$T \quad \stackrel{\text{\ensuremath{\mathsf{U}}}}{U} \qquad \qquad N \qquad \qquad A \qquad \qquad T$

. 2024- -1476

7. On 12 January 2018, UNODC initiated a fact-finding investigation on allegations of misconduct

In addition, Ms. Monasebian behaved improperly towards interns at UNODC LO. The Sanction Letter further stated that Ms. Monasebian's actions amounted to misconduct in violation of Staff Regulations 1.2(a) and (f), Staff Rule 1.2(f) and Sections 2.1 and 3.2 of ST/SGB/2008/5 and that the disciplinary measure of demotion of one grade with deferment, for three years, of eligibility for consideration for promotion would be imposed on her.⁸

- 12. On 4 August 2019, Ms. Monasebian filed an application with the Dispute Tribunal contesting the disciplinary measures imposed on her by the USG/DMSPC.⁹
- 13. At Ms. Monasebian's request, on the basis of medical reasons, the UNDT suspended the deadline for the submissions in this case on several occasions from 2 November 2020 to 30 June 2022.¹⁰
- 14. On 4 May 2023, the UNDT issued the impugned Judgment, dismissing the application.
- 15. The UNDT found that it had been established by a preponderance of evidence that! Ms. Monasebian had bullied and created a hostile work environment towards LB;¹¹ that she had verbally abused and belittled SK;¹² that she had belittled YC and made her cry;¹³ that she had shouted at SA and communicated towards her in an aggressive manner;¹⁴ and that she shouted at and belittled JO and made her cry.¹⁵ The UNDT also found "some evidence" that Ms. Monasebian had "shouted at and belittled" at least some of the interns.¹⁶
- 16. The UNDT concluded that there was a preponderance of the evidence that! Ms. Monasebian, "a senior official of the Organization and head of the UNODC LO in New York, engaged in a pattern of conduct through which she created an intimidating, hostile and/or offensive work environment for her subordinate staff members" and "failed to uphold a conduct befitting her status as senior international civil servant". The UNDT held that Ms. Monasebian's actions constituted harassment and abuse of authority under ST/SGB/2008/5 and amounted to

<sup>8 4 · , .14.
10</sup> Ibid., .15.

¹¹ Ibid., .33.

¹² Ibid., .40.

¹³ Ibid., .

misconduct.¹⁸ The UNDT also found that, while there were some procedural flaws in the investigation, the flaws were later cured, and Ms. Monasebian's due process rights had ultimately been respected.¹⁹ The UNDT moreover concluded that the disciplinary measure was proportionate.²⁰

17. Ms. Monasebian filed an appeal on 30 June 2023, and the Secretary-General filed his answer on 5 September 2023.

18. Ms. Monasebian claims that the UNDT arbitrarily concluded that the investigative flaws it

. 2024- -1476

. 2024- -1476

in support of other allegations. In this regard, the jurisprudence cited by Ms. Monasebian has no relevance to the present case.

respect to SA, on a new charge from the Sanction Letter that had not been set forth in the Allegations Memorandum.

33. The Secretary-General contends that Ms. Monasebian shows no error regarding the UNDT's findings on JO. She merely disagrees with the UNDT regarding JO's credibility and fails to specify any errors on the part of the UNDT. Even though the UNDT considered that there was a possibility that JO had misunderstood Ms. Monasebian's conduct on 20 November 2017, when JO was taken to medical services, the UNDT rightly focused on the reactions of Ms. Monasebian's subordinates, rather than Ms. Monasebian's intentions on that day. This was because the UNDT had concluded that Ms. Monasebian "had failed to develop a healthy work environment where subordinate staff felt respected and safe" and instead felt unsure and fearful of her reactions.

34. Ms. Monasebian

fails to explain what the material impact would have been on the UNDT's conclusions. In the face of the overwhelming, consistent, credible and corroborated evidence of so many staff members, over such a long period of time, Ms. Monasebian's claim that a citation was wrongly conflated with another, or that the investigators received a statement from a witness that they did not rely upon in any case, should be dismissed.

- 37. The UNDT correctly found that Ms. Monasebian's due process rights had been respected. In its Judgment, the UNDT included a thorough and careful review of her due process rights in the disciplinary process, finding procedural flaws in the panel's investigation process, but concluding that her due process rights had ultimately been respected. Ms. Monasebian has not shown any error on the part of the UNDT in this respect. The UNDT clearly set out its reasoning and found the procedural flaws, although "regrettable," were eventually cured when Ms. Monasebian was informed of all of the charges and was provided with more than four months (after her multiple requests for additional time were granted) to respond to the allegations. The UNDT correctly highlighted that, upon review of Ms. Monasebian's response to the charges, the Administration dropped some of the allegations which shows that not only had she an opportunity to provide input, but that such input was carefully considered. The UNAT has also consistently held that, with regard to due process, only substantial procedural irregularities can render an administrative decision unlawful.
- 38. Ms. Monasebian

claim that the UNDT conflated issues of management style with misconduct does not demonstrate any error in the Judgment, and her mere declaratory statement should be dismissed.

-1476

40. Finally, the Secretary-General contends that Ms. Monasebian

. 2024- -1476

45. Ms. Monasebian, who is legally represented,

will normally include the names of the parties", after balancing the competing interests, we take the view that the anonymization of

!

. 2024- -1476

. 2024-

Administrative Assistant, between October 2005 and April 2007; SK, a Programme Management Officer, between January 2010 and January 2012; YC, a Programme Management Officer, between November 2015 and March 2018; SA, an Administrative Assistant, between January 2017 and March 2018; and JO, a Programme Assistant, between December 2016 and December 2017. In addition, Ms. Monasebian behaved improperly towards interns at UNODC LO.³²

- 63. The disciplinary action taken against Ms. Monasebian, including each finding of misconduct, was comprehensively considered by the UNDT in its review of the decision of the Secretary-General. It did so having regard to the applicable legal framework and the Staff Regulations and Rules which prescribe the standard of conduct required of staff members. The UNDT found that on the clear and credible evidence before it, key aspects of which were found to have been corroborated by other witnesses, it was proved on a preponderance of evidence that, in her leadership style and as a manager, Ms. Monasebian had engaged in a pattern of behaviour which created a hostile working environment for a number of her subordinates over an extended period of time.³³ This behaviour constituted harassment and abuse of authority as well as a breach of her duties as a senior staff member pursuant to ST/ SGB/ 2008/5.³⁴
- 64. In particular, the evidence was found to show that Ms. Monasebian had bullied and created a hostile work environment for LB, whose evidence was corroborated by AT's account that the work environment created by Ms. Monasebian was toxic.³⁵ In addition, Ms. Monasebian's lack of respectful communication with LB was found to have been documented in e-mails sent to her.³⁶ While some of the charges were found not to have been sufficiently supported by evidence, the UNDT concluded that, on a preponderance of evidence, LB had been harassed by! Ms. Monasebian and that LB's allegations that a toxic working environment had been created by her were corroborated, including by

 $T \quad \stackrel{\iota}{U} \qquad N \qquad \quad A$

and dedication towards UNODC and the United Nations.

. 2024- -1476

79.

22 of 23 !

