

The African Development Bank Group



WHISTLE BLOWING AND COMPLAINTS HANDLING POLICY

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<u>CONTENTS</u>	<u>Page</u>
1. INTRODUCTION	1
2. PURPOSE	1
3. ANCHORS OF THE BANKS MECHANISM	2
4. COVERAGE AND SCOPE	2
5. WHO IS A WHISTLEBLOWER OR A COMPLAINANT	3
6. PROTECTION OF AND REMEDIES FOR WHISTLEBLOWER AND COMPLAINANTS	4
7. DISPUTE RESOLUTION MECHANISM	7
8. VOLUNTARY DISCLOSURE PROGRAM	7
9. CHANNELS AND PROCEDURES	7
10. HOTLINE FACILITIES	9

WHISTLE BLOWING AND COMPLAINTS HANDLING POLICY

1. INTRODUCTION

- 1.1 This Whistle Blowing and Complaint Handling Policy (the “Policy”) is in furtherance of the Bank Group’s desire to strengthen the Bank’s system of integrity and the fight against corruption and related offences. The Policy sets forth the conditions and procedures for investigations of allegations of corruption, fraud and any other misconduct. It is issued consistent with the establishment by the Bank’s Board of Directors (the “Board”) of the Anti-Corruption and Fraud Investigation Division (the “Division”), and the Board’s adoption of Guidelines for Combating Corruption and Fraud in Bank Operations. The Policy takes cognizance of the Uniform Framework For Preventing and Combating Fraud and Corruption adopted by the Heads of International Financial Institutions in September 2006 with respect to definitions of Corrupt, Fraudulent, Coercive and Collusive Practices and Misconduct

2. PURPOSE

- 2.1 The Bank is committed to maintaining the highest possible standards of ethical and legal conduct within the Bank and in all Bank-funded projects, programs and business (“Bank Projects”). In line with this commitment and in order to enhance good governance and transparency, the main aims of the Policy are to provide an avenue for raising concerns related to Fraud, Corruption or any other Misconduct (each as defined in Section 4.1 below) and to assure that persons who disclose information relating to fraud, corruption or any other misconduct will be protected from Retaliation (as defined in Section 6.2 below). The Policy addresses:

- Anchors of the Bank’s Mechanism;
- Coverage and Scope;
- Who is a Whistleblower and/or Complainant;
- Protection of and Remedies for Whistleblowers and Complainants;
- Dispute Resolution Mechanism;
- Voluntary Disclosure Program;
- Channel and Procedures; and
- Hotline Facilities.

- 2.2 The Auditor General is designated as the advocate for whistleblowers and is authorized to implement this Policy. The Anti-Corruption and Fraud Investigation Division (the “Division”) in the Office of the Auditor-General shall be responsible for undertaking investigations under this Policy

3. ANCHORS OF THE BANK'S MECHANISM

- 3.1 The Bank's policy on Good Governance¹ stresses the need to identify, report, and most importantly, prevent all forms of mismanagement of funds. Good governance in the Bank as well as in all Bank Projects would be enhanced by the institution of a whistle blowing and complaints handling mechanism. Consistent with its policy on Good Governance, the Bank should have a reliable, effective and efficient mechanism that allows Third Parties, Bank Personnel, and Development Partners to confidentially flag cases of Fraud, Corruption and any other Misconduct by Bank Personnel and Other Persons in Bank Projects and Bank funded activities. "Bank Personnel" includes Elected Officers of the Bank and their Advisers and Assistants, regular Bank Employees, Short Term Bank Staff, Bank-employed Consultants and any individuals hired or employed, either permanently or temporarily by the Bank.
- 3.2 Internally, there are a number of instruments and initiatives that enhance deterrence, prevention and detective controls. The implementation of the COSO Internal Control Framework (the "Framework") is one of the anchors to this Policy. Effective implementation of the Framework will foster an environment in which management of the Bank ("Management") sets the control philosophy and operating style within the Bank by raising awareness of Bank Personnel on matters of integrity and ethical values, assignment of authority and responsibility, and reinforcement of internal controls.
- 3.3 Bank Personnel participated in the development of the Bank's values ("Core Values") which demand the highest standards of ethics, honesty and accountability at all times and delivery of the best quality of service to Bank clients with utmost rigour, efficiency, and transparency. These Core Values would be further fostered by a credible whistle blowing and complaints-handling mechanism.
- 3.4 The Core Values encourage Bank Personnel to avoid actions that would reflect unfavourably on their position as officers, international civil servants, or employees of the Bank. Bank Personnel are required to exercise utmost discretion in official business and avoid situations of real or apparent conflict between their private interests and their Bank-related duties.
- 3.5 The Staff Code of Conduct (the "Code")², Staff Rules and Regulations (the "Rules")³, and Code of Conduct for Executive Directors (the "Code of Conduct")⁴ reinforce respect for the Core Values and require Bank Personnel to demonstrate integrity, honesty, priority and loyalty in the discharge of their functions and private affairs.

