

# Compendium of disciplinary measures

Practice of the Secretary-General in disciplinary matters and cases of criminal behaviour from 1 July 2009 to 31 December 2021



UNITED NATIONS



OFFICE OF HUMAN RESOURCES

Please note that the Compendium of disciplinary measures from 1 July 2009 – 31 December 2021 is available to all staff members on the HR Portal (link: [Compendium of disciplinary measures 1 July 2009 – 31 December 2021 Searchable format](#)). Once downloaded, the Excel document allows users to sort data by year, type of misconduct and disciplinary measure imposed.

1. The purpose of the compendium is to inform staff members of the practice of the Secretary-General in exercising his authority in disciplinary matters under article X of the Staff Regulations of the United Nations, and to implement paragraph 17 of resolution 59/287, in which the General Assembly requested the Secretary-General to ensure that all staff of the Organization were informed of the most common examples of misconduct and/or criminal behaviour and their disciplinary consequences, including any legal action, with due regard for the protection of the privacy of the staff members concerned. Reference is also made to section 7.2 of the Secretary-General's bulletin on addressing discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2019/8) which requires that information regarding disciplinary cases involving prohibited conduct as defined in that bulletin be included in the compendium (see also section 6.6 of the Secretary-General's superseded bulletin ST/SGB/2008/5). The compendium covers the period starting from 1 July 2009 and ending 31 December 2021 and is updated periodically.
2. A broad overview of the administrative framework in disciplinary matters is provided in section I below. The compendium contains a summary of the cases in which one or more disciplinary measures were imposed by the Secretary-General on Secretariat staff members during a calendar year. The cases have been divided into nineteen types of misconduct:
  - Assault (verbal and physical)
  - Discrimination, harassment, including sexual harassment, and abuse of authority
  - Failure to comply with private legal obligations
  - Failure to comply with financial disclosure obligations
  - Failure to report misconduct
  - Fraud, misrepresentation and false certification
  - Gross negligence
  - Inappropriate or disruptive behaviour
  - Misuse of information and communication technology resources
  - Misuse of office
  - Misuse of official documents
  - Misuse of or failure to exercise reasonable care in relation to UN property or assets
  - Other
  - Procurement Irregularities
  - Retaliation
  - Sexual exploitation and abuse
  - Theft and misappropriation
  - Unauthorized outside activities and conflict of interest
  - Violation of local laws

## **I. Overview of the administrative framework with respect to disciplinary matters**

### **A. Legislative framework governing the conduct of staff members**

3. Provisions relating to the status, rights and duties of staff members, and to disciplinary matters, can be found in the electronic version of the Human Resources Handbook (available at <https://hr.un.org/handbook>) under the categories “Duties, obligations and privileges” and “Administration of justice and disciplinary matters”.
4. Article 101, paragraph 3, of the Charter of the United Nations states that the “paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity”.
5. Article I of the Staff Regulations and chapter I of the Staff Rules, both entitled “Duties, obligations and privileges”, set out the basic values expected of international civil servants because of their status, as well as particular manifestations of such basic values (see, in particular, staff regulation 1.2 and staff rule 1.2).

### **B. Misconduct**

6. Staff regulation 10.1 (a) provides that “the Secretary-General may impose disciplinary measures on staff members who engage in misconduct”. Staff rule 10.1 (a) provides that the “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 may amount to misconduct and may lead to the institution of a disciplinary process and the imposition of disciplinary measures for misconduct”.
7. In addition, staff rule 10.1 (c) provides that “the decision to launch an investigation into allegations of misconduct, to institute a disciplinary process and to impose a disciplinary measure shall be within the discretionary authority of the Secretary-General or officials with delegated authority”. Within those parameters, the Secretary-General has broad discretion in determining what constitutes misconduct and in imposing disciplinary measures.
8. Examples of conduct for which disciplinary measures may be imposed are listed in section 3.5 of ST/AI/2017/1. Reference may also be made to the Secretary-General’s bulletin on addressing discrimination, harassment, including sexual harassment, and abuse of authority (ST/SGB/2019/8), the Secretary-General’s bulletin on special measures for protection from sexual exploitation and abuse (ST/SGB/2003/13) and the Secretary-General’s bulletin on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations (ST/SGB/2017/2/Rev.1).

