

Internal Oversight Division

Investigation Manual

2025 EDITION

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LIST OF ACRONYMS

CII	Conference of International Investigators
HRMD	Human Resources Management Department
IAOC	Independent Advisory Oversight Committee
ICSC	International Civil Service Commission
ICT	Information and Communication Technology
IOD	Internal Oversight Division
MIR	Management Implication Report
OLC	Office of the Legal Counsel
SIAD	Security and Information Assurance Division
VCA	Victim Centered Approach
WIPO	World Intellectual Property Organization

1. INTRODUCTION

1. Pursuant to the World Intellectual Property Organization (WIPO) Internal Oversight Charter, this Investigation Manual has been prepared by the Director of the Internal Oversight Division (IOD) of WIPO and issued following a review by the Independent Advisory Oversight Committee (IAOC)¹. Prior to finalizing the Manual, feedback from Management and the Staff Council was also sought and considered.
2. The Manual describes the Terms of Reference and the applicable procedures of the investigation function and is primarily intended as a practical guide for the conduct of investigations by all members of IOD who are responsible for conducting investigative activities, as well as external investigators. It may also serve as a source of information for WIPO personnel, Member States, and other stakeholders to understand the oversight function of investigation.
3. The Manual has been prepared in accordance with generally accepted investigation standards as well as good practices of organizations of the United Nations system, as reflected in the Uniform Principles and Guidelines for Investigations. It is consistent with WIPO regulations, rules, and policies applicable at the time of issuance of the Manual, including the Internal Oversight Charter, the Investigation Policy and the Staff Regulations and Rules. In case of inconsistency between the Manual on the one hand and WIPO regulations, rules and policies on the other, the latter shall prevail.
4. This Manual normally does not extend to those areas for which separate provisions have been made for review, notably complaints of retaliation for reporting possible misconduct or cooperating with an oversight activity, which should be addressed to the Ethics Office².
5. However, the Ethics Office may later refer the matter to IOD for investigation, in which case IOD will conduct investigative activities in accordance with this Manual.

2. DEFINITIONS

6. For the purposes of this Manual the following definitions apply:

ABUSE OF AUTHORITY

7. The improper use of a position of influence, power, or authority against another person. This is particularly serious when a person uses such 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 or promotion³.

ALLEGATION

8. A reasonable belief, based on factual information, that misconduct or other wrongdoing has or may have occurred.

¹ Internal Oversight Charter, paragraph 30(c). The last version of the Internal Oversight Charter was approved by the General Assembly at its 65th session on July 17, 2024.

² Paragraph 18 of Office Instruction No. 33/2017 Rev. 1 entitled "Policy to Protect Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations".

³ As per the definition in the HR Manual, HRM/WCG/1 entitled "Workplace-Related Conflicts and Grievances".

COMPLAINT

9. Any communication received by IOD, either in writing or verbally, containing information stating or suggesting that misconduct or other wrongdoing has or may have occurred.

COMPLAINANT

10. An individual reporting, in good faith, information that misconduct or other wrongdoing has or may have occurred, and who may or may not be the alleged victim of the reported conduct.

DISCIPLINARY PROCEEDINGS

11. The procedure initiated against a staff member pursuant to Chapter X of the Staff Regulations and Rules.

DISCRIMINATION

12. Any unfair or prejudicial treatment, or arbitrary distinction, based on a person's race, gender, religion, nationality, ethnic origin, sexual orientation, disability, age, language, social origin, or other status. It may be an isolated event affecting one person or a group of persons similarly situated, or may manifest itself through harassment or abuse of authority⁴.

EVIDENCE

13. Any type of proof which tends to establish a fact or disprove an allegation material to the case. It includes, but is not limited to, oral testimony of witnesses, including experts on technical matters, documents, electronic, audio, video records and photographs.

HARASSMENT

14. Any improper and unwelcome conduct, whether verbal or physical, that might reasonably be expected or be perceived to cause offense or humiliation. It may take the form of words, gestures, or actions made on a cumulative or, in exceptional cases, a one-time basis, which threaten, demean, isolate, or belittle one or more members of personnel, cause personal humiliation or embarrassment, or create an offensive, hostile, or intimidating work environment⁵.

INVESTIGATION

15. A formal fact-finding inquiry to examine and determine the veracity of allegations of corrupt or fraudulent practices as defined under WIPO's regulatory framework and allegations of misconduct on the part of WIPO personnel. Investigations may also examine alleged wrongdoing by other persons, parties or entities, deemed to be detrimental to WIPO.

16. Unless specified otherwise or clear from the context, the term "investigation" is used in this Manual in its broad meaning, i.e., to designate all investigative activities carried out either during preliminary evaluation or the full investigation (see Section 6, "Investigation Process").

INVESTIGATOR

17. A member of IOD or a person designated by the Director, IOD, to conduct an investigation. An investigator may also be a person who may be designated to conduct an investigation under paragraphs 23 to 27 of the Internal Oversight Charter.

⁴ As per the definition in the HR Manual, HRM/WCG/1 entitled "Workplace-Related Conflicts and Grievances".

⁵ As per the definition in the HR Manual, HRM/WCG/1 entitled "Workplace-Related Conflicts and Grievances".

MALICIOUS ALLEGATIONS

18. Allegations containing statements or claims that are intentionally and knowingly false or misleading or made with reckless disregard for accuracy of the information. Malicious allegations are normally made with the intent to harm, defame, or cause damage to an individual, group, or the Organization itself.

MISCONDUCT

19. A staff member's failure to observe the Staff Regulations and Rules, the standards of conduct required of an international civil servant⁶ or any other obligation of staff members of the International Bureau.

PRELIMINARY EVALUATION

20. The first phase of the investigative process, i.e. the process of collecting, reviewing and analyzing information and evidence to determine whether there are sufficient grounds to open a full investigation.

RETALIATION

21. Any direct or indirect detrimental action, or failure to act, that adversely affects the employment or working conditions of an individual, where such action, or failure to act, has been recommended, threatened or taken in whole or in part because an individual has cooperated with an oversight activity or made a report of misconduct within the meaning of WIPO's Policy to Protect Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations⁷. Retaliation may include direct actions, such as by way of adverse administrative action or verbal harassment, or more indirect patterns of retaliation resulting in discriminatory treatment⁸.

SEXUAL ABUSE

22. The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions⁹.

SEXUAL EXPLOITATION

23. 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 another¹⁰.

SEXUAL HARASSMENT

24. Any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.

⁶ Staff Regulation 1.5(c) provides that "the Standards of Conduct of the International Civil Service, promulgated by the International Civil Service Commission (ICSC), shall apply to all staff members."

⁷ Office Instruction No. 33/2017 Rev. 1 entitled "Policy to Protect Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations".

⁸ As per the definitions in Office Instruction No. 33/2017 Rev. 1 entitled "Policy to Protect Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations".

⁹ As per the definition in Office Instruction No. 25/2019 entitled "WIPO Policy on Preventing and Addressing Sexual Exploitation and Sexual Abuse".

¹⁰ As per the definition in Office Instruction No. 25/2019 entitled "WIPO Policy on Preventing and Addressing Sexual Exploitation and Sexual Abuse".

Sexual harassment may occur in the workplace or in connection with work. While typically involving a pattern of conduct, sexual harassment may take the form of a single incident. In assessing the reasonableness of expectations or perceptions, the perspective of the affected individual shall be considered¹¹.

SUBJECT

25. An individual whose conduct is being investigated either by virtue of an allegation made, or evidence gathered during an investigative process.