4. COVERAGE AND SCOPE

- 4.1 In line with the Code, Rules, and Code of Conduct, Bank Personnel are required to disclose acts related to Fraud, Corruption, or any other Misconduct that come to their attention. Similarly, in line with the Bank's Good Governance policy, the Bank requires its Development Partners and Stakeholders to disclose acts of Fraud, Corruption and Misconduct including such acts that involve Bank Personnel and/or Bank Projects as well as actions that undermine operations and mission of the Bank. The typical disclosures thus required of Bank Personnel and concerned Third Parties include, without limitation, the following:
 - 4.1.1 Unlawful acts or orders requiring violation of a law, gross waste, mismanagement, abuse of authority, substantial and specific dangers to public health or safety;
 - 4.1.2 Failures to comply with statutory obligations in host countries, duty stations, or countries of assignment;

¹ Good Governance Policy adopted in 1999

² The Bank's Code of Conduct (Presidential Instruction No. 005/99 issued in 1999)

³ Staff Rules (2nd Edition 2000)

⁴ The Code of Conduct for Executive Directors (Resolution B/BD/2001/14-F/BD/2001/10)

- 4.1.3 Fraud, which means any act or omission, including a misrepresentation, that knowingly and recklessly misleads, or attempts to mislead, a party to obtain financial or other benefit or to avoid an obligation;
- 4.1.4 Corruption, which means the offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party;
- 4.1.5 Misconduct, which means failure by Bank Personnel to observe the Bank's rules of conduct or standards of behavior;
- 4.1.6 Coercive practices, which mean impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
- 4.1.7 Collusive practices, which mean an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party; and
- 4.1.8 Any other activity which undermines the Bank's operations and mission.

4.2 Whistle blowing and complaints should be made in the reasonable belief that what is being reported is true. Allegations and concerns expressed anonymously shall be considered at the discretion of the Auditor General. In the exercise of such discretion, the factors to be considered by the Auditor General shall include, without limitation, the seriousness of the allegation, its credibility, and the extent to which the allegation can be confirmed or corroborated by attributable sources.

5. WHO IS A WHISTLEBLOWER OR A COMPLAINANT

- 5.1 A Whistleblower or a Complainant is any person or party who conveys or is proven to be about to convey a concern, allegation or any information indicating that Fraud, Corruption or any other Misconduct is occurring or has occurred in the Bank or in a Bank Project; with knowledge or good faith belief that the concern, allegation or information is true. Such persons or parties, without limitation, include Bank Personnel, Contractors, Consultants, Government Officials, Officials in the Executing and Implementation Units, Professional Bodies and Non-Governmental Organisations, Officials in other International Financial Institutions, former Bank Personnel, or any Other Entity or Person.
- 5.2 This Policy does not apply to complaints of Bank Personnel associated with unsatisfactory probation reports, performance evaluations, discriminatory work assignments, equal employment opportunities, sexual harassment or any other personal grievances. These shall be referred to the Ombudsperson, Human Resources Department and other mechanisms established by the Bank for such grievances. However, where in the view of the Whistleblower or a Complainant, factors such as probation reports, performance evaluations, work assignments and opportunities or any form of harassment is being used by management in a retaliatory manner, the Policy shall apply.
- 5.3 The success of the Policy depends in part on the conscience and professional ethics of the Whistleblower or Complainant and the attendant assurance of confidentiality. Nonetheless, perceived ostracism by peers, harassment or victimization by Management can be disincentives to whistle blowing. To avoid the psychological pressures such conflicts can cause whistleblowers and complainants, the Bank shall protect whistleblowers and complainants.
- 5.4 It should be noted that whistleblowers and complainants are reporting parties. They are neither investigators nor finders of fact; they do not determine if corrective measures are necessary; and they do not determine the appropriate corrective or remedial action that may be warranted.

