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01. Subject, Applicability and Scope

Subject

1.01 This Rule governs disciplinary proceedings, and the associated reporting, investigative and decision-making process, arising from allegations of misconduct involving:

- a. Misuse of Bank Group funds or other public funds (e.g., donor trust funds) for personal gain of oneself or another in connection with Bank Group operations, corporate procurement, or Bank Group administrative budgets (except for travel, benefits, allowances (including tax allowances), P-Card, petty cash or Bank Group property), loans, credits, grants, or donor trust funds;
- b. Abuse of position in the Bank Group for the personal gain of oneself or another in connection with Bank Group operations, corporate procurement, or Bank Group administrative budgets (except for travel, benefits, allowances (including tax allowances), P-Card, petty cash or Bank Group property), loans, credits, grants or donor trust funds; or
- c. Fraud, corruption, coercion, collusion, or offering, receiving or soliciting bribes, kickbacks or other (e.g., in-kind) personal benefits involving Bank Group financed/supported operations or corporate procurement; or embezzlement from Bank Group administrative budgets, loans, credits, grants or donor trust funds.

1.02 This Rule does not apply to allegations of misconduct to be addressed by the Office of Ethics and Business Conduct in accordance with [Staff Rule 3.00](#); provided however, and subject to paragraph 1.03 below, INT may conduct preliminary inquiries or investigations in accordance with this Rule, into:

- a. other allegations of misconduct related to, or arising from, allegations of misconduct set forth in paragraph 1.01 above; and
- b. if in the interests of efficiency in the investigative or decision-making process, other allegations of misconduct identified during a preliminary inquiry or investigation not related to, or arising from, allegations of misconduct set forth in paragraph 1.01 above.

1.03 If at any time the Vice President, INT, or the Chief Ethics Officer determines that there is a question as to whether all or any portion of a matter falls within the scope of authority of EBC or that of INT, the Vice President, INT, and the Chief Ethics Officer shall consult with each other to resolve the question.

1.04 A summary of staff rights, obligations, and procedural safeguards in the conduct of disciplinary proceedings under this Rule, as well as an overview of the process, is provided in Annex A to this Rule. This Rule was most recently amended on May 17, 2011.

Applicability

1.02 This Rule applies to all staff members and former staff members regarding actions taken in the course of their employment.

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02. Misconduct

2.01 Misconduct does not require malice or guilty purpose, and it includes, but is not limited to, the following acts and omissions:

- a. Failure to observe Principles of Staff Employment, Staff Rules, and other duties of employment. Examples of such failure may include failure to observe Bank Group personnel information policies, public information disclosure policies, information security policies, or procurement policies; unauthorized use of Bank Group offices, equipment, computer resources or staff; abuse of authority; or abuse or misuse of Bank Group funds or other public funds (e.g., donor trust funds) or Bank Group property.
- b. Reckless failure to identify, or failure to observe, generally applicable norms of prudent professional conduct; failure to perform assigned duties; gross negligence in the performance of assigned duties; performance of assigned duties in an improper or reckless manner; failure to know, and observe, the legal, policy, budgetary, and administrative standards and restrictions imposed by the Bank Group; undertaking an activity where authority to do so has been denied; or willful misrepresentation of facts intended to be relied upon.
- c. Acts or omissions in conflict with the general obligations of staff members set forth in Principle 3 of the Principles of Staff Employment and [Staff Rules 3.01 through 3.06](#).
- d. Misuse of Bank Group funds or other public funds for personal gain of oneself or another in connection with Bank activities or employment, or abuse of position in the Bank for personal gain of oneself or another.

Reporting of Suspected Misconduct

2.02 Reporting of allegations of suspected misconduct involving the matters set forth in paragraph 1.01 of this Rule shall be handled in accordance with the provisions of this paragraph 2.02, paragraph 2.03 and Section 5 below, and [Staff Rule 8.02. "Protections and Procedures for Reporting Misconduct \(Whistleblowing\)."](#)

