

CHUKA



UNIVERSITY

**CHUKA UNIVERSITY
CODE OF CONDUCT AND ETHICS POLICY**

13th September, 2013

FOREWORD

Chuka University is the second chartered and ninth full-fledged public university in Kenya, established under the Universities Act of 2012. In this regard, the employees of Chuka University are public servants, who are required to abide by the rule of law governing public servants. Having observed that the overall national rule of law is too general, this Code of Conduct and Ethics Policy has been formulated by the Chuka University to specifically govern the conduct of all Chuka University members.

This Policy has been written based on thematic areas, which include: The Contract of Employment; Employee Obligations and Welfare; Integrity; Confidentiality and Privacy; Professionalism; Dress Code; Integrity and Quality; Management of Resources; Conflict of Interest/Commitment; Sexual Harassment; Gifts and Fundraising; Grievances and Appeals; Environmental Safety Measures; and Reporting Suspected Violations.

Chuka University staff, students and other members are responsible for acquainting themselves with the contents of this Policy, as well as of other regulations and codes and must indicate in writing by signing the Integrity Pact annexed to this Policy. Violations of the tenets of this Policy shall lead to disciplinary action.

Where a member, within the context of working for the University, is in contravention of any Kenyan law and/or statutory regulation, it is the policy of the University to bring such a contravention to the attention of the authorities concerned, who can deal with the contravention as they deem fit. The University shall ensure that staff, students and other members get the right motivation and commitment to do their work and study with integrity.

This Policy shall be implemented by a Committee appointed by the Vice-Chancellor and shall be reviewed from time-to-time to keep it abreast with changing times.

Professor Erastus N. Njoka, Ph.D.

VICE-CHANCELLOR/CEO

CONTENTS

| | |
|---|------------|
| FOREWORD..... | i |
| CONTENTS..... | ii |
| EXECUTIVE SUMMARY..... | iii |
| ACRONYMS..... | vi |
| DEFINITION OF TERMS..... | vi |
| OVERVIEW OF CHUKA UNIVERSITY..... | v |
| | |
| PART I | |
| INTRODUCTION..... | 1 |
| 1.1. Preamble..... | 1 |
| 1.2. Purpose..... | 1 |
| 1.3. Objectives..... | 1 |
| 1.4. Violations..... | 1 |
| | |
| PART II | |
| THEMATIC CODES..... | 2 |
| 2.1. The Contract of Employment..... | 2 |
| 2.2. Employee Obligations and Welfare..... | 2 |
| 2.3. Integrity and Quality..... | 3 |
| 2.4. Confidentiality and Privacy..... | 4 |
| 2.5. Professionalism..... | 5 |
| 2.6. Dress Code..... | 7 |
| 2.7. Management of Resources..... | 7 |
| 2.8. Conflict of Interest/Commitment..... | 8 |
| 2.9. Sexual Harassment..... | 9 |
| 2.10. Gifts and Fundraising..... | 9 |
| 2.11. Grievances and Appeals..... | 10 |
| 2.12. Environmental Health and Safety..... | 10 |
| 2.13. Reporting Suspected Violations..... | 11 |
| | |
| PART III | |
| GENERAL..... | 11 |
| 3.1. Implementation and Review of the Policy..... | 11 |
| | |
| REFERENCES..... | 11 |
| | |
| INTEGRITY PACT..... | 14 |
| | |
| POLICY RECOMMENDATION..... | 15 |
| | |
| APPENDIX: THE CODE OF CONDUCT AND ETHICS FOR PUBLIC UNIVERSITIES | |

EXECUTIVE SUMMARY

This Policy is formulated in accordance with the Kenya Constitution of 2010, the Public Officer Ethics Act of 2003, which contains the Code of Conduct for Public Universities, the Universities Act of 2012, the Leadership and Integrity Act of 2012, the Public Procurement and Disposal Act of 2005, and the Chuka University Charter of 2013 and Statutes of 2013. It is to be read and interpreted with reference to the said Constitution, Acts, Code, Charter and Statutes. Where there is any inconsistency between the provisions of this Code and the provisions of the Constitution or any other statutory regulations governing the conduct of public servants, the Constitution of Kenya shall prevail. This Policy shall also be read in conjunction with existing Chuka University policies as well as the Terms and Conditions of Service. This Policy is binding to the Council members, employees and students of Chuka University.

This Policy recognizes and incorporates by reference the following selected principles of Article 2, Article 10, Article 73 and Article 232 set out in the Kenya Constitution of 2010.

This Policy is being formulated to communicate and foster codes of conduct and ethics that are acceptable in Kenya in general and Chuka University in particular. This Policy contains acronyms, definition of terms, an overview of Chuka University, preliminary matter in the introduction, Chuka University code based on thematic areas, the integrity pact, and appendix that draws the reader to the contents in the Code of Conduct for Public Universities of 2003.

In essence, this Code of Conduct and Ethics Policy contains general rules of conduct to be observed by members of Chuka University so as to maintain integrity, accountability and loyalty to the University and to uphold the dignity of the University offices and positions to which they have been appointed.

All Chuka University members are under obligation to familiarize themselves with, uphold and comply with the Laws of Kenya in general, as well as the contents of this Policy in particular. Violation of any provision of the Laws of Kenya, therefore, amounts to unethical conduct for which disciplinary action may be taken in accordance with the said Laws and this Policy.

This is so because contravention of any of the provisions of the Policy will be a breach of the University's rules and regulations and shall lead to disciplinary action. Any member is entitled at any time to disclose non-compliance with this Policy without fear of victimization. If a member considers that anything required of him/her is in contravention of this Policy or is otherwise improper or unethical, he/she shall report the matter to the relevant office.

ACRONYMS

CPEC: refers to Corruption Prevention and Ethics Committee

CEO: refers to the Chief Executive Officer

COR: refers to Code of Regulations

CU: refers to Chuka University

CUE: refers to Commission for University Education

H.E.: refers to His Excellency

DEFINITION OF TERMS

Chief Executive Officer: refers to the academic and administrative executive head of Chuka University, who is the Vice-chancellor.

Code/Policy: refers to this Code of Conduct and Ethics Policy

Commission: refers to the Commission for University Education.

Confidential: refers to information that shall be kept out of the general public domain and includes business strategies, pending contracts, unannounced services, unpublished research results, and biodata of students and employees.

Contract of Employment: means engagement relationship between employer & employees.

Employee: refers to staff members of the University.

Favouritism: refers to application of undue double standards during dispensation of judgment.

Nepotism: refers to favouritism of an individual by virtue of being a relative.

Officer: refers to employees bestowed with authority in Chuka University.

Public University: means a public university within the meaning of the Universities Act, 2012.

Resources: broadly means inputs to a process for the purpose of realizing a product. Include physical and natural inputs.

