



## CODE OF CONDUCT AND ETHICS POLICY

<b>Version</b>	1.0
<b>Short description</b>	Code of Conduct and Ethics Policy
<b>Relevant to</b>	Staff, Students and Stakeholders
<b>Approved by</b>	Vice-Chancellor
<b>Responsible officer</b>	Vice-Chancellor
<b>Responsible office</b>	Office of the Vice-Chancellor
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<b>Related legislation</b>	Constitution of Kenya,2010, The Public Officer Ethics Act,2003, The Universities Act, 2012, The Leadership and Integrity Act, 2012, and The Public Procurement and Disposal Act, 2005
<b>Key words</b>	Ethics

JUNE, 2014

## **APPROVAL**

The University of Eldoret having been awarded its Charter on 11<sup>th</sup> February 2013 has set on a growth path guided by its vision of “being a Premier University that is globally visible in knowledge generation and technological innovation”

As part of laying its foundation, the University developed its Statutes in November 2013 followed by its first strategic plan which will be rolled out later this year, 2014. The process of recruiting its top managers was completed in March 2014. The University has now embarked on the process of developing its policies which will guide decisions of the different organs of the University in order to achieve rational outcomes geared towards the growth of the University. This Code of Conduct and Ethics Policy is just one of the many policies that the University is rolling out.

My special thanks go to all those who put in their time, effort and skills to develop this Policy.

By virtue of the authority vested in me as the Chairman of Council of the University of Eldoret and in reference to the approval granted by Council in its meeting of....., I hereby sign this Code of Conduct and Ethics Policy this...14<sup>th</sup>...day of.....June....2014.



**Prof. Sarone Ole Sena. B.Ed.; M.Phil.; M.Sc.; Ph.D.  
Chairman of Council**

## **ACRONYMS**

<b>ADA:</b>	Alcohol and Drug Abuse
<b>CEO:</b>	Chief Executive Officer
<b>CoR:</b>	Code of Regulations
<b>CPC:</b>	Corruption Prevention Committee
<b>CUE:</b>	Commission for University Education
<b>H.E:</b>	His Excellency
<b>UoE:</b>	University of Eldoret

## **DEFINITION OF TERMS**

**Chief Executive Officer:** refers to the academic and administrative executive head of University of Eldoret, 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 and 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 employee bestowed with authority in University of Eldoret.

**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 University of Eldoret.

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

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## **FOREWORD**

This Policy has been written based on thematic areas: 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. University of Eldoret staff, students and stakeholders are responsible for acquainting themselves with the contents of this Policy as well as of other relevant 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.

A handwritten signature in black ink, appearing to read "Teresa Akenga". The signature is fluid and cursive, with a horizontal line above the name.

**Prof. Teresa A. O. Akenga, B.Ed., M.Sc., Ph.D., MRSC, MBS  
Vice-Chancellor**

## **OVERVIEW OF UNIVERSITY OF ELDORET**

### **Vision**

To be a Premier University that is globally visible in knowledge generation and technological innovations.

### **Mission**

To provide high quality Education in training, Science, Agriculture and Technology that promotes networking, Partnerships and linkages with other institutions and industry.

### **Core Values**

At University of Eldoret, we are committed to:

- Integrity
- Innovativeness;
- Customer satisfaction;
- Competitiveness;
- Equity; and
- Responsiveness

### **Mandate**

The Mandate of University of Eldoret is 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 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 realization 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 **function** of the University shall be to 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.

## **1. INTRODUCTION**

### **1.1. Preamble**

The members of University of Eldoret, 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. 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 University of Eldoret 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 University of Eldoret policies as well as the Terms and Conditions of Service. This Policy is binding to the Council members, employees and students of University of Eldoret. 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 formulated to communicate and foster codes of conduct and ethics that are acceptable in Kenya in general and University of Eldoret in particular. This Policy contains acronyms, definition of terms, and overview of University of Eldoret, preliminary matter in the introduction, 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 University of Eldoret 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 University of Eldoret 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.

### **1.3. Purpose**

- (a) This Code is a shared statement of University of Eldoret commitment to uphold the highest ethical, professional and legal standards used as the basis for daily and long-term decisions and actions.
- (b) All University of Eldoret members must be cognizant of and comply with the relevant policies, standards, laws and regulations that guide their work and operations.
- (c) University of Eldoret 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.

### **1.4. Objectives**

- (a) To impart general rules of acceptable conduct to be observed by members of University of Eldoret 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.

### **1.5. Violations**

- (a) Adherence to this Code also makes members of University of Eldoret responsible for bringing suspected violations of applicable standards, policies, laws or regulations to the attention of the Vice-Chancellor.
- (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 University of Eldoret rules and regulations.

