



24 March 2005

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**Information circular\***

To: Members of the staff

From: The Under-Secretary-General for Management

Subject: **Reporting of suspected misconduct****I. Introduction**

1. As international civil servants, United Nations staff members are required to adhere to 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. Staff members have often expressed the view over the years that they regard integrity as the most important among the core values of the Organization, together with professionalism and respect for diversity.

2. As part of the organizational integrity initiative launched in 2003 at the Secretary-General's instruction, a United Nations organizational integrity survey was conducted last year, in which staff emphasized the importance that they attach to integrity. In his letter of 4 June 2004 to all the staff, the Secretary-General indicated that staff members would be reminded of the means available to them for reporting suspected misconduct.

3. The present circular provides information on the mechanisms that currently exist within the United Nations system for reporting suspected misconduct. It also provides information on other mechanisms available to staff who may need advice when they are unsure of how they should proceed. All these mechanisms continue to be reviewed, developed and strengthened, as necessary. For instance, the policies and procedures to be followed in cases of harassment, including sexual harassment, will be reviewed at the next meeting of the Staff Management Coordination Committee.

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\* The present circular will be in effect until further notice.

4. Reports of suspected misconduct are handled with the utmost discretion. No retaliatory action is permitted against a staff member for submitting in good faith a report of suspected misconduct or for cooperating with investigations subsequent to such a report. A policy on whistle-blower protection is currently under preparation and will be issued after staff consultations. Staff members are reminded that the submission of information or reports with knowledge of their falsity or with wilful disregard for their veracity would be inconsistent with the concept of integrity.

## **II. Mechanisms for reporting cases of suspected misconduct**

5. Staff members have the duty to report cases of suspected misconduct either to a higher-level official, whose responsibility it is to take appropriate action, or to the Office of Internal Oversight Services. All staff members are entitled to make reports directly to the Office of Internal Oversight Services without the need for prior consultation with their supervisor or the head of department (see ST/SGB/273). “Misconduct” is defined by staff rule 110.1 [**currently sr 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. The mechanisms for reporting misconduct are outlined below.

### **A. Heads of departments and offices**

6. A staff member who has knowledge that another staff member in his or her department or office has engaged in conduct for which a disciplinary measure may be imposed should report this information to the head of the department or office concerned and provide as much detail as possible. Should the matter concern a staff member from another department or office, the staff member should inform his or her supervisor or human resources officer, who has the duty to review the information and transmit it through appropriate channels to the department or office of the staff member suspected of misconduct. The staff member may also report suspected misconduct to the Office of Internal Oversight Services.

7. Under administrative instruction ST/AI/371, the head of department or office has the responsibility and the obligation to review the information and, where there is reason to believe that a staff member has engaged in misconduct, to undertake a preliminary investigation and fact-finding. If the preliminary investigation appears to indicate that the report of misconduct is well founded, the head of department or office has the duty to report the matter immediately to the Assistant Secretary-General, Office of Human Resources Management, giving a full account of the facts and attaching documentary evidence. Heads of departments also have the right to report such information directly to the Office of Internal Oversight Services for review and action.

### **B. Office of Internal Oversight Services**

8. The Office of Internal Oversight Services was established in 1994 to undertake evaluation, audit, inspection, compliance monitoring and investigation functions. The functions and responsibilities of the Office are set out in General Assembly

resolutions 48/218 B and 54/244 and Secretary-General's bulletins ST/SGB/273 and ST/SGB/2002/7.

9. The Investigations Division of the Office of Internal Oversight Services is staffed by professional investigators who investigate allegations of misconduct, abuse of authority, mismanagement and waste of resources. In recent years, the Investigations Division has investigated a wide range of cases, including those involving refugee smuggling, sexual exploitation and abuse, sexual harassment, travel fraud, theft of United Nations-owned equipment, conflicts of interest and fraudulent education grant claims.

