World Bank Group Directive

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

Bank Access to Information Policy Designation
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Content
This Directive, Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," (hereinafter "Rule") defines the functions of the Office of Ethics and Business Conduct (EBC).

Applicable to
IBRD, IDA, IFC, MIGA, ICSID

Issuer
President, IBRD/IDA, IFC and MIGA, EXC

Sponsor
Managing Director and WBG Chief Administrative Officer, MDCAO; IFC Chief Executive Officer, IFCEO; Executive Vice President and Chief Executive Officer, MIGEX; Knowledge Management Officer, HRDCO
SECTION I – PURPOSE AND APPLICATION

1.01 This Directive, Staff Rule 3.00, "Office of Ethics and Business Conduct (EBC)," (hereinafter Rule) defines the functions of the Office of Ethics and Business Conduct (EBC).

1.02 A commitment to core values and high ethical standards is important to the success of the World Bank Group ("Bank Group"). EBC promotes the development and application of the highest ethical standards by Staff Members in the performance of their duties with respect to the Bank Group.

1.03 This Rule applies to all Staff Members, as defined in Staff Rule 1.01, "General Provisions," and Staff Rule 4.01, "Appointment." This Rule shall also apply to former Staff Members.

SECTION II – DEFINITIONS

1.04 Capitalized terms in this Rule have the meanings ascribed to them in Staff Rule 1.01, "General Provisions."

SECTION III – SCOPE

02. The World Bank Group Chief Ethics Officer; Office of Ethics and Business Conduct

2.01 The World Bank Group Chief Ethics Officer, EBC, reports directly to the President or his/her designee and may be removed from office, for cause and through a fair process, only by the President or his/her designee and in consultation with representative members of the Staff selected by the World Bank Group Staff Association.

2.02 The World Bank Group Chief Ethics Officer, EBC, shall be appointed by the President or his/her designee, for a period of five years. This appointment maybe renewed by the President, or his/her designee, for one additional five year term.

2.03 In carrying out its functions under this Rule, EBC shall be free from improper interference, by any official or Staff Member of the Bank Group. For purposes of this Rule, any control, limitation or penalty, imposed for retaliatory purposes, shall be considered interference. In carrying out its functions, EBC Staff shall adhere to the Principles of Staff Employment, Staff Rules, Administrative Manual, Code of Conduct, and other applicable Bank Group policies.

03. Outreach, Communications and Training

3.01 EBC shall conduct outreach, communications and training activities designed to foster awareness of and adherence to ethical obligations of Bank Group Staff Members.

04. Reporting and Assistance with Policy Improvement

4.01 EBC shall submit periodic reports to the Office of the President providing overviews of EBC's activities and information on issues and trends relating to the ethics and business
conduct functions, including on matters such as concerns raised by Staff Members, lessons learned in addressing those issues, and the functioning of EBC’s case management system. Such reports may be based on aggregate data and shall maintain any confidentiality protections provided to individuals by EBC, whether in the course of their seeking advice and guidance, of their participating in connection with the resolution of matters under review by EBC, or otherwise.

05. Advice and Guidance

Scope of Advice and Guidance

5.01 EBC shall advise Staff Members on issues and questions regarding the Principles of Staff Employment, Staff Rules, Administrative Manual, Code of Conduct, and other Bank Group policies, including regarding those matters set forth in paragraph 6.01 of this Rule. EBC may refer Staff Members to other units within the Bank Group for further advice and guidance.

Contacting EBC

5.02 Staff Members seeking advice regarding issues or questions may contact EBC. Staff Members are required to contact EBC regarding the resolution of financial conflicts of interest, as provided in Staff Rule 3.03, "Financial Interest and Disclosure," Section 3, "Disclosure and Resolution of Conflicts of Interest."

