

«APPROVED»

The Board of the NJC
«al-Farabi Kazakh
national university»

Protocol No. _____

From «15» October 2024



REGULATION

on the disciplinary commission
at al-Farabi Kazakh National University

Almaty 2024

1. GENERAL PROVISIONS

1.1 The Regulations on the Disciplinary Commission (hereinafter – the Regulations) of Non-Commercial Joint Stock Company "Kazakh National University named after Al-Farabi" (hereinafter - the University) is developed in accordance with the legislation, the Charter and internal documents of the University.

1.2 These Regulations define the powers and organization of the disciplinary commission to consider disciplinary offenses of employees of the University.

1.3 The terms used in this regulation are:

1) service inspection (additional service inspection) - activity of employees, officials of structural units of the University (Legal Department, Compliance Control Service, Situation Management Center) to collect and verify materials and information on violations of the legislation of the Republic of Kazakhstan, requirements of internal regulatory documents of the University in order to fully, comprehensively and objectively clarify the circumstances of its commission;

2) disciplinary responsibility - a type of legal responsibility, which is borne by a person for committing a disciplinary offense in the performance of his/her official duties;

3) disciplinary misconduct (hereinafter - misconduct) - unlawful, culpable nonperformance or improper performance by an employee of the University of the duties assigned to him/her, exceeding of official powers, inaction, violation of official and labor discipline, violation of the legislation of the Republic of Kazakhstan and other by-laws, local documents of the University;

4) Disciplinary Commission (hereinafter - the Commission) - a permanent collegial body established at the University to consider the results of official inspections and research of facts concerning disciplinary misconduct in order to comprehensively, fully and objectively establish the circumstances of its commission and make recommendations on the measure of disciplinary punishment to the first head, consisting of an odd number of employees of the University with one vote each;

5) disciplinary sanction (hereinafter - sanction) - a measure of disciplinary action against an employee applied by the Chairman of the Board - Rector or a person replacing him (hereinafter - the first head) in cases stipulated by the legislation of the Republic of Kazakhstan and other by-laws, for committing a disciplinary offense;

2. COMPOSITION AND ORDER OF FORMATION OF THE COMMISSION

2.1 The Commission is a collegial body, which consists of an odd number of members (not less than seven persons) and the Secretary of the Commission.

2.2 The composition of the Commission shall be approved by the order of the first head.

2.3 The Chairman of the Commission and his/her deputy shall be appointed from among the members of the Disciplinary Commission. One of the members of the Commission shall be a representative of the Trade Union of University employees, the rest, officials of the University, not lower than the deputy director of the structural unit.

2.4 The members of the Commission are not replaceable, except in cases of replacement on the basis of the order of the first head.

2.5 The management of the Commission and organization of its activities shall be carried out by the Chairman of the Commission.

2.6 In the absence of the Chairman of the Commission, his duties shall be performed by the Deputy Chairman of the Commission.

2.7 In case of temporary absence of the secretary of the Commission, his/her functions shall be performed by an employee determined by the head of the structural subdivision where the secretary of the Commission is registered.

3. MAIN GOALS AND OBJECTIVES OF THE COMMISSION

3.1 The Commission carries out its activities in accordance with the Constitution of the Republic of Kazakhstan, the Labor Code of the Republic of Kazakhstan, these Regulations and internal legal acts of the University, guided by the principles of legality, objectivity and fairness, based on the principles of respect for rights, protection of legitimate interests.

3.2 The Commission shall consider materials on disciplinary liability in respect of employees of the University, except for the Chairman of the Board - Rector, members of the Board - Vice-Rectors, Corporate Secretary of the Board of Directors and employees of the Internal Audit Service of the University.

3.3 The Commission shall consider materials on the results of official inspections conducted in respect of the University employees, which revealed signs of disciplinary misconduct in their actions/inactions.

3.4 The materials of the performance audit shall be considered by the Commission within a period not exceeding 10 (ten) calendar days from the moment of receipt, and within the period not exceeding the imposition of a disciplinary penalty provided for by Article 66 of the Labor Code of the Republic of Kazakhstan.

3.5 When considering the materials of the performance audit, the Commission shall find out the following:

- 1) whether there was a disciplinary offense;
- 2) whether the employee is guilty of committing this disciplinary offense;
- 3) whether the deadlines for bringing to disciplinary responsibility have been met;
- 4) whether the procedure for conducting an internal audit has been complied with;
- 5) whether the person against whom the audit was conducted was familiarized with the materials of the performance audit;
- 6) in determining guilt, clarifies the need for imposing and the type of imposition and type of disciplinary sanction.

