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Prevention of Sexual Harassment Procedure

“Afeka” The Academic College of Engineering in Tel Aviv acts toward a learning and work environment that is free of sexual harassment.

The “Afeka College” views any sexual harassment, adverse treatment based on sexual harassment with the utmost severity, and will do all it can to prevent them in the framework of the College’s activity.

Sexual harassment and sexual based adverse treatment hurts a person’s dignity, choices, privacy and gender equality.

On 20.9.1998 the Sexual Harassment Prevention Law, 5758 - 1998 came into effect.

These Bylaws are intended to clarify the gist of the Prevention of Sexual Harassment Law and the Regulations. In the case of a conflict between these Bylaws and the Law and Regulations pursuant to the Law, the Law and the Regulations trump.

Those responsible on behalf of the College to handle complaints relating to sexual harassment are:

1. Complaints Commissioner - Adv. Karen Ben Haim (Ofek Administrator)

Tel. 03-7688684 - email- karen@afeka.ac.il

2. Deputy Complaints Commissioner - Ms. Lilach Sade (Human Resources Manager)

Tel. 03-76888711 - email - lilachs@afeka.ac.il

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1 Purpose

The purpose of this procedure is to guarantee that the Academic College of Engineering in Tel Aviv serve as a safe work place and learning environment, free of any sexual harassment or adverse treatment originating with sexual harassment.

2 Definitions

In this Procedure -

- 2.1 **“The College”**- Afeka, the Academic College of Engineering in Tel Aviv.
- 2.2 **“The Law”**- the Sexual Harassment Prevention Law, 5758-1998 and the Equal Opportunities at Work Law, 5748-1988.
- 2.3 **“Sexual Harassment”**- as defined in Section 3(a) to the Sexual Harassment Prevention Law and/or in Section 7 to the Equal Opportunities at Work Law (attached to this procedure as an appendix), carried out by an academic staff member, administrative staff member or student toward one of these, in the framework of the work place or studies.
- 2.4 **“Assault”**- as defined in Section 3(b) to the Sexual Harassment Prevention Law and/or in Section 7 to the Equal Opportunities at Work Law carried out by an academic staff member, administrative staff member or student toward one of these, in the framework of the work place or studies.
- 2.5 **“Within the framework of the Work Place or Studies”**- the College’s facilities and anywhere else in which activity is conducted on its behalf, and with respect to sexual harassment and/or adverse treatment that transpires while exploiting authority of work relations or studies, anywhere.
- 2.6 **“Victim”**- a member of academic staff, a member of administrative staff or student who was sexually harassed and/or adverse treatment.
- 2.7 **“Suspect”**- a member of academic staff, a member of administrative staff or student against whom a complaint was lodged for sexual harassment and/or adverse treatment.
- 2.8 **“A Member of Academic Staff”**- whoever on the day of the incident employee and employer relations prevailed between him/her and the College. And s/he was a member of the College’s academic staff.
- 2.9 **“A Member of Administrative Staff”**- whoever on the day of the incident employee and employer relations prevailed between him/her and the College and s/he was a member of the College’s administrative staff.
- 2.10 **“Student”**- whoever on the day of the incident was one of these:
 - Enrolled to attend studies at the College and as admitted by it as a student. From the time s/he enrolled and so long as s/he is registered as a student, including academic vacations.
 - Graduated but not yet received diploma.

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- 2.11 **“Complaints Commissioner”**- whoever is appointed to serve as a Complaints Commissioner for Sexual Harassment and/or Assault Matters, including his/her deputy.
- 2.12 **“Prosecutor”**- whoever is appointed to serve as a Prosecutor for Sexual Harassment and/or Assault Matters.
- 2.13 **“Disciplinary Tribunal”**- the Disciplinary Tribunal to entertain complaints concerning sexual harassment and/or adverse treatment matters.
- 2.14 **“Panel”**- three members of the Disciplinary Tribunal to be appointed to entertain a sexual harassment and/or adverse treatment complaint.
- 2.15 **“Appellate Tribunal”**- the Appellate Tribunal for judgements concerning sexual harassment and/or adverse treatment matters complaints.

