

Chapter 1 World Health Organization

Sub-Chapter 1.6 Oversight and Audit

1.6.5 Investigation Protocol**Purpose**

10. This policy establishes the protocol for conducting investigations in the Pan American Health Organization (“PAHO” or “the Organization”) when an allegation of misconduct has been received by the Organization involving PAHO staff members and/or non-staff who work in a PAHO workplace (“PAHO personnel”), or third parties who perform services or activities contracted or financed by PAHO.

Scope

20. This policy applies to all preliminary assessments of alleged misconduct and all full investigations carried out in PAHO by the Investigations Office (INV) or an external investigator, as appropriate.

Policy and Essential Procedures

30. Basic premise: The basic premise of this policy is that all reported alleged misconduct will be reviewed and, where warranted, a full investigation initiated as promptly and confidentially as possible ensuring independence, impartiality, and fairness.

PART 1: INTRODUCTION**General Overview**

40. An investigation is a process designed to gather information and collect facts. In the workplace, investigations are administrative in nature and are undertaken to determine the facts as they relate to an allegation of misconduct. This is accomplished by interviewing persons, reviewing records, and gathering data, information, and documentation.
50. Workplace investigations cover a wide range of issues and are initiated in response to allegations of misconduct or suspected irregularities. Although each investigation is unique and may be handled differently, this policy provides a common set of guiding principles and procedures to ensure, to the extent possible, that all investigative activities are carried out in a fair, transparent, and consistent manner.

60. This protocol for conducting workplace investigations (the “Protocol”) describes in general terms how administrative, fact-finding investigations will be carried out in PAHO when possible misconduct is suspected or reported to officials in the Organization. Specifically, it sets out the following:
- a) Guiding principles of the investigative process;
 - b) Role and level of authority of the investigator;
 - c) Rights and obligations of persons involved in an investigation;
 - d) Conduct of interviews and preparation of records;
 - e) Determination of facts during an investigation;
 - f) Release of the investigation report; and
 - g) Safeguards to protect the integrity of the process.
70. Due to the unique nature of each case and the scope and complexity of some investigations, flexibility may be required to ensure that every investigation is properly conducted, and each case evaluated on its own merit.

PART 2: GUIDING PRINCIPLES

Independence

80. Independence is a paramount principle to ensure a fair and credible investigation. An investigator must be able to maintain his or her independence at all times and have the necessary freedom to pursue the investigation and determine the facts without outside influence or fear of retaliation. As such, the issue of independence must be taken into account when determining who conducts the investigation and how.
90. Independence can lead to a more thorough and complete investigation, as individuals are more likely to disclose information and respond to questions when they feel that the information they provide will be examined by an independent investigator and used fairly.
100. Independence also bolsters fairness because of the expectation that an investigator has more freedom to see and report things clearly when the investigator has no personal interest or close working relationship to the complainant and/or subject of an investigation or its outcome.

Impartiality

110. Investigators must be impartial and have no prior or existing personal or close working relationship with any of the parties involved in an investigation, as this could compromise or appear to compromise the outcome of the investigation.
 120. An allegation is not an indication that misconduct has actually occurred, and it is the investigator's role to determine the relevant facts. In assuming this important undertaking, the investigator must be fair, impartial, and thorough.
 130. If an investigator has an actual or perceived conflict of interest or is unable to conduct an impartial investigation, the investigator must make an appropriate and timely disclosure to the Deputy Director (DD) and the Office of the Legal Counsel (LEG) and recuse himself/herself from the investigation. If the investigation has already been initiated and a conflict of interest is discovered, the investigator must also notify the DD and LEG and withdraw from the investigation. In such situations, the DD shall coordinate with LEG to determine the necessary action, including hiring an external investigator, as appropriate.
 140. An investigator cannot carry out an investigation when:
 - a) Their judgment may be affected by biases or predispositions;
 - b) They have witnessed the conduct at issue or have personal knowledge of the facts surrounding the allegation;
 - c) They have or have had a personal or close working relationship with any of the parties involved in the investigation; or
 - d) Because of other facts or circumstances, a reasonable person would believe that a conflict of interest may exist.
 150. The person who reported the allegation (complainant) and/or the subject of investigation must report to the DD, as soon as possible, if he or she believes that the investigator has an actual or apparent conflict of interest and is unable to undertake an objective investigation. The DD will ask the Ethics Office (ETH) to make a determination on the reported conflict of interest. If ETH determines that a conflict of interest exists, the DD shall coordinate with LEG to determine the necessary action, including hiring an external investigator, as appropriate.
 160. During the course of the investigation, the investigator must remain objective – and also maintain the appearance of objectivity – while striving to gather all the relevant facts.
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Fairness

