consolidated list of agreed facts in which they presented the following chronology (footnotes references from the original omitted):

> … Harassment and Abuse of Authority
>
> … In **2007,** the Applicant joined the Organization, serving as a P-5 Senior Investment Officer in the Office of Investment Management (OIM) of the UN Joint Staff Pension Fund. Originally assigned as Senior Investment Officer for real estate, this was later expanded to include real assets comprising infrastructure, timber, and agricultural land investments.
>
> … In **2017,** [SR, name redacted for privacy reasons] was appointed Under-Secretary-General and Representative of the Secretary-General ["the former RSG"] for Investments of the UNJSPF, with effect from 1 January 2018.
>
> … **On 14 February 2018,** [the Complainant] was reassigned from her P-3 Investment Officer post on a [temporary job opening, "TJO"] as [the former RSG's special] assistant at the P-4 level.
>
> … **On 1 March 2019,** the Applicant wrote to ["the former RSG"], copied to his supervisor, [HB, name redacted for privacy reasons], on the subject of the 2020 budget for the Real Assets team. One of the issues raised was ["the former RSG's"] proposal to fill a promised P-4 post to handle infrastructure with his [special] assistant, [the Complainant], without any competitive selection process.
>
> … **On 6 March 2019,** the Applicant emailed [EC, name redacted for privacy reasons], copying his whole team, asking them to: "Please also drop [the Complainant] from [the Investment Fund, name redacted for privacy reasons] IV as she is not a member of our team. Anyway, wasn't this approved in the previous meeting?" [EC] replied: "Per y 595.32 81 381.00.000008871 0 595.32 842.04 reW*nBT/F1 12 Tf1 0 0 1 181.22

on the topic of "Special Meeting of Private Markets Committee ["PMC"] on [the Investment Fund]". In his email, the Applicant objected to the former RSG's appointment of [the Complainant and WL] to conduct the due diligence exercise for [the Investment Fund] transaction. The Applicant attached an email dated 1 March 2019, also addressed to [the former RSG], copied to senior managers, including [HB], who was both the Applicant's and [the Complainant's] former First Reporting Officer (FRO), in which he stated:

"I'm also concerned about have [the Complainant] become part of our group as a P4 without the proper search process. Frankly I do not see that [the Complainant] is even remotely ready to be P4 in infrastructure at this time. I believe she would need to be trained as a P 3 in infrastructure for a considerable amount of time before she's ready to be a P4. Given the complicated transactions you would like to do in infrastructure, I would like to get a P4 at the level of [VK or DL, names redacted for privacy reasons] excuse my pronunciation if that was wrong, who have recently left IFC [assumedlypresumably, referring to the International Finance Corporation] in this position, who have great experience structuring complicated infrastructure deals at a capability level for ... far above [the Complainant]."

… **On 19 September 2019,** the Applicant sent a second e-mail to the same distribution list as the first 19 September 2019 email, in which he stated:

"I still believe that further investments in infrastructure, except for renewals with successful funds such as [name of fund redacted for privacy reasons], should wait until OIM hires a qualified P4 with seven years' experience in infrastructure. As you know there is no one currently employed at OIM with those qualifications."

… **On 11 April 2020,** the Applicant emailed [the new (and current) RSG, PG], stating:

"I was surprised after our conversation last week about [the Complainant] stepping down from Infrastructure and my taking over, that [HB] was still introducing her as head of infrastructure Friday and that she is pushing through an infrastructure transaction in the next PMC. If you would like me to handle this asset class I would appreciate if you could communicate this to [HB and the Complainant] as soon as possible."

… **On 25 May 2020,** the Applicant emailed [PG] stating: "I refused to bring on [the Complainant] on as a P4 infrastructure into the real assets group (I was fine with her as a P3)."

… **On 9 June 2020,** [the Complainant] resubmitted her harassment complaint to the head of [the Office of Internal Oversight Services, the Investigation Division, "OIOS/ID"].

… **On 24 November 2021,** the Applicant's laptop and [information communication technology] equipment were seized by OIOS/ID.

… **On 28 September 2022,** the Applicant was presented with allegations of misconduct.

…[The Applicant responded **on 5 December 2022.**

… **On 2 May 2023,** the Applicant received the sanction letter notifying him of the decision to separate him from service with compensation in lieu of notice and with termination indemnity.

