



FUNDAÇÃO SÃO PAULO

# Institutional Policy

## Fundação São Paulo's Conformity Clearance Procedure

November 2019

Integrity Department

# TABLE OF CONTENTS

Fundação São Paulo

Presentation	3
Purposes	3
Confidentiality of Information	3
Description of the phases of the Conformity Clearance Procedure	3
I. Knowledge of the events to be cleared	3
II. Classification of manifestations and events	4
III. Data collection and interviews	4
IV. Integrity Department Assessment and Deliberation	5
V. Senior Management feedback and handling of the referrals	5
VI. Senior Management feedback and handling of the referrals	5
VII. The indicative flow of the Conformity Clearance Procedure's phases	5
Handling of the Conformity Clearance Procedure	6
Conformity Clearance Procedure Tools	6
I. Clearance Plan	6
II. Evidence	6
III. Statistics	7
Recommendations	7
Communication Channels	7
Final Provisions	8



FUNDAÇÃO SÃO PAULO



## Presentation

This Institutional Policy provides for the Conformity Clearance Procedure, which is an important mechanism for assessing possible violations of internal rules, such as regulations, policies, codes, programs, guidelines, and work processes, as well as applicable laws.

This mechanism will enable Fundação São Paulo to implement improvements and adapt work processes, focusing on integrity, ethical conduct, transparency, and efficiency, in all its areas of activity, since the procedure in question comprises the completeness of its activities, covering all collaborators (administrative technicians, teachers, health professionals, among others) and expanding to situations involving third parties who have relationships with Fundação São Paulo, its beneficiaries or supplementary units.

The clearance will be carried out in an analytical, impartial, accurate, rigorous, and independent way by professionals from the Integrity Department and it may also count with technical reports prepared by technicians/specialists, such as external consultants or other collaborators of the Institution. Whenever necessary, disciplinary or corrective measures will be applied by the Sponsor for the identified violations.

## Purpose

The Conformity Clearance Procedure has the purpose to enable the examination of the conformity of corresponding activities and conduct, to promote the investigation of reports, to enable the analysis of possible violations of internal rules and applicable laws, as well as to assess the risks to which Fundação São Paulo is exposed, so that it is possible to mitigate them.

The clearance will contribute to monitoring, remediation, prevention, and curbing the conduct that is not in compliance with rules and procedures, which may lead to legal and/or regulatory sanctions, or, in addition, financial losses and reputational and/or image damage, resulting in the risk of compromising the integrity of Fundação São Paulo.

This Policy corroborates the guidelines of Fundação São Paulo's Integrity Program and Code of Ethics and Conduct, composing a set of regulations that must be observed by all Collaborators, of any hierarchical level, intermediaries agents, and other business partners in order to prevent, mitigate and remedy the risks of corruption.

## Confidentiality of Information

The Conformity Clearance Procedure is conducted confidentially and with the involvement of only the necessary collaborators to verify the facts.

The files collected during the investigation will be under the custody of the Integrity Department, and all its content will be known only to the members who conducted the procedure and to Senior Management, to which the Integrity Department is linked.

For reasons of secrecy and privacy of those involved in the clearances, full results of the progress or corresponding definitions will not always be disclosed.

## Description of the phases of the Conformity Clearance Procedure

### I. Knowledge of the events to be cleared:

The Conformity Clearance Procedure initiates with the incoming of a manifestation through the communication channels, with the sending of



files by the Executive Secretariat, or from the identification, by the Integrity Department, of situations with signs of non-compliance.

## II. Classification of manifestations and events:

Upon knowledge of reports or events, the case will be registered within the Integrity Department, initiating the Conformity Clearance Procedure. At this point, the cases will be classified in advance as follows:

IMPACT CLASSIFICATION	SEVERITY ANALYSIS
<b>LOW</b>	Cases with no financial impact and/or evidence of improper conduct.
<b>MODERATE</b>	Cases of financial relevance / failures in internal procedures / non-compliance with rules and/or irregular conduct.
<b>SEVERE</b>	Cases with high financial relevance, violation of internal rules and/or applicable laws, possibility of image risk.

Table: Impact x Severity

From the screening of cases, in compliance with the table above, a Clearance Plan and a checklist will be prepared, and they will work as a guide to the clearance activities.

Through the course of the procedure, there may be a need to review the Clearance Plan and the checklist, adding new items to be examined, as well as other documentation to be collected or the need for new interviews.

Depending on the classification of the case, its screening will observe the descriptive defined below, of which corresponding flow is registered in item VII, page 6 (six) of this document.

a) Low impact: the initial documents will be collected, and the interviews of those involved will be conducted, with subsequent preparation of the Final Report and referral for the decision of the Executive Secretariat.

b) Moderate and severe impact: initial documents will be collected, the Preliminary

Report will be prepared for prior knowledge of the Executive Secretariat, interviews will be conducted with those involved and, if necessary, additional data will be collected, followed by the preparation of the Final Report and referral for the decision of the Executive Secretariat.