## **2. 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/her without authorization or reasonable cause.

- (ii) Promote the interests of the University and spend the stipulated 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 University of Eldoret 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 utilized 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:

- 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 University of Eldoret or that it serves other worthy or expediency goals.
- Not violate the rights and freedoms of other employees, students and the general public, in carrying out their duties.
- Be deemed to have contravened this Code if he/she influences another person to do anything that contravenes it.
- Have a duty to give advice with impartiality and without fear or favour.
- Not knowingly give false or misleading information to a member of the public, University employee or student.
- Not impersonate or misrepresent him/herself to students, the general public, or other employees.
- Conduct his/her private affairs in such a way that upholds public confidence in the integrity of his/her offices and the University. (vii) Not use his/her office or place of work for soliciting funds, inducing favours, or collecting bribes.
- Not bribe or attempt to improperly influence any person in a decision-making position regarding University matters.
- 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.
- Report immediately to his/her superior or other official authorities any attempt by another person to bribe or to improperly influence him/her.

(c) University of Eldoret 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**

- 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.
- Records shall be regularly updated, maintained and protected to ensure that unauthorised access does not occur.
- 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.
- Members shall not impart, without authorization, confidential information to other people where such people are not legitimately entitled to the information.
- 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**

- 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.
- Examination regulations regarding who should handle and administer when, where, which, what, why and how must be adhered to.
- 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.

- 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**

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

**(d) Intellectual Property**

- 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.
- Members shall not reproduce any University forms, documents and any other copyrighted material and sell the same for personal gain.
- 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**

- 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.
- Evaluation of performance of employees shall be undertaken using preset objective criteria and without bias.
- 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**

- 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.
- Decisions shall be based on considerations relevant to the matter at hand.
- Decisions shall also be guided by the Public Service Commission's Code of Regulations (CoR) on grievances handling procedure.

**(d) Obligations of University lecturers**

- 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.
- Teaching staff shall behave courteously towards students and shall be sensitive to students' needs for feedback and consultation.
- The interests of students shall be given primary consideration in the relationship of trust which exists between teaching staff and their students.
- Assessment of students shall reflect each student's true merit. Enquiry of students regarding assessment criteria shall be explained clearly and timely.
- Teaching staff shall make themselves available for individual consultation by students whether in person or by other modern means.
- A student shall not be unfairly penalised for adhering to a defensible alternative view or approach.
- Supervision of projects and theses shall be done in a manner to enable students complete their course within the stipulated time for the programme.
- 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**

- Members, while representing the University, are required to create a positive impression by handling themselves professionally with courtesy and tact.
- 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.

- Senior management officers are expected to set high professional standards by conducting themselves in an exemplary and impeccable manner.
- 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.
- Each employee shall discharge his/her responsibilities in a professional manner.
- 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 University of Eldoret 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 be 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. Lewed, 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, students, Council, parents and suppliers.

(c) Any cases of sexual harassment should be reported promptly.

(d) A University member who makes a genuine complaint on the grounds of sexual harassment need not fear reprisal or victimization.

(e) Complaints should be made to the University Public Complaints Committee or any other relevant authority.

(f) All University members have a responsibility to comply with University policies and to treat colleagues of either sex with dignity and respect.

(g) In case of a fabricated complaint, the complainant is liable to disciplinary action.

## **2.10 Romantic and/or Sexual Relationships**

Romantic and/or sexual relationships between individuals in a supervisory, teaching, evaluation, advising, coaching, or counseling relationship constitute a conflict of interest.

**In General:** There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions, and parties in such a relationship assume those risks. In the University context, such positions include (but are not limited to) teacher and student, supervisor and employee, senior faculty and junior faculty, mentor

and trainee, adviser and advisee, teaching assistant and student, coach and athlete, and the individuals who supervise the day-to-day student living environment and student residents. Because of the potential for conflict of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided, and the trust inherent particularly in the teacher-student context. They may be less consensual than the individual whose position confers power or authority believes. The relationship is likely to be perceived in different ways by each of the parties, especially in retrospect.

Moreover, such relationships may harm or injure others in the academic or work environment. Relationships in which one party is in a position to review the work or influence the career of the other may provide grounds for complaint by third parties when that relationship gives undue access or advantage, restricts opportunities, or creates a perception of these problems. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct.

Where such a relationship exists, the person in the position of greater authority or power will bear the primary burden of accountability, and must ensure that he/she (and this is particularly important for academic staff) does not exercise any supervisory or evaluative function over the other person in the relationship. Where such recusal is required, the recusing party must also notify his/her supervisor, Head of Department or Dean.