06. Allegations of Misconduct Addressed by EBC

Scope of Allegations Addressed by EBC

6.01 Subject to the exclusions provided in paragraphs 6.02 and 6.03 of this Rule, EBC shall review and assist in the resolution of allegations of misconduct. Misconduct does not require malice or guilty purpose, and it includes failure to observe the Principles of Staff Employment, Staff Rules, Administrative Manual, Code of Conduct, other Bank Group policies, and other duties of employment, including the following acts and omissions:

a. Failure to observe obligations relating to health and safety, personnel information, disclosure of non-public information, information security, and the 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 related to travel, benefits, allowances (including tax allowances), P-Card, petty cash, 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 supervise a Staff Member; or 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, "General Obligations of Staff Members," of the Principles of Staff Employment
and Staff Rule 3.01, "Standards of Professional Conduct" through Staff Rule 3.06, "Family Obligations – Spouse and (or) Child Support Obligations and Divorce." Omissions may include failure to file a timely, complete and accurate financial disclosure form;

d. Conviction for acts that are criminal in nature, including theft, forgery, fraud, corrupt practices, use of or possession of illegal drugs, physical assault, or domestic abuse;

e. Harassment; contributing to a hostile work environment; or wrongful discrimination, including on the basis of age, race, color, sex, sexual orientation, national origin, religion or creed;

f. Failure to meet personal legal obligations as required by Bank Group policies, including payment of court-ordered spousal and child support; and

g. Retaliation by a Staff Member against any person who provides information regarding suspected misconduct or who cooperates or provides information in connection with an investigation or review of allegations of misconduct, review or fact finding, or who uses the Internal Justice Services, including retaliation with respect to reports of misconduct to which Staff Rule 8.02, "Protections and Procedures for Reporting Misconduct (Whistleblowing)" applies.

h. Sexual exploitation and sexual abuse; exchange of money, employment, goods or services for sex (e.g. using the services of sex workers; prostitution), including sexual favors or other forms of humiliating, degrading or exploitative behavior, regardless of the legal status of the activity in the country in which it is committed; and sexual activity with children (persons under the age of 18), regardless of the age of majority or age of consent locally. Mistaken belief regarding the age of a child is not a defense.

For purposes of this Staff Rule, sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

**Limitation Based on Subject Matter**

6.02 Except in circumstances in which EBC has been expressly designated to review a matter under the provisions of Staff Rule 8.01, "Disciplinary Proceedings," paragraphs 4.02 and 4.04, EBC will not conduct reviews of 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, or grant 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, or grant 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 procurements; embezzlement of funds from Bank Group administrative budgets, loans, credits or grant funds.

Such matters shall be handled by the Integrity Vice Presidency (INT), or otherwise in accordance with the provisions of Staff Rule 8.01, "Disciplinary Proceedings," and any other applicable rules and policies. If at any time the World Bank Group Chief Ethics Officer, EBC, or the Vice President, INT, 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 World Bank Group Chief Ethics Officer, EBC, and the Vice President, INT, shall consult with each other to resolve the question.

Other Limitations

6.03 Except where the President or his/her designee, or the World Bank Group Human Resources Vice President, determines that an alternative reviewer should be designated, EBC shall address matters raised under this Rule. An alternative reviewer may be any person outside of EBC, including an external reviewer from outside of the Bank Group. If the World Bank Group Chief Ethics Officer, EBC, determines that EBC has a conflict of interest in addressing a matter under this Rule, EBC shall refer to the World Bank Group Human Resources Vice President, the determination as to whether an alternative reviewer should be designated to handle the matter. Where a Staff Member has grounds to believe that reporting suspected misconduct to line management and EBC 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 World Bank Group Human Resources Vice President, with a request that an alternative reviewer outside of EBC be designated to review the report of suspected misconduct. 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, "Protections and Procedures for Reporting Misconduct (Whistleblowing)" shall apply.

07. Reporting of Allegations and Concerns Regarding Suspected Misconduct

Reporting Channels

7.01 Staff Members are encouraged to report suspected staff misconduct that falls within the scope of matters addressed by EBC, as set forth in Section 6, "Allegations of Misconduct Addressed by EBC," of this Rule, to EBC or to line management, but are not required to do so. A Manager who suspects or receives a report of suspected staff misconduct, however, has an obligation to report it either to EBC or, as provided in this Rule, to INT. As provided in Staff Rule 8.01, "Disciplinary Proceedings," paragraph 2.02, 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/her line management or to INT, and a Manager who suspects or receives a report of suspected fraud or corruption has an obligation to report it to INT. 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, "Protections and Procedures for Reporting Misconduct (Whistleblowing)" shall apply. 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.
Timing of Reporting

7.02 To facilitate effective review and resolution regarding allegations and concerns, Staff Members are encouraged to report misconduct in a timely manner after becoming aware of such conduct.

