

TUM/POL/HRM/2



Technical University of Mombasa

CODE OF CONDUCT AND ETHICS

(JULY, 2013)

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ABBREVIATIONS/ACRONYMS

TUM: Technical University of Mombasa

HOD: Head of Department

COD: Chairperson of Department

HRM: Human Resource Management.

PCSC: Public Complaints Steering Committee

EACC: Ethics and Anti-Corruption Commission

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 Ethics and Conduct for the 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 World Class University of Engineering, Science and Technology" you will uphold values which reflect this vision.

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.

Dr. Linus Ikapel Etyang
COUNCIL CHAIRMAN
TECHNICAL UNIVERSITY OF MOMBASA

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 Statutes, Legal Notice No. 160 and other legislations.

I would also like to thank the Ethics and Anti- Corruption Commission for facilitating 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 dishonor to this prestigious University.

Professor J.K.Z Mwatelah
VICE CHANCELLOR
TECHNICAL UNIVERSITY OF MOMBASA

TECHGNICAL UNIVERSITY OF MOMBASA CODE OF CONDUCT AND ETHICS

PREAMBLE

Ethics are a set of values, virtues, principles and standards of what is good, upright, moral, or just. They admonish and moderate conscience. They are rules of conduct that define behavior and set principles for the conduct of a given category of people.

The Purpose of this Code of Ethics is to socialize and promote the culture of ethical values in the practice and realization of the TUM's vision, mission, mandate and core values. Ethics promote standards by:

- (a) Defining what is approved or disapproved conduct or practice and regulating self-control.
- (b) Setting qualities of character, attitudes, habits and behavior of individual practitioners.
- (c) Guiding choice among alternatives, and giving rational direction on course of action.
- (d) Promoting justice, impartial evaluations or assessments and instilling both fortitude and rectitude.

This Code, therefore, is intended to guide the conduct of all employees of MPUC in their day to day activities.

The Code of Conduct and Ethics contains general rules to be observed by employees of Technical University of Mombasa so as to maintain integrity and loyalty to the Government of Kenya and also uphold the dignity of the public office to which one has been appointed. It should be borne in mind that each employee of TUM occupies a special position within the University and ought to be proud of that position and ensure that his conduct both in public and in private life does not bring the TUM into disrepute. It is therefore imperative that every member of staff adheres to these guidelines of conduct and ethics, and such other rules which may be promulgated by the Council from time to time.

It is important to note that TUM has been communicating on issues of employee conduct and ethics through memos. This Code provides the procedures and general guidelines which will address gaps identified in past practices and the emerging issues brought about by the dynamic changes in the institution in its endeavour to be a "World Class University in Engineering, Science and Technology". The Code aims at embracing an approach which will ensure integrity,

loyalty and dignity of the TUM employees during their private and public life by providing such guidelines.

1. Fundamental Statements

(a) **Vision**

The vision of TUM is “A World Class University in Engineering, Science and Technology.”

(b) **Mission**

TUM Mission is to offer quality technological education and training through the promotion of scholarship, entrepreneurship, research and innovation, and outreach to community for industrial and technological development.

(c) **Philosophy**

Technical University of Mombasa shall endeavor to offer opportunities for access to commensurate scientific, technical, entrepreneurship education and research skills for innovation and creativity to enhance employment opportunities for wealth creation.

(d) **Motto**

The motto of TUM is “*Jidduh Tajiduh*” (Endeavour and Achieve)

(e) **Core Functions/ Mandate**

The TUM has a mandate to;

- (i) Provide quality university education and training.
- (ii) Stimulate intellectual participation of students and staff.
- (iii) Provide a foundation for professional development.
- (iv) Carry out research and innovation activities.
- (v) Participate in discovery, preservation and application of knowledge.
- (vi) Engage in collaborations, linkages and partnerships.

- (vii) Engage in needs-based community service and technology transfer for development.

