

DIRECTIVE

Appeals Process

Section I: Purpose

This Directive sets out the processes that shall be followed in the appeal against an Administrative Decision which allegedly is in breach of a Staff Member's Terms and Conditions of Employment.

Section II: Definitions

The capitalised terms used in this Directive have the meaning given to them in the Glossary of Terms set out in the Directive on General Provisions and Glossary of Terms for the Staff Handbook and the general provisions set out in the Directive on General Provisions and Glossary of Terms for the Staff Handbook shall apply to this Directive, except that for the purpose of this Directive, the term "**Staff Member**" shall mean any of the persons referred to in Section IV paragraph 1.02(a) of this Directive.

Section III: Legal Basis

Resolution No. 102 of the Board of Governors.

The Staff Regulations, Section 10.

Section IV: Scope

1. General Provisions

1.01 Establishment

This Directive is established pursuant to Resolution No. 102 of the Board of Governors and Section 10 of the Staff Regulations.

1.02 Purpose

- (a) This Directive sets out the processes by which any of the following individuals may appeal an Administrative Decision:
 - (i) a current or former staff member of the Bank, or
 - (ii) a current or former participant in the Retirement Plans, or
 - (iii) the legal representative of a deceased staff member of the Bank or participant in the Retirement Plans, but only in relation to payment of salary or benefits due and owing to the deceased staff member of the Bank, or to benefits or insurance matters associated with the deceased staff member of the Bank or participant.
- (b) Except as otherwise provided in the Directive on the Administrative Review Process, the relevant processes set out therein must be exhausted prior to any Appeal to the Tribunal as

provided for in this Directive.

1.03 Time Limits

For the purposes of any time limit in this Directive and the Tribunal Appeals Procedures adopted and issued pursuant to paragraph 2.05 of this Directive, where any act must be done within a certain number of days before or after an event, the date of the event shall not be included in the calculation. Unless stated otherwise, references to days are to working days in the Bank's Headquarters.

2. The Administrative Tribunal

2.01 Right of Appeal

- (a) A Staff Member may submit an Appeal against an Administrative Decision to the Tribunal after having exhausted all appropriate channels for Administrative Review under the Directive on the Administrative Review Process.
- (b) A Staff Member may only appeal an Administrative Decision which allegedly alters, in a material adverse manner, or allegedly is in breach of, their Terms and Conditions of Employment in force immediately before the Administrative Decision was taken.

2.02 Composition of the Tribunal

- (a) The Tribunal shall consist of five members, all of whom shall be nationals of different member states of the Bank.
- (b) The members shall be persons of high moral character and possess the qualifications required for appointment to high judicial office or be lawyers or arbitrators expert in the areas of employment relations, international civil service or the administration of international organisations.
- (c) No member shall be a current or former staff member or officer or current or former member of the Board of Directors or the Board of Governors.
- (d) The members of the Tribunal shall be appointed by the Board of Directors on recommendation of the President after consultation with the Managing Director, Human Resources and Organisational Development, the General Counsel and the Staff Council. The President may also appoint a selection committee to assist them to identify the recommended appointees. The members of the Tribunal shall serve for a term of three years (except for the first five members whose terms shall be staggered as follows: three for two years and two for three years) and may be re-appointed. A member of the Tribunal may only be removed from office by the Board of Directors based on a recommendation of the President (in consultation with other members of the Tribunal) that the member in question is unsuited for further service.
- (e) If any member of the Tribunal is unable to act or resigns the Board of Directors may, based on the recommendation of the President given after consultation with the Managing Director, Human Resources and Organisational Development, the General Counsel and the Staff Council, appoint a replacement member of the Tribunal who shall serve for the

remainder of their predecessor's term.

- (f) The Tribunal shall elect the President of the Tribunal from among its members. The President of the Tribunal shall serve for a term of three years and may be re-appointed. If the President of the Tribunal is unable to act or resigns during the course of their term, the members of the Tribunal shall promptly (and without waiting for the appointment of a replacement member) elect a new President of the Tribunal who shall serve for the remainder of their predecessor's term.
- (g) The President of the Tribunal shall make the administrative arrangements necessary for the functioning of the Tribunal including issuing such directions as necessary to prepare any matter for consideration by the Tribunal.

2.03 Obligation to Act Independently and Impartially

The members of the Tribunal shall act independently and impartially in the exercise of their duties and shall not receive any instructions from any source. The members of the Tribunal shall sign a statement to that effect upon appointment.

2.04 Administrative Costs and Assistance to the Tribunal

The Bank shall pay the administrative costs of operating the Tribunal and the remuneration of the members of the Tribunal and shall appoint such person or persons as may be necessary to act as the secretariat of the Tribunal. If such persons include staff members of the Bank, the staff members shall, in performing their duties, act impartially and independently from the parties, and shall receive instructions only from the members of the Tribunal. The staff members of the secretariat of the Tribunal shall sign a statement to that effect upon appointment.

2.05 Procedure of the Tribunal

In consultation with the General Counsel, the Tribunal shall adopt and issue the Tribunal Appeals Procedures to be followed in the conduct of an Appeal. The Tribunal Appeals Procedures shall be made available to all staff members of the Bank.

3. Competence of the Tribunal, Applicable Law and Guiding Principles

3.01 Competence

- (a) Subject to paragraph 8.01(c) below, the Tribunal shall have competence to consider and to uphold or reject, in whole or in part, any Appeal initiated in accordance with paragraph 2.01 above.
- (b) Any question as to the competence of the Tribunal to hear a particular Appeal shall also be decided by the Tribunal on the basis of the relevant provisions of this Directive.

3.02 Applicable Law

In considering an Appeal, the Tribunal shall base its decision on the provisions of the Staff Member's contract of employment, the internal law of the Bank and generally recognised

principles of international administrative law. For purposes of this Directive, the internal law of the Bank is to be determined by reference to the following sources, in order of precedence:

- (a) decisions of the Board of Governors and of committees of the Board of Governors on staff and employment matters;
- (b) decisions of the Board of Directors on staff and employment matters, including where the issue relates to a Retirement Plan or any benefit thereunder, the Rules of such Retirement Plans;
- (c) the Staff Regulations of the Bank;
- (d) the body of rules and procedures issued in writing by or under the authority of the President and the Managing Director, Human Resources & Organisational Development; or where the issue relates to a Retirement Plan or any benefit thereunder, the body of rules and procedures issued by any committee established pursuant to the Rules of such Retirement Plan, and, in each case, reasonably accessible to staff members of the Bank; and
- (e) Bank administrative practice, to the extent this practice is not inconsistent with the foregoing sources.

