

**KENYA FORESTRY RESEARCH INSTITUTE**



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**CODE OF CONDUCT AND ETHICS**

**2018**

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## TABLE OF CONTENTS

INTRODUCTION.....	iii
VISION .....	iii
MISSION.....	iii
CORE VALUES.....	iii
LIST OF ABBREVIATIONS AND ACRONYMS .....	iv
FOREWORD.....	v
PREAMBLE.....	vi
PART I – PRELIMINARY .....	1
1. CITATION.....	1
2. INTERPRETATION.....	1
3. APPLICATION .....	1
PART II – REQUIREMENTS .....	2
4. COMPLIANCE WITH THE PUBLIC SERVICE COMMISSION CODE OF CONDUCT, ETHICS AND THE PUBLIC OFFICER ETHICS ACT, 2016 AND THE LEADERSHIP AND INTERGRITY ACT, 2012.....	2
5. RULE OF LAW .....	2
6. PUBLIC TRUST .....	2
7. RESPONSIBILITIES AND DUTIES .....	2
8. PERFORMANCE OF DUTIES .....	2
9. PROFESSIONALISM.....	2
10. FINANCIAL INTEGRITY .....	3
11. TAX, FINANCIAL AND LEGAL OBLIGATIONS.....	3
12. MORAL AND ETHICAL REQUIREMENTS .....	3
13. GIFTS OR BENEFITS IN KIND.....	4
14. WRONGFUL AND UNLAWFUL ACQUISITION OF PROPERTY .....	5
15. CONFLICT OF INTEREST.....	5
16. PARTICIPATION IN TENDERS.....	5
17. COLLECTIONS AND HARAMBEES.....	5
18. BANK ACCOUNTS OUTSIDE KENYA .....	6
19. ACTING FOR FOREIGNERS.....	6
20. CARE OF PROPERTY .....	6
21. MISUSE OF OFFICIAL INFORMATION .....	6
22. POLITICAL NEUTRALITY .....	7
23. IMPARTIALITY.....	7
24. GIVING ADVICE.....	7
25. GAINFUL EMPLOYMENT .....	7
26. OFFERS OF FUTURE EMPLOYMENT .....	7
27. FORMER PUBLIC OFFICER ACTING IN A GOVERNMENT OR PUBLIC ENTITY MATTER	7

28. MISLEADING THE PUBLIC .....	7
29. FALSIFICATION OF RECORDS .....	8
30. CONDUCT OF PRIVATE AFFAIRS .....	8
31. BULLYING.....	8
32. SEXUAL HARASSMENT .....	8
33. SUBMITTING OF DECLARATIONS.....	8
34. ACTING THROUGH OTHERS.....	8
35. REPORTING IMPROPER ORDERS .....	9
36. RESPECT .....	9
37. REPORTING.....	9
38. PENALTY .....	9
39. ENFORCEMENT OF THE CODE.....	9
40. REVIEW .....	9
41. EFFECTIVE DATE .....	10

## **INTRODUCTION**

Kenya Forestry Research Institute (KEFRI) is a State Corporation that was established in 1986 under the Science and Technology Act, Chapter 250 of the laws of Kenya which has since been repealed to Science, Technology and Innovation Act No. 28 of 2013. It is in the ministry of Water, Environment and Natural Resources.

## **VISION**

A centre of excellence in forestry research for development.

## **MISSION**

To conduct research and provide information and technologies for sustainable development of forestry and allied natural resources for socio-economic development.

## **CORE VALUES**

Creativity and innovation

Professionalism

Team work

Integrity

Partnership

Clean and Healthy Environment

## **LIST OF ABBREVIATIONS AND ACRONYMS**

KEFRI                      Kenya Forestry Research Institute

## **FOREWORD**

This Code of Conduct and Ethics establishes standards of professional behaviour for KEFRI Board Members, staff, Interns and students on attachment and shall apply equally across the Institute. It contains rules of conduct and ethics to be observed by all, so as not to bring the Institute to disrepute and provide the best services to our stakeholders.

The Code is not intended to define specific examples of ethical conduct, but rather to focus employees on areas of ethical risk, provide guidance to help them recognize and deal with ethical issues, provide mechanisms to report unethical conduct, foster a culture of honesty and accountability and deter wrongdoing.