(f) **Core Values**

TUM will endeavour to institutionalize, and inculcate values that foster a strong corporate culture that promotes excellence, cohesion and achievement. TUM espouses the following values in the conduct of all its functions;

- (i) **Professionalism:** All staff members shall provide the most professional, relevant and timely services possible, always reflecting the environment and its current needs; acknowledging and respecting others; proactively and reactively undertaking to do business.
- (ii) **Equity and Social Justice:** TUM staff members' actions and treatment of others shall be characterized by fairness, impartiality or reasonableness, especially in the way their decisions are made.
- (iii) **Efficiency and Efficacy:** All staff members shall always conduct their business well or achieve a desired result without wasted energy or effort.
- (iv) **Commitment:** All members shall work with devotion, dedication and energy in all tasks assigned to them.
- (v) **Quality Service Delivery:** All staff members shall provide the highest standards of service to all internal and external customers.
- (vi) **Team Work:** All staff members shall strive to cooperatively do assignments.

- (vii) **Creativity and Innovativeness:** All staff members shall use their imagination to develop new and original ideas or things.
- (viii) **Corporate Governance:** All staff members shall prevent or mitigate against conflict of interests in all its dealings.
- (ix) **Integrity:** All employees of TUM shall uphold high standards of ethical behavior; avoiding acceptance of gifts or hospitality where these may compromise or might reasonably appear to compromise a member's judgement or place a member under an improper obligation.
- (x) **Environmental Consciousness:** All staff members of TUM shall be concerned with environmental conservation and improvement of the environment.

2. Purpose

The purpose of this Code is to enhance ethical conduct and integrity of employees at the Technical University of Mombasa. Its purpose is to affirm that the University expects that those who carry out work and related activities for the University will observe the highest standards of conduct and probity.

3. Objectives

The objectives of this Code are to;

- (a) Foster and maintain public trust and confidence in the integrity and professionalism of TUM employees.
- (b) Ensure uniformity of conduct amongst the employees of TUM.
- (c) Uphold the dignity of the public offices at TUM.

- (d) Serve customers in a timely manner and in accordance with the law and Service Charter.
- (e) Act as a reference point for the University and those members of the community with whom the University has dealings from time to time.
- (f) Ensure that employees carry out their work in an ethical, collegial environment and perform their duties with efficiency, fairness, impartiality and honesty.

4. Information and Resources

This code derives its authority from the following legal and administrative documents, and it should, therefore, be read alongside them;

- (a) The Constitution of Kenya, 2010.
- (b) Public Officer Ethics Act, 2003.
- (c) The Education Act, CAP 211 of the Laws of Kenya.
- (d) The Technical University of Mombasa Charter of 30th January, 2013.
- (e) The Technical University of Mombasa Statutes.
- (f) The Code of Regulations for Public Servants.

PART I -PRELIMINARY

5. Citation

This code may be cited as the Technical University of Mombasa Code of Conduct and Ethics, and shall come into operation on such date as the Council may ratify, and shall be Gazetted as provided for under Section 6 (1) of the Public Officer Ethics Act, 2003.

6. Definition of Terms

In this code unless the context otherwise requires;

“Council” means the Technical University of Mombasa Council.

“Chairman” means the chairman of the Technical University of Mombasa Council.

“Council member” means a member of the Council of the Technical University of

Mombasa.

“University” means the Technical University of Mombasa situated in Mombasa and includes any Campus or other facility of the University.

“Vice Chancellor” means the Vice Chancellor of the University.

“Staff member” means an employee or member of staff (including full-time, unpaid, part-time, temporary or contract employee) of the University.

“Salary” means the monthly pay of an employee but does not include overtime, subsistence or any other extra allowance or benefit.

“Code” means the Code of Conduct and Ethics for Technical University of Mombasa staff.

“Head of Department” refers to the person who is responsible for a department within the University including a Chairperson of a Department.

