

KENYA SCHOOL OF LAW



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**CODE OF ETHICS AND CONDUCT FOR
EMPLOYEES**

1. Background

1.1 Introduction

The Code of Conduct and Ethics for State Corporations (SCs) focuses on ethical conduct and integrity at the workplace. It defines SC's commitment to the highest standards of behavior so as to contribute to the achievement of the national development goals.

The Code sets out expectations for individual behavior necessary to meet these standards and includes requirements and guidance to help you to carry out your role with integrity and in compliance with the law.

The Code cannot cover everything; it is therefore essential that you understand applicable laws and detailed policies that are relevant to your role. It is also important that the Code is not used as a substitute for the good judgment expected of Employees working for any SC.

1.2 Objective

By exemplifying the ethical behaviors and corporate values described in the Code, Kenya School of Law will continue to uphold Article 10 of the Constitution of Kenya on National Values and Principles of Governance and Chapter 6 on Leadership and Integrity.

1.3 Application

This Code applies to every Employee. Adherence to the values in the Code is a condition of Employment. A breach of this Code will result in disciplinary measures being taken, including separation from the Employment.

2. Values

2.1 Respect for People

Employees are entitled to work in an environment in which people are treated with respect. Employees must therefore avoid actions or behaviors that are or could be viewed as harassment and are required to treat all people with respect, dignity and fairness.

2.2 Integrity

Employees are expected to act with integrity by consistently upholding the highest standards of honesty and truthfulness. They should not use their positions to inappropriately obtain an advantage for themselves or to advantage or disadvantage others; and should take all possible steps to prevent and resolve any real, apparent or potential conflicts of interest between their official responsibilities and their private affairs.

2.3 Transparency and Accountability

Transparency of operations, planning and reporting and a clear accountability framework are fundamental principles that underlie good governance. It is expected that Employees will work together in a spirit of openness, honesty and transparency. This will encourage engagement, collaboration and respectful communication.

2.3 Stewardship

Every Employee is responsible for using appropriately the assets entrusted to them. They are responsible for safeguarding the assets against waste, loss, damage, misuse, theft, misappropriation or infringement, in order to protect their value.

All transactions of the organization must be reflected accurately and fairly in the books of accounts. Falsification of asset records or misrepresentation of facts will constitute fraud.

Every Employee is responsible for the provision of servant leadership that is in tandem with the Laws of Kenya, and regulations and government circulars.

2.4. Excellence

Employees shall demonstrate excellence by providing fair, timely, efficient and effective services to the public. They should exercise high levels of professionalism, discipline and commitment in the performance of their duties.

Professionalism entails-

- (a) Carrying out his duties in a way that maintains public confidence in the integrity of his office;
- (b) Treating the public and his fellow public officers with courtesy and respect;
- (c) To the extent appropriate to his office, seeking to improve the standards of performance and level of professionalism in his organisation;
- (d) If a member of a professional body, observing the ethical and professional requirements of that body;
- (e) Observing official working hours and not be absent without proper authorisation or reasonable cause;
- (f) Maintaining an appropriate standard of dress and personal hygiene; and
- (g) Discharging any professional responsibilities in a professional manner.

2.5 Honesty

Every Employee shall conduct themselves in an honest manner by accurately and honestly presenting issues, not engage in any wrongful conduct for personal gain, not falsify records and not commit any offences that may compromise their independence and the School.

Employees shall make declarations of income, assets and liabilities in accordance with Section 26 and 27 of the Public Officer's Ethic Act, 2003.

2.6 Respect for the Rule of Law

Employees are expected to conduct and carry out their duties in a manner that portrays respect for the rule of law. A Employee shall not violate the rights and fundamental freedoms of any person unless otherwise provided for under Article 24 of the Constitution.

2.7 Impartiality

Every Employee shall not practice favoritism, nepotism, tribalism, cronyism, religious bias or engage corrupt or unethical practices in accordance with Article 10,27,73(2)(b) and 232 of the Constitution.

3 Conflict of Interest

Employees must avoid conflict of interest between their private activities and their part in the conduct of the organization's business.

- a. A conflict of interest may arise where an Employee, or close family Member such as a spouse, child, parent or sibling has private interests that could improperly influence the employee's performance of their duties and responsibilities. Conflict may also arise where an Employee uses their office for personal gain.
- b. A real conflict of interest exists at the present time. An apparent conflict of interest could be perceived by a reasonable observer to exist, whether or not it is the case.
- c. A potential conflict of interest could reasonably be foreseen to exist in the future.
- d. A conflict of duty arises, not because of an Employee's private interests, but as a result of one or more concurrent or competing official roles.

3.1 Prevention of Conflict of Interest

Employees shall maintain public confidence in the objectivity of their service by preventing and avoiding situations that could give the appearance of a conflict of interest or result in a potential or actual conflict of interest. In addition, Employees shall acquaint themselves with and adhere to the contents of the Conflict of Interest Policy.

3.2 Use of Information Communication Technology

Kenya School of Law recognizes the importance of the use of Information Communication Technology (ICT) tools to conduct business and interact with stakeholders. Use of social networks in an official capacity must comply with the legislative requirements and the organization policy on the use of the internet and electronic networks. Employees using ICT for personal or professional use are expected to exercise the same kind of judgment and criteria as would be applied to any other workplace decision.

3.3 Gifts, Hospitality and other Benefits

Employees should not accept any gifts, hospitality or other benefits that may have a real, apparent or potential influence on their objectivity in carrying out their official duties and responsibilities or that may place them under an obligation to the donor.

