

DIRECTIVE ON PREVENTING SEXUAL HARASSMENT AND GENDER DISCRIMINATION with its FUNCTIONING METHODS and PRINCIPLES

This booklet has been prepared to inform ITU members of Istanbul Technical University's Directive on Preventing Sexual Harassment and Gender Discrimination adopted by the University Senate in its meeting numbered 602, dated 11.09.2014 and the principles governing the functioning of this directive.

ISTANBUL TECHNICAL UNIVERSITY DIRECTIVE ON PREVENTING SEXUAL HARASSMENT AND GENDER DISCRIMINATION

ARTICLE 1- Aim

- (1) The aim of this directive is to support academic, administrative, and contract personnel working part-time or full-time for Istanbul Technical University or its associated units and ITU students in matters of sexual harassment and gender discrimination and seek solutions.
- (2) This directive establishes the organizational goals, fields of activity, responsibilities, and guiding principles of Istanbul Technical University Sexual Harassment and Gender Discrimination Prevention Board.

ARTICLE 2- Scope

- (1) This Directive;
 - a) applies to all university units in professional and academic relationship.
 - b) encompasses incidents happening on-campus as well as incidents involving university units happening off-campus with an impact on living and working environment.

ARTICLE 3- Basis

- (1) This Directive is based on Article 14 of Higher Education Law No. 2547, Article 17 of the Disciplinary Regulation for Administrators, Teaching Staff and Civil Servants of Higher Education Institutions, and Article 12 of the Student Disciplinary Regulation for Higher Education Institutions.

ARTICLE 4- Definitions

- (1) The following terms mentioned in this Directive shall mean as designated below:
 - (a) University: Istanbul Technical University,
 - (b) Rector: Rector of Istanbul Technical University,
 - (c) Senate: Istanbul Technical University Senate,
 - (d) Center: ITU Women's Studies Center in Science, Engineering and Technology,
 - (e) Board: ITU Sexual Harassment and Gender Discrimination Prevention Board
 - (f) University units: Institutes, faculties, colleges, vocational schools, research and application centers as well as administrative units, social, cultural centers and sports centers of Istanbul Technical University,
 - (g) Members of the University: Academic, administrative, and contract personnel working part-time or full-time for Istanbul Technical University or its associated units, and students

Sexual Harassment: involves all speech, attitude or other conduct of a sexual nature that occur without any physical contact and the consent of the individual.

Based on the nature and the intensity of sexual conduct, sexual harassment is divided into three categories: simple harassment, persistent simple harassment, and aggravated harassment. The aforementioned types of sexual harassment include, but not limited to, any of the following:

- a. **Simple Harassment:** offensive acts of sexual nature with no threat, blackmail or insults involved, such as sexually provocative comments or compliments or making sexually explicit jokes, using sexual slur, asking about sexual preferences or history, displaying pornographic materials etc. Also, harassment on the basis of sexual orientation is considered a form of simple harassment.
- b. **Persistent Simple Harassment:** It is the repeated instances of simple harassment despite warnings.
- c. **Aggravated harassment:** Acts of sexual nature accompanied by offences like insult, threat or blackmail, or any conduct causing individual to engage in sexual activity with a third person without consent. For example, acts such as implying or explicitly stating that there will be academic or professional consequences if an individual does not accept the sexual advances and there will be improper personal benefits when they do so.

Sexual Assault: violating a person's right of bodily integrity with unconsented sexual conduct. Sexual assault can appear in two forms:

- a. physical invasion of sexual nature without sexual intercourse. Among the examples of such assaults are hugging, touching and grabbing.
- b. physical invasion of sexual nature by insertion of genitals or an object into the body of another individual.

Sexual Abuse: Acts of sexual harassment or assault directed against those under the age of 18.

Harassment on the basis of sexual orientation: any act discriminating against a person or violating their human rights on the basis of their sexual orientation.

