

## **Hebrew University Regulations for the Prevention of Sexual Harassment**

### **1. Goal**

Sexual harassment and intimidation violate human dignity, freedom, privacy and equality between the sexes; sexual harassment is a serious criminal offense, a civil wrong and a disciplinary violation. Sexual harassment and intimidation affect work and study relationships and are contrary to University policy. The purpose of these Regulations is to ensure that the University is a safe working and study environment, devoid of any sexual harassment or intimidation of a sexual nature.

Any reference in these Regulations to the male gender applies equally to both genders.

### **2. Definitions**

<b>"Tribunal"</b>	A special disciplinary tribunal for the prevention of sexual harassment, to be appointed in accordance with the provisions of these Regulations.
<b>"Sexual harassment"</b>	<p>As defined in the Prevention of Sexual Harassment Law 5758-1998 (hereinafter: "the Law"). Without prejudice to the generality of the provisions of the Law, sexual harassment also includes any of the following:</p> <ol style="list-style-type: none"><li>1. Coercing a person to perform an act of a sexual nature.</li><li>2. An indecent act.</li><li>3. Repeated propositions of a sexual nature, despite the fact that the person to whom the propositions are addressed has indicated that he is not interested in them. However, it is not necessary to indicate lack of consent in the following cases:<ol style="list-style-type: none"><li>a. Abuse of positions of authority at work.</li><li>b. Abuse of positions of authority, relationships of dependency, education, treating a minor, a helpless person or a patient.</li></ol></li><li>4. Repeated references to a person's sexuality, even though the person to whom the references are addressed has indicated that he is not interested. However, there is no need to indicate lack of consent in the cases mentioned in section (3) above.</li><li>5. Humiliating or disparaging reference to a person's gender or sexual tendencies, whether or not the</li></ol>

- person has indicated his discomfort with this.
6. Publicizing a photograph, a video clip or recording of a person that focusses on his sexuality, in circumstances in which the publication might humiliate or debase the person, and he has not given his consent to the publication.

Regarding this definition, “indicated” – in words or by behavior, provided that there was no reasonable doubt regarding the significance of the behavior; “reference” – in writing, orally, or through a visual or audio display, including by computer, computerized material or behavior.

**“Intimidation”**

Intimidation is causing harm in any form to a victim, a witness or a third party who took a stand in favor of a victim, in connection with sexual harassment or with a complaint or allegation of sexual harassment.

**“Service Provider”**

A person or corporation providing a service to the University.

**“Framework of University Activity”**

Each of the following:

1. An activity conducted within the boundaries of the University, or within its facilities;
2. Any other location where an activity is conducted on behalf of the University;
3. In any place whatsoever in the course of work or studies;
4. In any place whatsoever while abusing a position of authority in work or studies.

**“Professional jurist”**

A judge or retired judge of a court in Israel, or any person who was a member of the Israel Bar, of at least five years standing, and who is not a Hebrew University employee nor provides services for payment to the University.

**“Defendant”**

Any person who, on the day of the incident, is a University employee, service provider or employee of a service provider, or a student who is alleged to have perpetrated an act of sexual harassment or intimidation.

**“Victim”**

A person against whom it is alleged that an act of sexual harassment or intimidation, as defined by the Law, was perpetrated in the course of University activities.

**“Commissioner”**

The Commissioner for the Prevention of Sexual Harassment.

<b>“University Employee”</b>	A person who on the day of the incident: 1. Had an employer-employee relationship with the University, or 2. Is retired and continues his activities at the University or who was present at one of its facilities, or 3. An employee of an employment agency employed on the premises of the University.
<b>“Prosecutor”</b>	The prosecutor in offences of sexual harassment, to be appointed in accordance with the provisions of these Regulations.
<b>“Student”</b>	A person who, on the day of the incident, was included in one of the following categories: 1. He enrolled to the University and was accepted by the University as a student, including in special study programs and the Department for External Studies, the pre-academic program, the one-year program for foreign students, post-doctoral students, accounting students in their fourth year, and students in any special program that does not award an academic degree, from the time of submitting his registration forms to the University and for as long as he is registered as a student, including during vacation from studies. 2. He enrolled at the University and his enrolment was declined, or has not yet been accepted, from the time of submitting his enrolment until receiving the refusal or acceptance. 3. He has completed his studies but has not yet received a certificate.
<b>“Disciplinary Regulations”</b>	The disciplinary regulations applying to the defendant according to his affiliation: disciplinary regulations for academic workers, disciplinary regulations for University administrative workers and disciplinary regulations for students.

