



The American University of Kurdistan Employee Code of Conduct Policy

Policy Number: HR003
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I. INTRODUCTION

- a. **Authority:** The Board of Trustees (herein referred to as “Board”) at The American University of Kurdistan (herein referred to as “AUK” or “University”) is authorized to establish rules and regulations to govern and operate the University and its programs.
- b. **Purpose:** The purpose of this policy is to provide institutional policy defining the Code of Conduct and procedures for its implementation.
- c. **Scope:** This policy applies to all AUK employees.

II. ROLES AND RESPONSIBILITIES

- a. **Responsible Executive:** Vice President for Administration and Finance
- b. **Responsible Administrator:** Director of HR
- c. **Responsible Office:** Office of HR & Legal Office
- d. **Policy Contact:** Director of HR

III. POLICY STATEMENT

It is expected that employees at the American University of Kurdistan act in a responsible manner commensurate with the mission and vision of the University – to be an exemplar of international best practices in all aspects of operations and campus life. All employees are expected to 1) demonstrate a commitment to learning and diversity; 2) build rapport and serve as a strong role model to peers, student, and guests to campus; 3) display effective and respectful communication skills in all settings; and 4) demonstrate professional competence and conduct. Employees who adhere to these professional dispositions are guided by beliefs and attitudes related to values such as accountability, respect, honesty, integrity, and professional competence and conduct.

IV. ACTIVITIES/BEHAVIORS SUBJECT TO DISCIPLINARY ACTIONS

Per the Iraqi Labor Law, AUK has the right and discretion to regulate activities and behaviors that are not aligned with those professional standards and determine the detrimental disciplinary actions as deemed appropriate, except for dismissal as the cases for dismissal are predetermined by the Iraqi Legislature. It is, therefore, essential to enumerate those activities and behaviors, so all employees have sufficient notice of what constitutes a violation of professional standards and are left to AUK's discretion to regulate and decide appropriate disciplinary actions as stated in **Section VII**. Activities/behaviors are outlined below:

- Failure to report an absence or late arrival.
- Having an excess of lates or absences.
- Leaving work during assigned working hours without the permission of the direct supervisor/director or without notification to the OHR.
- Making misleading or fraudulent statements about claimed sick or personal leaves.
- Not fulfilling the obligations under the employment contract (e.g. taking excessive breaks, sleeping, loitering, or loafing during working hours, smoking outside of the designated areas, consuming food and beverages in areas where forbidden, failure to maintain a professional personal appearance as appropriate to the position title).
- Willfully restricting work output, or interfering with others' abilities to accomplish their assigned tasks.
- Using offensive or abusive language in any online or in-person communications with an employee, student, or guest of AUK.
- Sexual or any other types of harassment or discrimination which create a hostile workplace for others as the result of any acts outlined within this policy.
- Committing any disorderly or offensive conduct while on the premises of AUK.
- Dishonesty, willful falsification or misrepresentation on the application for employment, other work records, data requested by AUK, etc.
- Misuse of position for personal benefit.
- Impersonating another person or submitting forged documents for the purpose of bringing benefit to self or bringing harm to another.
- Committing malicious gossip and/or spreading rumors which leads to demeaning or ruining the reputation of others.
- Spreading/sharing any unethical/outrageous/shameful material with others on campus.
- Refusing transfer to another position when work necessitates and such transfer complies with clauses as per the Iraqi Labor Law.
- Committing insubordination, refusing to obey instructions properly issued by the employee's Supervisor/Director/VP/President.

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- Negligence or any other careless action which endangers the life or safety of another employee, student, or guest on campus.
- Unauthorized usage of any AUK property, including documents and computers, off-campus without the prior written permission of the respective Director/Dean/VP for personal reasons and/or for personal profit.
- Involvement in another job/business paid or unpaid during working hours without the prior approval of the respective VP or President.
- Utilization of AUK equipment, tools, machines, vehicles, etc. not part of the assigned work duties without authorization.
- Possessing on campus any unauthorized dangerous or illegal firearms, weapons or explosives.
- Taking any loans, presents, cash, bribes from contractors/vendors/fellow employees in exchange for financial or professional benefit.
- Organizing or participating in any non-AUK sanctioned meetings without AUK or related syndicate approvals.

V. ACTIVITIES/ BEHAVIORS SUBJECT TO DISMISSAL

Occurrences of any of the following violations, due to their seriousness, or any other action not specified but equally serious, will ***result in dismissal*** from employment.