### **C. Summary of the Disciplinary process**

9. Administrative instruction ST/AI/2017/1 was promulgated on 26 October 2017. In accordance with the transitional arrangements, investigations initiated before 26 October 2017 shall continue to be governed by the provisions of administrative instruction ST/AI/371 and ST/AI/371/Amend.1), as shall any subsequent disciplinary processes.
10. Under the provisions of administrative instruction ST/AI/2017/1, all reports of possible unsatisfactory conduct shall be brought to the attention of the Office of Internal Oversight Services (OIOS). After receiving a report of possible unsatisfactory conduct, OIOS may decide either to consider the report or to refer it to a responsible official for assessment and possible investigation. OIOS shall be apprised of decisions made by managers in relation to the reported unsatisfactory conduct.
11. Administrative instruction ST/AI/2017/1 contains minimum standards for the conduct of

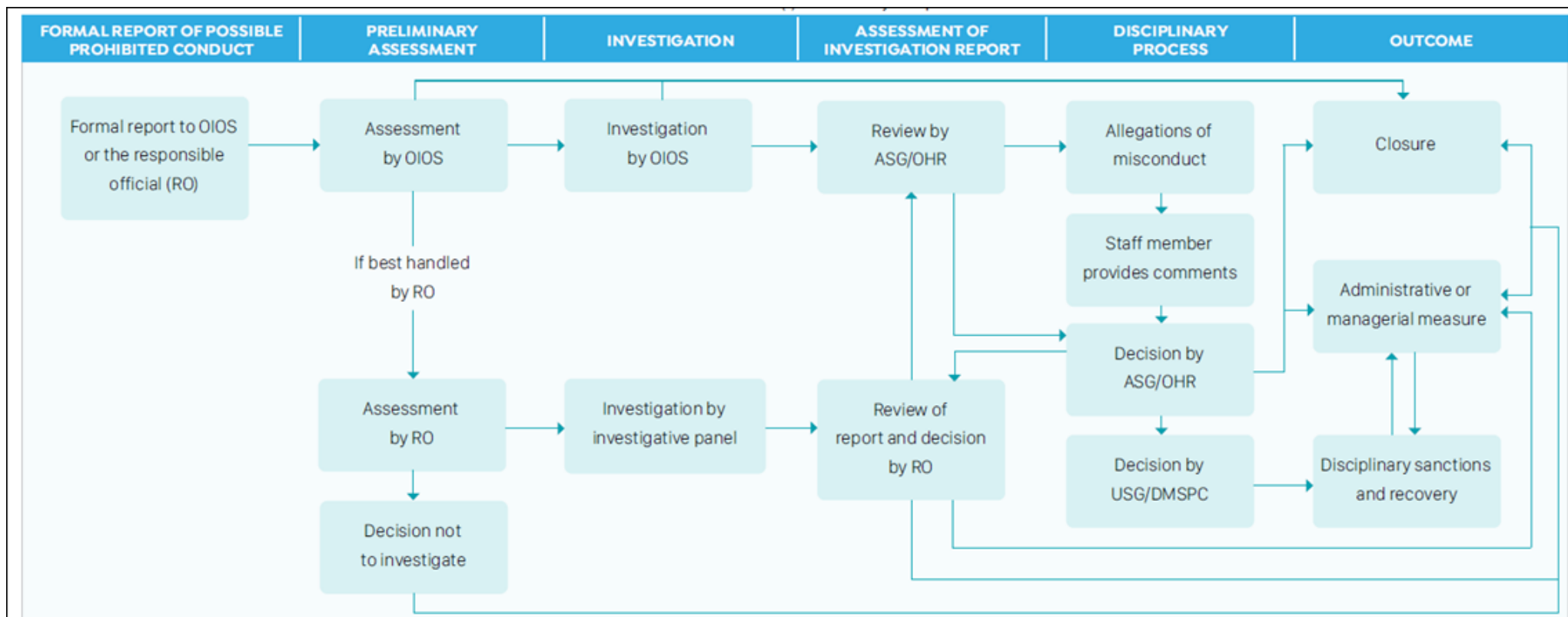
investigations (sect. 6) and articulates the need to provide acknowledgement of reports of unsatisfactory conduct to those who report such conduct (sect. 4). The instruction also details certain procedures relating to staff members who are the subject of an investigation. For instance, such staff members must be informed in writing, prior to or at the start of an investigative interview, that they are the subject of an investigation and of the nature of the allegations made against them. In addition, such staff members may be accompanied by another staff member of their choice to act as an observer during the interview.

