



**UNHCR**

United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

## Implementing Partnership Management Guidance Note No.

**XXX**

### **Ethical Conduct and Investigation Bipartite Project NGO Partner Agreement**

**(draft 15 March 2016)**

<b>Subject:</b>	<b>Ethical Conduct and Investigation</b>
<b>Reference Documents</b>	<ul style="list-style-type: none"><li>- UNHCR Investigation Guidelines</li><li>- Enhanced UNHCR Framework for Implementing with Partners</li><li>- Standard Format Bipartite Project Partnership Agreement (PPA) (UNHCR with non-governmental and other not-for-profit partners)</li></ul>
<b>Reference No.</b>	<b>Policy: UNHCR/HCP/ Guidance Note:</b>
<b>Date of Issue</b>	
<b>Date of Revision</b>	

This Guidance Note informs Partners of recommended procedures to follow in cases of alleged misconduct, in areas of:

- Reporting of alleged misconduct and referral of cases
- Sharing of sensitive materials and case information
- Preparation for and conduct of joint investigations
- Availability of an Investigation Specialist Roster

This policy requires:

- UNHCR offices to share with the relevant Partners this Guidance Note on Ethical Conduct and Investigation
- UNHCR offices and Partners must fully understand the policy and its correct application before entering into a Project Partnership Agreement (PPA), and must comply with its requirements.
- UNHCR offices and partners to ensure dissemination of the policy and its requirements to persons involved in the implementation of the PPA.

## 1. Purpose

1.1 The purpose of this Guidance Note is to set forth standards of ethical conduct to which staff of UNHCR's Partners are expected to adhere, and procedures to follow in cases of alleged misconduct. UNHCR's credibility to provide protection of and assistance to refugees and other persons of concern depends on the ability of its personnel and those of Partners to uphold and promote the highest standards of ethical and professional conduct. Personnel of UNHCR and Partners are personally and collectively responsible for maintaining these standards. Managers have a particular responsibility to uphold these standards, to set a good example, and to create a working environment that supports and empowers staff.

Ethical conduct is also a cornerstone of the Principles of Partnership, whereby UNHCR and Partner staff undertake to act in a spirit of equality, transparency, responsibility, result-oriented approach and complementarity.

Reference is made to the Project Partnership Agreement (PPA) and to the Standard Clauses on Investigation and Ethical Considerations. These clauses emphasize the commitment of Parties to carry out their activities with the highest ethical and professional standards, both within their respective organizations and externally. In that connection, personnel of the Parties are to refrain from any conduct that could adversely reflect on or is incompatible with the aims and objectives of the United Nations.

1.2. The **Appendix** to the PPA, Standards of Managing Misconduct, lists minimum standards and procedures that the Partner is expected to have in place, or a plan and timeframe to realize them. The Appendix states: "A separate Guidance Note for NGO partners (forthcoming) shall provide additional information on standard operating procedures, sharing sensitive material case information, confidentiality, managing case files and evidence." This Guidance Note, therefore, explains and elaborates upon these important components of investigation procedures.

## 2. Scope

2.1. This Guidance Note applies to all NGO partners entering into PPAs with UNHCR. Compliance with this Guidance Note is mandatory for UNHCR Partners. Detailed procedures for implementation are provided below.

## 3. Rationale - obligations of UNHCR and the Partner in the PPA

3.1 Under the partnership agreements, the parties have an obligation to carry out their activities with the highest ethical and professional standards, both within their respective organizations and externally, in conformity with their humanitarian nature. The parties shall undertake to inform their personnel to refrain from any conduct that could potentially be perceived as having an element of conflict of interest or that could adversely reflect on UNHCR and/or the United Nations and from any activity that is incompatible with the aim and objectives of the United Nations or the mandate of UNHCR. The parties shall undertake all reasonable measures to prevent their personnel from exploiting and abusing refugees and other persons of concern and from engaging in any form of behavior that could amount to misconduct, including sexual exploitation and abuse. Both parties will inform their personnel on reporting procedures in cases of alleged misconduct, as elaborated below (Section 4.2).

3.2 Ethical conduct includes an obligation by the staff of the Parties, to carry out activities, and deliver results within a framework of accountability<sup>1</sup> and transparency. Reasonable measures include ensuring the existence of safe and accessible systems/procedures, to enable refugees and other persons of concern to hold the Parties to account, and for the latter to be made aware of grievances or incidents of alleged harm, and proffer a timely response.

