

ISTANBUL BILGI UNIVERSITY
DIRECTIVE of UNIT for THE PREVENTION of SEXUAL HARASSMENT
and ASSAULT

CHAPTER ONE

Objective, Scope, Basis and Definitions

Objective

Article 1- (1) The aim of this Directive is to regulate the structure, duties and codes of practice of the Unit for the Prevention of Sexual Harassment and Assault which is tasked with creating an environment of academic research, education and work at Istanbul Bilgi University that is free from any kind of sexual harassment and assault based on sex, gender, sexual orientation, gender identity or any other basis of discrimination or any other reason.

Scope

Article 2- (1) This Directive applies to all kinds of sexual harassment and assault perpetrated by academic and administrative staff, business representatives and employees of subcontractors, all persons and employees providing services and students of Istanbul Bilgi University against each other or third persons in all university campuses and in venues and vehicles assigned to university's service, without restriction on time or place so long as all or at least one of the parties are affiliated with the University.

(2) This directive applies to all kinds of sexual harassment and assault taking place within Istanbul Bilgi University as well as any other conduct of sexual harassment and assault occurring outside the University between members of the University, that is brought into the university environment or that affects the academic life or the working environment.

Basis

Article 3- (1) This directive is notably based upon the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, the Convention on the Elimination of all Forms of Discrimination Against Women and the United Nations Global Compact; the Constitution of the Republic of Turkey, the Law on the Protection of the Family and the Prevention of Violence Against Women and the relevant articles of the Higher Education Law, the Turkish Penal Code, the Labor Code, the Code of Obligations, the Disciplinary Regulations for the Directors, Instructors and Officials of the Higher Education Institutions and the Disciplinary Regulations for the Students of Higher Education; and Fundamental Principles of Istanbul Bilgi University, Istanbul Bilgi University Code of Conduct and Ethics, Fundamental Principles of Istanbul Bilgi University, Istanbul Bilgi University Board of Trustees Statement on Non-Discrimination Policy.

Definitions

Article 4- (1) Following terms mentioned in this Directive shall have the meanings set forth below:

- a) Applicant: The person who reaches out to the Istanbul Bilgi University Unit for the Prevention of Sexual Harassment and Assault believing to have been subject to or witness of sexual harassment or sexual assault,
- b) Unit: Istanbul Bilgi University Unit for the Prevention of Sexual Harassment and Assault,
- c) Sexual assault: Violation of a person's bodily integrity with sexually explicit behaviors without a person's consent and which do not need to be continuous,
- ç) Sexual harassment: All speech, attitude or other conduct of a sexual nature that occur without any physical contact and consent of the individual and which do not need to be continuous,
- d) Emergency: Situations under which failure to take immediate action or measures will likely result with the failure to prevent sexual harassment or assault, jeopardizing the protection of the safety or the rights and freedoms of the people considered as applicants in the Directive, causing harm to these people, or losing the evidence to sexual harassment or assault, are considered as emergency situations.
- e) Stalking: All sexual attitudes and conduct that create feelings of physical or psychological fear or helplessness in the person and keep her/him under pressure by causing them worry about their safety through physical, verbal, written acts or through the use of any type of communication means.
- f) Coordinator: The Coordinator of Istanbul Bilgi University Unit for the Prevention of Sexual Harassment and Assault,
- g) Board: The Board of Istanbul Bilgi University Unit for the Prevention of Sexual Harassment and Assault,
- ğ) Retaliation: Complicating a person's work or education life in an implicit or explicit fashion for purposes of revenge because the person has turned down an act or proposal of a sexual or romantic nature, or because the person believes that she/he has been sexually harassed or assaulted and wants to proceed or has already proceeded with complaint processes, or because the person wants to proceed or has already proceeded with complaint processes regarding a sexual harassment or assault she/he has witnessed.
- h) Promise of reward: Promising privileges that will allow a person to gain unjust benefits such as rewards, promotion, grades or similar upon her/his acceptance of an act or request of a sexual or romantic nature.
- ı) Rector: Rector of Istanbul Bilgi University,