Relative: refers to a person affiliated to another by birth and marriage, including a child, grandchild, parent, brother or sister, and child, grandchild, parent, brother or sister of a spouse, or any other prescribed relative.

Student: means a person enrolled as a learner in a university education institution.

University: in this Policy refers to Chuka University.

University member: means any person appointed, employed, or admitted to be apart of Chuka University to render service or obtain education. The term, therefore, refers to Council members, staff and bona-fide students.

OVERVIEW OF CHUKA UNIVERSITY

The establishment of Chuka University was foretold way back in 1951 by a famous philanthropist and seer by the name Jerusha Kanyua, who said that a mountain shall come up at Ndagani. In 1956, the Chuka community then built a Craft Centre to train school leavers to acquire skills that could be useful in nation building. The Centre was upgraded to a Youth Polytechnic in 1969. In 2003, the community felt that they needed an institution that could provide higher education and training access to the people of eastern Kenya and Kenya at large. At that time no institution in the eastern part of Kenya had the capability of educating and training students at diploma and degree levels and as a result education and training opportunities were limited. During the same time, Egerton University was planning to open a Campus in eastern Kenya. The community then approached Egerton University who found Chuka to be centrally placed and, therefore, suitable for the establishment of a university campus.

In an effort to get land for the Campus, the Chuka community donated the Ndagani Youth Polytechnic and Sports Stadium. In addition, the Presbyterian Church donated more land on institutions forming the Ndagani Education Complex, which included the Secondary and Primary Schools. The Chuka community also added a further 500 acres at Kairini in Meru South District to make the total land area 550 acres.

On 21st August, 2004, when H. E. President Mwai Kibaki visited Chuka and held a meeting at Ndagani (the present location of Chuka University), the community through their leaders informed him of their desire to establish a university in the area. Among the dignitaries who attended the meeting were members of parliament from the Greater Meru and senior Government officials. The President supported the aspirations of the people of Meru and pledged Government's support to establish a university at the site. Due to the goodwill of the Government, Egerton University Council approved the establishment of a Campus, named Egerton University Eastern Campus. The Campus was then launched on 27th September, 2004. The Youth Polytechnic was then relocated to another site.

On 23rd August, 2007, H.E. President Mwai Kibaki elevated the Egerton University Eastern Campus to Chuka University College through Legal Notice Number 161 of 2007. On 10th October, 2007, H.E. President Mwai Kibaki visited and inaugurated the Chuka University College. After about five years, H.E. President Mwai Kibaki visited again and inaugurated the Chuka University on 8th January, 2013, making it the 2nd public university to be chartered and the 9th full-fledged public university in Kenya. The establishment of Chuka University at Ndagani in 2013 marked the fulfillment of the noble Vision of Seer Jerusha Kanyua.

The University is located within the Chuka Municipality in Meru South District, Tharaka-Nithi County. It is situated approximately 186 km from Nairobi along the Nairobi-Meru Highway on the slopes of the snow-capped Mt. Kenya at an altitude of approximately 2,000 m above sea level. The area provides a cool climatic environment, with 16^oC to 24^oC temperatures and an annual average rainfall of about 1,000 mm, excellent for learning and working.

The University is designated as a centre of excellence in Environmental and Renewable Energy Studies and offers university education, training and research at certificate, diploma, bachelors,

masters and doctorate degree levels in Education and Resources Development, Business Studies, Agriculture and Environmental Studies, Arts and Humanities, and Science and Technology.

Philosophy

Chuka University believes that sustainable national and global development can be achieved through nurturing an intellectual culture that integrates theory with practice to produce graduates with relevant knowledge, skills and responsible citizenry. The Institution also believes that education and training leads to social cohesion, human and economic development. This can be realized through passion for excellence, devotion to duty, accountability, prudent utilisation of resources, corporate citizenship, and teamwork.

To actualise these beliefs, the University is committed to generation, preservation and sharing of knowledge for effective leadership in education, training, research and extension. The ultimate goal of Chuka University is to be a Premier University for the provision of quality education, training, research and extension in both basic and applied environmental and related studies.

Vision

To be a Premier University for the provision of quality education, training and research for sustainable national and global development

Mission

To generate, preserve and share knowledge for effective leadership in higher education, training, research and outreach through nurturing an intellectual culture that integrates theory with practice and innovation

Core Values

- (1) Passion for excellence and devotion to duty
- (2) Integrity, transparency and accountability
- (3) Social fairness
- (4) Professionalism
- (5) Timeliness
- (6) Prudent use of resources
- (7) Corporate citizenship
- (8) Customer focus
- (9) Teamwork
- (10) Confidentiality

Mandates

The Mandates of Chuka University are enshrined in its **objects** and **functions**.

The **objects** of the University shall be to–

- (a) Provide directly, or in collaboration with other institutions of higher learning, facilities for quality university education, including technological, scientific and professional education, and the integration of teaching, research, outreach and effective application of knowledge and skills to the life, work and welfare of the citizens of Kenya;

- (b) Provide and advance university education and training to appropriately qualified candidates, leading to the conferment of degrees and award of diplomas and certificates and such other qualifications as the Council and the Senate shall from time-to-time determine and in so doing, contribute to realisation of sustainable national economic and social development;
- (c) Provide programmes, products, and services in ways that reflect the principles of equity and social justice.

The **functions** of the University shall be to–

- (a) Participate in technological innovation as well as discovery, transmission, preservation and enhancement of knowledge, and stimulate the intellectual participation of students in the economic, social, cultural, scientific and technological development of Kenya;
- (b) Inculcate a culture of lifelong learning, responsible citizenry and innovation in technology, engineering and mathematics within the institution and society;
- (c) Engage in teaching, training, scholarship, entrepreneurship, research, consultancy, community service, among other educational services and products, with emphasis on technology and its development, impact and application to society;
- (d) Conduct examinations for and grant such academic awards as may be provided for in the Statutes, and syndicate examinations for award at other institutions as may be approved by Senate; and
- (e) Facilitate the development and provision of appropriate academic programmes, and community services.

PART I INTRODUCTION

1.1. Preamble

The members of the Chuka University, including the Council, employees, students and affiliates, are required to uphold the highest ethical standards of the Institution and of the broader society in which they coexist. The University values excellence, devotion to duty, integrity, transparency, accountability, social fairness, professionalism, timeliness, prudent use of resources, corporate citizenship, customer focus, teamwork and confidentiality, and shall strive to integrate these values into its teaching, research and other business practices.

Each member occupies a special position within the University and shall be proud of that position and ensure his/her conduct both in public and private does not bring the University into disrepute. It is, therefore, imperative that each member adheres to this Code and such other rules that may be formulated from time-to-time.

1.2. Purpose

- (a) This Code is a shared statement of Chuka University commitment to uphold the highest ethical, professional and legal standards used as the basis for daily and long-term decisions and actions.
- (b) All Chuka University members must be cognizant of and comply with the relevant policies, standards, laws and regulations that guide their work and operations.
- (c) Chuka University members are individually and collectively accountable for their actions and upholding of ethical standards of behaviour and compliance with all applicable laws and policies of the Country and the Institution, respectively.

