

UNCLASSIFIED



**COUNCIL OF THE INSPECTORS GENERAL
ON INTEGRITY AND EFFICIENCY**

INTEGRITY COMMITTEE

**Integrity Committee
Policies**

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**Policies of the Integrity Committee of the
Council of the Inspectors General on Integrity and Efficiency**

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**POLICIES
OF THE INTEGRITY COMMITTEE
OF THE COUNCIL OF THE INSPECTORS GENERAL
ON INTEGRITY AND EFFICIENCY**

Sec 1. Statutory Purpose

The statutory mandate of the Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is to receive, review, and refer for investigation allegations of wrongdoing made against Inspectors General or staff members of OIGs, if referred by the IG pursuant to 5 U.S.C. §424 (d)(4)(B). These Policies are adopted by the IC pursuant to 5 U.S.C. § 424(d)(7)(B) in conjunction with the CIGIE Chairperson.

Sec 2. Persons Within the IC's Authority

The IC reviews allegations of wrongdoing against any of the following individuals (hereinafter referred to as Covered Persons):

- (a) An IG who is a member of CIGIE;
- (b) An individual who reports directly to an IG or is designated by an IG under 5 U.S.C. §424 (d)(4)(C) as subject to the IC's jurisdiction;¹
- (c) The Special Counsel and the Deputy Special Counsel of OSC;²
- (d) An individual serving in an acting capacity in a position set forth in subsections (a) through (c);³ and
- (e) A Supervisory Special Agent or a Special Agent supervised by a Supervisory Special Agent in certain Legislative Branch OIGs.⁴

¹ Each IG must submit annually to the CIGIE Chairperson a designation of positions within its OIG that are subject to the IC's jurisdiction. Each IG retains full discretion of designating these positions.

² 5 U.S.C. § 424(d)(12)(B)(i). The IC may consider allegations of wrongdoing against the Special Counsel and the Deputy Special Counsel of OSC, as long as the IC's Allegation Review Group OSC representative is recused from the allegation review. For purposes of these Policies, requirements pertaining to an IG also apply to the Special Counsel and Deputy Special Counsel, except that the Special Counsel is not required to designate staff members under 5 U.S.C. § 424(d)(4)(C).

³ Acting capacity includes anyone serving in an acting IG position or performing the duties of the IG or is serving in an acting capacity in a position designated by the IG to be subject to the IC's jurisdiction.

⁴ 2 U.S.C. § 185(d)(3)(E) for Library of Congress OIG special agents; § 1808(d)(3)(E) for Architect of the Capitol OIG special agents.

Sec 3. IC Governance

- A. Membership. The IC consists of the following six members: the official of the Federal Bureau of Investigation (FBI) serving on CIGIE; the Director of the Office of Government Ethics (OGE) or the Director's designee; and four IGs representing both establishments and designated Federal entities (DFE) (as that term is defined in 5 U.S.C. § 415(a)(1)(A)).⁵ The CIGIE Chairperson appoints and may remove the four IG members. IG members serve two-year terms and may be reappointed. All members of the IC must adhere to the standard of ethics of an IG as determined by OGE.
- B. IC Chairperson. The IC will elect one of the four IG members as IC Chairperson to serve a 2-year term, subject to reelection.⁶
- C. Public Integrity Section (PIN) Legal Advisor. The Chief of the Department of Justice (DOJ) PIN or the Chief's designee will serve as a legal advisor to the IC, primarily to advise on any criminal allegation or related consults.⁷ A CIGIE attorney will serve as a legal advisor to the IC for any administrative or regulatory allegations.
- D. Allegation Review Group. Representatives from DOJ (as designated by the Attorney General), OSC (as designated by the Special Counsel), and the IC (as designated by the IC Chairperson) (hereinafter referred to as the Allegation Review Group) will review allegations of wrongdoing made against a Covered Person pursuant to Section 6 of these Policies.⁸
- E. CIGIE Staff. CIGIE employees will assist the IC in the execution of its responsibilities, as needed and as determined by the CIGIE Executive Director, in consultation with the CIGIE Chairperson.
- F. Meetings. The IC will convene at least monthly or more often as needed to carry out the functions and duties of the IC.
- G. Quorum. A quorum consists of four IC members and is required for the IC to take any action concerning an allegation or investigation.
- H. Voting. IC determinations require a majority vote of participating members.
- I. Recusal of IC Members. An IC member will not vote or otherwise participate in the consideration of a matter from which the member is recused.⁹ All recusals will be noted in the minutes of the meeting at which the recusal is determined, as well as in the relevant

⁵ 5 U.S.C. § 424(d)(2)(A).

