



## **INVESTIGATION GUIDELINES**

**7 August 2019**

## Table of Contents

<b>Section 1 Introduction</b> .....	3
<b>Section 2 Definitions</b> .....	3
<b>Section 3 OAI’s Investigative Mandate</b> .....	4
<b>Section 4 Investigation Standards</b> .....	5
<b>Section 5 Confidentiality</b> .....	6
<b>Section 6 Complaints</b> .....	7
6.1 Reporting Alleged Misconduct to OAI .....	7
6.2 Reporting to Other Offices .....	8
6.3 Malicious Complaints .....	8
<b>Section 7 Investigative Process</b> .....	8
7.1 Screening .....	8
7.2 Assessment .....	8
7.3 Investigation.....	9
7.3.1 Objectives .....	9
7.3.2 General principles .....	9
7.3.3 Notification of Subjects.....	10
7.3.4 Interview.....	11
7.4 Administrative Leave.....	12
7.5 Reporting .....	12
7.5.1 Closure Report.....	12
7.5.2 Investigation Report.....	12
7.5.3 Management Letter.....	14
<b>Section 8 Referral to National Authorities</b> .....	14
<b>Section 9 External Oversight Bodies</b> .....	14
<b>Section 10 Annual Report</b> .....	14
<b>Section 11 Responsibility for Updating the Guidelines</b> .....	15

## Section 1 Introduction

1. The purpose of the Investigation Guidelines of the Office of Audit and Investigations (OAI) is to:
  - Inform the subject(s) of an investigation, investigation participants and other stakeholders about the investigative process; and
  - Guide the investigative process to ensure that investigations are conducted thoroughly, objectively and effectively, in accordance with professional standards and best international practice.
2. The Investigation Guidelines are not mandatory. They are intended to be used as a guide to best practice in OAI's investigations. These Guidelines do not create new rights and obligations. Thus, deviations from these Guidelines do not in themselves constitute a due process violation.
3. OAI's authority to conduct investigations stems from, *inter alia*, the Charter of the Office of Audit and Investigations, the UNDP Financial Regulations and Rules, the UNDP Policy against Fraud and other Corrupt Practices, and the UNDP Legal Framework for Addressing Non-Compliance with UN Standards of Conduct (UNDP Legal Framework). These Guidelines are consistent with the aforementioned documents and reflect the principles established in the accepted investigation standards for international organizations as laid down in the 'Uniform Principles and Guidelines for Investigations,' adopted by the 10<sup>th</sup> Conference of International Investigators.
4. In accordance with its Charter, OAI shall have free access to the Organization's records and premises, as deemed necessary for the performance of its duties. Furthermore, OAI shall have the assistance and cooperation of all UNDP personnel deemed necessary for the discharge of its responsibilities, which includes communicating directly with all levels of staff and management and requesting them to furnish all information and explanation that are necessary for the completion of any investigation.

## Section 2 Definitions

5. For the purpose of the present document, the following definitions apply:

***Allegation or complaint*** is an assertion that misconduct may have occurred.

***Assessment*** is a review by OAI of information received to determine its credibility, materiality and verifiability, and whether the information amounts to an allegation of misconduct that warrants an investigation.

***Complainant*** is a person or entity making an allegation.

***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 UNDP Legal Framework.

***Evidence*** is any type of proof that 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, and video records; photographs; and biological evidence, such as blood, hair and bodily fluids.

**Investigation** is a detailed inquiry and examination of evidence to objectively determine the facts following the receipt of an allegation. At the conclusion of an investigation, a dossier of evidence is assembled to form the basis of further action (such as a decision on whether formal charges of misconduct should be made against a staff member or administrative action should be taken against non-staff personnel, vendors, implementing partners or other third parties).

**Investigation participant** is any person who is not the investigation subject but who cooperates with an investigation, for instance by being interviewed or by providing information. Investigation participants may be staff members cooperating pursuant to Staff Regulation 1.2 (r) and Staff Rule 1.2 (c), or non-staff personnel and third persons who provide relevant information or assistance to OAI with the collection of evidence.

