

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 (AUD) has been given authority to investigate allegations of unsatisfactory conduct, including fraud and improper use of the Organizations' resources by FAO personnel, or other activity in breach of the Organization's Regulations, Rules, policies or procedures.
2. The object of investigative activity is to examine and determine whether unsatisfactory conduct has occurred and, if AUD determines that unsatisfactory conduct has occurred, 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. With this in view, 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 Organisation, the 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 (ILOAT).

APPLICABILITY

5. These Guidelines apply to investigations carried out by AUD under its mandate.
6. These Guidelines apply to investigations into the conduct of FAO personnel, as defined in paragraph 16 of these Guidelines. They do not apply to investigations into the conduct of other, external, parties such as suppliers.

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

DEFINITIONS

7. An **investigation** is designed to establish facts and circumstances concerning possible unsatisfactory conduct in order to determine whether unsatisfactory conduct has occurred and, if so, the person or persons responsible for such conduct.
8. A **complaint** is any allegation, claim, concern or information known to AUD, indicating possible unsatisfactory conduct by FAO personnel, which AUD may investigate.
9. A **complainant** is a party, person or entity, making a complaint to AUD.
10. **Failure to cooperate** with an investigation means obstructing or deceptively inhibiting an FAO investigation, including but not limited to not responding fully and/or timely to AUD inquiries; not providing complete and/or accurate documentation or other information that AUD 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.
11. A **witness** is an individual who provides information to AUD relevant to an investigation.
12. The **subject** of an investigation is a person concerning whom AUD has credible and reliable information, which suggests that s/he may have engaged in unsatisfactory conduct and/or wrongdoing.
13. **Retaliation means** any direct or indirect detrimental action recommended, threatened or taken towards an individual who has reported unsatisfactory conducted or provided information concerning the same. When established, retaliation in itself constitutes unsatisfactory conduct, that may lead to administrative or disciplinary action.
14. **Conflict of interest** The Standards of Conduct for the International Civil Service state in paragraph 21 that a conflict of interest “*includes circumstances in which international civil servants, directly or indirectly, would appear to benefit improperly, or allow a third party to benefit improperly, from their association in the management or the holding of a financial interest in an enterprise that engages in any business or transaction with the organization.*” A conflict of interest may arise when a member of FAO personnel’s personal interest(s) potentially or actually conflict with his or her professional interests and responsibilities towards the Organization.
15. **Unsatisfactory conduct** by FAO personnel is conduct which is incompatible with his or her undertaken or implied obligation to the Organization or failure to comply with the requirements of Article I of the Staff Regulations. The Manual paragraph 330.1.52 provides a non-exhaustive list of examples of unsatisfactory conduct.
16. **FAO personnel** means staff members and other persons engaged by the Organization, within the meaning of Staff Regulation 301.13.6. It includes *inter alia* personnel specially engaged for conference and other short-term service, consultants, subscribers to Personnel Services Agreements, volunteers, Associate Professional Officers, part-time personnel, field project personnel, National Professional Officers and personnel locally recruited for services in established offices away from Headquarters.

STANDARD OF PROOF

17. The standard of proof use to determine whether a complaint is substantiated is preponderance of evidence.

RECEIVING COMPLAINTS

18. The Standards of Conduct for the International Civil Service state in paragraph 19, that it is “*the duty of international civil servants to report any breach of the organization’s rules and regulations to a higher level official, whose responsibility it is to take appropriate action*”. If a member of FAO personnel becomes aware of, or receives information regarding suspected fraud or other unsatisfactory conduct, it is his/her duty to report the matter promptly. Unsatisfactory conduct and/or wrongdoing may be reported to AUD directly or to supervisors or FAO Representatives who have an obligation, as recipients of complaints, to report them promptly to AUD. Such complaints need not to include firm evidence of the alleged unsatisfactory conduct and/or wrongdoing, however, they should be grounded in reasonably reliable information.
19. AUD considers all complaints irrespective of source. Complaints may be presented to AUD with attribution or anonymously. Where the complainant identifies him/herself AUD acknowledges receipt of the complaint. AUD may itself establish a complaint based on indicators of fraud or other unsatisfactory conduct that it identifies in the course of its internal audits or other work. AUD registers all complaints received in an AUD complaints database, and AUD reviews them to determine whether they fall within its mandate. Complaints falling within AUD’s mandate are subject to a preliminary review.
20. Complaints concerning any AUD personnel must be reported directly to the Inspector-General. Complaints concerning the Inspector-General must be reported to the Director-General.