3 Appointing a Complaints Commissioner

- 3.1 The College President will appoint a Complaints Commissioner and a Deputy Complaints Commissioner, for a period to be determined by him, and this according to the rules determined by the Minister of Justice to execute the Employer’s obligations pursuant to the law and by virtue thereof.
- 3.2 The Complaints Commissioner and his deputy will first be a senior academic staff member serving in the College full time and the other, a senior administrative staff member.
- 3.3 The President will appoint a woman to the role of a Complaints Commissioner and/or to the role of Deputy Complaints Commissioner.

4 Appointment of Prosecutor

- 4.1 The Prosecutor will be appointed by the College’s President for a term in office of three years. Whoever completed his/her term in office as Prosecutor can be reappointed for an additional term in office.
- 4.2 The Prosecutor will be a member of the College’s academic or administrative staff.
- 4.3 The Prosecutor will continue in office so long as another Prosecutor is not appointed to substitute him.
- 4.4 The Prosecutor will be entitled to appoint- at any stage of the hearing of the complaint- a jurist, to serve as a special complainant under him.

5 Appointing Tribunals

- 5.1 The College President and its Administrative Committee Chairman will appoint, jointly, six members to serve in the disciplinary tribunal’s plenum and another three (3) members to serve in the Appellate Tribunal.
- 5.2 The members to be appointed by the College President and its Administrative Committee Chairman to serve in the Disciplinary Tribunal and Appellate Tribunal will be

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- 5.3 The members to be appointed by the College President and its Administrative Committee Chairman to serve in the Disciplinary Tribunal and Appellate Tribunal will include both men and women and it is desirable that in each one of them there will also be those with a legal background.
- 5.4 The members of the Disciplinary Tribunal and Appellate Tribunal will be appointed for a term in office of three years and they can be reappointed for additional terms in office unlimitedly.
- 5.5 The College President and its Administrative Committee Chairman will appoint one of the members of the Disciplinary Tribunal and one of the members of the Appellate Tribunal to serve as Presidents of these Tribunals.

6 Secretariat

The Secretariat of the College will provide the Complaints Commissioner, Prosecutor, Disciplinary Tribunal and Appellate Tribunal the secretariat and administrative services they require.

7 Complaints Commissioner's Functions

- 7.1 To serve as an advisory entity relating to the prevention of sexual harassment and/or adverse treatment phenomenon in the College and to handle such a phenomenon.
- 7.2 To receive complaints and reports concerning sexual harassment or adverse treatment.
- 7.3 To clarify every complaint regarding these matters and to handle them.
- 7.4 To remit the complaint to a disciplinary proceeding once a suitable basis thereto was established.
- 7.5 To instruct that interim relief be invoked as stated in Section 12.1 to this Procedure.
- 7.6 To refer the victim, if necessary, to receive medical assistance or other.

8 Handling the Complaint

8.1 The Investigation

- 8.1.1 Complaints or reports pertaining to suspected sexual harassment or adverse treatment at the College will be referred to the Complaints Commissioner.
- 8.1.2 A complaint of sexual harassment or adverse treatment must be submitted to the Complaints Commissioner within three years of the time the harassment or adverse treatment was committed, and if referring to a continuous event, from the time the acts constituting harassment or adverse treatment ended.
- 8.1.3 The complain can be filed in writing or orally. If a complain is filed orally, the content thereof will be recorded by the Complaints Commissioner and the Complainant will sign the record to authenticate its content. The Complaints Commissioner's records will be internal and will not be remitted to others. (except to the Prosecutor).

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- 8.1.4 If a suspected act of sexual harassment or adverse treatment was reported to the Complaints Commissioner or a complaint regarding sexual harassment or adverse treatment that was submitted, the Complaints Commissioner will initiate the complaint investigation proceedings.
- 8.1.5 During the course of investigating the complaint the Complaints Commissioner will summon the suspect of the sexual harassment or adverse treatment, and will bring the details of the complaint to his attention and request his response. If a complaint was filed by a complainant other than the victim, the victim's consent will be required before the Complaints Commissioner contacts the suspect.
- 8.1.6 To investigate the complaint, the Complaints Commissioner is authorized to summon any academic staff member, administrative staff member or student and demand any information and/or document concerning or likely to concern the complaint from him.