… Disclosure of confidential information

… **On 1 July 2019,** ["the former RSG"] approved OIM's internal policy on information sensitivity, classification of documents, and records management, which is in addition to the United Nations Secretary-General's Bulletins ST/SGB/2007/06, ST/SGB/2007/05 and ST/SGB/2004/15.

… **On 6 December 2019,** the Applicant emailed [TB, name redacted for privacy reasons], a senior OIM staff, entitled "Supplemental Information—[the Investment Fund]," in which he stated, in relevant part:

"[TB—I sent this to [MR] to forward to the [news media, name redacted for privacy reasons].

[MR], I just wanted to make sure this supplemental information, which is not in my memos, gets to the [news media] reporter.

[The former RSG] recused himself on [the Investment Fund] transaction in the May 10th PMC meeting saying he had a conflict of interest because the former head of the World Bank ... As mentioned in my memo, we have always required staff and management to agree on any illiquid investment in a 'dual key' arrangement. But by proposing this transaction under pressure from Goldman and using inexperienced staff [the Complainant [for due diligence and avoiding my involvement he was effectiveF161(a)to Tmnd avoiding my involvemen

the facts asserted is highly probable (see para. 51 of

line, “RE: March 15th PMC Agenda – RA TEAM NEED YOUR INPUT by 5 pm

17. It was only after this that the Applicant submitted his response of 19 September 2019 to the same parties, who attended the PMC meeting of 27 August 2019 where the Investment Fund investment was discussed. This included those copied in by the former RSG on 26 June.

Whether the Applicant was a whistleblower

18. Regarding allegations that the Applicant disclosed confidential and commercially sensitive information to the media, one of the defences he advances is that he was a whistleblower who is legally protected.

19. Section 4 of ST/SGB/2017/2/Rev.1 (Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations) provides that "[n]otwithstanding staff regulation 1.2(i), protection against retaliation will be extended to an individual who reports misconduct to an entity or individual outside of the established internal mechanisms, where the criteria set out in subparagraphs (a), (b) and (c) below are satisfied":

a. Such reporting is necessary to avoid:

i. A significant threat to public health and safety; or

ii. Substantive damage to the Organization's operations; or

iii. Violations of national or international law; and

b. The use of internal mechanisms is not possible because:

i. At the time the report is made, the individual has grounds to believe that he/she will be subjected to retaliation by the person(s) he/she should report to pursuant to the established internal mechanism; or

ii.

iii. The individual has previously reported the same information through the established internal mechanisms, and the Organization has

department or office concerned, or the focal point appointed to receive reports of sexual exploitation and abuse.

28. The Applicant states that the former RSG and HB were the objects of the complaint to OIOS on 18 July 2019 and were the subject of a request for protection from retaliation, but that no investigation was ever initiated and instead, him and his colleagues were investigated.

29. In terms of sec. 3 above, the Applicant could only make a report to OIOS or the Assistant Secretary-General for Human Resources Management, being that he could not report to the heads of department since his complaint was against them. He therefore rightly reported to OIOS.

30. It is of note that the Applicant's request for protection against retaliation relates to the former RSG's, and not OIOS's conduct. And, it is to the OIOS and not the former RGS, the Applicant "should report pursuant to the established internal mechanism", in terms of sec. 3 of ST/SGB/2017/2/Rev.1. In the circumstances, even if it were proved that the former

to contact FF. Some of the email exchanges which the Respondent seeks to rely on are dated 4 and 5 of December 2019, 6 December 2019, 10 December 2019, 11 December 2019, and 12 December 2019.

34. Considering that the Applicant's report to OIOS was made on 18 July 2019, the alleged media activities which occurred in December 2019 were not protected under sec. 4(b)(iii).

35. Based on the foregoing, the Tribunal finds that the Applicant has not satisfied the criteria which would support his claim to whistleblower protection.

Harassment and abuse of authority

The legal framework and the basic allegations against the Applicant

36. Under ST/SGB/2019/8 (Addressing discrimination, harassment, including sexual harassment, and abuse of authority), harassment is defined as follows:

> 1.3 Harassment is any unwelcome conduct that might reasonably be expected or be perceived to cause offence or humiliation to another person, when such conduct interferes with work or creates an intimidating, hostile or offensive work environment.
>
> 1.4 Harassment may take the form of words, gestures or actions which tend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another. Harassment may be directed at one or more persons based on a shared characteristic or trait as set out in section 1.2 above. Harassment normally implies a series of incidents.

37. The Applicant is alleged to have: (a) made disparaging remarks about the Complainant in front of other UNJSPF staff, (b) isolated her at work, and (c) created a hostile work environment for her.

