

GUIDE TO THE STAFF RULE 8.01
INVESTIGATIVE PROCESS

AUGUST 2011



THE WORLD BANK GROUP

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This document replaces the Guide to the Staff Rule 8.01 Investigative Process published in December 2008. This Guide is intended to serve as a user-friendly source of information on the Integrity Vice Presidency's procedures for handling allegations of staff misconduct and the rights and obligations of Bank Group staff under Staff Rule 8.01 and other relevant Staff Rules. In case of any discrepancy between this Guide and the Staff Rules, the Staff Rules will prevail. 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>.

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The Integrity Vice Presidency (INT)

The World Bank Group's Integrity Vice Presidency (INT) seeks to detect and deter fraud and corruption in Bank Group projects to ensure that Bank Group and donor funds are used for their intended purposes: to alleviate poverty and to increase prosperity and stability in our borrowing countries. Working with partners across the Bank Group and in other international development institutions, INT seeks to reduce the loss of development assistance funds to fraud, corruption and abuse and thus, to increase the quality and results of development efforts. Through these efforts, INT supports the poverty reduction mission of the Bank Group and the Millennium Development Goals. To ensure its independence, INT's Vice President reports directly to the President of the Bank Group.

INT seeks to detect and deter fraud and corruption in Bank Group-supported activities by:

- Investigating allegations of fraud, corruption, collusion, coercion, or obstruction (the five Bank-sanctionable practices) in Bank Group activities;
- Seeking sanctions against those who have engaged in any sanctionable practice;
- Referring matters to local or national authorities for law enforcement reasons where the Bank Group has reason to believe that the laws of a member country may have been violated;
- Undertaking detailed implementation reviews (DIRs) of Bank-supported projects to detect indicators of possible fraud or corruption;
- Helping operational staff design and implement projects in ways that minimize fraud and corruption risks using information;
- Investigating allegations of significant fraud or corruption involving Bank Group staff;
- Supporting an environment in which Bank Group staff can report suspected misconduct without fear of retaliation; and
- Sharing lessons learned from those investigations to deter staff misconduct and to redress any factors which may support an enabling environment for misconduct.

This Guide focuses on INT's standards and procedures for investigating allegations of significant fraud or corruption involving Bank Group staff as set forth under Staff Rule 8.01. Additional information about INT's other activities is available to Bank Group staff on the World Bank intranet at <http://integrity> as well as the external 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.

Duty to Report

Under Staff Rule 8.01, paragraph 2.02, all Bank Group staff have a duty to report suspected fraud or corruption in Bank Group-financed projects or in the administration of Bank Group business to his or her 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.

Investigating Staff Misconduct under Staff Rule 8.01

What Constitutes Staff Misconduct under Staff Rule 8.01?

Misconduct is defined in Staff Rule 8.01 and Staff Rule 3.00. Generally speaking, Staff Rule 8.01 focuses on forms of misconduct involving fraud or corruption, while Staff Rule 3.00 focuses on workplace grievances (e.g., harassment and retaliation) and other violations of Staff Rules or Bank Group policies.¹

Allegations of the following acts or omissions are subject to the procedures set forth under Staff Rule 8.01, and are investigated by INT:

Fraud and corruption involving Bank Group Staff with regard to Bank Group operations, corporate procurement, or administrative budgets, including:

- **Misuse of Bank Group funds or donor trust funds for personal gain or gain by another**
- **Abuse of position for personal gain or gain by another**
- **Solicitation or receipt of kickbacks or bribes**
- **Willful misrepresentations (fraud)**
- **Corruption**
- **Coercion**
- **Collusion**
- **Embezzlement**

INT may investigate 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, or *(ii)* unrelated allegations of misconduct if in the interests of efficiency in the investigative or decision-making process.

Allegations of the following acts or omissions are subject to the procedures set forth under Staff Rule 3.00, and are addressed by the Bank Group Office of Ethics and Business Conduct (EBC), including:

Workplace grievances

- **Harassment**
- **Sexual harassment**
- **Discriminatory practices**

¹ Previously, all allegations of misconduct involving Bank Group staff were investigated solely by INT under Staff Rule 8.01. As a result of recommendations made by the Independent Panel Review of the World Bank Department of Institutional Integrity, led by former Federal Reserve Chairman Paul Volcker, the responsibility for investigating allegations of staff misconduct not involving allegations of significant fraud or corruption (e.g., workplace grievances such as harassment, sexual harassment or retaliation) was transferred to the Bank Group Office of Ethics and Business Conduct (EBC) effective July 1, 2009.

- **Retaliation, including retaliation for alleged whistle-blowing**
- **Abuse of authority**

Under Staff Rule 3.00, EBC also addresses allegations of misconduct involving conflicts of interests, failures to comply with personal legal obligations, and the abuse or misuse of Bank Group funds related to travel, benefits, allowances (including tax allowances), P-card, petty cash or property.

If there is a question regarding whether a matter should be handled by INT or EBC, the Vice President, INT, and the Chief Ethics Officer will consult with each other. Staff may contact either INT or EBC if they have a question regarding to whom an allegation or concern regarding staff misconduct should be referred.

How Does INT Review Allegations of Misconduct?

INITIAL ASSESSMENT

INT receives allegations of staff misconduct from inside and outside the Bank Group, including anonymous complaints. Upon receipt, INT assesses each complaint to evaluate whether the behavior, as alleged, would constitute misconduct under Staff Rule 8.01. If it does not, INT may refer the allegation to other appropriate areas of the Bank Group, such as management, Human Resources, the Office of Ethics and Business Conduct or other offices within the Bank Group Internal Justice System (formerly, the Conflict Resolution System). If the behavior as alleged could constitute misconduct, INT evaluates the totality of the allegation to determine whether the matter could be better addressed, in the first instance, through less formal means of intervention by management or Human Resources or within the framework of the Bank Group Internal Justice System. During this initial assessment, INT may consult with management, EBC, Human Resources, and/or the Legal Department to determine the best way to resolve the matter.

