



United Nations Development Programme

## **HR USER GUIDE**

### **Chapter I Duties and Responsibilities**

#### **Section Workplace Harassment & Abuse of Authority**

Office of Human Resources  
Bureau of Management



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## I. Definitions

### Introduction

1. UNDP does not tolerate harassment and/or abuse of authority at the workplace or in connection with work in any form. Such behaviour or conduct is contrary to the Charter of the United Nations, the Staff Rules and to the Standards of Conduct for the International Civil Service. Staff Rule 1.2 (e) provides that "**any form of discrimination or harassment, including sexual or gender harassment, as well as physical or verbal abuse at the workplace or in connection with work, is prohibited.**" Staff members and non-staff personnel exhibiting such behaviour or conduct may be subject to administrative, disciplinary or contractual measures, as appropriate.

### Workplace Harassment

2. Workplace harassment is any improper and unwelcome conduct by a staff member or non-staff personnel against another staff member or non-staff personnel or a group thereof that has or that might reasonably be expected or be perceived to cause offence or humiliation to another.
3. Harassment may be present in the form of words, gestures, electronic communication forms, or other actions that annoy, alarm, abuse, demean, intimidate, belittle, or cause personal humiliation or embarrassment to another, or cause an intimidating, hostile or offensive work environment. It includes harassment based on any grounds, such as race, religion, color, creed, ethnic origin, physical attributes, gender or sexual orientation. Harassment may be deliberate, unsolicited, and coercive. It will often consist of a series of incidents, but it may be brought about by a single incident only.
4. The mere expression of disagreement, admonishment, criticism or similar action regarding work performance, conduct or related issues within a supervisory relationship shall not normally be considered harassment within the meaning of this policy. Such work-related disagreement is dealt with under the provisions of the [Performance Management Policy](#).
5. Sexual Harassment, as one form of workplace harassment, is understood as any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature (including pornography, sexually-colored remarks) that has or that might reasonably be expected or be perceived to cause offense or humiliation to another.
6. Sexual harassment may occur when it interferes with work, is made a condition of employment or when it creates an intimidating, hostile or offensive environment. Sexual harassment normally implies a series of incidents. However, a one-time incident could fall within the definition of sexual harassment if it has an unambiguously offensive sexual character. Both male and female staff members can be either the injured party or the offender.

## Abuse of Authority

7. The abuse of authority is the improper use of a position of influence, power or authority by a staff member or non-staff personnel against another staff member or non-staff personnel or a group thereof. This is particularly serious when the person in question uses his or her influence, power or authority to arbitrarily influence the career or employment conditions (including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion) of another staff member or non-staff personnel.
8. Abuse of authority can include a one-time incident or a series of incidents. It may also consist of conduct that creates a hostile or offensive work environment, which includes, but is not limited to, the use of intimidation, threats, blackmail or coercion.

## Retaliation

9. Retaliation by a staff member against a staff member or non-staff personnel because he/she made a good faith report of workplace harassment or abuse of authority or cooperated in good faith with a preliminary assessment or investigation into an allegation of workplace harassment or abuse of authority, is prohibited. Allegations of retaliation are dealt with in accordance with the UNDP Policy for Protection against Retaliation.
10. Retaliation constitutes misconduct, which if established, will lead to disciplinary action and/or transfer to other functions in the same or a different office. Reports of retaliation should be made to the Ethics Office. (e-mail: [ethicsoffice@undp.org](mailto:ethicsoffice@undp.org); Helpline: 1-212-909-7840)

## Staff Members

11. Any person who holds a UNDP Letter of Appointment according to the United Nations Staff Regulations and Rules.

## Non-Staff Personnel

12. Non-Staff Personnel

For the purpose of this policy, non-staff personnel are individuals who do not have a UNDP letter of appointment, including independent contractors working with UNDP under Special Service Agreements (SSA), persons employed by UNDP under Service Contracts (SC), persons engaged by UNDP on a Reimbursable Loan Agreement or on a Non-reimbursable Loan Agreement, UNV Volunteers (UNVs) and interns.

## Assistance by a Colleague

13. A UNDP staff member or non-staff personnel member who assists an offended person or an alleged offender in an informal process. In country offices, a "Colleague" may also be a staff member of a different agency, fund, programme or subsidiary organ represented in the UN Country Team.

