



**JARAMOGI OGINGA ODINGA UNIVERSITY
OF SCIENCE AND TECHNOLOGY**

CODE OF ETHICAL PRINCIPLES AND CONDUCT

December, 2013

Code of Ethical Principles and Conduct

Jaramogi Oginga Odinga University of Science and Technology

Code of Ethical Principles and Conduct

2003

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Code of Ethical Principles and Conduct

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Vice-Chancellor, Secretary to Council
Prof. S. G. Agong'

24th Jan 2014

Date



Chairman of Council
Dr. B. J. Mwandotto

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Date

Code of Ethical Principles and Conduct

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LIST OF ABBREVIATIONS AND ACRONYMS

- | | |
|-----------|---|
| 1. JOOUST | Jaramogi Oginga Odinga University of Science and Technology |
| 2. No. | Number |
| 3. PA | Planning and Administration |

1.0 PRELIMINARY

1.1 Introduction

Jaramogi Oginga Odinga University of Science and Technology (JOOUST) was established vide JOOUST Charter 2013, which was issued under the Universities Act, No. 42 of 2013. It is a premier institution of higher learning offering relevant and high quality, market-driven, academic programmes for steering socio-economic development.

This Code of Ethical Principles and Conduct for JOOUST (also referred to as the Code) is an outcome of collaboration between JOOUST and the Ethics and Anti-Corruption Commission.

The development and deployment of this Code marks an important step in the formalization and improvement of ethical standards and conduct within JOOUST community. It also spells out, in general terms, the mechanisms JOOUST can use to encourage compliance with the Code.

1.2 Legal Framework

This Code shall be read and enforced alongside the other relevant policies and regulations governing JOOUST.

The following legal instruments, among other, provide a general legal framework for this Code:

- (a) The Constitution of Kenya, 2010.
- (b) The Sexual Offences Act, 2006 (Act No. 3 of 2006).
- (c) The Penal Code (Chapter 63, Laws of Kenya).
- (d) The Public Officers Ethics Act, 2003 (Chapter 183, Laws of Kenya).
- (e) The Leadership and Integrity Act, 2012 (Act No. 119 of 2012).
- (f) The Employment Act, 2007 (Act No. 11 of 2007).
- (g) The Occupational Safety and Health Act, 2007 (Act No. 15 of 2007).
- (h) JOOUST statutes, 2013

1.3 Citation

This Code may be cited as the Jaramogi Oginga Odinga University of Science and Technology Code of Ethical Principles and Conduct.

1.4 Scope

This Code applies to members of staff and students of the University at all levels, and where appropriate visitors to JOOUST.

1.5 Definition of terms

In this Code, unless the context otherwise requires:

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- (i) *'equity'* means a state of fairness or justice, or equality;
- (ii) *'ethics'* means a set of accepted moral principles in society generally, or within a specific social or professional group;
- (iii) *'gender'* means the socially-constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women;
- (iv) *'gender equity'* means a state or process of fairness or justice in the social assignment of roles between, and treatment of, men and women".
- (v) *'harassment'* means a course of vexatious comment or conduct against a person, behaviour which is known or ought reasonably to be known to be unwelcome;
- (vi) *'integrity'* means the quality of being honest and morally upright;
- (vii) *'member of staff'* means a person engaged as a member of staff of JOOUST under any of the various Terms and Conditions of Service;
- (viii) *'professionalism'* means the combination of positive qualities that are connected with an educated or trained person;
- (ix) *'sexual harassment'* in the context of employment means a situation where an employer, employee or a representative of that employer or a co-worker:
 - a) directly or indirectly requests that employee for sexual intercourse, sexual contact or any other form of sexual activity that contains an implied or express (i) promise of preferential treatment in employment; (ii) threat of detrimental treatment in employment; or (iii) threat about the present or future employment status of the employee;
 - (b) uses language whether written or spoken of a sexual nature;
 - (c) uses visual material of a sexual nature; or
 - (d) shows physical behaviour of a sexual nature which directly or indirectly subjects the employee to behaviour that is unwelcome or offensive to that employee and that by its nature has a detrimental effect on that employee's employment, job performance, or job satisfaction;
- (x) *'student'* means a person registered by the University for the purpose of obtaining a qualification through approved process of

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instruction of the University or any other person who is determined by the Senate to be a student.

(xi) *'The University'* means Jaramogi Oginga Odinga University of Science and Technology;

(xii) *'workplace'* means any place designated by JOOUST as a place of work for any of its members of staff, and shall include:

(a) any place which may be outside the ordinary premises of the University but in which JOOUST members of staff engage in some activities; and

(b) any other place where violation takes place by virtue of a person being a member of staff of JOOUST.

