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REVISED GUIDELINES FOR INTERNAL ADMINISTRATIVE INVESTIGATIONS BY THE OFFICE OF THE INSPECTOR-GENERAL

The intention of this Administrative Circular is to inform staff members of the “Revised Guidelines for Internal Administrative Investigations by the Office of the Inspector-General” (hereinafter referred to as the Investigation Guidelines) as endorsed by the Director-General. The Investigation Guidelines provide a practical internal guide reflecting the general principles which the Office of the Inspector-General follows in its investigative process, and which are consistent with the principles laid out in the internationally accepted Uniform Guidelines for Investigations endorsed by the investigative offices of international organizations and multilateral financial institutions. The Investigation Guidelines have been updated to respond to the above needs, to reflect the expanded mandate of the Office of the Inspector-General as well as bring it in line with evolving international practices and to ensure consistency with other policy developments.

The revised Guidelines are attached herewith and are also available as a separate [document](#). This Administrative Circular replaces and supersedes A/C 2011/04 issued on 9 February 2011 and any other related communications.



Food and Agriculture Organization
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OFFICE OF THE INSPECTOR GENERAL
INVESTIGATIONS UNIT

GUIDELINES FOR
INTERNAL ADMINISTRATIVE INVESTIGATIONS
BY THE
OFFICE OF THE INSPECTOR GENERAL

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GUIDELINES FOR INTERNAL ADMINISTRATIVE INVESTIGATIONS BY THE OFFICE OF THE INSPECTOR GENERAL

INTRODUCTION

1. The Organization is dedicated to maintaining a work place that fosters an environment of integrity on the part of its personnel. In support of this goal and pursuant to its Charter, the Office of the Inspector General (OIG) has been given authority to investigate allegations of unsatisfactory conduct by FAO personnel, covering activities in breach of the Organization's Regulations, Rules, policies or procedures, including alleged violations of the Organization's policies Against Fraud and Other Corrupt Practices; Prevention of Harassment, Sexual Harassment and Abuse of Authority; Protection from Sexual Exploitation and Sexual Abuse; and Whistleblower Protection.
2. The object of investigative activity is to examine and determine whether unsatisfactory conduct has occurred and to identify the person or persons responsible for such conduct. Investigations are not disciplinary proceedings. They are fact finding activities that are administrative in nature.
3. The aim of these Guidelines is to ensure that allegations of unsatisfactory conduct are investigated thoroughly and impartially, protecting the interests of the Organization and upholding the rights and obligations of FAO personnel. The Guidelines are applicable to all types of internal administrative investigations carried out by OIG. The policies mentioned in paragraph 1 provide additional guidance specific to investigations into unsatisfactory conduct which violates these policies. The Guidelines reflect the general principles for the investigative process contained in the Uniform Guidelines for Investigation, 2nd edition, endorsed by the Conference of International Investigators¹ at their 10th Conference in June 2009, and present them in a form relevant to FAO.
4. These Guidelines take into account the relevant provisions set out in the Constitution, the Regulations and Rules of the Organization, its Administrative Manual, any relevant provision which may from time to time be issued through Director-General Bulletins and Administrative Circulars, as well as principles of law as set out in the case law of the Administrative Tribunal of the International Labour Organization.

APPLICABILITY

5. These Guidelines apply to investigations carried out by the OIG into the conduct of FAO personnel. They do not apply to investigations into the conduct of other, external, parties such as suppliers.

DEFINITIONS

6. An **investigation** is a detailed inquiry and examination of evidence to objectively determine the facts following the receipt of a complaint. This may include the collection and analysis of documentary, video, audio, photographic, and electronic information or other material in accordance with the procedures set out in these Guidelines and other applicable FAO policies. The investigation may also include interviews with witnesses, observations of investigators

¹ This is a professional community of practice comprising the investigation functions of the United Nations system, multilateral development banks and other public international organizations.

and other investigative techniques as are required to conduct the investigation. Investigations include the gathering of both inculpatory and exculpatory evidence.