## Abbreviations/Units

14. For the purpose of the present policy:

- **OAI** is the Office of Audit and Investigations, formerly referred to as OAPR (Office of Audit and Performance Review).
- **Ethics Office** is the UNDP Ethics Office, established pursuant to ST/SGB/2007/11
- **BOM** is the Bureau of Management.
- **LSO/BOM** is the Legal Support Office, formerly referred to as the Office of Legal and Procurement Support (OLPS).
- **OHR/BOM** is the Office of Human Resources.
- **Office of the Ombudsman** is the Office of the Ombudsman for the Funds and Programmes, which is part of the UN Office of the Ombudsman and Mediation Services; formerly referred to as the Office of Joint Ombudsperson.

## II. Prevention

### Responsibilities of Staff Members and Non-Staff Personnel

15. Staff members and non-staff personnel must:

- a) Be respectful to their colleagues and maintain the highest standards of conduct;
- b) Maintain a harmonious working environment for other staff members and non-staff personnel by behaving in a manner that is free of intimidation, hostility, offence and any form of workplace harassment or abuse of authority;
- c) Familiarize themselves with UNDP's policies, including an understanding of conduct that constitutes workplace harassment or abuse of authority, in particular. In addition, staff members must take the compulsory on-line [Training and Certification Programme on the Prevention of Harassment and Abuse of Authority](#) and the Training Course on Ethics available in UNDP's Learning Management System.
- d) Be aware of the various options and internal channels available to them for addressing such behaviours; and
- e) Respect confidentiality and cooperate with the investigation (for staff members, see Staff Rule 1.2 (c)).

### Responsibilities of Managers and Supervisors

16. Managers and Supervisors must:

- a) Create a harmonious working environment, free of intimidation, hostility, offence and any form of harassment and abuse of authority. In order to achieve such an environment, managers and supervisors must act as role models by upholding only the highest standards of conduct;
- b) Communicate the policy on workplace harassment and abuse of authority to all staff members, ensure that staff take the compulsory on-line Training and Certification Programme on the Prevention of Harassment and Abuse of Authority, and the Training Course on Ethics, and act as a resource for staff members and non-staff personnel;
- c) Ensure that staff and non-staff personnel do not engage in workplace harassment or abuse of authority. Special attention needs to be given to staff members supervising others.
- d) Take measures consistent with the present policy should they witness any acts of workplace harassment or abuse of authority;
- e) Ensure that incidents of workplace harassment or abuse of authority are promptly addressed. In such cases, managers and supervisors must demonstrate fairness, impartiality, and be free from intimidation or favoritism;



- f) Ensure that all discussion, communications and actions are handled with extreme sensitivity and utmost confidentiality; and
  - g) Ensure that no staff is retaliated against.
17. The failure of a manager or supervisor to address any known act of workplace harassment or abuse of authority may result in the imposition of appropriate administrative or disciplinary measures.
18. The Business Advisor of OHR/BOM or OHR's Focal Point on Workplace Harassment are available to provide support to managers dealing with issues of Workplace Harassment or Abuse of Authority.

### **Responsibilities of UNDP**

19. In implementing the present policy, UNDP shall act consistently and take the appropriate administrative, disciplinary and/or contractual action required, regardless of the function, title, length of service and contractual status of all parties involved in the case, including the staff member and non-staff personnel.
20. An on-line Training and Certification Programme on the Prevention of Harassment and Abuse of Authority and an on-line Training Course on Ethics are available in the [Learning Management System](#) and must be taken by all staff members.
21. UNDP has appointed the HR Specialist on Staff Well-Being in OHR/BOM as the Focal Point for any question on the present policy. [harassment.ohrfocalpoint@undp.org](mailto:harassment.ohrfocalpoint@undp.org)
22. OAI is responsible for conducting preliminary assessments and investigations of complaints of workplace harassment and abuse of authority. Those complaints may be sent to OAI, in particular through the following email address: [hotline@undp.org](mailto:hotline@undp.org). Complaints of retaliation may be sent to the UNDP Ethics Office through the following email address: [ethicsoffice@undp.org](mailto:ethicsoffice@undp.org) .

