

# Guide to the Staff Rule 8.01 INVESTIGATIVE PROCESS

Fourth Edition

THE WORLD BANK GROUP  
INTEGRITY VICE PRESIDENCY  
INTERNAL INVESTIGATIONS UNIT



**int**  
Integrity

**WORLD BANK GROUP**  
World Bank • IFC • MIGA

Guide to the Staff Rule 8.01  
**INVESTIGATIVE PROCESS**

Fourth Edition

**THE WORLD BANK GROUP  
INTEGRITY VICE PRESIDENCY  
INTERNAL INVESTIGATIONS UNIT**



**WORLD BANK GROUP**  
World Bank • IFC • MIGA

August 2016

This Guide is intended to serve as a detailed source of information on INT's process and procedures for addressing allegations of staff misconduct and the rights and obligations of World Bank Group (WBG) staff under Staff Rule 8.01 and other relevant Staff Rules. World Bank Group staff may access an electronic version of this document (including links to reference documents) on the World Bank intranet at <http://integrity>.



# Contents

- THE INTEGRITY VICE PRESIDENCY ..... v
- INTRODUCTION ..... 1
  - Duty to Report ..... 1
  - What Constitutes Staff Misconduct under Staff Rule 8.01? ..... 1
  - What Constitutes Staff Misconduct under Staff Rule 3.00? ..... 2
  - What if I am not sure whether my concerns involve matters handled by INT or EBC? 2
  - Can Short-Term Consultants and Temporaries also be investigated by INT? ..... 2
  - How Does INT Review Allegations of Staff Misconduct? ..... 2
  - Intake and Evaluation ..... 3
    - Preliminary Inquiry ..... 3
    - Investigation ..... 3
    - Gathering Facts ..... 5
  - Preparation of an 8.01 Report of Investigation ..... 5
  - Who Determines Whether Misconduct Occurred? ..... 6
  - Who Else May be Informed of INT’s Investigative Findings? ..... 6
  - Referrals to National Authorities ..... 7
- FREQUENTLY ASKED QUESTIONS ..... 9
- STAFF RIGHTS ..... 9
- STAFF OBLIGATIONS ..... 13
- PROCEDURAL SAFEGUARDS ..... 15
- ADDITIONAL INFORMATION ABOUT INT INVESTIGATIONS ..... 20
- GLOSSARY ..... 23
- REFERENCES ..... 26



# THE INTEGRITY VICE PRESIDENCY

---

**T**he Integrity Vice Presidency (INT) is an independent unit within the World Bank Group (WBG) whose core function is preventing and investigating sanctionable misconduct, and pursuing sanctions related to allegations of fraud and corruption in WBG-financed activities and in the administration of WBG business. In instances where the WBG's own staff may be implicated in such misconduct, INT's internal investigations unit similarly investigates those allegations.

As an integral part of the WBG's overall Governance and Anti-corruption (GAC) efforts, INT contributes to risk management, working closely with other WBG units and external stakeholders to mitigate risks through preventive advice, training, and outreach efforts. In addition, INT runs the Integrity Compliance Office (ICO), which monitors the commitment of sanctioned companies to meeting WBG Compliance Standards.

To encourage a global and coordinated response to corruption, INT spearheads global initiatives such as the Cross Debarment Agreement with other multilateral development organizations and the World Bank International Corruption Hunters Alliance (ICHA), which brings together more than 250 attorneys general, directors of prosecution, and heads of national anti-corruption agencies.

INT groups its investigations into two categories: internal and external investigations.

- INT's **Internal Investigations Unit (IIU)** handles allegations of misconduct involving WBG staff relating to misuse of WBG funds or other public funds for personal gain of oneself or another, abuse of position for personal gain of oneself or another, fraud, corruption, collusion, coercion, attendant conflicts of interest, and lesser related acts of misconduct occurring in WBG-financed operations or in the administration of WBG business.
- In support of the WBG's corporate vendor eligibility determinations, the IIU also handles allegations against corporate vendors relating to five sanctionable practices: fraud, corruption, collusion, coercion and obstruction.
- The IIU mainstreams lessons learned from investigations into allegations of fraud and corruption by WBG staff and corporate vendors to help strengthen internal controls, remedy any factors which may support an enabling environment for misconduct, and ensure WBG staff maintain the highest levels of integrity.
- INT's **External Investigations Unit** handles allegations concerning the same five sanctionable practices, and the WBG may impose sanctions on entities doing business on WBG-financed operations found to have committed misconduct.

Evidence of misconduct by government officials is generally referred to national authorities for action.<sup>1</sup>

This Guide focuses exclusively on INT's standards and practices for conducting internal investigations into alleged staff misconduct, as set forth under Staff Rule 8.01 (Disciplinary Proceedings), including staff rights and obligations, and procedural safeguards.

---

<sup>1</sup> Additional information about INT's other activities is available to staff on the WBG intranet at <http://integrity>, as well as the external [worldbank.org](http://worldbank.org) website. In addition, each year, INT publishes an annual report (also available on INT's websites) which provides statistical information about investigations, sanctions, and disciplinary measures imposed as a result of INT investigations, as well as summaries of significant investigations concluded during the fiscal year.

# INTRODUCTION

The staff of INT's Internal Investigations Unit serve as neutral fact-finders who seek to obtain the facts of a case in a professional manner that is rigorous, balanced, and fair to all parties.

In short, the objective of an internal investigation is to gather all available evidence (e.g., testimonial, documentary, electronic) to either substantiate (prove) an allegation, thus enabling the WBG to hold the wrongdoer accountable, or refute (disprove) an allegation, thus clearing a staff member of any wrongdoing—an equally important outcome for both the staff member and the institution as a whole.

An investigation entails weighing and analyzing facts, assessing the credibility of the parties to a case, and producing a comprehensive report that provides a complete and balanced story, including all known facts and circumstances, supporting evidence, an analysis and evaluation of the evidence, and objective fact-based conclusions.

INT's procedures for investigating allegations of staff misconduct are governed by the policies set forth in Staff Rule 8.01, and are further informed by the judgments issued by the World Bank Administrative Tribunal.

These procedures are designed to protect and respect the rights of all staff members, including those who are accused, those who report allegations, and those who serve as witnesses in a case.

INT's procedures also promote an environment in which staff can report allegations of misconduct without fear of retaliation.

## Duty to Report

All WBG staff have a duty to report suspected fraud or corruption in WBG-financed projects or in the administration of WBG business to their direct manager or to INT. A manager who suspects or receives a report of suspected fraud or corruption has an obligation to report it to INT.

## What Constitutes Staff Misconduct under Staff Rule 8.01?

INT investigates forms of misconduct relating to fraud or corruption under Staff Rule 8.01, while EBC focuses on workplace grievances (e.g., harassment and retaliation) and other violations of Staff Rules or Bank Group policies (misuse or abuse of travel funds, staff benefits and allowances, P-cards, petty cash, or WBG physical property) under Staff Rule 3.00.

Specifically, INT investigates:

- Misuse of WBG funds or other public funds (e.g., donor trust funds) for the personal gain of oneself or another in connection with WBG operations (e.g., Bank-financed projects) or in the administration of WBG business.<sup>2</sup>
- Abuse of position in the WBG for the personal gain of oneself or another in connection with WBG operations or in the administration of WBG business.<sup>3</sup>
- Fraud, corruption, coercion, collusion, including the offering, receiving, or soliciting of bribes, kickbacks, or other (e.g., in-kind) personal benefits, or embezzlement, involving WBG operations or in the administration of WBG business.

<sup>2</sup> Excluded from this list are misuse or abuse of travel funds, staff benefits and allowances, P-cards, petty cash or WBG physical property, which are handled by EBC.

<sup>3</sup> Excluded from this list are misuse or abuse of travel funds, staff benefits and allowances, P-cards, petty cash or WBG physical property, which are handled by EBC.

INT also investigates allegations of other forms of misconduct under Staff Rule 8.01 such as (i) those related to, or arising from, allegations involving fraud or corruption (e.g., attendant conflicts of interest) or (ii) unrelated allegations of misconduct, if in the interests of efficiency in the investigative or decision-making process.

