
STANDARD

ON CONFLICT OF INTEREST AVOIDANCE

ST III-01-2022

Karaganda

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1 Scope

1.1 This Standard on Conflict of Interest Avoidance (hereinafter referred to as the Standard) of Abylkas Saginov Karaganda Technical University Non-profit joint Stock Company (hereinafter referred to as the University) defines the requirements for a set of measures that each employee of the University must apply to prevent/minimize conflicts of interest in exercising their professional activities.

1.2 Compliance with the provisions and requirements of the Standard is mandatory for structural units, officials and all the employees of the University.

1.3 The measures and methods of preventing, detecting and resolving conflicts of interest provided for in the Standard are not exhaustive. In each specific case, other forms of conflict resolution can be used depending on specifics of the existing conflict of interest, the degree of adequacy of the measures taken to the goals of resolving the conflict of interest.

1.4 Failure to comply with the requirements of the Standard can serve as a basis for bringing an employee to disciplinary liability, to the extent established by the legislation of the Republic of Kazakhstan, and in some cases may result in civil and criminal prosecution.

1.5 Control over compliance with the Standard by the employees of the University is carried out by the heads of structural divisions, deans of faculties and the compliance officer of the University.

2 Regulatory references

This Standard uses references to the following normative documents:

RK ST ISO 9000-2017 (ISO 9000:2015) “Quality management system. Basic provisions and glossary.

DP V-01-2022 "Documented information management".

3 Terms, definitions and abbreviations

This Regulation provides terms, definitions and abbreviations in accordance with RK ST ISO 9000-2017 (ISO 9000:2015) “Quality management system. Basic provisions and glossary”. In addition to them, the following terms and their definitions are established:

AMP - administrative and managerial personnel;

Close relatives - individuals who are closely related (parents (parent), children, adoptive parents (adopters), adopted (adopted), full and half brothers and sisters, grandfather, grandmother, grandchildren), marriage, as well as property with an official or an employee of the University;

DAW - department of administrative work;

DP - documented procedure;

Confidential information - any information, including official information that has actual or potential commercial value due to its unknownness to third parties,

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access to it is legally restricted and the owner of the information takes measures to protect its confidentiality. Information that constitutes confidential information is determined by the current legislation, internal documents of the University;

Conflict of interest - a situation in which the personal interest of an employee or official of the University affects or may affect the impartial performance of their duties / official duties;

Corporate culture - University-specific values, principles, norms of behavior and attitudes;

Personal benefit - the possibility of receiving income in the form of money, other property, including property rights, services of a property nature, or any benefits (advantages) both for the employee himself and for his family members, immediate relatives and / or other persons , with which the personal interest of the employee is connected, as well as for legal entities (firms) with which the employee may be interconnected;

PD - the personnel department of the University;

Gift - gratuitous transfer of a thing or a property right (claim) to the donor or a third party, or release from a property obligation to the donor or third parties;

The staff - faculty;

QMR - quality management representative;

Employee, worker - a person who has an employment relationship with the University and directly performs work under an employment contract;

RK - Republic of Kazakhstan;

QMS - quality management system;

ST - standard;

AP – auxiliary personnel;

LD - Legal Department.

4 Responsibility and powers

4.1 This Standard is approved by Chairman of the Board, Rector of the University on the title page.

4.2 Responsibility for the content, structure and design of the approved Standard lies with the developer of the Standard. The decision on the final version of the Standard is taken by the QMR.

4.3 Compliance officer and heads of structural divisions are responsible for bringing the requirements of the Standard to the attention of the University employees. A record of familiarization must be made in the "Familiarization sheet" (Appendix B).

4.4 Responsibility for safety, unauthorized copying the documents of the quality management system (QMS), including this Standard located in the subdivision, and the leakage of service information are borne by the heads of subdivisions.

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5 General provisions

5.1 This Standard has been developed in accordance with the Law of the Republic of Kazakhstan “On Education” [1], the Law of the Republic of Kazakhstan “On Access to Information” [2], the Labor Code of the Republic of Kazakhstan [3], the Charter [4], the Anti-Corruption Standard [5], the Internal Regulations [6] and other internal regulatory documents of the University.

5.2 This Standard is aimed at organizing by each employee of the University of an effective conflict of interest management system, the purpose of which is conflicts of interest avoidance, identification of a potential/possible conflict of interest, its control, and prevention of its consequences.

6 Causes and conditions of conflict of interest occurrence

6.1 In the process of performing the professional activities of an employee of the University, conflicts of interest can arise as a result of:

6.1.1 the absence of control procedures and internal regulations:

- delimitation of functions and powers between the governing bodies, officials and employees of the University;
- compliance with the norms of business communication and principles of professional ethics.

