



WI-1-1-002

TECHNICAL UNIVERSITY OF MOMBASA

A Centre of Excellence

CODE OF CONDUCT AND ETHICS



TUM IS ISO 9001: 2015 CERTIFIED

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ABBREVIATIONS AND ACRONYMS

COD	Chairperson of Department
CEO	Chief Executive Officer
COR	Code of Regulations
CPEC	Corruption Prevention and Ethics Committee
CUE	Commission for University Education
HOD	Head of Department
PCC	Public Complaints Committee
TUM	Technical University of Mombasa

DEFINITION OF TERMS

“Chief Executive Officer” refers to the academic and administrative executive Head of Technical University of Mombasa, 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be kept out of the general public domain and includes business strategies, pending contracts, unannounced services, unpublished research results, and bio data of students and employees.

“Contract of Employment” means engagement relationship between employer & employees.

“Employee” refers to staff members of the University.

“Favouritism” refers to the application of undue double standards during the dispensation of justice.

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

“Officer” means employees bestowed with authority in Technical University of Mombasa.

“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 Technical University of Mombasa.

“**University member**” means any person appointed, employed, or admitted to be a part of Technical University of Mombasa to render service or obtain an education. The term, therefore, refers to Council members, staff and *bonafide* students.

FOREWORD

The Education System of the Republic of Kenya is charged with the responsibility of nurturing the growth of the whole person through integrated development of the physical, intellectual, moral and spiritual attributes and abilities. The human resource in public universities is, therefore, crucial for the development of the universities and the realization of their mission and vision. However, this will not be possible if the human resources in these institutions of higher learning do not exhibit a high degree of maturity, integrity, trustworthiness, responsibility and accountability.

This Code contains general rules of conduct and ethics to be observed by employees of the Technical University of Mombasa (TUM) so as to maintain the integrity, dignity, and nobility of higher education. The Code is not intended to replace the terms and conditions of service of individual employees and is to be applied consistently with the Constitution of Kenya (2010), the Universities Act, 2012, The Technical University of Mombasa Charter, Statutes of the Technical University of Mombasa and other legislations.

I would also like to thank the Ethics and Anti- Corruption Commission for facilitating the development of this Code. Without the support of EACC, this Code would not have been possible. Through this Code, employees of TUM are expected to conduct their public and private lives in a way which will not bring ridicule and dishonour to this prestigious University.

Prof. Laila U. Abubakar
Vice-Chancellor

ACKNOWLEDGEMENT

This is to acknowledge the excellent stewardship which was provided by the Ethics and Anti-Corruption Commission (EACC) during the development of this Code of Conduct and Ethics for employees of Technical University of Mombasa (TUM). On behalf of the TUM community, I would like to sincerely thank EACC and its staff for their efforts in guiding TUM to develop this policy.

In helping TUM develop this Code, EACC has steered a process which will be a guide to all employees of the University on their appropriate behaviour in relation to public and even private lives. This is an indelible mark left by EACC as it will inform our employees' understanding of the expected values and beliefs.

I would also like to thank the Integrity Committee of TUM for their efforts in developing this Code and for liaising with all stakeholders to ensure that this Code becomes a reality. I cannot forget the Council and the Management for their input to ensure that this Code is aligned to our strategic documents, processes, systems and procedures.

To the staff members of the University, my advice is to inform you of the purpose of this Code of Conduct and Ethics. This Code is meant to socialize and promote a culture of ethical values in the practice and realization of the TUM's vision and mission. It is envisaged that as employees of "A University of Global Excellence in Advancing Knowledge, Science and Technology" you will uphold values which reflect this vision.

I also wish to thank the committee members who have reviewed the code ensuring its compliance with various laws, rules and regulations. The committee members are as follows:

- | | | |
|------|---------------------|--------------------|
| i) | Prof. Joseph Rasowo | DVC (AFP) Chairman |
| ii) | Dr Kilungu Matata | Member |
| iii) | Dr Jane Weru | Member |

iv)	Ms. Serah Welime	Member
v)	Ms. Serah Okumu	Member
vi)	Mr Alfred Indeché	Member
vii)	Mr Stanley Chiwai	Member
viii)	Ms Joan Cherotich	Member
ix)	Mr Abdalla Yuga	Member

On behalf of the Council, we look forward to seeing this Code come into practice and hope to continue a long and positive relationship with EACC.

