**Summary of IA v. IBRD, Decision No. 718 [2025]**

The Applicant challenged the determination by the Corporate Support Vice President, International Finance Corporation (COSVP) that he committed misconduct and the disciplinary sanctions imposed therein. Following an investigation by the Ethics and Business Conduct Department (EBC), the COSVP determined—based on a preponderance of the evidence—that the Applicant's conduct amounted to sexual harassment and that on several occasions the Applicant used profanity. The COSVP imposed sanctions including demotion to a non-managerial, non-supervisory position; reduction in future pay; ineligibility for promotion; and written censure. Following the filing of the Application, the Tribunal granted a stay of proceedings in order for the COSVP to review the evidentiary record under the substantial evidence standard. In a new decision letter, the COSVP upheld the finding of sexual harassment and the imposed sanctions.

The Tribunal next considered the existence of the facts, recalling that EBC found that the Applicant directed sexually suggestive looks at Complainant 1 and Complainant 2. The Tribunal examined the witness testimony relied upon by EBC in making its findings, noting that it is essential that EBC demonstrate in its Final Investigation Report that it has carefully cross-referenced and weighed the probative value to be assigned to each witness's testimony. Here, having regard to the totality of the evidence, the Tribunal concluded that EBC did not sufficiently so demonstrate and that the witness testimony does not sufficiently support a finding of fact for disciplinary purposes that the Applicant directed sexually suggestive looks at Complainant 1 or Complainant 2. Having determined that the Bank did not discharge its burden of proof, the Tribunal did not consider whether such conduct would legally amount to misconduct.

The Tribunal next considered the Applicant's alleged use of profanity. The Tribunal observed that the COSVP's second decision letter is ambiguous as to whether the Applicant's alleged use of profanity was determined to constitute a separate finding of misconduct. With that ambiguity, the Tribunal found that, to the extent that such a finding was determined to constitute misconduct, and to the extent that the Applicant was sanctioned for such a finding, neither decision could be upheld.

Having found that there is no substantial evidence to support the finding that the Applicant engaged in misconduct, the Tribunal also found that the sanctions imposed could not be upheld. With respect to the requirements of due process, the Tribunal considered that depriving the Applicant of an opportunity to comment on additional and changed evidence, including significant changes to witness testimony, constituted a serious breach of due process. The Tribunal also determined that EBC's and the COSVP's references to and reliance upon prior unsubstantiated allegations of misconduct against the Applicant in their findings amounted to a violation of due process.

**Decision:** The Tribunal ordered (1) that the findings of misconduct and disciplinary sanctions be rescinded; (2) that the Applicant's grade level be restored and the Applicant be paid the salary and benefits he would have received absent the sanctions, including retroactive salary increases; (3) the Bank to remove from the Applicant's personnel file all records relating to the allegations of misconduct; (4) the Bank to pay the Applicant compensation in the amount of twelve months' net salary for violations of due process; and (5) the Bank to pay the Applicant's legal fees and costs. All other claims were dismissed.