

Name of Regulation	Regulations for Prevention of Sexual Harassment at Tel Aviv University
---------------------------	---

1. Objective

(1.3.2017)

The objective of this Regulation is to ensure that Tel Aviv University serves as a workplace and academic environment in which there is no sexual harassment or Pestering deriving from sexual harassment.

Without derogating from the aforesaid, and in order to ensure a proper academic environment, the Senate of the University, with the approval of the Executive Board, has decided to set down clear rules regarding intimate relations as part of relationships of authority (including between staff members and students), even when no sexual harassment as defined in the Law (as defined below) is concerned. The aforesaid is specified in Appendix B of **the Regulations on Internal Inquiry and Adjudication for the Academic faculty at Tel Aviv University (5748) [Provision 11-016]**. Breach of the rules constitutes a disciplinary offense.

This Regulation is subject to the provisions of the Law. In the event of any conflict between the provisions of this Regulation and the provisions of the Law, the provisions of the Law will prevail.

2. Definitions

(1.3.2017)

In this Regulation:

Any use of the masculine form in this Regulation also refers to the feminine form.

"The University"	Tel Aviv University.
"The Law"	The Prevention of Sexual Harassment Law, 5758-1998, Equal Opportunities at Work Law, 5748-1998 and the Prevention of Sexual Harassment Regulations (Employer's obligations), 5758-1998.
"The Regulations For the Prevention of Sexual Harassment"	Regulations for the prevention of Sexual Harassment (employer's obligations) 5758-1998.
"Sexual Harassment"	As defined in Article 3(A) of the Prevention of

Name of Regulation	Regulations for Prevention of Sexual Harassment at Tel Aviv University
---------------------------	---

Sexual Harassment Law and as defined in Article 7 of the Equal Opportunities Law (attached to this Regulation as an appendix), on the part of an academic staff member, administrative staff member or student (as defined below), as Part of the Workplace or Studies (as defined below).

"Pestering" As defined in Article 3(B) of the Prevention of Sexual Harassment Law and as defined in Article 7 of the Equal Opportunities Law, on the part of an academic staff member, administrative staff member or student, as Part of the Workplace or Studies.

"Part of the Workplace or Studies" The University; another location in which activity on behalf of the University is performed; during work or studies; through abuse of authority in employment relations or studies, at any location.

"Injured" A person who claims, or on whose behalf it is claimed, that he/she has been subject to Sexual Harassment or Pestering, as Part of the Workplace or Studies.

"Accused" A person who, at the date of the event and at the date on which the complaint was filed, is an academic staff member, administrative staff member or student, and against whom a complaint has been filed on the grounds of Sexual Harassment and/or Pestering as defined by the Law.

" Commissioner " / "Commissioners" / "Sexual Harassment Prevention Commissioner/ Commissioners" Two persons who were appointed to the positions of "Sexual Harassment Prevention Commissioner," at the meaning ascribed to the term "responsible person" in Section 4 of this Regulation, and in Section 9(A1)(3) of the Regulations for the prevention of Sexual

Name of Regulation	Regulations for Prevention of Sexual Harassment at Tel Aviv University
---------------------------	---

	Harassment, one from the academic faculty and the second from the administrative staff.
"Coordinating Commissioner"	One of the Commissioners who shall be appointed to serve as "Coordinating Commissioner", in accordance with paragraph 3 of this Regulation.
"Academic Staff Member"	A person who, at the date of the event, was an appointed member of the University's Academic Faculty and with whom an employer –employee relationship existed, and any person acting on behalf of the University in research or teaching.
"Administrative Staff Member"	A person with whom, at the date of the event, an employer-employee relationship existed and who is not an Academic Staff Member, as well as any person who acts on behalf of the University and in its name as part of the University's regular internal system, including a manpower contract employee.
"Student"	A person who, as of the date of the event, is one of the following: <ul style="list-style-type: none">- Registered for studies at the University and was admitted as a student, including at the Special Programs Division, at the date of the registration and as long as he is registered as a student, including during academic vacations.- Submitted his candidacy to be admitted as a student and whose application has been rejected, at the date of registration and up to the receipt of the rejection notice.- Completed his studies but has not yet received a diploma.- His studies have been terminated for

Name of Regulation	Regulations for Prevention of Sexual Harassment at Tel Aviv University
---------------------------	---

whatever reason, and despite the termination he has received permission to take an examination/submit a paper.

- A student, as defined in one of the paragraphs above, whose candidacy was rejected, or who terminated or completed his studies, in connection with acts performed while being a candidate for admission to the University or a student thereof.

"The Employer"

The University, through:

The Rector of the University, including his deputy, if the Accused is an Academic Staff Member.

The Deputy Director General for Human Resources or substitute thereof, if the Accused is an Administrative Staff Member.

The Academic Secretary, if the Accused is a Student.