Prof. Joseph Rasowo
Deputy Vice-Chancellor (AFP)

1.0 INTRODUCTION

1.1 Preamble

Members of Technical University of Mombasa (TUM) are expected to uphold the highest ethical standards while dispensing their obligations to their students and the public. 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, as motivating attributes to the realisation of its mission hence, has integrated these values into its teaching, research and other business practices. TUM, therefore, anticipates all members of the community to adhere to this Code and such other rules that may be formulated from time-to-time.

1.2 Purpose

The University shall uphold the highest levels of ethics and integrity in all its affairs. To this end, this Code of Ethical Conduct shall serve the purpose:

- i) Emphasizing the University's commitment to ethical conduct and compliance with the law;
- ii) Setting forth basic standards of ethical and legal behaviour;
- iii) Providing reporting mechanisms for known or suspected ethical or legal violations; and
- iv) Helping prevent and detect wrongdoing.

Given the variety and complexity of ethical questions that may arise in the course of carrying out the University's business, this Code can serve only as a general guide. Confronted with ethically ambiguous situations, Covered Parties should keep in mind

the University's commitment to the highest ethical standards and seek advice from appropriate sources so as to ensure that this commitment is honoured at all times.

1.3 Objectives

- i) To establish general rules of acceptable conduct to be observed by members of Technical University of Mombasa;
- ii) 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;
- iii) To articulate the obligations and standards of behaviour required of members and to guide them in observing ethical behaviour in the course of their duties and responsibilities.

1.4 Vision

A Technical University of Global Excellence in Advancing Knowledge, Science and Technology.

1.5 Mission

To advance knowledge and its practical application through teaching, research and innovation to serve both industry and the community.

1.6 Core Values

The Council, Senate, Management, staff and students of TUM will endeavour to institutionalize and inculcate values fostering a strong corporate culture while promoting quality service delivery, cohesion in our diverse community and achieving the targeted goals. These will be realized by espousing the following values:

- i) *Excellence.* We strive for excellence in quality teaching, learning and research, and customer focus by continuously assessing ourselves, applying our own and international benchmarks.

- ii) *Integrity and Professionalism.* We expect high standards of integrity, ethics and respect from one another across the institution and honour collegiality and a climate of critical professionalism among staff and students.
- iii) *Equity.* We are committed to equity, diversity and fairness, and seek to nurture and build on our diverse cultural heritage
- iv) *Teamwork.* We place a high premium on teamwork and shared responsibility working with each other and with external groups in ways that are mutually beneficial.
- v) *Creativity, innovativeness and environmental sustainability.* We embrace innovative problem solving and promote creative value-based solutions. We cultivate a socially secure, responsive and sustainable green environment.

1.7 Motto

Jiddu Tajidu (Endeavour and Achieve).

2.0 POLICY STATEMENT, AND GUIDING PRINCIPLES

2.1 Policy Statement

The values of the University, expressed in our Charter and Statutes and re-affirmed in the Mission and Vision included in the TUM Strategic Plan, commit us to the highest standards of ethical conduct. To support this commitment we have developed a number of guiding principles as a reference point for ethical decision-making. The guiding principles are part of the Code of Conduct and Ethics Policy, which is designed to provide an overarching guide to ethical conduct.

2.2 Guiding Principles

TUM employees shall adopt, uphold, enrich and transmit positive practices, values and norms through harmonious relations.

2.2.1 Officers at Supervisory Level

Supervisors shall be expected to take reasonable steps to ensure that employees under their charge are:

- i) Properly deployed and adequately utilized;
- ii) Not used in performing personal/private work.

2.2.2 Inter-departmental Transfers

- i) The transfer of any employee from one department to another should be effected after due consultation and approval by authorized officers;
- ii) Due consideration must be given to the qualifications and expertise of the employee before transfer.

2.2.3 Officers at Management Level

Officers at Management level shall ensure that positive traditions, values and norms are adopted, upheld, enriched and passed on through frequent inductions of employees.

2.2.4 Integrity and Impartiality

This ethical principle recognises that University members are placed in a position of trust and shall be expected to be honest, fair and impartial when carrying out their duties to maintain public confidence in the University, act in good faith and show respect towards all persons.

