



## 1. Objective

**Sexual harassment and sexuality-related maltreatment are harmful to human dignity, human freedom, privacy, and gender equality. Acts of sexual harassment are also criminal acts, disciplinary violations and a cause for claiming monetary damages.**

**Sexual harassment and sexuality-related maltreatment are detrimental to professional relations, they are considered disciplinary violations in accordance with this Code and in accordance with the University's accepted discipline codes, and they are contrary to the University's policy and the University will not accept them.**

Accordingly, this procedure aims to guarantee that the University of Haifa shall serve as a respectful workplace and academic environment, free of sexual harassment or maltreatment arising from sexual harassment.

## 2. Definitions:

**“University”** The University of Haifa.

**The “Law”** The Law to Prevent Sexual Harassment, 5758-1998 and its pursuant regulations and the Equal Opportunity in the Workplace Law, 5748-1988.

**“Sexual harassment”** As defined in section 3(a) to the Law to Prevent Sexual Harassment and as defined in section 7 to the Equal Opportunity in the Workplace Law, as they shall be updated and modified from time to time, as shall be committed by an employee or a student toward one of them within the workplace or academic institution. Without detracting from the above said, in accordance with the provisions of the Law, sexual harassment will include one of the following behaviors –  
Extorting a person into performing a sexual act. For example: threatening a person with dismissal due to refusal to have sex;  
Indecent assault - an act done for sexual stimulation, satisfaction or degradation. For example, touching a person for sexual stimulation without his/her consent;  
Abuse of authority relations in a sexual manner. There is no need to indicate lack of consent in cases of abuse of authority relations (for example, between a professor and his/her student);  
Repeated sexual propositions even though the person to whom they are directed

This document only applies and is only monitored in its computerized versions in the University procedures folder in the organizational portal.



indicated disinterest;

Repeated references to a person's sexuality, even though the person to whom they are directed indicated disinterest. For example, reference to a sexual aspect of that person's appearance even though this reference bothers him/her;

Degrading or disgraceful reference to a person's sex or sexual orientation, whether or not this reference bothers that person.

Posting or publishing a picture, film or taping of a person that focuses on that person's sexuality indecently when that publication may humiliate him/her and when that person did not agree to the publication.

**The following actions will not be considered sexual harassment** – courting a person in good spirit out of mutual consent and free will, as long as this is not done while abusing power or authority relations.

**“Maltreatment”**

As defined in section 3(b) to the Law to Prevent Sexual Harassment and as defined in section 7 to the Equal Opportunity in the Workplace Law, as they shall be updated and modified from time to time, committed by an employee or a student toward one of them within the workplace or academic institution.

Without detracting from the above said, in accordance with the provisions of the Law, prohibited maltreatment is any harm to an employee or job seeker or student by an employer or by a person on the employer's behalf that follows from sexual harassment or complaint of sexual harassment or a complaint of maltreatment, or any harm to whoever helped and/or testified in favor of the above said in a complaint or lawsuit of sexual harassment or maltreatment.

**“Lack of consent”**

The Complainer must clearly indicate that he/she does not consent to the harassing party's behavior in his/her words or actions, unless the parties have authority relations.

**“Academic authority relations”**

Academic authority relations shall include, but are not limited to: direct teaching (participation in a class delivered by the professor in a class / exercise / lab / group guidance / practical guidance); instructing research students; granting scholarships, research grants, academic awards or other benefits; membership in unit-wide, faculty-wide or university-wide committees that discuss that student's affairs, and participation in any act that may determine the student's future in any way;