3.03 Guiding Principles

The Tribunal shall be guided by the following principles:

- (a) Notwithstanding any other provision of this paragraph 3.03, an Appeal by a Staff Member on probation against a decision not to confirm their appointment, or by a Staff Member on a fixed term contract not to renew or extend the term or convert their fixed term appointment to a regular one, shall normally be upheld only if it is established:
 - (i) that the Staff Member was given an express assurance by an officer of the Bank whom the Staff Member was entitled to consider as having authority to give such assurance, that their appointment would be confirmed or regularised, or their contract renewed, or extended, as the case may be;
 - (ii) that the Staff Member changed their position in reliance on this assurance; and
 - (iii) that the assurance was unqualified, or that the Staff Member subsequently met all the qualifications attached to it.
- (b) When the Administrative Decision complained of is a Decision of a Discretionary Nature, the Tribunal shall uphold the Appeal only if it finds that the decision was arbitrary, or discriminated in an improper manner against the Staff Member or the class of staff members to which the Staff Member belongs, or was carried out in violation of the applicable procedure.
- (c) When the Administrative Decision complained of is not a Decision of a Discretionary Nature (including any Administrative Decision concerning harassment or bullying), the Tribunal shall uphold the Appeal only if it concludes that the decision was inconsistent with or not taken in accordance with the provisions of the Staff Member's Terms and

Conditions of Employment in force immediately before the Administrative Decision was taken.

- (d) In the course of the proceedings before the Tribunal brought by a Staff Member:
 - (i) with respect to a disciplinary matter, the Bank shall be required to prove the Staff Member's misconduct and the appropriateness of any disciplinary measure taken in respect of such misconduct; or
 - (ii) where a Staff Member indicates retaliation as a result of their engagement in a Protected Activity, the Bank shall be required to show by clear and convincing evidence that the Administrative Decision which the Staff Member alleges was retaliatory was not retaliatory.

4. Submission of Appeals

4.01 Form of Appeal

- (a) The Staff Member shall initiate an Appeal by submitting to the Tribunal a written Statement of Appeal using the form prescribed by the Tribunal Appeals Procedures.
- (b) The secretariat of the Tribunal shall promptly send a copy of the Statement of Appeal and accompanying documents to the President and shall notify the secretariat of the Administrative Review Committee of the Appeal.

4.02 Parties

The parties to the Appeal proceedings shall be the Staff Member initiating the Appeal, as appellant, and the Bank, as respondent.

4.03 Time Limit for, and effect of, Filing an Appeal

- (a) A Statement of Appeal must be submitted to the Tribunal within sixty days of the date of the Administrative Review Decision rendered in accordance with Section IV, paragraph 6.4.3 of the Directive on the Administrative Review Process.
- (b) A Statement of Appeal may be submitted after the sixty-day period has elapsed, but only if the Tribunal is satisfied that there were justifiable grounds for the delay and that a refusal to consider the Appeal would cause substantial injustice to the Staff Member.

4.04 Response

Within twenty days following receipt of the appellant's Statement of Appeal or twenty days following receipt of a decision of the Tribunal accepting jurisdiction, the respondent must submit to the Tribunal its Response to the Statement of Appeal which answers the appellant's allegations and may provide such other information the respondent believes the Tribunal may require.

4.05 Suspension of Administrative Decision

The submission of appellant's Statement of Appeal shall not, of itself, have the effect of suspending the Administrative Decision or any actions taken as a result of it. However, at the request of the appellant, the Tribunal may decide to suspend the Administrative Decision on such conditions as the Tribunal thinks appropriate pending completion of the Appeal.

5. Consideration of Appeals

5.01 Presiding over the Tribunal and related matters

- (a) For each Appeal, the President of the Tribunal shall select three members, which may include the President of the Tribunal. Any member selected for an Appeal who has an interest that might prejudice, or appear to prejudice, their ability to make an impartial determination shall declare such interest and recuse themselves prior to considering the Appeal. In such a case, the President of the Tribunal shall appoint a replacement. If any member recuses themselves or withdraws during an Appeal, the member shall not be replaced.
- (b) For each Appeal, the President of the Tribunal shall nominate one member of the Tribunal to act as chair for that Appeal. Such nominee may be the President of the Tribunal themselves.
- (c) The President of the Tribunal may decide that an Appeal shall be decided by the Tribunal in plenum.
- (d) The Panel selected by the President of the Tribunal to hear an Appeal may also take the decision that an Appeal shall be decided by the Tribunal in plenum.

5.02 Assistance to the Appellant

- (a) The appellant may be assisted by another staff member of the Bank (excluding the Staff Legal Adviser and a staff member in, or having previously worked in, the Office of the General Counsel, Human Resources Department or the Office of the Chief Compliance Officer), who may appear at the hearing, if an oral hearing is held.
- (b) The appellant may also be further assisted and/or represented by another person from outside the Bank, including a lawyer.

5.03 Representation of, and Assistance to, the Bank

- (a) The General Counsel or their delegate shall act on behalf of the Bank.
- (b) The Bank may also be assisted and/or represented by another person, including a lawyer from outside the Bank.

6. Incidental Measures

6.01 Referral Back for Further Review

- (a) If, in their Statement of Appeal, the appellant includes a ground of appeal or information which was not contained in their request for an Administrative Review and which, had it been included, might have materially altered the recommendation of the Administrative Review Committee and/or the Administrative Review Decision, the Tribunal may, at the request of the respondent, suspend the Appeal to allow the re-opening of the Administrative Review.
- (b) The same principle applies to Appeals arising from a decision by the Retirement Plan Administration Committee, save that in that case the Tribunal shall refer the matter back for further review by that committee.

6.02 Jurisdictional Issues

- (a) If the Bank wishes to challenge the jurisdiction of the Tribunal, it must do so within fifteen days after receiving the Statement of Appeal, by submitting a written notice to the Tribunal giving reasons for the challenge.
- (b) The appellant shall have fifteen days following receipt of the respondent's notice to submit a written reply.
- (c) Having considered the notice and, if submitted, the reply, the Tribunal shall make a finding on jurisdiction.
- (d) Notwithstanding the terms of paragraphs 6.02(a), (b) and (c) above, the Tribunal may of its own initiative determine that it would be appropriate to conduct a preliminary hearing on the issue of jurisdiction.

