



## **Judgment**

The applicant's appeal is receivable.

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1. The applicant wishes to appeal an administrative decision which was made following an investigation by the United Nations Children's Fund ("UNICEF") of a complaint of sexual harassment and sexual assault filed against him in October 2006.
  2. The sole question for this preliminary hearing is whether the applicant's application was made in time.
  3. Counsel filed written submissions before the hearing and spoke to those submissions at the hearing.

## **Background**

4. The outcome of the investigation into the allegations against the applicant was advised to him in a letter of 16 January 2007. This letter referred to the investigation of allegations of sexual harassment, abuse of authority and harassment in the workplace raised by a staff member. It issued the applicant with a written reprimand for "demonstrated lack of sensitivity", "apparent poor judgment in communication" and "clear and convincing evidence" of "making comments with a sexual connotation". In light of the circumstances, including the support of several staff for the applicant on a professional level, the respondent decided that formal charges would not be filed against him as a result of the complaint.
5. The applicant did not challenge that letter or ask for administrative review of the decision to reprimand him at the time it was made.
6. The complainant was dissatisfied with the outcome of the investigation. In 2007 she began a sustained campaign against the applicant and UNICEF in India in which she made serious public allegations including making a complaint to the Indian





from it. The requests were motivated by events subsequent to the letter of reprimand which had significant repercussions for the applicant.

18. Accordingly, the applicant's request for administrative review was brought in time and his appeal against the outcome of that review is receivable. The merits of his appeal may now be considered by the Tribunal.

19. At the conclusion of the hearing the Tribunal proposed to the parties that this is a case which may be suitable for mediation. The parties are to advise the Tribunal by 10 September 2009 if they consent to the Tribunal suspending the proceedings pursuant to Article 15 of the Rules of Procedure and to it sending the case to the Mediation Division in the Ombudsman's Office for consideration.

*(Signed)*

Judge Coral Shaw

Dated this 28<sup>th</sup> day of August 2009

Entered in the Register on this 28<sup>th</sup> day of August 2009

*(Signed)*

Hafida Lahiouel, Registrar, New York