VENDOR

26. An offeror or a prospective, registered or actual supplier, contractor or provider of goods or services to WIPO. Vendors include individuals, private or public companies, whether parent, holding, subsidiary, affiliate, consortium members, a partnership, a government agency or a non-governmental organization. Employees, officers, advisers or representatives of the Vendor shall be considered agents for which the Vendor is responsible under the Vendor Sanctions Administrative Procedures¹².

VICTIM

27. An individual who has suffered harm, injury, or some form of adversity as a result of misconduct or other wrongdoing. The harm can be physical, emotional, financial, or social in nature.

VICTIM-CENTERED APPROACH (VCA)

28. A strategy that places the needs, well-being, and rights of the alleged victim at the forefront of any intervention, support, or investigative process in the context of sexual exploitation and abuse or sexual harassment. This approach recognizes and prioritizes the experiences, feelings, and recovery of the alleged victim, guided by recognized core principles.¹³

WITNESS

29. An individual who is aware, sees, knows, or vouches for something in conjunction with an alleged misconduct or other wrongdoing.

WIPO PERSONNEL

30. WIPO personnel (or members of personnel) includes, for the purposes of this Manual, all individuals appointed as staff members under the Staff Regulations and Rules or engaged by WIPO under any other contractual arrangement, whether directly or indirectly (e.g., fellow, intern, individual contractor, agency worker).

WRONGDOING

31. An action or behavior that may violate applicable laws, rules, or regulations and be deemed to be detrimental to WIPO.

¹¹ As per the definition in the HR Manual, HRM/WCG/1 entitled "Workplace-Related Conflicts and Grievances".

¹² As per the definition in Office Instruction No. 31/2017 Rev. 1, the "Vendor Sanctions Policy".

¹³ The core principles of VCA have been endorsed by the UN System Chief Executives Board for Coordination (CEB), as outlined in the UN System Model Policy on Sexual Harassment and the UN Investigator's Manual, <https://unsceb.org/victim-centred-approach-sexual-harassment-united-nations>.

3. INVESTIGATION STANDARDS

STANDARDS FOR INVESTIGATORS

32. The Director, IOD, and the individuals designated to conduct investigations (investigators) shall maintain objectivity, impartiality, and fairness throughout the investigative process and conduct their activities competently and with the highest levels of integrity¹⁴.

33. In particular, the Director, IOD, and designated investigators shall perform their duties independently from those responsible for or involved in operational activities and from WIPO personnel liable to be the subject of investigations and shall also be free from improper influence or fear of retaliation.

34. The Director, IOD, and oversight staff shall avoid perceived or actual conflicts of interest. The Director, IOD, and oversight staff shall have no direct operational responsibility or authority over any of the activities audited or engage in any other activity that may impair their judgment. The Director, IOD, shall report any significant impairment to independence and objectivity, including conflicts of interest, for due consideration of the IAOC. The Director, IOD, shall confirm to the IAOC, at least annually, the organizational independence of IOD¹⁵.

35. Investigative activities must preserve confidentiality, respect the individual rights and obligations of WIPO personnel and others concerned, and must be conducted with strict regard for fairness, impartiality and the presumption of innocence.

36. Investigators will, where possible, respond to the concerns of WIPO personnel who are investigation participants during the investigation process (including the complainant, the subject, witnesses, observers, interpreters, and all other individuals required to assist IOD in its investigative activities). The investigator should make a judgment call whether the concerns raised are relevant to the investigation, and if found not to be relevant, inform the investigation participant of options that may be available to address such concerns, including, for example, referring the investigation participant to the Ethics Office, Ombudsperson, Staff Counsellor, the Human Resources Management Department (HRMD) or the Office of the Legal Counsel (OLC).

CONFIDENTIALITY

37. WIPO's Internal Oversight Charter establishes the confidentiality of an investigation¹⁶.

38. Information and evidence obtained during an investigation are subject to an obligation of confidentiality.

39. The Director, IOD, designated investigators, and anyone else involved in the investigation shall observe confidentiality.

40. All persons so involved shall not communicate to any person information or evidence in connection with an investigation, including the fact itself of an investigation, except to, their legal counsel, if any, the Ombudsperson¹⁷ the Chief Ethics Officer;¹⁸ or the Staff Counsellor. A person may inform her/his supervisor that she/he will be interviewed by IOD to obtain

¹⁴ Uniform Principles and Guidelines for Investigations, paragraph 3.

¹⁵ Internal Oversight Charter, paragraph 22.

¹⁶ Internal Oversight Charter, paragraphs 12 and 47.

¹⁷ Office Instruction No. 35/2019 on "The Office of the Ombudsperson".

¹⁸ Office Instruction No. 16/2020 on "WIPO Ethics Office".

permission for an absence related to an investigation but may not give any information related to the investigation to her/his supervisor.

41. Investigators will remind all participants in their investigative activities that they are bound by confidentiality.¹⁹

42. The Director, IOD, and designated investigators will protect the information gathered during an investigation from unauthorized disclosure. However, IOD is entitled to use such information insofar as it is required for the legitimate needs of the investigation or the Organization. IOD may disclose information to specific individuals if this is necessary to proceed with the investigation. Likewise, such information may also be transmitted by the Director, IOD, to a relevant party with a need to know, for example if this is necessary for administrative, disciplinary, or judicial proceedings²⁰.

43. To protect the reputation of a person against whom allegations have been made, the disclosure of the identity of that person is restricted to a need-to-know basis, that is, it may only be disclosed if this is necessary for IOD to proceed with its investigative activities or to protect the interests of the Organization.

44. Each investigator is responsible for the confidentiality and security of their respective investigation case files and evidence collected and retained. This obligation of confidentiality shall not cease upon separation from WIPO.

45. Any exception to the duty to observe confidentiality must be expressly authorized by the Director General or the Director, IOD.

46. Any breach of confidentiality in the context of an investigation may constitute misconduct liable to disciplinary proceedings under the Staff Regulations and Rules.

PROTECTION AGAINST RETALIATION

47. The right of WIPO personnel to communicate confidentially with, and provide information to IOD, without reprisal, shall be guaranteed by the Director General under the Internal Oversight Charter approved by Member States²¹, as well as Staff Regulation 1.7 and relevant Office Instructions²².

48. Retaliation against WIPO personnel for having reported alleged misconduct or other wrongdoing or for having cooperated in a duly authorized oversight activity constitutes misconduct and may result in disciplinary or other appropriate action against the person responsible.

MALICIOUS ALLEGATIONS

49. The protection against retaliation detailed above only applies to WIPO personnel who, in good faith, provide information which they reasonably believe to be true.

50. When an individual intentionally and knowingly makes allegations or provides information that are false or misleading, the identity of that person as a complainant is not protected. Making allegations or providing information that are known to be false or misleading or that

¹⁹ This includes individuals who, at the material time, do not have any affiliations or connections with WIPO.

²⁰ Internal Oversight Charter, paragraphs 12 and 47.

²¹ Internal Oversight Charter, paragraph 11.

²² See Office Instruction No. 33/2017 Rev. 1 on "Policy to Protect Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations".

recklessly disregard the accuracy of the information amounts to serious misconduct and may result in disciplinary proceedings or other appropriate administrative action²³.

4. INVESTIGATIVE MANDATE AND AUTHORITY

NATURE OF INVESTIGATION ACTIVITY

51. IOD investigative activities include all fact-finding inquiries, both during the preliminary evaluation and the full investigation (see Section 6, “Investigation Process”). They aim at gathering and reviewing the evidence available, both inculpatory and exculpatory, that is, evidence that either substantiates or disproves an allegation, and/or contributes to identifying perpetrators and/or establishing relevant surrounding circumstances. Investigative findings and conclusions are determined through an impartial, objective, and independent process of information-gathering and analysis, which may include reasonable inferences, and are only based on substantiated facts and evidence²⁴.

