

PAN AMERICAN HEALTH ORGANIZATION

BOARD OF APPEAL

Rules of Procedure

2016

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Board of Appeal Rules of Procedure

2016

PART I – MANDATE

Rule 1. Mandate

1. PAHO's Staff Regulations confer on the Director of PAHO the authority to establish a mechanism with staff participation to consider appeals filed by staff appointed under Staff Rule 420 against a final administrative action or decision affecting their terms and conditions of employment¹.
2. Section 12 of PAHO's Staff Rules sets out the grounds of appeal and provides for the establishment of a Board of Appeal at Headquarters to review appeals by staff members.
3. The Board of Appeal is part of the internal administration of justice system in PAHO and is a member of PAHO's Integrity and Conflict Management System (ICMS).

Rule 2. Level of Authority

The functions of the Board of Appeal are exclusively advisory and it has no decision-making or investigative authority. Upon examination of the record in a particular appeal case, the Board of Appeal will submit a report containing its findings and recommendations to the Director of PAHO regarding the merits of the appeal. Based on the Board's report, the Director will make a final decision in the matter.

¹ An action is final when it has been taken by the Organization's senior human resources management official and the staff member has received written notification of the action.



PART II - ORGANIZATION OF THE BOARD

Rule 3. Composition of the Board

The Board shall consist of:

- One chairperson from outside the Organization;
- Eight members designated by the Director; and
- Eight members elected by the staff, organized into two groups as follows:
 - Group 1 – Four staff members from the General Service Category; and
 - Group 2 – Four staff members from the Professional Category.

Rule 4. The Chairperson of the Board of Appeal

1. The Chairperson of the Board of Appeal shall be an individual from outside the Organization with professional expertise in conflict resolution. He or she will be appointed by the Director after consultation with the PAHO/WHO Staff Association and will exercise his/her duties with complete impartiality and independence from PAHO officials and organizational units.

2. During his/her term, the Chairperson directs the work and operation of the Board and is responsible for the following activities:

- (a) Manages the Board and presides over plenary and special meetings;
- (b) Ensures compliance with the applicable time limits and the expeditious handling of cases;
- (c) Makes all procedural decisions concerning individual appeals, including on issues of receivability;
- (d) Constitutes panels for the consideration of specific appeal cases and directs the work of each panel;
- (e) Determines when a case should be considered abandoned;
- (f) Organizes periodic meetings of the Board to discuss general administrative issues; and
- (g) Publishes an annual report on the activities of the Board of Appeal.



Rule 5. The Board Members

1. Except for the Chairperson, membership on the Board of Appeal is limited to PAHO staff members who are appointed under U.N. conditions of service and who hold either a service or fixed-term appointment under the PAHO Staff Rules.
2. All serving and prospective members of the Board of Appeal must always display the highest level of ethical behavior consistent with the Standards of Conduct of the International Civil Service and PAHO's own Code of Ethical Principles and Conduct.

Rule 6. The Board Secretariat

1. The Board of Appeal shall be supported by a Secretariat, which will provide all necessary administrative and support services.
2. The Secretariat shall discharge the duties set out in these Rules of Procedure and shall support the work of the Board of Appeal. In particular, under the guidance and supervision of the Chairperson, the Secretariat shall:
 - (a) Transmit all documents and make all notifications required under these Rules of Procedure, or by the Chairperson, in connection with proceedings before the Board;
 - (b) Establish for each appeal case a master file which shall contain all relevant documentation and a record of all actions taken in connection with the preparation of the case for consideration by a Panel, the dates thereof, and the dates on which any document or notification forming part of the procedure is received in or dispatched from the Secretariat;
 - (c) Provide assistance at Board meetings; and
 - (d) Perform any other duties that are required by the Chairperson for the efficient functioning of the Board.
3. The Secretariat shall consist of a secretary and alternate secretary appointed from among the staff by the Director after consultation with the PAHO/WHO Staff Association.