### What Constitutes Staff Misconduct under Staff Rule 3.00?

Specifically, EBC investigates:

- Workplace grievances including harassment, sexual harassment, discriminatory practices, retaliation (including retaliation for alleged whistleblowing), and abuse of authority.
- Conflicts of interest, failure to comply with personal legal obligations, and the abuse or misuse of WBG travel funds, staff benefits and allowances (including tax allowances), P-cards, petty cash, or physical property.

### What if I am not sure whether my concerns involve matters handled by INT or EBC?

Staff may contact either INT or EBC for clarification and guidance regarding to which unit suspected staff misconduct should be referred. See *table below*.

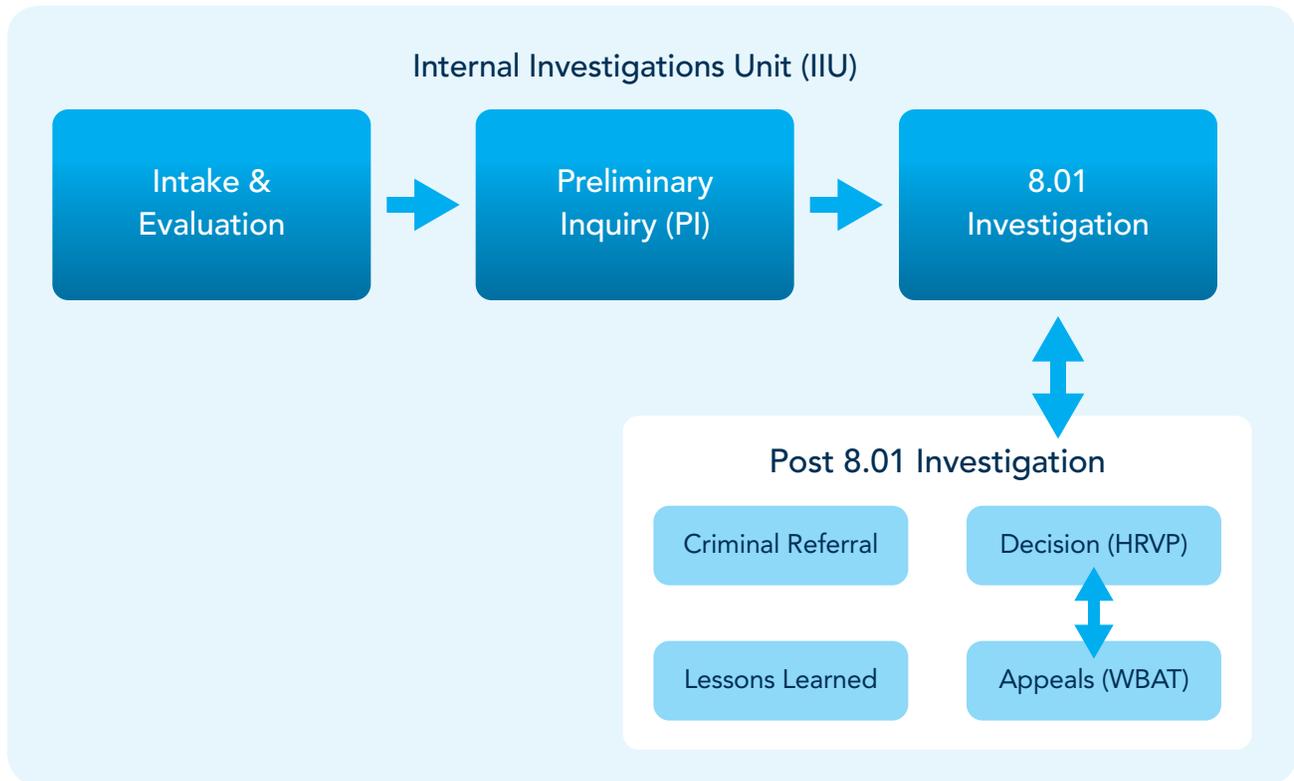
### Can Short-Term Consultants and Temporaries also be investigated by INT?

Yes. INT has jurisdiction to investigate allegations of misconduct relating to fraud and corruption involving any active or former staff member, including regular, open-ended and term staff, and short-term consultants and temporaries in connection with their WBG employment.

### How Does INT Review Allegations of Staff Misconduct?

Upon receipt of a complaint, INT follows a consistent three-stage process: (i) intake and evaluation; (ii) preliminary inquiry; and, if warranted, (iii) investigation.

INT vs. EBC Mandate	
INT	EBC
Abuse of position for personal gain	Workplace misconduct (harassment, sexual harassment, abuse of authority)
Misuse of WBG funds or trust funds for personal gain	Retaliation
Embezzlement	Misuse/abuse of travel, benefits, P-card, petty cash or property
Fraud	Failure to adhere to WBG policies
Corruption	Failure to comply with personal legal obligations
Collusion	Conflicts of interest
Coercion	Breaches of confidentiality
Attendant conflicts of interest	



## Intake and Evaluation

INT receives allegations from inside and outside the WBG, including anonymous complaints. INT assesses each complaint to determine whether the allegations of misconduct fall within INT’s responsibilities or should be referred to another unit in the WBG. If not referred, INT assesses whether the complaint contains sufficient information and detail for INT to undertake a preliminary inquiry in a responsible manner. If the complaint is vague and ambiguous, INT will first seek clarification and further details. INT will not embark on a mere “fishing expedition” if it receives a vague and ambiguous allegation from a complainant who does not or cannot provide sufficient clarification.

## Preliminary Inquiry

If INT determines that the issue(s) raised in a complaint are within its jurisdiction under Staff Rule 8.01 and sufficiently detailed to allow INT to undertake a further review, INT will open a case and proceed with a preliminary inquiry. The function

of the preliminary inquiry is to undertake initial fact-finding steps to determine whether there is sufficient credible evidence and supporting information to warrant initiation of an investigation. If INT determines that there is not a sufficient basis to merit further investigation, or if INT disproves the allegations in favor of the subject staff member, INT will close the case and notify the complainant accordingly. In the majority of cases, the implicated staff member is not contacted, interviewed, or made aware of the preliminary inquiry.

## Investigation

Following a preliminary inquiry, if there is a sufficient basis to merit an investigation, INT will initiate a formal Staff Rule 8.01 investigation to obtain the full facts and circumstances of the matter.

Generally, the first step in an investigation is to provide the subject staff member, during a face-to-face interview with INT, a written Notice of Alleged Misconduct and afford the staff member an initial

opportunity to respond to the allegations.<sup>4</sup> To schedule the interview, INT will contact the staff member by e-mail with at least 24 hours' advance notice, unless there is a reasonable ground to believe that such advance notice would jeopardize the investigation through the destruction of evidence or intimidation of witnesses.

The advance-notice email provides the staff member a brief explanation as to the purpose of the interview and the nature of the allegations. The email also includes scheduling details, the staff member's right to be accompanied to the interview by another staff member as a third party observer, the strictly confidential nature of the investigative process, a reminder on the prohibition on retaliation, a link to Staff Rule 8.01, a link to the Directive/Procedure on the conduct of Disciplinary Proceeding for INT Investigations, and a PDF copy of this Guide.

Interviews are generally held in INT's offices, or in a private meeting room if the interview is conducted outside of the Bank Group's headquarters in Washington, D.C. To ensure an accurate record of the interview, the interview is either audio-recorded or conducted in the presence of a transcription specialist so that an accurate transcript may be prepared.

If the staff member has requested that another staff member attend the interview as an observer, the observing staff member is required to sign a non-disclosure agreement to ensure confidentiality.

At the beginning of the interview, the staff member is provided with a Non-Disclosure Agreement (NDA) to review, sign, and date. The signed NDA stipulates that the staff member will not use, release, or retain copies of any documents or reports INT provides the staff member, in hard or soft copy, during the interview and the course of the investigation beyond the parameters set forth in the NDA. The staff member is then provided with the written Notice of Alleged Misconduct, which contains a detailed description of the allegations, the relevant WBG

standards involved, an overview of the Staff Rule 8.01 investigative and decision-making process, and a summary of the staff member's rights and obligations under the WBG's disciplinary proceedings.

After reviewing the Notice, the staff member may ask any questions about the Notice or the process before a dialogue on the substance of the issues under investigation begins. An interpreter will be available if INT believes one will be necessary or upon request of the staff member. Similarly, the written Notice of Alleged Misconduct, draft investigative reports, and exhibits will be translated as necessary. If a staff member is not fluent in English, the staff member may provide their written response to Notice of Alleged Misconduct in their native language.

