

student "ad -een "urt. T"e 9n\$est(gat(on Report (n!luded as e\$(den!e 5(tness (nter\$(e5s 5(t" se\$eral students and s!"ool staff mem-ers) a re\$(e5 of t"e med(!al report) and t"e Appellant@ (nter\$(e5.

8. %6 letter dated 1; Januar6 2010 71pportun(t6 to respond 71TR8 letter8) t"e +U1A= (nformed t"e Appellant of t"e f(nd(ngs of t"e (n\$est(gat(on and (n\$(ted "(m to respond to t"e allegat(ons. T"e letter (nformed t"e Appellant t"at (f t"e (n\$est(gat(on@ f(nd(ngs 5ere !onf(rmed) "(s !ondu!t ma6 amount to m(s!ondu!t and result (n d(s!(pl(nar6 measures.

0. 1n 2; Januar6 2010) t"e Appellant responded to t"e 1TR letter and re-e!ted t"e allegat(ons aga(nst "(m. 4e !"ara!ter(>ed t"e (n\$est(gat(on@ f(nd(ngs as an De?aggerat(onE and des!r(-ed t"e student as a Dtrou-lemma, erE. T"e Appellant stated t"at "e 5as defend(ng "(mself) and t"at t"e student "ad (nfl(!ted some of t"e (n&ur(es on "(mself. 4e alleged t"at t"e student@ fam(l6 "ad attempted to D-la!, ma(lE "(m -6 as, ed for mone6 (n return for dropp(ng t"e !ompla(nt.

10. 1n 1B a6 2010) t"e +U1A= up"eld t"e (n\$est(gat(on@ f(nd(ngs and (mposed t"e d(s!(pl(nar6 san!t(on of separat(on from ser\$(!e 5(t"out term(nat(on (ndemn(t6 on t"e Appellant. T"e Appellant 5as pa(d !ompensat(on eCual to one mont"@ salar6 (n l(eu of not(!e.

11. T"e +U1A= found t"at se\$eral aggra\$at(ng fa!tors 5arranted separat(on from ser\$(!e 5(t"out term(nat(on (ndemn(t6 (n!lud(ng t"e fa!t t"at t"e Appellant@ m(s!ondu!t (n\$ol\$ed \$(olen!e aga(nst a \$ulnera-le !"ldf t"e trust and respons(-(!t6 (n!um-ent on !lassroom tea! "ersf t"e fa!t t"at t"e Appellant "ad ne\$er adm(tted 5rongdo(ng or s"o5n remorsef and t"e potent(al for t"e Appellant@ m(s!ondu!t to !ause s(gn(f(!ant reputat(onal "arm to UNR2A.

12. 1n 1; Jul6 2010) t"e Appellant su-m(tted a reCuest for de!(s(on re\$(e5. 1n 0 1!to-er 2010) "e f(lled an appl(!at(on 5(t" t"e UNR2A +(spute Tr(-unal.

UNRWA DT Judgment

1; . 1n 2: August 2020) t"e UNR2A +(spute Tr(-unal (ssued t"e (mpugned de!(s(on (n Judgment No. UNR2AA+TA2020A052) (n 5"(!" (t d(sm(ssed t"e Appellant@ appl(!at(on.

17. The UNR2A + (spite Tr(-unal found t"at t"e follo5(ng falts) as reported (n t"e 9n\$est(gat(on Report) 5ere esta-l(s"ed -6 !lear and !on\$(n!(ng e\$(den!e. T"e Appellant as, ed t"e \$(!t(m to !ome to t"e front of t"e !lassroom after t"e latter "ad fa(led to ans5er a Cuest(on. T"e Appellant t"en "(t t"e \$(!t(m@ "and 5(t" a "ose and slapped "(m on t"e fa!e. T"e \$(!t(m tr(ed to lea\$e t"e !lassroom to f(nd t"e S!"ool *r(n!(pal) -ut t"e Appellant pus"ed t"e \$(!t(m) and "e fell to t"e floor and "(t "(s "ead on a des, . T"e \$(!t(m returned to "(s des, !r6(ng) and t"e Appellant told "(m to stop !r6(ng and ra(se "(s "ead. 2"en t"e \$(!t(m d(d not do as as, ed) t"e Appellant "(t t"e -a!, of "(s "ead) !aus(ng t"e \$(!t(m@ "ead to "(t a des, aga(n. As a result) "(s nose -egan to -lead.