52. An investigation in WIPO is administrative in nature as opposed to criminal investigations and other judicial actions. The investigation function is part of WIPO’s internal justice system, which is based on the Organization’s internal rules rather than on national laws.

53. An investigation is not a punitive undertaking. Where the subject of the investigation is a staff member, the Director, HRMD, may, based on the investigative findings, initiate disciplinary proceedings pursuant to Staff Rule 10.1.2. The segregation of functions between investigation and the disciplinary proceedings provides necessary checks and balances for the proper administration of justice²⁵.

AUTHORITY TO INVESTIGATE

54. The Director, IOD, has overall authority and responsibility for investigating alleged misconduct and other wrongdoing falling within her/his mandate. She/he is responsible for the management of all investigations and investigators engaged by IOD.

55. The Director, IOD, will independently determine whether any allegation should be investigated. She/he has the authority to initiate, carry out any action, and report on any issue or conduct which she/he deems necessary to fulfill her/his mandate and function as set out in the Internal Oversight Charter²⁶.

56. The Director, IOD, enjoys functional and operational independence from Management²⁷.

57. To carry out investigations, the Director, IOD, and designated investigators shall have unrestricted, unlimited, direct and prompt access to all WIPO personnel, records, property and premises.

58. WIPO personnel have a duty to cooperate unreservedly with investigative activities conducted by IOD and to respond promptly and fully to IOD requests for information²⁸.

²³ Staff Regulation 1.7.

²⁴ Investigation Policy, paragraph 21.

²⁵ Investigation Policy, paragraph 11.

²⁶ Internal Oversight Charter, paragraph 4.

²⁷ Internal Oversight Charter, paragraph 5.

²⁸ Internal Oversight Charter, paragraph 7.

SPECIFIC PROVISIONS FOR INFORMATION SECURITY

59. Upon request, the Security and Information Assurance Division (SIAD) will grant IOD access to a WIPO User's email account and/or journal, network and/or local file storage, and/or WIPO-issued IT devices (including but not limited to a desktop and/or laptop computer or mobile phone) in support of duly authorized investigations.²⁹

5. ALLEGATIONS OF MISCONDUCT AND OTHER WRONGDOING

DUTY TO REPORT

60. WIPO personnel have a duty to report potential wrongdoing in WIPO³⁰, provided there is a reasonable cause to suspect that wrongdoing occurred or is about to occur.

61. An exception to this duty applies to alleged victims of discrimination, harassment, including sexual harassment, abuse of authority, sexual exploitation, and sexual abuse. However, this exception does not extend to WIPO personnel who witness the said misconduct.

INTERNAL REPORTING MECHANISMS

62. The Director, IOD, shall be available to receive directly, from anyone, allegations of misconduct and other wrongdoing including, but not limited to, fraud and corruption, discrimination, harassment, including sexual harassment, sexual exploitation and abuse, waste, abuse of privileges and immunities, abuse of authority, violation of WIPO regulations and rules or any other failure to observe the standards of conduct expected of international civil servants. Allegations of misconduct and other wrongdoing shall be received on a confidential basis and may also be made anonymously³¹.

63. The Director, IOD, may decide to proactively initiate reviews based on risk assessments, other oversight activities, or as a consequence of an ongoing investigation³².

64. In accordance with Staff Regulation 1.7, staff members shall report suspected wrongdoing to the Director, IOD, or a hierarchical supervisor, who shall immediately inform the Director, IOD.

65. Allegations may be brought to the attention of the Director, IOD:

- (a) Using the [Speakup](https://wipo.speakup.report/home) platform³³ (<https://wipo.speakup.report/home>);
- (b) In writing, including by email to IOD's dedicated hotline mailbox (hotline.investigation@wipo.int);
- (c) In person; or
- (d) By telephone (+41 (0)22 338 8001).

²⁹ Office Instruction No. 8/2020 on "WIPO Policy on Access to Information Assets", paragraph 9.

³⁰ Internal Oversight Charter, paragraph 9.

³¹ Internal Oversight Charter, paragraph 9.

³² Internal Oversight Charter, paragraph 32.

³³ The SpeakUp service, an independent, secure and anonymous online platform, is provided through an independent external entity, and is available to anyone, all year round, 24 hours per day.

INFORMATION TO PROVIDE

66. Complainants reporting alleged misconduct or wrongdoing to IOD should provide as much detail as possible, such as:

- (a) Name of the alleged perpetrator;
- (b) Date(s), location(s) and description of the alleged misconduct or wrongdoing;
- (c) Names of witnesses, if any;
- (d) Any other relevant information, including documentary evidence, if available.

67. Providing sufficient information concerning the basis of an allegation is particularly important if the complainant chooses to report on an anonymous basis. Otherwise, IOD may not be able to pursue the matter further.

RECEIPT OF INFORMATION

68. IOD will record allegations received from any source such as:

- (a) Victims or witnesses of alleged misconduct or other wrongdoing, whether WIPO personnel, or external parties;
- (b) Anonymous information received by IOD;
- (c) Referral by the Chief Ethics Officer (retaliation)³⁴;
- (d) Information received by one of the persons listed in Staff Regulation 1.7(c)³⁵;
- (e) Discovery or detection by IOD through proactive risk assessments and other oversight activities.

69. The Head, Investigation Section, will seek the Director, IOD's written authorization in all decisions pertaining to complaints received by IOD.

70. The Director, IOD, will ensure that all complaints are evaluated and processed in a consistent, accountable, and confidential way, through a secure system.

CONFIDENTIALITY OF REPORT AND OF IDENTITY OF COMPLAINANT

71. Allegations shall be received on a confidential basis and may also be submitted anonymously.

72. Without prejudice to the provisions of this Manual on malicious allegations, IOD shall keep confidential the identity of the complainant and disclose it on a need-to-know basis only where required by the legitimate needs of the investigation and/or any subsequent proceedings³⁶.

73. Diligent efforts should be made to reassure an anonymous complainant of WIPO's commitment to confidentiality and protection from retaliation. The anonymous complainant

³⁴ Office Instruction No. 33/2017 Rev. 1 on "Policy to Protect Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations".

³⁵ A staff member or her/his hierarchical supervisor.

³⁶ Staff Regulation 1.7 and Internal Oversight Charter, paragraph 47.

should be encouraged by an investigator to disclose her/his identity to ensure a full assessment of the facts within her/his knowledge that may justify a full investigation.

74. Bearing in mind the need for confidentiality of the investigative process, the Director General and other Program Managers with a need to know may be informed of the existence of allegations of misconduct or other wrongdoing at the discretion of the Director, IOD.

75. No other person is entitled to be informed of the allegations at this early stage, unless there is an imminent threat to WIPO's operations or to the safety of WIPO personnel.

76. Unless expressly provided for in this Manual, WIPO personnel and third parties (including anonymous complainants) are not entitled to information about IOD investigations.

ACKNOWLEDGEMENT OF RECEIPT

77. Unless a complaint is received from anonymous sources outside the SpeakUp platform, an acknowledgment will be sent in writing to the complainant³⁷, including where a report has been made orally. In the latter case, a note to file shall be prepared, documenting the substance of the oral complaint, and shall be shared with the complainant to ensure its accuracy.

SPECIAL CASES

78. Allegations concerning IOD personnel, the Director, IOD, WIPO personnel at the Deputy Director General and Assistant Director General levels and the Director General shall be handled in accordance with paragraphs 23 to 27 of the Internal Oversight Charter.