PRELIMINARY INQUIRY

If INT determines that the matter is within its jurisdiction and less formal intervention is not appropriate, it conducts a preliminary inquiry to determine if there is sufficient basis to warrant formal investigation of the allegation.² During the preliminary inquiry,

² Staff Rule 8.01 allows for the possibility for preliminary inquiries or investigations to be conducted by someone other than an INT investigator. For example, INT may request that a manager undertake a preliminary inquiry or an investigation (which, although such requests are quite rare, is done with guidance and oversight from INT). As INT undertakes the great majority of investigations under Staff Rule 8.01, it is considered the investigating body throughout this Guide to the Staff Rule 8.01 Investigative Process.

INT will begin fact-finding by seeking to discover the facts of the case through collecting evidence, including interviewing witnesses. If INT determines that there is not sufficient credible evidence to warrant further investigation, INT will close the case and notify the complainant.

INVESTIGATION

Where it is determined that there is a sufficient basis to merit an investigation, INT initiates a formal Staff Rule 8.01 investigation to gather all relevant facts and circumstances. At the onset of the investigation, INT provides the staff member a written notice of the alleged misconduct. The notice includes a description of the allegations, the relevant Bank Group standards involved, an overview of the investigative and decision-making process, and a summary of the staff member's rights and responsibilities during Bank Group disciplinary proceedings.

A 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 (see Staff Rule 8.01, paragraph 4.08). In many instances, an investigator conducts an interview with a subject staff member to provide him or her with the written notice of alleged misconduct in person and seek his or her response to the allegation(s) during an interview. In these cases, INT will contact the staff member by email with at least 24 hours notice to inform the staff member of the interview.

In the email, INT provides the staff member a brief explanation as to the purpose of the interview, including notice of the nature of the allegations against the staff member, 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. INT also provides the staff member with a link to Staff Rule 8.01, which provides the list of standards relevant to allegations of misconduct, as well as a link to Staff Rule 8.01 Annex A, which provides an overview of the investigative and decision-making process including the staff member's rights and obligations under Staff Rule 8.01, procedural safeguards, and a graphical illustration of the investigative process under Staff Rule 8.01. This Guide to the Staff Rule 8.01 Investigative Process is also provided in electronic format. INT specifically informs the staff member of his or her right to be accompanied by another staff member to observe the interview proceedings, so long as the other staff member is not involved in the matter under investigation and is reasonably available to attend the interview. Personal legal advisors are not permitted to attend the interview.

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, DC. To ensure an accurate record of the interview, the interview is either audio-recorded, or conducted in the presence of a court reporter, so that a 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 the written notice of alleged misconduct. 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 on 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 is generally available within ten business days, as prepared by the Bank Group's external transcription service providers. INT retains a copy of 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 provided 10 business days in which to submit a written response to the notice of alleged misconduct. In his or her 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 of time in which to respond in writing. INT has been and will continue to be 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 Bank's business; *(iv)* family emergencies; and/or *(v)* medical issues. However, INT does not grant extensions due to scheduling con-

flicts of a staff member's external 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 provide an extension up to an additional 10 business days.

GATHERING FACTS

The purpose of the investigation is to establish whether there is sufficient evidence to either: (i) substantiate an allegation of misconduct so that the World Bank Group can enforce its standards of behavior and hold staff members accountable for their actions; or (ii) refute (i.e., disprove) the allegation and clear the accused staff member of any wrongdoing. If the evidence is inconclusive or insufficient to meet the Bank Group's standard of proof, the allegation is 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 and normally includes interviewing staff members and other parties as appropriate, obtaining relevant documents and other information, analyzing the testimonial and documentary evidence, and making objective credibility assessments. As a neutral fact-finder, INT investigators seek evidence that is inculpatory (leading to conclusion that misconduct occurred) or exculpatory (refuting a conclusion that misconduct occurred), as well as potentially mitigating or aggravating factors. INT seeks to conduct its investigations in a thorough, objective and timely manner, while fully respecting the rights of staff.

INT requests all staff members contacted during the investigation to maintain the confidentiality of the investigation in order to maintain the integrity of the fact-finding process, to avoid the spread of rumors, and to protect the reputation of staff members. INT reminds witnesses that staff members are presumed innocent until such time as the investigation has been completed and a determination by the decision-maker that misconduct has occurred.

PREPARATION OF A REPORT OF INVESTIGATION

Once INT concludes its fact-finding, it prepares a detailed report of the 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 or aggravating circumstances. The report does not contain any specific recommendations regarding disciplinary measures to be imposed.

Before the investigative report is submitted for a decision, the staff member is provided with a draft copy of the report for comment, e.g., to identify any perceived factual errors, introduce any other relevant information that they believe 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 staff member, a copy of the draft report may also be provided to the staff member's personal legal advisor (if one has been engaged at no expense to the Bank Group), a Staff Association counselor, or Ombuds Services. These parties are required to sign non-disclosure agreements, agreeing that they will not release or retain copies of any information about an investigation without INT's prior written authorization.

The staff member's comments are then addressed in the body of INT's final report and incorporated as appropriate into the final report, which is submitted to the Bank Group Vice President for Human Resources (HRSVP) 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 HRSVP.

Once the draft report or revised draft report has been finalized and submitted to the HRSVP for a decision, INT notifies the staff member and provides a copy of the final report (without exhibits as 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 report and/or the basis for any disciplinary decision.

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?

INT provides the final investigative report to the decision-maker (usually the HRSVP) to determine whether misconduct occurred and, if so, what disciplinary measure(s), if any, should be imposed. Where there is conflict of interest for the HRSVP, the disciplin-

ary decisions are made by a Managing Director, or the President. For cases involving IFC staff, the HRSVP consults with the Vice President, Human Resources of IFC, before a decision is made regarding misconduct.