1.3. Objectives

- (a) To impart general rules of acceptable conduct to be observed by members of Chuka University to maintain integrity and loyalty to the University and to uphold the dignity of the University offices and positions to which members have been appointed.
- (b) To convey the obligations and standards of behaviour required of members and to guide them in resolving any ethical issues that may arise during the course of their duties and responsibilities.

1.4. Violations

- (a) Adherence to this Code also makes members of Chuka University responsible for bringing suspected violations of applicable standards, policies, laws or regulations to the attention of the concerned office.
- (b) Raising violations is a service to the University and does not jeopardize one's position.
- (c) Confirmed violations will result in appropriate disciplinary action in accordance with the Laws of Kenya, this Code, or any other Chuka University rules and regulations.

PART II THEMATIC CODES

2.1. The Contract of Employment

- (a) It is one of the University's principles that employees are selected on the basis of competence, merit and suitability.
- (b) Arising from the service relationship between the University and its employees, every employee has a duty to act in good faith towards the University under all circumstances.
- (c) The 'good faith obligation' requires that every employee shall–
 - (i) Observe official working hours and not absent him/herself without authorization or reasonable cause.
 - (ii) Promote the interests of the University and spend the stipulate amount of time on work and make the required input for the University.
 - (iii) Not compete with the University by running a similar institution.
 - (iv) Avoid any conflict between his/her financial interest and the University.
 - (v) Not use his office to improperly enrich himself or others.
 - (vi) Receive no other benefit as a result of his/her association with the University other than what he/she is entitled to in terms of the Contract of Employment.
 - (vii) Understand that his/her duties include duties of the post in which he/she is employed and any other duties that the Vice-Chancellor and any other authorized officer may call upon him/her to perform.

2.2. Employee Obligations and Welfare

- (a) Employees are required to have a positive attitude towards work, colleagues, customers and the employer.
- (b) An employee shall at all times refrain from any form of discriminatory practices and stereotypes based on gender, religion, race, ethnicity, region of origin, historical background, nepotism, position held, physical stature and disability.
- (c) Employees are required to uphold the dignity of Chuka University at all times. Employees have an obligation to protect the image of the University and shall act in the best interest of the University at all times.
- (d) Employees are expected to develop a good working relationship with colleagues as this promotes teamwork and provides a better and harmonious working environment. The University shall organize deliberate bonding events to promote team-building.

- (e) Employees shall ensure that positive traditions, values and norms are adopted, upheld, enriched and passed on through harmonious interactions.
- (f) Officers at supervisory level shall take reasonable steps to ensure that employees entrusted under their direction and supervision are:
 - (i) Properly deployed and adequately utilized.
 - (ii) Not deployed or utilised for personal/private work.
- (g) Interdepartmental Transfers
 - (i) The transfer of any employee from one department to another shall be effected after due consultation and approval by authorized officers.
 - (ii) Due consideration shall be given to the qualifications and other expertise of the employee before transfer.
 - (iii) Management shall ensure that positive traditions, values and norms are adopted, upheld, enriched and passed on through appropriate induction of employees.

2.3. Integrity and Quality

- (a) The University emphasizes honesty as a key value at work. An honest employee is an asset to the University. The University shall, therefore, strive to inculcate a positive culture at work that promotes integrity through–
 - (i) Appreciating honesty in order to sensitize employees to its importance.
 - (ii) Disciplining employees found to be dishonest.
- (b) An employee shall–
 - (i) To the best of their ability carry out their duties and University business transactions efficiently, accurately, fairly, honestly and with integrity. Each situation needs to be assessed in accordance with this standard. No unethical practice can be tolerated because it is “customary” outside of Chuka University or that it serves other worthy or expediency goals.
 - (ii) Not violate the rights and freedoms of other employees, students and the general public, in carrying out their duties.
 - (iii) Be deemed to have contravened this Code if he/she influences another person to do anything that contravenes it.
 - (iv) Have a duty to give advice with impartiality and without fear or favour.
 - (v) Not knowingly give false or misleading information to a member of the public, University employee or student.
 - (vi) Not impersonate or misrepresent him/herself to students, the general public, or other employees.

- (vii) Conduct his/her private affairs in such a way that upholds public confidence in the integrity of his/her offices and the University.
 - (viii) Not use his/her office or place of work for soliciting funds, inducing favours, or collecting bribes.
 - (ix) Not bribe or attempt to improperly influence any person in a decision-making position regarding University matters.
 - (x) Not create the impression that he/she has the power to influence the procedure concerning and/or the people entrusted with appointments, selection decisions, purchases, and the awarding of tenders and/or drawing up of quotations.
 - (xi) Report immediately to his/her superior or other official authorities any attempt by another person to bribe or to improperly influence him/her.
- (c) Chuka University recognizes that it must earn and maintain a reputation for integrity and quality that includes, but is not limited to, compliance with contractual obligations, national laws, regulations and due diligence. Even the appearance of misconduct or impropriety can be very damaging to the University. Therefore, the University shall strive at all times to maintain the highest standards of integrity and quality.

2.4. Confidentiality and Privacy

University members receive and generate various types of confidential, proprietary and private information. It is imperative that each member complies with all country laws, agreements with third parties, and University policies and principles pertaining to the use, protection and disclosure of such information. Such policies apply even after the member's relationship with the University ends. This is based on the following understanding–

(a) Data

- (i) A member of staff shall not falsify personal or official records/documents that may come to his/her possession in the course of his/her work.
- (ii) Records shall be regularly updated, maintained and protected to ensure that unauthorised access does not occur.
- (iii) The biodata and affairs of students and employees are strictly confidential and members who have access to them shall not under any circumstances disclose or discuss them, except as stipulated under the Laws of Kenya.
- (iv) Members shall not impart, without authorization, confidential information to other people where such people are not legitimately entitled to the information.
- (v) A member shall not use or allow the use of information that is acquired in connection with the member's duties and that is not public, for the personal benefit of himself, herself or another. However, this does not apply to the authorized and legitimate use of such information for educational, literary, research or other similar purposes.

(b) Examinations

- (i) An employee who has access to examination materials shall not avail all or part of the information on the examination to the candidates and/or any unauthorised person.
- (ii) Examination regulations regarding who should handle and administer when, where, which, what, why and how must be adhered to.
- (vi) An employee who is involved in grading continuous assessment tests, examination scripts and theses, as well as processing of examinations shall observe integrity, objectivity and high degree of professionalism.
- (vii) Any member who is involved in **processing** (setting, moderating, correcting, typing, proof-reading, photocopying, packaging, storing, guarding, transporting, conducting, administering, invigilating, marking, compiling, supervising, coordinating, monitoring) and **writing** of examinations shall not tamper with the examinations themselves and their materials at all points.