10. As provided by General Assembly resolutions and Secretary-General's bulletin ST/SGB/273, the Investigations Division of the Office of Internal Oversight Services has procedures to protect individual rights and the anonymity of staff members and others and to provide due process for all concerned and fairness during any investigation, as well as protection against reprisals. The Investigations Division protects the confidentiality of those who make reports in good faith, whether the investigation substantiates the report or not. Unauthorized disclosure by Office of Internal Oversight Services investigators of information provided and received may constitute misconduct for which disciplinary measures may be imposed. Where the Investigations Division has determined that retaliatory action has been taken against staff or others for disclosing information to or cooperating with Office of Internal Oversight Services investigators, such retaliatory actions may constitute misconduct for which disciplinary measures may be imposed.<sup>1</sup>

11. The web site of the Office of Internal Oversight Services is at <http://www.un.org/Depts/oios>. Staff and others are encouraged to report information regarding wrongdoing to the Investigations Division of the Office through any means preferred by the reporting person. Several options have been developed by the Investigations Division for that purpose.<sup>2</sup> The contact information for the Investigations Division is as follows:

*New York*

Location: One UN Plaza, DC-1, Room 734, New York, NY 10017

Telephone: 1-212-963-1111

Facsimile: 1-212-963-7774

Postal address: Reporting Facility  
Dag Hammarskjöld Convenience Centre  
884 Second Avenue  
PO Box 20114  
New York, NY 10017

Director: Barbara Dixon

Telephone: 1-212-963-5663

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<sup>1</sup> Further details about the protection of anonymity and confidentiality are set out in ST/SGB/273 and ST/AI/397.

<sup>2</sup> Further details about reporting inappropriate use of United Nations resources are provided in ST/AI/397.

*Vienna*

Location: Investigations Division  
United Nations Office at Vienna  
“D” Building, 7th Floor, Vienna International Centre  
Vienna, Austria

Head: Francis Montil

Telephone: 43-12-6060-5420

*Nairobi*

Location: Investigations Division  
United Nations Office at Nairobi  
“U” Block, United Nations, Gigiri  
Nairobi, Kenya

Head: Jesse Ngari

Telephone: 254-2-64-4086

**C. Special procedures for sexual harassment, sexual exploitation and sexual abuse**

12. Administrative instruction ST/AI/379<sup>3</sup> [abolished and replaced by ST/SGB/2008/5] defines the term “sexual harassment” as any unwelcome sexual advance, request for sexual favours or other verbal or physical conduct of a sexual nature, when it interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. The instruction lists a number of informal approaches that may be used in such cases. If informal resolution is not appropriate or has not been successful, the aggrieved individual should make a written complaint to the Assistant Secretary-General for Human Resources Management, who is responsible for conducting the initial investigation in sexual harassment cases.

13. The contact information for the Assistant Secretary-General for Human Resources Management is as follows:

Telephone: 1-212-963-9518

Facsimile: 1-212-963-1944

E-mail: [mcreery@un.org](mailto:mcreery@un.org)

Postal address: Assistant Secretary-General  
Office of Human Resources Management  
Room S-2527 A  
United Nations  
405 East 42nd Street  
New York, NY 10017

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<sup>3</sup> The procedures for dealing with sexual harassment are currently under review. Until new procedures are issued, ST/AI/379 remains applicable.

14. Secretary-General's bulletin ST/SGB/2003/13 defines the term "sexual exploitation" as any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, and the term "sexual abuse" as actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Unlike sexual harassment, sexual exploitation and sexual abuse do not necessarily take place in the work environment. Sexual exploitation and sexual abuse constitute acts of serious misconduct.

15. Heads of departments, offices and missions are required to appoint an official to serve as a focal point to receive reports on cases of sexual exploitation and sexual abuse. Staff members who develop concerns or suspicions regarding the commission of sexual exploitation or sexual abuse may report such concerns to the focal point established for their department, office or mission. They may also report their concerns to the Office of Internal Oversight Services.

### **III. Additional mechanisms and resources**

16. If staff members have information indicating that misconduct or a breach of integrity and ethical conduct may have occurred and are not sure how to proceed, they may wish to avail themselves of the additional mechanisms and resources set out below.

#### **A. The Ombudsman**

17. The Office of the Ombudsman was established in 2002 to make available the services of an impartial and independent person to address the employment-related problems of staff members, including matters pertaining to conditions of employment, administration of benefits and managerial practices, as well as professional and staff relations. In the performance of her duties, the Ombudsman is independent of any United Nations organ or official. The terms of reference for the Ombudsman are set out in Secretary-General's bulletin ST/SGB/2002/12.

18. The Ombudsman, as a designated neutral, does not assume the role of advocate for any party. The Ombudsman advises staff of their various options and facilitates conflict resolution, using any appropriate means, with a view to avoiding recourse to the formal grievance process.