15. The UNR2A + (spite Tr(-unal found t"at t"e Appellant@ a!t(ons 5ere (n !lear \$(olat(on of t"e UNR2A regulat(ons) and t"us t"at t"e Appellant@ a!t(ons !onst(tuted m(s!ondu!t.

1B. The UNR2A + (spite Tr(-unal determ(ned t"at t"e d(s!(pl(nar6 san!t(on of Dseparat(on from ser\$(!e 5(t"out term(nat(on (ndemn(t6E 5as proport(onate to t"e Appellant@ m(s!ondu!t. 9t a!, no5ledged t"at t"(s d(s!(pl(nar6 san!t(on 5as one of t"e most se\$ere t"at t"e Agen!6

Submissions

✓ r# Al Dirawi's Appeal

10. The Appellant submits that the UNR2A + (spite Tr(-unal erred (n fa!t and la5) (n -as(ng (ts f(nd(ngs on !ontrad(!tor6 e\$(den!e from 5(tnesses and (n f(nd(ng t"at UNR2A "ad esta-l(s"ed "(s m(s!ondu!t -6 !lear and !on\$(n!(ng e\$(den!e. 4e argues t"at t"ere 5ere numerous (n!ons(sten!(es (n t"e 5(tness test(mon6 and ot"er e\$(den!e.

20. The Appellant requests that the Appeals Tr(-unal \$a!ate t"e UNR2A + (spite Tr(-unal Judgment and re\$erse "(s separat(on from ser\$(!e. 4e add(t(onall6 reCuests an unspe!(f(ed amount of !ompensat(on for t"e ps6!"olog(!al and moral (mpa!t result(ng from "(s separat(on from ser\$(!e.

The \$%mmissi%ner&' eneral's Answer

21. The Comm(ss(oner-=eneral submits that the UNR2A + (spite Tr(-unal d(d not err (n la5) fa!t or pro!edure 5"en render(ng (ts Judgment. The Respondent !ontends t"at t"e UNR2A + (spite Tr(-unal suff!(!entl6 !ons(dered t"e fa!ts and !orre!tl6 "eld t"at t"e6 5ere esta-l(s"ed -6 !lear and !on\$(n!(ng e\$(den!e.

22. The Comm(ss(oner-=eneral submits that the errors alleged -6 t"e Appellant (n "(s appeal are e(t"er unpro\$en or do not 5arrant (nter\$(ent(on -6 t"e Appeals Tr(-unal. The Respondent ma(nta(ns t"at t"e Appellant (s us(ng "(s appeal to (mperm(ss(-l6 repeat arguments t"at fa!ed -efore t"e UNR2A + (spite Tr(-unal.

2;. The Comm(ss(oner-=eneral requests that the Appeals Tr(-unal up"old t"e UNR2A +T

-8 failed to exercise jurisdiction vested in it

It erred on a question of law

It committed an error of procedure such as to affect the decision of the Panel or

It erred on a question of fact resulting in a manifestly unreasonable decision.

Standard of review in disciplinary cases

THE UNITED NATIONS APPEALS TRIBUNAL

Judgment No. 2021-UNAT-1158

;2. The Appellant also alleges contradictions between t

Consequence

1. For the foregoing reasons, the Tribunal finds that the UNR2A did not err in law or fact in finding that the respondent's conduct was an unreasonable delay in the implementation of the appeal.

Conclusion

2. The appeal is hereby denied and Judgment No. UNR2AA