6. INVESTIGATION PROCESS

PRELIMINARY EVALUATION

79. IOD shall conduct a preliminary evaluation of the information received before launching a full investigation.

80. The purpose of a preliminary evaluation is to determine whether or not:

- (a) The alleged behavior, if substantiated, would constitute misconduct or other wrongdoing;
- (b) The allegation is material. Factors to consider include the gravity of the alleged misconduct or other wrongdoing and potential implications for WIPO;
- (c) The allegation is verifiable. Factors to consider include the time elapsed since the misconduct or other wrongdoing allegedly occurred, and the availability of reliable relevant information;
- (d) There is credible information indicating that the alleged misconduct or other wrongdoing has possibly occurred;

³⁷ Investigation Policy, paragraph 16.

- (e) More appropriate or less formal means of intervention are available, for example, by line management or HRMD or within the framework of the internal justice system.

81. The preliminary evaluation will normally include the following activities:

- (a) Determination of the legal standards applicable to the allegations (s);
- (b) Examination of the complaint and any evidence provided to IOD by the complainant, in light of the criteria set out in paragraph 80 above;
- (c) An analysis of the risks presented by the complaint, including potential impact on WIPO personnel or other possible risks to the Organization;
- (d) Seeking further information, clarifications, and/or evidence from the complainant;
- (e) Extraction and review of any information, documents, or data readily available in WIPO systems and records; and
- (f) An analysis of the case to determine whether a full investigation is justified.

82. IOD may investigate alleged harassment (including sexual harassment), discrimination, and/or abuse of authority, even in the absence of a complaint from the alleged victim, based on reports from witnesses and/or whistleblowers. However, where allegations of inappropriate behavior affecting another individual (e.g. sexual harassment) are submitted to IOD by a person other than the victim of the alleged conduct, the Director, IOD, will consider the views and situation of the victim of the alleged conduct before deciding on whether to proceed with an investigation.

83. When allegations are the subject of an ongoing investigation by the national authorities, the Director, IOD, will consider the implication for WIPO of parallel inquiries into the same facts.

Additional criteria for anonymous complaints

84. To prevent abuse of investigative processes through malicious complaints, IOD should be satisfied, based on the information provided, that the anonymous complainant has reasonable grounds to believe that the alleged practices occurred or are about to occur, and that the complaint is sufficiently detailed and actionable. IOD will exercise discretion in determining the legitimacy of anonymous complaints and I take appropriate action based on the credibility of the information provided.

OUTCOME OF PRELIMINARY EVALUATION

85. Upon completion of the preliminary evaluation, the investigator will normally submit a preliminary evaluation report recommending action for the consideration of the Director, IOD.

86. Based on the outcome of the preliminary evaluation, the Director, IOD, may decide to:

- (a) Take no further action and close the matter;
- (b) Refer the information for resolution elsewhere within WIPO, as described above;
- (c) Defer further investigation for a specific time period pending further clarification of key facts;
- (d) Direct that a full investigation be conducted.

87. The Director, IOD's reasoned decision shall be documented³⁸.

ENGAGING EXTERNAL SERVICES

88. Aside from the instances identified in paragraph 78 which may require an external investigation, the Director, IOD, may engage an external entity or investigator to investigate allegations concerning WIPO personnel, other persons, parties or entities.

89. In selecting a suitable external investigative entity or investigator to carry out the investigative work, IOD will ensure that:

- (a) The external investigative entity or investigator is duly qualified and experienced to investigate the allegations under review, with special consideration for cases of sexual misconduct;
- (b) The external investigative entity or investigator has no perceived or actual conflict of interest; and
- (c) The terms of reference agreed upon before the commencement of the assignment specify the timelines for the investigation process to which the external investigative entity or investigator must adhere.

INVESTIGATION PLANNING

90. If and as necessary, the designated investigator will prepare an investigation plan, which will help establish the relevant facts, gather the necessary evidence, and ensure that the investigation is conducted efficiently and expeditiously.

91. Investigation plans and schedules, strategies or terms of reference relating to an investigation must not be shared with, or distributed to, anyone outside of IOD³⁹.

FULL INVESTIGATION

92. The purpose of an investigation is to ascertain all relevant facts in order to allow the competent authority to determine whether there is sufficient evidence to initiate a disciplinary procedure. Accordingly, investigative action by IOD will be aimed at establishing facts and collecting evidence to substantiate or refute the allegations made, identify perpetrators, and establish relevant surrounding circumstances.

Notification to Subject

93. Once the preliminary evaluation has been completed and if the Director, IOD, determines that a full investigation is warranted, the Director, IOD, shall notify the individual whose conduct is under examination for alleged misconduct or other wrongdoing (hereinafter the subject) that she/he is under investigation. The notification will take place in writing, as soon as this is feasible without jeopardizing the effectiveness or integrity of the investigative process, and in any event before the subject is interviewed. It will provide information on the general nature of the allegations under investigation and on the subject's rights and obligations.

³⁸ Investigation Policy, paragraph 19.

³⁹ Investigation Policy, paragraph 28.

94. For complaints of discrimination and/or harassment submitted to IOD pursuant to Staff Rule 11.4.1 and the [HR Manual](#) Section on “Workplace-Related Conflicts and Grievances”, IOD will provide a full copy of the complaint to the alleged perpetrator, providing her/him with an opportunity to respond, unless, in IOD’s view, this could jeopardize the effectiveness or the integrity of the investigative process.

INTERIM MEASURES

95. At any stage during the investigative process, the Director, IOD, may recommend to the Director, HRMD, interim measures or remedial action to protect WIPO personnel and/or the Organization’s interests.

96. This may include recommending that the subject of the investigation be suspended from duty in accordance with the Staff Regulations and Rules⁴⁰. The Director, IOD, may make such a recommendation in specific circumstances, including where:

- (a) There is a risk that the subject could destroy, conceal, or otherwise tamper with evidence, or interfere in any way with the investigation;
- (b) There is a possible threat to the security and/or safety of other members of WIPO personnel, and/or to WIPO;
- (c) The subject is unable to continue performing her/his functions effectively in view of the on-going investigation and the nature of those functions.

97. Any such recommendation should specify the extent of the subject's debarment from WIPO equipment, systems, and premises, and whether any delegated authority should be suspended.

COMPLAINTS ARISING FROM AN ONGOING INVESTIGATION

98. IOD sometimes receives complaints arising from an ongoing investigation, which may implicate complainants, witnesses, or stakeholders in the internal justice system (such as investigators, the Chief Ethics Officer and/or legal officers). IOD will assess the relevance of such complaints secondarily to the ongoing investigation, and, on a case-by-case basis, may defer addressing them until the underlying investigation has been concluded.

7. EVIDENCE

GATHERING EVIDENCE

99. Investigators are authorized to have full, complete, and direct access to all WIPO personnel and property, including information and communication technology hardware and software assigned by the Organization to WIPO personnel for use in conducting WIPO business, records in all media and format regardless of their location and manner of storage, and to all the premises of the Organization, whether at headquarters or elsewhere⁴¹.

100. In some cases, it may be necessary to perform searches of the offices, workspaces or other WIPO assets that are in the custody of a subject or witness. If evidence is located in the

⁴⁰ See Staff Rule 10.1.3, “Temporary Suspension from Duty”.

⁴¹ Internal Oversight Charter, paragraph 7.

immediate vicinity of the individual, e.g. desk or computer, the presence of the individual is required while the search or seizure is conducted, whenever possible. Any search or seizure of evidence located in the immediate vicinity of the individual should be performed by two investigators, or one investigator and a witness or observer, whenever possible.

101. IOD may also be given access by the individual concerned to external records containing personal information (other than public records, in which case authorization is not required).

RELEVANCE AND TESTING OF EVIDENCE

102. Facts established during an investigation may or may not be relevant at the time of information-gathering. It is essential for an investigator to accurately record all new information within the case file, evaluate its relevance as it occurs, and routinely subject that judgment to review as further information is discovered.