7. A **complaint** is any allegation, claim, concern or information submitted or known to OIG, indicating possible unsatisfactory conduct by FAO personnel.
8. A **complainant** is a party, person or entity, making a complaint to OIG.
9. **Failure to cooperate** with an investigation means obstructing or deceptively inhibiting an FAO investigation, including, but not limited to, not responding fully and/or in a timely manner to OIG inquiries; not providing complete and/or accurate documentation or other information that OIG requests; intentionally providing misleading information; destroying, altering, or concealing evidence; intimidating, harassing and/or threatening any potential witness to prevent the disclosure of facts relevant to the investigation; or misrepresenting facts.
10. A **witness** is a person who provides information to OIG relevant to an investigation.
11. The **subject** of an investigation is a person whom OIG has reasonable grounds to believe may have engaged in unsatisfactory conduct and/or wrongdoing.
12. **Unsatisfactory conduct** by FAO personnel is conduct which is incompatible with his or her undertaking or implied obligation to the Organization or failure to comply with the requirements of Article I of the Staff Regulations. FAO Administrative Manual paragraph 330.1.52 provides a non-exhaustive list of examples of unsatisfactory conduct.
13. **FAO personnel** means staff members and other individuals engaged by the Organization, within the meaning of Staff Regulation 301.13.6. It includes *inter alia* all staff members whether on continuing, fixed-term or short-term contractual arrangements, working at headquarters or in decentralized offices; working full time or part-time; all non-staff personnel such as consultants, subscribers to Personnel Services Agreements, Volunteers, National Project Personnel and other personnel locally recruited for services in established offices away from headquarters.
14. **Delegated Authority** means the office within FAO charged with taking administrative action based on the results of an OIG/INV investigation (e.g., the Assistant Director General for Corporate Services, or the FAO Representative).

STANDARD OF PROOF

15. The standard of proof used to determine whether a complaint is substantiated is preponderance of evidence.

THE INVESTIGATION PROCESS

RECEIPT OF COMPLAINTS

16. The Standards of Conduct for the International Civil Service state in paragraph 20, that *“International civil servants have the duty to report any breach of the organization’s regulations and rules to the official or entity within their organizations whose responsibility it is to take appropriate action, and to cooperate with duly authorized audits and investigations. An international civil servant who reports such a breach in good faith or who cooperates with an audit or investigation has the right to be protected against retaliation for doing so.”* FAO

personnel who become aware of, or receive information regarding, suspected unsatisfactory conduct have an obligation to report the matter promptly. Unsatisfactory conduct and/or wrongdoing may be reported directly to OIG, to supervisors or FAO Representatives, or to any other authority indicated in policies pertinent to the alleged unsatisfactory conduct, who in turn have an obligation to promptly report complaints to OIG. Such complaints need not include firm evidence of the alleged unsatisfactory conduct and/or wrongdoing, however, they should include a reasonable level of information.

17. OIG considers all complaints irrespective of source, including those by individuals who are not FAO personnel. Complaints may be presented to OIG either identifying the complainant or anonymously, however, because anonymous reports are harder to investigate, those reporting allegations are encouraged to identify themselves, knowing that their names will be kept confidential, and that there are measures in place to protect them against retaliation.² Where the complainant identifies him/herself, OIG acknowledges receipt of the complaint. OIG registers all complaints received in an internal database, and reviews them to determine whether they fall within its mandate. Complaints falling within OIG's mandate are subject to a preliminary review.
18. Complaints concerning any OIG personnel must be reported directly to the Inspector General, who will determine if there is a *prima facie* case, and if so, refer the matter to the investigations office of another United Nations or other multilateral organization or an independent consultant reporting directly to the Inspector General for investigation in accordance with these Guidelines. Any report resulting from the investigation will be submitted to the delegated authority through the Inspector General. Complaints concerning the Inspector General must be reported directly to the Director-General, a copy of which will be provided to the FAO Audit Committee who will advise whether there is a *prima facie* case. Where this is so advised, all such investigations shall be carried out by the investigations office of another United Nations or other multilateral organization or an independent consultant, as identified by the Director-General in consultation with the Chair of the FAO Audit Committee. All reports will be provided to the Director-General and a copy will be provided to the chair of the FAO Audit Committee.
19. OIG may also initiate a preliminary review based on indicators of unsatisfactory conduct that it identifies in the course of its internal audits or other work it carries out under its mandate.
20. Pursuant to Staff Rule 303.0.3, at any time, upon assessment of the evidence, OIG may recommend to the delegated authority that an individual be suspended from duty pending the completion of the preliminary review and/or investigation, either as a precautionary measure or to safeguard information. Such suspension will be without prejudice to the rights of the subject.