Each employee is expected to adhere to a high standard of ethical conduct and shall be guided by *loyalty, compliance with applicable laws* and *observance of ethical standards* in carrying out their responsibilities. Employees are expected to act in the best interests of the Institute, comply with all applicable laws, rules and regulations and adhere to high ethical standards in the conduct of their duties.

In accomplishing our mission, all staff shall be guided by the shared core values and be committed to serving stakeholders/ clients with courtesy and respect.

I urge all members of staff to comply with this Code of Conduct and any non-compliance shall be dealt with in accordance to our disciplinary procedures.

**Mr. Robinson Ng'ethe**

**FOR: CHAIRMAN**

**KEFRI BOARD OF DIRECTORS**

## **PREAMBLE**

The policy of Kenya Forestry Research Institute is that all members of staff adhere to the highest ethical standards of professional conduct and integrity. KEFRI takes pride in maintaining public trust by promoting integrity, fairness and honesty. This Code of Conduct sets forth the ethical and professional principles that guide the delivery of services, conducting business and behaviour in the work place. The Institute will develop and continuously improve processes that promote honest, ethical and safe practices in the everyday activities.

The Code is designed to assist each staff in making the right choices when confronted with difficult situations. It is clearly understood that the responsibility for ethical behaviour rests with each individual through the judgments and actions one takes. All KEFRI staff are expected to recognize and avoid situations that might lead to conflict of interest or behaviour that may cause embarrassment to the institution or compromise its integrity. It is intended to assist in carrying out daily activities within appropriate moral, ethical and legal standards.

This Code will inculcate the right conduct and behaviour to ensure KEFRI develops technologies for sustainable development and utilizing of forestry and allied natural resources to enhance clean and healthy environment. It is a call for commitment to always act in compliance with the applicable laws and regulations and to avoid any impropriety, dishonesty or wrongdoing.

In adhering to the principles of our institution, this Code allows the creation and reinforcement of a culture that embraces compliance and maintenance of the Institute's reputation and standing.

The Code shall set guiding principles that govern the behaviour of all KEFRI staff.

## **PART I – PRELIMINARY**

### **1. CITATION**

This code may be cited as the Kenya Forestry Research Institute Code of Conduct and Ethics.

### **2. INTERPRETATION**

In this Code unless the context otherwise requires:-

**“Board of Directors”** means Board of Directors of Kenya Forestry Research Institute duly appointed in reference to the State Corporations Act.

**“Board Member”** means a member of KEFRI Board of Directors.

**“Management”** means those staff who serve in leadership positions including Director, Senior Deputy Directors, Deputy Directors, Regional Directors and Heads of Units.

**“Staff”** means an employee of Kenya Forestry Research Institute.

**“Intern”** means an advanced student or graduate gaining supervised practical experience.

**“Student on attachment”** means any person using KEFRI as a training centre from any learning institution.

**“Supplier”** means someone whose business is to supply a particular service or commodity to KEFRI.

**“Public officer”** means:

- a) Any state officer; or
- b) Any person, other than a State Officer, who holds a public office.

**“Benefits”** means profit, gain or reward derived from a person’s unjust, unfair activity to the Institute for personal gain.

**“Gift”** refers to something that is offered for services rendered or to be rendered to a Board Member, management, staff, intern, student on attachment or supplier of Kenya Forestry Research Institute.

**“Minister”** means a member of the cabinet of the government of Kenya as defined in Article 152 of the Constitution of Kenya 2010

### **3. APPLICATION**

This Code applies to the Board, Management, Staff, Interns, Students on attachment, and Suppliers of Kenya Forestry Research Institute.



## **PART II – REQUIREMENTS**

### **4. COMPLIANCE WITH THE PUBLIC SERVICE COMMISSION CODE OF CONDUCT, ETHICS AND THE PUBLIC OFFICER ETHICS ACT, 2016 AND THE LEADERSHIP AND INTEGRITY ACT, 2012**

4.1 The staff of KEFRI shall comply with all the requirements of the General Code of Conduct and Ethics set out in Part II of the Public Officer Ethics Act, 2016.

4.2 The Institute shall also comply with the provisions of Part II – General Leadership and Integrity Code for State officers, of the Leadership and Integrity Act, 2012

### **5. RULE OF LAW**

All Board Members and staff shall respect and abide by the constitution and the law and carry out the duties of the office in accordance with the law. In carrying out the duties of their office, a KEFRI staff shall not violate the rights and fundamental freedoms of any person unless otherwise expressly provided for in the law and in accordance with Article 24 of the Constitution.

