

Anti-Bribery Policy

1. The University's commitment

- 1.1. The University of Oxford is committed to conducting its activities fairly, honestly and openly, in accordance with relevant legislation, and to the highest standards of integrity. The University believes that action against bribery and other corrupt activity is of vital importance to the broader social, political and economic interests of society. As a charity deriving a significant proportion of its income from public funds, benefactions and charitable organisations, the University is also concerned to protect its operations and reputation as well as its funders, donors, staff and students from the detriment associated with bribery and corruption.
- 1.2. The University has zero tolerance of bribery and will take appropriate action to prevent bribery in respect of its activities under UK law or the law of any other country. The purpose of this policy is to set out the responsibilities of the University and those acting on its behalf (described under "Scope" below) in observing and upholding its position on preventing bribery. The University will review this policy and supporting procedures regularly (at least every three years).
- 1.3. All staff and associated persons of the University of Oxford are expected to:
 - act in a fair and impartial manner without favouritism or bias;
 - understand their responsibilities under this policy and related policies and comply with these at all times;
 - guard against the commission of bribery by or on behalf of anyone associated with the University;
 - have due regard to the steps taken by the University to prevent bribery (section 5); and
 - report any suspicion of bribery or other concerns through the channels set out in this policy (section 7).
- 1.4. This policy has been prepared by the Risk, Compliance and Assurance team and shall be published on the University website together with guidance and training materials. For further advice, contact: compliance@admin.ox.ac.uk
- 1.5. A glossary of key terms is provided in Appendix 1.

2. What is bribery?

- 2.1. Under the UK Bribery Act 2010¹, it is an offence:
 - **to offer, promise, give, request, agree to receive or accept** a financial or other advantage with the intention to induce or reward improper performance. A bribe can be of any form, size or value that would provide the intended recipient with some form of benefit or advantage. Bribes can be money, discounts, vouchers, loans, gifts, hospitality, accommodation, use of assets, preferential treatment, business advantage, employment opportunities, etc.
 - **to offer, promise, give or agree to bribe a foreign public official in order to obtain or retain business or an advantage in the conduct of business** except where this is specifically permitted by law. The only exception is where not to do so would place an individual in imminent or immediate personal danger. Such incidents must be reported

¹ www.legislation.gov.uk/ukpga/2010/23/contents

as soon as possible, both to the authorities in the location where the incident occurred and to the University's Head of Risk, Compliance and Assurance.

- for commercial organisations **to fail to prevent bribery intended to give the organisation a business advantage by persons associated** with them, including employees as well as people and companies working on behalf of the organisation anywhere in the world.

When might bribery occur in a University context?

2.2. Areas where there is a higher risk of bribery occurring in higher education institutions include (but are not limited to):

- Procurement and tender exercises
- Negotiating contracts and commissions
- Failing to exercise adequate oversight of the operation of joint ventures and subsidiaries
- Dealing with agents, associates, consultants, intermediaries and partners
- Interacting with public officials and Politically Exposed Persons (PEPs)
- Making and receiving donations or sponsorships
- Recruiting staff, interns, volunteers and work experience candidates
- Admitting undergraduate, postgraduate and visiting students
- Selecting recipients for scholarships, bursaries and awards
- Marking and assessment
- Obtaining visas, permits and licences
- Travelling overseas, especially to countries with perceived higher levels of public sector corruption²
- Giving and receiving gifts and hospitality
- Providing references and peer reviews
- Handling confidential personal and research data

2.3. All staff and associated persons involved in these activities have a particular responsibility to familiarise themselves with this policy and seek advice from their manager or the Risk, Compliance and Assurance team if they have any concerns.

3. Penalties

- 3.1. Breach of this policy may amount to a disciplinary offence for staff and students and will be subject to investigation under the University's disciplinary procedures. In the most severe cases this could result in termination of employment or expulsion from the University. It may also lead to civil recovery proceedings, and/or reference to professional bodies and/or the police or other criminal investigation agency and may result in prosecution.
- 3.2. For other associated persons, breach of this policy may result in other contractual, legal or other sanction.
- 3.3. Individuals found guilty of an offence under the Bribery Act can face an unlimited fine and/or a prison sentence of up to 10 years.
- 3.4. The University could face unlimited fines and exclusion from tendering for public contracts if it is found to have committed the corporate offence of failing to prevent bribes being made or received by staff or associated persons.
- 3.5. Individuals who refuse to take part in bribery or corruption, or who report concerns under this policy in good faith, will be protected from detrimental treatment or retaliation. Detrimental

