

CODE OF CONDUCT & ETHICS

STATEMENT

For FIND to achieve its mission, it must unconditionally be guided by transparency, open communication, respect, accountability and integrity.

FIND's MISSION is to turn complex diagnostic challenges into simple solutions to overcome diseases of poverty and transform lives. To achieve this FIND relies on grants and donations, and this always requires that the organization maintain a spotless reputation. Consistent with this, the responsibility to behave in a manner that supports the achievement of our mission, and even enhances its reputation, lies with all those associated with FIND and its work.

All of us have a duty of care to ensure that we always behave honestly and ethically. Any intentionally inappropriate, especially unethical, behaviour has the potential to tarnish FIND's character and reputation and thereby its mission.

What we do is important; how we do it is just as important.



1. **Guiding principles, scope and purpose**

1.1. Purpose of this Code (the “**Code**”) is to establish principles and standards of conduct that FIND, our donors¹, recipients and other stakeholders expect of us, and that we should expect of ourselves. It helps define and understand legal issues and ethical dilemmas we may face in our work with or on behalf of FIND.

1.2. Who has to follow this Code?

- **FIND Personnel.** This Code applies to all members of the FIND Board of Directors, its officers and employees, including all its affiliated offices around the world (“**FIND Personnel**”).
- **Partners.** In addition, FIND requires that third parties who work with or on its behalf, i.e., consultants, agents, interns, volunteers, representatives, service providers, collaborating partners, and independent contractors (collectively, “Partners”), will meet the standards embodied in this Code or sufficiently similar codes of conduct and/or ethics of their own.

1.3. Individual responsibilities. In all our activities in support of FIND, each of us must

- understand the Code and become thoroughly familiar with the policies and procedures that are relevant to your individual responsibilities
- follow these, because compliance is the responsibility of each one of us
- be aware of developments around you
- promptly and appropriately raise concerns, and cooperate fully and honestly in any investigations
- avoid retaliating against another person for raising an integrity concern

1.4. Management responsibilities. Managers need to embody the Code and always demonstrate appropriate conduct. They must

- ensure that their staff understand the Code and their responsibilities
- reinforce behaviours that reflect FIND values and never encourage those that do not
- create a team environment where issues can be discussed and where staff feel comfortable with raising concerns
- ensure that communicated concerns receive proper attention, response, documentation, and are managed as described in section 11

1.5. Collective responsibility. Adherence to this Code is a matter of collective responsibility of all FIND Personnel and Partners. As a result, when using the words “we”, “us” or “our” in this Code, FIND is referring to all persons to whom this Code applies.

1.6. Obligations. Each member of FIND Personnel and Partners is required to agree to comply with this Code by signing a copy in the space provided at the end of this document and returning their signed copy to FIND Operations. In addition, FIND Personnel must ensure that the provisions of this Code have been communicated to and accepted by all Partners who receive FIND resources. If a Partner already has a sufficiently similar code of conduct or ethics of its own, or is part of a national or international organisation with its own applicable rules of conduct, FIND will expect it to adhere to its own rules instead of this Code, and the same expectation of compliance to them will apply should they and FIND wish to continue working together.

2. **Integrity (ethical standards)**

2.1. We assume professional responsibility for our actions and decisions. All FIND Personnel and Partners must fulfil their tasks with impartiality, honesty, and integrity at all times. We must

¹ Many FIND donors have policies and guidelines that are complementary to FIND’s Code. Partners who are sub-recipients of FIND grants are to consult these as well. Appendix 1 contains a non-exhaustive reference list

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apply our professional knowledge and skills toward meeting FIND objectives, and we will always:

- be honest and impartial in our work, acting fairly, ethically, and with integrity in all dealings
- ensure that decisions regarding individual or organisational activities are fair and transparent, and that they will be implemented in an ethical manner
- seek expert guidance if in doubt about the propriety of a situation
- engage only in activities or practices that support the welfare of individuals and people
- avoid committing any form of scientific or research misconduct
- strive to contribute to the field of public health by providing universal access to results/information arising from FIND's work

3. Legal compliance

3.1. All FIND Personnel and Partners must be fully compliant with all local applicable laws. In activities related to FIND, we shall:

- comply with all laws and regulations in the countries in which we operate and travel
- never engage in or support any form of bribery, corruption, extortion or embezzlement
- refrain from offering or accepting gifts and from offering or accepting entertainment (hospitality) other than of minimal value² when engaging directly or indirectly in business activities relating to FIND
- not engage (whether directly or indirectly, or through an agent or other intermediary) in any corrupt, fraudulent, collusive, anti-competitive, or coercive practices.