## III. Data collection and interviews:

Data and documents will be collected considering the information available at Fundação São Paulo, including the devices and tools of the Institution, such as general records, emails, computers, mobile phones, USB flash drives, and external hard drives. External surveys can also be performed, depending on the information available for consultation.

In order to clarify the facts, interviews may also be held with those involved in the case and in activities associated with the event, whenever necessary.

#### IV. Integrity Department Assessment and Deliberation:

The assessment will be performed based on the collected documentation, the explanations provided in the interviews, and the corresponding technical analyses. Deliberations and recommendations will always consider internal regulations, especially the Integrity Program, the Code of Ethics and Conduct, and the Anti-Corruption Policy, as well as applicable laws.

#### V. Integrity Department for Senior Management Reporting:

Reports will be prepared presenting the facts, indications of non-conformity, and conclusion of the findings, based on the instruments indicated

in the previous item, as well as other data related to the context of the case. By means of the Preliminary Report, the Executive Secretariat will be given prior knowledge of the income of the cases, and with the sending of the Final Report, recommendations pertinent to the case will be pointed out, heading towards a decision.

#### VI. Senior Management feedback and handling of the referrals:

After analysis of the reports by the Executive Secretariat, with the appointment of the resolutions and decisions about the case, the file will return to the Integrity Department, which will make the referrals for the execution of what was defined.

#### VII. The indicative flow of the Conformity Clearance Procedure's phases:

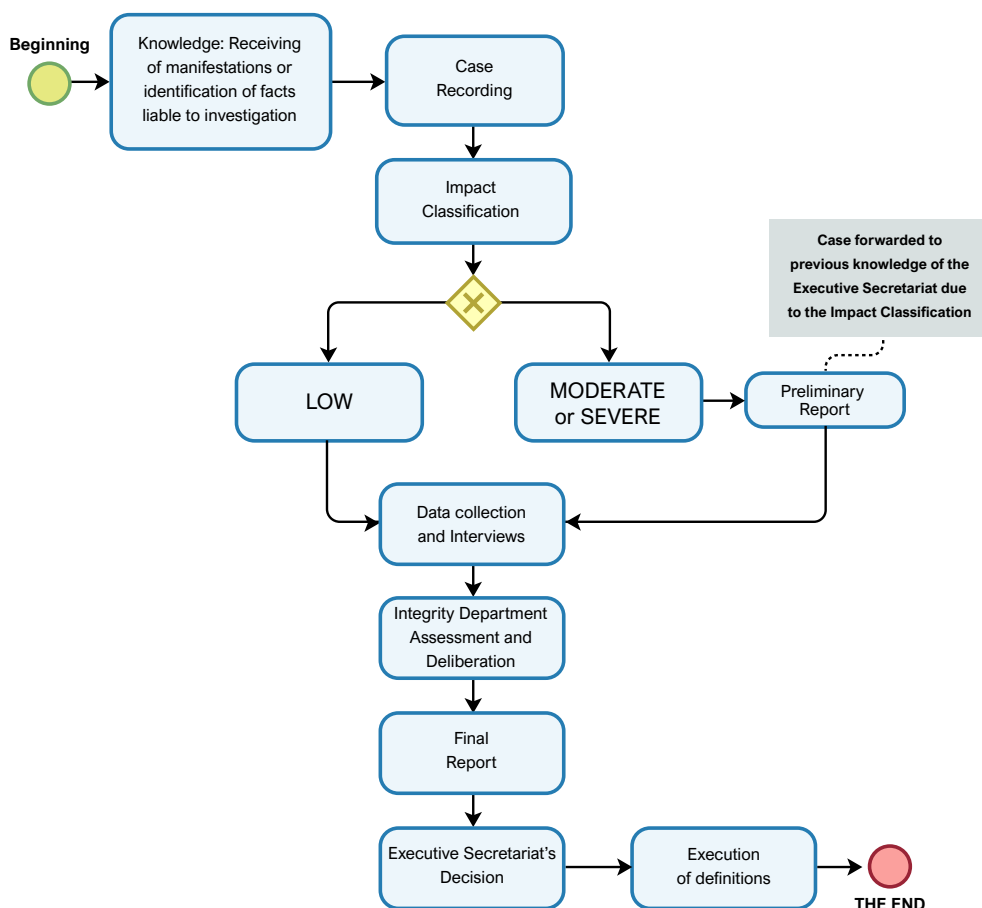


Figure 1 – Conformity Clearance Procedure's Phases



## Handling of the Conformity Clearance Procedure

The Integrity Department is responsible for conducting the Conformity Clearance Procedure, performing the evaluation of all reports that are brought to the attention of the Department, initiating the above-mentioned Procedure when there is a failure in the work processes, misconduct, cases of suspected fraud, and bribery and corruption, as well as possible violations of internal or external rules, with the power to carry out the Procedure in any area or department of the Sponsor, its beneficiaries or supplementary units.

Collaborators of the Integrity Department must act: i) Professionally, with discretion, integrity, and respect; ii) Objectively and impartially so that there is no prior conviction; and iii) Sceptically so that different scenarios can be evaluated.