PRELIMINARY REVIEW

21. Each complaint that raises issues within the mandate of AUD is subject to a preliminary review to assess the credibility of the allegation 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 consists of any additional investigative steps identified by AUD to be necessary to determine whether a full investigation is warranted.
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 AUD determines that it is necessary under the circumstances.
23. If, as a result of a preliminary review, AUD concludes that a complaint does not warrant an investigation, AUD closes the matter. AUD may nonetheless refer the matter to another office within FAO for a determination as to whether any action by that office would be appropriate. No reference to AUD’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.

24. If AUD closes a case at the completion of the preliminary review, AUD documents the reasons for this decision in its internal files.
25. If, as a result of the preliminary review, AUD 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 does not disclose the identity of the complainant, unless s/he has agreed to the disclosure.

NOTIFICATION TO SUBJECT OF INVESTIGATION

26. When AUD determines that there is reasonably sufficient evidence to decide that a member of FAO personnel may have 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 but no later than 15 days after AUD has decided to initiate an investigation, or after AUD formally identifies a subject in the course of an ongoing investigation. The Office of the Inspector-General will normally complete its investigation and submit its report to the Director-General within 120 days of the notification to the subject of the investigation.
27. If there is an unavoidable delay in completing the full investigation, the subject will be notified of this in writing and advised as to when the investigation will be completed.
28. The notification includes 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. At this notification stage, the subject of the investigation 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. 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.

CONDUCT OF INVESTIGATIONS

29. An investigation may include: review of relevant documents, video, audio, photographic and electronic information; interviews of complainants, witnesses, technical experts and subjects of the investigation; as well as personal observations by investigators. It entails the collection, examination and analysis of evidence, both inculpatory and exculpatory.
30. AUD identifies and files 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.

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 the AUD, 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 the Policy on the Use of the Organization's Information Technology Resources, Annex 1 (Administrative Circular 2008/26).
32. Any electronic data retrieved in accordance with these Guidelines is retained for a period of no less than three years from the date at which it was obtained or, in case of an appeal related directly or indirectly to an investigation conducted by AUD, until a final decision is issued, including a judgement issued by the ILOAT.
33. To the extent reasonably practicable under the circumstances, all interviews will be conducted by two investigators. Investigators will prepare a written record of interviews in a timely manner. When necessary or advantageous to an investigation, AUD may conduct interviews in the language of the person being interviewed, using an interpreter if needed. AUD will provide the subject of an investigation 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.
34. Pursuant to Staff Rule 303.0.3, at any time during the course of the investigation, upon assessment of the evidence, AUD may recommend that the subject of the investigation be suspended from duty pending the completion of the investigation, either as a precautionary measure or to safeguard information. Such suspension will be without prejudice to the rights of the subject.
35. AUD does not pay witnesses or subjects for information. Subject to the Organization's applicable rules, AUD may assume responsibility for reasonable expenses incurred by witnesses or other sources of information to meet and/or communicate with investigators.

COMPLETION OF THE INVESTIGATION AND PREPARATION OF REPORT

36. Upon completion of an investigation, AUD prepares a report to the Director-General or Delegated Authority summarizing its findings. The report contains a summary of evidence collected by AUD and the factual conclusions it has reached. It presents relevant inculpatory and exculpatory information identified or collected by AUD 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 AUD has concluded that the evidence meets the applicable standard of proof, and provides an explanation for its conclusion.
37. Where AUD'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.

38. AUD includes relevant documentary evidence collected during the course of the investigation and records of interview of relevant witnesses as exhibits to the report of investigative findings.
39. In addition to its investigative report, AUD may issue a Lessons Learned report presenting internal control issues of concern which it identified in the course of its investigation. AUD 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. AUD 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 AUD deems confidential to the investigative process.
41. Where a breach of national laws is believed to have occurred, AUD 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 THE SUBJECT DURING THE COURSE OF AN INVESTIGATION

42. At the time of the notification to the subject of investigation s/he is informed of the specific allegations against him/her and of the Organization's Regulations, Rules, policies or procedures that are alleged to have been breached, as well as his or her rights and obligations as established in the applicable provisions and summarized in these Guidelines.
43. Any individual who is the subject of an investigation is entitled to an impartial, objective and thorough investigation into any allegations against him/her.
44. AUD gives the subject of an investigation an opportunity to respond to the allegations and/or evidence against him/her, and to nominate witnesses to provide further information, before the report of the investigation is completed.
45. Pursuant to the Charter of the Office of the Inspector-General, the subject of an investigation must cooperate fully with the investigation, including answering completely and truthfully any questions put by AUD investigators and providing any documents or other information that may be requested by AUD investigators.

