

**UN–WOMEN  
LEGAL FRAMEWORK FOR  
ADDRESSING NON–  
COMPLIANCE  
WITH UN STANDARDS OF  
CONDUCT**

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## INTRODUCTION

### Section 1 – Purpose

1. As international civil servants, UN–Women staff members are required to adhere to the highest standards of efficiency, competence and integrity.
2. The present document serves multiple purposes:
  - (a) It serves as a reminder to all staff members of their duty to abide by the highest standards of conduct. It defines the mechanisms that currently exist within UN–Women for reporting allegations of wrongdoing, as well as what constitutes misconduct (Chapter I);
  - (b) It clarifies the responsibilities of each individual involved in the investigation of allegations of wrongdoing (Chapter II);
  - (c) It explains the procedure following investigation (Chapter III);
  - (d) It outlines the disciplinary procedure (Chapter IV).

### Section 2 – Definitions

3. For the purpose of the present document:
  - ***Allegation of wrongdoing*** is the reasonable belief based on factual information that misconduct has occurred.
  - ***DMA*** is the UN–Women Division for Management and Administration.
  - ***Complainant*** is a staff member making a good faith communication that discloses or demonstrates an intention to disclose information that misconduct may have occurred.
  - ***Disciplinary action*** is the procedure initiated against a staff member pursuant to Staff Regulation 10.1, Chapter X of the Staff Rules, and Chapter IV of the present document.
  - ***Duty of cooperation*** is the obligation imposed on staff members under Staff Regulation 1.2 (r) and Staff Rule 1.2 (c) to assist in an investigation, when requested to do so, by providing information in any form, including testimony, as relevant.
  - ***Evidence*** is any type of information presented to support a finding, an assertion or a conclusion that is sufficient, competent, and relevant to establish or disprove a fact material to the case. It includes, but is not limited to, oral testimony of witnesses, including experts on technical matters, documents, electronic, audio, video records and photographs.

- **Financial Regulations and Rules** refer to the UN–Women Financial Regulations and Rules.
- **Head of Office** is a Division Director at Headquarters, a Regional Director, a Multi–Country or Country Representative, or a Head of Liaison Office.
- **HR** is Human Resources, UN–Women.
- **Investigation** is a legally based and analytical process designed to gather information in order to determine whether wrongdoing occurred and if so, the persons or entities responsible.
- **Investigation participant** is a person who is not the investigation subject but who, under Staff Regulation 1.2 (r) and Staff Rule 1.2 (c), and under the terms of the relevant contract, cooperates with an investigation, for instance by being interviewed or by providing information.
- **Investigation subject** is the subject of an investigation, or other individual determined to have knowingly participated in the conduct under investigation.
- **Investigator** is a member of the Investigations Division of the Office of Internal Oversight Services (OIOS) or, an investigator or a person designated by OIOS to conduct an investigation related to cases of allegations of wrongdoing.
- **UNOLA** is the UN Office of Legal Affairs.
- **Legal Adviser** is the Legal Adviser at Headquarters.
- **Manager** is a staff member with a supervisory role.
- **Misconduct** is the failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and the Staff Rules or other relevant administrative issuances, or to observe the standards of conduct expected of an international civil servant. Such a failure could be deliberate (intentional, or wilful act), or result from an extreme or aggravated failure to exercise the standard of care that a reasonable person would have exercised with respect to a reasonably foreseeable risk (gross negligence) or from a complete disregard of a risk which is likely to cause harm (recklessness) (see Chapter I, Section 3).
- **OIOS** is the Office of Internal Oversight Services.
- **Preliminary evaluation** is the evaluation of the information on reported conduct to determine whether it is sufficient to warrant investigating, and whether the reported conduct falls within the scope of OIOS investigative mandate.
- **Staff members** refer to the persons listed in Section 3, Subsection 3.1 below.
- **Staff Regulations and Staff Rules** refer to the United Nations Staff Regulations and Staff Rules.

## **Section 3 – Scope of application**

### **3.1 – To whom the present document applies**

4. The present document applies to:
- (a) all staff members holding UN–Women letters of appointment, including Junior Professional Officers (JPOs), regardless of whether their assignment is with UN–Women, or another Agency, Programme or Fund, e.g. United Nations Volunteers Programme (UNV)<sup>1</sup>, United Nations Capital Development Fund (UNCDF), United Nations Department of Safety and Security (UNDSS), Joint United Nations Programme on HIV/AIDS (UNAIDS), etc., except in certain circumstances during the period of secondment or an inter–organization exchange governed by the receiving Organization’s Rules (see paragraph 7 (a));
  - (b) staff members of other Organizations on secondment to UN Women<sup>2</sup> or on an inter–organization exchange with UN Women, for actions occurring during their secondment or exchange. In such a case, UN Women shall inform the releasing Organization prior to charging a staff member with misconduct.
5. For holders of UN–Women letters of appointment who are subject to an inter–organization exchange pursuant to the Inter–Agency Mobility Accord, which governs staff movements as agreed between participating UN Organizations, the Memorandum of Inter–Organization Exchange shall determine the respective prerogatives of the releasing and the receiving Organization with regard to disciplinary action<sup>3</sup>.

### **3.2 – To whom the present document does not apply**

6. The present document does not apply to:
- (a) UN–Women staff members on an inter–organization exchange to a UN agency for acts that occurred during their inter–organization exchange to that agency. However, disciplinary action under the present document may be initiated upon their return<sup>4</sup>;

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<sup>1</sup> The present document applies to UN–Women staff members who might be assigned to UNV Bonn, but not to UNV Volunteers. See also footnote 8.