Discrimination: It can manifest itself in direct and indirect forms of discrimination.

- a. **Direct discrimination:** when one person is treated less favorably than another is, has been, or would be treated in a comparable situation on the basis of the larger group they are a part of. An example of this would be a member of the female gender group being treated less favorably than a member of the male gender.
- b. **Indirect discrimination:** refers to a situation where an apparently neutral provision, criterion or practice would put persons from a particular group at disadvantage compared with other persons unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

Retaliation: Making disparaging remarks about a person or 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 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.

ARTICLE 5- Organizational Structure and Responsibilities of the Sexual Harassment and Gender Discrimination Prevention Board

Sexual Harassment and Gender Discrimination Prevention Board is formed by the appointment by the Rectorate.

- a) The Board is composed of five members, one of whom is (1) The Coordinator. The other members of the Board, of whom two (2) are from ITU Women's Studies Center in Science, Engineering and Technology, are appointed by the Rector upon the recommendation of the Center.
- b) At least two of the permanent Board members are selected from academic staff specializing in gender studies, well-informed of and sensitive to issues related to gender equality, or actively engaged in such issues. One (1) administrative personnel is assigned by the Rectorate upon recommendation of the Board. The male members of the Board cannot outnumber the female members.
- c) The Board members are assigned for a period of three (3) years. Two (2) of the members whose terms in office expire remain in position in the subsequent period to guarantee the protection of the accumulated knowledge and to ensure sustainability. The Board will consult with Istanbul Technical University Psychological Counseling Unit and Legal Office, if necessary.
- d) In the event that the complainant makes a formal request or the Board considers necessary, one representative from the Union, the Student Council or student clubs actively engaged in gender issues will be temporarily assigned by the Board for the particular case.
- e) The board registers a complaint and writes an evaluation report in accordance with relevant articles of the Disciplinary Regulation for Administrators, Teaching Staff and Civil Servants of Higher Education Institutions and Student Disciplinary Regulation for Higher Education Institutions and the case is referred to relevant units for a disciplinary investigation to be initiated, if necessary.
- f) In order to take necessary urgent administrative measures, The Board cooperates with all competent administrative authorities of the University.
- g) The Board organizes training and awareness raising activities against sexual harassment and assault and makes publications.
- h) The Board is not assigned to determine the validity of sexual harassment and assault allegations; authorities will be informed accordingly if the Board considers appropriate.

ARTICLE 6- Filing an application

In accordance with this directive, individuals who believe that they are subject to/witness to gender-based discrimination or sexual harassment can appeal to the following authorities in person or by mail:

- a) Women's Studies Center in Science, Engineering and Technology,
- b) Sexual Harassment and Gender Discrimination Prevention Board,

In the event that an application is filed to other units than the ones mentioned above, these units are obliged to refer the application to the Board.

ARTICLE 7- Principles Governing the Evaluation Process

a) In the evaluation process of allegations, from preliminary assessment to the completion of investigation, the Board is obliged to ensure that the incident, the identity of the reporting person and the identity of the accused person are kept confidential. The authorities informed about the incident shall act in accordance with this principle as well. In the event of the violation of this principle, the Ethics Board shall issue those involved with a warning.

b) All applications are evaluated with speed and diligence. All applications shall be processed without an exception.

c) In order for administrative measures to be taken against potential acts of retaliation towards the reporting person, authorities shall be informed accordingly.

ARTICLE 8- Entry into Force

This Directive with its annexed principles governing the disciplinary investigation process of sexual harassment, sexual assault and sexual abuse enters into force on the date it is approved by the Senate.

ARTICLE 9- Enforcement

The provisions of this Directive with the annexed principles governing the disciplinary investigation process of sexual harassment, sexual assault and sexual abuse are enforced by the Rector of Istanbul Technical University.