2.2.5 Respect for Persons

The conduct of University Members in their dealings with others including employees of the University, students, external organizations and members of the community is covered within the integrity and impartiality ethical principle. TUM supports the principles of procedural fairness and values social justice, equal opportunity and the provision of a safe and supportive working environment, and as such all University members are expected to treat others fairly, honestly and responsively, and with proper regard for their rights and obligations. University members shall be expected to:

- i) The best of their ability carry out their duties and University business transactions efficiently, accurately, fairly, honestly and with integrity;
- ii) Promote respect for all students, employees and the general community;
- iii) Ensure that the University's integrity is not compromised by honouring all contractual obligations entered into, national laws, regulations and observing due diligence;
- iv) Treat other employees and students with courtesy and fairness;
- v) Be responsive and prompt in dealing with other employees, students and the general community;
- vi) Ensure when supervising employees, create a fair and just working environment;

- vii) Observe procedural fairness when engaged in decision making;
- viii) Not engage in discriminatory conduct on grounds such as gender, sex, race, disability, cultural background, religion, age or political conviction;
- ix) Not involve in behaviour which may reasonably be perceived as workplace bullying, harassment, or intimidation;
- x) Have respect for cultural differences; and
- xi) Respect the privacy of others in the collection, use and access of personal information whilst performing University duties or activities.

3.0 CONFIDENTIALITY/ PRIVACY AND ACCESS

Security and confidentiality of University records are matters of concern for all staff with access to written or computerized information and files. Covered Parties must maintain the confidentiality of confidential information entrusted to them, except when disclosure is authorized by an appropriate officer of the University or required by law. Confidential information includes:

- i) All non-public information that might be of use to competitors or other third parties or harmful to the University or its constituencies if disclosed;
- ii) Information that third parties have entrusted to the University.

The obligation to preserve confidential information continues even after employment ends.

3.1 Data and Records

Every TUM employee who is privileged to access official information shall hold a position of trust, and shall recognize the responsibility to preserve the security and confidentiality of the information. Since a person's conduct, either on or off the job, may threaten the security and confidentiality of this information, any employee or person with authorized access to University data and records shall:

- i) Not falsify personal or official records/documents that may come to his/her possession in the course of his/her work;
- ii) Not fail to regularly update, maintain and protect official records to ensure unauthorized access does not occur;
- iii) Not post inaccurate information on his/her personal Staff or Student Information System account or the record or account of a relative. An employee is prohibited from posting inaccurate information to his/her personal Human Resources records or those of a relative;

- iv) Not exhibit the contents of any record or report to any person except in the conduct of their regular work assignment. The bio-data and affairs of students and employees shall remain strictly confidential;
- v) Not divulge, confidential information to other people where such people are not legitimately entitled to the information unless authorised;
- vi) Not use or allow the use of information that is acquired in the course of discharging his/her duties; for personal benefit, or another. However, this does not apply to the authorized and legitimate use of such information for educational, literary, research or other similar purposes;
- vii) Not remove any official record of the report (or copy) from the office where it is kept except in performance of regular duties, or with prior approval;
- viii) To immediately report any violation of this code to management;
- ix) Not use University resources to amass wealth, or for the benefit or gain of any other individual, or outside entity (including organizations in which s/he has a vested interest);
- x) Not use the University's name and/or visual identity (logos and associated word marks), other than in the context of her TUM responsibilities. Any personal use of University resources must be in accordance with published regulations; should not incur any additional expense to the University; should not interfere with an employee's obligation to carry out University duties in a timely and effective manner; must in no way undermine official University business; must not involve activities that are unlawful or inappropriate; and should never be used in a way that seems to connote TUM sponsorship of personal ventures.

3.2 Examinations

Employees who have access to examination materials shall:

- i) Not divulge all or in part, any of the information on the examination to the candidates and/or any unauthorised persons;

- ii) Adhere to Examination Regulations regarding who should handle and administer the examination when, where, which, what, why and how; Observe integrity, objectivity and high degree of professionalism in grading and processing Continuous Assessment Tests, Ordinary/Special/Supplementary Examination scripts and dissertations, Postgraduate Theses; and
- iii) Not tamper with the examinations and materials at all points while setting, moderating, correcting, typing, proof-reading, photocopying, packaging, storing, guarding, transporting, conducting, administering, invigilating, marking, compiling, supervising, coordinating, and monitoring.

