

CODE OF CONDUCT AND ETHICS

(REVISED 2023)



IMPACT

Indigenous Movement For Peace Advancement &
Conflict Transformation

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Background

The Indigenous Movement for Peace Advancement and Conflict Transformation (I.M.P.A.C.T) is a Charitable Trust founded by indigenous leaders in 2003 to address the deep underlying causes of marginalization and exclusion in Northern Kenya. Over the last two decades the objectives have changed to respond and accommodate the immediate needs of the target communities.

Vision: A secure just and inclusive society for indigenous people.

Mission: To support Indigenous Peoples in Kenya to secure their well-being, safety, and identity.

Thematic areas:

1. **Communal Land Right:** *Secure Land and Resource Rights.* Ensure legally recognized land and resource rights. Advocate for a streamlined, accessible formalization of land rights, thus empowering indigenous stewardship and self-determination. Support in addressing historical land injustices, Facilitate community litigations on land and environment related cases.
2. **Inclusive Laws and Policies:** *Facilitate Community-led Policy Development* Advocate for equitable representation in shaping legal and political frameworks through community-led legislative development, ensuring governance reflects the needs and aspirations of Indigenous peoples at all levels. Lobby & advocate for implementation of pro indigenous and pastoralist policies at the county & national levels.
3. **Sustainable Livelihoods & Ecosystems:** *Strengthen and diversify Livelihoods, Empowering Women* Enhance economic resilience through diversified, sustainable income sources, with a focus on social economic empowerment of women and practices that promote eco-stewardship. Strengthening community institutions for increased resilience, adaptation & thriving ecosystems.
4. **Traditional Knowledge:** *Preserve Indigenous Wisdom and Ecosystems.* Protect and integrate Indigenous wisdom into land management, preserving ecosystems and cultural heritage. Facilitate Community/needs driven research to inform advocacy and scale up interventions.
5. **Partnership, Advocacy, Resilience:** *Foster Peaceful Coexistence Across Shared Landscapes.* Bolster local and global relations to enhance indigenous learning and representation and promote peaceful coexistence across shared landscapes.

1. Introduction

This Code of Conduct is developed to guide IMPACT employees in understanding the standards of personal behavior they are required to maintain as they perform their duties. This document, which applies to all employees, provides basic guidelines. It is the responsibility of every employee to ensure that ethical decision-making becomes part of his/her day-to-day dealings with both internal and external customers/clients.

2. Preamble

IMPACT requires that all employees observe the highest standards of professional ethics and conduct. All employees have a responsibility to contribute to the good governance of the organization and to help maintain its reputation for probity, integrity and impartiality in order to uphold its vision.

The Code outlines obligations of both the organization and the staff. IMPACT's obligation as the employer is to provide information and advice and by being responsive to staff concerns. The code of conduct provides for a dispute resolution and a grievance handling mechanism. This document provides for disciplinary handling mechanism, nature of the offenses and penalties.

An approved copy of this Code of Conduct will be circulated to all staff and they will be required to familiarize themselves with its provisions, obligations and responsibilities. Discipline and grievance handling procedures are provided for in the Human Resource Procedures Manual.

3. Definition of Words and Acronyms

“Abusive Language” - Means the uttering of any words foul or otherwise that incite hate, ridicule or contempt towards any person, group, race, ethnic group, religion, political opinion or gender.

“Bribery” - Means an act of offering, promising, giving, receiving, or soliciting of any item of value to influence the actions of an officer or other person as defined in the Bribery Act.

“Code” - Means the IMPACT Code of Conduct.

“Complaint” - Means an expression of grief, pain or dissatisfaction and can either be formal or anonymous.

“Dispute” - Means divergence of expectations, opinions, goals and or values at the work place resulting in friction between two or more parties and which may interfere with their morale, performance or even health. If grievance is not resolved internally, it may be resolved through external intervention/conciliation/arbitration.