<sup>2</sup> A staff member on secondment to UN–Women from another Organization or entity has the same status as that of a UN–Women staff member on fixed–term appointment for the duration of the secondment, and the staff member’s contractual relationship with the releasing Organization is suspended.

<sup>3</sup> As a general rule, the respective prerogatives should be defined as follows: the receiving Organization may initiate disciplinary action against the staff member for facts occurring during the exchange. However, when the UN–Women staff member is dismissed or separated by the receiving Organization and returns to UN–Women, UN–Women may decide to initiate disciplinary action if the facts that prompted the dismissal or the separation call into question the standards of conduct expected from UN–Women staff members. UN–Women may also initiate disciplinary action against the staff member during the inter–organization exchange, if the allegations of wrongdoing relate to actions that occurred prior to the exchange or if allegations of wrongdoing for actions occurring during the exchange are raised after the exchange has ended.

<sup>4</sup> Pursuant to the Inter–Agency Mobility Accord, when a UN Women staff member is seconded to another Organization, his or her contractual relationship with UN Women is suspended until the expiry of the agreed period of

- (b) individuals who do not have a UN–Women letter of appointment;
- (c) independent contractors working with UN–Women under Special Service Agreements (SSA)<sup>5</sup>;
- (d) persons employed under Service Contracts (SC)<sup>6</sup> ;
- (e) UNV Volunteers (UNVs)<sup>7</sup>;
- (f) interns.

## **Section 4 – Overall authority**

### **4.1 – The Executive Director**

7. In accordance with the delegation of authority from the Secretary–General, the Executive Director has the authority to launch an investigation into allegations of misconduct, to institute a disciplinary process and to impose disciplinary measures disciplinary action regarding staff holding UN–Women letters of appointment.
8. The Executive Director has retained decisional authority elaborated herein in relation to the placement on administrative leave of staff members at the rank of D–2 and above, as well as for all Heads of Offices, subject to the delegation of authority in section 4.3 below in relation to the placement by Heads of Office of staff members on administrative leave with full pay in exceptional cases, subject to the subsequent formal authorization of the Director, DMA.

### **4.2 – The Director, Division for Management and Administration (DMA)**

9. The Executive Director shall delegate to the Director, DMA, the authority to decide in relation to staff members at the rank of D–1 and below whether to place a staff member on administrative leave, and at the end of the initial administrative leave period, whether to extend it.
10. The Director, DMA, is responsible for:
  - (a) Placement of certain staff members on administrative leave and any subsequent extension of the administrative leave (see Chapter III);

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secondment. Therefore, it is for the receiving Organization to initiate disciplinary action should a UN Women staff member on secondment be charged with misconduct for facts occurring during the secondment.

<sup>5</sup> Allegations of wrongdoing raised against independent contractors working with UN Women under Special Service Agreements, shall be addressed by the concerned office in accordance with the terms of the SSA contract. OIOS is competent to investigate allegations of wrongdoing against SSA holders.

<sup>6</sup> In the case of allegations of wrongdoing raised against Service Contract holders, the concerned office shall address them in accordance with the Service Contract and the Service Contract User Guide. OAI is competent to investigate allegations of wrongdoing against SC holders.

<sup>7</sup> UNVs are governed by the UNV Conditions of Service. In the case of allegations of wrongdoing raised against a UNV Volunteer, the UN Women Head of Office shall contact UNV Bonn. At the request of the Executive Coordinator, UNV or the Executive Director, OAI may investigate cases involving UNVs.

- (b) Reviewing final investigation reports received from or through OIOS and the comments and evidence presented by the investigation subject thereon, and requesting clarification from OIOS, or the investigation subject, as appropriate (see Chapter III);
- (c) Recommending disciplinary action, or other courses of action as appropriate (see Chapter III);
- (d) Overseeing as appropriate the recovery of the value of UN–Women assets and property lost as the result of misconduct (see Chapter IV).

#### **4.3 – Heads of Office**

11. The Executive Director shall delegate to Heads of Office the authority to decide in relation to certain staff members whether to place a staff member on administrative leave with full pay in exceptional cases where the circumstances require immediate action, subject to the subsequent formal authorization of the Director, DMA.

#### **4.4 – The Legal Adviser**

12. The Legal Adviser is responsible for:

- (a) Assisting as appropriate in the review of final investigation reports received from or through OIOS and the comments and evidence presented by the investigation subject thereon (see Chapter III);
- (b) Assisting as appropriate in the review of requests for the placement of staff members on administrative leave and any subsequent extension of the administrative leave (see Chapter III);
- (c) Assisting as appropriate in relation to the preparation of recommendations for disciplinary action or other courses of action as appropriate (see Chapter III);
- (d) Preparing disciplinary submissions and representing the Administration before the United Nations Dispute Tribunal in cases of appeals by staff members regarding disciplinary measures imposed on them; and supporting the United Nations Office of Legal Affairs in its representation of UN–Women before the United Nations Appeals Tribunal in the above–mentioned cases (see Chapter IV);
- (e) Assisting as appropriate in the recovery of the value of UN–Women assets and property lost as the result of misconduct (see Chapter IV).