3.3 Clear Desk Policy

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

3.4 Intellectual Property

TUM retains the moral rights in, and ownership of, all intellectual property that it created unless agreed otherwise in advance with our clients. In return, we respect the moral and intellectual copyright vested in our clients' intellectual property. Members of TUM shall be expected:

- i) To refrain from acts of cheating, plagiarism and impersonation in the production of academic materials and publications, as such acts amount to intellectual theft;
- ii) Not reproduce any University forms, documents and any other copyrighted material for the purpose of selling for personal gain.

4.0 ROLES AND RESPONSIBILITIES

4.1 Commitment to the Professionalism

In fulfilment of the obligations of the teaching profession, TUM staff shall:

- i) Maintain open and honest communication, ensuring that employees understand and achieve performance standards required of them;
- ii) Not in an application for a professional position, to deliberately make a false statement or fail to disclose a material fact related to competency and qualifications;
- iii) Not misrepresent his/her professional qualifications;
- iv) Not assist any entry into the profession of a person known to be unqualified in respect to character, education, or another relevant attribute;
- v) Not knowingly make a false statement concerning the qualifications of a candidate for a professional position;
- vi) Not to assist a non-educator in the unauthorized practice of teaching;
- vii) Not to disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law;
- viii) Not to knowingly make false or malicious statements about a colleague; and
- ix) Not to accept any gratuity, gift, or favour that might impair or appear to influence professional decisions or action.

4.2 Commitment to the Student

In fulfilment of his/her obligation to the student, the teaching staff shall:

- i) Not unreasonably restrain any student from independent action while in the pursuit of learning;
- ii) Not unreasonably deny the student access to varying points of view;
- iii) Not deliberately suppress or distort subject matter relevant to the student's progress;

- iv) To take reasonable effort to protect the student from conditions harmful to learning or to health and safety;
- v) Not intentionally expose the student to embarrassment or disparagement;
- vi) Not on the basis of race, colour, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly exclude any student from participation in any program, or deny her/him benefits, or grant unfair advantage to any student;
- vii) Not use professional relationships with students for private advantage; and
- viii) Not disclose information about students obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

4.3 Making Ethically Fair Decisions

The world of work ethics and decision making runs deep in the collective consciousness of the TUM Community. At TUM we believe that choosing the moral 'high road,' standing up for one's principles, and doing the right thing should form the foundation for the actions and decisions of today's leaders. Moral decay and corruption are vices that cast shadows beyond government and business; to the heart of college campuses. In our context, scandals such as plagiarism, sexual misconduct and academic dishonesty serve as reminders of what happens when ethics are considered an option of convenience. TUM staff, therefore, shall be expected:

- i) To apply principles of procedural fairness while making decisions, taking action of a discretionary nature or resolving a grievance which may adversely affect a person's rights, liberties, interests or legitimate expectations, meaning affected persons have the opportunity to respond to allegations made and so as to arrive at a just or fair decision;
- ii) To make decisions based on available evidence relevant to the matter at hand; and

- iii) To make decisions that are guided by the Public Service Commission's Code of Regulations (COR) on grievances handling the procedure.

4.4 Obligations of TUM Staff

The University is committed to providing outstanding, high-quality services to our students, faculty, staff, families, visitors, patients, business partners, colleagues, affiliates, and the community, whether those services are provided through teaching, research, business interactions, or other services.

4.4.1 TUM Community Members

TUM community members while representing the University, shall:

- i) Create a positive impression by handling themselves professionally with courtesy and tact;
- ii) Treat colleagues and the general public with courtesy and respect while carrying out their discharging duties in a way that upholds and retains public confidence in the integrity of their offices, positions and TUM;
- iii) Set high professional standards by conducting themselves in an exemplary and impeccable manner;
- iv) The extent appropriate to their offices, endeavour to improve the standards of performance and level of professionalism, and strive to carry out their work in a manner befitting their professions; and
- v) Observe the professional ethics and requirements of professional bodies they belong to.

