

Procedures for Preventing Sexual Harassment and Mistreatment at Oranim College

This Procedure is an Appendix to Oranim's Prevention of Sexual Harassment Bylaws

1. **Oranim** as an educational institution considers itself committed to **creating a meaningful learning and egalitarian environment** free of any abusive sexual behavior.
2. **Oranim** views **sexual harassment and mistreatment as a violation of the rights of every student and worker** at Oranim, and will do everything in its power to eradicate such phenomena.
3. **Under the Prevention of Sexual Harassment Act 1988-5758 (the "Act"), sexual harassment and mistreatment are criminal offenses and civil wrongs.**
4. **What is Sexual Harassment?**
 - a. Extortion of a person by threats, within the meaning of Section 428 of the Penal Code 1977-5737 (the "**Penal Code**"), when the act that demanded of that person is of a sexual nature (any form of conditioning, whether a demand for an act, or receipt of anything).
 - b. Indecent acts as defined in Sections 348 and 349 of the Penal Code (for example: touching, exposure of a sexual nature, voyeurism, masturbating in the presence of another person).
 - c. Repeated offers of a sexual nature (whether by speech, allusion, touch) even though the person to whom the advances are addressed has demonstrated to the harasser that she or he is not interested in these advances.
 - d. Repetitive references that focus on a person's sexuality, even though he or she has demonstrated to the harasser that she or he is not interested in these (verbally, in writing, or by conduct).
 - e. Contemptuous or degrading treatment directed at a person in relation to his or her gender or sexuality, including his or her sexual orientation, whether or not he or she has demonstrated that such treatment disturbs them.
 - f. Publication of a photograph, film, or a recording of a person, focusing on his or her sexuality, in circumstances where the publication may humiliate or demean the person, and their consent to the publication was not given. It is clarified in this regard, that "photograph, film, or recording" also includes the editing or combination of a photograph, film, or recording in a manner that identifies the person.

It is emphasized, that for the purposes of Sections 4C and 4D, there is no need to show a lack of interest in circumstances in which there is a relationship of authority at work or in general, any relationship of dependence, education, therapy, etc., or when the acts are directed at a minor or a helpless person. **For the avoidance of any doubt, a relationship between a manager and a college employee, or between a lecturer and a college student, is considered a relationship of authority.**

Lack of interest is demonstrated either in words or by conduct that clearly clarifies to the person making the advances that his or her advances are unwanted.

5. **What is Mistreatment?**

- a. **Mistreatment is harm of any kind resulting from sexual harassment, or a complaint or lawsuit filed for such sexual harassment or mistreatment.**

6. The Commissioners and their Role

6.1 In the setting of the Prevention of Sexual Harassment and Mistreatment Act, the College will appoint two commissioners to handle sexual harassment (hereinafter: the “**Commissioner / Commissioners**”).

6.2 The Commissioners will be qualified for performing their duties in terms of their skills, experience, and professional status, their interpersonal relations, and their familiarity with the law and the provisions of the applicable regulations and disciplinary arrangements. Each Commissioner will undergo professional training of no less than 18 hours close to the time of his or her appointment, which will cover the nature of the position, knowledge of the law, methods of prevention, and the manner of handling complaints. The College will ensure the Commissioners’ independence and an appropriate working environment, so that they will be free to act and exercise independent judgment.

6.3 The Commissioners’ Role

- a. To receive complaints and reports pertaining to sexual harassment and mistreatment.
- b. To investigate and deal with complaints, except in cases where the object of complainant is a civil servant. In such an event, the complaint will be forwarded to the Ministry of Education for investigation and processing by the Disciplinary Officer.
- c. If the Commissioner has a personal connection to the subject of the complaint or those involved with it, or is unable to investigate the complaint for any other reason, the complaint will be forwarded to another Commissioner, who will investigate the complaint in accordance with this Procedure.
- d. To transfer the complaint to disciplinary proceedings, if appropriate justification to do so is discovered.
- e. To refer the complainant for counselling and assistance if and when necessary.
- f. To advise, advocate, and instruct with respect to the prevention of the phenomena of sexual harassment and mistreatment, and their proper handling. To this end, the Commissioners will prepare an annual plan and a budget proposal, as customary at Oranim College.

7. Spheres of Dealing with Sexual Harassment and Mistreatment

- a. **On the Organizational Level:** Sexual harassment and mistreatment are considered serious disciplinary offenses that are handled at the highest levels of the organization and are viewed with the utmost severity, and can result in permanent exclusion from the College.

- b. **On the Criminal Level:** Criminal conviction, maximum sentences of several years of incarceration in accordance with the law.
- c. **On the Civil Level:** The court, or the employment tribunal, are authorized to award a complainant financial compensation up to NIS 120,000 without proof of damages, for any act of sexual harassment or mistreatment, and may also employ other measures.