3.3 Partners are expected to conduct their own investigations, where they have the organizational capacity to do so. The Partner is required to ensure close cooperation with UNHCR regarding the planning and conduct of any investigation or administrative action in regard to allegations of such abuse and possible misconduct, and shall share with UNHCR the full investigation report, or a redacted summary thereof to safeguard confidentiality. When deemed necessary and appropriate by both parties, UNHCR may conduct an investigation in coordination with the Partner and share the findings with the Partner. Alternatively, the Partner may request UNHCR to conduct an investigation.

This document, therefore, provides guidance for NGO Partners in establishing their own investigation guidelines and procedures, in five specific areas:

- **UNHCR and Partner responsibility**
- **Procedures for reporting of alleged misconduct**
- **Options in carrying out investigations:**
  - **by UNHCR**
  - **by the NGO Partner**
  - **joint investigations**
- **Investigation Specialist and Capacity Support**
- **Sharing of sensitive materials and case information**

***NOTE: More detailed information on case referral, sharing of materials, and joint investigations, and ANNEXES referred to below, are included in the UNHCR Partner Portal. These and other investigation-related materials are also available on the UNHCR external website, under IGO (Inspector General's Office), UNHCR Investigation Resource Manual.<sup>2</sup>***

<sup>1</sup> Reference: Accountability Frameworks in the United Nations System, Joint Inspection Unit, Geneva, 2011 (JUI/REP/2011/5), which states: "When internal controls fail within an organization there must be a mechanism that allows staff, the public, third parties and beneficiaries to submit their grievances/complaints to the organization with a guarantee of confidentiality. An organization cannot profess itself to be accountable to its stakeholders if the only recourse for stakeholders to voice their opinion is through legislative bodies."

<sup>2</sup> Links should be created to the Partner Portal and the Investigation Resource Manual.

## 4. Main provisions and procedures on ethical conduct and investigation

### 4.1 UNHCR and Partner responsibility

Investigation is defined as a fact-finding exercise designed to gather information in order to determine whether misconduct has occurred and, if so, the persons or entities responsible.

Partner responsibility for investigations is established in the partnership agreements. The Standards of Managing Misconduct contain:

- A listing of types of misconduct;
- A set of recommended minimum investigation standards;
- Standards on ensuring protection from sexual exploitation and abuse, and
- Procedures for reporting of misconduct.

All personnel of UNHCR and Partners are expected to adhere to their established Codes of Conduct for personal and professional standards. The Codes serve as guides for personnel to make ethical decisions and to ensure the integrity and effectiveness of operational activities, and the protection of refugees and other persons of concern. Nevertheless, cases arise when allegations of misconduct surface and require action by UNHCR and/or the Partner. Procedures for reporting of such allegations, and for carrying out some aspects of investigations, are found below.

### 4.2 Procedures for reporting of alleged misconduct

4.2.1 The UNHCR IGO is responsible for ensuring that possible misconduct involving any entity or person having a direct contractual link with UNHCR (including consultants and affiliated workforce) is properly investigated. Given the potentially large scope of third party investigative responsibilities, priority is given by the IGO to serious allegations concerning sexual exploitation and abuse, serious fraud<sup>3</sup> and criminal behaviour. At the same time, the IGO will ensure that all allegations of misconduct are properly dealt with, through close cooperation with Partners. One aspect of this cooperation is the referral of possible misconduct cases for investigative action. The referral of cases can occur in one of several ways, as summarized in the examples below. When cases are referred to the UNHCR IGO, the annexed "Model Referral Form" (**found as ANNEX 1**) should be used by the organization making the referral.

4.2.2. **When UNHCR personnel in a country office learn about possible misconduct connected to activities of the Partnership Agreement on the part of the Partner (staff or deployee):** The allegation must be immediately and confidentially referred by the UNHCR Representative to the IGO Investigation Service, which will transmit the allegation to the Headquarters of the Partner<sup>4</sup> (to the designated focal point for investigations). The IGO, in cooperation with the Partner, will determine the most appropriate course of action to take.

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<sup>3</sup> For the purposes of this document, fraud is defined as: any act or omission, including misrepresentation or concealment of a material fact, that knowingly or intentionally misleads, or attempts to mislead, a party to obtain a benefit, whether directly or indirectly, whether for oneself or for a third party. Fraud could involve misappropriation of cash or other assets, or fraudulent statements. From the UNHCR Strategic Framework for the Prevention of Fraud and Corruption, 2013.