Following the interview, the staff member is provided a copy of the interview transcript which includes copies of any documents that were shared and discussed during the interview and are referenced in the interview transcript. The transcript is generally available within approximately two weeks following the interview. INT also retains the interview audio file, which will be made available for review in the event that a dispute arises regarding the accuracy of the interview transcript. Once the interview transcript has been provided, the staff member is given 10 workdays during which to submit a written response to the Notice of Alleged Misconduct. In the response, the staff member is encouraged to provide information, evidence, and/or the names of witnesses who may be interviewed to support their explanation of what occurred.

The staff member may request an extension to respond in writing. INT is flexible in granting requests for extensions that are reasonable and justified. Factors that typically justify extensions include: (i) the complexity of the matters under investigation; (ii) matters involving multiple events that may have occurred over a span of time or long ago in which instance the staff member may need additional time to obtain their historical records, notes, calendar or the like; (iii) the staff member's work program, including mission travel, that if interrupted could potentially disrupt the WBG's business; (iv) family emergencies; and/or (v) medical

---

<sup>4</sup> Under Staff Rule 8.01, paragraph 4.08, a subject staff member has the right to respond to the allegations of misconduct during the course of the investigation orally, in writing, or both, and he or she may be required to do so by the person conducting the investigation.

issues. However, INT does not grant extensions for scheduling conflicts of a staff member's personal legal adviser. This practice seeks to ensure fairness for all staff members who are the subject of investigations, regardless of their ability to afford legal representation. If a request is reasonable and justified, INT will generally provide an extension up to an additional 10 workdays.

## Gathering Facts

The purpose of the investigation is either (i) to refute or disprove the allegations and clear the accused staff member of any wrongdoing, or (ii) to substantiate or prove one or more allegations of misconduct so that the WBG can enforce its standards of behavior and hold staff members accountable for their wrongful actions. If the evidence is inconclusive or insufficient to meet the WBG's standard of proof, the allegations are considered to be unsubstantiated, in which case the benefit of the doubt goes to the staff member accused of misconduct.

Fact-gathering begins during the preliminary inquiry and continues throughout the investigation. It normally includes interviewing staff members and other parties as witnesses and making objective credibility assessments. INT also obtains, reviews, and analyzes documentary and other tangible evidence.

As neutral fact-finders, INT investigators seek evidence that is exculpatory (refuting a conclusion that misconduct occurred) and inculpatory (leading to conclusion that misconduct occurred), as well as potentially mitigating or aggravating factors. INT conducts its investigations in a thorough, objective, and timely manner, while fully respecting the rights of staff.

All staff members contacted during the investigation must respect the confidentiality of the investigation in order to maintain the integrity of the fact-finding process, avoid the spread of rumors, and protect the reputation of staff members. INT reminds witnesses that accused staff members are presumed innocent until such time as the investigation has

been completed and a determination is made by the decision-maker that misconduct has occurred.

## Preparation of an 8.01 Report of Investigation

Once INT concludes its fact-finding and if one or more allegations are deemed substantiated, INT prepares a detailed Report of Investigation. The report includes both inculpatory and exculpatory evidence and comprises the complete administrative record, including all supporting information and evidence (all documents and testimony) upon which a disciplinary decision will be based. The report sets forth the investigative findings, supporting evidence, an analysis and evaluation of the evidence, and mitigating factors or aggravating circumstances. **The report does not contain any recommendations regarding disciplinary measures to be imposed.**

Before the investigative report is submitted for a decision, the subject staff member is provided with a copy of the report and all its exhibits, in draft, for comment (e.g., to identify any perceived factual errors, introduce any other relevant information that the staff member believes may rebut the findings or further support their explanation, clarify any of their previous statements, or provide any other comments on the report or the investigative process). Upon request by the subject staff member, a copy of the draft report may also be provided to the subject staff member's personal legal advisor (if one has been engaged at no expense to the WBG), or the SA's Legal Counsel. The personal legal advisor or SA Legal Counsel must sign a non-disclosure agreement, stipulating that they will not use, release, or retain copies of any information about an investigation beyond the parameters set forth in the agreement.

The subject staff member is given 10 workdays to submit comments on the report. The staff member may request an extension of time in which to submit comments. INT is flexible in granting requests for extensions that are reasonable and justified. Factors that typically justify extensions in time include but are not limited to: (i) the complexity of the matters under investigation; (ii) matters involving multiple events

that may have occurred over a span of time or long ago in which instance the staff member may need additional time to obtain their historical records, notes, calendar, or the like; (iii) the staff member's work program, including mission travel, that if interrupted could potentially disrupt the WBGs business; (iv) family emergencies; and/or (v) medical issues. However, INT does not grant extensions due to scheduling conflicts of a staff member's personal legal adviser. This practice seeks to ensure fairness for all staff members who are the subject of Staff Rule 8.01 investigations, regardless of their ability to afford legal representation. If a request is **reasonable and justified**, INT will generally extend the deadline by an additional 10 workdays.

The staff member's comments are then addressed in relevant parts of the body of INT's final report and also attached in full as an exhibit to the finalized Report, which is then submitted to the WBG Human Resources Vice President (HRVP) for review and decision. If the staff member's comments to the draft report result in a substantive revision to the investigative findings or conclusions which is adverse or prejudicial to the staff member, INT allows the staff member to review and comment again on a revised draft report before it is finalized and submitted to the HRVP.

When the finalized Report is submitted to the HRVP for decision, INT notifies the subject staff member and provides a copy of the Final Report (without exhibits previously provided in the draft report(s)) to the staff member so they may be informed of any rebuttal comments INT may have made in the Final Report.

To protect the reputation of the staff member and maintain confidentiality, INT does not provide a copy of its investigative reports to complainants, witnesses, or the staff member's management chain. INT will notify a complainant when an investigation has been concluded.

## Who Determines Whether Misconduct Occurred?

The determination of whether misconduct has occurred and what disciplinary measures to impose, if any, is made by the WBG HRVP. Where there is a conflict of interest for the HRVP, the disciplinary determination is made by a Managing Director or the President. The decision is made on the basis of the findings from the INT investigation and recommendations from any other official the decision maker consults for advice.

INT does not take disciplinary action or make recommendations on disciplinary action. Nothing is placed in the subject staff member's personnel records unless there is a finding of misconduct and a disciplinary measure is imposed beyond a verbal censure.

A subject staff member will be notified by the decision-maker of the disciplinary measures that will be taken, the reasons for their imposition, and the right to appeal the decision to the WBG Administrative Tribunal. Except where the measure is oral censure, the notification is made in writing.

## Who Else May be Informed of INT's Investigative Findings?

In substantiated cases, where the HRVP finds that a subject staff member has committed misconduct, INT will notify the complainant in writing of the outcome of the case and the disciplinary measures imposed.<sup>5</sup> The HRVP may decide to inform other staff of the outcome of such cases, including the disciplinary measures imposed, if circumstances warrant.<sup>6</sup>

If the allegations against a subject staff member were not proven or affirmatively disproven, INT will notify the complainant, as well as cooperating witnesses and members of the subject staff member's management chain (provided they were aware of the

<sup>5</sup> Staff Rule 2.01, paragraph 4.01

<sup>6</sup> Staff Rule 2.01, paragraph 4.01.

allegation) of the outcome of the case. The notification is made in order to alleviate the stigma that attaches to a staff member who has been the subject of a preliminary inquiry or investigation and protect the staff member's reputation going forward.

INT routinely reports to the Bank's Audit Committee cases of fraud and corruption where there is: (i) relevance to pending or ongoing lending operations; (ii) evidence of systemic control weaknesses across the institution; or (iii) a likelihood of media attention.

For cases involving a WBG staff member, the identity of the staff member is not disclosed in this context in order to protect the reputation of the staff member, regardless of the case outcome.

## Referrals to National Authorities

Where the WBG has reason to believe that laws of a member country may have been violated, it may disclose information relevant to the alleged violation to local or national authorities for law enforcement purposes.<sup>7</sup> INT/WBG may disclose investigative records, operational documents, and personnel records in the WBG's possession. The staff member shall be notified of what information was disclosed and to whom within 30 calendar days after the disclosure is made, except where law enforcement authorities request the WBG to delay such notification, and the WBG accedes to the request based on the justification provided by the national authority.

