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EGERTON UNIVERSITY

CODE OF CONDUCT AND ETHICS POLICY

2014

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EGERTON UNIVERSITY

CODE OF CONDUCT AND ETHICS POLICY 2014

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FOREWORD

Egerton University operates in accordance with the highest ethical standards and applicable laws. The foundation of our success is in the trust and confidence that we establish with our employees, students, suppliers, the public and the stakeholders. This trust and confidence is earned by providing quality programmes, products and services through efficient, ethical and reasonable business practices.

Members of the University Community are expected to adhere to the highest ethical standards of professional conduct and integrity. The values we hold to be essential to responsible professional behaviour include honesty, trustworthiness, respect and fairness in dealing with other people and sense of responsibility toward others.

This Code of Conduct and Ethics describes our deeply held University values and is our guide to the University value system of ethical conduct. Our success is dependant on each individual's commitment to these enduring values and no success is worth the expense of compromising ethical principles and behaviours. The code used in conjunction with other existing University policies and practices, will help each of us apply our institutional and personal values to everything we do at the University.

We must accept personal responsibility for understanding the laws, policies and practices that affect our work. We each have an obligation to encourage, promote and practice good business ethics - to ourselves, to each other and

our customers. Remember, each of us is expected to demonstrate the highest ethical behaviour possible, even in the absence of a specific University policy. Working together we can maintain and enhance the trust and confidence that has been placed in us by society.

I am honoured to be the part of an Institution that places such high emphasis on ethical business conduct.

After you have reviewed the material in this Code of Conduct and Ethics, please sign the affirmation page and return it to the Registrar (Administration). The signed page will be kept to your personnel file in Human Resource section.

Prof. James K. Tuitoek, Ph.D.

Vice-Chancellor,

EGERTON UNIVERSITY

OBJECTIVE OF THE CODE OF CONDUCT AND ETHICS

The code of Conduct and Ethics is intended to establish standards of ethical conduct and behaviour for employees of Egerton University.

This code contains rules of conduct and ethics to be observed so as to maintain the integrity, dignity and nobility of the members of Egerton University. The code does not in any way replace the Statutes or the Rules and Regulations that affect employees of Egerton University or the relevant laws of Kenya. Those laws and rules, Statutes and all other applicable laws must be obeyed.

Overall, employees of Egerton University are subject to the Public Ethics Act, 2003, the Leadership and Integrity Act, 2012 and the Constitution of Kenya 2010.

PART I - PRELIMINARY

1. Citation

This code may be cited as the Egerton University Code of Conduct and Ethics for Employee.

2. Interpretation

In this Code, unless the context otherwise requires:

“student” shall mean a person validly registered by Egerton University for the purpose of obtaining a qualification of the University or any other person who is determined by the senate to be a student.

“Members of the University Community” or “Members” shall mean faculty, employee, students, any individual employed by the University, using University resources or facilities, or receiving funds administered by the University, and volunteers and representatives who may speak or act as agents of the University.

“employee of the university” or “employee” shall mean an individual employed by the University to which this Code applies under rule 3.

“Code of Conduct and Ethics” is a statement of the ethical principles, values and behaviours, expected of staff and student and is a formulation of policies, rules or guidelines that define the specific actions or procedures applicable to employees of Egerton University for a range of specific ethical issues.

3. Application of the Code

This code applies with respect to all the employees of Egerton University

PART II - REQUIREMENTS

4. Performance of duties, general

An employee shall, to the best of his/her ability, carry out his/her duties and ensure that the services that he/she provides are provided efficiently and honestly.

5. Professionalism

An employee shall:

- (i) carry out his/her duties in a way that maintains public confidence in the integrity of his/her offices;
- (ii) treat the public and his/her colleagues with courtesy, civility and respect;
- (iii) to the extent appropriate to his/her office, seek to improve the standards of performance and level of professionalism in the University;
- (iv) if a member of a professional body, observe the ethical and professional requirements of that body;
- (v) observe official working hours and not be absent without proper authorization or reasonable cause;
- (vi) maintain an appropriate standard of dress and personal hygiene;

- (vii) respect the right of others, to refrain from disruptive, threatening, intimidating, or harassing behaviour, or behaviour which is harmful to himself/herself, other person(s) or property;
- (viii) refrain from use or falsification of self-identification;
- (ix) maintain and develop knowledge and understanding of his/her respective area of expertise or professional field;
- (x) continuously seek to improve work performance with an emphasis on quality skills;
- (xi) actively seek out ways to bring about quality improvements in his/her workplace;
- (xii) exhibit highest ethical and professional standards when representing the University;
- (xiv) maintain his/her professional competence;
- (xv) not convey, or allow others to convey, the impression that anyone is in a position to improperly influence him/her and; and
- (xvi) discharge any professional responsibilities in a professional manner.

