

FONDAZIONE MARISTA PER LA SOLIDARIETÀ INTERNAZIONALE ONLUS



1.2 CODE OF ETHICS



**Fondazione Marista
per la Solidarietà
Internazionale Onlus**

FMSI

Per il Bene dei Bambini

The Code of Ethics (hereinafter also the "**Code**") is an official document of the Foundation, approved, in this version, by the BoD on 06/10/2021. The Code defines the values and rules of conducts the Foundation intends to refer to in working for the achievement of its institutional goals.

1.2.1 Scope and recipients

The operation of the Foundation assumes roles, functions and responsibilities that involve relationships – whether internal, national and international – that are manifold, diversified and integrated. This implies, on the part of everyone, both a recognition and observance of individual rights, duties and responsibilities and the recognition and observance of rights, duties and responsibilities with regard to the Institution one belongs to and all parties.

At the Foundation, all recipients are required to operate in compliance with this Code of Ethics.

Specifically, this Code must be observed and applied as to all its contents by the President, the members of the BoD, members of the Board of Auditors, the Director General, by other bodies of the Foundation, employed or loaned personnel, by interns or volunteers, with no exception, as well as from all those operating directly or indirectly for the same Foundation.

With regard to subjects collaborating with and/or contributing goods, services and money to the Foundation, the latter ensures – to the extent it is possible – they maintain a code of ethics, rules of discipline or another document which can provide the necessary guarantees of observance of the principles illustrated in this Code of Ethics.

The aforementioned recipients are therefore required to observe and, within the limits of their respective functions and responsibilities, to enforce the principles of this Code of Ethics and the pertaining rules of conduct. Under no circumstances does the pretence to act in the interests of the Foundation justify a conduct that opposes those listed in this document.

All recipients are required to refrain from engaging in or participating in the implementation of conducts that, taken individually or collectively, could constitute a relevant behaviour with reference to any type of offense.

The Director General must ensure compliance with the rules and principles stated in this Code of Ethics and conduct verification and monitoring with regard to the enforcement of the same, suggesting, if appropriate, the application of adequate sanctions.

1.2.2 General ethical principles and rules of conduct

Inspired by the charism of St. Marcellin Champagnat and promoted by the Congregation of Marist Brothers of the Schools, FMSI has been engaged since 2007 in the field of rights of the child and international solidarity. The Foundation aims at fostering a new mind-set and concrete initiatives for the benefit of children and the young, especially the most defenceless and abandoned. Its aspiration is to offer disadvantaged children and young people an opportunity to achieve quality education and to develop their full potential. By means of the charism of the Marist Brothers, aimed at training and educating young people, the Foundation proposes to only pursue the non-profit goals of social solidarity and to promote its social values by carrying out the general interest activities listed as follows.

The Foundation adheres to the Marist educational philosophy and it is inspired by the values of equity, justice, non-discrimination and the ideals contained in the Convention of the United Nations on the Rights of the Child.

All recipients – with regard to competencies, roles and responsibilities of each, whether individually or within governing bodies – observe and promote the ethical principles of the organization with particular reference to the following "*Decalogue*":

1. Marist educational philosophy and the values of equity, justice, non-discrimination values of equity, justice, and non-discrimination;
2. Safeguard and protection of children's rights, including the protection of the future generations;
3. Safeguard and protection of the dignity of the person;
4. Legality, transparency, impartiality and fairness;
5. Valorisation of human resources;
6. Proper use of images of children and young people;
7. Freedom, autonomy and integrity;
8. Proper use of the name and reputation of the Foundation;
9. Health and safety on the job;
10. Responsibility in using environmental resources.

The aforementioned "*Decalogue*" inspires this Code of Ethics as a legal, cultural and training document designed to regulate the behaviour of those who work for the Foundation in accordance with its institutional purposes, as well as the relationship between FMSI and all its parties which must be structured based on an approach aimed at the affirmation, protection and promotion of the rights of the child and of adolescents. Recipients are required to conform their conduct, both in internal relations and with external parties, to the aforesaid general principles that are extensively illustrated below.

In addition to these general provisions, the recipients of this Code of Ethics must also respect the rules of behaviour, also set out below, which may concern both issues considered of particular importance in terms of ethics, and specific areas of the Foundation.