Rule 7. Term of Office

1. The term of office of the Chairperson and of the members of the Board will be two years, which may be extended. A decision to extend the Chairperson will be made by the Director after consultation with the PAHO/WHO Staff Association.
2. Elections for the staff representatives on the Board are normally held every two years.
3. To assure continuity of the appeals process, the term of office of the Chairperson and of the members of the Board of Appeal may be staggered and shall be deemed to have been automatically extended unless they have been specifically informed in writing by the Organization that their participation on the Board of Appeal has come to an end.



Rule 8. Meetings of the Board

1. The Board of Appeal will meet at least once a year to consider general matters affecting the administration and operation of the Board.
2. In addition, a special meeting may also be called by petition of at least 25% of the serving members of the Board. Such a special meeting may be convened, for instance, in order to suggest amendments to the rules of procedure.
3. Notice of any meeting shall be provided to the members of the Board at least 15 calendar days before the date of the meeting.
4. Decisions on administrative issues, except for amendments to these rules of procedure, shall be taken by majority vote of the Board members present and voting at any meeting at which there is a quorum (50% of the serving membership of the Board plus one member).

Rule 9. Parties

1. An Appellant may represent himself/herself during the appeal process or may be represented by another person, who need not be a staff member of the Organization. The Appellant may also be represented by outside legal counsel, which shall be at the Appellant's own expense.
2. The Director will designate an official of the Organization, normally the Office of the Legal Counsel, to serve as the Administration's representative before the Board of Appeal.

Rule 10. Language of Documents

All pleadings and correspondence filed with the Board must be in one of the four official languages of the Organization, namely English, Spanish, Portuguese or French. It is the responsibility of the filing party to obtain a certified translation of any document which is submitted to the Board in a language other than one of the four official languages of the Organization.

Rule 11. Conduct During the Proceedings

1. The parties in an appeals process must act at all times in a professional, respectful and dignified manner. .
2. Similarly, the tone of all documents filed with the Board and all written and oral exchanges between the parties and the Board must always be professional and respectful.



PART III – APPEAL PROCESS

Rule 12. Step 1 - Notice of Intent to Appeal

1. The first step in the appeal process is for the Appellant to file a **Notice of Intent to Appeal** with the Secretariat of the Board. For the appeal to be receivable, the Notice of Intent to Appeal must be filed within 60 calendar days from the date of receipt of the final administrative action or decision which is the subject of the appeal.

2. The purpose of the Notice of Intent to Appeal is to provide notification of a staff member's intention to seek a formal review of an administrative action or decision. This notification can be submitted to the Board of Appeal either in *prescribed form* or by any other means of written communication that contains:
 - (i) The staff member's name;
 - (ii) Information relating to the final administrative action or decision being contested;
 - (iii) A clear statement of the staff member's intent to file an appeal.

3. The Secretariat will forward the Notice of Intent to Appeal to the Administration for information and to give it an opportunity to respond. If the Administration wishes to provide a response, it shall be submitted to the Secretariat within 10 calendar days from the date it received the Notice of Intent to Appeal from the Board. At the same time, the Secretariat will also send an acknowledgment of receipt to the Appellant.

Rule 13. Step 2 - Appellant's Statement of Appeal

1. An Appellant who wishes to pursue an appeal is required to submit a **Statement of Appeal** within 45 calendar days from the date of filing a Notice of Intent to Appeal.

2. The Statement of Appeal shall contain the following information:
 - (a) The name of the Appellant, his/her present or former status in PAHO and his/her contact information;
 - (b) A description of the administrative action or decision being contested and the grounds upon which the appeal is based, with a full written explanation and arguments in support of those grounds, specifically:
 - (i) personal prejudice on the part of a supervisor or any other responsible official;
 - (ii) incomplete consideration of the facts;
 - (iii) failure to observe or apply correctly the provisions of the Staff Regulations or Staff Rules, or the terms of his or her contract;



- (iv) improper application of the PAHO post classification standards.
- (c) A statement to the effect that all existing administrative channels have been exhausted in conformity with Staff Rule 1230.4.1;
- (d) A clear statement of the relevant facts (in chronological order whenever appropriate);
- (e) The specific remedy sought;
- (f) The name and contact information of the Appellant's representative, if any;
- (g) The signature of the Appellant or his/her representative, and the date of submission.

