



Geneva, 9 June 2025

SERVICE ORDER 25/12

ITU INVESTIGATION GUIDELINES

(This Service Order abrogates and replaces Service Order No. 19/10 of 2 May 2019)

Section 1: Definitions

The following definitions apply to this Service Order:

"Misconduct": any failure by ITU personnel to comply with their obligations under ITU's regulatory framework. Misconduct may also include assisting in, or contributing to, the commission of misconduct.

Misconduct includes, but is not limited to:

"Abusive conduct": any harassment, including sexual harassment, abuse of authority and/or discrimination. The mere expression of disagreement, admonishment or criticism, or similar action regarding work performance or conduct within a supervisory relationship, when made in good faith, will not be considered abusive conduct.

"Abuse of authority": the improper use of a position of influence, power or authority against another person, for example when a person uses their influence, power or authority to improperly influence the career or employment conditions of another, including, but not limited to, appointment, assignment, contract renewal, performance evaluation, working conditions, secondment, transfer or promotion. Conduct that creates a hostile or offensive work environment that includes, but is not limited to, the use of serintimidation, threats, blackmail or coercion may also constitute abuse of authority.

"Discrimination": any unfair treatment or arbitrary distinction based on a person's race, sex, gender, sexual orientation, gender identity, gender expression, religion, nationality, ethnic origin, disability, age, language, social origin or other similar shared characteristic or trait.

"Harassment": any unwelcome conduct that might reasonably be expected or perceived to cause offence or humiliation to another person when such behaviour interferes with work or creates an intimidating, hostile or offensive work environment. Harassment may take the form of words, gestures or actions that annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another. Harassment will often consist of a series of incidents, but it may be brought about by a single incident.

"Retaliation": any detrimental action — direct or indirect — recommended, threatened or taken against anyone because that individual has engaged in an activity protected by ITU's Policy for Reporting Misconduct and Protection against Retaliation ("Whistleblowing").

"Sexual harassment": any unwelcome conduct of a sexual nature that might reasonably be expected or perceived to cause offence or humiliation, especially when such behaviour interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment. Sexual harassment may occur in the workplace or in connection with work but may also occur outside the workplace and outside working hours, for example during official travel or social functions related to work. Sexual harassment may occur through a single incident or through a pattern of conduct. In assessing the reasonableness of expectations or perceptions, the perspective of the person who is the target of the conduct shall be considered. Sexual harassment may involve any conduct of a verbal, non-verbal or physical nature, including written and electronic communications.

"ITU personnel": a) ITU elected officials; b) ITU appointed staff (including staff members holding a short-term contract and those on secondment); c) interns; d) junior professional officers; e) external professionals working as consultants under a Special Service Agreement (SSA) with ITU.

"Participant in an investigative process": any individual who is involved in an administrative process investigating allegations of misconduct. The definition covers: a) any person who reports suspected misconduct; b) alleged victims or affected persons; c) witnesses of misconduct; d) investigators; e) support persons (e.g. interpreters, security); f) experts; g) alleged offenders; h) any other persons called upon to cooperate during an investigation.

Section 2: Investigative process in general

- 2.1 The Oversight Unit is responsible for conducting independent investigations into allegations of misconduct in accordance with the ITU Internal Oversight Charter. It shall maintain objectivity, impartiality and fairness throughout the investigative process and conduct its activities competently and with the highest levels of integrity. It shall perform its duties free from improper influence, fear of retaliation or any other form of interference.
- 2.2 The Oversight Unit does not determine the action(s) to be taken following the outcome of the investigative process. The decision to take action, which may include the initiation of disciplinary and/or administrative proceedings against ITU personnel, the imposition of measures upon third parties or the referral of cases to national law enforcement authorities, is the responsibility of the Secretary-General.

