

Vestry Laight Scope of Work

Situation

On October 8, 2019, an in-depth investigative report by the Oregonian revealed a Mercy Corps (MC) founder had sexually abused his daughter for years. The abuse first came to Mercy Corps' attention in 1992 and was raised again in 2018 when the survivor's husband asked Mercy Corps to re-examine its earlier investigation in light of its new ethics policy.

The Special Committee of Mercy Corps' Board of Directors seeks an independent investigation into what steps were taken in response to the 2018 request. This includes identifying any internal control failing related to MC's response to the allegations and how senior management at Mercy Corps handled the request to consider the sufficiency of Mercy Corps' original investigation into the matter in light of Mercy Corps' new policies on ethical violations and sexual misconduct. The review will culminate in a public report of the facts and recommendations for a comprehensive set of measures to ensure that proper processes are in place to inform the board of allegations of misconduct and that complaints are investigated appropriately. In addition, the report will establish a timeline of events and help ascertain the responsibility of actors involved. Recommendations will include suggestions on governance reforms if appropriate.

Approach

VL proposes undertaking the following steps:

At the outset of the project, MC leaders will inform MC current and former employees and board members about the independent investigation, that VL has extensive experience working with traumatized survivors, and that the firm's investigators will interview those with knowledge of events and will also be available to conduct confidential interviews with anyone interested in speaking about their experiences or what they have witnessed. The communication should also indicate that this is the first phase of the research and that depending on the feedback collected, additional review of other areas may be undertaken. In addition, VL is available to answer questions about the investigation staff may have.

We will work with Mercy Corps to review the existing documentation that relates to how the 2018 complaint was handled. We will also review other relevant documentation including by-laws, board and audit committee minutes and reports, internal communications, reports, emails, and texts regarding the 2018 complaint, internal guidelines on reporting mechanisms and how misconduct complaints are to be handled, and information about organizational structure and personnel changes relating to safeguarding against abuse and exploitation.

VL would like to take advantage of the Board meeting next week by meeting with relevant directors who are not easily accessible, including the committee members and executive management team that are not based in Portland. Interviews with board members could begin

October 23 and take place on the margins of the board meeting scheduled in Washington DC for October 24. We would need to know information about what board members and staff are attending, when they are arriving, and arrange logistics for a place and time to conduct interviews.

Once we have had a chance to review documentation, we would come to Portland in late October/early November to be introduced to staff in a town hall meeting, interview current and former staff and former board members with direct knowledge of relevant facts, and conduct focus groups if helpful. As part of the review, we would like to interview the survivor and her husband about their experience reporting to MC.

In total we anticipate interviewing 16-25 people. (However, the actual number may be greater. Because staff input is so important, we will not cap the number of interviews conducted.)

At the conclusion of the research phase, based on interviews and documentation, VL will prepare a public report detailing its findings. To ensure candor from interviewees, identifying information will not be disclosed in the final report without the interviewees' consent.

VL can assist with developing a strategy to announce the investigation and share its findings.

Follow up

VL's research may uncover areas that could benefit from additional scrutiny. Additional phases of research following examination of 2018 and 2019 could include:

- An examination of how the survivor's case was handled when it came to MC's attention in 1993.
- A specific investigation into the co-founder's activity to probe whether other related misconduct occurred. That would entail interviewing former employees and board members as well as existing staff or partners who may have worked with him here or abroad. The Oregonian is also currently seeking information in this regard.
- A broader evaluation of existing policies and procedures within the organization to address sexual harassment and workplace misconduct to ensure they are in line with best practices and being followed in practice. This could include a broader cultural assessment.
- A review of implementation of recommendations over a period of time if appropriate.