12. Administrative instruction ST/AI/2017/1 also sets out the circumstances in which a staff member may be placed on administrative leave with or without pay in accordance with staff rule 10.4 (a). In this regard, a staff member may be placed on administrative leave at any time after an allegation of misconduct has been made, and the period of administrative leave may continue until the completion of the disciplinary process. Depending on the circumstances of a case, administrative leave may be with pay or without pay. As reflected in the instruction, staff rule 10.4 (c) provides that, for cases of sexual exploitation and sexual abuse, a staff member may be placed on administrative leave without pay when there are reasonable grounds to believe (probable cause) that the staff member engaged in the sexual exploitation or sexual abuse. The instruction specifies that, in cases where a staff member is placed on administrative leave without pay, the staff member will continue to maintain some entitlements and benefits.
13. Sections 7, 8 and 9 of administrative instruction ST/AI/2017/1 contain a step-by-step summary of how matters are dealt with following the completion of an investigation. If the Assistant Secretary-General for Human Resources decides to initiate a disciplinary process, the staff member shall be notified in writing of the allegations of misconduct and informed of the opportunity to comment on the allegations and of the right to seek the assistance of counsel through the Office of Staff Legal Assistance or from outside counsel at the staff member's expense. In the light of the comments provided, the Assistant Secretary-General shall decide whether to close the case, with or without administrative action, or to recommend the imposition of one or more disciplinary measures. In the latter case, the Under-Secretary-General for Management Strategy, Policy and Compliance shall decide whether to impose one or more of the disciplinary measures provided for in staff rule 10.2 (a). In some cases, the first step taken with respect to a referred matter is to request the staff member to provide comments. The request for comments shall be made, inter alia, in compliance with staff rule 10.2 (c) if the issuance of a reprimand is being contemplated and to assist the Assistant Secretary-General for Human Resources in deciding whether to initiate a disciplinary process.
14. In accordance with staff rule 10.3 (c), a staff member against whom a disciplinary measure has been imposed may submit an application to the United Nations Dispute Tribunal challenging the imposition of the measure in accordance with Chapter XI of the Staff Rules.
15. Judgments of the United Nations Dispute and Appeals Tribunals relating to disciplinary cases can be found on the website of the Administration of Justice at the UN (<https://www.un.org/en/internaljustice/index.shtml>).
16. The process from filing a formal report, possible investigation through to disciplinary action can be relatively lengthy. In broad terms, the process that formal reports go through is as follows:

## Investigation and disciplinary process

The process from filing a formal report, possible investigation through to disciplinary action can be relatively lengthy. In broad terms, the process formal reports will go through is as follows.

1. The formal report first needs to be assessed, either by OIOS or the responsible official if OIOS so decides, to determine whether an investigation is warranted or other action will be taken.
2. If it is determined that the allegations are to be investigated, either OIOS or an investigative panel appointed by the responsible official conducts an investigation and produces an investigation report. Details of how investigations are conducted can be found in the **Investigators' Toolkit** and in the **OIOS manual**.
3. OIOS or the investigative panel determines whether there is any factual basis indicating that the staff member engaged in unsatisfactory conduct.
4. If so, the matter is referred to the Office of Human Resources (OHR) for possible disciplinary action in cases investigated by OIOS. In cases investigated by an investigative panel, the report is reviewed by the responsible official and, if they consider that the staff member's conduct could amount to misconduct, the matter is referred to OHR.
5. If there is no factual basis indicating misconduct or the facts do not rise to the level of misconduct, the matter is closed, although consideration is given to whether to take administrative and/or managerial measures.
6. If OHR decides to initiate a disciplinary process, the alleged offender is provided with formal allegations of misconduct, together with the investigation report and supporting documentation. They are entitled to seek legal advice and provide comments.
7. OHR may seek further information from relevant sources. The staff member is entitled to comment on new information obtained.
8. At the end of the disciplinary process, (a) the matter may be closed with no action, (b) managerial or administrative measures may be taken, and/or (c) a sanction may be imposed if the facts have been established. The affected individual is informed.



17. More information about the investigation and disciplinary process, and regarding ST/SGB/2019/8, is available at the [United to Respect Toolkit](#) through the HR Portal or on iSeek.

#### **D. Disciplinary measures**

18. Staff rule 10.2 (a) provides that disciplinary measures may take one or more of the following forms (i.e., more than one measure may be imposed in each case):
  - (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, and with or without termination indemnity;
  - (i) Dismissal.
19. In determining the appropriate measure, each case is decided on its own merits, taking into account the particulars of the case, including aggravating and mitigating circumstances. Examples of possible aggravating circumstances are the repetition of acts of misconduct, the intent to derive personal benefit, and the degree of harm resulting from the misconduct. Examples of possible mitigating circumstances are sincere remorse and the voluntary disclosure of the acts of misconduct early in the process. In addition, in accordance with staff rule 10.3 (b), disciplinary measures imposed must be proportionate to the nature and gravity of the misconduct involved. Given the thoroughness of the review involved to assess the unique facts and features of each case, the specific sanction that applies to a specific type of misconduct cannot be determined in advance or applied across the board.