6. Intellectual property

- (i) Intellectual Property is recognized by the University and stipulates the originality and innovation should be recognized.
- (ii) Intellectual Property includes inventions and copyright in various types of work.
- (iii) An employee of the University shall patent any innovation emanating from his/her official duty including research as per the University Intellectual Property Policy.

7. Personal Integrity

- (i) An employee may be disciplined or discharged when he/she violates ethical standards in such a way that he/she seriously harms the reputation of the University or compromises the ability of the employee to function effectively in the work place.
- (ii) Such violations shall include but not be limited to: conviction of a felony; acts of dishonesty, violence, serious breach of University Regulations; threatening physical harm to another, and public scandal.
- (iii) In such cases referred to in (ii) the employee shall be dealt with in accordance with the Terms of Service and the relevant Labour Laws.

8. Compliance with Laws, Rules and Regulations

- (i) All members of the University community must comply with any legislative and industrial requirements, as well as the Rules and Regulations of the University, upholding equal opportunity and health and safety policies and procedures.
- (ii) In carrying out his/her duties, an employee shall not violate the rights and freedoms of any person as enshrined in the Constitution of Kenya (2010).

9. Improper Enrichment

- (i) An employee shall not use his/her office to improperly enrich himself/herself or others.
- (ii) Without limiting the generality of subsection (i), an employee shall not:
 - (a) except as allowed under subsection (iii) or (iv) herein below, accept or request gifts or favours from a person who:
 - (i) Has an interest that may be affected by the carrying out, or not

- carrying out, of the employee's duties;
- (ii) Carries on regulated activities with respect to which the University has a role;
 - (iii) Has a contractual or similar relationship with the University;
- (b) Improperly use his/her office to acquire land or other property for himself/herself or another person, whether or not the land or property is paid for; or
- (c) For the personal benefit of himself/herself or another/others, use or allow the use of information that is acquired in connection with the employee's duties and that is not public.
- (iii) An employee may accept a gift given to him/her in official capacity but, unless the gift is non-monetary gift that does not exceed the value prescribed by regulation, such a gift shall be deemed to be a gift to the University.
 - (iv) Subsection (ii) (a) does not prevent an employee from accepting a gift from a relative or friend given on a special occasion recognized by custom.
 - (v) Subsection (ii) (c) does not apply to the use of information for educational or literary purposes, research purposes or other similar purposes.

10. Conflict of Interest

- (i) An employee shall use his/her best efforts to avoid being in a position in which his/her personal interests conflict with his/her official duties.
- (ii) Without limiting the generality of subsection (i) an employee shall not hold shares or have any other interest in a corporation, partnership of

other body, directly or through another person, if holding those shares or having that interest would result in the employee's personal interests conflicting with his/her official duties.

- (iii) An employee whose personal interests conflict with his/her official duties shall:
 - a) declare the personal interests to his/her superior or other appropriate body and comply with any directions to avoid the conflict; and
 - (b) refrain from participating in any deliberations with respect to the matter.
 - (c) that during such deliberations, such refrain will be recorded.
- (iv) Notwithstanding any directions to the contrary under subsection (iii) (a), an employee shall not award a contract, or influence the award of a contract, to:
 - a) himself/herself
 - b) a spouse relative;
 - c) a business associate; or
 - d) a corporation, partnership or other body in which the employee has an interest.
- (v) The regulations may govern when the personal interests of an employee conflict with his/her official duties for the purpose of this section.
- (vi) In this section, "personal interest" includes the interest of a spouse, relative or business associate.
- (vii) The University shall open and maintain a register of Conflict of Interest

in the form prescribed by EACC.

11. Collections and Harambees

- (i) An employee shall not:
 - (a) use his/her office or place of work as a venue for soliciting or collecting funds; or
 - (b) either as a collector or promoter of a public collection, obtain money or other property from a person by using his/her official position in any way to exert pressure.
- (ii) in this section, “collection”, “collector” and “promoter” have the same meanings as in section 2 of the Public Collections Act. (Cap. 106).

