

## **08 Disciplinary Proceedings**

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#### **01. Subject, Policy Rationale, and Applicability**

##### **Subject and Policy Rationale**

1.01 This Rule governs disciplinary proceedings. The purpose of this Rule is to spell out to managers and staff what may constitute misconduct, possible disciplinary action and the associated decision-making process, as well as the obligations of managers and staff with regard to reporting alleged misconduct. In addition, this Rule also sets forth special procedures to be applied in cases of failure by a staff member to comply with financial disclosure requirements as set forth in Staff Rule 3.03. As amended, the Rule is effective February 1, 2006.

##### **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 Disciplinary measures may be imposed whenever there is a finding of misconduct. 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 health and safety regulations, 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; absence from duty without justifiable cause; or abuse or misuse of Bank Group funds, benefits, allowances (including tax allowances), or 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 3.05](#). Omissions may include, and are not limited to, failure to file a timely, complete and accurate financial disclosure form.
- 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.
- e. Conviction for acts that are criminal in nature, including but not limited to theft, forgery, fraud, corrupt practices, use of or possession of illegal drugs, physical assault, and domestic abuse.
- f. Harassment or wrongful discrimination, including but not limited to harassment or wrongful discrimination on the basis of age, race, color, sex, sexual orientation, or national origin.
- g. Failure to meet personal legal obligations as required by Bank Group policies, including but not limited to payment of court-ordered spousal and child support.

### Reporting of Suspected Misconduct

2.02 See below:

- a. **Fraud or Corruption.** A staff member has 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 the Department of Institutional Integrity ('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 manager, or INT, 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 INT.
- c. **False and Malicious Allegations.** Notwithstanding provisions of [paragraph 2.02\(a\)](#) or [\(b\) above](#), knowingly making false or malicious allegations of misconduct constitutes misconduct and can subject a staff member to disciplinary action under this Rule.

### Prohibition of Retaliation

2.03 Retaliation by a staff member against any person who in good faith provides information about suspected misconduct, or who uses the Conflict Resolution System, is expressly prohibited and can subject a staff member to disciplinary action under this Rule.

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## 03. Disciplinary Measures

3.01 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. Subject to the provisions of [paragraph 3.02 below](#), termination of service will be mandatory, however, where it is determined that any of the following misconduct has occurred:

- a. 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 abuse of position in the Bank Group for the personal gain of oneself or another; or

- b. conviction of a felonious criminal offense.
- c. refusal by the staff member to file a timely, complete and accurate financial disclosure form without reasonable justification acceptable to the Office of Ethics and Business Conduct.

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 based on particular circumstances – *i.e.*, where an act is a felony in one jurisdiction but not in most others, or 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, forfeiture of pay or benefits, or 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 compensate 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.
- l. When the financial disclosure form that is submitted pursuant to the requirements set forth in [Staff Rule 3.03](#) is not timely, complete or accurate, in addition to the disciplines described above, a fine to the staff member in accordance with [paragraph 3.06 of Staff Rule 3.03](#).

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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 for which disciplinary measures may be imposed is reported to INT or the Vice President, Human Resources for the Bank, or the Vice President, Human Resources for IFC.

### **Preliminary Inquiry**

4.02 Where an incident of possible misconduct 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, 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 investigation. 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 investigation.

### **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 5 business days.

**4.09 At the End of an Investigation.** A staff member will be provided with a copy of the 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 5 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 the Legal Departments 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 of the disciplinary measures that will be taken, the reasons for their imposition, and the right to appeal by the person who determined what the measures will be. 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 personnel 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 [Rule 2.01, "Confidentiality of Personnel Information."](#)

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## **05. Reporting of Misconduct Confidentiality and Anonymity**

5.01 A staff member who reports suspected misconduct 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 ordered by a competent judicial authority within a member government, or it is determined that the staff member knowingly made a false allegation of misconduct.

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## **06. Special Provision for Disciplinary and Decision Making Process in Matters Involving Failure to Comply with Financial Disclosure Requirements**

6.01. This Section 6 sets forth special provisions for the disciplinary and decision making process in matters involving failure to comply with financial disclosure requirements. It supersedes for these matters the procedures set forth in Section 4 of this Rule.