RIGHTS AND OBLIGATIONS OF FAO PERSONNEL INVOLVED IN THE INVESTIGATIVE PROCESS , OTHER THAN THE SUBJECT OF THE INVESTIGATION

46. 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.

47. Failure to cooperate with, or knowingly providing false information to, AUD constitutes unsatisfactory conduct, which may be subject to administrative action, including a disciplinary action pursuant to Manual Section 330.
48. FAO personnel involved in an investigation benefit from the confidentiality provisions contained in these Guidelines. In addition, FAO personnel have an obligation to keep information relating to, or arising out of, an investigation confidential, in accordance with these Guidelines and applicable provisions.
49. FAO personnel 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.

DUTIES OF INVESTIGATORS

50. AUD staff 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.
51. AUD staff comply with the rules on confidentiality contained within these Guidelines and in the FAO Whistleblower Protection Policy. Failure to do so is considered unsatisfactory conduct and subject to disciplinary action pursuant to Manual Section 330.
52. AUD applies, through confidentiality agreements, these requirements to any AUD personnel under a non -staff contractual arrangement engaged in investigations.
53. AUD staff disclose any actual or perceived conflicts of interest in carrying out an investigation to the Inspector-General, who takes such action as may be necessary, including to consult the Organization's Ethics Officer, to ensure the objectivity of the investigation.
54. AUD makes every effort to complete both the preliminary review and the full investigation as quickly and efficiently as reasonably practicable under the circumstances, in order to protect the interests of the Organization and all parties concerned.

CONFIDENTIALITY AND PROTECTION AGAINST RETALIATION

55. To protect the rights of all individuals involved in the investigative process, AUD carries out investigations in confidence.
56. The identity of a complainant who submits a complaint to AUD in good faith is confidential.

57. The existence of either a preliminary review or a full investigation and the identity of the subject and witnesses are, as a general rule, only disclosed by AUD to those with a legitimate need to know.
58. AUD discloses in its confidential investigation reports the identity of a witness and will attach records of related witness interviews when these are relevant to the conclusions in the reports.
59. If the complainant and/or witness providing information to AUD have 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 him/her, the complainant and/or witness must inform AUD 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. AUD separately investigates instances brought to its attention of retaliation or attempted retaliation against complainants or witnesses acting in good faith.
60. FAO personnel who are involved in the investigative process do not disclose to anyone outside AUD any information that becomes known to them as a result of the investigative process without prior authorization from AUD, unless such information has become public through other sources.
61. Unauthorized disclosures of the identity of a complainant, a subject of the investigation or a witness, or of any other investigative information, may result in administrative action, including a disciplinary action pursuant to Manual Section 330. Unauthorized disclosure of information which a complainant, a subject, or a witness obtains as a result of the investigation process, unless generally known and/or public through other sources, constitute a breach of confidentiality requirements set out in these Guidelines and may therefore result in an administrative action, including a disciplinary action pursuant to Manual Section 330.
62. Other than AUD's disclosure of reports of investigative findings to the decision-maker for further administrative action, including disciplinary action, such reports are confidential, and AUD discloses neither the report, nor its contents or conclusions, without prejudice to any relevant decisions of the Governing Bodies of the Organization and the outcome of any proceedings initiated by parties concerned. AUD keeps a copy of the final report of investigative findings in its confidential files.
63. The confidentiality of a complainant's or a witness' identity or information is always contingent upon his/her truthfulness throughout the investigative process, and may be revoked or limited if the case is otherwise.
64. Knowingly making false complaints or providing information that is intentionally misleading constitutes unsatisfactory conduct and may result in disciplinary action pursuant to Manual Section 330.

65. Cooperation with an investigation does not exempt a member of FAO personnel from being subject of administrative action, including a disciplinary action as a result of findings made in the investigation that may concern their conduct.