EVIDENCE HANDLING AND SECURE STORAGE

103. All seized records may become important evidence and exhibits in subsequent disciplinary proceedings, and exceptionally, in national criminal or civil proceedings. Accordingly, accountability in respect of the seizure, handling and storage of evidence is a crucial element of an investigation.

104. Any record or data received or gathered during an investigation must be referenced within the case file and kept secure.

105. When handling the original version of documentary or physical evidence, a clear chain of custody record must be maintained. From the moment the investigator takes control of the evidence, a record of its receipt and subsequent handling must be kept, including, as appropriate:

- (a) Name of the individual or entity providing the evidence;
- (b) Source and/or physical location from which the evidence was obtained;
- (c) Date and time the evidence was obtained;
- (d) Name, identifying number, date of document, if applicable, and brief description of the evidence; and
- (e) Overall condition of the evidence (e.g. number of pages, missing parts, sections or pages).

106. Original documents, records or other items of property that may have to undergo forensic examination should be secured in suitable files or containers to prevent degradation and tampering.

107. All seized property must be stored securely by the investigator at all times throughout the investigation process, unless in transit or undergoing specialist examination, or in subsequent legal proceedings whether inside or outside WIPO.

108. If the item is subjected to forensic analysis, the date, location, and name of the analyst who takes custody of the item must be recorded, and a similar entry made when it is returned.

Original or copy documents

109. Normally, relevant original documents should be seized to provide the best evidence if required for forensic examination or production in subsequent proceedings.

110. If a copy is seized, the investigator must ensure that it is an exact reproduction of the original, and store it in secure conditions as if it were the original document, preserving the chain of custody. Investigators must consider the risk that an original document could be altered, damaged, lost or destroyed and be able to justify why it was not seized when available.

ELECTRONIC EVIDENCE

111. Electronic evidence comprises Information and Communication Technology (ICT) resources and data, such as e-mails, data on hard drives or other electronic storage devices, cell phones and other portable devices, SIM cards, photographs, videos, logs, etc.

112. WIPO Information Security Policies provide that all information created, stored and/or processed using WIPO ICT systems is the property of WIPO, that certain staff members within their designated official responsibilities may be given access to any WIPO ICT systems and information resources, including for investigation purposes, and therefore, that users should have no expectation of privacy when using WIPO ICT systems and information resources.

113. Pursuant to the Internal Oversight Charter and in line with the above-mentioned policies, IOD has the authority to access all ICT resources and data remotely, without first informing the authorized user. However, should the Director, IOD, decide to launch a full investigation, the subject will be informed of such access and of the evidence thus obtained.

114. SIAD will provide technical advice and assistance to IOD, if so requested during the investigative process, including access to e-mails, seizure of hard drives, forensic examination of the data contained therein, and any other technical input that the legitimate needs of the investigation may require.

115. Forensic analysis of hard drives and electronic data will normally be conducted by SIAD unless the task is too complex technically. In these exceptional circumstances, with the approval of the Director, IOD, SIAD may use an external service provider to undertake the task.

116. Strict handling is required for all electronic evidence seizures to avoid compromising the chain of custody of potential evidence. The designated investigator is responsible for keeping a detailed record of how the electronic evidence was collected, handled, and secured.

FORENSIC EVIDENCE

117. Generally, fingerprints and DNA evidence are not sought during an investigation; however, the alleged misconduct or other wrongdoing may be so serious as to justify forensic analysis, especially if it could lead to a criminal investigation by national authorities.

118. In these exceptional circumstances, the Director, IOD, may seek the authorization of the Director General to request the national authorities to provide technical assistance to an investigation.

119. The Director General may lift a staff member's functional or diplomatic immunity, if required, to allow the national authorities to take forensic samples and/or conduct a forensic analysis.

120. In the context of its investigative activities, IOD may take fingerprints and/or DNA samples from WIPO personnel with their express consent. Samples will be taken by a qualified person for comparison with marks found on incriminating evidence.

8. INTERVIEWS

121. Interviews are aimed at obtaining testimonial evidence, that is, the recollection of individuals who actually saw an event or have direct or indirect knowledge of anything relevant to the investigation.

122. Interviews may be conducted in person, *via* videoconference or any other suitable method.

123. All investigation participants shall be required to sign an oath of confidentiality prior to their participation in an interview authorized by IOD.

124. All WIPO personnel are required to cooperate unreservedly with an investigation and to respond completely and truthfully to requests for information⁴². A refusal to cooperate with IOD in the context of its investigative activities, including a refusal to take part in an interview, as well as any display of hostility during an interview will be noted at the time and recorded. Non-cooperation or refusal to take part in an interview may amount to misconduct.

125. In the event a staff member whose cooperation with an investigation is required invokes inability on medical grounds, IOD may request the Director General to have the staff member's medical condition verified by a medical adviser designated by WIPO.

126. At her/his discretion, the Director, IOD may relieve a member of WIPO personnel from the duty to participate in an interview and require her/him instead to provide written answers to written questions.

FAIRNESS REQUIREMENTS DURING INTERVIEWS

127. Before starting an interview, the investigator will identify her/himself and explain in general terms:

- (a) The investigative process and possible consequences of an investigation;
- (b) The authority of IOD to conduct investigations and the duty of WIPO personnel to cooperate;
- (c) Whether the interviewee is interviewed as a complainant, witness or subject;
- (d) Whether the interview is conducted in the context of a preliminary evaluation or full investigation;
- (e) The requirement of confidentiality applicable to both IOD and the interviewee, including the fact that the interview record will be protected from unauthorized disclosure but may be used and disclosed in full or in part to specific individuals if this is necessary to proceed with the investigation or for subsequent administrative, disciplinary, or judicial proceedings.

128. Bearing in mind the need for confidentiality of the investigative process, witnesses called for an interview will be informed, when contacted, of the general nature of the matter on which

⁴² Internal Oversight Charter, paragraph 7.

they are requested to provide information, in a manner which does not compromise their impartiality. A written record of all information provided to the witness will be kept.

129. During the interview, the subject will be provided details of the allegations⁴³ and shown the evidence in support thereof, in anonymized form where warranted; she/he will be offered the opportunity to respond and to provide countervailing evidence, during the interview and at any time thereafter⁴⁴. The subject may identify witnesses, indicate where further records can be found, and submit any information or document. The investigator(s) must note full details of any additional potential, exculpatory information and, if necessary, seek the assistance of the subject to ensure reasonable access. The investigator(s) will subsequently take appropriate action to interview the persons so named and to discover and secure the identified records, to the extent deemed relevant to the allegations.

130. The interview should be flexibly adapted in response to the behavior of the interviewee and the information provided. If the interview is lengthy, reasonable comfort breaks will be offered and their acceptance or rejection noted.

131. The investigator(s) will ensure that relevant documents are available for production during the interview. Any records produced by the interviewee will be retained, noted in the interview record, and stored securely with other evidence.

132. Witnesses will not be paid for information; however, IOD will consider reimbursement of reasonable travel expenses⁴⁵.

SEQUENCE OF INTERVIEWS

133. The investigator will conduct an interview with the complainant at the earliest opportunity to accurately record the relevant facts.

134. Other witnesses identified should be prioritized for interview having regard for the potential significance of the information they possess, their availability, and any logistical needs. Individuals who would have general knowledge about the matter being examined but are most likely not involved in the alleged misconduct or other wrongdoing should be interviewed first. Individuals who would have direct knowledge of the matter, and who might also be involved in the wrongdoing should be interviewed last.

135. Due diligence must be used to research all potential witnesses to identify any reasonable suspicion of complicity in misconduct or other wrongdoing before an interview is conducted.