170. To be effective, the investigator must be fair. This requires that they maintain a clear and open mind and not have any preconceived opinions prior to the start of an investigation. It also requires that the investigator be truthful to all the parties and refrain from embellishing or disregarding relevant information that has been obtained during the investigation.
180. The investigator's primary role is to ascertain the facts and protect the integrity of the process. Thus, if the investigator uncovers information that implicates or exonerates the subject, this information must be reflected in the investigator's official records.

Confidentiality of Investigation Processes

190. All preliminary assessments and full investigations must be conducted in a confidential manner. Throughout the course of an investigation process, the investigator will share confidential information strictly on a need-to-know basis. Any disclosures will be limited to the minimum necessary to properly carry out the investigative function. The investigator will maintain a record of all individuals (including complainants, subjects, and interviewees) who have access to confidential investigation-related information, and those individuals will be held accountable for safeguarding the confidentiality of such information. Any breach of confidentiality by anyone involved in preliminary assessment or investigation will result in appropriate corrective or disciplinary action.
 200. Individuals involved in a preliminary assessment or full investigation or questioned by an investigator may only divulge to others the information discussed or obtained, if there is a legitimate need for another person to know this information. Anyone involved in a preliminary assessment or full investigation or questioned by an investigator is required to obtain the prior written approval of the investigator before sharing such information. Notwithstanding the above, individuals involved in a preliminary assessment or full investigation or questioned by an investigator do not need the prior written approval of the investigator before sharing confidential, investigation-related information with PAHO's Ombudsman, the Staff Counselor, medical services providers, therapists, or their spouse or partner.
 210. The investigator must take reasonable precautions to protect any confidential information obtained during the course of an investigation, as well as the identities of the subject, the complainant, and anyone who provides relevant information or documentation (interviewees).
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220. As a general principle, supervisors are not informed that a subordinate is under investigation. This is to ensure that supervisors remain objective and to safeguard the reputation of PAHO personnel while an investigation is being undertaken.
230. An investigator cannot make an absolute promise of confidentiality but may share information about investigative activities with persons who have a legitimate need to know the information. For example, information about investigative activities will be shared as follows:
- a) With the Investigation Coordinating Committee (ICC). The ICC is composed of the INV Chief Investigator, PAHO's Legal Counsel, and the Department of Human Resources Management (HRM) Director.
 - b) With individuals interviewed by an investigator when it is in furtherance of the investigation. All interviewees will be informed that any information they provide will remain confidential to the extent possible and will not be revealed except on a need-to-know basis.
 - c) With a complainant's or subject's supervisor if the supervisor has information that may be relevant to the investigation or if the allegation relates to financial improprieties or serious misconduct and it is necessary to protect the interests of the Organization or of an individual.
 - d) To ensure due process, which implies that the subject of an allegation is duly informed of the allegations presented against them.

PART 3: CONDUCTING AN INVESTIGATION

Purpose

240. Workplace investigations are administrative fact-finding exercises undertaken to look into allegations of misconduct involving PAHO personnel or third parties who perform services or activities contracted or financed by PAHO. These investigations are strictly limited to and carried out within the legal and administrative framework of the Organization.