4.4.2 Teaching and Research

TUM community members shall be expected to:

- i) Encourage the pursuit of independent scholarly learning, critical judgment, academic integrity and ethical sensitivity in their students, and shall themselves demonstrate these qualities in their interactions with students;
- ii) Promote academic freedom, including the freedom to discuss all relevant matters in the classroom and to explore all avenues of scholarship, research, and creative expression;
- iii) Propose, conduct, and report research with integrity and honesty;
- iv) Protect people and humanely treat animals involved in teaching or research;
- v) Undertake human subjects research only in accordance with approved protocols; Learn, follow, and demonstrate accountability for meeting requirements of regulatory bodies, sponsors, and partners;
- vi) Faithfully transmit research findings;
- vii) Protect rights to the individual, TUM, and third-party intellectual property;
- viii) Ensure originality of one's work and provide credit for the ideas of others upon which work is built;
- ix) Be responsible for the accuracy and fairness of information reported and/or published;
- x) Fairly assign authorship credit on the basis of significant contributions; and
- xi) Behave courteously towards students and shall be sensitive to students' need for feedback and consultation;
- xii) Ensure their assessment of students reflects each student's true merit. Enquiry of students regarding assessment criteria shall be explained clearly and timely;
- xiii) Make themselves available for individual consultation by students whether in person or by other modern means; and
- xiv) Supervise students' projects and theses in a manner to enable students to complete their courses within the stipulated time of the programme.

4.5 Dress Code

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 lean on the side of formality, as it is always better to be too formal rather than too informal. Every member of the TUM community shall:

- i. 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;
- ii. On special occasions, to dress in the formal university attire as may be prescribed and approved by the Council.

4.6 Use of University Resources

As members of TUM, we respect and conserve the general resources and physical property of the University. University resources include, but are not limited to University equipment, communications systems and solutions; technology; software and service licensing; procurement tools; and databases containing personal information. They also include the time and effort of employees, students and others at TUM; and those resources purchased/paid with University funds, including funds received by TUM through government or other external funding sources. TUM members shall protect the University's assets and shall ensure their proper and efficient use by:

- i) Acting in the best interest of the University when dealing with University resources;
- ii) Being responsible for the assets placed under their care and control;

- iii) Exercising due care and apply existing laws, policies, regulations and controls that shall ensure value for money to the University when acquiring goods and services for the University;
- iv) Not selling or using University assets without authorization. Need and ignorance shall not be justifications for the unauthorized sale, use or consumption of the assets;
- v) Not engaging in theft, careless and waste of University resources. Any suspected incident of fraud or theft shall be immediately reported and investigated;
- vi) Not using University facilities and equipment for non-University business, although incidental personal use may be permitted;
- vii) Respecting proprietary information which includes but not limited to, intellectual property such as patents, trademarks, and copyrights, as well as business plans, databases, records, employment information, and any unpublished financial data and reports. Unauthorized use or distribution of this information violates University policy and may also be illegal and result in criminal and/or civil liability;
- viii) Not losing or damaging any of the University assets; and where this happens, a prompt report shall be made to the immediate Supervisor of the culprit;
- ix) Using University assets for purposes for which they are intended and in accordance with the directions for use;
- x) Adhering to the University's internal control measures, for protecting assets against unauthorized removal and/or use;
- xi) To exercise due diligence and prudence in utilizing University resources; and
- xii) Not opening 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 unless with permission from the Council.

5.0 CONFLICT OF INTEREST

TUM community members who comprise faculty and non-faculty staff, owe their primary professional allegiance to TUM and its mission to excel in the highest levels of education, research, scholarship, and service. TUM employees have an obligation to be objective and impartial in making decisions on behalf of the University. External professional activities, private financial interests, or the receipt of a benefit from third parties can cause an actual or perceived conflict between TUM's interests and an individual's private interests.

5.1 TUM Community Members

TUM Community members shall be expected to always:

- i) Disclose any outside jobs and affiliations with competitors, customers or suppliers;
- ii) Disclose any relationship that may cause a conflict of interest;
- iii) Make sure that you and your close relatives' investments do not create conflicts of interest.

5.2 TUM Employees

Tum employees shall never:

- i) Recruit, supervise, affect terms and conditions of employment, or influence the management of any close relative, whether they are a University employee or contractor unless approved by your line manager;
- ii) Invest in a current or prospective supplier if you have any involvement in their selection, assessment or negotiations;
- iii) Invest in a customer whenever responsible for dealings with that customer or supervise anyone with such responsibility.