<sup>4</sup> To refer to the global headquarters Partner or to the central or main headquarters of a national or regional Partner.

Where the Partner does not have the capacity, it has the option to: request the IGO to conduct or provide guidance on the investigation; to suggest a joint investigation with the IGO; or to arrange for an external investigation expertise support. When the Partner does have the capacity,<sup>5</sup> it should conduct the investigation itself and report results to the UNHCR IGO.

**4.2.3. When the Partner learns about possible misconduct connected to activities of the partnership Agreement on the part of one of its own personnel (or deployee):** This allegation must be immediately and confidentially referred to the Headquarters of the Partner (Head, or designated focal point, according to the rules and procedures of the Partner), which, following initial assessment and confirmation of allegations, will transmit its conclusions on the allegation to the IGO Investigation Service. Thereafter, the same procedure as in paragraph 4.2.2 above will apply.

**4.2.4. When UNHCR or Partner personnel learn about possible misconduct on the part of the Partner, but not directly related to activities of the Partnership Agreement:** Possible misconduct may be related to the well-being of refugees and persons of concern to UNHCR, or may have broader implications for the work of UNHCR and/or the Partner. Serious allegations (including sexual exploitation and abuse, fraud and criminal behaviour), must immediately and confidentially be made known to the IGO Investigation Service. The Partner will deal with the case according to its rules and procedures. UNHCR (IGO) and the Partner will consult together on the most appropriate course of action to take. All other cases<sup>6</sup> would be handled by the Partner.

**4.2.5. When a UNHCR staff member (or a member of the affiliated workforce) is implicated along with the Partner in any of the above scenarios:** The case must be confidentially referred to the UNHCR Investigation Service and to the Headquarters of the Partner for further action, which together will decide on the best course of action to take. UNHCR must carry out the investigation if a UNHCR staff member is implicated. If UNHCR and the Partner together are implicated, then a joint investigation may be considered.

**4.2.6. When the Partner learns that a UNHCR staff member or staff of the affiliated workforce is suspected of possible misconduct:** The case must be directly and confidentially referred to the IGO Investigation Service. The IGO will then take applicable investigative action in accordance with UNHCR rules and procedures. As in Paragraph 4.2.5 above, the IGO must carry out the investigation if only a UNHCR staff member is implicated, and the allegation does not implicate the Partner. In accordance with the rules and practice governing personal data of UN staff, the Partner will be informed of the completion of the investigation without any further details being provided.

**4.2.7.** In all of the above stipulations involving UNHCR, the IGO will acknowledge in writing the complaint within five working days of its receipt, and recommends the same when the complaint is directed to a Partner's Headquarters.

**4.2.8** Information on protecting persons who report alleged misconduct is contained in A Guide to Protection against retaliation for Reporting Misconduct or Cooperating with an Authorised Authority (UNHCR Ethics Office, 2012). Partners are expected to have their own policy on protection against retaliation in place.

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<sup>5</sup> As elaborated in Appendix 2, Standards of Managing Misconduct, Standard Format Bipartite Project Partnership Agreement (UNHCR with non-governmental and other not-for-profit partners).

<sup>6</sup> See Appendix 2, Project Partnership Agreement.

### 4.3 Approaches in carrying out investigations

Several approaches are available in carrying out investigations:

**4.3.1 By UNHCR:** Investigations of UNHCR staff members are carried out by the UNHCR Investigation Service, IGO. The UNHCR Guidelines on Conducting Investigations and Preparing Investigation Reports (September 2012) serve to assist the IGO in the discharge of its responsibilities. The Guidelines cover such issues as the steps and procedures to follow in reporting on misconduct and complaints, the nature of investigations, and the standard of proof. The investigation methodology used for UNHCR staff members is generally applicable to individual consultants and individual contractors (i.e., those with a contractual link to UNHCR).

**4.3.2 By the Partner:** Partners should either already have their own investigation guidelines in place, or be in the process of developing them. When Partner guidelines exist, they constitute the procedural basis for the Partners in their own investigations. UNHCR (IGO) may conduct an investigation in coordination with the Partner, and share the findings with the Partner.