**Investigation subject** is the person or entity 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 representative of OAI or a person authorised by OAI, the Secretary-General or the UNDP Administrator to conduct an investigation related to allegations of misconduct.

**Misconduct** is a failure by a staff member or non-staff personnel to comply with the standards of conduct prescribed by the Organization. It also includes corruption and other financial irregularities committed by vendors, implementing partners and other third parties, deemed detrimental to UNDP.

**Non-Staff Personnel** are individuals who do not hold a UNDP letter of appointment, including Individual Contractors, Service Contractors, and United Nations Volunteers (UNVs) working on UNDP projects or on UNDP premises.

**Staff Member** is any person who holds a UNDP Letter of Appointment as a staff member in accordance with the United Nations Staff Regulations and Staff Rules.

### Section 3 OAI's Investigative Mandate

6. OAI's mission is to provide UNDP with an effective system of independent and objective internal oversight that is designed to improve the effectiveness and efficiency of UNDP's operations in achieving its development goals and objectives through the provision of internal audit and related advisory services, and investigation services.

7. OAI has sole responsibility for conducting investigations within UNDP.

8. OAI's Investigations Section has the mandate to investigate all allegations of misconduct, such as fraud, theft and embezzlement, corruption, abuse of privileges and immunities, sexual exploitation and sexual abuse, harassment, sexual harassment, discrimination and abuse of authority, and retaliation against whistle-blowers, involving staff members holding UNDP letters of appointment and non-staff personnel on UNDP contracts, as well as allegations of fraud and other financial irregularities committed by vendors, implementing partners and other third parties, deemed detrimental to UNDP.

9. In addition, OAI may undertake proactive investigations in high risk areas that are susceptible to fraud, corruption and other wrongdoing.

10. The Investigations Section also has the mandate to conduct investigations involving staff members and non-staff personnel of other organizations for which OAI provides investigation services, as well as for financial irregularities committed by vendors, implementing partners and other third parties, deemed detrimental to those organizations. These Guidelines also apply to cases involving such organizations.

11. The rights and obligations of investigation subjects as well as the consequences of an investigation may differ depending on the contractual status of the subject. Thus, there may be procedural variations in the investigative methodology outlined in these Guidelines to reflect the different contractual status.

12. OAI investigates allegations that constitute misconduct only. Allegations that amount to managerial, performance or interpersonal issues are not considered misconduct.

#### **Section 4 Investigation Standards**

13. As set out in the 'Uniform Principles and Guidelines for Investigations', the general principles that should guide the work of OAI's Investigations Section and its personnel are as follows:

- Objectivity, impartiality and fairness should be maintained throughout the investigative process;
- All investigations should be conducted competently and with the highest levels of integrity;
- Any actual or potential conflicts of interest by OAI personnel should be disclosed and appropriate action should be taken to remedy the conflict;
- Allegations of misconduct on the part of any OAI personnel or senior UNDP management at the level of Under-Secretary-General should be investigated independently by another investigation office;
- Duties should be performed independently and free from improper influence or fear of retaliation;
- Reasonable measures should be taken to protect confidentiality; and
- Investigative findings should be based on facts and related analysis, which may include reasonable inferences.

## Section 5 Confidentiality

14. Confidentiality is required for the investigative process to be effective in cases of alleged misconduct. Confidentiality is in the interest of the Organization, the investigation participants and the subject of the investigation. The requirement for confidentiality extends equally to all UNDP personnel, including investigators, management, staff members and non-staff personnel, and to third parties involved in the investigation.