12. Solicitation and Distribution

- (i) Solicitation by an employee for any commercial purpose is not permitted during work time.
- (ii) Violation of this rule will subject an employee to disciplinary action.
- (iii) Solicitation and distribution by any other person is prohibited at all times on University premises.

13. Acting for foreigners

- (i) No employee shall, in a manner that may be detrimental to the security interests of Kenya, be an agent for, or further the interests of, a foreign government, organization or individual
- (ii) For the purpose of this section:
 - (a) an individual is foreign if the individual is not a citizen of Kenya;
 - (b) an organization is foreign if it is outside Kenya or it is owned or controlled by foreign governments, organization or individuals.

14. Proper Use of University Resources

- (i) An employee shall take reasonable steps to ensure that property that is entrusted to his/her care is adequately protected, used for intended purpose(s) and not misused or misappropriated. Such property includes physical facilities (including buildings, Lecture halls, Laboratories, lawns and environment in general, etc.) and equipment, time and intellectual property.
- (ii) An employee is expected to use good judgement in the use of University resources.
- (iii) An employee who contravenes subsection (i) and (ii) shall be personally liable for losses resulting from contravention.
- (iv) Members of the University Community are expected to use all University facilities and equipment efficiently, carefully and honestly.
- (v) An employee should ensure that University resources are used economically, secured against theft or misuse and waste avoided.
- (vi) An employee should not use University resources for personal purposes. In this section, "resources" refer to human and physical resources.

15. Research Ethics

- (i) The University expects all those engaged in research to observe high ethical standards in the conduct of that research and, when relevant, to comply with the obligations imposed by the codes of practice as outlined by the relevant funding bodies.
- (ii) Ethical clearances must be gained where appropriate.
- (iii) The University name and logo may only be used in a consultancy after

the Vice-Chancellor has approved the consultancy and its potential benefit for the University.

- (iv) The use of the University's name and Logo will not in any way link the University with the private consultancy and its activities in any manner whatsoever or be construed as establishing any relationship between the parties.
- (v) The university's Name or Logo will not in any way link the University with the private consultancy and its activities in any manner whatsoever.

16. Political Neutrality

- (a) An employee shall not, in or in connection with the performance of his/her duties as such:
 - (i) act as an agent for, or so as to further the interest of, a political party;
or
 - (ii) indicate support for or opposition to any political party or candidate in an election.
- (b) A employee shall not engage in political activity that may compromise or be seen to compromise the political neutrality of his/her office.

17. Nepotism and cronism

An employee shall not practice nepotism, favouritism or cronism.

18. Giving of Advice

An employee who has a duty to give advice to a superior in authority shall give honest and impartial advice without fear or favour.

An officer of the University is under no obligation to take and act on instructions

which are unlawful or where such action is not in the interest of the University.

19. Misleading the public

An employee shall not knowingly give false or misleading information to members of the public or to any other employee.

20. Conduct of private Affairs

- (i) An employee shall conduct his/her private affairs in a way that maintains public confidence in the integrity of his/her office.
- (ii) An employee shall not evade taxes
- (iii) An employee shall not neglect his/her financial obligations or neglect to settle them.
- (iv) While an employee should not be isolated from the society of which he/she is a part, he/she shall ensure that his/her non-official activities do not interfere with his/her official duties.
- (v) An employee shall not engage in private business during official working hours.
- (vi) An employee shall not use or lend the prestige of his/her office to sanction or endorse his/her own private activities or the private activities of any other person.
- (vii) An employee who becomes bankrupt, becomes a judgement debtor or against whom proceedings are taken in bankruptcy shall forthwith report the matter to the Vice-Chancellor.
- (viii) All employees of Egerton University shall be expected to have financial probity.

21. Disclosure of Fraud or Corrupt Conduct

- (i) Fraud, corruption conduct or maladministration is contrary to law and is to the detriment of the University Community generally.
- (ii) The University is subject to the provisions of the Kenya Anti-corruption and Economic crimes Act, 2003. The Vice-Chancellor has an obligation under the Act to report possible corrupt conduct to the Ethics and Anti-Corruption Commission (EACC).
- (iii) An employee who suspects the occurrence of corrupt conduct affecting University's activities should report to his/her Supervisor, or if the Supervisor is the person suspected of this conduct, to the person to whom the Supervisor reports.
- (iv) Any member of the University community has a moral obligation to report any suspected occurrence of the corrupt conduct affecting University's activities to the Vice-Chancellor or other relevant authority.