⁶ 5 U.S.C. § 424(d)(2)(B).

⁷ 5 U.S.C. § 424(d)(3).

⁸ 5 U.S.C. § 424(d)(5)(A).

⁹ 5 U.S.C. § 424(d)(5)(B)(i)(VII).

case summary. Members of the IC, the Allegation Review Group, and CIGIE staff, are required to promptly recuse themselves once they become aware of the following:

- i. Any matter in which the member or another person in that member's office or agency (1) is determined to be the subject of an allegation or (2) has personally and substantially participated;¹⁰
 - ii. Any matter as to which participation would violate or create a conflict of interest under a law, regulation, or mandatory standard applicable to all Federal employees or officials in the Executive Branch of the United States;
 - iii. All IC matters while the member is aware that he or she is the subject of a criminal or IC investigation;
 - iv. Any matter as to which the member or IC determines that the circumstances present would lead a reasonable person with knowledge of the relevant facts to question the member's impartiality (e.g., a personal relationship with the subject). Members are required to raise such circumstances to the IC Chairperson even if that member believes their own recusal is not necessary; and
 - v. Any matter that requires a security clearance, if the member does not hold the requisite clearance.
- J. Mandatory Disclosure of Investigations. An IC member, Allegation Review Group member, or CIGIE staff member who becomes aware that he or she is the subject of a criminal, Federal government, or professional licensing organization investigation will promptly disclose that information to both the CIGIE Chairperson and the IC Chairperson.¹¹
- K. Allegations of Wrongdoing by the IC. If the IC receives allegations of wrongdoing against the IC generally, it will not make substantive determinations regarding such allegations. The IC will forward such allegations to the CIGIE Chairperson for appropriate resolution.

Sec 4. Referral of Allegations of Wrongdoing to the IC

- A. Allegation Concerning an IG. An IG or other Covered Person, or their designee, will promptly refer to the IC in writing any allegation of wrongdoing concerning an IG. The respective OIG's General Counsel must review the allegation first and determine if it merits referral to the IC.

¹⁰ For purposes of this provision, the FBI is deemed to be in the same agency as DOJ OIG.

¹¹ 5 U.S.C. § 424(d)(5)(B)(i)(VII).

- B. Allegations Concerning Designated Staff Members. An IG, or his or her designee, must promptly refer to the IC in writing any allegation of wrongdoing concerning a Designated Staff Member in their respective OIG **only if** (1) the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and (2) the IG determines either that an internal investigation is not feasible or may not appear to be objective.¹²
- C. Allegations Containing Classified Information. An allegation containing classified information may be submitted to the IC, but classified information must be transmitted in a manner that complies with the laws, rules, and regulations that govern handling such information.
- D. Allegations Received from Members of Congress. When an allegation of wrongdoing submitted by a member of Congress is closed by the IC without initiating an investigation, the IC Chairperson will, not later than 30 days after closing the allegation of wrongdoing, provide a written description of the nature of the allegation of wrongdoing and how the IC evaluated the allegation of wrongdoing to the requesting member of Congress. If the allegation came from a Member of CIGIE's oversight committees (House Committee on Oversight and Government Reform, Senate Committee on Homeland Security and Governmental Affairs), then notification will be sent to both committees.