Not assisting the Complaints Commissioner will be considered a disciplinary offense.
- 8.1.7 The Complaints Commissioner will conduct the investigation continuously until it is completed.
- 8.1.8 Should the Complaints Commissioner believe that the circumstances of the case necessitate assistance, he may seek the assistance of an entity such as a psychologist, social worker, staff member, attorney, retired judge and suchlike, to assist him in clarifying the circumstances of the case subject matter of the complaint.

8.2 The Decision

At the end of the investigation the Complaints Commissioner will decide to act in one of the following ways:

- 8.2.1 To archive the Complaint:
- Should the Complaints Commissioner believe that there is no substance to the complaint, he may instruct that the complaint be archived.
 - Where during the course of the investigation or as a result thereof, the complainant or the victim is convinced that his complain is inappropriate, the complaint will be rescinded.
 - Should the Complaints Commissioner believe that the complaint was filed in bad faith, he may recommend having the complainant stand trial.
 - The Complaints Commissioner will send the victim and/or the Complainant a notice, in writing, regarding his decision to archive the complaint.
 - The Complaints Commissioner's decision to archive the complaint can be appealed within 15 days before the College President.

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8.2.2 To transfer the handling of the complaint to a disciplinary proceeding:

Should the Complaints Commissioner decide to transfer the handling of the complain to a disciplinary proceeding, he will remit all the relevant material to the complaint to the Prosecutor, including:

- The Complaint and its appendices - if filed in writing, and if filed orally - recording its content as prepared by him.
- The Suspect's response.
- Any record kept by the Complaints Commissioner during the course of the investigation.
- Details of the interim means invoked - if invoked.

The Complaints Commissioner will assist the Prosecutor to prepare the complaint, if necessary.

9 Appointment of Panel

- 9.1 Upon filing a complaint concerning sexual harassment and/or adverse treatment, the Disciplinary Tribunal President will appoint a panel to be comprised of three members of the Disciplinary Tribunal plenum, to discuss the complaint.
- 9.2 The panel to be appointed by the Disciplinary Tribunal President will be comprised by such a manner to include representation of the victim and the assailant's sex.
- 9.3 The Disciplinary Tribunal President will appoint one of the members of the panel to serve as its chairman.

10 Proceedings

- 10.1 The filing of a complaint relating to sexual harassment and/or adverse treatment, the hearing concerning the complaint and the appeal of a judgement to be rendered proceedings are detailed in the "filing of a complaint concerning sexual harassment and/or adverse treatment proceedings and discussion thereof" appendix, the appendix is attached to this procedure and constitutes an integral part hereof.

The discussion of a complaint concerning sexual harassment and/or adverse treatment will be conducted in chambers.

- 10.2 No identifying details of the victim will be published in any manner and form and no detail identifying the assailant will be published in any manner, including a judgement, unless the Tribunal decides otherwise.

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11 Punishment

11.1 Where an assailant who is a student is convicted of sexual harassment and/or adverse treatment, the panel entertaining his case is authorized to impose upon him one or more of the punishments detailed in Section 22 of the Students Disciplinary Bylaws (01-00-2-003).

The provisions in Sections 24, 25 and 26 to such Bylaws will be applicable insofar as the punishment to be imposed upon such an assailant is concerned.

11.2 Where an assailant who is a member of the administrative staff is convicted of sexual harassment and/or adverse treatment, the panel entertaining his case is authorized to impose upon him one or more of the following punishments:

11.2.1 Reprimand.

11.2.2 Cutting his wage for a limited period.

11.2.3 Permanent cut in wages.

11.2.4 Suspension with partial wage or without wage, for a period of up to 6 months.

11.2.5 Dismissal with payment of severance pay.

11.2.6 Dismissal without payment of severance pay.

11.3 Where an assailant who is a member of the academic staff is convicted of sexual harassment and/or adverse treatment, the panel entertaining his case is authorized to impose upon him one or more of the following punishments:

11.3.1 Reprimand.

11.3.2 Removal from academic role (if he holds such a role).

11.3.3 Delay in promotion for a period not to exceed two years.

11.3.4 Suspension with partial wage or without wage, for a period not to exceed 6 months.

11.3.5 Revoking tenure.

11.3.6 Dismissal with payment of severance pay.

11.3.7 Dismissal without payment of severance pay.

12 Interim Relief

12.1 The Complaints Commissioner, upon coordinating with the authorized authorities at the College, will be authorized to instruct that interim relief be invoked where the purpose thereof is to ensure a separation between the harasser and the victim, by such a manner that on the one hand the victim will be protected and on the other the employment relations and/or the studies at the College are not prejudiced.