As general rule, Employees should not accept gifts or other advantages except as set out in the Public Ethics Act, 2003, Leadership and Integrity Act, 2012 and any other relevant statutes and policies.

In addition, Employees shall acquaint themselves with the Gift Policy and adhere thereto.

3.4 Solicitation

With the exception of fundraising for officially supported activities such as those relating to corporate social responsibilities, Employees may not solicit gifts, hospitality, other benefits or transfers of economic value from a person, group or company who has dealings with the

organization. When fundraising for supported official activities, Employees should ensure that they have prior written authorization from the relevant authority in order to solicit donations, prizes or contributions in kind from external organizations or individuals.

3.5 Register of Conflicts of Interests

Kenya School of Law has a Conflict of Interest Policy and shall maintain a register to record conflict of interests.

4. Whistle-Blowing

Any person who has reason to believe that an Employee has not acted in accordance with the Code should bring the matter to the relevant authority or the appropriate government agency in accordance with the Whistleblower's Policy.

5. Political Neutrality

At all times, Employees shall not act in manner that manifests support or opposition to any political party. They shall not engage in any political activity that may compromise or be seen to compromise their political neutrality.

6. Misuse of public information

An Employee shall not divulge information within their knowledge by virtue of their employment for personal or financial gain, unless the information furthers the interest of the Leadership and Integrity Act; or education, research, literary, scientific or other purposes not prohibited by the law.

7. Participating in Tenders.

An Employee shall not, personally or through a company where they hold a controlling interest, participate in any tender offers by the Kenya School of Law.

8. Conduct of Private Affairs.

Every Employee shall conduct their private affairs in an honorable and dignified manner expected of a Public Servant and Kenya School of Law Employee.

9. Financial Integrity

An Employee shall not use their position in the School to enrich themselves, friends or relatives, and shall not accept a personal loan or benefit from the Institution that may compromise their employment.

An Employee shall not open or continue to operate a bank account outside Kenya except as authorized by the Constitution and or the Ethics and Anti-Corruption Commission (EACC).

10. Acting for Foreigners.

An Employee shall not be an agent of, or further the interests of a foreign government, organization or individual in a manner that may be detrimental to the security interests of the Country.

11. Improper Orders

Any Employee who considers that any policy or strategy decision required of them is in contravention of the code or otherwise improper or unethical, shall report the matter to the Director/Chief Executive Officer. Employees are encouraged to use the Whistleblowers' Policy to report improper orders.

12. Resolution

Employees are expected to adhere to this Code. The Employees are expected to resolve issues in a fair and respectful manner and consider informal process such as dialogue or mediation. In the event of an ethical dilemma or dispute, Employees may seek advice and support from the Chief Executive Officer, the Kenya School of Law Employment, other appropriate sources such as the Ethics and Anti-Corruption Commission (EACC), and any other relevant oversight body.

14. Sexual Harassment

An Employee shall not sexually harass a member of the public or a fellow public officer. "sexually harass" includes doing any of the following, if the person doing it knows or ought to know that it is unwelcome—

- (a) making a request or exerting pressure for sexual activity or favours;
- (b) making intentional or careless physical contact that is sexual in nature; and
- (c) making gestures, noises, jokes or comments, including innuendoes, regarding another person's sexuality.

15. Acting through Others

No employee shall cause another employee, supplier and stakeholder to do anything which if they as a public officer did it, be a contravention of the Code.

16. Investigation

16.1 The School can on its motion or on receipt of a complaint initiate an investigation.

16.2 The investigation will be carried out by the office of the Manager Internal Audit or any other relevant officer, on recommendation by the Chief Executive Officer.

16.3 On receipt of the investigation report the Chief Executive Officer may refer the matter to the Staff Disciplinary Committee for deliberation and recommendation of appropriate action.

16.4 The officer(s) concerned may be suspended during the pendency of the investigation if, the officer (s) is likely to-

- a) Conceal, alter, destroy, remove records, documents or evidence;
- b) Intimidate, threaten, or otherwise interfere with witnesses; or
- c) Interfere with investigations in any other manner.

16.5 On conclusion of the deliberations the Committee shall prepare a report containing-

- a) A summary of the complaint/motion;
- b) A description of the investigation undertaken and evidence obtained;
- c) Findings; and
- d) Recommendations

16.6 The recommendations include-

- a) Disciplinary action.
- b) Civil and or criminal prosecution.
- c) Escalation of the matter the Commission.

16.7 The officer will be informed of the outcome of the investigation and deliberations within ten working days of conclusion of the investigation and deliberations, respectively.

16.8 Enforcement and disciplinary proceedings of the Code for staff cadres 1-6 will be undertaken by the Board of Director.

17.0 VIOLATIONS

17.1 Violations of the Code will lead to the following disciplinary action-

- a) Warning;
- b) Suspension;
- c) Dismissal;
- d) Demotion; or
- e) Any other appropriate action, as provided in the Staff Manual and Employment law.

17.2 The right to appeal will be exercised in the manner provided in the Staff Manual.

ACCEPTANCE

I agree to the terms of the organization's Code of Conduct and Ethics, which forms part of my employment. I have read and understood the Code and agree to abide by its provisions.

I understand that any breach of its provisions will render me liable to appropriate disciplinary action.

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Name

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Signature

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Position

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Date

This policy has been approved by the Board of Directors of the Kenya School of Law on the 23rd day of September, 2016.

Prof. PLO Lumumba, LLD, CPS (K), MKIM
DIRECTOR/CHIEF EXECUTIVE OFFICER &
SECRETARY, KENYA SCHOOL OF LAW BOARD