INT does not take disciplinary action or make recommendations on disciplinary action. Nothing is placed in the staff member's personnel records unless there is a finding of misconduct and a disciplinary measure imposed beyond oral censure. Within the time periods set forth in Staff Rule 9.05, a staff member can appeal any disciplinary decision to the Administrative Tribunal.

Who else may be informed of INT's Investigative Findings?

INT is obligated to report directly to the President and the Audit Committee "cases of fraud and corruption where there is: (1) relevance to pending or ongoing lending operations; (2) evidence of systemic control weaknesses across the institution; or (3) a likelihood of media attention." For cases involving a Bank Group staff member, the identity of the staff member is not disclosed in this context in order to protect the reputation of the staff member during an ongoing preliminary inquiry or investigation.

Referrals to National Authorities

In accordance with Staff Rule 8.01, paragraph 6.01, where the Bank Group has a 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. Information that may be disclosed is Personnel Information, as defined in Staff Rule 2.01, which may include investigative records, operational documents, and other records, investigative materials and information in the Bank Group'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 Bank Group to delay such notification.

What Are Your Rights in the Process?

INT's standards and procedures for investigating allegations of staff misconduct are governed by the policies set forth in Staff Rule 8.01. In addition, Staff Rule 8.01 – Annex A provides a summary of staff rights, obligations, and procedural safeguards in the conduct of disciplinary proceedings, as well as an overview of the process.

The investigative process under Staff Rule 8.01 has been designed to protect the individual rights of all staff members (including the rights of those who have been accused of misconduct and those who report allegations), ensure due process, and safeguard the interests of the World Bank Group as an institution.

However, it is important to note that INT investigations as part of Staff Rule 8.01 disciplinary proceedings are administrative rather than criminal investigations. The applicable rules and procedures are different from those that apply in a criminal inquiry. The standards and procedures reflect the due process requirements established by the Bank Group and the Administrative Tribunal. In addition, they have been benchmarked with other international institutions and reflect best practices in administrative investigations. Lessons learned and feedback from stakeholders are regularly used to improve the manner in which investigations are conducted.

Staff Rule 8.01 prohibits retaliation by a staff member against any person who provides information about suspected misconduct. In addition, Staff Rule 8.02 provides procedures and protections for reporting suspected misconduct (whistleblowing) that may threaten the operations or governance of the Bank Group.

Frequently Asked Questions

These frequently asked questions (FAQs) address Bank Group staff rights, obligations, and procedural safeguards during disciplinary proceedings under Staff Rule 8.01. Additional information about INT is also provided. *Italicized text in the FAQs sets forth excerpts from Staff Rule 8.01 – Annex A.*

Provided below are a few definitions to assist your understanding:

Allegation	A concern or claim that a staff member may have committed misconduct.
Complainant	An individual or entity that reports an allegation.
Decision-maker	The individual who determines based on the investigation's findings whether misconduct occurred, and what, if any disciplinary measure to impose. Generally, under Staff Rule 8.01, the decision-maker is the Vice President, Human Resources Services (HRSVP).
Disciplinary Proceedings	The Bank Group's procedures as set forth under Staff Rule 8.01, for fact-finding (through preliminary inquiries and investigations) and decision-making to determine whether a staff member committed misconduct.
Evidence	Any information that is relevant to proving or refuting an allegation.
Exculpatory	Information that tends to refute an allegation.
Inculpatory	Information that tends to support, or prove 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	Misconduct is a failure by a staff member to observe the rules of conduct or the standards of behavior required by the Bank Group. See Staff Rule 8.01, paragraph 2.01, and Staff Rule 3.00, paragraph 6.01.
Preliminary Inquiry	Fact-finding to determine whether there is sufficient credible evidence to warrant an investigation.
Subject staff member	A staff member who is the subject of an allegation.
Witness	Any person requested to provide information regarding an allegation. Complainants may also be witnesses.



A. Staff Rights

1. Does Staff Rule 8.01 also apply to consultants (ETCs and STCs), temporary staff (ETTs and STTs), and former staff members?

Yes. Staff Rule 8.01 applies to all staff members and former staff members regarding alleged misconduct during the course of their employment. A staff member is anyone who receives an appointment specified in Staff Rule 4.01. This rule includes consultant (ETCs and STCs) and temporary staff (ETTs and STTs) appointments. Consultants and temporary staff are provided the same rights as other staff members throughout disciplinary proceedings. It does not include individuals employed by Bank Group vendors or contractors, nor consultants engaged by recipients of Bank Group financing.

INT also investigates former staff members, including consultants (ETCs or STCs) and temporary staff (ETTs and STTs), alleged to have committed misconduct during their Bank Group employment when there is an institutional interest in doing so—for example, when the former staff member or consultant is otherwise eligible for future Bank Group employment and the alleged misconduct is sufficiently serious that it, if substantiated, might warrant debarring the person from future employment with the Bank Group. The Bank will not impose a bar on hiring or any other disciplinary measure without providing the former staff member the same due process rights as provided to all staff members under Staff Rule 8.01.

2. When are staff notified of allegations of misconduct against them?

Subject staff members will be notified of allegation(s) of misconduct once it is determined by the investigator that there is a sufficient basis to merit an investigation of the allegations as a result of evidence obtained during a preliminary inquiry. However, in many cases, staff are never notified of an allegation against them as INT determined during the preliminary inquiry that the allegation was unfounded, or that there was insufficient credible evidence to warrant further investigation. 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 the original complaint, INT will inform the subject staff member if INT determined that the allegation was unfounded or there was insufficient credible evidence to warrant further investigation.

3. 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 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.

4. Does a staff member have a right to respond to allegations against him or her?

Yes. During the course of an investigation, staff members will be provided with an opportunity to respond to allegations against him or her and identify any information or evidence (including potential witnesses or documents) that the staff member believes may support his or her position.