Documents referred to in the Statement of Appeal must be numbered chronologically and attached as annexes to the Statement of Appeal.

3. A Statement of Appeal shall be as concise as possible and shall only contain information that is relevant to the proper consideration of the appeal.
4. The Secretariat shall acknowledge receipt of the Statement of Appeal and may request the Appellant to correct or complement it, if necessary, to ensure a proper understanding of the issues that have been raised. In this situation, the Appellant will be given 10 calendar days to make any necessary corrections or to provide any additional information.
5. Upon written request to the Secretariat, an Appellant may be given one extension of up to 30 calendar days to submit his/her Statement of Appeal.
6. Failure by an Appellant to submit a Statement of Appeal within the prescribed time limit or any extension thereof, or to supplement it as requested by the Board, will cause the appeal to be deemed abandoned (see also Rule 23).

Rule 14. Step 3 - Administration's Reply

1. The Secretariat will forward the Statement of Appeal to the Administration, which will have 45 calendar days from the date of receipt to submit its formal **Reply**, including any supporting documentation, as necessary.
2. Upon written request to the Secretariat, the Administration may be given one extension of up to 30 calendar days to submit its Reply. Failure to file a Reply within the prescribed deadline or any extension thereof will cause the case to go forward with the Statement of Appeal only.

Rule 15. Step 4 - Appellant's Rejoinder

1. Unless a party has requested an oral hearing and the request has been granted by the Board, (see Rule 31), the Appellant, if he or she wishes to provide additional information or



clarification, may file a response to the Administration's Reply. If the Appellant decides to file a response (known as a **"Rejoinder"**), it must be submitted to the Secretariat within 45 calendar days from the date when the Appellant received the Administration's Reply from the Board.

2. Upon written request to the Secretariat, an Appellant may be given one extension of up to 30 calendar days to submit his/her Rejoinder. Failure to file a Rejoinder within the prescribed deadline or any extension thereof will cause the appeal to go forward with the Statement of Appeal and the Administration's Reply only.

Rule 16. Step 5 - Administration's Surrejoinder

1. If an Appellant elects to file a Rejoinder under Rule 15, above, the Administration may then file a written response (known as a **"Surrejoinder"**). If the Administration decides to file a Surrejoinder, it must be submitted to the Secretariat within 45 calendar days from the date when the Administration received the Appellant's Rejoinder from the Board.

2. Upon written request to the Secretariat, the Administration may be given one extension of up to 30 calendar days to submit its Surrejoinder. Failure to file a Surrejoinder within the prescribed deadline or any extension thereof will cause the appeal to go forward with the Statement of Appeal, the Administration's Reply and the Rejoinder only.

Rule 17. Means of Written Submissions and Time Limits

1. All written submissions and documents shall be submitted to the Board of Appeal through the Secretariat by internal or external mail, courier, e-mail, fax, or pouch. The date and time of receipt for the purpose of these rules will be as follows:

- By hand or internal mail: Date when the Board of Appeal receives the submission and stamps it.
- External mail or courier: Postmark from an official postal service or courier company.
- E-mail to BOA@paho.org: Date when the communication is sent to the Board of Appeal.
- Fax: Date when the fax is transmitted.
- Pouch: Date when the submission is dispatched from the country office or centre.

2. The time limit for the receipt of any document shall be at midnight Washington, D.C., time on the date when a submission is due. If a time limit falls on a weekend or official holiday at either the Appellant's place of work or at PAHO/HQ, or if PAHO/HQ is closed for any reason, it shall be deemed not to apply until midnight on the first working day thereafter.