(c) Clear Desk Policy

- (i) The University operates a Clear Desk Policy, where employees are required to clear their desks whenever they leave the office for the day.
- (ii) All confidential records are required to be returned to their appropriate files and locked in cabinets.

(d) Intellectual Property

- (i) Members shall refrain from acts of cheating, plagiarism and impersonation in the production of academic materials and publications, since indulging in these acts amounts to intellectual theft.
- (ii) Members shall not reproduce any University forms, documents and any other copyrighted material and sell the same for personal gain.
- (iii) Members shall be restricted to reproducing one copy of stipulated number of pages of each copyrighted material for non-commercial educational purposes only.

2.5. Professionalism

(a) Confidentiality and privacy

Professionalism, in part, requires that all members handling confidential information and material uphold the confidentiality and privacy stipulations given in section (2.4).

(b) Obligations of employees supervising other employees

- (i) An employee who supervises other employees has special responsibilities, including treating employees fairly and according them equal opportunity, maintaining open and honest communication, and ensuring that employees understand and undertake performance standards required of them.

(ii) Evaluation of performance of employees shall be undertaken using preset objective criteria and without bias.

(iii) An employee required to supervise a spouse or other relative shall timely withdraw from that requirement by declaring a conflict of interest/commitment.

(c) Making fair decisions

(i) When making a decision, taking action of a discretionary nature or resolving a grievance which may adversely affect a person's rights, liberties, interests or legitimate expectations, the principles of procedural fairness shall be applied. This means that persons affected shall have the opportunity to respond to allegations or assertions made and to have a decision made without bias.

(ii) Decisions shall be based on considerations relevant to the matter at hand.

(iii) Decisions shall also be guided by the Public Service Commission's Code of Regulations (COR) on grievances handling procedure.

(d) Obligations of university lecturers

(i) Staff involved in teaching, research or training shall encourage the pursuit of independent scholarly learning, critical judgment, academic integrity and ethical sensitivity in their students, and shall themselves demonstrate these qualities in their interactions with students.

(ii) Teaching staff shall behave courteously towards students and shall be sensitive to students' need for feedback and consultation.

(iii) The interests of students shall be given primary consideration in the relationship of trust which exists between teaching staff and their students.

(iv) Assessment of students shall reflect each student's true merit. Enquiry of students regarding assessment criteria shall be explained clearly and timely.

(v) Teaching staff shall make themselves available for individual consultation by students whether in person or by other modern means.

(vi) A student shall not be unfairly penalised for adhering to a defensible alternative view or approach.

(vii) Supervision of projects and theses shall be done in a manner to enable students complete their course within the stipulated time for the programme.

(viii) An employee required to teach or supervise a spouse or other relative shall timely withdraw from that requirement by declaring a conflict of interest/commitment.

(e) General

- (i) Members, while representing the University, are required to create a positive impression by handling themselves professionally with courtesy and tact.
- (ii) Members should treat colleagues and the general public with courtesy and respect and carry out their duties and responsibilities in a way that maintains public confidence in the integrity of their offices and positions.
- (iii) Senior management officers are expected to set high professional standards by conducting themselves in an exemplary and impeccable manner.
- (iv) To the extent appropriate to one's office, employees shall endeavour to improve the standards of performance and level of professionalism and strive to carry out their work in a manner befitting their professions.
- (v) Each employee shall discharge his/her responsibilities in a professional manner.
- (vi) If an employee is a member of a professional body, he/she shall observe the ethical and professional requirements of that body.

2.6. Dress Code

- (a) All members of Chuka University are required to dress in a manner that reflects the professional standing of the University. Decent, respectful and modest style of dressing and personal hygiene shall be maintained.
- (b) The University appreciates that personal taste, style and comfort are factors that are considered when dressing. Members shall exercise good judgment and discretion in their standards of dress and personal appearance. Whenever in doubt about the degree of formality expected, members should err on the side of formality, as it is always better to be too formal rather than too informal.

2.7. Management of Resources

- (a) All University members are required to act in the best interest of the University when dealing with University resources.
- (b) Each employee is responsible for the assets placed under his/her care and control.
- (c) An employee charged with the duty of acquiring goods and services for the University shall exercise due care and apply existing laws, policies, regulations and controls that shall ensure value for money to the University.
- (d) No member may sell or use University assets without authorization. Need and ignorance are not justifications for the unauthorized sale, use or consumption of the assets.
- (e) Loss or damage of any asset must be reported promptly to a member's supervisor.

- (f) Use of University assets by any person other than the authorized University member is not permitted.
- (g) University assets must be used for the purpose for which the particular assets are normally intended and in accordance with the directions for use.
- (h) University members shall not spend University funds without authorization.
- (i) Members must adhere to the University's internal control measures, which are aimed at protecting assets against unauthorized removal and/or use.
- (j) Each member shall exercise due diligence and prudence in utilizing University resources.
- (k) Where a member spends money or authorizes that money to be spent, he/she shall ensure that the University receives reasonable value for the money expended.
- (l) No member shall without the permission of the Council open a bank account on behalf of, or in the name of the University, department, division, centre, institute or any similar operating entity of the University.

2.8. Conflict of Interest/Commitment

- (a) All members owe their primary allegiance to the University and its mission to engage in the highest level of education, research, scholarship, customer-care, and service delivery.
- (b) Outside professional activities, private financial interests or the receipt of benefits from third parties can cause an actual or perceived conflict between the University mission and an individual's private interests.
- (c) University members with other professional or financial interests shall disclose them in compliance with applicable conflict of interest/commitment policies.
- (d) It is further required that–
 - (i) Each member shall act in the best interest of the University in all dealings with current or prospective clients, suppliers, contractors and consultants, among others.
 - (ii) Situations must be avoided where a member's personal interests conflict with those of the University or might cause the member not to act in the best interest.
 - (iii) The policies and procedures regarding purchases and solicitation of quotes and tenders, as amended from time-to-time, must be strictly adhered to at all times.
 - (iv) Participation by a member in the purchasing process, collection or evaluation of quotes, granting of tenders or the appointment of consultants where a spouse, relative by blood or marriage, family friend or business associate of the member has an interest or is involved as a third party is not permitted.

- (v) A member shall immediately disclose in writing to his/her immediate supervisor any possible conflict of interest/commitment and withdraw from the particular decision-making process.
- (vi) All tenders, quotations and purchases to be made where a member has withdrawn from the decision-making process shall be submitted to the Vice-Chancellor or his/her proxy for final approval.
- (vii) A member with involvement and/or a personal interest in any person with whom the University has entered into a contract shall make this fact known to his/her supervisor immediately.