4. Conflicts of interest

The integrity of all FIND Personnel and Partners must always be maintained. Conflicts of interest arise when we place personal, social, financial, or political interests before those of FIND. While we respect the right to privacy, in their personal activities, political interests and financial affairs, FIND Personnel and Partners are responsible for avoiding situations that present – or create the appearance of – a conflict between their interests and those of the organisation. Whether on the job or otherwise, nothing should conflict with our responsibilities to FIND. By avoiding actual or apparent conflicts of interest we will be able to act according to sound judgment in the best interests of FIND, rather than due to personal interest, relationship, pressure, or gain.

Examples of situations to be avoided

It is difficult to address every situation in which a conflict of interest may arise, but here are some that are indicative of conflictual situations:

- Engaging in an external business activity that is detrimental to or morally incompatible with FIND's objectives, vision, mission and by-laws.
- Being bound by any external employment or activity that calls into question the loyalty of the FIND staff member or Partner, or that may prevent him/her from being able to devote appropriate time and attention to his/her responsibilities and obligations to FIND.
- Receiving any amount of cash or anything of significant value (including inappropriate or undue entertainment beyond a normal business meal), whether as a gift or otherwise, from any individual or company with which FIND has dealings.
- Taking advantage of or seeking to obtain personal gain from any opportunity learned of while doing any work for FIND that could have benefitted FIND.

² The FIND Travel Policy defines the restrictions on 3rd party entertainment costs, e.g. paying for a meal, and offering gratuities

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FIND has published a more comprehensive Conflicts of Interest Policy that is available on its website and includes a template to use to declare any interests that might be considered as conflicting with their role with FIND. The requirement is that any such declaration is made prior to engagement in any activity with FIND. Intentionally not making or managing a conflict is, by definition, “wrongdoing”.

5. Accurate and complete information

5.1. In all our FIND-related activities, we shall:

- record and report information, including financial and non-financial information honestly, accurately, and objectively
- accurately reflect transactions and events in any information we provide, including financial data and other information
- create, retain, or destroy paper and electronic information in line with the applicable laws and FIND requirements:
- not falsify records or misrepresent facts; FIND does not tolerate any kind of fraud.

6. Proprietary and confidential information

6.1. We may receive access to confidential or proprietary information that is not generally known or available to the public. Neither during nor subsequent to our employment or collaboration with FIND will we be permitted to disclose to any third parties any confidential or proprietary information, or any information regarding any organisational operations, projects or activities, unless the Chief Executive Officer of FIND authorises such disclosure in writing. Hence, each of us must:

- respect and protect confidential, proprietary and/or sensitive business information and avoid divulging such information to any third party that is not bound by a written confidentiality agreement with FIND
- always keep confidential or proprietary information secure at our workstation and ensure the security of such information

How to tell if information is confidential

- If it is obviously marked as such (for documentation or an email there will typically be an indication that it is “confidential”; and for electronically shared data, it may be in the filename – it is your responsibility to notice these things).
- Or you have been told that information being shared with you is confidential – this includes phrases such as: I am telling you this in confidence/private; or Please do not share this information
- If in doubt, ask the “owner” of the information whether it can be shared

7. Equality and respect as core principles

7.1. FIND holds the principles and practices of *equal employment opportunity and workforce diversity* high on its corporate agenda.

- FIND has an equal employment opportunity and non-discriminatory policy regarding the recruitment and treatment of all FIND Personnel and Partners. FIND selects staff candidates based on merit; FIND conducts salary benchmarking and ensures external validation of merit awards, including of its CEO.
- FIND values the richness that diversity brings to the organisation and does not abide by discrimination on the basis of gender identity, race, ethnicity, national origin, religion, disability status, sex, sexual orientation, marital status, pregnancy, political affiliation, or age. A work environment that openly values diversity and supports the full contribution of

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each staff member leads to increased productivity, tolerance, and mutual respect. No staff member or Partner may discriminate against any other staff member, Partner, or beneficiary of the work of FIND.

