

January 27th, 2021

Preventing and handling sexual harassment at TAU during the 2019-2020 academic year

Dear members of the TAU community:

Students, senior and junior faculty members, administrative personnel,

The 2019-2020 academic year was different from any other. From the second semester onwards, TAU operated under the strict restrictions imposed by the COVID-19 pandemic, including online teaching and the rules of the Purple Tag. However, the Commissioners' activities did not diminish, and the number of complaints even increased - many referring to sexual harassment and improper behavior in the online environment. In many cases the disturbance consisted of a disrespectful environment or improper behavior but did not amount to sexual harassment as defined by the law.

A detailed list of the complaints and how they were handled can be found later in this document.

In addition to handling complaints, the following preventive actions were implemented during the 2019-2020 academic year:

- Instruction and guidance for students in specific faculties
- Publication of court rulings on the Safe Campus website
- Posters in both Hebrew and English all over campus
- Guidelines and regulations in Arabic and Russian distributed to contractor-employed women
- Courseware on sexual harassment sent out to the entire TAU community
- The play *Borderline*, staged and followed by a discussion on sexual harassment on campus
- Several letters to all TAU personnel regarding proper behavior on Zoom, as well as distribution of the update of bylaws for prevention of sexual harassment
- The Safe Environment Forum continued its operations. Its members include: Prof. Ilana Eli, the President's Advisor on Gender Equity (Chair), Academic Secretary Sharon Feldman, Commissioners for the Prevention of Sexual Harassment, Prof. Daphna Hacker, Michal Boneh-Mizrahi, Coordinator at the Office of the President's Advisor on Gender Equity, Representatives of the Student Union, "Tel Aviviot" Public Group and the junior faculty, and a lawyer from the legal bureau. One topic under discussion: amending TAU regulations on sexual harassment.

We wish to assure you that we, the Commissioners, and all other parties involved in handling sexual harassment, do everything in our power to address every complaint in the best possible manner.

Please feel free to send us your responses and suggestions.

Cooperation, setting a personal example, as well as faith in the authorities and filing complaints when needed, are critical for maintaining a value-based, respectful and safe community.

We would like to take this opportunity to thank Ms. Dana Silvera-Sharir who has completed a two-year term as Commissioner for the Prevention of Sexual Harassment, and welcome the new Commissioner, Sourasky Central Library Director Dr. Naama Scheftelowitz.

We wish you all a fruitful academic 2021,

Prof. Tamar Brosh

Ms. Dana Silvera-Sharir

Addressing sexual harassment at TAU and summaries of complaints filed during the 2019-2020 academic year

Dear members of the TAU community:

Students, senior and junior faculty members, administrative personnel,

The law stipulates that any person complaining of sexual harassment can file a complaint to one or more of the following parties, either simultaneously or sequentially: the **Commissioner for the Prevention of Sexual Harassment at the Workplace**, who will initiate an inquest and decide whether to put the alleged offender on trial at a **disciplinary court**; the **National Labor Court** - if the complaint refers to sexual harassment within a work relationship both the alleged offender and the employer can be charged and sued for damages; or a **Civil Court** in case of sexual harassment in other circumstances; the **Police**.

Upon receiving a complaint, the Commissioner at TAU explains the above options to the complainant. The Commissioner summons the alleged offender and collects testimonies and evidence, as far as possible.

Following the inquest, the Commissioner writes a report which includes a summary of the information, as well as her recommendations, and sends it to the relevant employer: the Rector if the alleged offender is a faculty member; the Vice Director General of Human Resources, if the alleged offender is an administrative worker; or the Academic Secretary if the alleged offender is a student.

The employer must decide within 7 workdays whether to accept the Commissioner's recommendations.

Following the employer's decision, a letter is sent to the alleged offender, informing him/her of the decision and explaining the reasons.

The Commissioner may recommend intermediate remedies to separate between the complainant and the alleged offender. When this happens, the alleged offender must be allowed to present his/her case before the employer makes a decision. The complainant will be informed in writing of any decision to implement intermediate remedies.

If the complaint is rejected, the complainant may appeal the decision before the President of TAU within 15 days of receiving the employer's message.