“Conflict of Interest” - Conflict between the organization duty and the private interests of an employee in which the employee’s private capacity interests would improperly influence the performance of their official duties and responsibilities.

“Corruption” – offenses including bribery; fraud; embezzlement or misappropriation of funds; abuse of office; breach of trust; or an offence involving dishonesty.

“Disciplinary Committee/Panel” - Refers to the IMPACT’s staff Disciplinary Committee/Panel appointed by the management or the Board charged with the responsibility of deliberating on staff disciplinary issues and making recommendations/resolutions.

“Drugs” - Refers to any illegal and habit-forming drugs but excludes any drugs prescribed by a medical practitioner unless abused.

“Forgery” - The making of a false document knowing it to be false with intent that it should be used or acted on as genuine to the prejudice of the organization. Making a fraudulent insertion, alteration, removal, obliteration or erasure in any material part of a true document.

“Fraud” - Means wrongful or criminal deception intended to result in financial or personal gain.

“Grievance” – Refers to any discontent or dissatisfaction whether expressed or not and whether valid or not, arising out of anything connected with work which an employee thinks, believes or even feels is unfair or unjust. It also covers concerns or complaints where an employee believes he/she has received unreasonable treatment from the organization, other staff, and wishes to bring the grievance to the attention of the management/board for appropriate action or response.

“General Gross Misconduct” - It results from commission of serious offence(s) in breach of set rules and regulations or a contract of employment. Gross misconduct includes such misconduct as theft, fraud, forgery, assault, soliciting for or offering a bribe, whether one is charged and/or convicted in a court of law or not, so long as the IMPACT has reasonable and justifiable grounds to believe that the employee has committed the offence with which he/she is charged. It also includes a conviction on a criminal charge relevant to employment by IMPACT, breach of confidentiality or other offences of a similar nature.

“Misdemeanor” – refers to a minor transgression in breach of the Rules and Regulations.

“Offence” - Means any breach of any rules and regulations under this Code, procedures, processes or any other relevant law or an attempt by an employee to commit an offence.

“Staff” - Means a person who has entered into or works under a contract of service with IMPACT or any person employed for wages or a salary. For the purpose of this code, staff will also include interns and students on attachment.

“Statutory Gross misconduct” - Means gross misconduct as stated in the Employment Act.

“Social Media” - Means any cell phone or internet-based tools and applications that are used to share and distribute information such as Facebook, Twitter/X, YouTube, blogs, WhatsApp, Instagram amongst others.

4. Code of Conduct

The Code of Conduct provides the work rules and standards of conduct hereunder to be observed by all IMPACT employees in order to maintain discipline and uphold the dignity of the office in which they serve. Any employee who violates any section of this code will be subject to disciplinary action, which may result into summary dismissal/termination of services.

5. Rules Regulating Staff Conduct

5.1. Absenteeism from Work

5.1.1. Where an officer is absent from duty without leave or reasonable or lawful cause for a period exceeding forty-eight (48) hours, and is not traced within a period of ten (10) days from the commencement of such absence, the officer's salary shall be stopped and action to dismiss the officer initiated.

5.1.2. The officer shall be addressed a 'show cause' letter through his last known address by registered post.

5.1.3. Staff shall not absent themselves from duty without sufficient justification/reason and must notify their Line Manager of inability to report to work on account of sickness or other emergency within 48 hours.

5.1.4. If the officer does not resume duty or respond to the 'show cause' letter within a period of fourteen (14) days, from the date of the show cause letter', the case shall be referred to the Disciplinary Panel/Committee for summary dismissal.

5.1.5. When an officer has been absent from duty without permission and subsequently resumes duty, he/she shall not be eligible for payment of salary for the period of absence and any amount erroneously paid to him shall be recovered from his/her salary.

5.1.6. In cases of delay of stoppage of salary and an officer is subsequently summarily dismissed on account of desertion, the erroneous payment may be recovered from the officer who occasioned the payment.