"Disciplinary Regulations"

The Disciplinary Regulations that apply to the Accused regarding Sexual Harassment or Pestering, according to his affiliation, that is:

- The Regulations on Internal Inquiry and Adjudication for the Academic faculty at Tel Aviv University (5758) – for an Accused who is an Academic Staff Member.
- The Disciplinary Regulations (that apply to the administrative staff) – for an Accused who is an Administrative Staff Member.
- The Disciplinary Regulations for Students (5768) – for an Accused who is a student.

3. Appointment of the Commissioners and Deputies:

3.1 The Commissioners will be appointed by the President and Rector of the University for a set period and according to the Law.

3.2 One of the Commissioners will be a full-time professor at the University or a retired professor (preference for Professor Emeritus), and the other Commissioner will be a Member of the Administrative Staff.

The Commissioners will be suitable for fulfillment of the role in terms of their skills, experience and professional status, and in terms of their interpersonal relations and their familiarity with the provisions of the Law, the provisions of the Regulations and the applicable disciplinary arrangements. Preference will be given to a woman.

Close to the time of his appointment, each of the Commissioners will undergo not less than 18 hours of professional training dealing with the nature of the task, familiarity with the Law, ways to prevent Harassment and ways to handle complaints.

The University will guarantee the independence of the Commissioners so that they are free to act and exercise independent discretion.

One of the two Commissioners will be appointed to serve as the Coordinating Commissioner who will coordinate the University's activity pertaining to the prevention of Sexual Harassment, in accordance with this Regulation.

3.3 The President and the Rector are permitted to appoint a Deputy Commissioner. If a woman is appointed to the role of Commissioner, then preference will be given to appointing a male as Deputy Commissioner and vice versa.

The Deputy Commissioner will be provided with the authorities of the Commissioner in the cases specified in Section 5.1.3 or in the event that one of the Commissioners has decided, at his discretion, to allow the Deputy Commissioner to handle the complaint due to his/her gender.

4. Roles of the Commissioner:

4.1 To act to increase awareness of the phenomena of Sexual Harassment and Pestering, their significance and damages.

Name of Regulation	Regulations for Prevention of Sexual Harassment at Tel Aviv University
---------------------------	---

- 4.2 To serve as an advisor and guide regarding the phenomena of Sexual Harassment and Pestering at the University and the handling thereof.
- 4.3 To receive complaints and reports regarding Sexual Harassment or Pestering.
- 4.4 To inquire and address the complaint in order to provide recommendations to the employer vis-à-vis handling a complaint of Sexual Harassment or Pestering as Part of the Workplace or Studies.
- 4.5 To recommend to the Employer to transfer the complaint to a disciplinary proceeding, if there is proper basis for such.
- 4.6 To recommend to the Employer to exercise interim remedies pursuant to Section 7.1 of this Regulation.
- 4.7 To recommend to the Employer to refer the Injured, if necessary, for emotional support and medical or other assistance.

5. The Inquiry:

5.1 The Inquiry:

5.1.1 (1.3.2017)

Complaints or reports regarding suspected Sexual Harassment or Pestering at the University will be referred to the Commissioner, that is, one of the Sexual Harassment Prevention Commissioners, as the complainant shall desire.

5.1.2 The complaint may be submitted in writing or verbally. If the complaint is submitted verbally, its content will be recorded by the Commissioner and the complainant will sign the record in order to verify its content. The Commissioner will provide the complainant with a copy of the signed record. At the complainant's discretion, he may be accompanied by a family member or friend at the meeting with the Commissioner.

5.1.3 If the Commissioner himself is the Accused, or if he has personal interest in the subject of the complaint or persons involved therein, or if the Commissioner is prevented from examining the complaint for any reason, then the complaint will be transferred to

Name of Regulation	Regulations for Prevention of Sexual Harassment at Tel Aviv University
---------------------------	---

the other Commissioner who will act in accordance with this Regulation to inquire the complaint. If both of the Commissioners are prevented from inquiring the complaint, it shall be given to the Deputy Commissioner, who will inquire the complaint in accordance with this Regulation.

5.1.4 The Commissioner, after receiving notice of suspected performance of Sexual Harassment or Pestering or after a complaint regarding Sexual Harassment or Pestering has been submitted thereto, will initiate proceedings to inquire the complaint. The inquiry proceedings will be documented by the Commissioner.

5.1.5 After the complaint is received, the Commissioner will notify the complainant in writing of the ways of handling the complaint according to the Law and will request his confirmation that he received such notification.

5.1.6 During inquiry of the complaint, the Commissioner will summon the Accused, will present the complaint details thereto and will request his response.

If the complaint was submitted by a complainant who is not the Injured, then the Injured, to the extent possible, will be provided with notice before the Accused is summoned to the inquiry.