6.03 Production of Documents and Other Evidence

- (a) Following submission of the Statement of Appeal under paragraph 4.01 above and the Response under paragraph 4.04 above, the secretariat of the Administrative Review Committee shall provide the secretariat of the Tribunal with a copy of the Administrative Review Committee's Report and Recommendation (including the Findings of Fact) and a transcript of proceedings before the Administrative Review Committee certified by the person or persons transcribing the proceedings.
- (b) In addition, at any time during the proceedings, the Tribunal may require evidence or argument additional to that put forward by the parties.
- (c) Subject to paragraphs 6.03 (d) and (e) below, the Tribunal may require the Staff Member and/or the Bank to provide any information which it considers critical to the matter under consideration and whose probative value outweighs the costs and inconvenience associated with such information being provided.
- (d) The respondent shall be under no obligation to produce any document containing information that is secret or confidential, or where its production would prejudice the

operations of the Bank or its relations with a member, or would infringe on the rights of privacy or reputation of the other staff members of the Bank. The Secretary General, after consultation with the President, shall provide the Tribunal with a certificate which shall constitute conclusive evidence to that effect.

- (e) The Bank shall be under no obligation to disclose any written or oral advice provided by or through the Office of the General Counsel in relation to the Administrative Decision under consideration.
- (f) If there has been a Mediation, nothing said by either party or the Mediator in the Mediation nor any document produced by either party or by the Mediator specifically for the Mediation may be used in consideration of the Appeal and the Mediator may not give evidence in such Appeal.
- (g) Neither the Ombudsperson nor the Staff Legal Adviser may be called to give evidence in any Appeal before the Tribunal nor shall their advice and working documents constitute evidence before the Tribunal.

6.04 Stay of proceedings

- (a) At the request of either party, the Tribunal may, in its discretion, stay the proceedings at any time for any reason.
- (b) If there are ongoing proceedings under the Directive on Conduct and Disciplinary Rules and Procedures related to, or concerning, the subject matter of the Appeal, the Appeal must be suspended pending the termination of those proceedings.
- (c) Where there are other Appeals lodged with the Tribunal concerning the same Regulatory Decision, the Tribunal, on application of the Bank, shall stay such Appeals until such time, not exceeding six months, as the Board of Directors or the Board of Governors, as applicable, has had a reasonable opportunity to consider and adopt measures to address the decision in question.

7. Proceedings

7.01 Reliance on Findings of Fact

- (a) In the ordinary course, the Tribunal shall decide the Appeal on the basis of the Appeal Documents which shall include the Statement of Appeal, Response, Findings of Fact of the Administrative Review Committee and a transcript of the proceedings before the Administrative Review Committee and any other documents and evidence submitted to the Tribunal.
- (b) The Tribunal shall take full account of the Findings of Fact made by the Administrative Review Committee in the Administrative Review Committee's Report and Recommendation unless, on application of either party, the Tribunal determines that the Findings of Fact contain a manifest error on the face of the written materials before it (including the Findings of Fact and the transcript) or are perverse or are reached in breach of applicable law or the Tribunal grants a request of either party to present new evidence not available to that party before the Administrative Review Committee.

7.02 Conduct of the Hearing

- (a) In exceptional cases, the Tribunal may hold oral hearings to hear arguments of the parties or to re-hear the evidence (or part of the evidence) or to allow new evidence to be heard. In such a case, the Tribunal shall determine how such hearing shall proceed.
- (b) Where oral hearings are held, the hearings shall be held in private, with attendance limited to the parties and their assistants and/or representatives, and such other persons whose attendance is authorised by the Tribunal.
- (c) The Tribunal may, on application of either party, in its discretion, allow part or all of such hearings to be open to staff members of the Bank where:
 - (i) the Appeal is concerned primarily with a Regulatory Decision,
 - (ii) the private and professional life of persons associated with, or affected by, the Appeal is adequately protected, and
 - (iii) the opening of the hearing to staff members of the Bank would not prejudice the interests of justice.

7.03 Joinder and amicus curiae briefs

In accordance with the provisions of the Tribunal Appeals Procedures, the Tribunal may accept:

- (a) joinder of Appeals by other staff members of the Bank; and
- (b) the filing of any *amicus curiae* briefs by interested staff members of the Bank and the Staff Council where the Appeal relates to a Regulatory Decision.

8. Decisions and Recommendations of the Tribunal

8.01 Decisions

- (a) The Tribunal shall take all its decisions by a majority of the members present. In the event of an equality of votes due to there being an even number of members hearing an Appeal for any reason, the chair shall have the casting vote. The deliberations of the Tribunal shall be confidential.
- (b) The Tribunal's decision, shall be incorporated in a written report, which shall state the reasons for the decision, the remedies, if any, awarded to a successful appellant and, where applicable, the Tribunal's decision on costs. Copies of the report of the Tribunal shall be provided to the parties.
- (c) In respect of Administrative Decisions required by, or in the case of a failure or refusal to act prohibited by, a decision of the Board of Directors or the Board of Governors taken before the Effective Date for the purposes of the Directive on the Administrative Review Process, the Tribunal shall not uphold an Appeal by a Staff Member if this would be inconsistent with the decision of the Board of Directors or of the Board of Governors. A

written statement signed by the Secretary General shall be conclusive evidence of the existence of a decision by the Board of Directors or of the Board of Governors. In case of doubt on the part of the Tribunal about the meaning and intent of a particular decision by the Board of Directors or of the Board of Governors, the Tribunal shall rely on an opinion provided by the General Counsel. However, if the Tribunal considers that the decision of the Board of Directors or Board of Governors is or may be in breach of international administrative law, the Tribunal may request that its view and the reasons for it be brought to the attention of the Board of Directors. The President shall comply with any such request.

- (d) If the Tribunal determines that the Findings of Fact issued by the Administrative Review Committee have material flaws or were the result of procedural deficiencies, it may, in the interest of justice and efficient resolution of the case, set aside the Administrative Review Decision and remand a case to that Committee for further fact finding.

8.02 Dismissal of Appeals for Cause

At any time during the Appeal, the Tribunal may summarily dismiss the Appeal, if it concludes that the Appeal is frivolous or vexatious. The Tribunal's decision shall be incorporated in a written report, which shall state the reasons for the decision.

8.03 Recommendations

- (a) If the Tribunal concludes in the course of an Appeal that a decision of the Board of Directors or Board of Governors is or may be in breach of international administrative law, the Tribunal may request that its view and the reasons for it be brought to the attention of the Board of Directors. The President shall comply with any such request.
- (b) In any other case, the Tribunal, in its report on an Appeal or in a separate communication, may make non-binding recommendations or suggestions for the consideration of the President on any matter that has come to the attention of the Tribunal in the course of an Appeal.