Subject staff members are provided several opportunities to respond to allegations against them. At the time the subject staff member is provided with written notice of alleged misconduct, the investigator may conduct an interview to obtain his or her oral explanations. The subject staff member is then requested to provide his or her response to the allegations in writing. Once INT has concluded the investigation, it prepares a draft investigative report presenting the investigative findings (including all evidence proving or refuting the allegations) and conclusions. The subject staff member is provided an opportunity to review and comment on the draft investigative report before it is provided to the decision-maker for decision. The subject staff member’s interview transcript (if any), written response to the notice of alleged misconduct, and comments on the draft investigative report are included in the investigative report submitted to the decision-maker, upon which the decision-maker determines whether misconduct occurred, and what, if any, disciplinary measures to impose.

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

During the course of disciplinary proceedings, staff may consult with the Bank Group Ombuds Services, Staff Association Counselors, family members, and, at no expense to the Bank Group, personal legal advisors.

All staff members may obtain the assistance of Staff Association counselors, or personal legal advisors, at no expense to the Bank Group, in the preparation of written responses to the notice of alleged misconduct; review and comment on the draft investigative report(s); and throughout the investigation. Personal legal advisors

will not be permitted to attend interviews or meetings held during the course of disciplinary proceedings. Members of the Bank Group's Legal Departments may not represent, advise or otherwise assist the staff member in connection with the investigation.

The assistance of 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 personal legal advisors.

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

Throughout the course of disciplinary proceedings, staff are presumed innocent until all facts and circumstances have been obtained and a decision on the evidence has been made as to whether or not the staff member has been found to have engaged in misconduct. Investigators may not conduct preliminary inquiries on allegations unless sufficient detail or supporting evidence has been provided such that the matter can be pursued responsibly. In addition, where there is insufficient evidence to meet the Bank'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.

7. 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. 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.

8. 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 imposed.



B. Staff Obligations

1. Are staff (including consultants) required to cooperate in an INT preliminary inquiry or investigation?

Yes. Staff must cooperate fully with requests for assistance made by investigators during disciplinary proceedings. A 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. Failure or refusal to cooperate may constitute misconduct.

Although staff may consult with the Bank Group Ombuds Services, Staff Association Counselors, family members, and, at no expense to the Bank Group, personal legal advisors, staff who are the subject of allegations of misconduct in disciplinary proceedings must personally respond to the allegations against them and not provide responses through a third party. Thus, for example, although staff may obtain assistance from a personal legal advisor, the staff member must still respond directly to investigators.

2. I have been accused of misconduct—do I have the right to remain silent?

No. Subject staff members must cooperate fully with the disciplinary proceedings. This includes: (i) making themselves available for, and responding to, questions during one or more interviews with investigators; and (ii) responding in writing to the allegations. Failure or refusal to cooperate may constitute misconduct under Staff Rule 8.01, or be considered an aggravating circumstance to be considered by the decision-maker in his or her determination whether misconduct has occurred and the appropriate disciplinary measures, if any, to impose.

It is important to understand that disciplinary proceedings under Staff Rule 8.01 are administrative actions. As recognized by the World Bank Administrative Tribunal, this means that many due process rights or procedural formalities provided in criminal or civil law actions are not applicable. Nor are specific provisions under the national laws of the Bank Group's member countries (such as the Fifth Amendment or Miranda warnings under U.S. law) directly applicable to Bank Group staff in their capacity as employees of international organizations. 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 in the course of disciplinary proceedings.

As noted earlier, information gathered in the course of an INT investigation may be shared with national authorities where it is believed that the laws of a member country may have been violated. The information shared in this manner can include information provided by the subject staff member, as well as other findings. In such cases, it is up to the national authorities to ensure compliance with relevant national law standards and due process safeguards in any follow-up actions they may take, including prosecution under national law.

3. 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 disciplinary proceedings. As set forth under Staff Rule 8.02, managers and other staff members are expressly prohibited from engaging in any form of retaliation against any person for reporting suspected misconduct under this Rule, or for cooperating or providing information during an ensuing review or investigation. A staff member who engages in such retaliation shall be subject to disciplinary proceedings under Staff Rule 3.00.

If you believe you may be at risk of retaliation for reporting alleged misconduct, please contact INT to discuss (confidentially) your concerns. Consultation with INT in this manner will not automatically initiate an investigation. Instead, INT will explore with you ways the Bank Group may address the alleged misconduct and discuss protections that may be available to you 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 means in which to protect the staff member.

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

Staff must maintain the confidentiality of the disciplinary proceedings.

In order to preserve the integrity of the fact-finding process, to avoid the inadvertent spread of misinformation, to protect the reputation of a staff member who is the subject of an allegation, and/or to avoid even the appearance of undue influence over other staff who might have to be interviewed on the matter under investigation, staff members (including witnesses and staff members who are the subject of alleged misconduct) may 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) a Staff Association counselor; (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.

For the avoidance of doubt, communications by an investigator about ongoing preliminary inquiries or investigations to any person, who is not a necessary participant in the disciplinary proceedings, is expressly prohibited and may be subject to disciplinary action.

Confidentiality is essential to protect the reputation of staff members against whom allegations have been made, who 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 a false allegation against them and all of their colleagues were talking about them. In addition, discussing an ongoing investigation may undermine the ability of investigators to determine 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 or gossip about other staff.

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

Yes. All staff, including consultants (ETCs and STCs) and temporary staff (ETTs and STTs) have an obligation under Staff Rule 8.01, paragraph 2.02, to report suspected fraud or corruption in Bank Group-supported operations or in the administration of Bank Group business to his or her 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.

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

All staff, including consultants (ETCs and STCs) and temporary staff (ETTs and STTs), are encouraged to report all other forms of misconduct to his or her 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.



