



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 proof which tends 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.
- **HRC** is the Human Resources Center in the UN–Women Division for Management and Administration.
- **Investigation** is the process of assembling a dossier of evidence to permit a decision at a later stage as to whether formal charges of misconduct should be made against a staff member or whether the case should be closed.
- **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), cooperates with an investigation, for instance by being interviewed or by providing information.
- **Investigation subject** is a person who is the focus of the investigation, either by virtue of an allegation made, or evidence gathered during the course of an investigation.
- **Investigator** is a member of the UNDP Office of Audit and Investigations (OAI) or, an investigator or a person designated by OAI to conduct an investigation related to cases of allegations of wrongdoing. An investigator may also be a person designated directly by the Secretary–General or the Executive Director in certain cases, to conduct an investigation into allegations of wrongdoing.¹
- **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 willful 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).
- **OAI** is the UNDP Office of Audit and Investigations.
- **Preliminary assessment** is the process of collecting, preserving and securing basic evidence, and the evaluation of this evidence to determine whether an investigation into reported allegations of wrongdoing is warranted.

¹In cases where the Secretary–General or the Executive Director decides to designate directly a person or persons to conduct an investigation, such individuals shall establish the procedures drawing from UN and/or UNDP investigation procedures and/or international best practice.

- *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)², 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 Women³ 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 action⁴.

² 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.

³ 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.

⁴ 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.

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 return⁵;
 - (b) individuals who do not have a UN–Women letter of appointment;
 - (c) independent contractors working with UN–Women under Special Service Agreements (SSA)⁶;
 - (d) persons employed under Service Contracts (SC)⁷;
 - (e) UNV Volunteers (UNVs)⁸;
 - (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.

⁵ 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 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.

⁶ 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. OAI is competent to investigate allegations of wrongdoing against SSA holders.

⁷ 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.

⁸ 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.

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);
- (b) Reviewing final investigation reports received from or through OAI and the comments and evidence presented by the subject of the investigation thereon, and requesting clarification from OAI, or the subject of the investigation, as appropriate(see Chapter III);
- (c) Recommending disciplinary action, exoneration from allegations of wrongdoing, 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

10. 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

11. The Legal Adviser is responsible for:

- (a) Assisting as appropriate in the review of final investigation reports received from or through OAI and the comments and evidence presented by the subject of the investigation 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, exoneration from allegations of wrongdoing, 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 Chief, Human Resources Centre (HRC)

12. The Chief, HRC is responsible for:

- (a) Providing guidance on addressing work performance related issues revealed by the preliminary assessment or 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. The Chief, HRC is the Focal Point for Workplace Harassment, and may be contacted by staff and managers to obtain support in respect of the informal resolution of such conflicts;
- (c) Advising the complainants of the outcome of cases relating to allegations of workplace harassment and abuse of authority, when OAI, based on its investigation, considers that the allegations of wrongdoing are substantiated and accordingly submits a final investigation report (see Chapter III);
- (d) Recommending the placement of staff members on administrative leave and any subsequent extension of the administrative leave (see Chapter III);
- (f) Assisting as appropriate in relation to the preparation of recommendations for disciplinary action, exoneration from allegations of wrongdoing, or other courses of action as appropriate (see Chapter III);
- (e) Recovery of the value of UN–Women assets and property lost as the result of misconduct (see Chapter IV);

4.6 – The Director, UNDP Office of Audit and Investigations (OAI)

13. The Director, OAI, 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 abuse⁹, as well as managing the UN–Women hotline established for such reports (see Chapter I);
- (b) Deciding, upon receipt and review of a formal complaint, whether the matter warrants a preliminary assessment, dismissal/closure, or handling through informal resolution, including referral to HRC/DMA;
- (c) Conducting preliminary assessments or requesting persons so designated by OAI, such as the manager of the Office concerned, to conduct the preliminary assessment on behalf of OAI;
- (d) On the basis of the results of the preliminary assessment, determining the need for an investigation or the closure of the given case;
- (e) Conducting investigations into allegations of wrongdoing (see Chapter II), or designating persons to carry out such investigation;
- (f) Sharing the draft investigation report with the subject of the investigation for his or her comments on the factual findings and conclusions contained therein, except in the case of investigations into allegations of retaliation (see paragraph 71);
- (g) Considering whether any evidence of facts or circumstances provided by the 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, except in the case of investigations into allegations of retaliation (see paragraph 71);
- (h) Submitting a final investigation report, along with the comments of the subject of the investigation 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);
- (i) 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);
- (j) Providing advice on how to conduct investigations to persons designated by OAI in the event that OAI requested them to conduct the preliminary assessment or the investigation, and vetting and endorsing the investigation as appropriate;
- (k) Advising the complainants of the outcome of the investigation if the matter has been closed.

