



MOI UNIVERSITY
(ISO 9001:2008 CERTIFIED)

OFFICE OF THE VICE CHANCELLOR

THE MOI UNIVERSITY CODE OF CONDUCT AND ETHICS

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PREAMBLE

Moi University is a public institution that was established in 1984 (by an Act of Parliament, CAP 210A of the Laws of Kenya) as a University of Science and Technology, having started initially with 83 students that were transferred from the University of Nairobi. As at June 2015 the University had over 53,000 students spread in all its campuses and served by 3250 members of staff.

The University strictly adheres to the Government Anti-Corruption Policies and Procedures such as Kenya National Anti-Corruption and Economics Crimes Act 2003, and the Code of Conduct and Ethics for Public Universities.

This Code of Conduct and Ethics is intended to set out standards of conduct and ethical behavior for officers and staff of the University.



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1.0 Introduction

Moi University is a public institution which was established in 1984 (Moi University Act, 1984) as a University of Science and Technology, having started initially with 83 students that were transferred from the University of Nairobi. As at 1st June 2015, the University had a total of over 53,000 students spread in all its campuses, served by over 3,000 staff.

1.1 Vision

The University of Choice in nurturing innovation and talent in science, technology and socio-cultural development.

1.2 Mission

To preserve, create, and disseminate knowledge, conserve and develop scientific, technological and cultural heritage through quality teaching and research; to create a conducive work and learning environment; and to work with stakeholders for the betterment of society.

1.3 Strategic Objectives

- i. To be ranked among the top innovative, competitive and entrepreneurial universities internationally.
- ii. To produce internationally recognized informed, practical and self-reliant graduates capable of contributing to knowledge and development in variety of settings.
- iii. To achieve international standards of corporate governance.
- iv. To preserve, develop, and maintain international standards in Library, ICT and information management.
- v. To attract, socialize, nurture, develop and retain high quality staff that are loyal and committed.
- vi. To achieve excellence in academic, research and extension programs.

PARTII - PRELIMINARY

2.0 Citation/Definition and Interpretation of the Key Word

2.1 Citation

This Code is cited as the Moi University Code of Conduct and Ethics.

2.2 Definition

A Code of conduct is defined as the generally accepted rules that govern and regulate behavior, relationships and actions of members of an organization/ institution while Ethics implies acceptable principles of human conduct, generally referred to as morals.

The Moi University Code of Conduct and Ethics therefore lays down the standards of what is acceptable and unacceptable in the University with regards to integrity, professionalism, service delivery, respect, accountability, transparency, justice, decency, selflessness, objectivity, honesty, loyalty, reliability and leadership among others.

2.3 The purpose of the Code of Conduct and Ethics

- The Code is intended to be a central guide and reference on the conduct of employee in support of day-to-day decision making.
- It is also intended to clarify an organization's Vision, Mission, Values and Principles, linking them with standards of professional conduct.
- It provides visible guidelines to regulate behavior
- It serves as a tool to encourage discussion of ethics and to guide employee when dealing with ethical dilemmas, prejudices and gray areas that are encountered in everyday work and life encounters.
- It compliments standards, policies and rules of an organization
- It helps create a positive institutional identity

2.4 Interpretation

In this Code unless the context otherwise requires:-

“The Act” means The Public Officers Ethics Act, 2003”

“*Bank account*” means an account maintained by a bank or any other financial institution for and in the name of, or in the name designated by, a customer of the bank or other financial institution and into which money is paid or withdrawn by or for the benefit of that customer or held in trust for that customer and in which the transactions between the customer and the bank or other financial institution are recorded;

“*Business associate*” means a person who does business with or on behalf of a Public officer and has express or implied authority from that Public officer;

“*Code*” means the Code of Conduct and Ethics for the University;

“*Commission*” means the Ethics and Anti-Corruption Commission established under the Ethics and Anti-Corruption Commission Act, 2011;

“*General Code*” means the Code prescribed under Part II of the Act;

“*Personal interest*” means a matter in which a Public officer has a direct or indirect pecuniary or non-pecuniary interest and includes the interest of his/her spouse, child, business associate or agent;

“*Regulations*” means the Regulations made by the University pursuant to Section 54 of the Leadership and Integrity Act, 2012;

“*Spouse*” means a wife or husband;

“*Public Officer*” means any person appointed to a public office in the University to be held in trust for the public.

