

Internal Oversight Division

Investigation Policy

2025 EDITION

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LIST OF ACRONYMS

ADG	Assistant Director General
DDG	Deputy Director General
HRMD	Human Resources Management Department
IAOC	Independent Advisory Oversight Committee
IOD	Internal Oversight Division
MIR	Management Implication Report
WIPO	World Intellectual Property Organization

1. INTRODUCTION AND PURPOSE

1. The WIPO Investigation Policy (hereinafter the Policy) establishes the framework and provides governing principles for the investigation function within the World Intellectual Property Organization (WIPO).
2. As mandated by the Internal Oversight Charter, the Policy is established by the Director, Internal Oversight Division (IOD) in consultation with Member States¹.
3. The Policy is consistent with WIPO regulations, rules, and related administrative issuances, and has been prepared in accordance with generally accepted investigation standards and good practices of organizations of the United Nations system² as reflected in the Uniform Principles and Guidelines for Investigations³.
4. The Policy aims to:
 - (a) Protect the rights and reaffirm the duties of WIPO staff members, contractors and other personnel involved in investigative activities, including subjects of investigations, in accordance with relevant WIPO regulations and rules, and the principle of fairness;
 - (b) Enhance the ability of the Director, IOD to carry out effectively and independently the function of investigation entrusted to her/him, and thereby protect the interests of WIPO; and
 - (c) Promote accountability, a culture of ethics and integrity, and good governance within WIPO.
5. To implement this Policy, ensure the objectivity, impartiality, and quality of IOD investigative activities, and guide WIPO staff members, contractors and other personnel in understanding the investigation function within WIPO, the Director, IOD may establish written procedures and guidelines, including the WIPO Investigation Manual⁴.

2. SCOPE AND AUTHORITY

6. An investigation is 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.
7. The Director, IOD has overall authority and responsibility for investigating allegations of or information concerning misconduct and other wrongdoing falling within her/his mandate.
8. This Policy applies to all WIPO staff members, contractors and other personnel.

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

² Internal Oversight Charter, paragraphs 6 and 21.

³ As endorsed by the 10th Conference of International Investigators, 2009.

⁴ Internal Oversight Charter, paragraph 30(c).

9. This Policy 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 Office⁵.

10. 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 Policy.

11. An investigation is administrative in nature. It is a fact-finding exercise, not a punitive undertaking. The investigation function is part of WIPO's internal justice system, which is based on the Organization's internal regulations and rules, not on national laws. Where the subject of the investigation is a staff member, the Director, Human Resources Management Department (HRMD) may, on the basis of the investigative findings, initiate disciplinary proceedings by way of a charge letter pursuant to Staff Rule 10.1.2. The segregation of functions between investigation and disciplinary action provides necessary checks and balances for the proper administration of justice.

3. ALLEGATIONS OF MISCONDUCT AND WRONGDOING

12. WIPO staff members, contractors and other personnel have a duty to report potential wrongdoing in WIPO⁶, provided there is a reasonable cause to suspect that wrongdoing occurred or is about to occur.

13. 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, waste, abuse of privileges and immunities, abuse of authority, harassment and other violations 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 submitted anonymously⁷.

14. The Director, IOD, may also decide to proactively initiate investigations into potential misconduct or other wrongdoing, based on risks identified⁸ in the course of risk assessment and other oversight activities, or as a consequence of an ongoing investigation.

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

16. The Director, IOD, shall acknowledge receipt in writing, provided there is a channel of communication with the complainant. Furthermore, within six months of receipt of the report of suspected wrongdoing, the Director, IOD, shall notify the complainant in writing of the status of the matter. 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.

17. Allegations concerning IOD personnel, the Director, IOD, WIPO personnel at the Deputy Director General (DDG) and Assistant Director General (ADG) levels or the Director General shall be handled in accordance with paragraphs 23 to 28 of the Internal Oversight Charter.

⁵ 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".

⁶ Internal Oversight Charter, paragraph 9.

⁷ Internal Oversight Charter, paragraph 9.

⁸ Internal Oversight Charter, paragraph 32.

4. INITIATING INVESTIGATIONS

18. Upon receipt of allegations of or information concerning misconduct or other wrongdoing, IOD will conduct a preliminary evaluation of the information available, the purpose of which is to determine whether:

- (a) The alleged behavior, if established, would constitute misconduct or other wrongdoing;
- (b) The allegations are credible, material, and verifiable; and/or
- (c) A more appropriate or a less formal remedy is appropriate and available, or the matter falls within the purview of another body⁹.

19. Based on the outcome of the preliminary evaluation, the Director, IOD shall decide whether to close the matter or initiate a full investigation. The preliminary evaluation and ensuing reasoned decision of the Director, IOD shall be documented.

20. The Director, IOD enjoys functional and operational independence from Management¹⁰.

5. PRINCIPLES GOVERNING THE INVESTIGATIVE PROCESS

21. IOD investigative activities include all fact-finding inquiries conducted during the preliminary evaluation, and the full investigation. 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 evidence.

22. The Director, IOD, and the investigators that may be designated by her/him shall have unrestricted, unlimited, direct, and prompt access to all WIPO records, property, staff members, contractors and other personnel, and to all the premises of WIPO¹¹.

23. WIPO staff members, contractors and other personnel have a duty to cooperate unreservedly with investigative activities conducted by IOD and to respond promptly and fully to IOD requests for information¹².