---

<sup>7</sup> Staff Rule 8.01, paragraph 6.01.



# FREQUENTLY ASKED QUESTIONS

INT finds that staff who become involved in INT investigations as witnesses or accused staff members often have common questions and concerns about their rights, obligations, and the process. These frequently asked questions (FAQs) address staff rights, obligations, and procedural safeguards during disciplinary proceedings under Staff Rule 8.01, and serve to complement the provisions in the World Bank Group Directive/Procedure: Conduct of Disciplinary Proceedings for INT Investigations under Staff Rule 8.01.

## STAFF RIGHTS

### 1. When does INT notify staff of allegations of misconduct against them?

At the onset of an investigation.

Subject staff members will be notified of allegations against them if the results of a preliminary inquiry warrant the initiation of an investigation to obtain the full facts and circumstances of the matter.

However, in many cases, a preliminary inquiry resolves the allegations in favor of the subject staff member and staff are never notified of allegations against them as INT determined during the preliminary inquiry that the allegations were unfounded, or that there was insufficient credible evidence to warrant further investigation.

However, if a subject staff member was aware of the preliminary inquiry as a result of, for example, requests for information from INT or having been copied on a complaint against them, INT will inform the subject staff member of the outcome if INT determined that the allegation was unfounded or there was insufficient evidence to warrant further investigation.

### 2. How are staff notified of allegations of misconduct against them?

Staff are notified in writing through a Notice of Alleged Misconduct. The notice includes a detailed description of the allegation(s), a non-exhaustive list of standards relevant to the allegation(s), an overview of the investigative and decision-making process, and the staff member's rights and obligations under the process.

### 3. Does a staff member have a right to respond to allegations against them?

Yes. During the course of an investigation, staff members will have multiple opportunities to respond to allegations against them and identify any information (including potential witnesses or documents) that the staff member believes may support his or her position.

At the time the subject staff member is provided with written Notice of Alleged Misconduct, the investigator normally conducts an interview with the accused staff member to obtain explanations. The subject staff member may then provide a response to the allegations in writing. Once INT has concluded its fact-finding, the investigator prepares a draft investigative report presenting the investigative findings if one or more allegations has been substantiated. The subject staff member then has the right to review and comment on the draft investigative report before it is finalized and provided to the HRVP as the decision-maker. The subject staff member's interview transcript (if any interview was conducted), written response to the Notice of Alleged Misconduct, and comments on the draft investigative report are included in the finalized investigative report submitted to the decision-maker.

#### 4. How much time is the subject staff member given to respond in writing to the allegations?

Subject staff members will be provided 10 workdays to respond in writing to the Notice of Alleged Misconduct. If the staff member has been interviewed by the investigator, the staff member will be provided a copy of the interview transcript, and the 10-day time period runs from the receipt of the transcript by the staff member. If an interview was not conducted, staff members must provide their written response to the allegations within 10 workdays from receipt of the written Notice of Alleged Misconduct.

A subject staff member may request an extension on the deadline for submitting his or her written response to the Notice of Alleged Misconduct. Such requests must be in writing and include the reason for an extension. The investigator will respond to the request in writing.

If a request is reasonable and justified, INT will generally provide an extension of up to an additional 10 workdays. Factors that typically justify extensions include: (i) the complexity of the matters under investigation; (ii) matters involving multiple events that may have occurred over a span of time or long ago in which instance the staff member may need additional time to obtain their historical records, notes, calendar, or the like; (iii) the staff member's work program, including mission travel, that if interrupted could potentially disrupt the WBG's business; (iv) family emergencies; and/or (v) medical issues. However, INT does not grant extensions due to scheduling conflicts of a staff member's personal legal adviser. This policy seeks to ensure fairness for all staff members who are the subject of investigations, regardless of their ability to afford legal representation.

If the subject staff member fails to submit a written response to the Notice of Alleged Misconduct within the time allotted, the investigation will proceed to its logical conclusion.

#### 5. What information should the subject staff member include in their written response?

Subject staff members should provide any and all information and evidence (including exculpatory evidence), as well as identify any person(s) and/or document(s), the staff member believes may support his or her position. In turn, the investigator will follow-up as appropriate on any logical investigative steps based on the staff member's response.

#### 6. I have been accused of misconduct—who can help me?

Staff may consult with the WBG Ombuds Services, Staff Association (SA) representatives, including the SA Legal Counsel, family members provided they observe confidentiality, and, at no expense to the WBG, a personal legal advisor.

A subject staff member may obtain the assistance of an SA representative, including the SA's Legal Counsel, or a personal legal advisor, at no expense to the WBG, in the preparation of the written response to the Notice of Alleged Misconduct; in their review and preparation of comments on the draft investigative report(s); and throughout the investigation. The SA Legal Counsel and personal legal advisors are not permitted to attend interviews or meetings held with INT during the course of an investigation. Members of the WBG's Legal Departments may not represent, advise, or otherwise assist an accused staff member in connection with the investigation.

The assistance of an SA representative, including the SA Legal Counsel, or a personal legal advisor will not relieve the subject staff member of the obligation to respond personally in the matter under investigation. Although investigators will endeavor to accommodate staff members who obtain legal assistance, the investigator is not obligated to correspond with staff members through their SA representative, including the SA's Legal Counsel, or personal legal advisors.

## 7. I have been accused of misconduct—do I get to see the investigative report?

Yes. Subject staff members will be provided with a copy of the full investigative report, in draft, for review and comment before the report is finalized and submitted to the decision-maker. The draft report will contain all findings and supporting evidence as exhibits (including, but not limited to, transcripts of witness interviews) based on which the decision-maker will decide the case.

The purpose of this review is to enable the subject staff member to: (i) identify any perceived factual errors before the report is finalized; (ii) introduce any other relevant information the subject staff member believes may rebut the findings or support the subject staff member's position; (iii) clarify any of the subject staff member's previous statements; and (iv) comment on the report.

If the subject staff member chooses to submit comments on the draft report, all comments will be attached to the final report, which is submitted to the HRVP for review and decision. It is important that the subject staff member's comments on the draft report be comprehensive and complete, as the HRVP's decision is based on the report and its attachments. Information not presented with, and arguments not raised in, the subject's written comments or other previous written submissions to INT will not be included with the report. They will, therefore, not be considered in the HRVP's decision-making process, and may be excluded in any subsequent administrative appeal, unless such information was not available to the subject when he or she responded to the draft final report.

If the subject's comments to the draft report result in a substantive revision to the investigative findings or conclusions that is adverse or prejudicial to the subject, INT allows the staff member to review and comment again on a revised draft report before it is finalized and submitted to the decision-maker.

The subject staff member will also receive a copy of the Final Report of Investigation, including the Table of Contents and the List of Exhibits (but without the supporting exhibits previously reviewed or

prepared by the subject staff member), concurrent with its delivery to the decision-maker to inform the staff member of any rebuttal to the staff member's comments.

## 8. How much time is the subject staff member given to review the draft report?

Staff members are given 10 workdays to review and submit comments on the draft report. If more time is needed, the staff member may request an extension. INT approves all reasonable and justified requests by extending the deadline an additional 10 workdays.

Factors that typically justify extensions include: (i) the complexity of the matters under investigation; (ii) matters involving multiple events that may have occurred over a span of time or long ago in which instance the staff member may need additional time to obtain their historical records, notes, calendar, or the like; (iii) the staff member's work program, including mission travel, that if interrupted could potentially disrupt the WBG's business; (iv) family emergencies; and/or (v) medical issues.

However, INT does not grant extensions due to scheduling conflicts of a staff member's personal legal adviser. This practice seeks to ensure fairness for all staff members who are the subject of investigations, regardless of their ability to afford legal representation.

If the staff member chooses not to comment on the draft final report or fails to submit comments within the time allotted, the report will be finalized and submitted to the HRVP for review and decision.

## 9. How does INT help to maintain the presumption of innocence for subject staff members?

Staff are presumed innocent until all facts and circumstances have been obtained and a decision on the evidence has been made.

Investigators may not conduct preliminary inquiries unless sufficient detail and supporting information has been provided to pursue the matter responsibly.

In addition, where there is insufficient evidence to meet the WBG's standard of proof, fairness in the investigative process dictates that the benefit of the doubt as to what actually occurred must go to the subject staff member.