- 7.2. **Harassment.** FIND does not tolerate persecution in any form. It is expected that each of us will strive to ensure that the workplace remains free from any form of harassment, and shall not subject any person to any physical, verbal, or sexual abuse, mobbing, molestation, intimidation or any form of blackmail, or threat to commit any of the above.

What constitutes harassment?

- Harassment is formally defined as “aggressive pressure or intimidation”.
- Essentially, it is any conduct toward another person (verbal, physical, written) that makes them feel discriminated against, belittled, pressured or threatened, amongst others.
 - It may be individually perpetrated or pervasive
 - It may be a one-off event or a persistent attack
 - It may be conducted based on race, religion, national origin, age, disability, gender or sex, amongst other “drivers”.
- In any scenario, it is a behaviour that FIND will not tolerate and for which FIND encourages and protects any attempt or means to report, including deterrence of retaliation

8. Safeguarding

FIND respects the rights of all people; as FIND Personnel, we have a duty of care toward others. FIND’s Safeguarding Policy is incorporated with this Code, by reference. It is available on the FIND website at <https://www.finddx.org/policies/>. FIND has appointed a Diversity, Inclusion and Safeguarding working group and selected an independent and neutral “person of confidence” to support the organization in its commitment to:

- Provide a safe and trusted environment for its staff
- Provide a structure and an escalation process that ensures that secure reporting channels are available for all levels of the organizational hierarchy.
- Nurture an organizational culture that accepts its accountability for the safety and well-being of others.
- Maintain adequate policies and procedures, such as this Code, for safeguarding Personnel, Partners, and beneficiaries of its work, and ensuring that they are well communicated, understood, and accepted.
- Safeguard vulnerable groups (i.e., children, women and vulnerable adults, specifically those who are unable to take care of or protect themselves); abuse, neglect, exploitation or violence against vulnerable groups by FIND Personnel or Partners will not be tolerated and is a violation of this Code.

FIND ensures that its Personnel are trained on safeguarding and encourages its Partners to ensure that they do the same. Online training on safeguarding is available, for instance, at <https://agora.unicef.org/course/info.php?id=7380>.

9. Health, safety and environmental protection

FIND Personnel and Partners are responsible for conducting their work in a manner that protects the health and safety of all staff members, partners, visitors and any other people with whom they interact. FIND Personnel and Partners should always act in a manner that ensures compliance with all applicable governmental and private health, safety, and environmental requirements. While the development of entirely “green” diagnostic tests is currently unfeasible, FIND remains committed to

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minimising the impact of its activities on the environment. Product specifications that are provided to development and manufacturing partners include a requirement to use biodegradable or recyclable materials where possible, and, at a minimum, products that produce the fewest waste and health hazards.

10. Practices of Partners

10.1. Labour practices: Partners of FIND shall respect the human rights of workers and treat employees with dignity and respect. Specifically, we expect our Partners to adhere to the following requirements on labour practices:

- Partners shall pay employees at least the minimum wage required by law or the prevailing industry standard in the country, whichever is greater, and shall provide all legally mandated benefits.
- Partners shall not directly or indirectly recruit or employ child labour in violation of international laws or national laws of the country where the partner operates.
- Partners shall not use forced or involuntary labour (e.g., forced, indentured or involuntary prison labour).
- Partners shall respect the rights of employees protected by local law to join or not join labour unions, seek representation and join workers' organizations.
- Workers shall be able to bargain collectively, and workers' representatives shall not be discriminated against.

10.2. Safety and rights of clinical trial patients/healthy volunteers: Partners shall observe external guidelines and regulations originating in the Nuremberg Code, the Declaration of Helsinki, and the principles of current good clinical practice and good management practice. Specifically, we require our Partners to:

- Ensure the safety, rights, integrity, confidentiality, and well-being of clinical trial patients/healthy volunteers by applying proper scientific and ethical values.
- Ensure that the interests and well-being of trial patients/healthy volunteers shall always prevail over interests of science, society, and commerce.
- Ensure that all trial participants enrol voluntarily in clinical trials through appropriately provided information and freely given informed consent. Clinical trial patients/healthy volunteers must always be able to withdraw from trials without having to give a reason.
- Ensure that special consideration is shown to vulnerable clinical trial patients/healthy volunteers (including children, elderly, unconscious or mentally incapacitated persons).
- Ensure that staff involved in executing clinical trials are appropriately qualified.
- Maintain a quality system that ensures compliance with the above-mentioned guidelines and principles.

