



Inspiring Innovation and Leadership

**CODE OF CONDUCT AND ETHICS FOR
KARATINA UNIVERSITY**

AUGUST, 2013

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SIGNATURE PAGE

This Code of Conduct and Ethics was approved by Karatina University Council on 27th August 2013.



.....
Prof. Mucai Muchiri
Vice Chancellor

Approved by Council on 27th August 2013

VISION

To be a University of global excellence, meeting the dynamic needs and development of society

MISSION

To conserve, create and disseminate knowledge through training, research, innovation and community outreach

CORE VALUES

Equity
Teamwork
Meritocracy
Academic Freedom
Accountability
Excellence
Probity

THE CODE OF CONDUCT AND ETHICS FOR KARATINA UNIVERSITY

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THE CODE OF CONDUCT AND ETHICS FOR KARATINA UNIVERSITY

Preamble

This Code contains general rules of conduct and ethics to be observed by all members, staff and/or employees of Karatina University so as to maintain the integrity, dignity, and nobility of University Education. All members, staff and/or employees are expected to exhibit a high degree of maturity, integrity, trustworthiness, responsibility and accountability together with other values and principles applying to public officers as entrenched in the Constitution of Kenya. This Code has also incorporated the relevant provisions in the Leadership and Integrity Act, 2012 to the extent that the same binds a public officer. This Code is not intended to replace the terms and conditions of service applying to employees but it is intended to supplement the application the same. This is to be applied consistently with the Constitution, the Universities Act, and other legislation.

Members of University should adhere to this Code both in their public and private lives so as not to bring ridicule and dishonour to the University.

PART I — PRELIMINARY

1.0 Citation

This Code may -be cited as the Code of Conduct and Ethics for Karatina University.

2.0 Interpretation

2.1 In this Code, unless the context otherwise requires:

"Act" means Public Officers Ethics Act, 2003;

"Chief Executive" means the Vice-Chancellor;

"Commission" means the Commission for University Education;

"Officer" means a person to whom this Code applies, as provided by paragraph 3;

"University" means Karatina University;

"Student" means a person enrolled as a learner in the University;

2.2 In this code, words construing one gender shall be construed to mean the other gender.

3.0 Application of Code

This Code applies to officers and employees of Karatina University, including the members of council, 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

4.0 Compliance with General Code

An officer shall comply with all the requirements of the General Code of Conduct and Ethics set out herein.

5.0 Performance of duties, general

- 5.1. An officer shall, to the best of his ability, carry out his duties and ensure that the services that he provides are provided efficiently, honestly, transparently and in an accountable manner.
- 5.2 An officer shall keep records and documents relating to the functions of the office and shall report truthfully on all matters of the University which they represent.
- 5.2 Any office within the University is a position of public trust and the authority and responsibility vested in the office shall be exercised in the best interests of all members of the public.

6.0 Rule of law

- 6.1 An officer shall carry out his duties in accordance with the law.
- 6.2 In carrying out his duties, an officer shall not violate the rights and freedoms of any person under Chapter IV of the Constitution unless otherwise expressly provided for in the Law and in accordance with Article 24 of the Constitution.

7.0 Integrity and impartiality

- 7.1 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 Karatina University seeks to serve.
- 7.2 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.

- 7.3 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.
- 7.4 An officer shall at all times be guided by merit and sound judgment in giving any services or granting opportunities to persons who seek such services or opportunities from the universities.
- 7.5 An officer shall participate in enhancing, maintaining and enjoying the provisions of this Code.

8.0 Teaching and conduct of examinations

- 8.1 An officer who is a member of the academic staff of a University shall organize his instruction, assessment and examination in a manner that complies with all institutional requirements and expectations.
- 8.2 An officer who is a member of the academic staff of a University shall ensure that the examinations are delivered to the students as scheduled and that the result thereof is processed without undue delay.
- 8.3 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.
- 8.4 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.
- 8.5 An officer who is involved in the conduct of examinations 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.
- 8.6 For the purposes of subparagraph (8.5), an officer is involved in the conduct of examinations if his duties relate to:
- a) Setting or moderating of the examination;
 - b) Typing, printing, photocopying, or otherwise 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.

8.7 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.