### **10. Can I bring someone with me to an interview?**

Yes. All staff members (subjects, complainants, witnesses) may be accompanied to their interview by another staff member as an observer so long as the accompanying staff member is reasonably available (for either a subject or witness) and is not connected to the matter under investigation. The accompanying staff member may be a Staff Association representative, except for the SA Legal Counsel.

The accompanying staff member is there to observe the proceedings, and may not respond on behalf of the person being interviewed, advise the interviewee, or interfere with the interview proceedings.

As the accompanying staff member is attending the interview strictly as an observer and is not a necessary participant in the interview, if a staff member's first choice for an accompanying staff member is unavailable at the scheduled interview time, the interview will not be delayed, but the staff member may always select another accompanying staff member.

In order to protect the confidential nature of the proceedings, the accompanying staff member will be required to sign a non-disclosure agreement.

### **11. Can I have an interpreter at my interview if I am not fluent in English?**

Yes, INT will arrange for an interpreter if INT believes one will be necessary or upon request of the staff member.

### **12. As a complainant or a witness, can I see a copy of my interview transcript?**

Yes. Complainant and witness staff members are permitted, upon request, to review a copy of their interview transcript in the event a transcript is prepared. Generally, up to two weeks are required for the external transcription specialists used by INT to prepare a transcript from the date of interview. If the witness staff member has requested an opportunity to review it, INT will notify the witness staff member once INT receives the transcript and makes a copy available for review.

INT also retains a record of the interview audio file, which will be made available for review in the event that there are concerns raised regarding the accuracy of the interview transcript.

Changes to the transcript are only made to correct transcription errors; revisions to the substance of a witness staff member's statement in the transcript are not permitted. However, a witness staff member may request to have an additional statement attached to the transcript to clarify any of their statements made during the interview.

### **13. I have been interviewed as a subject staff member. Will I be informed of the status of the investigation?**

Yes. INT provides regular updates to subject staff members on the general status of an investigation and promptly responds to specific queries from subject staff members.

Following an interview with a subject staff member, information will be regularly provided throughout the various stages of the proceedings, including regarding (if applicable): INT's preparation of the interview transcript and the final investigative report, in draft, for the subject staff member's review and further written response; and INT's submission of the final investigative report to the HRVP for review and decision.

If a final investigative report is submitted to the HRVP for review and decision, the HRVP will inform

the staff member in writing of the decision (i.e., whether a finding of misconduct has been made and what disciplinary measures, if any, are imposed), the basis for that decision, and the right to appeal the decision to the World Bank Administrative Tribunal.

If a final investigative report is not warranted (applicable in cases where the allegations are either not substantiated or are unfounded), INT will inform the subject staff member in writing of the outcome.

**14. I am a complainant—will I be informed of the status or outcome of an investigation?**

Yes. The investigator will provide regular updates to the complainant on the general status of an investigation, promptly respond to specific queries from the complainant, and notify the complainant of the outcome of a preliminary inquiry or investigation.

INT may inform a staff member who has brought an allegation of misconduct against another staff member of any disciplinary measures imposed under Staff Rule 8.01. A staff member informed under this section shall not disclose the information to any other person.<sup>8</sup>

**15. I am a witness—will I be informed of the outcome of an investigation?**

Generally, witnesses are not provided updates on the status of an investigation.

However, if an allegation is ultimately determined to be without merit or unsubstantiated, INT will discreetly inform cooperating witnesses who were interviewed of the outcome. This step helps remove any potential stigma of having been the focus of an inquiry or an investigation.

In addition, the HRVP may decide that information about disciplinary measures in a particular case should be disclosed to other staff members when the circumstances warrant. Those staff members shall not disclose the information to any other person.<sup>9</sup>

<sup>8</sup> Staff Rule 2.01, paragraph 4.01.

<sup>9</sup> Staff Rule 2.01, paragraph 4.01.

**STAFF OBLIGATIONS**

**16. Are staff required to cooperate in an INT preliminary inquiry or investigation?**

Yes. Generally speaking, all staff<sup>10</sup> must cooperate fully with requests for assistance made by investigators.

For *subject staff members*, this includes (i) making themselves available for interviews; (ii) responding truthfully and meaningfully to questions during one or more interviews; and if required to do so by the investigator (iii) responding in writing to the allegations. Failure or refusal to cooperate may constitute misconduct<sup>11</sup> or be considered an aggravating factor by the decision-maker.

Subject staff members are also required to sign a non-disclosure agreement (NDA) at the beginning of their interview in order to be provided with investigative documents, records, and reports of investigation. By signing the NDA, the subject staff member agrees:

- Not to copy or replicate the documents, records, or report(s), in whole or in part, without the express written consent of the investigator, except for the sole purpose of attaching it as an annex to an Administrative Tribunal pleading; and
- Not to reveal or discuss the contents of the documents, records, or report(s) with anyone (absent the express consent of the investigator) other than with a personal legal advisor, a Staff Association representative (including Staff Association Legal Counsel), the Ombuds Services Office, and family members.

Although a subject staff member may consult with the WBG Ombuds Services, SA representatives, including the SA Legal Counsel, and, at no expense to the WBG, personal legal advisors, subject staff

<sup>10</sup> A staff member is anyone holding a Letter of Appointment to any of the organizations comprising the WBG and includes regular, term and open-ended staff, short-term consultants, and temporaries.

<sup>11</sup> Staff Rule 8.01.



members are required to make themselves available for, and respond personally to, questions during interviews with investigators.

A *witness staff member* believed to have knowledge relevant to a preliminary inquiry or an investigation also has a duty to cooperate, absent a showing by the staff member of reasons, determined by INT, that justify not doing so. Otherwise, failure or refusal to cooperate may constitute misconduct.

### **17. I have been accused of misconduct—do I have the right to remain silent?**

No. Subject staff members must cooperate fully. This includes: (i) making themselves available for interviews; (ii) responding meaningfully and truthfully to questions during one or more interviews; and if required to do so by investigator, (iii) responding in writing to the allegations. Failure or refusal to cooperate may constitute misconduct under Staff Rule 8.01, or be considered an aggravating factor by the decision-maker in determining whether misconduct has occurred and the appropriate disciplinary measures, if any, to impose.

INT investigations are administrative in nature. As recognized by the WBG Administrative Tribunal, this means that many due process rights or procedural formalities provided in criminal or civil law actions are not applicable. For example, staff do not have the “right to remain silent” as is provided to criminal defendants under U.S. law. The rights and obligations of Bank Group staff are instead governed by the Principles of Staff Employment and the Staff Rules. This includes the duty of staff to respond personally to allegations against them and to requests for information from investigators.

### **18. How can I be protected from retaliation for reporting misconduct by another staff member?**

Staff must not retaliate or threaten to retaliate against any party involved in an investigation. All staff and managers are expressly prohibited from retaliating against anyone reporting suspected misconduct or for cooperating or providing

information during a review or investigation.<sup>12</sup> A staff member who engages in such retaliation is subject to disciplinary proceedings under Staff Rule 3.00.

If a complainant is at risk of retaliation for reporting alleged misconduct to INT, please contact INT to discuss (confidentially) any concerns. Consultation with INT in this manner will not automatically trigger a preliminary inquiry or an investigation. Instead, INT will explore ways to address the alleged misconduct and discuss protections that may be available to mitigate the risk of retaliation. If INT believes that the risk of retaliation cannot be mitigated, it has the discretion to not pursue the reported misconduct if that is the only way to protect the staff member.

### **19. Everyone in my unit is talking about an investigation; why shouldn't I?**

There are four reasons why staff should respect the strictly confidential nature of a preliminary inquiry or investigation into alleged misconduct: (i) to preserve the integrity of the fact-finding process; (ii) to avoid the inadvertent spread of misinformation; (iii) to protect the reputation of a staff member who is the subject of an allegation; and (iv) to avoid even the appearance of undue influence over other staff who might have to be interviewed on the matter under investigation.

A staff member who is a party to a preliminary inquiry or an investigation (including complainants, witnesses, and subject staff members) should not discuss ongoing preliminary inquiries or investigations (including the fact that a staff member has been interviewed by an investigator) with anyone without prior clearance from the investigator, with the following exceptions: (i) a personal legal advisor; (ii) an SA representative, including the SA Legal Counsel; (iii) Ombuds Services; and (iv) family members.