Role of Investigator

250. The investigator's primary role is to gather information and documentation pertaining to an allegation and to determine whether the facts as alleged are substantiated. In fulfilling this role, an investigator must:
- a) Uncover the facts, whatever they may be;
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- b) Conduct a thorough and systematic inquiry, considering all relevant facts and following all relevant leads;
 - c) Reach an objective and independent conclusion as to whether the facts as alleged have been substantiated, regardless of the status or position of the subject or the opinion of others; and
 - d) Resist any pressure to make a specific finding.
260. Once an investigation has been completed, the matter is referred to the appropriate official(s) in the Organization to enable them to decide what administrative and/or disciplinary action, if any, should be taken in accordance with the Organization's regulations, rules, policies, and procedures.
270. Investigations may be carried out by more than one investigator, at the discretion of the lead investigator.

Duty to Cooperate

280. The investigator has the full authority to meet and question PAHO personnel and, with consent, people outside the Organization who may have relevant knowledge or information about an issue being investigated.
290. During a preliminary assessment and full investigation, PAHO personnel have a duty to cooperate with the investigator. This obligation entails making themselves available to meet with investigators, providing truthful and relevant information, and answering pertinent and reasonable questions posed by the investigator. It also requires persons who have been interviewed to review and sign their own record of interview within a reasonable period of time.
300. The duty to cooperate does not apply to PAHO's Ombudsman given the professional standards of practice which guide his or her work and which generally prohibit the sharing of confidential information in any matter within an organization, including an investigation.
310. It is improper for anyone to knowingly destroy documents or tamper with information that is relevant to an investigation; intentionally mislead investigators; interfere with or retaliate against someone who has provided information to an investigator; or violate the confidentiality of an investigative proceeding.

Access to Records, Documents, and Workspace

320. Information gathered during the course of an investigation must be obtained within the boundaries of proper and ethical behavior. Documents prepared by the investigator must be factual and accurate, and all notes and records must be dated. The investigator has full and unrestricted access to all official records, documents, and electronic devices of the Organization that the investigator reasonably believes may be relevant to a preliminary assessment or full investigation into a specific matter. This includes but is not limited to:
- a) Personnel, procurement, financial, telephone, and other records, files, and documents; and
 - b) PAHO devices (e.g., cell phones, computers, security systems), including usage reports, and any message, document, or file that was created or stored in the Organization's electronic systems.
330. To preserve and protect medically sensitive information and the privacy of individuals, the investigator will not generally have access to confidential medical records. However, if an allegation relates to health insurance fraud or abuse of sick leave, relevant medical information may be provided to the investigator by, for example, the Health and Wellbeing Unit, Staff Physician, or Staff Health Insurance (including the Third Party Administrator).
340. An investigator may copy and/or review original files and records in the investigator's own office or other suitable workspace and will take every reasonable precaution to avoid the possibility of loss, theft, or access by unauthorized persons. The investigator will return the files and records as soon as possible to the custodial office concerned.