### III. Dispute Resolution Processes

23. Staff members and non-staff personnel have several dispute resolution processes available to them depending on their contractual status and prior to filing a complaint, are encouraged to speak with a HR person, a Manager, the Office of the Ombudsman, or the OHR Focal Point on Workplace Harassment about the situation, who may advise them on the support and/or redress options available to them.
24. Within the applicable timeframe, staff members and non-staff personnel may choose to deal with any complaint or grievance through either an informal or formal process, as detailed in Sections IV and V.
25. The timeframes for the different dispute resolution processes are included in Table 1 below:

<b>Table 1: Timeframe for Dispute Resolution Processes</b>	
<b>Process</b>	<b>Timeframe</b>
Informal Process	Staff may wish to consult the Office of the Ombudsman to examine options for informal solutions or mediation after the incident of alleged workplace harassment or abuse of authority. The Office of the Ombudsman may offer informal advice to staff who do not wish to proceed immediately to a formal process. Should staff wish to pursue the informal mechanism they are encouraged to do so as soon as possible after an incident has taken place.
Formal Process	A written complaint must be filed within 6 months from the date of the last incident of workplace harassment or abuse of authority. In exceptional circumstances, the time limits may be extended by the Director, OAI.
Request for a Management Evaluation	Applicable only to staff members: A request for a management evaluation must be filed within sixty (60) calendar days from the date of notification of the challenged decision in accordance with Staff Rule 11.2 (c).

26. For a procedural flowchart of all processes for addressing cases of workplace harassment and abuse of authority, please refer to Annex A.
27. It is strongly advised that all parties maintain detailed written records (including hard copies of e-mails), of all incidents, dates, places and witnesses. All parties should note that not all informal processes are successful and that an investigation may occur in the future, and as such written records would prove useful should any more formal approaches occur.
28. If a staff member, or former staff member, has been notified of a decision (which may be administrative or disciplinary in nature) and he/she believes that the decision derives from workplace harassment or abuse of authority, he/she can formally contest such decision by requesting a management evaluation of the decision, in accordance with the

appeals procedures available to UNDP staff members under the Staff Regulations and Staff Rule 11.2.

## IV. The Informal Process

### Informal Options

29. An informal process can provide staff members and non-staff personnel with the opportunity to resolve any complaints or grievances in an open, honest, non-threatening, and non-contentious manner. The informal options available to staff members include:
- a) Approaching the alleged offender;
  - b) Support by a colleague; or
  - c) Consulting the Office of the Ombudsman that is also offering professional mediation.

### Approaching the Alleged Offender

30. A staff member or non-staff personnel may not understand that he/she is being offensive and, if asked, may stop or alter his/her behaviour. Staff members and non-staff personnel who feel that they are being subject to workplace harassment or abuse of authority are encouraged, where necessary, to inform the alleged offender that his/her conduct is unwelcome and request that such conduct cease.

### Support by a Colleague

31. The offended person may request a colleague to be present at a meeting with the alleged offender to let her/him know that his/her conduct is unwelcome and request that such conduct cease. .

### Consulting the Office of the Ombudsman

32. The Office of the Ombudsman plays an important role when it comes to workplace related problems. Staff members and non-staff personnel may consult the Office if they feel harassed and/or have witnessed an incident of harassment. The Office of the Ombudsman will help examine the various options in the dispute resolution process, provide support within the informal process and inform on the procedures foreseen in the formal grievance process.
33. It is essential to remember that all discussions with the Ombudsman are confidential and that confidentiality must also be maintained on the part of those seeking assistance from

the Ombudsman. The Ombudsman will never reveal the source of information nor will any action be taken without the expressed permission of the offended person.

34. In cases where the Ombudsman deems that direct intervention is necessary or where mediation may be appropriate, arrangements are made by that Office to visit to a country office or to a Regional Centre or a unit in a headquarters duty station. Every effort is made to ensure that the services of the Ombudsman are readily accessible to all staff regardless of geographical location.

## Mediation

35. Mediation is a process whereby a third-party neutral with no stake in the outcome helps the parties whose lives are affected by a problem make decisions themselves that are mutually acceptable and which may resolve the problem. Mediation can also help prevent a recurrence of situations that cause conflict.
36. The new System of Administration of Justice emphasises the application of informal grievance solutions; the system of the integrated Ombudsmen was strengthened with dedicated mediation specialists. Click this link to obtain information about the [Office](#) of the Ombudsman for Funds and Programmes.

## Moving from an Informal Process to a Formal Process or Initiating the Formal Process

37. If the offended person is not satisfied with the results of the informal process or if he/she wishes to pursue the formal process immediately, he/she may submit a written complaint to begin the formal grievance process.

