

«APPROVED»

The Board of the NJC

«al-Farabi Kazakh
national university»

Protocol No.

From «19» October 2024



POLICY

**The Anti-Discrimination and Anti-Harassment Policy at al-Farabi Kazakh
National University**

Almaty 2024

1. General Provisions.

1.1 This Policy has been developed in accordance with the Constitution of the Republic of Kazakhstan, the Convention concerning Discrimination in Respect of Employment and Occupation, and the International Labor Organization Declaration on Fundamental Principles and Rights at Work.

Under article 14, paragraph 2, and article 17, paragraph 2, of the Constitution of the Republic of Kazakhstan, no one may be subjected to any discrimination on grounds of origin, social, official or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstances.

No one shall be subjected to violence, other cruel or degrading treatment or punishment.

1.2 Any forms of discrimination and harassment are unjustifiable and any such violation must be prevented.

1.3 Al-Farabi Kazakh National University (hereinafter - the University) has a zero tolerance policy towards both discrimination and harassment.

1.4 All students at the University, as well as employees, officials of the University must observe high moral and ethical standards of personal and professional behavior.

1.5 Discrimination and harassment are unacceptable and prohibited behavior for all students, employees, officials of the University.

2. Basic Concepts

1.6 The following terms and definitions shall apply in this Policy:

1) Discrimination - or harassment on the basis of race, sex and/or gender identity, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation, pregnancy, genetic information, marital status, citizenship status, or any other legally prohibited basis.

(2) Harassment, including sexual/gender harassment, is a form of discriminatory harassment. Sexual/gender harassment includes harassment based on sex, sexual orientation, gender identity and transgender status, and occurs when an employee is treated "less respectfully" than other employees because of his/her sex by subjecting him/her to unwelcome verbal or physical conduct of a sexual nature. This can be caused by, for example, unwanted touching, offensive gestures or comments, asking about a person's sex life or telling jokes with sexual overtones.

Harassment also consists of any unwelcome verbal or physical flirtations, sexually explicit derogatory remarks, or discriminatory remarks made by someone in the

work/study setting that are offensive or unwelcome to the recipient, that cause the recipient discomfort or humiliation, or that adversely affect job performance.

4) Sexual Exploitation - any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including the threat or receipt of financial, social or political gain from the sexual exploitation of another person.

5) Sexual Violence - actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

6) Disciplinary Commission - A permanent collegial body established at the University to review the results of performance reviews and investigate the facts concerning a disciplinary offense in order to comprehensively, fully, and objectively determine the circumstances of its commission and recommend a measure of disciplinary action to the first supervisor, consisting of an odd number of University employees with one vote each.

7) Incident - All incidents and occurrences involving discrimination and harassment.

8) Complainant - A person who makes a report to the University of harassment or discrimination of any nature.

9) Victim - a person who has been subjected to discrimination, harassment of any nature.

10) Whistleblower - means an employee, officer of the University who has reported a fact of discrimination or harassment of any nature.

11) False Treatment - means an inaccurate or misleading statement made recklessly, knowingly or intentionally for the purpose of obtaining an undue advantage or causing harm to a person or entity.

12) Students - students, masters, doctoral students receiving education at the University.

13) Employee - a subject of labor law, an individual working under an employment contract at the University.

14) Officials - members of the Board of Directors, members of the Management Board of the University.

15) Violator - a person whose guilt has been established by the conclusion of the service inspection and the decision of the disciplinary commission.

3. Goals and Objectives of the Policy

3.1 The purpose of this Policy is to disseminate a zero tolerance policy on discrimination and harassment among the University's learners, employees and officials of the University, as well as to create and maintain an environment of intolerance to discrimination and harassment through measures to prevent, respond to and avoid discrimination and harassment.

3.2 The objectives of this Policy are to ensure that the University raises awareness among students, employees, officials of the University, of the unacceptability of discrimination and harassment and its consequences, to create conditions for safe and confidential enforcement of protection against discrimination and harassment, and to establish a standard process to ensure due process in investigating allegations of discrimination and harassment, to ensure that the rights of those involved in such cases are protected, including victims of discrimination and harassment.

4. Scope

4.1 The Policy is in effect and applies to students when engaging in conduct prohibited by this Policy while on University property.

4.2 The Policy is valid and applies to employees and officials of the University when committing acts prohibited by this Policy during working hours.

4.3 Discrimination and harassment is prohibited, both between students, employees, officers of the University and students, employees, officers of the University against third parties, the provision of money, employment opportunities, enrollment, other and services under the influence of discrimination and harassment, and prohibits:

4.3.1. physical: unpleasant or unwelcome actions and suggestions that include touching any part of the body or any physical contact;

4.3.2. verbal: unwelcome requests and demands where, explicitly or implicitly, benefits or negative consequences in service may be promised. Verbal insults or jokes of an offensive nature, nasty remarks about nationality and gender identity, race, figure or appearance; obscene jokes; vulgar remarks; innuendos or actions, including those made through letters, emails, messages, emoji, memes, memes, pictures, forwarding posts, storizas and tweets;

4.3.3. non-verbal: meaningful glances, offensive or obscene sounds, whistling, obscene gestures;

4.3.4. psychological abuse: creating an intimidating, hostile, intolerable, or offensive work environment through unpleasant or unwelcome conversations, suggestions, requests, demands, physical contact or attention, offensive or otherwise inappropriate content;

4.3.5. displaying or discussing any written or graphic material, including calendars, posters that contain offensive connotations or show hostility toward an individual or group because of gender, and the unwelcome display or public display of offensive images, audio and video material;

4.3.6. cyberspace harassment: receiving unwanted, offensive emails or text messages with explicit content; inappropriate, offensive solicitations on social media, internet chat rooms and messengers.