3. All material submitted by hard copy should include original documents whenever practicable plus one copy. A submission by e-mail should include a scanned copy of the original



and all supporting documentation. The Secretariat will make the documents available to the parties and to the Examining Appeal Panel members, as necessary.

Rule 18. Extension of Time Limits for Submissions

1. As a general principle, the time limits established in these rules of procedure are fixed and will be applied strictly by the Board.
2. Except for the Notice of Intent to Appeal, the time limits for the submission of each written pleading may be extended only once by the Chairperson of the Board upon receipt of a written request for an extension before the time limit has expired. Such extension shall be for a maximum of 30 calendar days. Approval of an extension request shall be conveyed by the Board in writing to the parties.
3. In exceptional circumstances only, such as force majeure or an extraordinary event or situation beyond the control of the parties, the Chairperson of the Board may extend the time limit for the filing of any pleading, including the Notice of Intent to Appeal. In such situations, the Chairperson shall obtain the views and perspectives of the other party before deciding whether to grant an extension.

Rule 19. Late Submissions

The Secretariat will not accept any pleading that is received after the established deadline unless the Chairperson of the Board has granted the party an extension of time. In the event that one of the parties fails to meet a deadline, consideration of the case will proceed with the pleadings that have been submitted on time and accepted by the Board, if any.

Rule 20. Confidentiality of Information

All the parties in an appeal case have an obligation to maintain confidentiality and may not share or divulge information to anyone who does not have a legitimate need for this information. Similarly, the Board shall not release any records, reports, files, communications or other information and documentation of a privileged or confidential nature that the Board requested or obtained during the course of an appeal process.

Rule 21. Joinder

1. Before a Panel is constituted to consider an appeal, the Chairperson of the Board may, upon request or at his or her own initiative and discretion, decide to join in a single process appeals lodged separately by the same Appellant but relating to factual or legal elements of a similar nature. Likewise, the Chairperson of the Board may decide to join several appeals which, although lodged by different appellants, relate to factual or legal elements of a similar nature.
2. The decision of the Chairperson of the Board in such matters shall be final. Should the Chairperson of the Board so decide, a single Panel may be constituted to consider joined



appeals. Depending on the circumstances, the Panel may decide to draft a single report or separate reports to cover the joined appeals.

Rule 22. Abandonment of an Appeal

- 1.** An appeal will be deemed to be abandoned if the Appellant fails to submit a Statement of Appeal within the prescribed deadline or any extension thereof or has not responded to attempts by the Board to contact him or her.
- 2.** It is the responsibility of an Appellant to keep the Secretariat informed of any change in contact information.
- 3.** After reasonable attempts have been made by the Secretariat to communicate with an Appellant using the last contact information provided by the Appellant, the Chairperson of the Board may deem the appeal to have been abandoned if no response has been received within 30 calendar days from the date of the last attempted communication.

Rule 23. Withdrawal of an Appeal

An Appellant may withdraw an appeal at any time before being notified of the Director's decision. Withdrawal of an appeal must be in writing, signed by the Appellant or his or her representative and addressed to the Secretariat.

Rule 24. Settlement of an Appeal

- 1.** During the course of an appeal, the parties may enter into settlement discussions. In such situations and upon written request by the parties, the Chairperson may allow a stay (i.e. a temporary adjournment of the proceedings). Discussions about a possible settlement should normally be completed within 30 calendar days, which may be extended by the Chairperson of the Board for another 30 calendar days, upon written request by both parties.
- 2.** An appeal may be settled at any time before the Director makes a decision and communicates it to the Appellant in writing. If a settlement is reached, the Appellant or his or her representative shall submit a written statement addressed to the Secretariat indicating that the parties have reached an agreement and withdrawing the appeal.
- 3.** Information generated during settlement discussions may not be cited in evidence or otherwise invoked by any party in Board proceedings.