² Transparency International Corruption Index: www.transparency.org/en

treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

3.6. Malicious or vexatious complaints may result in disciplinary action.

4. Application

4.1. Scope

4.1.1. This policy applies to all staff and ‘associated persons’ (anyone acting on behalf of the University), including (but not limited to):

- employees and workers (whether casual, temporary, fixed-term, permanent or on open-ended contracts), agency workers, seconded workers, volunteers or interns;
- associated persons, including (but not limited to);
 - agents, contractors, associates, consultants, third-party representatives and business partners, suppliers, donors, sponsors, or any other person associated with the University wherever located;
 - external members of Council and University committees, panels or boards if they perform services for or on behalf of the University;
 - researchers and academic visitors³ whether self-funded or employed by other entities (such as other funders, universities or Oxford colleges), and retired members of staff, if they perform services for or on behalf of the University;
 - subsidiary companies and joint venture entities where the University wholly owns or controls the entity unless separate policies have been formally approved and adopted by the Boards of those companies and endorsed by Council’s General Purposes Committee. This covers the joint venture partners and, where applicable, those companies conducting services on behalf of the joint venture;
 - societies of the University of Oxford (e.g. Reuben College), but not other colleges, which have their own policies; and
 - students (i.e. anyone who has a contract for study with the University) when employed by or otherwise acting on behalf of the University, e.g. as members of committees or when representing the University in sports or other competitions.

4.1.2. This policy has been adopted by Council and applies throughout the University, apart from Oxford University Press which has its own policy and procedures. The policy applies to University operations in the UK and in any other country. Where there is a difference between the provisions of this policy and the law or regulations in another jurisdiction, the University will uphold the stricter provisions.

³ <https://hr.admin.ox.ac.uk/visitors>

4.2. Responsibilities

- 4.2.1. **Council** is responsible for the administration of the University and for the management of its finances and assets and for setting the University policy to combat bribery and corruption. It is also responsible to the Office for Students for meeting its conditions of registration, which include operating comprehensive corporate risk management and control arrangements.
- 4.2.2. **The Registrar** is responsible for ensuring that this policy is implemented and maintained, and that appropriate explanatory guidance is provided.
- 4.2.3. **Every member of staff and associated person** who acts on behalf of or provides services to the University (as set out in the “Scope” section above) is responsible for ensuring that they:
- act in a fair and impartial manner without favouritism or bias;
 - understand their responsibilities under this policy and related policies and comply with these at all times;
 - guard against the commission of bribery by or on behalf of anyone associated with the University;
 - have due regard to the steps taken by the University to prevent bribery (section 5); and
 - report any suspicion of bribery or other concerns (section 7).
- 4.2.4. **Members of staff involved in higher risk activities** (see 2.2 above) in the UK or overseas are responsible for ensuring that they review relevant guidance, carry out appropriate risk assessments and bring this policy to the attention of relevant associated persons.
- 4.2.5. **Heads of Division, Heads of Department (including Faculty Board Chairs), and Heads of University Services (UAS and GLAM)** are responsible for ensuring that staff within their divisions, departments and sections (as appropriate), affected students, and other associated persons are made aware of this policy and associated explanatory guidance.
- 4.2.6. **The Boards of Directors** of majority owned/controlled joint ventures and wholly owned/controlled subsidiaries are responsible for ensuring that this policy – or an alternate policy that is endorsed by Council’s General Purposes Committee – is implemented and maintained within those companies, and that staff and other associated persons are made aware of the policy and associated explanatory guidance.
- 4.2.7. **The Boards of Directors** of equal and minority joint ventures are expected to act in accordance with this or equivalent policies.

5. What is the University doing to prevent bribery?

- 5.1. The Bribery Act makes commercial organisations liable for a failure to prevent bribery by persons associated with them. The penalties include unlimited fines and exclusion from tendering for public contracts as well as reputational harm. Therefore, organisations must put in place adequate procedures designed to prevent persons associated with them from carrying out bribery on their behalf.
- 5.2. The University has implemented proportionate procedures to prevent bribery in respect of its activities in the UK or any other country, including:
- policies, supporting guidance, toolkits and training;
 - risk management, audit, assessment and assurance processes;
 - effective financial regulations, assurance and record-keeping, supported by guidance, training and audit;

- due diligence in procurement;
- standard clauses in contracts; and
- monitoring, review and continuous improvement processes.