5.1.7. Staff shall not proceed on leave before a leave request is approved.

5.2. Duty Attendance

5.2.1. Staff shall maintain punctuality at all times.

5.2.2. Staff shall devote their time during working hours to the official activities of the organization and shall avoid performing unofficial activities during working hours.

5.2.3. Staff working in the field shall remain at their work place and follow field operation guidelines under supervision of a responsible line manager.

5.2.4. Staff shall strictly observe the hours of work and the duration of authorized meal breaks.

5.2.5. Staff shall be required to work for at least forty (40) hours per week except for staff specifically instructed to work on shifts or filed operations which may have separate work arrangements.

5.2.6. The office hours shall be as indicated below:

Monday to Friday: 8:00am – 1:00pm 2:00pm – 5:00pm

Lunch Break: 1:00pm – 2:00pm

5.3. Information System Regulations

- 5.3.1. Staff shall be held responsible for the security of their passwords, access codes and user profiles allocated to them.
- 5.3.2. Staff shall not use computer resources to promote any business or enterprise, except that of the IMPACT, unless such use is explicitly authorized.
- 5.3.3. Staff shall not be involved in hacking in any form, or attempt to gain access to restricted information resources either inside or outside the IMPACT's computer network or information systems.
- 5.3.4. Staff shall not impersonate, delete, use obtain or use access codes belonging to another computer user nor share computer passwords and access codes.
- 5.3.5. Staff are prohibited from distributing political opinions/views, racist, tribal, intimidating, derogatory, obscene or defamatory or radicalization material using the internet, social media, intranet etc. from IMPACT's systems.

5.4. Staff Confidentiality and Disclosure

- 5.4.1. Staff shall only disclose information upon seeking approval from the management and/or board and that no staff will permit others directly or indirectly to make use official information without approval.
- 5.4.2. Staff shall not give false information relating to their personal data, professional and academic qualification, employment history and medical condition or any false declaration. Members of staff shall be required to swear an oath of secrecy or sign a compliance declaration.
- 5.4.3. Staff shall with immediate effect notify IMPACT of any changes in their personal data, professional and academic qualifications, and shall at all times comply with the notices to update such records.
- 5.4.4. Staff shall maintain confidentiality and that all information of a personal nature disclosed to another staff member in confidence shall be treated as privileged information and may not be used against them or published to unauthorized parties.

5.5. Conflict of Interest

5.5.1. Staff shall not trade, do business or engage in any business that may lead to a conflict of interest with IMPACT. This includes real or perceived conflict of interest

5.5.2. Any member of staff whose personal interest conflicts with his/her official duties shall either refrain from participating in any deliberation in respect to the matter or proceed with the assignment upon declaration of such conflict and the same being approved by line manager.

5.6. Ethics and Integrity

5.6.1. All staff shall at all times maintain absolute integrity and honesty in the discharge of their duties.

5.6.2. Staff shall not be involved in theft, forgery, fraud, embezzlement or misappropriation of IMPACT's funds. Staff shall not falsify, distort, or misrepresent facts that may lead to loss of funds.

5.6.3. Staff shall not accept money, gifts and donations, or any consideration as an inducement or reward from other members of staff or the public extended to them by virtue of their official position for any act or omission, which may influence their present or future actions, or show favor or disfavor to any person.

5.6.4. Staff shall not behave towards each other in a manner that may constitute sexual or other unlawful or unwelcome harassment towards a fellow employee or members of the public and which may contribute to an offensive, intimidating, hostile, or uncomfortable work environment

5.6.5. Staff shall not remove any items, samples, materials, records, papers or any document whatsoever from files or any legitimate place without lawful approval.

5.6.6. Staff shall not enter the IMPACT's premises under the influence of illegal drugs, alcohol, or substance abuse.

5.7. Misuse of IMPACT Property

5.7.1. No company vehicle will undertake a journey without authorization.

5.7.2. All staff should seek authority to use company vehicles for private business/activity.

5.7.3. Staff shall ensure that any Authority's property or equipment entrusted under their care is adequately protected and not misused or misappropriated.