- a. Fraud or Corruption. A staff member has a duty to report suspected fraud or corruption in BankGroup-supported operations and projects or in the administration of Bank Group business to his or her line management (*i.e.*, the staff member's direct manager or any higher official in the staff member's management chain up to the Vice Presidential level) or to INT. A manager who suspects or receives a report of suspected fraud or corruption has an obligation to report it to INT.
- b. Other Misconduct. A staff member is encouraged to report all other forms of misconduct to his or her line management or EBC, but is 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. With respect to reports of suspected misconduct that may threaten the operations or governance of the Bank Group, the provisions of [Staff Rule 8.02](#) shall apply.
- c. Additional Reporting Channels. Where a staff member has grounds to believe that reporting suspected misconduct (whether fraud, corruption, or other misconduct) to line management and INT would subject the staff member to retaliation or create a likelihood that evidence relating to the suspected misconduct will be concealed or destroyed, the staff member may report suspected misconduct directly to the President, a Managing Director, the Senior Vice President and Group General Counsel, or the Vice President, Human Resources, as the staff member may prefer, with a request that an alternative reviewer outside INT be designated to review the report of suspected misconduct as further set forth in paragraph 4.04 below. Reports of suspected misconduct involving Board Officials should be submitted to the Ethics Committee of the Board as provided in the Code of Conduct for Board Officials.
- d. Timing. To facilitate effective investigation and remediation, staff members should report suspected misconduct as soon as possible after becoming aware of the suspected misconduct.
- e. Supporting Information. A report should be accompanied by any information or evidence in the staff member's possession that would support a belief that misconduct may have occurred.

- f. Knowingly False or Reckless Allegations. A staff member's transmission of allegations that are knowingly false or made with reckless disregard as to whether they are true or false itself constitutes misconduct and shall subject the staff member to proceedings under Staff Rule 3.00.

Prohibition of Retaliation

2.03 Retaliation by a staff member against any person who provides information about suspected misconduct under this Rule is expressly prohibited and shall subject the staff member to proceedings under Staff Rule 3.00.

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03. Disciplinary Measures

3.01 Disciplinary measures may be imposed whenever there is a finding of misconduct. Upon a finding of misconduct, disciplinary measures, if any, imposed by the Bank Group on a staff member will be determined on a case-by-case basis. Any decision on disciplinary measures will take into account such factors as the seriousness of the matter, any extenuating circumstances, the situation of the staff member, the interests of the Bank Group, and the frequency of conduct for which disciplinary measures may be imposed. In addition to the provisions set forth under [Staff Rule 3.00](#), paragraph 10.09, termination of service will be mandatory, where it is determined that a staff member has engaged in the misuse of Bank Group funds or other public funds for the personal gain of oneself or another in connection with Bank Group activities or employment, or has engaged in the abuse of position in the Bank Group for the personal gain of oneself or another.

3.02 Where termination is mandatory under this Rule, the President, or the President's designee appointed to review the case, retains full and sole discretion to determine otherwise where there has been a manifest lack of due process in the relevant case. For cases involving IFC staff, the President, or the President's designee, will consult with Vice President, Human Resources for IFC before making a mandatory termination decision.

3.03 Depending on the circumstances of the case, one or more of the following disciplinary measures may be taken by the Bank Group when misconduct is determined to have occurred, provided the determination is made within three years from the date the misconduct is discovered, except that no time limitation will apply to a determination of misconduct for which mandatory termination is to be imposed:

- a. Oral or written censure;
- b. Suspension from duty with pay, with reduced pay, or without pay;
- c. Restrictions on access to the Bank's premises;
- d. Restitution, compensation or forfeiture payable to the Bank Group from a staff member's pay or benefits, or through a reduction or elimination of a salary increase in respect of a prior year in which it is later determined misconduct occurred, either to penalize a staff member or to pay the Bank Group for losses attributable to misconduct;
- e. Removal of privileges or benefits, whether permanently or for a specified period of time;
- f. Reassignment;
- g. Assignment to a lower level position;
- h. Demotion without assignment to a lower level position;
- i. Reduction in future pay, including the withholding of future pay increases;
- j. Termination of appointment; and
- k. Loss of future employment and contractual opportunities with the Bank Group.