6.02 The Office of Ethics and Business Conduct shall notify a staff member in writing if the staff member fails to file a financial disclosure form by April 30 of the reporting period, or if the staff member fails to provide requested additional information by the due date. The Office of Ethics and Business Conduct shall have the authority to impose a fine, in accordance with [paragraph 3.03 \(l\)](#) of this Rule, to the staff member who has been notified as per [paragraph 3.06 of Staff Rule 3.03](#) of his/her failure to file a financial disclosure form by April 30 of the reporting period, or to provide requested additional information by the due date. In addition, after the Office of Ethics and Business Conduct notifies the staff member in writing of his/her failure to submit a timely, complete, and accurate financial disclosure form or provide additional information as requested, the Office of Ethics and Business Conduct will submit to the Vice President, Human Resources, the record of the Office of Ethics and Business Conduct's communications with a staff member whenever, without a justification acceptable to the Office of Ethics and Business Conduct, a staff member does not submit a timely, complete, and accurate financial disclosure form or does not provide additional information as requested, as required by [Staff Rule 3.03, "Financial Interest and Disclosure"](#). The Vice President, Human Resources, will decide, based on the record, whether the staff member's noncompliance constitutes misconduct and, if so, what other disciplinary measures from [Section 3](#) of this Rule to impose in addition to the fine imposed by the Office of Ethics and Business Conduct in accordance with [paragraph 3.03 \(l\)](#) of this Rule and [paragraph 3.06 of Staff Rule 3.03](#).

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## **08 Disciplinary Proceedings**

### **08.02 Protections and Procedures for Reporting Misconduct (Whistleblowing)**

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#### **01. Subject, Policy Rationale, and Applicability**

##### **Subject and Policy Rationale**

1.01 The purpose of this Rule is to clarify the rights and responsibilities of staff members with respect to reporting suspected misconduct that may threaten the operations or governance of the Bank Group, so as to encourage staff members to raise concerns and enable the Bank Group to effectively address such cases, manage risks, and uphold standards of good governance. This Rule is effective June 10, 2008, with respect to reports made on or after that date.

##### **Applicability**

1.02 This Rule applies to all current and former staff members, as defined in Staff Rules [1.01](#), “General Provisions,” and [4.01](#), “Appointment,” regarding actions taken in the course of their employment.

1.03 This Rule applies to reports of suspected misconduct that may threaten the operations or governance of the Bank Group. The protections set out in this Rule apply whether the subject of the allegations is a staff member or any other person or entity inside or outside the Bank Group.

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#### **02. Staff Rights and Obligations in Reporting Suspected Misconduct**

2.01 **General.** The duties of Bank Group staff to report suspected misconduct and to cooperate with Bank Group investigations are set forth in Staff Rule [8.01](#), Paragraphs 2.02 and 4.06. Further to those provisions:

- a. **Confidentiality and Anonymity Options.** A staff member who reports suspected misconduct may request that his or her name be kept confidential or may choose to remain anonymous, as set forth in Staff Rule [8.01](#), Section 5. 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.
- b. **Anonymous Allegations.** 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.
- c. **Timing.** To facilitate effective investigation and remediation, staff members should report suspected misconduct as soon as possible after becoming aware of the suspected misconduct.
- d. **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.

2.02 **Reporting Channels.** As set forth in Staff Rule [8.01](#), Paragraph 2.02, “Reporting of Suspected

Misconduct,” staff members should report suspected misconduct to their line management or INT, and managers should report to INT. For purposes of this Rule, line management shall mean a staff member’s direct manager or any higher official in the staff member’s management chain up to the Vice Presidential level. Where a staff member has grounds to believe that reporting 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. 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.

**2.03 Review of Reports of Misconduct.** A fair, prompt and thorough review of the facts and circumstances regarding reports of suspected misconduct under this Rule shall be conducted by INT or by a person outside INT designated by the President, a Managing Director, the Senior Vice President and Group General Counsel, or the Vice President, Human Resources pursuant to Staff Rule [8.01](#), Paragraph 4.04, “Conduct of Investigation.” So as to avoid potentially conflicting designations by the aforementioned officials, any designation of an alternative reviewer outside INT shall require prior authorization of the President. 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.

**2.04 Prohibition Against Retaliation.** 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. This prohibition against retaliation extends also to retaliation against any person because such person was believed to be about to report misconduct or believed to have reported misconduct, even if such belief is mistaken. For purposes of this Rule, retaliation shall mean any direct or indirect detrimental action recommended, threatened, or taken because an individual engaged in an activity protected by this Rule. A staff member who believes he or she has been retaliated against in violation of this provision may seek relief in accordance with Section 3 of this Rule. A staff member who engages in such retaliation shall be subject to disciplinary proceedings under Staff Rule [8.01](#).

**2.05 Interim Protections.** Staff members who report suspected misconduct under this Rule, as well as staff members who cooperate or provide information regarding suspected misconduct in the course of an ensuing review or investigation, shall be accorded interim protections during the course of review or investigation as necessary to safeguard the interests of such staff members. At the direction of the Vice President, Human Resources, and with the consent of the staff member, such interim protections may include temporary reassignment to another unit in accordance with Staff Rule [5.01](#), “Reassignment” or, in exigent circumstances, temporary placement on administrative leave in accordance with Staff Rule [6.06](#), “Leave.”