22. Sexual Harassment

- (i) Sexual harassment is any form of conduct of a sexual nature that is unwanted. Such conduct can be in the form of words or actions. Sexual harassment is not about sexual attraction: It is about inappropriate and unacceptable behaviour towards an employee, student, or a visitor to the University.
- (ii) Sexual harassment is a serious issue that undermines morale and can adversely affect the ability of employees and students to achieve their full potential within the University. Such behavior is unacceptable and all complaints will be dealt with fairly and promptly.

- (iii) An employee shall not sexually harass a student, member of the public or a fellow employee.
- (iv) In subsection (ii above), “sexually harass” includes doing any of the following, if the person doing it knows or ought to know that it is unwelcome:
 - a) making a request or exerting pressure for sexual activity or favours;
 - b) making intentional or careless physical contact that is sexual in nature;
 - c) making gestures, noises, jokes or comments, including innuendoes, regarding another person’s sexuality
 - d) Use of the institutional communication system including and not limited to the intercom and intranet.

23. Bullying

- (i) Bullying is a term used to describe behavior that undermines an individual’s right to dignity and respect at work. It includes behavior that intimidates, offends, degrades, threatens or humiliates.
- (ii) It is also used to describe similar inappropriate behavior towards or from a student.
- (iii) Bullying behavior will not be condoned by the University and sanctions may apply to any employee or student who is found to have bullied another member of the University community.

24. Recruitment and Appointment of employees

The University shall practice and promote the principle that an employee should be:

- (i) selected on the basis of integrity, competence and suitability;
- (ii) elected on fair elections where applicable;
- (iii) promoted on merit.

25. Submitting of Declarations

An employee shall submit any declarations or clarification required (for example, Declaration of Income, Assets and Liabilities) to be submitted or made by him/her.

26. Acting through others

- (i) An employee contravenes the Code of Conduct and Ethics if:
 - (a) he causes anything to be done through another person that would, if the employee did it, be a contravention of the Code of Conduct and Ethics; or
 - (b) he allows or directs a person under his supervision or control to do anything that is a contravention of the Code of Conduct and Ethics.
- (ii) Subsection (i) (a) does not apply with respect to anything done without the employee's knowledge or consent if the employee took reasonable steps to prevent it.

27. Reporting improper orders

- (i) If an employee considers that anything required of him/her is a contravention of the Code of Conduct and Ethics or is otherwise improper or unethical, he/she shall report the matter to an appropriate authority e.g. Vice Chancellor.

28. Human Rights

- (i) In carrying out his/her duties, an employee shall respect, protect and promote the human rights and freedoms of students without

discrimination on the basis of gender, race, ethnicity, religion, marital status, age, political inclinations, colour, disability, social status or culture.

- (ii) An employee shall not be a member in an organization that he/she knows promotes or practices discrimination on a basis set out in paragraph (i) of this subsection.

29. Conduct of Duties

- (i) An employee shall be efficient and punctual and shall meet his/her deadlines.
- (ii) An employee shall ensure that his/her official duties take precedence over hi/her other activities.
- (iii) An employee shall take reasonable steps to ensure that the activities he/she carries out or supervises are conducted in an orderly manner and with decorum.
- (iv) An employee shall be patient, dignified and courteous to students, colleague and members of the public.

30. Illicit drugs

- (i) An employee shall not supply illicit drugs to a student, an employee or any other person, expose a student, an employee or any other person, to illicit drugs or assist a student, an employee or any other person in obtaining access to illicit drugs.
- (ii) An employee shall use his/her best efforts to ensure that his her workplace is free of illicit drugs.
- (iii) No member of the Egerton University Community shall take unfair advantage of any other member of the community.

31. Canvassing for Favours in University

An employee shall not canvass or lobby, either directly or indirectly, for any favours relating to his employment with the University.

32. Private Lecture/Consultancy Work

- (i) An employee shall not:
 - (a) charge or accept any fee for tuition of a student, even if the tuition is given outside official working hours;
 - (b) establish or retain an interest in an institution or work at such an institution.
- (ii) Paragraph (i) (a) does not apply with respect to tuition fees that are lawfully charged by an institution.
- (iii) Professional and consultive work carried out by employees in their respective areas of expertise is of benefit to the University, the individual and the public. However certain conditions must be upheld:
 - (a) Professional and consultive work should not conflict with the interest of the University.
 - (b) Professional Consultancy is a privilege not a right and should be approved by the University Management Board.