2.9. Sexual Harassment

- (a) Sexual harassment—If the person doing it knows or ought to know that it is not welcome includes doing any of the following—
 - (i) exerting pressure for sexual activity or favours;
 - (ii) touching or making intentional or careless physical contact that is sexual in nature;
 - (iii) giving someone unwanted sexual attention, gestures, noises, jokes or comments, including innuendos, regarding another person's sexuality;
 - (iv) insulting or ridiculing someone because of his or her sex;
 - (v) lewd, suggestive or over-familiar behaviour;
 - (vi) display or circulation of sexually suggestive material; and
 - (vii) suggestion that acceptance of sexual favours may further a member's career or guarantee passing of examinations, or refusal may lead to failure of examinations.
- (b) The University shall not tolerate sexual harassment of its employees and students.
- (c) Any cases of sexual harassment should be reported promptly.
- (c) A University member who makes a genuine complaint on the grounds of sexual harassment need not fear reprisal or victimization.
- (d) Complaints should be made to the University Public Complaints Committee or any other relevant authority.
- (e) All University members have a responsibility to comply with University policies and to treat colleagues of either sex with dignity and respect.
- (f) In case of a fabricated complaint, the complainant is liable to disciplinary action.

2.10. Gifts and Fundraising

- (a) No University member should use his office to improperly enrich him/herself or others.
- (b) A member should not, except as allowed under the law, 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 member's duties;

- (ii) carries on regulated activities with respect to which the University has a role; or
 - (iii) has a contractual or similar relationship with the University.
- (c) No member shall use his/her office to acquire land or other property for him/herself or another person, whether or not the land or property is paid for.
- (d) A University member may accept a gift given to him/her in his/her official capacity, if the gift is non-monetary and does not exceed the value prescribed in the law (Public Officer Ethics Act, 2003). If the gift exceeds the stipulated value, then it shall be deemed to be a gift to Chuka University. The affected gift should be immediately surrendered to the University. However, this does not prevent a University member from accepting a gift from a relative or friend on a special occasion recognised by custom.

2.11. Grievances and Appeals

- (a) The University treats all complaints seriously and makes every effort to investigate complaints expeditiously. University members shall make every effort to transmit complaints through the proper official channels.
- (b) The University applies the principles of natural justice in investigating complaints. The University acknowledges that there are multiple pathways to deal with complaints. It is useful, prior to making a complaint, to consult with appropriate representatives on campus to identify the best way to proceed. These shall include the Unions, the Human Resources Department and the Dean of Students Office.
- (c) University members are encouraged to consider all potential complaints carefully and shall not make frivolous, malicious or vexatious complaints.
- (d) In the interest of maintaining an agreeable, harmonious working environment for all University employees, it is advisable for matters giving rise to grievances to be addressed informally in as far as possible. If the initial informal approach to discuss the matter by an employee with his/her immediate supervisor fails to produce a satisfactory solution, then a formal procedure may be followed to attempt to resolve the grievance.
- (e) The formal procedure requires an employee to write a note on the grievance to the supervisor, if the grievance does not involve the supervisor, or the Vice-Chancellor, who will appoint an appropriate handler to review and investigate the grievance further and provide a solution to the problem.
- (f) If an employee is dissatisfied with the outcome of any stage of the formal procedure he/she may appeal to the University Council through the Vice-Chancellor in writing, within 7 days of his/her being notified of such outcome.

2.12. Environmental Health & Safety

- (a) Members are required to promote University policies and measures for the protection of health and safety of all employees, students and the general public who may be affected directly or indirectly by University activities.

- (b) Members are required to give proper regard to the protection and conservation of the environment.
- (c) The University operates no smoking and substance abuse policies on its premises.
- (d) Any form of substance abuse may lead to serious disciplinary action as prescribed in the Alcohol and Drug Abuse (ADA) Policy.
- (e) The University maintains a safe working environment. The University has installed First Aid facilities at designated places and trained representative employees in First Aid.
- (f) The University has also put in place accident reporting procedures in the Security and Medical Departments.
- (g) The University conducts fire drills regularly for all employees and students and fire alarms are also installed in its premises.
- (h) The University provides uniforms and protective clothing to all employees whose jobs deem it necessary.
- (i) It is in each member's best interest to be security conscious to prevent entry of unauthorized persons to the premises and to familiarize themselves with emergency exit signages installed in the University premises.
- (j) All employees and students are issued with Identification Cards to be presented to Security Officers guarding entrances to the University.
- (k) Disposal of hazardous waste into the environment is strictly prohibited. Hazardous material shall only be disposed in accordance with guidelines of regulatory agencies.
- (l) Littering of the University compound with plastic or any other obnoxious material is considered unethical and hence is prohibited.
- (m) No University member shall damage, pollute, destroy or deface University buildings, roads, signages, grounds, flower beds and trees.
- (n) Public Address Systems (PAS) and other sound producing devices shall be used in the University premises to the extent that sound produced does not exceed limits allowable by applicable laws and authorities.

2.13. Reporting Suspected Violations

(a) Reporting to Management

- (i) University members shall report suspected violations of applicable laws, regulations, government contracts, grant requirements and this Code.

(ii) Reporting shall normally be made initially through standard Management channels, beginning with the immediate supervisor, instructor or advisor in the Department.

(iii) If for any reason it is not appropriate to report suspected violations to the immediate supervisor, members shall report to the University Public Complaints Committee or a higher level of Management.

(b) Confidentiality

(i) Reports shall be made confidentially and even anonymously, although the more information is given, the easier it is to investigate the violations.

(ii) Raising violation concerns is a service to the University and does not in itself jeopardize employment or any other status.

(c) Cooperation

All University members are required to cooperate fully during investigation of a given misconduct or violation.

**PART III
GENERAL**

3.1. Implementation and Review of the Policy

(a) The Vice-Chancellor shall appoint a committee to implement this Code of Conduct and Ethics Policy.

(b) Monitoring and evaluation of this Code of Conduct and Ethics Policy shall be undertaken by the Implementation Committee.

(c) The recommendations of the Implementation Committee shall be used to review and amend this Code of Conduct and Ethics Policy from time-to-time to keep it abreast with changing times.

(d) Amendments of this Code of Conduct and Ethics Policy shall be contained in the annexes of this document.

REFERENCES

Alcohol and Drug Abuse Workplace Policy, 2013. Chuka University, Chuka

Anti-Corruption and Economic Crimes Act, 2003. National Council for Law Reporting. <http://www.kacc.go.ke/docs/legal/aceca.pdf>. Accessed on 8.8.2011.

Chuka University Charter, 2013. Commission for University Education, Nairobi.

Chuka University Statutes, 2013. Chuka University, Chuka

Employment Act, 2007. Government Printer, Nairobi, Kenya.

Environmental Management and Coordination Act, 2009. Government Printer, Nairobi.

Government Financial Management Act, 2004. National Council for Law Reporting.:
<http://www.kenyalaw.org/Downloads/Acts/GovernmentFinancialManagement.pdf>.

Human Resource Management Act of 2012. Government Printer, Nairobi, Kenya.