⁹ 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.

4.7 – The Director, UN Ethics Office

14. Pursuant to the UN–Women Policy for Protection against Retaliation, the Director, UN Ethics Office is responsible for:
- (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 assessment of the allegations of retaliation;
 - (d) Referring the case to OAI 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”)

15. 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 OAI as soon as they become aware of such allegations;
 - (b) If requested by OAI, conducting a preliminary assessment related to allegations of wrongdoing and reporting the results of the preliminary assessment to OAI, and if so requested by OAI, conducting an investigation and reporting the results of such investigation to OAI;
 - (c) If so recommended by the Director, DMA, issuing oral and written reprimands to staff members. However, Heads of Office do not have authority to take any disciplinary

measures against staff members or to place staff members on administrative leave, except as set out in paragraph below;

- (d) Addressing work performance related issues indicated by the circumstances of a case in the Results and Competency Assessment (RCA), in accordance with the RCA Guidelines;
- (e) Taking appropriate measures to remedy management issues of the supervisors they oversee (see Chapter I, Section 2).

4.9 – Staff members

16. 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

17. 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.
18. Staff members must abide by the Standards of Conduct for the International Civil Service (referred to as the ‘ICSC Standards of Conduct’) as adopted by the International Civil Service Commission in 2001, which updated the 1954 Code of Conduct of the United Nations staff members and by the standards defined in the Secretary–General’s Bulletin on “Special Measures for Protection from Sexual Exploitation and Sexual Abuse” (ST/SGB/2003/13). Staff members can also refer to the Secretary–General’s Bulletin “Status, basic rights and duties of UN Staff Members”, ST/SGB/2002/13. 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

19. 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/2002/13, 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 OAI 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.
20. 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,¹⁰ 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 in the annual Results and Competency Assessment (RCA);
 - (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.

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

21. 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).
22. 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;

¹⁰ Advice of the Ombudsman or HRC/DMA should be sought in connection with such issues.

- (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 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.

23. 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 Results and Competency Assessment (RCA) in accordance with the appropriate procedure (see the [RCA Guidelines](#)).

Section 4 – Reporting allegations of wrongdoing

24. Staff members may report allegations of wrongdoing to OAI, or to their immediate supervisor or other appropriate supervisor within the operating unit. The staff member's supervisor shall report the matter to OAI in accordance with Section 2 of Chapter I. In the event that a staff member reports wrongdoing to OAI, he or she may do so anonymously by sending an e-mail at the following address: unwhotline@undp.org or by using the following online form: <https://iwf.tnwgrc.com/unwomen>
25. 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.
26. 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, UN Ethics Office at the following email address: 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 OAI.
27. 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 OAI at the following email address: unwhotline@undp.org 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.
28. Staff members who become aware of information related to the Organization that concerns internet-based fraud, or misuse of the Organization database or technology resources, whether such information relates to sources within the Organization or externally, should report the matter. In such an event, the matter may be reported via a special repository created for the receipt of such information at scamalert@undp.org or to OAI.
29. Except when an allegation is made anonymously, the individual reporting the allegations will receive an acknowledgement from the office to which the allegations were reported.

CHAPTER II INVESTIGATION

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. The present Chapter II focuses on the rights and responsibilities of the investigation subjects in Section 1, the investigation participants in Section 2, the investigators in Section 3 and on the different phases of the investigation in Section 4.