8.04 Award of Remedial Measures

- (a) If the Tribunal concludes that the Appeal is well founded, the Tribunal may grant, in whole or in part, the remedies sought by the appellant including such measures to be taken by the respondent to rectify the Administrative Decision complained of and the adverse effects of that decision on the appellant.
- (b) The measures may include payment of a sum of money, not to exceed three times the appellant's current (or if the employment has been terminated, then final) annual salary, that the Tribunal finds is due to the appellant and/or actions such as a pay increase, promotion, transfer or reinstatement of employment.

8.05 Compensation in Lieu of Remedial Measures

- (a) When awarding a remedial measure other than the payment of money, the Tribunal shall also fix an amount to be paid by the respondent as compensation should the respondent not

implement the measure. The amount fixed by the Tribunal shall not exceed three times the then current (or if the employment has terminated, the final) annual salary of the appellant.

- (b) If, within one month after receipt of the Tribunal's report, the President decides that it is not in the interest of the respondent to implement the remedial measures awarded by the Tribunal, the respondent shall instead promptly pay to the appellant the amount of compensation fixed by the Tribunal.

8.06 Award of Costs against the Respondent

- (a) If it upholds an Appeal, in whole or in part, the Tribunal may order that the respondent reimburse the appellant for such reasonable expenses, including reasonable legal costs, the appellant has incurred in presenting the Appeal. Exceptionally, the Tribunal may order that the respondent pay all or some part of the appellant's legal costs where the Appeal has not succeeded.
- (b) The appellant shall not be entitled to recover the expenses incurred by reason of being assisted by another staff member of the Bank.

8.07 Award of Costs against the Appellant

If the Tribunal concludes that the bringing or conducting of the Appeal by the appellant was frivolous or vexatious, it may award costs against the appellant.

8.08 Final and Binding Nature of Tribunal Decision

All decisions of the Tribunal shall be final and binding on the parties to the proceedings. They shall not be made the subject of any type of appeal by either of the parties to the proceedings.

9. Confidentiality and Protection of Participants

9.01 Confidentiality of Proceedings

The proceedings of the Tribunal and all documents filed in those proceedings shall be confidential. Such documents shall be made available only to those persons who, by virtue of their duties as officers of the Bank or their involvement in the Appeal, have a legitimate interest in the matter. Requests for information and/or documentation shall be submitted for consideration to the General Counsel or their delegate. A decision given in relation to such request shall not be considered an Administrative Decision within the purview of this Directive.

9.02 Protection of Participants

- (a) Staff members appealing, serving as witnesses, or assisting an appellant before the Tribunal shall not in any way be penalised or discriminated against by the Bank in consequence of their involvement in the Appeal process, irrespective of the outcome of the Appeal.
- (b) If it is established that adverse action has been taken against an individual in retaliation for pursuit of or participation in an Appeal, this may be a ground for investigation of suspected misconduct and for disciplinary action against the individual or individuals who have taken

the adverse action in accordance with the Directive on Conduct and Disciplinary Rules and Procedures.

9.03 Information Regarding Tribunal Decisions

- (a) The Tribunal's decisions on jurisdiction under paragraph 6.02 above, as well as the written reports produced by the Tribunal in accordance with paragraphs 8.01 and 8.02 above shall be published by the Bank.
- (b) The manner and form of the publication shall be determined by the President, but shall in all cases include publication on the Bank's intranet and internet sites.
- (c) Either the appellant or the respondent may request that the Tribunal require publication of its decisions in such a way so as to preserve the essential anonymity of the appellant and any other person whose reputation might be adversely affected by the publication.
- (d) For the avoidance of doubt, the exercise of the Tribunal's discretion within the context of this section shall not be the subject of any appeal.

9.04 Annual Report

- (a) The President of the Tribunal shall prepare an annual report indicating, in summary form, the Appeals brought before it in the past year, the decisions taken, and the actions of the Bank in implementing those decisions.
- (b) Subject to paragraph 9.03 above, the report shall maintain the essential confidentiality of all parties involved in Appeals brought before the Tribunal. The report shall be addressed to the President and shall be made available to the Board of Directors as well as to staff members of the Bank.

10. Amendments

- (a) The President may, from time to time, amend any provision of this Directive, provided that such amendments shall not conflict with the decision of the Board of Directors relating to the Review of the Grievance and Appeals Procedures, of 23 March 2006, or the Resolution No. 102 of the Board of Governors on Increased Powers of the Administrative Tribunal, of 22 May 2006.
- (b) Prior to make any amendment, the President shall first consult with the President of the Tribunal, the Chair of the Budget and Administrative Affairs Committee and the Staff Council.
- (c) Any amendment to this Directive shall not be retroactive, shall not apply to any Appeal pending before the Tribunal on the date of its publication, and shall take effect only upon publication.

Section V: Waivers, Exceptions and Disclosure

Waivers

The President may grant a deviation from a requirement of this Directive in accordance with Section IV, paragraph 10 of this Directive.

Exceptions

Not applicable.

Disclosure

This Directive will not be disclosed on the Bank's website.

Section VI: Transitional Provisions

Appeals commenced before the effective date of the Directive on the Administrative Review Process by submission of an appeal to the Tribunal constituted under the Grievance Procedures then in force, shall be dealt with in accordance with those procedures.

Section VII: Effective Date

This Directive is effective on 9 November 2021.

Section VIII: Decision Making Framework

Accountable

The Managing Director, Human Resources & Organisational Development is accountable for this Directive.

Responsible

The Head of Employee Relations is responsible for the implementation of this Directive.

Section IX: Review and Reporting

Review

Not applicable.

Reporting

Not applicable.

Section X: Related Documents

1. Staff Regulations
2. Directive on the Administrative Review Process

RESOLUTION NO. 102

INCREASED POWERS OF THE ADMINISTRATIVE TRIBUNAL

THE BOARD OF GOVERNORS

Having considered and being in agreement with the Report of the Board of Directors on the Increased Powers of the Administrative Tribunal,

RESOLVES:

That the Board of Directors be authorised to adopt any resolution, and the President be authorised to adopt any procedure, as are necessary to confer on the Administrative Tribunal the power to uphold an appeal against any individual administrative decision which is in breach of a staff member's terms of appointment or conditions of employment, subject to terms and conditions to be set by the Board of Directors.