#### **4.5 – The Director, Human Resources**

13. The Director, Human Resources (HR) is responsible for:

- (a) Providing guidance on addressing work performance related issues revealed by the investigation (see paragraph 80, and the Results and Competency Assessment (RCA) Guidelines);



- (b) Informal resolution of interpersonal conflicts in the workplace, which may include alleged instances of workplace harassment or abuse of authority, is strongly encouraged. HR has a workplace relations Focal Point who may be contacted by staff and managers to obtain support in respect of the informal resolution of such conflicts;
- (c) Recovery of the value of UN–Women assets and property lost as the result of misconduct (see Chapter IV);

#### **4.6 – The Director of the Investigations Division, Office of Internal Oversight Services (OIOS)**

14. The Director of the Investigations Division of OIOS, is responsible for:

- (a) Receiving reports of allegations of wrongdoing, including allegations of fraud, workplace harassment, abuse of authority and allegations of sexual exploitation and abuse<sup>8</sup>, as well as managing the UN–Women hotline established for such reports (see Chapter I);
- (b) Deciding, upon receipt and review of the complaint, whether the matter warrants investigation, dismissal/closure, or handling through informal resolution, including referral to HR/DMA;
- (c) Conducting investigations into allegations of wrongdoing (see Chapter II);
- (d) Sharing the draft investigation report with the investigation subject for his or her comments on the factual findings and conclusions contained therein;
- (e) Considering whether any evidence of facts or circumstances provided by the investigation subject in his or her comments on the draft investigation report necessitate amendment to that draft investigation report prior to the submission of the final investigation report to the Director, DMA;
- (f) Submitting a final investigation report, along with the comments of the investigation subject on the draft investigation report and any evidence he or she may have presented, when applicable, to the Director, DMA and responding to requests for clarification from Director, DMA (see Chapter III);
- (g) Carrying out investigations into allegations of retaliation after referral of the complaints by the Director, UN Ethics Office and providing the investigation report to the Director, UN Ethics Office (see the UN–Women Policy for Protection against Retaliation)

#### **4.7 – The Director, UN Ethics Office**

15. Pursuant to the UN–Women Policy for Protection against Retaliation, the Director, UN Ethics Office is responsible for:

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<sup>8</sup> Staff members are encouraged to refer to the Special Measures for Protection from Sexual Exploitation and Sexual Abuse (ST/SGB/2003/13), for more information on this subject.

- (a) Receiving complaints of retaliation relating to individuals who have reported allegations of wrongdoing, or cooperated with an audit or investigation;
- (b) Keeping a confidential record of such complaints;
- (c) Conducting a preliminary investigation of the allegations of retaliation;
- (d) Referring the case to OIOS for investigation if, in his or her opinion, there is a credible case of retaliation or threat of retaliation;
- (e) Communicating with the complainants;
- (f) Making recommendations to the Director, DMA, for appropriate measures to be taken to safeguard the interests of the complainants pending investigation, if needed, and/or for appropriate measures aimed to the extent possible at correcting negative consequences as a result of the retaliatory action, if retaliation is corroborated;
- (g) Determining whether the investigation corroborates the allegations of retaliation and, where corroborated, referring the case to the Director, DMA, for disciplinary action as appropriate;
- (h) Advising the complainants of the outcome of the investigation and the subjects of the investigation in cases where retaliation has not been established.

#### **4.8 – Staff members with a supervisory role (“managers”)**

16. Managers, including Heads of Office, in addition to the obligation to adhere to the highest standards of efficiency, competence and integrity, are responsible for:
- (a) Reporting allegations of wrongdoing to OIOS as soon as they become aware of such allegations;
  - (b) Addressing work performance related issues indicated by the circumstances of a case in accordance with the relevant policies and procedures;
  - (c) Taking appropriate measures to remedy management issues of the supervisors they oversee (see Chapter I, Section 2).

#### **4.9 – Staff members**

17. Staff members, in addition to the obligation to adhere to the highest standards of efficiency, competence and integrity, are responsible for reporting any breach of UN–Women’s Regulations, Rules and Policies to those whose responsibility it is to take appropriate action, including reports regarding sexual exploitation or sexual abuse, and for cooperating with any investigation pursuant to Staff Regulation 1.2 (r) and Staff Rule 1.2 (c).

## CHAPTER I

### STANDARDS OF CONDUCT

#### Section 1 – Standards of conduct expected from UN–Women staff members

18. Staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity enshrined in the Charter of the United Nations includes all aspects of behaviour of an international civil servant, including such qualities as honesty, truthfulness, impartiality and incorruptibility. Integrity is the most important among the core values of the Organization, together with professionalism and respect for diversity.
19. Staff members must abide by the Charter of the United Nations, the Staff Regulations and Staff Rules or other relevant administrative issuances including the Secretary–General’s Bulletin on “[Special Measures for Protection from Sexual Exploitation and Sexual Abuse](#)”, ST/SGB/2003/13 and to observe the standards of conduct expected of an international civil servant (referred to as the ‘ICSC Standards of Conduct’) as adopted by the International Civil Service Commission in 2013. Staff members can also refer to the Secretary–General’s Bulletin on “[Status, basic rights and duties of UN Staff Members](#)”, ST/SGB/2016/9. This document contains a commentary by the Secretary–General to assist staff members and management in better understanding the obligations applicable to staff conduct. Staff members are expected to know and respect the obligations stemming from their status, without UN–Women being bound to remind them.