Kenya Constitution, 2010. Government Printer, Nairobi, Kenya

Labour Institutions Act, 2007. Government Printer, Nairobi, Kenya.

Labour Relations Act, 2007. Government Printer, Nairobi, Kenya.

Leadership and Integrity Act of 2012. Government Printer, Nairobi, Kenya.

Occupational Health and Safety Act, 2007. Government Printer, Nairobi, Kenya.

Public Complaints Policy, 2013. Chuka University, Chuka

Public Officer Ethics Act, 2003. National Council for Law Reporting.
<http://www.kacc.go.ke/docs/legal/poe.pdf>. Accessed on 8.8.2011.

Public Procurement and Disposal Act of 2005. National Council for Law Reporting.
<http://www.kenyalaw.org>. Accessed on 8.8.2011.

Public Procurement and Disposal Regulations of 2006. National Council for Law Reporting
<http://www.kenyalaw.org>. Accessed on 8.8.2011.

Public Service Integrity Programme: A Resource Manual for Corruption Prevention in the Public
Service of 2003. Government Printer, Nairobi, Kenya.

Universities Act, 2012. National Council for Law Reporting. Nairobi, Kenya.

Work Injury Benefits Act, 2007. National Council for Law Reporting. Nairobi, Kenya.

CHUKA



UNIVERSITY

Telephone: 020-2310512/18

P. O. Box 109-60400, Chuka

REF.: CU/CPEC/FORM/1

INTEGRITY PACT

I _____ of ID Number _____
(Name and Number as in ID Document) have read the Chuka University Code of
Conduct and Ethics Policy and do hereby confirm that I have understood the
stipulations contained therein and do hereby agree to abide by them.

Signed _____ Date _____

HRMO Witness _____(Name as in ID)

Signed _____

Date _____

Stamp _____

NB. Within the first week of reporting on duty, each member of Chuka University shall be required to sign two copies of this PACT, return one copy to the Human Resources Management Office (HRMO) and retain one copy for reference.

APPENDIX

THE CODE OF CONDUCT AND ETHICS FOR PUBLIC UNIVERSITIES

Preamble

The Education System of the Republic of Kenya is charged with the responsibility of nurturing the growth of the whole person through integrated development of physical, intellectual, moral and spiritual attributes and abilities.

The human resource in the public universities is crucial for the development universities and realization of their mission. This human resource is expected to exhibit a high degree of maturity, integrity, trustworthiness, responsibility and accountability.

Subsidiary

This Code contains general rules of conduct and ethics to be observed by members, officers and employees of the public universities so as to maintain the integrity, dignity and nobility of universities education. This code is not intended to replace the terms and condition of service of individual members, officers and employees, and is to be applied consistently with the Constitution, the Universities Act and other Legislation.

Members, officers and employees shall adhere to this Code both in their public and private lives so as not to bring ridicule and dishonor to the universities.

PART I – PRELIMINARY

Citation

1. This Code may be cited as the Code of Conduct and Ethics for Public Universities.

Interpretation

2. In this Code, unless the context requires-
 - “Chief Executive” means the Vice-Chancellor or equivalent officer of a university;
 - “Commission” means the Commission for Higher Education;
 - “Officer” means a person to whom this Code applies, as provided by Paragraph 3;
 - “Public University” or “university” means a public university within the meaning of University Act (Cap. 210B).
 - “Student” means a person enrolled as a learner in a university education institution.

Application of Code

3. This Code applies to officers and employees of a public university, including the members of the council of a public university, other than members who are members of the public service for whom the Public Service Commission is the responsible commission under the Act.

PART II - REQUIREMENTS

Compliance with the General Code

4. (1) An officer shall comply with all the requirements of the General Code of Conduct and Ethics set out in Part III of the Act.

(2) The General Code of Conduct and Ethics set out in Part III of the Act is set out in the Appendix to this Code and shall form part of this Code.

Integrity and Impartiality

5. (1) An officer shall conduct himself in a manner that promotes the universally recognized rights and freedoms of persons in order to protect the dignity of a person that a public university seeks to service.

(2) An officer shall at all times uphold the dignity of the university by conducting his official duties and his private affairs with integrity and in a dignified, honest and impeccable manner.

(3) An officer shall respect, protect and promote the human rights and freedoms of everybody in the university without discrimination on the basis of race, ethnicity, sex, political opinion, disability, religion or culture.

(4) An officer shall at all times be guided by merit and sound judgment in giving any service or granting opportunities to person who seek such services or opportunities from the universities.

(5) An officer shall participate in enhancing, maintaining and enjoying the provisions of this Code.

(6) An officer shall respect, promote and comply with the rule of law.

Teaching and Conduct of Examinations

6. (1) An officer who is a member of the academics staff of the university shall organize his instruction, assessment and examination in a manner that complies with all institutional requirements and expectations.

(2) An officer who is a member of the academics staff of the university shall ensure that the examinations are delivered to the students as scheduled and that the results thereof is processed without undue delay.

(3) An officer shall exercise diligence, care, and attention in the performance of his duties, and shall seek to achieve high standards in teaching or administrative duties.

(4) An officer shall promote the culture of research among university students, and shall assist in the overall development of the student as a scholar and a decent human being.

(5) An officer who is involved in the conduct of examination shall ensure that the contents of the examination papers are kept secret and are only released to students when they are sitting for the particular examination.

(6) For the purpose of subparagraph (5), an officer is involved in the conduct of examinations if his duties relate to-

(a) setting or moderating of examinations;

(b) typing, printing, photocopying, producing or reproducing the examination papers;

- (c) transporting examination papers;
- (d) invigilation at the examination;
- (e) marking or entering of grades attained, Or
- (f) if his duties otherwise give him access to examination papers or their contents.

(7) An officer whose duties involve the grading or assessment of examination performances shall at all times be guided by the rule of merit in grading or assessing the examination candidates.

Professionalism and Courtesy

7. (1) An officer shall strictly adhere to terms of his employment contract.
- (2) Breach of his employment contract shall be deemed to be a breach of this Code.
- (3) An officer shall comport himself with personal decency and shall be well groomed.
- (4) An officer shall not absent himself from duty without a reasonable cause.
- (5) An officer shall actively and personally promote a culture in the university that aims at providing fast, friendly responsive and efficient services and shall be courteous to all persons in the provisions of such services.

Management of Resources

8 (1) An officer shall not misuse the resources of a public university.

(2) An officer shall ensure that public university resources under his charge are properly utilized and fully accounted for.

(3) An officer shall not use public university resources to unjustly enrich himself.

(4) An officer using public university resources to conduct research shall disclose this fact to chief executive of the university and his activities shall be governed by such agreement as may be made between himself and the university.

(5) An officer shall observe the principles of the law governing intellectual property .copyright and other related matters in order to promote the culture of research and to uphold the integrity and the academic freedom that members and students of public university enjoy.