6. PROTECTION OF AND REMEDIES FOR WHISTLEBLOWERS AND COMPLAINANTS

- 6.1 The Bank will protect the Whistleblower's or Complainant's identity and person. For whistle blowing and complaint handling mechanism to be effective, the concerned parties must be adequately assured that the information given will be treated in a confidential manner and above all that they will be protected against Retaliation from within or outside the Bank. The Bank will maintain as confidential the Whistleblower or Complainant's identity unless (i) such person agrees to be identified, (ii) identification is necessary to allow the Bank or the appropriate law enforcement officials to investigate or respond effectively to the disclosure, (iii) identification is required by law or under the Bank's rules and regulations, where a false accusation has been maliciously made, or (iv) the person accused is entitled to the information as a matter of legal right or under the Bank's rules and regulations in the disciplinary proceedings. In such an eventuality, the Bank shall inform the Whistleblower or Complainant prior to revealing his or her identity.
- 6.2 Retaliation shall not be permissible against any Whistleblower or Complainant. "Retaliation" means any act of discrimination, reprisal, harassment, or vengeance, direct or indirect, recommended, threatened or taken against a Whistleblower or Complainant by any Person because the Whistleblower or Complainant has made a disclosure pursuant to this Policy. The Bank will insert clauses in Bank loan agreements and grant agreements, undertaking to take punitive action against persons who engage in Retaliation.
- 6.3 The protection the Bank can give parties external to the Bank shall be limited to the capability of the Bank. But any retaliatory action against a contractor or its employees, agents or representatives by Bank Personnel or by Bank Contractors because of a disclosure made by such persons under the Policy will be treated as Misconduct and subject to disciplinary action. If Retaliation occurs at the hands of Bank contractors, then the contract in question will become subject to immediate review and possible termination.
- 6.4 Subject to the provisions of Section 6, the following protection and sanctions can be among those employed by the Bank depending on the circumstances:
- 6.4.1 To the extent possible, the Auditor-General shall guarantee confidentiality of the identities of Whistleblowers and Complainants. An individual who submits a complaint or is a witness in the course of an investigation shall, subject to the Bank's rules and regulations, have his or her identity protected by the Auditor General;
- 6.4.2 Where an individual makes or is in the process of making a report in the reasonable belief that the contents of the report are true on a matter subject to the authority of the Anti-Corruption and Fraud Investigation Division, that individual's identity is to be fully protected from unauthorized disclosure by the Auditor General, even when making referrals to national authorities;
- 6.4.3 Where a party external to the Bank reasonably believes he or she is threatened with Retaliation because he or she assisted in an investigation or an audit by the Bank, on the recommendation of the Auditor-General, the President shall commit the Bank to provide reasonable and appropriate assistance to secure that party's protection;
- 6.4.4 Where there has been an unauthorized disclosure of the identity of a Whistleblower or someone assisting in the Division's inquiries, the Auditor General shall institute the appropriate disciplinary measures available in the Bank's rules and regulations.
- 6.5 The Bank shall guarantee employment protection. Bank Personnel who submit a complaint or information indicating Fraud, Corruption, or any other Misconduct knowing or reasonably believing the complaint or information submitted to be true, shall be protected from Retaliation. Employment remedies available to a Whistleblower against whom there has been Retaliation shall

be determined by the President based upon the findings and recommendations of the Auditor General and shall include but not be limited to:

- 6.5.1 Reinstatement to the same or comparable position in salary, responsibility, opportunity for advancement and job security;
 - 6.5.2 Back benefits and pay, with consideration of the likely advancement and salary increases that a staff member would have received;
 - 6.5.3 Compensatory damages, including financial losses linked to the retaliatory action by the Bank and significant emotional distress, including any physical ailments suffered as a result of that distress and related medical costs;
 - 6.5.4 Adjudication expenses, including representation fees, costs of expert witnesses, travel and other costs associated with the claim of Retaliation. These costs should be automatically paid to a prevailing Whistleblower;
 - 6.5.5 Transfer upon the request of the prevailing Whistleblower to another part of the Bank;
 - 6.5.6 Intangible benefits, including public recognition of the vindication of the Whistleblower, and in appropriate circumstances public recognition of the contributions of the Whistleblower to the Bank.
- 6.6 In addition to the remedies enumerated in paragraph 6.5 above, the Auditor General shall recommend further relief as the case may be, as follows:
- 6.6.1 Where there is a reasonable concern that the Bank Personnel may suffer personal injury or that the safety and well-being of the Bank Personnel's family may be at risk, the Auditor General shall accord the Bank Personnel with whistleblower status and take available measures to secure his or her personal and family safety and security, as an interim relief recommendation;
 - 6.6.2 Where the Auditor-General determines that the Whistleblower is in a life-threatening situation, the Auditor-General shall take immediate necessary action to protect the Whistleblower and promptly inform the President, who shall in turn notify the Board of Directors of the circumstances and actions taken to protect the Whistleblower;
 - 6.6.3 Where Bank Personnel has suffered Retaliation or is threatened with Retaliation because of assistance he or she gave in an investigation or audit, on the recommendations of the Auditor General, the President shall take steps to prevent such actions from taking effect or otherwise causing harm to the Bank Personnel. Consequently, Bank Personnel who believe that retaliatory action has been taken against him or her because of whistle blowing or cooperating in an investigation or audit, should contact the Auditor General with all information and documentation available to them in support of their complaint. The Auditor General shall as a matter of exigency review the evidence provided and make a decision or order an immediate investigation. On the recommendation of the Auditor General, the President shall immediately provide protection from Retaliation for the affected Bank Personnel;
 - 6.6.4 Where there is no case to a claim raised by a Whistleblower or a Complainant, but it is clear that the Bank Personnel making such claim acted in good faith, the Auditor General shall ensure that the Bank Personnel suffers no Retaliation. When established, Retaliation for a disclosure made in good faith shall be by itself a Misconduct. Bank Personnel not making allegations in good faith or without reasonable belief that what is being reported is true may be subjected to disciplinary action in keeping with Bank rules;

- 6.6.5 Where Bank Personnel can show evidence that prior to the alleged Retaliation, the Bank Personnel, had reported or was in the process of reporting an instance of Fraud, Corruption or any other Misconduct to the Hotline, or pursuant to any other reporting mechanism provided under this Policy, the Auditor General shall make such recommendations to the President for interim relief as necessary, pending a full investigation following which the Auditor General shall recommend to the President a permanent relief for the whistleblower;
- 6.6.6 Where Bank Personnel can show evidence of being mistakenly identified as a whistleblower and consequent retaliatory action taken against him or her, the affected Bank Personnel shall report the matter to the Auditor General with all information and documentation available to them in support of their complaint. The Auditor General shall as a matter of exigency, review the evidence and make appropriate recommendations to the President for remedial relief;
- 6.6.7 Where Bank Personnel can show evidence that prior to the alleged Retaliation, the Bank Personnel had reported or was in the process of reporting an instance of Fraud, Corruption or any other Misconduct to the Hotline, Auditor General or the Division, or pursuant to any other reporting mechanism provided under this Policy, such Bank Personnel shall be deemed to have satisfied the minimal burden of proof. The burden of proof shall then shift to the Bank to prove by clear and convincing evidence that the action taken by the Bank against such Bank Personnel was for separate and legitimate reasons, and not in reprisal or Retaliation for the malpractice reported by the Bank Personnel;
- 6.6.8 Where the alleged Retaliation is by the Auditor General or threatened by him or her, the report should be made to the Ombudsperson, who shall inform the President and the Chairperson of the Board's Audit Committee; and
- 6.6.9 Where the alleged Retaliation is by the President or threatened by him or her, the Auditor General shall inform the Dean of the Board of Directors and the Chairperson of the Board's Audit Committee.
- 6.7 Prior to making any public disclosure of Fraud, Corruption, or Misconduct, Bank Personnel should first utilize the procedures set out in the Policy. Protection against retaliation for making a public disclosure shall be available where:
 - 6.7.1 Such disclosure is necessary to avoid i) a significant threat to public health and safety; or ii) substantive damage to the Bank's operations;
 - 6.7.2 The use of internal mechanisms is not possible because: at the time the disclosure is made, the individual has grounds to believe that he/she will be subjected to retaliation by the person(s) he or she should report to pursuant to the established internal mechanism; or it is likely that evidence relating to the misconduct will be concealed or destroyed if the individual reports to the person(s) he or she should report to pursuant to the established internal mechanism; or the individual has previously reported the same information through the established internal mechanisms, and the Bank has failed to inform the individual in writing of the status of the matter within six months of such a report; and
 - 6.7.3 The individual does not accept payment or any other benefit from any party for such disclosure.
- 6.8 Public disclosures by non-Bank Personnel shall be evaluated in line with investigation Principles.
- 6.9 In furtherance of the Policy objectives, the Bank and its Personnel shall have obligations and rights, amongst which are the following:

- 6.9.1 Bank Personnel are duty bound to disclose any Fraud or Corruption that come to their attention immediately but in any event not later than seven (7) days after becoming aware of the Fraud or Corruption. Violation of this duty shall be subject to disciplinary action. Furthermore, disciplinary action shall be taken against Bank Personnel who knowingly prevent or cover-up any acts of Fraud or Corruption. Bank Personnel shall be deemed to have discharged a reporting obligation once a report is made to i) the hotline facilities established to enable anonymous disclosures (the “Hotline”), ii) his or her Supervisor, iii) the Auditor General or the Division, or iv) the President or an Executive Director of the Bank;
- 6.9.2 As a matter of general deterrence, the Bank shall publicly inform Bank Personnel of the penalty imposed and discipline of a Manager for Misconduct arising from a Retaliation;
- 6.9.3 The report of the Auditor General recommending relief shall be furnished to the Whistleblower. Upon receipt of the report, or at the conclusion of ninety (90) days from the filing of the report, the Whistleblower may accept the conclusions and recommendations of the Auditor General, or may reject them in whole or in part and request an alternative dispute resolution mechanism such as conciliation to be established by the Bank for the said purpose;
- 6.9.4 The Whistleblower shall have a prior opportunity to review any communication that would lead to exposure;
- 6.9.5 The reporting of the retaliatory cases related to this Policy shall, as with other investigative activities of the Auditor General, be publicly reported by the Auditor General and made available on the Bank website, taking into account the privacy of the Party/Parties concerned.

7. DISPUTE RESOLUTION MECHANISM

- 7.1 Besides, the established Appeals Committee and the Administrative Tribunal, Bank Personnel shall be availed an independent alternative dispute resolution mechanism such as conciliation in cases relating to Retaliation against disclosures made in good faith under this Policy. Bank Personnel may elect an independent dispute resolution mechanism such as conciliation for a claim of Retaliation for protected disclosures or for refusal to participate in a Misconduct or obey an order to violate a law. Pursuant to the adoption of the Policy, the Bank shall propose such an independent dispute resolution mechanism for Whistleblowers. The rules to be followed by an independent alternative dispute resolution mechanism such as conciliation and the venue shall be agreed by the parties.

8. VOLUNTARYDISCLOSURE PROGRAM

- 8.1 The Bank encourages Bank Personnel and firms or individuals involved in Bank Projects to volunteer information on any Fraud, Corruption or Misconduct of which they have knowledge or to which they are privy. The voluntary disclosure of malpractices will have a mitigating effect in the application of sanctions. The disclosure of such information is to further or facilitate an investigation and thus deter or prevent Fraud and Corruption or Misconduct. Voluntary disclosure merely to pre-empt an illegality likely to be detected will not apply under this Policy.

9. CHANNELSAND PROCEDURES

- 9.1 The channels and procedures for whistle blowing or raising complaints shall depend on whether or not the allegation, complaint or information is being made or disclosed by Bank Personnel or by a party external to the Bank. Bank Personnel are expected to whistle blow on transactions, operations and any

other activities of the Bank that involve Fraud, Corruption and Misconduct, whether internal or external. Parties external to the Bank, however, are required to bring allegations and complaints of Corruption, Fraud and any other Misconduct in the execution of a Bank Project. Complaints by an external Party affected by the Bank's compliance or non-compliance with Bank's policies in a Bank Project shall be referred to the Compliance Review and Mediation Unit.

