

**FEDERAL DEPOSIT INSURANCE CORPORATION
OFFICE OF INSPECTOR GENERAL
Policies and Procedures Manual**

PART	I	Operations Policies and Procedures
SECTION	OIG-110	General Management Policies and Procedures
CHAPTER	110.8	Treatment of Allegations Against the Inspector General or other OIG Employees

1. Purpose. To provide OIG employees with policy, responsibilities, and procedures for receiving and referring allegations of misconduct or other wrongdoing against the Inspector General, Office of Inspector General (OIG) executives and office heads, and other OIG staff members.

2. Background

a. Executive order 12993, signed on March 21, 1996, provides that administrative allegations against Inspectors General and certain OIG staff members will be appropriately and expeditiously investigated and resolved by the President’s Council on Integrity and Efficiency (PCIE) Integrity Committee. The Integrity Committee serves as an independent investigative mechanism. The order recognized and specifically tasked the PCIE Integrity Committee to receive, review, and refer for investigation, where appropriate, allegations of wrongdoing against an Inspector General or, in the limited circumstances defined in the order, allegations against an OIG staff member. An Integrity Committee of the PCIE was established in January 1995, pursuant to Executive Order 12805. The Chairperson of the Integrity Committee is the FBI representative to the PCIE, and the Chief of the Public Integrity Section of the Department of Justice, or his designee, serves as the advisor to the committee.

b. Section 4(d) of the Inspector General Act of 1978 requires the Inspector General to report expeditiously to the Attorney General whenever there are reasonable grounds to believe there has been a violation of Federal criminal law.

c. For purposes of this chapter and section 4(d) of the Inspector General Act, the FBI representative sitting as Chairperson of the Integrity Committee and the Chief of the Public Integrity Section of the Department of Justice, or his designee, sitting as advisor to said committee are both deemed to be serving as representatives of the Attorney General.

3. Policy. All allegations of misconduct regarding any OIG employee, including the

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Inspector General, OIG executives, office heads, and OIG staff, will be (1) reported through the designated officials, (2) appropriately and expeditiously investigated, and (3) appropriately resolved with actions taken that are commensurate to any substantiated allegation.

4. Responsibilities and Procedures. FDIC employees, contractors, or subcontractors are responsible for reporting to the OIG all instances of actual or suspected fraud, waste, abuse or other wrongdoing in connection with the programs or operations of the FDIC. (See *FDIC Circular 1150.2, Cooperation with Inspector General Activities, dated July 8, 1999.*) Anyone who receives an allegation of wrongdoing by an OIG employee should report the allegation to the designated person, as discussed below, or to another appropriate forum, such as the OIG Hotline. The responsibilities and procedures for handling allegations against the Inspector General, other OIG executives and office heads, or any other OIG employee are as follows:

a. Allegations against the Inspector General and allegations against an OIG staff member acting with the knowledge of the Inspector General, or where such allegations implicate the Inspector General. All allegations of misconduct or other wrongdoing regarding the Inspector General, and all allegations against an OIG staff member acting with the knowledge of the Inspector General or where such allegations implicate the Inspector General, shall be provided to the OIG Counsel (or, if the Counsel is also implicated, another OIG official in the line of succession, as specified in Chapter 100.2, *Delegations of Authority, OIG Policies and Procedures Manual*), who shall refer them to the Integrity Committee of the PCIE for further review or investigation.

b. Allegations against OIG executives and office heads. Allegations against other OIG executive staff members and office heads shall be provided to the Inspector General.

(1) The Inspector General is responsible for determining whether allegations against OIG executives and office heads are criminal or non-criminal or administrative misconduct and referring such allegations for appropriate review or investigation. The Inspector General will refer allegations of *criminal misconduct* against OIG executives and office heads to:

- (a) the Assistant Inspector General for Investigations, or
 - (b) an executive branch agency with jurisdiction over the matter, including the Public Integrity Section of the Criminal Division, Department of Justice, if appropriate.
- (2) Generally, the Inspector General will refer allegations against OIG

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executives and office heads if the misconduct, if proven, would constitute non-criminal or administrative misconduct:

(a) to an agency of the executive branch with appropriate jurisdiction, or

(b) to an OIG office that can conduct an appropriate and objective internal review or investigation.

(3) The Inspector General shall refer to the PCIE Integrity Committee any allegation against OIG executives and office heads if the misconduct, if proven, would constitute non-criminal or administrative misconduct, and

(a) the substance of the allegation cannot be investigated by an agency of the executive branch with appropriate jurisdiction, and

(b) An internal investigation is not feasible because it would lack, or give the appearance of lacking, objectivity.

c. Allegations against all other OIG employees

(1) Allegations against all other OIG employees will be handled using the same procedures used in reviewing allegations about any other FDIC employee. Allegations that warrant further review will be referred for an investigation, audit, evaluation, or supervisory review, as indicated by the nature of the allegation. The Inspector General will be notified about any allegation against an OIG employee that warrants further review or investigation, and the results of the review or investigation.

(2) Allegations against other OIG employees should be reported to a senior OIG management official or the OIG Hotline, where a determination will be made whether the allegation, if proven, would constitute criminal or administrative misconduct. Where a determination is made that the allegation, if proven, would constitute criminal or administrative misconduct not covered in Paragraphs 4.a. or 4.b., above, the allegation will be referred for audit, evaluation, investigation, or supervisory review.

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General or other OIG Employees**5. OIG Actions

a. Following investigation by the PCIE Integrity Committee, and where the Chairperson of the PCIE/ECIE determines that dissemination of the report to the head of the subject's employing agency or entity is appropriate, the Inspector General, upon receipt, shall review and respond to the report. The IG will certify to the Chairperson of the PCIE/ECIE, within sixty days of receipt of the report, that the IG has personally reviewed the report, what action, if any, has been or is to be taken, and when any action taken will be completed. The IG shall take whatever action is appropriate, which may include referral to an OIG office head or other designee.

b. Following investigation by the Assistant Inspector General for Investigations or any other agency or entity, the Inspector General, or his designee, will review the report, if provided, and take whatever action the IG, or his designee, deems appropriate.

6. Records Maintenance

a. The Inspector General will maintain appropriate records for all matters considered under this directive related to alleged misconduct by OIG executives or office heads.

b. OIG Counsel will maintain appropriate records for all matters considered under this directive related to alleged misconduct by the Inspector General or by an OIG employee acting with the knowledge of the Inspector General, including where such allegations implicate the Inspector General.

c. Records regarding matters that are reviewed or investigated internally will be maintained according to established policies in the *OIG Policies and Procedures Manual* (Part II II, III, and IV, Evaluations, Audits, and Investigations chapters, respectively, and Chapters OIG-110.3, OIG Hotline, and 110.4, Confidential Sources).

d. Closed files on the matters considered under this directive will be maintained in accordance with *FDIC Circular 1210.1, FDIC Records Retention and Disposition Schedule*.

7. Contact. Questions regarding OIG guidance on this policy should be directed to OIG Counsel.