15. OAI investigators will take reasonable measures to protect as confidential any non-public information associated with an investigation throughout the investigative process. However, during the course of an investigation, it will be necessary for OAI to provide details of the investigation to people with a legitimate 'need to know'. This may include information provided to subjects to allow them to fully respond to allegations and to provide countervailing evidence, and to witnesses or other people with whom investigators speak or communicate in order to verify facts. Where appropriate (for example, to mitigate risk to the Organization), information may also be shared with senior management and the United Nations Office of Legal Affairs through the Legal Office, Bureau for Management Services (LO/BMS) during the course of an investigation to allow necessary action to be taken prior to the conclusion of an investigation, with appropriate restrictions on dissemination as required.

16. Information will only be disclosed as required by the legitimate needs of the investigation. In determining the level of information that is provided to subjects, witnesses and others in the course of an investigation, OAI will seek to strike a balance between the legitimate need for information and the risk that the OAI investigation (or any later investigation, for example by national authorities) may be compromised and/or that witnesses and whistle-blowers may be subject to retaliation.

17. Requests for confidentiality by investigation participants will be honoured to the extent possible within the legitimate needs of the investigation. However, the identity of investigation participants or subjects and the details of the investigation may become known for reasons outside the control of the investigators.

18. In certain cases (for example, harassment, sexual harassment, discrimination and abuse of authority), the identity of the complainant and/or other investigation participants may need to be shared with the investigation subject to allow a response and the submission of any countervailing evidence that may be relevant.<sup>1</sup>

19. Information related to an investigation, including the investigation report and witness statements, may also be disclosed during proceedings before the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, which have the authority to order the production of evidence.

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<sup>1</sup> However, this is without prejudice to the right of complainants under the UNDP Harassment, Sexual Harassment, Discrimination, and Abuse of Authority policy to report allegations anonymously.

## Section 6 Complaints

### 6.1 Reporting Alleged Misconduct to OAI

20. UNDP takes all reports of alleged misconduct seriously and all credible allegations are assessed to determine whether an investigation is warranted. OAI is the principal channel to receive allegations.

21. All UNDP personnel, vendors, implementing partners and other third parties affiliated with UNDP are expected to report any allegations of misconduct.

22. Anyone with information regarding allegations of misconduct can report it using one of the following means:

- By email to OAI at [reportmisconduct@undp.org](mailto:reportmisconduct@undp.org) or directly to the Director, Office of Audit and Investigations, or Deputy Director, Head of Investigations, Office of Audit and Investigations
- Through an online form accessible through the "Report fraud, abuse and misconduct" link at [www.undp.org](http://www.undp.org) or directly accessible on the [investigations page](#) of undp.org.
- Through an independent telephone service:
  - Worldwide numbers are accessible through the "Report fraud, abuse and misconduct" link at [www.undp.org](http://www.undp.org) (with interpreters available 24 hours/day)
  - In the United States: 1-844-595-5206
- By mail addressed to: Director, Office of Audit and Investigation, or Deputy Director, Head of Investigations, Office of Audit and Investigations, One United Nations Plaza, DC1, 4th Floor, New York, NY 10017, USA

23. People reporting misconduct to the independent telephone service have the option to leave relevant contact information or to remain anonymous. An anonymous complaint should contain enough detailed information to allow OAI to obtain independent corroboration of the facts. If there is no way to independently corroborate the information provided by the anonymous source, OAI will not be able to investigate the complaint and may be required to close the case.

24. Individuals reporting to the independent telephone service are encouraged to be as specific as possible, including the basic details of who, what, where, when and how the incident(s) occurred. Specific information will allow OAI to properly investigate the alleged misconduct.

25. Staff members and non-staff personnel may also report misconduct to their supervisor or other appropriate supervisor within their operating unit. Supervisors who receive reports of misconduct are to immediately report the matter to OAI. Under no circumstances should investigations be undertaken by any party other than OAI without the express approval of OAI and under the guidance of OAI as appropriate.

26. Except when no contact details are provided by the complainant, OAI will acknowledge receipt of a complaint as soon as possible, usually within 48 hours after its receipt. Due to the confidential nature of investigations, updates on investigations will not be given to the complainant or investigation participants. However, the complainant will be notified of the closure or finalization of an investigation regarding their allegations.

