



Anti-Bribery and Corruption Policy

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Date of this revision: 25.03.2024	Date of next review: 2027
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Version Number/ Revision Number:	Revision Date:	Summary of Changes:	Changes marked:
1.0		New Policy	

Consultation History:

Version Number/ Revision Number	Consultation Date	Names of Parties in Consultation	Summary of Changes
1.0		- VP Finance and Corporate Governance - Information and Data Compliance Officer - Project Accountant	

Development and Approval Log:

Responsible for:	Title
Policy Developer:	Project Accountant – Governance & Compliance
Policy Owner:	Vice President of Finance & Corporate Governance
Recommended by:	TUS Audit & Risk Committee
Approving Authority:	TUS Governing Body
Reference Documents:	N/A

Approval:

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Date Approved:	Date Policy to take effect:	Date Policy to be reviewed:
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1. Policy Introduction

Technological University of the Shannon: Midlands Midwest hereafter referred to as (“TUS”) recognises the importance of protecting the Technological University hereafter referred to as (“the University”), its reputation and its employees from the consequences of bribery and corruption activities.

Accordingly, the University expects the highest standards of ethical behaviour from all University personnel, students, vendors, contractors, customers and others who transact business with the University by promoting a culture of integrity, honesty, awareness, transparency, accountability and vigilance.

2. Definitions

Bribery is an inducement or reward offered, promised or given in order to gain any commercial, contractual, regulatory or personal advantage.

Corruption is the misuse of power for personal gain and can be described as acting with an improper purpose personally or by influencing another person, whether:

- By means of making a false or misleading statement,
- By means of withholding, concealing, altering or destroying a document or other information; or
- By other means.

3. Scope

3.1 This policy covers bribery and corruption relating to the University’s funds and assets and is applicable to all University and University controlled funds and assets, including research grants and consultancy projects administered by the University and University subsidiary companies.

3.2 This policy applies to all TUS staff, students and members of TUS Governing Body and Governing Body Committees.

3.3 University personnel should ensure that they are familiar with other relevant University policies, procedures and regulations, including:

- TUS HR Policies and Procedures (including TUS’s disciplinary procedures);
- TUS Protected Disclosures Policy;
- TUS Conflict of Interest Policy;
- TUS Intellectual Property Policy;
- TUS Financial Policies and Procedures;
- TUS Dignity and Respect Policy;
- TUS Acceptable Usage Policy;
- TUS Information Security Policy.

4. Purpose of Policy

The University takes a zero-tolerance approach to bribery and corruption and is committed to safeguarding the assets of the University by ensuring opportunities for bribery and corruption are mitigated against. The University considers that all forms of bribery and corruption have a detrimental impact by undermining good governance. This policy sets out the responsibilities and procedures to follow for members of staff, students and Governing Body of the University where bribery and/or corruption or suspected bribery and/or corruption has been identified.

5. Roles and Responsibilities

Responsible Person	Roles
VP, Finance & Corporate Governance & The Policy Unit	<ul style="list-style-type: none"> Review, monitor and distribute the policy and to provide awareness as required.
Governing Body	<ul style="list-style-type: none"> To review and approve the policy at least every 3 years.
President	<ul style="list-style-type: none"> Ensure processes and procedures are in place within the University to facilitate adherence to the policy.
Designated Person (<i>Information and Data Compliance Officer</i>)	<ul style="list-style-type: none"> Ensure instances of alleged or suspected bribery and/or corruption initially reported to them are investigated appropriately.
Review Group (President or nominee and the VP Finance & Corporate Governance. <i>Alternative Review Group (may consist of two members of the Executive Management Team who do not have any conflict of interest or an External Assessor)</i>	<ul style="list-style-type: none"> Review the alleged or suspected bribery and/or corruption, progress the investigation and liaise with the Designated Person in relation to the alleged or suspected bribery and/or corruption. Where the Review Group deem it appropriate or in the event of a conflict of interest, an Alternative Review Group will be appointed
Independent Oversight Person(s) (<i>Chairperson of Audit & Risk Committee, and/or their nominee</i>)	Provide objective oversight of the reports drafted by the Review Group, External Assessor or External Investigator.
External Assessor	The Review Group may decide to appoint an external person/body to assess the alleged or suspected bribery and/or corruption and make a determination on the issues and whether they should be investigated as an alleged or suspected bribery and/or corruption.
External Investigator	The Review Group may decide to appoint an external person/body to investigate the alleged or suspected bribery and/or corruption and provide a written report to the Review Group.
Vice Presidents and Deans of faculty Management or Supervisory Positions	Monitor Compliance with the Policy.
	<ul style="list-style-type: none"> Monitor Compliance with the Policy; Ensure that all members of staff in their department are aware of University policies and procedures and that these policies and procedures are adhered to at all times.
All Staff, Students	<ul style="list-style-type: none"> Adhere to the policy statements in this document; Report suspected breaches of the policy to the Designated Person.
Audit & Risk Committee	<ul style="list-style-type: none"> Monitor matters arising under this policy and report to Governing Body.
Finance & Physical Development Committee	<ul style="list-style-type: none"> Monitor matters arising under this policy as and when appropriate and report to Governing Body.