1.6 Objectives

The objectives of this Code are to:

- (i) establish general standards of professionalism and ethical behaviour for members of staff and students, and, where appropriate, members of the public who relate to the University, otherwise referred to as 'stakeholders' of JOOUST;
- (ii) provide a framework for inculcating in the stakeholders the established standards; and
- (iii) provide mechanisms for addressing any breach of the established standards.

2.0 ETHICAL PRINCIPLES

The University is guided by a set of principles derived from its own policy documents, and legal instruments. These include its core values, vision, mission, motto, and various laws that regulate behaviour in the society.

2.1 General Ethical Requirements

All members of staff are expected:

- (i) to be committed to the highest ethical standards of conduct and integrity;
- (ii) to promote the best interests, and foster and nurture the core values, vision, and mission, of the University;
- (iii) to take initiative to improve systems and standards of service delivery;
- (iv) to carry out their duties efficiently, honestly and in an accountable manner, and in a manner that maintains public confidence in the integrity of their offices;
- (v) not to discriminate against any person and to treat other members of staff, students and members of the public with professionalism, courtesy and respect;
- (vi) not to use their office or place of work for soliciting, collecting or inducing

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- (vii) bribes or favours or to unlawfully enrich themselves;
- (viii) not to compete for tenders for the supply of goods or services to the University;
- (ix) not to open or operate a bank account outside Kenya except as authorized by law;
- (x) to remain politically neutral in decision-making, and in the performance of their duties, on behalf of the University;
- (xi) to conduct their private affairs in a manner that maintains public confidence in the integrity of their office;
- (xii) not to falsify any record or present misleading information to the public;
- (xiii) not to engage in any conduct that amounts to intellectual cheating, dishonesty or plagiarism;
- (xiv) to maintain confidentiality in all matters deemed confidential;
- (xv) to ensure that all decision-making is based on independence of judgment free from conflicting interests;
- (xvi) not to engage in any conduct which amounts to a crime or an offence;
- (xvii) comply with standards established by their respective professions; and
- (xviii) to generally comply with the policies and procedures of the University and applicable national laws and regulations.

The University is committed to:

- (i) meeting all the legal requirements governing its establishment and operations;
- (ii) a safe, secure, and healthy environment for its employees, students and visitors;
- (iii) an environment that fosters creativity, meritocracy, integrity, ethical leadership and a culture of ethics and compliance;
- (iv) tolerance, diversity, and respect for differences; and
- (v) academic freedom as an essential element in achieving its mission.

The general conduct of the students is governed by the JOOUST Rules and Regulations.

3.0 CODE OF CONDUCT

3.1 General Conduct

A member of staff shall carry himself/herself with dignity, both in public and private life.

3.2 Conflict of Interests and Misuse of Office

A member of staff shall:

- (i) be objective and impartial in making decisions or carrying out any action on behalf of the University;

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- (ii) not use his or her position to gain or to confer a benefit upon others with whom he or she has an interest;
- (iii) avoid conduct that might, in any way, lead members of the public to conclude that he or she is using an official position to further professional or private interests or the interests of any members of his or her family, friends or associates;
- (iv) disclose any potential, real or perceived conflict of interests prior to engagement in any decision-making or action that may constitute a conflict of interests;
- (v) where a conflict of interests arises in the course of a transaction, Meeting or consultations, the conflict shall be declared at the beginning of the transaction, meeting or consultations before the issue is deliberated upon, and it must be recorded in the minutes or report of that transaction, meeting or consultations; and
- (vi) not participate in such transaction, meeting, consultations or decision-making in which they have a conflict of interest.

3.3 Conflict of Commitment

Members of staff shall:

- (i) devote their time and energy during the official working hours to the University.
- (ii) avoid personal activities which interfere with their obligations to students, colleagues and to the missions of the University.
- (iii) not be in another full-time engagement while he or she remains in full-time employment of the University.

3.4 Nepotism

A member of staff shall not confer a benefit to relatives, friends or associates in the execution of the functions of his or her office solely, largely or partly based on such relationship.

3.5 Confidentiality

- (i) A member of staff shall not disclose confidential information that he or she obtains in the course of execution of his or her duties in the University to any unauthorised person without the consent of the Vice-Chancellor, except where:
 - (a) disclosure is required by law;
 - (b) disclosure is required by an order of a judicial authority; and when
 - (c) disclosure is permitted by law and the Vice-chancellor has been duly informed.
- (ii) Where a member of staff is required to disclose any information, he or she shall, to the best of his or her ability, ensure that the information is authentic and correct.