Preliminary Assessment

350. Anyone may submit a complaint or allegations(s) to INV. Upon receipt of a complaint or allegations(s) alleging misconduct, an investigator will normally conduct a preliminary assessment to determine if the allegation(s) meet the threshold to initiate a full investigation. The preliminary assessment is intended to answer three threshold questions:
- a) Does the allegation fall within INV's mandate?
 - b) Does the alleged conduct, if true, fall within the scope of PAHO's regulations, rules, or policies?
 - c) Does the allegation provide sufficient credible information to merit a full investigation?
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360. As part of a preliminary assessment, an investigator may:
- a) Review the information that has been presented by the complainant and obtain from that person any additional information relating to the issue they reported.
 - b) Interview persons who may possess relevant information and review available documentation to assess the credibility of the allegation.
370. If, after a preliminary assessment is conducted, a determination is made not to conduct a full investigation, the complainant will be notified in writing of the decision and its basis by the relevant Organization official, as follows:
- a) By the HRM Director – or in the case of a contractor, vendor, supplier, or a third party performing activity contracted for or financed by PAHO, the Director of Administration (AM) – in matters involving allegations of harassment, sexual harassment, sexual exploitation and abuse, discrimination, or retaliation; or
 - b) By the investigator in matters involving any other type of alleged misconduct.
380. Unless interviewed, the subject will not normally be notified that a preliminary assessment was conducted or of the investigator’s findings. Other individuals involved in the preliminary assessment may be informed of the outcome if deemed necessary to protect the reputation of the subject.
390. An investigator must ensure that all information and documentation gathered during a preliminary assessment, including detailed work products, notes, recordings, and other evidence, is properly maintained in the official records. Work products will also include a summary of the actions taken by the investigator and the basis for the investigator’s recommendations and decisions.

Full Investigation

400. If an investigator determines that an allegation of misconduct meets the threshold established at paragraph 350, a full investigation is initiated.

Timing of Investigations

410. All investigations will be conducted as promptly as possible after an allegation is received to preserve relevant information and documentation and prevent the continuation of the alleged misconduct or the occurrence of other incidents. To this end, the investigator(s) will strive to complete the investigation, including the report, within a period of six months, taking into consideration the nature, number, and complexity of the allegation(s). Although expediency is an important consideration, investigators must not be pressured to meet unreasonable deadlines, and time constraints must not affect the due care and activity schedule of the investigator(s).

Interim Actions

420. The investigator will consider whether any interim precautionary measures are needed to safeguard information, ensure a proper investigation, or protect a party to the investigation or the interests of the Organization. Where necessary, the investigator will make an appropriate recommendation and refer the matter to the relevant official(s) in the Organization for consideration and necessary action.

Notification to Subject

430. The investigator(s) will notify the subject as soon as practicable that he or she is under investigation and of the general nature of the allegation. The timing of the notification will depend on the investigator's review and analysis of each individual case, taking into account all relevant circumstances, including the possible destruction of or tampering with information, intimidation of interviewees, or other actions that may compromise the investigation. As a result, the subject need not be informed in advance that an investigation will be undertaken, and an investigator may interview persons and/or obtain information prior to notifying or interviewing the subject.

PART 4: INTERVIEWS

Deciding Who to Interview

440. An investigator has the discretion to decide who should be interviewed based on the specific circumstances of each case. After identifying the persons to be interviewed, the investigator outlines the areas of inquiry and decides the order in which individuals should be interviewed. To ensure a thorough and consistent line of questioning, an investigator may prepare a list of questions for each interviewee in advance, but this does not preclude the investigator from asking ad hoc or follow-up questions, or from scheduling additional interviews.

Location of Interviews

450. Interviews should take place in a private location to avoid disturbances and interruptions, protect the identity of the person being interviewed (interviewee), and maintain the confidentiality of the discussions. To the extent possible, interviews should not take place in the interviewee's office or immediate work area.
460. Interviews may be conducted in-person, by telephone, or by video conference, at the discretion of the investigator(s).

Conduct of Interviews

470. Because an investigation is an internal administrative proceeding intended to ascertain the facts and is not a judicial or adversarial process, interviewees, including the subject of investigation, do not have the right to be accompanied by legal counsel or to question individuals, including other interviewees.
480. An interview is normally attended only by the interviewee and the investigator(s). If deemed necessary, a third party, such as a subject matter expert or interpreter, may be invited by the investigator(s) to be present at the interview.
490. With reasonable written prior notice, the complainant or subject of investigation may be accompanied during the interview by someone of their choice who is not their legal counsel, is not involved in the process, and does not have an actual or perceived conflict of interest. That person may not actively participate in the interview.