6. Policy Statement

- 6.1 It is University policy that TUS personnel never offer, give, promise, provide, solicit, request accept or agree to receive anything of value (e.g. a payment, a gift, hospitality) with the expectation or purpose of gaining commercial, contractual, regulatory or personal advantage.
- 6.2 The University's position in relation to the giving or receiving of gifts or hospitality is set out in further detail in Section 3.3 of the Code of Conduct for Employees and Section 1.4.1 of the Code of Conduct for TUS Governing Body Members.
- 6.3 It is also University policy to investigate all cases of suspected bribery and/or corruption and, when appropriate, to pursue legal remedies available under the law.
- 6.4 Any act of bribery and/or corruption involving members of staff, students, members of Governing Body and Governing Body Committees ascertained upon investigation, or pursuant of a criminal conviction, or through acknowledgement by the individual(s) concerned, shall result in the appropriate disciplinary and legal actions against them. This includes the possibility of termination of employment, restitution, and/or forwarding information to the appropriate authorities for criminal prosecution.
- 6.5 The University ensures that it complies with all mandatory reporting requirements under relevant legislation and the TUS Code of Governance. For example, there may be a requirement to report a matter to An Garda Síochána and the Charities Regulator, as well as other relevant regulatory authorities including the Comptroller & Auditor General (C&AG), the Department of Further and Higher Education, Research, Innovation and Science (DFHERIS) and the Higher Education Authority (HEA).

7. Reducing the Potential for Bribery and Corruption

- 7.1 The University implements preventive measures which includes a system of internal control, an effective risk management process and the independent external annual audit to reduce the potential for bribery and/or corruption. This would also include written policies and procedures.
- 7.2 TUS personnel with management or supervisory responsibilities should ensure that all members of staff in their department are aware of TUS policies and procedures and that these policies and procedures are adhered to at all times.

8. Reporting Procedures

- 8.1 It is the responsibility of all University Staff, Students, members of TUS Governing Body and Governing Body Committees to report any suspicions of bribery and/or corruption without delay. Members of the public can also report suspicions of bribery and/or corruption. Cases of bribery and/or corruption or suspected bribery and/or corruption will be reported to the Designated Person. This includes any instances where you may be the victim of attempted bribery. The Designated Person in TUS is the Information and Data Compliance Officer and the e-mail address is disclosures@tus.ie
- 8.2 The University itself may determine to deal with a report of bribery and/or corruption under its TUS Protected Disclosure Policy where it is deemed the incident falls under the definition of a "relevant wrongdoing" as outlined in the Protected Disclosures Policy.
- 8.3 Cases of bribery and/or corruption or suspected bribery and/or corruption may be reported under the University's Protected Disclosures Policy, where the person making the disclosure is a

“worker” as defined in that policy and in the Protected Disclosures (Amendment) Act 2022, and the matter meets the other requirements of that policy and the act, such as falling within the definition of a “relevant wrongdoing”.

- 8.4 In making a report, individuals must take care to avoid making incorrect accusations or alerting suspected individuals. The good name and reputation of individuals, the subject of suspicion of bribery and/or corruption, is not undermined where an honest and reasonable report of suspicious circumstances is made.
- 8.5 Anonymous reporting may be less capable of being addressed, as it may limit the University’s ability to consider, address and investigate a matter. Please refer to the TUS Protected Disclosures Policy under Section 5. Where supporting evidence is available, such a report may form the basis of an investigation following the initial assessment process.

