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DISCRIMINATION AND/OR HARASSMENT POLICY AZERBAIJAN STATE UNIVERSITY OF ECONOMICS



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Section 1. Definitions

Personal traits, characteristics, and/or beliefs that are protected against discrimination and/or harassment under applicable law are referred to as protected characteristics. Race, creed, color, sex, pregnancy/childbirth, gender identity or expression, age, national origin, ancestry, religion, physical or mental disability, veteran status, marital or domestic partnership status, affectional or sexual orientation, and/or other characteristics protected by applicable law are examples of protected characteristics.

Discrimination is defined as unfavorable treatment of an individual based on a protected feature rather than on individual merit. **Examples of discriminatory behavior based on an individual's protected feature include, but are not limited to:**

- Individuals who are singled out or targeted for different or less favorable treatment (e.g., harsher discipline, lesser wage rise) because of a protected feature
- Failure or refusal to recruit or accept a person because of a protected feature
- Terminating a person's employment or educational program because of a protected trait

Harassment is defined as unwanted verbal or physical behavior directed at a person based on a protected characteristic, when these behaviors are severe and/or pervasive enough to interfere with an individual's educational experience, working conditions, or living conditions by creating an intimidating, hostile, or offensive environment. **Examples of harassment that can occur based on an individual's protected characteristic include, but are not limited to:**

- Unacceptable jokes or remarks about a legally protected attribute (for example, racial or ethnic jokes);
- Disparaging statements about a legally protected trait made to a person (e.g., unpleasant or insulting remarks or jokes about a person's religion or religious clothes);
- Negative or insulting posters or images depicting a constitutionally protected feature;
- All communications that violate this Policy, including those sent electronically, such as via e-mail, phone or voicemail, text messaging, social media, or other internet use.

Section 2. Retaliation

The University expressly prohibits retaliation against any member of the University community who, in good faith: (1) files a report, complaint, or grievance under this policy (or with an external entity); (2) opposes an action believed to be a violation of University policy in a reasonable manner; (3) participates in University investigations, compliance reviews, or discipline proceedings; or (4) files a request for an accommodation under a University policy. (For the purposes of this policy, "retaliatory action" is defined as intimidation, threat, coercion,

discrimination, or adverse educational or job action; rudeness and the like do not normally qualify)

Retaliatory measures may include (but are not limited to) the following, depending on the circumstances mentioned above:

- Adverse employment action; adverse action in connection with participation in an educational program;
- Unreasonably meddling with another person's academic or professional career;
- Engaging in stalking, harassment, or assaulting behavior;
- Attempting to persuade people to take punitive action on one's behalf.

Section 3. Options for dealing with discrimination and/or harassment

3.1 UNEC Leadership

The University urges any occurrences of discrimination and/or harassment to be reported. Individuals who believe they have been subjected to discrimination and/or harassment, or who have seen discrimination or harassment of others, have a number of choices, including speaking with a Confidential Resource or submitting a formal complaint. The University understands that choosing between these options can be difficult. Individuals are recommended to obtain advice from a Confidential Resource before making any decisions.

Section 4. Reporting, investigating, and resolving complaints against academic or staff members

4.1 Reporting Complaints

When requesting disciplinary action against a faculty or staff member for violating University harassment or discrimination policies, the individual may file a complaint with the Director for Center for Diversity, Inclusion and Equality. The written complaint should identify the people involved; describe the harassing or discriminatory behavior, including the protected characteristic that was involved, as well as when and where it occurred; and identify any witnesses and/or proof by name or description. Written complaints shall be treated as confidential and delivered immediately to the above-mentioned designated individual.

4.2 Interim Measures

Prior to or during the inquiry, the University may take reasonable and appropriate interim steps to preserve the safety and well-being of University community members, maintain the integrity of the investigative and/or resolution process, and deter retaliation.

