

ALLEGED PERPETRATOR GUIDANCE ON SEXUAL HARASSMENT

The definition of sexual harassment is any unwelcome conduct of a sexual nature that results in physical, psychological or sexual harm, that might reasonably be expected or be perceived to cause offence or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. In other words, intention does not determine whether sexual harassment occurred.

If you are accused of sexual harassment, the steps indicated below provide some guidance on how to proceed, though you may opt to proceed in whichever way you feel is most appropriate for you and your own situation.

Dos and Don'ts in Responding to an Allegation

- Take the allegations seriously when you are informed by a supervisor, Workplace Relations Advisor or Human Resource Focal Point.
- Listen effectively to concerns.
- Document your interactions with the affected person and write down everything you can recall from prior incidents.
- Ask the UN Women Workplace Relations Adviser to explain the process to you.
- As required by the Legal Policy¹, cooperate with any investigation undertaken to determine whether the allegations against you can be substantiated. You have an obligation to cooperate. If you choose not to cooperate, the investigation will continue to move forward, and your non-cooperation may amount to misconduct
- Identify any witnesses and provide any statements or documentations that may support the facts in your version of what occurred. (For example, if a colleague was present during the interaction and can recall the conversation or incident.)
- DO NOT engage the affected person, unless they request it. If engaging, do not dismiss their feelings, intimidate or threaten them.
- DO NOT ask for character references, including letters, from your colleagues at UN Women as this will not have a bearing on the outcome of the investigation, may be viewed as intimidation, coercion or bullying and may cause further harm to colleagues and/or contribute to a hostile work environment.
- DO NOT engage in retaliatory behavior against the alleged victim and/or witnesses.²

Confidentiality:

- You are entitled to confidentiality within the relevant policy framework. All colleagues who are aware of the allegation must respect the sensitivity and confidentiality of the matter. Every effort must be made to preserve the dignity, rights and self-respect of the parties to the matter.
- You must respect fully and maintain confidentiality, including in relation to an investigation.
- Failure to maintain confidentiality in respect of allegations of or investigations of prohibited conduct may lead to administrative or disciplinary action.

Support available from UN Women

UN Women will provide reasonable and appropriate support, including but not limited to:

- Guidance as to the options available to address and remediate their possible prohibited conduct;
- Advice and guidance on the relevant processes and potential outcomes or consequences of each course of action; and

¹ Legal Policy for Addressing Non-Compliance with UN Standards of Conduct

² Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits and investigations policy

- Being accompanied by another a trusted person during the key stages of any formal or informal processes, as appropriate.³

After a Complaint of Sexual Harassment by an Affected Person and/or a Witness

When sexual harassment has been alleged by an affected person and/or a witness, that party may report the matter by way of formal or informal reporting channels. For further information regarding these channels, please consult the Prevention of Harassment, Sexual Harassment, Discrimination and Abuse of Authority Policy.

Where a formal reporting channel is engaged, the formal report must be submitted to the Office of Internal Oversight (OIOS). If, following OIOS' initial assessment of the formal report, OIOS decides to open an investigation, it will prepare an investigation report concerning the prohibited conduct.

After an Investigation

- If, based on an investigation, OIOS issues an investigation report as noted above, UN Women will proceed in accordance with the Legal Policy. You can find out more information on the disciplinary process here on this [dedicated page](#).
- A finding, following the disciplinary process specified in section (a) above, that you engaged in sexual harassment may result in the imposition of sanctions up to, and including, dismissal. Your name and information on the substantiated allegation(s) will be entered in the UN system-wide Clear Check database to prevent your re-hiring by the United Nations.
- If you separated from UN Women (including by resigning):
 - before the initiation; or
 - after the initiation but before the conclusion,of the disciplinary process specified in section (a), the case will be reviewed, and your name may also be entered in the Clear Check database to prevent your re-hiring by the United Nations.
- If after an investigation and/or disciplinary process, there is not sufficient evidence that you engaged in sexual harassment, your behaviour, if inappropriate, may still be addressed in other ways, including mandatory training, reprimand, a change of functions or responsibilities, counselling or other appropriate measures.
- Misconduct that may constitute a criminal act may also be referred to national authorities. Such decision to refer the matter is made by the Secretary- General, based on a case-by-case assessment, in consultation with the Legal Office.
- An appeal against the imposition of a disciplinary measure may be made to UNDT within ninety days of receiving the decision.
- During the disciplinary process noted in section (a) and appeals process noted in section (f), you are entitled to seek free legal assistance from the Office of Staff Legal Assistance (osla@un.org) or to engage your own counsel at your expense.

Relevant documents

Harassment, Sexual Harassment Discrimination & Abuse of Authority Policy

Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits and investigations policy

³ Participation by a third party may be subject to the applicable requirements depending on the stage of the process. For example, the investigation process is governed by the OIOS investigation framework and participation in interviews by OIOS during an official investigation may be limited to staff members, due to confidentiality requirements.