If the employer decides to charge the alleged offender, he/she will be tried by the relevant disciplinary court (faculty, administration, or students). It must be clarified that the disciplinary courts are independent entities, authorized to determine the punishment in any particular case. Punishments are listed in the various disciplinary bylaws (faculty, administration, students) posted on the TAU website.

Please note that in disciplinary procedures TAU itself is the plaintiff, demanding punishment as it sees fit, but the final decision regarding punishment is made by the court following conviction.

Link to the **Law for the Prevention of Sexual Harassment:**

https://www.nevo.co.il/law/html/Law01/245_001.htm

Link to the Regulations for the Prevention of Sexual Harassment at Tel Aviv University:

https://www.tau.ac.il/sites/default/files/media_server/General/yoets/01-015.pdf

Summary of complaints received and handled by the Commissioners during the 2019-2020 academic year:

51 complaints were received during the 2019-2020 academic year. 27 were investigated as sexual harassment complaints, including some filed anonymously and one found to be false. 14 complaints referred to posts in the social media, recorded lectures or behavior in the online environment. Following is the detailed list:

A. 10 complaints of students/others against lecturers:

1. A lecturer-supervisor harassed and humiliated a student. Proceedings against the lecturer are currently underway at the court of TAU.
2. The complaint referred to inappropriate pictures shown in recorded lectures. The pictures were removed from the lectures. Decision: The event did not amount to sexual harassment, but should rather be regarded as improper behavior causing environmental harassment. The lecturer was summoned to a hearing with the Rector and received a written warning that was filed in his personal record.
3. A faculty member reported that he had been approached by a female student who claimed that an external lecturer had offered to meet her to discuss a project he was supervising outside of TAU. The names of both student and supervisor are unknown. The faculty member was instructed by the Commissioner to attend to the issue of supervision and supervisors' behavior in general (The faculty member wrote: "I spoke to the complainant. She feels alright and says there is no need to proceed beyond awareness of the situation. We will formulate clear instructions regarding interaction between students and mentors and send them to everyone involved in future activities.") The complaint was filed away.
4. A student complained against the teaching staff. An inquiry found that the complaint was false. The Commissioner recommended prosecuting the complainant. The student then threatened and wrote abusively about employees of the Dean of Students Office. Based on a recommendation from the Health Committee the student's studies at TAU were terminated.

5. A female student complained anonymously via a third party about a disrespectful remark made during preparations for a Zoom lesson. An inquiry revealed that the event did not amount to sexual harassment as defined by law. The lecturer was summoned to the Commissioner, who explained that a respectful environment must be maintained in every discourse at TAU.
6. A third party complained that a teaching assistant had posted homophobic messages on the social networks. An inquiry found that the complainee (the person against whom the complaint is filed) is not a TAU employee, but a student who had posted the messages in his private Facebook account. A quote from the Commissioner's report to the Rector: "As an academic institution we must allow freedom of expression, certainly in private posts, and especially if the writer is not employed by the institution but is still a student. There is reason for concern that legitimizing the tracking of private Facebook accounts of employees might create a dangerous precedent. However, since the case has been brought to our attention, it was my duty to investigate and notify the complainee that the complaint had been filed."
7. When asked to return funds she had mistakenly received from the university, a former student claimed that many years ago a lecturer had asked her to go on a trip with him and she had refused. Several years later she believed he was pestering her because of that incident. An inquiry found no sexual harassment in the past, and no pestering resulting from a complaint on sexual harassment. The complaint was filed away.
8. Academic faculty members reported that a female student had approached them, complaining that a male teaching assistant was harassing her. The student herself refused to file a complaint. An additional guidance session will be held at the relevant faculty. The complaint was filed away.
9. Students complained anonymously about a lecturer's improper behavior during online lessons. Teaching reports were examined and found to indicate a deterioration in the lecturer's performance during the pandemic due to personal reasons. Further inquiry found that the event did not amount to sexual harassment. Proper behavior in online lectures was explained to the lecturer.
10. Female complainants reported that they had been harassed several years ago during off-campus academic activity, by an instructor from TAU. An inquiry revealed that the instructor has not worked at TAU for several years. It was decided that if his employment is considered again at any point, the inquiry would be reopened. The Commissioner spoke to the TAU Teaching Committee, an internal report was written, and the complaint was filed away.

B. One complaint of a faculty member against a student:

1. The Commissioners continued the handling of a case from previous years, regarding the harassment of a male faculty member by a female student. The case will probably be addressed by the Health Committee.

