization to which the communication or complaint is addressed shall give the enquiring person, written explanation or statement clarifying the matter including the redress already given or course of action available.

3. If the issue is not settled to the satisfaction of the requesting person within one month from the date on which the original communication is received by the signatory organization, the person shall have the right to formally refer the matter to the Panel or to the consortium to which the signatory is a member.

#### Article 31: Applications to the Panel and Consortium

1. A complaint to the Panel and consortium may be made by any person and shall: 1.

a) Be in writing or oral, and should be addressed to the chairperson of the Panel or concerned person of the consortium;

b) If the application is made orally, the Chair (Secretary) of the Panel shall turn it into writing and ask the applicant to confirm and sign;

c) Complaint can be made in any local language and the obligation for translation shall fall on the Panel;

d) Include the name and contact details of the person making the Complaint;

e) Be submitted based on the ethical standards stated in this Code;

f) Be supported by concrete evidence, and it should not be mere allegation or based on rumors;

g) Be submitted within one year after the commission of the violation; and,

h) Should not deal with a case already addressed or being handled by other mechanism.

2. The Panel can only deal with a matter submitted to it after making sure that all organizational remedies, if they exist, have been exhausted, unless it is obvious to the Panel that the procedure of achieving these remedies would be unduly prolonged.

#### Article 32: Jurisdiction

- 1 The Panel shall have both trial and appeal jurisdictions. 1
- 2 A complaint against a signatory consortium or monolithic signatory organization or association which is not a member of any consortium shall be initiated directly at the Panel level.
- 3 Notwithstanding the above provision, a complaint against a signatory which is a member of a consortium which is also a signatory to this Code shall first be initiated and be tried at the Consortium level, and in such case the Panel shall have only an appeal jurisdiction.
- 4 The following matters shall fall under the trial jurisdiction of signatory consortiums:
  - a) Matters in relation with the adoption of appropriate organizational policies;
  - b) Matters arising from human resource management;
  - c) Failure to comply with reporting obligation including availing reports to beneficiaries and the general public, donor and staff;
- 5 Matters not specifically provided to consortiums shall remain the jurisdiction of the Panel.

#### Article 33: Investigation by Panel

1. The Panel shall investigate on its own initiative alleged violations of the Code involving a signatory and take steps to enable conformity to the Standards of the Code.
2. The Panel may resort to any appropriate method of investigation; it may hear from other signatory organizations, government, donor, public or any other person capable of enlightening it.

#### Article 34: Trial by Panel

- 1 Complaints to the Panel shall be addressed to its Secretariat which shall forward it to the President of the Panel.
- 2 Upon receiving the complaint, the Chair (Secretary) shall examine its technical sufficiency as stated under Article 31 above.
- 3 The Chairperson of the Panel establishes a Sub-Panel consisting of three individuals from among members of the Panel to handle the matter.
- 4 The Sub-Panel examines whether the complainant has a cause of action or not. If the Sub-Panel believes that the case lacks cause of action, it shall order the dismissal of the case without calling the Signatory organization against which the complaint was made.
- 5 If the Sub-Panel believes that there is a cause of action to which the signatory organization has to respond, it shall send copy of the complaint to the later and request to respond in writing within 30 days.
- 6 The Chair of the Panel must inform the Complainant in writing of the decision to investigate the Complaint and any expected timeframes for dealing with the Complaint.

7 Unless the respondent shows justifiable reason for its delay, late submission shall not be considered and as such the case shall proceed based on the complaint. Application for late submission shall only be made before the Sub-Panel makes its final decision.

8 The Sub-Panel shall consider the complaint and any response submitted by the signatory against which the complaint is made. The Sub-Panel may also seek further information or invite further written submissions from the complainant or the respondent or any other person.