4.3 Investigation Process

To initiate the investigation, the officer who overlooks matters related to equal opportunities and diversity within the academic institution under The Officer's jurisdiction will undertake an initial analysis of all relevant variables mentioned in relation to this specific grievance. The analysis will appraise whether the alleged behavior, when backed by a greater weight of evidence, possibly amounts to prohibited conduct as per the University's Policy on Discrimination and/or Harassment. If so, the officer for institutional equity and diversity will

determine that the complaint may proceed to investigation. Should it be considered fitting, officer has the authority to forward the complaint to another office with governing powers in relation to this subject. Should the accused behavior be unable to meet the criteria for prohibited conduct under this Policy, regardless of its authenticity. The officer may dismiss the complaint from further review. If the alleged conduct involves faculty members or staff as respondents, the University's Investigations Unit will handle the investigation. The purpose behind conducting this investigation is to accumulate information concerning the incidents specified in the written complaint. The objective is to determine, employing the preponderance of evidence standard, in case there is a stronger possibility that the alleged behavior occurred and, if indeed true, whether it can be categorized as discrimination or harassment. The investigator (or co- investigators, as necessary) The investigators will conduct an inquiry to uncover facts. The possibilities for inclusion are written statements, interviews, or any other relevant sources of evidence as determined by the investigator. While he investigation is ongoing, the investigator(s) may receive counsel from the Center for Diversity, Inclusion and Equality, or another relevant department, if necessary.

4.4 Complaint Resolution

The investigator(s) will compile a written report at the end of the investigation.

The report will detail the range of the inquiry to determine if any accusations made in the complaint have been proven true or valid. The appropriate Dean will receive the submitted written report (typically, this refers to the Faculty's Dean) a different choice could involve submitting it directly to a Vice Rector (VR) or their designee. The submission will also be made to the Center for Diversity, Inclusion and Equality.

The Dean/VR who receives the report may accept it may accept the report, request to review additional information, including summaries of party/witness statements or other information. For further investigation, they might also choose to return the report. The authorized individual assigned by the Dean/VR must, regarding both parties implicated (the person who filed the written complaint as well as the person whose behavior is being investigated), summarize the findings.

In the event that it is found after thorough investigation that a breach of University policy has taken place, suitable steps will be employed with the purpose of halting the discriminatory actions and/or harassment. The University's response, which may involve implementing appropriate steps, is contingent on the specific details and situations at hand.

If there is a determination that the behavior investigated did not violate this Policy, both parties will receive notification accordingly. Neither party may appeal such a finding. If any acts of retaliation happen following the decision, both parties have the option to lodge a complaint using this Policy.

Discovery of improper conduct falling short of constituting a violation as per the university's policy on discrimination and harassment, a conclusion can be reached that the conduct was unsuitable and not professional but did not breach this Policy, though it fell short of violating this Policy. Such inappropriate behavior may merit discipline, Continuous monitoring, coaching, or additional appropriate actions might be required. Both parties are barred from appealing this discovery. If retaliatory behavior occurs after the issuance of this determination, either party may bring a complaint under this Policy. Discovering a "violation"

of the university's policy regarding discrimination and/or harassment. If there is a determination that the behavior did violate this Policy, the Dean/VR, after consulting with the suitable manager or department head, will ascertain which corrective actions need to be implemented. Moreover, if it is deemed fitting, the Dean/VR/Officer has the power to implement strategies that guarantee no further discrimination or harassment occurs towards the complainant. In order to address any potential effects of discrimination or harassment, they can also implement appropriate measures. The University has the authority to decide on suitable measures which might involve offering counseling or training for those affected by the situation, potentially enforcing a physical separation between them if necessary and imposing disciplinary actions on the accused party, for instance through means like delivering a formal written notice which highlights observed wrongdoing based on established policies. As part of consequences there's possibility of enforcing monetary penalties onto offenders. Alternatively, individuals may be temporarily banned from participating in any university- related activities alongside facing potential job position downgrade or even severe measure like being dismissed according to guidelines set forth by higher education institution. The University's ability to discipline an individual who is not an employee or student (such as a vendor or contractor) is restricted by how much influence, if any, does the University have on that specific person. Still, the University maintains its prerogative to deal with any cases of misconduct or policy violations in a suitable manner. Nonetheless, the University will seek to take appropriate action in response to violations of this Policy.