1. Marist pedagogy and the values of equity, justice, non-discrimination values of equity, justice, and non-discrimination

The Foundation proposes to further, attend to and disseminate the values of peace, justice and solidarity among peoples by carrying out cultural and social interest activities, and also by informing, educating and training society to learn and be aware of the civil rights of every human being. In this field, also through the culture of lawfulness and non-violence, the Foundation promotes and protects human, social, civil and political rights of socially and economically disadvantaged children and young people and, in general, of so-called minors at risk, in developing countries and/or those with a transitional economy and/or countries, in which defense and protection are not adequately ensured, hereby furthering the so-called "*Universal Citizenship*" that enables all people to formally enjoy their rights and, above all, concretely exercise them.

Especially in the educational field, Marist tradition is characterized by a specific pedagogical approach, handed down by St. Marcellin Champagnat and his first Brothers.

The conviction of Marcellin is still strong in all today: "*To educate children well, you need to love them, and love them all equally*". From this fundamental attitude derives the respect for Christian values that FMSI promotes, supports and protects in the pursuit of its mission and in its daily work.

Equity: In a world where inequalities are increasing, we work to guarantee equal opportunities to all children, boys and girls, regarding access to education and to all universally recognized rights.

Solidarity: The will to serve, to act for the common good and to generate opportunities for all, especially the most vulnerable and excluded are key.

Justice: We work at an international level to give voice to those who have no voice. We stand up for children and assist communities and decision-makers to defend children's rights in order to promote peaceful and inclusive societies.

Non-discrimination: We ensure that ALL children exercise their rights, regardless of gender, ethnicity or religion.

FMSI's projects and actions for the promotion and defence of children's rights are inspired by the above principles and the Foundation makes constant reference to them.

FMSI works in countries where the guarantee of political rights of all, including children, are limited. Therefore it will be difficult for FMSI to promote the political rights of children in such circumstances.

2. Safeguard and protection children's rights, including the protection of the future generations

FMSI operates in full compliance with the UN Convention on the Rights of the Child, which it promotes through training, advocacy and lobbying at national and international level, and with educational and social projects for the benefit of disadvantaged children and youth.

The vision and approach of the Foundation is to create a secure environment where children are free from violence and exploitation, and where measures for the protection of their rights are implemented. This vision must be applied in the workplace and in contexts where the Foundation operates.

The Foundation recognizes future generations' right to enjoy this Earth that is the support of the history of humanity, the culture and social bonds of each generation and each individual. Each generation, receiving it's the partial inheritance of the Earth's area, has a duty of administering for the future generations; it has to prevent all irreversible breaches to the liberty and to the dignity of humankind¹

All the activities carried out must be conducted in full compliance with the UN Convention on the Rights of the Child in order to ensure maximum protection to minors and to prevent the risk of their exploitation. In this sense, activities must be in compliance with the Convention on the Rights of the Child and in any event, they always must:

- ensure the observance of the rights of the child and of the future generations;
- foresee the possibility to inform the Foundation of situations or events they may become aware of which may pose risks to the protection of the child (prostitution and/or pornography, child labour, etc.);
- carry out all actions necessary for the protection of children from any harassment or abuse.

Given the importance of this issue for the Foundation in light of its relevance to its institutional goals, it has prepared a special document to which reference is made (chapter 1.3 FMSI Child safeguarding policy).

3. Safeguard and protection of the dignity of the person

Human dignity is inviolable. It must be respected and protected.

The Foundation recognises the dignity of the human person not only as a fundamental right in itself, but as the cornerstone of fundamental rights. The 1948 Universal Declaration of Human Rights embodies human dignity in its preamble: "*Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world*".

The Foundation does not tolerate any form of psychological, moral or sexual harassment as these behaviours are harmful to human dignity and it guarantees to the victims a prompt protection free from prejudices.

FMSI rejects and fights any form of discrimination, be it based on gender, religion, sexual orientation, personal beliefs, physical appearance, language, race, social conditions, political and union

¹ **Declaration on the Responsibilities of the Present Generations Towards Future Generations, the General Conference** of the United Nations Educational, Scientific and Cultural Organization

association, nationality, personal or health conditions, age.

4. Legality, transparency, impartiality and honesty

The fundamental principle of FMSI is the observance of laws and regulations in the countries in which it operates; it shall not commence or proceed with any relationship with those who do not intend to comply with this principle.

The Foundation places transparency at the basis of its operation, of its communication and contractual commitments. It is mandatory for all recipients of this Code of Ethics to act in line with the principle of transparency so as to enable all stakeholders to establish relations and make informed and conscious choices pertaining to the Foundation. In particular, the performance of financial activities shall be reported in a true and correct fashion so as to allow the verification of a non-profit conduct in accordance with the Statutes.

