



ANTI-CORRUPTION POLICY

1.0 PURPOSE

WESLEYAN EDUCATION SERVICES SDN BHD (2001 01 005044), operating as *Methodist College Kuala Lumpur* in Wilayah Persekutuan KL and as *MCKL College (Penang, Pykett Campus)* in Pulau Pinang (**MCKL**), is committed to a culture of **integrity, principled behaviour and excellence** as encapsulated in its [Vision & Mission and Core Values](#). MCKL has **zero tolerance** towards any form of corruption and promotes instead high standards of honesty, ethics, and God-fearing values.

This Policy sets out MCKL's commitment to the conduct of its business with integrity and in accordance with all applicable laws and regulations. It also underlines the responsibility and accountability of the MCKL community in preventing and detecting corrupt practices and acts, as well as the proper response to any such (potential) practices and acts.

2.0 SCOPE

This Policy applies to and is mandatory for all **Employees** and **Associated Persons** of MCKL. The capitalised terms "Employee" and "Associated Person" are defined in Paragraph 3 below.

By way of amplification and without limiting the scope of the definitions set out below, persons subject to this Policy include MCKL's directors, governors, employees, interns, business partners, professional advisors, suppliers, contractors, and other persons who may perform services for MCKL or is associated with MCKL's business.

3.0 DEFINITION

The following terms when used in this document shall have the respective assigned meaning:-

- 3.1 **"Associated Person"** has the broad meaning set out under the MACC Act and refers to any person who is associated with MCKL such as directors, governors, employees and interns, and any person who performs services for or on behalf of MCKL including business partners, consultants, contractors, suppliers, professional advisors, agents and other service providers of MCKL.
- 3.2 **"bribery" ("bribe")** refers to an inducement, consideration or gratification of any kind which is solicited, offered, given, and/or accepted with the intent to obtain or retain an advantage or gain, such as securing a business opportunity. The term **"gratification"** is defined under s3 of the MACC Act and the said definition shall be adopted in this Policy and may be used interchangeably with "bribery" where the context so admits.
- 3.3 **"corruption" ("corrupt")** refers to dishonest or fraudulent conduct or acts and/or the abuse of position or entrusted power for private advantage or gain. Corrupt acts or practices include the soliciting, offering, giving or accepting of bribes/gratification, diversion of funds,

falsification of claims, under-table transactions, kickbacks, inflation of commissions, breach of trust, collusion, and other fraudulent or dishonest practices in the performance of MCKL's business and/or its related activities.

- 3.4 **“Employee”** for the purposes of this Policy shall include:
- (i) Any person concerned in the management of the affairs of MCKL including its directors, governors, controllers, senior management, and officers;
 - (ii) All employees of MCKL including its permanent, part-time, fixed term, contract and casual employees at all campuses, and irrespective whether management or general staff, or whether from the Administration or Academic Divisions of the Institution; and
 - (iii) Other representatives acting for MCKL in its business or activities including interns, volunteers and student ambassadors or helpers.
- 3.5 **“Gifts”** refer to cash, services, hospitality, sponsored trips, discounts, items of value and/or other advantages in any form whatsoever that is offered, given, solicited, or accepted.
- 3.6 **“MACC Act”** refers to the *Malaysian Anti-Corruption Commission Act 2009 (Act 694)* as amended by the *Malaysian Anti-Corruption Commission (Amendment) Act 2018 (Act A1567)*, or as may be further amended from time to time.
- 3.7 **“MCKL”** refers collectively to all campuses of MCKL operating under the legal entity - Wesleyan Education Services Sdn Bhd (2001 01 005044).

4.0 POLICY STATEMENT

4.1 Absolute Prohibition

- 4.1.1 MCKL **absolutely prohibits** any form of corruption, dishonesty, bribery or fraudulent acts or activities in the conduct of its business. Employees and other Associated Persons of MCKL shall not participate in or be engaged in any fraudulent activities or acts of dishonesty, corruption or bribery (whether as the party offering or giving, or as the party soliciting or accepting any gratification), when conducting business for and on behalf of MCKL.
- 4.1.2 All business activities and dealings of MCKL shall be conducted with utmost integrity and transparency and shall follow the established policies and procedures of MCKL and relevant laws, including the MACC Act and related legislations. In cases where there is any discrepancy between specific laws and the principles contained in this Policy, the stricter provision shall prevail.
- 4.1.3 If an Employee or Associated Person is uncertain whether any act or action will amount to a corrupt act, it is his/her responsibility to seek advice or clarification from the Institution through the available channels prior to proceeding.
- 4.1.4 All Employees and other Associated Persons are actively encouraged to report actual and suspected incidents of corruption through the channels outlined in this Policy.

4.2 Consequences

- 4.2.1 Fraud, bribery and corruption are serious offences under the laws of Malaysia, including but not limited to the MACC Act, Penal Code, and the *Anti-Money Laundering and Anti-Terrorism Financing Act 2001*.
- 4.2.2 The law requires that acts of corruption be reported and failure to report a known act of corruption is an offence. Employees and other Associated Persons in violation of this Policy may therefore be subjected to criminal and civil liability.
- 4.2.3 At Institutional level, stern disciplinary action including dismissal will be taken against any Employee who is found to have been involved in any act of corruption or dishonesty.

