



OSAAT® Educational Charitable Trust

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ANTI BRIBERY AND CORRUPTION POLICY

(Approved & adopted by the Board of Trustees on 19.05.2022 by circulation through email)

OSAAT® EDUCATIONAL CHARITABLE TRUST (OSAAT®) takes a zero-tolerance approach to bribery and corruption and we are committed to conducting our business in an honest and ethical manner. We have adopted this policy to communicate this message and to assist those working for us to uphold it.

1. Preamble

1.1 The Anti-Corruption Policy (the 'Policy') of OSAAT® EDUCATIONAL CHARITABLE TRUST (OSAAT®) has been developed in accordance with Code of Conduct, charters, policies, rules and regulations adopted by OSAAT® and in conformance with the legal and statutory framework of Anti-Corruption Legislation prevalent in India.

1.2 The Policy reflects the commitment of OSAAT® and its management for high ethical standards doing open and fair business for improving the Trust's culture, following the best practices of self governance and enhancing the Trust's reputation at appropriate levels.

2. Purpose

2.1 The purpose of this policy is to establish controls to ensure compliance with all applicable anti-bribery and corruption regulations, and to ensure that the Trust's business is conducted in a socially responsible manner.

3. Policy Statement

3.1 Corruption is the abuse of public or private office for personal gain.

3.2 Bribery is the offering, promising, giving, accepting or soliciting of an advantage as an inducement for action which is illegal or a breach of trust. A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.

3.3 It is our policy to conduct all of our business in an honest and ethical manner. We take a zero tolerance approach to bribery and corruption. We are committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate and implementing and enforcing effective systems to counter bribery.

4. Policy Objectives

4.1 The aims and objectives of the Policy are:

- a) To initiate the steps to reduce the bribery and corruption risks to the business of the Trust by setting out clear guidelines.
- b) To encourage all volunteers/employees to be vigilant and to act diligently in good faith.
- c) To monitor and investigate instances of alleged corruption.
- d) To take firm and vigorous action against any individual(s) involved in corruption.
- e) To minimize the risk of involvement of Trustees, volunteers/employees and office bearers in corruption related activities;
- f) To form a common understanding for all stakeholders that OSAAT® prevents corruption in any form;
- g) To set responsibility for the volunteers/employees of OSAAT® to know and comply with the principles and requirements of the Policy, the key rules of the applicable anti-corruption laws, as well as adequate procedures to prevent corruption.

5. Scope

5.1 This policy applies to all individuals working at all levels, including Trustees & office bearers, volunteers/employees (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, casual workers and agency staff, volunteers, interns, agents, sponsors, business partners, and third-party representatives anywhere in the world, or any other person associated with us, wherever located who may be acting on behalf of OSAAT®.

6. Principles

6.1 The Members of the Board of Trustees of OSAAT® & its office bearers should form the ethical standard of uncompromising attitude to all forms and demonstration of corruption at all levels setting the example by their own behavior.

6.2 OSAAT® openly expresses its zero tolerance to corruption; welcomes and encourages compliance with the principles and requirements of the Policy by all grantees and sub grantees, contractors, volunteers/employees, associated parties/companies, its managerial bodies and other person.

6.3 In this policy, third party means any individual or legal entity as associate comes into contact with OSAAT® and includes any potential donors, vendors, contractors, associates, government and public bodies including their respective representatives.

7. Coverage

7.1 This policy covers: -

- a) Bribes;
- b) Gifts and hospitality;

- c) Facilitation payments;
- d) Political contributions;
- e) Charitable contributions.

7.2 Bribes

- a) Trustees/office bearers/volunteers/employees of OSAAT® must not engage (give or take) in any form of bribery, either directly or through any third party (such as an agent or distributor).
- b) Bribery here would mean dishonestly persuade (someone) to act in one's favour by a gift of money or other inducement;
- c) Bribe includes “anything of value” such as (and not limited to) gift in cash/kind, home repairs, tickets to a theater or sporting event, guest passes to a private club, a no-bid contract, a summer job for a teenage family member, free limo/courtesy car service rides etc.,

7.3 Gifts and hospitality

- a) Trustees/office bearers/volunteers/employees must not offer or give any gift or hospitality:
 - i) which could be regarded as illegal or improper, or which violates OSAAT®'s OR the recipient's policies/ethics; or
 - ii) to any public employee or government officials or representatives, or politicians or political parties;
- b) Trustees/office bearers/volunteers/employees must not accept any gift or hospitality from OSAAT®'s contractors, consultants, partners, associates, vendors & grantees.

7.4 Facilitation payments and kickbacks

- a) OSAAT® representatives may not make any facilitation payments - these are a form of bribery made for the purpose of expediting or facilitating the performance of a public official or of a private official, and not to obtain or retain business or any improper business advantage.
- b) Our strict policy is that facilitation payments must not be paid.

7.5 Political Contributions:

We do not make donations, whether in cash or kind, in support of any political parties or candidates, as this can be perceived as an attempt to gain an improper business advantage.

7.6 Charitable contributions

- a) Charitable support and donations are accepted by OSAAT® in the form of direct financial contributions or in kind/services/knowledge/time etc.,
- b) However these charitable contributions shall not used as a scheme to conceal bribery.

c) We only make charitable donations that are legal and ethical under local laws and practices.