## V. Formal Process

### Filing a Complaint

38. Any staff member or non-staff personnel may file a complaint, regardless of the nature, length and type of contract they hold with UNDP. The complaint should be submitted to the OAI at [hotline@undp.org](mailto:hotline@undp.org).
39. **Content of the Complaint.** The complaint shall state:
- a) The name of the alleged offender;
  - b) The date(s) and location of the alleged incident(s) of workplace harassment or abuse of authority; and
  - c) The names of witnesses and any physical and/or documentary proof, which corroborate the allegation (e.g. e-mails, text or voice messages, photos, letters, medical exams).
40. All complaints must be signed and dated. No anonymous complaints of workplace harassment, abuse of authority shall be accepted. The complaint must be as detailed and documented as possible. The complainant must be aware that for due process, his/her complaint and/or information from the complaint will be shared with the alleged offender to allow the latter to provide countervailing arguments and evidence.
41. **Effect of the Complaint.** The filing of a complaint does not have the effect of suspending regular administrative actions;
42. Filing a complaint only upon notification of an administrative decision that the complainant wants to challenge may cast doubt about the credibility of the allegations of harassment or abuse of authority. A complaint on such allegations should therefore be made as soon as the complainant considers that harassment or abuse of authority took place after determining that informal processes are not appropriate or informal processes have failed.
43. **Protection of the Complainant.** The complainant will be protected from retaliation, in accordance with the UNDP Policy for Protection against Retaliation. It is the responsibility of the managers to ensure that the complainant does not suffer from any retaliation.
44. **Responsibility of the Complainant.** The complaint must be made in **good faith**, which means that the person reporting the allegations of harassment or abuse of authority must believe that the way she/he perceived the alleged harassment or abuse of authority reflects reality. The dissemination of rumors in which there is no reasonable basis of belief or the submission of an allegation or report of allegations of wrongdoing that is intentionally false or misleading is not a protected activity. Intentionally making a false report, verbally or in writing, constitutes misconduct for which, depending on the contractual status of the person, disciplinary measures, including summary dismissal, or other appropriate measures, may be imposed.

45. The complainant must be prepared to cooperate with the investigation and during the disciplinary proceedings if any. If the complainant resigns in the course of the investigation or of the disciplinary proceedings, the Director, OAI (during investigation), or the Director, BOM (during disciplinary proceedings), will determine whether or not such a resignation brings the case to an end. If it appears that the allegations have been made in bad faith, UNDP will leave a note in the Official Status File of the complainant, disclosing that he/she resigned while his/her allegations are at the investigative or disciplinary stage and appear to have been made in bad faith. The complainant will be advised by OAI accordingly.

### **OAI Action**

46. Upon receipt of a formal complaint, the Director, OAI will complete a review and decide if the matter warrants a preliminary assessment. If the Director, OAI decides not to pursue a preliminary assessment, the matter will be closed and, if appropriate, OAI will advise the complainant and the Director of the respective Bureau accordingly, so that other action as appropriate may be pursued.

### **Preliminary Assessment**

47. During a preliminary assessment, OAI shall interview the complainant (in person or by phone) in order to:
- a) Clarify the allegation(s);
  - b) Ensure that the complaint bears of workplace harassment or abuse of authority related events;
  - c) Make sure that all available evidence is submitted, and
  - d) Consider the possibility of informal resolution.
48. During the preliminary assessment, the alleged offender to whom a copy of the complaint or information from the complaint will be sent shall be given 10 working days to respond to the allegations and provide countervailing evidence. However if such disclosure puts at risk the documentary evidence, witnesses and potential victims the alleged offender may be notified subsequently but no later than his or her interview as the subject of the investigation. (Para 56 of the UNDP Legal Framework addresses the timing of the notification of the alleged offender)
49. On the basis of the results of the preliminary assessment, the Director, OAI, will evaluate whether there is prima facie evidence of workplace harassment or abuse of authority. If required, the Director, OAI, will extend the enquiries in order to ensure that all relevant evidence is obtained.
50. Should the facts as a result of the preliminary assessment indicate that no workplace harassment or abuse of authority has occurred, the Director, OAI, will recommend that the case be closed. If appropriate, OAI will advise the complainant and the Director of the respective Bureau accordingly, so that other action as appropriate may be pursued.
51. If the Director, OAI, finds that there are reasons to believe that the complaint is founded, he/she will launch an investigation. The relevant parties will be notified accordingly. This notification will indicate the nature of the allegations, the steps that will be followed to have the complaint investigated.

## Interim Measures

52. When necessary, the Director, OAI, will suggest to the respective Bureau that interim measures be taken to physically or hierarchically separate the alleged offender and the complainant on a temporary basis. Taking into account the contractual status of the parties, this may include, but is not limited to, the identification of alternative duties or the consideration of special leave for either the alleged offender or the complainant.
53. Management is not allowed to place a staff member on administrative leave. If management considers the need to place a staff member on administrative leave, they have to suggest this measure to the Director, LSO/BOM that will treat the request according to the UNDP Legal Framework for Addressing Non-Compliance with the UN Standards of Conduct.

