

## **KOÇ UNIVERSITY**

### **SEXUAL HARASSMENT PREVENTION REGULATION**

#### **Purpose**

ARTICLE 1- (1) The purpose of this Regulation is to determine and regulate the principles towards the creation of a research, teaching and working environment free of any kind of sexual harassment based on sex, gender, sexual tendencies or any other similar grounds at Koç University. With this Regulation, Koç University declares its willingness and determination to make every effort to increase awareness of rights and actions available against the incidents of sexual harassment and to prevent such situations; to address and investigate any allegations and complaints of sexual harassment; to take disciplinary actions or run other appropriate legal mechanisms against anyone responsible for such an harassment.

(2) Koç University ensures that maximum care and diligence would be exercised to protect the human dignity and the right to privacy of parties or witnesses involved in any sexual harassment incident and any proceedings would be conducted according to the principle of privacy. This Regulation aims at protecting individuals defined as “victims” or witnesses of any kind of sexual harassment incident, encouraging individuals to report incidents that they have experienced or witnessed in a confidential and trustful manner and to stop undesired approaches, and increasing awareness of all persons under the scope of this Regulation with respect to this issue, as well as avoiding anyone to be subject unfounded allegations.

#### **Scope**

ARTICLE 2- (1) This Regulation covers sexually oriented behaviors, threat, force or restraint of liberty based on sexual discrimination and gender, and sexual harassment and similar approaches through mail, electronic mail and exposure on social media or text messages or any other communication devices by Koç University academic and administrative staff, subcontractor company representatives and employees, and individuals who are present in the university campus, and areas and vehicles allocated for university purposes, towards each other and third parties, without any limitation of place and time.

#### **Basis**

ARTICLE 3- (1) This Regulation is issued, based on the relevant articles of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, Higher Education Law No. 2547, Higher Education Institutions Directors, Academic Staff and Officers Disciplinary Regulation dated 21.08.1982 and numbered 17789, Koç University Administrative Staff Regulation and Koç University Code of Ethical Conduct and Practice Principles and with an aim of implementing them.

## **Definitions**

ARTICLE 4- (1) In respect of the implementation of this Regulation:

- a) **Sexual harassment:** Sexual harassment includes sexually oriented verbal, attitude or other types of behavior without the free consent of its object, whether or not there is a physical contact. A determination of the existence of a sexual harassment does not require the continuation of the behavior.
- b) **Counselor:** It is the Koç University staff who works in one of the academic or administrative departments such as the Dean of Student or Human Resources Directorate and the person that is assigned by the President as Counselor within the scope of this Regulation, tasked with providing counseling with regard to the process that would be run, to the staff who have been subject of a sexual harassment and witnesses who have witnessed incidents of sexual harassment.
- c) **Investigation Committee:** It is the committee assigned by the President to determine the incidents and investigate received information and complaints.
- d) **Witness:** It is the person other than the offender or the victim of an incident that may constitute a sexual harassment, that has received information via at least one of his/her senses in regard with the said incident. As to the implementation of this Regulation, third persons who have heard or known about the alleged incident of sexual harassment are also considered as witnesses.

## **Academic Research, Teaching and Working Environment Free of Sexual Harassment**

ARTICLE 5- (1) Koç University is responsible for providing an academic research, teaching and working environment free of sexual harassment. It is essential that academic and administrative staff as well as other persons who are covered by this Regulation, are respectful towards each other within the framework of the Koç University Code of Ethical Conduct and Practice Principles.

## **Duties and Responsibilities**

ARTICLE 6- (1) The President shall determine and assign individuals, who will serve as Counselors, among full time academic and administrative Koç University staff and ensure that there are adequate number of Counselors, in consideration of the opinion of the Koç University Center for Gender and Women's Studies.

(2) In the event that there is reasonable doubt that Koç University staff has become subject of an incident that may be considered as sexual harassment or upon complaint of such an incidence, the President shall be responsible for initiating an investigation, constituting an Investigation Committee to investigate the incident and calling the relevant individuals to duty.

(3) The Human Resources Directorate shall ensure that all parties within the scope are informed of possible disputes that can arise from incidents that may be considered as sexual harassment and of victim's rights in such



situations, and shall contribute to raising awareness within the institution and develop and organize informative programs for this purpose.

(4) The Human Resources Directorate shall develop training programs on psychological and legal aspects, and potential consequences of sexual harassment for the parties and institution and shall ensure that the Counselors to receive such training.

(5) The Counselors shall consider information or complaints received from victims, witnesses or third parties within the principles of “confidentiality” mentioned in the Regulation and counsel and advise the informants and complainants within the limits determined in this Regulation. In the event that the counselor is satisfied that the incident requires an investigation, s/he shall advise the complainant staff regarding his/her rights and remedies.

### **Prompt Action**

ARTICLE 7- (1) Koç University takes any information received regarding the incidents that may be considered as sexual harassment seriously and takes prompt action following the appropriate procedures to clear the situation taking into account its nature and severity. These procedures include an examination and investigation, measures to ensure the integrity of those proceedings and the resulting disciplinary sanctions.

### **Investigation Committee**

ARTICLE 8- (1) The President shall, without any delay, appoint an Investigation Committee upon receiving a complaint from a victim or witness staff in regard with an incident that may be considered as sexual harassment. The President shall take opinion from the Koç University Center for Gender and Women’s Studies while determining the members of the Committee.