Suspension of Payment of Benefits Due Upon Termination

3.04 If a staff member terminates from service while a misconduct investigation is ongoing, the Vice President, Human Resources for the Bank may suspend payment of all benefits due to the staff member upon termination,

except for benefits due under the Staff Retirement Plan, until a decision on misconduct is made provided that:

- a. there is a reasonable basis to believe that the staff member may be required to pay restitution or to otherwise compensate the Bank Group for financial losses attributable to the staff member's actions;
- b. the suspended funds will earn interest at the savings account rate offered by the Bank-Fund Credit Union during the period of the suspension, if posted in Headquarters, and the local savings account rate determined by the head of the country office, if posted in a country office;
- c. suspension of payment is unlikely to cause undue hardship for the staff member;
- d. the staff member is notified of the decision to suspend payment of benefits, the reasons for the suspension, and of the right to appeal the decision directly to the Administrative Tribunal; and
- e. payment of benefits shall not be suspended for longer than one year, except where the Vice President, Human Resources for the Bank determines that additional time is needed to complete an investigation.

For cases involving IFC staff, the Vice President, Human Resources for IFC will be consulted before a decision to suspend payment of benefits is made.

3.05 If the staff member is determined to owe funds to the Bank Group when a decision on misconduct is made, those funds may be deducted in full from any benefits suspended under paragraph 3.04. If the staff member is determined not to owe funds to the Bank Group, the benefits shall be paid to the staff member in full, plus interest, within 30 days from the date that the decision on misconduct is made.

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04. Disciplinary and Decision-Making Process

Initiating the Investigative Process

4.01 The investigative process may be initiated by the Bank Group whenever conduct within the scope of paragraphs 1.01 or 1.02 of this Rule for which disciplinary measures may be imposed is reported to INT, or to the Vice President, Human Resources for the Bank or the Vice President, Human Resources for IFC.

Preliminary Inquiry

4.02 Where an allegation of misconduct as set forth under paragraph 1.01 is reported, a preliminary inquiry may be undertaken if necessary to determine whether there is sufficient evidence to warrant further proceedings. INT will conduct all preliminary inquiries, except where INT requests a staff member's manager, or where the President or the Vice President, Human Resources for the Bank designates a person outside of INT, to conduct the inquiry. For cases involving IFC staff, the President or the Vice President, Human Resources for the Bank will consult with the Vice President, Human Resources for IFC, before designating a person outside of INT to conduct the preliminary inquiry. Where it is determined there is a sufficient basis to merit further proceedings, an investigation will be undertaken to determine the substance and circumstances of the matter.

Notification of Alleged Misconduct

4.03 Where it is determined that there is a sufficient basis to merit an investigation, the staff member will be notified in writing of the alleged misconduct at the onset of the investigation. The notice will include a description of the allegations made against the staff member, and a summary of the staff member's rights and obligations.

Conduct of Investigation

4.04 INT will conduct all investigations that fall within the scope of acts or omissions listed in paragraph 1.01 above except (a) where INT requests a staff member's manager to conduct the investigation or (b) where the President, a Managing Director, the Senior Vice President and Group General Counsel, or the Vice President, Human Resources for the Bank designates a person outside of INT to conduct the investigation. Any designation of an alternative reviewer outside INT, pursuant to subparagraph (b) above, shall require prior authorization of the President, so as to avoid potentially conflicting designations by the aforementioned officials; and, for cases involving IFC staff, consultation with the Vice President, Human Resources for IFC. An alternative reviewer may be any person outside INT, including an external reviewer from outside the Bank Group. Reports of suspected misconduct involving INT shall be reviewed by an alternative reviewer outside INT. Reports of suspected misconduct involving Board Officials shall be handled by the Ethics Committee of the Board in accordance with

the Code of Conduct for Board Officials.

Gathering of Information

4.05 The person conducting a preliminary inquiry or an investigation may:

- a. Call upon any staff member for the production of documents believed to have probative value;
- b. Interview any staff member who is believed to have knowledge of the events in question; and
- c. Consult persons believed to have, or materials believed to contain, information of probative value to the investigation.

Duty to Cooperate

4.06 A staff member who is the subject of a preliminary inquiry or an investigation has a duty to cooperate with the person conducting the investigation. 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 the person conducting the investigation, to be sufficient to justify failure to cooperate. Failure or refusal to cooperate may constitute misconduct under this Rule.