- Committing or engaging in a serious misconduct or error, which resulted in serious material loss or damage to AUK, provided that report of the error was done within 5 days of its occurrence.
- Theft of AUK property or the property of another employee, student, or guest on campus.
- Engaging in an act of sabotage willfully or with gross negligence or reckless disregard causing the destruction or damage of AUK property or the property of other employees, students, guests, etc. in any manner, or by any error, which results in serious material loss or damage to AUK or others.
- Disclosing or giving professional secrets and confidential information to non-AUK employees, breach of confidentiality of personnel information or work for other entities without AUK's written approval.
- Repeatedly being at the workplace in a state of obvious drunkenness.
- Using, possessing or selling alcohol while on campus regardless of quantity.
- Repeatedly failing to follow instructions regarding occupational safety, provided these instructions have been drawn up in writing and prominently posted.
- Inflicting physical harm on AUK's faculty, staff, students, and invited guests.
- Engaging in a fight or any act of physical violence upon any employee, student or guest on campus.
- Committing a misdemeanor or a crime at work involving a co-workers and been found guilty by a court in a final judgement.
- Being sentenced for any crime by the final judgement of a court resulting in imprisonment for a period of more than one year.
- Being absent from work without justification for **(10) ten consecutive days**, or for **(20) Twenty non-consecutive days** in a given year, provided the supervisor has, in the first case posted a warning at the workplace during the first **(5) five days** of the absence, in the second case given written notice to the employee at the workplace once he has been absent for **(15) fifteen non-consecutive days** during the work year.

VI. SEXUAL HARRASMENT

Sexual harassment is defined as:

- Any unwanted contact ranging from intentional touching, caressing, pinching, hugging or kissing to physical/sexual assault and rape.
- Verbal comments including socially and culturally inappropriate and unwelcomed comments with sexual overtones, including sexually suggestive jokes, comments about a person's clothing, manner of dressing, or body made in that person's presence or not.
- Persistent proposals and unwelcomed requests/invitations for dates or other social relations.
- Non-verbal acts such as unwelcomed gestures, suggestive body language, indecent exposure, lascivious looks, repeated winks, and hand gestures.
- The unwelcomed display or sharing of pornographic materials, sexually explicit pictures and objects, screen savers as well as sexually explicit e-mails, notes or SMS messages.

For cases and incidents that involve sexual harassment accusations, please refer to HR009 - Sexual Harassment Policy at AUK.

Note: Comments/compliments that may be considered socially and culturally acceptable may nonetheless constitute harassment. The AUK is following international best practices and definitions. (<https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/internal/policies/workplace-harassment/2012>)

VII. DRUGS AND SUBSTANCE ABUSE

The American University of Kurdistan establishes a drug-free workplace to be maintained on all of its premises. The University prohibits the unlawful manufacture, transmission, distribution, dispensing, possession, or use of any drugs (including prescription drugs) having narcotic, addictive, hallucinogenic, and/or similar strong psychological or physiological effects.

All persons are reminded of the Kurdistan Region's laws pertaining to the use and possession of prohibited drugs.

In addition to the legal consequences, an employee who is determined to have used and/or possessed prohibited drugs on the University's Campus will be terminated immediately.

VIII. DISCIPLINARY ACTIONS

Unacceptable behaviors cited above may be addressed in the following manners:

- Verbal Warning
- Written Notice
- First Written Warning
- Final Written Warning
- Suspension, with or without pay, until an investigation is concluded
- Dismissal

IX. COMPLAINTS INVESTIGATION & THE OPPORTUNITY TO BE HEARD

AUK is required to exercise due care and diligence when investigating all allegations of the aforementioned violations before making a determination of the appropriate disciplinary action against the accused employee.

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1. When an investigation is appropriate, a Committee will be called. It will consist of the Legal Counsel, representative of the OHR, Director of Finance (in cases of financial impropriety), the Director/Dean under whose purview the offense occurred, and a member of the faculty and additional member of staff. There should be at least (5) five members on the Committee. The members will be identified by Legal Counsel, OHR, and the President.
2. The Committee shall investigate the case and listen to testimonies provided by witnesses; the hearing will include testimony of the accused. The employee will have the opportunity to defend themselves and present their case. All pertinent facts will be carefully reviewed by the Committee along with the employee's defense and any additionally submitted documents.
3. The Legal Counsel will document the meeting and provide advice on suitable disciplinary actions. If the Committee members disagree on the action to be taken as a result of the hearing, the President will meet with the committee to discuss the case. If even after this consultation the Committee reaches no decision, the matter may be submitted to the Board of Trustees for review and input.
4. Disciplinary actions may include fines, suspensions, or other measures as appropriate to the circumstances. If the University property is damaged, then the employee will be required to pay restitution.
5. The employee will be informed of the decision; the official letter will be written by Legal Counsel in conformity with Iraqi Labor Law. The timeline to inform the employee about the outcome is **(15) fifteen days** from the date when the investigation concluded and Committee decision reached.

X. APPEALS

If the employee believes a decision to be unfair or has a complaint as to process, s/he may submit a formal letter of appeal within **(5) five working days** of receiving the notice of the decision. The appeal must be submitted in writing to the Legal Counsel. The Committee will reconvene to determine viability of the appeal based on the following conditions:

- New evidence
- Improper sanctions (either excessive or insufficient)
- Error in procedures
- Arbitrary or capricious verdict

The Committee will respond within **(10) ten working days** from the date of the submission of the appeal. Note that the employee has the right to appeal the AUK's "final decision" to the Labor Court within **(15) fifteen days** starting for the day when notified.

XI. POLICY HISTORY

- a. **Approved by:** Board of Trustees
- b. **Adopted:** May 28, 2023