### **3. Appointing a Commissioner for the Prevention of Sexual Harassment**

- 3.1 The President of the University will appoint two Commissioners, for a period of 3 years, with the possibility of extending their appointment for additional periods.
- 3.2 The Commissioner is in an independent position; she will operate according to the provisions of the Law and these Regulations in order to realize the objectives of these Regulations.

- 3.3 The termination of the Commissioner's service prior to the end of her tenure will be effected by the President, with the approval of the Board of Managers and subject to a hearing.
- 3.4 Insofar as possible, women will be appointed to this position.
- 3.5 Two Commissioners will serve in this position: one, a member of the University's academic staff, with permanent tenure at the University; and, the second, a member of the administrative staff. Pensioners of the University may be appointed to this position. Both Commissioners are accorded equal powers by virtue of these Regulations.
- 3.6 The Commissioners will appoint deputies, by mutual agreement, and at least one deputy will serve at each University campus. At least one deputy will be a student in a graduate program or at a higher level. The deputies will be appointed with the approval of the President of the University.
- 3.7 The deputies will have the authority granted to them by the Commissioners, excluding judicial authority under these Regulations.
- 3.8 The Commissioners will appoint a "team of assistants" from amongst University employees and students. This team will undergo appropriate training for assisting victims of sexual harassment at the University. An assistant will accompany the victim, at the victim's request, throughout the investigation of the complaint; he will support the victim and is permitted to participate in any process pertaining to the complaint. The assistant will act, with the help of the Commissioners, to ensure appropriate academic assistance for the victim. The victim is permitted to choose an assistant who is not a member of the assisting team. The provisions of section 19 below regarding confidentiality will also apply to the assistant. The Student Union will appoint a coordinator for the prevention of sexual harassment.
- 3.9 Shortly after the appointment or the extension of the appointment, each Commissioner and each deputy will participate in a suitable professional training program of no less than 18 hours duration, dealing with the nature of the position, familiarity with the Prevention of Sexual Harassment Law, methods of prevention and handling of complaints.

#### **4. Commissioner's Responsibilities**

- 4.1 To serve as an address for any matter involving or pertaining to sexual harassment or intimidation at the University.

- 4.2 To advise the University authorities and its officers on the subject of prevention and treatment of sexual harassment and intimidation at the University.
- 4.3 To provide training, guidance and counselling for people turning to them and for any other person at the University.
- 4.4 To ensure the existence of training and informational activities for the University community, dealing with the prevention of sexual harassment and intimidation, at least once a year.
- 4.5 To receive every complaint and investigate it efficiently in accordance with the provisions of the Law and these Regulations.
- 4.6 To deal with complaints and reports on sexual harassment and intimidation within the framework of University activities.
- 4.7 To pass on the complaint to the disciplinary Prosecutor or relevant authority at the University, in accordance with the provisions of section 8, and to continue assisting the victim during the disciplinary process and update the victim on decisions connected to the complaint, in accordance with the provisions of section 16.5 below.
- 4.8 To order that interim steps be taken, as stated in section 10 below.
- 4.9 To refer the victim, as needed, to receive medical, mental or other assistance.
- 4.10 To initiate informational and training activities, including the distribution of the Regulations, as stated in Section 17 below, together with the Department of Human Resources and the Dean of Students.
- 4.11 To establish procedures for providing psychological and academic assistance to the victim.
- 4.12 To prepare and submit reports, as specified in section 20 below.

## **5. Reporting Sexual Harassment**

- 5.1 A University employee or student who suspects that sexual harassment or intimidation has been perpetrated by a University employee or student on an employee or student in the framework of University activities, will immediately report this to the Commissioner or to one of her deputies (hereinafter: "reporting harassment"), unless the victim asked him not to submit such a report.

- 5.2 Deans, school directors, deputy deans, and heads of academic and administrative units are responsible for reporting immediately to the Commissioner or to one of her deputies any instance brought to their attention of a suspicion of sexual harassment or intimidation, and for providing the Commission any assistance required in order to deal with the information.
- 5.3 University officers, senior staff or office-bearers, excluding those responsible for disciplinary claims and the disciplinary tribunal, will not deal alone with suspicions of sexual harassment and intimidation.