“Losses of Public Funds” means actual loss or destruction of, or damage (other than fair wear and tear) to, or failure to account for the disposal of public monies, stamps, securities, or property movable or immovable (including any money or other property, not belonging to TUM which is held or used by an employee in his/her official capacity, either alone or jointly with any other person); non collection of any monies due or belonging to TUM, or for the collection of which the TUM is responsible; payments or liabilities incurred without or in excess of any statutory, administrative or other authority, including nugatory and other similar payments and payments arising from incorrect certificates, and irregular or excess issues of stores, rations, etc; unauthorized use of TUM stores, vehicles, buildings, equipment, or any other property, or of service (e.g. repair workshop) provided for official purposes; and compensation and similar payments (including third party claims in respect of vehicle accident), legal and court costs, and any other additional expenditure or liability incurred which was avoidable and need not have been incurred.

“University Resources” means physical facilities including the buildings, recreational facilities, infrastructure and all immoveable assets of the University; University funds (however obtained) including funds received from students as tuition or accommodation fees, any donations, contributions or gifts, and any funds otherwise obtained for use for University education; furniture, equipment, apparatus, stationery and research materials, whether living or dead; and motor vehicles and transport facilities provided for the purposes of university education.

7. Application

This code shall apply to all academic and non-academic staff members of TUM.

PART II-REQUIREMENTS

8. Compliance with the Code

This Code of Conduct and Ethics sets down a number of minimum standards and obligations relating to the behaviour expected of staff members of the University community. Staff members of TUM shall comply with all requirements of this Code and those in the general Code of Conduct and Ethics set out in Part III of the Public Officer Ethics Act, 2003, which shall form part of this Code.

9. Guiding Principles

In implementation of this code, the following general rules of ethical conduct shall apply to all employees of TUM:

(a) Integrity

Employees of TUM shall;

- (i) Perform their work with honesty, diligence and responsibility.
- (ii) Observe the law and make disclosures expected by law and the profession.
- (iii) Not knowingly be a party to any illegal activity or engage in acts that are discreditable to the profession and TUM.
- (iv) Reflect and contribute to the legitimate and ethical objectives of TUM.

(b) Objectivity

Employees of TUM shall;

- (i) Not participate in any activity or relationship that may impair or be presumed to impair their professionalism. This participation includes those activities or relationships that may be in conflict with the interest of the organization.
- (ii) Not accept anything that may impair or is likely to impair their professional judgment.
- (iii) Disclose all material facts known to them that, if not disclosed, may distort the reporting of activities under their purview.

(c) Confidentiality

Employees of TUM shall;

- (i) Be prudent in the use and protection of information acquired in the cause of their duties.
- (ii) Not use information for any manner that will be contrary to the law and detrimental to the legitimate and ethical objectives of the TUM.

(d) Competency

Employees of TUM shall;

- (i) Engage only in those services for which they have the necessary knowledge, skills and experience.
- (ii) Provide all their professional services in accordance with the TUM's Quality Standards.
- (iii) Continually improve their proficiency and the effectiveness and quality of their services.

(e) Respect

Employees of TUM shall not;

- (i) Intentionally injure the professional reputation or career of another staff member.
- (ii) However, if a staff member has evidence that another member has been guilty of unethical, illegal or unfair practices, including practices in violation of this Code, he/she should present the information to the Management for appropriate action.

(f) Transparency

Employees of TUM shall;

- (i) Perform their business in an open manner that will bear scrutiny.
- (ii) Give to customers and fellow workmates information that is verifiable, neutral and free from bias.
- (iii) Give information which is reliable, complete, comprehensive and timely.
- (iv) Present or disclose each material item in their possession without jeopardizing the University's image.

(g) Accountability

Employees of TUM shall;

- (i) Be accountable to the public for their decisions and actions.

- (iii) Be obliged to report on the usage of resources availed to them.
- (iv) Be answerable for failing to provide services to the public and for failing to meet their stated performance targets.

10. The Rights and Dignity of all Individuals

Respect for the dignity of the individual is the cornerstone of professionalism. The relationship between a staff member and any recipient of service or a colleague shall be one of mutual trust and respect, based on a clear recognition of the rights of all parties. The existence of honesty, tolerance and truthfulness in the relationship is implied.