Unless otherwise permitted, communications to other parties about ongoing preliminary inquiries or investigations without prior clearance from the investigator(s) is expressly prohibited and is separate grounds for disciplinary action.

<sup>12</sup> Staff Rule 8.02.

Communications about preliminary inquiries or investigations are strictly prohibited between an investigator and anyone who is not a necessary participant.

Confidentiality is essential to protect the reputation of staff members against whom allegations have been made; they are presumed innocent until such time as the investigation is completed and the decision-maker has determined whether or not misconduct occurred. Staff may wish to consider how they would feel if there was an allegation against them and all of their colleagues were talking about them. In addition, discussing an ongoing preliminary inquiry or investigation may undermine the ability of investigators to determine the truth of the matter and obtain the facts and circumstances underlying an allegation as the perceptions of staff who may be called as witnesses may change as a result of rumors and gossip.

## 20. Do I have an obligation to report suspected fraud or corruption?

Yes. All staff have an obligation to report suspected fraud or corruption in WBG operations or in the administration of WBG business to the direct manager, or to INT. A manager who suspects or receives a report of suspected fraud or corruption has an obligation to report it to INT.<sup>13</sup>

## 21. What should I do if I am aware of other misconduct, not involving fraud or corruption?

All staff are encouraged to report all other forms of misconduct to their manager, or EBC, but are not required to do so. A manager who suspects or receives a report of suspected misconduct, however, has an obligation to report it to EBC.

<sup>13</sup> Staff Rule 8.01, paragraph 2.02.

## PROCEDURAL SAFEGUARDS

### 22. Does INT routinely notify the staff member's manager when there is an allegation of misconduct?

No. Unless the management chain is the source of the allegation or the manager learns second-hand that an allegation has been referred to INT for review, INT usually refrains from informing management of an allegation during the preliminary inquiry stage.<sup>14</sup> Since most allegations do not progress beyond the preliminary inquiry stage, refraining from notifying managers unless necessary helps to protect the subject staff member's reputation. Normally, INT informs a subject staff member's management chain only after it has been determined that a formal Staff Rule 8.01 investigation is warranted. This allows management to assess whether any risk mitigation measures need to be put in place for the pendency of the disciplinary proceedings.

### 23. I have been accused of misconduct—what goes in my personnel file?

Nothing is placed in a staff member's personnel records unless there is a finding of misconduct and a disciplinary measure beyond an oral censure is imposed.

### 24. How does INT protect staff from false allegations?

INT always seeks to obtain a full understanding of the facts and circumstances underlying the allegations before the investigative process has advanced very far. INT does not investigate staff members based on vague, ambiguous, or unsupported allegations. INT seeks to protect staff from false allegations by conducting preliminary inquiries and investigations in a thorough and professional manner. Between fiscal years 2008 and 2016, as a result of preliminary inquiries and investigations, INT determined that allegations were unfounded (i.e., refuted the allegations and cleared the staff member of any wrongdoing) in 36 percent of its cases.

<sup>14</sup> See page 24 for definition of a Preliminary Inquiry.

If a staff member knowingly makes a false or malicious allegation or makes an allegation with reckless disregard as to whether the allegation is true or false, that staff member could be subject to disciplinary proceedings.<sup>15</sup> However, it is important to understand that if a staff member suspects misconduct, they should report any concerns about possible misconduct. If unsure about what to do, staff may consult with INT on a confidential basis. Consultation with INT in this manner will not automatically trigger a preliminary inquiry or an investigation.

INT recognizes that anonymous allegations can be used to deliberately harm a staff member's reputation. To prevent this from happening, it employs an investigative methodology to weed out false allegations from those that have merit. Staff can help protect the reputation of fellow staff members by keeping INT investigations confidential and not discussing cases with their colleagues.

If an allegation is ultimately determined to be without merit or unsubstantiated, INT will discreetly notify everyone interviewed in the case or otherwise known to INT to have knowledge of the case, to inform them of the result. This effort helps remove the stigma that may come with the person having been the focus of a preliminary inquiry or investigation.

## 25. Does INT accept anonymous allegations?

Yes. In order to protect persons from potential retaliation, INT accepts anonymous allegations from those who wish to report, in good faith, suspected misconduct. Anonymous allegations are subjected to the same scrutiny as all other allegations. They are only a starting point of a preliminary inquiry, however, and must be independently corroborated before any further action can be taken. INT will not embark on what might amount to a mere "fishing expedition," if it receives a vague and ambiguous allegation from an anonymous source and has no means of seeking clarification from that source.

Any staff member who wishes to report an allegation of misconduct anonymously should use a personal email account (e.g., Gmail, Hotmail) with a pseudonym (fictitious name or alias) to preserve anonymity while enabling INT to communicate with the staff member should clarification or further detail be needed.

## 26. As a complainant or as a witness—do I have an absolute right of keeping my name confidential?

The protection of complainant and witness identities is of paramount importance to INT. The majority of all allegations come to INT from WBG staff who report their concerns directly. Their identities are kept confidential to the maximum extent possible.

However, unlike the absolute confidentiality protections for consultations with Ombuds Services, there is an inherent limit to confidentiality during INT misconduct investigations. If an investigation substantiates one or more allegations, the subject staff member has the right to review and comment upon all information and evidence that will be provided to the decision-maker. If the testimony of a complainant or witness is material to the investigative findings, the interview transcript must be included in the investigative report. The subject staff member has a right to review and comment on that testimony and the source of that testimony. To allow findings of misconduct to be based solely on the testimony of an anonymous or confidential source(s) would violate basic principles of due process.

However, cases of fraud, corruption, and many other forms of alleged misconduct can often be proven through documentary evidence (e.g., physical and electronic files, records, notes, communications, etc.). When a complainant or a witness requests confidentiality, INT will keep their identity confidential if the allegation can be supported/proven through evidence other than their testimony. If it cannot, then the investigation may not proceed so as to avoid the risk of disclosure of the complainant's or witness' identity, and the case may have to be closed without further action.

<sup>15</sup> Staff Rule 3.00 paragraph 7.05.

At the outset of each interview, the investigator explains to the complainant or witness the role of the investigator as a fact-finder and not a decision-maker, the strictly confidential nature of the investigation, and the circumstances under which their testimony and their identity would have to be disclosed to the subject staff member. In the few instances where a complainant or witness declined to have their testimony disclosed, INT has either not relied on their testimony or, at the conclusion of the investigation, discussed with the complainant or witness the relevance of their testimony to the case and asked him or her to reconsider their earlier decision against disclosure. However, if a complainant or witness insists on full confidentiality, INT will not use the testimony.

### **27. Why are interviews audio recorded or conducted in the presence of a transcription specialist?**

To ensure complete accuracy of the interview record. Absent exigent circumstances, (e.g., recording equipment malfunction, impromptu interview, or an external party who refuses to be recorded), all interviews are audio recorded and may be conducted in the presence of a transcription specialist (e.g., court reporter). In addition, a transcript is prepared unless the interview is found to have no evidentiary value and will not become part of the official record.

A transcript is always prepared for interviews with a subject staff member. Subject staff members are provided with a copy of their interview transcript(s) to assist their preparation of their written response to the Notice of Alleged Misconduct.

Whether or not a transcript is prepared, staff members may request (in writing) the opportunity to listen to the audio recording of their interview.

### **28. Is a subject staff member ever interviewed during a preliminary inquiry?**

Sometimes. In exceptional circumstances, INT may interview the subject staff member during a preliminary inquiry to obtain relevant information or resolve outstanding issues in order to determine

whether there is a sufficient basis to warrant an investigation. In such cases, INT informs the staff member that based on the findings to date, the preliminary inquiry has not produced information or evidence sufficient to warrant an investigation. However, INT will also explain to the staff member that since the interview is part of the preliminary inquiry, any statements made, or documents provided by the staff member in connection with this interview, will become a part of the investigative record. This information could be used to determine whether to proceed with an investigation of the alleged misconduct and subsequently be included in INT's report provided to the decision-maker to determine whether the staff member committed misconduct.

### **29. Why isn't there an opportunity to comment on the allegations before the written Notice of Alleged Misconduct is issued?**

INT provides the Notice of Alleged Misconduct in writing to clearly communicate the allegations, describe relevant standards, provide an overview of the process, and outline the staff member's rights and obligations. The written Notice allows the staff member to read and absorb at their own pace and ask questions as needed. Oral notification could also create the mistaken appearance of discussions that are "off the record." In no way does a Notice of Alleged Misconduct connote guilt, or that an investigation has been concluded.