6.1.2 participation by the University employees, members of his family, close relatives and/or other persons with whom the employee is personally interested, as well as legal entities (firms) with which the employee is related, in public procurement of the University.

6.2 A conflict of interest is possible both as a result of the activities of the University officials and as a result of the activities of the teaching staff of the University.

6.3 The conflict of interests of a pedagogical worker is understood as a situation in which a teaching worker, in the course of his professional activities, has a personal interest in obtaining material benefits or other advantages and which affects or may affect the proper performance of professional duties by a teaching worker due to a contradiction between his personal interest and interests student, parents (legal representatives) of minor students.

6.4 A conflict of interest in the field of educational relations may arise in the following situations:

6.4.1 performing professional duties in relation to relatives and / or other persons with whom the employee maintains relations based on moral obligations. For example, taking exams or tests, participating in the work of an attestation commission;

6.4.2 performing paid work (provision of services of a property nature). For example, tutoring from their own students or forcing students to purchase their own scientific works;

6.4.3 receiving material benefits (including money), gifts and services;

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6.4.4 property obligations of the teacher and/or his relatives. For example, a teacher and / or his relatives create property obligations on favorable terms, in particular, these are interest-free loans, purchase and sale transactions at a reduced cost, preferential rent or a contract, etc.;

6.4.5 situations associated with a clear violation of the established prohibitions by the teacher. In accordance with paragraph 5 of Art. 51 of the Law of the Republic of Kazakhstan dated July 27, 2007 No. 319-III “On Education”, the teachers engaged in professional activities in organizations of higher and (or) postgraduate education are prohibited from using the educational process for the purposes of political agitation, religious propaganda or to encourage students to act, contrary to the Constitution of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan;

6.4.6 use of confidential information.

6.5 In order to exclude the occurrence of a conflict of interest situation, the employees of the University must immediately and adequately respond to various factors influencing the occurrence of a conflict of interest.

7 Principles of managing conflict of interest

Every official and every employee of the University is obliged to comply with the following key principles for managing conflicts of interest:

7.1 Principle of priority of the interests of the University. Employees, officials put the interests of the University above their personal and other interests, and the interests of third parties;

7.2 Principle of loyalty and good faith. An employee/official acts in good faith and in the interests of the University, does not allow a conflict of interest and does not act in his own interests or in the interests of any third parties;

Any current or future conflict of interest with employees should be made known to the Compliance Officer of the University. Employees immediately and fully disclose all cases of conflict of interest, including the prerequisites for their occurrence;

7.4 Principle of impartiality. Each employee/official refrains from taking actions aimed at realizing personal and other interests that may pose a risk due to a possible conflict of interest and (or) the impartial performance of their official duties;

7.5 Principle of discretion and honesty. Each employee/official is extremely careful in situations related to the occurrence of a conflict of interest, and is clearly aware of his duties and the depth of responsibility to the University. The employee promptly takes the necessary measures to identify and manage a conflict of interest, including prompt notification of a conflict of interest;

7.6 Principle of intolerance and internal culture. The university fosters a culture and a high degree of zero tolerance for conflicts of interest in its work environment. The University welcomes the disclosure of possible conflicts of interest by its employees/officials, and develops an internal culture of open communication aimed at understanding the provisions of the Standard by employees;

7.7 Principle of personal responsibility and personal example. Each

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employee/official is responsible for untimely identification and disclosure, as well as for improper settlement of a conflict of interest in favor of the interests of the University. Employees / officials of the University by their actions serve as a personal example of integrity and ethical behavior, demonstrate commitment to professionalism, and strictly comply with the requirements of the Standard, other internal documents of the University and the legislation of the Republic of Kazakhstan. Each employee/official participates in identifying the risks and shortcomings of the University's internal control system, and also contributes to the observance of the principles of professional ethics;

7.8 Principle of individual consideration and objectivity. If each and every conflict of interest is identified, it must be considered on an individual basis with an assessment of potential risks for the University, and its further settlement must also be made. Employees / officials of the University strive to minimize any subjectivity that distorts the real situation of the conflict of interest, including any influence of personal and other interests and various factors on the process and results of the conflict of interest study;

7.9 Principle of confidentiality. The confidentiality of the process of disclosing information about a conflict of interest and the process of further settlement of a conflict of interest up to the stage of summing up and making a final decision on the situation under consideration is strictly maintained.

8 Revealing conflict of interest

8.1 The effectiveness of work on the prevention and settlement of conflicts of interest requires the full and timely identification of such conflicts.

8.2 The University is obliged to ensure timely detection of a conflict of interest at the earliest stages of its development and attentive attitude towards it from its officials and employees.

8.3 When hiring employees in whose activities a conflict of interest may arise, the University is obliged to identify potential risks of a conflict of interest, to establish increased requirements for the personal and professional qualities of candidates and their reputation.