#### Section 2 – Management standards

20. In addition to complying with the above standards of conduct, managers shall:
  - (a) Create and maintain a harmonious working environment, free of intimidation, hostility, offence and of any form of harassment and abuse of authority, and seek the informal resolution of interpersonal conflicts in the workplace, as appropriate, in accordance with the UN–Women Policy on the Prevention of Workplace Harassment and Abuse of Authority;
  - (b) Communicate the policies protecting the rights of staff members, such as the UN–Women Policy on the Prevention of Workplace Harassment and Abuse of Authority, as well as the present Legal Framework to all staff members, and ensure that staff members are aware of the contents of the Secretary–General’s Bulletin on “Special measures for Protection from Sexual Exploitation and Sexual Abuse”, ST/SGB/2003/13, and know where to turn in case they have concerns or want to make a report;
  - (c) Ensure that managers, themselves, do not engage in any wrongdoing and do not create an intimidating, belittling, harassing work environment and/or demonstrate partiality, unfairness or favouritism;
  - (d) Report allegations of wrongdoing to OIOS as soon as they are aware of such allegations;
  - (e) Ensure that all discussion, communications and actions are handled with extreme sensitivity and utmost confidentiality; and
  - (f) Ensure that no staff member is retaliated against.

21. As UN–Women is committed to providing a harmonious working environment free of harassment, intimidation and favouritism, managers are expected to exhibit exemplary behaviour in their supervision of others. While issues of management style may not constitute misconduct warranting disciplinary action, it is the responsibility of supervisors overseeing those managers found to be deficient in their treatment or supervision of people,<sup>9</sup> to take appropriate action. In particular, supervisors should:

- (a) Take measures to coach or train managers in appropriate people management skills;
- (b) Reflect management issues through the performance management process;
- (c) As appropriate, issue letters of reprimand, after first obtaining the staff member’s comments, or take other non–disciplinary measures;
- (d) Take other action as appropriate.
- (e) Supervisors will be held accountable for their failure to take appropriate action towards those managers whose management of others is found to be unsatisfactory.

### **Section 3 – Misconduct**

22. Misconduct is defined in Staff Rule 10.1 as “failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Regulations and Staff Rules or other relevant administrative issuances, or to observe the standards of conduct expected of an international civil servant.” Such a failure could be deliberate (intentional or wilful act), or result from an extreme or aggravated failure to exercise the standard of care that a reasonable person would have exercised with respect to a reasonably foreseeable risk (gross negligence) or from a complete disregard of a risk which is likely to cause harm (recklessness).

23. Misconduct may include, but is not limited to, the following categories whether wilful, grossly negligent or reckless:

- (a) Acts or omissions in conflict with the general obligations of staff members set forth in Article I of the Staff Regulations, Chapter I of the Staff Rules and other administrative issuances as applicable; failure to comply with the standards of conduct expected from international civil servants;
- (b) Unlawful acts (e.g. theft, fraud, smuggling, possession or sale of illegal substances or objects, etc.) wherever it occurs, and whether or not the staff member was officially on duty at the time;
- (c) Assault, workplace harassment, including sexual harassment, or threats to other staff members or third parties (see the UN–Women Policy on the Prevention of Workplace Harassment and Abuse of Authority);
- (d) Sexual exploitation and sexual abuse as defined in the Secretary–General’s Bulletin “Special

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<sup>9</sup> Advice of the Ombudsman or HR should be sought in connection with such issues.

measures for Protection from Sexual Exploitation and Sexual Abuse”, ST/SGB/2003/13;

- (e) Misrepresentation, forgery, or false certification, such as, but not limited to, in connection with any official claim or benefit, including failure to disclose a fact material to that claim or benefit;
  - (f) Misuse or mishandling of official property, assets, equipment or files, including electronic files or data;
  - (g) Action or omission to avoid or deviate from Financial Regulations, Rules and Procedures, including inappropriate use of authorizing, approving, committing or verifying authority;
  - (h) Mishandling of contract obligations and relations with third parties leading to loss of property or assets, or generating liabilities for the Organization;
  - (i) Failure to disclose an interest or relationship with a third party who might benefit from a decision in which the staff member takes part; favouritism in the award of a contract to a third party;
  - (j) Breach of fiduciary obligations vis-à-vis the Organization;
  - (k) Misuse of office, abuse of authority; breach of confidentiality; abuse of United Nations privileges and immunities, including misuse of the United Nations Laissez-Passer;
  - (l) Exaction or acceptance of funds from a colleague or a third party in return for a favour or benefit;
  - (m) Failure to disclose promptly the receipt of gifts, remuneration or other benefits received from an external source by the staff member in connection with his or her official duties;
  - (n) Retaliatory action against a complainant or an investigation participant, or other action in violation of the UN–Women Policy for Protection Against Retaliation;
  - (o) Making false accusations and disseminating false rumours;
  - (p) Direct or indirect use of, or attempt to use, official authority or influence of the staff member’s position or office for the purpose of obstructing an individual from reporting allegations of wrongdoing, or cooperating with an audit or an investigation;
  - (q) Abetting, concealing or conspiring in any of the above actions, including any act or omission bringing the Organization into disrepute.
24. Unsatisfactory work performance, when it does not come to the level of gross negligence or recklessness, does not constitute misconduct and thus does not fall within the scope of the present document. Performance-related issues are to be addressed through the the performance management process.

