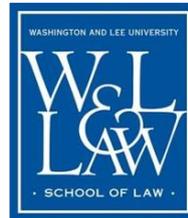




NEW JUSTICE PROGRAM

ANTICORRUPTION EDUCATION FOR LAW STUDENTS
INTERNATIONAL ACADEMIC WORKSHOP:
STRENGTHENING THE ACADEMIA'S CAPACITY TO FIGHT CORRUPTION
THROUGH THE DEVELOPMENT OF ANTI-CORRUPTION POLICY

Final Resolution and Action Plan
Kharkiv, November 21-22, 2017



Participants who took part in this international academic workshop, in account of Article 42 of the Law of Ukraine on Education (provision on academic integrity), the responsibilities of Universities in the education of future generations, and the willingness of law students and society to fight corruption:

Recommend that Ukrainian Law Schools continue to promote and establish integrity and anti-corruption education, programs and culture among students and the larger academic community, including staying current with advanced technologies for distribution and education of anti-corruption policies and practices.

Recommend using the experiences of other Universities in developing anti-corruption policies and in building academic integrity. Examples include the academic integrity work at Yaroslav Mudryi National Law University - Poltava Law Institute, the draft Anti-corruption policy at Ukrainian Catholic University, Lviv, and the single-sanction practice of expulsion or termination for unethical or corruption activities at Washington and Lee University, USA.

Recommend using modern methods and techniques of developing and implementing integrity and anti-corruption policies, including the application of methodology of system analysis to reveal corruption risks and conflict of interest in the activities of Universities.

Recommend that Ukrainian Law Schools consider implementing the Model Anti-Corruption Policy for Universities created at this workshop.

Recommend that Ukrainian Law Schools, after the establishment of the Model Anti-Corruption Policy for Universities, conduct an annual internal assessment of its implementation.

Recommend that Ukrainian Law Schools, after the establishment of the Model Anti-Corruption Policy for Universities, conduct an annual collective meeting to share best practices and assessments of each University's implementation.

Recommend to National Agency on Corruption Prevention to review and promote the Model Anti-Corruption Policy for Universities created during this workshop.

Recommend continuing promotion of integrity and combatting corruption in the academic community by Law Schools in cooperation with the following:

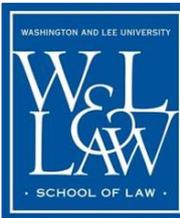
Ministry of Justice of Ukraine and the Ministry of Education and Science of Ukraine, under their project "I Have a Right!",
USAID New Justice Program, and
United Nations Office on Drugs and Crime - Treaty Enforcement Division, its Anti-Corruption Academic (ACAD) Initiative and its Education for Justice (E4J) Initiative.

The draft Model Anti-Corruption Policy for Universities is attached.



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DRAFT

MODEL UNIVERSITY ANTI-CORRUPTION POLICY

I. Preamble

The University should preserve and protect the credibility of academics and research practices. The goal of the University should be to instill respect for the integrity and dignity of all members of its community. Fostering these shared values in the University's work provides students, faculty, administration and support staff with a learning environment of excellence.

Such a culture encourages successful academic practices and increases the public's faith in the institution. This trust allows the public to hold the University's work in the highest regard. Acting in good judgment with anti-corrupt practices preserves the faith in the University, academia, and society, whose members the University shapes through quality education.

We aim to have this culture of ethics emanate from the University community to society at large.

II. Purpose

The primary purpose of this Policy is to prevent corruption and promote academic integrity in the University. This Model Policy provides guidance to the University community on how to recognize and respond to situations that may involve corruption.

III. Definitions

For further explanation of the following terms, refer to the United Nations Convention against Corruption.

Anti-Corruption Officer: Officer who is responsible for oversight of the University's Anti-Corruption Program, including program governance, policy development, risk assessment, third party oversight, training, monitoring, exam coordination and anti-corruption policy enforcement.

Bribery: An act by any person to give, or attempt or offer a gift, cash, or another incentive in order to influence another person to make a decision they should not or would not otherwise make.

Cheating: A party that uses, or attempts or offers any resource not authorized for an exam, paper or any work product.

Conflict of Interest: Situation(s) in which a party engages in activities, either personal or financial, which could improperly influence the party's ability to make a fair decision.

Corruption: Corruption is any activity taken to induce an official or private person to misuse his or her authority, such as inducing the person to take any improper action or to refrain from taking appropriate actions.

Embezzlement: The act of withholding assets to be used for an improper purpose.

External Actors: University partners or third parties who enter into relations with the University, in order to supply goods, perform work or provide services. For example, agency staff, volunteers, contractors, and business partners.

Fraud: Deceptive action used to influence another to act in a way they may not otherwise.

Honor system: is a system of norms and principles of ethical and honest behavior, based on trust, moral values, mutual respect, sense of justice and truth.

Illicit Enrichment: An increase in assets which cannot be reasonably explained.

Misappropriation: The intentional unauthorized use of resources.

Money Laundering: The process of legitimating resources received via corruption or criminal activity.

Obstruction of Justice: Any attempt by someone to corruptly influence, obstruct, or impede the due administration of justice.

Plagiarism: The use of another's work, or one's own prior published work, without giving citation, credit or improperly citing the source of information.

Whistleblower: A person who informs on a person or organization regarded as engaging in an unlawful and/or unethical activity.

IV. Who is Governed by this Policy

Members of the University community, including officers of administration, faculty, support staff, volunteers, students, interns, contractors, consultants, agents, external actors and other persons and organizations affiliated with the University.

