



KISII UNIVERSITY

ANTI-CORRUPTION POLICY

KISII UNIVERSITY IS ISO 9001:2008 CERTIFIED



FIRST EDITION:

2015

REF. NO: KSU/CPC/ACP/01

PREPARED BY:

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CORRUPTION PREVENTION COMMITTEE

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PREFACE

Kisii University is currently positioning herself towards becoming a premier institution of higher learning in the East Africa region. To strive towards this path, the University Council has approved a ten year Strategic Plan which envisions the institution to be *a world class University in the advancement of academic excellence, research and social welfare*. In order to strive towards this vision, sound systems of public accountability will be vital to effective management and in maintaining public confidence.

Prevention and detection of fraud and corruption are therefore essential for ensuring that the institution's resources are used for their intended purposes, specifically, providing services to the citizens of the Republic of Kenya. Kisii University further acknowledges that members of the public are entitled to expect the university to conduct her affairs with integrity, honesty and transparency, and that its employees at all levels will lead by example and observe all statutory requirements and internal policies and procedures. This is because the University has an obligation to the community to ensure that its operations are free from corruption. To this end, the responsibility for corruption prevention rests with all staff, stakeholders and primarily with the University leadership.

This Anti-Corruption Policy specifically outlines the university's commitment to creating an anti-fraud culture and maintaining high ethical standards in the administration of public resources. It further emphasizes that all officers who accept responsibility for the management of any part of the university budget and other resources have an obligation to ensure that internal controls over the receipt and expenditure of public monies are in place, and are operating effectively to provide adequate safeguards against corruption. In addition, they are required to ensure that their conduct and that of their staff members meet the highest probity standards.

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Vice-Chancellor, Kisii University

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LIST OF ABBREVIATIONS

CEO	:	Chief Executive Officer
CPC	:	Corruption Prevention Committee
CPP	:	Corruption Prevention Plan
CRA	:	Corruption Risk Assessment
DVC (AP&F)	:	Deputy Vice-Chancellor (Administration, Planning and Finance)
EACC	:	Ethics and Anti-Corruption Commission
GSS	:	Government Sponsored Students
HOD	:	Head of Department
IAO	:	Integrity Assurance Officer
KSU	:	Kisii University
SSP	:	Self-Sponsored Programme

1. INTRODUCTION

1.1 CITATION

This Policy shall be cited as the Kisii University Anti-Corruption Policy.

1.2 FUNDAMENTAL STATEMENTS

This Policy is aligned with the following Kisii University fundamental statements:

1.2.1 Philosophy

The Philosophy of the University states as follows: Creative, scientific, technological, innovative and critical thinking responsive to societal needs and service to humanity.

1.2.2 Vision

The vision of Kisii University is to be a world class University in the advancement of academic excellence, research and social welfare.

1.2.3 Mission

The Mission of the University is to train human resource that meets the development needs of the country and international labour market, sustain production of quality and relevant research, and disseminate knowledge, skills, values and competencies for the advancement of humanity.

1.2.4 Core Values

The Core Values of the University are professionalism, teamwork, accountability, transparency, responsiveness and integrity.

2. POLICY STATEMENT

Kisii University expects that individuals and organizations which it comes into contact with, will act with integrity when dealing with the University. In all its dealings, the university shall adhere to the following guiding policy principles:

- a) Absolute integrity;
- b) a culture of honesty;
- c) loyalty;
- d) professionalism;
- e) acceptance of responsibility and accountability;
- f) a positive public image;
- g) striving for and maintaining credibility;
- h) high standards of service delivery;
- i) a sense of pride in being employed by the University;
- j) sanctioning bad and rewarding good behaviour; and
- k) all other positive attributes contributing toward sound ethical standards.

The overriding policy is to encourage and promote the prevention, detection and investigation of corruption and fraud, to deter corruption and fraud and to take appropriate and decisive action against any attempted or actual fraudulent activity affecting the university.

