

Terms of Reference PAHO Investigations Office

Establishment and Authority

1. These Terms of Reference set out the principal responsibilities of the Investigations Office of PAHO.
2. The Investigations Office conducts professional, independent, impartial, objective and timely administrative fact-finding investigations in accordance with PAHO's regulations, rules and policies, including PAHO's Investigation Protocol. The Investigations Office has the authority to investigate allegations of misconduct, including fraud and corruption, involving PAHO staff members. In addition, the Investigations Office may investigate allegations of misconduct involving non-staff who work in a PAHO workplace or third parties performing activities contracted for or financed by PAHO, in accordance with the procedures established herein.
3. The mandate of the Investigations Office is to provide PAHO's Management the factual basis upon which to make informed decisions regarding allegations of misconduct.
4. The Investigations Office contributes to the good governance of PAHO by helping the Organization protect its resources, integrity and reputation; supporting the Organization's accountability framework; and, providing the Organization with the factual information necessary to identify and address allegations of misconduct.

Head of the Investigations Office

5. The Investigations Office is headed by the Chief Investigator, who reports to the Deputy Director of PAHO for individual and office performance evaluation, planning, logistics, financial and human resources issues and other administrative matters. To maintain functional independence, the incumbent provides reports directly to the Governing Bodies of PAHO, through its Executive Committee.
6. The Chief Investigator is selected by the Organization through a competitive selection process and serves a single non-renewable term of seven years, after which the incumbent cannot be appointed again in the same position. In addition, the incumbent is ineligible to work in any other position or under any type of contractual mechanism in PAHO for a period of at least one year. After the completion of his/her probationary period, the Chief Investigator may be dismissed prior to the expiration of this term only for cause, and after duly informing PAHO's Executive Committee.

Independence

7. The Chief Investigator and all personnel assigned to the PAHO Investigations Office shall uphold the principles of personal integrity, objectivity and confidentiality. They must be free from any real or perceived conflict of interest when performing their functions. They must perform their duties and responsibilities independently and professionally. Their actions and decisions must be taken without influence, interference, internal or external pressure, or fear of retaliation.
8. The Chief Investigator shall prepare and submit an annual written report to the Executive Committee of PAHO. The Chief Investigator also has private and confidential access to the members of the Executive Committee and PAHO's Audit Committee, as necessary.
9. The Investigations Office provides advice to PAHO's Management on policy matters and internal processes where its expertise, views, and experience may be useful.

Duties and Responsibilities

10. The operational mandates of the Investigations Office shall be to examine and determine the facts surrounding allegations of misconduct by conducting preliminary assessments and, as necessary, investigations.
11. The Investigations Office shall maintain objectivity, impartiality, professionalism, and fairness throughout the fact-finding process and conduct its activities with the highest levels of integrity and in accordance with PAHO's regulations, rules and policies. The Investigations Office shall adopt transparent procedures for the intake and evaluation of complaints and allegations; for the conduct of preliminary assessments; the conduct of investigations; and the reporting of its findings to PAHO Management.
12. Prior to initiating a preliminary assessment or investigation of any allegation of misconduct involving non-staff who work in a PAHO workplace or third parties performing activities contracted for or financed by PAHO, the Investigations Office shall consult with PAHO's Office of the Legal Counsel and the Department of Human Resources Management. The Legal Counsel and Director of the Human Resource Management will advise if the allegation is within the authority or competence of PAHO to investigate and will ensure that the fact finding process will not breach an existing agreement or contract, pose risks of litigation or other adverse action against the Organization, or require the involvement of or notification to national authorities or other third parties.
13. Except as provided in paragraph 12, the Investigations Office shall assess and decide which reported matters require investigation. When an investigation is deemed necessary, the Investigations Office shall have responsibility for the conduct of such investigations. The Investigations Office has the authority to contract external investigators whenever deemed necessary because of the nature or complexity of an investigation, including conflict of interests, or when allegations of misconduct involve a member of PAHO's Executive Management (consisting of the Director, the Deputy Director, Assistant Director and the Director of Administration).

14. Investigations Office personnel shall disclose to their supervisor any actual or perceived conflict of interest in respect of any matter which they are responsible to handle. Where that actual or perceived conflict of interest cannot be resolved, the Investigations Office shall recuse itself and the Chief Investigator must inform the Deputy Director. The Deputy Director shall coordinate with the Office of the Legal Counsel to determine the necessary action, including hiring an external investigator, as appropriate.
15. The Investigations Office shall maintain an effective system for the recording and management of all preliminary assessments and investigations.
16. The Investigations Office will collaborate with other entities within PAHO in awareness raising efforts, when appropriate.
17. The annual written report submitted by the Investigations Office to PAHO's Executive Committee shall specify the number and general nature of matters handled by the Investigations Office and describe the Office's activities during the preceding calendar year. If, in the view of the Investigations Office, certain investigations have revealed broad patterns of misconduct, the report may include the issues involved.
18. The Chief Investigator shall prepare a flexible annual work plan, and report regularly to the Deputy Director on progress towards fulfillment of this plan.
19. The Chief Investigator shall also keep the Director of PAHO informed on progress on the implementation of the annual work plan of the Investigations Office and any other relevant issues.

Operating Methods

20. All PAHO personnel shall be informed of how to contact the Investigations Office and bring relevant matters to its attention.
21. The Investigations Office shall adhere to established Organizational regulations, rules and policies for the conduct of investigations, informed by international administrative law and protecting due process rights. The Investigations Office shall participate in the development and updating of PAHO policies relevant to the investigation function, including, as appropriate: management of a confidential Helpline, acceptance of anonymous complaints, intake and review of reports of alleged misconduct or unethical behavior, triage and referral, preliminary assessments, fact finding, reporting, record keeping and investigations database management.
22. In prioritizing its work, the Investigations Office shall apply a risk-based approach, including but not limited to factors such as: financial exposure, reputational harm or overall risk to the Organization; level and position of individuals involved in the matter; and impact on the Organization's work environment.
23. Allegations involving members of PAHO's Executive Management shall first be reviewed by

the Investigations Office to determine if they are made in good faith and if the information provided appears credible. In the event that the Investigations Office considers that an investigation is necessary, it shall be carried out by an external investigator in accordance with paragraph 14.

24. At the conclusion of any investigation, the Investigations Office shall issue a written report as promptly as possible to the Director of Human Resources Management or other designated official (as specified in PAHO's Investigation Protocol), summarizing the facts found during an investigation. The Investigations Office may also provide, in a separate communication, observations to bring to the Director's attention specific concerns that could pose reputational risks or other risks to PAHO or suggestions to improve internal controls and/or administrative processes. The Investigations Office does not participate in Management decision-making about whether or not a violation of PAHO's rules, regulations or policies has occurred or on the imposition of disciplinary or administrative action following completion of an investigation.
25. If the Investigations Office receives information regarding allegations of criminal conduct, it shall immediately transmit the matter to the Office of the Legal Counsel for possible referral to national authorities.
26. The Chief Investigator serves as Chairperson of the Investigations Coordinating Committee (ICC), as Secretary to the Asset Protection and Loss Prevention (APLP) Committee and is a member of PAHO's Integrity and Conflict Management System (ICMS). The Chief Investigator may also serve in other PAHO committees or working groups, as deemed appropriate by the Deputy Director.
27. The Chief Investigator may consult, as necessary, with members of the Integrity and Conflict Management System (ICMS) on matters relevant to the functions of the Investigations Office.

[Approved on 4 September 2020]