## **6. Submitting a Complaint**

- 6.1 A complaint or report of harassment will be submitted in writing or orally to the Commissioner. If a complaint is submitted orally, the Commissioner will write out the content of the complaint. The complainant will be asked to sign the document in order to confirm its content, and the Commissioner will provide him with a copy of the signed document.
- 6.2 A complaint or report will include, inter alia and insofar as possible, the names of those involved in the incident, a description of the harassment (including dates and locations) and the names of witnesses, if such exist.
- 6.3 The Commissioner will inform the victim of the means of handling sexual harassment and intimidation pursuant to the Law, and will notify the victim that sexual harassment is an offense and a civil wrong, and that he may, regardless of the disciplinary process, submit a complaint to the police and lodge a civil claim.
- 6.4 The Commissioner will notify the victim that he may receive psychological assistance as part of the University's advisory services and that he may receive help from an assistant, as stated in section 3.8 above. The Commissioner will ensure appropriate academic assistance for the victim.
- 6.5 The Commissioner will also deal, insofar as possible, with anonymous complaints, and with reports of harassment even if the victim refuses to submit a complaint or to cooperate in investigating the report.
- 6.6 The Commissioner to whom the complaint or report about harassment has been submitted will update the other Commissioner on this matter, to prevent simultaneous investigations of the same matter by the two Commissioners.
- 6.7 If the complaint or report about harassment was submitted to the Deputy Commissioner, the investigation will be transferred to one of the Commissioners, unless the investigation by the Deputy

Commissioner is pursuant to his authority by virtue of section 3.7 above, or if this is necessary to comply with the victim's request that the investigation be conducted by a person of the same gender as the victim.

- 6.8 A Commissioner will not investigate a complaint or report about harassment in any case in which there is a reasonable concern about a conflict of interest or bias, and jurisdiction in this case will be transferred to the other Commissioner. If both Commissioners are prevented from investigating the complaint or the report for the above reason, the matter will be transferred to one of the deputy commissioners, as decided by the President of the University.

## 7. Investigating the Complaint

- 7.1 The Commissioner to whom a complaint on sexual harassment or intimidation was submitted, or a report, whether or not a complaint was submitted, will immediately initiate an investigation of the complaint or report. The Commissioner will conduct the investigation in an efficient manner and without delay until the completion of the process.
- 7.2 The Commissioner will hear, inter alia, the plaintiff, the victim and witnesses, if such exist, and will check all information received about the complaint.
- 7.3 Upon receiving the complaint or report on harassment, the commissioner will summon the defendant, present the details of the complaint to him and request his response. Notwithstanding the above:
- 7.3.1 Under special circumstances, to be recorded in the complaint file, the Commissioner is authorized not to summon the defendant for the purpose of investigating the complaint.
- 7.3.2 At the victim's request, under special circumstances to be recorded in the complaint file, the Commissioner is authorized not to solicit the defendant's response before proceeding with her investigation of the complaint.
- 7.3.3 No action will be taken against the defendant without first giving him the chance to respond to the complaint.
- 7.4 If the victim retracts his complaint, the Commissioner will investigate the reason for this retraction and she is authorized to continue the investigation if she deems fit, at her discretion.
- 7.5 In the event that investigation of the complaint or report of harassment raises a reasonable doubt that a felony has been

committed and the victim has given his consent, the Commissioner will report to the police on the information in her possession, and will continue to investigate the case, subject to police directives. In the case of suspected sexual harassment and of a minor or a helpless person, the Commissioner will notify the police of the details and continue her investigation, subject to police directives.

- 7.6 Investigation of the complaint will be conducted while ensuring maximum protection of the dignity and privacy of the victim, the defendant and the witnesses. The Commissioner will not disclose any information she received during the investigation, unless she is required to do so, for the purpose of the investigation or by law.
- 7.7 Every University employee and student must hand over to the Commissioner, at her request, any document or information in his possession that the Commissioner requires for the purpose of investigating the complaint or report of harassment, and he must cooperate in this matter. An unjustified refusal to cooperate in this matter constitutes a disciplinary offense.
- 7.8 The Commissioner is authorized to call upon assistance from any University body, including the Student Counseling Services and the Office of the Legal Adviser for the purpose of investigating the complaint.