5.1.7 For purposes of inquiring the complaint, the Commissioner will summon any Academic Staff Member, Administrative Staff Member or Student to provide any information and/or document that pertains or may pertain to the complaint.

Failure to assist the Commissioner will constitute a disciplinary offense.

5.1.8 The Commissioner will conduct the inquiry efficiently and without delay until it is completed.

5.1.9 If the Commissioner believes that the circumstances of the case warrant receipt of assistance, he may be assisted by a person such as a psychologist, social worker, faculty member, lawyer, retired judge, etc., in order to inquire the case that is the subject of the complaint and submit his findings.

Name of Regulation

**Regulations for Prevention of Sexual Harassment
at Tel Aviv University**

5.2 At the conclusion of the inquiry, the Commissioner will submit to the Employer, without delay, a written summary of the complaint inquiry, along with his reasoned recommendations to exercise one or more of the following courses of action. The Employer must make a decision, without delay, regarding the matters specified below, within a period that will not exceed 7 working days after receipt of the summary and recommendations of the Commissioner:

5.2.1 To reject the complaint:

In the event that the Employer believes that the complaint does not constitute Sexual Harassment or Pestering.

5.2.1.1. If the Commissioner believes that a complaint has not been submitted in good faith, he is entitled to recommend charges against the complainant.

5.2.1.2 The Employer's decision to reject the complaint may be appealed to the President, within 15 days after the date of receipt of the Employer's decision by the complainant/Injured.

5.2.2 To transfer handling of the complaint to a disciplinary proceeding:

In the event that the Employer decides to transfer to a disciplinary proceeding, the Employer will initiate a disciplinary proceeding according to the Disciplinary Regulations.

The Commissioner will provide the Employer with all material relevant to the complaint, including:

- The complaint and its appendices.
- The Accused's response.
- Records prepared by the Commissioner during the investigation.
- Details of interim steps taken, if any.

In addition, the Commissioner will assist the Employer/person submitting the complaint on the Employer's behalf in preparation of the case, if required.

Name of Regulation	Regulations for Prevention of Sexual Harassment at Tel Aviv University
---------------------------	---

5.2.3 Disciplinary measures taken by the Employer against the Accused as described hereunder (either in full or in part), depending on the circumstances of the offence and its essence, and after the Accused has been given the chance to explain his behavior verbally or in writing:

- a) a written reprimand recorded in the Accused's personal file, a copy of which will be sent to the Workers Union
- b) a written warning recorded in the Accused's personal file, a copy of which will be sent to the Workers Union
- c) a referral for receiving training in the prevention of sexual harassment

Decisions according to this paragraph 5.2.3, which will be reached by the Deputy Director General for Human Resources or his substitute will be reported in writing to the Director-General.

5.2.4 To issue instructions to employees involved in the case, including with regard to rules of proper behavior as part of the work relationship and distancing of the Accused from the Injured, as well as initiating measures on work matters, in order to prevent reoccurrence of the Sexual Harassment or Pestering or in order to repair the harm caused to the Injured due to the Sexual Harassment or Pestering.

5.2.5 Referral to mediation with the consent of the Accused and the Injured in appropriate cases.

5.2.6 To refer the Injured to psychological counseling.

5.3 The Employer will provide reasoned notice in writing regarding its decision to the complainant, the Injured, the Accused and the Commissioner, as the case may be.

6. The Disciplinary Proceeding:

6.1 Upon initiation of the disciplinary proceeding against the defendant, the proceeding will be conducted according to the Disciplinary Regulations that apply to the defendant.

6.2 The tribunal trying the proceeding of Sexual Harassment or Pestering will be composed in a way that represents the gender of both the defendant and the Injured.

6.3 (1.3.2017)

The disciplinary proceeding will be conducted behind closed doors.

The verdict and the sentence will be public.

The presiding panel will decide whether the verdict and the sentence will be published, mentioning the name of the Accused or without his name. A decision to publish the name of the Accused will be made after the Injured is given the chance to express his/her opinion on the matter.

7. Interim Remedies:

7.1 The Commissioner is authorized to recommend to the Employer to exercise interim remedies, including during the period of the complaint's inquiry, the purpose of which is to separate the Accused from the Injured so that, on the one hand, the Injured is provided with protection and, on the other hand, as far as possible, the work relationship and/or studies at the University are not compromised, or in order to prevent obstructing the inquiry of the complaint.

The Injured may submit a request to the Commissioner or to the Employer regarding interim remedies for distancing the Injured from the Accused. However, the final decision will be made by the Employer.

The Employer will do everything possible, under the circumstances of the case, to prevent harm to the Injured due to implementation of the interim remedies.