#### 4.3.3 Joint investigations

**4.3.3.1** In some instances, a joint UNHCR-Partner investigation will be planned and carried out. These Terms of Reference (ToR) define the elements and parameters thereof.

**NOTE: These ToR are applicable only to joint UNHCR – Partner investigations where the Partner is a non-governmental entity, and do not concern joint investigations carried out by UNHCR and a governmental partner.**

**4.3.3.2 Purpose of Terms of Reference:** These ToR supplement the UNHCR Guidelines on Conducting Investigations and Preparing Investigation Reports (2012) and the (applicable Partner) Investigation Guidelines. The purpose of these ToR is to clarify the composition, responsibilities, duties, and limitations of any joint investigative team appointed by UNHCR and the applicable Partner, for the purpose of conducting a joint investigation. This document does not provide the criteria for joint investigations, nor describe investigative procedures, techniques, or requirements. Nor does it recommend specific disciplinary actions, organizational structures, or services to be provided to victims of sexual abuse and exploitation.

**4.3.3.3 Mandate of Joint Investigation Team:** The mandate of the Joint Investigation Team is to plan and conduct a joint investigation into any form of misconduct as defined within the framework of this policy by staff members of the Partner and UNHCR who are implicated together, if a joint investigation has been decided upon. A joint investigation may also be carried out when the Partner does not have sufficient resources or expertise to conduct its own investigations and requires the assistance of UNHCR. Following the investigation, the joint investigation team will prepare either an investigation report when the established facts substantiate misconduct or a closure report when the investigation has determined the allegation to be unfounded or cannot be substantiated.

**4.3.3.4 Joint investigations:** All allegations of serious misconduct on the part of the UNHCR partner which are connected to activities of the Agreement and the activities that fall under the UNHCR mandate must be initially referred to the Investigation Service, IGO, and to the Headquarters of the Partner. Depending on the seriousness of the allegation, the IGO, in consultation with the Partner will determine the most appropriate course of action to take. One option, agreed upon by UNHCR

and the implementing partner, will be a joint investigation. Whether UNHCR or the Partner will take the overall “lead” for a specific investigation will be determined on a case-by-case basis, taking into consideration respective organizational capacities and the nature of the allegation.

**4.3.3.5 Appointment and composition of Investigation Team:** In the case of a joint investigation, the Head of the UNHCR Investigation Service and the Executive Head of the applicable Partner are responsible for appointing the Joint Investigation Team. Team members may come from UNHCR, the Partner, or a pool of properly trained and qualified investigators. To ensure objectivity and accountability, the Investigation Team shall comprise a minimum of two persons, one lead investigator and one investigator, and, where feasible, one male and one female. Designated investigators must disclose any conflict of interest issues before accepting the assignment.

Investigators will keep all information relative to the investigation in the strictest confidence and will agree to sign a Confidentiality Agreement (**ANNEX 2**)<sup>7</sup> whereby each investigator agrees that any information or evidence to surface during the investigation will be shared only with UNHCR and the relevant Executive Head of the applicable Partner (unless the latter is implicated in the alleged misconduct).

**4.3.3.6 Responsibilities of the Joint Investigation Team:** The appointed Joint Investigation Team is responsible for the following:

- Developing a clear and comprehensive investigation plan (**template found as ANNEX 3**).
- Conducting the investigation in accordance with the investigation guidelines and procedures of UNHCR and the Partner. **NOTE:** Where the respective Guidelines and procedures conflict or diverge, UNHCR and the Partner will agree on the course of action to follow before the investigation, as determined on a case-by-case basis.
- Evaluating and making recommendations on the needs of the victim and witnesses.
- Reporting the conclusions of the investigation and the investigation process to the Head of the UNHCR Investigation Service and the Executive Head of the applicable Partner. If the Head of the Partner is implicated, conclusions will be reported only to the UNHCR Investigation Service.
- Producing an accurate and comprehensive report of the investigation.

**4.3.3.7. Reporting to UNHCR and the Partner:** Throughout the course of the investigation the lead investigator shall keep the Head of the UNHCR Investigation Service and the Head of (name of Partner) informed of any and all developments which the investigator believes may have consequences which reach beyond the scope of the investigation. In particular, the lead investigator will report immediately suspected threats by the subject of the allegation or others associated with the subject as well as any development which suggests that the survivor or other witnesses are being threatened. The Policy against Retaliation will apply on allegations or suspicions of retaliatory acts.