### **30. Why doesn't INT provide the written notice to the staff member before the interview, so that the staff member can study the allegations and consult with others before responding?**

The Notice of Alleged Misconduct is presented to the subject staff member at the onset of the interview proceedings in order to obtain the staff member's side in an unscripted manner and to seek truthful answers to questions that do not require either deliberation or prior consultation with others.

Staff members are simply expected to be at all times forthright in answering questions, to the best of their ability and recollection.

For the finer details on multiple events that may have occurred over a span of time, or long ago, it is entirely reasonable for staff members to want to consult their records, notes, calendar, or the like before responding to certain questions. Accordingly, in addition to the interview, staff members are always provided the opportunity to respond in writing and can restate, correct, or clarify what was said in the initial interview, addressing the issue(s) in as much detail as they choose, as well as provide supporting records.

### **31. Why is only 24 hours' notice provided before a Staff Rule 8.01 interview?**

The investigator will notify the subject staff member of the interview date and time by e-mail with at least 24 hours' notice, unless there is a specific reason to believe that advance notice would jeopardize the investigation, such as by leading to tampering with witnesses or evidence.

In INT's experience, 24 hours' notice balances the staff member's need for sufficient time to arrange their schedule, yet at the same time limits the period during which a staff member may feel anxious prior to the interview. INT appreciates that staff members who are notified that there are allegations of misconduct against them are often anxious to learn what concerns have been raised and do not wish to delay the opportunity to provide their explanation. The 24 hours' notice period was originally developed from feedback from staff members that a longer period caused anxiety.

While INT seeks to avoid unnecessary delays in carrying out interviews, we will accommodate reasonable requests to reschedule the interview.

### **32. Can I communicate with witnesses about my case?**

Only under limited circumstances. Subject staff members will be permitted by investigators to contact other staff members (with prior notice to the investigator) provided the other staff members have not already been interviewed by the investigator, and for the sole purpose of asking the individual to speak

with INT as a witness in the case. The investigator shall warn subject staff members of the limits of proper communication with potential witnesses to avoid the appearance of improper influence, intimidation, or threat of retaliation.

In addition to protecting witnesses from improper influence, intimidation, or retaliation, these restrictions are intended to protect subject staff members from opportunistic false allegations of retaliation by other staff members.

### **33. I am a complainant or witness—can I have a copy of the investigative report?**

No. In order to maintain confidentiality of the often highly sensitive investigative findings and supporting evidence that are presented to the HRVP to make a decision, complainants and witnesses do not have a right to review investigative reports. Complainants and witnesses may be informed by investigators of the outcome of investigation.

### **34. An investigation determined that allegations against me were not proven. How can I clear my name?**

If the allegations were not proven, INT will notify the complainant, all cooperating witnesses, and members of the management chain who had knowledge of the case of the outcome in favor of the staff member, and also give the subject staff member the option to identify any additional parties to be similarly informed of the outcome of the case.

### **35. What are the limitations on investigative activities?**

Investigators may not investigate allegations unless sufficient detail or supporting evidence has been provided to pursue the matter responsibly.

INT may call upon any staff member to produce documents believed to be relevant to a preliminary inquiry or an investigation, interview any staff member who is believed to have knowledge of the events in question, and consult persons believed to have, or materials believed to contain, information

relevant to the investigation. In addition, all staff members are required to make themselves available for, and respond personally to, questions during interviews with investigators.

INT also has access to all WBG records, subject to the following restrictions:

- Investigators may not access information, statements, or any other records of Mediation Services (Staff Rule 9.01).
- Investigators may not obtain staff Medical Information, except with the staff member's written permission (Staff Rule 2.02).
- Investigators may not obtain information from Ombuds Services, except with the staff member's written permission (Staff Rule 9.02).
- Investigators may not access a staff member's Declaration of Interests from the Office of Ethics and Business Conduct without proper justification and the authorization of the Vice President, EBC.
- Investigators may only review a subject staff member's WBG electronic records (e.g., email) without prior notice to the subject staff member after submitting a detailed justification and obtaining written authorization from the WBG General Counsel and a Managing Director (AMS 6.20A).

### 36. Can investigators review my email records?

Yes, under certain limited circumstances.<sup>16</sup> Even though WBG policy provides that all information stored on, or transmitted through, its systems is WBG property, INT recognizes that staff members expect a reasonable measure of privacy concerning non-business related communications that they may undertake with their WBG accounts. At the same time, the Bank Group as an employer has

an important interest in detecting and redressing wrongdoing. To balance these interests, INT follows a protocol when requesting access to a staff member's electronic records which are likely to contain inculpatory or exculpatory information relevant to allegations of staff misconduct.<sup>17</sup> By reviewing these records, INT may be able to exonerate the subject staff member.

Investigators may only review a subject staff member's WBG electronic records (e.g., email), without prior notice to the subject staff member after submitting a detailed justification and obtaining written authorization from the WBG General Counsel and a Managing Director (AMS 6.20A).

INT's strict protocols provide access to staff member's electronic records in a restricted manner intended to maximize confidentiality and protect staff member reputations.

To obtain access to electronic records, INT submits a written request and justification to the Senior Vice President and Group General Counsel and a Managing Director. In those documents, the identity of the subject staff member is concealed to ensure access is approved solely on the merits of the justification and to protect the reputation of subject staff members who are presumed innocent throughout an investigation until a finding, if any, of misconduct has been made by the decision-maker. If approved, INT is granted read-only access, and INT's review of the records is limited to the specific case.

The authorized written request (without the justification for access) is then submitted to the WBG's Chief Information Officer (CIO). Once the CIO signs off, a specifically designated Information Officer is provided a "Strictly Confidential" and "Eyes Only" memorandum with the identity of the staff member to whose electronic records INT has been granted read-only access.

<sup>16</sup> AMS 6.20A

<sup>17</sup> AMS 6.20A

## ADDITIONAL INFORMATION ABOUT INT INVESTIGATIONS

### 37. Where can I obtain more information about INT, investigations, and the procedures INT follows?

- Summary of staff rights, obligations and procedural safeguards—World Bank Group **Directive/ Procedure: Conduct of Disciplinary Proceedings for INT Investigations**.
- Intranet **Integrity** or the Internet at [www.worldbank.org/integrity](http://www.worldbank.org/integrity).
- **INT annual reports** which provide statistical information about investigations, sanctions and disciplinary measures imposed as a result of INT investigations, as well as summaries of significant investigations concluded during a fiscal year.

### 38. Why do INT investigations seem to take so long to complete?

INT strives to complete investigations within nine months from issuance of the Notice of Alleged Misconduct to a subject staff member.

Turnaround time is impacted by a combination of seven variables: (i) case load size as all incoming allegations against staff falling under INT's mandate must be reviewed; (ii) the case load to investigator ratio spread among a total of 7 investigative staff; (iii) complexity, scale and scope of the cases; (iv) whether mission travel is required; (v) whether the subject staff member has requested extensions in which to respond in writing to the Notice of Alleged Misconduct or comment on the draft final report; (vi) delayed availability of subjects or witnesses beyond INT's control; and (vii) whether there are parties external to the WBG whose cooperation is completely voluntary\cannot be forced.

### 39. I have seen different publications issued by the Internal Justice System refer to the fact that INT investigates *significant fraud and corruption* involving WBG staff. How would I know if a concern or issue involving fraud or corruption is significant enough to report to INT?

Staff should report all allegations of fraud or corruption to INT. Staff should not concern themselves with whether it is *significant*.

The phrase *Significant Fraud and Corruption* is a legacy term coined in the 2007 Report issued by an

#### INT vs. EBC Mandate

##### INT

Abuse of position for personal gain  
 Misuse of WBG funds or trust funds for personal gain  
 Embezzlement  
 Fraud  
 Corruption  
 Collusion  
 Coercion  
 Attendant conflicts of interest

VS

##### EBC

Workplace misconduct (harassment, sexual harassment, abuse of authority)  
 Retaliation  
 Misuse/abuse of travel, benefits, P-card, petty cash or property  
 Failure to adhere to WBG policies  
 Failure to comply with personal legal obligations  
 Conflicts of interest  
 Breaches of confidentiality

Independent Review Panel of INT, and its continued reference in certain publications (e.g., *significant fraud, significant concerns*) has understandably led to some confusion for staff who may incorrectly assume that a staff member is expected to make a value judgment on whether a suspected fraud is significant enough in deciding whether to report it to INT. That was never the intent.