(6) For the purpose of subparagraph (5) “the university’s resources” includes-

(a) physical facilities including the buildings, recreational facilities, infrastructure and all movable and immovable assets of the university;

(b) university funds, however obtained, including funds received from students as tuition or accommodation fees, any donations, contributions or gifts, and any funds otherwise obtained for use for university education;

(c) furniture, equipment, apparatus, stationery and research materials, whether living or dead; and

(d) motor vehicles and transport facilities provided for university education.

Gifts and Donations

8. (1) An officer shall not solicit for any property or benefit of any kind, for himself or any person, on account of anything to be done or omitted by him in discharge of his duties or by the virtue of his official position.

(2) An officer shall ensure no members of his family solicits or accepts any gifts ,money, hospitality, free passage or favours from any person or organization that might reasonably be thought to influence or be intended to influence the officer in discharging his official duties and responsibilities.

(3) A reference in this paragraph to members of the officer's family is a reference to any spouse, child, grandchild, parent, grandparent or any other relative of the officer, and to any other person with whom the officer maintains a closure relationship.

(4) Where gifts is given without the officer's knowledge or where refusal of a gift would be offensive to custom or might amount to bad public relations, the officer shall inform the chief executive of the university who shall decide how the gift is to be disposed of.

(5) Notwithstanding any other provision of this Code, but subject to the General Code of Conduct and Ethics set out in the Appendix, an officer may-

(a) accepts gifts which are occasional and inexpensive or in the form of a souvenir or gifts whose value does not exceed twenty thousand shillings; and

(b) accept personal gifts or donation from relatives or friends on such special occasions as may be recognized by custom.

(6) When any gifts or donations is made for the development of the university, the officer together with the university management shall-

(a) in writing disclose to the chief executive of the university the nature of the gift or donation;

(b) in writing inform to the chief executive of the university as to how the management intends to utilize the gift or donation; and

(c) receipt the gift or donation and fully account for its use.

(7) This rule does not prohibit an officer from participating in social activities and accepting gifts if the officer is participating in such activities in his personal or private capacity.

Private Interest

9. An officer-

(1) shall ensure that he does not subordinate his official duties to his private interest or put himself in a position where there is conflict between his official duties and his private interests;

(2) shall not associate outside his official duties with any financial or other activities in circumstances where there could be suspicion that his official information available to him was being turned to his private gain or that of his associates;

(3) shall not engage in any occupation or business which might prejudice his status as an officer or bring his office or university education into dispute; and

(4) shall not in way trade with his employer or allow his spouse or relatives to do so, or trade with any institution where he is likely to have an advantage by virtue of his office.

Conduct of Private Affairs

10. (1) An officer shall conduct his private affairs in a way that maintains and enhances public confidence in the integrity of the university.

(2) An officer shall not neglect his financial and other obligations to his family and other persons or organizations.

(3) An officer shall prudently manage his finances to avoid financial embarrassment to himself and the employer.

(4) An officer shall be a role model to his students, colleagues and other people around him and shall therefore refrain from engaging in activities that undermine this role or bring the university into dispute.

Contesting Political Office

11. An officer who wishes to contest a seat in the National Assembly or a Local Authority or any other political office shall be required to resign his office in the university.

Duty of Disclosure

12. (1) An officer is under a duty to disclose to the secretary to the commission or to chief executive of the university any violation of the Code of Conduct and Ethics as set out in the Appendix hereto or of the provisions of this Code, and in particular-

(a) Where an officer is charged with a serious offence under the Penal Code or any other law where a prison sentence may be imposed other than in default of payments of a fine;

(b) Where an officer is declared bankrupt by a court of law;

(c) Where there has been sexual harassment of an officer by another officer, or a student by an officer;

(d) Where there is neglect of duty;

(e) Where there has been absenteeism at the place of work;

(f) Where there has been an act of fraud or collusion to defraud;

(g) Where examination irregularities have occurred; or

(h) Where there has been any other breach of the Code or the terms and conditions of service by an officer.

(2) For the purpose of subparagraph (1) (a), reports shall not be required in respect of proceedings for minor offences under the traffic laws, the local government by-laws, or the like.

Conditions for the Breach of Code

13. (1) When an officer has committed a breach of this Code, appropriate action will be taken in accordance with the provisions of the Act and other laws, and the terms and conditions of service of the officer.

(2) The Commission shall work closely with the governing council of the respective universities, or such other bodies as the Commission may from time to time identify, to enforce this Code.

PART III – GENERAL CODE OF CONDUCT AND ETHICS

Parts Setting Out the General Code

7. This part sets out a General Code of Conduct and Ethics for Public officers

Performance of Duties, General

8. A public officer shall, to the best of his ability, carry out his duties and ensure that the services that he provides are provided efficiently and honestly.

Professionalism

9. A public officer shall–

- (a) carry out his/her duties in way that maintains public confidence in the integrity of his/her office;
- (b) Treat the public and his fellow public officers with courtesy and respect;
- (c) To the extent appropriate to his office, seek to improve the standards of performance and the level of professionalism in his organization.
- (d) If a member of a professional body, observe the ethical and professional requirements of that body;
- (e) Observe the official working hours and not be absent without proper authorization or reasonable cause;
- (f) Maintain an appropriate standard of dress and personal hygiene;
- (g) Discharge any professional responsibilities in a professional manner.

Rule of Law

10. (1) The public officer shall carry out his duties in accordance with the law.

(2) In carrying out his duties, a public officer shall not violate the rights and freedoms of any person under Part V of the Constitution.

No Improper Enrichment

11. (1) A public officer shall not use his office to improperly enrich himself or others.

(2) Without limiting the generality of subsection (1), a public officer shall not–

- (a) except as allowed under subsection (3) or (4), 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 public officers duties;
 - (ii) carries on regulated activities with respect to which the public officer's organization has a role; or
 - (iii) has a contractual or similar relationship with the public officer's organization;
- (b) improperly use his officer to acquire land or other property for himself or another person, whether or not the land is paid for; or
- (c) for personal benefit of himself or another, use of information that is acquired in connection with the public officer's duties and that is not public.

(3) A public officer may accept a gift given to him in his own official capacity but, unless the gift is a non-monetary gift that does not exceed the value prescribed by regulation, such a gift shall be deemed to be a gift to the public officer's organization.

(4) Subsection (2) (a) does not prevent a public officer from accepting a gift from a relative or friend given on a special occasion recognized by custom.

(5) Subsection (2) (c) does not apply to the use of information for educational or literary purposes, research purposes or other similar purposes.

Conflict of Interest

12. (1) A public officer shall use his best efforts to avoid being in a position in which his personal interests conflict with his official duties.

(2) Without limiting the generality of subsection (1), a public officer shall not hold shares or have any other interest in a corporation, partnership or other body, directly or through another person, if holding those shares or having that interest would result in the public officer's public interests conflicting with his official duties.