8.4 Each employee of the University is obliged to bring to the attention of the compliance officer of the University information about any conflict of interest as soon as it becomes known.

8.5 Heads of structural subdivisions are obliged to ensure effective control over compliance by employees with established requirements, restrictions, prohibitions aimed at preventing conflicts of interest.

9 Settlement of conflict of interest

9.1 The body for resolving conflicts of interest at the University is the Compliance Control and Quality Assurance Commission (hereinafter the Commission). The tasks of the Commission include the settlement of disagreements between participants in

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educational relations on the implementation of the right to education, consideration of information about the conflict of interests of employees and its settlement, if a conflict of interest occurs. The decision of the Commission is binding on all the employees/participants of educational relations at the University and is subject to execution within the time limits stipulated by the decision.

9.2 Disclosure of information about a conflict of interest is carried out in writing. It may be acceptable to initially disclose a conflict of interest orally, followed by a written statement. The official responsible for receiving information about emerging (existing) conflicts of interest is the compliance officer of the University.

9.3 The Commission undertakes to confidentially consider the submitted information and resolve conflicts of interest. The information received must be carefully checked by an authorized official in order to assess the seriousness of the risks arising for the University and select the most appropriate form of conflict of interest settlement. As a result of this work, the Commission can come to the conclusion that the situation, information about which was submitted by the employee, is not a conflict of interest and, as a result, does not need special settlement methods.

9.4 The Commission can also conclude that there is a conflict of interest and use various means to resolve it, including:

- restriction of an employee's access to specific information that may affect the employee's personal interests;
- voluntary refusal of the employee or his removal (permanent or temporary) from participation in the discussion and decision-making process on issues that are or may be influenced by a conflict of interest;
- revision and change of functional duties of the employee;
- transfer of an employee to a position that provides for the performance of functional duties not related to a conflict of interest;
- refusal of the employee from his personal interest, which gives rise to a conflict with the interests of the University.

9.5 The above list of ways to resolve a conflict of interest is not exhaustive. In each specific case, by agreement with the employee, other forms of its settlement can be found.

9.6 When deciding on the choice of a specific method of resolving a conflict of interest, it is important to take into account the significance of the employee's personal interest and the likelihood that this personal interest will be realized to the detriment of the interests of the University.

9.7 To prevent conflicts of interest, employees must follow the provisions of the Policy for identifying and resolving conflicts of interest and the Code of Business Ethics of the University.

10 Coordination, approval and implementation

10.1 This Standard is coordinated with the QMR, director of the DAW, head of the LD, Chairman of the Trade Union Committee of the teachers and employees and

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is drawn up in the "Approval sheet" (Appendix A).

10.2 The Standard is translated into Kazakh and English for the purpose of further posting on the official website of the University.

10.3 The Standard with the developer's signature and approval signatures is submitted by the developer for approval.

10.4 The date of introduction of the Standard is the date of its approval. The Standard comes into effect at the time of its approval.

10.5 The approved Standard is transferred for storage to the CQM&A on paper.

11 Accessibility

Subdivisions are provided with the Standard copies by posting on the official website of the University.

12 Safekeeping

12.1 After the electronic version of the ST is posted on the University website, the performers get acquainted with it and put their signature on the familiarization sheet (Appendix B). At the departments and subdivisions, the head of the department and/or the head of the subdivision is responsible for familiarizing employees with ST.

12.2 Responsibility for replication, accounting of copies, unauthorized use and safety of the ST is the head of the department.

12.3 The full version of the ST is stored in electronic form, and the title page and familiarization sheet in printed form.

13 Analyzing and updating

13.1 Verification, analyzing and updating of the ST performed:

- in case of reorganization/renaming of the University;
- when changing the strategy, policy and goals of the University in the field of quality;
- upon detecting non-conformity processes, during internal and / or external audits;
- in case of changes in legislative, regulatory and contractual requirements for the settlement of conflicts of interest.

13.2 Verification (review) of the ST must be performed once a year.

13.3 The developer is responsible for analyzing and updating the ST.

13.4 The ST must be updated by the developer within no more than 5 working days from the date of receipt of new information.

13.5 The availability of the relevant versions of the ST in the places of their application is provided by electronic versions.

13.6 Ensuring the availability or of valid versions of ST at workplaces in departments and responsibility rests with the heads of departments.

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14 Amendments to the Standard

14.1 Amendments to this ST must be made in accordance with DP V-01-2022.

14.2 The ST is revised in case of changes in legislation or as needed.

14.3 In case of changes in the requirements of the legislation, this ST until the moment of its change is valid in the part that does not contradict the current legislation at the time of its application.

14.4 Amendments to the original ST are carried out by the developer. The CQM&A must post an updated version on the official website of the University within the period of no more than 5 days.