The Commissioner's authority refers to the period from the time the investigation starts and until the complaint is transferred to the Disciplinary Tribunal.

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12.2 Upon initiating the disciplinary proceeding, the authority to instruct that interim proceedings be invoked will be granted to the presiding panel.

13 Explanatory and Educational Actions

The College will hold explanatory activities, including seminars, discussion groups and distribution of information leaflets concerning the handling of the sexual harassment phenomenon and ways to prevent it.

14 Non-Disclosure

The College will respect, insofar as possible, the complainants, victims, suspects and assailants' details and this taking note of the statutory requirements and for the purpose of protecting other interests relating to the matter, including the College's duty to investigate sexual harassment and adverse treatment cases and to invoke means against those responsible for them and the obligation to exercise effective means to eradicate the sexual harassment phenomenon.

15 Annual Report

The Complaints Commissioner will submit to the College President (when the data so justifies this) an annual report pertaining to the scope of the sexual harassment and adverse treatment phenomenon at the College.

16 This procedure is in addition to the provisions in the Law and does not derogate from them.

17 Application

This procedure will commence on the later date between it being approved by the Administrative Committee and the Academic Council 22.07.08.

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18 Appendices

Appendix - Sexual Harassment Prevention Law, 5758-1998

a. Sexual harassment is each one of these acts:

1. Blackmail by way of threats within the meaning in Section 428 to the Penal Law, where the act demanded to be performed by the person is of a sexual nature.
2. Indecent acts, within the meaning thereof in Sections 348, and 349 to the Penal Law.
3. Repeated propositions of a sexual nature directed at a person, where that person has shown the harasser that he is not interested in the said propositions.
4. Repeated references directed towards a person, focusing on his sexuality, where that person has shown the harasser that he is not interested in said references.
5. Intimidating or humiliating reference directed towards a person in relation to his sex or sexuality, including his sexual tendencies.
6. Propositions or references as stated in paragraphs (3) or (4), directed toward one of those enumerated in sub-paragraphs (a) to (c). Under the circumstances detailed in these sub-paragraphs. Even if the harassed person did not show the harasser that he is not interested in such propositions or references:
 - a. A minor or a helpless person - where a relationship of authority, dependence, education or therapy is being exploited.
 - b. A patient in the framework of a mental or medical therapy session - exploiting that person's dependence upon the therapist.
 - c. To an employee in the framework of the work relations, and to a person in service, in the framework of the service - exploiting the position of authority in a work relationship or in service.

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Appendix - Equal Opportunities at Work Law, 5758-1988

- a. In the framework of work relations, an employer or superior on his behalf will not harm an employee or job candidate regarding the matters enumerated in Section 2 or in any other way, whereby the source of such harm is one of these:
1. Sexual harassment of the employee or of a job candidate committed by the employer, a superior on his behalf or by another employee. In this Law "Sexual Harassment" - within the meaning thereof in the Prevention of Sexual Harassment Law, 5758-1998 (hereunder - the Prevention of Sexual Harassment Law) provided that with respect to damage originating in sexual harassment under Section 3 (a) (3) and (4) to the said Law, a single proposition or reference suffices.
 2. A complaint or claim of an employee due to damage as stated in this section.
 3. An employee assisting another employee in connection with a complaint or claim due to damage as stated in this section.
- b. Damage originating in a complaint or claim as stated in sub-section (a) (2) and (3) will be subject to the provisions in Section 6(b).
- c. The provisions in this section will apply, with respect to an employer and employee, mutatis mutandis and as applicable also to whoever actually employs a person through a headhunter contractor and upon such an employed person.

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19 Updates to the document

Section	Nature of Update	Date Updated	Approved by
	Procedure Approval	22/Jul/08	Administrative Committee and Academic Council
11	Students Disciplinary Bylaws Number	27/Jun/23	Human Resources Manager, Lilach Sade
	Complaints Commissioner Role Update	11/Jul/23	
	Deputy Complaints Commissioner Update	11/Jul/23	

20 Documents/ Referrals

Document Heading/ Referral
Students Disciplinary Bylaws