#### **E. Other measures**

20. Written or oral reprimands, recovery of moneys owed to the Organization and administrative leave with or without pay are not considered disciplinary measures. Reprimands are administrative measures that are important for upholding standards of proper conduct and promoting accountability. Written reprimands are placed on the staff member's official status file. Warnings or letters of caution are managerial measures directed at fostering awareness of the proper standards of conduct. In addition, where conduct that may amount to misconduct has an impact on performance, the issue may be addressed in the context of performance management. This may include training, counselling, the non-renewal of a contract or the termination of an appointment. The administrative instruction (ST/AI/2017/1) contains specific provisions on administrative and managerial actions taken by programme managers in the light of unsatisfactory conduct by a staff member.
21. ST/AI/2017/1 also contains specific provisions on the recovery of financial loss to the Organization pursuant to staff rule 10.1 (b) in cases where the loss results from actions or omissions that are wilful, reckless or grossly negligent.
22. Under article 10.8 of the statute of the United Nations Dispute Tribunal and article 9.5 of the statute of the United Nations Appeals Tribunal, each of the Tribunals may refer appropriate cases to the Secretary-General or the executive heads of separately administered United Nations funds and programmes for possible action to enforce accountability. Such action may include the initiation of an investigation and a disciplinary process.

## **II. Summary of cases in which disciplinary measures were imposed during the period from 1 July 2009 to 31 December 2021**

23. For each case that led to the imposition of one or more disciplinary measures, a summary is provided indicating the nature of the misconduct and the disciplinary measure or measures imposed by the Secretary-General. The functional title of the staff members or other similar particulars thereto are provided only when these factors played a role in determining the measures to be taken. Conduct issues that were dealt with by means other than disciplinary measures are not listed.
24. Not every case brought to the attention of the Assistant Secretary-General for Human Resources indicating possible misconduct results in disciplinary or other measures being taken. When a review by the Office of Human Resources reveals that there is insufficient evidence to pursue a matter as a disciplinary case, or when a staff member provides a satisfactory explanation in response to the formal allegations of misconduct, the case is closed. Cases will also typically be closed when a staff member retires or otherwise separates from the Organization before an investigation or the disciplinary process is concluded, unless continuation is in the interest of the Organization.
25. In the vast majority of cases involving former staff members, a record is made and placed in the former staff member's official status file so that the matter may be further considered if and when the staff member rejoins the Organization. In this regard, section 3.9 of the administrative instruction on the administration of fixed-term appointments (ST/AI/2013/1) provides that a former staff member "will be ineligible for re-employment following ... resignation during an investigation of misconduct or institution of a disciplinary process, unless the former staff member agrees to cooperate with an ongoing investigation or disciplinary process until its conclusion". Where relevant, this provision is noted in records placed in official status files. This process is set out in section 9.9 of ST/AI/2017/1.<sup>1</sup>
26. In paragraph 23 of its resolution 68/252, the General Assembly requested the Secretary-General to take appropriate measures to mitigate and recoup any losses arising from misconduct by staff members and to report thereon. As the summaries of the cases indicate, in the majority of the cases where there was a quantifiable loss to the Organization, the Organization either recovered the relevant property and/or funds, the staff member repaid the funds at issue or the Under-Secretary-General for Management Strategy, Policy and Compliance decided to recover an amount equal to the financial loss. As outlined in sections 9.5 and 9.6 of ST/AI/2017/1, the recovery of financial losses to the Organization is effected under staff rule 10.1 (b), which provides that where conduct is determined by the Secretary-General to constitute misconduct and the Organization has suffered a financial loss as a result of the staff member's actions, which are also determined to be wilful, reckless or grossly negligent, such staff member may be required to reimburse the Organization for such loss in whole or in part.

Approved by the Assistant Secretary-General for  
Human Resources  
2 December 2022

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<sup>1</sup> In addition, Clear Check is an electronic tool used by the Organization and other UN system entities to prevent the re-deployment of individuals who have established allegations against them related to sexual exploitation and/or sexual abuse ("SEA") and/or sexual harassment ("SH"). It is an electronic, centralised database that contains records of former UN staff and UN personnel against whom allegations of SEA or SH were substantiated following an investigation and/or disciplinary process and who were separated or who resigned or separated while they were the subject of a pending investigation and/or disciplinary process for SEA or SH.