

ABMS 001

Anti-Bribery and Corruption Policy

Abridged version
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RCSI + UCD
MALAYSIA CAMPUS

RUMC ANTI-BRIBERY AND CORRUPTION POLICY

PURPOSE OF POLICY

The purpose of this policy is to establish the approach of RUMC towards Bribery and Corruption.

BACKGROUND

It is the policy of the RCSI & UCD Malaysia Campus that all staff and students conduct business in an honest way, and without the use of corrupt practices or acts of bribery to obtain an unfair advantage.

This is not just a cultural commitment on the part of the University; bribery is a criminal offence in most countries and corrupt acts expose the University and its employees to the risk of prosecution, fines and imprisonment, as well as endangering the University's reputation. RUMC attaches the utmost importance to this policy and will apply a 'zero tolerance' approach to acts of bribery and corruption by any of our employees or third-party representatives (including students). Any breach of this policy will be regarded as a serious matter and is likely to result in disciplinary action.

Acts of bribery or corruption are designed to influence the individual in the performance of their duty and incline them to act dishonestly. The person being bribed is generally someone who will be able to obtain, retain or direct business. This may involve initiatives such as buying or selling, or it may involve the handling of administrative tasks such as licences, customs, visas or taxes. It does not matter whether the act of bribery is committed before or after the activity has been undertaken.

Any person who knows of and fails to report an act of giving and offering of bribes is committing an offence under Section 25 (1) and (2) of the MACC Act 2009. **Section 25 (1) and (2) of the MACC Act 2009.**

PROTECTED DISCLOSURE

No staff member or student need be afraid in combating corruption. The university has a separate policy on protected disclosure. The university will always ensure the confidentiality of the information provided. The person providing protected disclosure is protected and the information will not be disclosed to any party under any circumstances. This protection is enshrined in law under the Whistleblower Protection Act 2010 as well as under Section 65 of the MACC Act 2009.

PREVENTION

The best course of action is to take steps to assist in the prevention of bribery and corruption:

A. Risk Assessment

Effective risk assessment lies at the very core of the success of this policy. All staff must assess the vulnerability of their activities, particularly overseas activities, on an ongoing basis and

discuss potential vulnerabilities with the Financial Controller. Risk identification pinpoints the specific areas in which we face bribery and corruption risks and allows us to better evaluate and mitigate these risks and thereby protect ourselves. Business practices around the world can be deeply rooted in the attitudes, cultures and economic prosperity of a particular region – any of which can vary.

B. Accurate Books and Record-Keeping

Many serious bribery and corruption offences have been found to involve some degree of inaccurate record-keeping. Accurate records and financial reporting must be maintained for all activities and for all third-party representatives acting on our behalf. False, misleading or inaccurate records of any kind could potentially damage the reputation of the University.

C. Effective monitoring and Internal Control

Effective systems of monitoring and control are essential in all organisations and the University is no exception. Once bribery and corruption risks have been identified and highlighted through the risk assessment process, we may need to amend procedures to help mitigate these risks on an on-going basis. Heads of Departments need to take the necessary steps to risk assess, record keep and monitor so as to prevent bribery and corruption

WHERE DO THE BRIBERY AND CORRUPTION RISKS TYPICALLY ARISE?

The following paragraphs summarise some key activities where potential risks commonly arise.

A. Use of third-party representatives

The definition of a third-party representative is broad, and could include agents, distributors, consultants and joint venture partners. Third-parties who act on the University's behalf must operate at all times in accordance with this policy. Staff are responsible for the evaluation of each third-party relationship and determining whether or not there are specific risks. Where specific risks are identified, the third party should be made aware of this policy, and staff should ensure that appropriate enhanced controls are implemented to monitor and control the risk.

The University is ultimately responsible for ensuring that third-parties who pose significant risks are compliant with this policy as well as any local laws. Ignorance or 'turning a blind eye' is not an excuse.

B. Gifts, Entertainment and Hospitality

Gifts, entertainment and hospitality include the receipt or offer of gifts, meals or tokens of appreciation or gratitude, or invitations to events, functions, or other social gatherings, in matters connected with our business. These activities are acceptable provided they fall within reasonable bounds of value and occurrence.

C. Facilitation Payments

In many countries, it is customary business practice to make payments or gifts of small value to junior government officials in order to speed up or facilitate a routine action or process. Despite this, facilitation payments as defined here are not permitted under this policy and the University takes the view that they are illegal within Malaysia as well as within most other

countries. Current Malaysian legislation makes no distinction between facilitation payments and bribes – regardless of size or local cultural expectations, even if that is ‘how business is done’. If you are unsure whether certain payments which resemble the definition of facilitation payments are permissible, please discuss within the University and legal advice may be taken.

RAISING A CONCERN

As individuals who work on behalf of the University, we all have a responsibility to help detect, prevent and report instances not only of bribery but also of any other suspicious activity or wrongdoing. RUMC is absolutely committed to ensuring that all staff have a safe, reliable and confidential way of reporting suspicious activity. The University wants each and every one to know how they can ‘speak up’.

If you are concerned that a corrupt act is being considered or carried out, you should report the matter to your line manager in the first instance. If it is not possible to speak to your line manager for some reason, you should contact a member of the Senior Management Team or email integrity@rcsiucd.edu.my (the email is read by and acted upon by the University Compliance Officer).

The policy is designed to allow staff and students of the University to raise, at high level, concerns or information which they believe in good faith provides evidence of malpractice or impropriety. Individuals discovering apparent evidence of malpractice, impropriety or wrongdoing within the University should feel able to disclose the information appropriately without fear of reprisal. A disclosure made in good faith which is not confirmed by subsequent investigation will not lead to any action against the person making the disclosure. Individuals making disclosures which are found by subsequent investigation to be malicious and/or vexatious may be subject to disciplinary or other appropriate action. Anonymous reporting is discouraged but, where supported by evidence, may form the basis of an investigation.

All RUMC staff members are obliged to undergo Anti-Bribery and Corruption trainings and comply with the Anti-Bribery and Corruption policies, procedures and guidelines, Code of Conduct and Code of Business Ethics.

For further information on RUMC Anti-Bribery and Corruption Policies, Procedures and Guidelines, please contact the Compliance Officer at integrity@rcsiucd.edu.my .