Sec 5. Receipt, Initial Review, and Referral of Allegations for Consideration

- A. CIGIE Receipt of Allegations. CIGIE staff assigned to support the IC will receive and track each incoming communication that makes or relates to allegations of wrongdoing concerning any Covered Person. Allegations received that have met the criteria of Section 4, parts A and B will be prepared for IC review.
- B. OIG Review of Allegations. For allegations received from sources outside an OIG, CIGIE staff will provide to the respective OIG all allegations of wrongdoing received concerning any Covered Person within the respective OIG for review. The OIG will review the allegations and may 1) refer any matter to another OIG or Executive Branch agency for investigation per 5 U.S.C. §406 (a)(3)¹³ or 2) conduct an internal investigation. If the OIG determines it cannot refer the matter or investigate internally, it will refer the matter to the IC for review, per 5 U.S.C. §424 (d)(4)(B).
- C. Allegation Review Group Triage and Referral. Within seven days of the receipt of a communication as specified in section 6(B) of these Policies, the PIN and OSC Allegation Review Group designees will triage the allegations and refer for investigation, as appropriate, to their respective agency.¹⁴ The Allegation Review Group will provide its referral determination to the IC for awareness and any additional review the IC

¹² 5 U.S.C. § 424(d)(4)(A).

¹³ IGs have the authority "to request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this chapter from any Federal ... agency or unit thereof, per the IG Act.

¹⁴ 5 U.S.C. § 424(d)(5)(A).

determines is appropriate under these Policies. Any allegations not referred to PIN or OSC will be presented to the IC.

- D. IC Action and Coordination with PIN and OSC on Referred Allegations. For any allegation referred to PIN or OSC for investigation, the IC will generally close such actions pending the outcome of PIN or OSC's investigation.¹⁵

Sec 6. IC Review Process and Actions

- A. Threshold Standard for Investigation. The IC reviews allegations of wrongdoing against a Covered Person to determine whether the allegation meets a threshold standard for investigation.¹⁶ Alleged wrongdoing includes reported (1) violations of laws, rules, or regulations; or (2) gross mismanagement, gross waste of funds, or abuse of authority. See Appendix A for relevant definitions.
- B. IC Action. The IC will determine the appropriate disposition for an allegation of wrongdoing against a Covered Person within 30 days of receipt from the Allegation Review Group, PIN, or OSC, subject to extension as specified in 5 U.S.C. § 424(d)(5)(B)(ii). The IC may close an allegation, refer to another agency, or open an investigation.
- C. IC Review Period Extension and Congressional Notification. The IC may extend the 30-day review period by an additional 30 days to provide sufficient time to properly assess the allegations. In the event the IC requires an extension, the IC must provide written notice to the Congressional committees of the case-specific reason(s) that additional time is needed to evaluate the allegation of wrongdoing.¹⁷

Sec 7. IC Investigations

- A. Statutory Timeframe. The IC must complete an investigation within 150 days after deciding an allegation should be investigated. If the investigation cannot be completed within the 150-day period, the IC Chairperson will promptly notify the CIGIE Chairperson and Congressional committees of jurisdiction regarding the general reasons for the delay. The notification will be updated every 30 days until the investigation is complete.¹⁸ Additionally, the IC will immediately close an investigation if the Covered Person leaves government service, unless the allegations include criminal wrongdoing.
- B. Engaging an Assisting OIG to Conduct an Investigation. CIGIE will assist the IC Chairperson to identify OIGs capable of undertaking investigations for the IC. The IC and the Assisting OIG conducting the investigation will agree on the scope of the investigation and complete a reimbursable Memorandum of Understanding (MOU).

¹⁵ 5 U.S.C. § 424(d)(7)(D).

¹⁶ 5 U.S.C. § 424(d)(1).

¹⁷ 5 U.S.C. § 424(d)(8)(A)(iii).

¹⁸ 5 U.S.C. § 424(d)(7)(C)(i).

- C. Subject Notification. The IC Chairperson will ensure that the Subject receives appropriate written notification of the investigation, consistent with applicable law and law enforcement standards.
- D. Investigative Authority and Standards. The Assisting OIG conducting the investigation retains full statutory access rights to records and information under the IG Act. The IC relies on the Assisting OIG to execute these rights on its behalf. The investigation will be conducted in accordance with the most current Quality Standards for Investigations issued by CIGIE.¹⁹
- E. Reviewing the Status of an Investigation. The IC will monitor the progress of all pending investigations. If the IC receives new allegations related to the Subject or if additional allegations surface during the investigation, the IC will consider the allegations separately from the ongoing investigation.

