



## **SECTION I.7 – INVESTIGATIONS**

### **Introduction**

This guidance refers to administrative investigations initiated when a concern over control failures or suspicion of wrongdoing is identified within the organization; within partners in relation to research activities funded from the Center; or in relationships between the Center and consultants and contractors/suppliers, and with government authorities. Suspicions can result from a formal complaint (whistleblowing) process, informal tips, or an audit.

Administrative investigations are fact finding in nature and commissioned by the Center or by the CGIAR Secretariat, as distinguished from criminal investigations which are initiated and conducted by local law enforcement authorities.

Preliminary phases of an administrative investigation may be carried out by Internal Auditors, with the approval of the Head of Internal Audit, when auditing work produces indications of fraud or other non compliance, or staff raise concerns about this during the course of audits. The policies and practice requirements relating to preliminary assessments in this Section apply. Depending on the protocol established by the Center, the Director General, Audit Committee Chair or Board Chair may be the determining authority with regard to the launch of a full administrative investigation based on preliminary assessments.

In some cases Internal Audit may be requested to conduct the full investigation, in which case the policy and practice requirements set out in this Section of the Manual apply. In other cases Center security personal, legal counsel, other internal experts or an external investigator may be designated by the Center to conduct the investigation. The CGIAR Secretariat may be requested to commission and oversee the investigation where there are potentially significant donor reputation issues and the investigation must be seen to be fully independent of the Center. In all such cases, Internal Audit will provide support as necessary to the investigator.

The majority of requests to Internal Audit to conduct investigations will relate to financial fraud. However, occasionally Internal Auditors will be asked to



investigate other situations where there is suspicion or indications of other types of non-compliance with laws or Center policies.

The CGIAR Internal Auditing Unit has adopted the “Uniform Guidelines for Investigations” adopted in April 2003 by the participants at the Fourth Conference of Investigators of United Nations Organisations and Multilateral Financial Institutions. This section of the Manual provides policy, practice requirements and guidance to promote adherence to these Standards by all CGIAR Internal Auditors when carrying out administrative investigations. The section also incorporates guidance provided by IIA Practice Advisory 1210.A2-2. The assistance of the Office of Audit and Oversight of the International Fund for Agricultural Development, which kindly provided its own procedures to help in the preparation of this Manual section, is gratefully acknowledged.

Where Centers have established their own policies and procedures regarding administrative investigations, this section of the Manual should be applied in conjunction with these policies and procedures. Any inconsistencies between the two should be discussed with the Head of Internal Audit, the CGIAR IAU Director (if different) and Center management for resolution.

Administrative investigations consists of gathering sufficient information about specific details and performing those procedures necessary to determine whether fraud or other non-compliance has occurred, the loss or exposures associated with the fraud or other non-compliance, who was involved in it, and how it happened. Important outcome of investigations are that innocent persons are cleared of suspicion, and weaknesses in internal control which permitted the fraud or other non-compliance can be identified and addressed.

Unfortunately, there is no foolproof method for uncovering fraud. Unlike visible crimes—such as robbery or assault—fraud's hallmarks are deception and stealth. The organizational insiders who might be tempted to commit financial statement fraud constantly attempt to cover their tracks. And many of them are good at it—so good, in fact, that investigators will never catch them all.



Ref:	Policy and Practice Requirements	IIA Standards and Other references
I.7-1	<p><b>Policy: Administrative investigations, and Internal Auditors who are conducting or participating in them (hereinafter referred to as “Investigators”), shall be guided by the following principles when planning, conducting and reporting on investigations:</b></p> <p>a) <b>Ethics and integrity.</b> Investigation is an activity requiring the highest personal integrity. At all times, the actions of Investigators must conform strictly to the Center’s own Code of Conduct as well as the IIA Code of Conduct (see section C of this Manual)</p> <p>b) <b>Professional competence.</b> Individuals assigned to conduct investigations must possess professional competence (skills, knowledge, and ability) for the task required.</p> <p>c) <b>Objectivity, Impartiality and Fairness.</b> Investigations must be conducted in an unbiased and independent manner. Investigators must be free, both in fact and in appearance, from any influence(s) that could impair their judgment. They have the obligation to disclose to their supervisor any potential conflicts of interest or situations of influence as they arise. Personal impediments to independence and impartiality may include official, professional, personal or financial relationships that may affect the extent of the investigation or weaken the investigative work in any way. External impediments can also adversely affect the work of investigators. These factors may include: interference by third parties, undue restriction on resources needed to conduct a specific investigation, denial of access to</p>	<p>Uniform Guidelines for Investigations 2003 – III. Principles:</p> <p>Investigation is a profession requiring the highest personal integrity</p> <p>Persons responsible for the conduct of an investigation should demonstrate competence</p> <p>Investigators should maintain objectivity, impartiality and fairness throughout the investigative process and disclose in a timely manner any conflicts of interest to supervisors</p> <p>Investigators should endeavour to maintain both the confidentiality of, and to the extent possible, the protection of witnesses</p> <p>The conduct of the investigation should demonstrate the Investigator’s commitment to ascertaining the facts of the case</p> <p>Investigative findings should be based on substantiated facts and related analysis, not suppositions or</p>