(Adopted 22 May 2006)

TRIBUNAL APPEALS PROCEDURES

These Tribunal Appeals Procedures (the “**Procedures**”) set out the rules adopted by the Tribunal, in consultation with the General Counsel, pursuant to Section IV, paragraph 2.05 of the Directive on the Appeals Process.

The capitalised terms used in these Procedures have the same meaning as the corresponding terms used in the Directive on the Appeals Process (DIR/2019/14).

Rule 1.04 (Time Limits – Section IV, paragraph 1.04 of the Directive on the Appeals Process)

For the purpose of determining whether time limits have been met, the date of dispatch (whether by postal service or courier), when accompanied by proof thereof, shall be accepted as the date of filing the same as if the filing had been effected on that date by hand delivery to the secretariat of the Tribunal.

A party to an Appeal may communicate with the secretariat of the Tribunal and send specified documents to the Tribunal by email to the email address of the secretariat of the Tribunal as published from time to time on the Bank’s intranet. The subject line of any such email must contain the Tribunal’s case number and the names of the parties.

Rule 2.02 (Composition of the Tribunal – Section IV, paragraph 2.02 of the Directive on the Appeals Process)

- (a) In making all necessary arrangements for the functioning of the Tribunal, the President of the Tribunal shall, among others:
 - (i) in consultation with the other members of the Tribunal, fix the dates of the Tribunal's sessions;
 - (ii) in accordance with Rule 4.01(e), (f) and (g), review any Statement of Appeal and cause the secretariat of the Tribunal to take appropriate action in connection therewith;
 - (iii) supervise the secretariat of the Tribunal in the performance of its functions; and
 - (iv) when the Tribunal is not in session, deal with any matter not expressly provided for in these Procedures.
- (b) Any decision made in exercise of the powers vested under this Rule 2.02 in the President of the Tribunal, or, as the case may be, the chair of the Tribunal appointed for the purpose of an Appeal is final, including any decision made in accordance with Rule 4.01(e)(iii) that a submission does not constitute a Statement of Appeal and cannot be accepted as filed.

Rule 2.05 (Procedure of the Tribunal – Section IV, paragraph 2.05 of the Directive on the Appeals Process)

The Tribunal, or, in exceptional circumstances when the Tribunal is not in session, the President of the Tribunal after consultation where appropriate with the members of the Tribunal may, in

exceptional cases, modify the application of these Procedures, including any time limits hereunder, provided any such amendment does not conflict with the provisions of the Directive on the Appeals Process.

Rule 4.01 (Form of Appeal – Section IV, paragraph 4.01 of the Directive on the Appeals Process)

- (a) The Statement of Appeal shall be in the form attached as Annex A to these Procedures; if the appellant seeks to be represented in accordance with the provisions of Section IV, paragraph 5.02 of the Directive on the Appeals Process, the Statement of Appeal shall be accompanied with a statement in the form attached as Annex B hereto.
- (b) The Statement of Appeal shall include as attachments all documents cited in the Statement of Appeal in original or unaltered copy and in a complete text except for obviously irrelevant parts; if a document is not in English, a certified English translation shall be attached.
- (c) The Statement of Appeal and its attachments shall be submitted to the Tribunal through the secretariat of the Tribunal, in five copies and shall be signed on the last page by the appellant or their representative, if any, whom they have designated; in the event of the appellant's incapacity, the required signature shall be furnished by their representative.
- (d) The secretariat of the Tribunal shall:
 - (i) promptly upon the receipt of a Statement of Appeal, ascertain that the requirements of paragraph (c) of this Rule 4.01 are satisfied and request the appellant to provide any missing copy or signature;
 - (ii) when the requirements of paragraph (c) of this Rule 4.01 have been satisfied, provide the Statement of Appeal and attachments to the President of the Tribunal for their review in accordance with paragraph (e) of this Rule 4.01;
 - (iii) liaise with the secretariat of the Administrative Review Committee in order to obtain the Findings of Facts and transcript of the Administrative Review Committee's proceedings, if any; and upon receipt thereof, transmit copies to the President of the Tribunal (or the chair serving on the Appeal, if already appointed), the appellant and the respondent;
 - (iv) thereafter during an Appeal, receive and transmit all documents, and make all notifications, as required under the Directive on the Appeals Process or these Procedures or as instructed by the President of the Tribunal or, as the case may be, by the chair serving on the Appeal.
- (e) The President of the Tribunal shall promptly ascertain whether the Statement of Appeal satisfies the requirements of paragraphs (a) and (b) of this Rule 4.01 and, through the secretariat of the Tribunal, shall advise the appellant of any deficiencies, giving them a reasonable period of time, not exceeding fifteen days, in which to make the appropriate changes. If this is done within the period indicated, the Appeal shall be considered filed on the original date for the purposes of any applicable time limits under the Directive on the

Appeals Process or these Procedures. Otherwise, the President of the Tribunal, through the secretariat of the Tribunal, may, at their discretion:

- (i) notify the appellant that the period of time within which to make the appropriate changes has been extended, indicating the length of time thereof;
 - (ii) make the necessary corrections when the defects in the Statement of Appeal do not affect the substance; or
 - (iii) notify the appellant that the submission does not constitute a Statement of Appeal and cannot be accepted as filed.
- (f) Immediately upon ascertaining that the requirements of this Rule have been met, the President of the Tribunal shall:
- (i) take the steps required by Section IV, paragraph 5.01 of the Directive on the Appeals Process;
 - (ii) through the secretariat of the Tribunal, provide a copy of the Statement of Appeal and accompanying documents to the President and notify the secretariat of the Administrative Review Committee; and
 - (iii) through the secretariat of the Tribunal, request the secretariat of the Administrative Review Committee to provide the secretariat of the Tribunal with a copy of the Report and Recommendation (including the Findings of Fact) and a transcript of proceedings before the Administrative Review Committee certified by the person or persons transcribing the proceedings.
- (g) Where the Statement of Appeal relates to a Regulatory Decision, the President of the Tribunal, through the secretariat of the Tribunal, shall ensure that there is published on the intranet site such description of the Appeal and of the nature of the Regulatory Decision in issue as is sufficient to enable *amicus curiae* briefs to be filed in accordance with Section IV, paragraph 7.03 of the Directive on the Appeals Process. The President of the Tribunal shall determine promptly the text of such description, the length of time it should remain on the intranet and the date by which any *amicus curiae* briefs should be filed.