The parties' submissions

38. The Applicant's contentions may be summarized as follows:

> a. "Looking at the specific charges, it is evident the Respondent has not articulated any clear and convincing evidence of misconduct". The

herself, just like the former RSG, should have immediately recused herself from working on this transaction".

iii. She "stated that the Applicant questioned not only her qualifications for a P-4 position but also at the P-3 level and claimed he wanted her fired, with no evidence other than her suspicions". This "is contradicted by the memo of 1 March 2019 to [the former RSG] as well as his offer to help train her".

iv. She "stated in her interview that her unfavorable review of the Applicant's performance while she was a Special Assistant motivated him to attack her". This "is also pure speculation". The Applicant "was not aware of her involvement in this process", but on the other hand, the Complainant "wrote privately to [the new RSG] criticizing his performance". The "proof again lies in the OIOS Audit Special Review to which the Tribunal and the Applicant were denied access".

g.

OIOS Special Review (withheld on spurious grounds of operational independence), [the former RSG] was terminated". "Only a few days after the arrival of the new RSG [PG] in April 2020, [the Complainant] sent her prior complaint about the Applicant to him attacking him personally". PG's "reaction was to allow her TJO as special assistant to the RSG expire naturally in May 2020 and to put [WL] in charge of infrastructure". The Applicant "had nothing to do with these decisions".

k. The 11 April 2020 email "shows his decision was already taken before any exchanges with the Applicant or his colleagues took place". The Complainant "reverted to her former position as a P-3 in Public Markets on 22 May 2020 and was eventually promoted to P-4 in that capacity, her career having suffered little".

l. Even though the Complainant "was no longer the Special Assistant to the RSG, [she] attended the OIOS Governance Audit exit conference on 28 May 2020 in which the auditors voiced agreement on some of the Applicant's concerns". The

then conveyed the Applicant's comments to [the Complainant] and to other OIM officials". The "concern expressed over [the Complainant] was limited

some impropriety in their motives", which "essentially amounts to assuming private exchanges are official business". This "approach will presumably end by installing listening devices and cameras in hallways and bathrooms to capture office gossip", and all of "these extractions of conversations, often occurring in the course of the pandemic, were taken completely out of context and editorialized to infer an intent to damage" the Complainant.

u. The Respondent's "suggestion that [the Applicant's] witnesses have failed to prove his innocence overlooks his own burden of proof" as other "than [the Complainant] not a single witness has been produced (two of Respondent's Senior Staff witnesses refused to participate in the hearings) to support her prejudicial opinions about the Applicant and his colleagues". The Respondent "dismisses the corroborating testimonies of the Applicant's whistleblower colleagues as all part of a conspiracy to undermine [the Complainant], who was promoted to P-4 in Public Markets in January 2022, but he cannot dismiss [PG's] testimony as the Head of OIM in terms of what he witnessed and what he thought".

v. The Complainant's "motivation for filing this case in early June 2020 seemed to be a direct response to the unflattering way in which her actions on [the Investment Fund] transaction were stated in the OIOS Governance Audit exit interview on 28 May 2020 as she stated in an email to [the new RSG (PG)] on 1 June 2020". The "material presented in the 28 May 2020 meeting witnessed by [the Complainant], which could have significantly assisted the Applicant in his defense, [was] withheld by Respondent from both the Applicant and the Tribunal".

w. The "OIOS investigation report on [the Complainant's] complaint found there was no evidence of abuse of authority by the Applicant or that he influenced any decisions about her career".

39. The Respondent, in essence, contends that the case record shows with clear and convincing evidence that the Applicant harassed the Complainant and also abused his authority.

experience in infrastructure. As you know there is no one currently employed at OIM with those qualifications".

44. When the above emails were put to him during his subject interview, the Applicant acknowledged that the wording "she's not even remotely ready" was probably "a little strongly worded". He, however, explained that he wanted to be sure that he was clear that the former RSG had hired the Complainant at the P-4 level, which he thought was inappropriate. He also thought that she was not ready for a P-4 level post as her experience was in public equities which differed from the work undertaken by his team. He thought that the Complainant and others were trying to please the former RSG as "there was a pattern of behavior of dangling promotions to get people to do things and the Senior Investment Officers were seen as an obstacle".