5.3. The University provides all staff with training on compliance with this policy.

5.4. Assessment of bribery risk is carried out as part of general and specific risk management processes so that proportionate preventative and detective controls may be identified and implemented. Significant transactions – those that are of high value, or high risk, or high profile – should always be subject to a specific bribery risk assessment with appropriate due diligence. High risk transactions are those where there is a significantly increased risk of bribery due to the nature of the transaction, the third party, territory, opportunity or sector. The University provides detailed guidance to assist departments in carrying out bribery and fraud risk assessments.

5.5. University Risk, Compliance and Assurance team: compliance.admin.ox.ac.uk

6. Interaction with other policies, procedures and regulations

6.1. This policy interacts with and overlaps many other University policies and procedures. Staff and associated persons should ensure they familiarise themselves with all those applicable to their role and activities.

- Financial Regulations: <https://finance.admin.ox.ac.uk/financial-regulations> - and supporting Financial Processes: <https://finance.admin.ox.ac.uk/financial-processes>
- Student admissions policies and procedures: <https://academic.admin.ox.ac.uk/admissions>
- Staff recruitment policies and procedures: <https://hr.admin.ox.ac.uk/recruitment>
- HR policies: <https://hr.admin.ox.ac.uk> - including staff disciplinary procedures: <https://hr.admin.ox.ac.uk/disciplinary-procedures>
- Student disciplinary procedures: <https://governance.admin.ox.ac.uk/legislation/statute-xi-university-discipline-0>
- Anti-Fraud Policy: <https://compliance.admin.ox.ac.uk/anti-fraud-policy>
- Gifts and Hospitality Policy: <https://compliance.admin.ox.ac.uk/gifts-and-hospitality-policy>
- Conflict of Interest Policy: <https://researchsupport.admin.ox.ac.uk/governance/integrity/conflict/policy>
- Code of Practice on Academic Integrity in Research: <https://hr.admin.ox.ac.uk/academic-integrity-in-research>
- Public Interest Disclosure (Whistleblowing) Code of Practice: <https://hr.admin.ox.ac.uk/public-interest-disclosure-whistle-blowing-code-of-practice>
- Information Security Policy: <http://www.it.ox.ac.uk/policies-and-guidelines/information-security-policy> - and supporting implementation guidance: <https://www.infosec.ox.ac.uk/guidance-policy>

6.2. The policy also takes account of the University's wider legislative obligations and provisions pertaining to bribery and associated behaviour as set out in (but not limited to):

- The Bribery Act 2010: <https://www.legislation.gov.uk/ukpga/2010/23/contents>
- The Fraud Act 2006: <https://www.legislation.gov.uk/ukpga/2006/35/contents>
- The Criminal Finances Act 2017: <https://www.legislation.gov.uk/ukpga/2017/22/contents>
- The Terrorism Act 2006: <https://www.legislation.gov.uk/ukpga/2006/11/contents>
- The Proceeds of Crime Act 2002: <https://www.legislation.gov.uk/ukpga/2002/29/contents>
- Public Interest Disclosure Act 1998: <https://www.legislation.gov.uk/ukpga/1998/23/contents>

- The Computer Misuse Act 1990: <https://www.legislation.gov.uk/ukpga/1990/18/contents>
- U.S. Foreign Corrupt Practices Act 1977: <https://www.justice.gov/criminal-fraud/foreign-corrupt-practices-act>
- The Economic Crime (Transparency and Enforcement) Act 2022: <https://www.legislation.gov.uk/ukpga/2022/10/contents/enacted>

7. Procedure for reporting suspected bribery

7.1. The following procedure is to be used in instances where bribery is reasonably suspected in the context of the University's activities, e.g.

- If you are asked to pay a bribe or facilitation payment
- If you are forced under duress to pay a bribe or facilitation payment
- If you are offered a bribe for any reason
- If you suspect bribery is occurring

7.2. If you are asked to make a payment which you suspect may be a bribe, e.g. a "fee" to expedite a routine service, try to find out whether it is an official charge:

- Ask to see official documentation
- Ask to speak to the supervisor
- Ask for a formal receipt

7.3. If you are reasonably certain that it is not an official charge, you **must not** pay – unless refusal to do so could place you in personal danger (see 7.4). Being inconvenienced or forced to wait are not sufficient reasons to give in to a demand for a bribe. If you feel it is safe to do so:

- Explain that UK law forbids you to make any payments not prescribed by law
- If travelling overseas, seek help from your in-country point of contact
- Say you need to gain authorisation from the University, e.g.
 - Your manager or supervisor
 - The Risk, Compliance and Assurance team
- Your travel insurer may also be able to provide support and advice

7.4. In circumstances where you have no alternative but to make a payment in order to protect against loss of life, limb or liberty, you **may** make the minimum payment necessary to avoid harm.

