MOI UNIVERSITY
(ISO 9001:2015 CERTIFIED INSTITUTION)

The Revised Moi University Anti-Corruption & Whistle Blowers
Protection Policy, 2019

DRAFT

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FOREWORD BY CHAIR OF COUNCIL

Moi University derives its mandate from the Universities Act No.42 of 2012 (Rev. 2016), which granted it the Charter in 2013. By virtue of the Charter, Moi University is a body corporate capable of performing its mandate. The University is therefore mandated to mobilize academic resources, develop and mount academic programmes and confer degrees and award other qualifications.

The purpose of this *Policy* is therefore to promote the achievement of the University's mandate by ensuring that our staff and all stakeholders comply with the relevant legal provisions in the constitution 2010 and other applicable laws on Ethics and Anti-corruption. Specifically, the stakeholders shall comply with the National Values and the Principles of Governance as set out under Article 10 of the Constitution of Kenya, 2010. To this end, all staff and Council members of Moi University are reminded of their noble role of public trust entrusted upon them in the discharge of their duties. Their conduct at all times shall be required to bring dignity to the offices they hold and honour to the University. They must note that the authority assigned to them is a public trust to be exercised in a manner that brings honour to the University and dignity to the office held.

I implore all staff and members of the University Council to exercise the authority of their offices in a manner that promotes public confidence in the University and promotes integrity of the offices concerned.

Our intention as Moi University is to be a leading public training and research Institution with a global reputation, for excellence in learning, research, creativity and community engagement. We shall strive to achieve this for the benefit of all our stakeholders from diverse contexts nationally and the world at large. In all we do we shall to this extent be guided by the values and principles as stated in the Kenya Constitution, our laws, and our Strategic Plan among other instruments which this Policy has synthesized. Let us all commit ourselves to excellence in everything that we do.

Thank you.

DR. JEREMIAH NTOLOI KOSHAL, Ph.D.
CHAIRPERSON OF COUNCIL

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DEFINITIONS OF TERMS

Corruption refers to dishonest activity in which a Council Member, Management, Staff, Student and Stakeholder of Moi University acts contrary to the interest of the university and abuses his/her position of trust in order to achieve some gain or advantage for him or herself or for another person or entity (as provided for in Kenya Anti-Corruption and Economic Crimes Act of 2003).

Corruption prevention refers to any mechanism that aims to detect and mitigate corruption before it takes place.

Department refers to both administrative and academic department.

Ethics refers to generally accepted behaviors that are considered right in the university

Heads of division/ sections refers to any person who has staff reporting to him/her in their day to day activities of the University. It may include Dean, Registrar, and Deputy Registrar, Senior Assistant Registrar, Assistant Registrar, Head of Department, Head of section/unit or any person performing duties of the above listed officers.

Integrity refers to doing the right thing all the time.

Policy refers to The Revised Moi University Anti-Corruption & Whistle Blowers Protection Policy, 2019

The University refers to Moi University.

Whistle blower refers to any person reporting corruption practices to the authorities referred to in this Policy.

LIST OF ACRONYMS

CCPC	Campus/College Corruption Prevention Committee
CPC	Corruption Prevention Committee
DCPC	Directorate Corruption Prevention Committee
EACC	Ethics and Anti-Corruption Commission
EIAO	Ethics and Integrity Assurance Officers
EIO	Ethics and Integrity Officer
IC	Integrity Committee
MUCPC	Moi University Corruption Prevention Committee
MUIC	Moi University Integrity Committee
SCPC	School Corruption Prevention Committee
SIC	School Integrity Committee

PREFACE

Moi University is a public institution which was established in 1984 (Moi University Act, 1984) as a University of Science and Technology, having started initially with 83 students that were transferred from the University of Nairobi. As at June 2019, Moi University had over 35,000 students and by over 2,700 staff. There is need for efficiency and effectiveness in service delivery and comply with laid down legal framework in daily operations.

The review of the Anti-Corruption Policy marks a new beginning in safeguarding the institution from any corrupt practices that may occur; the policy contains clear guidelines on corruption, detection and prevention measures. The policy shall apply to both internal and external stakeholders of Moi University.

In order to safeguard the institution from any corrupt practices that may occur, the University has developed the anti-corruption policy, which contains clear guidelines on corruption prevention measures to help staff, students and the general public on how to handle any corrupt cases wherever they occur. Further to this, the *Anti-Corruption Policy* is expected to safeguard and protect persons witnessing corruption and unethical practices who would otherwise not report the incidences for fear of repercussions on themselves or their job.

The University has undertaken corruption risk assessment and developed a corruption mitigation plan. The plan highlights the role of the University Management in networking and mobilizing resources needed to combat corruption in the institution.

It is hoped that this policy will be useful in creating an anti-corruption culture in all facets of the University services.

Prof. Isaac S. Kosgey, Ph.D.
<u>VICE – CHANCELLOR</u>

1.0 Introduction

Moi University recognizes that an important aspect of accountability is to have a mechanism to enable all individuals to voice their concerns internally in a responsible and effective manner when they discover information which they believe shows serious malpractice. To this end, this policy demonstrates the university's commitment to recognize and take action in respect of any malpractices, illegal acts or omissions by its employees and other stakeholders.

It is the responsibility of all staff to ensure that if they become aware that actions of other staff members or stakeholders might compromise this objective, they will be expected to report the matter in safe knowledge that it will be treated seriously and sensitively.

Noting that the Witness Protection (Amendment) Act 2010 was enacted by the Parliament of Kenya to protect whistleblowers, it is important to develop a whistle blowing policy and procedures to protect staff who acting in good faith by disclosing information concerning the activities of the university or those of any of its customers, or relevant employee's which might be considered as fraudulent or corrupt practice.

In developing this policy Moi University Council and Management shall ensure that the policy is in tandem with the Witness Protection (Amendment) Act 2010.

This policy and procedures shall support and assist staff in bringing genuine concerns to the attention of appropriate people within the university who can initiate an investigation into matters raised.

Where this policy is in conflict with an Act enacted by the Parliament of Kenya, then the Act will take precedence over this policy. Whenever a complainant requires further protection beyond this policy, the provision of the Witness Protection (Amendment) Act 2010 shall apply.

The aim of this policy is to entrench anti-corruption and witness protection measures at Moi University. The policy therefore defines Moi University's position in combating corruption and in promotion of ethics and integrity and outlines intervention measures that shall be put in place to prevent and detect corruption and unethical conduct.