C. Procedural Safeguards

1. How does INT protect staff from false allegations?

Staff members may not be the subject of an investigation that is predicated on unsupported allegations. INT seeks to protect staff from false allegations by conducting inquiries and investigations in a thorough and professional manner and by seeking to obtain a full understanding of the facts and circumstances underlying the allegations before the investigative process has advanced very far. Between fiscal years 2004 and 2008, as a result of preliminary inquiries and investigations INT determined the allegations were unfounded (i.e., refuted the allegations and cleared the staff member of any wrongdoing) on average 23 percent of cases involving allegations of staff misconduct. In another 31 percent of cases, INT determined the allegations to be unsubstantiated, in which instance the benefit of the doubt goes to the subject staff member and no action is taken.

If you knowingly make a false or malicious allegation or make an allegation with reckless disregard as to whether the allegation is true or false, you could be subject to disciplinary proceedings under Staff Rule 3.00. However, it is important to understand that even though you may not have conclusive proof of misconduct, you should report in good faith any concerns you have about possible misconduct. If you are unsure what to do, you may consult with INT on a confidential basis. Consultation with INT in this manner will not automatically initiate a preliminary inquiry or an investigation.

2. Does INT accept anonymous allegations?

In order to protect whistleblowers from potential retaliation, the Bank Group accepts anonymous allegations from those who wish to report, in good faith, suspected misconduct that may threaten the operations or governance of the Bank Group. 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.

INT recognizes that anonymous allegations can be used to deliberately harm a staff member’s reputation. To prevent this from

happening, it investigates allegations in an independent, thorough, and professional manner, weeding 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, and with the consent of the subject staff member, INT or the decision-maker (depending on the stage of the investigation) will discreetly notify everyone interviewed in 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 an inquiry or investigation.

3. I am a complainant—will INT keep my name confidential?

More than half of all allegations come to INT from Bank Group staff who report their concerns directly. Their identities are kept confidential to the maximum extent possible. INT encourages complainants to provide contact information so that INT can obtain further information and follow up on the allegation. Frequently, without additional information from the complainant, INT is unable to pursue an allegation further due to the absence of critical information that the complainant may have inadvertently omitted in their complaint.

If you provide your name, you may request that your identity be kept confidential during the investigation. “Confidential” means that INT will not reveal your identity as the source of the allegations to anyone outside the investigative team unless: (i) you consent to disclosure; (ii) the Bank Group is requested to do so by a competent judicial authority and the Bank Group accedes to the request; or (iii) it is determined that you transmitted allegations that you knew were false, or made allegations with reckless disregard as to whether they are true or false

4. I am a witness—do I have an absolute right of keeping my name confidential?

The protection of witnesses’ identities is of paramount importance to INT. However, unlike the absolute confidentiality protections for consultations with Ombuds Services, there is an inherent limit to confidentiality in disciplinary proceedings under Staff Rule 8.01. A subject staff member has the right to respond to allegations against him or her. This includes a right to review and respond to all information and evidence that will be provided to the decision-maker. If the testimony of a witness is material to the investigative

findings, the interview transcript will 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 source(s) would violate basic principles of due process.

Cases of fraud, corruption and many other forms of alleged misconduct tend to lend themselves to substantiation through documentary evidence (e.g., physical and electronic files, records, notes, communications, etc.). In such cases where a complainant or a witness requests confidentiality, INT will protect their identity from disclosure if the allegation can be independently corroborated through other evidence. 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.

At the outset of each interview, the investigator explains to the witness the role of the investigator as a fact-finder and not a decision-maker, the strictly confidential nature of the inquiry or 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 witness declined to have their testimony disclosed, INT has either not relied on their testimony or, at the conclusion of the investigation, INT discussed with the witness the importance of their testimony and asked him or her to reconsider their earlier decision against disclosure. However, if a witness insists on full confidentiality INT will not use the testimony. As a result, INT may be unable to substantiate the allegations, and INT will not submit the investigative report to decision-maker for a decision.

5. Can I bring someone with me to an interview?

Yes. All staff members may be accompanied to their interview by another staff member as an observer so long as the accompanying staff member is reasonably available and is not connected to the matter under investigation. The accompanying staff member may be a Staff Association representative. The accompanying staff member may observe the proceedings, but he or she may not respond on behalf of the person being interviewed. INT permits accompanying staff members to observe interviews as in the past, a few staff members have expressed concerns that attending an interview without someone with them felt intimidating. As the accompanying staff member is attending the interview strictly as an observer and

not a necessary participant in the interview, INT does not allow the availability of a specific accompanying staff member to delay scheduling an interview. If a staff member's first choice for an accompanying staff member is unavailable at the scheduled interview time, 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. This safeguard was adopted by INT in 2006 at the suggestion of the Staff Association.

An interpreter will be available if INT believes one will be necessary or on request of the staff member.

6. Why are interviews recorded or conducted in the presence of court reporters?

To ensure accuracy of the interview record. Absent exigent circumstances, (e.g., recording equipment malfunction, impromptu interview or an external party who does not consent to be recorded), all interviews are conducted in the presence of a transcription specialist (i.e., court reporter) and/or audio-recorded. 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 allegations. Witness staff members are provided an opportunity to review a copy of their interview transcript(s), if a transcript of the interview is prepared, but are not permitted to retain a copy. Whether or not a transcript is prepared, staff members and external parties may request (in writing) the opportunity to listen to the audio recording of their interview.

7. Can I see a copy of my interview transcript?

Yes. Witness staff members will be provided an opportunity to review a copy of their interview transcript, in the event a transcript is prepared. Generally, ten business days are required for the external transcription specialists used by INT to prepare a transcript from the date of interview. When INT receives a copy of the transcript, INT will notify the witness staff member that a copy of the transcript is available for review, if desired, by the staff member. To preserve confidentiality, the transcript will only be made available for review in INT's offices, or in another controlled manner. INT

retains copies 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 of 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.