“*Staff*” means an employee of Moi University including permanent, temporary, and part-time, contract, casual, voluntary and interns.

“*Student*” means any person enrolled for study at Moi University on full time or part time basis and includes any member of staff enrolled for a course leading to award of certificate, diploma or degree.

“*Students rules means*” rules and regulations governing conduct of students during the time of study in The University.

“*The University*” means Moi University

3.0 Application of Code

This Code applies to members all of Moi University Staff and Students.

4.0 Application of the Constitution and the Public Officer Ethics Act 2003

(1) The provisions of Chapter Six of the Constitution shall form part of this Code;

(2) Unless otherwise provided in this Code, the provisions of the Public Officer Ethics Act, Public Finance Management Act, Public Procurement and Disposal Act and Leadership and Integrity Act 2012 shall apply and have precedence over any provision of this code that may be in conflict with.

5.0 Public Officer to sign Code

A Staff appointed to the University shall sign and commit to this Code at the time of taking oath of office or within seven days of assuming office.

PART III – REQUIREMENTS

6.0 Compliance with the Code

Moi University Staff and Students shall comply with all the requirements in the general Code of Conduct and Ethics as set out in part III of the of the Public Officer Ethics Act which shall form part of this Code.

6.1 Public Trust

A Public office is a position of public trust and the authority and responsibility vested in a Staff shall be exercised by the Staff in the best interest of the University and its stakeholders.

6.2 Responsibility and Duties

Subject to the Constitution and any other law, a Staff/Student shall take personal responsibility for the reasonably foreseeable consequences of any actions or omissions arising from the discharge of the duties of his/ her office

6.3 Performance of Duties

Staff/Student shall, to the best of his/ her ability —

- (1) Carry out the duties of the office efficiently and honestly;
- (2) Carry out the duties of the office in a transparent and accountable manner;

- (3) Keep accurate records and documents relating to the functions of the office; and
- (4) Report truthfully on all matters of the University.

6.4 Professionalism

A Staff/Student shall -

- (1) Carry out the duties of his/her office in a manner that maintains public confidence in the integrity of the office;
- (2) Treat members of the public, Staff and other State and Public officers with courtesy and respect;
- (3) Not discriminate against any person, except as is expressly provided by the law;
- (4) To the extent appropriate to the office, maintain high standards of performance and level of professionalism within the University; and
- (5) If the Staff/Student is a member of a professional body, observe and subscribe to the ethical and professional requirements of that body in so far as the requirements do not contravene the Constitution, any other law or this Code.

6.5 Financial Probity

- (1) A Staff/Student shall not use his or her office to unlawfully or wrongfully enrich himself or herself or any other person;
- (2) Subject to Article 76(2) (b) of the Constitution, a Staff/Student shall not accept a personal loan or benefit which may compromise the Staff in carrying out his or her duties;
- (3) A Staff shall submit an initial declaration of assets and liabilities within thirty days of assuming office in the University and thereafter bi-annually and within thirty days upon exiting from the university service
- (4) A Staff/Student shall not:
 - (a) Evade paying taxes
 - (b) Neglect their financial obligations

6.6 Moral and Ethical Requirements

- (1) A Staff/Student shall observe and maintain the following ethical and moral requirements
 - (a) Demonstrate honesty in the conduct of his or her public and private affairs;
 - (b) Not to engage in activities that amount to abuse of office;
 - (c) Accurately and honestly represent 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;
 - (g) Not sexually harass or have inappropriate sexual relations with other public officers, staff of the University or any other person;
 - (h) Not engage in actions which would lead to the Public officer's removal from the membership of a professional body in accordance with the law; and;
 - i. Not neglect family or parental obligations as provided for under any other written law.