1.1 Mandate

The University derives its mandate from the Universities Act no. 42 of 2012, which granted Moi University a charter in 2013. The functions and core mandate are as spelt out in part ii of the charter.

1.2 Philosophy of Moi University

Putting Knowledge to Work is our guiding philosophy. At Moi University the discovery, dissemination, and application of knowledge are synergistically balanced. We are driven by the process of involvement in world affairs; in the needs of individuals and their communities, businesses, industries, and governments; in the nurturing of inquisitive minds; in the transfer of ideas from the campus to the marketplace; and involvement in societal problems in our country and beyond. The creation of new knowledge that will benefit society is at the heart of our mission as a university. The distinction between basic and applied research has become more blurred as the processes of discovery, scientific inquiry and scholarship inform all aspects of the educational enterprise at Moi University.

1.3 Vision

To be the University of Choice in nurturing innovation and talent in science, technology and socio-cultural development.

1.4 Mission

To preserve, create, and disseminate knowledge, conserve and develop scientific, technological and cultural heritage through quality teaching and research; to create, a conducive work and learning environment; and to work with stakeholders for the betterment of society.

1.5 Core Values

    i. Intellectual freedom, excellence and the truth.
    ii. Teamwork, networking and a culture of peace.
    iii. Transparency and accountability.
    iv. Professionalism and Social justice.
    v. Self-respect institutional loyalty and patriotism.
    vi. Continual improvement of services, competitiveness and relevance.

1.6   Scope and Applicability

This policy applies to Council, Management, Senate, all staff and students of Moi

University as well as stakeholders who include but not limited to contractors, suppliers,

and members of the public.

The purpose of the policy is to:

      i.Support our core values of transparency and accountability, professionalism and social justice.

     ii.Establish internal mechanism that encourages whistleblowing.

    iii.Integrate culture of anti-corruption and take appropriate measures against violators of good governance.

    iv.To ensure staff, students and stakeholders raise concerns without fear of suffering retribution.

2.0   Policy Statement

Corruption is a serious problem that has eaten into the fabric of the Kenya Society and may occur in any public institution. Moi University shall undertake to cultivate the culture of anti-corruption in all its activities in delivering on its mandate and shall create conducive environment for whistleblowers to support its anti-corruption efforts.

2.1   Principles of the Policy

This policy is guided by five key principles;

     i. Fairness and equity

    ii.Public trust

   iii.Awareness

   iv.Efficiency

    v.Integrity and honesty

2.2   Citation

This policy may be cited as the **Moi University Anti-Corruption & Whistle Blowers Protection Policy, 2019.**

3.0   Legal Framework of this Policy

This policy is anchored on the Constitution of Kenya 2010 and its applicable laws on Ethics and Anti-corruption which include following;

3.1   Legal Instruments

i. The Constitution of Kenya, 2010,
ii. The Anti-Corruption and Economic Crimes Act, 2003,
iii. The Public Officers Ethics Act, 2003,
iv. The Public Procurement and asset Disposal Act, 2015,
v. The Public Procurement & Disposal Regulations (2006),
vi. The Public Private Partnership Act, 2013,
vii. The Government Financial Management Act, 2004,
viii. The Public Audit Act,2015,
ix. The Leadership and Integrity Act No. 19 of 2012,
x. The Universities Act No. 42, 2013,
xi. The Code of Conduct and Ethics for Public Universities(Legal Notice No.170),
xii. The Employment Act, 2007,
xiii. The Witness Protection Act 2006,
xiv. Public Finance Management Act, 2012,
xv. Access to Information Act ,2016,
xvi. Bribery Act ,2015,
xvii. Ethics and Anti-Corruption Commission Act,2011,
xviii. Proceeds of Crime And Anti-Money Laundering Act,2009,
xix. Public service (Values and Principles) Act, **2015**,
xx. Data Protection Act, 2019
xxi. Mwongozo Code of Governance for State Corporations, 2015.

3.2   Institutional Instruments

All policies of Moi University in existence at the time this policy takes effect shall also apply. This shall include and not limited to:

i. Moi University Charter, 2013.
ii. Moi University statues, 2013.
iii. Moi University Quality Manual and Procedures, 2018
iv. Moi University Service Charter.
v. Moi University Strategic Plan 2010-2015 Revised, 2009
vi. Performance Contracting Guidelines.
vii. Terms of Service and Collective Bargaining Agreements.
viii. Annual Budget and Establishment.
ix. Moi University Accounting Manual
x. Moi University Financial Procedures

xi. Moi University Financial Manual

xii. Moi University Research Policy

xiii. Moi University Intellectual Property Policy

xiv. Moi University Examination Rules and Regulations

xv. Moi University Part-Time Teaching Policy

xvi. Moi University Scheme of Service.

xvii. Moi University Internal Audit Manual

xviii. Moi University Rules and Regulations Governing the conduct of students

xix. Moi University Gender Policy

xx. Moi University Senate Rules (Admissions, Curriculum Developments, Examination Rules and Regulations, Etc.)

xxi. Moi University Wardens Manual

xxii. Moi University Library Rules and Regulations

xxiii. Sexual Harassment and Discrimination Policy

xxiv. Moi University Recruitment Policy

xxv. Moi University Training Policy.

xxvi. Moi University Teaching and promotion of Academic staff

xxvii. The Moi University Code of Conduct for Staff

4.0   Corruption Prone and Risk Areas in the University

4.1   Definition of Corruption

This policy operates within the framework of corruption as defined in the Kenya Integrity Plan and the Anti-corruption and Economic Crimes Act of 2003 as follows:

i.   Abuse of position or office, for personal gain or for the advantage of another person;

ii.   Bribery, theft, embezzlement and fraud;

iii.   Evasion of payment of Government revenues, taxes, rates, fees and other dues;

iv.   Practicing of nepotism, tribalism, clanism;

v.   Practicing discrimination on the basis of religion, gender or disability;

vi.   Inversion and distortion of social values including soliciting for and giving sexual and other favours;

vii.   Negligence of professional ethics;

viii. Breach of trust

ix.   Conflict of interest

x.   Failure to declare conflict of interest or any gift that is by law required to be declared

xi.   Withholding information that could act as evident to any act of corruption

xii.   Any other offence under the Kenyan and International laws involving dishonesty.

4.2   Corruption Risk Areas & Practices in the University

4.2.1   Broad risk Areas

All functional areas in the university are potential corruption risk areas. These in broad term include but not limited to;

1. Core mandate i.e. teaching, research and community engagements.
2. Payroll management, Human Resources and Administration Areas.
3. Information communication technology.
4. Finance and
5. Procurement.