5.3 Dealing with Stakeholders

It shall be required of all members of TUM that in all their dealings with current or prospective clients, suppliers, contractors and consultants, among others; they act in the interest of the University. Therefore they shall:

- i) Ensure policies and procedures regarding purchases and solicitation of quotes and tenders, as amended from time-to-time, are strictly adhered to at all times;
- ii) Ensure participation 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 does not occur;
- iii) Immediately disclose in writing to his/her immediate supervisor any possible conflict of interest/commitment, and withdraw from the particular decision-making process;
- iv) Ensure all tenders, quotations and purchases made where a member has withdrawn from the decision-making process are submitted to the Vice-Chancellor or his/her proxy for final approval; and
- v) A member with involvement and/or personal interest in any person with whom the University has entered into a contract shall make this fact known to his/her supervisor immediately.

5.4 Sexual Harassment

Sexual Harassment shall not be condoned in TUM. Sexual harassment denies or limits the ability of the victim to participate in or benefit from the institution's activities. Sexual harassment includes and not limited to 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; lewd, suggestive or over-familiar behaviour;
- v) Display or circulation of sexually suggestive material; and 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.

The University:

- a) Shall not tolerate sexual harassment of its employees and students;
- b) Shall expect cases of sexual harassment should be reported promptly;
- c) Shall not condone reprisals against a member who makes a genuine complaint on the grounds of sexual harassment ;
- d) Shall expect all complaints to be made to the University Complaints Committee or any other relevant authority;
- e) Shall expect all staff to comply with this Policy and to treat colleagues of either sex with dignity and respect;
- f) Take disciplinary action against any member who fabricates complaints of sexual harassment against a colleague.

6.0 GIFTS AND HOSPITALITY

Exchanging gifts and providing hospitality for third parties can help to build good relationships, however it should be borne in mind no gift or hospitality should be exchanged with a third party if it puts you, or the University, under any form of obligation, or if it could be perceived by others as an intention to obtain a business advantage. Gifts include cash and non-cash items such as equipment, preferential discounts, loans, services, prizes, donations to charities, transportation, use of another company's vehicles, home improvements, tickets and gift certificates. Hospitality includes business meals, invitations or tickets to recreational or sports events and venues including associated travel, accommodation, meals and refreshment.

6.1 Permitted Gifts and Hospitality

TUM community members shall:

- i) Accept a gift given to him/her in his/her official capacity, if the gift is non-monetary and does not exceed the value prescribed in the law (Public Officer Ethics Act, 2003). If the gift exceeds the stipulated value, then it shall be deemed to be a gift to Technical University of Mombasa. The affected gift should be immediately surrendered to the University. However, this does not prevent a University member from accepting a gift from a relative or friend on a special occasion recognised by Custom;
- ii) Give or accept gifts and hospitality, that are for business purposes, and that are not frequent and/or of any material value; and
- iii) Accept modest gifts and hospitality such as modest lunches offered as part of external examining commitments, conferences, networking or steering board event attendance, modest occasional meals with a third party business colleague, or gifts that are of nominal value, such as pens, a calendar, or small promotional or ceremonial items.

6.2 Unacceptable Gifts and Hospitality

TUM members shall never:

- i) Accept/offer any gift or hospitality which might be perceived as influencing your decisions or actions as a member of staff or member of Council or its committees;
- ii) Accept/offer gifts or hospitality from individuals or organisations that are currently tendering or are about to tender for any contract from the University;
- iii) Accept/offer personal gifts of cash of any value;
- iv) A member shall not 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.

6.3 Approvals

TUM employees shall always:

- i) Gain approval from their relevant line manager when offering or receiving gifts and hospitality;
- ii) Declare any gift hospitality that exceeds the value limits specified herein;
- iii) Immediately report to their respective line managers in the case any overt or covert offer of any gift or hospitality;
- iv) Seek advice from the University administration when in any doubts about whether an offer of a gift or hospitality should be refused;
- v) Register any unacceptable gifts or hospitality, regardless of whether it was accepted or refused in the Gift Register.

6.4 Gifts Register

The University shall keep a Gifts Register and ensure it is updated regularly and/or when the need arises.

7.0 ENVIRONMENTAL HEALTH & SAFETY

TUM community members have a shared responsibility to ensure a safe, secure, and healthy environment for all TUM students, faculty, staff, volunteers, and visitors.