Subject staff members will be provided with a copy of their interview transcript(s) to assist their preparation of their written response to the notice of allegations. Subject staff members will be provided a copy of their interview transcript within five days of receipt by INT from the court reporter. The period allowed for a subject staff member to provide his or her written response to the notice of alleged misconduct begins upon the staff member's receipt of his or her transcript.

8. Is a subject staff member ever interviewed during a preliminary inquiry?

Yes. 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 during this interview, will become a part of the investigative record. This information could be used to determine whether to conduct an investigation of the alleged misconduct under Staff Rule 8.01, and subsequently, be included in information provided to the decision-maker to determine whether the staff member committed misconduct.

9. Why isn't there an opportunity to comment on the allegations before the written notice of alleged misconduct is issued?

Staff Rule 8.01 requires that the notice of alleged misconduct be provided in writing. Oral notification could create the 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. It is merely the document through which INT communicates the allegations, describes relevant standards, provides an overview of the process, and outlines the staff member's rights and obligations.

10. 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 purpose of the initial interview is to provide a staff member with notice of alleged misconduct and to provide an opportunity to present his or her side in an unscripted manner. During the interview, the staff member is expected to be forthright and to describe what, if anything, happened to the best of his or her recollection. Doing so does not require deliberation or consultation. These initial interviews provide relevant and reasonable information for the fact-finding process. Upon receiving a notice of alleged misconduct, most staff are anxious to immediately discuss the matter with INT and provide their side of the story.

If an investigator intends to conduct an interview with a subject staff member to provide him or her with written notice of alleged misconduct and seek their response during an interview, the investigator shall notify the subject staff member in writing with at least twenty-four (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. The written advance notice shall provide:

- i. notice of the nature of the alleged misconduct, unless such notice would jeopardize the investigation, such as by leading to tampering with witnesses or evidence;
- ii. the list of standards relevant to allegations of misconduct;
- iii. an overview of the investigative and decision-making process; and
- iv. the staff member's rights and obligations, including the right to be accompanied by another staff member to their interview.

At the onset of the interview, the staff member is given ample time to review the notice of alleged misconduct in its entirety and have any questions answered before INT engages him or her on the substance of the issues under investigation. INT also clearly explains the nature of the investigation and the investigative process, the specific allegations and relevant Bank standards, and the staff members' rights and obligations.

INT investigators are acutely aware of the emotional impact that the notice of alleged misconduct may have on staff members. INT emphasizes the fact that the notice involves only an allegation and

that the staff member is presumed innocent throughout the investigative process. INT staff do not engage in deceptive or coercive practices when interviewing staff members. They expect staff members to answer truthfully and to the best of their ability.

For 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 questions. Accordingly, in addition to the interview, staff members are always provided the opportunity to respond in writing to restate, correct, or clarify what was said in the initial interview, addressing the issue(s) in as much detail as they choose.

11. Why is only 24 hours notice provided before a Staff Rule 8.01 interview?

If an investigator intends to conduct an interview with a subject staff member to provide him or her with written notice of alleged misconduct and seek their response during an interview, the investigator shall notify the subject staff member in writing with at least twenty-four (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, twenty-four (24) hours notice balances the staff member's need for sufficient time to arrange their schedule in order to attend and to prepare for the interview if necessary, 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 twenty-four (24) hours notice period originally developed from feedback from staff members that a longer period caused anxiety.

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

Subject staff members will be provided with at least ten (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 transcript of his or her interview(s), and the 10-day time period in which to provide the written response to the allegation(s) will not commence until receipt of the transcript(s) by the staff member. If an interview was not conducted, staff members must provide their written response

to the allegations within ten (10) workdays upon receipt of the written notice of alleged misconduct.

A subject staff member may request an extension of time in which to submit 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. INT approves all reasonable requests for a ten (10) workday extension. However, INT does not grant extensions to accommodate scheduling conflicts of personal legal advisors.

Included in their response to the allegation(s), subject staff members should provide exculpatory evidence as well as identify any person(s) and/or document(s) the staff member believes may support his or her position. The investigator will not deliver the investigative findings to the decision-maker until a written response to the allegations has been submitted within the time allotted; the investigator has interviewed any rebuttal witnesses identified, or reviewed any evidence provided in the subject staff member's response; and all relevant issues have been thoroughly investigated.

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

Staff members are given 10 business days to submit comments on the draft investigative report. If more time is needed, the staff member may request an extension. INT approves all reasonable requests for a ten (10) workday extension. However, INT does not grant extensions to accommodate scheduling conflicts of personal legal advisors.

14. 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 assessing whether the subject staff member wishes to propose such individual to the investigator as a witness. 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.

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

Yes. Subject staff members will be provided a copy of the draft investigative report for review and comment on all findings and evidence in the draft report before the report is submitted to the decision-maker. The draft report will contain all findings and evidence (including transcripts of witness interviews) upon which the decision-maker will make his or her decision. The purpose of this review will be 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.

Subject staff members will be provided ten (10) workdays to provide any comments on the draft report. A subject staff member may request an extension of time in which to submit his or her comments. Such requests must be in writing and include the reason for an extension. The investigator will respond to the request in writing. INT does not grant extensions to accommodate scheduling conflicts of personal legal advisors.

If the subject staff member chooses to comment on the draft final report, the comments must include all information that the staff member wishes the decision-maker to consider. Information not presented, and arguments not raised, in the written comments or other previous written submissions to the investigator, will not be included with the report. They will therefore not be considered in the decision-making process, and may be excluded in any subsequent administrative appeal.

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 decision-maker.

The subject staff member will be entitled to receive a copy of the final report of investigation (without the supporting exhibits previously reviewed by the subject staff member), concurrent with its delivery to the decision-maker, to enable the staff member to know of any rebuttal to the staff member's comments. The staff member will be required to sign a non-disclosure agreement, wherein the staff member agrees: (i) not to copy or replicate the report in whole or in part without the express written consent of the investigator;

(ii) not to reveal or discuss the contents of the report with anyone (absent the express written consent of the investigator), other than with a personal legal advisor, a Staff Association Counselor, Ombuds Services, family members, or any person involved in the appeals process.