## **8. The Commissioner's Recommendation to Conduct a Disciplinary Hearing and Reporting the Findings of the Investigation**

- 8.1 Upon completion of the investigation of the complaint or report of harassment, the Commissioner will submit her recommendations concerning further investigation to the Prosecutor. The Commissioner will attach the following documents to her recommendation:
  - 8.1.1 The complaint and its appendices (if submitted in writing) and if submitted orally – a summary of the complaint.
  - 8.1.2 The defendant's response.
  - 8.1.3 Details of the testimony, if taken.
  - 8.1.4 Details of interim measures adopted, if adopted.
  - 8.1.5 Any other relevant information.
- 8.2 Without detracting from the authority of the Prosecutor under section 12, if the victim and the defendant are both students, the Commissioner is authorized to decide not to submit a disciplinary complaint. The Commissioner will deliver a report of her decision to the Prosecutor, together with the documents as stated in Section 8.1

- 8.3 If the defendant is a service provider or an employee of a service provider, the Commissioner will deliver her recommendation to the University authority responsible for the dealings with the service provider and, if needed, she will order that authority to demand that the disciplinary investigation be conducted by the service provider.
- 8.4 The Commissioner will deliver written notification of her recommendation to the complainant and the defendant.
- 8.5 In the event that the Commissioner is of the opinion that the complaint or report are false, the Commissioner will make her recommendation on the continued investigation to the Prosecutor, including her recommendation as to whether disciplinary action should be taken against the plaintiff or the informant. The Commissioner will attach the documents specified in section 8.1 above to her recommendations.
- 8.6 Upon completion of the investigation of the complaint or report, and subsequent to the Prosecutor's decision where the Prosecutor's decision is required under section 12 below, the Commissioner will deliver to the authorized University representative, as defined below, a written summary of her investigation, together with her decisions regarding the complaint or report, including recommendations about issuing instructions to those involved in the case, recommendations about measures to prevent a recurrence of the incident or to repair the damage caused to the plaintiff or the victim.
- 8.6.1 The authorized University representatives for the purpose of this section are:
- 8.6.1.1 A defendant who is an administrative employee – the Director General of the University.
- 8.6.1.2 A defendant who is an academic employee – the Rector.
- 8.6.1.3 A defendant who is a student – Dean of Students, with a copy for the information of the Rector.
- 8.6.1.4 A defendant who is a service provider or an employee of a service provider – the University body responsible for the service provider and the service provider.
- 8.6.2 The Commissioner will send a copy of all summaries to the Office of the Legal Adviser.

8.7 The Commissioner will receive current reports on the progress of the disciplinary investigation into the complaint or report of harassment, and will update the victim on this matter.

**9. The Commissioner's Special Authority in Regard to Disciplinary Proceedings**

9.1 The Commissioner is authorized to suggest to the victim and the defendant to submit the matter to mediation, before her or another mediator. If it is decided to submit the matter to mediation, the Commissioner will notify the Prosecutor, who is authorized to decide whether to defer the decision on opening disciplinary proceedings until the completion of the mediation process.

9.2 The Commissioner is authorized to conduct a disciplinary hearing to decide on the complaint or report of harassment only if both the defendant and the victim are students, and they both have agreed in writing to the disciplinary hearing being held before the Commissioner, after the provisions of these regulations in this matter have been explained to them. The Commissioner will rule on this matter in accordance with her assessment of whether the circumstances of the case allow for an investigation and the conduct of a fair and efficient process before her, and it is appropriate to do so. The following provisions will apply in such a case:

9.2.1 The disciplinary process before the Commissioner will be conducted without the presence of lawyers representing the parties.

9.2.2 The hearing before the Commissioner will take place in the presence of the defendant and the victim, unless the victim requested not to be present at the hearing. The Commissioner will record a protocol with details of the proceedings. The Commissioner will allow the victim to state his case, she will allow the defendant to respond, hear witnesses as she deems fit, and she will hand down a reasoned decision and the sentence in the case of a conviction.

9.2.3 In the event that the Commissioner convicts the defendant, she is authorized to impose any penalty prescribed in the Student Disciplinary Regulations that is within the penal competence of the Dean.

9.2.4 Prior to conducting a hearing, as stated above, the Commissioner will report to the Office of the Legal Adviser that she plans to conduct such a hearing. The Office of the Legal Adviser will notify the Attorney General before the hearing is conducted, pursuant to

the provisions of sections 268-272 of the Penal Law, 5737-1977.