- i) Witness: A person who is not one of the parties of the incident that might be considered as sexual harassment or sexual assault but has direct information of the incident through any means,
- j) Network of Representatives: The Network of Representatives for Istanbul Bilgi University Unit for the Prevention of Sexual Harassment and Assault,
- k) University: Istanbul Bilgi University,
- l) University units: Institutes, faculties, schools of higher education, vocational schools of higher education, centers of research and application, administrative units, social and cultural centers, sports centers and dorms that are affiliated with Istanbul Bilgi University,
- m) Members of the University: The academic and administrative staff, business representatives and employees of subcontractors, all persons and employees providing services and students of Istanbul Bilgi University

CHAPTER TWO

Unit's Objective and Fields of Activity

Unit's Objective

Article 5- (1) This Unit aims to:

- a) Prevent and eliminate sexual harassment and assault,
- b) Contribute to the creation of a research, education and work environment that is based on mutual respect and free from any kind of sexual harassment and assault,
- c) Work on eliminating the sexist culture,
- ç) Raise awareness on gender equality and on prevention of all sorts of violence and discrimination based on sex, gender, sexual orientation and gender identity,
- d) Educate the University units and University members on subjects of sexual harassment and assault,
- e) Create an efficient application mechanism for complaints of sexual harassment and assault,
- f) Support and empower the applicant,
- g) Ensure that the applicants are protected, they can report in safety the instances and incidents they have experienced or are experiencing or have witnessed, and are encouraged as to stop unwanted sexual conducts.

Unit's Activities

Article 6- (1) To attain its objective the Unit conducts the following activities:

- a) Organizes trainings, publicity, and similar events to raise awareness and sensitivity regarding sexual harassment and assault.
- b) Conducts research, carries out projects and publishes on the topics of sexual harassment and assault in cooperation with other units of the University in order to enhance the Unit's work.
- c) Collaborates with domestic and international public and private institutions, non-governmental organizations and independent researchers and constitutes platforms with them or takes part in the existing platforms in order to work on the issues of sexual harassment and assault.
- ç) Receives the applications of sexual harassment and assault, informs the applicants about the support mechanisms and remedies within and outside of the University, carries out the required referrals.
- d) Identifies the support that could be provided in accordance with the applicants' needs and demands and cooperates with the respective units of the University in that regard.
- e) Follows up on the emergency measures taken pursuant to Article 16 of this Directive in cases of emergency.
- f) Administers the creation of a website for the Unit, that is accessible and up to date, where the applications are taken and the necessary information and documents are shared regarding the topics of sexual harassment and assault and the Unit.
- g) Works on improving the physical conditions of the University so as to prevent sexual harassment and assault.
- ğ) Prepares and presents reports, submits opinions and provides expertise on the issues of sexual harassment and assault in internal transactions of the University.

CHAPTER THREE

Unit's Organs and Duties

Units Organs

Article 7- (1) The organs of the Unit are:

- a) Coordinator
- b) Board
- c) Network of Representatives

Coordinator

Article 8- (1) The Coordinator is elected by the Board among the female members of

the Board and assigned to this position by the Rector for a period of three years.

(2) Coordinator can be reassigned through the same method.

(3) When the Coordinator is not on duty she charges a member of the Board, preferably female, as deputy. If the substitution lasts more than six months a new Coordinator is assigned through the same method.