C. 10 complaints: between students / students against external persons

1. Mutual complaints of harassment between two students (male & female). An inquiry found a discrepancy between the two students' perceptions of personal space, possibly resulting from their different cultures. No sexual harassment was detected.
 2. Coordinators of an external program complained about male students with special standing harassing their female counterparts. Improper behavior was identified, a written warning was issued, and the Commissioner gave additional guidance.
 3. A student complained about harassment on a social network that does not belong to TAU as a result of a past incident. The complaint was filed away.
 4. The complaint was filed by a third party. Claims against the student were examined and found not to amount to sexual harassment. However, the student was scheduled to receive instruction from the Commissioner.
 5. Female students complained that a male student was harassing them. An initial inquiry was held, followed by an intermediate remedy warning the male student not to contact the complainants. Due to the circumstances, the case has been put on hold.
 6. A male student complained about a female student's abusive remarks on Facebook. Following legal consultation, and since the remarks appeared in a social network that is not under the authority of TAU, the complainant was advised to consult an external party. The complaint was filed away.
 7. A faculty member reported the case of a female student who, though harassed by a male student, refused to disclose either her own or the offender's identity. The faculty member was instructed by the Commissioner as to what he should do. The student still refused to reveal her identity. Harassment apparently ceased when lessons were moved to the online environment. The complaint was filed away.
 8. A student complained that another student had made a remark with allegedly sexual connotations during an online lesson. An email was sent to TAU students and staff explaining proper behavior during online lessons.
 9. A student complained that a course committee had posted an offensive picture in the course's WhatsApp group. An email was sent to all students in the relevant Faculty on proper behavior in virtual space.
 10. A faculty member filed a complaint about a male student's allegedly inappropriate behavior, both online and in the lab, toward a female student. An inquiry found that the student's behavior did not amount to sexual harassment as defined by law. There was also doubt as to whether this behavior can be defined as disrespectful. However, since both students are not Israeli, and since there may be a gap in the understanding of cultural space, it was decided to give the male student additional guidance.
- D. 7 complaints against administrative personnel / agency workers:
1. Alleged harassment by a male member of TAU's administrative staff toward a female agency worker under his authority, including inappropriate remarks and attitudes. Due to lack of evidence, a sexual harassment offense was not found. The administrative worker's inappropriate attitude toward external persons was brought to the attention of the relevant Faculty.

2. A faculty member reported that one of his female administrative workers had complained that a male administrative worker had pressed himself against her inappropriately. Both the complainant and the complainee remained anonymous. The complainant does not wish to file a complaint. The case was filed away.
3. A female administrative worker reported that another female worker had complained of sexual remarks, probably made by a male TAU employee. The harassed worker did not wish to file a complaint. Both her name and the complainee's are unknown. The case was filed away.
4. A female student complained that a male agency worker had used her personal info to try and make a pass at her – which was incompatible with his position. The employer of this worker, who is not a TAU employee, was questioned, later reporting that the complainee no longer works for him.
5. A third party reported that a male agency worker had approached a male student, proposing sexual relations. The names of both the student and the worker are not known. The student prefers to remain anonymous. The case was filed away.
6. A female student complained that an agency-employed doorman was harassing her verbally and bothering her. The Commissioner reported this to the employing agency, and the agency held an inquest. It was decided that the complainee would no longer be employed on the TAU campus.
7. A third party filed the complaint of a former student. The student (male) reported during legal proceedings against him conducted by TAU regarding tuition, that in the past he had been harassed by a male member of the administrative staff. An inquiry revealed that several years ago TAU's complaint examiner had addressed the issue raised by the student and decided to reject his complaint. The said administrative worker left TAU several years ago. The complaint was filed away since it does not relate to sexual harassment or maltreatment resulting from sexual harassment.