33. Dealing with Donations

- (a) An employee shall, to the extent that he is involved in the receipt and administration of donations of all kinds for University purposes, ensure that proper records, in a register in the Vice-Chancellor's office are kept of the donations and that they are used for the purposes for which they are given.

- (b) An employee shall inform the Vice-Chancellor if the employee has reasonable grounds for believing:
 - (i) that proper records of any donations for University purposes have not been kept; or
 - (ii) that any donations for University purposes have not been used transparently for the purposes for which they were given.

34. Dealing with Gifts

- (a) If an employee is given a gift described in paragraph (b) below, then, even if the gift is not deemed, under section 11 (3) of the general Code of Conduct and Ethics set out in the Appendix to this code, to be a gift to the University:
 - (i) the employee shall report the matter to the Vice-Chancellor who shall direct the appropriate mode of disposal of the gift; and
 - (ii) the employee shall comply with such direction.
- (b) The gifts referred to in paragraph (a) are:
 - (i) a gift from a person described in subparagraph (i), (ii) or (iii) of section 11 (2)(a) of the General Code of Conduct and Ethics set out in the Appendix to this code: or
 - (ii) a gift given to the employee on a public or ceremonial occasion.
- (c) An employee shall not accept a gift, including a gift from the University that is given as reward for, or in recognition of, the performance of students unless the gift is a non-monetary gift whose value does not exceed KES 5,000.00.
- (d) A gift that an employee is otherwise allowed to accept from a relative or

friend because it is given on a special occasion recognized by custom shall be accepted by the employee.

- (e) The University shall open and maintain a gift register in the Vice-Chancellor's office.

35. Confidentiality and Maintenance of Accurate Accounts and Records

- (i) The accounts and records of the University are maintained in a manner that provides for an accurate and auditable record of all financial transactions in conformity with generally accepted accounting principles, established business practices and all relevant provisions of controlling law. No false or deceptive entries may be made and all entries must contain an appropriate description of the underlying transaction.
- (ii) Employees who have access to official University documentation and information must take care to maintain the integrity, confidentiality and privacy of such information to protect any individual concerned.
- (iii) Members of the University Community should also undertake to maintain the privacy of oral communications where that has been requested.
- (iv) Employee must take care to respect the confidentiality and privacy of students and only provide information when authorized by the Registrar (AA)'s Office or for legitimate academic purposes.

36. Educational Benefits and Opportunities

- (a) No member of the University community shall deny a student fair access to all educational opportunities and benefits available at the University.

- (b) No member of the University community shall deny any member of the Faculty a fair opportunity to teach, conduct research, and to provide services to the community in a setting that provides the academic freedom necessary to cultivate a wide expanse of ideas and teaching methods.
- (c) Unwarranted interruption of classes or other academic activities is an abridgement of the right of the faculty to teach and an abridgement of the rights of the affected students to learn.

PART III - BREACH OF THE CODE.

37. Reporting

An employee shall inform his/her immediate supervisor who will in turn inform the Vice-Chancellor if the employee knows that another employee has breached this Code unless the employee reasonably believes that the breach has been or will otherwise be reported.

38. Grievances

Employees are entitled to fair and equitable grievance procedures.

39. Lawful Obedience

All members of the University Community must comply with any legislative and industrial requirements, as well as the Rules of the University, upholding equal opportunity and health and safety policies and procedures.

40. Action to be taken

Where an employee has committed a breach of this code, appropriate actions will be taken in accordance with the University Rules and Regulations, Statutes and other applicable laws.

41. Compliance with the Code

Employees shall comply with all the requirements of the Code of Conduct and Ethics.

42. Provision for Review

This code will be reviewed after every three years or when deemed necessary.

43. Effective date for Implementation: 1st June, 2014

44. Enforcement of the Code: 1st June, 2014

Annex I

This page is to be signed, executed as indicated herein below and returned to the registrar Administration.

I have read, understood and undertake to comply with the Code of Conduct and Ethics and affirm my commitment to the values and principles described therein.

Employee's Name (printed)

Employee's Signature

Employee's ID/No.

Employee's Payroll No.

Department/Section/Faculty

Date

NB: Failure to read and/or sign this document in no way relieves employee(s) of the responsibility to comply with these standards.

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