Administrative Leave

4.07 The Vice President, Human Resources for the Bank, or a Managing Director, may place a staff member on Administrative Leave pending completion of an investigation. Administrative leave can last up to six months, and can be extended when the Vice President, Human Resources for the Bank determines that additional time is needed to complete an investigation. A staff member will be notified in writing of the decision to place a staff member on Administrative Leave, the reason for the decision, and the duration of the Administrative Leave. For cases involving IFC staff, the Vice President, Human Resources for IFC will be consulted before a decision on Administrative Leave is taken.

The Right to Respond

4.08 During an Investigation. A staff member has a right to respond to allegations of misconduct during the course of the investigation either orally or in writing, or both, and may be required to do so by the person conducting the investigation. The amount of time allowed a staff member to respond in writing will take into account the complexity and seriousness of the matter, but will not be less than ten business days.

4.09 At the End of an Investigation. A staff member will be provided with a copy of the draft investigative report at the conclusion of an investigation in order to afford a staff member an opportunity to comment on the findings. The amount of time allowed a staff member to comment will take into account the complexity and seriousness of the matter, but will not be less than ten business days. The report, along with the staff member's comments and a response from the person conducting the investigation will be submitted to the Vice President, Human Resources for the Bank for a decision. For cases involving IFC staff, a copy of the report, the staff member's comments, and the response from the person conducting the investigation will be sent to the Vice President, Human Resources of IFC for information.

4.10 Assistance During an Investigation. A staff member may be accompanied at investigation interviews by another staff member who is reasonably available and who is not connected to the matter under investigation. The presence of such a person will not relieve a staff member of the obligation to respond personally in the matter under investigation. Members of any Legal Vice Presidency or Legal Department of the Bank Group may not represent, advise or otherwise assist a staff member in connection with investigations into suspected misconduct.

Decision-Making Process

4.11 See below:

- a. Where the investigation has been conducted by INT or by a person designated by the President or the Vice President, Human Resources for the Bank, the determination whether misconduct has occurred and what disciplinary measures, if any, to impose will be made:
 - i. by the Vice President, Human Resources for the Bank; or
 - ii. where there is conflict of interest for the Vice President, Human Resources for the Bank, a

Managing Director, or the President. The decision will be made considering findings of fact and conclusions of the person conducting the investigation and recommendations from any other official the decision-maker consults for advice. Where a person designated by the President has conducted an investigation, the determination whether misconduct occurred and what disciplinary measures to impose will be made by the President, or by a person designated by the President for that purpose. For cases involving IFC staff, the Vice President, Human Resources for IFC will be consulted before a decision is made regarding misconduct.

- b. Where the investigation has been conducted by a manager of a staff member, the manager will determine whether misconduct has occurred and, if so, may censure the staff member orally or in writing. If a manager believes the discipline should be something other than oral or written censure, the manager will make a recommendation to the Vice President, Human Resources for the Bank, regarding a decision on the finding of misconduct and the discipline to be imposed.

Notification of Decision on Misconduct

4.12 A 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 Bank Group Administrative Tribunal. Except where the measure is oral censure, the notification will be in writing.

Retention of Records Regarding Disciplinary Measures

4.13 Except for oral censure, the Bank Group will retain in a staff member's Staff Records information regarding disciplinary measures taken. The decision-maker will specify the period of time a record of the disciplinary action will be kept in a staff member's official personnel file. This information will be subject to the terms and conditions in [Staff Rule 2.01, "Confidentiality of Personnel Information."](#)

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05. Confidentiality and Anonymity

5.01 A staff member who reports suspected misconduct to INT or otherwise under this Rule may choose to remain anonymous or request that his or her name be kept confidential. Anonymity means that a staff member does not provide the Bank Group with his or her name. Confidentiality means that a staff member provides his or her name, but the Bank Group will not reveal the source of the allegations to anyone outside of the investigative team unless the staff member consents to disclosure, or the Bank Group is so requested by a competent judicial authority within a member government, and agrees to comply with such request, or it is determined that the staff member made allegations that were knowingly false or made with reckless disregard as to whether they are true or false.

5.02 Staff are encouraged to report in a manner that will facilitate effective investigation and remediation, which in general will mean open or confidential, rather than anonymous, reporting. A staff member who chooses to report on an anonymous basis must provide in a timely manner enough information concerning the basis of the allegations and sufficient detail or supporting evidence that the matter can be pursued responsibly. Otherwise, the matter usually cannot be pursued further. Even where anonymous allegations are sufficiently detailed or supported to permit a responsible investigation to be conducted, no final finding of misconduct will be made based solely on the anonymous allegations without independent corroboration.

