

## **Appendix K**

### **Joint Appeals Board**

The provisions of staff rule 112.01 shall also be applicable to project personnel appointed under staff rules 200.01 through 213.03 and short-term staff appointed under staff rules 301.01 through 313.02.

#### **Composition**

(a) The Joint Appeals Board established under staff rule 112.01 shall be composed of:

- (i) Chairpersons appointed by the Director-General from a list presented by the Staff Council;
- (ii) Members appointed by the Director-General;
- (iii) An equal number of members elected by the staff.

The number of chairpersons and members of the Board shall be determined by the Director-General upon recommendation of the Staff Council.

(b) The chairpersons and members of the Joint Appeals Board shall be appointed or elected for two years, shall be eligible for reappointment or re-election and in any event shall remain in office until their successors are appointed or elected.

(c) A chairperson may be removed from a Board by the Director-General upon recommendation of the Staff Council. The members appointed by the Director-General may be removed by the Director-General. The members elected by the staff may be recalled by a majority vote of the staff taken at the initiative of the Staff Council.

(d) The Board shall establish its own rules of procedure. At the commencement of its term of office, the Board shall, from among the chairpersons, elect its presiding officer and, when necessary, an alternate presiding officer, who shall serve in the absence of the presiding officer; at the same time, the Board also shall decide on the system of rotation to be followed in constituting panels of the Board.

(e) The Joint Appeals Board may, by a majority vote of all its chairpersons and members, recommend to the Director-General changes in the provisions of chapter XII of the Staff Rules and this appendix.

(f) The Secretariat of the Joint Appeals Board shall consist of a Secretary and such other staff as may be required for its proper functioning.

## **Panel of the Joint Appeals Board**

(g) For the consideration of each appeal, the presiding officer of the Joint Appeals Board shall constitute a panel of the Board, composed as follows:

- (i) A panel chairperson selected from among the chairpersons of the Board;
- (ii) A member selected from among those appointed by the Director-General;
- (iii) A member selected from among those elected by the staff.

(h) In constituting such panels, the maximum possible rotation of chairpersons and members of the Board shall be observed. No person who has served on the Joint Disciplinary Committee during consideration of a specific case or who has assisted the Director-General in a review procedure referred to in paragraph (a) of staff rule 112.02 or 212.02 shall serve on a panel established to consider an appeal relating to the same case.

(i) Before a panel undertakes consideration of an appeal, the parties shall be notified of the proposed composition thereof. The presiding officer of the Board may, at the request of either party, disqualify the chairperson or either member if, in the opinion of the presiding officer, such action is warranted to ensure impartiality. He or she may also excuse the chairperson or either member from serving on the panel.

(j) Subject to the principles set out in paragraphs (g)-(i) above, the presiding officer of the Board shall fill any vacancies arising on a panel.

## **Procedure of the Joint Appeals Board**

(k) An appeal shall not be receivable unless the time-limits specified in paragraph (a) or (b) of staff rule 112.02 or 212.02 have been met or have been waived, in exceptional circumstances, by the panel constituted for the appeal.

(l) The designated representative of the Director-General shall submit a written reply within two months following the date of receipt of the appeal.

(m) Proceedings before a panel shall normally be limited to the original written presentation of the case, together with brief statements and rebuttals, which may be made orally or in writing, in one of the working languages of the Secretariat.

(n) A staff member may arrange to have his or her appeal presented to the panel on his or her behalf by another serving or retired staff member. The staff member may not, however, be represented before the panel by any other person.

(o) Where the competence of the Joint Appeals Board is in doubt, the panel constituted for the appeal shall decide.

(p) In case of termination or other action on grounds of inefficiency or relative efficiency, the Panel shall not consider the substantive question of efficiency but only evidence that the decision has been motivated by prejudice or by some other extraneous factor.

(q) The panel shall have the authority to call members of the Secretariat who may be able to provide information on the issues before it and shall have access to all documents pertinent to the case. The chairperson of the panel shall determine which documents are to be transmitted to the members of the panel and to the parties.

(r) In considering any appeal, the panel shall act with the maximum dispatch consistent with a fair review of the issues before it.

(s) Within one month of the date on which the consideration of an appeal has been completed, the panel shall, by majority vote, adopt and submit a report to the Director-General. The report shall be considered as constituting a record of the proceedings in the appeal and may include a summary of the matter, as well as all recommendations that the panel considers appropriate. Vote on the recommendations shall be recorded and any member of the panel may have his or her dissenting opinion included in the report.

(t) Within one month after the panel has forwarded its report, the final decision on the appeal shall be taken by the Director-General and shall be communicated to the staff member, together with a copy of the panel's report. The Director-General's decision and a copy of the panel's report shall also be transmitted to a designated officer of the Staff Council, except if the appeal was against a disciplinary action or if the staff member objects.

(u) To enable staff members to exercise their right to make application to the competent Administrative Tribunal, the Secretary of the Joint Appeals Board shall, at the request of the staff member, communicate to him or her the report of the panel, if the Director-General has not made a decision upon the report within a period of one month after the date on which the report was submitted to the Director-General.