3. LEGISLATIVE AND ADMINISTRATIVE CONTEXT

3.1 Other Anti-Corruption Legislations

The following, but not limited to, legal instruments and institutional policies shall be applicable with this policy:

- a) The Constitution of Kenya, 2010;
- b) The Ethics and Anti-Corruption Commission Act, 2011;
- c) The Anti-corruption and Economic Crimes Act, 2003;
- d) The Public Officer Ethics Act, 2003;
- e) The Public Audit Act, 2003;
- f) The Public Financial Management Act, 2012;
- g) The Public Procurement and Disposal Act, 2005; and Regulations 2006 and 2013;
- h) The Privatization Act, 2005;
- i) The Kenya National Human Rights Commission Act, 2011;
- j) The Witness Protection Act, 2008;
- k) The Kisii University Charter, 2013;
- l) The Kisii University Statutes;
- m) The Kisii University Code of Conduct and Ethics; and
- n) Annual Performance Contracts between the Government of Kenya and the Council of Kisii University.

3.2 Objectives of the Policy

The objectives of the Anti-corruption Policy are to:

- a) provide guidance to anti-corruption operations within the university;
- b) ensure participation by all employees, students and stakeholders in preventing and fighting corruption;
- c) provide explicit mechanisms for regularly evaluating initiatives against corruption by all the university stakeholders;
- d) provide a framework within which all stakeholders can plan their activities to contribute towards eradication of corruption in the university;
- e) facilitate the mainstreaming of anti-corruption policies, rules and regulations in all aspects within the university; and
- f) inculcate a culture of ethics and integrity in all aspects of public and private life.

4. SCOPE OF THE POLICY

This Policy shall apply to all members of staff of Kisii University as defined in the University Statutes. In addition, students and any other stakeholders having a direct relationship with the university shall also be bound by the Policy.

5. DEFINITION OF CORRUPTION

Corruption in general terms means improper acts or omissions, improper use of influence or position, and/or improper use of information. It can also be defined as misuse of public office which involves a criminal offence, a disciplinary offence or such an offence providing reasonable grounds for dismissal. It may include fraud, collusion, coercion, breach of trust, bribery, blackmail, theft, embezzlement, tax evasion, forgery or violence, inter alia.

Corruption offence means any action contravening the law and/or regulations. According to the Anti-corruption and Economic Crimes Act (2003) the following actions are considered corruption offences/practices:

- a) abuse of position or office for personal advantage or for the advantage of another person;
- b) bribery, theft embezzlement and fraud;
- c) evasion of payment of government revenues, taxes ,rates, fees and other dues;
- d) practicing nepotism, tribalism and cronyism;
- e) practicing discrimination on the basis of religion, gender or disability;
- f) inversion and distortion of social values including soliciting for and giving sexual and other favours; and
- g) negligence of professional ethics.

6. POTENTIAL CORRUPTION RISK AREAS

All sections of the university are considered corruption-risk areas. However, the university has identified the following departments as being potentially high risk based on the nature of their operations:

6.1 Finance Department

6.1.1 Corruption risk areas

Corruption-risk areas within the Finance Department include:

- a) management of revenue and student debts;
- b) management of imprests and payroll;
- c) computerized financial management information systems;
- d) expenditures and payment;
- e) handling of finances;
- f) clearance of students; and
- g) cash office management.

6.1.2 Possible Corruption Practices

These include the following:

- a) illegal and unauthorized access or manipulation of the financial management information system;
- b) using forged receipts;
- c) misapplication of government grant monies;

- d) making cheques out of falsified documents;
- e) misusing or illegal disclosure of official information;
- f) falsifying signatures and documents;
- g) using University funds for personal purposes;
- h) certifying the performance of service without being certain that the service was really provided;
- i) writing off recoverable assets or debts;
- j) theft of assets; and
- k) manipulation of financial statements.

