

UNIVERSITY OF STIRLING

ANTI-BRIBERY POLICY

1. PURPOSE

1.1 The purpose of this policy is to:

- (a) set out the University's responsibilities, and of those working for the University, in observing and upholding the University's position on bribery and corruption; and
- (b) provide information and guidance to those working for the University on how to recognise and deal with bribery and corruption issues.

2. POLICY STATEMENT

2.1 It is the University of Stirling's ('University') policy to conduct all of its affairs in an honest and ethical manner. The University takes a zero-tolerance approach to bribery and corruption and is committed to acting professionally, fairly and with integrity in all the University's business dealings and in all its relationships wherever the University operates.

2.2 The University is committed to implementing and enforcing effective systems to counter bribery and will uphold all laws relevant to countering bribery and corruption in all the jurisdictions in which the University operates. However, the University remains bound by the laws of the UK, including the Bribery Act 2010, in respect of the University's conduct both at home and abroad.

2.3 For individuals bribery and corruption are punishable by up to ten years' imprisonment. In corporate terms, if the University is found to have taken part in corruption the University could face an unlimited fine, be excluded from tendering for public contracts and face damage to its reputation. The University therefore takes its legal responsibilities in this area very seriously.

3. KEY RISKS

3.1 The University has identified that the following are particular risks for the organisation.

- Recruitment of overseas students via agents
- Global ambitions – overseas partnerships
- Financial uncertainty - reduced government funding

- Receipt of financial donations
- Purchase of Goods and Services by the University, particularly the award of tenders and contracts
- Giving/Receiving of Gifts and Hospitality which are intended to be, or could be perceived as bribes.

4. WHO IS COVERED BY THE POLICY?

This policy applies to all individuals working at all levels and grades, including all academic staff, senior managers, officers, directors, employees (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, casual associated staff and agency staff, volunteers, interns, agents, or any other person associated with the University (collectively referred to as **associated staff** in this policy).

This policy compliments the University's policy on Public Interest Disclosure, Fraud Policy, and is supported by the Financial Regulations with particular reference to guidance on Hospitality.

5. WHAT IS BRIBERY?

A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.

Examples:

Offering a bribe

You offer a potential benefactor tickets to a major event, but only if they agree to make a financial donation to the University.

This would be an offence as you are making the offer to gain a commercial and contractual advantage. The University may also be found to have committed an offence because the offer has been made to obtain business for the University. It may also be an offence for the potential benefactor to accept your offer.

Receiving a bribe

A supplier of the University gives your nephew a job, but makes it clear that in return they expect you to use your influence in our organisation to ensure the University continues to do business with them.

It is an offence for a supplier to make such an offer. It would be an offence for you to accept the offer as you would be doing so to gain a personal advantage.

Bribing a foreign official

You arrange for the University to pay an additional payment to a foreign official to speed up an administrative process in order that a necessary licence can be obtained to start up a University abroad.

The offence of bribing a foreign public official has been committed as soon as the offer is made. This is because it is made to gain a commercial advantage for the University. The University may also be found to have committed an offence.

6. GIFTS AND HOSPITALITY

- 6.1 This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties.
- 6.2 Gifts, other than items of very small intrinsic value such as a gift worth less than £25 should not be accepted. Modest hospitality is an accepted courtesy of business relationships. Items for personal use should be declined.
- 6.3 Recipients should not allow a position to be reached whereby there might be, or might be deemed by others to have been, influenced in making a business decision as a consequence of accepting such hospitality. The frequency and scale of hospitality should not be greater than that which the University would be likely to provide in return.
- 6.4 In any case where it is difficult to determine what is and what is not acceptable in gifts or hospitality, the offer should be declined or advice sought from the Director of Finance, who will maintain a register of gifts received where the value is greater than £25. Members of staff in receipt of such gifts are obliged to notify the Director of Finance promptly. Staff should always ensure that their immediate superior is aware of any gifts or hospitality received.
- 6.5 The University appreciates that the practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

7. WHAT IS NOT ACCEPTABLE?

It is not acceptable for you (or someone on your behalf) to:

- (a) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a commercial advantage will be received, or to reward a commercial advantage already given;

- (b) give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
- (c) accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a commercial advantage for them;
- (d) 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 commercial advantage will be provided by the University in return;
- (e) threaten or harass against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or
- (f) engage in any activity that might lead to a breach of this policy.