The Foundation avoids any form of favouritism and any choice that does not derive from the principle of impartiality of its work, always favouring in its choices the recognition and enhancement of capabilities and individual skills and of personal merit for the general benefit of the institution. FMSI, however, reserves the right to establish privileged relations with the Marist Institute, and therefore it does not prejudice the possibility of considering as a preferential requirement the belonging of a subject to the Marist world and/or the sharing by the latter of the Marist charism.

FMSI asks its own members to refrain from performing, for their own benefit or that of the Foundation, actions that are in contrast with a behaviour that is considered appropriate based on a common sense of consciousness.

5. Valorisation of human resources

The Foundation must guarantee solid organisational, economic and financial management and at the same time the realisation of an activity with a strong social, intellectual and dialogical value.

The Foundation considers human resources as a key factor in the achievement of its institutional objectives; it requires professionalism, dedication, loyalty, honesty and spirit of cooperation and it aims at continuously carrying out training activities to increase the capacities of its collaborators.

6. Proper use of images of children and youth

FMSI believes that the dignity and rights of each child must be observed under every circumstance. Therefore, in its use of images and in communication in general, it draws inspiration from principles of protection, development, participation, non-discrimination and higher interest, in line with what is stated in the international Convention on the Rights of the Child, aware that any communication process, even simple ones, conveys the core values of the organization.

The Foundation abides by the following rules in the use of images of children and young people:

- the publishing of images must always be connected to institutional activities and must not establish a commercial exploitation of the image of the child or damage his or her dignity;
- publication is permitted in non-prejudicial circumstances, and when the image is random, that is not aimed at polarizing the child and his or her recognisability;
- the publication of a picture must guarantee anonymity and non-recognition of the child in a situation that is prejudicial to the same;
- images must represent the child as a subject capable of being the protagonist of his or her own destiny and not as a passive recipient of an action; they must not feed stereotypes and must not indulge in scandal or pietistic communications.

If images of a person are published, the Foundation shall request a declaration of authorisation to use

the images; in the case of minors, the declaration shall be signed by their parents.

7. Freedom, autonomy, integrity

The Foundation proposes a collaborative organisational model that favours individual freedom and autonomy in pursuing ideals and institutional tasks. Freedom and autonomy must be exercised with honesty, openness, fairness and responsibility in full compliance with laws, regulations, statutory rules and stipulated agreements.

All people belonging to the Foundation are free to express, in a justifiably critical manner, their opinions on the business and governance of the institution. These must always, however, respect the dignity of persons, the correctness of the language and the institutional loyalty, in full compliance with statutory rules.

For this purpose, the Foundation has prepared a set of documents to be made mandatory for those who intend to use the name and logo of FMSI to promote projects in line with the aims and objectives pursued by the Foundation (see Annexes) A and B in the Visual Identity Manual.

8. Proper Use of the name and reputation of the Foundation

Belonging and participating in any capacity to the Foundation require full institutional loyalty and can under no circumstances be used for personal purposes. Every act performed on behalf of the Foundation or in its interest should not in any way be prejudicial to its image and respectability. All recipients of this Code of Ethics are required to respect the good name of FMSI and to not harm the reputation of the institution. For this purpose, the Foundation has drafted dedicated agreements on the use of the name and logo to be signed by subjects external to the Foundation who, for the pursuit of common purposes described in this Code, will make use of the name and logo of the Foundation.

9. Health and safety on the workplace

The Foundation aims at ensuring health and safety at workplaces. In this regard, it shall take the measures deemed most appropriate to avoid risks associated with the performance of its activities and, if that is not possible, to properly assess existing risks in order to manage them, oppose them and eliminate them.

It implements the necessary measures to protect the safety and health of workers, including prevention of occupational risks, information and training, adapting premises, and the definition of the organization and the necessary means.

When it is not directly responsible for the adoption of security measures, the Foundation will ensure that said measures are implemented by the person in charge.