<b>The “workplace or place of education”</b>	the University and/or any other place where activity on the behalf of the University and/or by and/or for the University and/or anyone on its behalf takes place while working and/or studying.
<b>“Victim”</b>	An employee, student, or a person who is claimed or believed to be a victim of sexual harassment and/or maltreatment in accordance with the Law within the workplace or place of education.
<b>“Defendant”</b>	A person who, on the date of the event and on the date of filing the complaint, is an employee or a student, and against whom a complaint of sexual harassment and/or maltreatment was filed in accordance with the Law
<b>“Commissioner”</b>	The Commissioner of Sexual Harassment Complaints.
<b>“Deputy Commissioner”</b>	Whomever the competent authorities appointment following deliberations with the Commissioner, as said in section 4 below.
<b>“Employee”</b>	A person who had employee-employer relations with the University on the day of the incident, including a member of the senior academic staff, junior academic staff, the administrative staff, a temporary employee, a permanent employee, an employee under a personal contract, and anyone operating on behalf of the University and in its name and as part of the regular internal system, and including service providers to the University or employees thereof.
<b>“Student”</b>	Anyone who was one of the following on the day of the event: <ul style="list-style-type: none"><li>- Applied to study at the University and was admitted as a student, including in Special Academic Programs, from the moment of applying and as long as he/she is registered as a student, including during academic breaks.</li><li>- Applied to be admitted as a student and was denied, from the moment of applying to receiving the rejection letter.</li><li>- Graduated, but did not yet receive his/her diploma.</li></ul>
<b>The “disciplinary code”</b>	The disciplinary code that applies to suspects of sexual harassment or maltreatment according to his/her affiliation, meaning

This document only applies and is only monitored in its computerized versions in the University procedures folder in the organizational portal.



- - the academic employee's duties code - regarding a defendant who is a member of staff.
- The disciplinary code that applies to administrative employees - regarding a defendant who is an employee.
- The disciplinary code that applies to students - regarding a defendant who is a student.

**The “Disciplinary  
Authorities”**

As defined in each of the Disciplinary Code documents.

**The “decision  
maker”**

The party making the decision regarding the defendant in a sexual harassment or maltreatment case according to his/her affiliation, meaning:

- the Rector - for a defendant who is a member of the senior or junior academic staff.
- The Deputy Director - a defendant who is an employee, but not including members of the senior or junior academic staff.
- The Dean of Students - for a defendant who is a student.

### **3. SEXUAL HARASSMENT AND MALTREATMENT ARE PROHIBITED BEHAVIORS WHICH ARE CONSIDERED DISCIPLINARY VIOLATIONS**

- 3.1 Sexual harassment or maltreatment in accordance with their meaning in the Law and/or in accordance with their meaning in this Procedure are prohibited and wrongful behaviors.

The following behaviors are considered disciplinary violations:

3.2 **Intimate Relations within Academic Authority Relations**

- 3.2.1 Consensual academic relations between adults are the involved parties' private business, as long as they do not have authority relations, including academic authority relations.
- 3.2.2 Accordingly, all members of the academic staff, whether senior or junior, must avoid academic authority relations with his/her partner in intimate relations.
- 3.2.3 The superior party is responsible to prevent intimate relations as said. Accordingly, the superior party will be responsible for these relations including the disciplinary aspect, and he/she will be subject to investigation proceedings and/or disciplinary proceedings.

This document only applies and is only monitored in its computerized versions in the University procedures folder in the organizational portal.



- 3.2.4 Should intimate relations as said develop, the member of the senior or junior academic staff must immediately sever all academic authority relations with that student and/or report to the superior academic factor, so that it will act to sever their academic authority relations while making sure to prevent any harm to the student.
- 3.2.5 For the avoidance of doubt, let it be clarified that the member of senior or junior academic staff must also avoid academic authority relations between him/herself and a student with whom he/she had intimate relations before.
- 3.2.6 A violation of current section 3.2 constitutes a disciplinary violation.

#### **4. Appointing the Commissioner:**

- 4.1 The President of the University and the Rector will appoint the Commissioner for a period they will determine.
- 4.2 The Commissioner will be full-time professor or a professor emeritus at the University.
- 4.3 Female members of the senior academic staff considered regular professors will be preferred.
- 4.4 A person whose skills and professional experience and position are suitable for a Commissioner will be preferred.
- 4.5 The Commissioner will be independent in his/her actions.
- 4.6 The President and Rector will appoint Deputy Commissioners in coordination with the Commissioner for the same period as the Commissioner.
- 4.7 The Commissioner and Deputy Commissioner will go through training around the time of their appointment, lasting no less than 18 hours, and dealing *inter alia*, with the nature of the position, knowledge of the Law, prevention and treatment of complaints.

