

APPROVED
NES Academic Council
Decision No. 103
from February 10, 2021

APPROVED BY
order of NES
number 01-42
from March 26, 2021

AGREED
NES Student Council
Decision No. 6
from March 19, 2021

NES Code of Conduct

1. This NES Code of Conduct (hereinafter - the Code) was developed on the basis of the Labor Code of the Russian Federation, the Federal Law "On Education in the Russian Federation", the Charter of the Non-Governmental Educational Institution of Higher Education "New Economic School" (Institute) (hereinafter - NES, School), Of the NES Internal Labor Regulations.
2. The Code is a fundamental document that enshrines the principles of labor, academic (educational) and social interaction between NES employees, NES students among themselves, and employees and students among themselves.
3. **Policy Statement**
 - 3.1. New Economic School is committed to maintaining a safe and healthy educational and work environment in which no member of the community is, on the basis of race, religion, sex, sexual orientation, or gender identity, excluded from participation in, denied the benefits of, or subjected to discrimination in any program or activity.
 - 3.2. Sexual and non-sexual harassment, are forms of discrimination in that they deny or limit an individual's ability to participate in or benefit from School programs or activities. This Code is designed to ensure a safe and non-discriminatory educational and work environment. It does not preclude application or enforcement of other School policies.
 - 3.3. It is the policy of the School to encourage reporting to Ethical Committee of incidents; to prevent incidents of sexual and non-sexual harassment from denying or limiting an individual's ability to participate in or benefit from the School's programs; to make available timely services for those who have been affected by discrimination; and to provide prompt and equitable methods of investigation facts and incidents and resolution to stop discrimination, remedy any harm, and prevent its recurrence.

- 3.4. Violations of this Code may result in the imposition of sanctions (including those provided for by labor laws and education laws) up to, and including, termination, dismissal, or expulsion, as determined by the Ethics Committee.
- 3.5. Retaliation against an individual for raising an allegation of harassment, for cooperating in an investigation of such a complaint, or for opposing discriminatory practices is prohibited. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited.
- 3.6. Nothing in this Policy shall be construed to abridge academic freedom and inquiry, principles of free speech, or the School's educational mission.
- 3.7. In order to create a respectful, welcoming and productive community, NES is committed to providing a living, working and learning environment that is free from harassment.
- 3.8. NES policy on harassment includes a ban on:
 - 3.8.1. Harassment.
 - 3.8.2. Sexual harassment.
 - 3.8.3. Sexual misconduct.
 - 3.8.4. Harassment based on gender (gender).
 - 3.8.5. Pursuit (stalking).
- 3.9. The general definition adopted to denote any of the types of actions (or several at the same time) specified in clause 3.8. - is "Pursuit".

4. Definition

4.1. Harassment

Harassment is defined as unwelcome conduct of a verbal, nonverbal or physical nature that is sufficiently severe or pervasive to create a work or academic environment that a reasonable person would consider intimidating, hostile or abusive and that adversely affects an individual's educational, work, or living environment.

In determining whether unwelcome conduct is harassing, the Ethics Committee will examine the totality of the circumstances surrounding the conduct, including its frequency, nature and severity, the relationship between the parties and the context in which the conduct occurred. Below is a partial list of examples of conduct that would likely be considered harassing, followed by a partial list of examples that would likely not constitute harassment:

- 4.1.1. **Examples of possibly harassing conduct:** Public and personal tirades; deliberate and repeated humiliation; deliberate interference with the life or work of another person; the use of certain racial epithets; deliberate desecration of religious articles or places; repeated insults about loss of personal and professional competence based on age or number of children.

4.1.2. Examples of conduct that is likely not harassment: Administrative actions like performance reviews (including negative performance reviews) and making work assignments; other work-related decisions like moving work areas; and isolated incidents (unless, as noted above, they are very severe, such as the use of certain racial epithets).

4.2. Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature, when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s academic standing; or
- Submission to or rejection of such conduct by an individual is used as the basis for significant academic decisions (such as grading or letters of recommendation) affecting that individual; or
- The conduct is sufficiently severe or pervasive that a reasonable person would consider it intimidating, hostile or abusive and it adversely affects an individual’s educational, work, or living environment.
- A partial list of examples of conduct that might be deemed to constitute sexual harassment if sufficiently severe or pervasive include:

4.2.1. Examples of verbal sexual harassment may include unwelcome conduct such as sexual flirtation, advances or propositions or requests for sexual activity or dates; asking about someone else’s sexual activities, fantasies, preferences, or history; discussing one’s own sexual activities, fantasies, preferences, or history; verbal abuse of a sexual nature; suggestive comments; sexually explicit jokes; turning discussions at work or in the academic environment to sexual topics; and making offensive sounds such as “wolf whistles”.

4.2.2. Examples of nonverbal sexual harassment may include unwelcome conduct such as displaying sexual objects, pictures or other images; invading a person’s personal body space, such as standing closer than appropriate or necessary or hovering; displaying or wearing objects or items of clothing which express sexually offensive content; making sexual gestures with hands or body movements; looking at a person in a sexually suggestive or intimidating manner; or delivering unwanted letters, gifts, or other items of a sexual nature.

4.3. Sexual Misconduct

Sexual misconduct is a broad term that includes sexual assault (rape, sexual fondling, incest or statutory rape) as well sexual exploitation and sexual harassment. Domestic violence and dating violence by a NES faculty or other community member also violate this policy.