Section 1 – Roles, rights and responsibilities of the investigation subjects

1.1 – Rights of the investigation subjects

32. Provided that they have been identified by the investigators, the investigation subjects shall be informed in writing of the allegations at the earliest possible time provided such disclosure does not put at risk the documentary evidence, witnesses and/or any other individuals. In no case shall the staff member be so notified later than during his or her interview as the subject of the investigation. If the staff member has been placed on administrative leave (see Chapter II, Section 1, Subsection 1.3), this notification may happen prior to the commencement of the investigation.
33. If, during the course of the investigation, OAI discovers new facts giving rise to allegations of wrongdoing on the part of an investigation participant, OAI will notify the investigation participant, as soon as practicable, that he or she has become a subject of the investigation. In the event that, in the course of the investigation, additional allegations are raised against the investigation subjects, the investigators will inform them of these new allegations in the same manner as the earlier allegation(s). However, the investigation subjects should be aware that the Director, DMA, after analysing the findings contained in OAI's final investigation report, may decide that some facts as established by the investigation, though not initially raised as part of the original allegations of wrongdoing, may constitute misconduct. The fact that the investigation subjects were not informed of this, at the time of the investigation, cannot be considered a violation of due process, provided the investigation subjects are given the opportunity to comment on the charges leveled against them, and on the draft and final investigation report (see Chapter III, Section 1, Subsection 1.1).
34. The identity of the investigation subjects should remain confidential to the extent possible within the legitimate needs of the investigation. However, those identities may become known for reasons outside of the control of the investigators.

1.2 – Responsibilities of the investigation subjects

35. Pursuant to Staff Regulation 1.2 (r) and Staff Rule 1.2 (c), the investigation subjects must

cooperate with the investigators.

36. The investigation subjects shall not interfere with the investigation and shall abstain from withholding, destroying or tampering with evidence, and from influencing, coaching or intimidating the complainant and/or witnesses. The investigation subject shall respect the confidential nature of the investigation and the proceedings by exercising utmost discretion.
37. A lack of cooperation and/or undue interference with the investigation may constitute misconduct and may result in disciplinary or other appropriate action.

1.3 – Administrative leave

38. 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.
39. 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.
40. Requests for placement of a staff member on administrative leave at either the preliminary assessment stage or the investigation stage shall address the criteria in paragraph 39 above, and provide supporting evidence if available, and shall be addressed to the Chief, HRC. On the basis of the evidence presented, the Chief, HRC may recommend to the Director, DMA that administrative leave is justified. 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.**
41. 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 Chief, HRC 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.
- 42. 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.
- 43. 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.
- 44. 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.
- 45. 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.
- 46. The staff member placed on administrative leave may request the Chief, HRC to be granted access to files, provided that he or she justifies that they are relevant to his or her case. The Chief, HRC will decide in each case whether the staff member placed on administrative leave will or will not be given access to e–mail.

Section 2 – Roles, rights and responsibilities of the investigation participants

2.1 – Responsibilities of the investigation participants

47. Pursuant to Staff Regulation 1.2 (r) and Staff Rule 1.2 (c), staff members, including investigation participants, must cooperate fully and in good faith with a duly authorized investigation.
48. The investigation participants shall refrain from discussing or disclosing the investigation or their testimony to anyone except the investigators. In no case should an investigation participant discuss with the investigation subject and/or complainant and/or witness the nature of the evidence requested or provided, or testimony given to investigators.

2.2 – Investigation participant’s identity

49. Requests for confidentiality by investigation participants will be honoured to the extent possible within the legitimate needs of the investigation. In certain cases (e.g. workplace harassment and abuse of authority), however, the identity of the complainant and/or other investigation participants may need to be shared with the investigation subject for purposes of due process. In addition, those identities may become known for reasons outside the control of the investigators.

2.3 – Protection against retaliation

50. Anyone who cooperates in good faith with an investigation is entitled to protection from retaliation in accordance with the UN–Women Policy for Protection against Retaliation. However, cooperation with the investigation does not excuse the individual’s own possible complicity in the underlying matter. Notwithstanding his or her cooperation, a staff member may face disciplinary proceedings for his or her part in the matter about which he or she is cooperating with the investigators, and such proceedings may result in the imposition of disciplinary sanctions. Neither the investigation, institution of disciplinary proceedings, nor the imposition of disciplinary sanctions for his or her complicity in the underlying matter about which the staff member is cooperating, constitute retaliatory action.

Section 3 – Roles, rights and responsibilities of the investigators

51. All investigators, or persons designated to conduct a preliminary assessment or an investigation, shall be independent. They have a duty of objectivity, thoroughness, ethical behaviour, and observance of legal and professional standards.
52. Investigations should be launched only after preliminary consideration establishes that the allegation, if true, constitutes misconduct and is accompanied by information specific enough to be investigated, or has or directly points to corroborating documentary or testimonial evidence that can be pursued.
53. In carrying out investigations, the OAI investigators or persons designated by OAI to investigate are to be guided by the OAI Investigation Guidelines, but such guidelines, reflecting practice, are neither binding nor mandatory and allegations by an investigation

subject or participant that they were not observed do not necessarily constitute a due process violation.