PRINCIPLES GOVERNING the DISCIPLINARY INVESTIGATION of SEXUAL HARASSMENT, SEXUAL ASSAULT, and SEXUAL ABUSE

ARTICLE 1- Aim, Scope and Basis

These principles, in accordance with Article 12 of the Disciplinary Regulation for Administrators, Teaching Staff and Civil Servants of Higher Education Institutions, determine “acts of sexual harassment, sexual assault and sexual abuse” as similar in terms of nature and degree of severity to acts of misconduct regarded as cause for disciplinary action in the aforementioned Regulation and establish principles governing such disciplinary investigations.

This text is designed to guide the members of the Inquiry Committee by establishing the legal basis and ensuring that an objective and consistent process will be followed in the disciplinary proceedings initiated on the grounds of sexual harassment at Istanbul Technical University.

Authorities in charge of the investigation reserve the right to make decisions based on the characteristics of the particular incident and the nature and the degree of severity of the sexual conduct in accordance with the Disciplinary Regulation for Administrators, Teaching Staff and Civil Servants of Higher Education Institutions.

In the event that students are involved in acts of sexual harassment and assault, authorities will act in accordance with Student Disciplinary Regulation for Higher Education Institutions.

ARTICLE 2- Definitions

Sexual Harassment: involves all speech, attitude or other conduct of a sexual nature that occur without any physical contact and the consent of the individual.

Based on the nature and the intensity of sexual conduct, sexual harassment is divided into three categories: simple harassment, persistent simple harassment, and aggravated harassment. The aforementioned types of sexual harassment include, but not limited to, any of the following:

- a. **Simple Harassment:** offensive acts of sexual nature with no threat, blackmail or insults involved such as sexually provocative comments or compliments or making sexually explicit jokes, using sexual slur, asking about sexual preferences or history, displaying pornographic materials etc. Also, harassment on the basis of sexual orientation is considered a form of simple harassment.
- b. **Persistent Simple Harassment:** It is the repeated instances of simple harassment despite warnings.
- c. **Aggravated Harassment:** Acts of sexual nature accompanied by offences like insult, threat or blackmail or any conduct causing individual to engage in sexual activity with a third person without consent. For example, implying or explicitly stating that there will be academic or professional consequences if an individual does not accept the sexual advances and there will be improper personal benefits when they do so.

Sexual Assault: violating a person's right of bodily integrity with unconsented sexual conduct. Sexual assault can appear in two forms:

- a. physical invasion of sexual nature without sexual intercourse. Among the examples of such assaults are hugging, touching and grabbing.
- b. physical invasion of sexual nature by insertion of an object or genitals into the body of another individual.

Sexual Abuse: Acts of sexual harassment or assault directed against those under the age of 18.

Harassment on the basis of sexual orientation: any act discriminating against a person or violating their human rights on the basis of their sexual orientation.

ARTICLE 3- Disciplinary Offences and Sanctions

In accordance with these principles, the following sanctions will be imposed:

- a) Reprimand in the event of simple harassment,
- b) Pay cuts in the event of consistent simple harassment,
- c) Temporary suspension of career advancement in the event of aggravated sexual harassment
- d) Public official dismissal in the event of sexual assault or abuse

In the case of gender-based discrimination, authorities in charge of the investigation shall make decisions based on the characteristics of the particular incident, the nature and the degree of severity of the offensive conduct.

ARTICLE 4- Injunction

In accordance with Article 26 of the Disciplinary Regulation for Administrators, Teaching Staff and Civil Servants of Higher Education Institutions, authorities may impose an injunction in the event that sexual harassment, assault or abuse is continued.

ARTICLE 5- Recurrence

During the investigation, both the offender and the victim shall be notified and it should also be stated in the decision regarding the disciplinary sanction that the offender will be subject to a more severe sanction in case of a recurrence in the period allowing the deletion of the sanction imposed on grounds of sexual harassment, assault and abuse from the personal record in accordance with article 15 of the Disciplinary Regulation for Administrators, Teaching Staff and Civil Servants of Higher Education Institutions.