- 9.2.5 At any stage prior to the Commissioner handing down her decision, the Commissioner is authorized to transfer the continuing investigation in the case to the Prosecutor.
- 9.2.6 The Commissioner's decision in the disciplinary process can be appealed before a special disciplinary appeals tribunal, as stated in Section 14 below.
- 9.3 The Commissioner is authorized to take any additional measures required for fulfilling her function.

## **10. Interim Measures**

- 10.1 The Commissioner, after consulting with the competent authorities at the University, is authorized to order the adoption of interim measures for the purpose of protecting the victim or preventing any harm to other people.
- 10.2 The Commissioner may order, inter alia, that the defendant be suspended from his employment or that he be transferred to another position or unit, if he is an employee, or that he be suspended from his studies, if he is a student, and she may bar the defendant from entering any University facilities, including the student dormitories, or part thereof, for a period of up to two weeks.
- 10.3 The Rector, if the defendant is a member of the academic staff, the Director-General, if the defendant is a member of the administrative staff, and the Dean of Students, if the defendant is a student, is authorized to order an extension of the duration of interim measures, as decided by the Commissioner pursuant to section 10.2 above, if she deems this necessary to protect the victim or to prevent any harm to other people. The authorized bodies, as stated above, may decide whether, during the suspension period, the employee will receive regular or reduced pay; the maximum rate of reduction will be half of the employee's salary. A defendant who was suspended and not convicted at the end of the process for a disciplinary offense will be entitled to receive his full salary for the period of suspension, according to its value at the time of payment and according to his rank during the period of suspension.
- 10.4 The Commissioner may order that the defendant or other persons not be involved, directly or indirectly, in decisions pertaining to the victims, insofar as this is required for the protection of the victim from intimidation or fear of intimidation.

- 10.5 The authority of the Commissioner and of the other bodies mentioned in section 10.3 above to decide on interim measures applies for the period as of the date of submission of the complaint until the handing down of another decision by the disciplinary tribunal.
- 10.6 Before taking these interim measures, the Commissioner will give the defendant and the victim an opportunity to state their arguments. In special cases, where this is necessary to protect the victim or other people, the Commissioner may order that immediate measures be taken even prior to hearing the defendant, on condition that she give the defendant an opportunity to state his arguments at the earliest time possible in the given circumstances.
- 10.7 Decisions regarding interim measures pursuant to this section, including the decision to apply a certain interim measure and a decision not to apply any interim measures, may be appealed to a tribunal. The following people may appeal the Commissioner's decision: the defendant, the victim, the Rector – if the defendant is a member of the academic staff or a student, and the Director-General – if the defendant is a member of the administrative staff.

## **11. Prosecutor for the Prevention of Sexual Harassment**

- 11.1 The Board of Managers will appoint, at the President's recommendation, two prosecutors for offenses of sexual harassment. One prosecutor will be a lawyer who is not a University employee (hereinafter: "External Prosecutor"). The second prosecutor will have a legal education and will be a member of the academic staff, including a pensioner (hereinafter: "Internal Prosecutor").
- 11.2 The External Prosecutor will be responsible for decisions regarding the initiation of disciplinary proceedings for sexual harassment and intimidation regarding a defendant who is a member of the academic staff or the administrative staff. The Internal Prosecutor will be responsible for decisions regarding the initiation of disciplinary proceedings for sexual harassment and intimidation regarding a defendant who is a student.
- 11.3 The Prosecutor will not be involved in decisions in any case where a real concern about conflict of interests or bias exists, and jurisdiction regarding this matter will be transferred to the other prosecutor.
- 11.4 The Prosecutor will be permitted to consult with others for the purpose of clarification and investigation in order to conduct the process before the disciplinary tribunal.