3.6 Gifts/donations

- (i) Except as provided herein, all gifts, rewards or donations to members of staff in their official capacity shall be treated as gifts to the University.
- (ii) A member of staff must not accept any gifts, favours, rewards or donations, monetary or non-monetary, from members of the public if there is an explicit or implicit assumption that influence has been exchanged for such gifts, favours, rewards or donations.
- (iii) A member of staff may receive a gift, favour, reward or donation given to him or her in his or her official capacity if no influence has been exchanged, provided that the gift:
 - (a) is within the ordinary bounds of propriety, a usual expression of courtesy or protocol and within the ordinary standards of hospitality;
 - (b) is not monetary; and
 - (c) does not exceed a value prescribed by law or relevant JOOUST's policies and or regulations.
- (iv) A member of staff shall not accept gifts of jewellery, precious metals or stones, ivory or products of any other animal protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
- (v) Gifts or donations to the University shall be officially made, publicly received and officially acknowledged.
- (vi) A member of staff must not accept gifts, favours, rewards or donations that are likely, and or are intended, to compromise his or her objectivity while he or she is executing the functions of his or her office.
- (vii) All gifts, rewards or donations lawfully received by members of staff should be declared and recorded within seven (7) days of receipt in the official register .(*Annexure 1*)
- (viii) A member of staff shall not accept commission or special gifts from manufacturers or retailers of goods or services if these offers are made based on his or her position as a public officer.

3.7 Health and Safety in the Workplace

Members of staff have an individual and collective responsibility to ensure a safe, secure, and healthy environment for all stakeholders of JOOUST. Members of staff are expected to:

- (i) follow safe and healthy workplace practices, including participating in health and safety education, using appropriate personal health and safety equipment and clothing, and reporting accidents, injuries, and unhealthy and unsafe situations;
- (ii) maintain security;
- (iii) report activities that are, or are likely to be, detrimental to health and safety or compromise security; and
- (iv) generally protect the environment.

3.8 Sexual Harassment

A member of staff must not sexually harass a fellow member of staff, students and or members of the public.

3.9 Workplace Harassment

A member of staff shall avoid abusive, threatening, belittling or condescending language or other similar behaviour towards his or her colleagues, students or members of the public.

3.10 Consumption of Alcohol and Psychotropic Substances

- (i) A member of staff shall not consume alcohol and or any lawful psychotropic substances during working hours.
- (ii) A member of staff shall ensure that any alcohol or psychotropic substances consumed outside working hours does not impair his or her work performance or judgment during working hours.

3.11 Protection of Resources

A member of staff must:

- (i) Take reasonable steps to protect the resources of the University and to ensure that they are solely utilized for their intended purposes
- (ii) If charged with the duty of procuring goods and or services, be efficient and exercise due care to ensure value-for-money for the JOOUST.

3.12 Dress Code

A member of staff shall be neat, well-groomed and decently dressed during the official working hours and in the course of discharging his or her duties including identification tags.

3.13 Political Neutrality

A member of staff must strive to remain politically neutral in the performance of the functions of his or her office.

3.14 Non-Discrimination

A member of staff must treat fellow members of staff, students, service providers, clients and visitors of JOOUST equally irrespective of their gender, colour, creed, tribe, social standing, age, pregnancy, marital status, health status, disability, social origin, conscience, belief, culture, dress, language or birth.

3.15 Rules in Relation to Visitors

- (i) All members of staff who are responsible for security, and direction and oversight of visitors to JOOUST shall ensure that visitors:
 - (a) do not enter into the compound without authority;

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- (b) are recorded in a register at the gate, using their national identification cards;
- (c) sign for and are given a gate pass at the main entrance;
- (d) do not see a student without going through the Dean of Students;
- (e) only attend to the matters that officially brought them and, thereafter, leave the compound;
- (f) treat property in the compound with respect and use public utilities responsibly;
- (g) do not smuggle drugs and dangerous weapons into the compound;
- (h) show respect towards one another, teaching and non-teaching staff, students and the rest of the JOOUST community;
- (i) Only exit through the main gate;
- (j) Surrender the gate pass as they leave;
- (k) who are students from other institutions abide by the JOOUST Rules and Regulations governing the organisation, conduct and discipline of students;
- (l) who are employees of other institutions abide by this Code at all times;
- (m) who are civil servants abide by the Code of Conduct and Ethics for Civil Servants; and
- (n) abide by the laws of Kenya.