11. Rights of students/ customers

A student/ customer has:

- (a) The right to receive the best possible service.
- (b) The right to be protected from over-servicing out of self-interest. A commitment to service may rightfully be expected from staff members of TUM.
- (c) The right to be treated humanely. At all times the student/ customer shall be treated by the staff member with the sensitivity and mindfulness of his/her dignity as a human being.
- (d) The right to expect to benefit from all resources available to the staff member of TUM for the best possible service.
- (e) The right to self-determination and freedom to make his or her decisions concerning obtaining services or alternative services.

12. Rights of the Staff Member

The staff member has the right to:

- (a) Professional independence and autonomy.
- (b) Freedom from unwarranted attacks on his/her honour, reputation and competency, and the right to be advised of any written complaint of unprofessional conduct against him/her and to be given reasonable opportunity to defend him /herself against such charges in accordance with

the rules of natural justice.

- (c) Expect cooperation from colleagues.
- (d) Refuse to provide a service when, in his/her opinion, the service will not be in the best interest of the recipient.
- (e) Reasonable remuneration for services offered.

13. Dress Code

A staff member shall be neat, well groomed and properly dressed particularly when on duty and while at the University's campuses.

14. Care of Property

The Technical University of Mombasa employees shall take all reasonable steps to ensure that property that is entrusted to their care is adequately protected and not misused or misappropriated. Employees who contravene this rule shall be personally liable for losses resulting from the contravention.

15. Use of Internet, Email and Electronic Media

A staff member shall not knowingly transmit, view, print, retrieve, download or store communications of a discriminatory or damaging and harassing nature, or any mail inappropriate for business environment.

16. Political Neutrality

- (a) The Technical University of Mombasa employees shall not, in connection with the performance of their duties as such act as an agent for, or so as to further the interest of a political party or indicate support for opposition to any political party or candidate in an election.
- (b) They shall not engage in political activity that may compromise or be seen to compromise the political neutrality of the office.
- (c) Employees who wish to contest for parliamentary, county, civic or any other political office shall be required to resign from the University.

- (d) Employees are warned that the practice of seeking the influence of Members of the National Assembly or other persons as a means of bringing their services to the notice of the Council with a view to consideration for promotion or other favours, is viewed with disapproval. Any such attempt to obtain such favours is considered irregular and will not be of advantage to the officer and, on the other hand, may actually be detrimental to his interests.

17. Conduct of Private Affairs

- (a) An employee shall conduct his/ her private affairs in a way that maintains public confidence in the integrity of his/her office.
- (b) An employee shall not evade taxes.
- (c) An employee shall not neglect his/her financial obligations or neglect to settle the same.

18. Alcohol and Substance Abuse

A staff member shall not consume alcoholic beverages in quantities that impair work performance or impair judgement during working hours.

19. Outside Employment/ Business

A staff member shall not engage in any other business or employment during the employer's official working hours that may be in conflict with his/ her employment.

20. Non-discrimination

A staff member of TUM shall not discriminate directly or indirectly individuals on the ground of age, gender, race, color, ethnic origin, social origin, language, religion, opinion, nationality, marital status, pregnancy, disability or HIV status.

21. Gender Equity

Employees of TUM shall ensure that men and women have the right to equal treatment, including the right to equal opportunities in appointments, promotions and further studies.

22. Sexual Harassment

- (a) An employee shall not sexually harass a fellow employee or any other member of the University community or public.
- (b) ‘Sexual harassment’, includes any of the following, if the person doing it knows or ought to know that it is unwelcome;
 - (i) Making a request or exerting pressure for sexual activities or favours.
 - (ii) Making intentional or careless physical contact that is sexual in nature.
 - (iii) Making gestures, noises, jokes or comments, including innuendo, regarding another person’s sexuality.

23. Workplace Harassment

A staff member of TUM shall avoid unwelcome, abusive, belittling or threatening behavior to his/her fellow colleagues.