## **12. Decision Regarding the Commencement of Disciplinary Proceedings**

- 12.1 The Prosecutor will decide whether to submit a disciplinary complaint regarding sexual harassment or intimidation. The Prosecutor will decide on this matter after receiving the Commissioner's recommendation. The Prosecutor is authorized to submit a complaint even if the Commissioner recommended not to do so, including a complaint for offenses other than those which the Commissioner recommended and for cases of harassment or intimidation other than those which the Commissioner dealt with.
- 12.2 The Prosecutor is authorized, although not obliged, to conduct investigations in addition to those conducted by the Commissioner, prior to deciding whether to submit a disciplinary complaint. Every University employee or student is obliged to hand over to the Prosecutor, at his demand, any document or information in his possession that is required by the Prosecutor for the purpose of investigating a complaint or reporting harassment and to cooperate on this matter. An unjustified refusal to cooperate constitutes a disciplinary offense. In his actions the Prosecutor will protect the dignity and privacy of all concerned.
- 12.3 If the Commissioner recommended not to submit a disciplinary complaint on a certain matter, the Prosecutor may adopt this recommendation and order the termination of the investigation into the complaint or report of harassment.
- 12.4 If the Commissioner recommended submitting a disciplinary complaint in a certain case, and according to the Prosecutor this should not be done, the matter will be transferred to the other Prosecutor for his decision, which will be final. If one of the Prosecutors is prevented from dealing with a certain matter due to conflict of interests or a real concern about bias, the President of the University will appoint a temporary replacement for the Prosecutor, who will decide on this matter.
- 12.5 The Prosecutor's decision regarding commencement of disciplinary proceedings will be made efficiently, and without delay. As a rule, the decision will be made within 30 days from the date of the Commissioner's recommendation, unless special circumstances require postponement of the date of decision. In the case of a postponement, as stated above, the Prosecutor will report to the President on the postponement and the reasons for it.
- 12.6 The Prosecutor will immediately report on his decision to the Commissioner, the defendant, the victim, the informant about the harassment and to the Office of the Legal Adviser. The Office of the Legal Adviser will notify the Attorney General before the disciplinary hearing is conducted, pursuant to the provisions of sections 268-272 of the Penal Law, 5737-1977.

12.7 If the Prosecutor is considering reaching a plea bargain with the defendant, he will do so only after consulting with the Commissioner and only after informing the victim of his decision to reach a plea bargain and enabling him to express his position on this matter.

### **13. Special Tribunal for the Prevention of Sexual Harassment**

- 13.1 The Special Tribunal for the Prevention of Sexual Harassment (hereinafter: "the Tribunal") will have sole jurisdiction to decide on disciplinary complaints for cases of sexual harassment and intimidation. The Tribunal will also have jurisdiction regarding accusations of other disciplinary offenses stemming from acts of sexual harassment and intimidation.
- 13.2 The Tribunal will be comprised of 12 members, to be elected by the Board of Managers from the following lists, with three members from each list. There will be at least one person of each gender in each list:
- 13.2.1 List of public figures: professional jurists proposed by the President of the University.
  - 13.2.2 List of the academic staff: members of the academic staff, at least one of them with a legal education, proposed by the Standing Committee.
  - 13.2.3 List of the Student Council: whoever is not a student at the University and is not a service provider for pay to the University or to the Student Council, proposed by the Student Council.
  - 13.2.4 List of the administrative staff: whoever is not a member of the administrative staff of the University and does not occupy a position in professional unions signed on collective agreements that apply to University employees, proposed by the employees' union of the Hebrew University.
- 13.3 The Board of Managers will appoint a person from the list of public figures to serve as President of the Tribunal.
- 13.4 The members of the Tribunal will participate in a seminar dealing with the nature of the position, familiarization with the Prevention of Sexual Harassment Law, means of prevention and handling complaints.
- 13.5 In cases in which the defendant is a member of the academic or administrative staff and the victim (or one of the victims) is a student, and also, when the defendant is a member of the academic staff and the victim is a member of the administrative

staff, the Tribunal will comprise three members, with representation of both genders. In other cases, including cases in which the defendant is a student or when the defendant and the victim are both members of the academic staff or they are both members of the administrative staff, the hearing will be held before a single judge.

- 13.6 The President of the Tribunal will determine the panel of judges, according to the following rules:
- 13.6.1 If the hearing is held before a single judge, he will be from the list of public figures or the academic staff. If the defendant is represented by a lawyer, a judge with a legal education will fill this position.
- 13.6.2 If the hearing is held before a panel of three judges, the presiding judge will be from the list of public figures.
- 13.6.3 If the defendant is a member of the academic staff:
- 13.6.3.1 If the victim is a student, a member of the academic staff and a member of the Student Council will sit on the panel of judges;
- 13.6.3.2 If the victim is a member of the administrative staff, a member of the academic staff and a member of the administrative staff will sit on the panel of judges;
- 13.6.3.3 In other cases, a person from the list of public figures and a member of the academic staff will sit on the panel of judges, in addition to the chairperson.
- 13.6.4 If the defendant is a member of the administrative staff:
- 13.6.4.1 If the victim is a student, a member of the administrative staff and a member of the Student Council will sit on the panel of judges;
- 13.6.4.2 If the victim is not a student, a person from the list of public figures or a member of the academic staff, and a member of the administrative staff, will sit on the panel of judges.