- 9.2 Bank Personnel shall report allegations or concerns through the Hotline or, depending on such Bank Personnel's choice, through an immediate supervisor. Where the Bank Personnel feels uncomfortable discussing the matter with the immediate supervisor or foresees a potential conflict of interest or for any other reason is reluctant to disclose to an immediate supervisor, the Bank Personnel may, at his or her option address the matter to a higher-level supervisor within the Bank Personnel's complex and/or the Auditor General. Bank Personnel who may be unsure whether or not to whistle blow or seek advice on the factual nature of the disclosure or concerns for protection shall be free to seek advice and assistance of the Auditor General.
- 9.3 On receipt of an allegation from a Bank Personnel, the Anti-Corruption and Fraud Investigation Division (the "Division") of the Auditor General's Office, shall register the allegation and where the identity of the Bank Personnel is known, acknowledge receipt of the allegation, and where appropriate to the nature of the information or allegations explain the subsequent actions to be taken and give an indication of when such actions are to be taken. Bank Personnel making a disclosure should expect an official correspondence within three months as to the preliminary evaluation by the Division of the disclosure.
- 9.4 Parties external to the Bank shall be free to use the Hotline to register complaints and make allegations in strict confidence. All allegations received whether through the Hotline or through other channels provided for in the Policy from Bank Personnel or an external Party shall be registered and screened by the Division. Once registered, the allegation will be evaluated by the Division to determine its credibility, materiality and verifiability. To this end, the complaint will be evaluated to determine whether there is a legitimate basis to warrant an investigation.
- 9.5 A preliminary evaluation will determine whether there are grounds for a more detailed investigation. This assessment shall be based on information and documentary evidence provided by the Whistleblower or the Complainant and shall consider whether the disclosure has been made on the basis of reliable information and in good faith. Where the preliminary evaluation reveals tangible and credible information that supports the existence of conditions identified by this Policy, a full investigation will be launched. The Party or Parties subject of the investigation shall be informed unless such communication would, in the view of the Auditor-General, interfere with the investigation or related investigations within the jurisdiction of the Auditor General.
- 9.6 Upon receipt of a complaint of Retaliation, the Auditor General shall initiate an investigation and as appropriate provide interim relief to the Whistleblower, and take such interim remedial action to cure the underlying circumstances. The Auditor General shall make appropriate recommendation to the President. The recommendation to the President will be neither adjudicatory nor a finding on the merits of any issue; rather shall be designed to protect the rights of all parties and the interests of the Bank during the pendency of the investigation. The Auditor General may seek such modifications or additional actions by the President during the course of the investigation as may be necessary.
- 9.7 The interim relief and actions to protect and adjudicate the rights of the Whistleblower shall be separate processes from the investigation of related underlying issues within the jurisdiction of the Auditor General.

10. HOTLINE FACILITIES

- 10.1 The Bank shall make available Hotline to potential Whistleblowers and Complainants. The existence of such facilities is a deterrent in itself and a strong reminder to Bank Personnel of an

organisational commitment to fight corruption and fraud. The available facilities shall include secured telephone and fax lines as well as secured e-mail addresses. The facilities shall be operated by the office of the Auditor General and/or outsourced and shall entail round-the-clock confidential service available 24 hours a day and 365 days a year. Complaints will be receivable in English and French or an official language of the country from where the compliant is made.

HARMONIZED DEFINITIONS BY MDBs AND IFIs

The Bank is a member of the Anti-Corruption Task Force (The TASK FORCE) for International Financial Institutions (IFI) on the harmonization efforts in the fight against corruption and related offences. The TASK FORCE has agreed in principle on the standardized definitions of fraudulent and corrupt practices for investigations as follows:

- 1 A ***Complaint*** is an allegation or concern known to the Office of the Auditor General (Investigative Office) that is subject to investigation by the Investigative Office.
- 2 A ***Complainant*** is any party who conveys a concern, allegation or information indicating fraud, corruption or misconduct.
- 3 An ***Investigation*** is a process designed to gather and analyze information in order to determine whether an act of fraud, corruption, or other misconduct has occurred and if so, the party or parties responsible.
- 4 ***Fraudulent and Corrupt Practices*** include:
 - a. A ***Corrupt Practice*** is the offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party;
 - b. A ***Fraudulent Practice*** is any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation;
 - c. A ***Coercive Practice*** is impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party;
 - d. A ***Collusive Practice*** is an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party.
- 5 ***Misconduct*** is a failure by a staff member to observe the rules of conduct or standards of behaviour prescribed by the Bank (the Organization).
- 6 The ***Standard of proof*** that shall be used to determine whether a complaint is substantiated, is defined for the purposes of an investigation as information that, as a whole, shows that something is more probable than not.