	<p>information, use of authority to overrule or influence the scope, extent and thoroughness of the investigation.</p> <p>d) <b>Confidentiality.</b> Strict standards of confidentiality must be adhered to in relation to persons providing information to the investigation and to the the subject(s) of the investigation.</p> <p>e) <b>Thoroughness, accuracy and basis in facts.</b> Investigations must be conducted in a diligent, complete and focused manner. The conduct of the investigation should demonstrate the Investigator’s commitment to ascertaining the facts of the case. No findings will be reported that are not supported by adequate facts and evidence. Recommendations should be supported by the investigative findings</p> <p>f) <b>Legal Considerations.</b> Investigations should be initiated, conducted, and reported with due consideration to local laws, especially when allegations are of a criminal nature or as it relates to gathering evidence outside the Center and interviewing non-Center witnesses.</p> <p>g) <b>Adequacy of means to objectives.</b> The resources, methods and techniques used in the investigation must be appropriate for the circumstances and proportionate to the allegation and the objectives of each investigation</p> <p>h) <b>Timeliness.</b> Subject to the resources available, investigations must be conducted and reported in a timely manner.</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ If Internal Audit is responsible for ensuring that investigations are conducted, it may conduct an investigation using in-house staff, outsourcing, or a combination of both. In</li> </ul>	<p>assumptions</p> <p>Recommendations should be supported by the investigative findings</p> <p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - B. Investigative Activity</p> <p>Investigative activities of an investigative office should not be inconsistent with the rules and regulations of the organization and should give due consideration to the applicable laws of the State where such activities occur.</p>
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	<p>some cases, internal audit may also use non-audit staff of the Center to assist. The above principles apply in all such scenarios.</p>	
<b>I.7-1:1</b>	<p><b>Practice Requirement:</b></p> <p>The Head of Internal Audit should determine the knowledge, skills, and other competencies needed to carry out the investigation effectively and assign competent, appropriate people to the investigation team. This process should include assurance that there is no potential conflict of interest with those being investigated or with any of the employees of the Center.</p>	<p>PA1210.A2-2: Auditor’s Responsibilities Relating to Fraud Investigation, Reporting, Resolution and Communication</p>
<b>I.7-2</b>	<p><b>Policy: Cases referred to, or identified by, Internal Audit for investigation should be registered and subject to a preliminary assessment to determine if Internal Audit is the appropriate or competent function to carry out the investigation, and to collect sufficient information to determine if a full investigation should be recommended.</b></p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ The registration may be in the Internal Audit Unit’s general work database, which tracks the status of all internal audit work, or in a special database for Investigations</li> </ul>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - A. Preparation:</p> <p>Complaints brought to the attention of investigative offices should be subject to careful analysis and handling.</p> <p>Complaints, which may include criminal conduct or acts contrary to the rules and regulations of the organization, should be registered, reviewed and evaluated to determine if they fall within the jurisdiction or authority of the investigative office.</p>
<b>I.7-2:1</b>	<p><b>Practice Requirement:</b></p> <p>Prior to launching a full investigation, the Internal Auditor should undertake a preliminary assessment</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>• The purpose of the preliminary assessment is</li> </ul>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - A. Preparation:</p> <p>Decisions on which investigations should be pursued and on which</p>



	<p>to determine whether:</p> <ul style="list-style-type: none"> <li>○ The complaint falls within the scope of Internal Audit’s investigative capacity</li> <li>○ The complaint is material (factors to consider are the seriousness and implications to Center operations) and verifiable (factors to consider are the age of the issues, the availability of information, and the specificity, sufficiency and reliability of the information received)</li> <li>○ There is some credible information (some <i>prima facie</i>, valid evidence to support the allegation) indicating that the alleged irregular practice could have occurred and that, therefore, further investigation is warranted.</li> </ul> <ul style="list-style-type: none"> <li>• In general, the preliminary assessment will include the following steps, albeit not necessarily in that order: <ul style="list-style-type: none"> <li>○ Determination of the basic legal standards applicable to the allegations</li> <li>○ When possible, an interview of the complainant to clarify or obtain specific information and identify first-hand witnesses and/or evidence that can verify the allegations</li> <li>○ Gathering of relevant documents and interviews of witnesses in order to obtain basic, background information on the environment in which the alleged act might have occurred, and confirm the existence of an underlying transaction.</li> </ul> </li> <li>▪ The preliminary assessment will frequently not require interviewing the subject(s) of the complaints. Nevertheless, due consideration must be given to contacting a subject at that stage, as in some cases, this could help gather key information to assess the credibility of the</li> </ul>	<p>investigative activities are to be utilized in a particular case rest with the investigative office, and should include whether there is a legitimate basis to warrant the investigation and commit the necessary resources.</p> <p>The preparation for the conduct of an investigation should include necessary research of the relevant national laws and rules and regulations of the organization; the evaluation of the risks involved in the case; the application of analytical rigour to the evidence to be obtained and the assessment of the value, relevance and weight of the evidence; the measurement of the evidence against the relevant laws, rules and regulations; and the consideration of the means and time by which the findings should be reported and to whom.</p>
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	<p>allegations.</p> <ul style="list-style-type: none"> <li>▪ When conducting interviews or otherwise requesting information at the preliminary assessment stage, this may be done under cover of other more regular audit activities. In any case, investigators should not reveal that allegations have been made against a specific individual.</li> <li>▪ If the preliminary assessment reveals that there is no basis to pursue the matter, the Head of Internal Audit will decide to close the case.</li> </ul>	
<p><b>I.7-2:2</b></p>	<p><b>Practice Requirement:</b></p> <p>In the circumstances where allegations are of a criminal nature, a determination shall be made in consultation with Center management and legal counsel during the preliminary assessment as to whether the administrative investigation should be pursued and whether the case should be recommended for referral to the local authorities for criminal or civil prosecution.</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ Should it be decided to pursue the administrative investigation, due consideration must be given to local laws to ensure that any subsequent judicial actions are not compromised.</li> <li>▪ Legal counsel can advise on the need or desirability to undertake the investigation under a client privilege arrangement. This will depend on the status of the Center in the country in which the suspected or alleged fraud has taken place, and whether the Center will likely seek civil or criminal proceedings if the investigation substantiates fraudulent activity</li> </ul>	
<p><b>I.7-2:3</b></p>	<p><b>Practice Requirement:</b></p>	



	<p>In the circumstances where allegations will involve significant risks of donor confidence in the Center’s management or stewardship of funds, a determination shall be made during the preliminary assessment as to whether the administrative investigation should be conducted by Internal Audit or whether the case should be recommended for referral to an independent, external investigator commissioned by and reporting to the CGIAR Secretariat.</p>	
I.7-3	<p><b>Policy:</b> When Internal Audit is commissioned to undertake an investigation, it shall be on the basis that Internal Audit will have complete access to all persons engaged in activities under the authority of the Center, all Center premises and property, and all Center records, including files and data stored in any medium or transmitted using Center equipment.</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ In this respect the same authority applies as to regular internal audit work, as established in the Internal Audit Charter</li> </ul>	
I.7-4	<p><b>Policy:</b> Investigators will exercise due diligence in the planning of the investigation. This should be appropriately documented in investigation plans.</p>	
I.7-4:1	<p><b>Practice Requirement:</b></p> <p>An investigation plan shall be developed for each investigation which will go forward beyond the preliminary assessment phase.</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ The purpose of the investigation is to determine whether there is evidence to substantiate or refute an allegation.</li> <li>▪ Investigation plans may be more or less</li> </ul>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - A. Preparation:</p> <p>The planning and conduct of the investigation should reasonably ensure that the resources devoted to an investigation are proportionate to the allegation and the</p>