Duties of the Coordinator

Article 9- (1) The Duties of the Coordinator are as follows:

- a) To record all of the applications made to the Unit in person or electronically.
- b) To record the emergency measures taken pursuant to Article 16 of this Directive and to follow up on the process when there is an emergency case.
- c) To inform the applicant and the Board regarding the applications received and to call the Board on meetings when required.
- ç) To prepare the agenda for the Board meetings and to ensure the minutes of the meetings are recorded.
- d) To call the Board and the Network of Representatives on meeting.
- e) To prepare and submit an annual report of the applications to the Board.
- f) To implement the annual budget of the Unit and to conduct the administrative work in relation with the budget.
- g) To prepare the annual activity report for the Unit and submit it to the Board's approval and ensure that the report is published on the Unit's website.
- ğ) To represent the Unit in meetings, conferences, panels and such that falls under the scope of the Unit's fields of activity, that are held domestically or abroad.

Board

Article 10- (1) The Board is composed of five members who are assigned for three years by the Rector and of whom at least three are women. Two of the members whose terms in office had expired remain in position in the subsequent period to guarantee the protection of the accumulated knowledge and to ensure sustainability.

(2) At least three of the Board members must be elected among the permanent members of the University's Human Rights Law Research Center and full time members of the Faculty of Law and at least one among the permanent members of Istanbul Bilgi University Psychological Counseling Unit.

(3) Those whose term of membership ends may be reassigned through the same method.

(4) Membership of a member who fails to attend three consecutive meetings in one

calendar year without permission and excuse is terminated. Termination of Board membership comes into force with the serving of the Rector's approval to the person in question.

(5) New members replacing the members who resigned from their membership or whose memberships were terminated before their terms of office has expired are assigned through the same method. New members hold office until the end of the normal period of office of the member they were elected to replace.

(6) The Board convenes with simple majority of members, at least once in two months on Coordinator's invitation and without any delay in cases of emergency. Decisions are taken by the simple majority of attendees.

Duties of the Board

Article 11- (1) The duties of the Board are as follows:

a) To elect a coordinator for a period of three years among the female members of the Board and to submit it to the Rector's approval for appointment.

b) To take decisions regarding the Unit's activities within the scope of Unit's objectives and to carry out the activities designated in Article 6 of this Directive.

c) To assist the coordinator on recording all of the applications made to the Unit in person or electronically.

ç) To assist the coordinator on recording the emergency measures taken pursuant to Article 16 of this Directive and following up on the process when there is an emergency.

d) To distribute the duties within the Unit.

e) To approve the annual activity reports prepared by the Coordinator.

f) To approve the annual report prepared by the Coordinator regarding the applications made to the Unit.

g) To prepare the Unit's annual budget proposal and to submit it to the Rector's approval.

ğ) To send members to disciplinary committees dealing with disciplinary proceedings initiated on the grounds of sexual harassment or assault and present reports to the committee regarding the matter.

h) To designate the date and the agenda for the Network of Representatives' meetings.

Network of Representatives

Article 12- (1) Network of Representatives consists of at least one representative from each of University's units and two members from the Student Council. Written requests of the students wishing to be included in the Network of Representatives but

are not in the Student Council are evaluated by the Board.

(2) Rector asks the University units and the Student Council to inform the Board on the representatives they will appoint for the Network of Representatives no later than three months after this Directive enters into force.

(3) Each unit of the University informs the Board on the person they appointed as a member to the Network of Representatives for a period of two years. The Board has the prerogative to set criteria for persons that University units are appointing as members of the Network of Representatives and in such case units of the University are obliged to act in accordance with these criteria for electing members.

(4) The Student Council informs the Board regarding their appointments for the Board who must be at least two students appointed for a period of two years. At least half of the members informed to the Board must be woman.

(5) Those whose membership period has ended may be reappointed.

(6) Membership is terminated if a member fails to attend two consecutive meetings without an excuse.

(7) New members are reappointed through the same method in place of the members who resigned from their membership or whose memberships were terminated before their membership period has expired. New members hold office until the end of the normal period of office for the member they were elected to replace.

(8) Network of representatives convenes at least twice a year on Coordinator's invitation and on the date and with the agenda set by the Board.