Rule 4.04 (Response – Section IV, paragraph 4.04 of the Directive on the Appeals Process)

- (a) The Response shall be in the form attached as Annex C to these Procedures.
- (b) The Response shall include as attachments all documents cited in the Response in original or unaltered copy and in a complete text except for obviously irrelevant parts, unless such documents have been attached to the Statement of Appeal, in which case reference should be made to the attachment number; if a document is not in English, a certified English translation shall be attached.
- (c) The Response and its attachments shall be submitted to the Tribunal through the secretariat of the Tribunal, in five copies and shall be signed on the last page by the respondent or their representative, if any, whom they have designated;

- (d) The secretariat of the Tribunal shall:
 - (i) promptly upon the receipt of a Response, ascertain that the requirements of paragraph (c) above are satisfied and request the respondent to provide any missing copy or signature; and
 - (ii) when the requirements of paragraph (c) above have been satisfied, provide a copy of the Response to the appellant.
- (e) In the event that the Tribunal is requested by the appellant or the respondent, as the case may be, to:
 - (i) suspend an Administrative Decision pursuant to Section IV, paragraph 4.05 of the Directive on the Appeals Process;
 - (ii) decide on a jurisdictional issue pursuant to Section IV, paragraph 6.02 of the Directive on the Appeals Process;
 - (iii) decide that the Findings of Fact contain a manifest error pursuant to Section IV, paragraph 7.01 of the Directive on the Appeals Process; and/or
 - (iv) allow a party to present new evidence pursuant to Section IV, paragraph 7.01 of the Directive on the Appeals Process,

the respondent shall submit their Response no later than twenty days following receipt of the decision of the Tribunal in respect of these matters.

Rule 4.05 (Suspension of Administrative Decision – Section IV, paragraph 4.05 of the Directive on the Appeal Process)

- (a) If the appellant seeks the suspension of the Administrative Decision or any actions taken as a result of it, they shall do so in the Statement of Appeal.
- (b) The respondent may challenge such request by submitting a written notice to the Tribunal within fifteen days of receiving the Statement of Appeal explaining the reasons for the challenge.
- (c) Having considered the Appellant's request and, if submitted, the Respondent's reply, the Tribunal shall make a decision as promptly as possible but no later than its decision on any jurisdictional issue raised pursuant to Section IV, paragraph 6.02 of the Directive on the Appeals Process. The Tribunal's decision shall be final.
- (d) The Tribunal shall exercise its discretion to suspend only in those cases where the Administrative Decision lends itself to such suspension.

Rule 5.01 (Presiding over the Tribunal and related matters – Section IV, paragraph 5.01 of the Directive on the Appeals Process)

- (a) A member serving on an Appeal may only recuse themselves for one of the reasons provided in Section IV, paragraph 5.01 of the Directive on the Appeals Process. They shall immediately inform the President of the Tribunal and the chair serving on the Appeal.
- (b) A member serving on an Appeal may only withdraw from an Appeal with the consent of the President of the Tribunal and the chair serving on the Appeal.
- (c) At any time during an Appeal, a party may request the President of the Tribunal to remove a member serving on the Appeal, alleging that such member's ability to act independently and impartially is or might be prejudiced. The President of the Tribunal shall seek the views of the member against whom such allegation has been made, the chair serving on the Appeal and the other party before making a decision. The President of the Tribunal or the chair serving on the Appeal may also initiate such a removal procedure. In such a case, the President of the Tribunal or chair serving on the Appeal shall not be required to seek the views of the parties before making a decision. A decision of removal may only be appealed by the member so removed. The appeal body, whose decision shall be final, shall comprise the three other members of the Tribunal.
- (e) Where a party requests that the President of the Tribunal themselves be removed, the decision whether to remove them or not shall be considered and taken by all the other members of the Tribunal collectively, after having sought the views of the President of the Tribunal and of the other party in the Appeal in relation to the allegation made.
- (d) If, during an Appeal, the chair serving on the Appeal recuses themselves, withdraws or is removed, the President of the Tribunal shall appoint another chair from among the remaining two members serving on the Appeal.

Rule 5.02 (Assistance to the Appellant – Section IV, paragraph 5.02 of the Directive on the Appeals Process)

The designations of any persons appointed in accordance with the provisions of Section IV, paragraph 5.02 of the Directive on the Appeals Process shall be notified to the secretariat of the Tribunal in accordance with Rule 4.01(d)(iv) above of these Procedures.

Rule 5.03 (Representation of, and Assistance to, the Bank – Section IV, paragraph 5.03 of the Directive on the Appeals Process)

The designations of any persons appointed in accordance with the provisions of Section IV, paragraph 5.03 of the Directive on the Appeals Process shall be notified to the secretariat of the Tribunal in accordance with Rule 4.01(d) (iv) above of these Procedures.

Rule 6.01 (Referral Back for Further Review – Section IV, paragraph 6.01 of the Directive on the Appeals Process)

- (a) A request pursuant to Section IV, paragraph 6.01 of the Directive on the Appeals Process may be made by the respondent by submitting a written notice to the Tribunal within fifteen days of receiving the Statement of Appeal, explaining the reasons for such suspension request.

- (b) The appellant may challenge such request by submitting a written reply to the Tribunal within fifteen days of receiving the Statement of Appeal explaining the reasons for the challenge.
- (c) Having considered the Statement of Appeal and the respondent's notice and the appellant's reply, the Tribunal shall make a decision on the issue as promptly as possible but no later than its decision on any jurisdictional issue raised in accordance with Section IV paragraph 6.02 of the Directive Appeals Process. The Tribunal's decision shall be final.
- (d) The Tribunal shall only suspend the Appeal and refer the matter back to the Administrative Review Committee if it is satisfied that the ground of appeal or information included by the appellant in their Statement of Appeal was not, and could not reasonably have been, known to the appellant at the time of the request for, or during, an Administrative Review and that, had such ground of appeal or information been contained in the appellant's request for an Administrative Review or made known to the Administrative Review Committee during the Administrative Review, such disclosure might have materially altered the recommendation of the Administrative Review Committee and/or the Administrative Review Decision.
- (e) The provisions of paragraphs (a), (b), (c) and (d) above of this Rule 6.01 shall apply *mutatis mutandis* where the Statement of Appeal is related to an Appeal arising from a decision by the Retirement Plan Administration Committee but, in such case, the Tribunal shall, if applicable, refer the matter back for further review to that committee.