(2) In case the victim or the person under investigation is an academic staff, the members of the Investigation Committee must have the same academic rank or above with the concerned. Equality or superiority of rank is required in investigations involving directors. The only exception to this rule is the Human Resources Director, who participates in the work of the committee as the “Rapporteur”. The Rapporteur shall not participate in the discussions and shall not have the right to vote. The Investigation Committee, which will be constituted for investigating cases that may be considered as incidents of sexual harassment, shall be formed from three Investigators. One clerk shall assist the Committee in their work. In cases where the number of offenders or victims is suspected to be high, the total number of the members of the Investigation Committee may be increased when considered to be necessary by the President, provided that this number stays odd. In order to constitute the Committee and start the investigation, the President shall send a written notice to the members of the Investigation Committee. The Investigation Committee shall obtain and gather evidence. If the first person receives the complaint is the Counselor, s/he, as well as all individuals who have witnessed the incident, if any, shall be heard by the Investigation Committee. In case of the investigation of an administrative staff, at least one committee member shall be from academic staff and superiority of rank applies.

(3) In line with the principle of confidentiality, no one, including the Committee members, can reproduce, copy or distribute the files produced during the investigation directed to the incident. All records shall be kept strictly in line with the principle of confidentiality. After the completion of the investigation, the Investigation Committee shall present its decision to the President. The President shall personally decide upon the investigation taking the decision of the Committee into account and shall notify his decision to the offender and the victim in person.

### **Investigation Procedure**

ARTICLE 9- (1) Following the address of any incidence of sexual harassment encountered by Koç University staff upon a receipt of information or complaint, the Investigation Committee shall conduct the necessary examination, hear witnesses, and ensure that all types of evidence to be collected and carry out other actions which it deems necessary to solve the matter. Persons falling under the scope of the Regulation, shall provide any information, file and documents requested by the Investigation Committee without delay and carry out any requested assistance. The investigatory actions shall be determined and regulated pursuant to the procedure foreseen in Article 23 of the Higher Education Institutions Directors, Academic Staff and Officers Disciplinary Regulation dated 21.08.1982 and numbered 17789.

(2) The Investigation Committee shall conduct and complete the investigations that shall be limited to the investigated persons and acts. If, during the investigation, the Committee determines that any other offences were at issue that should be subject to a disciplinary or criminal sanction or any other individuals should be included in the investigation, it shall immediately inform the President.

### **Right of Defense**

ARTICLE 10- (1) The Investigation Report cannot be issued without hearing the defense of those involved. Individuals that fail to submit their defenses in writing within the granted time period, which, in any case, may not be less than seven days, or present their defenses orally on a specified date or submit an evidence of a valid excuse within the specified time period shall be deemed to have waived their right of defense. The invitation letters sent to the investigated persons shall state the investigated act and that they shall be deemed to have waived their right of defense if they fail to submit their defenses within the specified time limit.

### **Terms of Limitations and Time Periods**

MADDE 11- (1) The terms of limitations foreseen in Article 19 and the investigation periods foreseen in Article 22 of the Higher Education Institutions Directors, Academic Staff and Officers Disciplinary Regulation shall apply to investigations under the scope of this Regulation.

### **Ensuring Confidentiality**

ARTICLE 12- (1) In dealing with the allegations of sexual harassment, Koç University shall act in accordance with the principle of confidentiality of the sexual harassment offender or victim, informer or witness at all stages.



Counselors and all individuals that are responsible for the implementation of this Regulation, shall show maximum respect to the privacy of individuals, who has reported incidents of sexual harassment or been accused of committing such an act. It is essential that during all stages related to the implementation of this Regulation privacy of parties and witnesses are ensured against other individuals and circumstances threatening their safety are prevented.

### **Training and Raising Awareness**

ARTICLE 13- (1) As part of their orientation program, all new staff employed at the Koç University shall be given the “Sexual Harassment Awareness Raising Training” that raises awareness and includes the relevant application procedures contained in the Regulation, following their employment.

(2) Koç University academic and administrative staff, representatives and employees of subcontractor companies are obliged to attend E-Learning Program for the Prevention of Sexual Harassment at least once a year.

### **Notification / Reporting**

ARTICLE 14- (1) Incidents that may be considered as sexual harassment are identified when the victim or witness informs a Counselor of their choice regarding the matter, request the Counselor’s services or notifies the President directly.

### **Counseling**

ARTICLE 15- (1) Counselors shall serve to provide information on the matters and mechanisms explained in this Regulation as well as providing counseling services to the individuals who wish to report incidents of sexual harassment.

(2) Counselors shall be chosen among the full time academic and administrative staff. Individuals, who are assigned by the President as Counselors, shall be notified of their assignment in writing. Training that shall be received by the assigned persons regarding the administrative procedures related to sexual harassment shall be provided in consultation with the Koç University Center for Gender and Women’s Studies. It shall be ensured that adequate number of Counselors, who are ready for active duty at the Koç University, is present to serve all academic and administrative staff. In case of a decrease in this number due to resignation or disposition, the President shall make new assignments so that the adequate number of Counselors would be reached. Human Resources Directorate shall ensure that names and updated contact details of the Counselors are announced on My.KU (<http://my.ku.edu.tr/>) intranet portal and easily accessible by all staff.

(3) The Counselors are tasked with accepting complaints or notifications. They shall hear the details of the incident from the reporting individual of a complaint or notification, try to understand the degree of impact encountered by the victim and direct the complainant, witness or victim in regard with the required actions. The

Counselors shall inform the victim or the complainant on the nature of the proceedings that shall take place to resolve the matter.

**Effective Date**

ARTICLE 17- (1) This Regulation shall enter into force at the time of its issuance.

**Implementation**

ARTICLE 18- (1) The President shall implement the provision of the Regulation.