24. Conflict of interest

- (a) Employees shall use their best efforts to avoid being in a position in which their personal interests conflict with their official duties.
- (b) An employee shall not hold shares or have any other interest in a corporation, partnership or other body, directly or through another person, if holding those shares or having that interest would result in the employees’ personal interest conflicting with his/her official duties.
- (c) An employee whose personal interest conflict with the official duties shall;
 - (i) Declare the personal interest to his/her superior or any other appropriate body and shall comply with any directions to avoid the conflict; and

- (ii) Refrain from participating in any deliberations with respect to the matter.
- (d) An employee shall not award any contract or influence the award of contract to;
 - (i) Himself/herself,
 - (ii) Spouse or close relative,
 - (iii) Business associate, or
 - (iv) A corporation, partnership or other body the officer has an interest.
- (e) An employee shall not use or allow the use of information acquired in connection with his/her duties that is not public for his own benefit or others.
- (f) These regulations may govern when the personal interest of an employee conflict with his/her official duties for the purposes of this section.
- (g) In this section, personal interest includes the interest of spouse, relative or business associate.
- (h) In the event of any real or potential conflict of interest, the same will be reported to the Council/ Management (as the situation demands), recorded and a decision made in respect of the conflict. **(See Appendix 1)**

25. Performance of duties

Employees shall to the best of their ability carry out their duties and ensure that the services that they provide are delivered efficiently and honestly.

26. Professionalism

An employee shall;

- (a) Strictly adhere to the terms of his employment contract. Any breach of his/her employment contract shall be deemed to be a breach of this Code.
- (b) Carryout his/her duties in a way that maintains public confidence and integrity of his/her office.
- (c) Treat the public and his/her fellow employees with courtesy and respect.

- (d) Seek to improve the standards of performance and level of professionalism at TUM to the extent appropriate to his/her office.
- (e) Observe the ethical and professional requirements of the professional body of which he/she is a member.
- (f) Observe official working hours and not be absent without proper authorization or reasonable cause.
- (g) Conduct him/ herself with personal decency and shall always be well groomed by maintaining an appropriate standard of dress and personal hygiene.
- (h) Actively and personally promote a culture in the University that aims at providing fast, friendly, responsive and efficient services and shall be courteous to all persons in the provision of such services.
- (i) Discharge any professional responsibility in a professional manner.

27. Teaching and Conduct of Examinations

- (a) An employee who is a member of the academic staff of the University shall organize his instructions, assessments and examination in a manner that complies with all TUM requirements and expectations.
- (b) An employee who is a member of the academic staff of the TUM shall ensure that the examinations are delivered to students as scheduled and that the result thereof is processed without undue delay.
- (c) An employee shall exercise diligence, care and attention in the performance of his duties, and shall seek to achieve high standards in teaching and administrative duties.
- (d) An academic member of staff shall promote the culture of research among TUM students, and shall assist in overall development of the students as scholars and decent human beings.
- (e) An employee who is involved in the conduct of examinations shall ensure that the contents of the examination papers are kept secret and are only released to students when they are sitting for the particular examination.
- (f) For the purposes of subsection 26 (e), an employee is involved in the conduct of examinations if his duties relate to; setting or moderating of

examination; typing, printing, photocopying, or otherwise producing or reproducing the examination papers; transporting the examination papers; invigilation at the examination; marking or entering of grades attained, or if his/her duties otherwise give him/her access to examination papers or their contents.

28. Rule of law

- (a) An employee shall carry out his/her duties in accordance with the law.
- (b) In carrying out his/her duties, an employee shall not violate the rights and freedoms of any person under the Constitution of Kenya.

29. Improper Enrichment

- (a) Employees shall not use their offices to improperly enrich themselves or others. An employee shall ensure that the University resources under his/her charge are properly utilized and fully accounted for.
- (b) An employee who is utilizing the University resources to conduct research shall disclose this fact to the Vice Chancellor and his /her activities shall be governed by such agreement as may be made between him/herself and the University.
- (c) An employee of the University shall observe the principles of law governing Intellectual Property, Copyright and other related matters in order to promote the culture of research and to uphold the integrity and academic freedom that members and students of Public Universities enjoy.
- (d) TUM property may not be converted for personal use. Disciplinary action will be taken against an employee making or receiving unauthorized issues.

