

**EXECUTIVE DIRECTOR'S REPORT OF CASES OF MISCONDUCT THAT RESULTED IN
THE IMPOSITION OF DISCIPLINARY AND ADMINISTRATIVE MEASURES IN 2017**

Context:

1. As noted in UNOPS Organizational Directive Number 36 (OD36) - *UNOPS Legal Framework for Addressing Non-Compliance with United Nations Standards of Conduct*.
 - a) All UNOPS personnel are required to adhere to the highest standards of efficiency, competence and integrity.
 - b) All UNOPS staff members are subject to the basic rights and duties set out in the Charter of the United Nations, the United Nations Staff Regulations and Rules and the policies issued pursuant thereto. UNOPS will not support relationships with those whose conduct is not up to such standards. UNOPS requires the same ethical conduct of non-staff personnel engaged by UNOPS, except to the extent such standards are inherently inconsistent with their status as independent contractors, interns and volunteers.
2. In cases of misconduct by UNOPS personnel, the Executive Director imposes disciplinary and administrative measures in line with a thorough process set out in OD36. In addition, when an investigation involves a serious matter, and that investigation reveals sufficient evidence to warrant referral to the law enforcement authorities of a Member State, UNOPS transmits such matter to the UN Office of Legal Affairs for its review and determination as necessary.
3. OD36 provides that, in the interests of transparency, the Executive Director may publish a report (without the individuals' names) of cases of misconduct that have resulted in the imposition of disciplinary measures.
4. IAIG's "Summary of substantiated investigation cases in 2017," attached as Annex 4 to IAIG's Activity Report for 2017, lists 34 cases. Annex 4 differs from this report in three respects:
 - a. Annex 4 includes cases against vendors and external parties, while this report is limited to disciplinary/administrative action taken against UNOPS personnel. (The UNOPS Vendor Review Committee publishes a list of sanctioned vendors at <https://www.unops.org/business-opportunities/vendor-sanctions>).
 - b. Annex 4 includes only cases in which the investigation was completed in 2017, while this report includes cases in which the investigation may have been completed prior to 2017 but the disciplinary/administrative action was taken in 2017.
 - c. Annex 4 includes cases that were still pending as of 31 December 2017, while this report includes only cases that were concluded (or partially concluded, in cases with multiple subjects) in 2017.

Disciplinary and administrative measures imposed in 2017:**a) Submission of Fraudulent Medical or Dental Insurance Claims**

5. An individual contractor submitted a fraudulent medical insurance claim for USD 4,655 under the UNOPS insurance scheme with Vanbreda International.
Outcome: The individual contractor was separated from service.
6. An individual contractor submitted a fraudulent medical insurance claim for USD 857 under the UNOPS insurance scheme with CIGNA International.
Outcome: The individual contractor left UNOPS after the investigation for unrelated reasons. Nevertheless, management placed a note in his/her personnel file stating that he/she would have been charged with misconduct had he/she not already been separated from service for other reasons.
7. An individual contractor submitted a fraudulent medical insurance claim for the equivalent of USD 261 under the UNOPS insurance scheme with Allianz.
Outcome: The individual contractor was separated from service.

b) Falsification of Official Documents

8. An individual contractor forged the signature of his/her supervisor and misused the official office stamp on a letter intended to be submitted to a government.
Outcome: The individual contractor was separated from service.
9. An individual contractor submitted fraudulent UNOPS official documents, including an employment contract, in support of his/her application for a visa.
Outcome: The individual contractor resigned after the investigation was completed. Nevertheless, management placed a note in his/her personnel file stating that he/she would have been charged with misconduct had he/she not already left UNOPS.

c) Recruitment Fraud and Plagiarism

10. An individual contractor cheated on a written exam that he/she took for a post with another UN agency. The contractor submitted a test response that a staff member from that other UN agency had reviewed and modified. Moreover, the test response was drafted by relying in significant and substantial part on an agency's confidential memorandum.
Outcome: The individual contractor had ceased to work with UNOPS by the time the other UN agency completed the investigation. Nevertheless, management placed a note in his/her personnel file indicating that he/she would have been charged with misconduct had he/she not already left UNOPS.
11. A former individual contractor copied external materials into his/her written exam during a recruitment exercise, contrary to the exam instructions. Moreover, he/she did not fully cooperate with IAIG's investigation.
Outcome: At the time of the misconduct, the individual did not have a UNOPS contract. Nevertheless, management placed a note in his/her personnel file reporting the misconduct.