	<p>detailed, depending on the complexity of the case.</p> <ul style="list-style-type: none"><li>▪ A well-designed plan should normally provide:<ul style="list-style-type: none"><li>○ An outline of the allegations/issues to be examined. In evaluating complaints or reports, investigators must first identify the allegations or issues raised by a complaint and then determine which allegations or issues the investigation actually needs to address, as these are not necessarily the same.</li><li>○ The relevant legal standards applicable to the alleged irregular practices. Investigators must research the relevant rules, policies, procedures, and/or national laws, which would have been violated if the allegations were substantiated. This is critical to ensure that the investigation is focused on the correct issues.</li><li>○ A description of the information required, and strategy to obtain this information, to ensure the success of the investigation in completely resolving the issues, i.e. identify documents that need to be gathered, witnesses who must be interviewed.</li><li>○ An assessment of the relevance and significance of the facts and evidence already available to substantiate or refute the allegation.</li></ul></li><li>▪ An investigation plan may also include, wherever pertinent, adequate information on specific issues raised by the matters being examined and which may impact on the way the investigation is conducted (e.g. security concerns for documents or individuals).</li></ul>	<p>potential benefits of the outcome.</p> <p>The planning should include the development of success criteria for the identification of appropriate and attainable goals for the investigation.</p>
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	<ul style="list-style-type: none"> <li>▪ The plan should consider methods to:             <ul style="list-style-type: none"> <li>○ Gather evidence, such as surveillance, interviews, or written statements.</li> <li>○ Document the evidence, considering legal rules of evidence and the business uses of the evidence.</li> <li>○ Determine the extent of the fraud.</li> <li>○ Determine the scheme (techniques used to perpetrate the fraud).</li> <li>○ Evaluate the cause.</li> <li>○ Identify the perpetrators.</li> </ul> </li> <li>▪ The planning of the investigation should reasonably ensure that the resources devoted to an investigation are proportionate to the allegations and the potential benefits of the outcome.</li> <li>▪ An investigation plan is not an immutable document drafted at a specific point in time, but a “living” document, subject to continuous assessment, regular updates and developments throughout the different stages of the investigation.</li> </ul>	
<p><b>I.7-4:2</b></p>	<p><b>Practice Requirement:</b></p> <p>Investigations should be designed to discover the full nature and extent of the fraudulent or other activity, not just the event that may have initiated the investigation. Investigation work includes preparing workpapers/file documentation sufficient for a legal proceeding.</p> <p>Discussion:</p> <ul style="list-style-type: none"> <li>• The advice of legal counsel will be required to determine the adequacy of the working</li> </ul>	<p>PA1210.A2-2: Auditor s Responsibilities Relating to Fraud Investigation, Reporting, Resolution and Communication</p>



	papers as evidence to be presented before a court.	
I.7-5	<b>Policy: Investigators will carry out their work by exercising due diligence during the investigation and this shall be appropriately documented in working papers.</b>	Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - B. Investigative Activity  Investigative activity and critical decisions should be documented and reviewed regularly with the managers of the investigative offices.
I.7-5:1	<b>Practice Requirement:</b>  The working paper policies set out in Section I.4 of this manual also apply to investigations	
I.7-5:2	<b>Practice Requirement:</b>  Investigative activity shall require the examination of all evidence, both inculpatory and exculpatory, that is possible and legal to obtain.  <b>Discussion:</b> <ul style="list-style-type: none"> <li>▪ Internal Audit may utilize informants and other sources of information and may assume responsibility for reasonable expenses incurred by such informants or sources.</li> <li>▪ The types of evidence sought and the manner in which it is obtained should be in accordance with both Center policy and any relevant host country laws</li> <li>▪ Internal Audit may seek advice on the legal, cultural and ethical norms in connection with gathering evidence for an investigation.</li> <li>▪ Investigation activities should be coordinated with management, legal</li> </ul>	Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - B. Investigative Activity  Investigative activity should require the examination of all evidence, both inculpatory and exculpatory.  The investigative office may utilize informants and other sources of information and may assume responsibility for reasonable expenses incurred by such informants or sources.  The investigative office may seek advice on the



	<p>counsel, and other specialists, such as human resources, as appropriate throughout the course of the investigation.</p>	<p>legal, cultural and ethical norms in connection with an investigation.</p> <p>D. Due Process:</p> <p>Investigative methods may include the gathering of documentary, video, audio, photographic or computer forensic evidence at the election of the investigative office, provided such activities are not inconsistent with the applicable rules and regulations of the organization and with due consideration to the applicable laws of the State where the activity occurs.</p> <p>PA1210.A2-2: Auditor’s Responsibilities Relating to Fraud Investigation, Reporting, Resolution and Communication</p>
<p><b>I.7-5:3</b></p>	<p><b>Practice Requirement:</b></p> <p>Whenever possible, investigators will strive to interview complainants, witnesses and subjects before reporting any investigative findings.</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>• Complainants and witnesses generally will be interviewed before the subject. The following points should be considered: <ul style="list-style-type: none"> <li>○ As a standard investigative practice, the investigator should always try to contact the complainant as soon as possible, in</li> </ul> </li> </ul>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - B. Investigative Activity</p> <p>Investigative activity should include ..... interviews of witnesses;</p> <p>To the extent possible, interviews should be</p>



	<p>order to obtain full information on the complaint, its background, and leads to conduct the investigation, and to assess the credibility of the complaint.</p> <ul style="list-style-type: none"><li>○ Witnesses: Individuals who would have general knowledge about the matter being examined but are most likely not involved in the alleged action should be interviewed first. Individuals who would have direct knowledge of the matter being examined, and who might also be involved in the wrongdoing, should be interviewed last.</li><li>○ The last individual to be interviewed is, generally, the alleged offender.</li><li>▪ There are fundamental reasons for conducting interviews in the preceding order:<ul style="list-style-type: none"><li>○ By gathering all the facts of the case, investigators will be better able to judge the truthfulness of the subject's answers to their questions.</li><li>○ Challenging a subject early in the case could prompt the individual to destroy records, influence witnesses or flee.</li></ul></li><li>▪ In cases where interviewees are providing conflicting information/answers, or if new information is discovered it may be appropriate to interview certain individuals more than once, to seek clarifications, or confront interviewees with outstanding credibility issues.</li><li>▪ The investigator has the right to ask the subject questions on all aspects deemed relevant to the investigation.</li><li>▪ The preferred and most productive interviewing method is face-to-face. However, complainants and witnesses of an investigation may be interviewed not only in person, but also by telephone. In some</li></ul>	<p>conducted by two investigators.</p>
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	<p>cases, also, information may be sought by e-mail or mail exchange. The investigators will decide on how to conduct the interviews based on the seriousness of the allegations, the relevance of the information expected from the complainant or witness and the practicability/cost of conducting a face-to-face interview.</p> <ul style="list-style-type: none"><li>▪ When the subject is a staff member, he or she should normally be interviewed in person only, unless absolutely impracticable or when the allegation is not of such a serious nature so as to warrant a face-to-face encounter.</li><li>▪ The Head of Internal Audit should decide whether the interviewees will be informed that an investigation is underway or whether it will remain confidential and conducted under cover of some other audit which may be ongoing or otherwise started.</li></ul>	
<p><b>I.7-5:4</b></p>	<p><b>Practice Requirement:</b></p> <p>The following basic interviewing rules should be followed:</p> <ul style="list-style-type: none"><li>▪ It will often be desirable for subjects, complainants and witnesses to be interviewed by at least one investigator in the presence of another investigator or, when this is not possible, in the presence of an observer selected by the investigator. The presence of a second investigator, or if not possible, of an observer, serves three purposes: (i) to corroborate oral statements made by the interviewee; (ii) to provide for the safety of the investigator; and (iii) to avoid accusations of investigators' misconduct such as harassment.</li><li>▪ The investigator should determine whether an interview is sensitive enough to warrant a second investigator or other observer to be</li></ul>	