(3) A public officer whose personal interests' conflict with his official duties shall-

- (a) declare the personal interests to his superior or other appropriate body and comply with the directions to avoid the conflict; and
- (b) refrain from participating in any deliberations with respect to the matter.

(4) Notwithstanding any directions to the contrary under subsection (3) (a), a public officer shall not award a contract, or influence the award of a contract, to-

- (a) himself/herself;
- (b) a spouse or relative;
- (c) a business associate;
- (d) a corporation, partnership or other body in which the officer has an interest.

(5) The regulation may govern when the personal interests of a public officer conflict with his duties for the purpose of this section.

(6) In this section, "personal interest" includes that of a spouse, relative or business associate.

Collections and Harambees

13. (1) A public officer shall not-

- (a) use his office or place of work as a venue for soliciting or collecting harambees; or
- (b) either as a collector or promoter of a public collection, obtain money or other property from a person by using his official position in any way to exert pressure.

(2) In this section, “collection”, “collector” and “promoter” have the same meanings as in the section 2 of the Public Collection Act.

Acting for Foreigners

14. (1) No public officer shall, in a manner that may be detrimental to the security interests of Kenya, be an agent for, or further interests of a foreign government, organization or individual.

(2) for the purposes of this section –

- (a) an individual is a foreign if his not a citizen of Kenya;
- (b) an organization is foreign if it is established outside Kenya or if it is owned or controlled by foreign governments, organizations or individuals.

Care of Property

15. (1) A public officer shall take all reasonable steps to ensure that property that is entrusted to his care is adequately protected and not misused or misappropriated.

(2) A person who contravenes subsection (1) shall be personally liable for losses resulting from the contravention.

Political Neutrality

16. (1) A public officer shall not, in or in connection with the performance of his duties as such-

- (a) act as agent for, or so as to further the interest of, a political party; or
- (b) indicate support for or opposition to any political party or candidate in an election.

(2) A public officer shall not engage in political activity that may compromise or be seen compromise the political neutrality of his office.

(3) The exception is National Assembly members or Councilor of local authorities.

Nepotism

17. A public officer shall not practice nepotism or favouritism.

Giving Advice

18. A public officer who has a duty or give advice shall give honest and impartial advice without fear or favour.

Misleading the Public

19. A public officer shall not knowingly give false or misleading information to members of the public or to any other member of the public.

Conduct of Private Affairs

20. (1) A public officer shall conduct his private affairs in a way that maintains public confidence in the integrity his office.

(2) A public officer shall not evade taxes.

(3) A public officer shall not neglect his financial obligations or neglect to settle them.

Sexual Harassment

21. (1) A public officer shall not sexually harass a member of public or a fellow public officer.

(2) In subsection (1), “sexually” 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 caress physical contact that is sexual in nature; and

(c) making gestures, noises, jokes, or comments, including innuendos, regarding another person’s sexuality.

Selection, etc, of Public Officer

22. A public officer shall practice and promote the principle that the public officers shall be-

(a) shall be selected on the basis of integrity, competence and suitability; or

(b) elected in fair elections.

Submitting of Declarations, etc

23. A public officer shall submit any declaration or clarification required under Part IV to submitted or made by him.

Acting through Others

24. (1) A public officer contravenes the Code of Conducts and Ethics if-

(a) he causes anything to be done through another person that would, if the public officer did it, be a contravention the Code of Conducts and Ethics; or

(b) he allows or directs a person under his supervision or control to do anything that is a contravention the Code of Conducts and Ethics.

(2) Subsection (1) (b) does not apply with respect to anything done without the public officer’s knowledge or consent if the public officer took reasonable steps to prevent it.

Reporting Improper Orders

25. If a public officer considers that anything required of him is a contravention the Code of Conducts and Ethics or is otherwise improper or unethical, he shall report the matter to an appropriate authority.

THE PUBLIC UNIVERSITIES PROCEDURES FOR THE ADMINISTRATION OF PART IV OF THE ACT

Citation

1. These procedures may be cited as the Public Universities Procedures for the Administration of Part IV of the Act.

Interpretation

2. In these procedures, unless the context otherwise requires-“administration officer” means the secretary to the commission; commission” means the Commission for Higher Education.

Scope of Procedures

3. These procedures are for the administration of Part IV of the Act with respect to the public officers for whom the commission is the responsible commission under the Act.

Administration Officer

4. The administration officer shall be responsible for the administration of Part IV of the Commission.

To whom Declaration Submitted

5. (1) Declaration to be submitted to the commission under Part IV of the Act shall be submitted to the person appointed by the Commission in writing for that purpose who shall be responsible to the administration officer and shall, within the time appointed by the Commission (or within a reasonable time) forward the form to the administration officer.

(2) The person appointed under subparagraph (1) shall keep the information collected in confidence and shall not disclose the information to any other person apart from the administration officer.

6. Request for clarification under section 28 of the Act shall be made, on behalf of the commission, by the administration officer or by staff of the commission authorized in writing by him for that purpose.

7 (1) The administration officer, or staff of the Commission authorized by him of the purpose, shall review each declaration to ascertain if, in the opinion of the administration officer or staff, any of the following conditions are satisfied-

- (a) on the face of the declaration, or in light of any other information the Commission may have, there is reason to suspect the declaration may be false or incomplete;
- (b) the assets of the person who submitted the declaration are disproportionate to his income; or
- (c) the income, assets or liabilities of the person who submitted the declaration raise concern of impropriety or conflict of interest.

(2) If it is ascertained that any of the conditions in subparagraph (1), are satisfied, the person who submitted the declaration.

(3) If, after considering any explanation the person who submitted the declaration may give, the administration officer is of opinion that any of the conditions in subparagraph (1) are still satisfied, the administration officer shall bring the matter to the attention of the Commission.

(4) The Commission may, with respect to the matter brought to its attention under paragraph (3), take such actions as it considers appropriate including, without limiting the generality of the foregoing, notifying the Kenya Anti-Corruption Commission particulars of the condition that is satisfied and a copy of the declaration.

Authorization of Staff under S. 30 (4) (a)

8. (1) The Commission or the administration officer may authorize staff of the Commission for the purpose of section 30(4) (a) of the Act.

(2) An authorization under subparagraph (1) shall be in writing.

Condition for Certain Disclosure to Police, etc

9. Except as provided under paragraph 7 (4), information shall not be disclosed, under section 30 (4) (b) of the Act, to the police or any other law enforcement agency unless a written request is provided.

Conditions for Disclosures to Representatives

10. Information shall not be disclosed, under section 30(4) (d) of the Act, to a representative of the person who provided the information unless the representative provides copies of documents that establish the representative's authority to receive the information.

Administration to Report Non-Compliance

11. The administration officer shall ensure that failures by public officers to comply with requirements of Part IV of the Act are brought to the attention of the Commission.