#### **5. The Commissioner's Roles:**

- 5.1 To serve as an advising factor on preventing and treating sexual harassment and maltreatment at the University.
- 5.2 To receive complaints and reports on sexual harassment and maltreatment.
- 5.3 To investigate sexual harassment or maltreatment incidents in accordance with the provisions herein.
- 5.4 To transfer the investigation summary along with explained recommendations on the continued treatment to the decision maker.
- 5.5 To refer the complainer to medical or psychological help, as necessary.



- 5.6 To regularly and continuously participate in training and guidance on the Commissioner's area of activity.
- 5.7 To submit reports on the Commissioner's and the Deputy Commissioner's activity in connection with the subjects in his/her domain.
- 5.8 To take any other action at his/her discretion to fulfill his/her role in accordance with the Law.

## **6. Complaint Submission Timing**

- 6.2 It is advised to complain of harassment or maltreatment as they occur. A complaint may be submitted within seven years of committing harassment or the maltreatment. It is advised to document the event as much as possible to have witnesses who will back it up (meaning, tell a friend or a family member).

## **7. Required Actions in Case of Harassment**

- 7.3 The law provides a number of options, and all or some of them may be taken at the same time or after one another:
  - 7.3.1 One may complain of the harassment to the Sexual Harassment Prevention Commissioner at the University or to the employer at the University. In this way, it is also possible to have internal disciplinary measures started.
  - 7.3.2 In the Court of Labor Relations - one may sue the harasser, maltreating person, and the employer, and claim monetary damages.
  - 7.3.3 In a civil tribunal - one may sue the harasser for damages.
  - 7.3.4 Complaint to the police - aiming to start criminal proceedings.

## **8. Treatment of Complaints within the University:**

### **8.1 Inquiry:**

- 8.1.1 Complaints or reports of suspicions of sexual harassment or maltreatment at the University must be addressed to the Commissioner. A complaint of sexual harassment or maltreatment may be submitted to the Commissioner within 7 years of committing harassment or the maltreatment, and if an ongoing event is concerned, of the date the actions constituting the harassment or maltreatment stopped.
- 8.1.2 The complaint may be filed orally or in writing. If a complaint was filed orally, the Commissioner will write its content, and the complainant and/or whoever filed the



complaint of the complainer's behalf will sign the record to verify its content. The Commissioner will hand him/her a copy of the signed record. **The Commissioner's records are confidential and internal, and they shall not be transferred to others except the decision maker as part of the process to handle the appeal.**

- 8.1.3 The Commissioner who received a report of suspicion of sexual harassment or maltreatment or who received a complaint of sexual harassment or maltreatment shall open proceedings to clarify the complaint, and explain the manners of inquiry, the complainer's rights and possible courses of action he/she has in accordance with the Law to the complainer.
- 8.1.4 Within the investigation into the complaint, the Commissioner will summon the defendant, present the details of the complaint to him, and ask him to respond. If the complaint was filed by someone other than the complainer [should read: victim], the complainer's [should read: victim's] consent will be required before the Commissioner will contact the defendant, except in unusual cases, at the Commissioner's discretion.
- 8.1.5 In order to look into the complaint, the Commissioner will summon any employee or student to provide information and/or any document that may pertain to the complaint. Failure to assist the Commissioner will be considered a disciplinary violation unless this was done in accordance with the Law.
- 8.1.6 The Commissioner will continue the investigation until its completion, effectively, continuously, and without delay.
- 8.1.7 Should the Commissioner believe that the case's particular circumstances demand help, he/she may also avail himself/herself to a psychologist, social worker, staff member, lawyer, former judge, etc., to look into the case the complaint concerns and present his/her findings to the Commissioner.
- 8.1.8 The complaint will be clarified while protecting the complainer's, the victim's, the defendant's, and other witnesses' dignity and privacy to the extent this is possible; and among other things, the Commissioner shall not disclose information he/she learned while clarifying the complaint unless doing so for the sake of clarifying the complaint or under the law will be mandatory.
- 8.1.9 The Commissioner will be neutral and will not identify or empathize with either party the complaint applies to.
- 8.1.10 The Commissioner shall not handle any appeal / complaint if he/she is the defendant or if he/she has any personal connection to the complaint or to the people involved in it. In such a case, the Commissioner shall report to the relevant decision maker



and the complaint will be investigated by a substitute whom they will appoint for that purpose. In this case, the complaint will be investigated in accordance with the rules stipulated in this Code, *mutatis mutandis*.

