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1. Objective

(1.3.2017)

Sexual harassment and pestering stemming from sexual harassment harm human dignity, freedom, privacy and equality between the sexes; sexual harassment is a criminal offense, civil wrong and a serious disciplinary offense. Sexual harassment and pestering stemming from sexual harassment harm labor relations and studies and contravene the University's policies.

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.

Any use of the masculine or feminine form in this Regulation applies to all sexes and genders.

2. Definitions

(1.3.2017)

"The University" Tel Aviv University.

"The Law" The Prevention of Sexual Harassment Law, 5758-

1998 and Equal Opportunities at Work Law, 5748-

1998.

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"The Regulations For the Prevention of Sexual Harassment"

"Sexual Harassment"

Regulations for the prevention of Sexual Harassment (employer's obligations) 5758-1998.

As defined in Article 3(A) 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 defined below), as Part of the Workplace or Studies (as defined below).

Without derogating from the generality of that stated in the Law, Sexual Harassment is one of the following:

- (1) extortion of a person to perform an act of a sexual nature.
- (2) an indecent act.
- (3) repeated propositions of a sexual nature addressed to a person who has demonstrated that he is not interested in the said propositions. There is no need to show a lack of consent in the following cases:
- A. exploitation of authority in an employment relationship, in a service or in Studies.
- B. exploitation of a relationship of authority, dependence, education or treatment of a minor or helpless person.
- C. exploitation of a patient's dependence on the person treating him.
- (4) repeated references addressed to a person and focused on his sexuality, when that person has demonstrated that he is not interested in the said references. However, there is no need to show a lack

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	of consent in the cases enumerated in paragraph (3) above.					
	(5) an insulting or debasing reference to a person in connection with his gender, sexuality, or sexual preference, whether he indicated that it troubles him or not.					
	(6) publication of a photograph, film or recording of a person focusing on his sexuality, under circumstances in which the publication is liable to debase or insult that person, and he did not consent to the publication.					
	With respect to this section, a lack of consent can be by words or conduct.					
	"Reference" – means written, spoken, by means of visual or sound presentation, including by means of computer or computer material, or by conduct.					
"Pestering"	As defined in Article 3(B) of the Prevention of Sex Harassment Law and as defined in Article 7 of Equal Opportunities Law, on the part of an acade staff member, administrative staff member student, as Part of the Workplace or Studies.					
	Without derogating from the definition within the Law, Pestering is any type of harm whatsoever against the Injured, a witness or a third-party who took a stance in favor of the Injured, carried out in connection with the Sexual Harassment or with a complaint or claim for Sexual Harassment or Pestering.					
"Part of the Workplace or	The University; another location in which activity					

Studies"

The University; another location in which activity on behalf of the University is performed (including student dorms); during work or studies; through

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	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 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					

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"Student"

its name as part of the University's regular internal system, including a manpower contract employee.

A person who, as of the date of the event, is one of the following:

- 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 confirmation of entitlement.
- His studies have been terminated for 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.

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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:

- 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. In the event both Commissioners are women, a man should be appointed Commissioner insofar as possible.

Close to the time of his appointment, each of the Commissioners will undergo not less than 18 hours of professional training dealing with the

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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.

4. Roles of the Commissioner:

- 4.1 To act to increase awareness of the phenomena of Sexual Harassment and Pestering, their significance and damages.
- 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.
- 4.8 The Coordinating Commissioner may, at his discretion, appoint an "accompanying party" on behalf of the University for the purpose of accompanying the Injured, in appropriate cases.

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The accompanying party shall act in coordination with the Commissioners so as to afford academic/administrative accompaniment to the Injured, visà-vis the relevant entities.

The accompanying party shall undergo appropriate training.

The provisions of Section 10 concerning confidentiality shall apply to the accompanying party.

