

## Summary of EP v. IBRD, Decision No. 581 [2018]

The Applicant challenged the disciplinary decision of the Vice President, Human Resources (HRVP) of 4 November 2016 to impose on her disciplinary measures, including termination, for misconduct. In its Final Investigative Report, the Office of Ethics and Business Conduct (EBC) found that, as an STC, the Applicant was issued a World Bank Group (WBG) access card to facilitate her entry into the country office after office hours. Some time toward the end of August 2014, before moving to Washington, D.C., the Applicant gave to her friend the WBG access card. The Applicant's friend used the access card to make multiple unauthorized entries into the country office and unauthorized use of offices, computers, and internet facilities of the WBG between August and November 2014. The Applicant admitted that she had given her friend her access card and that she had made several false misrepresentations to her supervisor and to administrative staff of the country office about how her friend had obtained possession of her access card. Based on the findings of EBC, the HRVP concluded that the Applicant had engaged in misconduct as defined under Staff Rule 3.00, paragraphs 6.01(a), (b) and (c).

The Tribunal found that the facts of the case were established and legally amounted to misconduct. In determining whether the disciplinary measures were proportionate to the misconduct, the Tribunal took due account of the mitigating factors invoked by the Applicant. The Tribunal found that the factors pleaded by the Applicant were unpersuasive. The Tribunal observed that the Applicant's actions were of a very serious nature, noting that the Applicant breached several obligations regarding the Bank's property, safety, and information security; and her actions posed a security risk to the country office and its staff. The Tribunal further observed that the Applicant's misconduct was aggravated by the fact that she did not admit to her misconduct when she was initially contacted by the country office's administrative staff in November 2014. She initially made multiple false representations to the country office's administrative staff and her manager and later admitted to her misconduct only when faced with the threat of referring the matter to the local police. Regarding the Applicant's argument that due process had been violated because the reporting of her alleged misconduct to EBC was done two years after the security incident took place, the Tribunal held that the HRVP's determination of the Applicant's misconduct was made on 4 November 2016, well within the three-year time limit prescribed in Staff Rule 3.00, paragraph 10.06. The Tribunal therefore found that due process was observed in this case. The Tribunal concluded that the sanctions imposed on the Applicant, including termination, were not significantly disproportionate to her misconduct.

**Decision:** Application dismissed.