136. Normally, interviews with a subject will take place after all available witnesses have been interviewed, to enable the subject to provide exculpatory or mitigating information on the evidence gathered.

137. The investigator(s) may re-interview any witness or subject to clarify significant facts or obtain additional facts as further information is established.

⁴³ For cases of discrimination and/or harassment, this paragraph is subject to the provisions of paragraph 94 of this Manual.⁴⁴ Investigation Policy, paragraph 31 (a).

⁴⁴ Investigation Policy, paragraph 31 (a).

⁴⁵ Uniform Principles and Guidelines for Investigations, paragraph 39.

INTERVIEW PARTICIPANTS

138. Interview participants are: the interviewee (a complainant, witness or subject), one or two interviewers, and where relevant, an observer and/or an interpreter.

Interviewers

139. Interviews of investigation subjects will be conducted by two investigators or by one investigator assisted by another person designated by the Director, IOD.

140. Alleged victims of sexual misconduct will be afforded the right to select the gender of the interviewer during the investigation, to the extent feasible, while ensuring the integrity and fairness of the investigative process.

141. With respect to other interviewees, the number of interviewers will depend on the nature and circumstances of the case.

Observer

142. During the investigative process, the subject of an investigation and other investigative participants are not entitled to a legal representative to act on their behalf. However, the subject and/or an alleged victim of sexual misconduct may be accompanied to her/his interview by a suitable third party, who will act as an observer, provided the third party undertakes to respect the confidentiality of the investigation, is reasonably available, and is not connected to the matter under investigation. The presence of such an observer shall not relieve the subject and/or an alleged victim of sexual misconduct of the obligation to respond personally in the matter under investigation.

143. Before contacting anyone to act as an observer, the subject shall communicate to IOD the identity of the person with whom she/he would like to be accompanied, so as to allow IOD to determine whether there is any reason to refuse the participation of that person.

144. The observer shall agree to respect the confidentiality of the investigation and shall sign a confidentiality agreement. If the observer refuses to sign the confidentiality agreement, she/he will not be permitted to observe the interview.

145. IOD will not allow the lack of availability of the observer to unduly delay scheduling an interview. The presence of an observer will not relieve the subject of the obligation to respond personally in the matter under investigation. If during the interview the investigators consider the presence of the observer disruptive, he/she may be asked to leave, and the interviewee will be obliged to continue with the interview in accordance with the requirement to cooperate with an investigation.

146. The observer has no right to respond on behalf of the interviewee or otherwise intervene in the interview process in any manner.

147. Exceptionally, if an interviewee other than the investigation subject and/or an alleged victim of sexual misconduct justifies a need for the presence of an observer, it may be authorized at the discretion of the Director, IOD, provided the conditions specified above are met.

Interpreters

148. Interviews will normally be conducted in any WIPO working language⁴⁶, depending on the preference of the interviewee. If the investigator is not fluent in the preferred working language, an interpreter designated by the investigator will be provided by WIPO⁴⁷.

149. The interpreter shall respect the confidentiality of the investigation and sign a confidentiality agreement.

INTERVIEW RECORDS

150. Interviews will be audio and/or video-recorded, and a verbatim transcript should be prepared after the interview, whenever possible. An accurate written record of the interview may also be prepared in the absence of a verbatim transcript.

151. The recording will be conducted openly with the knowledge of the interviewee.

152. The interviewee is not entitled to use personal recording equipment during the interview unless specifically authorized by the investigator(s).

153. The interview recording and transcript (or written record) will thereafter be shared with the interviewee, who will be requested to review the transcript and confirm the accuracy of her/his statements, in writing.

154. If an interviewee refuses to review and/or confirm the accuracy of the interview transcript, the investigator(s) will document the efforts made to achieve compliance and the reasons for the refusal.

9. REPORTING INVESTIGATION FINDINGS

PRELIMINARY EVALUATION FORM

155. When based on the outcome of the preliminary evaluation, the Director, IOD decides to refer the information for resolution elsewhere within WIPO, including as described in paragraphs 80 (e) and 86 (a) and (b) above, the outcome of a preliminary evaluation will be recorded in a preliminary evaluation form, which is a short form of a preliminary evaluation report.

156. Preliminary evaluation forms are strictly confidential internal IOD documents. However, when allegations relate to discrimination and/or harassment, the Director, IOD, will submit the preliminary evaluation report to the Director General, with a copy to the Director of HRMD.⁴⁸

⁴⁶ WIPO working languages are English and French.

⁴⁷ Uniform Principles and Guidelines for Investigations, paragraph 38.

⁴⁸ Staff Rule 11.4.1 (b) and 11.4.1 (c), WIPO Staff Regulations and Rules.

PRELIMINARY EVALUATION REPORT

157. The outcome of a preliminary evaluation pursuant to the criteria set in paragraphs 80(a) to 80 (d) above will be recorded in a preliminary evaluation report (see Section 6, “Investigation Process”).

158. Preliminary evaluation reports are IOD internal documents and are strictly confidential. However, when allegations relate to discrimination and/or harassment, the Director, IOD, will submit the preliminary evaluation report to the Director General, with a copy to the Director of HRMD.

159. Notwithstanding the foregoing, the Director, IOD’s written decision not to open a full investigation as notified to the complainant (see below paragraph 179) may be made available upon request in related proceedings.

INVESTIGATION REPORT

160. The outcome of a full investigation will be recorded in an investigation report, which will be issued to the relevant competent authority⁴⁹ for any action deemed appropriate including, but not limited to, the initiation of disciplinary proceedings.

Confidentiality

161. Investigation reports are strictly confidential, unless disclosure is authorized by the Director, IOD, or the Director General⁵⁰.

Structure of investigation reports

162. An investigation report should be an objective account of the facts examined, fully supported by available evidence. It will normally contain:

- (a) An executive summary;
- (b) Background information;
- (c) Findings, which detail what evidence was obtained, how, and what it shows;
- (d) Conclusions as to whether the allegations are substantiated, unsubstantiated or unfounded;
- (e) Recommendations, as appropriate, including for disciplinary proceedings or other appropriate administrative action, financial recovery and/or referral to national law enforcement authorities; and
- (f) Annexes, including copies of documentary evidence, interview records, and other relevant information and evidence.

Provision of draft investigation report for comments

163. Before finalizing and issuing an investigation report containing adverse findings against the subject, the Director, IOD, will normally give her/him an opportunity to review and comment on relevant excerpts of the draft investigation report⁵¹.

⁴⁹ As specified in paragraphs 171-173 of this Manual.

⁵⁰ Internal Oversight Charter, paragraph 47.

⁵¹ Investigation Policy, paragraph 31 (b).

164. Where a complaint of discrimination and/or harassment has been submitted to IOD pursuant to Staff Rule 11.4.1, or in those cases referred to IOD by the Chief Ethics Officer (alleged retaliation), IOD will provide relevant excerpts of the investigation report to both the complainant and the subject.

165. Where several complainants and/or subjects are involved, IOD will prepare a separate investigation report for each subject and will issue redacted versions of the relevant excerpts and/or investigation report to each subject, as appropriate.

166. Relevant excerpts will normally include the background information and investigation findings and conclusions. The annexes, in particular the interview records, will not be provided.

167. In exceptional circumstances, it may be considered that for serious reasons, including the safety of witnesses or risks to the Organization, excerpts of the draft investigation report should not be shared, or that they should be redacted, as appropriate.

168. The subject (or complainant as the case may be) will be provided 15 calendar days to submit any comments. Any extension of this time limit should be expressly authorized by the Director, IOD.

169. If the subject (or complainant, as the case may be) fails to respond within the time limit set by the Director, IOD, the Director will nevertheless proceed to finalize and issue the investigation report.