4.2.2   **Specific Functional Areas and Corruption Prone Practices**

The following is a list of the main functional areas where corruption may occur.

4.2.3   *The Council*

Decision making but not limited to the following:

1. Administration of property and funds of the University
2. Reception and disbursement of gifts , grants and other monies of the university
3. Appointment and promotion of staff
4. Students and staff discipline
5. Welfare of students and staff.

4.2.4   Vice-Chancellor's Office

  i.Security
 ii.Internal Audit
iii.Public Relations
iv.Information, Communication and Technology
 v.Procurement Planning and Management

4.2.5   Academic, Research and Extension

  i.Students' Admissions
 ii.Teaching, attachments and field courses**.**
iii.Examinations.
iv.Graduation.
 v.Student Records Management.
vi.Management of research funds and activities.
vii.Collaborations and partnerships.
viii.Consultancy, outreach services/Community engagement

4.2.6   Administrative, Planning and Development

  i.Recruitment and Training
 ii.Staff Development

iii.Medical services
iv.Leave
v.Records management
vi.Central services
vii.Management of University property
viii.Transport and Garage
ix.Staff Housing
x.Retirement
xi.Legal matters
xii.Quality management systems and performance compliance
xiii.Infrastructural Development and refurbishment.
xiv.Project Management

4.2.7   Students Affairs

i.Student Welfare.
ii.Catering and hostels.
iii.Student organizations- elections and management.
iv.Students' organization funds and facilities.
v.Students disciplinary.
vi.Student finances-caution money

4.2.8   Finance

i.Financial management systems and procedures
ii.Capital and Recurrent Expenditures
iii.Fee payment.
iv.Income generating units

NOTE: The possible risks and corrupt practices in the outlined functional areas are contained in Appendix 1.

5.0   Roles and Responsibilities
The various organs of Moi University shall have roles in Anti-Corruption and Whistle blowing as outlined below: -

Moi University Governance Structure

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┌─────────────────────────────────────────┐
│              CHANCELLOR                  │
└─────────────────────────────────────────┘
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                    ▼
┌─────────────────────────────────────────┐
│          UNIVERSITY COUNCIL              │
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│            VICE-CHANCELLOR               │
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┌─────────────────────────────────────────┐
│     MOI UNIVERSITY MANAGEMENT BOARD      │
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                    ▼
┌─────────────────────────────────────────┐
│            UNIVERSITYSENATE              │
│  (MUMB, PRINCIPALS, DIRECTORS, DEANS,    │
│   HODs, PROFFESORS, UNIONS)              │
└─────────────────────────────────────────┘
                    │
                    ▼
┌─────────────────────────────────────────┐
│          SCHOOL/COLLEGE BOARD            │
│       (PRINCIPALS, DEANS, HODs)          │
└─────────────────────────────────────────┘
                    │
                    ▼
┌─────────────────────────────────────────┐
│            STAFF &STUDENTS               │
└─────────────────────────────────────────┘
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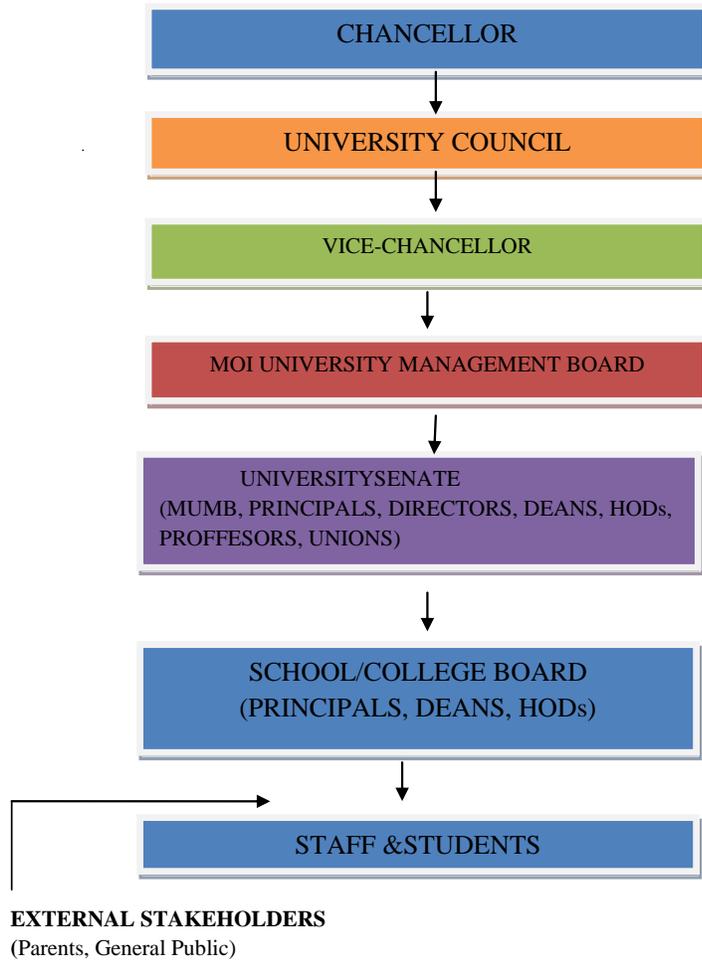**EXTERNAL STAKEHOLDERS**
(Parents, General Public)

Fig 5.1: Moi University Governance Structure

5.1 Role of University Chancellor

The Chancellor may cause a visitation in case of serious reported cases of corruption.

5.2 Role of the Council

The University Council shall be responsible for:

i. Approving and reviewing university wide policies and procedures.
ii. Providing leadership and direction in the fight against corruption.
iii. Ensuring compliance to the Kenyan constitution and other relevant laws.
iv. Establishing Committees of Council for proper decision making.
v. Allocating resources for the operation of the University.
vi. Oversight the implementation of this policy.