Rule 6.02 (Jurisdictional Issues – Section IV, paragraph 6.02 of the Directive on the Appeals Process)

- (a) If the respondent seeks to challenge the jurisdiction of the Tribunal, including where the appellant admits or the respondent claims that the Appeal is time-barred, it must do so by submitting a written notice to the Tribunal within fifteen days of receiving the Statement of Appeal explaining the reasons for the challenge.
- (b) If the appellant seeks to reply to the respondent, they must submit a written reply to the Tribunal within fifteen days of receiving the respondent's notice.
- (c) Having considered the respondent's notice and, if submitted, the appellant's reply, the Tribunal shall make a decision on jurisdictional matters as promptly as possible. The Tribunal shall only accept jurisdiction in respect of a Statement of Appeal submitted after the 60-day period referred to in Rule 6.01 above has elapsed if it is satisfied that there were justifiable grounds for the delay and that a refusal to consider the Appeal would cause substantial injustice to the Appellant. The Tribunal's decision shall be final.

Rule 6.03 (Production of Documents and Other Evidence – Section IV, paragraph 6.03 of the Directive on the Appeals Process)

If any information required by the Tribunal pursuant to Section IV paragraph 6.03(b) or (c) of the Directive on the Appeals Process constitutes new evidence pursuant to Rule 7.01 below, the provisions of Rule 7.01 below shall apply *mutatis mutandis*.

Rule 7.01 (Reliance on Findings of Fact – Section IV, paragraph 7.01 of the Directive on the Appeals Process)

- (a) If a party seeks to assert that the Findings of Fact contain a manifest error, it shall do so as follows:
 - (i) the appellant, by means of a submission to be contained in the Statement of Appeal; or
 - (ii) the respondent, by way of a written request to be submitted no later than fifteen days after receiving the Statement of Appeal.
- (b) The other party may submit a written reply to any such assertion within fifteen days of receiving the Statement of Appeal or the respondent's request, as the case may be. The Tribunal shall make a decision on the issue as promptly as possible but no later than its decision on any jurisdictional issue raised in accordance with Section IV, paragraph 6.02 of the Directive on the Appeals Process and shall, if applicable, order that the corrected Findings of Fact be provided to the parties through the secretariat of the Tribunal. The Tribunal's decision shall be final.
- (c) If a party seeks to be allowed to present new evidence of fact which is not included in or referred to in the Findings of Fact, it shall make such request, detailing such new evidence and explaining why such new evidence was not available to that party during the Administrative Review, as well as when and how such new evidence became available to that party. Furthermore,
 - (i) the appellant shall make such request in the Statement of Appeal in respect of any such new evidence which is available to them when submitting such Statement of Appeal; the appellant shall make such request by means of a written notice in respect of any such new evidence which has become available to them after the submission of the Statement of Appeal;
 - (ii) the respondent shall make such request by means of a written notice in respect of any such new evidence which has become available to them at any point in time after the Administrative Review.
- (d) Where a party makes a request under paragraph (c) above, the other party may make submissions to the Tribunal as to the materiality and admissibility of such evidence by means of a written reply. Any such submission shall be made within fifteen days of receiving the Statement of Appeal or the written notice in accordance with paragraph (c) above, as the case may be.
- (e) Where in the opinion of the respondent, such new evidence of fact is so material that, had it been known to the Administrative Review Committee or the Retirement Plan Administration Committee, as the case may be, it could have substantially altered its recommendation, the respondent may, in accordance with Section IV, paragraph 6.01 of the Directive on the Appeals Process, ask the Tribunal to suspend the Appeal and refer the matter back to the Administrative Review Committee or to the Retirement Plan Administration Committee. Any such submission shall be made within fifteen days of

receiving the Statement of Appeal or written notice in accordance with paragraph (c) (ii) above, as the case may be.

- (f) The Tribunal shall, as promptly as possible, make a decision on the admissibility of such new evidence. Where the request has been presented as part of the Statement of Appeal or at any time prior to the submission of the Response, the Tribunal shall make such decision no later than its decision on any jurisdictional issue raised pursuant to Section IV, paragraph 6.02 of the Directive on the Appeals Process. The Tribunal's decision shall be final. Unless otherwise provided, the Tribunal shall, on application of either party or of its own initiative, extend time limits under the proceedings as the Tribunal considers appropriate.
- (g) Any witness presenting evidence of fact shall make the following declaration when submitting a witness statement or before giving oral evidence:

"I solemnly declare upon my honour and conscience that my testimony shall be the truth, the whole truth and nothing but the truth."

- (h) Any expert presenting evidence of fact shall make the following declaration when submitting an expert statement or before giving oral evidence:

"I solemnly declare upon my honour and conscience that my testimony will be in accordance with my sincere belief."

Rule 7.02 (Conduct of the Hearing – Section IV, paragraph 7.02 of the Directive on the Appeals Process)

- (a) Ordinarily the Tribunal's proceedings shall not include any oral proceedings except, if the Tribunal so decides, the oral arguments of the parties and their lawyers or representatives. In such proceedings, witnesses and experts shall submit a written statement of their evidence, the admissibility of which shall remain subject to the provisions of Section IV, paragraph 7.01 of the Directive on the Appeals Process and Rule 7.01 (d), (e) and (f) above. The parties shall retain the right to comment on any such written statement and/or evidence.
- (b) Either party may request the Tribunal to hear oral evidence of fact included or referred to in the Findings of Fact or to allow new evidence of fact not included or referred to in the Findings of Fact to be heard. The Tribunal may also, of its own initiative, request a party to present such evidence orally. The Tribunal shall authorise or initiate such oral proceedings only in exceptional circumstances and the admissibility of the evidence presented in such oral proceedings shall remain subject to the provisions of Section IV, paragraph 7.01 of the Directive on the Appeals Process and Rule 7.01 (d), (e) and (f) above.
- (c) Within the time specified by the chair serving on the Appeal, each party shall inform the secretariat of the Tribunal of the names and description of any witnesses and experts whom that party requests to present oral evidence, indicating the points to which the evidence is to refer. The Tribunal may also call witnesses and experts, and shall similarly inform the secretariat of the Tribunal of their names, description and points to which the evidence will refer. The secretariat of the Tribunal shall ensure that all parties are aware of the proposed witnesses and experts including, where that information is available, which such individuals have been authorised by the Tribunal.