- 8.1.11 Let it be clarified that false complaints, delivery of false information regarding a false complaint, or any other manner of aiding a false complaint, constitute disciplinary violations. The parties will have the right to review the collected evidence material that concerns them, unless the Commissioner will believe it to prejudice the investigation. Whenever the investigation material was not transferred for a party's review, the Commissioner will state this in his/her report.
- 8.1.12 Should the University and/or the Commissioner learn of a sexual harassment or maltreatment incident in the place or work or study, and if a complaint was not filed or the complainer withdrew his/her complaint, the incident will be transferred for investigation by the Commissioner. The Commissioner will investigate the case to the extent possible and in accordance with the above specified rules, and if the complainer withdrew his/her complaint, the Commissioner will investigate the reason for that.

- 8.2 At the end of the investigation, the Commissioner will transfer a summary of the complaint investigation along with explained recommendations for continued treatment to the decision maker.

If the defendant is a manpower contractor employee placed at the University to provide services, the Complaints Commissioner will transfer the summary and recommendations to the manpower contractor as well.

### 8.3 Interim Measures

- 8.3.1 During the complaint investigation, the employer will protect the complainer against professional harm as a result of submitting the complaint and/or against any harm within the workplace or place of education that may disrupt the complaint investigation process.
- 8.3.2 Accordingly and as necessary, the Commissioner will be authorized to recommend that the decision maker take interim measures such as separating the defendant and the victim, temporary position change and/or transfer to another unit, etc.
- 8.3.3 Such rare cases are cases when failure to take interim measures may harm one of the parties and/or cause continued harassment or maltreatment by the defendant.





**Sexual Harassment Prevention Procedure and Code**

**Approved by: the Vice President and  
General Director**

- 8.3.4 The final decision on interim measures will be made by the decision maker.
- 8.3.5 The Commissioner's power as said is vested in him/her as long as the complaint is investigated and until the decision maker will reach a decision.
- 8.4 Having received the Commissioner's summaries and recommendations, the decision maker will decide to pursue one or more of the following courses of action **within 7 business days:**
- 8.4.1 Instructing the involved employees in the case, including instructions on appropriate behavior.
- 8.4.2 Keeping the "alleged harasser" away from the complainer, provided this will not prejudice the terms of employment and/or study.
- 8.4.3 Taking measures to prevent the incident from recurring and to ameliorate the harm caused to the complainer.
- 8.4.4 Filing a complaint with the disciplinary authorities (as applicable) to hold a disciplinary authorities proceeding.
- 8.5 The Decision Maker's Decision**
- 8.6 The decision will address the following data:
- 8.6.1 Instructing the involved employees in the case, including on appropriate behavior within professional and/or academic relations and keeping the defendant away from the complainer, taking measures in professions and/or academic matters, all to prevent the incident from recurring or ameliorate the harm caused to the complainer due to the harassment.
- 8.6.2 Starting disciplinary proceedings in accordance with the applicable disciplinary provisions in the University's relevant disciplinary code with regards to the harassment, as specified below.
- 8.6.3 Not taking any measures.
- 8.7 The decision will be explained.
- 8.8 The decision will be delivered as an explained written notice to the complainer, the defendant and the Commissioner. Insofar as the complainer and/or the defendant will ask to review the Commissioner's summary and recommendations, he/she will be allowed to review these documents.
- 8.9 If the defendant is an employee of a manpower company who is employed by the employer in practice, the decision maker may reach an agreement with the manpower company on who will perform the University's decision.



**Sexual Harassment Prevention Procedure and Code**

**Approved by: the Vice President and  
General Director**

- 8.10 The decision maker may change his/her decision or withhold its performance due to changed circumstances, and he/she will send the complainer, defendant and Commissioner an explained written notice of it.
- 8.11 **Exception:** the decision may be rejected, its performance delayed, or changed due to legal or disciplinary processes that concern the case. In such a case, the defendant, the complainer and the Commissioner will receive a detailed written notice of it. Moreover, as long as the said proceedings will continue, the University will make sure that the complainer is safe throughout the proceedings, and at the end of the proceedings, the decision maker will deliver his/her decision in accordance with the rules specified above.