500. A person may be interviewed on more than one occasion during the course of an investigation.
510. During an interview, the subject will be informed of the nature of the allegation(s), the investigator's role during the investigation, how confidentiality will be handled, and generally what to expect during the investigative process. At that time, if not informed already, the subject will also be directed to the Investigation Protocol and any other regulation, rule, or policy that may be relevant to the allegation or the investigative process.
520. Interviews with PAHO personnel will be conducted in one of the four official languages of the Organization (English, Spanish, Portuguese, or French) based on the preference of the person being interviewed, using interpreters selected by the investigator(s) when necessary.
530. Interviews with the subject will be digitally recorded by the investigator. Interviews with other persons may be recorded by the investigator, at his or her discretion, or at the request of the interviewee. When an interview is digitally recorded, the investigator will provide an appropriate notification to the interviewee at the beginning of the interview.
540. Recordings will be used, if necessary, to corroborate or clarify the discussions which took place during an interview. Upon request, a person whose interview was digitally recorded will be given a reasonable opportunity to listen to the recording.
550. The investigator's role during an interview is to listen and hear all sides of the story. The investigator must be objective, nonjudgmental, and respectful of each interviewee. Questions should be designed to elicit facts, not opinions.
560. It is important for the investigator to assure each interviewee, and particularly the subject of investigation, that no conclusion with respect to the allegation(s) has been reached and that the investigator's task is simply to ascertain the relevant facts.
570. During interviews, the investigator should also elicit information about any other person who might be able to provide information relevant to the investigation.
580. At the end of each interview, the investigator will inform the interviewee that he or she is:
- a) Required to maintain the confidentiality of the information discussed and of the interviewee's written record of interview as described below;
 - b) Required to report any attempt to influence, intimidate, impede, or retaliate against the
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- interviewee or tamper with information; and
- c) Protected from retaliation under PAHO's Protection Against Retaliation Policy.

Records of Interview

590. Following each interview, the investigator will prepare a written record of interview. This record, in the language in which the interview was held, contains a summary of the information that was communicated by the interviewee.
600. The interviewee will be given a reasonable opportunity to review the record of interview to confirm that it is accurate and reflects the information that was communicated to the investigator(s). After any necessary changes have been made, the record of interview will be signed by both the interviewee and the investigator(s), after which time it becomes an official record of the interview. (In situations where the record cannot be personally signed by the interviewee, an acknowledgment by e-mail or other means will be obtained.) Where an interviewee has been given a reasonable opportunity to review and sign the record of interview, but fails to do so, the record will be deemed accurate.
610. A copy of the record of interview will be provided to the interviewee, who is required to maintain the confidentiality of this document.

PART 5: FACTUAL FINDINGS**Factual Findings**

620. Following the conduct of an investigation, the investigator will evaluate the information obtained during the interview and data collection phases. The investigator will then assess the credibility of this information, weigh the evidence, and set out his or her findings of fact.
630. This analysis will result in one of two possible outcomes:
- a) *Facts as alleged substantiated*: The investigator concludes that the facts as alleged are supported by the available evidence.
 - b) *Facts as alleged not substantiated*: The investigator concludes that the facts as alleged are not supported by the available evidence in one of two ways:
 - *Facts as alleged did not occur*: The evidence indicates that the act under investigation did not occur as alleged.
 - *Facts as alleged are inconclusive*: The available evidence is insufficient to substantiate the facts as alleged.
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Malicious and Frivolous Allegations

640. In addition to finding that the fact(s) as alleged are not substantiated by the evidence, an investigator may also find that the evidence indicates that an allegation may have been made in bad faith. PAHO policy provides that disciplinary action may be taken against a person who makes an allegation that is intentionally false or misleading. Consequently, any such finding must be included by the investigator in the investigation report. Typically, bad faith allegations can be characterized as:

- *Malicious Allegations:* An allegation made against another person that causes harm and is done without just cause or proper motive; or
- *Frivolous Allegations:* An allegation made without foundation, and which embarrasses or distresses the subject of the allegation.