Duties of Network of Representatives

Article 13- The duties of Network of Representatives are as follows:

a) To inform the Unit within the same day, in cases of sexual harassment or assault they witness or receive an application of, on their attestation and the applications and refer the applications to the Unit without delay.

b) To get in contact with the Unit in cases of emergency immediately after being aware of the situation in order for emergency measures to be taken pursuant to Article 16 of this Directive.

c) To attend the trainings conducted by the Board and assist the Board on trainings to be held for University's units.

ç) To inform the University unit they are the representative of on the Unit's objectives, activities and methods of operation.

d) To attend the Network of Representatives' meetings

e) To assist the Board on performing the Unit's activities.

CHAPTER FOUR

Unit's Functioning Methods and Principles

Application

Article 14- (1) Persons who think they have been subjected to or have witnessed sexual harassment or assault may apply to the members of the Board or to the Coordinator. In the event that an application has been made to the members of the Network of Representatives, any unit of the University or academic or administrative staff, these units and persons communicate the applications they receive to the Coordinator or to the Board within the same day.

(2) Persons or University units receiving an application are obliged to inform the applicant on the Unit and refer them to the Coordinator or the Board.

(3) Applications can be made in person as well as electronically through the Unit's website.

(4) The Unit registers every application. Information on the personal identity of the applicant is not included in the registration form. The Unit gives a registration number to each application and the following procedures are carried out using this registration number. The registration form includes the date and the subject matter of the application and the applicant's demands. Other information to be included in the application form is subject to the applicant's approval. The same rules also apply to the applications made electronically.

(5) The applicant is informed of the process and the result if an action is taken regarding the application.

(6) A board member is not included in the application process if that member is in an academic, administrative or private relationship with any of the parties of the incident subject to the application. In case the relationship in question is subsequently found out or noticed, the Board member is also withdrawn from the process.

Support Process

Article 15- (1) In applications made directly to the Coordinator or to the Board or are referred, member of the Unit receiving the application hears the details of the incident and needs and demands of the applicant, and informs the applicant on legal and other remedy options, the processes followed in these options, the risks any of these options may pose and the precautions to be taken.

(2) If the application is made electronically the applicant is encouraged for a face-to-face meeting. In case the applicant is not willing to attend to a face-to-face meeting or avoids of doing it, the needs and demands of the applicant are taken via electronic mail. The applicant is informed through electronic mail of the legal and other remedy options, the processes followed in these options, the risks any of these options may pose and the precautions to be taken.

(3) Applicant is referred to University's Psychological Counseling Unit for psychological support on her/his demand. The aim of the psychological support

process is to prevent any psychological harm caused to the applicant by sexual harassment or assault.

(4) In cases where the applicant is one of the witnesses to the incident, application is also registered and the details of the incident are heard. Information is provided on suitable legal and other remedy options and the processes followed in these options.

(5) The board sends a member and presents reports on the subject to the disciplinary committees dealing with disciplinary proceedings if such proceedings are initiated regarding the application.

(6) In cases where the applicant's mother tongue is not Turkish, the support process is carried out in the language the applicant prefers to the extent it is possible. In such applications the Board acts on getting expert support from outside of the University if it deems necessary.

Emergency

Article 16- (1) In the case of an emergency, action is taken in accordance with Istanbul Bilgi University Crisis Intervention Plan and all University units and University members aware of the situation are obliged to inform the Unit of the situation immediately and ensure that emergency measures are taken.

(2) All units and members of the University are obliged to cooperate with the Unit on taking and implementing of emergency measures.

Immediate Support and Due Diligence

Article 17- (1) Applications are evaluated with speed and diligence. The responses to the applications are based on the subjective conditions of an application.

(2) Throughout the process, careful attention and due diligence is fundamental for avoiding and preventing any conduct that can re-victimize the applicant and impair the human dignity and sense of trust of the parties. Interrogative and accusatory expressions, conducts, attitudes and implications that will aggravate victimization are avoided throughout the support process.