The Independent Review Panel had recommended that INT's Internal Investigations Unit should focus its investigative work on allegations of *significant* fraud and corruption and that other types of alleged staff misconduct (including for example harassment, sexual harassment, retaliation, and less complex frauds such as those involving misuse of travel, benefits and allowances, P-Cards, or petty cash) be transferred to another unit within the Bank, which ultimately led to EBC's investigative mandate in 2009.

As a result, the Staff Rules were revised delineating the scope of alleged misconduct investigated by INT under Staff Rule 8.01 and by EBC under Staff Rule 3.00, which is depicted in the preceding table. The list appearing under the INT column represents those acts that constitute "*significant fraud and corruption.*"

If a staff member suspects fraud not involving travel, benefits and allowances, P-card, or petty cash, they should report the matter to INT, irrespective of dollar amount.

#### **40. I'm in a country office and I suspect my colleagues are engaging in misconduct—why don't I just investigate the matter myself rather than waiting for INT?**

Do not try to investigate allegations of misconduct independently. Doing so may violate WBG Rules, deprive a staff member of due process rights, and can compromise the WBG's ability to address the allegations under the Staff Rules in a manner that will be upheld on appeal to the WBG's Administrative

Tribunal. INT has the responsibility of investigating all allegations of misconduct relating to fraud and corruption and its personnel are trained and experienced in conducting such investigations.

#### **41. Does INT make recommendations regarding disciplinary measures?**

No. INT does not make any recommendations regarding disciplinary measures. In its investigative reports, INT only presents its findings and conclusions based on the evidence as to whether an allegation has been substantiated. The determination of whether misconduct occurred, and what disciplinary measures to impose, if any, is made by the HRVP. Where there is a conflict of interest for the HRVP, this determination is made by a Managing Director or the President.

#### **42. Are staff members normally placed on administrative leave during investigations?**

No, not normally. Administrative leave is a nonpunitive tool with which the institution can mitigate risks—financial risk for allegations relating to fraud and corruption or risk to staff safety for allegations of workplace misconduct, when other risk mitigation measures (e.g., temporary reassignment) are deemed impractical for a particular situation. Since administrative leave is always with full pay and benefits, it is not considered a form of punishment or discipline. The use of administrative leave in the context of staff misconduct investigations is the exception rather than the rule. INT does not approve administrative leave. A subject staff member's management chain may request administrative leave and approvals for such requests rest with the HRVP.

#### **43. I have a complaint about INT. Who should I contact?**

Contact the Vice President, INT (+1.202.473.4144), Ombuds Services (+1.202.458.1056), or the Staff Association (+1.202.473.9000).



# GLOSSARY

---

**Allegation:** A concern or claim that a staff member may have engaged in misconduct.

**Anonymity:** A situation whereby a Complainant does not provide INT with their name when reporting a concern or claim relating to alleged misconduct.

**Coercion:** Impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party.

**Collusion:** An arrangement between two or more parties designed to achieve an improper purpose, including to influence improperly the actions of another party.

**Complainant:** An individual or entity that reports an allegation of suspected misconduct to INT.

**Confidential:** Information of a sensitive nature, restricted to those WBG staff deemed to have a “need-to-know” by the Originator. Confidential information may be provided by these WBG staff in turn to other WBG staff, whom they deem to also have a “need-to-know.”

**Corruption:** The offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party.

**Decision-maker:** The WBG official who determines based on the investigation’s findings and conclusions whether misconduct occurred, and what disciplinary measures to impose, if any. Generally, under Staff Rule 8.01, the decision maker is the WBG Human Resources Vice President (HRVP).

**Disciplinary Proceedings:** The WBG’s procedures as set forth under Staff Rule 8.01, for fact-finding (from preliminary inquiry through investigation) and decision-making to determine whether a staff member engaged in misconduct.

**Evidence:** Any information that is relevant to substantiating or refuting an allegation.

**Exculpatory evidence:** Information that tends to refute an allegation.

**Fraud:** Any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation.

**Inculpatory evidence:** Information that tends to support or substantiate an allegation.

**Investigation:** A process to obtain, evaluate, and analyze all available information and evidence to substantiate or refute an allegation.

**Investigator:** An individual authorized under Staff Rule 8.01 to conduct an investigation. Generally, the investigator is an INT staff member.

**Misconduct:** The failure by a staff member to observe the rules of conduct or the standards of behavior required by the WBG. See Staff Rule 8.01, paragraphs 1.01 and 2.01, and Staff Rule 3.00, paragraph 6.01.

**Preliminary Inquiry:** Fact-finding to determine whether there is reasonably sufficient credible evidence to warrant an investigation.

**Outcome:** There are three potential outcomes to an investigation: Substantiated, Unsubstantiated or Unfounded.

- *Substantiated case:* A determination that based on the results of the investigation, the evidence is clear and convincing to support a finding of misconduct.
- *Unfounded case:* The results of a preliminary inquiry or investigation established reasonably sufficient evidence supporting a conclusion that misconduct, as alleged, did not occur.
- *Unsubstantiated case:* The preliminary inquiry or investigation, due to a lack of evidence, did not establish a reasonable basis to warrant further investigation or a reasonable belief to substantiate that misconduct was committed, despite the presence of some credible information that, which if corroborated, would have established a reasonable belief, but as it stands does not rise above the suspicion level. In other words, there was insufficient evidence to warrant an investigation or to prove or disprove that misconduct was committed, and the decision then falls in favor of the staff member.

**Retaliation:** Any form of retribution or threat of retribution against any person who provides or is believed to have provided information regarding suspected misconduct or who cooperates with a preliminary inquiry or investigation conducted under Staff Rule 8.01 or Staff Rule 3.00.

**Staff member:** Any individual who holds a letter of appointment within the WBG (e.g., Regular, open-ended, term, short-term consultants and short term temporaries). See Staff Rule 4.01 for a complete list.

**Standard of Proof:** For administrative investigations conducted by the WBG under Staff Rule 8.01 or Staff Rule 3.00, the Standard of Proof is generally based on reasonable sufficiency. That is, there is a rational basis from the evidence for a reasonable and prudent person to conclude that it is more likely than not that misconduct was committed. However, misuse of WBG Funds or other public funds or abuse of position for the personal gain of oneself or another, fraud, corruption, collusion and coercion are individually grave offenses that entail the sanction of termination, and the standard of proof must be demanding to the point of being clear and convincing. It is not enough to assert that there is “reasonably sufficient evidence to support a finding of misconduct” in these types of allegations. In situations where, because of the nature of the allegation, there might be no direct evidence, the evidence available must be so clear as to generate conviction in the mind of a reasonable person.

**Strictly Confidential:** Information of a highly sensitive nature, which may only be disclosed on a strict need-to-know basis with prior approval of the originator. As the originator, INT classifies investigative reports and the contents of those reports relating to cases of alleged staff misconduct as Strictly Confidential.

**Subject:** A WBG staff member who is the subject of an allegation.

**Witness:** Any person requested to provide information regarding an allegation. A Complainant may also be a witness.

**Whistleblower:** A WBG staff member who reports suspected misconduct that may threaten the operations or governance of the WBG as described in Staff Rule 8.02.

## REFERENCES

Staff Rule 8.01 (Disciplinary Proceedings)

Directive/Procedure: Conduct of Disciplinary Proceedings for INT Investigations

Staff Rule 8.02 (Protections and Procedures for Reporting Misconduct—Whistleblowing)

Staff Rule 2.01 (Confidentiality of Personnel Information)

Staff Rule 2.02 (Confidentiality of Medical Information and Medical Records)

Staff Rule 3.00 (Office of Ethics and Business Conduct-EBC)

Directive/Procedure: Conduct of Disciplinary Proceedings for EBC Investigations

Staff Rule 9.01 (Office of Mediation Services) Staff Rule 9.02 (Ombuds Services Office)

Staff Rule 9.05 (The World Bank Administrative Tribunal)

AMS 6.20A (Information Security Policy for Information Users)



**int**  
Integrity

**WORLD BANK GROUP**  
World Bank • IFC • MIGA

**AUGUST 2016**