6.7 Gifts or Benefits in Kind

- (1) A gift or donation given to a Staff/Student on a public or official occasion shall be treated as a gift or donation to the University;
- (2) Notwithstanding subsection (1), a Staff/Student may receive a gift given to them in an official capacity, provided that
 - (a) The gift is within the ordinary bounds of propriety, a usual expression of courtesy or protocol and within the ordinary standards of hospitality;
 - (b) The gift does not exceed an amount prescribed by the Regulations under the Act or any other law.
- (3) A Staff/Student shall not —
 - (a) Accept or solicit gifts, hospitality or other benefits from a person who;
 - (I) Is under investigation;
 - (ii) Has a contractual relationship with the University

- (lii) Has any interest that is directly or indirectly connected with the Public officer's duties;
- (b) Receive a gift which has the potential of compromising his or her integrity, objectivity or impartiality; or
- (c) Accept any type of gift expressly prohibited under the Act.
- (4) Subject to section 13(2), a Public Officer who receives a gift or donation shall declare the gift or donation to the University within fourteen days of receipt of the gift.
- (5) The University shall maintain a register of all gifts received by Public Officers as provided for in the regulations.

6.8 Wrongful or Unlawful Acquisition of Property

A Staff shall not use the office to wrongfully or unlawfully acquire or influence the acquisition of property.

6.9 Conflict of Interest

- (1) A Staff/Student shall use the best efforts to avoid being in a situation where his or her personal interests conflict or appear to conflict with his/her official duties.
- (2) Without limiting the generality of subsection (1), a Staff/Student 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 a conflict of the Staff's/Student's personal interests with his/her official duties.
- (3) A Staff/Student whose personal interests conflict with their official duties shall declare the personal interests to the University.
- (4) The Commission may give directions on the appropriate action to be taken by the Staff/Student to avoid the conflict of interest and the Staff/Student shall comply with the directions; and refrain from participating in any deliberations with respect to the matter. Any direction issued by the Commission under this subsection shall be in writing.
- (5) Notwithstanding any directions to the contrary under subsection (4), a Staff/Student shall not award or influence the award of a contract to;

- (a) Himself or herself;
 - (b) The Staff/Student spouse or child;
 - (c) A business associate or agent; or
 - (d) A corporation, private company, partnership or other body in which the Staff/Student has a substantial or controlling interest.
- (6) Where a Staff/Student is present at a meeting, and an issue which is likely to result in a conflict of interest is to be discussed, the Staff/Student shall declare the interest at the beginning of the meeting or before the issue is deliberated upon.
- (7) A declaration of a conflict of interest under subsection (6) shall be recorded in the minutes of that meeting.
- (8) The University shall maintain a register of conflicts of interest in the prescribed form in which an affected Staff/Student shall register the particulars of the registrable interests, stating the nature and extent of the conflict.
- (9) For purposes of subsection (8), the registrable interests shall include:-
- (a) The interests set out in the Second Schedule of the Act;
 - (b) Any connection with a person or a company, whether by relation, friendship, holding of shares or otherwise, which is subject of an investigation by the University;
 - (c) Any application for employment or other form of engagement with the University, by a family member or friend of the Staff/Student or by a corporation associated with the Staff/Student;
 - (d) Any application to the University, by a family member or friend of the Staff/Student, for clearance with respect to appointment or election to any public office;
 - (e) Any other matter which, in the opinion of the Staff/Student, taking into account the circumstances thereof, is necessary for registration as a conflict of interest.
- (10) The University shall keep the register of conflicts of interest for five years after the last entry in each volume of the register;

- (11) The University shall prepare a report of the registered interests within thirty days after the close of a financial year;
- (12) A Staff/Student shall ensure that an entry of registrable interests under subsection (7) is updated and to notify the University of any changes in the registrable interests, within one month of each change occurring.