#### **14. Appeals Tribunal**

- 14.1 Appeals against Tribunal decisions will be heard by the Appeals Tribunal that operates by virtue of the disciplinary regulations applying to the defendant (hereinafter: "the Appeals Tribunal").
- 14.2 Members of the Appeals Tribunal will participate in a seminar, dealing with the nature of the position, familiarization with the Prevention of Sexual Harassment Law, means of prevention and handling of complaints.

#### **15. Authority of the Tribunal and the Appeals Tribunal**

- 15.1 The Tribunal and the Appeals Tribunal will conduct their proceedings in accordance with the disciplinary regulations applying to the defendant, and will respect the procedural rights granted to the defendant by virtue of the regulations applying to him, mutatis mutandis. In any case of discrepancy between the abovementioned disciplinary regulations and these Regulations, the provisions in these Regulations regarding complaints of sexual harassment and intimidation will apply.
- 15.2 In addition to that stated in the disciplinary regulations regarding complaints of sexual harassment and intimidation, the Tribunal and the Appeals Tribunals are authorized to order interim measures. The provisions of section 10 above will apply in this event, mutatis mutandis.
- 15.3 In special cases, for reasons which will be recorded, the Tribunal is authorized to rule that the victim's testimony will be heard without the defendant's presence in the room, on condition that the defendant is able to follow the testimony from another room.
- 15.4 In addition to the penalties prescribed in the disciplinary regulations, in cases of convictions of sexual harassment and intimidation the Tribunals and Appeals Tribunals are authorized to award monetary compensation to the victim, in an amount of up to three gross salaries (if the defendant is a member of the academic or administrative staff) or up to NIS 25,000 (this amount will be linked to the Cost of Living Index) (if the defendant is a student).
- 15.5 In addition to the penalties prescribed in the disciplinary regulations, in cases of convictions of sexual harassment and intimidation the Tribunal and Appeals Tribunal are authorized to order the expulsion of the defendant from the campus, the dormitories, or from all University premises, for a period of time that it determines.

## **16. Publicizing the Tribunal Rulings**

- 16.1 Peremptory decisions of the Tribunal and the Appeals Tribunal in the cases of complaints of sexual harassment and intimidation, and decisions of the Commissioner handed down in proceedings under sections 10.1 or 10.2 above, will be published according to the provisions of this section, on the Commissioner's website, soon after the date that the Tribunal's decisions became final.
- 16.2 The Tribunal's rulings will be published excluding details that might lead to the identification of the victim.
- 16.3 The body that handed down the decision may determine that the decision, or parts thereof, including the identity of the defendant, will remain confidential. The President, the Rector and the Director-General may, at any time, apply to the body that handed down the decision and which decided on the confidentiality of the decision pursuant to this subsection, requesting the annulment of the decision of confidentiality due to a change in circumstances. The decision will not be annulled until the defendant or another person who might be harmed by the publication have been given a chance to express their arguments in this matter.
- 16.4 The President or the Rector may announce the existence of a disciplinary process, including the filing of a complaint, and the decision concerning suspension or interim measures.

## **17. The Victim's Rights**

- 17.1 The victim is entitled to protection from the defendant or anyone on his behalf, insofar as possible and as needed.
- 17.2 The victim is entitled to receive information about his rights in the framework of the investigation and the disciplinary process and of the anticipated stages in the disciplinary process or any other process connected to the complaint.
- 17.3 The victim is entitled to view the disciplinary complaint insofar as one is submitted, and to be present in disciplinary hearings pertaining to the case brought before the Tribunal and the Appeals Tribunal, and in the hearing before the Commissioner under sections 10.1 and 10.2 above.
- 17.4 The Prosecutor will update the victim, via the Commissioner, of the stages of investigation in the disciplinary process and enable him to express his position before making a decision to close the case or agree to a plea bargain or open compromise procedures, insofar as these are done.