## Investigation

54. The investigation should begin as soon as possible, but not later than **one month** after the completion of the preliminary assessment.
55. OAI will conduct the investigation in accordance with OAI's Investigation Guidelines.
56. When the investigation is completed and OAI considers that the allegation(s) is (are) substantiated, a written confidential report will be submitted by the Director, OAI, to the Director, LSO/BOM, with a copy to the Focal Point on Workplace Harassment of OHR. If OAI considers that the allegation(s) is (are) not substantiated, it will prepare an internal closure note reflecting its decision and it will inform LSO/BOM and the Focal Point of OHR. for their review. If appropriate, OAI may also advise the complainant and the Director of the respective Bureau of its decision, so that other action as appropriate may be pursued.

## Procedures Following the Investigation

57. If the alleged offender is a staff member, the Director, LSO/BOM will recommend one of the following actions:
  - a) Should the findings contained in the investigation report indicate that no misconduct occurred, the staff member will be notified by the Director, BOM, that he/she is exonerated from misconduct and that the case is closed;
  - b) Should the facts reported in the investigation indicate that no misconduct took place but raise performance/behaviour issues, other measures than disciplinary sanctions, such as a requirement to take a course or a reprimand by a supervisor may be taken; or
  - c) Should the findings in the investigation report indicate that misconduct occurred disciplinary action will be initiated pursuant to the UNDP Legal Framework for Addressing Non-Compliance with the UN Standards of Conduct.
58. If the alleged offender is not a staff member, the Director, LSO/BOM, will recommend appropriate action in accordance with the terms of the contract or agreement governing the relationship between the person in question and UNDP.



59. The complainant will be informed of the outcome of the investigation by:
- a) LSO/BOM, when OAI has submitted an investigation report to LSO/BOM;
  - b) OAI, if the matter is closed by OAI.

## VI. Special Circumstances

60. **Resignation of the alleged offender.** It may happen during the investigation process that the alleged offender resigns from UNDP. The Organization cannot force an individual to remain employed with UNDP if he or she wishes to resign<sup>1</sup>. However, in such an event, OAI will notify the alleged offender and make sure to leave a note in the Official Status File of the individual in question, disclosing that he/she resigned while under investigation for allegations of workplace harassment or abuse of authority. Such an individual will be banned to work with UNDP under any contractual modalities until he/she is fully cleared from the allegations of wrongdoing raised against him or her. OAI, in its discretion will determine whether or not the investigation will be pursued despite the resignation of the alleged offender. The complainant will be advised by OAI accordingly.
61. **Investigation without formal complaint.** While, generally, a complaint of harassment or abuse of authority is receivable only on the basis of a written and signed statement of complaint, the Director, OAI, reserves the right to initiate an investigation into allegations of harassment or abuse of authority at his/her own initiative, including without reference to a written and signed complaint.
62. **Non-UNDP complainant or alleged offender.** In the event that the complainant belongs to another UN agency, fund, programme or subsidiary organ but files a complaint against a UNDP staff member or non-staff personnel, the present policy will apply. Consultations will be held between UNDP and the other organization concerned about the handling of the case. On the other hand, if the complainant is a UNDP staff member or non-staff personnel but files a complaint against an employee of another UN agency, fund, programme or subsidiary organ, the present policy will not apply to the alleged offender. However, UNDP will use best efforts to ensure that the interests of its staff/non-staff personnel are protected by the other Organization.
63. **Non-UNDP staff administered by UNDP.** In the event that the complainant or the alleged offender is administered by UNDP on behalf of another UN agency, fund, programme or subsidiary organ, UNDP will verify with that Organization whether the present policy applies or whether the policy from that Organization applies.
64. **Referral to Local Authorities:** Bringing a matter to the attention of local authorities requires the prior concurrence of LSO/BOM, which liaises with UN Office of Legal Affairs (UN/OLA), since it involves issues of privileges and immunities. Should it become apparent that the alleged act of workplace harassment or abuse of authority constitute a serious breach of local laws, LSO/BOM should be informed who will initiate the appropriate procedures.

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<sup>1</sup> The validity of a resignation is not conditional upon acceptance by the Administration

## Annex A

### Procedural Flowchart for Addressing Cases of Workplace Harassment and Abuse of Authority