5. Basic Principles

5.1 Basic Principles of the Policy:

5.1.1. learners, employees, and officials are required to report to University management their concerns or suspicions about committing acts prohibited herein;

5.1.2. students, employees, officials of the University are obligated to create and maintain an environment of zero tolerance for discrimination and harassment, and to promote compliance with this policy;

5.1.3. in order to improve the safety of students, employees of the Social and Educational Department shall conduct anonymous questionnaires of students on a voluntary basis at least twice a year;

5.1.4. in order to improve the safety of employees and officials of the University, employees of the Human Resources Development Department conduct anonymous questioning of employees on a voluntary basis.

The summary of the questionnaire data and the results of the analysis shall be submitted to the Member of the Board-Pro-Rector for Social Sustainable Development of the University.

5.2 Instruments related to the prevention of discrimination and harassment include: mandatory induction training on combating discrimination and harassment for students, employees, officials of the University, which are conducted by the relevant structural units of the University to raise awareness.

5.3 Response methods include:

5.3.1. performance review - carried out by conducting an official investigation into allegations of discrimination and (or) harassment, which is duly and timely carried out by employees of the relevant structural units of the University in accordance with the University's internal regulations.

5.3.2. appeal - written or oral informing of the University officials about an incident of discrimination and (or) harassment.

6. Appeal procedure

6.1 Any student, employee, official may submit an official appeal to the University to the Member of the Board - Vice-Chancellor for Social Sustainable Development by any available means.

The appeal must contain:

6.1.1. Name, structural unit and position of the person or persons allegedly committing, actions prohibited by this Policy;

6.1.2 A description of the appeal, including date, place and names of witnesses (if any). 6.1.3;

6.1.3. The names of other persons who may have been subjected to the same or similar harassment;

6.1.4. the measures, if any, taken by the Complainant/Informant to try to stop the discrimination and/or harassment;

6.1.5. any other information that the Applicant/Informant considers relevant to the application.

6.2 It is recommended that a student, employee, or official who has suffered an action prohibited by this Policy initiate an appeal through the University's Office of Records Management no later than three (3) calendar days from the date of the incident.

7. Grievance and Investigation Procedure

7.1 Appeals about discrimination and (or) harassment are considered by the structural unit on behalf of the Member of the Board - Vice-Rector for Social Sustainable Development of the University.

7.2 The University official who considers the appeal shall:

7.2.1. Ensure that the norms of this Policy and the investigation procedure are explained to all parties involved;

7.2.2. provide for the possibility of informal ways of handling a low-level discrimination and harassment referral (conversation, counseling);

7.2.3. if necessary, initiate an internal performance review;

7.2.4. in case of suspicion of a criminal or administrative offense, advise the victim to file a complaint with law enforcement or judicial authorities.

7.3 The Disciplinary Commission (hereinafter referred to as the Commission) shall review the results of the official inspections and investigate the facts concerning

the disciplinary offense on the grounds of discrimination and harassment in accordance with the legislation in force.

7.4 The Commission shall make the following decisions in compliance with the legislation of the Republic of Kazakhstan:

7.4.1. recommends the official authorized to impose disciplinary action or the person replacing him/her to impose a disciplinary sanction;

7.4.2. recommends the Violator to apologize to the Victim/Complainant during the conversation with the Complainant;

7.4.3. recommends to the appropriate unit of the University to work on prevention and prevention of discrimination and harassment;

7.4.4. according to the circumstances of discrimination and harassment and based on the results of the performance review, a decision is made.

7.5 When making decisions on appeals, the Commission shall take into account:

- the degree of actions confirmed during the review;
- moral and material damage caused to the victim;
- the existence of other similar appeals against the Violator, including anonymous ones;
- evidence (e.g. reliable confirmation by witnesses, audio/video/photo materials, correspondence, etc.).

7.6 At the conclusion of the meeting, the Commission shall present to the management of the

University its decision.

7.7 If one of the parties does not agree with the decision of the Commission, they are explained the right to appeal to the court.

7.8. The Commission, in case of suspicion of criminal or administrative offenses of the Policy, shall recommend the victim to file a statement with law enforcement agencies or file a claim with the court.

7.9. In case of a false report, confirmed by the results of an internal audit and the decision of the Commission, the Informant/ Applicant shall be liable in accordance with the laws of the Republic of Kazakhstan.

8. Confidentiality

8.1 Appeals, reports and service inspection are considered and conducted in complete confidentiality, information is disclosed strictly on the principle of

service necessity in accordance with the requirements of internal legal acts of the University.