- 17.5 The investigation and disciplinary processes will be conducted within a reasonable period of time, to prevent additional harm to the victim and to prevent delays of justice.
- 17.6 The investigation will be conducted with meticulous adherence to maintenance of the victim's dignity and privacy.
- 17.7 The victim is entitled to have a person accompany him during investigations by the Commissioner and during the disciplinary process, in accordance with the provisions of section 3.8 above.
- 17.8 The conduct of an investigation or a disciplinary process does not detract from the victim's right to take legal or civil action against the defendant outside of the University.

## **18. Information Activities**

- 18.1 The University will hold ongoing training and informational activities, including seminars and the distribution of information on the subject of dealing with and preventing sexual harassment and intimidation, including through the distribution of educational software for preventing sexual harassment and intimidation and through these Regulations; these will be effected by means of the Department of Human Resources regarding employees, and the Dean of Students regarding students, in coordination with the Commissioner.
- 18.2 The Department of Human Resources is responsible, together with the Commissioner, for initiating informational and educational activities, including seminars and the distribution of information on sexual harassment and intimidation, educational software for preventing sexual harassment, and these Regulations amongst University employees. These activities will be conducted at least once a year.
- 18.3 Department heads and deans are responsible, together with the Commissioners, for issuing and distributing these Regulations at least once a year amongst the academic staff, employees and students in their units, according to the instructions of the Department of Human Resources.
- 18.4 The Department of Human Resources is responsible, together with the Commissioner, for initiating informational and educational activities, including seminars and the distribution of information on sexual harassment and intimidation, educational software for preventing sexual harassment and these Regulations amongst University students. The Dean of Students, together with the Commissioners, will make the identity of the Commissioners and their deputies, and their contact information, known on the website and on noticeboards at the campuses. The Department will also notify senior staff, employees and students of the prohibition

against sexual harassment and intimidation and the employer's obligations by law to prevent sexual harassment. These actions will be taken at least once a year.

- 18.5 The Commissioner will ensure that these Regulations are distributed at least once a year by the University via the Deputy Director-General for Human Resources to all University employees; via the Dean of Students to all students; and via the Director of Administration – to all service providers.
- 18.6 University employees and students must participate in training sessions using targeted educational software on preventing sexual harassment. The students must participate in these sessions within 30 days of commencing their studies at the Hebrew University, and employees must do so at least once every three years. The Commissioner will set dates for refreshing the information or holding renewed information sessions. The Department of Human Resources will enact regulations for the enforcement of this directive with respect to employees, and the Dean of Students, with respect to students. Non-enforcement of these Regulations constitutes a disciplinary offense.
- 18.7 The University administration will set a budget annually for the informational and training activities of the Commissioner.
- 18.8 These Regulations will be published on the University's website.

## **19. Maintaining Confidentiality**

- 19.1 The Commissioner and any other office-bearer will retain all information regarding submissions to the Commissioner or her deputies in full confidentiality, and will not hand over information to any other body, other than in cases in which they are required to do so according to these Regulations or under any law.
- 19.2 Subject to the provisions of section 16 above, until the handing down of a peremptory decision in a disciplinary process, all procedures and decisions will be confidential. Nevertheless, if the defendant has so requested, and after giving the victim an opportunity to express his arguments in this matter, the body conducting the disciplinary hearing may order that the proceedings be public, having regard to all circumstances relevant to this case.

## **20. Reporting and Preserving Documents**

- 20.1 The Commissioner will prepare an annual report in which she describes in detail the various activities undertaken by the University to prevent sexual harassment, the number of complaints submitted and the manner of dealing with them, without identifying details.
- 20.2 The Commissioner will submit the report to the President of the University, the Rector and the Director-General.
- 20.3 The University's Board of Management and Standing Committee will hold a discussion once a year on the report, with the participation of the Commissioner.
- 20.4 The Commissioner will submit the report to the Council for Higher Education, to the Authority for Promoting the Status of Women and the Committee for Promoting the Status of Women and Gender Equality in the Knesset.
- 20.5 The report will be published on the website of the Commissioner.
- 20.6 The Commissioner will maintain the documents in her possession, in the same manner that judgments from disciplinary tribunals are maintained.

## **21. Miscellaneous Provisions**

- 21.1 Proceedings by virtue of these Regulations will not be taken into account for purposes of the limitation periods prescribed in the various disciplinary regulations.
- 21.2 These Regulations are additional to all laws or University regulations and do not detract from them.
- 21.3 No disciplinary measures will be taken against any defendant, other than by virtue of the provisions of these Regulations or other disciplinary regulations that apply to the defendant.