30. Gifts, Benefits and Favours

- (a) Employees shall not solicit or accept gifts or favours from persons who:
 - (i) Have an interest that may be affected by the carrying out, or not carrying out, of the employees' duty;
 - (ii) Carry on regulated activities with respect to which the employee's organization has a role; or
 - (iii) Have a contractual or similar relationship with the employee's

organization.

- (b) An employee shall not solicit for any property or benefit of any kind, for himself or for any person, on account of anything to be done or omitted by him in discharge of his duties or by virtue of his official position.
- (c) An employee shall ensure that no members of his/her family solicits or accepts any gift, money, hospitality, free passage or favours from any person or organization that might reasonably be thought to influence or be intended to influence the officer in discharging his/ her official duties and responsibilities.
- (d) Where a gift is given without the employee's knowledge or where refusal of a gift would be offensive to custom or might amount to bad public relations, the employee shall inform the Vice Chancellor who shall decide how the gift is to be disposed of. **(See Appendix 2)**
- (e) Notwithstanding any other provision of this code, an employee may:
 - (i) Accept gifts which are occasional and inexpensive or in form of souvenir or gifts whose value does not exceed twenty thousand shillings;
 - (ii) Accept personal gifts or donations from relatives or friends on such special occasions as may be recognized by custom;
 - (iii) Accept gifts in the form of information for educational or literary purpose, research purposes or other similar purposes is not prohibited.
- (f) When any gift or donation is made for the development of the University, the employee together with the University Management shall:
 - (i) In writing disclose to the Council the nature of the gift or donation;
 - (ii) In writing inform the Council as to how the Management intends to utilize the gift or donation; and
 - (iii) Receipt the gift or donation and fully account for its use.

31. Nepotism

An employee shall not practice nepotism or favoritism in decision making or provision of services.

32. Financial Dealings

- (a) Employees of the Technical University of Mombasa shall live within their means and avoid incurring any financial liability that they cannot

satisfy. An employee who becomes bankrupt, becomes a judgement-debtor or against whom proceedings are taken in bankruptcy shall forthwith report the matter to the Council.

- (b) Pecuniary embarrassment from whatever cause, will be regarded as necessarily impairing the efficiency of an employee and rendering him/her liable to disciplinary proceedings.
- (c) Pecuniary embarrassment, involving both lending and borrowing of money at usurious rates of interest, will be regarded as an offence affecting both the respectability of the University and trustworthiness of the individual and may be held as a bar to promotion.
- (d) It is the policy of the TUM to give its employees who are in debt every possible opportunity to extricate themselves from their financial embarrassment, but there must be a limit beyond which an employee cannot be retained in the service of TUM, in which case he/she must be retired in public interest.
- (e) The Vice Chancellor will write to any employee who is reported as being a judgement-debtor.
- (f) When an employee is seriously indebted to the extent of more than six (6) months' salary, consideration should be given for his/her removal from service. The case should be thoroughly investigated by the Vice Chancellor by requiring the employee to state his/her case in person. If as a result of the investigation, there appears to be a reasonable chance that the employee concerned can set his/her affairs in order, he/she should be given an opportunity to do so, and a letter should be addressed to him/her warning that the verbal undertakings given by him/her during the interview must be carried out. In addition, he/she should be informed that if he/she does not reduce his/her debts, in accordance with the undertaking given by him/her or if he/she incurs fresh debts, disciplinary action will be invoked. He/she should be required also to submit quarterly reports showing exactly the state of his/her finances and the amounts which have been liquidated during the three (3) months previous to the date on which the report is submitted.
- (g) When an employee's indebtedness requires that he/she should no longer carry out duties which he/she might be tempted to appropriate for his/her own use, it may be necessary either to retire him/her in public interest or to deploy him where the temptation is unlikely to come his/her way. When the alternative option is not possible, the Council may require the

employee to retire in public interest. Any employee, therefore, holding an office of this nature and who shows a tendency to run into debt should be warned in writing of this position.

