

student "ad -een "urt. T"e 9n\$est(gat(on Report (n!luded as e\$(den!e 5(tness (nter\$(e5s 5(t" se\$eral students and s!"ool staff mem-ers) a re\$(e5 of t"e med(!al report) and t"e Appellant@ (nter\$(e5.

8. %6 letter dated 1; Januar6 2010 71pportun(t6 to respond 71TR8 letter8) t"e +U1A= (nformed t"e Appellant of t"e f(nd(ngs of t"e (n\$est(gat(on and (n\$(ted "(m to respond to t"e allegat(ons. T"e letter (nformed t"e Appellant t"at (f t"e (n\$est(gat(on@ f(nd(ngs 5ere !onf(rmed) "(s !ondu!t ma6 amount to m(s!ondu!t and result (n d(s!(pl(nar6 measures.

0. 1n 2; Januar6 2010) t"e Appellant responded to t"e 1TR letter and re-e!ted t"e allegat(ons aga(nst "(m. 4e !"ara!ter(>ed t"e (n\$est(gat(on@ f(nd(ngs as an De?aggerat(onE and des!r(-ed t"e student as a Dtrou-lemma, erE. T"e Appellant stated t"at "e 5as defend(ng "(mself) and t"at t"e student "ad (nfl(!ted some of t"e (n&ur(es on "(mself. 4e alleged t"at t"e student@ fam(l6 "ad attempted to D-la!, ma(lE "(m -6 as, ed for mone6 (n return for dropp(ng t"e !ompla(nt.

10. 1n 1B a6 2010) t"e +U1A= up"eld t"e (n\$est(gat(on@ f(nd(ngs and (mposed t"e d(s!(pl(nar6 san!t(on of separat(on from ser\$(!e 5(t"out term(nat(on (ndemn(t6 on t"e Appellant. T"e Appellant 5as pa(d !ompensat(on eCual to one mont"@ salar6 (n l(eu of not(!e.

11. T"e +U1A= found t"at se\$eral aggra\$(at(ng fa!tors 5arranted separat(on from ser\$(!e 5(t"out term(nat(on (ndemn(t6 (n!lud(ng t"e fa!t t"at t"e Appellant@ m(s!ondu!t (n\$ol\$ed \$(olen!e aga(nst a \$ulnera-le !"ldf t"e trust and respons(-(!t6 (n!um-ent on !lassroom tea! "ersf t"e fa!t t"at t"e Appellant "ad ne\$er adm(tted 5rongdo(ng or s"o5n remorsef and t"e potent(al for t"e Appellant@ m(s!ondu!t to !ause s(gn(f(!ant reputat(onal "arm to UNR2A.

12. 1n 1; Jul6 2010) t"e Appellant su-m(tted a reCuest for de!(s(on re\$(e5. 1n 0 1!to-er 2010) "e f(lled an appl(!at(on 5(t" t"e UNR2A +(spute Tr(-unal.

UNRWA DT Judgment

1; . 1n 2: August 2020) t"e UNR2A +(spute Tr(-unal (ssued t"e (mpugned de!(s(on (n Judgment No. UNR2AA+TA2020A052) (n 5"(!" (t d(sm(ssed t"e Appellant@ appl(!at(on.

17. The UNR2A + (spite Tr(-unal found t"at t"e follo5(ng falts) as reported (n t"e 9n\$est(gat(on Report) 5ere esta-l(s"ed -6 !lear and !on\$(n!(ng e\$(den!e. T"e Appellant as, ed t"e \$(!t(m to !ome to t"e front of t"e !lassroom after t"e latter "ad fa(led to ans5er a Cuest(on. T"e Appellant t"en "(t t"e \$(!t(m@ "and 5(t" a "ose and slapped "(m on t"e fa!e. T"e \$(!t(m tr(ed to lea\$e t"e !lassroom to f(nd t"e S!"ool *r(n!(pal) -ut t"e Appellant pus"ed t"e \$(!t(m) and "e fell to t"e floor and "(t "(s "ead on a des, . T"e \$(!t(m returned to "(s des, !r6(ng) and t"e Appellant told "(m to stop !r6(ng and ra(se "(s "ead. 2"en t"e \$(!t(m d(d not do as as, ed) t"e Appellant "(t t"e -a!, of "(s "ead) !aus(ng t"e \$(!t(m@ "ead to "(t a des, aga(n. As a result) "(s nose -egan to -lead.