	<p>present.</p> <ul style="list-style-type: none"><li>▪ Whenever feasible, one of the investigators or the observer should be of the same gender as the interviewee.</li><li>▪ Non-crucial witnesses may be interviewed by an investigator alone, at the latter's discretion.</li><li>▪ Investigators should fully identify themselves and others present in the interview to the interviewee and state, in broad terms, the purpose of the interview.</li><li>▪ When interviewing staff members, investigators should preliminarily inform them of their rights and obligations, under Center policy.</li><li>▪ At the discretion of the investigator, the interviewee may be accompanied by a third party, provided that the individual does not have any connection with the matter being investigated. The third party may observe the proceeding but will not participate or have any role in the interview process. Such third parties may be required to sign pledges of confidentiality.</li><li>▪ Interviews should take place in a manner that protects the confidentiality of the process. They may have to be conducted outside Center premises.</li><li>▪ Notes must be taken systematically throughout an interview and a proper record be kept.</li><li>▪ The investigators should make sure the interviewee is comfortable and take into consideration the reasonable need for breaks during the interview.</li><li>▪ The interview should be conducted in such a way as to encourage answers that respond to the issues under investigation. Investigators should ask direct and simple, as opposed to</li></ul>	
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	<p>long or multiple, questions and not talk around a subject. They should speak in a style and at a level of language that is appropriate for the interviewee.</p> <ul style="list-style-type: none"> <li>▪ Investigators should seek regular confirmation of the information provided by the interviewee. When an interviewee uses jargon, slang or acronyms or refers to persons in an unclear or incomplete manner, the investigators should clarify those terms or references at the time they are used during the interview.</li> <li>▪ At the end of the interview, the investigator should ask the interviewee whether he/she has anything to add. This will enable the interviewee to volunteer extra information.</li> <li>▪ The “need-to-know” standard is applied along the interview. The investigator should avoid providing information/documents to the interviewee that he/she does not need to know about and that may breach the principles of confidentiality</li> </ul>	
<p><b>I.7-5:5</b></p>	<p><b>Practice Requirement:</b></p> <p>The proceedings of interviews should be documented by the investigator in a written record.</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ The record of the interview should preferably be in a question/answer format reflecting in a verbatim or quasi-verbatim manner the statements made by the interviewee, especially on key points. Summarized notes may be sufficient, however, for less relevant interviews or parts of interviews.</li> <li>▪ The record of the interview should include, when relevant, remarks on the interviewee’s behaviour during the</li> </ul>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines – D. Due Process:</p> <p>Information received from witnesses and subjects should be documented in writing.</p>



	<p>conversation and clear references of documents/material shown to or mentioned by the interviewee. “Procedural incidents” (e.g. offer of breaks, suspension of the interview, etc.) should also be mentioned in the record.</p> <ul style="list-style-type: none"><li>▪ When the interviewee is the subject of the investigation, the investigator will, whenever practicable and as soon as possible, share the record of the interview with the subject to obtain confirmation that the record is accurate, and request the subject to sign the record. The subject will be allowed to keep a copy of his/her signed interview record. The subject may decline to sign, in which case this should be noted on the record.</li><li>▪ When the interviewee is a complainant or a witness, the investigator will decide whether it is pertinent to share the record of the interview with the staff member and/or to request the staff member to sign it. This may be advisable when the testimony obtained appears to be of particular relevance and/or when the investigator had to conduct the interview alone.</li><li>▪ Any corrections made by the interviewee in the Interview Statement will be clearly identified in the document. If the investigator(s) disagree with the corrections made by the interviewee, determining that they significantly differ from what was said during the interview, the investigator(s), and the observer if applicable, will write their comments on the Interview Statement.</li><li>▪ When interviewing non-Center staff, the investigators may not need or be in a position to ask the person interviewed to review or sign the document. Whenever possible, however, the investigator should</li></ul>	
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	<p>strive to obtain a signed Conversation Record when valuable statements or evidence are obtained.</p> <ul style="list-style-type: none"> <li>▪ Detailed answers to specific and/or technical questions may sometimes be better reflected in an interviewee’s written statement. It is up to the investigator to determine whether a written statement is required.</li> <li>▪ Interviewees sometimes wish to submit a written statement, without being asked to do so, in addition to the information provided during the interview. Such a statement should then be attached to the official record of the interview.</li> <li>▪ The Head of Audit or investigator may determine whether interviews should be taped or video-recorded. While such practice ensures an accurate record it may discourage interviewees to volunteer information and may only be appropriate where investigations are announced rather than kept confidential.</li> </ul>	
<p><b>I.7-5:6</b></p>	<p><b>Practice Requirement:</b></p> <p>Interviews should be conducted in one of the working languages of the Center, but if that is not possible in another language understood by all the interview participants or with the aid of an interpreter.</p> <ul style="list-style-type: none"> <li>▪ In principle, interviews with staff members and consultants are conducted in the working languages of the Center. However, the interviewer may agree, at the request of the interviewee, to do the interview in another language provided all the persons present in the interview have sufficient command of that language.</li> <li>▪ The use of interpreters should be avoided whenever possible. If an interviewee does</li> </ul>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - B. Investigative Activity</p> <p>Interviews should be conducted in the language of the person being interviewed using independent interpreters, unless otherwise agreed.</p>