- (h) If at any time, an employee sustains a loss of public funds in consequence of neglect or fault, he/she will be held to have incurred a pecuniary liability in respect of the loss, and if satisfactory explanation or offer of restitution is not forthcoming, he/she may be required to meet this liability in whole or in part. The amount in question may be recovered from his/her salary or any other monies due to him/her from TUM, or may be sued for and recovered in any court of competent jurisdiction.

33. Collections and Harambees

- (a) An employee shall not use their office or place of work as a venture for soliciting or collecting harambees.
- (b) Either as a collector or promoter of a public collection, TUM staff shall not obtain money or other property from a person by using their official position in any way to exert pressure.
- (c) In this section, “collection” “collector”, and “promoter”, have the same meaning as in Section 2 of the Public Collections Act Cap. 106.

34. Declaration of Income, Assets and Liabilities

Every employee shall on first appointment and biannually thereafter submit a declaration of income, assets and liabilities of himself, spouse(s) and dependent children less than eighteen (18) years in accordance with the Public Officer Ethics Act, 2003. The appropriate form will be supplied biannually as required.

35. Official Secrets/ Oath of Office

An employee in an administrative position will be required to sign a declaration of secrecy under the Official Secrets Act (CAP. 187) on appointment and again on leaving the service of the TUM.

All members of the Council will be required to take an oath of office upon being appointed.

36. Giving of Advice

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

37. Misleading the public

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

38. Acting for Foreigners

- (a) No employee shall, in a manner that may be detrimental to the security interest of Kenya, be an agent for, or further the interest of, a foreign government, organization or individual.
- (b) For the purpose of this section:-
 - (i) An individual is foreign if the individual is not a citizen of Kenya.
 - (ii) An organization is foreign if it is established out of Kenya or if it is owned or controlled by foreign governments, organizations or individuals.

39. Absence from Kenya

A staff member who wishes to travel outside Kenya shall obtain the prior permission of the Chairman of the Council (or a delegated officer) in writing, which permission shall not be unreasonably denied.

40. Acting through others

- (a) An employee contravenes the Code of Conduct and Ethics if:-
 - (i) He/she causes anything to be done through another person that would be a contravention of the Code of Conduct and Ethics or;
 - (ii) He/she allows or directs a person under his/her supervision or control to do anything that is a contravention of the Code of Conduct and Ethics.
- (b) This does not apply with respect to anything done without the employee's knowledge or consent if the employee took reasonable steps to prevent it.

41. Enforcement of Ethical Standards

- (a) When an employee has committed a breach of this Code, an appropriate action will be taken in accordance with the provisions of the Public Officers Ethics Act, 2003; other laws; other organizational policies; and the terms and conditions of service of the employee.
- (b) The Council shall have the ultimate responsibility for enforcement of this Code at all levels of the University.
- (c) The Top Management shall ensure that this Code is implemented and enforced at all levels of the University.
- (d) The Heads of Department/ Section have the delegated responsibility for enforcement of this Code at their respective levels and shall ensure that employees under their jurisdiction commit themselves to complying with the provisions of the Code by signing the Code of Ethics and Conduct Acknowledgment and Receipt Form (**Appendix 3- Form C**).
- (e) The HRM Department and Integrity Committee shall be involved in facilitating sensitization, enforcement, monitoring and evaluation of this Code.
- (f) All individual staff members, service providers and other stakeholders shall carry out their activities in the spirit and letter of this Code.
- (g) Where a staff member fails to observe any of the above provisions or where a staff member has committed, whether directly or by agent, a breach of this Code, appropriate action shall be taken by the Disciplinary Committee in consultation with the Council, Top Management, Heads of Department/ Section, the HRM Department and the Integrity Committee;
 - (i) The Disciplinary Committee shall deal with the issue based on facts presented to it. Penalties for misconduct will include, but not limited to verbal reprimanding, written caution, written warning, suspension and dismissal from the service of TUM.
 - (iii) Failure to follow the guidance given in this Code may not itself constitute misconduct, but it means that the staff member concerned may have to justify his or her actions to the TUM Disciplinary Committee.
 - (iv) The Management will at all times inquire into apparent failure by the staff member to observe the ethical requirements and may refer

the matter to the TUM Disciplinary Committee.