5.3 Role of Vice-Chancellor and Management Board

The Vice- Chancellor and University Management board shall be responsible for:

i. Ensuring compliance with the Kenyan constitution and other relevant laws.
ii. Ensuring that this policy is effectively implemented .
iii. Putting in place mechanism and strategies to create an anti-corruption culture in the university through detection and prevention of corrupt practices in all forms.
iv. Establishing the relevant university corruption prevention and integrity committees.
v. Providing guidance and support to staff in fighting corrupt practices
vi. Communicate to all stakeholders the position of university in prevention of corruption and unethical conduct.
vii. Facilitating training and sensitization activities to all stakeholders.
viii. Putting in place monitoring systems/controls as per approved quality management standards and procedures of the university and CUE.
ix. Institutionalizing efficiency, transparency and accountability in all transactions of the university and its stakeholders
x. Institutionalize declaration of conflict of interest.
xi. The Vice-Chancellor shall chair Moi University Corruption Prevention Committee (MUCPC).

5.4 Role of University Senate

The University Senate is in charge of all academic matters and shall be responsible for academic integrity through:

i. Adherence to the Constitution of Kenya and relevant laws.
ii. Participating in training and sensitizations on anti-corruption organized by the University, statutory bodies or other stakeholders.

iii. Putting in place mechanisms/standing committees to handle corruption cases relating to academic matters

iv. Promptly discharging reported incidences of suspected cases on corrupt practices relating to academic affairs

v. Cultivating an anti-corruption culture by ensuring that each stakeholder is duty bound to perform to the best possible standards of due care and in accordance with their respective professional codes of conduct.

5.5 Role of Principals, Deans, Directors, and Management Boards;

The Principals, Deans, Directors Schools/College Management Boards shall be responsible for:

i. Ensuring compliance with the Kenyan constitution and other relevant laws.

ii. Putting in place mechanism and strategies to create anti-corruption culture in the university through detection and prevention of corrupt practices in all forms.

iii. Establishing and chairing the relevant corruption prevention and integrity committees within their dockets.

iv. Nominate and recommend to the vice chancellor for appointment of staff who are suitable and qualify for membership to the relevant Integrity Committees.

v. Providing guidance and support to staff in fighting corrupt practices.

vi. Communicate to all stakeholders the position of the university in prevention of corruption and unethical conduct.

vii. Facilitating training and sensitization activities to all stakeholders.

viii. Putting in place monitoring systems/controls as per approved quality management standards and procedures of the university and CUE.

ix. Institutionalizing efficiency, transparency and accountability in all transactions of the university and its stakeholders

5.6 Roles of Heads and Chairs of Departments (HODs and CODs)

The Heads and Chairs of Departments shall be responsible for;

i. Receiving, acting and forwarding reported cases on corruption.

ii. Explaining to the whistle blowers the actions that will be taken.

iii. Ensuring that the person who has made the disclosure is protected.

iv. Designing, implementing system improvements.

v. Ensuring non-recurrence of corruption within their area of control.

vi. Providing guidance and support to staff in fighting corrupt practices.

vii. Communicate to all stakeholders the position of the university in prevention of corruption and unethical conduct.

5.7.   Role of Internal Audit

The Internal Audit shall be responsible for:

i.   Ensuring compliance with the Kenyan constitution and other relevant laws
ii.   Assurance that all financial procedures have been adhered to.
iii.Assessment of compliance to policies, procedures and guidelines issued by the Council from time to time.
iv.   Recommending to the council development or review of relevant policy to curb, detect or prevent corruption.
v. Oversight the finance and other units of the university on compliance to statutory requirements.

5.8   Role of University Staff and Students

All members of staff and students have the following roles:

i.   To adhere to the Constitution of Kenya and the rule of law.
i.To participate in training and sensitizations on anti-corruption organized by the university or statutory bodies.
ii.To promptly report incidences or suspected cases of corruption.
iii.To achieve the best possible standards of care and to act in accordance with the university code of conduct and ethics.
iv.Participate in development and review of relevant policies.
v.Sensitize other stakeholders on the best practice in prevention and decrement of corruption.

5.9   Roles of Ethics and Anti-Corruption Commission.

The Commission shall have its roles as defined by relevant acts of parliament which may be enacted, amended or repealed from time to time. These roles shall include but not limited to:

i.Enforcement of all Anti-Corruption Laws.
ii.Conducting systems audits
iii.Spearheading awareness and trainings
iv.Assisting the university in vetting potential staff

5.10   Roles of other Statutory Bodies

Other statutory bodies including; Inspectorate of State Corporations, Office of the Auditor General and Commission for University Education shall have roles as per their legal mandate and existing relevant laws of Kenya.

5.11   Roles of External Stakeholders

The Stakeholders includes suppliers, service providers, parents, guardians ,collaborating institutions & partnerships ,international bodies, members of general public and their role is to;

  i.   Report any act of corruption they witness to relevant internal or external statutory body.
 ii.   Participate in development and review of relevant policies
iii.   Sensitize other stakeholders on the best practice in prevention and decrement of corruption.
 iv.   Partner with Moi university to cultivate an anti-corruption culture

6.0   Systems, Structures & Mechanisms to Fight Corruption

The University shall establish the following systems, structures, processes & mechanisms to prevent corruption.

This shall include but not limited to:

    i.   Moi University Council Audit Committee,
    ii.   Internal Audit Unit,
    iii.   University Corruption Prevention Committee.
    iv.   Campuses/Schools/Directorate Corruption Prevention Committees.
    v.   University Integrity Committees.
    vi.   School/Campus/ Directorates Integrity Committees
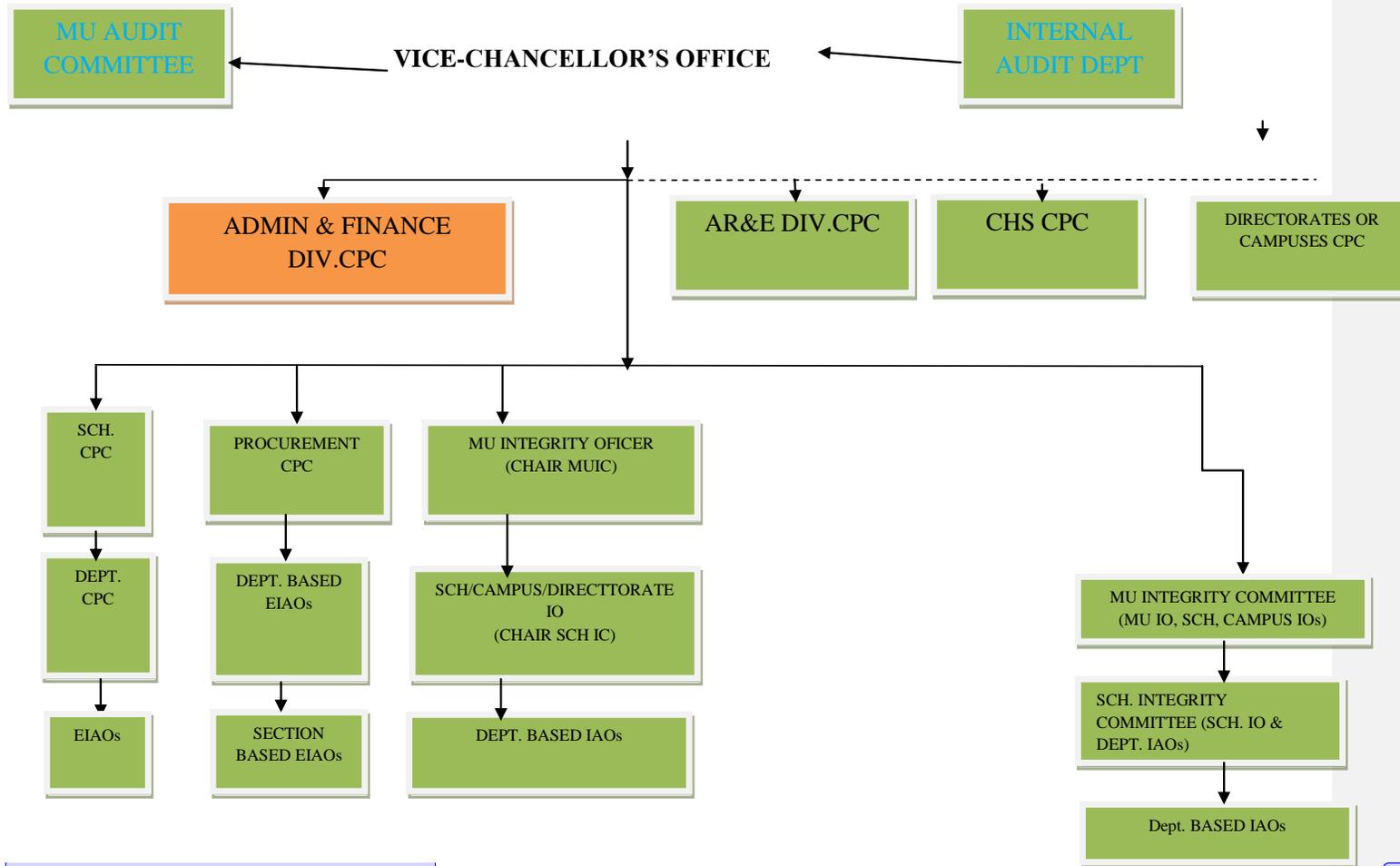   vii.   Ethics & Integrity Assurance Officers

Fig. 3 Anti-Corruption Systems and Mechanisms

Comment [GA1]: I propose we name the diagram at the top.

6.1   *Corruption Prevention Committee*

Moi University shall establish Corruption Prevention Committee composed and cascaded the Corruption Prevention Committees to Schools, Directorates, Campuses, and Institutes.

In composing corruption prevention committees the University will ensure that members are appointed in accordance with existing appointment criteria and in compliance with the laws of Kenya.

6.2   Moi University Corruption Prevention Committees Composition

The composition of the Moi University Corruption Prevention Committee will be as
Follows:

i.	Vice-Chancellor	-	Chairman
ii.	Deputy Vice-Chancellor Finance	-	Member
iii.	Deputy Vice-Chancellor (A, P&D)	-	Member
iv.	Deputy Vice-Chancellor (A, R&E)	-	Member
v.	Deputy Vice Chancellor (SA)	-	Member
vi.	College Principal	-	Member
vii.	Deans of Schools	-	Member
viii.	Dean of Students	-	Member
ix.	Directors Of Campuses, Institutes And Directorates	-	Members
x.	Chief Legal Officer	-	Member
xi.	Chief Internal Auditor	-	Member
xii.	Senior Procurement Officer	-	Member
xiii.	UASU representative, Chapter Secretary	-	Member
xiv.	KUSU, Chapter Secretary	-	Member
xv.	KUDHEIHA Shop steward	-	Member
xvi.	MUSO Secretary General	-	Member
xvii.	Ethics and Integrity Officer	-	Secretary

6.3   School/Campus/Directorate/College CPCs

The Schools/Campus/Directorates/College Corruption Prevention Committees shall be headed by Dean, Directors, Head of Department or Registrars as the case may be and shall be issued with an appointment letter by the Vice-Chancellor. Each School/Departmental Committee shall have seven members.

Integrity Officers based at schools who shall be secretary to the SCPC shall be nominated by the Deans/Directors and appointed by the Vice-Chancellor. All secretaries to the committee shall be members of Integrity Committee.

The composition of the SCPC/DCPC/CCPC will be as follows:

i.	Dean/Director/Registrar	Chairman
ii.	Heads of Departments/Sections	Members
iii.	2 Other Staff from School	Members
iv.	School Ethics and Integrity Officer	Secretary

6.4 Mandate and Operations of the Corruption Prevention Committee

The role and functions of the corruption prevention Committee within the institution are as follows;

i. Setting priorities in the prevention of corruption within the University.

ii. Planning and coordinating corruption prevention strategies.

iii. Integrating all corruption prevention initiatives in the university.

iv. Receiving and reviewing reports on corruption prevention initiatives and recommending appropriate action.

v. Receiving and taking action on corruption reports made by staff, students and other stakeholders.

vi. Documenting concrete measures taken and any referrals to other agencies such as Ethics Anti-Corruption Commission (EACC).

vii. Spearheading anti-corruption campaigns within their jurisdiction.

viii. Monitoring and evaluating the impact of corruption prevention initiatives.

ix. Preparing and submitting quarterly progress reports to the management and the Performance contract Steering Committee.

6.5 Ethics and Integrity Committees

Moi University shall establish two levels of Integrity Committees; University wide and School Integrity Committees. The Moi University Integrity Committee shall be chaired by University Integrity Officer. The School /Campus and directorates EIAOs shall be members.

The conglomerates of department Ethics and Integrity Assurance Officers shall form School/Campus/Directorates Integrity Committees while School/Campus/Directorates Integrity shall form the Moi University Integrity Committee.

6.6 **Roles of Ethics and Integrity Committees**
  i. To mainstream anti-corruption strategies and initiatives measures in the University with a view of building an anti-corruption culture.
  ii. To constantly monitor university operations and procedures so as to prevent instances of unethical behavior among staff, students and other stakeholders.
  iii. To deliberate on anti-corruption and other ethics and integrity issues on monthly basis at school level and quarterly basis at university level.
  iv. To submit regular progress reports to the relevant organs in the university and external agencies as required by law.