#### **a) Prohibited Relationships**

- i. Romantic and/or Sexual Relationships between faculty/staff/graduate students/undergraduate students cannot continue whenever there are supervisory, teaching, evaluation, advising, coaching or counseling responsibilities for the student. Alternative academic/supervisory arrangements must be made to avoid being in a prohibited relationship. If acceptable alternative arrangements are not feasible, the relationship cannot continue.

Romantic and/or sexual relationships between supervisor and employee are prohibited. No person involved in a romantic and/or sexual relationship will have direct responsibility for evaluating the performance or for making decisions

regarding the hiring, promotion, tenure, compensation, or termination of the other party to the relationship. Supervisors, including faculty supervisors, must take immediate steps to make acceptable alternative arrangements regarding their supervisory responsibility to the other party to avoid an actual or apparent conflict of interest. If acceptable alternative arrangements are not feasible, the relationship cannot continue.

ii. Notification and responsibilities to avoid prohibited relationships

University staff/graduate student/undergraduate students must notify their supervisor (Head of Department, Dean, Deputy Vice Chancellor) of any prohibited relationship in which they are involved; and have a duty to cooperate in making acceptable alternative arrangements. The Sexual Harassment Office will facilitate or consult with parties about notification and making acceptable alternatives.

Individuals who engage in prohibited relationships (who do not notify their supervisors and do not make acceptable alternative arrangements) are in violation of this policy. Supervisors, who obtain information that the Romantic and/or Sexual Relationship section of this policy has been violated, have an institutional duty to report the violation to the Sexual Harassment Office.

iii. Acceptable alternative arrangements

Acceptable alternative arrangements means removing any supervisory, teaching, evaluation, advising, coaching, or counseling responsibilities between the person with institutional power and the student or employee. The alternative arrangement should avoid negative consequences for the student or employee. If acceptable alternative arrangements are not feasible, the relationship cannot continue.

**b) Corrective Action**

- i. After a thorough review of the facts, corrective action will be taken on any faculty/staff/student who violates the romantic and/or sexual relationship policy by:
  - Entering into or engaging in a prohibited relationship without notification and without making immediate acceptable alternative arrangements, or
  - Failing to follow any part of this policy, or
  - Failing to implement any responsibility of supervisors as identified in this policy. This applies to all supervisors, including Heads of Department and Deans.

- ii. The corrective action process will be in accordance with university policies.
  - iii. An individual who promptly provides notification of a prohibited relationship and cooperates in making acceptable alternative arrangements in a timely manner will not be held in violation of the romantic and/or sexual relationship policy.
- c) **Important advisory statement on romantic/sexual relationships**
- i. The University prohibits romantic and/or sexual relationships between staff and students, lecturer and student, supervisor and employee, senior faculty and junior faculty, mentor and mentee, adviser and advisee, teaching assistant and student, coach and athlete.
  - ii. Individuals in position of power must be aware that romantic or sexual relationships with students and junior staff are fraught with danger of exploitation and pose a legal risk to both the individual and the institution.
  - iii. The University strongly prohibits romantic and/or sexual relationships between academic staff and graduate students; between academic staff and undergraduate students; when the academic staff has any influence over academic judgments about the student.
  - iv. In some cases non-consensual relations may constitute sexual harassment, and allegedly consensual relations that “go bad” may later result in allegations of sexual harassment.
  - v. The university shall not take responsibility for relationships outside the University

## **2.11      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 Public Officer Ethics Act, 2003 and Leadership and Integrity Act, 2007, 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 Kshs. 5000 (Kshs. Five Thousands only). If the gift exceeds this stipulated value, then it shall be deemed to be a gift to University of Eldoret. 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 recognized by custom.

## **2.12 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 Public Complaint Committee.

(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.

## **2.13 Environmental Health and 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 '**no substance abuse**' locations 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 signage 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, signage, 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.

## **2.14 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 the 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.

**3. 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.

**3.2 Effective Date**

This Policy shall be effective on the date it is approved by the University Council.

## **APPENDIX I: INTEGRITY PACT**

**UNIVERSITY OF ELDORET**

**P. O. Box 1125-30100, ELDORET, KENYA**

**REF.: UoE/CCEP/FORM/1 INTEGRITY PACT**

I \_\_\_\_\_ of ID Number \_\_\_\_\_ (Name and Number as in ID Document) have read the University of Eldoret 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: \_\_\_\_\_

### **Witness (Name as in ID)**

Signed: (HRMO) \_\_\_\_\_

Date and Stamp \_\_\_\_\_

**NB.** Within the first week of reporting on duty, each member of University of Eldoret 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 II: ORGANIZATIONAL STRUCTURE OF CODE OF CONDUCT AND ETHICS COMMITTEE**