11. Implementation of the Code

11.1. Other policies and procedures. In certain cases, this Code is supplemented by additional policies that cover specific topics in more detail – for example, FIND's Anti-Fraud or Safeguarding Policies. While this Code is designed to familiarise us with FIND's policy position on several issues, it does not supersede or act as a substitute for other more specific policies, either internal or belonging to a donor (and requiring adherence). As a WHO Collaborating Centre, FIND works to ensure that its policies are in line with those of the WHO (that can be accessed at <https://www.who.int/about/ethics/>). In addition, FIND incorporates, by reference, the categories of "wrongdoing" identified by donors Unitaid, in this CODE (provided here as Annex 1³).

³ The complete Guidelines: Prevention, Reporting and Management of Wrongdoing is available at <https://unitaid.org/assets/Guidelines-prevention-reporting-and-management-of-wrongdoing.pdf>

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- 11.2. Recognizing a potential violation of the Code. No code can anticipate every possible question in every country or culture in which we operate. Specific questions will undoubtedly arise during our activities. Taking the time and having the courage to find appropriate answers to questions that arise is not always easy, but it is essential. When faced with such questions, we must bear in mind the spirit of this Code and recognize the need to bring them to the attention of others within the organization. At times we might sacrifice some immediate gain or benefit, but in the long run, adherence to high ethical standards benefits the organization and all our stakeholders.
- 11.3. Raising questions. We recognize that a great number of FIND Personnel and those of our Partners operate in different legal and cultural environments, and that interpreting and implementing these requirements may be challenging. Therefore, we strongly encourage FIND Personnel and our Partners to avail themselves of the channels described above should they have questions regarding compliance with this Code. To ensure understanding and answer any questions, FIND provides an annual training on its policies.
- 11.4. Channels for raising concerns. FIND management is responsible for implementing and monitoring compliance with this Code. FIND *staff and consultants* have one of two directions they can follow should they have knowledge or a concern regarding potential violations of this Code. These are:
- Establishing direct contact with the neutral “person of confidence” (an external appointee of FIND’s)
 - Using the NAVEX EthicsPoint web-based reporting system (the “EthicsPoint Portal”). EthicsPoint can be accessed via FIND’s website. Reports that come through EthicsPoint are also received by the external appointee and channelled for remedial action (where necessary).
- FIND *partners or external stakeholders/concerned individuals* should utilise the NAVEX EthicsPoint portal to report concerns or for “whistleblowing”.
- 11.5. Reporting violations: Violations of this Code are required to be reported to FIND using one of the suggestions described above. Whatever the means, the following describes aspects of the handling of such reports:
- Anonymity and confidentiality: When you report a violation or suspected violation of the Code through the EthicsPoint portal on the FIND website or through the external appointee, your confidentiality will be respected if you so request it. The information you provide will be shared only on a “need-to-know” basis with those responsible for resolving the concern. If you choose to report your concern anonymously, make sure to provide as much information as possible concerning the violation. You will be provided the opportunity to create credentials that will allow for follow-up later, while still protecting your identity. Note that local laws in some countries restrict what may be reported anonymously, limiting such reporting to financial or accounting irregularities.
 - Feedback: FIND management will address all reports in a timely and confidential manner. All reports will receive an objective and complete assessment and, if warranted, an investigation. In addition, corrective action will be implemented when appropriate, and you will have the opportunity to receive feedback either through the EthicsPoint portal or the external appointee (depending on the entry point of your complaint)

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Making the right choice

What to ask yourself if you are unsure about a situation:

- Is this consistent with our Code and the law?
- Is it consistent with FIND's strategy and its mission?
- Would I be able to stand behind this if it were to be made public?

11.6. Consequences of Code violations: Any FIND Personnel or Partners who violate the Code will be held accountable and may be sanctioned accordingly. This may include termination of FIND's relationship with that person or Partner.