Sec 8. Reports of Investigation

At the conclusion of the investigation, the Assisting OIG will provide to the IC Chairperson a draft written investigative report (including any exhibits).

- A. Report Content. Reports of investigation (ROIs) will set forth the applicable legal standards and relevant evidence-based factual findings regarding the allegations. The ROI will also include (1) A determination of all allegations against a subject; (2) a clear statement as to whether each allegation is substantiated, partially substantiated, or unsubstantiated; and (3) recommendations to the IC.
- B. IC Review. The IC will review the draft investigative report to determine if additional clarification or information is required by the Assisting OIG.

Sec 9. IC Findings and Recommendations

- A. Evidentiary Standard. The IC applies the preponderance of the evidence standard.²⁰
- B. Subject Review and Comment.
 - i. Materials for the Subject's Review. A copy of the draft report of investigation (including any relevant exhibits and the IC's preliminary findings), or portions of it pertaining to a particular Subject, will be made available to that Subject for review. The Subject will have access to review a transcript of any recorded interview of that Subject and/or a summary memo of any unrecorded interview of that Subject.²¹

¹⁹ 5 U.S.C. § 424(d)(7)(A).

²⁰ The Merit Systems Protection Board applies this same standard when reviewing a federal agency's decision to take adverse action against an employee based on such misconduct. *See* 5 U.S.C. § 7701(c)(1)(B); 5 C.F.R. § 1201.56(b)(1)(ii).

²¹ The IC Chairperson, after consultation with the Assisting OIG as appropriate, may make appropriate redactions pursuant to applicable law, regulation or these Policies.

- ii. Subject Comments. The Subject will have 20 days to submit a response to the IC. Upon request by the Subject, IC staff may grant an extension of the Response Period for up to 20 additional days. Absent extraordinary circumstances, the IC will generally not approve additional extensions.

C. IC Determination.

- i. IC Findings. The IC will determine whether the facts establish by a preponderance of the evidence that the allegations are substantiated and the Subject engaged in wrongdoing pursuant to the Threshold Standard.
- ii. Recommendations. The IC may make recommendations to the Subject's appointing authority, including recommendations for disciplinary action.²²
- iii. Determination Memorialized. The IC's findings and recommendations will be set forth in writing. Dissenting findings and recommendations may be filed by any IC member and will be included in the final report that is submitted to the appointing authority and congressional committees of jurisdiction.
- iv. Final Report. When issuing final Investigative Reports, the IC will ensure that every final report received contains: (1) An assessment of all allegations against a subject; and (2) a clear statement as to whether each allegation is substantiated, partially substantiated, or unsubstantiated. If the IC reaches a different conclusion than the Assisting OIG, the IC will document detailed reasons for the disagreement in the case file and provide legal analysis provided by CIGIE Counsel or IC legal advisor. The report of investigation is considered final after the processes described in this section have occurred and the IC has made its determinations.

D. Communication of IC Findings and Recommendations. Within 30 days after the IC's determination, the IC will forward the report of investigation and the IC's findings and recommendations (collectively "IC Report"), in the following manner:

- i. To the CIGIE Executive Chairperson, the CIGIE Chairperson, and the President, if the Subject is an establishment IG or the employee of such an IG, or to the head of a DFE, if the Subject is a DFE IG or the employee of such an IG.²³
- ii. To the Subject, with a copy to the employing IG if the Subject is a Designated Staff Member.²⁴
- iii. To the Congressional committees of jurisdiction for the IC and the Subject's OIG.²⁵

²² 5 U.S.C. § 424(d)(8)(A)(ii).

²³ 5 U.S.C. § 424(d)(8)(A)(ii).

²⁴ An IG or Acting IG, as appropriate, has the sole authority to make personnel decisions regarding subordinate OIG employees. 5 U.S.C. § 406(a)(7).

