



FEBRUARY 5, 2020

Mercy Corps Commitments to Action

In October 2019 the Mercy Corps Board of Directors requested that investigative firm Vestry Laight conduct an independent, external review into what steps were taken when allegations of abuse by Mercy Corps' late co-founder Ellsworth Culver were brought to the organization's attention in 2018.

Mercy Corps also engaged law firm Nichols Liu to conduct a separate evaluation of the organization's current policies and procedures on sexual exploitation and abuse. Both reports are published by Mercy Corps today and can be found in full [here](#).

Mercy Corps' Management and Board of Directors unanimously accept the findings and recommendations contained in both reports. Coinciding with the release of these reports, Mercy Corps' Board of Directors and Executive Team – under the leadership of Interim CEO Beth deHamel – today announced the following commitments to action.

Further Investigation

Mercy Corps will:

- Conduct an investigation of how this case was handled by Mercy Corps in the 1990s.
- Conduct an investigation to determine the extent of sexual abuse committed by Ellsworth Culver during his time at Mercy Corps.
- Develop an inclusive process to examine and reassess how we reflect the role of Ellsworth Culver and others in our organization's history.

Restructuring the Legal, Ethics and Safeguarding Functions

Mercy Corps will:

- Hire a Chief Ethics and Compliance Officer (CECO), independent of both the legal and human resource departments, reporting to the CEO and to the Board of Directors. Safeguarding intake and investigations will report to the CECO, not the General Counsel or Human Resources. All Human Resources investigations of sexual misconduct or harassment cases, whether between team members or others, will also be the



responsibility of the safeguarding team and fall under the auspices of the CECO. In addition, the new department led by the CECO will be staffed and resourced appropriately and will implement survivor-centered and trauma-informed best practices, such as case management by a multidisciplinary team that includes a qualified mental health professional.

- Make a significant additional investment over the next 18 months to strengthen our systems that support the intake, case management and investigative oversight for alleged ethics violations, including safeguarding. This includes adding additional staff to handle the caseload.
- Identify a third-party investigation and safeguarding firm to be put on retainer to support Mercy Corps in responding to safeguarding events, to be used as needed on a case-by-case basis.
- Create a comprehensive safeguarding and Protection from Sexual Exploitation and Abuse (PSEA) capacity-building plan for field-based and headquarters-based senior management members and board members in addition to ongoing onboarding and safeguarding focal point trainings. The capacity building plan would include: knowledge and practice around Mercy Corps' safeguarding policies and process; best practices and procedures for working with gender-based violence survivors; psychosocial first aid; investigations of sexual exploitation and abuse; and referral/reporting cases to local services, authorities and donors.
- Accelerate implementation of Community Accountability Reporting Mechanisms and training of local investigators.
- Improve transparency generally by communicating changes to the safeguarding program, including information about additional resources, clearly to all employees and specifically by informing those who have come forward about the status of their investigations.
- Publish an annual public report on safeguarding that provides sufficient detail to identify the type of case and status of investigation while also maintaining confidentiality. Mercy Corps has previously committed to publishing an annual safeguarding report. Part one of the first such report – published in 2019 – can be found [here](#).

Updates to Policies

Mercy Corps will:

- Conduct an investigation into how Mercy Corps' safeguarding policies are working in practice to ensure that policies are implemented effectively and sufficiently resourced.



- Review and revise Mercy Corps' policies and procedures with appropriate expertise to address gaps and strengthen their application, especially to include policies to address past sexual misconduct, abuse and gender-based violence perpetrated by former employees or current employees that happened at prior institutions or outside of the workplace. As part of the review, conduct an audit of past investigations.
- Adopt and incorporate into our policies a clear and robust definition of safeguarding, drawing on best global practice and in alignment with Mercy Corps' major donors. Clarify within Mercy Corps' policies their applicability to former team members, activities in the distant past and if policies are applicable anywhere.
- Put in place a policy requiring referral of cases involving senior management or board members to an external, outside investigator.
- Provide clear, effective and regular communication of Mercy Corps policies regarding sexual abuse and exploitation to employees. Ensure that anyone approaching the organization with allegations regarding sexual exploitation and abuse is treated in accordance with the values inherent in these policies, even if the policies do not apply to the organization's engagement with them.

Strengthening the Board's Governance

Mercy Corps' Board will:

- Review board governance and committee structures to ensure best safeguarding practices with external expert advisers. Create a board committee charged with oversight of ethics and culture, including safeguarding efforts. This board committee will have appropriate skills tasked at reviewing all safeguarding cases and overseeing ethical culture. Appoint a lead safeguarding director on the Mercy Corps Board.
- Provide training to the board on safeguarding as well as ensure that new board member onboarding and ongoing training reinforce directors' understanding of governance.
- Put in place and honor term limits, both for board and committee tenures, while allowing the flexibility to make exceptions when important for the organization's strategy. This will provide an opportunity to add new skills and perspectives to the board.
- Clearly define accountability and communication so directors understand how decisions are made and who has responsibility.



Additional Commitments

Mercy Corps will:

- Review and update relevant policies and position descriptions of Executive Team members to ensure that, when applicable, responsibilities around safeguarding, ethics, diversity, inclusion and culture are included when the Board Compensation Committee performs their annual review.
- Hold accountable those who were involved in the 2018 case mishandling through appropriate disciplinary actions.
- Conduct a review of Mercy Corps culture and address issues and cultural norms that contributed to the failures identified in Vestry Laight's investigation.
- Review the above commitments to action at each board meeting until all matters have been implemented and report on progress to the public twice a year during that time.

We will be transparent with Mercy Corps team members, donors and the wider community as we deliver against these commitments.

We have learned from what happened in 2018 and we will turn these lessons into corrective action, be it at the local level or within our global systems. These are the right actions to support survivors, and to ensure safeguarding practices are embedded in our delivery of programs globally. When issues do arise, Mercy Corps will respond in a survivor-sensitive way, and provide survivors with the support they need and deserve.