

MS 271 Confidentiality Protection

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MS 271 Confidentiality Protection Procedures

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1.0 Authority

The Peace Corps Act, 22 U.S.C. 2503 (b) and 2507g; Executive Order 12137 (1979)

2.0 Purpose

This Manual Section sets forth Peace Corps policies for the protection of the confidentiality and safety of Volunteers or Trainees (Volunteers) who report:

- (a) allegations of misconduct, mismanagement, or violations of law or policy by Peace Corps staff, contractors, or other Volunteers or relating to Peace Corps programs or operations; and
- (b) allegations or other concerns about the conduct of other individuals or organizations, including host country nationals, regarding behavior and other matters that are beyond the legal jurisdiction of the Peace Corps.

3.0 Policies

- (a) Volunteers have a right to bring to the attention of the Peace Corps allegations of misconduct, mismanagement, and violations of law or policy that relate to Peace Corps staff, contractors, other Volunteers, programs, and operations.
- (b) Volunteers have a right to discuss with the Peace Corps allegations or concerns on topics or issues that are beyond the legal jurisdiction of the Peace Corps, such as behavior by a host country national with whom the Volunteer has regular contact, but who does not work for the Peace Corps or participate directly in a Peace Corps project or program.
- (c) As set forth in MS 861 *Office of Inspector General*, Volunteers are strongly encouraged to promptly report to the Office of Inspector General suspected fraud, waste, abuse and mismanagement related to Peace Corps programs and operations, including criminal wrongdoing, serious administrative misconduct and violations of federal laws, rules and regulations, by Peace Corps staff, Volunteers and any contractors and other individuals and entities conducting transactions with the Peace Corps or receiving Peace Corps funds. Volunteers are also strongly encouraged to promptly report to the Office of Inspector General any activity which they reasonably believe constitutes a substantial and specific danger to the public health or safety relating to programs and operations of the Peace Corps.
- (d) Volunteers must be provided open access and appropriate channels in which to raise the types of allegations or concerns referred to in subsections (a) through (c) above, with an understanding and commitment that such allegations and concerns will be given attention and acted on appropriately.
- (e) Information provided by Volunteers on matters referred to in subsections (a) through (c) will be treated with the utmost discretion in order to protect the confidentiality and safety of such Volunteers.
- (f) Peace Corps staff are prohibited from retaliating against any Volunteer who raises any allegations or concerns referred to in subsections (a) through (c). For purposes of this Manual Section, to retaliate means to take adverse administrative or other action against a Volunteer, including separation, reassignment, imposition of penalties, reduction in allowances, or other negative action, because the Volunteer raised any of the types of allegations or concerns referred to in subsections (a) through (c).
- (g) Peace Corps staff and Volunteers must be provided with training regarding the rights of Volunteers to make reports under this Manual Section and actions that staff must take to protect the confidentiality and safety of such Volunteers.

4.0 Confidentiality of Reports

- (a) Volunteers may confidentially report allegations or concerns referred to in Section 3.0 to senior staff at post, the appropriate Regional Director, the Associate Director for Safety and Security, the Associate Director for Global Operations, the Office of Inspector General, or other appropriate offices at Headquarters.
- (b) Any Peace Corps staff member who receives or has knowledge of a Volunteer's allegation or concern that has been made on a confidential basis must treat the information with the utmost discretion and confidentiality consistent with appropriate handling of such information and applicable law, including where appropriate, referral to the Office of Inspector General, the appropriate Country Director, or legal authorities.

The identity of any Volunteer providing the information may not be disclosed unless:

- (1) the Volunteer consents to such disclosure;
 - (2) such disclosure is necessary in order to protect the health or safety of the Volunteer; or
 - (3) the Inspector General determines such disclosure is unavoidable during the course of an investigation.
- (c) Any staff member who is obligated to maintain confidentiality under this policy and is found to have breached such duty may be subject to disciplinary action, up to and including termination of employment, as well as ineligibility for re-employment.
 - (d) All allegations or concerns identified by Volunteers will be given serious consideration and review and will be handled, resolved or disposed of, as appropriate, by Peace Corps management or, if appropriate, the Office of Inspector General.
 - (e) Nothing in this Manual Section shall be construed to exempt a Volunteer from the requirement to follow the rules and policies set forth in MS 204 *Volunteer Conduct* or to preclude the Peace Corps from taking appropriate action against persons who knowingly or recklessly make false statements or accusations.

5.0 Safety of Volunteer

Based upon the nature of the allegations or concerns and the totality of available facts, the staff member who receives an allegation or concern from a Volunteer must take appropriate measures to ensure the Volunteer's safety. Special attention must be given to the risk that dissemination of such information could jeopardize the safety of the Volunteer. If there is any uncertainty or any

question about the safety risk to a Volunteer, it is imperative that recipients of an allegation or concern err on the side of caution and take every measure to ensure Volunteer safety. For additional guidance, the recipients should consult with the appropriate individuals and offices responsible for the safety and security of Volunteers as set forth in MS 270 *Volunteer/Trainee Safety and Security*.

6.0 Retaliation Prohibited

- (a) No Peace Corps staff person may retaliate against a Volunteer because the Volunteer reported an allegation or concern under Section 3 above. A staff member found to have engaged in retaliation may be subject to disciplinary action, up to and including termination of employment, as well as ineligibility for re-employment.
- (b) Volunteer complaints of retaliation in violation of Section 3(f) may be filed with the Director of the Office of Civil Rights and Diversity (OCRD) within 60 days of the occurrence of the retaliation and must be treated with the utmost discretion and confidentiality consistent with appropriate handling of such information and applicable law. Based on evidence presented, the Director of OCRD will determine if an investigation is appropriate. If an investigation is conducted, the Director of OCRD will review the investigation report and decide what remedy, if any, will be provided to the Volunteer related to the retaliation complaint. The decision of the Director of OCRD may be appealed by the complainant to the Director. Procedures for filing a complaint and appealing a decision are set forth in the MS 271 *Procedures for Confidentiality Protection*, which implement this Manual Section.
- (c) Any allegation of reprisal for reporting to, or cooperating with, the Office of Inspector General must be promptly reported by the Director of OCRD to the Office of Inspector General.
- (d) Volunteers may report allegations or complaints of retaliation directly to the Office of Inspector General in accordance with MS 861.

7.0 Training

- (a) The Office of Global Operations, the Office of Safety and Security, the Office of Inspector General and any other office that may receive information reported under Section 3 must provide training to staff on how to handle such information. The training must include instructions regarding the protection of the information, the prevention of inadvertent or inappropriate disclosures of such information, and the action that must be taken to provide for the safety of the reporting Volunteer.

- (b) Each post must include information about the policies set forth in the Manual Section in the ongoing training of Volunteers.

8.0 Procedures

Procedures implementing this Manual Section will be set forth in the MS 271 *Procedures for Confidentiality Protection*, which must be approved by the Office of Global Operations, the Office of the General Counsel, the Office of Safety and Security, and the Office of Civil Rights and Diversity.

9.0 Effective Date

The effective date of this Manual Section is the date of issuance.