6.10 Participation in Tenders Issued by the University

- (1) A Staff/Student shall not participate in a tender for the supply of goods or services to the University unless it is permitted by Public Procurement and Disposal Act.
- (2) Notwithstanding subsection (1), a company or entity associated with the Staff/Student shall not be construed as trading with the University unless:-
 - (a) The Staff/Student has a controlling shareholding in the company or entity; or,
 - (b) The Staff/Student is a Director of the Company.

6.11 Public Collections

- (1) A Staff/Student shall not solicit for contributions from the University or any other person or entity for a public purpose unless the President has, by notice in the Gazette, declared a national disaster and allowed a public collection for the purpose of the national disaster in accordance with the law;
- (2) A Staff/Student shall not participate in a public collection of funds in a way that reflects adversely on that Public officer's integrity, impartiality or interferes with the performance of the official duties.
- (3) Subject to subsection (2), a Staff/Student may, with the approval of the University, participate in a collection involving a private cause as may be approved by the University.

6.12 Bank Accounts Outside Kenya

- (1) Subject to Article 76(2) of the Constitution or any other written law, a Staff shall not open or continue to operate a bank account outside Kenya without the approval of the Commission;

- (2) A Staff/Student who has reasonable grounds for opening or operating a bank account outside Kenya shall apply to the Commission for approval to open or operate a bank account;
- (3) A Staff who operates or controls the operation of a bank account outside Kenya shall submit statements of the account annually to the University and authorize the University to verify the statements and any other relevant information from the foreign financial institution in which the account is held;
- (4) Subject to subsections (1) and (2), a person who is appointed as a Staff in the University and has a bank account outside Kenya shall, upon such appointment, close the bank account within six months;
- (5) Subject to subsection (4), a Staff may open or continue to operate a bank account outside Kenya as may be authorized by the University in writing.

6.13 Acting for Foreigners

- (1) A Staff/Student 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 Kenya, except when acting in the course of official duty.
- (2) For the purposes of this section —
 - (a) An individual is a foreigner if the individual is not a citizen of Kenya; and
 - (b) An organization is foreign if it is established outside Kenya or is owned or controlled by a foreign government, organization or individual.

6.14 Care of Property

- (1) A Staff/Student shall take all reasonable steps to ensure that public property in the officer's custody, possession or control is taken care of and is in good repair and condition;
- (2) A Staff/Student 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 that are not related to the official work of the Public officer;

- (3) A Staff/Student shall return to the University all the public property in their custody, possession or control at the end of the appointment/study term;
- (4) A Staff/Student who contravenes subsection (2) or (3) shall, in addition to any other penalties provided for under the Constitution, the Act or any other law, be personally liable for any loss or damage to the public property.

6.15 Misuse of Official Information

- (1) A Staff/Student shall not directly or indirectly use or allow any person under the officer's authority to use any information obtained through or in connection with the office, which is not available in the public domain, for the furthering of any private interest, whether financial or otherwise.
- (2) A Staff/Student shall not violate the requirements of subsection (1), if the information is to be used for the purposes of
 - (a) Furthering the interests of the Act
 - (b) Educational, research, literary, scientific or other purposes not prohibited by law.

6.16 Political Neutrality

- (1) A Staff shall not, in the performance of his /her duties
 - (a) Act as an agent for, or further the interests of a political party or candidate in an election; or
 - (b) Manifest support for or opposition to any political party or candidate in an election.
- (2) Engage in any political activity that may compromise or be seen to compromise the political neutrality of the office subject to any laws relating to elections.

6.17 Impartiality

A Staff/Student shall, at all times, carry out the duties of the office with impartiality and objectivity in accordance with Articles 10, 27, 73(2)(b) and 232 of the Constitution and shall not practice favoritism, nepotism, tribalism, cronyism, religious bias or engage in corrupt or unethical practices.