3.6 The Commission also has the authority to consider complaints and appeals submitted by employees regarding the violation of their labor rights, including issues related to remuneration, bonuses, and other payments.

4. MEETING AND DECISION-MAKING PROCEDURES COMMISSION

4.1 The meeting of the Commission shall be held upon receipt of materials on the results of the performance review and shall be competent if at least 2/3 of its members are present.

4.2 The properly formed Conclusion on the results of the performance review shall be adopted by the Commission to consider and investigate the facts concerning the disciplinary offense, to hear the explanation of the employee, in respect of whom the review was conducted, and representatives of the structural units that conducted the review. The Commission shall also have the right to hear eyewitnesses to the violation and investigate any facts concerning the misconduct.

4.3 The time, place and manner of the meeting of the Commission shall be notified in advance by the secretary of the Commission or by the person who conducted the inspection, in consultation with the Chairman of the Commission, of the time, place and manner of the meeting of the Commission, its members and the employee subject to the inspection, as well as other interested parties.

4.4 The failure to appear of the employee, in respect of whom the performance review was conducted, duly notified of the time and place of the meeting of the Commission, without a valid reason, shall not be an obstacle to the consideration of materials.

4.5 A member of the Commission who is interested in its result may not participate

in the meeting of the Commission. In this case, the issue of his/her recusal (self-recusal) shall be resolved by means of an oral appeal to the Chairman of the Commission, which is reflected in the minutes of the meeting. The decision on recusal (self-recusal) shall be adopted by a majority of votes of the Commission.

4.6 The interest that affects or may affect the decision of a member of the Commission shall mean the possibility of obtaining an undue advantage directly for himself/herself, family members or other persons with whom the auditor is connected by financial or other obligations, as well as official, job or any other dependence on the employee in respect of whom the issue of disciplinary responsibility has been raised.

4.7 In case of consideration of the issue of disciplinary responsibility in respect of one of the members of the Commission, including the Chairman of the Commission and his deputy, the powers of all members of this Commission shall be temporarily suspended. In this case, by order of the Chairman of the Board - Rector, a temporary disciplinary commission shall be established to consider the issue of disciplinary liability only in respect of the said member of the Commission. Upon completion of consideration of the issue of disciplinary responsibility of a member of the Commission, the powers of the temporary Commission shall be terminated.

4.8 If there are facts confirming the commission of a disciplinary offense, the Commission shall make a recommendation to the first supervisor on the appropriateness of imposing a particular type of punishment.

4.9 The penalty shall be proportionate to the misconduct committed, the form and degree of guilt of the person who committed it. When determining the type of penalty, the negative consequences that the committed misdemeanor entailed or could entail, the presence of unremitted penalties shall be taken into account.

4.10. Consideration of the issue of disciplinary liability and the period of imposition of disciplinary sanctions shall be suspended during the period of:

- 1) absence of the employee at work due to temporary disability;
- 2) release from work for the fulfillment of state or public duties;
- 3) being on vacation or business trip;

4) proceedings on a criminal case, case on administrative offenses, as well as until the entry into legal force of a judicial act or act of an official authorized to consider

cases on administrative offenses, affecting the decision on the issue of disciplinary responsibility of the employee;

5) while the employee is undergoing training, retraining, professional development courses and internship;

6) the employee's judicial appeal against the employer's acts of committing a disciplinary offense.

7) investigation of labor-related accidents against persons who have committed violations of occupational safety and health requirements.

8) recognition of professional qualifications according to the Law of the Republic of Kazakhstan "On Professional Qualifications".

4.11. On the issues under consideration, the disciplinary commission shall take the appropriate decision by a majority of votes, which shall be formalized by a protocol and signed by the chairman and secretary of the Commission. Voting is open, where each member of the Commission has one vote and has no right to abstain. In case of equality of votes, the decision in favor of which the presiding officer voted shall be adopted.

4.12. A member of the Commission, who disagrees with the decision taken, may present in writing a dissenting opinion, which shall be delivered to the Chairman of the Commission and attached to the minutes of the meeting.

4.13. The decision of the Disciplinary Commission may be appealed against in the manner prescribed by the legislation of the Republic of Kazakhstan.

4.14. The procedure for bringing to disciplinary responsibility of an employee is provided by Article 64 of the Labor Code of the Republic of Kazakhstan and the Procedure for conducting official inspections and bringing to disciplinary

responsibility of employees of the University.

5. FINAL PROVISIONS

5.1 In case of absence in the present Regulation of the norms regulating separate questions of activity of the commission, it is necessary to be guided by the current legislation of the Republic of Kazakhstan.