Final Investigation Report

170. The comments provided by the subject (or complainant, as the case may be) will be reflected, as appropriate, in the final investigation report and attached thereto as an annex.

171. Unless otherwise stipulated in this Manual, the Director, IOD, shall submit final investigation reports to the Director General. For cases involving WIPO personnel, a copy of the investigation report will be provided to the Director, HRMD, and the Legal Counsel. The External Auditor and the IAOC shall have access to investigation reports upon request.⁵²

Investigation Reports Involving External Vendors or Bidders

172. Investigation reports involving external vendors or bidders shall be issued to the Director General with a copy to the Vendor Sanctions Committee through its Secretary⁵³.

Special Cases

173. Final investigation reports concerning the Director of IOD, WIPO personnel at the Deputy Director General and Assistant Director General levels or the Director General shall be handled in accordance with paragraphs 42 to 46 of the Internal Oversight Charter.

Comments or Clarification Requests from Competent Authority

174. Subsequent to the issuance of a final investigation report to the relevant competent authority, such authority may, if and as deemed necessary, submit comments or request clarifications regarding the investigative findings and/or conclusions, for consideration by the Director, IOD.⁵⁴ Any such comments or requests shall be made in writing.

⁵² Internal Oversight Charter, paragraph 41, 41 (a) and 41 (c).

⁵³ Internal Oversight Charter, paragraph 41 (b).

⁵⁴ Investigation Policy, paragraph 38.

175. In response, the Director, IOD, may, at her/his discretion, provide additional information and/or documentation to the competent authority. The Director, IOD, may also decide to conduct, if deemed necessary, additional investigative activity, in which case an addendum to the final investigation report may be issued to the relevant competent authority. Should the additional investigative activity result in any new adverse findings, the relevant excerpts of the addendum containing these findings will be shared with the subject for review and comments⁵⁵ as per paragraphs 163 to 169 of this Manual.

MANAGEMENT IMPLICATION REPORT

176. IOD will consistently look for root causes of wrongdoings identified in relation to an investigation process and examine the possibility of addressing any systemic issues through a Management Implication Report (MIR). The MIR may be issued by the Director, IOD, at any time during or following an investigation process, even in the absence of an adverse finding.

177. The Office of the Controller will be systematically copied on MIRs issued by IOD, for inclusion in their recommendation implementation monitoring system.

178. A MIR serves to convey to the Director General and/or relevant managers issues identified during investigative activities and requiring management attention and/or recommendations derived from investigation findings, including to improve existing systems, policies, and procedures, strengthen internal controls, or otherwise prevent similar incidents from recurring (lessons learned from the investigation). MIRs shall not contain information that would allow the subject of the investigation to be identified.

NOTIFICATION OF CONCLUSION OF INVESTIGATIVE ACTIVITY

179. Should the Director, IOD, decide not to open a full investigation based on the outcome of the preliminary evaluation, the complainant will be so notified in writing, and, if the complainant is also a victim of the alleged misconduct or other wrongdoing, she/he will be informed in general terms of the reasons for the closure of the matter. When allegations relate to discrimination and/or harassment, the Director, IOD, will submit the preliminary evaluation form or report to the Director General, with a copy to the Director of HRMD.⁵⁶ For allegations reported anonymously or by individuals who do not, at the material time, have any affiliations or known connections with WIPO, such notification shall be at the discretion of the Director, IOD, provided there is a channel of communication with the complainant.

180. If a full investigation has been launched, the complainant will be informed of its completion and, if this is possible without breaching the subject's due process rights, she/he will be given a brief outline of the conclusion of the investigation. For allegations reported anonymously, the sharing of information shall be at the discretion of the Director, IOD, provided there is a channel of communication with the complainant.

181. If the case is not completed within six months of receipt of the complaint, the Director, IOD, shall notify the complainant in writing of the status of the matter, provided there is a channel of communication with the complainant. In the absence of such notification, the complainant may inform the Director General or the Chair of the Coordination Committee⁵⁷.

⁵⁵ Investigation Policy, paragraph 39.

⁵⁶ Staff Rule 11.4.1 (b) and 11.4.1 (c), WIPO Staff Regulations and Rules.

⁵⁷ Staff Regulation 1.7(c).

182. Upon completion of a full investigation, the Director, IOD, shall notify the subject that an investigation report has been issued and inform the subject of its conclusion.

183. Upon completion of a full investigation where IOD concluded that allegations of misconduct against a staff member were intentionally false or misleading, the said staff member shall be informed of those allegations and conclusion.

184. Without prejudice to paragraphs 163 to 169 of this Manual:

- (a) The subject of an investigation does not have the right to access or receive a copy of the final investigation report unless subsequently charged with misconduct in accordance with Chapter X of the Staff Regulations and Rules;
- (b) Other investigation participants, including witnesses, have no right to be informed of the outcome of a preliminary evaluation or of a full investigation. However, if allegations of misconduct are determined to be unfounded or unsubstantiated, the Director, IOD, will notify everyone interviewed in the case accordingly to protect the reputation of those against whom allegations were made.

10. ADDRESSING SPECIFIC ALLEGATIONS

RETALIATION

185. Consistent with paragraphs 16 and 23 through 25 of [Office Instruction No. 33/2017 Rev. 1](#)⁵⁸, IOD will:

- (a) Upon consent of the individual making an allegation, inform the Ethics Office of reports received of alleged wrongdoing that IOD identifies as posing a retaliation risk to a member of personnel;
- (b) In case the Ethics Office has determined that there is a *prima facie* case of retaliation, or threat of retaliation, proceed in accordance with the provisions of this Manual, the Investigation Policy, and the Internal Oversight Charter; and
- (c) Issue the final investigation report to the Ethics Office for further determination.

SEXUAL MISCONDUCT

186. Sexual exploitation and abuse and sexual harassment (hereinafter collectively, sexual misconduct) are prohibited conduct in accordance with [Office Instruction No. 25/2019](#)⁵⁹ and HR Manual's Section on Workplace-Related Conflicts and Grievances.⁶⁰

187. IOD will conduct investigations into sexual misconduct in a non-discriminatory and gender and culture sensitive manner, prioritizing the wellbeing of the alleged victim(s). This includes respecting the rights of all investigation participants and incorporating a VCA with respect to

⁵⁸ Office Instruction No. 33/2017 Rev. 1, Policy to Protect against Retaliation for Reporting Misconduct and for Cooperating with duly authorized Audits or Investigations.

⁵⁹ WIPO Policy on Preventing and Addressing Sexual Exploitation and Sexual Abuse.

⁶⁰ [HRM/WCG/1](#).

alleged victims of sexual misconduct, who will be treated with respect for their dignity, safety, and welfare.

188. Upon receiving allegations of sexual misconduct, IOD will endeavor to provide practical guidance to the alleged victim and systematically inform her/him about available psychosocial support mechanisms. IOD may only make a referral for psychosocial support after obtaining the alleged victim's consent.

189. Alleged victims of sexual misconduct will be kept informed of investigative actions that may affect them on a regular basis and at key stages, to the greatest extent possible, provided it aligns with the need to maintain integrity of the investigation process. They will be given information concerning the investigation steps and be asked for informed consent in relation to the use of information pertaining to them in the investigation process. Should they choose to withdraw their consent, or to remain anonymous, IOD shall respect their choice.

190. IOD may engage in informal consultations with an alleged victim or witness in relation to reports of sexual misconduct. In such cases, and if the alleged victim withholds her/his consent to proceed with an investigation, without prejudice to paragraph 81 of this Manual, IOD may take action on the reported misconduct if:

- (a) Other reports are made against the same alleged perpetrator; and/or
- (b) The alleged victim later decides that an investigation (for allegations of sexual harassment) is desirable due to a change in circumstances, including the alleged victim no longer working with the alleged perpetrator, further incident(s) of sexual harassment, etc.