9. Review Procedures

- 9.1 The first avenue for formal reporting of alleged or suspected bribery and/or corruption is internal and can be made verbally or in writing directly to the Designated Person. On receipt of a report relating to bribery and/or corruption or suspected bribery and/or corruption, the Designated Person will carry out an initial assessment. A process flow chart is set out in Appendix A of this policy.
- 9.2 Where an investigation is deemed appropriate, terms of reference will be determined with details of who will conduct the investigation and how the investigation will be carried out, whilst ensuring that the principles of natural justice and fair procedures are adhered to.
- 9.3 Once the initial assessment has been carried out, the Designated Person will furnish this assessment (via a report) to the Review Group who will review the report, establish the factual information and decide on the next course of action to be taken, if any. If an investigation is required, the Review Group in consultation with the Designated Person will decide how the matter should be investigated. The Review Group may call on external expertise at their discretion in order to assist them. This external expertise may be either an External Assessor or an External Investigator determined by the Review Group. Alternatively, the outcome of the assessment may require the matter to be dealt with under other relevant university policies.
- 9.4 On completion of the investigation, the report will be furnished to the Independent Oversight Person(s) to assess the following:
 - 9.4.1 Whether the policy and procedures were followed;
 - 9.4.2 Whether the terms of reference were adhered to;
 - 9.4.3 Whether the conclusions/findings could or could not reasonably be drawn from the information/evident on the balance of probability.
- 9.5 In cases where the relevant alleged or suspected bribery and/or corruption is relatively straightforward, or does not require consideration of the making of an adverse finding about an individual(s), the Review Group may decide to use an informal process to address the alleged or suspected bribery and/or corruption.

10. Disciplinary Procedures

Following completion of the initial assessment and/or investigation and where the facts established warrant further attention, the matter may be referred for investigation in accordance with The University’s established disciplinary procedures or to An Garda Síochána or other appropriate authorities.

11. Further Action

- 11.1 The person/persons appointed to carry out the investigation will provide a written report to the Review Group and the Designated Person(s) detailing their findings and recommendations(s) for consideration.
- 11.2 The Audit and Risk Committee will assess whether any weakness in the University's systems of internal control has been adequately addressed by the University.
- 11.3 In line with the Protected Disclosures Policy, the Audit and Risk Committee will include relevant details of and updates on disclosures in their reports to Governing Body.

