

## Summary of GN v. IBRD, Decision No. 667 [2022]

The Applicant contended that the findings of the Integrity Vice Presidency were unfounded and did not support the decision that his conduct amounted to misconduct. The Applicant further contended that the sanctions imposed were significantly disproportionate to the offense.

The Tribunal began by reiterating that the respondent organization bears the burden of proof in misconduct cases and must meet the requisite standard of substantial evidence, and that this is more than a balance of probabilities. The Tribunal then reviewed the evidence which the Bank submitted to determine whether it rose to the standard of substantiality necessary to discharge the Bank's burden of proof.

The Tribunal found that the Applicant's pattern of conducting prohibited communication with potential and current vendors, subcontractors, and resources – outside of the official World Bank Group channels of communication – is in violation of the Bank's Corporate Procurement Policy and Procedures Manual and in contravention of the Bank Group's stated procurement principles of fairness, transparency, and competition.

The Tribunal next considered that, in line with the Staff Rules and Tribunal precedent, the Applicant had a duty to avoid conflicts of interest and even the appearance of conflicts of interest. Having considered the record, including the Applicant's admissions, the Tribunal upheld the findings by the Vice President, Human Resources (HRDVP) that the Applicant had committed misconduct in violation of the Bank's conflicts of interest rules under Staff Rules 3.03 and 3.01. The Tribunal further upheld the HRDVP's finding that the Applicant's conduct amounted to a failure to disclose real or apparent conflicts of interest under Staff Rule 3.03, paragraph 3.02, in effect at the relevant time.

The Tribunal next found that the Applicant's conduct was inconsistent with the general obligations of professional conduct.

Further, the Tribunal was satisfied that there was substantial evidence to support the HRDVP's decision that the Applicant's conduct interfered with the award of Bank Group–financed contracts amounting to misuse of Bank funds and receipt of kickback payments or personal benefits involving Bank Group–financed operations.

Next, the Tribunal was satisfied, on the basis of the circumstances of this case, that the sanctions imposed on the Applicant did not go beyond the test stipulated by the Tribunal in its case law in that they were not significantly disproportionate to the offense.

Finally, the Tribunal concluded that the requirements of due process were observed.

**Decision:** The Application was dismissed.