15. The UNR2A + (spite Tr(-unal found t"at t"e Appellant@ a!t(ons 5ere (n !lear \$(olat(on of t"e UNR2A regulat(ons) and t"us t"at t"e Appellant@ a!t(ons !onst(tuted m(s!ondu!t.

1B. The UNR2A + (spite Tr(-unal determ(ned t"at t"e d(s!(pl(nar6 san!t(on of Dseparat(on from ser\$(!e 5(t"out term(nat(on (ndemn(t6E 5as proport(onate to t"e Appellant@ m(s!ondu!t. 9t a!, no5ledged t"at t"(s d(s!(pl(nar6 san!t(on 5as one of t"e most se\$ere t"at t"e Agen!6

Submissions

✓ r# Al Dirawi's Appeal

10. The Appellant submits that the UNR2A + (spite Tr(-unal erred (n fa!t and la5) (n -as(ng (ts f(nd(ngs on !ontrad(!tor6 e\$(den!e from 5(tnesses and (n f(nd(ng t"at UNR2A "ad esta-l(s"ed "(s m(s!ondu!t -6 !lear and !on\$(n!(ng e\$(den!e. 4e argues t"at t"ere 5ere numerous (n!ons(sten!(es (n t"e 5(tness test(mon6 and ot"er e\$(den!e.

20. The Appellant requests that the Appeals Tr(-unal \$a!ate t"e UNR2A + (spite Tr(-unal Judgment and re\$erse "(s separat(on from ser\$(!e. 4e add(t(onall6 reCuests an unspe!(fied amount of !ompensat(on for t"e ps6!"olog(!al and moral (mpa!t result(ng from "(s separat(on from ser\$(!e.

The \$%mmissi%ner&' eneral's Answer

21. The Comm(ss(oner-=eneral submits that the UNR2A + (spite Tr(-unal d(d not err (n la5) fa!t or pro!edure 5"en render(ng (ts Judgment. The Respondent !ontends t"at t"e UNR2A + (spite Tr(-unal suff!(!entl6 !ons(dered t"e fa!ts and !orre!tl6 "eld t"at t"e6 5ere esta-l(s"ed -6 !lear and !on\$(n!(ng e\$(den!e.

22. The Comm(ss(oner-=eneral submits that the errors alleged -6 t"e Appellant (n "(s appeal are e(t"er unpro\$en or do not 5arrant (nter\$(ent(on -6 t"e Appeals Tr(-unal. The Respondent ma(nta(ns t"at t"e Appellant (s us(ng "(s appeal to (mperm(ss(-l6 repeat arguments t"at fa!led -efore t"e UNR2A + (spite Tr(-unal.

2;. The Comm(ss(oner-=eneral requests that the Appeals Tr(-unal up"old t"e UNR2A +T

-8 failed to exercise jurisdiction vested in it

It erred on a question of law

It committed an error of procedure such as to affect the decision of the Panel or

It erred on a question of fact resulting in a manifestly unreasonable decision.

Standard of review in disciplinary cases

THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2021-UNAT-1158

;2. The Appellant also alleges contradictions seen t

Consequence

1. For the foregoing reasons, we determine that the UNR2A +T did not err (in law or fact) resulting in a manifestly unreasonable decision when it dismissed the application.

Judgment

2. The appeal is hereby denied and Judgment No. UNR2AA