**2.06 Periodic Updates; Notice of Outcome.** Staff members who report suspected misconduct under this Rule shall be provided with periodic updates on the status of the Bank Group’s review or investigation into the suspected misconduct as well as notice of the final outcome of the review or investigation, including whether misconduct has been substantiated and whether disciplinary measures, sanctions, or other remedial measures have been taken. Information regarding disciplinary measures imposed on another staff member shall be handled in accordance with Staff Rule [2.01](#), “Confidentiality of Personnel Information,” Section 4, “Disciplinary Matters.”

**2.07 Right to Refuse; Participation in Misconduct.** Staff have the right and obligation to refuse to participate in misconduct. A staff member who has participated in misconduct may not avoid disciplinary proceedings simply by reporting the misconduct and seeking protection under this Rule. Depending upon the circumstances, a staff member’s reporting and degree of cooperation may be taken into consideration in determining the appropriate disciplinary measures for that staff member pursuant to Staff Rule [8.01](#).

**2.08 Knowingly False or Reckless Allegations.** The protections afforded by this Rule do not require that the staff member’s report of suspected misconduct lead to a final determination by the Bank Group that misconduct has occurred. Nor is the staff member required to determine whether the suspected misconduct meets a specific degree of seriousness. However, this Rule does not protect the transmission of allegations that are knowingly false or made with reckless disregard as to whether they are true or false. A staff member’s transmission of such allegations itself constitutes misconduct and shall subject the staff member to disciplinary proceedings under Staff Rule [8.01](#), “Disciplinary Proceedings.”

**2.08 Advice.** Staff who are uncertain as to how they should handle suspected misconduct in accordance with this Rule may seek confidential guidance and advice from Ombuds Services or the Office of Ethics and Business Conduct.

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### 03. Procedures for Handling Claims of Retaliation

3.01 **Relief through Appeals or Alternative Dispute Resolution.** Staff members who believe they have been retaliated against in violation of Paragraph 2.04 of this Rule may seek relief as follows:

- a. **Appeals.** A staff member who seeks relief from an adverse employment action alleged to constitute retaliation has the right to a fair, prompt and thorough review of the challenged action through the CRS. A staff member may formally challenge the alleged retaliatory action before the Appeals Committee and Administrative Tribunal pursuant to the established procedures of those bodies as set forth in Staff Rule [9.03](#), “Appeals Committee,” and Staff Rule [9.05](#), “The World Bank Administrative Tribunal,” respectively. Where a staff member has made a prima facie case of retaliation for an activity protected by this Rule (i.e., by showing that the staff member reported suspected misconduct under this Rule and has a reasonable belief that such report was a contributing factor in a subsequent adverse employment action), the burden of proof shall shift to Management to show – by clear and convincing evidence – that the same employment action would have been taken absent the staff member’s protected activity.
- b. **Alternative Dispute Resolution.** A staff member may seek alternative dispute resolution of the matter in the form of mediation or conciliation through, respectively, the Office of Mediation pursuant to Staff Rule [9.01](#), “Office of Mediation,” or Ombuds Services pursuant to Staff Rule [9.02](#), “Ombudsman.” At the staff member’s option, mediation may be conducted by an external mediator selected jointly by the staff member and Management.

3.02 **Disciplinary Proceedings.** Disciplinary proceedings against staff alleged to have engaged in retaliation in violation of Paragraph 2.04 of this Rule shall be handled in accordance with Staff Rule [8.01](#) and the following provisions:

- a. **Reporting Retaliation.** A staff member may report suspected retaliation by a manager or another staff member to their line management or INT. Where a staff member has grounds to believe that reporting suspected retaliation to line management and INT would subject the staff member to further retaliation or create a likelihood that evidence relating to the suspected retaliation will be concealed or destroyed, the staff member may report the suspected retaliation 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.
- b. **Review of Retaliation Claims.** A fair, prompt and thorough review of the facts and circumstances regarding the retaliation claim shall be conducted by INT or, if appropriate, by a person outside INT designated by the President, a Managing Director, the Senior Vice President and Group General Counsel, or the Vice President, Human Resources pursuant to Staff Rule [8.01](#), Paragraph 4.04, “Conduct of Investigation.” So as to avoid potentially conflicting designations by the aforementioned officials, any designation of an alternative reviewer outside INT shall require prior authorization of the President. An alternative reviewer may be any person outside INT, including an external reviewer from outside the Bank Group. Any allegations of retaliation involving INT shall be reviewed by an alternative reviewer outside INT. Where it appears inappropriate for the person(s) who had previously reviewed a staff member’s report of suspected misconduct to review a subsequent retaliation claim brought by the same staff member, another person shall review the retaliation claim.
- c. **Periodic Updates; Notice of Outcome.** A staff member alleging retaliation shall be provided with periodic updates on the status of the Bank Group’s review or investigation into the alleged retaliation as well as notice of the final outcome of the review or investigation, including whether misconduct has been substantiated and whether disciplinary measures, sanctions, or other remedial measures have been taken. Information regarding disciplinary measures imposed on another staff member shall be handled in accordance with Staff Rule [2.01](#), Section 4.