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06. Referral of Cases for Law Enforcement Purposes

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.

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07. Disclosure of Information to Member Countries and Public International Organizations

7.01 The Bank Group may disclose Personnel Information, as defined in [Staff Rule 2.01](#), which may include investigative records about a current or a former staff member's misconduct, and about the disciplinary measures

imposed, to governmental bodies of member countries and to public international organizations under the following circumstances:

- a. a final decision has been made regarding misconduct and disciplinary measures,
- b. the staff member has either exhausted the appeals process with the Administrative Tribunal, or the time to file such appeal has expired; and
- c. a governmental body of a member country or a public international organization has requested the information and demonstrated a legitimate need to know such information, and has agreed to treat the information in a confidential manner.

7.02 Notwithstanding paragraph 7.01(b), in exceptional circumstances, where the misconduct is serious and withholding of information could have an adverse affect on the Bank Group's relations with a member country or a public international organization, a Managing Director, in consultation with the Vice President, Human Resources for the Bank, and with the Integrity Vice President (with regard to proceedings under this Rule) or the Chief Ethics Officer (with regard to proceedings under [Staff Rule 3.00](#)), may decide that information should be disclosed before a staff member has exhausted the appeal process or before the time to file such appeal has expired, provided that the requirements of paragraphs 7.01(a) and (c) have been satisfied. For cases involving IFC staff, the Vice President, Human Resources for IFC will be consulted before a decision is made to disclose information under this paragraph.

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Annex A: Conduct of Disciplinary Proceedings

A. Staff Rights

Staff members who are the subjects of allegations of misconduct in disciplinary proceedings under [Staff Rule 8.01](#) ("subject staff members") are accorded the following rights:

1. 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.
2. Staff will be provided written notice of the alleged misconduct against them at the onset of an investigation.
3. During the course of disciplinary proceedings, staff may consult with the Bank Group Ombuds Services Office, Staff Association counselors, family members, and, at no expense to the Bank Group, personal legal advisors.
4. During the course of an investigation, staff will be provided with an opportunity to respond to allegations against them and identify any information or evidence (including potential witnesses or documents) that the staff member believes may support his or her position.
5. Staff will be notified of any disciplinary measures that will be taken and the reasons for their imposition by the person who determined what the measures will be. Except where the measure is oral censure, the notification will be in writing.
6. Staff may appeal any disciplinary decision made under the provisions of [Staff Rule 8.01](#) to the World Bank Administrative Tribunal under the provisions of [Staff Rule 9.05](#).

B. Staff Obligations

All staff members have the following obligations with respect to the conduct of disciplinary proceedings pursuant to [Staff Rule 8.01](#):

1. Staff must cooperate fully with requests for assistance made by investigators throughout the disciplinary proceedings.
2. Staff must personally respond to requests for information as requested during the disciplinary proceedings. Staff who are the subjects of allegations of misconduct in disciplinary proceedings

must personally respond to the allegations against them.

3. Staff must not retaliate or threaten to retaliate against any party involved in disciplinary proceedings.
4. Staff must maintain the confidentiality of the disciplinary proceedings.

C. Procedural Safeguards

The Bank Group is committed to ensuring that allegations of staff misconduct are investigated in an impartial, thorough and timely manner; that investigations are conducted with fairness for all parties concerned; and that the rights of all parties are fully protected. To ensure a full and fair process, the Bank Group has adopted a number of procedural safeguards throughout disciplinary proceedings conducted pursuant to [Staff Rule 8.01](#).

1. Limitations on investigative activities

- a. 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.
- b. Investigators may not access information, statements or any other records of the Office of Mediation Services, as provided in [Staff Rule 9.01](#).
- c. Investigators may not obtain staff Medical Information except with the staff member's permission and in accordance with [Staff Rule 2.02](#).
- d. Investigators may not obtain information from the Ombuds Services Office except in accordance with [Staff Rule 9.02](#).
- e. Investigators may not access information, statements, financial disclosure submissions, or any other records of the Office of Ethics and Business Conduct, without the authorization of the Chief Ethics Officer.
- f. 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](#).