#### **Section 4 – Reporting allegations of wrongdoing**

25. Staff members may report allegations of wrongdoing to OIOS, or to their immediate supervisor or other appropriate supervisor within the operating unit. The staff member’s supervisor shall report the matter

to OIOS. In the event that a staff member reports wrongdoing to OIOS, he or she may do so anonymously by using the following online form: [https://unvoiosctxwi.unvienna.org/OIOSIDWDR\\_3/](https://unvoiosctxwi.unvienna.org/OIOSIDWDR_3/).

26. In the event that the staff member believes that there is a conflict of interest on the part of the person to whom the allegations of wrongdoing are to be reported, he or she may report the allegations to the next higher level of authority.
27. In the event that the staff member fears retribution or retaliation after reporting allegations of wrongdoing, or cooperating with an audit or investigation, he or she may report the matter to the Director, U N Ethics Office at the following email address: [ethicsoffice@un.org](mailto:ethicsoffice@un.org). The UN–Women Policy for Protection against Retaliation applies in these cases. Other cases of retaliation that do not fall within the mandate of the UN Ethics Office as described in the UN–Women Policy for Protection against Retaliation, may be reported to OIOS.
28. If the allegations of wrongdoing relate to workplace harassment and abuse of authority, the UN–Women Policy on Prevention of Workplace Harassment and Abuse of Authority applies. Such allegations may be reported to OIOS by using the following online form: [https://unvoiosctxwi.unvienna.org/OIOSIDWDR\\_3/](https://unvoiosctxwi.unvienna.org/OIOSIDWDR_3/). However, in accordance with the UN–Women Policy on Prevention of Workplace Harassment and Abuse of Authority, no anonymous complaints of workplace harassment or abuse of authority shall be accepted.

## **CHAPTER II INVESTIGATION**

### **Section 1 – Investigative process**

29. Once OIOS has received allegations of misconduct, it retains the prerogative to determine whether circumstances warrant an investigation and the appropriate investigative process to be followed. The rights and responsibilities of the investigation subjects, participants and investigators as well as the different phases of the investigation are set out in the OIOS Investigations Manual and related guidance materials.
30. An investigation may involve the following parties:
  - (a) The complainant(s);
  - (b) The investigation subject(s);
  - (c) The investigation participant(s);
  - (d) The investigator(s).
31. Pursuant to Staff Regulation 1.2 (r) and Staff Rule 1.2 (c), or in accordance with the relevant contractual provisions, investigation subjects and participants must cooperate fully and in good faith with a duly authorized investigation.
32. The decision to conduct an investigation is not an accusation. The outcome of the investigation may or may not support a conclusion that misconduct was committed and, if so, by whom. The outcome of the investigation shall be documented in a document prepared by OIOS and provided to the Director, DMA, recording either (i) that the case has been closed as the allegations were not substantiated, or (ii) in an investigation report together with any supporting documentation where the allegations are substantiated.

33. If the investigation subject resigns or otherwise separates prior to the completion by OIOS of an investigation report, such investigation report may be finalised at OIOS's discretion notwithstanding the investigation subject's resignation or separation:
- (a) Should the investigation report be finalised, the Director, HR shall place a letter in the former staff member's official status file indicating whether, if he or she had remained employed: (1) a recommendation would have been made for charges of misconduct to be initiated against him or her, or (2) whether the matter would have been dealt with from a work performance standpoint, and if so how (e.g. via a letter of reprimand). The letter shall also indicate whether the former staff member resigned while under investigation, or whether his or her contract expired while under investigation. The former staff member shall be invited to comment on the letter, and the letter and his or her comments will be placed in his or her official status file.
  - (b) Should the investigation report not be finalised, the Director, HR shall place a letter in the former staff member's official status file, indicating that he or she: (1) resigned or, (2) his or her contract expired while under investigation. The former staff member shall be invited to comment on the letter, and the letter and his or her comments will be placed in his or her official status file.
34. In the case of an investigation into allegations of retaliation in accordance with the UN–Women Policy for Protection against Retaliation, OIOS shall forward the report to the Director, UN Ethics Office.

#### **Section 2 – Administrative leave**

35. Pursuant to Staff Rule 10.4, a staff member at the D1 level and below may be placed on administrative leave by the Director, DMA at any time from the moment allegations of wrongdoing are reported or detected, pending or during an investigation and until the completion of the disciplinary process.
36. As a general principle, administrative leave may be contemplated in cases where:
- (a) The conduct in question and/or the continued presence of the staff member on UN premises poses or may pose a security risk, or a threat to other UN personnel or to the Organization's interest;
  - (b) The staff member is unable to continue performing his or her functions effectively, in view of the ongoing investigation or proceedings, and the nature of his or her functions; and/or
  - (c) There is a risk of evidence being tampered with or concealed, or of interference with the proceedings.
37. Requests for placement of a staff member on administrative leave at either the preliminary investigation stage or the investigation stage shall address the criteria in paragraph 36 above, and provide supporting evidence if available, and shall be addressed to the Director, DMA . . . UN Women Heads of Office in Headquarters and other locations, **do not have the authority to place staff members on administrative leave, except as set out in paragraph 41 below.**
38. Exceptionally, if the Head of Office considers that the circumstances require immediate action, he or she may decide to place the staff member on administrative leave with full pay (ALWFP); he or she cannot place a staff member on administrative leave without pay. In such a case, he or she must, **within 24 hours** of his or her decision to place the staff member on ALWFP, inform the Director, DMA

of his or her decision, and, **within 48 hours**, provide all the relevant evidence documenting why he or she deemed that placement on ALWFP was urgently required and could not wait for the formal authorization of administrative leave to be granted. After review of the case, the Director, DMA shall determine whether administrative leave is justified:

- (a) If the administrative leave is warranted, the decision to place the staff member on administrative leave signed by the Director, DMA shall supersede the staff member's initial placement on ALWFP by the Head of Office;
- (b) If the administrative leave is not warranted, the Director, DMA shall revoke the decision to place the staff member on ALWFP.