Section 3: Duty to cooperate

ITU personnel must cooperate fully and in good faith at all times when participating in an investigative process by providing information in any form, including testimony, as required. They shall not interfere with the investigation or withhold, destroy or tamper with evidence, or attempt to influence, coach or intimidate any participant in an investigative process. Failure to comply with these obligations may result in disciplinary or administrative action pursuant to the relevant provisions of ITU's regulatory framework.

Section 4: Confidentiality of the investigative process

- 4.1 To protect the rights of all participants in an investigative process, the Oversight Unit shall carry out all investigations in a confidential manner to the extent possible. However, the Oversight Unit may be required to disclose the identity of one or more participants in the investigative process to give effect to due process rights during the process or in subsequent administrative, disciplinary or judicial proceedings.
- 4.2 The confidentiality obligations mentioned in Section 4 of ITU's Policy for Reporting Misconduct and Protection against Retaliation ("Whistleblowing") shall also apply to the investigative process.
- 4.3 Investigation reports are confidential documents, and the Oversight Unit shall share them only with the Secretary-General, in accordance with the provisions of the ITU Internal Oversight Charter, or the delegated authority competent to authorize any further administrative action on the basis of such reports. This is, however, without prejudice to any decision taken to share a report as part of an administrative proceeding or on any other exceptional basis with the aim of ensuring the effective administration of justice. The Oversight Unit shall retain a copy of the final report of investigative findings in its confidential files.
- 4.4 The Oversight Unit shall normally include the identity of witnesses in its confidential investigation reports and will normally attach records of related witness interviews when these are relevant to the conclusions in the reports, unless there are concerns that the safety and security of those witnesses may be compromised by the sharing of this information. In such cases, witness statements will be redacted/anonymized to the extent deemed necessary by the Chief of Oversight.

Section 5: Protection against retaliation

Protection against retaliation is governed by Service Order 25/09 on ITU's Policy for Reporting Misconduct and Protection against Retaliation ("Whistleblowing").

Section 6: Rights of investigation subjects

- 6.1 An alleged offender who has been made the subject of an investigation is presumed innocent throughout the investigation and is further entitled to:
 - 6.1.1 be informed in writing of their status and the nature of the allegations at the earliest possible time, having regard to the need to maintain the integrity of the investigation by preserving evidence and protecting witnesses;
 - 6.1.2 be given the opportunity to attend an interview with the investigator(s) and explain their actions and to provide any information in their defence, along with the names and details of any witnesses who may have relevant information; and
 - 6.1.3 be informed of the provisions of ITU's regulatory framework alleged to have been breached.
- 6.2 If, during the course of the investigation, new facts giving rise to allegations of misconduct by a participant in an investigative process are discovered, either in relation to the investigation in question or on a separate, unrelated matter, the participant in question will be notified as soon as practicable that they have become a subject of an investigation, in accordance with Section 6.1 above.
- 6.3 In the event that, during the course of an investigation, additional allegations are raised against the investigation subject, the investigator(s) will inform the subject of these new allegations as soon as practicable, in accordance with Section 6.1 above.
- 6.4 The supervisor of the subject of an investigation and/or the Secretary-General may be informed of the initiation of an investigation on a reasonable need-to-know basis, determined by the relevance and necessity of such information for the fulfilment of supervisory or administrative duties.
- 6.5 Investigation subjects may be placed on provisional suspension from duty during an investigation as an interim administrative measure to protect the interests of the Union, in accordance with the provisions of ITU Staff Rule 10.1.3. Such suspension will be without prejudice to the rights of the subject under this Service Order. The conditions pertaining to suspension include, but are not limited to, the following:
 - a) the investigation subject shall not enter ITU premises without prior authorization by the Secretary-General or their delegated official;
 - b) the investigation subject shall not leave the duty station without prior authorization by the Secretary-General or their delegated official;
 - c) the investigation subject shall remain available at all times during the investigation process;
 - d) access to ITU information and communication technology (ICT) resources by the investigation subject may be suspended.