V. Who should know this Policy

All members of the University community, and contractors, consultants, agents, and other persons and organizations affiliated with the University.

VI. Responsible University Offices & Officers

This Policy is adopted by the authorized body of the University that is responsible for the general management of the University. The provisions of this Policy are enforced by the authorized body of the University that is responsible for performing anti-corruption activity.

VII. Policy Text

Main Principles and Objectives

It is prohibited to offer, give, receive, or solicit any item of value to influence the actions of any person governed by this Policy.

It shall also be prohibited to act in a dishonest way. Dishonest behavior includes, but is not limited to, plagiarism, bribery, stealing, fraud, lying, cheating, favoritism, embezzlement, extortion, blackmailing.

There shall be open access to one's own grades, and publication (on line or posting) of all course grades anonymously to ensure trust in educational performance or outcomes, while respecting individual privacy.

A. Administration and staff

While acting on behalf of the University the Administration and staff shall comply with national legislation, internal rules of the University, and this Policy, taking into consideration moral and ethical standards of the University. Staff and administration shall act, at all times, in a fair, honest, open and inclusive manner. The Administration of the University is responsible for implementing this Policy and ensuring that every division, department and representative of the University complies with this Policy.

All administrators and staff shall consider the following principles when acting on behalf of the University:

1. Transparency: All work, on behalf of the University, must be reasonably recorded. Public access to these records and other information must be provided according to national legislation.
2. Fairness: All work, on behalf of the University, must be equally applied to all members of the University and viewed objectively.
3. Rational and efficient resource use: All decisions involving University resources must strive to prevent waste or unfair distribution. All administration must consider the objectives and needs of the entire University when making these decisions.
4. Accountability: Domestic and international experts shall conduct an independent external, on-site assessment of education quality in the University periodically.

In compliance with these principles, administrators and staff must not engage in embezzlement, illicit enrichment, bribery, fraud, misappropriation, money laundering, obstruction of justice, or any other corrupt actions.

B. External Actors

This Policy applies to officials and authorized persons who have the right to enter into contracts of public and private nature on behalf of the University.

All external actors are prohibited from engaging in conflicts of interest, embezzlement, undue influence in assessment, bribery of officials, illicit enrichment, and fraud or bias in bid evaluations, invoices, or contract obligations

In accordance with these prohibitions, external actors with access to sensitive information must supply such information upon a reasonable request by the University. External actors cannot distribute information to any outside parties unless authorized by effective laws and agreement.

C. Teachers and Students

Teachers and students shall comply with this Policy taking into consideration moral and ethical standards of the University. At all times, teachers and students shall act in a fair, honest, inclusive and open manner.

All teachers and students are prohibited in engaging in the following acts: plagiarism, cheating, blackmail, favoritism, and any other corrupt acts. Gifts between students and teachers are prohibited. Prohibiting gifts prevents any appearance of impropriety and nurtures a fair environment.

To help teachers and students to comply with this Policy, the University shall implement an Honor System based on best practices and local input of all effected persons.

Honor System

The University shall implement an Honor System and/or Honor Code/Ethics code. A Committee shall enforce such a code or system.

Committee's Structure

The Committee shall consist of students, professors, and administrators in a number that is reasonable given the size and nature of the institution. By percentage of the Committee, forty percent shall be students, forty percent shall be teachers, and twenty percent shall be administrators. The Committee's members are voted on annually. The Committee members are elected by the body he/she represents, i.e. the student body elects the student member. The head of the Committee—the Anti-Corruption Officer—is chosen by the Committee.

Any member of the University can inform the Committee of corrupt or dishonorable behavior.

Committee's Authority

The Committee investigates suspected violations of the Honor Code. Initially, the investigation is private. If the Committee's decision is appealed, the trial will be made public to the members of the University. This trial determination will be made by a jury of the accused's peers.

Specifically, enumerated powers of the Committee include:

- carrying out a general and regular survey to members of the University to re-evaluate the Honor System
- providing preventive anti-corruption lectures / training on honest behavior
- investigating complaints
- making decisions based on the investigation

- enforcing liabilities for violations of this Policy

In accordance with national legislation, regulations, and this Policy, possible decisions of the Committee may include a warning, expulsion of a student, or termination of a staff member. The Committee's decision is final.

D. Liabilities.

Where this policy has been breached, the University member may be subject to a formal actions which could ultimately include, suspension, termination or expulsion. Other sanctions may include, but are not limited to: warnings, suspension, or mandatory training in limited circumstances.

E. Whistle Blower Protection

Each University shall include protections for whistleblowers, including, but not limited to, protections against retaliation and confidentiality of whistleblowers' identity. The University encourages all students and staff to report any concerns about corruption that they encounter and make sure that suspicious behavior does not go unchallenged.

It is imperative under the Policy that if a University community member suspects someone else may have, or is about to, engage in any corrupt conduct, they should report it immediately to the proper department/committee/administrator who in turn should report the matter to the University's Anti-Corruption Officer.

VIII. Dissemination of the Policy

All students, faculty, staff, and any other individuals affiliated with, or acting on behalf of or with, the University in any capacity shall be informed of this Policy through a convenient and reasonable manner which the Administration deems fit and effective.

IX. Revision and Amendment Procedures

This Policy can be revised by the Committee that is formed out of equal representation of students, faculty, and administration only in exceptional circumstances and on reasonable grounds.