²⁵ 5 U.S.C. § 424(d)(8)(A)(iii).

- iv. The Executive Chairperson of CIGIE will inform the IC of the final disposition of the matter, including any action taken by the appointing authority.²⁶

The IC will make appropriate redactions pursuant to applicable law or regulation (e.g., the Privacy Act) to protect the identity of a complainant, referring source, or witness in an IC matter, unless such individual waives confidentiality.

Sec 10. IC Records and Reports

- A. Record Maintenance and Disposal. The Chairperson of CIGIE is the statutory custodian of all IC records.²⁷ CIGIE will maintain IC records as required by law with appropriate security and access restrictions, and IC records will be disposed of in accordance with applicable records disposition requirements.
- B. Providing IC Reports to Congress. The IC Chairperson will provide IC reports to Congressional committees of jurisdiction, and any Member of Congress upon request, with appropriate redactions to ensure that the IC complies with its responsibilities under all applicable laws (e.g., Privacy Act, whistleblower protection laws, etc.).
- C. Disclosure of IC Records and Reports. IC records will be maintained in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a. The records may be disclosed only in response to the written request of, or with the prior consent of, the individual to whom the record pertains under the conditions specifically set forth in the Privacy Act at 5 U.S.C. § 552a(b), applicable regulations, or as otherwise permitted or required by law.²⁸ CIGIE will also respond to requests for IC records pursuant to the Freedom of Information Act.

Sec 11. Confidentiality

The IC takes seriously its responsibility to protect the confidentiality of all individuals who submit an allegation of, or provide information regarding, wrongdoing under the jurisdiction of the IC.

Consequently, the IC will not disclose the identity of such a person without his or her consent, unless the IC Chairperson determines such disclosure is unavoidable during the course of the IC processes, such as when required by law.²⁹

²⁶ 5 U.S.C. § 424(d)(8)(B).

²⁷ 5 U.S.C. § 424(d)(13).

²⁸ See also CIGIE System of Records Notice, 87 FR 55795.

²⁹ See, e.g., 5 U.S.C. § 407(b).

Sec 12. Amendments to the IC Policies

Any CIGIE member may propose revisions or amendments to these Policies. The IC will consider the proposed revision or amendment in conjunction with the CIGIE members. A majority of CIGIE members must approve any revision or amendment. Thereafter, the revision or amendment will be submitted to the CIGIE Chairperson who will provide a copy to the Congressional committees of jurisdiction.

Sec 13. No Right or Benefit

These Policies are not intended to create any right or benefit, substantive or procedural, enforceable at law by a person against the United States, its agencies, its officers, or any person.

Nothing in these policies will supersede the U.S. Constitution or any enacted law, including the IG Act of 1978, as amended and codified. Should changes occur in the law, any policies set forth herein no longer in compliance with the law will be immediately null and void.

Appendix A: Definitions

Unless otherwise noted, the IC applies the same definitions as the Merit Systems Protection Board in determining whether allegations involving Covered Persons are substantiated.

- “Abuse of authority” means an arbitrary or capricious exercise of power by a federal official or employee that adversely affects the rights of any person or that results in personal gain or advantage to her/him or to preferred other persons or entities.³⁰
- “Days” means calendar days, unless otherwise stated.
- “Gross mismanagement” means action or inaction that creates a substantial risk of significant adverse impact on the OIG’s ability to accomplish its mission. It does not include debatable management decisions, or action or inaction that constitutes de minimis wrongdoing.³¹
- “Gross waste of funds” means an expenditure that is significantly out of proportion to the benefit reasonably expected to accrue to the government and is more than a debatable expenditure.³²

³⁰ *Collier v. Small Business Administration*, 2024 MSPB 13 ¶ 5 (citing *Wheeler v. Department of Veterans Affairs*, 88 M.S.P.R. 236 ¶ 13 (2001)).

³¹ *Wood vs. Department of Defense*, 100 M.S.P.R. 133 ¶ 11 (2005) (internal citation omitted).

³² *Van Ee v. Environmental Protection Agency*, 64 M.S.P.R. 693, 698 (1994).