4.3 Gifts & Hospitality

- 4.3.1 The area of gifts potentially exposes a party to the risk of bribery and other corrupt practices. As such, MCKL has opted to practice a “**No Gift Policy**” to avoid any conflict of interest or the appearance of a conflict of interest.
- 4.3.2 Employees and other Associated Persons shall not directly or indirectly solicit for Gifts from any party, whether for themselves or on behalf of MCKL.
- 4.3.3 Associated Persons shall not offer or give any Gifts whatsoever to MCKL Employees.
- 4.3.4 Employees shall not accept any Gifts from any party having dealings with MCKL in the course of their duties. Employees are expected to politely decline Gifts and highlight MCKL’s ‘No Gift Policy’ to such parties.
- 4.3.5 The term “Gift” shall be given the broadest meaning and shall include cash, services, hospitality, sponsored travels or holidays, discounts, gifts for family, and any item in any form whatsoever or of some value to the recipient, or which may give an appearance of potential influence in decision-making or result in preferential treatment.
- 4.3.6 Corporate merchandises which are distributed generally (e.g., diaries, table calendars, pens), or Gifts which are normal bona fide customary practices or hospitality between businesses (e.g., a box of mandarin oranges, congratulatory flowers), forms an exception to the ‘No Gift Policy’ and may be accepted but subject always to the guidelines outlined below: -
- **Of nominal value** – The Gift must be of a type and value that is modest, appropriate, and commensurate with the occasion and/or general business practice. As a broad general guide, any Gift which is accepted in such circumstances should not exceed RM300 in value;
 - **No obligation or expectation** – It will not create any obligation or expectation on the receiver or MCKL of a favour or advantage in return, or cause others to perceive any improper influence;
 - **Right reason** – The Gift is given as a common courtesy associated with a festive or ceremonial occasion, or it is a bona fide act of appreciation or cultural business etiquette or courtesy which is extended generally across businesses;
 - **Not in concealment** – The Gift is received openly and duly recorded in MCKL’s Gift Register; and
 - **Legality and Regulations** – There must be no question that it is compliant with

relevant laws and MCKL's rules and practices.

Employees should seek clarification prior to accepting any Gift if there is any uncertainty. External Associated Persons are encouraged to exercise prudent and sensible discernment in relation to Gifts.

- 4.3.7 To promote transparency among Employees, a Gift Register will be maintained at the Human Resources Department. Employees must declare and have recorded into the Gift Register, within three (3) working days, any Gifts received in the course of their duties. This can be made in-person at the Human Resources Department or by completion of a Gift Register Form to be emailed with subject title "Gift Register" to: hr@mckl.edu.my.
- 4.3.8 Until otherwise communicated, all Gifts - irrespective of the value and circumstances of the gifting (including Gifts with a value of RM300 or less) – are required to be declared and registered into the Gift Register.
- 4.3.9 Management shall at all times have the discretion to redistribute any Gifts received to charities, other external organisations, or among employees of MCKL.
- 4.3.10 Any Gift intended to be given to an external party on behalf of MCKL must be with prior documented approval from an appropriate superior. The superior shall consult with the Risk Management Committee if necessary. The purpose, value and approval for any such Gifts must be recorded in the Gift Register prior to proceeding.

4.4 Other Associated Persons & Third Parties

- 4.4.1 All dealings with any external party shall uphold MCKL's values and standards of integrity and must be performed in compliance with the law and MCKL's policies and procedures.
- 4.4.2 Associated Persons including business partners, suppliers, consultants, contractors, and other service providers of MCKL shall not engage in any dishonest or corrupt practices when providing services to or on behalf of MCKL. Such parties are expected to comply with all applicable anti-corruption laws, this Policy and relevant MCKL procedures.
- 4.4.3 Business partners, suppliers, consultants, contractors, and other service providers of MCKL are independent contractors with no authority to bind MCKL to any purpose, or to hold themselves out as agents or representatives of MCKL other than as specifically contracted.
- 4.4.4 Employees shall conduct proper due diligence prior to onboarding new business partners and service providers and shall ensure that they are made aware of this Policy. Regular reviews shall be done, and where breach, suspected breach or questionable integrity should arise, appropriate and immediate action must be taken which may include termination of services with immediate effect.

4.5 Government Agencies & Public Officials

- 4.5.1 Employees must comply with all applicable laws and conduct themselves with integrity whenever they deal with or otherwise engage with government agencies or departments, regulatory bodies, statutory bodies, and any of its officials.
- 4.5.2 Employees are strictly prohibited from giving Gifts to government agencies and public

officials to expedite dealings or in exchange for future benefits or results. Employees shall instead strive to build fair, professional and transparent relationships with government agencies and public officials.

4.6 Channel for Concern, Clarification or Complaint & Whistleblowing

4.6.1 Should you suspect or reasonably believe that this Policy has been or is being contravened, you have an obligation to immediately report your concerns. Failure to report any known act of bribery is an offence under the MACC Act.

4.6.2 Any concerns or complaints which are raised or reported will be taken seriously and treated with confidentiality. No person acting in good faith in making a legitimate report will suffer adverse consequences. The complainant's identity will be protected, and assistance will be provided in the event that a statement is required by law to support any investigation. MCKL will not tolerate any retaliation directed against anyone making reports of (suspected) bribery or corruption. Appropriate action will be taken by the Institution with care and sensitivity.

4.6.3 All concerns, clarification or complaints can be made or reported confidentially to the email below or to a member of the Risk Management Committee: -

Risk Management Committee: risk.management@mckl.edu.my

Effective Date: 15.03.2022

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