VENDORS

191. Investigations into allegations implicating WIPO personnel are to be distinguished from investigations into alleged wrongdoing by Vendors, including individual contractors. The latter will be consistent with OI No. 31/2017 Rev. 1, the Vendor Sanctions Policy, the WIPO Internal Oversight Charter and the Vendor Sanctions Administrative Procedures. Accordingly, IOD will systematically inform the Director, Central Services Division, of the receipt of allegations implicating a Vendor, prior to initiating the investigation process⁶¹.

11. REFERRAL TO NATIONAL AUTHORITIES

192. Pursuant to the Headquarters Agreement concluded with the Swiss Federal Council on December 9, 1970, WIPO is required to cooperate at all times with the Swiss authorities to facilitate the satisfactory administration of justice, ensure the observance of police regulations and prevent any abuse of the privileges, immunities and facilities provided for in the Agreement.

193. According to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations and Article 20 of the Headquarters Agreement between WIPO and the Swiss Federal Council, privileges and immunities are granted to officials in the interest of the specialized agencies only. Each specialized agency will have the right and the duty to waive the immunity of any official in any case, where, in its opinion, the immunity would impede the course of justice.

⁶¹ As provided in [paragraph 24 of the Vendor Sanctions Administrative Procedures](#).

194. In cases where the investigation substantiates actions that may constitute crimes of a serious nature, the Director, IOD, may recommend to the Director General to refer the matter to the competent law enforcement authorities.

12. COOPERATION WITH HRMD AND THE OFFICE OF THE LEGAL COUNSEL

195. IOD will meet with HRMD and OLC on a regular basis, to share feedback and exchange views on the lessons learned based on the outcome of investigative work and related internal justice system actions, including quality and legal aspects.

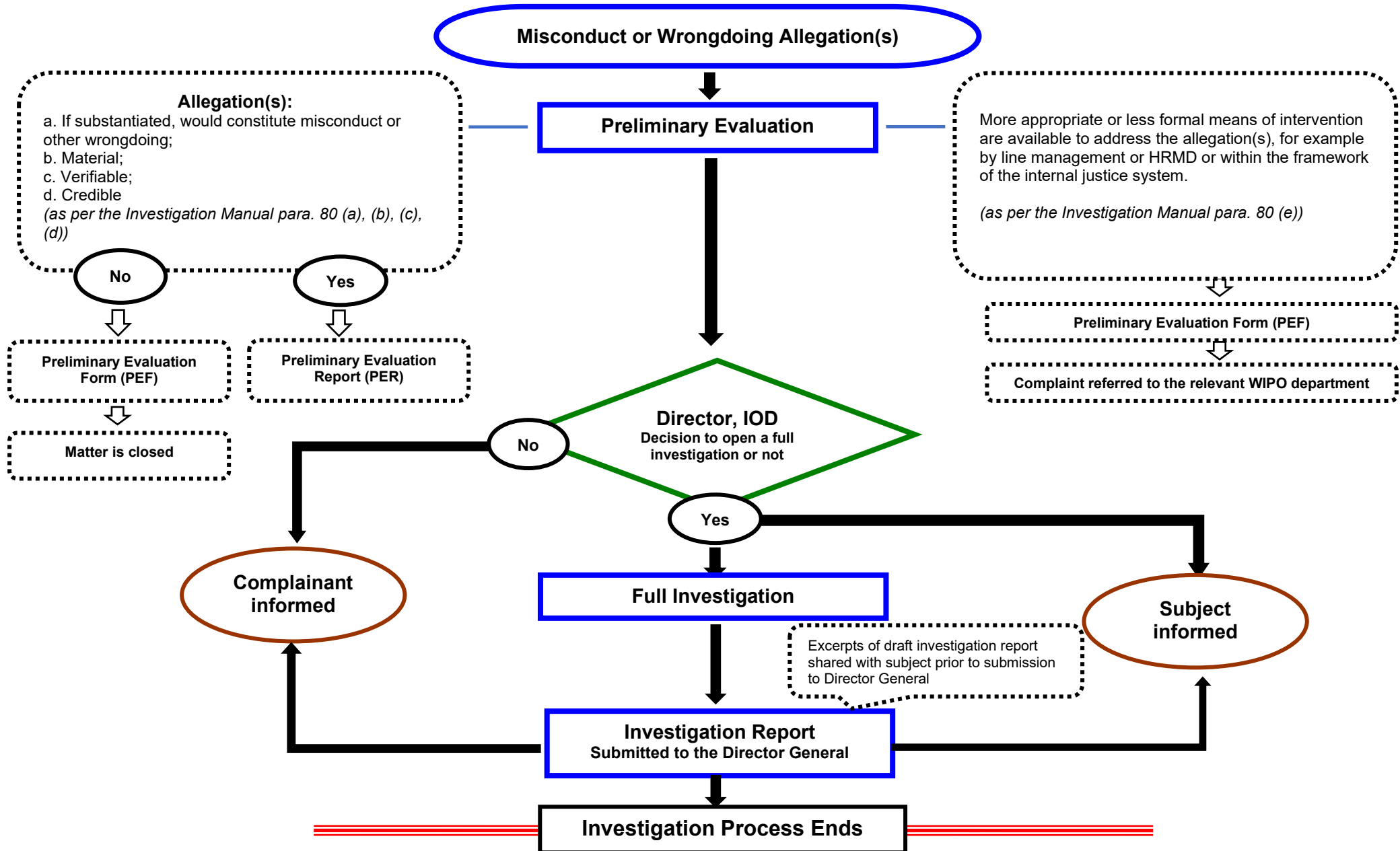
196. IOD may seek legal advice from OLC, as necessary, either in writing or orally. For oral communications, IOD will prepare a note to file and document such interactions in the relevant case file.

13. EFFECTIVE DATE AND REVIEW

197. This Manual will come into effect on the date of its publication, superseding any previous version. It shall be reviewed and revised as necessary.

[Annexes follow]

ANNEX I – INVESTIGATION PROCESS



ANNEX II REFERENCE DOCUMENTS

1. Uniform Principles and Guidelines for Investigations, 2nd Edition (2009)
2. Staff Regulations and Rules
3. WIPO Internal Oversight Charter (Annex I to the Financial Regulations and Rules)
4. WIPO Investigation Policy
5. Standards of Conduct for the International Civil Service (2013)
6. Office Instruction No. 13/2008 on “Personal Accountability and Financial Liability Office”
7. Office Instruction No. 33/2017 Rev. 1 on “Policy to Protect Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations”
8. Office Instruction No. 35/2019 on “The Office of the Ombudsperson”
9. Office Instruction No. 84/2012 on “WIPO Code of Ethics”
10. Office Instruction No. 10/2019, “WIPO Policy on Preventing and Detecting Fraud and Other Prohibited Acts”
11. Office Instruction No. 25/2019, “WIPO Policy on Preventing and Addressing Sexual Exploitation and Sexual Abuse”
12. Terms of reference of the WIPO Independent Advisory Oversight Committee (Annex III to the Financial Regulations and Rules)
13. Office Instruction No. 9/2020 on “WIPO Acceptable Use Policy” (2020)
14. Office Instruction No. 31/2017 Rev.1, Vendor Sanctions Policy (2024)
15. WIPO Policy on Access to Information Assets (2020)
16. HR Manual, HRM/WCG/1 “Workplace-Related Conflicts and Grievances”
17. HR Manual, HRM/HON/2 “Honors and Gifts”
18. Vendor Sanctions Administrative Procedures

[End of Annexes and of document]