45. Still about the 19 September 2019 email, the Applicant stated that "normally he wouldn't do that, but this wasn't a normal situation", and that when he wrote it, he intended it to be a private e-mail. If he knew it was going to be attached to the 19 September e-mail, he "probably would have re-worded it. I would've just said something like to not have the required seven years' experience"; however, it was the email he wrote, and he had to use it when he sent the 19 September 2019 email. He felt that the fact that the former RSG had tried to push this inappropriately needed to be discussed. He did not think it was the Complainant's problem. She was given an opportunity that she took. His issue was with the former RSG. The Applicant, however, did not regret writing the email. "I had to write it".

46. In his

language was used as is conceded supports the conclusion that the attacks were "extremely offensive" and hurtful to the Complainant as per her subject interview.

62. Based on the foregoing considerations, the Tribunal finds that the Complainant had the relevant qualifications and experience. The Applicant's attacks are neither well founded, nor do they constitute a fair response or comment in the circumstances. The concerns are defamatory of her professionalism and integrity.

63. In resolution of the issue which is the subject of this part of the judgment, the Tribunal finds that the Applicant made disparaging remarks about the Complainant in front of other UNJSPF staff.

Whether the Applicant isolated the Complainant at work

64. The Respondent seeks to rely on the Applicant's emails of 6, 8, and 27

67. The Applicant does not dispute the contents of the 8 March 2019 email from WL that "You have told me yesterday in our meeting of four [with NH and GS] that am not to work with [the Complainant] on [the Investment Fund]". He has not provided a reasonable explanation for his instructions to the four members of staff not to work with the Complainant.

68. In the 27 March 2019 email to NH, the Applicant proposed to have lunch with two departing investment officers of the IFC infrastructure fund, namely VK and DL, and added, "Please keep this between us as I don't want [the Complainant] to be there."

69. At the oral hearing, the Applicant explained that the Complainant was not assigned to the team, and that he wanted to make sure that it was clear that only team members were going to participate since they were not in the habit of inviting non-team members to lunches.

70. The Applicant's instructions to NH would not be warranted had it been true that the team was not in the habit of inviting non-team members to lunches. That the Complainant was singled out can only mean that she is the only one who the Applicant did not want at the lunch. This supports the charge that he isolated her at work.

71. WL's unchallenged statement that the Applicant made disparaging comments to her about the Complainant's experience in infrastructure and told her that she (WL) was not to work with her on the Investment Fund deal is also relevant to this charge.

72. GS also stated in his subject interview that the Applicant told him that the Complainant was not appropriate for the team and that she did not have a lot of experience in the sector. Further, that the Complainant did not have a place in the Organization; and that the former RSG was trying to find places for her to work, which was why she had been inserted into an infrastructure project.

73. At the hearing, the Applicant explained that he told

was selected for a P-4 level position without going through a formal selection process. The Applicant admitted there was no basis for his assertion that the Complainant did not have relevant qualifications. It was on this basis that the Tribunal found that his concerns were not well-founded and constituted abusive criticism.

79. The whole matrix of evidence and the law support the conclusion, as the Tribunal does, that there is clear and convincing evidence that the Applicant's actions constituted unwelcome conduct and caused offence or humiliation to the Complainant. There is clear and convincing evidence that his actions interfered with work and created an intimidating, hostile or offensive work environment for the complainant. The Tribunal finds that the allegation that the Applicant harassed the Complainant was supported by clear and convincing evidence.

Abuse of Authority

80. Abuse of authority is defined in the following terms in sec. 1.8 of ST/SGB/2019/8:

> … Abuse of authority is the improper use of a position of influence, power or authority against another person. This is particularly serious when a person uses their influence, power or authority to improperly influence the career or employment conditions of another, including, but not limited to, appointment, assignment, contract renewal, performance evaluation, working conditions or promotion. Abuse of authority may also include 1.81(re)-26 842. 38.52 T5(w)-7(a1,)-33250of , ntreiss. Th25Bto

In his testimony, he explains that he based this comment on the fact that there was an inner circle of people that seemed to have very special treatment, and that what the Complainant and the inner circle were doing was a mystery. This, however, does not support the conclusion that the Complainant had an unnatural relationship with the former RSG. His further explanation that he obtained a copy of an email in which the special group were invited to a cocktail party at the RSG's home, and yet he has never been invited to such a cocktail party, does not support his conclusion that there was an unnatural relationship between the two.

83. The Applicant does not deny that in the 23 July 2019 email to HT, EC, MS, TW and TB (names redacted for privacy reasons), he wrote that he needed to provide a witness list to OIOS, and said, "I would avoid [the Complainant] as she will lie".