Confidentiality of Reporting

7.03 The identity of a Staff Member who brings a concern or allegation to EBC will be confidential. Confidentiality means that a Staff Member provides his/her name, but EBC will reveal the source of the allegations outside of EBC only on a need-to-know basis, unless:

a. the Staff Member consents to disclosure, or

b. the World Bank Group Chief Ethics Officer, EBC, determines that:
   i. the Staff Member made allegations that were knowingly false or made with reckless disregard as to whether they were true or false, or
   ii. there appears to be a risk of imminent danger or serious harm to individuals or the Bank Group, or
   iii. the Bank Group is requested to disclose such information by a competent judicial authority within a member government and agrees to comply with such request.

Anonymous Reporting

7.04 A Staff Member who brings a concern or allegation to EBC may choose to remain anonymous. Anonymity means that a Staff Member does not provide EBC with his/her name. 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 factual basis 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 responsible further actions to resolve the matter as provided in this Rule, no final finding of misconduct will be made based solely on the anonymous allegations without corroboration. Providing information to EBC on a confidential or anonymous basis does not in any way restrict the Bank Group's authority to address the matters raised, including possible misconduct by the Staff Member providing the report. Staff Members are encouraged to report in a manner that will facilitate effective fact finding and resolution, which in general will mean confidential, rather than anonymous, reporting.

Knowingly False or Reckless Allegations

7.05 Staff Members shall not bring allegations under this Rule that are knowingly false or made with reckless disregard as to whether they are true or false. Doing so shall subject the Staff Member making such allegations to proceedings under this Rule.

Prohibition of Retaliation

7.06 Retaliation by a Staff Member against any person who provides information regarding suspected misconduct, who cooperates or provides information in connection with a
preliminary inquiry or investigation conducted under Staff Rule 8.01, "Disciplinary Proceedings," or in connection with an initial review or subsequent procedures set forth in Sections 8 through 10 of this Rule, or who uses the Internal Justice Services, is expressly prohibited and shall result in proceedings under this Rule. 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.

08. Reviews of Allegations of Misconduct

Preliminary Enquiries

8.01 If EBC receives an allegation within the scope of Section 6, "Allegations of Misconduct Addressed by EBC," of this Rule, or if the basis for any such allegation otherwise comes to EBC's attention, EBC shall undertake an initial review. Alternatively, EBC may request that line management (at the level of the Manager of the Supervisor of the Staff Member whose conduct is at issue or above) conduct the initial review. Based on the initial review, EBC may conduct a further review of the matter by:

a. Assisting the parties concerned in reaching a resolution of the matter acceptable to all parties concerned, in accordance with paragraph 9.01 of this Rule;

b. facilitating a process whereby a Staff Member whose conduct is at issue may voluntarily agree to a resolution of the matter in accordance with paragraph 9.02 of this Rule; or

c. conducting a fact finding in accordance with Section 10, "Fact Findings," of this Rule.

Alternatively, EBC may request that line management (at the level of the Manager of the Supervisor of the Staff Member whose conduct is at issue or above) conduct the procedures provided for in Section 9, "Closing Cases by Agreement," and Section 10, "Fact Findings," of this Rule. EBC may at any time determine that an initial or further review will be conducted by the World Bank Group Chief Ethics Officer, EBC, or a designated EBC official. The World Bank Group Chief Ethics Officer, EBC, or a designated EBC official, may at any time decline to consider a matter further if it is determined that there is insufficient factual basis to warrant further consideration.

Notice and Right to Respond

8.02 A Staff Member whose conduct is at issue will be notified in writing of the allegations against him/her, and of the Staff Member's rights and obligations, at the onset of any of the procedures set forth in clauses (a), (b), or (c) of paragraph 8.01 of this Rule. A Staff Member has a right to respond to the allegations made against him/her, either orally or in writing, or both, and may be required to do so within a reasonable period of time. 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 10 business days.