7.5. In all cases, you must report the incident as soon as possible in accordance with the University's [Public Interest Disclosure \(whistleblowing\) Code of Practice](#) and [Procedures for reporting and investigating with suspected instances of fraud and financial misconduct](#)

7.6. For urgent matters that arise out of hours, contact Oxford University Security Services: tel. +44(0)1865 2 8999

7.7. If somebody attempts to bribe you or you suspect that you are being offered a bribe, you should speak to your line manager and report the issue to departmental senior management as soon as possible. Your department may refer the issue to the Risk, Compliance and Assurance team.

7.8. If you reasonably suspect bribery or attempted bribery by or on behalf of anyone associated with the University, report your concerns as soon as possible to the [Head of Risk, Compliance and Assurance](#) providing:

- A brief description of the alleged irregularity
- Any evidence that supports the allegations
- The identity of the individual(s) responsible

- 7.9. If you prefer, you may report via the University's [Public Interest Disclosure \(whistleblowing\) Code of Practice](#) setting out the information at 7.8.
- 7.10. All information submitted will be treated in the strictest confidence.
- 7.11. Individuals who have reported reasonably held concerns or suspicions in good faith will not be subjected to any detriment.

8. Review

- 8.1. This policy will be reviewed 12 months after it comes into force and thereafter every 3 years.
- 8.2. This policy may also be reviewed and updated as required to incorporate learning from instances of fraud and near misses and changes to the organisation.

Owner:	Head of Risk, Compliance and Assurance
Version:	1.0
Approval date:	June 2022
Approved by:	GPC
Date of last review:	n/a
Date of next review:	2023

APPENDIX 1: GLOSSARY / DEFINITIONS

Associated persons: anyone acting on behalf of the University, including employees, agents, contractors, consultants and others as set out in “Scope” above.

Bribery: the offering, promising, giving, requesting, or accepting of a financial or other advantage with the intention to induce or reward **improper performance**, either directly or indirectly through third parties.

Conflict of interest: where the commitments and obligations owed by a member of staff or student to the University or to other bodies compete, or are perceived to compete, with their personal interests or duties to other people or organisations (see also the University’s Conflict of Interests Policy⁴).

Corruption: dishonest or fraudulent conduct, typically involving bribery.⁵

Donation: a voluntary monetary or non-monetary contribution for which no return service or payment is expected or made. The University does not permit donations to political parties or politicians.

Facilitation payments: additional payments – often to **public officials** – to facilitate the proper performance of a job, i.e. to secure or expedite a routine service to which you are already entitled. Any payment (or offer to pay) that is not legally and ethically justifiable may constitute a bribe and must not be paid. The only exception is where you have no alternative but to make a payment in order to protect against loss of life, limb or liberty.

Fraud: a dishonest act or omission that is made with the intent of making a gain or causing a loss (or the risk of a loss) of money or other property, including intellectual property. This can include deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, money-laundering, false accounting, false representation, concealment of material facts and collusion, and dishonest, irregular or illegal acts, characterised by a deliberate intent to conceal or falsely represent (see also the University’s Anti-Fraud Policy⁶).

Gifts and hospitality: the provision of property, consumables, services, entertainment or money for which no reasonable fee is paid in return by the recipient. Gifts and hospitality can be used as a means of inducing improper performance, as well as for reasonable and legitimate business purposes, and may only be offered or accepted when they meet the criteria set out in the University’s Gifts and Hospitality Policy⁷.

Improper performance: failure to perform a **relevant function or activity** in good faith, impartially or in accordance with a position of trust; or failure to perform it at all. The only exception is where this is explicitly permitted or required by the written law of the country in which it is performed.

Joint ventures: a commercial arrangement between two or more participants who agree to cooperate to achieve a particular objective. Includes a wide range of collaborative business arrangements with differing degrees of integration, of fixed or indefinite duration.

Kickbacks: payments made in return for a business favour or advantage.