PRELIMINARY REVIEW

21. Each complaint that raises issues within OIG's mandate is subject to a preliminary review to assess its credibility and to determine whether a full investigation is warranted. A preliminary review generally includes an interview of the complainant and a review of the documents submitted by the complainant, if any. It will consist of any investigative steps identified by OIG as necessary to determine whether a full investigation is warranted. Preliminary reviews will be completed in the quickest manner reasonably possible given the circumstances of each

² A definition of "retaliation" is available in the Organization's Whistleblower Protection Policy (Administrative Circular 2011/05).

case and available resources, or within the deadline established by the policy relevant to the alleged unsatisfactory conduct.

22. During the preliminary review, the potential subject of an investigation is not notified of either the decision to initiate a preliminary review or of the allegations involved unless OIG determines that it is necessary under the circumstances, or it is required by a specific rule applicable to the type of investigation in question.
23. If, as a result of a preliminary review, OIG concludes that a complaint does not warrant an investigation, the matter is closed. OIG may nonetheless refer the matter to another office within FAO for a determination as to whether any action by that office would be appropriate.
24. No reference to OIG's preliminary review is included in the confidential personnel file of the potential subject. Where the potential subject was notified of the preliminary review, s/he is notified promptly in writing of the closure of the case. If the potential subject of an investigation was not notified of the preliminary review, s/he is not notified of the decision to close the matter without an investigation.
25. Likewise, where the complainant's identity is known, OIG will notify the complainant of the decision to close the matter. Where the complaint relates to the policy on harassment, sexual harassment, abuse of authority, or retaliation under the Whistleblower Protection Policy, the complainant may appeal a decision by OIG to close the matter through the Organization's established process for administrative appeals.
26. If OIG closes a case at the completion of the preliminary review, the reasons for this decision will be documented in its internal files.
27. If, as a result of the preliminary review, OIG determines that the complaint falls within the investigative competence of an external institution, including another organization of the United Nations system, the complaint may be forwarded to the relevant institution. The information forwarded will not disclose the identity of the complainant, unless s/he has agreed to such disclosure.

INVESTIGATION

28. When OIG determines, on the basis of the preliminary review, that there are reasonable grounds to believe that a member of FAO personnel has engaged in unsatisfactory conduct, it will initiate a full investigation. The Inspector General notifies the subject of the investigation of the nature of the allegations under investigation in writing, as soon as reasonably practicable, and in all cases before the subject is interviewed. Subjects are also informed if reasonable grounds to believe they engaged in additional unsatisfactory conduct are found during the course of an investigation.
29. Notifications include the specific allegations that are being investigated and a clear reference to the Organization's Regulations, Rules, policies and procedures that are alleged to have been breached. During an investigation, the subject is not entitled to the name of any complainant or other source of information or to a copy of complainant(s)' statement(s), if any, unless so required by another specific rule applicable to the type of investigation in question. The notification also includes a summary of the subject's rights and obligations. The supervisor of the subject of the investigation may be informed of the initiation of the investigation on a reasonable need to know basis.