4.0 AWARENESS, REPORTING AND ACTION

4.1 Awareness

- (i) It shall be the responsibility of the University to ensure that every stakeholder governed by this Code is informed of both the existence and contents of the Code.
- (ii) The University shall endeavour to create awareness of the ethical principles and conduct contained in this Code and, through education, counselling and encouragement, facilitate internalization of, and compliance with, the Code by the stakeholders.
- (iii) Where there is proof of breach of this Code, the process of addressing the breach must, where applicable and desirable, use counselling and education as means of resolving the breach, either singly, or in conjunction with other mechanisms.
- (iv) It is the responsibility of the Ethics and Integrity Committee, as established under Article 4.4 of this code, to encourage and ensure compliance with the Code.

4.2 Reporting

- (i) Any alleged breach of this Code shall be reported to the Public Relations Officer.
- (ii) Upon receipt of the complaint, the Public Relations Officer must, within

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- seven (7) days and in writing, inform the parties involved of the specific provision of the Code that they are alleged to have breached.
- (iii) The complaint shall be resolved in accordance with the existing Public Relations Policy, Anti-Corruption Policy and the Terms and Conditions of Service for Employees.
 - (iv) If the Registrar (PA) is unable to resolve the alleged breach, she or he shall refer it to the Disciplinary Committee or the Ethics and Integrity Committee, which must deal with the alleged breach under its procedures and in line with the policies and regulations of JOOUST and the laws of Kenya.
 - (v) The Registrar(PA) shall give quarterly reports to the Ethics and Integrity Committee on the progress of enforcement of this Code
 - (vi) Any person reporting an alleged breach of this Code shall do so in good faith.
 - (vii) It shall be the responsibility of the JOOUST to ensure that any person who makes a report of an alleged breach of this Code in good faith does not suffer any adverse consequences by virtue of that reporting.

4.3 Action

- (i) The following actions may be taken as a reprimand and or a punishment for a breach of this Code, depending on the nature and severity of such a breach:
 - (a) counselling and education;
 - (b) caution;
 - (c) reprimand;
 - (d) warning;
 - (e) surcharge;
 - (f) forfeiture;
 - (g) demotion;
 - (h) salary stoppage;
 - (i) dismissal; and or
 - (j) referral to the State authorities for possible civil or criminal proceedings.

- (ii) It shall be the responsibility of any person involved in dealing with an alleged breach of this Code to ensure that the rules of natural justice are observed.

- (iii) These rules of natural justice require that:
 - (a) the person who is alleged to have breached the Code is informed of the details of the alleged breach;
 - (b) the person is given adequate opportunity to respond to the allegations and defend himself or herself;
 - (c) the person's response is taken into account in arriving at a determination of the alleged breach;
 - (d) the determination is objective and well reasoned;

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- (e) the consequences attached to the breach, where proved, should be reasonable, taking into account the nature of the breach;
- (f) the person is informed of the determination within a reasonable time; and
- (g) where mechanisms of appeal are available, the person is informed of his or her right, and is given a reasonable opportunity, to appeal.

4.4 The Ethics and Integrity Committee

- (i) This Committee shall comprise of five members that reflect gender balance and also constitute membership from both the academic and administrative staff.
- (ii) The Committee and its chairperson shall be appointed by the Vice Chancellor and they shall serve for a period of three years, renewable once.
- (iii) The Committee shall file its quarterly reports on the enforcement of this code to the Senate.
- (iv) The Public relations officer shall be the secretary to the Committee.

5.0 PRIORITY AND REVIEW

5.1 Priority

If any provision in this Code contradicts Statutes, 2013 and or the Terms and Conditions of Service of any employee of JOOUST, then that provision shall be null and void to extent of its inconsistency.

5.2 Review

This Code shall be reviewed periodically, as shall be determined by the Council.

I have read and understood the contents above.

Signed: _____

Date: _____

Name: _____

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Annexure 1

Official Gift Register

1. Name of Public Servant (recipient) _____

2. Designation: _____
3. Description of gift (attach further pages if required): _____

4. Estimated/Actual value of gift: _____
5. Date of receipt of the gift: _____
6. Reason for the award of the gift: _____

7. Identity of donor of the gift: _____
8. Recommendation concerning future use of gift: _____
9. Signature of Employee: _____
10. Name of officer receiving the Gift: _____
11. Signature of Receiving officer: _____
12. Any other comments: _____