4.4. Gender-Based Harassment

Gender-based harassment is unwelcome verbal or nonverbal conduct based on gender, sex, sex-stereotyping, sexual orientation, or gender identity that meets the definitions above of harassment. Gender-based harassment may also involve conduct of a sexual nature.

4.5. Stalking (pursuit)

4.5.1. Stalking, whether or not sexual in nature, is prohibited by NES. Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress.

4.5.2. Stalking can take many forms. Examples include, but are not limited to, two or more instances of the following conduct (that also meet the definition of stalking above): following a person; appearing at a person's home, class, or work; continuing to contact a person after receiving requests not to; leaving written messages, objects, or unwanted gifts; vandalizing a person's property; photographing a person; and other threatening, intimidating or intrusive conduct.

4.5.3. Stalking may also involve the use of electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices (often referred to as cyber-stalking). Such conduct may include, but is not limited to, non-consensual communication, telephone calls, voice messages, emails, texts, letters, notes, gifts, or any other communications that are repeated, undesired, and not directly professionally relevant.

5. Jurisdiction

This Code applies to harassment that is committed by students, applicants, faculty, staff, NES appointees, or third parties, whenever the misconduct occurs:

5.1. On NES premises; or

5.2. Off NES property, if:

- the conduct was in connection with a School or School-recognized program or activity; or
- the conduct may have the effect of creating a hostile environment for a member of the School community.

5.3. In electronic communications with members of the NES community if the incident may have the effect of creating a hostile environment for a member of the School community.

6. Monitoring and Confidentiality

- 6.1.** Individuals are encouraged to report any incidents to the Ethics Committee at nes.ethic@gmail.com or ethics@nes.ru. Individuals considering making a disclosure should make sure they have informed expectations concerning privacy and confidentiality. The Ethics Committee is committed to providing all possible assistance in understanding these issues and helping individuals to make an informed decision. To that end, when the incident involves a student, the Ethics Committee will involve the student representative(s) to help collecting necessary information and resolving the incident.
- 6.2.** It is important to understand that, while the School will treat information it has received with appropriate sensitivity, School personnel may nonetheless need to share certain information with those at the School responsible for stopping or preventing sexual or gender-based harassment. Such reporting is necessary for various reasons, including to ensure that persons possibly subjected to such conduct receive appropriate services and information; that the School can track incidents and identify patterns; and that, where appropriate, the School can take steps to protect the NES community.
- 6.3.** If during the consideration of the case of alleged stalking, sexual harassment, sexual misconduct, gender-based harassment there is evidence of the violation of the laws of Russian Federation the Ethical committee will provide necessary assistance to the aggrieved party in
 - 6.3.1.** filing complaints to law enforcement agencies (in case of the suspicion of the commission of the criminal or administrative offence);
 - 6.3.2.** filing complaints to judicial authorities (in case of the suspicion of the violation of civil or other rights).

7. Conduct in Relationships between Individuals

- 7.1.** In the academic context, sexual harassment often involves the inappropriate personal attention by an instructor or other officer who is in a position to exercise professional power over another individual. This could include an instructor who determines a student's grade or who can otherwise affect the student's academic performance or professional future. Sexual harassment can also occur between persons of the same status. An example would be persistent personal attention from one student to another in the face of repeated rejection of such attention. Both types of harassment are unacceptable. They seriously undermine the atmosphere of trust essential to the academic enterprise.
- 7.2.** Amorous relationships that might be appropriate in other circumstances have inherent dangers when they occur between an instructor or other officer of the School and a person for whom he or she has a professional responsibility (i.e., as instructor, advisor, evaluator, supervisor). Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students there is an element of power. It is incumbent upon those with authority not to abuse, nor to seem to abuse, the power with which they are entrusted. The consequences of asymmetries can be felt in many different contexts and types of relationships. What constitutes "power" varies according to context and individual. As members of a

community characterized by multiple formal and informal hierarchies, it is incumbent upon each of us to be aware of and sensitive to the ways in which we exercise power and influence and to be judicious in our relationships with others.

8. Prohibited Sexual Relations with Students

8.1. No NES faculty member as well as no NES administration member (including educational program directors and rectorate members) shall request or accept sexual favors from or initiate or engage in a romantic or sexual relationship with, any undergraduate student at NES. Faculty members are defined as tenured, tenure-track, non-tenure track, and visiting faculty.

8.2. Furthermore, no NES faculty member or teaching assistant shall request or accept sexual favors from, or initiate or engage in a romantic or sexual relationship with, any student who is enrolled in a course taught by that individual or otherwise subject to that individual's academic supervision before the supervision has concluded and, if applicable, a final grade on the student's supervised academic performance has been submitted.

9. Sanctions for violating the Code of conduct

In case of the violation of the Code of conduct, based on the decision of the Ethics Committee the Rector of NES may impose sanctions against the violator, including:

- 9.1.** termination of the employment contract if the violation was committed by an employee or professor of NES;
- 9.2.** denial of admission to the NES educational programmers;
- 9.3.** denial of admission to specific courses of the NES;
- 9.4.** ban on participation in NES events;
- 9.5.** disconnecting from the my.nes system.

These sanctions do not have a time limit.