7.1 TUM Fraternity

Tum fraternity shall be required to:

- i) Promote personal safety and follow safe workplace practices, including participating in applicable education sessions, using appropriate personal safety equipment, and reporting accidents, injuries, and unsafe situations;
- ii) Promote and protect human health in those areas for which they are responsible;
- iii) Maintain security, including securing University assets;
- iv) Maintain a professional work and educational environment;
- v) Report suspicious activities or wrongdoing to the appropriate authorities; and
- vi) Protect the environment, including carefully handling hazardous waste and other potentially harmful agents, materials, or conditions;
- vii) To respect/observe TUM's no smoking and substance abuse policies on its premises. Violation of these policies shall lead to serious disciplinary action as prescribed in the Alcohol and Drug Abuse (ADA) Policy;
- viii) Not to litter the University compound with plastic or any other obnoxious material;
- ix) Not to damage, pollute, destroy or deface University buildings, roads, signage, grounds, flower beds and trees; and
- x) Use Public Address Systems (PAS) and other sound-producing devices in the University premises but acceptable sound levels.

7.2 TUM Management

Tum management shall:

- i) Maintain a safe working environment and will undertake to install First Aid facilities at designated places;

- ii) Put in place accident reporting procedures in all the departments;
- iii) Conduct fire drills regularly for all employees and students and ensure that fire alarms are installed in its premises;
- iv) Provide uniforms and protective clothing to all employees whose jobs deem it necessary;
- v) Issue identification cards to all students and employees to be produced at all security entrances to the University.

7.3 Cooperation

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

8.0 VIOLATIONS AND REPORTING PROCEDURE

Adherence to this code requires TUM community members to bring suspected violations of applicable laws, regulations, policies, and standards to the attention of the appropriate office. The University treats every notice of suspected compliance violation very seriously and considers reports of suspected noncompliance to be a service to TUM. Reporting a compliance concern in good faith will not jeopardize one's employment. No such protection is extended to TUM community members reporting in bad faith. It is our understanding and pledge that:

- i) Adherence to this Code shall members of Technical University of Mombasa responsible for bringing suspected violations of applicable standards, policies, laws or regulations to the attention of the concerned office;
- ii) Raising concerns about violations shall be a service to the University and does not jeopardize one's position;
- iii) Confirmed violations shall result in appropriate disciplinary action in accordance with the Laws of Kenya, this Code, or any other Technical University of Mombasa rules and regulations.

8.1 Reporting Suspected Violations

- 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) Reports shall be made confidentially and even anonymously, although the more information is given, the easier it is to investigate the violations.
- iv) Raising violation concerns is a service to the University and shall not in itself jeopardize employment or any other status.

8.2 Reporting/ Complaint Procedures

Any breach of the provisions of this Code shall be reported in writing by the University members through the office established for that purpose. The report shall specify the nature of the complaint, the dates and actual place where the incident took place.

- i) If the matter is a complaint or the individual wishes to maintain confidentiality in relation to the complaint, the Chairperson of the Public Complaints Committee (PCC) may be contacted. If the issue being reported is a matter concerning the integrity of an employee, the PCC shall inform the Integrity Committee accordingly;
- ii) If any member considers that anything required of him/her is a contravention of the Code of Conduct and Ethics or is otherwise improper or unethical, he/she shall report the matter to appropriate authority;
- iii) The first point of contact for the individual member shall be their HOD/ COD. Alternatively, they may contact the HRM office in order to discuss issues in general terms;
- iv) Upon receipt of the complaint, a reply shall be written to the complainant and copied to the accused;
- v) In all situations, investigations shall be carried out within thirty (30) days and the parties involved shall be informed in writing;
- vi) 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.

9.0 IMPLEMENTATION AND REVIEW OF THE POLICY

- i) The Vice-Chancellor shall appoint a committee to implement this Code of Conduct and Ethics Policy.
- ii) Monitoring and evaluation of this Code of Conduct and Ethics Policy shall be undertaken by the Implementation Committee.
- iii) 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.
- iv) Amendments of this Code of Conduct and Ethics Policy shall be contained in the annexes of this document.
- v) The effective date of implementation of this Code shall be from the date of approval by the University Council.