Politically Exposed Person (PEP): someone who has previously been entrusted with public functions in government or a public international organisation, including former heads of state; senior politicians; senior government, judicial or military officials; senior executives of state owned corporations; important political party officials; or senior members of public international organisations or their boards.

⁴ <https://researchsupport.admin.ox.ac.uk/governance/integrity/conflict/policy>

⁵ Transparency International defines corruption as ‘the abuse of entrusted power for private gain’: www.transparency.org

⁶ <https://compliance.admin.ox.ac.uk/anti-fraud-policy>

⁷ <https://compliance.admin.ox.ac.uk/gifts-and-hospitality>

Public official: officials or employees of a government or other public body, agency or legal entity, including government ministers and civil servants; local government members and officials; political party officials and candidates for office; the police and other security agencies, such as immigration and border control; the armed forces; and officers, employees and representatives of public international organisations such as the UN, EU and World Bank. The employees of private or commercial bodies, including universities and research institutes in countries where these are considered to be state bodies (e.g. China), may also be public officials.

Relevant function or activity: any function of a public nature; any activity connected with a business; any activity performed in the course of a person's employment; any activity performed by or on behalf of a body of persons (whether corporate or unincorporate). A function or activity is relevant even if it has no connection with the UK and is performed in a country or territory outside the UK.

Subsidiaries: a company is a 'subsidiary' of another company if that other company (a) holds a majority of the voting rights in it, or (b) is a member of it and has the right to appoint or remove a majority of its board of directors or (c) is a member of it and controls a majority of the voting rights in it, or if it is a subsidiary of a company that is itself a subsidiary of that other company.

Tax evasion: a deliberate effort not to pay tax, and the deliberate and dishonest facilitation of the commission of tax evasion by another person (see also the University's Anti-Facilitation of Tax Evasion Policy⁸)

Third party: includes actual and potential customers, suppliers, business contacts, agents, government and public bodies, including their advisors, representatives and officials, politicians and political parties.

⁸ <https://finance.admin.ox.ac.uk/criminal-finances-act-2017>

APPENDIX 2: What might this mean in practice?

Hypothetical examples in a higher education context:

Example	Why is this problematic?
An Oxford alumnus – whose daughter has recently applied to study Law at the University – offers a £10,000 donation to fund a bursary for disadvantaged students.	This is – or could be perceived to be – an attempt to influence the admissions decision-making process in favour of the donor's daughter. University policy prohibits staff from accepting gifts or hospitality during an admissions or recruitment process.
A border entry official invites a researcher on a field trip to pay a \$50 entry fee to expedite the customs clearance process for her scientific equipment.	Unless this payment is required by the written law of that country, this would be an unlawful facilitation payment to a foreign public official and should not be made. The researcher should report the request to their manager and/or the University's Head of Risk, Compliance and Assurance.
A potential supplier offers staff carrying out a tender exercise an all-expenses paid fact-finding trip to their overseas facility to help inform their purchasing decision.	This is – or could be perceived to be – an attempt to influence the decision-making process in the supplier's favour. University policy prohibits staff from accepting any gifts or hospitality during a procurement tender process.
A professor who sits on the selection panel offers to ensure an applicant is successful in a scholarship competition in return for a success fee.	The money is being solicited as a reward for improper performance, e.g. scoring the application more highly than it may merit.
An overseas agent recruiting volunteers for a drugs trial in a developing country offers local people excessive cash sums to persuade them to volunteer.	Any payments not set out in the contract with the University are unauthorised and could be viewed as bribes. The University is legally responsible for the actions of its agents and other associated persons on its behalf. Payments to cover volunteers' reasonable expenses are lawful provided they have been approved under the trial protocol and contract with the agent.
An academic offers to write a very positive peer review of a research article in exchange for an equally good review of his latest work.	While no money has changed hands, both parties have agreed to perform their jobs improperly in return for a benefit or advantage.
An international postgraduate student offers his examiners a £5,000 gift and asks them to raise his dissertation mark to a pass so he can complete his course before his visa expires.	The money has been offered with the aim of inducing improper performance, e.g. awarding an inaccurate mark.
A representative from a consultancy firm previously employed by the University strikes up a friendship with a member of University staff and takes them out for lunch once a fortnight.	This is – or could be perceived to be – excessive hospitality that is being offered with the aim of influencing future procurement decisions. The department would need to decide whether it was appropriate in all the circumstances and, if approved, record it in their Gifts & Hospitality Register. The Conflict of Interest Policy may apply in any future procurement exercise.