

# **Office of Internal Investigations (OII)**

## **Terms of Reference**

### **Preamble**

1. These Terms of Reference set out the role and functioning of the Office of Internal Investigations (OII).
2. OII assumes primary responsibility for conducting independent, objective, and impartial administrative investigations into allegations of misconduct concerning Fund personnel.<sup>1</sup> OII may also conduct investigations into allegations involving the Fund's suppliers, subcontractors, and their employees.<sup>2</sup>
3. OII does not have authority to conduct inquiries or investigations into the conduct of the Managing Director or members of the Executive Board. This authority is held by the Ethics Committee of the Executive Board.
4. OII is part of the Fund's formal disciplinary system. It contributes to the Fund's good governance and assists in maintaining its reputation for high ethical standards and probity.
5. OII also provides the Human Resources Department (HRD) and managers with advice and recommendations on internal controls and actions aimed at preventing acts of misconduct and minimizing their impact and contributes to raising awareness of Fund personnel on issues relating to misconduct.
6. For OII investigation purposes, misconduct is any professional or personal action or behavior that is contrary to or inconsistent with the standards of conduct set forth in the Staff Handbook or other Fund regulations, rules, policies and/or administrative issuances.

### **Mandate of OII**

7. OII undertakes independent, objective and impartial reviews, inquiries, and investigations to establish the facts and circumstances concerning alleged misconduct, and to conclude whether the allegations of misconduct have been substantiated by a preponderance of the evidence.
8. Consistent with Chapter 11.02 of the Staff Handbook, when allegations of misconduct are substantiated by the evidence, OII provides an Investigation Report to the Responsible Official for their determination as to whether the subject of the investigation engaged in misconduct and, if so, what if any disciplinary action is warranted.

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<sup>1</sup> The term "Fund personnel" in this context includes staff members, contractual employees, short- and long-term experts, local employees, interns and volunteers.

<sup>2</sup> Investigations into alleged misconduct by suppliers, subcontractors, and their employees should be initiated in consultation with the Chief Procurement Officer and without prejudice to suppliers' internal investigation processes.

9. The Responsible Official to whom the Investigation Report is issued is:
  - a. The Managing Director or his/her designated alternate, when the subject is a staff member at a grade level of B1 or above;
  - b. The Director of the Human Resources Department, when the subject is a staff member at a grade level between A1 and A15 or another Fund personnel; and
  - c. The Director of the Corporate Services and Facilities Department or the Chief Procurement Officer, as designated, when the subject is a supplier, subcontractor, or one of their employees.
10. The Investigation Report may also be issued to other Fund manager(s), as identified by the Head of OII, for appropriate follow-up action.
11. Pursuant to the Fund's Whistleblower Protection and Anti-Retaliation Policy, OII also conducts Independent Reviews into allegations of retaliation.
12. OII also administers the IMF Integrity Hotline and acts as the Secretariat to the Integrity Hotline Oversight Committee.

#### **Status of the Head of OII**

13. The Head of OII is appointed by the Managing Director<sup>3</sup> after consultation with representatives of the Staff Association Committee. Current and former Fund personnel may only be appointed to the position of Head of OII after a five-year break in service.<sup>4</sup>
14. Pursuant to the Categories of Employment for the Dispute Resolution Offices Board Paper (EBAP/23/41), applicable as of June 9, 2023, the Head of OII is initially appointed on a term appointment for a period of three years, renewable once for a further period of six-years. The total term of appointment of the Head of OII shall not exceed nine years, except that under exceptional circumstances for transitional reasons, a short extension of the final term appointment may be approved (e.g. to accommodate a delay in the arrival of a successor).
15. An individual who has served as the Head of OII shall not be eligible for staff employment with the Fund for a period of five years after the end of their appointment.

#### **Duties of the Head of OII**

16. In performing their duties, the Head of OII is expected to be prudent and judicious and to maintain strict confidentiality with respect to information gained while fulfilling the duties of the office, except that they may disclose such information when there is a strict business need to do so, or there is a risk of harm to Fund personnel or property.

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<sup>3</sup> References to the Managing Director in this TOR shall include any Deputy Managing Director so designated by the Managing Director for this purpose.

<sup>4</sup> This restriction does not apply to other non-Head of office current or former employees of the IMF Dispute Resolution Offices.

17. The opening of an investigation shall be decided by the Head of OII in writing.
18. The Head of OII shall oversee the conduct of, and may independently initiate, impartial investigations into potential misconduct. The Head of OII shall ensure that such investigations are conducted in a timely, fair and thorough manner.
19. The Head of OII develops guidelines, policies and procedures for misconduct investigations within the framework of the Fund's rules and policies governing misconduct and investigations. The Head of OII is also responsible for contributing to the progressive development of internal rules and policies governing staff conduct.
20. If, at any stage of the Investigation Process, the Head of OII identifies systemic control weaknesses or other issues that might result in risks to the Fund, they will bring these to the attention of the relevant managers, either orally or in writing.
21. When, in OII's judgment, an allegation is more appropriately addressed by departmental management as a performance issue rather than a misconduct matter, OII may report to Department Heads on the evidence of such conduct on the part of staff members or employees in their department for consideration of performance management action.
22. The Head of OII shall issue an annual report, specifying the number and general nature of all the issues brought to their attention and describing in general terms the extent to which the issues were or were not addressed with a view to demonstrating institutional accountability through transparency on outcomes of issues addressed by OII. The annual report will be available to all Fund employees and will not disclose the identity of those who are the subjects of investigation or other individuals.
23. The Head of OII will, on an annual basis, report relevant issues to the External Audit Committee and to the Executive Board.
24. The Head of OII shall be responsible for the efficient and effective management of OII, including its employees and resources, and shall supervise those in their office to ensure that outputs meet the required standards and are delivered according to schedule. The Head of OII will ensure resolution of any potential conflict of interest or lack of impartiality affecting the work of OII.
25. The Head of OII will establish relationships and maintain networks with similar offices in comparable institutions including, but not limited to, the United Nations Representatives of Investigative Services (UNRIS) and the Conference of International Investigators (CII), for sustained and ongoing benchmarking, evaluation and revision, as necessary, of investigative practices, standards and policies, to ensure alignment with internationally recognized good practices.

### **Independence and Authority of OII**

26. In exercising their duties, the Head of OII will report directly to the Managing Director and/or his/her designated alternate and will be independent of any official, department, office, bureau, or other organizational entity of the Fund.

27. OII has direct access to all Fund personnel and suppliers and to all premises, documents, data and records, for the purposes of a review, inquiry, or investigation.<sup>5</sup>

#### **Access to OII**

28. Any person may, and supervisors and managers must, report allegations of misconduct directly to OII. When allegations involve Prohibited Activities as defined in the Antifraud and Anticorruption (AFAC) Policy, all Fund personnel have an obligation to report the matter to OII.
29. Confidential reports to OII can be made via the Investigations mailbox ([investigations@IMF.org](mailto:investigations@IMF.org)), or by phone, letter, or direct email to OII. Anonymous reports can also be made via the IMF Integrity Hotline. There is no requirement to pursue other avenues prior to reporting alleged misconduct to OII.

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<sup>5</sup> Personnel of the Ombuds and Mediation Offices, as well as Peers for a Respectful Workplace may decline to provide information to OII in order to preserve confidentiality, unless authorized by the Fund personnel who shared the information with them or unless there is a serious risk of harm.