39. The UN–Women Head of Office shall be held accountable if he or she improperly places a staff member on administrative leave, or does not report his or her action in this respect within the prescribed timeframe.

40. If the Director, DMA authorizes the placement of a staff member on administrative leave, the staff member shall:

- (a) Be notified in writing of the reason(s) for being placed on administrative leave, of its probable duration and of its conditions;
- (b) Immediately surrender his or her grounds pass and/or United Nations Laissez–Passer; and
- (c) Immediately surrender any UN–Women property or assets he or she may have, when requested.

41. Placement of a staff member on administrative leave under Staff Rule 10.4 is normally with pay, unless exceptional circumstances warrant administrative leave without pay. In either case, the administrative leave shall be without prejudice to the staff member's rights, shall not constitute a disciplinary measure and shall not, so far as practicable, exceed three months. The Director, DMA may extend the administrative leave for a further defined period.

42. A staff member placed on administrative leave shall not ordinarily be allowed to enter the Organization's office premises without first obtaining written permission from the UN–Women Head of Office. Such entry shall be under escort and in connection with the staff member's defence of the case or other valid reason justifying such entrance. Normally, the staff member placed on administrative leave shall not be precluded from remaining at, or returning to, the duty station. Special consideration should be made for staff residing in the Organization's compound. Should the staff member placed on administrative leave request or, under exceptional circumstances, be requested to leave the duty station, he or she shall provide contact details so that he or she may be contacted during the investigation. The staff member placed on administrative leave has a duty to remain available for the investigation.

43. The staff member placed on administrative leave may request the Director, DMA to be granted access to files, provided that he or she justifies that they are relevant to his or her case. The Director, DMA will decide in each case whether the staff member placed on administrative leave will or will not be given access to e–mail.



## CHAPTER III

### PROCEDURES FOLLOWING INVESTIGATION

#### Section 1 – Actions following receipt of the final investigation report by Director, DMA

44. Upon receipt and analysis of the final investigation report and any supporting documentation, the Director, DMA may request that OIOS or the subject of the investigation provide further clarification or verification prior to making a recommendation on the next course of action.
45. On the basis of a review of the final investigation report, and the comments and evidence presented by the investigation subject thereon, as well as any additional clarification or verification by OIOS or the subject of the investigation, the Director, DMA may recommend to the Executive Director to decide upon the following actions.

#### 1.1 – Charges of misconduct

46. If the Director, DMA, considers that the facts indicate that misconduct may have occurred, he or she shall recommend that the staff member be formally charged with misconduct.
47. The charge letter initiates the disciplinary proceedings. In that letter (which shall attach the final investigation report and the comments of the subject of the investigation on the draft investigation report, including any additional evidence he or she may have provided), the staff member is notified in writing of the formal charges (which at his or her request may be translated into the working language of his or her duty station), and be given a specified period of time (normally at least ten (10) working days) to answer the charges and produce countervailing evidence, if any. The staff member shall also be notified of his or her right to counsel to assist in his or her defence, and be informed as to how to obtain the assistance of the Office of Staff Legal Assistance (see Chapter IV, Section 4). The investigation subject may present a request to the Director, DMA, that he or she be granted access to files, provided that he or she justifies that they are relevant to his or her response.
48. A copy of the charge letter signed by the Executive Director, or her/his delegate may be given for information to the Head of Office, or the Executive Director of the Organization to which the staff member is assigned.
49. The Director, DMA, may, on an exceptional basis, grant an extension to the staff member to respond to the charges of misconduct. Any request by the staff member should be accompanied by specific reasons for such an extension.

#### 1.2 – Closure following charges of misconduct

50. If the Director, DMA considers that the allegations are not substantiated or the facts do not warrant disciplinary action, he or she shall recommend to the Executive Director to decide:
  - (a) That the staff member be notified in writing that the allegations are not substantiated or the facts do not warrant disciplinary action; or

(b) That although the conduct depicted in the investigation report and the circumstances of the case have shown unsatisfactory performance and/or poor judgement not amounting to misconduct on the part of the staff member, the following administrative action be taken:

(i) a letter of reprimand<sup>10</sup> be issued by himself/herself as Director, DMA or the Head of Office or other responsible officer; and/or

(ii) the investigation report (or extracts thereof) with the staff member's comments thereon, be included in the annual performance management document of the staff member; and/or

(iii) an appropriate training course be undertaken by the staff member.

51. The staff member shall be notified in writing as soon as feasible of the decision of the Executive Director concerning the above. If the staff member was placed on administrative leave, the Director, DMA, shall discontinue the staff member's placement on administrative leave and authorize the staff member to resume his or her duties.

## CHAPTER IV

### DISCIPLINARY PROCEEDINGS

52. If following the staff member's response to the charges, the Director, DMA determines that the staff member's conduct constitutes misconduct within the meaning of Staff Rule 10.1, he or she shall make a recommendation to the Executive Director as to the appropriate disciplinary measure or measures to be imposed on the staff member, taking into account, *inter alia*, relevant case law and precedents.