- **Investigation Report:** The lead investigator will ensure that a final report of the investigation is produced which contains the following:

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<sup>7</sup> The Partner may have its own Oath of Confidentiality or equivalent document, which the Partner member of the Joint Investigation Team may sign.

**Structure of the Investigation Report:**

Background

- (i) Allegation(s)
- (ii) Legal framework
- (iii) Methodology
- (iv) Investigation findings
- (v) Investigation conclusions

Both parties will keep an internal, confidential record of the investigation report.

- **Closure report:** This report outlines the facts established during the investigation that do not substantiate or refute the reported misconduct. It contains a description of the alleged misconduct, the investigative methodology, and the established facts that justify a conclusion that the case should be closed.

4.3.3.8 Other aspects of joint investigations, including responsibilities and qualifications of the investigators, and use of interpreters, are found in the ToR for Joint Investigations.<sup>8</sup>

#### 4.4 Investigation Specialist and Capacity Support

4.4.1 UNHCR may provide training, technical and funding support to Partners that may wish to strengthen their investigation capacity and ensure that allegations of misconduct of its personnel, notably in cases such as sexual exploitation and abuse, fraud, corruption, programme management, procurement, etc., are expeditiously and effectively pursued, and the necessary investigations carried out. UNHCR may arrange external and independent expertise to support the Partner and UNHCR as necessary to enable them fulfil their responsibilities.

**Anyone having concerns or suspicions about possible misconduct** by staff of any of UNHCR's implementing partners, regardless of their position, may report such concerns directly to:

1. The Headquarters of the Partner;
2. UNHCR's Office of the Inspector General (IGO).

Email: [inspector@unhcr.org](mailto:inspector@unhcr.org)

Fax: +41 22 739 7380

Tel.: +41 22 739 8844

Mail: The Inspector General's Office (IGO)  
UNHCR  
94, rue de Montbrillant  
1202 Geneva / Switzerland.

**Note: Allegations of misconduct of UNHCR staff members continue to be addressed solely to UNHCR's Inspector General's Office.**

<sup>8</sup> Footnote for editor: A link should be created to the ToR.



## 4.5 Sharing of sensitive materials and case information related to misconduct

4.5.1 The following paragraphs summarize the UNHCR guidelines on confidentiality, case files, and evidence<sup>9</sup>, which are all relevant to the sharing of sensitive materials and case information.

4.5.2 **Confidentiality:** Confidentiality must accompany the sharing of any sensitive materials and case information. All documents that are classified as sensitive should be marked "CONFIDENTIAL" when transmitted. Activities by the IGO and by Partners with respect to reports of possible misconduct are to be conducted in a confidential manner. Diligent efforts should be made to ensure confidentiality during all phases of an investigation, including case information relating to complainants, witnesses and subjects of a complaint. Information about an investigation should only be shared with or communicated to people who have a legitimate need to know (determined on a case-by-case basis). For this reason and with respect to the rights of all concerned, complainants, witnesses or others are not entitled to demand information about an investigation, its status or its conclusions.

4.5.3 **Confidentiality Agreement:** All parties who have access to confidential information in the course of an investigation are required to respect confidentiality and not disclose information unless authorized in writing by both the IGO and the partner. Confidentiality is furthermore protected by an oath signed by all UNHCR staff members, consultants or any other persons whose work or cooperation with the IGO requires access to confidential information (see **ANNEX 2, UNHCR Confidentiality Agreement**). Confidentiality is also protected by provisions in investigation policies and guidelines of the UNHCR partner. In no case will either party reveal, transmit in writing, or discuss names or identities of any staff without prior written approval of the party concerned.

4.5.4 **Case files:** File management is an important feature of the investigation process. It assists in ensuring the integrity of the investigation and shows that a clear methodology has been followed. UNHCR will create case files according to the procedures summarized below, and when agreed with the Partner will share this information with the partner. Case file information relevant to the investigation shall be shared between UNHCR and partner investigators in joint investigations.

4.5.5 An electronic folder will be created by UNHCR for each investigation case, and will be shared in joint investigations. This folder contains the material relevant to the matter under investigation. It will include, but is not limited to a **Record of Interview (template found in the Investigation Resource Manual)**, Notes for the File, email correspondence and other documentation. The electronic file will be accompanied by a physical file where original documents are stored. This will include any original documents, such as signed Records of Interview, Exhibit Receipts and documentary evidence. Scanned copies of these original documents should be included in the electronic file.