5.8. Negligence of Duty

5.8.1. Staff shall be required to comply with set deadlines for reports, on legal requirements, Departmental instructions, and court orders.

5.8.2. The supervisors and line Managers shall take reasonable steps or precaution to ensure that staff under them shall at all times discharge and perform their assignments, duties or obligations in conformity with professional and ethical standards required of them.

5.8.3. Staff shall use best judgement in performance of official duties or in the exercise of powers conferred upon him/her.

5.8.4. Staff shall not absent themselves from duty for more than two days (48 hours) on grounds of illness without producing a medical certificate signed by either a medical officer or a medical practitioner.

5.9. Administrative Accountability and Supervision

5.9.1. Staff must act within the scope of their authority at all times. All staff shall remain accountable for tasks they delegate to others and are expected to exercise adequate control and supervision over matters for which they are responsible.

5.9.2. Line Managers shall practice fairness and objectivity while complying with guidelines on conducting staff appraisals, handling cases of promotions, discipline, merit awards, recruitment interviews or any other supervisory roles.

5.9.3. Staff charged with the responsibility of appraising others shall conduct such appraisals expeditiously and submit reports within the given time lines.

5.9.4. Staff shall maintain open channels of communication. Line Managers shall advice and counsel their subordinates, and encourage them to discuss openly work-related problems or solutions.

5.9.5. Line Managers shall not use staff under them for unofficial errands/duties.

5.10. Administrative Accountability and Supervision

5.10.1. All staff must adhere to the health and safety rules and regulations at the workplace.

5.10.2. IMPACT's name, logo or organizational letterhead shall not be used for any purpose other than in the normal course of official business.

5.10.3. Smoking is not permitted on the Authority's premises except in authorized and designated areas.

5.10.4. Employees may put on IMPACT branded attires and dress down shall only be allowed on days designated by management.

5.10.5. Fighting or threatening violence in the workplace is prohibited and assault/fighting amounts to an act of gross misconduct since it is criminal in law.

5.10.6. Staff shall be required to adhere and comply with various policies, regulations, circulars and directives that may be passed from time to time.

5.10.7. Staff shall not use demeaning or degrading remarks, comments, observations, statements, or actions based on another's race, color, ethnicity, age, sexual orientation, religion, gender, national origin or disability.

6. Classification of Offences

Category Type	Sub Category	Type-Offence	Narration
Gross Misconduct	Statutory Misconduct (May lead to summary dismissal of an employee for lawful cause as stipulated in the Employment Act.)	Absenteeism/ desertion	If, without leave or other lawful cause, an employee absents himself/herself from the place appointed for the performance of his/her work
		Drunkenness	If, during working hours, by becoming or being intoxicated, an employee renders himself unwilling or incapable to perform his/her work properly.
		Negligence of duty	If an employee willfully neglects to perform any work, which it was his/her duty to have performed or if he/she carelessly and improperly performs any

			work which from its nature it was his/her duty, under his/her contract, to have performed carefully and properly.
		Abusive language	If an employee uses abusive or insulting language, or behaves in a manner insulting, to his/her employer or to a person placed in authority over him/her by his/her employer.
		Insubordination	If an employee knowingly fails or refuses to obey a lawful and proper command, which it was within the scope of his/her duty to obey, issued by his/her employer or a person placed in authority over him/her by his/her employer.
		Arrest/incarceration	If, in the lawful exercise of any power of arrest given by or under any written law, an employee is arrested for a cognizable offence punishable by imprisonment and is not within fourteen (14) days either released on bail or bond or otherwise lawfully set at liberty.
	General Gross Misconduct (The Sanctions may include; warning, termination, dismissal or even summary dismissal depending on the severity of the offence committed by an employee & mitigating factors)	Confidentiality/ Disclosure	Sharing classified information without authority, deliberately giving out false information, failure to protect ICT systems,
		Ethics and Integrity	Engage in fraud, bribery, misappropriation of IMPACT's funds, Abuse of office, conflict of interest, bid-rigging and breach of trust, soliciting gifts, theft and forgery.
		Computer/social media related offences	Hacking, unauthorized access to IMPACT's system, impersonating another computer user, deliberate deletion of critical data without approval, inappropriate use of social media