9.0 Professionalism and courtesy

9.1 An officer shall strictly adhere to the terms and conditions of service governing his employment contract.

9.2 A breach of a term in the employment contract shall be deemed to be a breach of this Code.

9.3 An officer shall comport himself with personal decency and shall be well groomed.

9.4 An officer shall not absent himself from duty without a reasonable cause.

9.5 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 provision of such services

9.6 Carry out his duties in a way that maintains public confidence in the integrity of his office;

9.7 Treat the public and his fellow public officers with courtesy and respect;

9.8 To the extent appropriate to his office, seek to improve the standards of performance and level of professionalism in his organisation;

9.9 If a member of a professional body, observe the ethical and professional requirements of that body;

9.10 Observe official working hours and not be absent without proper authorization or reasonable cause;

9.11 Maintain an appropriate standard of dress and personal hygiene; and

9.12 Discharge any professional responsibilities in a professional manner.

10.0 Management of resources

10.1 An officer shall not misuse the resources of Karatina University.

10.2 An officer shall ensure that Karatina University resources under his/her charge are properly utilised and fully accounted for.

10.3 An officer shall not use Karatina University resources to unjustly enrich himself/herself.

- 10.4 An officer who is utilising Karatina University resources to conduct research shall disclose this fact to the chief executive of the University and his activities shall be governed by such agreement as may be made between himself and the University.
- 10.5 An officer shall observe the principles of the law governing intellectual property, copyright, confidentiality required and other related matters in order to promote the culture of research and to uphold the integrity and academic freedom that members and students of Karatina University enjoy.
- 10.6 For the purposes of this paragraph, "the University's resources" includes:
- a) Physical facilities including the buildings, recreational facilities, infrastructure and all moveable 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 the purposes of university education.

11.0 Private interests

An officer:

- a) Shall ensure that he does not subordinate his official duties to his private interests or put himself in a position where there is conflict between his official duties and his private interests;
- b) Shall not associate outside his official duties with any financial or other activities in circumstances where there could be suspicion that his official position or official information available to him was being turned to his private gain or that of his associates;
- c) 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
- d) Shall not in any way trade with his employer or allow his spouse or relatives to do so, or trade with any other institution where he is likely to have an advantage by virtue of his office.

12.0 Gifts and donations

- 12.1 An officer shall not solicit for any property or benefit of any kind, for himself or for any person, on account of anything to be done or omitted by him in discharge of his duties or by virtue of his official position.
- 12.2 An officer shall ensure that no member of his family solicits or accepts any gift, money, hospitality, free passage or favours from any person or organisation that might reasonably be thought to influence or be intended to influence the officer in discharging his official duties and responsibilities.
- 12.3 A reference in this paragraph to members of the officer's family is a reference to any spouse, child, grandchild, parent, grandparent or other relative of the officer, and to any other person with whom the officer maintains a close relationship.
- 12.4 Where a gift 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.
- 12.5 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) Accept gifts which are occasional and inexpensive or in the form of a souvenir or gifts whose value does not exceed ten thousand shillings; and
 - b) Accept personal gifts or donations from relatives or friends on such special occasions as may be recognised by custom.
- 12.6 When any gift or donation 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 the chief executive of the University as to how the management intends to utilise the gift or donation; and
 - c) Receipt the gift or donation and fully account for its use.
- 12.7 This rule does not prohibit an officer from participating in social activities and accepting gifts during such occasions if the officer is participating in such activities in his personal or private capacity.

13.0 Conduct of private affairs

- 13.1 An officer shall conduct his private affairs in a way that maintains and enhances public confidence in the integrity of the University.
- 13.2 An officer shall not neglect his financial and other obligations to his family and other persons or organizations.
- 13.3 An officer shall prudently manage his finances to avoid financial embarrassment to himself and his employer.
- 13.4 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 disrepute.

14.0 Conflict of interest

- 14.1 An officer shall use his best efforts to avoid being in a position in which his personal interests conflict with his official duties.
- 14.2 Without limiting the generality of subparagraph (1), a 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 officer's personal interests conflicting with his official duties.
- 14.3 An 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 any directions to avoid the conflict; and
 - b) Refrain from participating in any deliberations with respect to the matter.
- 14.4 Notwithstanding any directions to the contrary under Subparagraph (3) (a), an officer shall not award a contract, or influence the award of a contract, to:
 - a) himself;
 - b) a spouse or relative;
 - c) a business associate; or
 - d) a corporation, partnership or other body in which the officer has an interest.
- 14.5 An Officer shall not allow himself to be influenced in the performance of his duties by plans for or offers of future employment or benefits.

14.6 An officer shall disclose in writing to the University all offers of future employment or benefits that could place the officer in a situation of conflict of interest.