6.2 Procurement and Supplies Department

6.2.1 Possible Corruption Practices

These include the following:

- a) receiving personal benefits in exchange for assisting a consultant to gain work at the university;
- b) manipulating a tendering process to achieve a desired outcome;
- c) bids not opened in public;
- d) unclear specifications tailored to favour a particular company;
- e) unfair distribution of request for quotations;
- f) inflation of prices of items in collaboration with the suppliers;
- g) receiving substandard items and services on behalf of the university;
- h) client using influence to order that quotations be given to suppliers who are not pre-qualified or to friends who are on the pre-qualified list;
- i) delay between deadline for submission and opening of bids;
- j) advance release of bid information;
- k) contract specifications are changed after contract award;
- l) no procurement plan or non-compliance with it;
- m) non-compliance with standard documents;
- n) lack of transparent procedures for handling complaints;
- o) evaluation of contractors' performance not recorded; and
- p) no follow up to indications of corruption.

6.3 Transport and Maintenance Department

6.3.1 Possible Corruption Practices

These include:

- a) using forged taxi receipts for claiming taxi refunds;
- b) outsourcing vehicles not registered by Transport Licensing Board to offer taxi services;
- c) fuel mismanagement;
- d) stretching journeys beyond authorized radius;
- e) transporting unauthorized goods or persons;
- f) using forged fuel receipts to account for imprests;
- g) personal use of university assets, including taking building materials or other materials or equipment from the area in which one is working;
- h) colluding with procurement department to exaggerate bills of quantity and prices;

- i) non-existing workers (ghost workers , for instance, non-existent casuals);
- j) colluding with casual workers to be paid for days not worked and then sharing the exaggerated payment;
- k) certifying contractor for work not done or substandard work;
- l) demanding cash from potential casual workers in exchange for employment;
- m) poor storage of received materials; and
- n) compromising the quality for received materials at stores.

6.4 Academic Affairs, Faculties, Teaching and Examination Departments

6.4.1 Possible Corruption Practices

These include:

- a) admitting non-qualified students;
- b) accepting bribes for admission of students;
- c) bending admission rules to favour certain candidate(s);
- d) finalizing admission before approval of applications;
- e) losing students' files;
- f) lack of updated and proper records;
- g) academic fraud e.g. plagiarism or inappropriate use or acknowledgement of another person's work, misrepresenting qualifications on employment applications inter alia;
- h) teaching contents of examinations with the aim of examining the same;
- i) harassing students by demanding special favours from them in order to pass;
- j) failing to attend classes as required;
- k) failing to cover the subject matter in the course outline;
- l) failing to mark and submit continuous assessment tests to students;
- m) failing to give students adequate contact hours;
- n) awarding of grades without assessment;
- o) allowing movement of unauthorized people in and out of the Examination Office;
- p) selling examination drafts to students;
- q) failure to report those found cheating in the examination;
- r) careless handling of examination drafts as they are processed, leading to leakage of the examination questions; and
- s) illegal issuance of examination cards to students not cleared to sit examinations.

6.5 Human Resource Management and Administration

6.5.1 Possible Corruption Practices

These include the following:

- a) favouring an applicant for employment on criteria other than merit;
- b) recruiting unqualified staff;
- c) manipulating the selection process for staff appointment;
- d) allowing a conflict of interest to undermine independence;
- e) leaking interview questions to recruits;
- f) limiting circulation of job advertisements;
- g) deploying employees in areas in which they are not competent to handle;
- h) use of university time to pursue private interests/business;
- i) abuse of position and power for personal gain;

- j) lack of an elaborate organizational structure; and
- k) unfair selection of persons for promotion or training.

6.6 Information Communications Technology Department

6.6.1 Possible Corruption Practices

They include:

- a) using imaging and desktop publishing to produce apparent original invoices;
- b) unauthorized and/or illegal use of assets, information or services for private purposes, including; computers, email and internet;
- c) theft of ICT equipment and software; and
- d) manipulation of computer programs for improper purposes, such as:
 - i. unauthorized approval to pay;
 - ii. diversion of proceeds;
 - iii. writing off debts; and
 - iv. accessing confidential information.