### **6. PUBLIC TRUST**

All Board Members and staff shall exercise the authority and responsibility vested in their office in the best interest of the people of Kenya.

### **7. RESPONSIBILITIES AND DUTIES**

All Board Members and staff shall take personal responsibility for the reasonably foreseeable consequences of any actions or omissions arising from the discharge of the duties of the office.

### **8. PERFORMANCE OF DUTIES**

A Board Member, Management, Staff, Intern and Student on attachment shall:

- a) carry out his or her duties efficiently and honestly;
- b) carry out his or her duties in a transparent and accountable manner;
- c) keep accurate records and documents relating to his or her duties;
- d) report truthfully on all matters of the organization which they represent.
- e) not be absent from duty without official permission; and
- f) not engage in private business during official working hours.

### **9. PROFESSIONALISM**

A Board Member, Management, Staff, Intern and Student on attachment shall:

- a) carry out his or her duties in a manner that protects the integrity of his or her office;
- b) treat members of the public and other public officers with courtesy and respect;
- c) not discriminate against any person;
- d) ensure the efficient, effective and economic use of resources in his or her charge;
- e) be accountable for his or her administrative acts;
- f) maintain an appropriate standard of dress and personal hygiene;
- g) maintain high standards of performance and level of professionalism within KEFRI;  
and
- h) where the public officer is a member of a professional body, observe and subscribe to the ethical and professional requirements of that body, provided that those ethical and professional requirements shall not contravene the Constitution, this Code or any other written law.

## **10. FINANCIAL INTEGRITY**

A Board Members or staff shall not use his or her office to unlawfully or wrongfully enrich himself, herself or any other person. They shall not seek or accept a personal loan or benefit that may compromise his or her integrity. All KEFRI staff shall live within his or her means and shall not incur any financial liability that he or she cannot satisfy.

## **11. TAX, FINANCIAL AND LEGAL OBLIGATIONS**

A Board Members or staff shall pay any taxes due from him or her within the prescribed period and not neglect his or her financial or legal obligations.

## **12. MORAL AND ETHICAL REQUIREMENTS**

A Board Member or Staff shall:

- a) be honest in the conduct of public affairs;
- b) not engage in activities that amount to abuse of office;
- c) accurately and honestly present information to the public;
- d) not engage in wrongful conduct in furtherance of personal benefit;
- e) not misuse public resources;
- f) not falsify any records; and
- g) not engage in actions that may lead to his or her removal from the membership of a professional body to which he or she may belong.

### **13. GIFTS OR BENEFITS IN KIND**

A gift or donation given to a KEFRI officer on a public or official occasion shall be treated as a gift or donation to the KEFRI. A KEFRI officer may however receive a gift given to them in an official capacity, provided that —

- a) The gift is within the ordinary bounds of propriety,
- b) The gift is an ordinary expression of courtesy or protocol and within the ordinary standards of hospitality;
- c) The gift is not monetary; and
- d) The gift does not exceed such value as may be prescribed by the Ethics and Anti-Corruption Commission in the regulations.

A KEFRI officer shall not—

- a) Accept or solicit gifts, hospitality or other benefits from a person who —
  - i) Has an interest that may be achieved by the carrying out or not carrying out of the officer's duties;
  - ii) Carries on regulated activities with respect to which the Institute has a role; or
  - iii) Has a contractual or legal relationship with the Institute;
- b) Accept gifts of jewellery or other gifts comprising of precious metal or stones , ivory or any other animal part protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora; or
- c) Any other type of gift specified by the Ethics and Anti-Corruption Commission in the regulations.
- d) Receive a gift which is given with the intention of compromising the integrity, objectivity or impartiality of the State officer.

A KEFRI officer who receives a gift or donation shall declare the gift or donation to KEFRI. Whereas a KEFRI officer can accept gifts dictated by custom such gifts shall not be given or accepted in the public office.

The Director of KEFRI shall ensure that a register in the form set out in the Second Schedule of the Public Service Code of Conduct and Ethics, 2016 of:

- a) all gifts received by public officers in KEFRI; and
- b) all gifts given by KEFRI.

KEFRI shall comply with the Ethics and Anti- Corruption Commission Regulations on the receiving and disposal of gifts.