14.7 In this section, "personal interest" includes the interest of a spouse, relative or business associate.

15.0 No improper enrichment

15.1 An officer shall not use his office to improperly enrich himself or others.

15.2 Without limiting the generality of Subparagraph (i), a public officer shall not:

a) Except as allowed under Subparagraph (3) or (4), accept or request gifts or favours from a person who: has an interest that may be affected by the carrying out, or not carrying out, of the public officer's duties;

i) carries on regulated activities with respect to which the officer's organisation has a role; or

ii) as a contractual or similar relationship with the officer's organisation;

b) An officer may accept a gift given to him in his official capacity only if:

i) The gift is within the ordinary bounds of propriety, a usual expression of courtesy or protocol and within the ordinary standards of hospitality

ii) It 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 organisation.

iii) It is not a gift or jewelry or other gifts comprising of precious metals or stones, ivory or any other animal part protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora; or

c) Improperly use his office to acquire land or other property for himself or another person, whether or not the land or property is paid for; or

d) For the personal benefit of himself or another, use or allow the use of information that is acquired in connection with the public officer's duties and that is not public.

15.3 Subparagraph (2b) does not prevent the officer from accepting a gift from a relative or friend given on a special occasion recognized by custom

15.4 Subparagraph (2)(d) does not apply to the use of information for educational or literary purposes, research purposes or other similar purposes.

16.0 Collections and harambees

16.1 An 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.

16.2 In this section, "collection", "collector" and "promoter" have the same meanings as in section 2 of the Public Collections Act.

17.0 Duty of disclosure

17.1 An officer is under a duty to disclose to the Secretary to the Commission or to the chief executive of the University any violation of this General Code of Conduct and Ethics.

- 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 payment 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 of a student by an officer;
- d) Where there has been 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.

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

18.0 Contesting political office

18.1 An officer who wishes to contest a seat in the Senate, National Assembly or a County Assembly or any other political office shall be required to resign his office in the University.

18.2 An officer shall not, in or in connection with the performance of his duties as such:

- a) act as an 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.
- 18.3 An officer shall not engage in political activity that may compromise or seen to compromise the political neutrality of his office.

19.0 Acting for foreigners

- 19.1 No officer in the University 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, organisation or individual.
- 19.2 For the purposes of this section:
 - a) an individual is foreign if the individual is not a citizen of Kenya;
 - b) an organisation is foreign if it is established outside Kenya or if it is owned or controlled by foreign governments, organisations or individuals.

20.0 Foreign Bank Accounts

An Officer shall not operate a bank account outside Kenya without the requisite approval of the Ethics and Anti-Corruption Commission and shall be required to submit annual statements to the said Commission.

21. Care of property

- 21.1 An officer shall take all reasonable steps to ensure that property that is entrusted to his care is adequately protected and not misused or misappropriated.
- 21.2 A person who contravenes Subparagraph (1) shall be personally liable for losses resulting from the contravention.

22.0 Taxes and Financial Obligations

- 22.1 An officer shall pay all taxes due within the prescribed period.
- 22.2 An officer shall not neglect their financial or legal obligation.

23.0 Giving of advice

An officer who has a duty to give advice shall give honest and impartial advice without fear or favour.

24.0 Misleading the public

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

25.0 Sexual harassment

25.1 An officer shall not sexually harass a member of the public or a fellow officer.

25.2 In Subparagraph (1), "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; and
- c) Making gestures, noises, jokes or comments, including innuendoes, regarding another person's sexuality.

26.0 Bullying

An officer shall not bully any person. For the purposes of this section, "bullying" includes repeated offensive behaviour which is vindictive, cruel, malicious, humiliating and is intended to undermine a person.

27.0 Selection of public officers

27.1 An officer shall practice and promote the principle that public officers should be:

- a) selected on the basis of integrity, competence and suitability; or
- b) elected in fair elections.

28.0 Submitting of declarations, etc.

An officer shall submit any declaration or clarification required under Part IV of the Public Officers Ethics Act, 2003 to be submitted or made by him.

29.0 Acting through others.

29.1 An officer contravenes the Code of Conduct and Ethics if:

- a) He causes anything to be done through another person that would, if the officer 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.
- c) (2) Subparagraph (1) (b) does not apply with respect to anything done without the officer's knowledge or consent if the public officer took reasonable steps to prevent it.

30.0 Reporting improper orders

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

31.0 Action for breach of Code

31.1 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.

31.2 The Commission shall work closely with the governing council of the University, or such other bodies as the Commission may from time to time identify, to enforce this Code.