PART IV – RECEIVABILITY

Rule 25. Receivability of Appeals

- 1.** To be receivable, the Appellant must be a staff member appointed under Staff Rule 420, the appeal must come within the terms of Staff Rule 1230.1 and it must be directed against a final administrative action or decision within the meaning of Staff Rule 1230.4.1.
- 2.** Moreover, an appeal is receivable only if the Notice of Intent to Appeal is received by the Secretariat of the Board within 60 calendar days of receipt by the Appellant of a final administrative decision or action which is the subject of the appeal.
- 3.** If the receivability of an appeal is at issue, the Chairperson of the Board will notify the parties and invite them to submit comments on the receivability issue only. At the same time, the Chairperson will inform both parties that the merits of the case will not be considered until a determination is made on the receivability issue.
- 4.** The Chairperson of the Board determines whether an appeal is receivable or not. If the Chairperson finds the appeal to be receivable, he/she will inform both parties and allow the appeal to continue. If the Chairperson finds the appeal not to be receivable, he/she shall report the reasons directly to the Director, who will make a final determination on the receivability issue and advise the parties accordingly.

PART V - CONSIDERATION OF THE APPEAL BY THE BOARD

Rule 26. Constitution of the Examining Appeal Panel

- 1.** Once an appeal has been determined to be receivable, the Chairperson of the Board will constitute an Examining Appeal Panel in accordance with Staff Rule 1230.5.
- 2.** Each Examining Appeal Panel shall comprise the Chairperson, a member from among those appointed by the Director and a member from among those elected by the staff. Moreover, each Examining Appeal Panel shall include at least one member from the staff category to which the Appellant belongs.
- 3.** The Panel members shall be chosen to ensure an impartial consideration of the case. In constituting such Panels, the Chairperson of the Board will observe the maximum possible rotation of members of the Board, taking into account individuals' availability, frequency of service on panels and gender balance. In addition, the Chairperson will take into account any possible conflicts of interest (i.e. the board members may not belong to the same organizational unit as the appellant, been involved in the decision under appeal or have a personal interest in the case) and any other factor that may hinder an objective consideration of the appeal or appearance thereof.



4. In the event of an actual or perceived conflict of interest, or if a Panel member has prior knowledge of the case, the member concerned shall immediately disclose the conflict and recuse himself or herself.

Rule 27. Removal of Panel Members

1. An Examining Appeal Panel must be objective when considering an appeal case and have the appearance of objectivity. As such, the proposed composition of an Examining Appeal Panel will be notified to the parties in writing prior to the consideration of the appeal.

2. Either party may seek the removal of a member of an Examining Appeal Panel with or without cause. A request to remove a panel member without cause may only be made once by the same party and does not apply to the Chairperson of the Board. Requests to remove a panel member without cause must be made in writing and submitted to the Secretariat within 10 calendar days of receipt of notice of the composition of the Panel.

3. In addition, either party may seek the removal of a panel member for cause. In this instance, the party making the request shall provide reasons in writing why it considers the removal of the panel member to be warranted. Requests to remove a panel member for cause must be made in writing and submitted to the Secretariat within 10 calendar days of receipt of notice of the composition of the Panel. The Chairperson of the Board will decide whether the member may serve on the Panel or not.

4. When a panel member is removed with or without cause from an Examining Appeal Panel, he or she shall be replaced, at the sole discretion of the Chairperson, by another member from the same category.

5. A member of the Board of Appeal shall be ineligible to serve on a Panel if he or she has an appeal pending before the Board or is the subject of an investigation or disciplinary proceeding.

Rule 28. Replacement of Panel Members

As far as possible, the membership of an Examining Appeal Panel should remain unchanged until the adoption of the Panel's final report. However, if a panel member is constrained to leave a panel prior to the completion of its work, he or she shall be replaced, at the sole discretion of the Chairperson, by another member from the same category. The Examining Appeal Panel will integrate the new panel member and continue with its work.

Rule 29. Meetings of the Panel

1. The Chairperson of the Board shall convene the meetings of an Examining Appeal Panel, conduct the meetings and establish the agenda of work in consultation with the Panel members and the Secretariat.