30. Full investigations will be completed in the least amount of time reasonably practicable, and normally within 120 working days of notification to the subject of the investigation, unless a shorter deadline is established in the policy pertinent to the alleged unsatisfactory conduct. If there is an unavoidable delay in completing the full investigation, the subject and when appropriate, the complainant, will be notified of this in writing and advised as to when the investigation is expected to be completed.
31. In accordance with the Charter of the Office of the Inspector General, investigators have full, free and prompt access to all accounts, records, electronic data, property, personnel, operations and functions within the Organization which, in the opinion of OIG, are relevant to the subject matter under investigation. Access to the Organization's information systems and information and communication technology, including those made available on an individual basis to FAO personnel, will be in accordance with Annex 1 to these Guidelines.
32. OIG catalogues evidence in a case file with the designation of the origin of the document or other item of evidence, location, date obtained and the name of the filing investigator. All evidence is preserved for five years from the closing of the case or until all administrative appeals are concluded, whichever is longer.
33. To the extent reasonably practicable under the circumstances, all subject interviews and key witness interviews will be conducted by two investigators and audio recorded. Investigators will prepare a written record of interview in a timely manner. OIG will provide the interviewee with a copy of the written record of his/her interview and will invite him/her to review the record for accuracy and consistency with the testimony given and make comments within a stated period of time. Alternatively, a transcript of the recorded interview may be produced in lieu of a written record, and shared with the interviewee. When necessary or advantageous to an investigation, OIG may conduct interviews in the language of the person being interviewed, using an interpreter if needed.
34. OIG does not pay witnesses or subjects for information. Subject to the Organization's applicable rules, OIG may assume responsibility for reasonable expenses incurred by witnesses to meet and/or communicate with investigators.

OIG INVESTIGATION REPORTS

35. Upon completion of an investigation, OIG prepares a report summarizing its findings, including the evidence collected and factual conclusions. The report presents relevant inculpatory and exculpatory information identified or collected during the investigation. Investigative findings in the report are based on facts and related analysis, which may include reasonable inferences. The report also states whether or not OIG has concluded that the evidence meets the applicable standard of proof, and provides an explanation for its conclusion.
36. Where OIG's investigation results in a determination that a complainant knowingly presented false information or that a witness or subject failed to cooperate with the investigative process, this finding is included in the report.
37. Relevant evidence collected during the course of the investigation is specifically cited in the investigation report and will be included with the report. Such evidence may include witness statements and documents collected by investigators and provided by other sources.

38. OIG's investigation report will be submitted for review to the delegated authority, which is responsible for taking any administrative action on OIG's investigative findings.
39. In addition to the investigation report, OIG may issue Lessons Learned reports presenting internal control issues of concern which were identified in the course of investigations. OIG may disclose these reports, omitting information deemed confidential to the investigation process, to FAO offices and/or managers responsible for managing the related risks.
40. OIG summarizes, in its Annual Reports to the Director-General, statistics and summary results of its investigative activities in the period covered by the report. These reports do not disclose information OIG deems confidential to the investigative process.
41. Where a breach of national laws is believed to have occurred, OIG makes recommendations to the Legal Counsel for an assessment of whether the matter should be forwarded to the relevant national authorities.

RIGHTS AND OBLIGATIONS OF FAO PERSONNEL

42. FAO personnel who are involved in the investigative process must cooperate fully with the investigation, including answering any questions from investigators completely and truthfully, and providing any documents or other information requested by investigators. This includes the subject of an investigation.
43. Failure to cooperate with, or knowingly providing false or misleading information to, OIG constitutes unsatisfactory conduct, which may be subject to administrative action, including a disciplinary action pursuant to Manual Section 330.
44. FAO personnel involved in an investigation benefit from the confidentiality provisions contained in these Guidelines. In addition, FAO personnel have an obligation to preserve the confidentiality of information relating to, or arising out of, an investigation, in accordance with these Guidelines and applicable provisions.
45. If the complainant and/or witness providing information to OIG has reasonable grounds to believe that the use and/or disclosure of such information may put her/him at a risk of retaliation because this information is directly attributable to her/him, the complainant and/or witness must inform OIG promptly, so that it can consider appropriate protective measures. Complainants and witnesses acting in good faith are protected against retaliation in accordance with the FAO Whistleblower Protection Policy.
46. FAO personnel, including investigators, involved in the investigative process must report any actual or perceived conflicts of interest involving investigators carrying out preliminary reviews and/or investigations directly to the Inspector General and/or the Organization's Ethics Officer. The Inspector General takes such action as may be necessary to ensure the objectivity of the investigation.
47. Any individual who is the subject of an investigation is entitled to an impartial, objective and thorough investigation into any allegations against her/him.
48. The subject of an investigation has a right to respond to the allegations and/or evidence against her/him, and to nominate witnesses to provide further information, before the report of the investigation is completed.