E. Miscellaneous cases / Anonymous complaints – Minimal handling

1. An anonymous complaint was found in the mail of the Vice Director General for Human Resources, without names of either complainant or complainee. The complaint was filed away.
2. A female student complained that a male bus driver working for a bus company stares at her when she rides the bus to campus. She was referred to the official who handles sexual harassments at the bus company, and offered support in filing a complaint to the bus company. She did not respond. The complaint was filed away.
3. A senior faculty member was informed by a third party that a man seen on campus, whose identity is unknown, was harassing a female student whose name the faculty member did not know. According to the faculty member, the student had filed a complaint to the police, and did not wish to take measures through the university. The names of both the student and alleged offender are unknown. The complaint was filed away.
4. A female student complained that she was being harassed on the phone by a stranger. She had complained to the police. The complainee is not a faculty member, employee or student of TAU. The

student received assistance from the Commissioner for the Prevention of Sexual Harassment in several days' absence from her studies. The complaint was filed away.

5. A male faculty member reported that a female student had reproved him for looking at her when she got into an elevator. The student is unknown and no complaint was received from any other party. The report was filed away.
6. A complaint was received about a man exposing himself in the public areas around the student dormitories. The police and TAU Security handled the matter right after it was reported. In addition, a female student who had encountered the offender was given academic assistance.
9. Three complaints were filed by female students against agency workers. The cases were referred to the legal office, since they are not within the scope of the Commissioner's involvement.
10. A general complaint was filed by students regarding conduct in the dormitories - much of it unrelated to the tasks of the Commissioner for the Prevention of Sexual Harassment. The TAU Comptroller conducted a comprehensive investigation and instructions were issued regarding the position holders to be contacted on each issue.
11. A female administrative worker complained that an outside person associated with TAU had harassed her ("tried to hit on her"). When she told him she was not interested he did not repeat this behavior. The complaint was filed away.
12. Based on the courseware for the prevention of social harassment, an administrative worker reported that in 1979-1982 she had complained against a male faculty member who is now retired, and her complaint had been not been handled. (The relevant years preceded the Law of Sexual Harassment). The complaint was filed away.
13. A complaint posted on TAU Confessions was brought to the Commissioner's attention. The complainant preferred to remain anonymous. According to the post an older man had harassed and touched the student in one of the libraries. A call to TAU's Security Department revealed that its personnel had arrived immediately at the scene of the incident. An inquiry found that there had been no sexual harassment. Following the incident more posters were put up in all libraries with information on sexual harassment.
14. A group expressed dissatisfaction with a verdict against a faculty member.
15. A third party asked for assistance and funds for psychotherapy for a female student who had suffered a sexual offense off campus. The student did not contact the Commissioner and her personal info is unknown. The request was filed away.
16. A senior faculty member reported that a female student had told him that a faculty member from another academic institution was harassing her. The student herself did not contact the Commissioner. The identities of both alleged harasser and student are unknown. The case was filed away.

17. A third party reported that a person who claimed to be a student at TAU was posting harassing remarks on a social network that is not under TAU's authority. There is no information about the student. The case was filed away.
18. A faculty member complained that a former faculty member was posting inappropriate photos and sexual remarks on social networks. Following an exchange of messages, the complaint was withdrawn. The case was filed away.
19. A faculty member complained that female students do not turn on cameras during online lessons, because when they do, they receive private chat messages that can be considered harassing. The students did not contact the Commissioner. The complaint was filed away.
20. An item was posted on the Kan website about a doctor who uses a date rape drug and has raped a female TAU student he met at a pub on campus. No details are known beyond this media story. The item was sent to the Chair of the Student Union, so that the Union may refer the student to the Commissioner, but no complaint was received. The case was filed away.
21. A senior member of the administrative staff passed on an unclear message he had received. In the message, a woman complains about a female TAU employee who is harassing her with regard to a third person – who had apparently had relations with both women. When an attempt was made to find out more details, the complainant cut off the correspondence. In addition, it was found that the harasser left TAU in 2018. The complaint was filed away.

Two complaints regarding intimate relations in the context of an authority relationship were also addressed. Instructions were issued to terminate the authority relationships as needed.

Two disciplinary procedures were initiated at TAU institutions during the 2019-2020 academic year: 1. A student against a faculty member; 2. A past complaint between students.

We wish to assure you that we, the Commissioners, and all other parties involved, do everything in our power to handle every report and complaint in an optimal manner.

Please feel free to send us your responses and suggestions.

Cooperation, setting a personal example, as well as faith in the system and filing complaints when needed, are critical for preserving a respectful, safe and value-based community.

We wish you all a fruitful academic 2021,

Prof. Tamar Brosh

Ms. Dana Silvera-Sharir