

Regulations for the Prevention of Sexual Harassment

Reichman University is committed to fostering an academic and work environment free from sexual harassment. The University regards all instances of sexual harassment and of intimidation or retaliation that accommodate sexual harassment with the utmost seriousness, and it will take all necessary measures to prevent such actions within the scope of its activities.

Sexual harassment and any form of intimidation or retaliation related to it (hereinafter: ‘intimidation’) violate human dignity, freedom, privacy, and equality between the sexes.

The Prevention of Sexual Harassment Law 5758–1998 came into effect on September 20, 1998. Since then, sexual harassment and intimidation have been recognized as criminal offenses and legal grounds for civil claims.

These Regulations are intended to clarify the key provisions of the Law and related Ordinances concerning the prevention of sexual harassment. In any case of discrepancy between Reichman University’s internal regulations and the applicable Law and Ordinances, the latter shall prevail. For further reference, they may be consulted as outlined in Section 10 of these Regulations.

In this document you will find:

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Reichman University has appointed Officers for the Prevention of Sexual Harassment. In any instance of inappropriate conduct – contact us:

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Part A: Definitions: Sexual Harassment and Intimidation

1. What is sexual harassment?

(a) Although sexual harassment is most commonly perpetrated by a man against a woman, it can also occur in other contexts—when a woman harasses a man, or between individuals of the same gender. The law recognizes and addresses all of these possibilities.

(b) The law differentiates between peer relationships and those involving a power dynamic. In cases where sexual harassment involves an abuse of power (by an employer or lecturer), the victim is not required to demonstrate resistance or express disinterest in order for the behavior to be considered harassment.

(c) Under the law, sexual harassment is defined as one of six prohibited forms of behavior, which include:

(1) Blackmailing a person into performing an act of a sexual nature.

For example: A lecturer who threatens a female student that if she does not give in to his sexual demands, he will fail her.

(2) Indecent acts.

For example: An employee touches a coworker in intimate places without his consent. A student exposes himself to a fellow student, without her consent. A lecturer touches a female student's intimate parts.

(3) Repeated propositions of a sexual nature, made toward a person who has made it unequivocally clear that they are unwelcome.

For example: A female student repeatedly invites a male student to spend a weekend together at a hotel, even after he has clearly indicated he is not interested. A lecturer invites a female student to a romantic meeting at his apartment.*

*In cases where sexual harassment involves an abuse of power, the person targeted does not need to demonstrate disinterest for the behavior to be considered harassment.

(4) Repeated references to a person's sexuality, even though the person to whom the references are addressed has indicated that they are not interested.

For example: A student repeatedly makes sexual comments about another student's appearance, despite the latter's clarifications that this is not to their liking. A lecturer comments on a student's sexuality.*

*In cases where sexual harassment involves an abuse of power, the person targeted does not need to demonstrate disinterest for the behavior to be considered harassment.

- (5) Derogatory or humiliating reference made to a person in relation to their gender or sexuality, including their sexual orientation.
For example: An employer uses sexually demeaning nicknames when addressing an employee. A lecturer humiliates a student based on their sexuality.
 - (6) “Video Law” – Publishing a photograph, video or recording of a person that focuses on their sexuality in circumstances in which the publication is likely to humiliate and demean them, and their consent for publication was not given.
- (d) Demonstration of Disinterest:

- (1) As a general rule, a person must express that they are not interested in the behavior constituting sexual harassment.
- (2) This should be communicated through clear and unambiguous words or actions.

This obligation does not apply in cases involving blackmail, derogatory or humiliating treatment, or the abuse of power, and in the case of repeated references/propositions in the form of “compliments” and “courtship.”

2. What does not constitute sexual harassment?

Despite the legislator’s efforts to define sexual harassment in detail, there still remain gray areas. For example, it is difficult to define in advance what might constitute derogatory or humiliating references to a person’s gender or sexuality. The prohibition on sexual harassment does not prohibit courtship that is made in good faith and out of mutual interest. The law also does not deal with harassment that is not sexual in nature.

3. What is intimidation and harm resulting from sexual harassment in the workplace?

According to the Prevention of Sexual Harassment Law, intimidation is harm of any kind resulting from sexual harassment, or from a complaint or lawsuit filed following sexual harassment.