It is mandatory for all recipients of this Code of Ethics to:

- a. take care of their own security and their own health and that of other people in the workplace, who may be affected by their acts or omissions, in accordance with the training and equipment provided by the Foundation (or other person in charge);
- b. contribute together with the employer and people in charge to the enforcement of obligations provided for the protection of health and safety at work;
- c. comply with regulations and instructions issued by the employer and by those in charge in order to ensure collective and individual protection;
- d. properly use work equipment, means of transportation, as well as safety devices;
- e. immediately report to the employer or person in charge any shortcoming in equipment, tools and safety devices, as well as any threatening condition discovered, acting directly, in case of emergencies, within one's capabilities and possibilities and subject to the obligation referred to in point

- f), to eliminate or reduce situations of serious and imminent danger, while notifying the worker's safety representative in a timely fashion;
- f. do not perform on one's initiative any operation or manoeuvre that are not their responsibility or which may compromise their own safety or that of others;
- g. participate to formation and training programs organized by the employer;
- h. undergo health checks required by law or otherwise ordered by the physician in charge.

10. Responsibility in using environmental resources

The Foundation cares about the protection and equitable sharing of natural resources, convinced that God's creation is a common good to be protected, and aware of the impact that the use of resources has on the lives of communities; it therefore commits to avoiding any negative effect on the environment and the community where it operates. All members of the Foundation are to use resources in a responsible, diligent and optimizing manner in order to avoid waste and ostentation and to ensure greater respect for the environment in a sustainable development perspective.

1.2.3 Further Provisions

Conflicts of interest

A conflict of interest occurs when the private interest of an active party in the Foundation contrasts or competes, even potentially, with the interest, not only economic, of the Foundation. This conflict also occurs when the interests of a person external to the Foundation prevail over the interests of the same Foundation.

The aforementioned private interest may involve:

- a) the immediate interest of the person active in the Foundation;
- b) the interest of a family member, cohabitant or similar, or a relative within the fourth degree or affinity within the second degree;
- c) the interests of entities whose subject has control or a significant function of participation in the management;
- d) the interest of third parties in the event they consciously derive benefits for the subject in question.

All recipients are compelled to not hold office, take up positions, serve or adopt behaviours that place them in a position of conflict of interest with the values, principles, goals and choices of the Foundation. A person who, in any transaction or circumstance has interests in conflict with those of the Foundation must immediately notify his superior and in any case refrain from any decisions or deliberations in that regard. Subjects who maintain profitable and/or trade relationships with the Foundation can not be part of the administrative bodies of the same.

Abuse of one's own position

The association or participation in any capacity to the Foundation can not be used in any way to adopt positions of privilege, either inside or outside the organization. In particular, recipients may not use, either directly or indirectly, the authority of their position or office in order to force other members to perform beneficial services, directly or indirectly, for them.

Relations with public administrations

All relationships maintained with subjects from public administrations should be conducted in full compliance with laws and regulations and this Code of Ethics in order to ensure the absolute legitimacy of the Foundation's activity.

The Foundation prohibits recipients of this Code of Ethics from accepting, offering or promising, even indirectly, money, gifts, goods, services, benefits or favours in relation to dealings with public officials

or public service employees, in order to influence decisions, for a more favourable treatment or undue services or for any other purpose, including the fulfilment of their official functions.

In the event any request or offer of money, gifts, favours of any kind are made or received by employees, loaned staff, volunteers and/or members of the Foundation, these must promptly be brought to the attention of one's superior.

In any case, during a negotiation or any other relationship with public administrations, all recipients must refrain from:

- offering employment and/or business opportunities which may lead to benefits for themselves or others, for civil servants or their family members and relatives;
- requesting or obtaining confidential information that may compromise the integrity or reputation of one or both parties.

In case of investigations, inspections or requests from civil servants, recipients are required to ensure their full cooperation and transparency.

Balance sheets and other administrative-accounting documents

Recipients are required to apply particular attention to the task of preparing financial statements and other administrative and accounting documents. It is therefore necessary to ensure:

- appropriate cooperation with functions in the Foundation responsible for preparing financial reports;
- completeness, clarity and accuracy of the data and information provided;
- respect for the principles of compiling financial reports.

Use of computer systems

In carrying out their professional activities, recipients must use the computer or telecommunications tools and services in full compliance with the legislation in force (in particular, in relation to computer crimes, cyber-security, privacy and copyright) and internal procedures.

Diligence in the use of Foundation assets

Recipients of this Code of Ethics must protect and preserve the values and assets of the Foundation and contribute to their protection, avoiding situations that could adversely affect the integrity and safety of the same. All tools and resources provided by the Foundation must be used properly and not for personal use for the sole purpose of obtaining an undue profit.