84. He admits that on the 27 January 2020, he wrote to the same group on the subject, "timeline on [the Complainant]", stating that "I put together a timeline on [the Complainant]— picking up the few statements I made about her (in red). At the end I put in the statement from the [electronic performance appraisal system]. I really think the 'conduct' case is absurd, but I thought I would put it all together for everyone to review".

85. The timeline contained the Applicant's concern about the Complainant's becoming part of "our group as a P4 without the proper search process. Frankly, I do not see that [the Complainant] is even remotely ready to be a P4 in Infrastructure at this time. I believe she would need to retrain as a P3 in infrastructure for a considerable amount of time before she is ready to be a P4".

86. The Applicant's explanation that he shared the timeline to establish his colleagues' view of the text of his three emails (of 1 March, 14 June and 19 September 2019) in the context of the harassment allegation does not nullify the complaint that he circulated offensive information against the Complainant.

87. He also wrote that "[He is] worried that the gender parity issue may allow [the Complainant] to get the 2nd P-4 slot for [North America] equities over [MM, name redacted for privacy reasons]. Can you guys watch this carefully? Since it is

2019, he sent an email titled "Special Meeting of Private Markets Committee (PMC) on [the Investment Fund]" with two attachments to the former RSG and 33 others, including many senior OIM staff members, criticizing the Complainant's professional experience and capacity to assume a P-4 level position requiring infrastructure investment experience.

93. He sent a second email on the same day (19 September 2019) to the same distribution list stating that, "I still believe that further investments in infrastructure, except for renewals with successful funds such as [name redacted], should wait until OIM hires a qualified P4 with seven years' experience in infrastructure. As you know there is no one currently employed at OIM with those qualifications".

94. The Applicant seeks to discount the argument that the email of 19 September 2019 was intended to curtail the Complainant's career aspirations on the ground that he had no control over or interest in her career as an Investment Officer in North American Equities. Also, that he had no decision-making authority over the proposed P-4 level infrastructure position, which never materialized due to the former RSG, and he was never her reporting officer. Further, that she has demonstrated no harm to her career, but on the contrary is still gainfully employed by the UNJSPF in OIM and promoted from the P-3 to the P-4 level as of 1 January 2022.

95. The prevailing legal regime, however, only requires that the abuser has improperly used a position of influence, power or authority against another. There is no requirement that the abuser should have direct decision-making authority, control and interest with regard to the affected individual's career. The position of influence, power or authority does not have to be of a direct senior-to-junior nature. Moreover, the policy ascribes abuse of authority a wider meaning in that it includes conduct that creates a hostile or offensive work environment.

98. The Tribunal's findings at paras. 40-79 above that: (a) the Applicant wrote the emails containing offensive statements; (b) his concerns were without basis; and (c) his conduct created a hostile work environment against the Complainant, are relevant to the resolution of this issue.

99. The statements at para. 96 represent improper use of a position of influence, power or authority by the Applicant against the Complainant. This, coupled with the offensive nature of the attacks and the extent to which the Applicant went in terms of the publicity hettacks and the extent to whichta

commentary on his protected activity and it was her decision to share these comments with the journalist". Instead, HB is "cited as the primary contact and is cited by name in the report which also referenced [the former RSG's] extensive submission to the PMC". It is "more than likely it was they who originally shared the documents, as the reporter merely called the Applicant to comment on them", and it "could even have been [the Complainant] herself".

b. It is "also revealing that [the Complainant] never considered allegations against [MR] prior to her retirement". The Complainant "wrongly attributed blame to the Applicant for the hearsay conversations with" PG.

c. Throughout this case, the Respondent "has intentionally conflated

investment. I need a non-redacted version to include it in the story and adhere to the [new media] editorial standards. Would you be able to send me the memo in its original version?".

e. The Applicant's email dated 11 December 2019 to MR, noting, "I had [a] good off the record chat with the [news media] lady today. She would not say that she talked to the RSG—but apparently he sent her the minutes of the August 27th meeting none of it redacted plus the stepstone memo—pretty amazing. I think it will not be a good article for him. I am glad I got the last word".

f.