6.7 Library Department

6.7.1 Possible Corruption Practices

These include the following:

- a) staff conspiring with users to waive fines illegally;
- b) staff conspiring with the offender to undercharge fines;
- c) failure to issue receipts for payments made;
- d) secret withdrawal of offence records;
- e) staff issuing themselves with information materials unprocedurally;
- f) issuing clients with extra borrowing tickets;
- g) plucking out pages and chapters from books; and
- h) theft of library materials and equipment.

6.8 Student Affairs Department

6.8.1 Possible Corruption Practices

These include:

- a) soliciting for favours before serving students;
- b) shielding errant students from facing disciplinary action;
- c) lack of transparency and engaging in malpractices during student elections;
- d) forging invitation letters to attend alleged student official functions outside the University to get per diem illegally;
- e) misuse of funds by student union leaders; and
- f) unfairly recruiting students for work study programme.

6.9 Medical Department

6.9.1 Possible Corruption Practices

These include:

- a) treating Self-Sponsored Programme (SSP) students at the rates for Government Sponsored Students (GSS);
- b) fictitious issuing of drugs and other materials e.g. mosquito nets;
- c) issuing drugs without receipting;
- d) forgery and manipulation of cash collection records;
- e) illegal disclosure of confidential medical records by staff; and
- f) staff in the department getting services free of charge and unprocedurally.

6.10 Security Department

6.10.1 Possible Corruption Practices

These include the following:

- a) collecting bribes to drop charges against suspected offenders;
- b) colluding with external vandals to steal from the university premises;
- c) allowing unauthorized persons to enter the university premises through the gates;
- d) colluding with workers or students to pilfer university assets; and
- e) poor record-keeping leading to lack of vital information during investigations.

6.11 Catering and Accommodation Departments

6.11.1 Possible Corruption Practices

These include:

- a) teeming and lading i.e. withholding cash from daily sales for longer periods than required in order to use the same for personal interests;
- b) serving meals without issuing receipts and re-using one receipt on several orders;
- c) manipulation of the point of sale (POS) system;
- d) pilfering of foodstuff;
- e) collecting bribes from students to reserve hostel rooms;
- f) illegal room allocation by staff to students who have not paid; and
- g) failure to maintain accurate records.

6.12 University Farm

6.12.1 Possible Corruption Practices

They include:

- a) favouritism in hiring farm casual labourers;
- b) selling items and not receipting the sale;
- c) failure to maintain proper and accurate farm production records;
- d) using farm products and machinery for personal gain; and
- e) pilfering of farm produce;

7. STRUCTURES FOR FIGHTING CORRUPTION

The University shall put in place the following, but not limited to, structures and measures to facilitate prevention, detection, investigation and punishment of corruption offenders:

- a) establish and operationalize a Corruption Prevention Committee (CPC);
- b) operationalize mechanisms for reporting corruption and encourage persons to report incidences of corruption;
- c) strengthen the Internal Audit Department in order to enhance its capacity to conduct regular audit of University systems and procedures;
- d) implement recommendations of both internal and external audits on corruption related audit queries;
- e) build a database for commonly occurring corruption practices;
- f) ensure that employees abide by the University's Employee Code of Conduct and Ethics which sets out the standards on personal conduct;
- g) ensure that if employees are members of professional bodies, they also follow the Code of Conduct related to their professional qualification;
- h) sensitize staff, students and stakeholders on the need to fight corruption in the institution and the dangers or consequences of corruption;
- i) ensure that all new employees receive induction and are informed of the University's commitment to dealing with fraud and corruption; and
- j) ensure that all staff and students face disciplinary action if it is established that they were involved in a fraud or corruption offence committed against the university. Disciplinary action may be taken in addition to, or instead of, criminal proceedings and will be dependent on the circumstances of each individual case.