## **6.2 Reporting to Other Offices**

27. In the event that a staff member or non-staff personnel fears retaliation after reporting allegations of misconduct or cooperating with an audit or investigation, he or she may report the matter to the Director, Ethics Office, at the following email address: [ethicsoffice@undp.org](mailto:ethicsoffice@undp.org). The UNDP Policy for Protection against Retaliation applies in these cases.

28. If the allegations concern harassment, sexual harassment, discrimination or abuse of authority, staff members and non-staff personnel may wish to first contact the Office of the Ombudsman who can guide them on their options under the UNDP Harassment, Sexual Harassment, Discrimination, and Abuse of Authority policy. Contacting the Office of the Ombudsman is without prejudice to the right of staff members and non-staff personnel to file a formal complaint with OAI.

## **6.3 Malicious Complaints**

29. The motives of a complainant are not relevant to the decision to investigate, and any recommendations made by OAI will be based on an objective and thorough investigation and not on the complaint itself. However, where an investigation finds that a false allegation was knowingly made, OAI will take appropriate action, which may result in investigation into the motives of the complaint.

## **Section 7 Investigative Process**

30. Upon receiving a complaint, OAI will initiate its investigative process, which is comprised of four parts:

1. Screening;
2. Assessment;
3. Investigation; and
4. Reporting.

### **7.1 Screening**

31. Screening is the process by which OAI determines whether a complaint, on its face, appears to contain an allegation of misconduct by UNDP personnel, or involving UNDP funds and programmes.

### **7.2 Assessment**

32. Assessment is the process of collecting basic data, and preserving and securing basic evidence to determine whether an investigation is warranted. In certain circumstances, OAI may request assistance from Country Offices or other Bureaux/offices in conducting assessments.

33. Decisions as to whether investigations should be pursued are made in accordance with the rules, policies and procedures of the Organization. During the assessment, OAI will look at, *inter alia*, whether the complaint falls within OAI's investigative authority, whether there is sufficient information to warrant a formal investigation and whether an investigation by OAI is the most appropriate action.

34. The outcome of the assessment is either:
- a) A case closure or referral to another office or UN agency when, for instance, there is insufficient evidence to warrant an investigation, the allegations do not fall within OAI's mandate, or when an investigation by OAI is not the most appropriate action.
  - b) Assignment of the case to an investigator and the preparation of an investigation plan setting out the investigation steps required to objectively determine the factual basis, or otherwise, of the allegation(s). Investigations will commence as soon as possible following assignment, but owing to resource constraints, cases will be prioritized and pursued accordingly.
35. OAI has the exclusive authority for determining whether to close a case or proceed with an investigation on the basis of OAI's assessment.
36. For complaints of retaliation or threats of retaliation covered by the UNDP Policy for Protection against Retaliation, the assessment of whether there is a *prima facie* case of retaliation will be conducted by the Ethics Office.

### **7.3 Investigation**

#### **7.3.1 Objectives**

37. The primary objective of the investigative process is to establish the facts material to an allegation in order to enable the relevant organ, such as LO/BMS or the Vendor Review Committee, to make a decision or recommendation on the appropriate action(s).
38. OAI will conduct investigations expeditiously within the constraints of available resources and prioritization.

#### **7.3.2 General principles**

39. During an investigation, all subjects and investigation participants have a right to:
- A presumption of innocence throughout the investigation;
  - Be treated with fairness;
  - A professional, impartial and thorough investigation; and
  - Due care in the handling and sharing of confidential information during the conduct of the investigation.
40. In addition, an individual who, or entity that, has been made the subject of an investigation is entitled to:
- Be advised of the nature of the allegations and his or her role in the investigation at the earliest time possible, but no later than at the time of the commencement of the interview;
  - Be interviewed in the course of the investigation in the official UN language of preference; and

- Be given the opportunity to explain his or her actions and to provide any documents or information that may be relevant to the factual determination of the matter, along with the names and details of any witnesses who may have relevant information.

