

## Summary of FO v. IBRD, Decision No. 634 [2020]

The Applicant requested “review of the pleas and evidence previously submitted to the Vice President [of Human Resources (HRVP)] through the [Integrity Vice Presidency]” and challenged the imposition of disciplinary sanctions by which she would (i) be ineligible for “future Bank Group employment as a staff member, contractor, or employee of a contractor;” (ii) have hiring and access restrictions implemented; and (iii) have a written censure placed in her personnel file.

The Tribunal first considered whether the established facts supporting the HRVP’s findings met the standard of substantial evidence. The Tribunal noted that there were two general categories of misconduct found by the HRVP, conflicts of interest and collusion in violation of procurement policies.

With regard to the finding of misconduct for the violation of conflicts of interest rules, the Tribunal first determined that the Applicant did not satisfy her obligation under Staff Rule 3.03, paragraph 3.02, to disclose to her senior manager in writing her relationship with Company A. The Tribunal next determined that the circumstances were such that the Applicant should have recused herself, or at a minimum sought advice on recusal, from the Bank-financed procurement process with which she was involved. The Tribunal upheld the finding of misconduct.

With regard to the finding of misconduct for collusion in violation of procurement policies, the Tribunal considered that the record demonstrated that from February 2017 to December 2017 the Applicant was providing assistance to Company A in its bid for the Pay and Grading Contract by sending the Terms of Reference before it was publicly available; reviewing Company A’s Expression of Interest; contacting a subcontractor on behalf of Company A for assistance in preparing the technical proposal; and reviewing and editing Company A’s final technical proposal. The Tribunal also noted that the Applicant was pursuing a directorship with Company A during the relevant time. The Tribunal was therefore persuaded that the Applicant’s conduct constituted collusion with Company A in the procurement process of a Bank-financed activity and upheld the finding of misconduct.

The Tribunal next considered whether the disciplinary measures imposed were significantly disproportionate to the misconduct. In its review, the Tribunal considered the seriousness of the matter, any extenuating circumstances, the situation of the Applicant, the interests of the Bank, and the frequency of conduct for which disciplinary measures were imposed. Having reviewed these factors, the Tribunal was satisfied that the sanctions imposed were not significantly disproportionate to the misconduct found.

The Tribunal finally concluded that the requirements of due process were observed.

**Decision:** The Application was dismissed.

This summary is provided to assist in understanding the Tribunal’s decision. It does not form part of the reasons for the decision. The full judgment of the Tribunal is the only authoritative document. Judgments are available at: [www.worldbank.org/tribunal](http://www.worldbank.org/tribunal)