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

No. To maintain confidentiality, and in view of the administrative nature of the disciplinary proceedings, complainants and witnesses do not have a right to review investigative reports. Complainants and witnesses may be informed by investigators of the outcome of an investigation as described further below.

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

Yes. INT shall provide regular updates to complainants on the general status of an investigation and promptly respond to specific queries from complainants.

Pursuant to Staff Rule 2.01, paragraph 4.01, 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.

In addition, if an allegation is ultimately determined to be without merit or unsubstantiated, and with the consent of the subject staff member, INT or the decision-maker (depending on the stage of the investigation) will discreetly notify everyone interviewed in 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 an inquiry or investigation.

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

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

However, pursuant to Staff Rule 2.01, paragraph 4.01, the Vice President, Human Resources, may decide that information about disciplinary measures in a particular case should be disclosed to other staff members when the circumstances warrant. A staff member informed under this section shall not disclose the information to any other person.

In addition, if an allegation is ultimately determined to be without merit or unsubstantiated, and with the consent of the subject staff member, INT or the decision-maker (depending on the stage of the investigation) will discreetly notify everyone interviewed in 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 an inquiry or investigation.

19. An investigation determined that allegations against me were unfounded or unsubstantiated. How can I clear my name?

If an investigation concludes that allegations of misconduct have not been substantiated or are unfounded, subject staff members may request the investigator to send a confidential written notice to all parties to an investigation informing them of the investigation's outcome. At the time INT notifies the subject staff members of the investigation's conclusion, INT offers to provide such notice to other parties and provides a draft notice for the subject staff member's consideration.

20. What information does INT have access to?

When conducting preliminary inquiries and investigations, INT has unrestricted access to all Bank Group records, documents and physical properties, subject to the following conditions:

- Investigators may not access information, statements or any other records of Mediation Services, as provided in Staff Rule 9.01.
- Investigators may not obtain staff Medical Information except with the staff member's permission and in accordance with Staff Rule 2.02.
- Investigators may not obtain information from Ombuds Services except in accordance with Staff Rule 9.02.
- Investigators may not access information, statements or any other records of the Office of Ethics and Business Conduct, without the authorization of the Chief Ethics Officer.
- Investigators may only review e-mail records without prior notice to the subject staff member after obtaining written authorization as provided under Administrative Manual Statement 6.20 (Information Security), Annex A – Information Security Policy for Information Users.

All staff members are required to make themselves available for, and respond personally to, questions during interviews with investigators. In addition, INT may request any staff member to produce documents relevant to the case.

21. Does INT monitor staff members' Bank Group e-mail accounts?

No. INT does not monitor staff members' e-mail nor does INT have unrestricted access to a staff e-mail accounts.

Please note, however, that the Bank Group has installed automated software programs to protect the Bank Group's information technology systems from viruses, spyware, and malicious software programs. These automated software programs (administered by ISG, and not INT or EBC) may detect improper use of the Bank Group's information technology systems. Violations of the Bank Group's Information Security Policy detected by these automated programs may be forwarded to EBC for review by ISG.

22. Can investigators review my e-mail records?

Yes, under certain limited and controlled circumstances. Even though Bank Group policy provides that all information stored on or transmitted through its systems is Bank property, INT recognizes that staff members expect a reasonable measure of privacy in their communications. At the same time, the Bank Group as an employer has an important interest in detecting and redressing wrong-doing. To balance these interests, INT, at its own initiative, developed and instituted a process of strict controls governing INT's access when a staff member's electronic records are determined to likely contain information relevant to a preliminary inquiry into allegations of staff misconduct. These provisions were then incorporated by the Bank Group under AMS 6.20A.

Investigators may only review e-mail records without prior notice to the subject staff member after obtaining written authorization as provided under Administrative Manual Statement 6.20 (Information Security), Annex A – Information Security Policy for Information Users (AMS 6.20A) These procedures provide access to staff member's electronic records, including e-mail accounts, databases and archives 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 demonstrating the scope and basis for the request. The identity of the subject staff

member is concealed to ensure access is approved solely on the merits set forth in the justification for access, and to protect the reputation of subject staff members who are presumed innocent until a finding, if any, of misconduct has been made. The written request for access must be approved by both approval authorities. The authorized written request (without the justification for access), is then submitted to the Bank Group'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 access. The authorization that is given to INT is limited to a specific case, and for a specified and finite period of time.

D. Additional Information about INT and the Conduct of Disciplinary Proceedings

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



A summary of staff rights, obligations and procedural safeguards in the conduct of disciplinary proceedings, as well as an overview of the process, is set forth in Staff Rule 8.01 – Annex A. Additional information about INT is available on INT's intranet website available to Bank Group staff as well the external 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.

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

The investigative process has become more involved as a result of rulings made by the Administrative Tribunal and lessons learned from the Bank Group's Conflict Resolution System. INT seeks to ensure that investigations are carried out in a rigorous, competent, fair, and balanced manner. Thoroughness often requires numerous interviews, the scheduling of which can be complicated by staff travel. In addition, the volume, nature, and complexity of complaints INT receives are inherently unpredictable. As a result, the timeliness of investigations is also dependent on the availability of investigators and their existing caseloads.

Some cases are multi-dimensional and involve several allegations against one or more staff members. In an effort to manage the expectations of all stakeholders (complainant, subject staff mem-

bers, affected management chain), INT strives to keep stakeholders apprised of the status of its investigations.

3. 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?