24. No one shall interfere with an ongoing investigation or otherwise attempt to influence or stop such investigation.

25. The right of WIPO staff members, contractors, and other personnel to communicate confidentially with and provide information to IOD without fear of reprisal, is guaranteed by the Director General¹³.

26. Notwithstanding the foregoing, intentionally and knowingly making allegations or providing information that are false or misleading or that recklessly disregard the accuracy of

⁹ Such as supervisory or management action, referral to the Ombudsperson and/or resolution by the Human Resources Management Department.

¹⁰ Internal Oversight Charter, paragraph 5.

¹¹ Internal Oversight Charter, paragraph 7.

¹² Internal Oversight Charter, paragraph 7.

¹³ Internal Oversight Charter, paragraph 11, and Staff Regulation 1.7(d).

the information constitutes serious misconduct and may result in disciplinary or other appropriate action.

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

28. Confidentiality shall be maintained with respect to all investigative matters by the Director, IOD, designated investigators, and all others involved¹⁴. IOD shall keep confidential the identity of the source of the initial allegations of misconduct or other wrongdoing and disclose it on a need-to-know basis only where required by the legitimate needs of the investigation and/or any subsequent proceedings. In addition, investigation plans and schedules, strategies, or terms of reference relating to an investigation shall not be shared or distributed outside of IOD. Breach of confidentiality in relation to IOD investigative activities may amount to misconduct.

29. In performing their investigative functions, the Director, IOD, and designated investigators will consider the impact on staff members and others concerned who might be negatively affected by the appearance of being investigated and take reasonable steps to protect their reputation.

30. 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 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 the subject's rights and obligations.

31. The subject of an investigation shall be given a fair and reasonable opportunity to explain or justify the conduct being examined and present evidence prior to the issuance of an adverse finding against her/him. Specifically, and unless exceptional circumstances would cause this to jeopardize the effectiveness or integrity of the investigative process:

(a) The subject will be given an opportunity to attend an interview with IOD where she/he will be provided details of the allegations 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 thereafter; and

(b) Subsequently, the subject will be given an opportunity to review and comment on relevant excerpts of the draft investigation report.

32. 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.

¹⁴ Internal Oversight Charter, paragraphs 12 and 47.

6. REPORTS

33. Upon completion of the investigation, the Director, IOD shall issue a final investigation report to the relevant competent authority detailing the findings made and evidence collected during the investigation as to whether misconduct or other wrongdoing occurred and providing recommendations as deemed appropriate. The Director, IOD will endeavor to submit such a report within six months of initiating the full investigation unless circumstances warrant a longer period.

34. Unless otherwise stipulated in this Policy, the Director, IOD, shall submit final investigation reports to the Director General.¹⁵ In cases involving WIPO personnel, a copy of the investigation report shall be provided to the Director, HRMD, and the Legal Counsel¹⁶. The External Auditor and the IAOC shall have access to investigation reports upon request¹⁷.

35. Where the case involves wrongdoing by a vendor, a copy of the investigation report shall be provided to the Vendor Sanctions Committee through its Secretary¹⁸.

36. Final investigation reports concerning the Director of IOD, WIPO personnel at the DDG and ADG levels, or the Director General shall be handled in accordance with paragraphs 42-46 of the Internal Oversight Charter.

37. Final investigation reports, drafts, materials, findings, conclusions, and recommendations are fully confidential unless disclosure is authorized by the Director, IOD, or the Director General¹⁹.

38. 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.

39. In response, the Director, IOD may, at her/his discretion, provide additional information and/or decide to conduct 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, relevant excerpts of the *addendum* containing these findings will be shared with the subject for review and comments as per paragraph 31 of this Policy.

40. The Director, IOD may, at any time, issue Management Implication Reports (MIR) providing systemic recommendations derived from investigative findings. Where the Director, IOD, determines that the matter is a result of weaknesses in the internal controls system, a copy of the MIR may be provided to the Director, Program Planning and Finance (Controller)²⁰.

7. EFFECTIVE DATE AND REVIEW

41. This Policy will come into effect on January 28, 2025, superseding any previous version. It shall be reviewed and revised as necessary.

[Annex I follows]

¹⁵ Internal Oversight Charter, paragraph 41.

¹⁶ Internal Oversight Charter, paragraph 41(a).

¹⁷ Internal Oversight Charter, paragraph 41(c).

¹⁸ Internal Oversight Charter, paragraph 41 (b).

¹⁹ Internal Oversight Charter, paragraph 47.

²⁰ Internal Oversight Charter, paragraph 41 (d).

REFERENCE DOCUMENTS

(as may be revised from time to time)

1. WIPO Internal Oversight Charter (Annex I to the Financial Regulations and Rules)
2. Uniform Principles and Guidelines for Investigations (2009)
3. Chapter X, “Disciplinary Measures”, of the Staff Regulations and Rules
4. Chapter XI, “Conflict Resolution”, of the Staff Regulations and Rules
5. Office Instruction No. 33/2017 Rev. 1 on the “Policy to Protect Against Retaliation for Reporting Misconduct and for Cooperating with Duly Authorized Audits or Investigations”
6. Office Instruction No. 35/2019 on “The Office of the Ombudsperson”.

[End of Annex I and of document]