53. The Executive Director's decision to impose a disciplinary measure or measures shall be notified in writing to the staff member; the relevant Head of Office, or the Executive Director of the Organization to which the staff member is assigned, shall be informed of such notification.

#### Section 1 – Disciplinary measures

54. In accordance with Staff Rule 10.2 (a), the disciplinary measure or measures which the Executive Director may impose on a staff member, depending on the nature and gravity of the misconduct in which the staff member has engaged, are the following:

(a) Written censure;

(b) Loss of one or more steps in grade;

(c) Deferment, for a specified period, of eligibility for salary increment; (d) Suspension without pay for a specified period;

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<sup>10</sup> Pursuant to Staff Rule 10.2 (b), a reprimand does not constitute a disciplinary measure.

- (e) Fine;
- (f) Deferment, for a specified period, of eligibility for consideration for promotion;
- (g) Demotion with deferment, for a specified period, of eligibility for consideration for promotion;
- (h) Separation from service, with notice or compensation in lieu of notice, notwithstanding Staff Rule 9.7, and with or without termination indemnity pursuant to Annex III (c) to the Staff Regulations;
- (i) Dismissal.

55. Annex I to the present document specifies the effects of each of the above-mentioned measures.

### **Section 2 – Non-disciplinary measures**

56. Under Staff Rule 10.2 (b), the following measures are not considered to be disciplinary measures:

- (a) Written or oral reprimand;
- (b) Recovery of monies owed to the Organization;
- (c) Administrative leave with or without pay pursuant to Staff Rule 10.4.

57. In addition, a staff member may be requested to undertake a specific training to improve or further develop certain skills. This does not constitute a disciplinary measure.

58. The recovery for any financial loss attributable to the staff member's misconduct, including gross negligence or recklessness pursuant to Staff Rule 10.1 (b) may be pursued in addition to the imposition of disciplinary measures (see Chapter IV, Section 5, Subsection 5.3).

### **Section 3 – Appeal against a disciplinary measure to the United Nations Dispute Tribunal and the United Nations Appeals Tribunal**

59. Within ninety (90) calendar days of being informed of the decision taken in his or her case, a staff member against whom a disciplinary or non-disciplinary measure has been imposed following the completion of the investigation or disciplinary proceedings, may submit an application to the United Nations Dispute Tribunal, in accordance with Chapter XI of the Staff Rules.

60. A staff member or the Organization may appeal against a decision or judgement of the United Nations Dispute Tribunal to the United Nations Appeals Tribunal within forty-five (45) calendar days following receipt of the decision or judgement, on grounds set out in Staff Rule 11.5.

### **Section 4 – Counsel to staff member**

61. Representation by Counsel is permitted when the staff member is charged with misconduct and during disciplinary proceedings.

#### **4.1 – Office of Staff Legal Assistance, United Nations**

62. A staff member, who wishes to obtain the assistance of the Office of Staff Legal Assistance, may contact this Office at e-mail: [osla@un.org](mailto:osla@un.org), or telephone number: (1) 212-963-3957.

#### **4.2 – External counsel**

63. Alternatively, if a staff member chooses to secure Counsel from outside the Office of Staff Legal Assistance, it shall be at his or her own expense (see Staff Rule 10.3 (a)).

### **Section 5 – Miscellaneous**

#### **5.1 – Publication of disciplinary decisions**

64. In the interests of transparency, the Executive Director shall inform the UN–Women Executive Board of disciplinary decisions taken in the course of the preceding year, and publish an annual report of cases of misconduct (without the individuals' names) that have resulted in the imposition of disciplinary measures. Such report shall be circulated to all staff.

#### **5.2 – Local authorities**

65. Any decision taken under the present document is without prejudice to the Organization's right to refer matters to local authorities for legal recourse in accordance with applicable national law.

66. Staff members shall not report any matters to local authorities except in the case of compelling emergency/danger, after which the matter shall be immediately reported to the Director, DMA and the relevant Head of Office. Bringing a matter to the attention of local authorities requires the concurrence of the UN Office of Legal Affairs (UN/OLA) since it, *inter alia*, involves issues of privileges and immunities.

#### **5.3 – Recovery for Loss of Property or Assets**

67. Under Staff Rule 10.1 (b), "Where the staff member's failure to comply with his or her obligations or to observe the standards of conduct expected of an international civil servant is determined by the Secretary–General to constitute misconduct, such staff member may be required to reimburse the United Nations either partially or in full for any financial loss suffered by the United Nations as a result of his or her actions, if such actions are determined to be willful, reckless, or grossly negligent."

68. Pursuant to that Rule, UN–Women will pursue recovery for any financial loss attributable to the staff member's misconduct (fraud, theft), or gross negligence, or recklessness, in the management of funds.

69. Such recovery action does not constitute a disciplinary measure (see Staff Rule 10.2 (b)) and is distinct from any disciplinary action being considered or undertaken.

## ANNEX I:

### EFFECTS OF IMPLEMENTATION OF DISCIPLINARY MEASURES

The following disciplinary measures may be taken into account when assessing the staff member's performance.