**THIS CODE OF CODE AND ETHICS IS EFFECTIVE FROM THIS 13TH DAY OF
OCTOBER 2017.**

REFERENCES

1. The Constitution of Kenya 2010
2. The Universities Act 2012
3. The Technical University of Mombasa Charter 2013
4. The Statutes of Technical University of Mombasa 2013
5. Alcohol and Drug Abuse Workplace Policy, 2013.
6. Anti-Corruption and Economic Crimes Act, 2012.
7. Commission for University Education, Standards and Regulations
8. Employment Act, 2007. Government Printer, Nairobi, Kenya.
9. Environmental Management and Coordination Act, 2009.
10. Public Finance Management Act 2012
11. Kenya Labour Institutions Act, 2007.
12. Public Service Commission Human Resource Manual 2016
13. Labour Relations Act, 2007.
14. Leadership and Integrity Act, 2012
15. Occupational Health and Safety Act, 2007.
16. Access to information Act, 2016
17. Persons With Disabilities Act, 2014
18. The Code Of Conduct And Ethics For Public Universities



Technical University of Mombasa

APPENDICES:

Appendix 1(Form A)

Declaration of conflict of interest

Part A- Declaration (to be completed by a staff member)

To: *(Approving Authority)*.....

I would like to report the following existing/ potential* conflict of interest situation arising during the discharge of my official duties:

1. Persons/ companies with whom/ which I have official dealings and/ or personal interest
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
2. Brief description of my duties which involve the persons/ companies mentioned above and these are the areas of real/ possible conflict of interest.
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)

.....
Date

.....
Name of Declaring Staff Member
Title/ Department

Part B- Acknowledgment (to be completed by approving authority)

To: *(Declaring member)*.....

This information contained in your declaration for.....is noted. It has been decided that:

You should refrain from performing or getting involved in performing the work/ participating in deliberations regarding*....., as described in Part A, which may give rise to conflict of interest/ You should continue to handle the work/ participate in deliberations regarding*....., as described in Part A, provided that there is no change in information declared above*.

Other conditions (please specify).....

.....
 Date

.....
 Name of approving authority
 Title/ Department

***Please delete as appropriate**



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Appendix 2 (Form B) Report on gifts received

Part A- Declaration (to be completed by a member)

To: (Approving authority).....

Description of offer.....

Name and title of giver.....

Company.....

Relationship (Business/ Personal).....

The occasion on which the gift was/ is to be received.....

Assessed value of gift.....

Suggested method of disposal (Please tick one)

- Retained by receiving staff ☐
- Retained for display/ souvenir in the office ☐
- Shared among the officers ☐
- Reserve as lucky draw prize at a staff function ☐
- Donate to a charitable organization ☐
- Return to provider ☐
- Others (specify) ☐

.....
Date

.....
Name of receiving staff
Title/ Department

Part B- Acknowledge (to be completed by approving authority)

To (receiving staff).....

The recommended method of disposal is approved/ not approved*
The gift(s) concerned should be disposed of by way of:

.....
Date

.....
Name of approving authority



Title/ Department

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Appendix 3 (Form C)

Code of Ethics and Conduct Acknowledgment and Receipt Form

I have received, read a copy of the COEC and understand that:

1. The COEC describes and provides important information about Ethics and Conduct of TUM staff.
2. I should consult my immediate supervisor, Secretary to the Integrity Committee or Human Resources Management staff regarding any questions not answered in the Code.
3. This Code and the provisions contained herein supersede any and all prior practices, oral or written representations, or statements regarding the Ethics and Conduct of employees at TUM.
4. By distributing this Code, the University expressly revokes any and all previous Codes of Ethics and Conduct that are inconsistent with those contained herein.
5. Any and all provisions of this act may be changed at any time by the TUM Council.
6. All such changes will be communicated through official notices, and that the revised information may supersede, modify or eliminate existing provisions.
7. Only the Council has the ability to adopt any revisions to the provisions in this Code.
8. This Code is a legal document and can be used to initiate disciplinary action against me.
9. It is my responsibility to read and comply with the provisions contained in this Code and any revisions made to it.
10. I do hereby confirm that I have understood the stipulations contained therein and do hereby agree to abide by them.

Employee's

Signature

Employee's

Name

(Print)

Date

TO BE PLACED IN EMPLOYEE'S PERSONAL FILE



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