8. FACILITATION PAYMENTS AND KICKBACKS

8.1 The University does not make, and will not accept, facilitation payments or "kickbacks" of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official. They are not commonly paid in the UK, but are common in some other jurisdictions in which the University operates.

8.2 If you are asked to make a payment on behalf of the University, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment. If you have any suspicions, concerns or queries regarding a payment, you should raise these with your line manager or the Director of Finance.

8.3 'Kickbacks' are typically payments made in return for a commercial favour or advantage. All associated staff must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by the University.

9. YOUR RESPONSIBILITIES

9.1 You must ensure that you read, understand and comply with this policy.

9.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the University or under the University's control. All associated staff are required to avoid any activity that might lead to, or suggest, a breach of this policy.

9.3 You must notify your line manager as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future. For example, if a client or potential client offers you something to gain a commercial advantage with the University, or indicates to you that a gift or payment is required to secure their business. Further "red flags" that may indicate bribery or corruption are set out in the Schedule.

9.4 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. The University reserves the right to terminate the University's contractual relationship with other associated staff if they breach this policy.

10. HOW TO RAISE A CONCERN

You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with your line manager or the Director of Finance. Concerns should be reported by following the procedure set out in our Public Disclosure Policy. A copy of the University's Public Disclosure Policy can be found on the University's intranet at

www.hr-services.stir.ac.uk/documents/public

11. WHAT TO DO IF YOU ARE A VICTIM OF BRIBERY OR CORRUPTION

It is important that you tell your line manager or the Director of Finance as soon as possible if you are offered a bribe by a third party, are 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.

12. PROTECTION

12.1 Associated staff 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 University aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

13. COMMUNICATION

13.1 The University's zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them and as appropriate thereafter.

14. WHO IS RESPONSIBLE FOR THE POLICY?

- 14.1 The University Court has ultimate responsibility for ensuring this policy complies with the University's legal and ethical obligations, and that all those under the University's control comply with it. The Court's Audit committee provides a channel for formal reporting and appraisal of the system of managing corruption and bribery issues.
- 14.2 The Director of Finance reporting to the University Secretary has primary and day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy.

15. MONITORING AND REVIEW

- 15.1 The Director of Finance will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.
- 15.2 All associated staff are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.
- 15.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.

Schedule Potential risk scenarios: "red flags"

The following is a list of possible red flags that may arise during the course of you working for the University and which may raise concerns under various anti-bribery and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.

If you encounter any of these red flags while working for the University, you must report them promptly to your Line Manager or to the Director of Finance or using the procedure set out in the Public Interest Disclosure Policy:

- (a) you become aware that a third party engages in, or has been accused of engaging in, improper business practices;
- (b) you learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with foreign government officials;
- (c) a third party insists on receiving a commission or fee payment before committing to sign up to a contract with the University, or carrying out a government function or process for the University;
- (d) a third party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made;
- (e) a third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;
- (f) a third party requests an unexpected additional fee or commission to "facilitate" a service;
- (g) a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- (h) a third party requests that a payment is made to "overlook" potential legal violations;
- (i) a third party requests that you provide employment or some other advantage to a friend or relative;
- (j) you receive an invoice from a third party that appears to be non-standard or customised;
- (k) a third party insists on the use of side letters or refuses to put terms agreed in writing;
- (l) you notice that the University has been invoiced for a commission or fee payment that appears large given the service stated to have been provided;

- (m) a third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to the University; and
- (n) you are offered an unusually generous gift or offered lavish hospitality by a third party.