



**Kilimanjaro Christian Medical University College**  
(A Constituent College of Tumaini University Makumira)

**Anti Bribery**

**And**

**Corruption Policy**

## Introduction

Whoever we may deal with, and wherever we may operate, we are committed to doing so lawfully, ethically and with integrity. As part of this commitment, all forms of bribery and corruption are unacceptable and will not be tolerated.

We must not, and we must ensure that any third party acting on our behalf does not, act corruptly in our dealings with any other person.

This anti-bribery and corruption policy sets out guidelines to prevent acts of bribery and corruption. These policies and procedures have been designed to comply with legislations and international conventions/treaties against bribery and corruption.

This policy provides guidance on the standards of behaviour to which we must all adhere and most of these reflect the common sense and good business practices that we all work to in any event. This policy is designed to help you to identify when something is prohibited so that bribery and corruption is avoided, and provide you with help and guidance if you are unsure about whether there is a problem and you need further advice.

The fundamental standards of integrity under which we operate do not vary depending on where we work or who we are dealing with. This policy applies to all, employees (full and part time) and temporary workers (such as consultants or contractors) (together referred to as “employees” in this document) across the group no matter where they are located or what they do. It is the responsibility of each of us to ensure that we comply with these standards in our daily working lives. This policy sets out a single standard that all employees must comply with.

Accordingly, where we engage third parties such as agents, distributors or joint venture partners, we have obligations to complete sufficient due diligence when entering into arrangements to ensure that they are not acting corruptly, and to periodically monitor their performance to ensure ongoing compliance. In short, if we can’t do it, neither can they.

Failure to comply with this policy, whether or not this is intentional, may lead to disciplinary action (up to and including termination), and criminal liability for the individual involved as per the relevant national laws.

Bribery involves the following:

- ❖ When a financial or other advantage is offered, given or promised to another person with the intention to induce or reward them or another person to perform their responsibilities or duties improperly; or
- ❖ When a financial or other advantage is requested, agreed to be received or accepted by another person with the intention of inducing or rewarding them or another person to perform their responsibilities or duties inappropriately.
- ❖ Given or received directly or through a third party for example an agent, distributor, supplier, joint venture partner or other intermediary); or
- ❖ For the benefit of the recipient or some other person. Bribes can take many forms, for example:
  - Unreasonable gifts, entertainment or hospitality;
  - Kickbacks;
  - Unwarranted rebates or excessive commissions
  - Unwarranted allowances or expenses;
  - “facilitation” payments/payments made to perform their normal job etc

How do I know if something is a bribe?

In most circumstances, common sense will determine when a bribe is being offered. However, here are some questions you should ask yourself if in doubt:

- ❖ Am I being asked to pay something or provide any other benefit over and above the cost of the services being performed, for an example an excessive commission, a lavish gift, a kickback or make a contribution to a charity or political organization?
- ❖ Am I being asked to make a payment for services to someone other than the service provider?
- ❖ Are the hospitality or gifts I am giving or receiving reasonable and Justified? Would I be embarrassed to disclose them?
- ❖ When a payment or other benefit is being offered or received, do I know or suspect it is to induce or reward favorable treatment, to undermine an impartial decision making process or to persuade someone to do something that would not be in the proper performance of their job?

**1. Scope**

This policy applies:

- To all staff; students, members of the College Governing Board, College committees in relation to their activities as members of such bodies; and to all third parties who are retained by the College to perform services for or on behalf of the College including contractors, agents, associates, subsidiaries, joint venture and consortium partners;
- To the full range of the College's activities, both in Tanzania and overseas, including (but not limited to) financial transactions and contracts, the recruitment and admission of students, the award of academic credit and qualifications, the appointment of staff, research and the award of titles and honors.

**2. Purpose**

The College is committed to conduct its business fairly, honestly and openly; to the highest standards of integrity; and in accordance with all legal requirements. The purpose of this policy is:

- To provide a clear statement that the College will not permit any form of bribery;
- To outline the procedures the College has in place, to prevent employees or other persons associated with the College from engaging in bribery;
- To set out review and monitoring procedures to ensure compliance with this policy.