PART 6: REPORTS**Investigation Report**

650. The investigator will prepare a written report following a full investigation. This report will contain the findings and conclusions of fact and an analysis of all the material information gathered during the investigation. The records of interview and other pertinent documentation will be attached as exhibits to the report.

660. The investigation report must not contain opinion or conclusion as to whether a violation of the Organization's regulations, rules, or policies has occurred; any recommendations regarding possible actions that could be taken against any party involved in the investigation, including the subject of investigation, or on the imposition of administrative or disciplinary measures.

670. The investigator may make recommendations of a general nature to improve administrative procedures, strengthen internal controls, and mitigate future risks. However, these recommendations must not be included in the investigation report but rather contained in a separate document, such as a transmittal memorandum or after-action report.

Release of Investigation Report and Maintaining Confidentiality

680. The investigation report and all documents obtained during an investigation and/or prepared by the investigator are considered confidential work product and are not subject to release or disclosure. For this reason, the report must be marked as “confidential” and may not be disseminated to any party, except as specified below.
690. The investigation report will be provided by the investigator to the official or entity in PAHO that has primary responsibility to take action or make a decision concerning the issue under investigation, as specified below.
700. The official or entity receiving a preliminary assessment or investigation report is responsible for protecting the confidentiality of the report and related confidential information. The report and related confidential information may only be shared with others strictly on a need-to-know basis. Any disclosures will be limited to the minimum information necessary to implement interim protective measures and to address the investigator’s findings of fact. The official or entity receiving a report must maintain a record of all individuals (including entity personnel) who have access to the report and related confidential information. Those individuals will be held accountable for maintaining confidentiality and may only share confidential information with the prior written approval of the receiving official or entity. Any breach of confidentiality by anyone with access to the report and related confidential information will result in appropriate corrective or disciplinary action.
710. Reports into allegations of misconduct involving PAHO personnel will normally be referred to the Director of HRM, who will assess and decide whether a violation of the Organization’s regulations, rules, or policies has occurred and whether to initiate administrative and/or disciplinary proceedings in accordance with the applicable Staff Regulations, Staff Rules, and policies. At the same time, a copy of the report will be sent to LEG.
720. Reports into allegations of misconduct involving a contractor, vendor, supplier, or a third party performing activity contracted for or financed by PAHO will normally be submitted to the AM to determine what action, if any, should be taken against the individual or company concerned. At the same time, a copy of the report will be sent to LEG.

730. In the event of a conflict of interest involving the Director of HRM, the investigation report will normally be submitted to the AM for consideration. If the AM is likewise conflicted, the report will normally be referred to the Deputy Director or the Assistant Director, as appropriate, for consideration.
740. Normally, no other person will be provided with a copy of the investigation report by INV, including the complainant, the subject, or interviewees who provided information or cooperated in the investigation.

Notification

750. Once an investigator submits his or her investigation report to the appropriate Organization official, the investigator will then inform the subject of the investigation and the person who reported the allegation that the investigation has been completed and a report sent to the appropriate official.

Release of Findings to External Auditors

760. Upon written request, an investigator will provide to the Organization's external auditors a copy of an investigation report when the report is required in the normal course of an audit review.

National Authorities

770. Only the Director of PAHO, in consultation with LEG, may refer a matter to the relevant government authorities, including law enforcement agencies.

Securing Information

780. An investigator must take reasonable measures, in accordance with PAHO's Information Technology security and document retention policies, to properly secure and safeguard all documentation obtained during an investigation to prevent it from being lost, stolen, destroyed, manipulated, or accessed without authorization.

Responsibility for this policy

790. INV is responsible for administering this policy. For any questions or further information regarding this policy, contact INV by e-mail at investigations@paho.org or through the INV portal, including anonymously, at [Report Wrongdoing to INV - PAHO/WHO | Pan American Health Organization](#).

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