The decision on suspension pending investigation shall be taken by the Secretary-General or their delegated official, upon recommendation from the Chief of Oversight. The basis for such suspension includes, but is not limited to:

- a) risk to the integrity of the investigation;
- b) the need for preservation of evidence;
- c) ensuring the safety and security of participants in an investigative process and ITU personnel in general;
- d) protecting ITU premises and property.

All decisions and recommendations concerning the imposition, modification or lifting of a provisional suspension shall be appropriately documented in writing.

Section 7: Interviews

7.1 All participants interviewed will:

- a) be notified in advance and in writing of the place and time of the interview(s) and be provided with details of the investigator(s) conducting the interview(s);
- b) be treated with fairness;
- c) be given an explanation of the investigation process and informed of the general nature of the matter under investigation;
- d) have the assistance of an interpreter during an interview, if considered necessary by the investigator(s), to facilitate communication;
- e) have timely access to a written record of the interview(s) and be given the opportunity to review such record(s) for accuracy and consistency with the testimony given and to provide comments.

7.2 To the extent possible, interviews shall be conducted by a minimum of two investigators. In cases of abusive conduct, the victim may request the presence of a third-party observer during an interview, provided the third party undertakes to respect the confidentiality of the investigation, is reasonably available and is not connected to the matter under investigation. Should the investigation subject not cooperate with the investigation, alternative means of ensuring the progression of the investigation shall be considered at the discretion of the investigator(s), taking into account the subject's due process rights. Non-cooperation with a duly authorized investigation may constitute misconduct in its own right.

7.3 Should an interview take place, the investigation subject is entitled to be accompanied at the interview by an observer, provided the observer undertakes to respect the confidentiality of the investigation, is reasonably available and is not connected to the matter under investigation. The presence of an observer shall not relieve the investigation subject of the obligation to respond personally on the matter under investigation.

7.4 The investigation subject may choose to also provide a signed statement containing any clarification of their statements during the interview(s), without changing the content as recorded in the interview minutes.

Section 8: Investigative process

8.1 The investigative process comprises four parts:

- i) Intake;
- ii) Preliminary assessment;
- iii) Investigation;
- iv) Reporting.

Intake

8.2 The Oversight Unit will receive all allegations of suspected misconduct with the exception of allegations of suspected retaliation, which follow the procedure described in ITU's Policy for Reporting Misconduct and Protection against Retaliation ("Whistleblowing").

8.3 All allegations of suspected misconduct received shall be reviewed to determine whether they fall within the purview of the Oversight Unit, which shall refer any complaints, reports or information falling outside its purview to the appropriate office or authority for action.

Preliminary assessment

8.4 The Oversight Unit may conduct preliminary assessments in respect of allegations of suspected misconduct falling within its jurisdiction and authority.

8.5 The purpose of the preliminary assessment is to assess the credibility of an allegation and to determine whether there is a *prima facie* basis to warrant an investigation. This includes consideration of whether the allegation, if proven, would constitute misconduct; whether the complaint or report contains information which is specific enough to be investigated or points to corroborating documentary or testimonial evidence that can be pursued; and the feasibility of conducting an investigation, considering available resources.

8.6 The potential subject of an investigation is not usually notified during the preliminary assessment process.

8.7 The outcome of the preliminary assessment will be: i) the opening of an investigation based on the preliminary assessment's finding that an investigation is warranted under Section 8.5. above; or ii) the closure of the matter (if no investigation is warranted under Section 8.5. above); or iii) referral of the matter for managerial action (if no investigation is warranted but potential problems/concerns of a behavioural nature require corrective measures, guidance or training with 'managerial involvement').

8.8 The Oversight Unit will seek to complete its preliminary assessment within three months of receipt of an allegation. This is not a strict deadline, and delays in completing a preliminary assessment may occur owing to the complexity of the case, the need for evidence gathering or other exceptional circumstances. The Oversight Unit will explain in its preliminary review report the reasons for any delay.