6.18 Giving of Advice

A Staff who has a duty to give advice shall give honest, accurate and impartial advice without fear or favor.

6.19 Gainful Employment

- (1) Subject to subsection (2), a full time Staff shall not participate in any other gainful employment.
- (2) In this section, "gainful employment" means work that a person can pursue and perform for money or other form of compensation or remuneration which is inherently incompatible with the responsibilities of the Staff or which results in the impairment of the judgment of the Staff in the execution of the functions of the office or results in a conflict of interest.

6.20 Offers of Future Employment

- (1) A Staff/Student shall not allow himself or herself to be influenced in the performance of their duties by plans or expectations for or offers of future employment or benefits;
- (2) A Staff/Student shall disclose, in writing, to the Commission, all offers of future employment or benefits that could place him/her in a situation of conflict of interest.

6.21 Former Staff in the University

A former Staff shall not be engaged by the University in a matter in which the Staff was originally engaged in for at least two years after leaving the University.

6.22 Misleading the Public

A Staff shall not knowingly give false or misleading information to any person.

6.23 Falsification of Records

A Staff/Student shall not falsify any records or misrepresent information to the public.

6.24 Conduct of Private Affairs

A Staff shall conduct their private affairs in a manner that maintains public confidence in the integrity of the office.

6.25 Bullying

- (1) A Staff/Student shall not bully another member of staff, student or any other person;
- (2) For purposes of subsection (1), “bullying” includes repeated offensive behavior which is vindictive, cruel, malicious or humiliating and is intended to undermine a person.

6.26 Acting through Others

- (1) A Staff/Student shall not —
 - (a) Cause anything to be done through another person that would constitute a contravention of this Code, the Constitution or any other law if done by the Staff/Student; or
 - (b) Allow or direct a person under their supervision or control to do anything that is in contravention of this Code, the Constitution or any other law.
- (2) Subsection (1) (b) shall not apply where anything is done without the Public officer’s knowledge or consent or if the Public officer has taken reasonable steps to prevent it.
- (3) A Staff/Student who acts under an unlawful direction shall be responsible for his or her actions.

6.27 Reporting Improper Orders

- (1) If a Staff/Student considers that anything required of them is in contravention of the Code or is otherwise improper or unethical, the Public officer shall report the matter to the Commission;
- (2) The Commission shall investigate the report and take appropriate action within ninety days of receiving the report.
- (3) The complaints can be channeled through:
 - a) Integrity Office
 - b) Interactive website
 - c) Hotlines

d) Vice Chancellor

6.28 Confidentiality

A Staff/Student shall not disclose or cause to be disclosed any information in his custody to any unauthorized person.

6.29 Duty to Prevent Occurrence of Corruption/Unethical Practice

A Staff/Student who believes or has reason to believe that a corrupt act or unethical malpractice has occurred or is about to occur in the University shall take all necessary measures to prevent it from continuing or materializing in addition to any other appropriate action.

6.30 Promotion of Ethics, Integrity & Best Practices

Staff/Students in the University shall collectively and individually take measures to ensure that staff of the University uphold and practice the highest attainable degree of integrity in the performance of their duties.

6.31 Declaration of Incomes, Assets and Liabilities

Staff in the University shall upon: first appointment, every two years and exiting from public service be required to declare his/her income, assets and liabilities in compliance with public officers ethics act.

6.32 Dress Code

A Staff/Student shall maintain appropriate standard of dress and personal hygiene at all times.

6.33 Implementation of the Code.

The University Management shall be responsible for ensuring full implementation of this Code.

6.34 Conduct in Public

A Moi University Staff/Student shall conduct him/her with dignity at all times in public view.