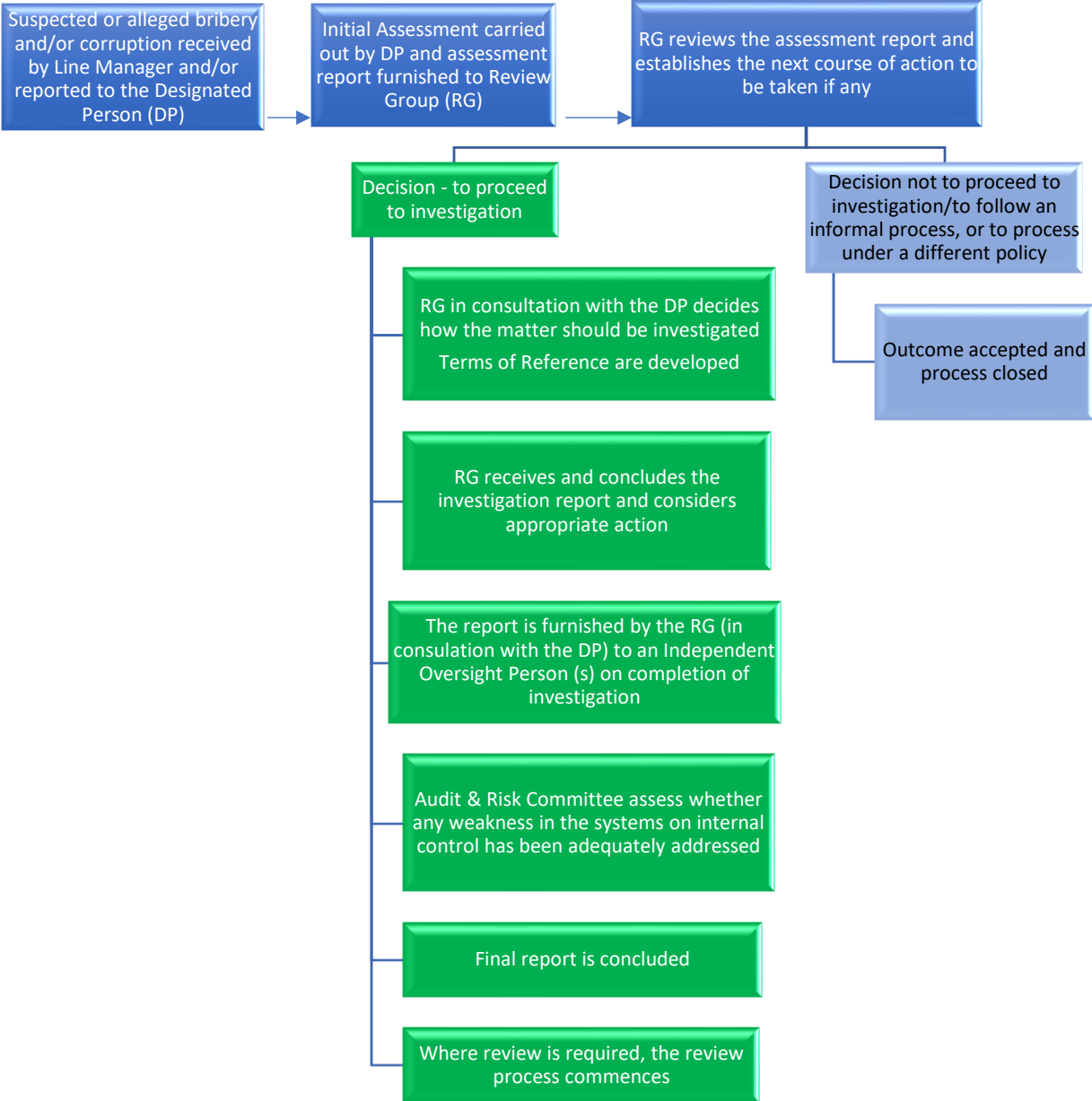
12. Confidentiality

Matters arising under this policy cannot be disclosed or discussed with anyone other than those that have a legitimate need to know. This may include the Governing Body Chairperson and other relevant persons as determined by the Review Group. The Review Group will be cognisant of any potential conflict of interest to ensure there is no perceived or actual conflict of interest when determining who the matter(s) can be disclosed to or discussed with. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the University from civil liability.

13. Policy Compliance / Monitoring and Review

- 13.1 The Policy Unit is responsible for ensuring the policy is reviewed at least every 3 years.
- 13.2 The Policy Unit ensures that any associated policies are modified or superseded and archived.
- 13.3 The Policy Unit to liaise with the VP, Finance & Corporate Governance or the VP, Finance & Corporate Governance nominee to monitor the need for an audit to identify whether:
- There is an ongoing need for the policy in relation to its stated purpose and goals and that it remains consistent in relation to the TU's overall strategic plan.
 - There is a potential need to change the policy to improve its effectiveness, or to ensure that it is up to date, and aligns with legislation, and best practice.

Appendix A – Flow Chart Process for Suspected or Alleged Bribery and/or Corruption*



****At any stage throughout the investigation the matter may be referred to an Garda Síochána or other appropriate authorities.***

Appendix B - Consultation and Communication Plan Detail

IDENTIFIED NEED:
Anti-Bribery and Corruption Policy required.

STAKEHOLDERS:
All TUS Staff, Students, members of Governing Body and Governing Body Committees

PROPOSED TIMELINE FOR CONSULTATION:
January 2024 – March 2024

CONSULTATION GROUP COMPOSITION (REVIEW GROUP) (IF NECESSARY)
VP Finance & Corporate Governance
Information and Data Compliance Officer
Project Accountant – Governance & Compliance

PROPOSED TIMELINE FROM DRAFT TO IMPLEMENTATION:
Drafted and implementation first quarter 2024

BEST PRACTICE REFERENCES:
n/a

LEGISLATIVE REQUIREMENTS / REFERENCES:
TUS ensures that it complies with all mandatory reporting requirements under relevant legislation and the TUS Code of Governance

APPROVING COMMITTEE/S:
ARC to recommend to GB for Approval

PUBLICATION AND INFORMATION PLAN:
TUS Website

MONITOR AND REVIEW PROPOSAL:
Monitor annually, review every three years