8. Restricted Practices

a) Illustrative List of acts /practices which are restricted / prohibited under the policy framework is given below:

- a) Dishonest misappropriation of property/money as defined under Indian Penal Code (IPC)
- b) Criminal breach of trust as defined under IPC
- c) Cheating as defined under IPC
- d) Receiving or giving bribe
- e) Acceptance/giving of gifts over and above the extent and the manner as allowed hereunder
 - i) Gifts and representative expenses including the hospitality business expenses which the employee may provide on behalf of the Trust to the individuals or Trusts, or which the volunteers/employees may receive in connection with their work in the Trust from other persons and Trusts, must meet a set of five criteria mentioned below:
 - (1) to be directly related to the legitimate activity of the Trust, for example, a presentation or completion of business project(s), or the successful execution of contracts, or conducting an official event (which may include delegate kits, publications, etc), or on festivals such as the Christmas, Diwali, New Year, International Women's Day, anniversaries, birthdays;
 - (2) to be reasonable, proportionate and not be a luxury;
 - (3) to be not a hidden fee for the service, act, omission, conniving, protection, provision of rights, making of certain decision on transaction, agreement, license, permit, etc. or attempt to influence the recipient to indulge in any illegal or unethical activity;
 - (4) not to create a reputational risk for the Trust, volunteers/employees, and other persons, in case of disclosure of information on gifts or representative expenses;
 - (5) not to be in conflict with the principles and requirements of the Policy, the Code of Ethics, other internal documents of the Trust and the rules of applicable law.
 - ii) Gifts on behalf of the Trust, its volunteers/employees and representatives to third parties in the form of cash or non-cash in any currency, are not allowed.
- f) Charity in order to obtain commercial advantages.

- g) Participation/Contribution in/to Political Activities.
- h) Payment of any costs for government officers and their relatives (or in their interests) in order to obtain commercial advantages, and
- i) Any other unethical act or omission.
- j) To use partners, agents, joint ventures, intermediaries, or other persons for any actions that are contrary to the principles and requirements of the Policy or the rules of the applicable anti-corruption laws.

9. Internal Controls & Compliance Monitoring

9.1 Compliance Measurement

- a) Compliance to this policy is verified through various methods, including but not limited to, reports from available business tools, internal and external audits, self-assessment, and/or feedback to the policy owner.
- b) It is the Trust's policy to maintain accurate, reasonably detailed records that fairly reflect its transactions and disposition of assets, regardless of whether the transactions are domestic or international. Therefore, Trust's Personnel are prohibited from making any false or misleading statements in Trust's books and records for any reason
- c) Regular audits would include a review of the Trust's books and record maintained by the Hon. Treasurer pertaining to the entertainment, gift, and travel expenditures by Personnel on behalf of the Trust. As necessary, the regular audits would encompass records pertaining to social payments and donations to charities.
- d) Exceptions: Any exceptions to the Anti-Corruption and Bribery policy must be approved by the Board of Trustees.
- e) Non-Compliance: Deviations or non-compliance with this policy, including attempts to circumvent the stated policy/process by bypassing or knowingly manipulating the process, system, or data may result in disciplinary actions, up to and including termination, as allowed by local laws.

10. Process for dealing with complaints of bribery and corruption

10.1 How to make a complaint

- a) A person wishing to make a complaint on any suspected case of bribery can consult and file a complaint with the Managing Trustee.
- b) The complaint should be made in writing within 5 working days of any such incident.

11. Once a complaint has been filed:

11.1 Investigation

Once a complaint has been filed an investigation will be undertaken immediately. In instances where there is an alleged respondent, the respondent will be notified immediately. The complainant and the respondent will both be interviewed along with any individuals who may be able to provide relevant information.

11.2 Timelines

OSAAT® will investigate all complaints immediately and will work towards the prompt resolution of such complaint. The first round of investigation and conclusion shall be arrived at within 10 working days from the date of filing of the complaint.

11.3 Fairness

All complaints will be investigated in the same manner with the aim of promoting, fairness and equality.

12. Confidentiality and the Right to Privacy

12.1 OSAAT® will preserve the confidentiality of all individuals involved in such complaint. The preservation of confidentiality may be affected by the employer's duty to prevent such activities in/at OSAAT® and by the alleged respondent's right to know the nature of the complaint being made against them and who has made it so that they can respond.

12.2 If the investigation fails to find evidence to support the complaint, no documentation concerning the complaint will be placed on the file of the respondent. OSAAT® will retain all documentation for 12 months for informational purposes in the event that there is an internal appeal or a complaint filed with an outside agency.

13. Outcomes and Remedies

13.1 OSAAT® will act swiftly to ensure that such practices are stopped as soon as possible and may remedy the situation in a number of ways. The main concerns of the OSAAT® will be to ensure that no such incident is repeated in future.

14. Appeal Process

14.1 Within 10 days from the result of first round of investigation, either the complainant or the respondent may make a written request that an investigation be reviewed stating which aspect of the investigation is inadequate. The request must be submitted to the Managing Trustee, who will determine if the investigation is to be re-opened in order to address the concerns raised.

14.2 In case the appeal is taken up, then the investigation shall be completed within 15 working days. The result of the appeal shall be binding on the complainant for all purposes.

15. Publication of the Policy.

15.1 This Policy will be posted on OSAAT®'s website at www.osaat.org.

15.2 This Policy may also be published in any other website/social media as may be deemed fit for the purpose of furthering the objectives of OSAAT®.

15.3 This Policy may also be shared with any donors/patrons of the Trust with a view to bring transparency in the functioning & dealings of OSAAT® with the public.

16. Acknowledging the Policy by volunteers and employees of OSAAT®.

16.1 This Policy shall be brought to the notice of all volunteers/employees of OSAAT® who will acknowledge the same by subscribing their signature in the Form of Acknowledgement given below: -

<p>ACKNOWLEDGEMENT</p> <p>I _____ hereby acknowledge that I have read, understood and agreed to comply with the Anti-Bribery & Anti-Corruption Policy. I have not violated the provisions of this Policy and am not aware of any violations of the Policy as of the date hereof.</p> <p>Signature: _____ Date: _____</p>
