



**Non-commercial joint-stock company  
"MAKHAMBET UTEMISOV WEST KAZAKHSTAN UNIVERSITY"**

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**Approved by the Order of the  
Chairman of the Board - Rector of  
NCJSC «M.Utemissov West  
Kazakhstan University»**

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**« 01 » 2024**



**INSTRUCTION  
ANTI-CORRUPTION GUIDELINES  
NCJSC «MAKHAMBET UTEMISOV WEST KAZAKHSTAN  
UNIVERSITY».**

**Uralsk city 2024**

## **1. General provisions**

1.1 The present Instruction is developed for employees of NJSC "Makhambet Utemisov West Kazakhstan University" (*hereinafter - the Company*) with the purpose of formation of legal culture and is obligatory for familiarization and application by all structural divisions, employees and officials of the Company.

1.2 This Instruction defines situations of corruption and establishes the procedure for actions of the Company's officers and employees in case of their occurrence.

1.3 The requirements given in the Instructions are the minimum necessary and should not be regarded as exhaustive and/or restrictive for a particular case.

## **2. Terms and definitions**

2.1 Corruption means offering, promising, giving and receiving illegal benefit, tangible and/or intangible, in any form, directly or through intermediaries, including in the form of a bribe or commercial bribe; and/or mediation in the performance of a corrupt act; and/or abuse of official position, abuse of authority, as well as other illegal use by a natural person of his/her official position contrary to the legitimate interests of the Company, including for the purpose of obtaining illegal benefit, tangible and/or intangible.

2.2 Bribe - material valuables (objects or money) or any property benefit or services accepted by a person personally or through an intermediary for an action (or, conversely, inaction) in the interests of the bribe-giver, which this person could or should have done by virtue of his or her official position;

2.3 Extortion of a bribe - demand of a bribe by a person under the threat of committing actions that may cause damage to the legitimate interests of the bribe-giver or persons represented by him, or deliberate creation of such conditions under which he is forced to give a bribe in order to prevent harmful consequences for law-protected interests;

2.4 Anti-corruption means activities of the Company's employees and officials within their authority to prevent corruption, including formation of anti-corruption culture in the Company, identification and elimination of causes and conditions contributing to the commission of corruption offenses, as well as identification, suppression, disclosure and investigation of corruption offenses, and elimination of their consequences.

2.5 Employee, employee - a person who has labour relations with the Company and directly performs work under an employment contract.

2.6 Conflict of interests - a contradiction between personal interests of employees and their official powers, where personal interests of the above persons may lead to non-performance and (or) improper performance of their official duties.

2.7 Corruption risk is the possibility of occurrence of causes and conditions conducive to the commission of corruption offenses.

2.8 Prevention of corruption means the Company's activities to study, identify, limit and eliminate causes and conditions that contribute to the commission of corrupt acts by developing and implementing a system of preventive measures.

### **3. Possible situations of corruption and commercial bribery, as well as the procedure to be followed in case of their occurrence**

3.1 Bribe-taking and bribery are illegal in the Republic of Kazakhstan and fall under the Criminal Code and the Code of Administrative Offenses.

3.2 The object of a bribe may be:

- items, money, including currency, bank checks and securities, precious metals and stones, automobiles, foodstuffs, appliances, household appliances and other goods, apartments, summer houses, country houses, garages, land plots and other real estate;

- benefits: medical treatment, repair and construction work, sanatorium and tourist vouchers, trips abroad, payment for entertainment and other expenses free of charge or at a reduced cost;

- disguised form of bribery - bank loans in debt or under the guise of repayment of non-existent debt, payment for goods purchased at a lower price, purchase of goods at an inflated price, conclusion of fictitious employment contracts with payment of salaries to the bribe-taker, his relatives, friends, obtaining a soft loan, inflated fees for lectures, articles, and books, "accidental" winnings in casinos, forgiveness of debt, reduction of rent, increase in interest rates on loans, etc.

3.3 It is important to comply with restrictions, prohibitions and requirements for the exclusion or settlement of conflicts of interest, the obligation to notify the head of the structural subdivision, compliance officer of the Company of requests for inducement to commit corruption offenses, other obligations established in the Company for the purpose of combating corruption.

Discussing certain topics with representatives of organizations and students, especially those whose benefit depends on the decisions and actions of the Company's officials and employees, may also be perceived as a request for a bribe.

3.4 In order to avoid possible provocations from citizens, representatives of legal entities, officials who apply for the service, who are inspecting the activities of the unit:

- not to leave unattended service premises with visitors and personal belongings (clothes, briefcases, bags, etc.);

- in case any foreign objects are found at the workplace or in personal belongings after a visitor has left, without taking any independent action, immediately report to the management.

3.5 In case of bribe solicitation:

- behave with extreme caution, politely, without ingratiation, avoiding rash statements that could be interpreted as either willingness or a categorical refusal to accept the object of a bribe and/or commercial bribery;

- listen carefully and memorize exactly the terms offered to you (amounts of money, name of goods and nature of services, terms and methods of bribe transfer, form of commercial bribery, sequence of solving issues);

- try to postpone the issue of the time and place of transferring the object of bribe and/or commercial bribery until the next conversation and offer a place you know well for the next meeting;
- do not take the initiative in the conversation, more "work on the reception", allow the interlocutor to "speak out", to tell you as much information as possible;
- Ask about guarantees that your matter will be resolved if you agree to pay a bribe or commit commercial bribery;
- if you have a voice recorder, try to record (covertly) the offer of the object of the bribe and/or commercial bribery;
- report this fact in the form of a memo to the Company's senior management and compliance officer;
- submit a written or oral report of an impending crime to the authorized anti-corruption body.