Please do not try to investigate allegations of misconduct yourself. Your actions, although well-intentioned, may contravene Bank policies or local laws. As a result, you may inadvertently undermine the integrity of the fact-finding process or deprive a staff member of his or her due process rights. It is possible that your actions will thus compromise the Bank Group's ability to address the allegations under the Staff Rules in a manner that will be upheld on appeal to the World Bank Administrative Tribunal. Investigations that fully comply with all applicable rules and procedures are not as easy as they seem on television or in the movies!

4. Does INT make recommendations regarding disciplinary measures?

No. INT is only involved in fact-finding under Staff Rule 8.01. The determination of whether misconduct occurred, and what, if any, disciplinary measures to imposed is made by the Bank Group Vice President, Human Resources, or where there is a conflict of interest for the Vice President, Human Resources, a Managing Director or the President. INT does not make any recommendations regarding appropriate disciplinary measures in its investigative reports, but only presents its findings and whether INT concluded through the investigation that the allegations of misconduct against the staff member (as submitted to INT by the complainant) were substantiated, unsubstantiated, or unfounded.

5. Does INT trace calls made or e-mails sent to its Investigations Hotline?

No. INT's Investigations Hotline is a confidential way to report allegations of fraud, corruption, or staff misconduct. The Hotline is maintained and administered by an independent third party call center located in North Carolina, United States, and may be reached toll free at +1.800.831.0463, or collect calls at +1.704.556.7046. The Hotline is open 24 hours a day and interpreters are available. Anonymous calls are accepted.

The Hotline staff encourage, but do not require, callers to provide contact information so that INT can obtain further information and follow up on the allegation. If the caller does not wish to provide contact details, the Hotline staff will provide a case reference

number so that the caller can call back at his or her convenience to inquire about the case and thus retain their desired anonymity. Investigators will give the Hotline staff information or messages that can be passed along to callers who provide the case reference number. As investigators do not receive any contact details, the caller's anonymity is maintained while still allowing the caller to be informed of the case status or requests for additional information.

While INT possesses the capability to identify a computer terminal from which an e-mail originates, INT does not attempt to identify the sender of e-mails regarding allegations of fraud, corruption or other forms of misconduct. Please bear in mind that e-mail is not completely confidential, and is not necessarily secure against interception. If you feel that your communication is particularly sensitive, INT recommends that it be mailed to the Investigations Hotline at:

PMB 3767
13950 Ballantyne Corporate Place
Charlotte, NC 28277
USA

Of course, staff may also provide information directly to INT. In many instances, staff members create free e-mail accounts from commercial providers such as Gmail, Hotmail, or Yahoo, to provide information to INT about allegations of fraud, corruption or other misconduct. Staff members may elect to use pseudonyms in establishing these accounts to allow communication while remaining anonymous. INT does not attempt to identify the sender of such e-mails. Staff members using this method are encouraged to check the account regularly to obtain updates about the status of the investigation and other communications from investigators as well as to ensure that the account does not lapse due to inactivity.

6. Are staff members normally placed on administrative leave during investigations?

No. Administrative leave is a non-punitive tool with which the institution mitigates risks—financial risk for allegations relating to fraud and corruption or risk to staff safety for allegations of workplace misconduct. It also prevents potential disruption to the Bank's business. 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 but may recommend it to management when it believes administrative leave is warranted to mitigate financial, workplace safety, or other risks discussed above.

Administrative leave in connection with a misconduct case may be requested by the staff member's management chain, but the decision to place a staff member on administrative leave requires the approval of the Vice President, Human Resources (or his or her designee). Management must request in writing that the staff member be placed on administrative leave pending the outcome of an investigation. The request must explain what alternatives to administrative leave were considered and why administrative leave is in the best interests of the Bank Group.

However, as the Bank Group's rules regarding administrative leave (see Staff Rule 6.06 on Leave, and specifically, Section 1.02 regarding application of leave provisions, including Section 9.08 on administrative leave) do not apply to STC or STT appointments, the Bank may place a consultant or temporary staff on paid leave up to the end of his or her existing contract. In such instances, the Vice President, Human Resources (or his or her designee) may determine that, pending completion of the disciplinary proceedings, the consultant or temporary staff may not be eligible for Bank Group employment. This decision is not considered a punitive measure as there is not a right to future appointments, and the Bank Group has an interest in mitigating financial, workplace safety or other risks.

7. 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). In addition, comments may be directed to INT's Independent Advisory Board.

How to Report Concerns of Fraud or Corruption

To report allegations of fraud or corruption involving Bank Group supported activities or Bank Group staff, you may contact INT directly at:

Telephone +1.202.458.7677
Fax +1.202.522.7140
E-mail investigations_hotline@worldbank.org

Through the Fraud and Corruption Hotline:

(external service – 24 hours/day, 7 days/week – toll-free)

+1.800.831.0463 (interpreters available)

+1.704.556.7046 (collect calls)

Country Office Staff— Call the toll-free number through an AT&T operator or call the collect number

Mail PMB 3767
13950 Ballantyne Corporate Place
Charlotte, North Carolina 28277
USA

How Should I Report Concerns?

More than half of the allegations come to INT from Bank Group staff and consultants who report their concerns without concealing their identities. Another 30 percent of the allegations are received anonymously through INT's hotline, by e-mail, or by other means. All reports, whether provided anonymously or openly, are kept confidential. When submitting a complaint, please provide as much information as possible, such as:

- What alleged wrongdoing you are reporting
- The specific basis for suspecting that wrongdoing has occurred (e.g. your source of information)
- Dates and times, if available
- Specific location where alleged wrongdoing occur
- How the individual or firm perpetrated the alleged wrongdoing
- Why the individual or firm committed the alleged offense, if available
- Why you believe the activity was improper
- What documentation exists to corroborate the allegations
- Names of other witnesses to the alleged wrongdoing

If you choose to remain anonymous, please consider providing a means for INT to contact you if further information or clarification is needed. For example, using a free web-based e-mail address (e.g., yahoo or gmail) with a pseudonym (assumed name or alias), will allow you to retain your anonymity.