12. Two former individual contractors copied external materials into their written exams during a UNOPS recruitment exercise, contrary to the exam instructions.
Outcome: At the time of the misconduct, the individuals did not have UNOPS contracts. Nevertheless, management placed a note in their personnel files reporting the misconduct.
13. An individual contractor copied external materials into his/her written exam during a UNOPS recruitment exercise, contrary to the exam instructions.
Outcome: The contractor was demoted.
14. Two individual contractors and three staff members copied external materials into their written exams during a UNOPS recruitment exercise, contrary to the exam instructions.
Outcome: One individual contractor left UNOPS after the investigation for unrelated reasons. Nevertheless, management placed a note in the contractor's personnel file stating that he/she would have been charged with misconduct had he/she not already been separated from service for other reasons. The case of the second contractor was still pending with the Human Resources Legal Officer ("HRLO") as of 31 December 2017. Two of the staff members did not dispute the allegations and were reduced two steps in grade. The third staff member failed to respond to IAIG and was separated before the investigation was completed. As he/she was believed to be in very poor health, management placed a note in his/her personnel file stating that he/she should not be considered for future UNOPS employment until he/she responds to the complaint and receives express approval from the UNOPS General Counsel.
15. An individual contractor took technical papers written by others and submitted them under his/her name to UNOPS. Moreover, the contractor knew that these papers were to be shared with experts outside the Organization, which would have caused significant damage to the UN's reputation had the misconduct not been detected.
Outcome: The individual contractor resigned after he was charged. Nevertheless, management placed a note in his/her personnel file stating that his/her contract would have been terminated for misconduct had he/she not resigned.
16. A former intern misrepresented information about his/her professional experience by knowingly submitting a forged UNOPS employment certificate to another UN agency. Later, he/she misrepresented his/her former UNOPS position title in his/her employment application with another UN organization. In addition, an individual contractor forged the mentioned certificate and sent it to the former intern. Finally, another individual contractor misrepresented information on a reference form for the former intern.
Outcome: The former intern did not have a UNOPS contract at the time of the misconduct. Nevertheless, management placed a note in his/her personnel file reporting the misconduct. In addition, IAIG referred the matter to the UN agency where the subject was working at the time of the investigation for consideration of disciplinary action. The individual contractor who forged the certificate was separated from service. The case of the individual contractor who misrepresented information on a reference form for the former intern was still pending with the HRLO as of 31 December 2017.

d) Failure to Cooperate with UNOPS Investigation

17. A former individual contractor refused to cooperate with an IAIG investigation, which had a material adverse impact on the investigation.
Outcome: Management placed a note in his/her personnel file reporting the refusal to cooperate.

e) Assault and Threat

18. An individual contractor threatened his/her supervisors in an attempt to coerce them to provide him/her with Daily Subsistence Allowance payments that he/she was not entitled to.
Outcome: The contractor was separated from service.

f) Fraud, Theft and Bribery

19. An individual contractor solicited and received payments from UNOPS vendors for a total of USD 1,250.
Outcome: The individual contractor was separated from service after the investigation for unrelated reasons. Nevertheless, management placed a note in his/her personnel file stating that he/she would have been charged with misconduct had he/she not already been separated from service on other grounds.
20. An individual contractor defrauded UNOPS by participating in a procurement exercise and implementing a contract that was awarded to a company he/she owned.
Outcome: The individual contractor was separated from service.
21. Two individual contractors were found guilty of stealing fuel for a financial loss of around USD 5,767.
Outcome: The individual contractors were separated from service.
22. An individual contractor improperly executed an unauthorized contract on behalf of UNOPS, and forged an employment letter where he/she misrepresented both his/her title and length of employment with UNOPS.
Outcome: The individual contractor left UNOPS before the investigations were completed. Nevertheless, management placed a note in his/her personnel file stating that he/she would have been charged with misconduct had he/she not already been separated from service on other grounds.
23. An individual contractor committed fraud by working full-time for two different UN agencies at the same time and collecting USD 20,400 in improper salary payments. He/She also misrepresented information in his/her employment application to UNOPS.
Outcome: The contractor left UNOPS before the investigation was completed. Nevertheless, management placed a note in his/her personnel file stating that he/she would have been charged with misconduct had his/her UNOPS Individual Contractor Agreement not already expired. The full amount of USD 20,400 in fraudulent salary payments was recovered.
24. An individual contractor stole an item, for a financial loss of around USD 100.
Outcome: The individual contractor was separated from service.

g) *Fraud and Mismanagement*

25. Six individual contractors knowingly signed off on fraudulent invoices for payment that two vendors submitted. Five of the contractors also failed to require the vendors to correct the faulty and defective work, some of which posed a significant safety risk.

Outcome: The six individual contractors left UNOPS before the investigation was completed. Nevertheless, management placed a note in their personnel files stating that they would have been charged with misconduct had they not already been separated for other reasons.

h) *Fraud and Collusion*

26. An individual contractor assisted a vendor in its fraudulent scheme.

Outcome: The contractor left UNOPS before the investigation was completed. IAIG referred the matter to another UN agency, where the contractor was working at the time of the investigation, for consideration of disciplinary action. As disciplinary action by the other UN agency remained possible, management placed a note in his/her personnel file requiring the approval of the UNOPS General Counsel before he/she may be considered for any future UNOPS position.