8. COMPOSITION OF THE CORRUPTION PREVENTION COMMITTEE

There shall be a Corruption Prevention Committee whose membership shall be as follows:

- a) Vice-Chancellor (Chairperson);
- b) Deputy Vice-Chancellors;
- c) Registrars;
- d) Finance Officer;
- e) Dean of Students;
- f) Senior Internal Auditor ;
- g) Senior Procurement Officer;
- h) Dean, School of Law;
- i) Two (2) Academic Deans (on a 2 year rotational basis);
- j) Security Officer;
- k) Secretary General, Student Union;
- l) Integrity Assurance Officer (Secretary).

9. MANDATE OF THE CORRUPTION PREVENTION COMMITTEE

The Committee shall be responsible for:

- a) setting priorities in the prevention of corruption within the university;
- b) planning and co-ordinating corruption prevention strategies;
- c) integrating corruption prevention initiatives in the university;
- d) receiving and reviewing reports on corruption prevention initiatives and recommending appropriate actions;
- e) receiving and taking action on corruption reports made by staff and other stakeholders;
- f) spearheading anti-corruption campaigns;
- g) monitoring and evaluating impact of corruption prevention initiatives;
- h) developing university policy and procedures for all investigations of corrupt conduct;
- i) establishing reporting and reviewing of other associated structures which will seek to ensure the University's legislated responsibilities are met;
- j) ensuring that the university maintains appropriate liaison with outside bodies against corruption e.g. the police and Ethics and Anti-Corruption Commission;
- k) monitoring the outcome of investigations to ensure that adequate action is taken to implement report recommendations; and
- l) preparing and submitting quarterly and annual Performance Contract progress reports.

The committee shall convene at least one (1) meeting every quarter at such time and place the chairperson may deem appropriate. Minutes of quarterly meetings shall be submitted to the Ethics and Anti-Corruption Commission (EACC) together with the progress report as per the Performance Contract requirements.

At all meetings of the committee, a quorum shall be the nearest whole number above half the membership.

Decisions of the committee shall be by a simple majority vote of those present and voting provided that the chairperson shall have a casting vote in the event of a tie.

Where a member of the Committee is reported to have been involved in a corruption offence, he/she shall not attend or be part of the meeting(s) that shall deliberate the report.

In the absence of the Vice-Chancellor, the DVC (AP&F) shall chair the meeting.

10. INTERNAL AUDIT REVIEWS

The Internal Audit Department plays a crucial role in the prevention of corruption within the institution. It provides an institutionalized mechanism for supervision, control and review of operational systems within the university. It also plays an important role in assessing the nature and extent of any corruption and fraud risk.

As such, the Internal Audit Department shall work closely with the Corruption Prevention Committee in achieving its mandate; specifically in preventing, detecting, and responding to fraud and misconduct.

11. REPORTING CORRUPTION

All Kisii University members of staff and stakeholders are charged with fighting corruption in all its forms. It is, therefore, the duty of everyone to report any corruption practices as soon as it is detected.

The committee shall receive corruption allegation reports, including anonymous reports, addressed to the Committee via the following channels:

- a) Corruption reporting boxes placed strategically at all campuses
- b) E-mail - integrity@kisiiversity.ac.ke
- c) KSU Website - www.kisiiversity.ac.ke
- d) Mobile Hotlines: 0715 660 331 / 0786 532 733

Corruption allegation reports against a member of the University Management Board should be printed, enclosed in an envelope marked “private and confidential” and addressed to the “Human Resource and Appointments Committee” of Kisii University Council.

Corruption allegation reports may also be reported directly to EACC via the following channels:

- a) Anonymous Whistleblower's System on EACC website – www.eacc.go.ke
- b) Email-report@integrity.go.ke
- c) In person to EACC Officers
- d) Any other means convenient to the reporter

All reported cases will be dealt with fairly, promptly, expeditiously and within the applicable laws.