41. All UNDP personnel, vendors, implementing partners and other third parties affiliated with UNDP are expected to cooperate fully and in good faith with a duly authorized investigation. This includes answering questions from investigators truthfully and providing OAI with full access to staff, facilities and documents to enable allegations to be investigated as appropriate. All UNDP ICT resources and data, as well as personal devices (such as laptops, tablets, phones and external hard drives) which have been connected to the UNDP ICT Infrastructure or used to create, process, store or disseminate UNDP information shall be handed over upon request from OAI in the course of an investigation. A lack of cooperation, lying or intentionally providing misleading information may result in disciplinary or other appropriate action.

42. Investigation subjects and participants 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. Any such actions will be investigated by OAI and appropriate action will be taken, which may include a recommendation for consideration of disciplinary action or other appropriate action.

43. 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, complainant and/or other investigation participant or UNDP employee the nature of the evidence requested or provided, or testimony given to investigators. Breach of confidentiality by investigation participants may result in disciplinary or other appropriate action.

44. Investigators will not interact with legal counsel retained by subjects or investigation participants, or answer any questions from them regarding the specifics of the investigation. Investigators will communicate directly with subjects and investigation participants as per the needs of the investigation and will answer questions from them without the intermediary of counsel.

### **7.3.3 Notification of Subjects**

45. Staff members and non-staff personnel who have been made the subject of an investigation will be informed in writing of their status and the nature of the allegation(s) at the earliest possible time. However, situations may prevent advance written notification of the subject prior to his or her interview. In such cases, subjects will be informed no later than the commencement of the interview. Such situations include, but are not limited to, the following:

- The evidence (documentary, electronic, physical, or testimonial) related to the allegation(s) has not been secured (i.e. preserved, collected and recorded) and might be tampered with; or
- Other safety or security issues exist that would threaten the investigation (e.g. retaliation against a complainant, informant or witness, or flight of the subject).

46. Vendors, implementing partners and other third parties that have been made the subject of an investigation will be informed of the nature of the investigation at the beginning of the interview.

47. If, during the course of the investigation, OAI discovers new facts giving rise to allegations of misconduct on the part of an investigation participant, OAI will notify the investigation participant, as soon as practicable, and no later than the start of his or her interview, that he or she has become a subject of the investigation. If an investigation participant provides information during an interview that reasonably indicates that he/she may have engaged in misconduct, the interview will be stopped and a subject interview will proceed only after the person has been advised in accordance with the requirements of paragraphs 45 and 46 above.

48. In the event that in the course of the investigation additional allegations are raised against the investigation subject, the investigators will notify the subject of these new allegations in the same manner as the earlier allegation(s), that is no later than the start of the subject's interview.

#### **7.3.4 Interview**

49. All interviews should be conducted in an appropriate environment, at a reasonable time and for reasonable duration, with breaks as needed.

50. OAI should inform all persons interviewed of:

- The identity and functions of the individual(s) conducting the interview;
- The investigative process, the possible consequences of an investigation and the authority of OAI to conduct investigations.

51. Investigation subjects, or complainants in cases relating to allegations of sexual exploitation, sexual abuse or sexual harassment, may request to be accompanied to their interview by an observer who is either a UNDP staff member or an immediate family member, provided that the observer is readily available at the time and date of the interview 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 to be 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.

52. To the extent possible, interviews conducted by OAI will be conducted by two persons.

53. Investigation subjects and participants have no right to the presence of counsel during interviews.

54. Under no circumstances will OAI pay a witness or a subject for information, except for the professional fees of expert witnesses when necessary.