4A. The Obligation to Report Sexual Harassment

The University attributes considerable importance to raising awareness on this matter and particularly the handling of any suspicion of Sexual Harassment or Pestering. Community reporting the suspicion of such an offense will assist in eradicating this phenomenon, therefore:

4A1. The heads of the academic and administrative units and employees in managerial positions are responsible for reporting without delay to one of the Commissioners any case where they learn of a suspicion of Sexual Harassment or Pestering and afford the Commissioner any assistance required for handling such information. In the event the Injured asked not to provide such reporting, reporting shall be provided without exposing the identity of the Injured.

4A2. Where a suspicion has arisen that an employee or Student has carried out Sexual Harassment or Pestering within the framework of a University activity, he shall immediately report it to one of the Commissioners, unless the Injured asked him not to provide such a report.

4A3. Reports of a suspicion that a supplier or subcontractor has carried out Sexual Harassment or Pestering within the workplace or studies framework shall be provided to one of the Commissioners. The University shall handle such reporting vis-à-vis the supplier/subcontractor and in accordance with the agreement between the parties.

5. The Inquiry:

5.1 The Inquiry:

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5.1.1 (1.3.2017)

Complaints or reports regarding suspected Sexual Harassment or Pestering at the University will be referred to one of the Sexual Harassment Prevention Commissioners.

- 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 the other Commissioner who will act in accordance with this Regulation to inquire the complaint.
- 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 The Commissioner shall update the Injured about his rights in the inquiry proceedings and of the stages of handling the inquiry proceedings.
- 5.1.7 During inquiry of the complaint, the Commissioner will summon the Accused, will present the complaint details thereto and will request his response.

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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.

- 5.1.8 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.
- 5.1.9 The Commissioner will conduct the inquiry efficiently and without delay until it is completed.
- 5.1.10 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.
- 5.1.11 The Commissioner shall offer the Accused and Injured, in the appropriate cases, the possibility of receiving initial emotional support within the framework of the University's deanship services when involving Students, or within another framework at his discretion, for Academic Staff Members or Administrative Staff Members. Similarly, the Commissioner shall take steps towards academic/administrative accompaniment for the Injured if so needed.
- 5.1.12 The Commissioner shall also handle, as far as possible, anonymous complaints, as well as reporting of Sexual Harassment or Pestering even if the Injured refuses to file a complaint or cooperate in investigating the report.
- 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

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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 or inappropriate conduct.

- 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/ Prosecutor in preparing the case, if required.

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

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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.

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6. The Disciplinary Proceeding:

- 6.1 The plaintiff shall update the Injured as to the charges contained in the disciplinary statement of claim before it is filed by the plaintiff on behalf of the University to the disciplinary tribunal.
- 6.2 Upon initiation of the disciplinary proceeding against the defendant, the proceeding will be conducted according to the Disciplinary Regulations that apply to the defendant.
- 6.3 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.

6.4 (1.3.2017)

The disciplinary proceeding will be conducted behind closed doors.

The verdict and the sentence will be public.

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

- 6.5 Where the plaintiff considered reaching a plea bargain with the defendant, he shall only do so after consulting with the Commissioner on the matter and only after notifying the Injured of his intention to reach a plea bargain and after allowing the Injured to express his position on the matter.
- 6.6 The plaintiff shall update the Injured, directly or through the Commissioner, on how the stages of the disciplinary proceeding are being handled.
- 6.7 The presiding panel may approve, at the request of the Injured, that a representative of his/her Workers Union or Student Union, as the case may be, serve as an observer in the proceedings of the judicial panel, subject to the said representative signing a letter of undertaking to keep the information confidential.

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6.8 In addition to the punishments set forth in the Disciplinary Regulations, in the event of conviction of Sexual Harassment or Pestering the disciplinary tribunals have the power to order the expulsion of the convicted defendant from campus, the dormitories or from the premises of the University, partially or entirely, and from activities and events associated with the University, for a period that shall be determined and for such reasons as provided.

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 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:

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- 8.1 Decision to transfer the handling of the complaint to another 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 informational and instructive activities may be arranged by technological means such as computer learning.

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.

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

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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 those parties that need access to the material by way of their position. The Commissioner's summary and recommendations will be made available for the review of the Injured and the Accused upon request, in accordance with the law.