#### 1. Written censure

- A written censure is a letter indicating that the staff member has committed wrongdoing. The written censure is placed in the staff member's official status file and becomes part of his or her permanent record.<sup>11</sup>

#### 2. Loss of one or more steps-in-grade

- Loss of steps-in-grade means that the staff member's level within grade is reduced by the number of steps specified in the decision. As a result, the staff member loses any accrued period of service within the year the decision is implemented. He or she shall be eligible for subsequent in-grade increments on the anniversary date of the implementation of the disciplinary decision.
- In the event that the number of steps to be lost is greater than the staff member's current step, he or she is placed at the lowest step on the salary scale for his or her grade, and remains at that step for the number of years by which the decision exceeds the number of steps available before receiving the next increment on the scale.

#### 3. Deferment, for a specified period, of eligibility for salary increment

- Deferment of eligibility for salary increment means that for the stated time period of the deferment, the staff member's step is frozen, and, for that period, he or she does not accrue any time to be credited towards eligibility for the next salary increment. In this instance, the anniversary date upon which the staff member would be eligible for the next salary increment is postponed for a period of time corresponding to the length of the deferment, and all future anniversary dates upon which the staff member becomes eligible for salary increments will change accordingly. Any period of service occurring between the date of the staff member's last salary increment and the implementation date of the deferment measure will be credited towards the staff member's next salary increment.

#### 4. Suspension without pay for a specified period

- Suspension without pay means that the staff member is not permitted to serve for a specified period of time, which normally does not exceed six months, during which his or her salary and allowances are withheld and any contribution which UN Women is paying in respect of medical insurance and pension is discontinued.

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<sup>11</sup> A written censure is distinguished from a letter of reprimand, which is issued by either a staff member's supervisor, Director, DMA or the Executive Director. A letter of reprimand is not a disciplinary measure and may contain a specified period of time, after which it will no longer be considered part of the staff member's record.

## **5. Fine**

- The staff member is assessed a monetary penalty, the amount of which is determined in proportion to his or her annual remuneration. The fine is either paid directly by the staff member or deducted from his or her emoluments in a lump-sum or schedule of payments.
- A fine shall be taken into account when assessing whether a staff member's performance has been satisfactory during the period in question.

## **6. Deferment, for a specified period, of eligibility for consideration for promotion**

- Deferment of eligibility for consideration for promotion means that for the stated time period of the deferment, the staff member cannot be considered for promotion to any posts.

## **7. Demotion with deferment, for a specified period, of eligibility for consideration for promotion**

- Demotion means a reduction in grade, normally the staff member's immediate grade below, unless the decision provides for a demotion by more than one grade. Demotion is implemented like a reverse promotion. As a result, the staff member is placed at the closest step in the grade below his or her present grade, which provides a decrease in net base salary to at least the amount that would have resulted from the granting of two steps at the higher grade. If the demotion is effective in the month in which an increment at the higher step is due, such increment is implemented, and the above subtraction is effected on the basis of the new step.
- The demotion decision shall specify the period of time during which the staff member shall not be eligible and considered for promotion.
- The date of the next salary increment at the lower level becomes the anniversary date of the demotion.

## **8. Separation from service, with notice or compensation in lieu of notice, notwithstanding Staff Rule 9.7, and with or without termination indemnity pursuant to Annex III (c) to the Staff Regulations**

- The decision shall specify whether the separation from service is:
  - (a) with notice or compensation in lieu thereof, and
  - (b) with or without termination indemnity.
- The termination notice or compensation in lieu thereof, shall not be less than three months for permanent appointments and continuing appointments, not less than thirty (30) days for fixed-term appointments, and not less than fifteen (15) days for temporary appointments, or such period as may be stipulated in the letter of appointment.
- In lieu of the serving of the notice period, the UN Women Executive Director may authorize payment of compensation on the basis of the salary and allowances which would have been payable if the date of termination had been at the end of the notice period. In such a case, all salaries, allowances and other benefits which the staff member would have received had he or she served the period of notice, are taken into account, including post adjustment, dependency allowances, special post allowances, education grant, etc. The period is counted in the calculation of terminal

payments, but annual leave does not continue to accrue. The salary paid in lieu of notice is not pensionable and the period is not counted as contributory service. Unless the staff member requests that it be excluded, any contribution which UN–Women is paying in respect of medical insurance is continued during the period of notice.

- If the staff member is granted termination indemnity, this indemnity does not exceed half of the amount calculated pursuant to Annex III to the Staff Regulations.
- Subject to the conditions of eligibility, a staff member separated from service is entitled to repatriation grant.
- A staff member separated from service for misconduct shall be banned from any future employment and contractual opportunities with the Organization.

## 9. Dismissal

- Dismissal means immediate separation from service.
- A staff member who is dismissed is neither entitled to termination notice or compensation in lieu thereof, nor to any termination indemnity pursuant to Annex III to the Staff Regulations, nor to repatriation grant pursuant to Staff Rule 3.18.
- A staff member who is dismissed shall be banned from any future employment and contractual opportunities with the Organization.

### Links to Documents

The relevant documents cited in the UN–Women Legal Framework for Addressing Non–compliance with UN Standards of Conduct can be accessed through the following links:

- [Standards of Conduct for the International Civil Service](#)
- [Secretary-General’s Bulletin on Status, basic rights and duties of UN Staff Members, ST/SGB/2016/9](#)
- [Secretary–General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse \(ST/SGB/2003/13\)](#)
- [UN Women Policy on the Prevention of Workplace Harassment and Abuse of Authority](#)
- [UN Women Policy for Protection against Retaliation](#)
- [Results and Competency Assessment \(RCA\) Guidelines](#)
- OIOS Investigation Guidelines (coming soon)