55. The interview of staff members who are the subject of an investigation will be audio or video recorded and a copy of the transcript will be included as an exhibit of the investigation report and shared with them as part of the investigation report. Additionally, staff members may choose to provide a signed statement containing any clarification of their statements during the interview(s). For non-staff personnel, vendors, implementing partners and other third parties, subject interviews will be audio or video recorded, whenever possible. The loss or corruption of the recording of the interview with the

subject alone cannot serve as a basis to invalidate the investigation or the investigation report. Where a subject cannot be interviewed for reasons beyond the control of the investigators, the absence of such an interview will not be considered a violation of the subject's due process rights as long as reasonable efforts were made to interview the subject. When deemed appropriate, OAI may also decide to audio or video record witness interviews.

#### **7.4 Administrative Leave**

56. Staff members may be placed on administrative leave at any time from the moment allegations of misconduct are reported or detected, pending or during investigation and until the completion of the disciplinary process. The circumstances under which staff members may be placed on Administrative Leave by the Assistant Administrator and Director, BMS are outlined in the Legal Framework.

#### **7.5 Reporting**

##### **7.5.1 Closure Report**

57. Closure reports are internal, confidential documents prepared for investigations that do not result in a recommendation for consideration of disciplinary, administrative or other action. A closure report is normally issued in the following circumstances:

- a) Where the evidence obtained in the course of the completed investigation does not substantiate the allegations;
- b) Where, due to the circumstances, OAI's investigation cannot be finalized and the case will be closed.

58. OAI will notify the complainant and the subject by letter from the Deputy Director, Head of Investigations, OAI, that the investigation has been closed. OAI will also inform other stakeholders concerned, such as the Director, LO/BMS and/or the Head of Office that the case has been closed. The closure report remains internal to OAI unless disclosure is authorised, on a case by case basis, by the Deputy Director, Head of Investigations or the Director, OAI.

##### **7.5.2 Investigation Report**

59. If the investigation reveals enough evidence to reasonably conclude that misconduct has occurred, the investigator will prepare an investigation report setting out the allegations, the investigation methodology, the facts established in the investigation, the finding(s) of the investigation and a recommendation. Where the complaint involves more than one allegation, the investigation report will provide details of the investigative steps undertaken to corroborate each allegation, the evidence gathered as relevant to each allegation, and the OAI finding related to each allegation.

60. Further to its investigation, OAI's recommendation will vary depending on the contractual modality of the subject. Specifically:

- For staff members, an investigation report is submitted to LO/BMS for consideration of disciplinary or administrative proceedings;
- For service contractors, and individual contractors in cases where the misconduct does not involve a Proscribed Practice,<sup>2</sup> an investigation report is submitted to the responsible manager (Head of Office) for consideration of administrative action, in consultation with LO/BMS;
- For vendors, individual contractors, and non-governmental implementing partners and responsible parties, when the conduct involves a Proscribed Practice, an investigation report is submitted to the Vendor Review Committee to determine appropriate action;
- For governmental implementing partners and responsible parties, an investigation report is submitted to the relevant Regional Bureau to determine appropriate action;
- For UNVs, an investigation report is submitted to the UNV Advisory Panel on Disciplinary Measures Secretariat for consideration of disciplinary or other action;
- For investigations conducted in accordance with the UNDP Policy for Protection against Retaliation, an investigation report is submitted to the UNDP Ethics Office.

61. OAI's recommendation may also include requesting financial recovery of lost funds.

62. For staff members, unless the investigation is conducted in accordance with the UNDP Policy for Protection against Retaliation,<sup>3</sup> OAI will share the draft investigation report with the investigation subject, along with the transcript of the interview and other exhibits. OAI will also 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.<sup>4</sup> However, in individual cases where time is of the essence and the main facts are not disputed, following consultation with the Director, LO/BMS, the Director, OAI may decide to forward the draft investigation report directly to LO/BMS without obtaining the subject's comments.