	<p>not possess a good command of English, or any other language mastered by the interviewer and the observer, he or she may be interviewed, when feasible, using an interpreter.</p> <ul style="list-style-type: none"> <li>▪ Before the interview, the interpreter will be asked to sign a Pledge of Confidentiality. Interpreters will be selected with due consideration for gender sensitivity. The investigator should check the interpreter’s background and credentials to the extent possible. Interpreters should have no personal or professional relationship with the interviewee, and should not be related to the investigation process</li> </ul>	
<p><b>I.7-5:7</b></p>	<p><b>Practice Requirement:</b></p> <p>At any time during the course of the investigation, upon assessment of the evidence, Internal Audit may recommend to the Center that a staff member be suspended from duty pending conclusion of the investigation, either as a precautionary measure or to safeguard evidence. Such suspension will be in accordance with the relevant Center policies and without prejudice to the rights of the staff member concerned in the investigation.</p>	
<p><b>I.7-6</b></p>	<p><b>Policy:</b> Internal Audit shall advise the Center to take appropriate, timely action on any incidence of retaliation against a complainant, witness or other person assisting in an investigation. Where it has been established that a complainant, witness or other person assisting in the investigative office’s investigation has suffered retaliation because of assisting in an investigation, Internal Audit should advise Center management to undertake prompt actions so as to prevent such acts from</p>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - C. Confidentiality and the protection of witnesses</p>



	<p>taking effect or otherwise causing harm to the person.</p> <p>Internal Audit should review and report on any defects in compliance with the Center’s policies against whistleblower retaliation as part of its review of the Center’s control environment.</p>	
<p>I.7-7</p>	<p><b>Policy:</b> Evidence collected during investigations should be secured and the chain of custody maintained during the course of the investigation</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ Evidence includes any species of proof, or probative matter, which is properly gathered in order to determine the existence or non-existence of an alleged fact or proposition, and thus substantiate the allegation (inculpatory evidence) or to refute it (exculpatory evidence).</li> <li>▪ Evidence can consist of a variety of items, including: physical objects (such as PC or laptop hard drives); documents and documentation (hardcopy or electronic records); testimony; observations; analysis.</li> <li>▪ The standard of proof for administrative investigations is the preponderance of evidence – i.e. evidence that, as a whole, shows that something is more probable than not. It is important to bear in mind that in internal investigations, which are administrative proceedings as opposed to criminal proceedings, the Center is not required to prove its case beyond reasonable doubt but to present evidence that raises a reasonable inference that the subject of the investigation has committed the alleged wrongdoing, generally termed a <i>prima facie</i> case. If a <i>prima facie</i> case is made, the burden shifts to the subject to provide a proper explanation or evidence to rebut the</li> </ul>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - E Findings:</p> <p>The standard of proof should conform to the standards required by the organization and/or the national jurisdiction for referrals, but should generally be reasonably sufficient evidence.</p>



	<p>case. If the subject fails to provide a satisfactory explanation or countervailing evidence, the allegation will be considered as substantiated.</p>	
<p><b>I.7-7:1</b></p>	<p><b>Practice Requirement:</b> Evidence which may potentially be used for judicial or administrative hearings should be secured and custody maintained</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ At an early stage of the investigation, investigators must determine when to secure evidence, balancing the requirements of discretion and confidentiality and the risk of evidence being destroyed. If the decision is made too early, someone’s reputation may be tarnished; if the decision is made too late, records may be destroyed. It is helpful to consider: <ul style="list-style-type: none"> <li>○ Is there a possibility that evidence might be destroyed, altered or concealed?</li> <li>○ Is the evidence under the control of the individual identified in the allegation?</li> <li>○ Does the individual identified in the allegation have access to the evidence?</li> <li>○ Is the evidence (e.g. records) available at other locations?</li> </ul> </li> <li>▪ If it has been determined that the records of the case may be at risk, the following actions may have to be considered: <ul style="list-style-type: none"> <li>○ Obtaining the records relevant to the investigation from office files or desks of a staff member</li> <li>○ Securing a personal computer (PC) or laptop, or obtaining a complete back-up of the PC or laptop hard drive</li> <li>○ Recommending suspension from duty of</li> </ul> </li> </ul>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - B. Investigative Activity</p> <p>Evidence likely to be used for judicial or administrative hearings should be secured and custody maintained.</p>



	<p>the staff member concerned</p> <ul style="list-style-type: none"> <li>▪ From the moment an investigator assumes control of the evidence, he/she must keep an appropriate record of its receipt and subsequent handling. This is commonly known as the chain of custody. Original documentation should be stored in a secure and locked room or cabinet. Only authorized staff members may have access to the evidence.</li> </ul>	
	<ul style="list-style-type: none"> <li>▪ <b>Documents.</b> To maintain the proper chain of custody over documents, relevant information should be recorded, such as whenever applicable: Name of the individual providing the document; Source or physical location from which the document was retrieved; Date and time the document was received; Title, identifying/reference number, and date of the document; Condition of the document, number of pages, missing parts, etc.</li> <li>▪ It is appropriate to maintain in the case file a separate log of the documents, recording all relevant information.</li> <li>▪ <b>Electronic records.</b> Collecting evidence may require obtaining files from a computer and/or accessing a staff member's emails. To maintain a proper chain of custody over electronic records, investigators should:             <ul style="list-style-type: none"> <li>○ Determine with the Center's Information Systems Manager the best method for obtaining electronic evidence without altering the information. The decision on which method to use should take into account the complexity of the case, the extent of the damages, financial or otherwise, and whether the case may potentially be referred to local law enforcement</li> </ul> </li> </ul>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - B. Investigative Activity</p> <p>Documentary evidence should be identified and filed with the designation of origin of the document, location and date with the name of the filing investigator.</p>



	<ul style="list-style-type: none"> <li>o Keep a detailed record of how the electronic evidence was collected.</li> </ul>	
<p><b>I.7-7:2</b></p>	<p><b>Practice Requirement:</b></p> <p>At the discretion of the Lead Investigator, original material may be reviewed and copied in situ, or removed from the office where it is located.</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ When investigators retrieve original material from an office or from a person, the investigators will issue a receipt containing a description of the material taken, and other relevant information. One copy of the receipt is to be kept in the case file. Proper record should also be kept of when the original material has been returned.</li> <li>▪ If the material that has been retrieved is to be used as evidence in the investigation or for subsequent civil or criminal proceedings, the investigators may retain the material.</li> <li>▪ If material requested is being worked on and is necessary for the functioning of an Office, the relevant Manager may request a delay in handing over the material. He/she must however allow investigators to copy the material themselves, so that work may continue on the original.</li> <li>▪ Investigators must respect to the extent possible the privacy of staff members when requesting material. Accordingly, where materials cannot be located in common file areas and are believed to be in the possession of a staff member, investigators will request access to this material from the staff member. However, in the absence of the staff member concerned, investigators may request the relevant Manager to</li> </ul>	