6.7 **Ethics and Integrity Officers**

The University shall establish a university wide Integrity Office and school level Integrity Office as per existing scheme of service. The offices shall be headed by the University Integrity Officer and School Integrity Officer respectively.

6.8 **Roles of Ethics and Integrity Officer.**

The Ethics and Integrity Officer shall be appointed by the Vice-Chancellor and shall be secretary to MUCPC.
His/her roles shall include
  i. To prepare all documents and papers required for the relevant CPC meetings
  ii. To prepare and circulate minutes of the relevant CPC as appropriate
  iii. To keep and coordinate the diary of CPC operations
  iv. To coordinate preparation of the anti-corruption policy, corruption risk assessment and management plan, code of ethics and conduct, change management plans and other initiatives
  v. To prepare and submit reports to the relevant University CPCs
  vi. The University Integrity Officer shall chair MUIC while school integrity officer shall chair SIC.
  vii. To perform any other relevant duties assigned by the CPC

6.9 **Ethics and Integrity Assurance Officers (EIAOs)**

The officers shall be appointed by the HODs/CODs at the departmental level as per the Scheme of
Service .

6.10 **Roles of EIAO s;**

   Shall support the Ethics and Integrity Office and the CPCs by;
  i. Conducting a CRA and developing and implementing a Corruption PP at departmental level
  ii. Implement university codes of conduct and ethics, service charters and other governance instruments at departmental level.
  iii. Implementation of anti-corruption education and awareness programmers

iv.Monitor, evaluate and participate in the review of the anti-corruption policy.

v.Receive and document cases on corruption allegations.

7.0 Reporting of Corruption Cases

7.1 Avenues for Reporting

7.1.1   The University shall make provisions to allow for disclosure of all corrupt practices within the University by providing avenues for reporting such vices.

7.1.2   The reporting avenues include but not limited to:

     i. Corruption reporting boxes at strategic points within the University.

     ii. Integrity office on Hotline numbers (0777-220225,0775-129999)

     iii. An interactive page on the University website (www.mu.ac.ke.)

     iv. The Council email : *council@mu.ac.ke*

     v. Office of the Vice-Chancellor: *vcmoi2009@gmail.com*

     vi. Integrity Office Email: integrity @mu.ac.ke

     vii. Office of Deans of schools and Dean of students.

     viii. Office of Directorates.

     ix. Chairs and Heads of Departments office.

     x. Directly to the EACC:

         a.   Website *www.eacc.go.ke/report corruption,*

         b.   *Tel: (020) 2717318;2720722;2100312/3*

         c.   *Mobile: 0729888881/2/3; 0736996600/33*

         d.   *Fax: (020)2717473*

         e.   *Email address: eacc@integrity.go.ke*

7.2 Guidelines for Corruption Reporting

7.2.1   All reports on corruption allegations shall be:

     i. Made in writing. Where a report is made verbally, the receiving officer will put it in writing after which the giver of the report where applicable shall confirm the contents of the written report and sign it.

     ii. Treated with confidentiality by the reporter and the receiver of the report.

     iii. Verified for authenticity by respective relevant investigating organs.

     iv. Forwarded to the Vice-Chancellor for further action.

7.2.2   Any party that reports instances of corruption is entitled to acknowledgement within three days and feedback on action taken on the matter reported within 21 working days of reporting. Where no action is taken within reasonable time, the informant may report the same to EACC.

7.2.3 However, if one is still not satisfied after using the procedures and getting a final written response, one is entitled to channel one's concern to other relevant agencies, which may include:

         a)   The Office of the Auditor General

         b)   A relevant professional or regulatory body

         c)   Efficiency Monitoring Unit

         d)   Ethics and Anti-Corruption Commission

e) Directorate of Criminal Investigation
f) Witness Protection Agency
g) The Ombudsman Office/Commission on Administrative Justice

7.2.4 Any persons being the first recipients of reports shall have a duty to;-
i. Treat concerns in a confidential manner.
ii. Carry out preliminary investigations to establish the veracity of the case
iii. Forward the case to the relevant university anti-corruption organ.

7.3. Handling of Corruption Cases

7.3.1 Any cases of suspected corruption reported to the University shall be referred to the relevant organ for further investigation.
7.3.2 Investigating organ shall submit a report to MUCPC for deliberations
7.3.3 Upon receipt of the report the MUCPC shall consider the report and determine the next course of action.
7.3.4 The Committee will then make a decision to:
i. Refer the matter to the Staff or students Disciplinary Committee
ii. Refer the matter to other School Corruption Prevention Sub-Committee
iii. Refer the matter to the EACC.
iv. Refer the matter to the Kenya Police
v. Refer the matter to any other relevant Authority.
7.3.5 Internal sanctions for those found culpable shall be in accordance with disciplinary actions as per relevant policies.

8.0   Whistle Blowing Procedure

8.1   Introduction

8.1.1   Whistleblower in the context of this policy refers to any person who witnesses or has any information or documents pertaining corrupt practice and reports using the channels outlined in this policy.

8.1.2   In accordance with the Witness Protection Act, 2006 the University undertakes to protect the identity of persons making corruption disclosures and to ensure that information that might identify the person making the disclosures is protected.

8.2   Procedure for Handling of Whistle Blowers

8.2.1   A person wishing to disclose information concerning corruption under witness protection act shall notify relevant university authorities. If there is need to disclose the information this shall first be discussed with the person.

8.2.2   No action may be taken against informers for their assistance so long as the in former believes the information to be true.

8.2.3   The identity of an informer shall be handled in accordance with the procedure of the witness protection act.

8.2.4   Such informers shall be enrolled to Witness Protection Programme under the terms and conditions existing at the time of enrollment.

8.2.5   The officer receiving the request for protection shall notify the Vice-Chancellor of the same within three working days.

8.2.6   The Vice-Chancellor shall take necessary steps and measures to ensure the whistle blower is protected.

9.0   Anonymity and Confidentiality

9.1   All matters raised by concerned employees will be treated with utmost confidentiality.

9.2   All correspondence entered into the whistle blowing process will be absolutely confidential whether a person making the disclosure wishes to remain anonymous or not.

9.3.   The substance of an investigation including the identities of the parties to it will remain confidential and may only be disclosed with the consent of the complainant.