42. Reporting/ Complaint Procedures

Any breach of the provisions of this Code shall be reported in writing by the student, staff member, customer or another stakeholder. The report shall specify the nature of the complaint, the dates and actual place where the incident took place.

- (a) If the matter is a complaint, or the individual wishes to maintain confidentiality in relation to the complaint, the Chairman of the Public Complaints Steering Committee may be contacted. If the issue being reported is a matter concerning the integrity of an employee, the PCSC shall inform the Integrity Committee accordingly.
- (b) If any employee 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 an appropriate authority.
- (c) The first point of contact for individual members of staff shall be their HOD/ COD. Alternatively, they may contact the HRM office in order to discuss issues in general terms.
- (d) Upon receipt of the complaint, a reply shall be written to the complainant and copied to the accused.
- (e) In all situations, investigations shall be carried out within thirty (30) days and the parties involved shall be informed in writing.
- (f) Where a case has been established against the employee, the Disciplinary Committee shall be convened and expected to give its recommendations on the issue within another thirty (30) days.

43. Review

The implementation of this Code will be reviewed on a biannual basis by the Integrity Committee in consultation with the HRM Department. The monitoring and review of this Code shall consider the following;

- (a) Collection and analysis of data on ethical and moral issues from the conduct of employees of Technical University of Mombasa. This shall include results of integrity tests carried out by the Integrity Committee.
- (b) Biannual evaluation of and feedback on progress of the conduct of

members of staff by Departments.

- (c) Assessments of the impact of enforcement of the Code.
- (d) Sharing (communication) of best practices on improving the conduct of employees between departments in the University and with other Public Universities.
- (e) Accountability and continuous improvement on the guidelines of this Code.
- (f) Progress and findings on implementation of this Code will be reported to the Vice Chancellor by the Integrity Committee. The Vice Chancellor shall, thereafter, relay the information to all members of staff and also report to the Council.

44. CONCLUSION

This Code provides the general rules of conduct and ethics to be observed by employees of Technical University of Mombasa so as to maintain integrity and also uphold the dignity of the public office to which they have been appointed. It is not expected to be punitive but rather to maintain those standards of behavior expected of staff members of TUM during service provision.

The success of this Code will depend on the commitment of TUM and its employees. This means that this Code will be implemented by the collective and coordinated activities of the TUM Council, the Senate, the Management Board, the Integrity Committee, CODs/HODs, Trade Unions and employees. While we understand that the success of this Code will be dependent on its enforcement, it is also hoped that all staff members will be sensitized accordingly to ensure its ease of implementation.

This Code shall come into effect from this day:

1st July, 2012

Signed by.....

Chairman of the TUM Council

APPENDICES:



Technical University of Mombasa

Appendix 1(Form A)

Declaration of conflict of interest

Part A- Declaration (to be completed by 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**



Technical University of Mombasa

**Appendix 2 (Form B)
Report of gifts received**

Part A- Declaration (to be completed by member)

To: (*Approving authority*).....

Description of offer.....

Name and title of giver.....

Company.....

Relationship (Business/ Personal).....

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 luck draw prize at staff function
- Donate to charitable organization
- Return to provider
- Others (specify)

..... Date Name of receiving staff Title/ Department
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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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Technical University of Mombasa

**Appendix 3 (Form C)
Code of Ethics and Conduct Acknowledgment and Receipt Form**

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

1. The COCE 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 could 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.

Employee's Signature

Employee's Name (Print)

Date

TO BE PLACED IN EMPLOYEE'S PERSONAL FILE