When conducting the clearance, the Integrity Department may deem necessary the manifestation of other areas of the Institution, which will be signaled in due time, requesting conclusive opinion by the technical/specialist of the area/matter in question. It can also be verified the suitability of hiring an external professional, with due expertise for the case that is intended to investigate, according to the complexity of the clearance. In all performances, the postures and behaviors above must be observed.

The team that will conduct the procedure will have a period of 30 (thirty) calendar days, extendable for the same period, according to the need of the case.

The members of the team, as well as the technicians/specialists, should manifest, at any time, the existence of any impediment to act in the procedure when there is any possibility of conflict of interests.

## Conformity Clearance Procedure Tools

### I. Clearance Plan:

The Clearance Plan is elaborated based on the classification of the case by the Integrity Department, with the function of guiding and defining strategies so that no negligence occurs throughout the clearance process.

The following points shall be indicated in the Clearance Plan:

- a) The content of the complaint;
- b) Specification of the infringement that is the subject of the complaint, following internal rules and current legislation;
- c) Classification of manifestation;
- d) Relevant documentation to be assessed;
- e) List of persons involved;
- f) Possible scenarios;
- g) Questions to be clarified;
- h) Evaluation of which collaborators should be interviewed and of the moment of the interview with those involved.

### II. Evidence:

In order to compose the data that will be part of the Conformity Clearance Procedure, the Integrity Department may have access to records, documents, emails, and images that are the property of Fundação São Paulo. It may also conduct external surveys, depending on the information available for access and public consultation.



The documents collected as data in the investigation will be kept by the Integrity Department and will be transferred to the Executive Secretariat as a confidential file.

The interview stage will take place after the analysis of the collected data, aiming to clarify possible non-conformities. In addition, the interviews will be conducted confidentially and ethically.

The interviews will take place at the headquarters of Fundação São Paulo, and the request for the attendance of those involved must be conducted in a reserved manner, always guided by the maintenance of confidentiality and discretion, in order to preserve all those involved. Cases in which there may be a change in the location of the interviews shall be dealt with on an ad hoc basis.

### III. Statistics:

In order to measure adherence to the norms, especially the Integrity Program, the Code of Ethics and Conduct, and the Anti-Corruption Policy, every six months the Integrity Department will prepare a summary of the main statistics concerning the clearance, such as the number of complaints, types, and results and sanctions applied, with no identification of those involved. Therefore, an evaluation will be carried out to indicate the improvement points, enabling adjustment of procedures and internal controls of Fundação São Paulo.

## Recommendations

When preparing the Compliance Clearance Procedure Final Report, the Integrity Department will make recommendations to the Executive Secretariat, among which may include the following measures:

- a) Review of Internal Controls, elaboration or regularization of the Activity Process, elaboration of internal policies or regulations, as well as an indication of other adjustments related to the works done and the performance of the Institution;
- b) Dismissal of the case: Considering the lack of evidence;
- c) Disciplinary Measure: Verbal or written warning, suspension, and dismissal, for cause or not.

When a Disciplinary Measure is indicated, Fundação São Paulo's Executive Secretariat will deliberate based on labor law provisions.

## Communication Channels

Fundação São Paulo provides the following communication channels to report any irregularities and complaints:

### • Integrity Department

Email: [integridade@fundasp.org.br](mailto:integridade@fundasp.org.br)

Phone number: +55 (11) 3670-3361

### • Ombudsman's Office of Fundação São Paulo

Website: <http://www.fundasp.org.br/ouvidoria>  
(possibility for anonymous complaints)

Email: [ouvidoriafundasp@fundasp.org.br](mailto:ouvidoriafundasp@fundasp.org.br)

Phone number: +55 (11) 3670-3355

Fundação São Paulo supports and encourages the sharing of good faith reports on concerns about procedural failures, misconduct, fraud, violations of internal and external rules, discrimination, harassment, disrespectful/unprofessional behavior, or any other possible breach of the Institution's values.



In this way, Fundação São Paulo will not accept retaliation to collaborators who, in good faith, have expressed some concern or flagged a non-conformity.

Thus, we advise good-faith complainants, in the case of identifying any kind of retaliation, to contact the Integrity Department or send a demonstration through the Ombudsman's Office of Fundação São Paulo.

## **Final Provisions**

Collaborators have an Institutional commitment to report to Fundação São Paulo situations in which compliance may be compromised, communicating any possible violation. Fundação São Paulo reinforces that everyone must obey the internal laws and rules of the Institution. The lack of knowledge of an obligation is not a defense against misconduct.

It is the competence of the Integrity Department to update and improve this Policy, having been submitted and approved by Fundação São Paulo's Executive Secretariat on this date.

São Paulo, September 27, 2019

**Fundação São Paulo's Executive Secretariat**

<sup>1</sup> Published through the Normative Act of Fundação São Paulo's Executive Secretariat - nº021/2019





FUNDAÇÃO SÃO PAULO

---

Franco Montoro Building  
182 João Ramalho Street • Perdizes  
Zip Code: 05008-000 • São Paulo - SP

**(11) 3670-3333**  
**fundacaosaopaulo@pucsp.br**  
**[www.pucsp.br/fundasp](http://www.pucsp.br/fundasp)**