63. OAI shall request that the subject of the investigation respond normally within 10 calendar days. If the investigation subject fails to respond within the designated timeframe, the matter shall nevertheless proceed without the subject's comments. If the subject does submit comments, OAI will consider them, including any additional evidence provided by the subject, and reflect them in the final investigation report, as appropriate. Once a final report has been prepared and submitted to LO/BMS, OAI shall notify the subject(s), complainant(s) and any other stakeholders of the submission.

64. OAI will not share the draft investigation report with non-staff personnel, vendors, implementing partners or responsible parties.

65. Investigation reports contain confidential and sensitive information about individuals and UNDP operations and activities. Disclosure of such information may be detrimental to the Organization's functioning and/or the welfare and safety of its staff or third parties, and may also violate the Organization's legal obligations. As such, investigation reports are considered strictly confidential.

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<sup>2</sup> Please see the Chapter on Sourcing of Suppliers of the Glossary, UNDP Programme and Operations Policy and Procedures, for the definition of Proscribed Practices.

<sup>3</sup> In accordance with the UNDP Policy for Protection against Retaliation, OAI will forward the report of an investigation that was conducted based on a prima facie finding of the Director, Ethics Office, to the Director, Ethics Office, without obtaining prior comments on the report by the subject of the investigation. However, any staff member(s) alleged to be responsible for retaliation will enjoy the same rights as other subjects of investigation, including the ability to provide comments on the draft investigation report concerning allegations against them.

<sup>4</sup> The complainant is not entitled to receive a copy of the investigation report concerning allegations of misconduct against the investigation subject.

OAI does not share final investigation reports with investigation subjects, complainants or other investigation participants, but LO/BMS will send a copy of the final investigation report to staff members who are the subject of an investigation when a decision is made to charge him or her with misconduct. The distribution of investigation reports will be restricted to those with a legitimate need to know, balancing the need for confidentiality with the need for effective remedial action. Investigation reports cannot be further disseminated without OAI's authorization.

### **7.5.3 Management Letter**

66. In some instances, OAI will issue a Management Letter following an investigation. A Management Letter is prepared to convey a recommendation to the relevant heads of office regarding issues arising from the investigation that require immediate corrective action in order to strengthen internal controls and protect UNDP from similar incidents in the future.

### **Section 8 Referral to National Authorities**

67. In accordance with General Assembly Resolution A/RES/62/63 of 8 January 2008, UNDP is requested to bring credible allegations that reveal a crime may have been committed by UNDP staff members or experts on mission to the attention of the States against whose nationals such allegations are made. Therefore, where there is credible evidence that a crime may have been committed, OAI will recommend to LO/BMS that a request be made to the United Nations Office of Legal Affairs for referral to the national authorities of the relevant Member State. Referral to other national authorities may be considered. There is no requirement that the investigation be complete prior to the referral.

68. For vendors and non-governmental implementing partners and responsible parties, OAI will, when deemed appropriate, recommend to LO/BMS that a similar application be made to the United Nations Office of Legal Affairs for referral to the national authorities.

### **Section 9 External Oversight Bodies**

69. The United Nations Board of Auditors and the UNDP Audit and Evaluation Advisory Committee have oversight functions of OAI's activities. In exercising these functions, they may request confidential access to investigation and closure reports produced by OAI. Requests for OAI's reports must be directed to the Director, OAI, who has discretion as to whether redaction of reports is required to protect the confidentiality and due process rights of implicated individuals.

### **Section 10 Annual Report**

70. UNDP OAI produces an annual report that provides information on OAI's activities, which includes statistics on OAI's investigative caseload, such as the number and type of complaints received, the number of cases received per region and the disposition of cases. The report also includes information on the financial losses identified by investigations, and the amount of recovery.

## **Section 11 Responsibility for Updating the Guidelines**

71. These Guidelines have been approved by the Director of OAI. The Deputy Director, Head of Investigations, is responsible for keeping the Guidelines up to date, taking into account changes in the Legal Framework, applicable policies and procedures, and generally accepted standards for international investigations.

These Investigation Guidelines are effective immediately.

Helge Osttveiten  
Director, OAI