











### III. Prohibited practices

The following practices are strictly prohibited:

- **A corrupt practice** – the offering, giving, receiving, or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party.
- **A fraudulent practice** – any act or omission, including a misrepresentation, that knowingly or recklessly misleads, or attempts to mislead, a party to obtain a financial or other benefit or to avoid an obligation.
- **A coercive practice** – impairing or harming, or threatening to impair or harm, directly or indirectly, any party or the property of the party to influence improperly the actions of a party.
- **A collusive practice** – an arrangement between two or more parties designed to achieve an improper purpose, including influencing improperly the actions of another party.<sup>2</sup>
- An **obstructive practice** – deliberately destroying, falsifying, altering or concealing evidence material to the investigation or making false statements to investigators in order to materially impede an investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; and/or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant to the investigation or from pursuing the investigation.<sup>3</sup>

### IV. Reporting, investigating and sanctions

#### 1. Reporting

- i) In the event a staff member, other employee or any third party becomes aware of fraud, corruption, collusion, coercion, misuse of College of Europe funds, or any other type of misconduct including breaches of the aforementioned conflict of interest clauses, s/he must bring it to the attention of the Employer.
- ii) If a staff member, other employee or any third party considers that an allegation of fraud, corruption, collusion, coercion, misuse of College of Europe funds, or any other type of misconduct, including breaches of the aforementioned conflict of interest clauses, that s/he has brought to the attention of the Employer have not been properly addressed, he or she should bring the matter to the attention of the Board via its Chair.
- iii) Such disclosure will not result in any form of retaliation or prejudice against the reporting staff member, other employee or any third party. The College of Europe will treat such retaliation as an act of misconduct.
- iv) Staff members, other employees and any third parties must not bring charges that are frivolous or malicious.

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<sup>2</sup> <http://www.eib.org/about/documents/ifi-anti-corruption-task-force-uniform-framework.htm>

<sup>3</sup> <http://www.iadb.org/en/topics/transparency/integrity-at-the-idb-group/prohibited-practices-at-the-idb,2704.html>



ished, on an *ad hoc* basis, to deal with allegations of fraud, corruption, misuse of College of Europe funds, or any other type of misconduct, brought forth by staff members, other employees or any third parties. In cases under IV.1.i, the composition of the panel will be decided by the Employer, who will normally chair its meetings. In cases under IV.1.ii, the composition of the panel will be decided by the Chairman of the Board.

It is recommended that the panel's membership should be set in a way to allow for its fast and efficient work, with the composition of no more than 5 members. Its members should be impartial and will be bound by strictest confidentiality rules regarding the origin and nature of the complaint, identities of the parties concerned, and the course of the investigation. The latter must be objective, equitable, thorough and rigorous.

The Panel takes decisions through a majority vote; in the case of an equal distribution of the votes, the Chair holds the casting vote.

All and any documents and information requested by the panel must be provided immediately, as per the prohibition of obstructive practices.

Staff or other employees will not, under any circumstances, suffer discrimination or retaliation as a result of information provided during the course of the investigation.

### 3. Sanctions

The College of Europe will apply a zero-tolerance policy wherever the investigation process determines that its staff or other employees have engaged in corrupt, fraudulent, collusive, coercive or obstructive practices, or have breached other provisions of this *Code of Conduct and Conflict of Interest Guidelines*. A range of disciplinary measures and sanctions will be enforced, including termination, in accordance with the Work Regulations, contractual provisions and national legislation in force. Where warranted, such cases will be referred to relevant national authorities.

Individuals subject to termination of employment and civil-law contracts for having engaged in corrupt, fraudulent, collusive, coercive or obstructive practices shall not be eligible for future contracting by College of Europe, in any capacity.

If corrupt, fraudulent, collusive, coercive or obstructive practices concern persons employed by another entity, the College of Europe will inform that entity forthwith.

The College of Europe Panel's decisions on sanctions can be appealed before the College of Europe Board within 7 days of the decision. The subsequent Board decision will exhaust the internal procedure.