



## Mercy Corps Commitments to Action Progress Report

In October 2019, Mercy Corps and our Board of Directors requested that investigative firm Vestry Laight an independent, external review into the steps taken when reports of abuse conduct 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 policies and procedures on sexual exploitation and abuse. Both reports were published by Mercy Corps on February 5, 2020 and can be found in full on Mercy Corps' website [here](#).

Mercy Corps' Management and Board of Directors unanimously accepted the findings and recommendations contained in both reports, and Mercy Corps' Board of Directors and Executive Team announced Mercy Corps' [Commitments to Action](#) to address the reports' recommendations to conduct further investigations, restructure legal, ethics, and safeguarding functions, update safeguarding policies, and strengthen Board governance. The Mercy Corps Board of Directors and Executive Team pledged to review the Commitments to Action at each board meeting until all matters have been implemented and to report on progress to the public twice a year during that time. This is the sixth biannual report on Mercy Corps' implementation of our Commitments to Action. Previous reports from July 2020, January 2021, July 2022, January 2022 and July 2022 can be found [here](#).

Mercy Corps has delivered on the majority of our Commitments to Action. A comprehensive governance review was completed in November 2020 to enact Board term limits of two three-year terms, with a possible extension for a third term of three years in exceptional circumstances, for a maximum of nine years. Thirteen Board Directors have departed since 2019, including seven in June 2021. Since January 2020,

Mercy Corps has welcomed fourteen new Board Directors. Four Directors departed at the end of June 2022, and three new Directors joined in September 2022.

In May 2021, we published the Freeh Group's [independent investigation](#). Mercy Corps has continued to build our newly restructured Ethics and Compliance Department, with added full-time investigators and technical roles, and expanded safeguarding prevention and community accountability teams with new positions and support across all countries where Mercy Corps operates.

Safeguarding will always be a key Mercy Corps priority and requires continuous effort on the part of everyone who works on our behalf. Although our safeguarding work continues, we closed the majority of our commitments in our January 2022 update<sup>1</sup> and an additional three commitments in July 2022<sup>2</sup>. In this report, we close commitments 11 and 20. Commitments 3, 12, and 23 are still in progress. These commitments include finalizing a process to examine and reassess how we reflect the role of Mercy Corps' founders, implementing the recommendations of an external assessment of our safeguarding policies, and ensuring the Board reviews progress updates to the commitments at Board meetings.

## Further Investigation

### **Commitment 1: Investigate Handling of Case in 1990's**

*Conduct an investigation of how this case was handled by Mercy Corps in the 1990s*

### **Commitment 2: Investigate Extent of Sexual Abuse**

*Conduct an investigation to determine the extent of sexual abuse committed by Ellsworth Culver during his time at Mercy Corps.*

**Commitments 1 and 2 are closed. For more detail please review the [January 2022 Commitments to Action](#)**

### **Commitment 3: Examine and Reassess Culver's Role in Organization History**

*Develop an inclusive process to examine and reassess how we reflect the role of Ellsworth Culver and others in our organization's history.*

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<sup>1</sup> Commitments 1, 2, 4, 5, 6, 8, 9, 10, 13, 14, 15, 16, 17, 18 and 21 were closed in January 2022.

<sup>2</sup> Commitments 7, 19 and 22 were closed in July 2022.

### Progress Update on Commitment 3

In order to fully reassess and examine Elsworth Culver's role in our organization's history, Mercy Corps is evaluating the best way to document our history in a transparent and meaningful way.

## Restructuring the Legal, Ethics and Safeguarding Functions

### Commitment 4: Hire a Chief Ethics and Compliance Officer

*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.*

**Commitment 4 is closed. For more detail please review the [January 2022 Commitments to Action](#)**

### Commitment 5: Strengthen Safeguarding Systems including Additional Hiring of Staff

*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.*

**Commitment 5 is closed. For more detail please review the [January 2022 Commitments to Action](#)**

### Commitment 6: Identify a Third-Party Investigation and Safeguarding Firm

*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.*

**Commitment 6 is closed. For more detail please review the [January 2022 Commitments to Action](#)**

**Commitment 7: Create PSEA Capacity-Building Plan**

*Create a comprehensive safeguarding and Protection from Sexual Exploitation and Abuse (PSEA) capacity-building plan for country-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.*