Gathering of Information

8.03 The person conducting the preliminary enquiry or further review may at any time obtain information believed to be relevant to allegations made under this Rule, including personnel information and other records and documents, and may consult with persons who are believed
Cooperation

8.04 A Staff Member who is the subject of a preliminary enquiry or a further review has a duty to cooperate with the person conducting the review. A Staff Member believed to have knowledge relevant to a preliminary enquiry or a further review also has a duty to cooperate, unless the Staff Member shows a sufficient reason to justify failure to cooperate, as determined by the World Bank Group Chief Ethics Officer, EBC, or a designated EBC official. Cooperation includes providing the person conducting the review with any information or materials in the Staff Member's possession that would support a belief that misconduct alleged under this Rule has occurred, and Staff Members reporting alleged misconduct are encouraged to provide such information in their reports. Failure or refusal to cooperate may constitute a violation of this Rule and may subject the Staff Member to proceedings under this Rule.

Administrative Leave

8.05 The World Bank Group Human Resources Vice President may, pursuant to Staff Rule 6.06, "Leave," Section 10, "Administrative Leave," place a Staff Member on Administrative Leave pending completion of a preliminary enquiry or further review. Administrative Leave can last up to six months, and can be extended when the World Bank Group Human Resources Vice President determines that additional time is needed to complete such preliminary enquiry or further review. A Staff Member will be notified in writing of the decision to place him/her on Administrative Leave, the reason for the decision, and the duration of the administrative leave.

Referral of Matters for Law Enforcement Purposes and Disclosure of Information to Member Countries and Public International Organizations

8.06 The Bank Group may disclose information obtained in the course of a review of alleged misconduct to local or national authorities for law enforcement purposes in accordance with Staff Rule 2.01, "Confidentiality of Personnel Information," paragraph 6.01 (m), in accordance with the procedures set forth in Staff Rule 8.01, "Disciplinary Proceedings," paragraph 6.01. The Bank Group may also disclose information obtained in the course of a review of alleged misconduct to governmental bodies of member countries and to public international organizations in accordance with Staff Rule 2.01, "Confidentiality of Personnel Information," paragraph 6.01 (n), in accordance with the procedures set forth in Staff Rule 8.01, "Disciplinary Proceedings," paragraph 7.01.

09. Closing Cases by Agreement

Closing Cases with No Further Action

9.01 The World Bank Group Chief Ethics Officer, EBC, or a designated EBC official, and the Staff Member raising a concern, any Staff Member whose conduct is at issue, and any other concerned parties as identified by EBC, may mutually agree to attempt to address the matter informally. If EBC and the parties concerned reach an understanding of the matter at issue and mutually agree that no further action by EBC is necessary, EBC shall document that fact.
and shall not take any further action on the matter at that time. Alternatively, a line manager who has been requested by EBC to perform this function, and the Staff Member raising a concern, any Staff Member whose conduct is at issue, and any other concerned parties as identified by EBC, may mutually agree to attempt to address the matter informally. If the line manager and the parties concerned reach an understanding of the matter at issue and mutually agree that no further action by EBC or the line manager is necessary, and if EBC concurs, EBC shall document that fact and neither EBC nor the line manager shall take any further action on the matter at that time. Alternatively, EBC may refer to other resources cases that may benefit from the involvement of a third party.

Closing Cases with Binding Resolution

9.02 If the World Bank Group Chief Ethics Officer, EBC, or a designated EBC official, determines that a matter could be effectively resolved through an agreement with a Staff Member whose conduct is at issue, EBC may offer this option to the Staff Member. Alternatively, if a line manager who has been requested by EBC to perform this function determines that a matter could be effectively resolved through an agreement with a Staff Member whose conduct is at issue, the line manager may, subject to EBC's concurrence, offer this option to the Staff Member. Any such agreement shall require the agreement of the Staff Member's Manager at the Director level or above and the concurrence of the World Bank Group Human Resources Vice President or his/her designee. Such an agreement may include factual findings, and may require the Staff Member to participate in performance management measures or may subject the Staff Member to disciplinary measures. Any such agreement shall be recorded in writing and shall be binding. The factual findings contained in such an agreement may be used in consideration of future performance management or disciplinary actions, provided that such measures or disciplinary proceedings are not based wholly on facts set forth in such agreement.

10. Fact Findings

Decision to Conduct a Fact Finding

10.01 If the World Bank Group Chief Ethics Officer, EBC, or a designated EBC official, determines that there is a sufficient basis to believe that facts may develop that would effectively be addressed through performance management measures or disciplinary measures, or that a fact finding may otherwise be useful in understanding and resolving the matter, EBC, or a line manager requested by EBC to perform this function, may conduct a fact finding to determine further information regarding the substance and circumstances of the matter.