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 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.

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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.

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Appendix A:

Rules on Prohibition of Intimate Relations Between Persons in a Relationship of Authority and Subordinacy at Tel Aviv University (February 24, 2019)

1. Consensual intimate relationships between adults are the personal matter of those involved and are not the University's concern. However, conducting intimate relations, including consensual sexual intercourse, either temporarily or long-term, between persons that are within a relationship of authority and academic-educational and/or administrative subordinacy constitutes a conflict of interest jeopardizing the educational and research process, creates an improper educational atmosphere and/or working environment and is likely to lead to an abuse of authority.

This is also from the perspective that when there is a relationship of authority and subordinacy, there is a serious concern that intimate relations are not taking place with true consent.

- 2. Therefore, a person with authority must refrain from any intimate relations with anyone subordinate to him/her for as long as there is a relationship of authority and academic-educational and/or administrative subordinacy between them.
- 3. Where such intimate relations have arisen, the person with authority must report **immediately** to his/her immediate academic/administrative (as the case may be) superior about the intimate relations so that person may sever the relationship of authority between them, *inter alia*, by finding an alternative course for the student and/or teacher, by replacing a supervisor, by transferring an examination or an assignment for examination and evaluation by another teacher, reassigning one of them to another position or to another unit, or in any other manner to sever the relationship of authority, all while ensuring the prevention of any injury whatsoever to the subordinate, in so far as possible.
- 4. For the avoidance of doubt, in the event of concern of any relationship of authority arising after previous intimate relations, the person in authority must avoid a situation in which there is any such relationship of authority. For example, a lecturer must disqualify himself/herself from participating in any committee deliberating the academic affairs of the student with whom he/she had intimate relations in the past, disqualify himself/herself from a situation in which he/she has to grade a student, and such like.

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- 5. After a matter has been brought to the attention of the academic/administrative (as the case may be) superior, he/she shall report on this **immediately** to the Sexual Harassment Prevention Commissioner. All entities concerned shall cooperate to sever the relationship of authority, taking into consideration the needs of the subordinate and in coordination with him/her.
- 6. To ensure a proper study and work environment, the University calls all students and employees to report on information concerning the conduct of any relationship of this kind to the Sexual Harassment Prevention Commissioner.
- 7. For the purpose of these rules:

"Person with authority" – an Academic Staff Member or an Administrative Staff Member, as defined in section 2 of the Regulations for the Prevention of Sexual Harassment at Tel Aviv University.

"Subordinate" – a Student, Academic Staff Member or Administrative Staff Member, as defined in section 2 of the Regulations for the Prevention of Sexual Harassment at Tel Aviv University, including an employee of a human resources contractor or an employee of a contractor providing services to the University.

"Relationship of authority and academic-educational subordinacy" — includes, but is not limited to: direct instruction (participation in a course taught by the teacher/in a tutorial/in a laboratory, instruction in assignments); granting a scholarship or other benefits; membership in committees of an academic unit of the University in which the affairs of the student are deliberated and taking part in any activity involving any determination whatsoever with regard to the student.

"Relationship of authority and administrative subordinacy" – includes, but is not limited to: a relationship with a direct or indirect superior of the employee, a relationship between an Academic Staff Member and a subordinate research team member, membership in committees in which the affairs of the employee are deliberated, representation by the employee union, relationship between an employee of a human resources contractor or an employee of a service contractor and the University employee with whom he/she is working, and such like.

All the principles in this document will apply, *mutatis mutandis*, (after required changes) with regard to a relationship of authority in which Academic Staff

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Members, Administrative Staff Members and students are involved (within and between these groups, as long as a relationship of authority exists).

- 8, An infringement of these rules constitutes a disciplinary offense.
- 9. These rules do not derogate from the Regulations for Prevention of Sexual Harassment at Tel Aviv University.
- 10. These rules do not apply to couples whose employment was authorized pursuant to the University Regulations on Employment of Relatives.

(ref. 229085)