10.0   Anonymous Allegations

10.1.   All complaints must contain as much information as possible to allow for proper assessment.

10.2. Anonymous allegations will be considered based on the following factors;
    i.Seriousness of the issue raised
    ii.The credibility of the concern
    iii.The likelihood of confirming the allegation from attributable source
    iv.To the extent possible, any complaint should be factual rather than speculative or conclusory.

10.3 This policy encourages staff to put their contact/information to their allegations whenever possible.

11.0 Untrue Allegations

11.1 Disciplinary action shall be taken against employees who makes allegations frivolously, maliciously or for personal gain.

12.0 Internal Audit Reviews

12.1 The University will carry out on a quarterly basis internal audit reviews in all its operational areas.

12.2 All periodic reports on various aspects of university operations shall be reported to relevant organs of the University.

12.4 Whereas there may be nil report a communication in the relevant and prescribed format shall be filled.

12.5 Internal Auditor or a person designated to perform such function shall notify the Management the findings of the audit together with actionable recommendations

12.6 The management shall provide feedback to relevant stakeholders and the Council within 21days of discussion.

13.0 Disciplinary Measures

13.1 Any breach of the provisions of this Policy by any member of staff, students and other stakeholders shall be dealt with in accordance with the provisions of the University Disciplinary Procedures and other relevant laws of Kenya.

14.0 Sensitization & Training

14.1 The University commits itself to sensitization and training of staff on matters of ethics and integrity which includes;

    a. Awareness through continuous sensitization and training of staff, students and other stakeholders.
    b. Structures such as corruption prevention committees, integrity committees and other fora.
    c. Processes including various procedures, applicable standards for best practices and quality compliance standards adopted from time to time.
    d. Any other strategy that will be provided for by the MUCPC from time to time.

15.0   Management Implementation & Monitoring Authority

15.1   The Vice-Chancellor shall be responsible for the implementation & Continuous monitoring of this Policy.

16.0   Monitoring and Review of the Policy

16.1   This policy shall be monitored continuously and necessary amendments made.

16.2   It will be subjected to major review after every five years but piecemeal reviews shall be done as need arises.

17.0   Dissemination

17.1 It is responsibility of head of Divisions, Deans, Directors, Heads of Departments and Sections to disseminate the provisions of this policy to all intended clientele.

18.0   Execution

18.1   This Policy shall come in force upon approval by the University Council.

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Prof. Isaac S. Kosgey, Ph.D.
<u>**VICE – CHANCELLOR**</u>

Appendix 1: Corruption Risk Assessment.

FUNCTIONAL AREAS		CORRUPTION RISKS
THE COUNCIL		

	Decision making	• Discrimination towards stakeholders
		• Biased decision making relating to:
		  Administration of property and funds of the university
		  Reception & disbursement of gifts, grants and other monies.
		  Appointment and promotion of staff
		  Students and staff discipline
		  Welfare of students and staff

VICE CHANCELLOR'S OFFICE		
Procurement	Procurement planning	• Stocking obsolete / expired goods. • Skewed procurement planning • Lack of regular inventory/stock taking
	Specification	• Accepting items not meeting owners specification
	Procurement methods	• Wrong procurement method to limit competition • Inflated quotations • Lobbying for suppliers • Collusion with suppliers
	Receiving and issuing	• Irregular release of goods • Receiving items with wrong specification, lower quality and details not matching LPO issued.
	Storage	• Poor storage, pilferage, discrepancy in issuing items • Loss of accounting documents • Unauthorized removal of documents/ assets
	Disposal	• Failure to use disposal plan. • Identification & undervaluation of assets • Delayed disposal
Internal audit	Audit functions	• Lack of audit plan. • Selective auditing of specified areas & selective reporting • Non-objective auditing
Security	Security services and staff	• Poor follow up of reported cases, especially stolen materials/equipment. • Biased investigation /compromised investigation • Theft by servants i.e. security guards
Public Relations	Wrong negative publicity	• Negative and wrong information to the public.
ACADEMICS, RESEARCH AND EXTENSION		

Student Admissions	Kenya Universities and Colleges Central Placement Service (KUCCPS) Admissions	• Irregular inter-university/interschool transfers. • Delay in processing of admission letters. • Biased Inter University/Interschool/Interdepartmental transfers.
	PSSP Admissions	• Biased application of admission criteria. • Fake or forged results slips. • Non remittance of application fees • Delay in processing of admission letters • Delayed issuance of admissions letters
	Postgraduate Admissions	• Favoritism in admission, especially in cases where chances are limited. • None adherence to senate criteria on post graduate admissions.
Teaching	Curriculum	• Use of Outdated teaching content/delay in curriculum review. • Inadequate coverage of the topics and curriculum. • Delay in provision of course outline.
	Adherence to 20% Rule	• Delay in releasing of time table. • Delay in student reporting. • Delay in commencement of lectures. • Non-adherence to students class attendance requirements.
	Fee Payment	• Misuse of nominal rolls.
	Part-Time Lecturers	• Irregular hiring of part-time lecturers. • Irregular payments. • Poor service delivery. • Noncompliance of per-time teaching policy. • Delay of recruitment letter of contract.
Examination	Continuous Assessment Tests (CATs)	• Non-marked CATs. • Issuance of fictisous marks. • Non adherence to the rule of two CATs per course. • Missing CAT marks. • Marked CAT scripts not returned to students.
	Setting and moderating of examinations	• Delay in setting and lack of moderating examinations. • Recycling of examination year after year. • Setting different examinations for different campuses but same courses.
	Leakage of	Unethical handling of examination during:

	examination	• Setting of examination,
		• Moderation of examination,
		• Delivery of examination,
		• Processing of examination,
		   ✓ *Receiving*
		   ✓ *Typing*
		   ✓ *Photocopying*
		   ✓ *Collating*
		• Conflict of interest.

	Issuance of examination cards	• Nonpayment of full payment of fees. • Use of fake examination cards. • Irregular issuance of examination cards.
	Invigilation of examination	• Non-adherence to set examination rules. • Irregular issuance of examination booklets.
	Processing of Results	• Issuance of undeserved marks. • Altering of marks. • Unethical issuance of transcripts and certificates. • Changing of names. • Presentation of complete set of examination scripts to the external examiners.
	Graduation	• Allowing students to graduate with fee balance problem. • Allowing student to graduate without completion of courses required. • Pending disciplinary cases. • Clearing a student who has not returned a graduation gowns. • Loss of graduation gowns/ delayed return of the gowns. • Non recovery of fee for lost/non returned gown.
Student Records	Student Records Management	• Altering of students records/hacking.
Research and outreach services	Management of research funds and activities.	• Misuse of funds by researchers. • Diversion of research funds by finance departments
	Collaborations and partnerships.	• Entering into non-beneficial/costly collaborations
	Consultancy, outreach services/Community engagement	• Biased engagements. • Nonpayment of consultancy fees to persons undertaking the consultancy. • Infringement on intellectual property rights.
Library	Issuing and return	• Irregular issuing of books at the library.