For example: An employee testified that a superior intimidate another employee. As a result, her working conditions are worsened.

4. What is the “Context of Employment Relationships”?

According to the Prevention of Sexual Harassment Law, sexual harassment or harm resulting from sexual harassment in the “context of employment relationships” occurs in any of the following four circumstances:

- (a) At the workplace.
- (b) At any other place in which activity on behalf of the employer takes place.
For example: An employer's information booth at a fair.
Professional training that the employer conducts outside the workplace.
- (c) In the course of employment.
- (d) Abuse of power in the context of employment relationships in any place whatsoever.
For example: Sexual harassment that occurs in the superior's home.

**Part B: Ramifications of Sexual Harassment, Intimidation
 and Harm Resulting from Sexual Harassment in the Workplace**

5. Sexual harassment, intimidation and harm resulting from sexual harassment in the workplace are illegal behaviors.

- (a) Sexual harassment, intimidation, or harm resulting from sexual harassment in the workplace constitute:
 - (1) A criminal offense that may lead to imprisonment of the offender and a fine.
 - (2) A civil wrong for which a civil lawsuit may be filed against the offender, seeking monetary compensation, including punitive damages without proof of damage, as well as other remedies, whether permanent or temporary. In certain cases, a lawsuit may also be filed against the employer. A lawsuit against the employer for sexual harassment that occurred within the context of employment relationships will be filed in the Labor Court.
- (b) Choosing to pursue one course of action under Subsection (a) does not preclude the complainant from taking other courses of action listed in this Section.

6. Sexual harassment and intimidation constitute disciplinary offences according to the University's Disciplinary Regulations

Sexual harassment or intimidation committed by a student in the context of Reichman University activities constitutes a serious disciplinary offense under its Disciplinary Regulations for Students.

Part C: Reichman University's Policy and Responsibility

7. Sexual harassment, intimidation and harm resulting from sexual harassment violate Reichman University policy

Sexual harassment, intimidation and harm resulting from sexual harassment violate Reichman University policy and will not be tolerated. The University is committed to promoting and maintaining an academic and work environment that is free from such behaviors.

8. Responsibility of Reichman University

- (a) The Prevention of Sexual Harassment Law imposes special responsibility on employers and educational institutions for the actions of their employees and individuals in positions of superiority.
- (b) In the context of Reichman University's responsibility under this law, the University will be considered an employer, lecturers will be considered employees or superiors, and students will be considered employees.
For example: If a lecturer sexually harasses a female student studying at Reichman University, the incident will be classified as harassment of an employee by a superior. If sexual harassment occurs between two students, it is considered sexual harassment between employees.
- (c) The law exempts the employer from this special liability in cases where the employer has fulfilled its obligations under the Prevention of Sexual Harassment Law. The employer's primary duty is to take reasonable measures to prevent sexual harassment and intimidation; to handle effectively any incident brought to its attention; and to prevent recurrence of such acts. The employer is also required to remedy any harm caused to the complainant as a result of the harassment or intimidation. The following sections of the regulations outline how Reichman University is organized to prevent sexual harassment and intimidation within the scope of its activities, and, in the event such incidents occur, how they will be addressed.

Part D: Prevention of Sexual Harassment, Intimidation and Harm Resulting from Sexual Harassment in the Workplace

9. Preventive Measures

- (a) Reichman University requires every employee, lecturer, superior and student to refrain from acts of sexual harassment, intimidation, and harm resulting from sexual harassment within the scope of the University's activities.
- (b) Reichman University requires every employee, lecturer, superior and student to do everything in their power to prevent sexual harassment and intimidation, in order to create an academic and work environment free of such behavior.

- (c) Reichman University encourages and will allow all employees, lecturers, superiors and students to participate in organized awareness activities on the subject of sexual harassment, from time to time, and provided this does not disrupt the regular course of work and study at the University.
- (d) Reichman University requires all employees, students and superiors to participate in all university organized awareness and training activities on the subject of sexual harassment and its prevention.

