**Rebuttal Panel**

**Terms of Reference**

1. **Purpose**

Pursuant to UNDP Policy on Performance Management and Development (PMD), in case a staff member disagrees with the results of the annual performance review following the final review by the Bureau/Office TMC, they may file a formal rebuttal request.

Requests for rebuttal will be considered by the Rebuttal Panel (see section III for details). A Rebuttal Panel is a centrally-managed mechanism for the formal resolution of disputes related to individual performance management, in particular results of the annual performance reviews.

1. Membership

The Rebuttal Panel includes 16 staff members at different levels from G7 to D2 selected by OHR based on nominations by Heads of the UNDP Bureaus/Offices and in consultation with the Staff Council. The Panel is broken up in turn into individual rebuttal review teams to consider each case.

Membership of the Panel is governed by the principles of diversity (gender, geography, and other) and includes staff from different Bureaus/Offices, including HQs, Regional and Country Offices as much as feasible. Staff nominated to the Rebuttal Panel must have excellent performance record, experience in managing employee performance, and a proven record of integrity, fairness and impartiality.

The composition of the Panel is confirmed by the Associate Administrator on an annual basis. The term of an individual appointment to the Rebuttal Panel is for any period up to two years. Each member of the Panel participates in the Panel in their individual capacity, not as representatives of their respective Bureau/Office. Members can also serve multiple consecutive terms, and there is no absolute limit on the length of time served on the Rebuttal Panel.

The Panel is chaired by the OHR Director, or a formal designate. An OHR focal point acts as the ex-officio Secretary of the Panel.

1. Review of rebuttal cases

Each rebuttal case is considered by a review team consisting of 3 members of the Panel assigned by the Chair. Members of the review team must be of the grade at least one level higher than the staff member whose case is being reviewed. Review teams act on a rolling basis during the year and, as such, can review several cases.

The review team cannot include members of the TMC that reviewed the respective case; nor can it include the staff members who supervised the rebutting supervisee during the performance year under review. As much as possible, members of the review team should not include members of the office the supervisee is from.

If a Rebuttal Panel member assigned to review a case cannot participate in the review team for a compelling reason, she/he should inform the Chair of the Rebuttal Panel in writing and a new member of the review team will be identified.

Both the supervisee and the supervisor will be informed of the membership of the review team. To protect the review team members from pressure and undue influence and to ensure due process, neither the supervisee nor the supervisor may approach her/him to discuss a rebuttal case under review or send information or documents directly.

To support the review team, additional capacity may be engaged to collect and prepare a preliminary analysis of all the relevant information and documents and will prepare an initial report for the consideration by the review team. A non-voting staff member with relevant technical expertise may be invited to provide requisite technical advice on the case.

Once completed, the review team will present its recommendation to the Chair for final decision. The report of the review team should include: (1) brief description of the case; (2) list of documentation and other evidence reviewed; (3) key findings; and (4) the recommendation. In the event the review team cannot come to an agreement, they will reflect this in the report. The review team may also advise that they do not consider the request to be receivable

The final decision of the Rebuttal Panel will be taken by the Chair based on the recommendation of the review team.

All proceedings and reports of the Rebuttal Panel will be strictly confidential and will not be disclosed by any of the Panel members. The decision by the Chair of the Rebuttal Panel constitutes the final decision on the matter.

The Rebuttal Panel Secretary will convey the final/signed Rebuttal Panel Report to the relevant OHR Business Partner for inclusion into the performance record of the supervisee, with a copy to the Head of the respective Bureau/Office and the Chair of the respective TMC. The decision of the Rebuttal Panel will also be shared with the supervisee and the supervisor.

1. Responsibilities

Members of a Rebuttal Panel must:

1. Act in an independent capacity while performing their role on the panel;
2. Perform their role to the best of their ability and in good faith; devote requisite time and effort to the review, including all required steps;
3. Keep abreast of relevant policies and procedures;
4. Participate fully in the review of the assigned rebuttal cases;
5. Will not entertain or receive information directly from the supervisee or the supervisor, or any other individual acting on their behalf. If received, such information will not be considered as part of the review;
6. In the case of an actual or perceived conflict of interest, disclose it to the Chair and the OHR Secretary of the Panel and excuse herself/himself from participation in the review of the case. She/he may also inform the Director of the Ethics Office. If case of an actual or perceived conflict of interest for the Chair of the Rebuttal, the Associate Administrator may appoint a new Chair.
7. Timeline

The review team will have up to 30 working days to review each case and present its findings and recommendations. Depending on the workload and the priority of the cases submitted, more or less time for the review may be allocated by the Chair.

The Rebuttal Panel decision will be finalized by the Chair within one week of the submission of the recommendation by the review team.