7.2 If a Disciplinary Proceeding is initiated, then the tribunal will have the authority to order interim remedies to be exercised. Any decision made by the Employer regarding interim remedies before the disciplinary

Name of Regulation	Regulations for Prevention of Sexual Harassment at Tel Aviv University
--------------------	---

proceeding is initiated will continue to be in effect until such time as the tribunal decides otherwise.

8. Notification to the complainant/Injured:

The Employer will notify the complainant/Injured in writing regarding the following matters:

- 8.1 Decision to transfer the handling of the complaint to the other Commissioner or to the Deputy Commissioner, due to conflict of interests or the Commissioner's inability to handle the complaint, according to Section 5.1.3 above.
- 8.2 Decision to reject an allegation regarding conflict of interests.
- 8.3 Decision to exercise interim remedies, according to Section 7 above.
- 8.4 Decision to reject the complaint or transfer the same to a disciplinary proceeding according to Section 5 above.

9. Informational and Educational Activities:

The Coordinating Commissioner will ensure that the University will conduct informational and instructive activities at least once a year, including seminar days, discussion groups and distribution of information sheets regarding the handling of phenomena of Sexual Harassment and Pestering and ways of preventing them.

The Coordinating Commissioner will ensure distribution of explanatory materials, including this Regulation, at least once a year, so that each Student, Academic Staff Member, Administrative Staff Member or other employee, will have the information required to file a complaint pertaining to Sexual Harassment or Pestering and to the provisions of the Law and this Regulation.

Information on this matter will appear on the University's website in an accessible manner.

TEL AVIV UNIVERSITY UNIVERSITY REGULATIONS	<u>Page no.</u> Of	12 13	<u>Date published</u> 21.1.1999 Updated: 07/2015 1/3/2017	<u>Regulation no.</u> 01-015
---	-----------------------	----------	---	---------------------------------

Name of Regulation	Regulations for Prevention of Sexual Harassment at Tel Aviv University
--------------------	---

10. Maintenance of Confidentiality

The University will respect the privacy of the complainants, the Injured, the Accused/defendants, as much as possible, in accordance with the requirements of the Law and the need to protect other interests that are relevant to this matter, such as: the University's obligation to inquire cases of Sexual Harassment and Pestering and take action against persons responsible for this, the obligation to exercise collective and preventive means in order to eradicate the phenomenon of Sexual Harassment and Pestering.

Documents that are gathered or prepared during the Commissioner's inquiry of the complaint, including the complainant's complaint, internal records prepared by the Commissioner, including testimonies, etc., will be confidential, and will not be submitted to any persons other than the Employer for the propose of decision making in accordance with its authority and/or for submission for disciplinary action, and to the President for the purpose of examining an appeal submitted in accordance with the provisions of this Regulation. The Commissioner's summary and recommendations will be made available for the review of the Injured and the Accused upon request.

11. Preservation of Archival Material:

- 11.1 The Coordinating Commissioner will collect and combine data on complaints submitted to the Commissioners as part of their work, and will prepare an annual report, to be presented to the University President, Rector and Director General regarding the steps taken in order to prevent Sexual Harassment and Pestering and the number of complaints submitted and handling thereof. Detailed information that would enable identification of the complainant, the Accused or other persons involved in a complaint shall not be included in the report.
- 11.2 In accordance with the provisions of Regulation 9 of the Regulations for the Prevention of Sexual Harassment, said report will be filed by the Coordinating Commissioner to the Authority for the Advancement of the Status of Women of the Prime Minister's Office, to the Knesset

TEL AVIV UNIVERSITY	<u>Page no.</u>	13	<u>Date published</u>	<u>Regulation no.</u>
UNIVERSITY REGULATIONS	Of	13	21.1.1999	01-015
			Updated:	
			07/2015	
			1/3/2017	

Name of Regulation	Regulations for Prevention of Sexual Harassment at Tel Aviv University
---------------------------	---

Status of Women and Gender Equality Committee and the Committee of Higher Education.

11.3 (1.3.2017)

The Coordinating Commissioner will submit an annual publication to the administrative staff, academic staff and students with concise details of the events that were handled by the Commissioners during that year and the manner in which they were handled. It will not contain information that will enable identification of the Complainant, the Accused or other persons involved in the complaint.

The inquiry material held by the Commissioner will be filed in the same way as rulings of the disciplinary tribunals.

12.This Regulation is valid at the date of its approval, and will replace the Regulation for the Prevention of Sexual Harassment dated January 21, 1999, as updated in January 2015.

13.In the event of a discrepancy between the provisions of this Regulation and the provisions of the Disciplinary Regulations, the provisions of this Regulation will prevail.

14.This Regulation is intended to add to the provisions of laws and regulations and not detract from them.

University Regulations / Procedures / Sexual Harassment [200389]

1.7.2015

This version is an English translation of the Regulation published in Hebrew at TAU's web-site. In the event of contradiction between this English version of the Regulation and the Hebrew version, the latter will prevail.