10. Access to Information

- (a) All Reichman University employees, students and superiors are entitled and encouraged to review and obtain photocopies of the following documents:
 - (1) The Prevention of Sexual Harassment Law, 5758–1998.
 - (2) The Regulations for the Prevention of Sexual Harassment (Employer Obligations), 5758–1998.
 - (3) Reichman University's Policy for the Prevention of Sexual Harassment [this document].
 - (4) Information regarding Reichman University's awareness and training activities regarding prohibition of sexual harassment and its prevention.
- (b) Reichman University employees and superiors may obtain these documents from the Office of the CEO & Vice President.
For further clarification or additional information, they may contact the University's designated Officers for the Prevention of Sexual Harassment.
- (c) Students of Reichman University may obtain these documents from the Office of the Dean of Student Affairs.
For further clarification or additional information, they may also contact the University's designated Officers for the Prevention of Sexual Harassment.

Part E: Steps to Take in the Event of Sexual Harassment or Intimidation

11. Courses of Action Available to Individuals Subjected to Sexual Harassment or Intimidation

- (a) Any individual who believes they have been subjected to sexual harassment or intimidation has the right, under law, to pursue any or all of the following courses of action:
 - (1) Internal Proceedings at Reichman University: If the incident of sexual harassment or intimidation occurred within the framework of Reichman University's activities—whether in the framework of work or study—a complaint may be filed with the University's designated Officer for the Prevention of Sexual Harassment. This proceeding is detailed in Part F.
 - (2) Filing complaint with the Police.

(3) Pursuing civil legal action.

- (b) Reichman University recommends that in any event, individuals who experience sexual harassment or intimidation contact the University's Officer for the Prevention of Sexual Harassment, thus allowing the University to take appropriate measures to prevent the recurrence of such conduct.

This recommendation applies regardless of whether the individual chooses to pursue civil legal action at the same time.

Part F: Procedure for Filing a Complaint of Sexual Harassment or Intimidation and Reichman University's Process for Handling such Complaints

12. Who may file a complaint, and under what circumstances?

A complaint may be submitted by one of the following:

- (a) An individual who claims to have been subjected to sexual harassment or intimidation within the scope of Reichman University's activities. This includes students, Reichman University employees, job applicants, superiors, employees of a manpower agency or subcontractor assigned to work at the University, or any other individual.
- (b) Another person acting on behalf of an individual as described in Subsection (a). In such cases, it is recommended to provide evidence that the affected individual consents to the filing of the complaint (for example, a signed letter from the complainant).

13. To whom should the complaint be submitted?

- (a) Any complaint regarding sexual harassment or intimidation that occurred within the scope of Reichman University's activities must be submitted to the University's Officer for the Prevention of Sexual Harassment.
- (b) Should the complainant feel uncomfortable approaching the Officer for the Prevention of Sexual Harassment (for example, if they wish to complain about the Officer, or if the Officer possibly has a personal connection to the matter or the individuals involved), the complaint should be submitted to the appointed substitute.
- (c) In the absence of both the Officer for the Prevention of Sexual Harassment and the appointed substitute, the complaint may be submitted to the Vice President for Student Affairs who will forward the matter to the appropriate authority.

14. Content of the complaint

The complaint should include a detailed description of the incident, including:

- (a) Identification of the individuals involved, and any witnesses, if applicable.

- (b) A description of the circumstances of the incident(s), such as location and time.
- (c) A statement indicating whether the complainant made it unequivocally clear to the alleged harasser that the behavior was unwelcome.
- (d) A statement indicating whether a relationship of dependency, authority, or a similar dynamic exists between the complainant and the alleged harasser.

15. Method of submitting the complaint

- (a) It is preferable to submit the complaint in writing; however, verbal complaints are also accepted.
- (b) If a complaint is submitted verbally:
 - (1) The Officer for the Prevention of Sexual Harassment will document in writing the content of the complaint.
 - (2) The complainant will sign the written record to confirm the accuracy of its content.
 - (3) The Officer for the Prevention of Sexual Harassment will provide the complainant with a copy of the complaint.

16. Procedure for investigating a complaint

- (a) Upon receipt of a complaint, the Officer for the Prevention of Sexual Harassment will take the following steps:
 - (1) Inform the complainant of their legal options (as outlined in Section 11 of these regulations).
 - (2) Initiate an investigation of the complaint. For this purpose, and among other actions, the Officer will hear the complainant, the respondent and any other relevant witnesses, and will carefully examine all information available in connection with the complaint.
- (b) The Officer for the Prevention of Sexual Harassment will not conduct the investigation if they have a personal connection to the matter or to any of the involved parties. In such cases, the investigation will be transferred to the appointed substitute, or in their absence, to the Vice President for Student Affairs.
- (c) The investigation of the complaint will be conducted without undue delay.
- (d) The Officer will act with the utmost regard for the dignity and privacy of the complainant, the respondent and any other witnesses involved. Specifically:
 - (1) The Officer will not disclose any information obtained during the investigation except as required for the purpose of the investigation or by law.