**Commitment 7 is closed. For more detail please review the [July 2022 Commitments to Action](#)**

**Commitment 8: Implement Community Accountability Reporting Mechanisms (CARM)**

*Accelerate implementation of Community Accountability Reporting Mechanisms and training of local investigators.*

**Commitment 8 is closed. For more detail please review the [January 2022 Commitments to Action](#)**

**Commitment 9: Increase Transparency of Safeguarding Program**

*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.*

**Commitment 9 is closed. For more detail please review the [January 2022 Commitments to Action](#)**

**Commitment 10: Produce Annual Public Safeguarding Report**

*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.*

**Commitment 10 is closed. For more detail please review the [January 2022 Commitments to Action](#)**

## Updates to Policies

### **Commitment 11: Assess Efficacy of Safeguarding Policies**

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

#### **Progress Update on Commitment 11**

As reflected in the progress updates to Commitments 4 and 5, we have made significant changes in safeguarding implementation and resourcing since the Commitments to Action were made in early 2020. Discussions take place on an ongoing basis to monitor resourcing needs. We have added significantly to our in-country safeguarding resources and made important structural changes to our legal, ethics and investigative functions. This includes: strengthened governance; the creation of a dedicated Intake and Investigations team within a stand-alone Ethics and Compliance Department; the implementation of trained in-country Safeguarding Focal Points, Champions and Co-Investigators; and increased capacity of the global Safeguarding Prevention team. In May 2021, the Global Safeguarding Prevention team was consolidated within the Ethics and Compliance Department.

As discussed in the update to Commitment 12, a third party audited a sample of our investigations and determined that our approach meets industry standards. Our policies and investigative processes have been reviewed by a range of donor assessments, and the findings and recommendations from these assessments have been implemented. In addition, between March and June 2022, internationally recognized safeguarding experts, Global Child Protection Services (GCPS) conducted a comprehensive external review of our safeguarding policies. The policies were reviewed against donor expectations, sector standards and best practices, and benchmarked against peer organizations. GCPS found that our policies generally meet or exceed sector standards, and recommended we clarify and strengthen some of the content in our policies. In 2023, recommendations from the GCPS review will be incorporated into revisions to our safeguarding policies. These recommendations also will be incorporated into our Safeguarding Core Standards Policy, which is planned for organization-wide roll out in 2023.

**Commitment 11 is now closed.**

## **Commitment 12: Review and Revise Mercy Corps' Policies and Procedures**

*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.*

### **Progress Update on Commitment 12**

In February 2020, Mercy Corps' Board of Directors approved updates to the agency's safeguarding policies, including the Ethics Complaint and Whistleblower Policy, Child Safeguarding Policy, and Prevention of Sexual Exploitation and Abuse of Program Participants and Community Members Policy. These policy changes reflect the recommendations of the Nichols Liu report (available [here](#)), and they clarify the applicability of Mercy Corps' policies to former team members and past activities, as well as requiring the referral of cases involving senior management or Board Directors to an external investigator. In June 2021, Mercy Corps' Executive Team and the Board of Directors approved additional updates to strengthen and clarify duties to report and to more overtly align our policy language with the revised Interagency Standing Committee's Core Principles relating to Prevention of Sexual Abuse and Exploitation.

In addition to updating safeguarding policies, Mercy Corps has developed corresponding policy guidance documents for use by teams and individuals as quick guides, conversation starters, and references for policy adherence or as training supplements. The policy guidance documents are available on the Mercy Corps public website [here](#).

Our policies and investigative procedures have been reviewed by a range of donor and sector assessments, including USAID, UNICEF, and FCDO, and were found to be in compliance with donor requirements. The findings from these assessments are in implementation.

In addition to our policies, a third-party audit was conducted on all investigations deriving from USG-funded teams and programs. In the audit and final assessment, it was determined that Mercy Corps' survivor-centered approach and methodical approach to investigations meet industry standards.

Mercy Corps has also undergone a comprehensive assessment by Keeping Children Safe (KCS) at the request of FCDO and UNICEF. KCS determined that Mercy Corps meets global best practices and we have implemented the KCS recommendations.

In June 2020, Mercy Corps' Executive Team approved the new Community Accountability Reporting Mechanisms (CARM) Policy, as outlined in the progress update to Commitment 8 in January 2022. The CARM Policy is available on the Mercy Corps public website [here](#).