Services	of books	• Mutilation of books, records and documents. • Delay in re-calling of issued books. • Non-payment of overdue books.
STUDENT AFFAIRS		
	Games and sports	• Irregular issuing of sports equipment. • Biased selection of participants. • Misuse of sports equipment. • False claims.
	accommodation	• Irregular/biased allocation of rooms. • Abetting non-ethical practices (cohabiting, "piracy", sub-letting of rooms). • Carrying out illegal business in hostels. • Non -adherence to "10 - 10" rule.
	Wardenship	• Non observance of the Wardens Policy guidelines.
	Student welfare	• By-passing chain of command. • Rigging of Student elections. • Misappropriation of Entertainment fund. • Irregular/biased allocation of business premises. • Irregular/biased allocation of Work study programme.
	Student organizations- elections and management	• Misappropriation of funds. • Political interference in running of organizations. • Misuse of university property.
	Students disciplinary.	• Biased disciplinary process. • Compromise of disciplining staff by culprits. • Loss of evidences. • Delayed process.
	Student finances- caution money	• Pocketing of students caution money by school accountants.
ADMININISTRATION, PLANNING & DEVELOPMENT		
Human resource	Staff conduct and ethics	• Non adherence to public officers' ethics. • Pilferage. • Reporting to work late and leaving early.
Development	Infrastructural development and refurbishment	• Pilferage of building materials. • Over employment of laborers. • Delayed completion of projects. • Receiving of poor quality /quantity building material. • Poor workmanship.

Research	Research Funds	• Irregular disbursement of research funds. • Lack of monitoring. • Delay in disbursement of the research funds. • Lack of transparency while allocating the research funds.
Recruitment	Job Advertisement	• Job Specification tailored to favour certain individuals. • Elimination of suitable candidates to favor weaker ones.
	Short listing	• Short listing persons that do not meet the requirements. • Biased composition of the shortlisting committee.
	Interviews	• Biased composition of the appointments committee. • Lack of score cards for interviews. • Deliberate delays of interview invitation notices and in other instances withholding of the invitation. • Lobbying for specific candidates among panel members
	Hiring of Staff	• Hiring of staff without regard to the establishment. • Hiring of casuals when there is no actual need for them.
Deployment	Transfer and placements.	• Favourism of certain staff during placements.
Staff Development	Promotion	• Uncoordinated promotion of staff • Promotion of unqualified staff.
	Training	• Biased nomination of staff for training and sponsorships
Medical	Referrals	• Biased and corrupt referrals of staff for medical treatment
	Medical claims	• Approval of false claims
	Dependants lists	• Collaboration with staff to include non bonafide person in lists of dependants
Leave	Leave of absence /Sabbatical leave	• Favoritism of staff on approval of this leave
	Leave approval and computation.	• Deliberate miscalculation of balance of leave days
Records	Records	• Mishandling and mismanagement of records. • Tempering with records in personal files.
Security	Investigation process.	• Doctoring of investigation reports to suit the culprit.
Catering and Hostels	Room allocation	• Asking for bribes for students to secure them rooms. • Selling of rooms for personal gain. • Interfering of the on line room allocation
	Procurement of food stuff	• Single sourcing of food items.

	Loss of revenue.	• Under payment of served food. • Serving food that has not been paid for. • Theft of food items cooked and uncooked.
University Property	Management of University property	• Misuse of Stationary • Office equipment • Misuse of time • Misuse Sanitary and Cleansing Materials • Misuse of University property for personal gain. • Misuse of information/ intellectual property • Use of University information for personal gain.
Transport and Garage	Fuel	• Siphoning of University fuel. • Misuse of fuel cards • Overstating the coast of fuel
	University Vehicles	• Use of University vehicles for personal use • Single sourcing and theft of spear parts.
Waivers	Approval of Fee Waivers	• Collaboration with staff to approve fee waiver for non bonafide person
Retirement	Retention of service	• Discrimination in selection of staff to be retained upon retirement.
Housing	House allocation	• Unfair/discriminative allocation of University houses
Legal Office	Payment of legal fees	• Collusion with external lawyers or parties to defraud the University e.g. in legal fee
	Handling of legal matters	• Compromising of cases
Projects	Project Management	• Collusion with contractors to offer substandard work. • Non adherence to project work plan. •
FINANCE		
Finance	Part-timers payments	• Fake claims – claim as per timetable even when courses are not taught.
	Payroll	• Wrong rate of payments, dummy payments. • Payments made to retired and terminated staff. • Irregular stoppage deductions. • Delayed remittance.
	Cash office	• Fictitious payments. • Double payments.

		• Unauthorized cheque/ cash payments.
		• Missing documents to support payments
	Students Finance	• Understating of students fees.
		• Dishonest information on HELB loans, CDF and other Bursaries.
		• Fictitious and/or incomplete posting of students records.
		• Use of fake fee statement and receipts.
	Revenue	• Use of fake receipt books.
		• Failure to collection of debts.
		• Unauthorized use of revenue.
	Expenditure	• Inflated invoices and quotations,
		• Invoices for unsupplied goods & services, LPOs.
	Budgetary Control	• Vote misallocation, non-commitment of payments, wrong postings.
	Bank Reconciliation	• Erroneous payments, double payments, Frauds through bank accounts.
	Final accounts	• Creative accounts, Un-reconciled accounts.
	Examination	• Lack of objectivity in checking the payments and passing of irregular payments.
	Imprest	• Imprest use for wrong purposes. Staff taking imprest while having other unaccounted imprests.
		• Irregular actions on processing of imprests, such as deliberate delays.
	Fuel / Calling cards	• Misuse of Calling cards and Fuel cards.
	Medical Refund payments	• Claims made on basis of fake receipts and/or signatures used for claims.
		• Inflated invoices by referral doctors.
	Financial management systems and procedures	• Non adherence to Financial Management Systems and Procedures.
	Income generating units	• Pocketing /non declaring of revenue by unit staff.

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