49. OIG personnel perform their functions with the highest personal integrity and conduct investigations in a manner that is fair, transparent, and consistent in the application of relevant Regulations, Rules, policies and procedures of the Organization.
50. OIG personnel must comply with the rules on confidentiality contained within these Guidelines, in the Organization's rules and policies including, the FAO Whistleblower Protection Policy. Failure to do so is considered unsatisfactory conduct and subject to disciplinary action pursuant to Manual Section 330.
51. OIG applies, through confidentiality agreements, these requirements to any OIG personnel under a non-staff contractual arrangement engaged in investigations.

CONFIDENTIALITY

52. To protect the rights of all individuals involved in the investigative process, OIG carries out all investigations in a confidential manner. The identity of a complainant who submits a complaint to OIG in good faith is not made public, nor is the identity of any witness who provides information to OIG. The confidentiality of a complainant's or witness' identity or information is always contingent upon his/her good faith and truthfulness throughout the investigative process, and may be revoked or limited in absence of truthfulness.
53. OIG includes the identity of witnesses in its confidential investigation reports and will attach records of related witness interviews when these are relevant to the conclusions in the reports. The investigation reports are confidential documents and only shared by OIG with the delegated authority competent to authorise any further administrative action on the basis of such reports. This is however, without prejudice to any decision taken by the delegated authority to share the report as part of an administrative proceeding, or as a result of a decision by the Governing Bodies of the Organization, or on other exceptional basis aimed at ensuring the effective administration of justice. OIG keeps a copy of the final report of investigative findings in its confidential files.
54. Likewise, FAO personnel who are involved in the investigative process must not disclose to anyone outside OIG any information that becomes known to them as a result of the investigative process without prior authorization from OIG, unless such information has become public through other sources.
55. Unauthorized disclosures of the identity of a complainant, a subject of the investigation or a witness, any other investigative information, or any other information that current or former FAO personnel may have obtained relating to the investigation process constitutes a breach of confidentiality and may result in administrative action, including a disciplinary action pursuant to Manual Section 330.

**PROCEDURES FOR MONITORING AND ACCESS TO INFORMATION TECHNOLOGY
RELATED DATA BY THE OFFICE OF THE INSPECTOR GENERAL**

1. The Charter of the Office of the Inspector General states that the Office shall have full, free and prompt access to all accounts, records, property, personnel, operations and functions within the Organization which, in the opinion of the Office of the Inspector General (OIG), are relevant to the subject matter under review.

PROCEDURES FOR CORPORATE/BUSINESS ACCESS OF IT RESOURCES

2. OIG may access the Organization's IT systems and devices for the purpose of obtaining information/evidence in connection with an on-going matter. In view of the sensitivity of data associated with individual users, special procedures are adopted when access is sought to such data.
3. For data other than that associated with individual users, such as official transaction data in corporate information systems and logs containing information relating to IT system activity, OIG has the same access to system information as provided to CIO. Access may be made either directly by OIG's investigative personnel or with the assistance of CIO – through the Director, CIO or his/her designee – who shall provide full, free and prompt access to any relevant information asset, whether at FAO HQ or in the field. All analysis activities carried out by CIO at the request of OIG shall be kept strictly confidential. Any violation of confidentiality will be subject to applicable disciplinary and/or other administrative measures.