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<sup>9</sup> From the UNHCR Guidelines on Conducting Investigations and Preparing Investigation Reports, September 2012.

4.5.6 Under the Partnership Agreement, the Partner warrants and undertakes on a continuing basis that when processing personal data, it will comply with the standards set out in the Policy on the Protection of Personal Data of Persons of Concern to UNHCR<sup>10</sup>, inter alia by informing individuals of the specific purpose for processing the data, the fact that the Partner acts in partnership with and on behalf of UNHCR, and that UNHCR will have access to such personal data or that such data will be transferred to UNHCR.

4.5.7 **Evidence:** Case information may include evidence, in addition to case files. Evidence is any type of proof which tends to establish a fact material to the case. The different types of evidence can be categorized as follows:

- (i) **Testimonial evidence:** Testimonial evidence typically includes the recollection of individuals who actually saw an event or have direct knowledge of something relevant to the issue being investigated.
- (ii) **Documentary evidence:** This includes correspondence, forms and all information that may be maintained on paper in official archives, as well as external material such as personal letters, business records, etc. Documents and records may exist in physical and/or electronic form.
- (iii) **Electronic evidence:** Electronic evidence includes correspondence, forms and all information that may be maintained on paper in official archives, as well as external material such as personal letters, business records, etc. Documents and records may exist in physical and/or electronic form.
- (iv) **Physical evidence:** Physical evidence includes equipment, goods and facilities, and any other tangible objects.
- (v) **Forensic evidence:** Forensic evidence is a general category that could include fingerprints, deoxyribonucleic acid (DNA) trace material and even scientific analysis of items to establish certain properties or source. It has, therefore, an element of analysis or interpretation that requires special handling and explanation that physical and even electronic evidence may not.

4.5.8 **UNHCR handling documentary and physical evidence:** When handling the original version of documentary or physical evidence, a clear chain of custody record must be maintained. From the moment the UNHCR investigator takes control of the evidence, a record of its receipt and subsequent handling must be kept, including the dates and the times when it was obtained.

4.5.9 **UNHCR receipt of evidence:** When certain evidence is obtained (e.g. items that are normally used or held by the source), the source is provided with acknowledgement or a receipt listing the evidence that has been given (**template found in the Investigation Resource Manual**).

4.5.10 **The Standard Operating Procedure, Sharing of Sensitive Materials and Case Information,**<sup>11</sup> provides additional guidance for Partners on confidentiality, case files, and evidence. All parties involved in investigation activities must understand that a breach of oath of confidentiality is itself considered misconduct and has a lifetime application.

<sup>10</sup> UNHCR, Policy on the Protection of Personal Data of Persons of Concern to UNHCR, May 2015, available at: <http://www.refworld.org/docid/55643c1d4.html>

<sup>11</sup> Footnote for editor: A link should be created to the SOP.

## 5. Terms and definitions

**Corruption:** the offering, giving, receiving or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party. Corruption may take the form of an undisclosed conflict of interest, unauthorized acceptance of honours, gifts or remuneration, bribery (including kickbacks), illegal gratuities or economic extortion.

**Fraud:** any act or omission, including misrepresentation or concealment of a material fact, that knowingly or intentionally misleads, or attempts to mislead, a party to obtain a benefit, whether directly or indirectly, whether for oneself or for a third party. Fraud could involve misappropriation of cash (such as fraudulent claims/disbursements) or other assets (such as fraudulent shipments, falsifying inventory records), or fraudulent statements (purposefully misreporting or omitting information).

**Investigation:** the purpose of an investigation by the IGO is to determine whether or not there are facts to support an allegation of misconduct that may ultimately be subject to disciplinary measures. An investigation is an administrative fact-finding exercise to determine whether misconduct has occurred, and not a punitive undertaking.

**Misconduct:** In the Project Partnership Agreement misconduct is defined as a failure to observe the rules of conduct or the standards of behaviour prescribed by the Partner, as set out in Appendix 2 of the PPA. The definition includes, but is not limited to, a long list of categories of misconduct.

**Sexual abuse:** the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal coercive conditions.

**Sexual exploitation:** any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes including but not limited to profiting monetarily, socially or politically from the sexual exploitation of another.