[redacted]

> As mentioned in my memo, we have always required staff and management to agree on any illiquid investment in a 'dual key' arrangement. But by proposing this transaction under pressure from Goldman and using inexperienced staff [the Complainant] for due diligence and avoiding my involvement he was effectively approving his own transaction which is a violation of his fiduciary duty as RSG.
>
> …

118. This email leaves no doubt that he shared confidential information on the Investment Fund transaction to the media, and that he is responsible for what the reporter obtained from MR. It also nullifies the Applicant's assertion that his discussion with the reporter (FF) was basically related to misconduct and the RSG. Moreover, the suggestion that discussions of misconduct and the former RSG, if unauthorized, do not constitute disclosure of confidential information is fundamentally flawed.

119. The Applicant does not deny that he provided his personal email address to the reporter (FF) and asked her to send him a copy of the article. This is confirmed by the contents of his email of 12 December 2019 to the reporter. The reporter's response to him that "[i]t was great speaking with you as well! The article has been written and I assume it will be published later today or tomorrow [or] when my editor is done looking at it so keep you updated and send you a copy" confirms that the information which the Applicant disclosed was published. He is therefore responsible for the content of the reporter's article.

120. The Tribunal finds that there is clear and convincing evidence that the Applicant disclosed confidential and commercially sensitive information about the Investment Fund transaction to the media.

Whether the Applicant engaged in unauthorized outside activities by working with an external entity, CMRR, in senior administrative and operational positions

The issue

121. The Respondent maintains that the Applicant engaged in unauthorized outside activities by working with CMRR as President, Chief Executive Officer, Director, and Staff Coordination since 2006. He also owned approximately 100

129. The Applicant's explanation that his use of United Nations issued equipment for private work was the inevitable result of the COVID-19 pandemic lockdown has not been contradicted. The explanation is therefore accepted.

130. Since he did not disclose his interest (shares) in CMRR, the Tribunal finds that there is clear and convincing evidence that he engaged in unauthorized outside activities by volunteering with an external entity, CMRR, in senior administrative and operational positions.

The facts established after the Tribunal's review

131. The Tribunal finds that the facts presented by the Respondent have been established by clear and convincing evidence, namely that the Applicant;

a. harassed the Complainant by making disparaging remarks about her in front of other UNJSPF staff, isolating her at work, and creating a hostile work environment for her that jeopardized her professional duties and career;

b. made derogatory remarks about her work and integrity in emails to OIM staff and to the new RSG, dated 11 April 2020 and 25 May 2020, in an effort to harm her professional reputation,

c. disclosed confidential and commercially sensitive information to the media about the Investment Fund transaction, and

d. engaged in unauthorized outside activities by working with an external entity, CMRR, in senior administrative and operational positions,

Whether the established facts legally amount to misconduct under the applicable Regulations and Rules

<u>The parties' submissions on misconduct and proportionality</u>

132. The Applicant's contentions may be summarized as follows:

from the former RSG and more recently from the [United Nations] itself, the Applicant still believes he did the right thing standing up for [United

135. Harassment and abuse of authority are prohibited under secs.1.3 and 1.4 of ST/SGB/2019/8. Moreover, considering that the Applicant was a manager and supervisor at the relevant time, his actions also violated sec. 3.5(c) of ST/SGB/2019/8, which obliges managers and supervisors to take all appropriate measures to promote a harmonious work environment and to act as role models by upholding the highest standards of conduct.

136. By disclosing confidential and commercially sensitive information to the media, the Applicant violated the UNJSPF/OIM (2019) Information Sensitivity, Classification of Documents, and Records Management Policy, which incorporates Staff Regulation 1.2(i) and

b. the Applicant was aware that he needed authorization to interact with the media, but nevertheless proceeded with sharing confidential information and internal documents with a journalist who used this information in publishing two articles.

Regarding failure to disclose outside activities,

c. the Applicant had worked for CMRR in a senior capacity for several years without authorization, and

d. he performed these functions at CMRR using United Nations information and communication technology resources, including during official United Nations working hours.

144. The Tribunal considers that each of the four allegations is serious. Firstly, the compound nature of the allegations left no possibility for any other punishment than separation. Secondly, as submitted by the Respondent, the Organization's zero-tolerance policy entails severe punishments for those who engage in harassment. Factors such as that the harassing behaviour was repeated over a period of time, and that the Applicant was aware that he needed authorization to interact with the media were validly considered as aggravating.

145. The record indicates that the decision-maker weighed all mitigating and aggravating factors before arriving at the decision. Since there is sufficient evidence that all factors were given due consideration, but that the aggravating factors outweighed the mitigating factors, there is no basis upon which the Tribunal may interfere with the decision.