11.7. Prohibition of retaliation. Anyone who raises in good faith a concern about a possible compliance violation will be supported and protected by management and will not be subject to retaliation. Any act or threat of retaliation will be considered a serious violation of the Code.

What would trigger disciplinary action?

- Violations of the Code
- Asking others to violate the Code
- Failure to promptly raise a known or suspected violation of the Code
- Failure to cooperate in investigations of possible Code violations
- Disclosing confidential information regarding investigations
- Retaliation against another person for reporting a potential violation of the Code in good faith

11.8. Continuous improvement. We are continuously examining and refining this Code, our policies and procedures, as well as our compliance with regulatory or donor requirements. If you have a suggestion as to how to improve our controls and processes in order to detect violations of the law or FIND policies, we encourage you to bring it to our attention through any of the previously described mechanisms. The same holds true if you believe there is a need for additional training in any particular area, or that other areas should be covered by this Code.

11.9. Distribution and accessibility of the Code. In addition to ensuring that all FIND Personnel and Partners have access to and can sign a copy of this Code, FIND management shall ensure that a copy of it shall continuously be available via the FIND website.

READ AND AGREED TO BY:

Name: _____ Signature: _____

Organization: _____ Date: _____

Please return a copy of the signed Code to Operations@finddx.org.

ANNEX 1: Examples of wrongdoing per Unitaid Guidelines (Section 3, p2)

Wrongdoing is intentional illegal or unethical misconduct and dishonest behaviour that can adversely affect the projects or activities that Unitaid funds. Unitaid defines wrongdoing broadly for the purposes of these Guidelines: in case of doubt or discrepancy in determining the intent or meaning of these Guidelines, an inclusive interpretation should be applied.

Wrongdoing comprises types of misconduct involving misuse of funds as well as sexual misconduct and abuse, or other violations of human rights⁴ and practices that obstruct the protection of human rights.

Examples of wrongdoing include, but are not limited to:

- engaging in fraud, bribery or corruption, such as through theft of assets⁵ or irregularities in contracting processes, paying kickbacks, using Unitaid funds for personal use or individual benefits, or misrepresenting or falsifying information in reports to Unitaid.
- intentionally not declaring or not managing conflicts of interest
- falsifying or counterfeiting pharmaceutical products (including but not limited to active pharmaceutical ingredients and medical equipment), such as by falsifying representation of product identity, source or marketing authorizations or registrations needed to operate in the market; or modifying packages to intentionally supply medical products and medical devices that do not conform to applicable standards
- intentionally exploiting unauthorized intellectual property rights of third parties or failing to register or renew intellectual property rights in a timely fashion
- engaging in unethical behaviour in clinical research, such as failing to obtain informed consent of a patient/individual with a patient-centered approach or failing to enforce appropriate clinical practice standards
- intentionally not maintaining confidentiality of personal data, including medical data; and not implementing information security measures according to the nature of the personal data collected, processed, stored or transferred in accordance with applicable international or national laws, standards and regulations
- intentional waste of resources or sabotage
- intentionally engaging in activities causing substantial and specific danger to public health or safety; or abusing power, authority or position, including for personal gain
- sexual exploitation or abuse⁶
- human rights violations and abuses as well as practices that obstruct the protection of human rights
- knowingly engaging or associating with individuals or entities involved in terrorism, transnational organized crime or related activities
- knowingly directing or counselling a person to commit any of the wrongdoings set out above

⁴ As set out in the [Universal Declaration on Human Rights](#) (UDHR)

⁵ This includes both cash and non-cash assets (e.g. commodities, laptops, tablets, mobile phones, fixtures and fittings, intangible assets).

⁶ 'Sexual exploitation' is an actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, threatening, or profiting monetarily, socially, or politically from the sexual exploitation of another. 'Sexual abuse' is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. WHO strictly forbids sexual activity with children (persons under the age of 18), regardless of the local age of consent or majority. More information can be found on the WHO website (http://www.who.int/about/ethics/sexual-exploitation_abuse-prevention_response_policy.pdf?ua=1) or the United Nations Glossary on Sexual Exploitation and Abuse (<https://hr.un.org/materials/unglossary-sexual-exploitation-and-abuse-english>).