

# **Independent Review of Misconduct Complaints Handling at Magnum Photos**

## **Summary of Review Findings and Recommendations**

Susie Al-Qassab, Hodge Jones & Allen, 20 April 2021

In January Magnum commissioned an independent and external review of its current approach and procedures for dealing with misconduct issues, to include specific recommendations about any cultural, procedural, or governance improvements within Magnum that would strengthen its commitment to safeguarding. Susie Al-Qassab, a Partner at London law firm Hodge Jones & Allen, was commissioned to carry out this Review.

Findings/learnings from previous investigations into specific photographer misconduct have been incorporated into and considered as part of this review but it has sought to draw conclusions based on as full a consideration as possible of Magnum's handling of misconduct issues and make recommendations for the organisation as a whole. The investigation also considered specific allegations/criticisms about Magnum's handling of complaints published on 21 December 2020 in the Columbia Journalism Review.

This Review is separate to Magnum's ongoing review of its archive in terms of imagery, captioning and key-wording, and associated procedures and processes for controlling access, and its development of a Code of Ethics for its members. As such, the 'professional ethics' of the work produced by Magnum photographers/contained in Magnum's archive is outside the scope of this Review.

### **Review process**

- The Review was jointly commissioned by Magnum Global Ventures Inc and Magnum Photos International Inc on 5 January 2021 as an independent external review.
- The Review was announced on Magnum's website on 5<sup>th</sup> January and shared extensively on social media along with providing a confidential email address to allow people to come forward and participate.
- More than 25 people were interviewed over a period of eight weeks and additional information was received from the interviewees and from others. Those interviewed included current and former employees, members and complainants, who either pro-actively reached out to contribute to the review or were asked to contribute because they have knowledge relevant to the review.
- The Review was conducted on a confidential basis so people could contribute openly and with confidence in the process. We believe that participants provided information and responses to questions with openness and candour.
- A difficulty for this review has been that a lot of the alleged incidents of misconduct happened many years ago meaning that memories fade and evidence that could have been available at the time was lost.
- Conclusions were reached after considering on an objective basis all the information received and views expressed.

- The matters within the scope of the Review and the conclusions reached on them are summarised below.

### **Key Findings**

1. The most serious allegation against Magnum was that the organisation was involved in the institutional cover up of sexual harassment/misconduct. Having reviewed the specific incidents reported in the CJR Article and which came to light or were reported directly during recent investigations and since this Review was announced, this Review has not found evidence to substantiate this allegation, either in individual cases or on a systemic basis.
2. However, it is a finding of this Review that there has in the past been unprofessional and inappropriate behaviour towards young women, witnessed by both employees and members, which made those employees and members feel uncomfortable. Some people recognised this as problematic but it was not properly addressed, even though in certain contexts it should have been, and was part of a wider cultural acceptance of photographers as journalists/artists/owners acting outside of conventional boundaries.
3. Magnum has not in the past fully recognised the systemic inequalities of power that can create the conditions that facilitate misconduct and taken sufficient proactive steps to prevent and address this. This is particularly the case in the context of workshops and educational programmes.
4. Sexual harassment and misconduct is an issue that requires shared accountability and action across the industry and has no place in the proper exercise of artistic freedom/freedom of expression.

### **Recommendations**

1. **Training:** All photographers and staff should be required to undertake sensitivity and anti-harassment training (including bystander intervention training) and should not be permitted to participate in future education programmes until they do so. This should be tailored to the day-to-day work of the organisation and the specific relationships/contexts that personnel will encounter to encourage consideration of what constitutes sexual harassment in particular circumstances. Magnum is a diverse organisation and what is considered appropriate behaviour differs significantly depending on age, sex and nationality. This can be alleviated by training, ensuring that employees and photographers alike know what is appropriate and what is not.
2. **Policies:** Magnum should implement a specific policy for its workshops and educational programmes to clearly interpret Magnum's Code of Conduct for this setting. This policy should specifically address behaviour outside of teaching time, boundaries between teachers and students (including a prohibition on consensual/romantic relationships), a requirement on Magnum personnel (including

the photographers) to report inappropriate behaviour, clear reporting lines for those with complaints, a clear process for dealing with complaints (see below), what the potential outcomes are if breached (the photographers, being in the position of greater authority or power bearing the primary burden of accountability).

Relationships between photographers and students may undermine the real or perceived integrity of the teaching, and the trust inherent particularly in the teacher-student context. They may, moreover, be less consensual than the photographer, whose position confers power or authority, believes. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect.

Magnum should also collect anonymous feedback from workshop participants after each workshop.

3. **Photographer accountability:** Magnum should identify reasonable and proportionate ways to ensure that photographers are accountable for preventing workplace harassment and improving diversity of all kinds, including in their own businesses outside of Magnum. Photographers should carry through Magnum values and standards of conduct, now clearly codified in the Code of Conduct, into their activities external to Magnum to ensure they have appropriate safeguards in place and a safe mechanism available to their assistants/staff etc. to report concerns.
4. **Procedures for reporting misconduct:** Although positive steps have been taken recently with the publication of a Code of Conduct and Public Complaints Policy, Magnum should further strengthen its processes for identifying, reporting and dealing with allegations of misconduct/sexual harassment. This Review recommends the creation of a dedicated committee, with independent representation and HR expertise, to deal with conduct issues. The committee should also have the remit to investigate any allegations, or suspicions of misconduct, that have been made available in the public domain, or otherwise made known to Magnum, but where there is no specific complainant. Magnum should also consider supporting an external reporting option which is routed through a recognised independent industry ethics body (and could be something which is done in partnership with other photography agencies, which, with broader support, can also assist with the development of best practice and training to the benefit of the wider industry). This would provide recourse to individuals who might be reluctant to report misbehaviour to the entities that they feel could directly influence their future.
5. **Pro-active engagement:** Magnum should take pro-active steps to encourage meaningful dialogue within its organisation between photographers and staff, and outside of its organisation with an emerging community of young female photographers and other photographic agencies to promote greater openness, transparency and collaboration in driving diversity and upholding standards of behaviour.

The above conclusions and recommendations are based on the information available to, shared with and uncovered by the Review to date, but should be further reviewed if new allegations/reports come to light in the future. It is a conclusion and recommendation that this Review is not the end, but rather the beginning of a process of 'self-scrutiny' for Magnum as an organisation in terms of its record on diversity, inclusion and creating a safe and supportive environment particularly for young women who work within the Magnum set up.