Assistance During a Fact Finding

10.02 A Staff Member against whom the allegations at issue have been made may be accompanied at interviews in the course of a fact finding by another Staff Member who is reasonably available, who is not connected to the matter under review, and who is approved in advance by the World Bank Group Chief Ethics Officer, EBC. The presence of such a person will not relieve a Staff Member of the obligation to respond personally in the matter under review. 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 fact findings under this Rule.
Summary of Findings

10.03 If at the end of the fact finding process the person conducting the fact finding determines to recommend that the allegations be addressed through performance management measures or disciplinary measures, a written summary of factual findings and recommendations will be prepared. If the person who conducted the fact finding was a line manager requested to do so by EBC, the recommendations included in the written summary shall be subject to EBC's concurrence.

Performance Management Recommendations, Decisions and Notifications

10.04 If the World Bank Group Chief Ethics Officer, EBC, or a designated EBC official, recommends that the matter be further addressed through performance management actions, EBC will consult with the Staff Member, the Staff Member's Manager, and the responsible Manager, Human Resources Team (IBRD/MIGA)/Manager, Human Resources, Client Services, (IFC), to determine appropriate measures to address the concerns. Alternatively, if a line manager whom EBC has requested perform this function recommends that the matter be further addressed through performance management actions, the line manager will consult with the Staff Member, the Staff Member's Manager, and the relevant Manager, Human Resources Team (IBRD/MIGA)/Manager, Human Resources, Client Services, (IFC), to determine, subject to EBC's concurrence, appropriate measures to address the concerns. The Staff Member's Manager shall confirm the outcome of the consultation in a memorandum to the Staff Member, with a copy provided to the Manager, Human Resources Team (IBRD/MIGA)/Manager, Human Resources, Client Services, (IFC), and to EBC for filing in the Limited Access Section of the Staff Member's Staff Records.

Disciplinary Measures Recommendations

10.05 If the person conducting the fact finding recommends that the matter be addressed through the imposition of one or more disciplinary measures, the Staff Member whose conduct is at issue shall be provided with a written summary of factual findings and recommendations. This Staff Member shall be given an opportunity to comment on the findings, and these comments shall be reviewed to determine whether they warrant any modification to the recommendations on the matter. 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 10 business days. The summary, along with the Staff Member's comments and a response from the person conducting the fact finding, will be submitted to the World Bank Group Human Resources Vice President for a decision. Alternatively, if the fact finding has been conducted by a line manager, the line manager will determine whether misconduct has occurred and, if so, may censure the Staff Member either orally or in writing, subject to the concurrence of EBC. If the line manager believes the discipline should be something other than oral or written censure, the line manager will, subject to the concurrence of EBC, make a recommendation to the World Bank Group Human Resources Vice President, regarding a decision on the finding of misconduct and the discipline to be imposed.

Disciplinary Measures

10.06 Depending on the circumstances of the matter, 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 that the misconduct on
which the disciplinary measure is based 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 Group'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. Ineligibility for promotion, whether permanently or for a specified period;

k. Termination of appointment;

l. Loss of future employment and contractual opportunities with the Bank Group; and

m. When the financial disclosure form that is submitted pursuant to the requirements set forth in Staff Rule 3.03, "Financial Interest and Disclosure," is not timely, complete or accurate, in addition to the disciplines described above, a fine to the staff member in accordance with Staff Rule 3.03, "Financial Interest and Disclosure," paragraph 3.06.

Suspension of Payment of Benefits Due Upon Termination

10.07 If a Staff Member terminates from service while a misconduct review is ongoing, the World Bank Group Human Resources Vice President 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 Staff Federal 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 World Bank Group Human Resources Vice President determines that additional time is needed to complete an investigation.

10.08 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 10.07 of this Rule. 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.

Imposition of Disciplinary Measures

10.09 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, as provided in paragraph 10.06 of this Rule may be imposed. Subject to the provisions of paragraph 10.10 of this Rule, termination of service will be mandatory, 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;

b. Conviction of a felonious criminal offense; or

c. Refusal by the Staff Member to file a timely, complete and accurate financial disclosure form without reasonable justification acceptable to EBC.

Review of Mandatory Termination of Service

10.10 Where termination is mandatory under this Rule, the President or his/her 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.