		Misuse of IMPACT's property	Theft, damage of property and Misuse/ unauthorized and use of IMPACT's name or logo.
		Negligence and Dishonesty	Negligence by line managers to supervise, failure by staff to use best judgement in deliberating work, removal of records and other critical information, failure to comply with other rules and regulation
	General Misconduct	• Gaining unauthorized access to restricted areas. • Communicating directly or indirectly any article, official document, or part thereof, or the substance of such document or information, which relates to IMPACT, to a person not authorized to receive such articles, document or information. • Being disrespectful or discourteous in word, act, or demeanor to, or willfully disobeying any lawful order issued orally or in writing by a Line Manager or a person in-charge of an operation. • Using or threatening to use physical violence or using insulting or offensive language against any member of staff or the public. • Using inappropriate and or unwelcome verbal or physical behavior of a sexual nature including teasing, jokes, gestures, displays of visual material or requests for sexual favors i.e. sexual harassment. • Breach of confidentiality. • Joining, supporting or engaging in activities of outlawed, proscribed and illegal groups or movements.	
Misconduct (The disciplinary action may include caution, warning, termination or even dismissal from	Confidentiality and Disclosure	• Failure to treat information of a personal nature disclosed by another staff in confidence, as privileged information. • Failure to ensure that confidential or secret information or documents entrusted to a staff's care are adequately protected from improper or inadvertent disclosure.	
	Conflict of Interest	• Failure to declare personal interest where the said interest conflicts with that of the IMPACT such as	

employment depending on the nature of offence and the mitigating factors adduced.)		having interest in company supplying goods or services
	Misuse of Property	• Misusing or authorizing misuse of computer facilities and other equipment for private matters. • Misuse or authorizing the use of office telephone for private business.
Misdemeanor/ Minor Offenses (Misuse or authorizing the use of office telephone for private business.)	• Failure to submit performance appraisal forms in time. • Exchange of duty with another employee without prior permission of the Line Manager. • To conduct any business or unauthorized transactions whilst on duty or in the Authority's premises. • Reporting late to duty or leaving duty early without permission or a valid reason. • To use subordinate or other staff for activities not directly connected with their official duties.	

7. Disciplinary Action

7.1. Interdiction:

IMPACT may interdict a staff on grounds of misconduct or gross misconduct and that it is necessary to keep the officer away from office to facilitate investigations. While on interdiction: -

- 7.1.1. The employee will not be entitled to annual leave and leave allowance
- 7.1.2. The employee will vacate office until the investigation is completed, heard and determined through disciplinary processes,
- 7.1.3. The employee will receive half consolidated salary awaiting the determination of the case.
- 7.1.4. The employee shall be required to report to Head of Human Resource or an officer duly authorized once a month or at such intervals as may be directed.
- 7.1.5. Interdicted staff reinstated after exoneration shall be paid their withheld salary and any annual increments.
- 7.1.6. All interdiction cases shall be sanctioned by either the CEO or the appointed authority by the Board.
- 7.1.7. Interdiction from duty will be determined within a period of six (6) months from the date of charging as much as possible.

7.2. Suspension/Termination:

IMPACT may terminate or suspend a staff on grounds of criminal proceeding or conviction in a court of law. While under suspension: -

7.2.1. The employee will not qualify for annual leave and will not be paid leave allowance for the period under suspension.

7.2.2. The employee will vacate office and continue to be away until otherwise decided. The employee shall be required to report to Head of Human Resource or an officer duly authorized once a month or at such intervals as may be directed.