6.35 Respect

A Staff/Student shall be expected to treat his/her fellow colleagues and the general public with courtesy and respect at all times

6.36 Non-discrimination

A Staff/Student, in the course of his/her duties, shall not discriminate directly or indirectly against individuals on the grounds of age, gender, race, disability, creed or ethnicity among others.

6.37 Sexual Harassment

A Staff/Student shall not sexually harass a member of the public, students or fellow staff in contravention of the Moi University Sexual Harassment Policy

6.38 Workplace Harassment

A Staff/Student shall not engage in abusive, belittling or threatening behavior to his/her fellow employees.

6.39 Confidentiality

- i. Moi University upholds the principle of confidentiality in its operations as it endeavors to achieve its mission, vision and objectives. Some of the areas where this clause applies include Procurement, Examinations, Personnel records, Medical records and any other information classified as confidential by Moi University Council from time to time.
- ii. All Staff/Students shall adhere to this principle of confidentiality at all times while carrying out their duties.

6.40 Abuse of Office

A Staff commits an abuse of office offence if he/she obtains a benefit, harms or defrauds another by virtue of the office he/she holds. Such an offence is committed when a staff misuses the University resources such as property, finances, services, personnel or any other valuable belonging to the University.

6.41 Equal Opportunity

Staff/Student shall uphold the tenets of equal opportunities and non-discrimination in carrying out his/her duties.

6.42 Social Associations

In keeping with the Moi University Code of Conduct and Ethics a Staff/Student shall not be a member of or be associated with any of the proscribed organizations.

6.43 Indebtedness.

A Staff shall not indebt his earnings beyond the minimum allowed in accordance with the Employment Act, 2007.

6.44 Security and Safety

A Staff/Student shall not engage in any activity that could endanger the health and security of the other staff in the work environment.

6.45 Punctuality/ Absenteeism/ Desertion

A Staff shall observe and adhere to the University working hours and shall not be absent without proper authorization or reasonable cause as stipulated in the respective Terms and Conditions of Service which, *inter alia*, stipulate issues relating to punctuality, absenteeism, desertion.

Students punctuality, absenteeism or desertion shall be govern by student rules as amended by the university senate from time to time

6.46 General Conduct and Behavior

A Staff/Student to the best of his/her ability carries out his/her duties and ensures that the services he/she provides are efficient, honest and professional.

6.47 Penalty

Any breach of the provisions of this Code by any member of staff shall be dealt with in accordance with the provisions of the University disciplinary procedures, the Anti-Corruption Policy, Economics Crimes Act, 2003, the Public Officers Ethics Act 2003, and Code of Conduct and Ethics for Public Universities.

The disciplinary procedures for breaching the code by staff are enumerated in part 6.49

For students any breach of provisions shall be dealt with in accordance with provision of student's disciplinary procedures, Code of Conduct and Ethics and any other written law that may apply.

6.48 Review

The Code shall be subjected reviewed from time to time whenever necessary but otherwise after 4 years.

6.49 Breach of the Code

- (1) Breach of this Code amounts to misconduct for which the Staff may be subjected to disciplinary proceedings including removal from office;
- (2) Where a breach of this Code amounts to a violation of the Constitution, the Staff may be removed from office in accordance with the provisions of the Constitution;
- (3) Any person may lodge a complaint alleging a breach of this Code by a Public Officer;
- (4) A person alleging a breach of this Code, other than a breach under the Constitution, may submit a petition setting out the alleged violation to the Vice Chancellor;
- (5) The Vice Chancellor shall submit the petition under subsection (4) to the Council who shall constitute an Independent Review Panel to inquire into the allegations contained in the petition in accordance with section 51 of the Act;
- (6) At the close of inquiry, the Independent Review Panel shall take appropriate disciplinary action against the Staff or where it does not have the power to take action or refer the matter to the appropriate body or person who is vested with such power to take action against the staff;
- (7) A person dissatisfied with the decision of the Independent Review Panel may apply for review of the Panel's decision within fifteen days of the decision.