#### **14. WRONGFUL AND UNLAWFUL ACQUISITION OF PROPERTY**

A Board Members or staff shall not use his or her office to wrongfully or unlawfully acquire or influence the acquisition of property.

#### **15. CONFLICT OF INTEREST**

A member shall not use his/her position or connection to attempt to gain or confer a benefit upon others with whom he/ she has an interest, such as family members, friends, relatives, business associates or colleagues. In the event of any real or potential conflict of interest, the same will be reported to KEFRI, recorded and decision made in respect of the conflict.

Where a member is present at a meeting where an issue that is likely to result in a conflict of interest is to be discussed, he or she shall declare the interest at the beginning of the meeting or before the issue is deliberated upon. The declaration of a conflict of interest shall be recorded in the minutes of that meeting.

KEFRI shall maintain a register of conflicts of interest in the form set out in the Third Schedule to the Public Service Code of Conduct and Ethics, 2016 in which an affected officer shall register the particulars of registrable interests, stating the nature and extent of the conflict. KEFRI shall keep the register of conflicts of interests for five years after the last entry in each volume of the register.

A KEFRI officer shall amend the record of his or her registrable interest in the conflicts of interest register whenever there is a change in those registrable interest and such an amendment shall be made within thirty days of the change in the conflict of interest.

#### **16. PARTICIPATION IN TENDERS**

A Board member or staff shall not, in his or her private capacity, participate in a tender for the supply of goods or services to KEFRI.

#### **17. COLLECTIONS AND HARAMBEES**

A Board member or staff shall not:

- a) use his or her office or place of work as a venue for soliciting or collecting harambees;
- b) either as a collector or a promoter of collection harambee, obtain money or other property from a person by using his or her official position in any way to exert pressure;

- c) preside at a harambee, or play a central role in the organization of a harambee, or appear as a guest of honour at a harambee; or
- d) participate at a harambee in such a way as to reflect adversely on his integrity or impartiality or interfere with the performance of his or her duties.

## **18. BANK ACCOUNTS OUTSIDE KENYA**

A Board member or staff shall not maintain a bank account outside Kenya except with the approval of the Ethics and Anti-Corruption Commission or in accordance with any written law.

## **19. ACTING FOR FOREIGNERS**

A Board member or staff shall not be an agent of, or further the interests of a foreign government, organisation or individual in a manner that may be detrimental to the interests of Kenya.

## **20. CARE OF PROPERTY**

A Board member or staff shall take all reasonable steps to ensure that any public property in his or her custody, possession or control is taken care of and is in good repair and condition. A Board member or staff shall not use public property, funds or services that are acquired in the course of, or as a result of, the official duties for activities for which they were not intended.

All KEFRI property in a Board member or staff's custody, possession or control shall be returned to the KEFRI at the end of his or her appointment or employment.

Any contraventions will be dealt with in accordance with the provisions of the law.

## **21. MISUSE OF OFFICIAL INFORMATION**

A Board member or staff shall not use or allow any person under their authority to use any information obtained through or in connection with the office, which is not available to the public, for the furthering of any private interest except for education, research, literary, scientific or other purposes not prohibited by law.

A Board member or staff shall take all reasonable steps to ensure that confidential or secret information or documents entrusted to his or her care are adequately protected from improper or inadvertent disclosure.

## **22. POLITICAL NEUTRALITY**

A KEFRI officer shall not, in the performance of his or her duties act as an agent for, or further the interests of, a political party or a political candidate at an election or manifest support for, or opposition to, any political party or political candidate at an election.

A KEFRI officer shall remain politically neutral during his or her term of employment. An officer shall not engage in the activities of any political party or political candidate or act as an agent of a political party or a political candidate at an election or publicly indicate support for or opposition against any political party or political candidate at an election.

## **23. IMPARTIALITY**

A Board member or staff shall at all times carry out his or her duties with impartiality and neutrality and not practice favouritism, nepotism, tribalism, cronyism, religious bias or any other kind of bias or discrimination, or engage in corrupt or unethical practices.

## **24. GIVING ADVICE**

A KEFRI officer who has a duty to give advice shall give honest, accurate and impartial advice without fear or favour.

## **25. GAINFUL EMPLOYMENT**

A KEFRI officer who is serving on a full-time basis shall not participate in any other gainful employment during his term of employment.