8. Filing and Investigating Complaints

- a. Complaints and reports, including rumors, of suspected sexual harassment or mistreatment at Oranim should be referred to one of the Commissioners for the Prevention of Sexual Harassment and Mistreatment.
- b. The complaint can be submitted in writing or verbally. If a complaint is made verbally, its contents will be recorded by the Commissioner, and the complainant will sign the record to verify its content. The Commissioner will provide the complainant with a copy of the signed record or the written complaint. At the complainant's election, she or he may be accompanied by an associate during any meeting with the Commissioner.
- c. During the investigation of a complaint, the Commissioner will summon all concerned parties to an investigation, in accordance with his or her best understanding. Testimonies given orally will be recorded by the Commissioner, and the witness will sign the record to verify its contents. Recorded investigation conversations will be transcribed, and the participants will sign the transcript to verify its contents.
- d. The Commissioner will conduct a comprehensive inquiry until it is completed efficiently and without delay.
- e. The investigation of any complaint will be carried out with maximum protection for the dignity and privacy of those involved.
- f. Upon completion of the investigation of a complaint, the Commissioners will submit a written summary of the investigation, accompanied by reasoned recommendations regarding further treatment, to the following parties: the College Rector in the event that the object of complaint is an academic staff member; the CEO in the event that the object of complaint is an administrative staff member; and the Dean of Students in the event that the object of complaint is a student. In all cases, the officials will inform the President, all while meticulously protecting the parties' privacy.
- g. Oranim College take one of several courses of actions:
 - Shelve the complaint.
 - Transfer treatment of the complaint to disciplinary proceedings.
- h. Transferring a Complaint to Disciplinary Proceedings
 - i. If a decision is made to transfer a complaint to disciplinary proceedings, the Commissioners will transfer the relevant materials also to the Rector / CEO / Dean of Students, respectively (hereinafter: the "**Authorized Party**"). The relevant materials

include the complaint and its appendices, the response from the object of complaint, any correspondence conducted over the course of the investigation, and details of the interim measures taken – if any. In addition, the Commissioners will assist the employer in preparing the case for disciplinary proceedings, if necessary.

- ii. In the event that the object of the complaint is a member of the academic staff or administrative staff, the committee will include the Rector, CEO, and director of HR, the Commissioner in charge of the case (as observer), and a legal counsel (discretionary). The chair of the committee will be the Rector or the CEO, according to whether the object of complaint is a member of the academic or administrative staff. The object of complaint may come with his / her own legal adviser.
- iii. In the event that the object of complaint is a student, the committee will include the Dean of Students (Chair / Prosecutor), the Dean of the Faculty in which the student is studying, the Director of the Student Administration, the Commissioner in charge of the case (as observer), a legal counsel (discretionary). The object of complaint may be accompanied by his / her own legal adviser.

The object of complaint will be permitted to review the Commissioners' report, on prior arrangement with them within a reasonable time in advance (at least three days except in exceptional cases) prior to the committee hearing.

Minutes will be taken at committee meetings. At the end of each hearing, the committee will determine who is responsible for implementing any decision, and this will also be recorded in the minutes.

The decision will be made in the presence of the relevant committee members who have the right to vote, without additional attendees, except for the secretary of the committee if it determined that the committee has a secretary, and the legal counsel if needed.

- iv. The decision will be communicated to the complainant and the object of complaint, and they will confirm its receipt by signature.

i. Disciplinary Sanctions

- i. Depending on the results of the disciplinary inquiry, the committee may take any one of the disciplinary measures against the object of complaint, (including a combination of them) as detailed below (all of them or part of them) depending on the circumstances of the offense and its nature:

- A written reprimand, which will be recorded in the personal file of the object of complaint;
- A written warning, which will be recorded in the personal file of the object of complaint;
- Referral for instruction on the prevention of sexual harassment;
- Suspension from teaching / work / studies for a fixed term;

- Permanent exclusion from the College (subject to the approval of the President).
 - Full / partial denial of prior notice and severance pay, subject to any applicable law.
- ii. The committee has the authority to decide whether or not its decisions will be published on the College website. Publication will omit the names of the complainant and the object of complaint.
 - iii. The decisions of the committee will be taken into account for the purposes of academic or other promotion.
 - iv. In the event that there is a decision regarding a student, there will be consultation with the legal counsel regarding any need to inform a competent body in the Ministry of Education with respect to the decision.

The decisions of the committees, and all the materials accompanying the investigation procedures in the event of sexual harassment, will be kept in an encrypted folder, and will be opened only by the order of the CEO or President.

Appeal –

The object of complaint is entitled to appeal any decision, as well as any sanctions imposed.

In the event of an appeal against a committee's decision, the appeal will be forwarded in writing to the President within 15 days from the date of publication of the decision to the object of complaint.

An appeals committee will include the President (chair) and two other members as appropriate. This should preferably be arranged with a proper letter of appointment. The meetings will be attended by the Commissioner (observer) and legal counsel, if necessary.

j. Maintaining Confidentiality and Privacy

Oranim and everyone acting on its behalf who are involved in investigating complaints of sexual harassment and mistreatment, will respect the privacy of all those involved in the complaint, as far as possible, and noting any applicable legal requirements.

k. Additional Instructions

- i. In addition to the complaint, the complainant can also initiate criminal action, as abovementioned, by filing a complaint with the police. In addition, the complainant has the right to file a civil lawsuit.
- ii. It is obviously also possible to contact the Victims of Sexual Assault Assistance Center by phone at: 1202.

- iii. In addition to this procedure and the bylaws to which it is an appendix, posters on the prevention of sexual harassment and mistreatment have been posted on the bulletin boards throughout the campus, as well as on the website of the Rector's Office.
- iv. The detailed bylaws for the prevention of sexual harassment and mistreatment can be obtained at the College administration offices, the faculty secretariats, the offices of the student association, and the Dean of Students.

*** Everything stated in these regulations refers equally to both women and men.**

- I. In the context of the Prevention of Sexual Harassment Act, the College has appointed two Commissioners responsible for the subject: Dr. Inbar Lewkowicz, and Dr. Sawsan Awadh-Tabari.

The Commissioners can be contacted via email at: Here4u@oranim.ac.il