**9 The Disciplinary Proceeding:**

- 9.1 When starting the disciplinary proceeding against the defendant, the proceeding shall be administered in accordance with the applicable disciplinary code.
- 9.2 The panel that will discuss the sexual harassment or maltreatment proceeding shall be composed to represent the defendant's and the victim's gender.
- 9.3 Discussions in the disciplinary proceeding will be held in camera.  
No identifying detail that was revealed within the disciplinary proceeding shall be published, including the verdict, unless the Court will order otherwise.

**10. Educational and Publicity Activities, and Reporting to the Authorities:**

- 10.1 At least once a year, the University will hold explanation and education activities, including study days, discussion groups, and distribution of information sheets on sexual harassment treatment and prevention.
- 10.2 The University will notify all new employees and students of the provisions of the Law, the regulations, and this Code.
- 10.3 Once a year, the University will submit a report to the appointed bodies under the Law. The report will contain details of the various actions the University took to prevent sexual harassment within its borders and information on the number of complaints that were submitted to the Commissioner that year and the treatment thereof.



### **11. Protection of Confidentiality:**

The University will respect the privacy of complainers, victims and defendants to the extent possible while noting the demands of the Law and protecting other relevant interests, such as: the University's duty to investigate cases of sexual harassment and maltreatment and taking measures against responsible parties, the duty to take collective and preventative measures to put an end to sexual harassment.

### **12. Storing Archived Materials:**

Investigation materials kept by the Commissioner shall be stored as judgments by disciplinary tribunals are stored.

### **13. The Appointed Commissioner:**

In accordance with that said in this procedure, the University is appointing Prof. Rachel Lev as the Commissioner of Complaints to prevent sexual harassment and maltreatment at the University.

Prof. Lev is available at the following addresses:

Prof. Rachel Lev, Head of the School of Art Therapy and Staff Member at the School of Social Work

Work phone no.: 04-2822045

Mobile phone no.: 0528795849

E-mail address: [RLEV@UNIV.HAIFA.AC.IL](mailto:RLEV@UNIV.HAIFA.AC.IL)

In accordance with that said in this procedure, the University is appointing Social Worker Iris Fessler as the Commissioner of Complaints to prevent sexual harassment and maltreatment at the University.

Social Worker Fessler is available at the following addresses:

Work phone no.: 04-8240608

This document only applies and is only monitored in its computerized versions in the University procedures folder in the organizational portal.



Mobile phone no.: 054-3213932

E-mail address: [ifessler@univ.haifa.ac.il](mailto:ifessler@univ.haifa.ac.il)

In accordance with that said in this procedure, the University is appointing Dr. Nira Pencer as the Deputy Commissioner of Complaints to prevent sexual harassment and maltreatment at the University.

The Deputy Commissioners of Complaints are available at the following addresses:

Dr. Nira Pencer

Work phone no.: 04-8240914

E-mail address: [nira@research.haifa.ac.il](mailto:nira@research.haifa.ac.il)

Coordinator

Ms. Sharon Sinay

Work phone no.: 04-8240629

The Students Union Secretary

Ms. Ahuva Hiat

Work phone no.: 054-2425233

E-mail address: [ahiat@univ.haifa.ac.il](mailto:ahiat@univ.haifa.ac.il)

**14.** This procedure shall come into effect upon its approval, and it substitutes any previous procedure or code that dealt with sexual harassment.

**15.** If there is a contradiction between the provisions of this procedure and any of the other applicable disciplinary codes or regulations, the provisions of this procedure shall prevail.

**16.** This procedure intends to add upon the provisions of the Law and the regulations, not to derogate from them.

This document only applies and is only monitored in its computerized versions in the University procedures folder in the organizational portal.



**17. Responsibility:**

- 17.1 The Department of Human Resources: appointing the commissioners, employee training and education.
- 17.2 The Students Dean - student training and education.
- 17.3 The Commissioners - handling complaints.