## 6. References

6.1 This policy and procedures should be read in conjunction with specific guidance on UNHCR's Enhanced Framework for Implementing with Partners, and the Standard Format of Partnership Agreements, and other applicable guidance. Such guidance may be accessed through the internet page relating to Implementing Partnership Management:

[https://intranet.unhcr.org/intranet/unhcr/en/home/support\\_services/implementing\\_partnerships.html](https://intranet.unhcr.org/intranet/unhcr/en/home/support_services/implementing_partnerships.html)

## 7. Dates

7.1 This policy is effective xxxxx. It will be reviewed and updated on xxxxx, to reflect operational needs, unless an earlier review or update is deemed necessary.

## 8. Contact

8.1 For any matters relating to partnership management and application of this High Commissioner's Policy and Guidance Note, the IPMS may be contacted ([epartner@unhcr.org](mailto:epartner@unhcr.org)).

Matters relating specifically to investigation should be referred to the Investigation Service, IGO: [inspector@unhcr.org](mailto:inspector@unhcr.org).

## 9. Annexes

Annex 1	Referral of Cases of Possible Misconduct – Model Referral Form
Annex 2	Confidentiality Agreement
Annex 3	Model Investigation Plan

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## ANNEX 1

<b>REFERRAL OF CASES OF POSSIBLE MISCONDUCT MODEL REFERRAL FORM</b>
-------------------------------------------------------------------------

<b>Organization making the referral:</b>	<b>Date referred:</b>
<b>Referral made to (name of organization):</b>	<b>Date received:</b>

<b>Name of person reporting the alleged incident:</b>	Nationality:
Address/Contact details:                      Age:                      Sex:	

<b>Name of victim (if different from person reporting the alleged incident):</b>	Nationality:
Address/Contact details:                      Age:                      Sex:	

<b>Name of person accused of the alleged incident:</b>	Nationality:
Job title: Organization:	
Address/Contact details:                      Age:                      Sex:	

<b>Brief description of incident(s)/allegation(s) (attach extra pages if necessary):</b>	
Date of Incident(s):	Location of Incident(s):
Summary:	
Witnesses' <input type="checkbox"/> Names and Contact Information:	

<b>Action(s) taken by the organization (if any) since the incident:</b>
-------------------------------------------------------------------------

<b>Have the police/local authorities been contacted regarding this incident/allegation</b>
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 YES NO

If yes, what happened?

If no, does the victim want police assistance, and if not, why?

<b>Are there any immediate medical or security concerns to take into account?</b>
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<b>Reason for referral of this case:</b>
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Name of person making the referral: \_\_\_\_\_

Position: \_\_\_\_\_

Organization: \_\_\_\_\_

Date: \_\_\_\_\_



***Inspector General's Office / Bureau de l'Inspecteur général***

**CONFIDENTIALITY AGREEMENT<sup>12</sup>**

**(to be adapted for use by Partners)**

I, the undersigned, shall exercise the utmost discretion with regard to my involvement in the work of the Inspector General's Office (IGO). I will keep confidential all information related to IGO investigations to which I have access in the course of my official duties and otherwise, and/or known to me by reason of my assisting the IGO. I shall not use such information for private gain, or to favour or prejudice any third party.

I undertake to carry out my duties in accordance with the provisions of the Inter-Office Memorandum N°009 / Field Office Memorandum N°010/2012 of 7 February 2012 on "The role, functions and *modus operandi* of the Inspector General's Office". I have read and understood the said IOM/FOM. If in doubt in the course of my duties, I shall seek the advice of the Inspector General's Office exclusively.

I understand that this declaration will remain in force after the completion of my participation in a joint investigation with the Inspector General's Office and/or with UNHCR. I also understand that divulging confidential information to persons who are not authorized to receive it may amount to misconduct, and that the signed original of this declaration will be held by the Inspector General's Office.

Name & Title: .....

Signature: .....

Date: ..... Place: .....

**To be filled out by the Officer before whom the oath is taken:**

Name & Title: .....

Signature: .....

Date: ..... Place: .....

Reason for taking the oath<sup>13</sup>: .....

.....

<sup>12</sup> To be signed by UNHCR staff members, consultants, translators, and others, required to assist the Inspector General's Office in the conduct of investigations and/or who have access to confidential information related to the work of the Inspector General's Office.