2. Interviews

- a. All staff members are required to make themselves available for, and respond personally to, questions during interviews with investigators.
- b. Investigators will inform all witness staff members with at least 24 hours notice of their rights and obligations in writing before their interviews are conducted and again orally at the onset of their interview.
- c. 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 counselor. In order to protect the confidential nature of the proceedings, the accompanying staff member will be required to sign a non-disclosure agreement.
- d. 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 will be conducted in the presence of a transcription specialist (i.e. court reporter) and/or audio-recorded, and a transcript will be prepared unless the interview is found to have no evidentiary value and will not become part of the official record.

A transcript will always be prepared for interviews with a subject staff member. 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. Witness staff members will be provided an opportunity to review a copy of their interview transcript(s), if a transcript of the interview is prepared, but will not be 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.

- e. 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.

3. Investigations

- a. Staff members may not be the subject of an investigation that is predicated on unsupported allegations.
- b. The purpose of an investigation is to establish the facts by obtaining, evaluating, and analyzing all available information and evidence—both inculpatory and exculpatory - to substantiate or refute the allegations.
- c. 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 proceedings under [Staff Rule 3.00](#).

Written Notice of Alleged Misconduct

- d. 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. The notice will be in writing and will include 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.

Staff Member's Written Response to the Notice of Alleged Misconduct

- e. 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 furnish 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.
- f. 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. Extensions will not be granted based solely on scheduling concerns of a subject staff member's personal legal advisor.

- g. 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.
- h. 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 its determination whether misconduct has occurred and the appropriate disciplinary measures, if any, to impose.

Review of the Draft Investigative Report

- i. Subject staff members will be provided a copy of the final report in draft 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.
- j. 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. Extensions will not be granted based solely on scheduling concerns of a subject staff member's personal legal advisor.
- k. 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.
- l. If the subject staff member's comments on the draft of the final report result in a substantive revision to the findings or conclusions, which are adverse to the staff member, the staff member will be given an opportunity to review the subsequent draft of the final report and to submit an additional response to the revised draft before it is finalized and submitted to the decision-maker.
- m. All copies of the draft final report provided to the subject staff member and his or her advisors must be returned intact and in its entirety (including all exhibits) within five business days following the subject staff member's submission to the investigator of his or her written comments on the report.

Review of the Final Investigative Report

- n. 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 except for the sole purpose of attaching it as an annex to an Administrative Tribunal pleading; and
- 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, the Ombuds Services Office, and family members.

Restriction on Disclosure of Investigative Reports

- o. 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 in sections 5(d) and 5(e) below.

Assistance during Investigation

- p. 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.
- q. The assistance of a personal legal advisor will not relieve the subject staff member of his or her obligations under [Staff Rule 8.01](#) and this Annex A, including 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.

4. Notification of Decision on Misconduct

- a. The actual decision on whether misconduct occurred and the discipline to impose, if any, is made, as provided in [Staff Rule 8.01](#), generally by the Vice President, Human Resources, or someone designated by him or her, who will consider the findings of fact from the investigation and the input and/or recommendations from any other World Bank Group official(s) with whom the decision-maker may decide to consult for the purpose of reaching a fully reasoned and informed decision.
- b. In accordance with [Staff Rule 9.05](#), a subject staff member may appeal any disciplinary decision to the Administrative Tribunal within 120 days of being notified of the Bank's decision.

5. Confidentiality and Communications regarding Disciplinary Proceedings

- a. In order to preserve the integrity of the fact-finding process, to avoid the inadvertent spread of misinformation, and or to avoid 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) the Ombuds Services Office; and (iv) family members. Unless otherwise permitted herein, 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.

- b. 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.
- c. The investigator shall provide regular updates to complainants on the general status of an investigation and promptly respond to specific queries from complainants.
- d. Pursuant to [Staff Rule 2.01, paragraph 4.01](#), the investigator 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, 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.
- e. 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.
- f. In the event the allegations are substantiated, the staff member's response(s) to the allegations, both oral and written, may be disclosed to persons or entities outside the Bank Group in connection with any related administrative or legal proceedings.

D. Overview of Investigative Process

[Graphic illustration](#) of [Staff Rule 8.01](#) investigative process.

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