**2 Policy Statement**

The College is committed to observe the provisions of the prevention and combating of corruption Act, 2007 in all of its affairs, whether academic or business related, and ensuring that all of its conducts is undertaken in an ethical and honest way, without the use of bribery or corrupt practices in order to gain an unfair advantage, both at home and overseas.

The College has a zero tolerance policy towards bribery and corruption and is committed to the highest level of openness, integrity and accountability. Any breach of this policy will be considered a serious matter and is likely to result in disciplinary action up to, and

including, termination.

### **3 What is Bribery and Corruption, and what is a bribe?**

A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage which is illegal, unethical, a breach of trust or the improper performance of a contract. Corruption is the misuse of entrusted power for personal gain. Acts of bribery or corruption are designed to influence the individual in the performance of their duty and induce them to act contrary to those duties. Inducements can take the form of gifts, fees, rewards, jobs, internships, examination grades, favours or other advantages.

### **4 Who can engage in Bribery and Corruption?**

Bribery and corrupt behaviour can be committed by:

- An employee, officer or director
- A person acting on behalf of the College (including agents, third parties and representatives, which can include students)
- Individuals and organisations that authorise someone else to carry out these acts

### **5 Controls and Record-Keeping**

The management and controls around Gifts and Hospitality, donations and similar activities are central to the College having, and being seen to have, an effective Anti Bribery and Corruption programme. The College has a duty to monitor the facts that the terms of the prevention and combating of corruption Act, 2007 are being observed by employees, workers and those associated with the College. The College is required to keep financial records and to have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

### **6 Gifts and Hospitality**

The prevention and combating of corruption Act, 2007 does not prohibit all hospitality to or from third parties.

However, gifts, hospitality and political or charitable donations if intended to influence business decisions whether received or given may be treated as bribes.

Gifts, hospitality should not be given with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits.

It is not acceptable to:

- Give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given.
- Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them.
- Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return.

- Threaten or retaliate against a colleague or third party who has refused to commit a bribery offence or who has raised concerns under this policy.
- Engage in any activity that might lead to a breach of this policy.

**6. Conflicts of Interest**

The College keeps a Record of Conflicts of Interests in order to monitor instances where conflicts of interest could occur.

This must be kept up to date to ensure that potential conflicts of interest involving family members or day to day business decisions must be declared.

**7 Bribery concerns**

If you are concerned that a particular act might involve either bribery or corruption you should report this as soon as possible to the College Authority. This should be reported to your line manager in the first instance and thereafter dealt administratively. Alternatively you may wish to follow the procedures set out in the College’s Public Interest Disclosure under the Whistle-blowing policy.

**8 What if you are a victim of bribery or corruption?**

It is very important that you inform your immediate supervisor as soon as you believe that you are a victim of bribery or corruption. This can take the form of a bribe by a third party, being asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity. Any instances of bribery, attempted bribery or corruption should also be reported immediately to the immediate supervisor. Alternatively you may wish to follow the procedures set out under the Whistle-blowing policy.

**Protection**

Colleagues who refuse to accept or offer a bribe, or those who raise concerns or report another’s wrongdoing, are sometimes worried about possible repercussions. The College will afford appropriate protection to anyone who raises genuine concerns in good faith under this policy.

The College is committed to ensuring that no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future.

Detrimental treatment includes termination, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the immediate supervisor or Human Resources Officer as case may be.

**Investigation process**

Any bribery or corruption-related investigations will be undertaken in accordance with the College’s documented investigation procedures. But this does not avoid any other investigation which may be initiated by Government relevant authority.

## **8 Responsibilities**

All staff are required to read, understand and comply with this policy.

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for or associated with the College.

You are required to avoid any activity that might lead to, or suggest a breach of this policy.

Effective risk assessment in order to evaluate and mitigate risk is an essential element of this policy. Colleagues must assess the vulnerability of their activities.

Any employee who breaches this policy will face disciplinary action, which could result in termination for gross misconduct

## **9 EFFECTIVE DATE**

This policy shall come into the operation on such date to be approved by the College Governing Board.