<sup>13</sup> Indicate INV Case N° if applicable, or briefly describe the reason for taking the oath.

*Inspector General's Office / Bureau de l'Inspecteur général*

*This document is protected by the provisions of IOM/009/2012 – FOM/010/2012 of 7 February 2012, concerning the confidentiality of the proceedings related to a preliminary joint investigation conducted by the UNHCR Inspector General's Office and (NGO).*

## MODEL INVESTIGATION PLAN

INV Case No:	INV/2012/
Implicated Personnel:	
Department/Mission:	
Investigation Plan date:	
Investigator(s)	

### 1. Allegations

{A brief summary of the reported misconduct, including circumstances relevant to the matter being investigated}

### 2. Applicable legal norms

{State applicable regulations/rules/law pertaining to the reported misconduct}

### 3. Implicated personnel

{State personnel information from DHRM records, including contractual status; current assignment; appointment expiration date; and other employment issues affecting availability of implicated personnel}

### 4. Work Plan steps and timelines

#### A. INVESTIGATIVE ACTION

{Identify interviewees, their contact details and a tentative schedule. Also, address issues of availability, order of interviews and special needs (e.g. interpreter, guardian} See Annex 1

#### B. EVIDENCE / RECORDS PRESERVATION AND COLLECTION

{Identify known and possible sources of evidence and specify means/process for securing those sources and collecting records – i.e. DHRM files, electronic data etc.} See Annex 2

### 5. Travel / mission plan

{Proposed missions - Include travel dates, length, purpose, location(s), number of investigator(s) required, support required from mission, provide an estimation of costs}

## 6. Resources

### A. EQUIPMENT / INVESTIGATION TOOLS

- B. For the proposed missions & the investigation. List required equipment, including laptop computer; portable printer; external hard drive; flash drive; digital camera; digital audio recorder; hard disk cloning software; SIM card reader/back-up; evidence bags/seals}

Equipment	Explanation	Date required
Laptop	Required for investigation mission	<input type="checkbox"/>
Cell phone	N/A SIO already has been issued cell phone	<input type="checkbox"/>
Portable printer	N/A	<input type="checkbox"/>
Portable scanner	N/A	<input type="checkbox"/>
Digital camera	Required for investigation mission	<input type="checkbox"/>
Audio recorder	Required for investigation mission / batteries	<input type="checkbox"/>
External hard drive	N/A	<input type="checkbox"/>
Hard driver cloning	N/A	<input type="checkbox"/>
SIM card reader	Required upon return from investigation mission	<input type="checkbox"/>
Evidence bags / seals	Required during investigation mission as cell phones and other evidence will be obtained.	<input type="checkbox"/>
---	---	<input type="checkbox"/>

### B. FORENSICS / EXTERNAL EXPERTISE

{List any forensic/external support or specialized forensic equipment required for the investigation.}

Type of evidence	Explanation	Date obtained
		<input type="checkbox"/>
		<input type="checkbox"/>

## 7. Potential risks

### A. RISKS TO THE ORGANIZATION / INVESTIGATION

{Identify any risks to the Organization arising from the investigation and indicate any possible solutions to address those risks.}

Type of risk	Explanation / solutions	High / Medium / Low



**B. RISKS TO INDIVIDUALS**

{Identify any risks to individuals involved in the investigation, including investigators, other UNHCR staff, victims(s), subject, witnesses, local population, etc. Also discuss any possible solutions to address those risks}

Type of risk	Explanation / solutions	High / Medium / Low
		Medium
---	---	---
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**C. OTHER RISKS**

{State any other risks and possible solutions to address those risks}

Type of risk	Explanation / solutions	High / Medium / Low

**ANNEX 1. PROPOSED INTERVIEWS**

No.	Name/Position	Status (subject, witness, victim, etc.)	Contact Info (phone and e-mail)	Purpose of Interview	Tentative date/avail ability

**ANNEX 2. COLLECTION OF EVIDENCE / RECORDS**

No.	Evidence / Records to be Collected	Means of Collection / Contact Point	Date Completed

**Assigned Investigator:**

\_\_\_\_\_

Date:

**Investigation Plan approved by:**

Ruvendrini Menikdiwela

Head of Investigation Service

UNHCR

\_\_\_\_\_

Head of Investigation Department

(name of NGO)

\_\_\_\_\_

Date:

DRAFT