Disciplinary Measures Decision

10.11 The World Bank Group Human Resources Vice President, will decide, after consultation with the Staff Member's Manager and based on EBC's findings, whether conduct warranting the imposition of disciplinary measures on a Staff Member occurred and what, disciplinary measures should be imposed. Where there is conflict of interest for the World Bank Group Human Resources Vice President, a Managing Director, or the President or his/her designee shall make the decision.
Notification of Disciplinary Measures Decision

10.12 The Staff Member whose conduct is at issue will be notified of the decision, the disciplinary measures, the reasons for their imposition, and the right to appeal. Except where the measure is oral censure, the notification will be in writing.

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

Application

11.01 This Section sets forth special provisions regarding failure to comply with financial disclosure requirements as described in Staff Rule 3.03, "Financial Interest and Disclosure," and supersedes, for these matters, the procedures described in Sections 6 through paragraph 10.04 of this Rule.

Special Provision

11.02 EBC shall notify a Staff Member in writing if the Staff Member fails to file a financial disclosure form by the annual filing deadline set by EBC, or if the Staff Member fails to provide requested additional information by the due date. EBC shall have the authority to impose fines, in accordance with Staff Rule 3.03, "Financial Interest and Disclosure," paragraph 3.06. In addition, after EBC 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, EBC will submit to the World Bank Group Human Resources Vice President, the record of EBC's communications with a Staff Member whenever, without a justification acceptable to EBC, 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 World Bank Group Human Resources Vice President, will decide, based on the record, whether the Staff Member's noncompliance constitutes misconduct and, if so, what other disciplinary measures to impose in addition to fines imposed by EBC.

12. Special Provision for Disciplinary and Decision Making Process in Matters Involving Failure to Meet Personal Legal Obligations as Required by Bank Group Policies

Application

12.01 This section sets forth special provisions for the disciplinary and decision making process in matters involving a Staff Member's failure to meet personal legal obligations as required by Bank Group policies, including (a) payment of court-ordered spouse and/or child support, and (b) income tax levies or liens, except those tax levies or liens involving tax years for which the staff member was paid an allowance by the Bank Group, in which case Sections 6 through 10 of this Rule shall apply. For all other personal legal obligations, this Section 12 supersedes the procedures set forth in Sections 6 through paragraph 10.04 of this Rule.
12.02 EBC shall notify a Staff Member in writing if the Staff Member fails to demonstrate compliance with his/her personal legal obligations as required by Bank Group policies and as set forth in paragraph 12.01 of this Rule. After EBC notifies the Staff Member in writing of his/her failure to demonstrate that compliance, EBC will submit to the World Bank Group Human Resources Vice President, the record of EBC’s communications with a Staff Member whenever, without a justification acceptable to EBC, a Staff Member failed to demonstrate compliance with his/her personal legal obligations as set forth in paragraph 12.01 of this Rule. The World Bank Group Human Resources Vice President, will decide, based on the record, whether the Staff Member's noncompliance constitutes misconduct and, if so, what disciplinary measures, from Section 10 of this Rule, to impose.

SECTION IV – EXCEPTION

None

SECTION V – WAIVER

The Issuer may waive any provision of this Rule, with advice from the World Bank Group Chief Ethics Officer, EBC.

SECTION VI – OTHER PROVISIONS

None

SECTION VII – TEMPORARY PROVISIONS

None

SECTION VIII – EFFECTIVE DATE

This Rule is effective as of the date on its cover page.

SECTION IX – ISSUER

The Issuer of this Rule is the President, IBRD/IDA, IFC and MIGA, EXC

SECTION X – SPONSOR

The Sponsor(s) of this Rule are:

Managing Director and WBG Chief Administrative Officer

IFC Chief Executive Officer, IFCEO
SECTION XI – RELATED DOCUMENTS

Directive/Procedure, "Conduct of Disciplinary Proceedings for EBC Investigations"
Staff Rule 2.01, "Confidentiality of Personnel Information"
Staff Rule 8.01, "Disciplinary Proceedings"
Directive/Procedure, "Conduct of Disciplinary Proceedings for INT Investigations"
Staff Rule 8.02, "Protections and Procedures for Reporting Misconduct (Whistleblowing)"

ANNEX(ES)

None

Questions regarding this Rule should be addressed to the World Bank Group Chief Ethics Officer, EBC.