Investigation

8.9 When the Oversight Unit determines that an investigation should be conducted it will initiate a full investigation. The Oversight Unit can decide whether to conduct such an investigation internally or to outsource it.

- 8.10 In line with the definition in the ITU Oversight Charter, an investigation entails the process of planning and conducting appropriate lines of inquiry to obtain the evidence required to objectively determine the factual basis of allegations. This includes, but is not limited to: i) interviewing individuals with relevant information and formally documenting their testimonies; ii) obtaining documents, records and other evidence that may substantiate or refute the allegations; iii) conducting financial and ICT analysis; iv) evaluating information and evidence; and v) reporting outcomes, including a determination as to whether particular rules or administrative issuances have been violated.

Reporting

- 8.11 At the end of an investigation, the investigative body will draft a report, the nature of which will depend on the outcome of the investigation.

- a) **Closure report:** A closure report may be prepared where an allegation is unfounded or not substantiated or the investigation does not result in a recommendation for consideration of disciplinary or administrative action. The format of a closure report will reflect that of the investigation report. The Oversight Unit will inform the subject, in writing, that the investigation has been closed.
- b) **Investigation report:** If the investigation reveals evidence that misconduct has occurred, an investigation report will be issued, setting out the allegations, the investigation methodology and the facts established during the investigation. The report shall present relevant inculpatory and exculpatory information identified or collected during the investigation, and relevant documentary evidence shall be attached.

The investigative findings set out in the report shall be based on facts and related analysis, which may include reasonable inferences where direct facts are not available. The report should contain one or more recommendations for action for consideration by the Secretary-General or by the delegated authority competent to authorize any further administrative action on the basis of the recommendation(s).

Where the investigation results in a determination that a person who reported suspected misconduct knowingly provided false information or that a witness or subject failed to cooperate with the investigative process, this finding shall be included in the report. Such a finding may warrant investigation into allegations of filing a malicious complaint/failure to cooperate with a duly authorized investigation.

The Oversight Unit shall share the draft investigation report with the investigation subject and provide them with an opportunity to review and comment on the factual findings of the report and to provide countervailing evidence, if any. The draft report may be provided to the investigation subject in redacted form where safety and confidentiality concerns exist. If the investigation subject does not submit a response within the time limit specified by the Oversight Unit, the matter shall nevertheless proceed.

The Oversight Unit will consider any comments and additional evidence provided by the investigation subject on the draft investigation report and determine

whether any revisions are warranted as a result. The Oversight Unit is not obliged to obtain comments from the investigation subject on subsequent drafts of the investigation report but may, at its discretion, consult the investigation subject again for further clarification on any issue.

The Oversight Unit will seek to submit its final investigation report to the Secretary-General within six months of initiating an investigation. This is not a strict deadline, and delays in completing the investigation may occur owing to the complexity of the case, the need for extensive evidence collection or other exceptional circumstances. The Oversight Unit will explain the reasons for any delay in its report.

- c) **Management Letter:** In some instances, a management letter may be issued (in addition to the report under a) or b) above). Such letter with recommendation(s) for addressing weaknesses identified in the course of an investigation (e.g. inadequate controls, lack of monitoring) shall be issued by the Oversight Unit to the relevant managers for action, with due regard for confidentiality and on a need-to-know basis.

- 8.12 The release of reports for purposes other than to facilitate the disciplinary process is restricted to specific instances as outlined in Section 4 above. A victim of harassment, sexual harassment or retaliation will receive a notice of the outcome of the investigative process, redacted, as appropriate, to protect the legitimate interests of participants in the investigative process or other third parties.

Section 9: Entry into force

- 9.1 This Service Order applies to all allegations of suspected misconduct received after the date of its promulgation. For any allegations of suspected misconduct received before the promulgation of this Service Order, the procedure described in the Service Order in force at the relevant time shall apply.