As discussed in the update to Commitment 11, between March and June 2022, internationally recognized safeguarding experts, Global Child Protection Services (GCPS) conducted a comprehensive external review of our safeguarding policies. The policies were reviewed against donor expectations, sector standards and best practice, and benchmarked against peer organizations. In 2023, recommendations from that review will be incorporated into revisions to our safeguarding policies. These recommendations will also be incorporated into our Safeguarding Core Standards Policy, which is planned for organization-wide roll out in 2023.

**Commitment 13: Adopt a Clear and Robust Definition of Safeguarding**

*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.*

**Commitment 13 is closed. For more detail please review the [January 2022 Commitments to Action](#)**

**Commitment 14: Adopt Policy to Refer Cases Involving Senior Staff and Board**

*Put in place a policy requiring referral of cases involving senior management or Board Directors to an external, outside investigator.*

**Commitment 14 is closed. For more detail please review the [January 2022 Commitments to Action](#)**

**Commitment 15: Communicate to Staff on Safeguarding Policies**

*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.*

**Commitment 15 is closed. For more detail please review the [January 2022 Commitments to Action](#)**

## **Strengthen the Board's Governance**

### **Commitment 16: Create Culture & Ethics Oversight Committee; Appoint Safeguarding Director on Board**

*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.*

**Commitment 16 is closed. For more detail please review the [January 2022 Commitments to Action](#)**

### **Commitment 17: Strengthen Board Members Skills on Safeguarding**

*Provide training to the board on safeguarding as well as ensure that new board member onboarding and ongoing training reinforce directors' understanding of governance.*

**Commitment 17 is closed. For more detail please review the [January 2022 Commitments to Action](#)**

### **Commitment 18: Honor Board Term Limits**

*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.*

**Commitment 18 is closed. For more detail please review the [January 2022 Commitments to Action](#)**

### **Commitment 19: Define Board Accountability and Communication**

*Clearly define accountability and communication so directors understand how decisions are made and who has responsibility.*

**Commitment 19 is closed. For more detail please review the [July 2022 Commitments to Action](#)**

## Additional Commitments

### Commitment 20: Drive Leadership Accountability

*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.*

#### Progress Update on Commitment 20

Our position description (PD) template has been updated to include revised language that identifies behavioral expectations and responsibilities around safeguarding, ethics, diversity, inclusion and culture. All Executive Leadership Team PDs and objectives have been updated to include similar language and will be standardized for all leadership positions in FY23.

Mercy Corps' People Team has launched a comprehensive review and refresh of the performance review process this year called *Performance Possible*, which includes standardizing expected behaviors related to inclusion, integrity and ethical decision making for all levels of the organization. All team members, including the Executive Leadership Team, will be evaluated through these behavioral expectations and performance metrics associated with them.

In addition, the People Team has developed a mitigating bias training for leaders and hiring managers, which has been delivered to a subset of our population, including the Executive Team and Board. The Executive Leadership Team has also been participating in intensive diversity, equity, and inclusion workshops with external experts. The People Team is currently identifying opportunities to integrate training related to safeguarding, ethics, diversity, and inclusion into various phases of the team member lifecycle (e.g., onboarding, manager training, etc.). The People Team has strengthened the mitigating bias content in *People with Possibility* - a global People management program that helps teams foster psychological safety and trust.

**Commitment 20 is now closed.**

### Commitment 21: Ensure Accountability for 2018 Mishandling

*Hold accountable those who were involved in the 2018 case mishandling through appropriate disciplinary actions.*

**Commitment 21 is closed. For more detail please review the [January 2022 Commitments to Action](#)**

**Commitment 22: Review Mercy Corps Culture**

*Conduct a review of Mercy Corps culture and address issues and cultural norms that contributed to the failures identified in Vestry Laight's investigation.*

**Commitment 22 is closed. For more detail please review the [July 2022 Commitments to Action](#)**

**Commitment 23: Review Progress at Every Board Meeting**

*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.*

**Progress Update on Commitment 23**

Mercy Corps' Board has reviewed the organization's Commitments to Action and progress against them at each board meeting since the acceptance of these commitments and will do so until all matters have been implemented. Twenty of the 23 commitments have been closed. We will continue to review progress on the remaining three commitments at each board meeting until they are complete. Mercy Corps Board meetings take place on a quarterly basis.

This progress update is the sixth biannual public report. The [first](#) was released in July 2020, the [second](#) in January 2021, the [third](#) in July 2021, the [fourth](#) in January 2022, and the [fifth](#) in July 2022. We will continue to report publicly on our progress until all commitments have been implemented.