Section 4 – Preliminary assessment and/or investigation

54. The investigative process may comprise two phases: a preliminary assessment and an investigation. In all instances, OAI retains the prerogative to determine when circumstances warrant a preliminary assessment and/or an investigation, and in conformity with the present document, the appropriate investigative process to be followed.

4.1 – Preliminary assessment

55. The purpose of a preliminary assessment shall be:

(a) To record and establish the basic facts;

(b) To preserve or secure basic evidence whether written or electronic (such as cheques, invoices, written statements, or other relevant documents, records or data) that might otherwise be lost and that may be necessary for the determination as to whether an investigation is justified;

(c) To identify any inconsistencies or outstanding questions; and

(d) To analyse the evidence to determine whether an investigation into reported allegations of wrongdoing is justified.

56. The Head of Office or his or her delegate should contact OAI as soon as possible when he or she has received sufficient information about the existence of wrongdoing by staff or other individuals whether in the form of specific allegations; facts or circumstances suggesting wrongdoing has occurred; or loss, damage to property or apparent impropriety.

57. At the request of OAI and under their guidance, the Head of Office or his or her delegate may initiate a preliminary assessment into any suspected wrongdoing.

58. Where OAI has requested that a preliminary assessment be carried out, and the preliminary assessment indicates that wrongdoing may have occurred, the appointed investigators will report this fact to the Director, OAI, giving a full account of the facts that are known and attaching documentary evidence if appropriate. Should placement of the staff member on administrative leave appear to be warranted, a recommendation to such effect may be made to the Chief, HRC (see Chapter II, Section 1, Subsection 1.3), so that a decision can be taken as soon as practicable.

59. Where the preliminary assessment does not generate sufficient information to indicate that wrongdoing has occurred, OAI will close the case, and inform the Chief, HRC and the complainant accordingly.

4.2 – Investigation

60. On the basis of the evidence collected in the course of a preliminary assessment, OAI will decide whether to proceed with a further investigation. The Director, OAI may refer the matter to persons he or she designates, depending on the nature of the allegations and the complexity of the case.
61. 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.
62. When OAI designates investigators outside OAI, they must seek and follow guidance from OAI as to the conduct of the investigation.
63. Investigation subjects must be interviewed in the course of the investigation. A record of the interview will be made, a copy of which will be given to the investigation subject, who will be invited to sign it (for the rights of the investigation subjects during the interviews, see Chapter II, Section 1, Subsection 1.1). In addition, investigation subjects may choose to provide a signed statement containing any clarification on their statements during the interviews; however they cannot change their statements as recorded by OAI's recording devices.
64. Investigation subjects, or complainants in cases relating to allegations of sexual exploitation or sexual harassment, may request to be accompanied to their interview by an observer who is either a UN–Women staff member or an immediate family member, provided that the observer is readily available and not involved in the investigation, as determined by OAI. The observer must agree to respect the confidentiality of the investigation and sign a confidentiality statement. The observer may not interrupt, prevent or delay the interview, and is not allowed to speak during the interview. If the investigator considers the presence of the observer disruptive, the observer may be asked to leave and the interview will proceed without the observer. Considering the cultural context, gender, and other elements of the case, the investigator may also select an observer (e.g. field security officer, etc.) to attend the interview. Investigation subjects and participants have no right to the presence of counsel during interviews.

4.3 – Investigation report

65. The investigator(s) shall prepare a draft investigation report giving a full account of the relevant facts that are known and attaching any documentary evidence.
66. OAI shall share such draft investigation report with the investigation subject, and request that the investigation subject provide his or her comments on the factual findings and conclusions of the report, and produce countervailing evidence, if any.¹¹
67. OAI shall request that the subject of the investigation respond within a reasonable period of

¹¹ The complainant is not entitled to receive a copy of the investigation report concerning allegations of wrongdoing against the investigation subject.

time, normally between ten (10) and thirty (30) working days depending on the seriousness and complexity of the matter. An extension may be exceptionally granted by OAI, if the Investigation subject makes a written request, giving convincing reasons why he or she is unable to comply with the deadline. Further extensions shall not normally be granted. If no response is submitted within the time limit, the matter shall nevertheless proceed.