19. The Ombudsman maintains strict confidentiality concerning matters brought to her attention and will not divulge the identity of a staff member who seeks the assistance of the Office without the authorization of that staff member. All interactions with the Ombudsman are voluntary. A staff member who brings a matter to the attention of or provides information to the Ombudsman shall not be subject to reprisals for doing so.

20. The web site of the Ombudsman is at <http://www.un.org/ombudsman> and contains a secure contact form. The contact information for the Ombudsperson is as follows:

Telephone: 1-917-367-5731  
Facsimile: 1-917-367-4211  
E-mail: [ombudsman@un.org](mailto:ombudsman@un.org)  
Postal address: Office of the United Nations Ombudsman  
PO Box 4136  
Grand Central Station  
New York, NY 10163

## **B. Staff Counsellor's Office**

21. Staff counsellors are available at a number of duty stations to provide counselling, information and assistance to staff on issues that may have an impact on their welfare and productivity, such as stress management and conflict resolution. In cases requiring conflict resolution, a staff counsellor may assist by referring the staff member to other offices, providing general information on options that are available to staff members and providing advice and consultation as part of efforts to find an informal solution.

22. The web site of the Staff Counsellor's Office in New York is at <http://iseek.un.org/m210.asp?dept=132>. The contact information for the Staff Counsellor's Office is as follows:

Telephone: 1-212-963-7044  
1-917-488-5142 (for emergency consultation, seven days a week)  
Facsimile: 1-212-963-4399  
Postal address: Staff Counsellor's Office  
Room S-505, United Nations  
New York, NY 10017

## **C. Panel of Counsel**

23. The Panel of Counsel is composed of a group of serving and retired staff members who have volunteered to represent their colleagues in various stages of appeals and in disciplinary and other claims. Their work is supported and administered by the Office of the Coordinator, Department of Management, at United Nations Headquarters in New York and by the respective Coordinators at a number of other duty stations.

24. Members of the Panel of Counsel may represent staff members initiating formal appeals before the Joint Appeals Board, replying to charges of misconduct and defending themselves against those charges in a hearing before the Joint Disciplinary Committee. Members of the Panel of Counsel may also advise or assist staff members in proceedings before the Administrative Tribunal or other appeal mechanisms. While members of the Panel of Counsel provide counsel in formal

recourse mechanisms, the Coordinator may also be approached for preliminary consultations before initiating the formal appeals process.

25. The web site of the Panel of Counsel is at <http://www.un.org/staff/panelofcounsel>. The contact information for the Coordinator of the Panel of Counsel is as follows:

Telephone: 1-212-963-3954  
Facsimile: 1-212-963-0252  
E-mail: poc-1@un.org  
Postal address: Room S-1B-1 A, United Nations  
New York, NY 10017

#### **D. Office of the Focal Point for Women in the Secretariat**

26. The Office of the Focal Point for Women in the Secretariat is within the Office of the Special Adviser on Gender Issues and Advancement of Women. The Focal Point is mandated to monitor the improvement of the status of women in the Secretariat. The goals of the Office include policy formulation for issues related to the status of women and intervention in recruitment, promotion and placement processes to ensure that more women are recruited, promoted and retained. The Office also provides grievance redress, counselling, referrals and responses to enquiries of women staff members on issues affecting their career development or conditions of service.

27. The Focal Point is assisted in her work by the departmental focal points for women appointed for each department, office or regional commission, pursuant to Secretary-General's bulletin ST/SGB/1999/19 [abolished and replaced by ST/SGB/2008/12], who may provide counsel and advice to women on issues affecting their career development or conditions of service.

28. The web site of the Office of the Focal Point for Women in the Secretariat is at <http://www.un.org/womenwatch/osagi/fp.htm>. The contact information for the Office of the Focal Point is as follows:

Telephone: 1-212-963-6828  
Facsimile: 1-212-963-9545  
Postal address: Two United Nations Plaza, East 44th Street, 12th Floor  
New York, NY 10017

## **E. Staff representative bodies**

29. Pursuant to staff regulation 8.1, staff representative bodies are established at the United Nations Headquarters in New York, at the United Nations Offices at Geneva, Vienna and Nairobi and at the headquarters of the regional commissions (Addis Ababa, Bangkok, Beirut and Santiago). International staff serving in missions are represented by the Field Staff Union, which is currently located at Brindisi, Italy. Staff may bring individual cases to the attention of members of the Staff Committee or staff representatives in their office, who can assist them in addressing issues informally or formally.

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