2. An Examining Appeal Panel may have either face-to-face or virtual meetings to consider an appeal case. The three members of an Examining Appeal Panel must participate in the deliberations, assisted by the Secretary of the Board as and when required.
3. In order to facilitate the work of the Examining Appeal Panel, the entire appeal case will be made available to each member, either by hard copy or electronically.
4. Hard copy files must be returned to the Secretariat after the Panel has concluded its deliberations and submitted its report to the Director and electronic files must be deleted.

Rule 30. Scope of Review and Access to Documentation

1. An Examining Appeal Panel will review each case taking into account the applicable PAHO Staff Regulations, Staff Rules, policies and conditions of service of the staff member concerned, as well as relevant International Labour Organization Administrative Tribunal jurisprudence and general principles of law.
2. An Examining Appeal Panel's scope of review is limited to an examination of the written record in each specific case based on the documentation submitted by the parties and the testimony of the parties and any witnesses during an oral hearing.
3. A Panel examining a particular appeal case may request any party, witness, expert or staff member of the Organization to provide any additional material and information that it considers relevant for the proper disposition of the case. Except for privileged or confidential information, documents or reports, copies of any such material shall be transmitted to both parties, each of whom may submit comments within 15 calendar days from the date of receipt from the Board.
4. Unless specifically requested and authorized by the Board, no party may file any other pleading, motion or document during the appeal process.

Rule 31. Oral Hearings

1. An Examining Appeal Panel will normally consider appeals on the basis of written submissions. However, either party may request an oral hearing. A request for an oral hearing may be submitted to the Secretariat at any stage of the appeals process, but no later than 15 calendar days from the date when the Appellant has received the Administration's Reply from the Board.
2. The Examining Appeal Panel will decide, in its sole discretion, whether to hold an oral hearing or not. In determining whether a hearing should be held, the Panel shall consider whether the written submissions have adequately covered the issues involved, whether testimony from the parties, witnesses or experts would be likely to add substantially to the material before it and whether information unlikely to be obtained by other means might be obtained by conducting a hearing.
3. If an oral hearing is to be held, the Secretariat will send both parties written notice, normally at least 21 calendar days in advance, of the date, time and venue of the hearing and



provide a list of participants, including any witnesses or experts, as well as the specific matters to be addressed. For the continuation of a hearing, oral notice will suffice.

4. Oral hearings will be conducted in either English or Spanish and may take place either in-person or virtually. Whenever considered necessary by the Examining Appeal Panel, interpreters will be provided to the parties for interpretation into any of the four official languages of the Organization.

5. If the Board decides that an in-person oral hearing is necessary for the proper determination of an appeal case, the Organization will defray the cost of travel for the Appellant and any other witnesses or parties whose attendance is required. Such cost will be limited to airfare and per diem for the day(s) of the hearing itself.

Rule 32. Witnesses and Experts

1. Either party may request the participation of an expert or witness at an oral hearing but must explain why their testimony would be relevant. The Examining Appeal Panel will consider the relevance of any proposed witness or expert and may exclude participation if it feels that the witness or expert is not necessary for the consideration of the appeal or would not add substantially to the material before it.

2. The Examining Appeal Panel may also add witnesses and experts on its own initiative.

3. By virtue of their knowledge, skills, experience, training and/or education, experts may give testimony in the form of an opinion. A witness may testify only on matters in which he/she has direct personal knowledge.

4. A party shall not communicate, or attempt to communicate, with any witness or expert who has been invited by the Board of Appeal to provide information or an opinion during an oral hearing.

Rule 33. Conduct of Oral Hearings

1. The Chairperson of the Board shall be responsible for the conduct of the oral hearings, including the application and interpretation of these rules of procedure and of any other procedural issue that may arise during the course of the hearing.

2. The normal sequence of an oral hearing will be as follows:

(a) The Chairperson will declare the hearing open. He/she will direct that all persons involved in Board proceedings – whether as Panel members, parties, witnesses or experts – shall observe strict confidentiality.