## **26. OFFERS OF FUTURE EMPLOYMENT**

A KEFRI officer shall not be influenced in the performance of his or her duties by plans or expectations for or offers of future employment or benefits from any person. All offers of future employment or benefits that may place the officer in a situation of a conflict of interest shall be disclosed in writing to KEFRI.

## **27. FORMER PUBLIC OFFICER ACTING IN A GOVERNMENT OR PUBLIC ENTITY MATTER**

A KEFRI officer shall not be engaged by or act for a person or in a manner in which the former officer was originally engaged in as an officer of KEFRI for at least two years after his or her employment with KEFRI ends.

## **28. MISLEADING THE PUBLIC**

A Board member or staff shall not knowingly give false or misleading information to any person.

### **29. FALSIFICATION OF RECORDS**

A Board member or staff shall not falsify any records or misrepresent information to the public.

### **30. CONDUCT OF PRIVATE AFFAIRS**

A Board member or staff shall conduct private affairs in a manner that maintains public confidence in the integrity of the office.

### **31. BULLYING**

A Board member or staff shall not bully any person. Bullying shall include offensive behaviour which is vindictive, cruel, malicious or humiliating and which is intended to undermine another person.

### **32. SEXUAL HARASSMENT**

A Board member or staff shall not sexually harass a member of the public or another public officer in accordance with the KEFRI Sexual Harassment Policy, October 2013. Sexual harassment shall include:

- a) making a request or exerting pressure for sexual activity or favours;
- b) making intentional or careless physical contact that is sexual in nature;
- c) making gestures, noises, jokes or comments including innuendos regarding another person's sexuality; or
- d) sending of sexually suggestive texts, pictures or videos.

### **33. SUBMITTING OF DECLARATIONS**

A KEFRI officer shall submit any declaration or clarification required under Part IV of the Public Officer Ethics Act, 2003.

### **34. ACTING THROUGH OTHERS**

A Board member or staff shall not cause anything to be done through another person that would constitute a contravention of any provision of this Code if such thing was done by the Board member or staff, or allow or direct a person under his or her supervision or control to do anything that would be in contravention of this Code.

The Board member or staff shall not be held liable where anything is done without his or her knowledge or consent, or where the officer has taken reasonable steps to prevent the doing of that thing.

Any officer who acts under an unlawful direction shall be personally responsible for his or her acts.

### **35. REPORTING IMPROPER ORDERS**

Where a KEFRI officer considers that anything required of him or her is a contravention of this Code or is otherwise improper or unethical, the officer shall report the matter to the Director. The Director shall ensure the reported matter is investigated and appropriate action taken within ninety days of receiving the report.

### **36. RESPECT**

A Board Member, Management, Staff, Intern and Student on attachment will treat his/ her fellow officers and the public with courtesy and respect.

### **37. REPORTING**

Any breach of the provisions of this code shall be reported to Director, KEFRI in writing by either the client or member of staff. The report shall specify the nature of the complaint, the dates and actual place the incident took place.

The complaint shall be lodged upon receipt after which:

- The Institute shall write to the party (ies) involved within thirty days on receipt of the report.
- The Institute shall carry out its own investigation after which it will call the disciplinary committee meeting (s) and give recommendations on the issues.
- Members of professional bodies can be reported to their respective professional bodies for professional misconduct.

### **38. PENALTY**

Disciplinary action shall be taken in the case of violation of the Code of Conduct and Ethics in accordance with the Institute's Terms and Conditions of Service and/ or other relevant laws and regulations.

### **39. ENFORCEMENT OF THE CODE**

The Director, KEFRI shall ensure enforcement of this Code of Conduct and Ethics.

### **40. REVIEW**

This Code shall be reviewed every 3 years or when deemed necessary.



**41. EFFECTIVE DATE**

Approved by the Board on \_\_\_\_\_ Day of \_\_\_\_\_ 20 \_\_\_\_\_

Signature:

**Mr. Robinson Ng’ethe**

**FOR: CHAIRMAN**

**KEFRI BOARD OF DIRECTORS**

Issued this Day of \_\_\_\_\_ 20 \_\_\_\_\_

Signature:

**Ben Chikamai (PhD)**

**DIRECTOR, KEFRI**

## **KEFRI CODE OF CONDUCT AND ETHICS PERSONAL COMMITMENT AND CERTIFICATION**

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I have read, understood and shall abide by this Code.

Name: \_\_\_\_\_ P/No. : \_\_\_\_\_

Designation: \_\_\_\_\_ Department: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_