

Terms of Reference for Investigation into allegations of Bullying, Harassment and of violation of the Board Directors' AFRINIC Non-Disclosure Agreement

1. Background

1.1 On 13 March 2018, an AFRINIC staff member, Mrs Vymala Thuron sent a complaint wherein several allegations were made which have, as a consequence, raised a number of concerns, specifically:

1.1.1 Allegations of moral and sexual harassment and plotting in relation to the named Mr Patrisse Deesse Director Finance at AFRINIC;

1.1.2. Allegations of moral sexual harassment bully and plotting in relation to the named M. Sunday Folayan, Chairman of AFRINIC Board and Hytham El-Nakhal, Vice Chair of AFRINIC Board;

1.1.3. Violations of AFRINIC Non-Disclosure Agreement;

1.1.4. Harassment in the work environment at AFRINIC.

2. Investigation Objective

2.1. In view of the concerns raised, the Governance Committee have commissioned an independent investigation with a view to examining those concerns.

3. Investigation Team Composition

3.1. The Investigating Team will be composed of:

- Mr Rishi Pursem
- Mr Nadeem Lallmamode
- Mrs Medina Torabally

4. Scope

- 4.1. In light of the concerns identified, the Investigation Committee will examine the complaint document and determine, in terms of the methodology it will adopt, whether there is evidence which would establish whether in fact
 - 4.1.1. Mr Patrisse Deesse has acted in a harassing, intimidating, and undermining manner in his interactions with Mrs Vymala Thuron and/or staff and has further plotted against her;
 - 4.1.2. Mr Sunday Folayan, and Mr Hytham El-Nakhal have acted in a harassing, intimidating, bullying and undermining manner in their interactions with Mrs Vymala Thuron and have further plotted against her;
 - 4.1.3. Mr Sunday Folayan and My Hytham El –Nakhal, both whilst being Board Directors, have acted in such a manner as to violate the AFRINIC Non-Disclosure Agreement (NDA), which both signed at the start of their mandate as Board Directors;
 - 4.1.4. Any form of harassment in the work place at AFRINIC as alleged exists.
- 4.2 To make such recommendations, as deemed appropriate, to ensure non-recurrence of the concerns identified.

5. Methodology

- 5.1. The investigation will be comprised of:
 - 5.1.1. The submission sent by Mrs Vymala Thuron and any other documents that she may provide at the request of the Investigation Committee.
 - 5.1.2. Interviews which the Investigation Committee may deem fit to conduct.
 - 5.1.3. Any document required by the Investigation Team.

5.2. Interviews

5.2.1. Interviews will be undertaken as part of the investigation with any individual, the Investigation Committee determines is required to enlighten the Committee;

5.2.2. In the case of all interviews, at the start of the interview, the following shall be explained:

5.2.2.1. The purpose of the interview;

5.2.2.2. How and for what purpose the information provided will be used, and consent obtained for this;

5.2.2.3. Interviews will be recorded and transcribed as necessary;

5.2.2.4. A statement/record of the meeting will be produced;

5.2.2.5. Interviewees will be asked to check their individual statement/meeting note for factual accuracy and sign to confirm that the statement is a true and accurate record of their recollection of events.

6. Reporting Mechanisms and Outputs

6.1. The Investigation Committee will:

6.1.1. Prepare a written report ("the Report") setting out in detail:

(a) methodology adopted;

(b) findings;

(c) conclusions; and

(d) recommendations.

7. Timescales

7.1. The investigation will take place in April 2018.

7.2. The deadline for submissions being received as referred to
will be Friday 23rd April 2018;

8. Information Governance

8.1. All documentation considered will remain strictly private and
confidential.

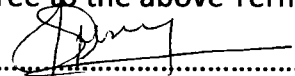
Personal data and confidential information received by the investigation
Committee shall be treated in full and strict compliance of the relevant
data, privacy and confidentiality legislations of the Republic of Mauritius.

9. Final version of Terms of Reference

9.1. If, as part of the investigatory process, additional concerns are identified
which are outside the remit of this investigation, they shall be referred to
the Governance Committee.

CONFIRMATION OF TERMS OF APPOINTMENT

I/We agree to the above Terms of Reference

Signed: 

Date: 9 April 2018

Position: Barrister