68. OAI will consider the comments of the investigation subject on the draft investigation report, including any additional evidence he or she provides in support of those comments, and determine whether they merit any revision to the draft investigation report. OAI is not obligated to obtain comments on the draft investigation report from the investigation subject more than once, but may, at its discretion, revert to the investigation subject for clarification regarding the comments and evidence he or she presented in response to the draft investigation report.
69. Once the Director, OAI considers that no further revision to the draft investigation report is warranted, OAI shall provide the final investigation report, together with the comments of the investigation subject and any evidence he or she may have provided, to the Director, DMA.
70. If the investigation subject resigns or otherwise separates prior to the completion by OAI of an investigation report, such investigation report may be finalised at OAI's discretion notwithstanding the investigation subject's resignation or separation:
 - (a) Should the investigation report be finalised, OAI shall send the draft investigation report to the former staff member providing him or her the opportunity to submit his or her comments. These comments shall be reviewed in accordance with the present Legal Framework, and the Chief, HRC, 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 or not he or she would have been exonerated from the allegations of misconduct, or (3) 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 Chief, HRC 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.
71. In the case of an investigation into allegations of retaliation in accordance with the UN–Women Policy for Protection against Retaliation, OAI shall forward the report to the Director, UN Ethics Office without obtaining prior comment on the report by the subject of the investigation.

CHAPTER III

PROCEDURES FOLLOWING INVESTIGATION

Section 1 – Actions following receipt of the final investigation report by UNOLA

72. Upon receipt and analysis of 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 Director, DMA may request that OAI or the subject of the investigation provide further clarification or verification prior to making a recommendation on the next course of action.
73. 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 OAI 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

74. 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.
75. 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 Chief, HRC, that he or she be granted access to files, provided that he or she justifies that they are relevant to his or her response.
76. A copy of the charge letter signed by the Executive Director may be given for information to the Head of Office, or the Executive Director of the Organization to which the staff member is assigned.
77. The Chief, HRC, 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 – Exoneration from the allegations

78. 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 of his or her exoneration from the allegations of wrongdoing, and that the matter be closed; OAI and the Head of Office, or the Executive Director of the Organization to which the staff member is assigned, shall be informed of such notification;
 - (b) If the staff member was placed on administrative leave, that the administrative leave be discontinued and that the staff member be authorized to resume his or her duties; and
 - (c) That documents related to the investigation be expunged from the staff member's official status file, except those referred to in Chapter III, Section 1, Subsection 1.3.
79. The staff member shall be notified in writing as soon as feasible of the decision of the Executive Director concerning his or her exoneration.

1.3 – Work performance related issues

80. While the Director, DMA may recommend exoneration he or she may determine that the conduct depicted in the final 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. In such a case, the Director, DMA may recommend that:
- (a) a letter of reprimand¹² be issued by the Head of Office or other responsible officer concerned, including Director, DMA; and/or
 - (b) the final investigation report (or extracts thereof) with the staff member's comments thereon, be included in the annual Results and Competency Assessment (RCA) of the staff member; and/or
 - (c) an appropriate training course be undertaken by the staff member.

1.4 – Timeframe

81. To the extent possible, depending on the complexity of a case, the period between the time when the staff member is notified that he or she is the subject of an investigation, and the time when he or she is advised of either the exoneration from the allegations of wrongdoing, or the charges brought against him or her, should not normally exceed six months.

¹² Pursuant to Staff Rule 10.2 (b), a reprimand does not constitute a disciplinary measure.

CHAPTER IV
DISCIPLINARY PROCEEDINGS

82. 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.
83. The Executive Director's decision to impose a disciplinary measure or measures shall be notified in writing to the staff member; OAI and the relevant Head of Office 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

84. 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;
 - (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.
85. Annex I to the present document specifies the effects of each of the above-mentioned measures.

Section 2 – Non-disciplinary measures

86. 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.
87. 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.
88. 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

89. 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.
90. 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

91. 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

92. 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, or telephone number: (1) 212-963-3957.

4.2 – External counsel

93. 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

94. 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

95. 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.
96. 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

97. 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.”
98. 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.
99. 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.¹³

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.

¹³ 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.

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.

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:
 - with notice or compensation in lieu thereof, and
 - 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” \(ST/SGB/2002/13\)](#)
- [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](#)
- OAI Investigation Guidelines (coming soon)