	<p>provide access to the material.</p> <ul style="list-style-type: none"> <li>▪ In case of dispute between a staff member and investigators as to the private or work-related nature of some documents and/or assets, documents or items declared to be personal should be placed in a sealed envelope or box and the matter submitted to legal counsel for arbitration.</li> <li>▪ Apart from documentary evidence and witness statements, other physical evidence can become an important part of a case. This is especially true in cases involving theft of assets. Whenever the investigator is planning to search for other physical evidence, he/she should determine whether the investigator has the right to search and seize the evidence. When in doubt, the investigator should consult with legal counsel. In all cases, the investigator should perform the search in the presence of at least another investigator or an independent observer.</li> </ul>	
<p><b>I.7-7:3</b></p>	<p><b>Practice Requirement:</b></p> <p>Investigators should observe relevant Center policies with regard to accessing a staff member’s email, computer hard drive or material held in the staff member’s office.</p> <p>Discussion:</p> <ul style="list-style-type: none"> <li>• In some jurisdictions, staff emails sent through their employer’s systems may be protected under privacy laws from interception or discovery. Center privileges and immunities may or may not override this. At the same time the use of CGNET in the United States to route CGIAR email also influences the access and use of such staff emails.</li> </ul>	



<p><b>I.7-7:4</b></p>	<p><b>Practice Requirement:</b></p> <p>Internal Audit is responsible for safeguarding investigation records from accidental, negligent or wilful disclosure. All appropriate measures shall be taken to prevent the unauthorized disclosure of investigation records.</p>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - A. Preparation:</p> <p>Information received by the investigative office should be protected from unauthorized disclosure.</p>
<p><b>I.7-7:5</b></p>	<p><b>Practice Requirement:</b></p> <p>The level and extent of complicity in the fraud throughout the organization should be assessed. This assessment can be critical to ensuring that crucial evidence is not destroyed nor tainted, and to avoid obtaining misleading information from persons who may be involved.</p>	
<p><b>I.7-8</b></p>	<p><b>Policy: Evidence shall be subject to validation, including corroborative testimonial, forensic and documentary evidence</b></p> <p><b>Discussion:</b></p> <p>Throughout the investigation, the accuracy and authenticity of the evidence obtained, including testimony, records, observations, etc., must be established. Each piece of evidence should be tested and verified by as many sources as are necessary and reasonable to establish the validity of the information. Initial evidence is checked against newly obtained evidence. Conflicts among testimonies, information or material will be resolved by obtaining additional evidence from other competent witnesses and sources.</p> <p>In addition, the investigator will check whether the legal provisions declared relevant are still relevant and/or whether the evidence no longer supports the legally required elements of the violation. By continuously validating the evidence, the investigator ensures that the</p>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - B. Investigative Activity</p> <p>Evidence should be subject to validation, including corroborative testimonial, forensic and documentary evidence.</p>



	<p>findings and conclusions recorded in investigation reports are fully supported by facts and evidence rather than opinion.</p> <p>Gathering of evidence of forged documents should follow forensic auditing principles. The CGIAR Centers have experienced some cases where bank statements, accounting records and supporting vouchers have been forged to hide misappropriations of cash. It may be necessary to obtain the services of a forensic audit expert for this specialized work.</p>	
<p>I.7-9</p>	<p><b><u>Policy:</u> Strict standards of confidentiality and fairness to the parties concerned shall be adhered to throughout the investigation process.</b></p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ Confidentiality is aimed at protecting the integrity of the investigation process, the identity of complainants, the reputation of subjects, the interests of the Fund, and the safety of those involved.</li> <li>▪ While confidentiality cannot be absolute, the general principle is that the disclosure of any information related to an investigation, including the identity of staff members or others involved in an investigation, the subject matter of an investigation, and even the fact itself of an investigation, is restricted to a need-to-know standard, i.e. confidential facts can only be revealed if it is necessary to proceed with the investigation.</li> <li>▪ Normally only the Board Chair, Chair of the Audit Committee, Director General, and those managers or staff members not connected in any way with the subject matter of the investigation whom the Director General designates to assist with oversight of the investigation, shall be provided with</li> </ul>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - A. Preparation:</p> <p>The identities of those who make complaints to the investigative office should be protected from unauthorized disclosure.</p>



	<p>information concerning the progress of an investigation conducted by Internal Audit.</p> <ul style="list-style-type: none"><li>▪ During an investigation, Internal Audit will not provide any information in response to requests for information on investigations from others. This is because:<ul style="list-style-type: none"><li>○ The investigation may be compromised if such information is provided; and,</li><li>○ The subjects of investigation have the right to not have their identities revealed through improper disclosure while an investigation is under way.</li></ul></li><li>▪ All persons involved in an investigation are bound by the general principle of confidentiality.</li><li>▪ When interviewing staff members or otherwise informing them that an investigation is under way, investigators will remind them of their obligation to strictly respect the confidentiality of the investigation, i.e. they must not disclose the details, or the fact itself, of an ongoing investigation to anyone unless formally authorized to do so.</li><li>▪ If the assistance of external individuals or entities is required in connection with an investigation, they should also be informed of the confidentiality requirements and when practicable, requested to confirm in writing their adherence.</li><li>▪ Unauthorized disclosure by a staff member of confidential information related to an investigation constitutes misconduct for which corrective or disciplinary measures may be imposed.</li><li>▪ Where communications concerning investigations must be made through electronic mail, this should be managed carefully. Section L – Confidentiality of</li></ul>	
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	<p>internal audit records and communications – provides further guidance on this.</p>	
<p><b>I.7-9:1</b></p>	<p><b>Practice Requirement:</b></p> <p>The full privilege of confidentiality applies to the identity of the complainant or source of the initial report.</p> <ul style="list-style-type: none"> <li>▪ Investigators will be responsible for ensuring that the identities of complainants are not disclosed, except as otherwise provided in this section of the Manual.</li> <li>▪ Disclosure of the identity of a person as the complainant is authorized only where the complainant has consented to the disclosure or where it is determined that the complainant knowingly and wilfully submitted a false complaint or where: <ul style="list-style-type: none"> <li>○ the complainant has been informed in advance of the disclosure; and,</li> <li>○ such disclosure is necessary for administrative, disciplinary or judicial proceedings; and,</li> <li>○ the Director General has approved such disclosure.</li> </ul> </li> <li>▪ Under certain circumstances, while the identity of a person as a complainant will remain confidential, it may be relevant to request this person to provide a testimony as a witness – for example when this person’s testimony is crucial to establish the facts at issue or when the absence of a testimony by this person would clearly identify him/her as the complainant. When interviewing a complainant in a witness capacity, investigators should make sure that the testimony is obtained and used in a way that will not reveal that person’s role as a complainant.</li> </ul>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - C. Confidentiality and the protection of witnesses</p> <p>Where an individual makes a complaint on a matter subject to the authority of the investigative office, that individual’s identity should be protected from unauthorized disclosure by the investigative office.</p> <p>Where there has been an unauthorized disclosure of the identity of a witness or other person assisting in the investigative office’s investigation by a staff member of the investigative office, available disciplinary measures should be pursued.</p>