3.03 Proceedings under Paragraphs 3.01 and 3.02 of this Rule may take place concurrently or independently.

- a. **When request for relief precedes disciplinary proceedings:** A staff member may seek relief from retaliation under Paragraph 3.01 regardless of whether retaliation has already been reported, investigated or substantiated through disciplinary proceedings under Paragraph 3.02. When a staff member files an appeal with the Appeals Committee that alleges retaliation for activities protected under this Rule, the Appeals Committee panel designated to consider the appeal shall refer the allegation to INT or, in cases involving INT, to the President, for review and potential disciplinary proceedings as may be appropriate. Such referral shall not automatically suspend or delay the staff member’s appeal.

- b. **When disciplinary proceedings precede request for relief:** When a staff member has not yet sought relief under Paragraph 3.01, but retaliation has been substantiated through disciplinary proceedings, the Vice President, Human Resources may offer relief, compensation or other corrective measures to the staff member who suffered retaliation, without requiring the staff member to take action under Paragraph 3.01. Such corrective measures shall be provided in consultation with the staff member.

3.04 **Advice.** Staff who are uncertain as to how they should handle suspected retaliation under this Rule may seek confidential guidance and advice from Ombuds Services, the Office of Ethics and Business Conduct, or other associated services within the Conflict Resolution System (CRS), or the Staff Association.

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#### 04. External Reporting

4.01 Because a primary objective of this Rule is to enable the Bank Group to take institutional measures necessary to remedy misconduct, staff members are generally required to report suspected misconduct under this Rule through the internal mechanisms set forth in Paragraph 2.02 of this Rule: that is, line management and/or INT; the President, a Managing Director, the Senior Vice President and Group General Counsel, or the Vice President, Human Resources, where reporting to line management and INT may be inadequate due to risk of retaliation or loss of evidence; and the Ethics Committee of the Board in cases of suspected misconduct involving Board Officials.

4.02 Nevertheless, protections against retaliation by Bank Group managers or other staff members shall be extended to a staff member who reports suspected misconduct to an entity or individual outside of the established internal mechanisms where the staff member can show that:

- a. such reporting is necessary so as to avoid:
  - i. a significant threat to public health or safety; or
  - ii. substantive damage to Bank Group operations; or
  - iii. a violation of national or international law; and
- b. the established internal mechanisms are inadequate because:
  - i. the staff member has grounds to believe that it is not possible to report the suspected misconduct pursuant to any of the established internal mechanisms because all such avenues would subject the staff member to retaliation within the institution; or
  - ii. the staff member has grounds to believe that it is not possible to report the suspected misconduct pursuant to any of the established internal mechanisms because all such avenues would create a likelihood that evidence relating to the suspected misconduct will be concealed or destroyed; or
  - iii. the staff member has previously reported the suspected misconduct through the established internal mechanisms (and not on an anonymous basis), and the Bank Group has failed to inform the staff member in writing of the status of the matter within six months of such report; and

4.03 Qualified external reports that are made by staff members in accordance with Paragraph 4.02 above, and consistent with any confidentiality obligations to concerned third parties, shall not be considered as a breach of staff members' obligations with regard to the disclosure and use of non-public information under Staff Rule [3.01](#), "Standards of Professional Conduct," Paragraph 5.01 on "Disclosure and Use of Non-Public Information."

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#### 05. Prohibition of Retaliation Against Outside Parties

5.01 As provided in Staff Rule [8.01](#), and reiterated above in Paragraph 2.04 of this Rule, retaliation by a staff member against any person who provides information about suspected misconduct is expressly prohibited and shall subject a staff member to disciplinary proceedings under Staff Rule [8.01](#). This prohibition is not limited to retaliation against other Bank Group staff members. The prohibition includes retaliation against Bank Group contractors and their employees, agents or representatives, and any other persons engaged in dealings with the Bank Group.

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