PROCEDURES FOR ACCESS TO INDIVIDUAL USER DATA

4. If the Inspector General determines that there are reasonable grounds to believe that the electronic data stored on an FAO IT resource contains evidence of unsatisfactory conduct, including fraudulent or other illegal activity by FAO personnel or a third party, OIG may access individual user data on specific FAO IT resources, all information associated with individual user accounts and any other data stored on the FAO IT resource. This includes but is not limited to:
 - the content of official desktop/portable computers;
 - the content of official tablets, phones and other portable storage devices;
 - records in FAO systems of chat groups, newsgroups and other Internet sites visited;
 - files downloaded using FAO systems; and
 - the contents of communications sent and received electronically using FAO systems.
5. When such determination is made by the Inspector General, OIG will provide a Notice of Access (NoA) to the Deputy Director-General, Operations (DDGO), with copy to Legal Counsel. Such NoA will include:
 - the electronic resource to be reviewed;
 - the basis for the request (including an indication of the alleged wrongdoing, why it is believed such information is contained on the IT resource in question, and the name of the individual to whom the IT resource is assigned); and
 - expected date(s) of access.
6. DDGO has 24 hours within which to respond in writing to the NoA. OIG will not access the IT resource or the individual user account(s) at issue prior to receiving the reply from DDGO or before the 24 hours have run, whichever comes first. The reasons provided in the NoA will be considered implicitly endorsed by DDGO should no response be received by OIG before the 24 hours have run.

7. Access before receipt of DDGO's response to OIG during the 24 hour period may be carried out where there are reasonable grounds to believe that delay could compromise the investigation or the integrity of the electronically stored data to be reviewed. The reasons for accessing the individual user account prior to a reply from DDGO will be fully documented and included in the NoA. DDGO may endorse or provide comments for the Inspector General's consideration on the reasons for accessing the IT resource in question, a record of which will be kept in the relevant case file.
8. OIG may not analyze data on a FAO IT resource which is unrelated to the investigation. However, OIG may reasonably process in a limited way all information obtained so as to determine its relevance to the investigation.
9. Individual user data will be securely preserved in OIG custody until the end of the investigation or any resulting administrative action, and for a period thereafter as required by the Organization's rules on data preservation.
10. Access to user data on specific FAO IT resources may be carried out either directly by OIG's investigative personnel or with the assistance of CIO when necessary. When requested, the Director of CIO shall authorize any assistance to OIG to be carried out by that division – whether at FAO HQ or in the field. All such activities carried out by CIO at the request of OIG shall be kept strictly confidential. This authorization will indicate the date of the NoA referred to in paragraph 5 of this annex, as well as any information needed for the effective technical implementation of such access and for conducting the search. Such request shall not contain information regarding the grounds for requesting access to an individual user account, unless the Inspector General considers the disclosure of such information essential for the identification of the electronically stored data at issue and/or for conducting the search. Any FAO personnel who are requested to assist OIG in implementing this process are required to maintain confidentiality. Failure to comply with the requirement to maintain the confidentiality of the procedure may result in disciplinary proceedings.
11. OIG shall provide a copy of the relevant NoA to any user whose information is accessed pursuant to the rules set out in this annex before access is made unless there are reasonable grounds to believe that alerting an individual to the fact that their information is being accessed or that an investigation is in progress may compromise the integrity of the electronically stored data to be reviewed or otherwise impede the investigation. In such cases, the reasons for not notifying the authorized user concerned will be documented and included in the NoA. In those cases where the IT resource to be accessed is in the possession of an individual FAO personnel (e.g., desktop or laptop computers), that individual should be present at the time access is made if practicable.

FINAL PROVISIONS

12. OIG will maintain a written record of all access to FAO IT resources pursuant to this annex, including a brief description of the reason(s) for the access, the extent of access, any activities undertaken to effectuate that access, the names of the investigators and of any other persons who have assisted in effectuating the access, and the type of electronically stored data retrieved. No records of OIG monitoring of, or investigatory access to, IT resources will be retained by any other Unit of the Organization.
13. Any data retrieved in accordance with this annex, as well as the written records associated with this procedure, shall be retained in accordance with the applicable time periods as specified in the Guidelines for Internal Administrative Investigations.