Section 5. Complaint reporting, investigation, and resolution including student complaints

5.1 Complaint Reporting

In case of someone wanting the University to pursue disciplinary action against a graduate or undergraduate student who has breached the institution's harassment or discrimination guidelines, there is also an avenue for them to officially report their grievance by submitting a complaint to be handled by Center for Diversity, Inclusion and Equality. In addition, they have the alternative of using the complaint form.

The written complaint should identify the parties involved. It should describe the harassing or discriminatory behavior, including the protected characteristic that was implicated, and when and where it occurred. Additionally, it should identify by name or description any witnesses and/or evidence. Written complaints need to be handled with confidentiality and The provision of complaints should be done solely and directly to the specified individual mentioned previously.

5.2 Interim Steps

If deemed necessary, before or during the investigation, there are circumstances where the University can enforce logical and fitting provisional actions in order to uphold a secure environment for everyone involved. This includes maintaining the integrity of the investigative and/or resolution process and deterring retaliation.

5.3 Investigation Process

As a primary measure in beginning the inquiry, the first appraisal of complaint information will be performed by an officer specializing in Center for Diversity, Inclusion and Equality. This assessment will consider whether the alleged conduct, if substantiated by a preponderance of the evidence, could constitute prohibited conduct under the University's Policy on Discrimination and/or Harassment.

If so, the officer determine that the complaint may proceed to investigation. Should it be considered appropriate, the officer can also send the complaint for further review to an alternative office with proper jurisdiction to handle this matter. If the purported actions do not, even with evidence, qualify as prohibited behavior violating this Policy. The officer may dismiss the complaint without any additional assessment. There are no further avenues for appeal after a complaint has been dismissed during the initial assessment.

Section 6. Confidentiality

In case someone raises a complaint regarding discrimination or harassment at the University will be discreetly addressed in some manner. Conducting investigations will prioritize confidentiality as extensively as can be managed. Nevertheless, in order to gather relevant information, disclosing may be necessary to both the accused person and other witnesses involved. To the extent feasible, disclosures will be kept to a minimum in this situation. To the extent possible. To protect the fairness of the process and avoid any notion of revenge, individuals participating in investigations or disciplinary procedures according to this policy are recommended to exercise caution while disseminating information. Exercising caution when sharing information and with whom is crucial. While discretion regarding the process is important, Individuals filing complaints and those responding are allowed to talk and exchange information with people who can back them up or help in presenting their case. Nonetheless, it is vital to uphold confidentiality and demonstrate respect for the privacy of everyone involved. Privileged and confidential documents include medical and counseling records Parties are not obligated to disclose such information.

Section 7. Protection against retaliation and claims of bad faith

7.1 Retaliation Protection

The University expressly prohibits retaliatory action against any member of the University community who in good faith: (1) files a report, complaint or grievance under this policy (or with an external entity); (2) If someone reasonably opposes an action they believe violates university policies, it is protected and supported by the university (3) participates in University investigations, compliance reviews, or discipline proceedings; (4) files a request for an accommodation under a University Policy. With respect to this policy, by "retaliatory action", we mean behaviors like intimidation, threats, coercion, discrimination, or negative consequences regarding education or employment. Such behaviors as impoliteness generally do not meet the requirements. **Depending on the circumstances referenced above, retaliatory acts may include (but are not limited to):**

- Adverse employment action;
- Negative consequence pertaining to involvement in an academic or professional program;
- Unreasonably interfering with the academic or professional career of another individual;
- Engaging in conduct which constitutes stalking, harassment, or assault;
- Engaging in efforts to have others engage in retaliatory actions on one's behalf.

Unless there is a resolution and confirmation from the investigation, An expression of concern regarding discrimination or harassment should not be treated as definitive proof of prohibited conduct. Reappointment, tenure, promotion, merit or other evaluation or review will disregard the complaint. The University's Policy has been found to be violated based on an assessment.

Violations of this Policy should be reported as complaints of retaliation. Engaging in retaliation may lead to significant consequences from the disciplinary board.

7.2 Protection against Claims of Bad Faith

The University is tasked with to achieve a proper equilibrium in the rights of all involved.

Therefore, if the University's investigation reveals that the complaint is malicious or knowingly false, the accused charges will not hold any weight. The one who submitted the complaint may incur disciplinary consequences.