9 The Sub-Panel provides a written decision on whether

a) the complaint should be dismissed

b) the signatory has breached the Code and as to the measures that should be taken by the signatory

#### Article 35: Appeal Procedures

1 Any party aggrieved by the decision of the Sub-Panel or by the Consortium to which it is a member can lodge its appeal to the Panel within thirty days from the date the decision is rendered. This period may be extended for additional 30 days for good and justifiable reason accepted by the Panel.

2 The appeal shall be reviewed by a panel of five members of the Panel, (hereinafter the Panel). Members of the Sub-Panel reviewed the case at the trial stage shall not seat to hear the same case at the appeal level.

3 The memorandum of appeal shall contain:

a) the name of the organ which gave the decision appealed from;

b) the grounds of appeal;

c) the nature of the relief sought;

d) Attached to the memorandum of appeal there shall be a certified copy of the full record of the proceedings in which the decision appealed from was given and of such decision.

4 The Panel, in deciding the appeal, shall not be confined to the grounds of objection set forth in the memorandum of appeal.

5 If the Panel admits the appeal, it shall cause the memorandum of appeal to be served to the respondent, fix a day for hearing the appeal and summon the respondent to appear and answer on such day. The summons shall include a statement that the appeal will be heard notwithstanding that he/she/it does not appear on such day.

6 In rendering its judgment, the Panel must consider the complaint and the appeal, submissions made by the signatory, reply to the appeal, the decision of the Consortium or the Sub-Panel and any other information it considers relevant.

7 The panel shall make a determination by simple majority as to whether to:

- a) Dismiss the lower decision;
- b) b. Wholly uphold the lower decision;
- c) c. Uphold the lower decision with amendment.

8 The decision of the Panel is final.

#### Article 36: Notification of decision

The Panel or the consortium looking the matter shall notify the complainant and the signatory in writing of its decision, any measures it has determined to be taken and their right to appeal.

#### Article 37: Consideration before Consortiums

- 1 In exercising their trial jurisdiction, consortiums shall adhere to the same principles and procedures stated above to the Panel.
- 2 Consortiums shall establish an independent body which is accountable to their general assembly and mandated to examine and provide decision on ethical complaints or violation of this Code.
- 3 Consortiums which do not have or could not establish such body shall not have a trial mandate on any complaint against their member and this power shall be exercised by the Panel.

#### Article 38: Disciplinary Measures for Breaches

1. If the Panel or the Consortium to which the case has been submitted determines that the signatory organization has breached the Code, it shall first attempt to settle the matter amicably through negotiation.
2. Based on their by-laws, consortiums may take any measure which they deem appropriate against their member organization including warning, suspension and/or dismissal from membership. In addition, they can provide recommendation as to the kind of measures the Panel may take against such organization.
3. Notwithstanding the above provision, consortiums shall not have the power to suspend or revoke the membership of an organization as signatory of this Code which shall be the sole mandate of the Panel.
4. The Panel upon its own initiation or based on the recommendation of the consortium to which the case was presented shall take any of or combination of the following disciplinary actions;
  - a) warning;
  - b) suspension;
  - c) revocation of signatory status

5. No disciplinary action may be taken until the expiry of the period within which an appeal may be requested in accordance with Article 35, or if an appeal is made, until the appeal is determined by the Panel.

#### Article 39: Recording and Publication of Decision

1. As part of the transparency effort of the self-regulation system, any decision made by the Panel or the Consortium to which the signatory is a member, shall be publicized and recorded.

2. Unless otherwise expressly stated in the decision, the record shall remain effective for at least two years and shall be taken as grounds of aggravating disciplinary measures on future violation.

3. The decision of the Panel and the Consortium to which the signatory is a member shall be made known to the donors, the public, beneficiaries, governing bodies of that organizations and the government using different means of communication.

4. The Panel and the Consortium to which the signatory is a member may, publicize at any time and by any method it considers appropriate:

- a) the fact that a complaint has been made, including the names the complainant and the Signatory against which the complaint is made;
- b) the fact that a complaint will be, is being or has been investigated; and
- c) the outcome of an investigation and any disciplinary action taken.