Fundraising

In carrying out fundraising activities and in the respect of ethical principles, recipients of this Code of Ethics are required to respect laws and regulations in force, in order to promote transparency in the activities undertaken by the Foundation for the benefit of interested parties (effective and potential donors, volunteers, beneficiaries of activities, recipients of funds, associates and members of the organization, public and private institutions, etc.). This also in order to avoid any negative impact in terms of reputation.

In carrying out fundraising activities, recipients must in no way engage in coercive conducts with donors, since they are compelled to respect the dignity of the profession, of the Foundation and of donors, and to respect the privacy and freedom of opinion.

Confidentiality

Recipients are required to respect the confidentiality of people, organizations or institutions of which the Foundation has protected information and to not disclose confidential data or information.

Fundraising activities must be conducted in full compliance with applicable laws regarding privacy and processing of personal data in order to protect all data and sensitive information about donors.

In this sense, all recipients of this Code are expressly required to:

- protect donors in full compliance with regulations on the processing of personal data (Legislative Decree no. 196/2003 as amended by the Legislative Decree no. 101/2018, Regulation (EU) no. 2016/679, provisions adopted by Garante per la Protezione dei Dati Personali);
- not disclose to third parties in any way sensitive information relating to donors, except as provided by law;
- store only information considered relevant;
- protect data regarding donors.

Any confidential information that the staff and/or members of the Foundation bodies could come to learn in performing the activities they are responsible for (donor lists, personal information regarding donors, etc.), should not be disclosed externally or be used to attain privileged positions, obtain benefits or any other personal purpose.

Use of the "FMSI" logo

In performing the activities they are responsible for, all recipients are required to comply with the provisions issued by the Foundation on the use of the logo (for which the reader is referred to the Manual of Visual identity, chapter 1.4 of this manual). It is expressly prohibited to use the FMSI logo for commercial purposes or otherwise than as specified in the Statute and the mission and vision of the Foundation.

Disclosure obligations to the Organismo di Vigilanza (Supervisory Body)

Recipients are required to promptly notify the Organismo di Vigilanza (the supervisory body) (hereinafter the "OdV") of FMSI designated on 26/10/2021 if they are aware of any violations to this Code of Ethics. All communications sent to the OdV must be in writing and may also be sent to following e-mail address: odv@fms.it. In the event of serious violations of this Code are also admitted anonymous reports as long as all the described facts are detailed and accurated.

1.2.4 Implementation of the Code of Ethics

To verify the implementation of this Code, the Foundation must adopt and follow all the procedures set out below, also in order to prevent, detect and report possible fraudulent behaviour, for example through:

- fostering an ethical and transparent environment;
- a system of internal control and monitoring;
- the ability of managers to prevent and detect possible fraud;
- the adoption of appropriate mechanisms for investigation;
- an efficient mechanism to report to the Director General any possible fraudulent behaviour occurred within the Foundation.

Reporting to the OdV and possible sanctions

Any violation discovered to the principles and provisions set out in this Code by employees, consultants, interns, volunteers or other subjects required to observe it must be promptly reported to the OdV in writing.

If reports received were to require a confidential and discrete treatment, the OdV commits to guarantee its confidentiality and to ensure the absence of any form of retaliation, discrimination or penalty against those filing the report, as statued in the Model 231.

Any violation of this Code damages the relationship of trust established with FMSI and may lead to disciplinary action, revocation of powers and functions, the referral to competent authorities or the payment of damages, subject to, with regard to employees, the observance of procedures in the Workers' Statute and collective work contracts and in the Model 231.

Duties of the Supervisory Body

Among other duties, the OdV is required to:

- verify the observance of the Code;
- provide all parties involved with all the clarifications and explanations requested regarding the correct interpretation of the provisions of this Code;
- express comments about ethical issues arising in the context of decisions within the Foundation, as well as with regard to alleged violations of the Code of which he/she may have knowledge;
- monitor and coordinate, together with the Director General the updating of the Code, including through his/her own suggestions for adjustment and/or update;
- report to the relevant departments of the Foundation any violations of the Code, suggesting the sanctions to impose and verifying their effective application.

Dissemination and training on the Code of Ethics

The Foundation is committed to ensuring a timely internal and external distribution of the Code by way of:

- distribution of this Code to all recipients;
- its posting in a place accessible to all;
- making the same available to third party recipients or any other party by way of the Foundation's website.

For this purpose, the Foundation requires all recipients to sign a statement confirming the acknowledgement of said Code and to commit in writing to comply with the provisions listed in this document (Annex 4.1 - Declaration of acceptance of the Manual).