12. PROTECTION OF WHISTLE-BLOWERS

Any person, who voluntarily discloses corruption activities (whistle-blower), will be protected against reprisals. An employee, who suspects or reports suspected dishonest activity or any such activity that he/she has witnessed, may remain anonymous should he/she so require. In cases where the person who has disclosed information may be posed with danger to his work, life or family due to his/her information on corruption activity, the Whistle-blower Policy currently availed by the Government (Witness Protection Act, 2008) will be applicable to protect the person.

13. DISCIPLINARY PROCEDURES

Kisii University commits to undertake the following measures concerning disciplinary measures for suspected fraud and/or corruption offenders:

- a) to investigate such irregular activities and follow up by the application of all remedies available within the full extent of the law, as well as the application of

appropriate prevention and detection controls. These prevention controls include the existing financial and other controls and checking mechanisms as prescribed in the prescripts relevant to the activities of the university. Kisii University undertakes to treat all instances of both high-level and low-level mismanagement and corruption with equal conviction.

- b) where corruption cases have been deliberated upon and supported by evidence or have been investigated internally or externally by relevant bodies and found to be true, they will be subjected to disciplinary measures. No persons will be exempted from disciplinary action on the basis of their position, relations or any other factor.
- c) cases deliberated upon and found to be of high magnitude and may not be handled by internal disciplinary mechanism shall be referred to EACC or other law enforcing agencies for further action;
- d) cases of smaller magnitude and whose disciplinary actions can be carried out internally by the view of the Corruption Prevention Committee will be dealt with according to the stipulations of Kisii University disciplinary policies and procedures as outlined in the relevant Terms of Service and Collective Bargain Agreement (CBA) documents; and
- e) any persons allegedly involved in corruption may be suspended for a period not exceeding three months if it is deemed that their presence in office may interfere with investigations. Such suspension shall be with half pay with arrears payable upon clearance of the offence.

14. CORRUPTION RISK ASSESSMENT AND MANAGEMENT

Corruption risk assessment and management is an essential part of an organization's corruption prevention strategy. It is the process of determining an organization's exposure to the threat of corruption and proposing mitigation measures aimed at eliminating the threat. The Corruption Prevention Committee shall therefore formulate and implement a comprehensive Corruption Prevention Plan (CPP) in line with this policy.

The purpose of the CPP will be to put this Anti-Corruption Policy into action. It will show how the policy will be implemented over time. The plan will also be used to monitor effectiveness of corruption prevention activities in the university. The Plan, which will be reviewed periodically by the committee as may be deemed necessary, shall address the following areas:

- a) potential corruption risk areas: This will be achieved by conducting a Corruption Risk Assessment (CRA) of all operational areas of the university;
- b) proposed strategies and activities to seal identified corruption loopholes;
- c) responsibility for implementing the proposed strategies;
- d) budget and time frame for implementing each proposed strategy.

15. TRAINING

The University, through the CPC, shall sensitize staff, students and other stakeholders on matters of ethics and integrity. This shall be achieved by among others organizing sensitization workshops and distributing Information, Education and Communication (IEC) materials such as posters, leaflets and banners advocating for zero tolerance to corruption.

16. POLICY IMPLEMENTATION

The Corruption Prevention Committee shall be responsible for implementing this Policy.

17. POLICY REVIEW

The Policy shall be reviewed and modified by the Kisii University Council from time to time or when deemed necessary to reflect the current environment.

18. EFFECTIVE DATE

The effective date for this Policy is as indicated hereunder:

EFFECTIVE DATE: *17TH SEPTEMBER, 2015*

SIGNED BY: *DR. ENG. SEBASTIAN MWARANIA, PhD*
CHAIRMAN,
KISII UNIVERSITY COUNCIL

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