- (2) The Officer will not inquire into the complainant's sexual history unless it pertains directly to the respondent, nor shall such information be taken into consideration.

This provision will not apply if the Officer determines that refraining from such inquiry or consideration would result in irreparable harm to the respondent.

- (e) Reichman University will protect the complainant throughout the investigation from any adverse consequences within the context of their employment or academic relationships resulting from the filing of the complaint, as well as from any other negative impact within the context of employment or academic relationships that could impede the investigation. Among other measures, the University will take appropriate steps to separate the respondent from the complainant to the extent possible and warranted under the circumstances.
- (f) Upon conclusion of the investigation, the Officer for the Prevention of Sexual Harassment will submit without delay a written summary with their reasoned recommendations regarding the further handling of the complaint, including consideration of each of the matters detailed in Section 17.
- (1) In cases where the complaint is filed against a Reichman University student, the summary will be submitted to the Dean of Student Affairs.
- (2) In cases where the complaint is filed against a Reichman University employee, superior, or any other individual, the summary will be submitted to the Vice President for Student Affairs.
- (3) In cases where the respondent is an employee of a manpower agency or subcontractor assigned to work at Reichman University, the summary will also be submitted to the respondent's formal employer.
- (g) Should Reichman University become aware of an incident of sexual harassment or intimidation that has occurred within the context of their employment or academic relationships, and no complaint has been submitted—or if a complainant was submitted but subsequently withdrawn—the matter will nonetheless be referred to the Officer for the Prevention of Sexual Harassment for investigation. In such cases, the Officer will conduct an investigation to the extent possible, in accordance with the provisions of this Section and with any necessary adjustments. If the complaint has been withdrawn, the Officer will also inquire into the reason for the withdrawal.

17. Reichman University's handling of incidents of sexual harassment or intimidation

- (a) Upon receipt of the Officer for the Prevention of Sexual Harassment's summary and recommendations, as outlined in Section 16(f), the Dean of Student Affairs or the Vice President for Student Affairs—as relevant—will, within no more than seven working days, determine whether to exercise their authority with respect to any of the following:

- (1) Issuing directives to the employees or students involved in the incident, including appropriate conduct guidelines within the context of employment and academic relationships; implementing measures to separate the respondent from the complainant; and taking additional employment– or academic–related actions, all aimed at preventing the recurrence of the harassment or intimidation, or remedying the harm caused to the complainant.
 - (2) In cases involving sexual harassment by a Reichman University student – initiating disciplinary proceedings in accordance with the provisions of the Disciplinary Regulations for Students.
 - (3) Deciding not to take any further action.
- (b) Reichman University will act without delay to implement the decision of the relevant body as outlined in Subsection (a), and will provide the complainant, the respondent and the Officer with a written and reasoned notice of the decision. The University will also allow both the complainant and the respondent to review the Officer’s summary and recommendations.
 - (c) Reichman University may, due to a change in circumstances, revise its decision under Subsection (a) or delay its implementation. In such cases, the University will issue a written and reasoned notice to the complainant, the respondent and the Officer for the Prevention of Sexual Harassment.
 - (d) Notwithstanding the above, Reichman University may postpone, amend, or delay implementation of its decision due to the existence of legal or disciplinary proceedings related to the matter under consideration. In such cases:
 - (1) The University will issue a written and reasoned notice to the complainant, the respondent and the Officer for the Prevention of Sexual Harassment.
 - (2) Until the conclusion of such proceedings, the University will act in accordance with the provisions of Section 16(e).
 - (3) Upon the conclusion of the proceedings, the University will issue a decision in accordance with Subsection (a).
 - (e) If the respondent is actively employed at Reichman University but formally employed by a manpower agency or subcontractor, Reichman University may, with the consent of the respondent’s formal employer, decide which party will be responsible for implementing all or part of the provisions of this section.