<p><b>I.7-9:2</b></p>	<p><b>Practice Requirement:</b></p> <p>Investigations should be conducted with strict regard for the reputation and due process of the person suspected of the wrongdoing.</p> <ul style="list-style-type: none"> <li>▪ Investigators must be knowledgeable and cognizant of the rights of persons within the scope of the investigation</li> <li>▪ The subject of an investigation has the right to not have his/her identity revealed through improper disclosure while an investigation is under way. The disclosure of a subject’s identity to interviewees and others is restricted to a “need-to-know” basis, i.e. only if it is necessary for the proceedings of the investigation.</li> <li>▪ The subjects of investigations must be given a suitable opportunity to explain or justify the conduct being examined and present evidence on their behalf prior to the issuance of an adverse finding against them. The timing and manner in which such an opportunity is provided will vary, depending on the seriousness of the matter, the risk to evidence and others involved, and whether the subject already knows of the investigation,. In some cases, this will take place after the main phase of investigation, under the formal proceedings of a disciplinary action under Center disciplinary policies.</li> <li>▪ If the subject of the investigation is a Center staff member, he or she will normally be provided such an opportunity at two different stages, both orally and in writing, either before the completion of the investigation or during the formal disciplinary proceedings:</li> <li>▪ First, the staff member will normally be informed of the allegations during his/her</li> </ul>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines - B. Investigative Activity:</p> <p>Investigative activity should include ..... the opportunity for the subject(s) to respond to the complaints.</p> <p>D. Due Process:</p> <p>1. Subjects of investigation should be advised by the investigative office of the complaints against them, with the time and manner of disclosure to be made keeping in mind fairness to the subject, the need to protect the integrity of the investigation and the interests and rules of the organization.</p>
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	<p>interview and afforded the opportunity to respond and to defend him/herself. The timing of the interview will be decided by the investigator. Before conducting a subject's interview, the investigator(s) must be fully satisfied that:</p> <ul style="list-style-type: none"><li>○ The evidence (documentary, electronic, physical or witness statements) related to the wrongdoing has been secured (i.e. collected and recorded)</li><li>○ Other safety or security issues that could jeopardize the investigation (e.g. intimidating witnesses) have been addressed.</li><li>▪ Subsequently, the staff member will normally be given an opportunity to review the investigation findings of facts and the evidence on which it is based, and to correct any factual errors that may be noted or otherwise clarify any information contained in the report.</li><li>▪ Under certain circumstances, it may be considered that for serious reasons, including the safety of witnesses, only part or a summary of the draft Investigation Report will be shared with the subject.</li><li>▪ By proceeding in this manner, the Centers can ensure that a strict balance is always maintained between the need to protect the integrity of the investigation and the staff member's right to be given a fair opportunity to respond to the allegations made against him/her.</li><li>▪ In some cases, however, it may not be practicable to conduct a subject's interview, especially when the subject is not a staff member. When such a situation arises, the investigator will consider the possibility to communicate with, and request</li></ul>	
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	clarifications from the subject in writing.	
I.7-9:3	<p><b>Practice Requirement:</b></p> <p>Witnesses who are Center staff members are obliged to cooperate with investigators and must reply honestly and truthfully to questions. As a consequence of this obligation, these witnesses cannot demand that they will only cooperate with investigators if their identities or their oral or written testimonies remain confidential. Center witnesses are also expected to be forthcoming with any additional information relevant to the investigation.</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ The disclosure of the identities and statements of witnesses is however restricted to a need-to-know basis and to the extent necessary for purposes of due process requirements during the investigation and in subsequent administrative or judicial proceedings.</li> <li>▪ Should the investigator consider that, for serious reasons, including the safety of witnesses, certain evidence cannot be shared with the subject as required by the due process requirements applicable during the investigation and in subsequent proceedings, this determination should be clearly recorded on the covering memorandum accompanying the investigation report sent to the Director General.</li> </ul>	
I.7-9:4	<p><b>Practice Requirement:</b></p> <p>Where persons are found to have made false allegations they and their actions are to be reported to the Director General.</p> <ul style="list-style-type: none"> <li>▪ The confidentiality provisions and protections against retaliation detailed above apply only to individuals acting in good faith and providing information which they</li> </ul>	



	<p>reasonably believe is true. When an individual makes allegations or provides information that are known to be false or with malicious intent, the identity of that person as a complainant is not protected.</p> <ul style="list-style-type: none"> <li>▪ When an investigation reveals that a report or allegation was made maliciously or with knowledge of their falsity, the matter will be registered as a separate case, and will be referred to the Director General for appropriate action.</li> <li>▪ Malicious or false reports by staff members constitute misconduct, for which the Director General may impose corrective or disciplinary measures.</li> </ul>	
<p><b>I.7-10</b></p>	<p><b><u>Policy:</u> The results of all investigations should be reported at the conclusion of the investigation.</b></p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ Fraud reporting consists of the various oral or written, interim or final communications to senior management and/or the board of directors regarding the status and results of fraud investigations. Reports can be preliminary and ongoing throughout the investigation. A written report may follow any oral briefing made to management and the board of directors to document the findings.</li> <li>▪ When the incidents of significant fraud, or erosion of trust, have been established to a reasonable certainty, the Director General and the Board Chair and Audit Committee Chair should be notified immediately.</li> <li>▪ When concluding a case, Internal Audit may issue three types of reports setting out its investigative findings: Investigation</li> </ul>	