- (d) Subject to the provisions of Section IV, paragraph 7.01 of the Directive on the Appeals Process and Rule 7.01 (d), (e) and (f) above, the Tribunal shall decide whether any request made for the hearing of witnesses or experts is valid, authorise admissible individuals and determine, in consultation with the parties or their lawyers or representatives, the sequence of such hearings. Where a witness or expert is not in a position to appear before the Tribunal, the Tribunal may decide that the witness or expert shall reply in writing to the questions of the parties. The parties shall retain the right to comment on any such written reply.
- (e) The Tribunal may put any question to the witnesses and the experts. Should a party wish to ask any witness or expert (other than its own) any questions, it should provide the Tribunal and the other party with a list of such questions in advance of the relevant hearing. These may only be asked by the chair serving on the Appeal in the form that they deem most suitable. A party who believes that the answers provided invite further questions, may propose to the Tribunal that such further questions be put by the chair serving on the Appeal to the person providing the answer.
- (f) Subject to the other provisions of the Directive on the Appeals Process and these Procedures, the chair serving on the Appeal is empowered to issue such orders and decide such matters as are necessary for the orderly disposition of cases.
- (g) The proceedings before the Tribunal shall take place in English, although the Tribunal may allow the appellant or a witness with limited English language skills to be assisted by an interpreter of the Bank where necessary.

Rule 7.03 (Joinder and amicus curiae briefs – Section IV, paragraph 7.03 of the Directive on the Appeals Process)

- (a) Either party to an Appeal, the appellant in another Appeal or a member of the Panel for those Appeals may request a joinder of the Appeal and such other Appeal. Where an Appeal relates to a Regulatory Decision, interested staff members of the Bank and the Staff Council may request to be allowed to file any *amicus curiae* briefs.
- (b) The Tribunal shall allow the parties to submit observations on any request made in accordance with paragraph (a) above. The time limits for responding to any such request shall be fixed by the chair serving on the Appeal.
- (c) Having considered the request(s) and, if submitted, the parties' observations, the Tribunal shall, as promptly as possible, make a decision on the matter(s). The Tribunal shall only accept the request(s) if the joinder(s) or filing(s) do not prejudice the rights of either party. The Tribunal's decision shall be final.

Rule 8.01 (Decisions – Section IV, paragraph 8.01 of the Directive on the Appeals Process)

- (a) The decisions and recommendations of the Tribunal shall be published in English. However, where appropriate, the Tribunal may instruct the secretariat of the Tribunal to have a particular decision translated into another official language of the Bank.

- (b) Non-substantive errors, that is, errors which are clerical in nature, may be corrected by the Tribunal of its own initiative or upon the request of either party by requesting that an erratum notice in relation to the said errors be published and appropriately inserted in the report. Where made at the behest of the parties, such request shall be considered by the President of the Tribunal, who shall thereafter provide appropriate instructions to the secretariat of the Tribunal.

Rule 8.07 (Award of Costs against the Appellant – Section IV, paragraph 8.07 of the Directive on the Appeals Process)

If the Tribunal concludes that a substantial part of the Appeal was wholly without merit, or that the conduct of the appellant in the proceedings unnecessarily caused cost, delay or considerable inconvenience, the Tribunal may award costs against the appellant.

Rule 9.02 (Protection of Participants – Section IV, paragraph 9.02 of the Directive on the Appeals Process)

- (a) An appellant may request in their Statement of Appeal that their name not be made public by the Tribunal.
- (b) The respondent may request in their Response that the name of any other individual not be made public by the Tribunal. Persons filing *amicus curiae* may not be granted anonymity on request, unless exceptionally the Tribunal considers that it is in the best interests of justice to do so.
- (c) The Tribunal shall grant a request for anonymity where good cause has been shown for protecting the privacy of an individual.

ANNEX A
FORM FOR
STATEMENT OF APPEAL

The appellant shall provide the following information:

1. the name and official status of the appellant;
2. the date of the Appeal;
3. the name of the person(s) assisting and/or representing the appellant;
4. where applicable, the Administrative Review Decision being challenged, and the authority responsible for the decision;
5. the channels of administrative review, as applicable, that the appellant has pursued and the results thereof;
6. the reasons why the appellant believes the decision is unlawful;
7. if the matter has not been reviewed by the Administrative Review Committee, a statement of the supporting facts;
8. if the matter has been reviewed by the Administrative Review Committee and a Findings of Fact has consequently been produced, any request for the Tribunal to make a determination that the Findings of Fact contain a manifest error and the reasons for / evidence in support of such request;
9. any request for suspension of the relevant Administrative Decision or any actions taken as a result of it, and the reasons for such request;
10. any request to present new evidence not available to the appellant before the Administrative Review Committee, consistent with the provisions of Section IV, paragraph 7.01 of the Directive on the Appeals Process;
11. the remedy or remedies being sought by the appellant, consistent with the provisions of Section IV, paragraphs 8.04 and 8.05 of the Directive on the Appeals Process;
12. any request for oral proceedings as provided by Rule 7.02 of the Tribunal Appeals Procedures;
13. any request for production of documents as provided by Rule 6.03 of the Tribunal Appeals Procedures; and
14. any request for anonymity as provided in Section IV paragraph 9.03 (c) of the Directive on the Appeals Process or by Rule 9.02 of the Tribunal Appeals Procedures.

ANNEX B
FORM FOR
APPOINTMENT OF REPRESENTATIVE

I the undersigned do hereby designate

[Name]

[Address]

as my duly authorised representative in relation to my Appeal to the Administrative Tribunal. To this end, the above-named representative is authorised to sign pleadings, appear before the Tribunal, and take all other necessary action in connection with the pursuance of the case on my behalf. This designation shall take effect immediately and shall remain in effect until revoked by me and the Tribunal has been so informed in writing.

Date

Name

Signature

Copies of Annexes A and B are available as separate forms from the secretariat of the Tribunal.

ANNEX C

FORM FOR

RESPONSE TO A STATEMENT OF APPEAL

1. Appropriate reference to the Statement of Appeal;
2. the date of the Response;
3. the name of the person(s) assisting and/or representing the respondent;
4. the reasons why the respondent believes the Appeal should be dismissed or denied;
5. if the matter has not been reviewed by the Administrative Review Committee, a statement of the supporting facts;
6. the position of the respondent in respect of the remedy or remedies being sought by the appellant, consistent with the provisions of Section IV, paragraphs 8.04 and 8.05 of the Directive on the Appeals Process;
7. any request for oral proceedings as provided by Rule 7.02 of the Tribunal Appeals Procedures;
8. any request for production of documents as provided by Rule 6.03 of the Tribunal Appeals Procedures; and
9. any request for anonymity as provided by Rule 9.02 of the Tribunal Appeals Procedures.

ⁱ Some of the terms in this table may not appear in this document.