7.2.3. The employee will receive half consolidated salary awaiting the determination of the case.

7.2.4. All suspension cases shall be sanctioned by either the CEO or the appointed authority by the Board.

8. Sanction/Penalties

Sanction/Penalty	Explanation of activities
Warning/Caution	1. An employee who commits a misdemeanor may be given a verbal caution/or warning by his/her Line Manager. 2. If a subsequent misdemeanor following the verbal warning continues, then a first written warning will be given. 3. If the employee commits another misdemeanor or the transgression after the first written warning continues, then a second written stern warning will be given. 4. If such an employee is warned two times in a period of twelve (12) months, the third offence will be the final one and will result into a dismissal to be executed in line with the relevant statutes (Employment Act.) since it amounts to misconduct. 5. Verbal warnings must be documented and reported to the Head of Human Resource for reference and records. 6. Copies of warning letters issued in the Departments must be sent to the Head of Human Resource.
Demotion	1. Where applicable, an employee found guilty of misconduct may be demoted from their substantive position to a lower grade. 2. Such an employee shall not be eligible for further promotion for a period of two (2) years.
Withdrawal of Acting Appointment	1. If an employee acting on a higher grade is found guilty of misconduct, he/she may have his/her acting appointment withdrawn.

	2. Such an officer will lose the acting allowance and benefits payable for the acting position. 3. Nothing stops the organization from instituting further disciplinary action against the offender as may be appropriate.
Surcharge	An employee may be surcharged the whole or any part of any pecuniary loss caused by him/her to the organization through his/her negligence, breach of duty or conversion.
Termination of Service	Where an employee is found guilty of general gross misconduct, misconduct or repeated misdemeanors as stipulated in the Code of Conduct, the organization may terminate the services of such employee and pay salary in lieu of notice or as provided in their respective employment contracts.
Summary Dismissal/ Dismissal	1. An employee found guilty of statutory gross misconduct may be summarily dismissed without notice or pay in lieu of notice in line with the relevant provisions of the Employment Act. 2. Benefits payable on dismissal are as provided for under the IMPACT's signed employment contract. 3. Upon summary dismissal/dismissal, the officer will be paid the half salary withheld.
Restitution	Notwithstanding the foregoing, IMPACT may institute legal proceedings for restitution.

9. Appeals

- 9.1.1. An employee found guilty of an offence and given a penalty will have a right of appeal against the penalty meted within thirty (30) days from the date of receipt of the letter communicating the penalty. An employee shall only be allowed one (1) appeal.
- 9.1.2. An appeal shall only be considered where new material evidence is provided by the appellant that may have an impact on the determination of their case.
- 9.1.3. An appeal case may be disqualified where there is circumstantial evidence that the appellant concealed such material evidence when making representation at the disciplinary hearing since it cannot dishonesty on his/her part.
- 9.1.4. The CEO/Board shall constitute a committee/panel to hear appeals for staff as appropriate.
- 9.1.5. If the appeal provides new grounds, the appellant will be invited to make oral representation on his/her appeal before the appeal committee/panel and will be entitled to have another employee of his choice present during this explanation. If no new grounds are provided, the head of human resources shall communicate to the appellant.
- 9.1.6. Appeals will be determined as expeditiously as may be possible in the circumstances but not later than three (3) months from the date it is lodged.

10. Disciplinary Panel/Committee

- 10.1.1. The CEO/Board will not be bound by any recommendations made by the Disciplinary Committee/Panel but shall have the liberty to accept the recommendations, vary it or make further guidance in line with the relevant statutory provisions/policy guidelines.
- 10.1.2. An employee with a disciplinary case shall be entitled to have another employee of his choice present during this explanation in line with the provisions of Section 41(1) (2) of the employment Act. 2007.
- 10.1.3. Disciplinary cases if within the control of the Authority shall be determined within the defined timelines specified in the Code of Conduct.