	Reports, Closure Reports, and Management Implication Reports.	
I.7-10:1	<p><b>Practice Requirement:</b></p> <p>The policies and practice requirements applicable to regular audit reporting also apply to reporting on investigations.</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ Refer to Section I.5 of this Manual</li> <li>▪ Additional requirements specific to investigations are set out below.</li> </ul>	
I.7-10:2	<p><b>Practice Requirement:</b></p> <p>At the conclusion of an investigation, when Internal Audit considers that sufficient evidence has been found to conclude that irregular practices have occurred, the Internal Audit will prepare an Investigation Report for transmission to the Director General, Board Chair and Audit Committee Chair.</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ The Investigation Report is the summary of the work done during the investigation and sets out the facts that have emerged from the investigation. Findings must be fully supported by the evidence obtained.</li> <li>▪ Reports must include the facts and evidence supporting the allegations but also the facts and evidence that are to the benefit of the accused, i.e. exculpatory evidence and relevant mitigating information. Whenever there is evidence that reduces the full conviction of Internal Audit, and its firm belief in, the subject's guilt to a mere likelihood of guilt, Internal Audit will report this.</li> <li>▪ In cases involving staff misconduct, the Investigation Report will conclude whether the evidence available and related analysis,</li> </ul>	<p>Uniform Guidelines for Investigations 2003 – IV. Procedural guidelines – E. Findings</p> <p>Where the investigative findings substantiate the complaint, those findings should be reported to the appropriate managers along with recommendations for corrective action, where appropriate, which may include redress in courts, in disciplinary or debarment proceedings and in other sanctions available to the manager, and for the steps needed to minimize the risk of recurrence.</p>



	<p>which may include reasonable inferences, support a finding of misconduct but will not recommend an appropriate corrective or disciplinary measure, as this will be decided by a Disciplinary Committee and Director General in accordance with Center disciplinary policies.</p> <ul style="list-style-type: none"><li>▪ In cases involving individual consultants and other entities, contractors and individuals, the Investigation Report will conclude whether the evidence available supports a finding that irregular practices were engaged in. Sanctions will be determined by the Director General and may include disbarment from participating in any procurement in accordance with Center procurement policies.</li><li>▪ If the results of a fraud investigation indicate that fraud may have had a previously undiscovered adverse effect on the Center’s financial position and its operational results for one or more years for which financial statements have already been issued, the Director General, Chief Financial Officer, Board Chair and Audit Committee Chair should be informed of such a discovery.</li><li>▪ Where investigative findings adduced during an investigation tend to show that the laws of the host country have been violated, Internal Audit will recommend that the Center consider referring the case to the appropriate national law enforcement agency.</li><li>▪ When appropriate and necessary, the Investigation Report may also contain recommendations that are derived from the investigative findings, including:<ul style="list-style-type: none"><li>○ Recommendations for the recovery of monies or other assets of the Fund that</li></ul></li></ul>	
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	<p>were lost as a result of the irregular practices; and</p> <ul style="list-style-type: none"> <li>o Recommendations to refer a case to competent national authorities.</li> </ul>	
I.7-10:3	<p><b>Practice Requirement:</b></p> <p>Consideration should be given to submitting draft investigation reports for review by the Center’s legal counsel before wider circulation</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ This is recommended where the report finds the complaint to be substantiated and civil or criminal proceedings are recommended. Legal counsel can provide advice that will help ensure the report presents the information in a way that will facilitate initiating such proceedings</li> <li>▪ Where the investigation has been undertaken under a client privilege arrangement, the reports must be addressed to legal counsel.</li> </ul>	<p>PA1210.A2-2: Auditor s Responsibilities Relating to Fraud Investigation, Reporting, Resolution and Communication</p> <p>A draft of the proposed final communications on fraud should be submitted to legal counsel for review. In cases where the organization is able to invoke client privilege, and has chosen to do so, the report must be addressed to legal counsel.</p>
I.7-10:4	<p><b>Practice Requirement:</b></p> <p>Closure reports should normally be prepared when, after a preliminary assessment or a formal investigation, the evidence gathered was not sufficient to substantiate the allegations, or proved the allegations to be unfounded. Closure reports should provide, in an abbreviated format, a summary of the investigative findings and basis for the conclusion.</p>	<p>Where investigative findings are insufficient either to substantiate or to discredit the complaint, those findings should be reported and the affected subject cleared.</p>
I.7-10:5	<p><b>Practice Requirement:</b></p> <p>Where there are investigative findings tending to prove that the complaint was made in bad faith or with malicious or negligent disregard of the facts, Internal Audit may recommend that appropriate action be taken against the complainant. However, the mere fact that the</p>	



	complaint is found to be unsubstantiated is insufficient for such response.	
I.7-10:6	<p><b>Practice Requirement:</b></p> <p>If investigation findings reveal weaknesses in the Center’s administrative or operational policies, guidelines, procedures or practices, Internal Audit will send to the Director General and other managers concerned, a memorandum on management implications that need to be addressed.</p>	
I.7-10:7	<p><b>Practice Requirement:</b></p> <p>Complainants and the subject will be informed of the results of the investigation by Center management in accordance with Center policies</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ If a matter has been referred for civil or criminal prosecution under national laws, no notification will be given. All further actions will be taken by the appropriate prosecuting authority according to its codes of procedures.</li> </ul>	
I.7-11	<p><b>Policy: Management is responsible for resolving fraud incidents, not the internal auditor, nor the investigator.</b></p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ Resolution consists of determining what actions will be taken by the organization once a fraud scheme and perpetrator[s] have been fully investigated, and evidence has been reviewed.</li> <li>▪ Internal Auditors should assess the facts of investigations and advise management relating to remediation of control weaknesses that lead to the fraud. Auditors should design additional steps in routine</li> </ul>	



	<p>audit programs or develop “auditing for fraud” programs to help disclose the existence of similar frauds in the future.</p>	
I.7-12	<p><b>Policy:</b> A formal mechanism will be developed to follow-up on recommendations included in Investigation Reports and to report on the status and implementation of recommendations.</p>	
I.7-13	<p><b>Policy:</b> Internal Audit will not investigate allegations against the Head of Internal Audit or Internal Audit staff.</p> <p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>▪ Allegations concerning Internal Audit management or staff should be reported to the Director General of the Center where the concern arises or to either Co-Chair of the CGIAR Internal Audit Consortium Board of Sponsors. In the former case the Director General will inform the Co-Chairs of such allegation. The allegations will be investigated by an investigative expert selected by the Director General and the Co-Chairs who will report his/her findings directly to the Director General and the Co-Chairs.</li> </ul>	
I.7-14	<p><b>Policy:</b> To maintain proficiency, Internal Auditors who conduct fraud investigations have a responsibility to obtain sufficient knowledge of fraud schemes, investigation techniques, and laws.</p>	<p>PA1210.A2-2: Auditor’s Responsibilities Relating to Fraud Investigation, Reporting, Resolution and Communication</p>



Appendix 1 – Section I.7

SUMMARY OF IA PROCESSING OF INVESTIGATION REFERENCES