3.6 If you encounter corrupt practices or become an unwitting witness to unlawful corrupt practices, you should:

- report this fact in the form of a memo to the Company's compliance officer;
- make a written or oral report to the authorized anti-corruption body.

3.7 Regarding Conflict of Interest:

- be alert to any possibility of a conflict of interest;
- take measures to prevent any possibility of a conflict of interest;
- notify your immediate supervisor in writing of any conflict of interest or potential conflict of interest as soon as you become aware of it;
- to take measures to resolve the conflict of interest in coordination with the immediate supervisor;
- change the official position of the employee who is a party to the conflict of interest, up to and including his/her removal from office in accordance with the established procedure, and (or) his/her refusal to accept the benefit that caused the conflict of interest;
- to contact the Company's Compliance Officer if the conflict of interest cannot be resolved.

#### **4. Managerial responsibility, for the corruption offense of subordinates**

4.1 In order to strengthen measures aimed at preventing corruption, there is a norm that implies personal liability of managers whose subordinates have committed corruption offenses, commercial bribery and other criminal offenses in the performance of their functional duties and their guilt has been proven in court.

4.2 In the event of criminal prosecution of an employee of the Company on the facts of committing a corruption offense, commercial bribery and other criminal offenses in the performance of his/her functional duties, this employee shall be suspended from the performance of his/her official duties in accordance with the Labour Code of the Republic of Kazakhstan until the completion of investigative actions or entry into force of a judicial act. The employee's immediate supervisor is

obliged to take appropriate measures to suspend the employee from his/her official duties.

4.3 Disciplinary responsibility of a manager for a corruption offense of a subordinate implies the following: reprimand; reprimand; severe reprimand; termination of the employment contract on the employer's initiative on the grounds provided for by the Labour Code of the Republic of Kazakhstan.

4.4 It should be taken into account that in case of a corruption offense committed by a direct subordinate, the manager is personally liable after 3 months from the date of appointment to this position.

At the same time, the above liability does not apply to a manager who independently reported a corruption offense committed by a direct subordinate, in accordance with Article 24 of the Law of the Republic of Kazakhstan "On Combating Corruption".

4.5 An employee who has reported the fact of corruption offense, commercial bribery and other criminal offenses in the performance of his/her functional duties by the Company's employees or who otherwise assists in combating corruption, commercial bribery and other criminal offenses in the performance of his/her functional duties by the Company's employees shall be protected by the state and encouraged in accordance with the procedure established by the Government of the Republic of Kazakhstan. This provision shall not apply to persons who have knowingly reported false information about the fact of corruption offense, who shall be liable in accordance with the law.

4.6 Information about an employee assisting in countering corruption, commercial bribery and other criminal offenses in the performance of their functional duties by the Company's employees is a state secret and shall be provided in accordance with the procedure established by law. Disclosure of the said information shall entail liability established by law.

## **5. Personnel management**

5.1 The Company adheres to the principles of objectivity and honesty when making personnel decisions. In order to exclude corruption risks when hiring, evaluating, promoting and dismissing the Company's personnel:

- develops and approves, in accordance with the established procedure, transparent procedures for the selection and recruitment of personnel and appropriate qualification requirements for the position;
- checks candidates for employment before making a decision to start or continue employment for their reliability and absence of conflicts of interest;
- Evaluates personnel performance and pays remuneration based on the performance of its key performance indicators and professional achievements;
- makes a decision on promotion to a higher position based on the employee's business qualities and qualifications;
- carries out the procedure of termination of labour relations with the employee on the grounds stipulated by the legislation of the Republic of Kazakhstan.

## **6. Official investigations of corruption offenses**

6.1 All reports of corruption offenses in the Company shall be subject to inspection or official investigation with involvement of relevant structural units of the Company.

6.2 If the results of an internal investigation reveal the fact of corruption, the completion of the investigation shall be deemed the adoption of corrective measures, based on the principle of zero tolerance to any manifestations of corruption, up to the termination of employment and transfer of materials to the relevant authorized state authorities.

## **7. Responsibility**

7.1 Employees of the Company shall be responsible for strict compliance with the requirements of this Instruction.

7.2 The Company's employees who have been subjected to appropriate liability measures for committing corruption offenses shall not be exempted from compensation of material damage to the Company, otherwise than by an effective court decision of the Republic of Kazakhstan.

7.3 Violation of the requirements of the Instruction may be considered as an action incompatible with the status of an employee of the Company and serve as a basis for imposing disciplinary penalties.

7.4 Violation of the requirements of the Instruction may result in the application of liability measures provided for violation of anti-corruption legislation of the Republic of Kazakhstan in the field of combating corruption.

## **8. Normative references**

1. "Anti-corruption Law" of the Republic of Kazakhstan dated November 18, 2015;
2. Order of the Minister of Education and Science of the Republic of Kazakhstan No. 178 dated May 3, 2022 "On anti-corruption compliance".

Developer:

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