(3) All units of the University act in accordance with the obligation of acting promptly and with diligence.

Declaration of Victimization and Evidencing

Article 18- (1) Applicant's statement is relied upon for admitting the application and providing support to the applicant. Applicant is not expected to prove the existence of the act of sexual harassment or assault.

(2) Since sexual harassment and assault are acts that are difficult to prove and the doubt arising out of insufficient evidence will be interpreted in favor of the defendants in administrative and judicial proceedings, it is important that the applicant acts with caution in gathering and keeping visual or auidial recordings or witness testimonies in accordance with the law. The Unit is obliged to inform the applicant regarding this issue.

(3) In cases where it is understood without any reasonable doubt that the applicant is lying on purpose, relevant provisions of the Disciplinary Regulations for the Directors, Instructors and Officials of the Higher Education Institutions and the Disciplinary Regulations for the Students of Higher Education are implemented.

Duty of Confidentiality

Article 19- (1) All units of the University act in accordance with duty of confidentiality for the protection of the parties and witnesses in all processes regarding claims of sexual harassment and assault. All the individuals and University units responsible for the application of this Directive, ensure the confidentiality of the identities of the parties and witnesses and make sure that they are protected from any harm to their safety at all the stages of the implementation of this Directive.

(2) All documents submitted in relation to applications are kept confidential for all bodies and persons except for subsequent members of the Board. Even in cases where disciplinary proceedings are initiated, only the necessary information is shared with the relevant bodies as required per the confidentiality principle.

Principle of Voluntariness

Article 20- (1) Applicant's voluntary involvement is essential in the application and the progression of the process. The applicant is informed about all support mechanisms. Nevertheless it is the applicant herself/himself to decide to resort to any of these mechanisms. No action can be taken or no actions initiated can be ceased, withdrawn or discontinued without the applicant's request.

(2) In actions initiated ex officio by the University administration without or independent from a formal application to the Unit, if the identity of the person subject to sexual harassment or assault is explicit, the person in question is informed about the processes and upon her/his request allowed to be involved in these processes to the extent possible.

CHAPTER FIVE

Other Types of Harassment and Witnessing

The Promise of Reward and Retaliation

Article 21- (1) Promises of reward are considered as harassment within the scope of this Directive and the provisions of the Directive are applied in the occurrence of such instances.

(2) Retaliation is considered as harassment within the scope of this Directive and the provisions of the Directive are applied in the occurrence of such instances.

Stalking

Article 22- Stalking is considered as harassment within the scope of this Directive and the provisions of the Directive are applied in the occurrence of such instances.

Witnessing

Article 23- (1) Within the scope of this Directive, witnesses of sexual harassment and sexual assault are also considered applicants and their notifications are taken seriously. Immediate actions are taken for shedding light on the situation with appropriate methods in tandem with the nature and the gravity of the situation.

(2) It is expected of the applicant who witnessed an incident to assist the Unit on getting in touch with the person who has been subject to sexual harassment or assault.

CHAPTER SIX

Final Provisions

Budget, Logistics and Personnel

Article 24- (1) All expenses of the unit are covered from the budget of the Rectorate, within the scope of the annual budget prepared by the Board and submitted to the Rector's approval.

(2) The logistical needs of the Unit are provided for by the Rectorate.

(3) The Unit's need for technical, administrative and academic personnel is met by the personnel designated by the Rectorate pursuant to Article 13 of the Higher Education Law.

Policy Statement on Prevention of Sexual Harassment and Assault

Article 25- (1) Istanbul Bilgi University Policy Statement on Prevention of Sexual Harassment and Assault is an integral part of this Directive and its consideration in the implementation of this Directive is compulsory.

Entry into Force

Article 26- (1) This Directive enters into force on the date it is approved by Istanbul Bilgi University Academic Board.

Enforcement

Article 27- (1) The provisions of this Directive are enforced by the Rector of Istanbul Bilgi University.