(b) The Appellant or his or her representative may make a brief opening statement, generally lasting not longer than 15 minutes.

(c) The Administration's representative may make a brief opening statement, generally lasting not longer than 15 minutes.



- (d) The Panel members may direct questions to the parties at any point during or after the presentations. Either party may put questions to the other party after the latter's presentation. The Chairperson will assess the relevance of each question and determine whether it should be answered or not.
- (e) Witnesses or experts, if any, may be questioned by the Panel members and by the parties. The Chairperson will assess the relevance of each question and determine whether it should be answered or not.
- (f) While a witness or expert is testifying, no other witness or expert shall be present unless a party expressly so requests and the Panel approves the request.
- (g) The Administration's representative may make a brief closing statement, generally lasting not longer than 15 minutes.
- (h) The Appellant or his or her representative may make a brief closing statement, generally lasting not longer than 15 minutes.

3. An Examining Appeal Panel shall not provide its opinion about the merits of the case during an oral hearing.

Rule 34. Report of the Examining Appeal Panel

1. In accordance with Staff Rule 1230.7.1, the Chairperson of the Board shall submit the report of the Examining Appeal Panel to the Director within 120 calendar days of the date of receipt by the Board of all pleadings and relevant documentation or the date of conclusion of an oral hearing, as applicable. This period may be extended by the Chairperson if both the Appellant and the Administration agree.

2. The report shall normally comprise the following sections:

- Introduction
- Summary of Facts
- Summary of Contentions
- Considerations
- Findings and Recommendations

3. The report should contain the Examining Appeal Panel's findings and recommendations regarding the specific appeal under consideration. Recommendations of a general nature relating to PAHO policy or procedural matters should be communicated separately to the Director since they do not pertain to the appeal itself and are for the exclusive consideration of the Director.



4. The final decision in appeal matters rests with the Director, who shall inform the Appellant of his or her findings within 60 calendar days of receipt of the Examining Appeal Panel's report and provide the Appellant at the same time a copy of the Board's report.

5. The Secretariat shall notify the Appellant of the date on which the Panel's report is submitted to the Director and inform him/her that if the Director has not communicated his/her decision within 60 calendar days after the date on which the report was submitted, the Appellant may request a copy of the report from the Board and the Board will then provide it to the Appellant.

6. The report of the Examining Appeal Panel constitutes the official record of the Panel's deliberations. It may be adopted unanimously or by a majority of the members. In the latter case, the Panel member who disagrees with the majority position may prepare a dissenting opinion to be appended to the majority report.

PART VI - FINAL PROVISIONS

Rule 35. Interpretation

The Board, through its Chairperson, shall apply and interpret these rules of procedure to the extent required.

Rule 36. Amendments

1. Subject to the provisions of Staff Rule 1230, these rules of procedure may be amended from time to time to take into account the experiences of the Board, lessons learned and best practices. Any proposed substantive amendment(s) to the rules are submitted to the Director for final approval, after clearance by the Office of the Legal Counsel.

2. Any amendment(s) shall not affect the rights of an Appellant who filed an appeal before the amendment(s) came into force.

Rule 37. Procedural Matters Not Covered in the Present Rules

All procedural matters that are not expressly provided for in the present rules of procedure shall be dealt with by the Chairperson of the Board of Appeal in consultation with the other members of an Examining Appeal Panel, if and when necessary.

Rule 38. Archives of the Board

In accordance with PAHO's record retention policy, the Secretariat will maintain the archives of the Board. One copy of the Board's report and all documentation for each appeal



will be retained in the archives. All material contained in the archives and retained electronically shall be kept confidential.

Rule 39. Annual Report

In consultation with the members of the Board, the Chairperson shall publish an annual report on the appeals considered by the Board, maintaining appropriate confidentiality, as well as on the other activities undertaken by the Board during the preceding year.



