

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 all genders.

2. DEFINITIONS

“Tribunal”

A special disciplinary tribunal for the prevention of sexual harassment, to be appointed in accordance with the provisions of these Regulations.

“Sexual harassment”

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:

1. Coercing a person to perform an act of a sexual nature.
2. An indecent act.
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:
 - a. Abuse of positions of authority at work.
 - b. Abuse of positions of authority, relationships of dependency, education, treating a minor, a helpless person or a patient.
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.
5. Humiliating or disparaging reference to a person’s gender or sexual tendencies, whether or not the 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 or intimidation.

“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.

“Complainant”

A person who lodged a complaint of sexual harassment or intimidation.

“Commissioner”

The Commissioner for the Prevention of Sexual Harassment.

“University Employee”

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.

“Prosecutor”

The prosecutor in offences of sexual harassment, to be appointed in accordance with the provisions of these Regulations.

“Student”

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.

“Disciplinary Regulations”

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 extension for two additional periods of tenure.
- 3.2 Insofar as possible, women will be appointed to this position.
- 3.3 Two Commissioners will be appointed: 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 vested with equal powers by virtue of these Regulations.

- 3.4 Each Commissioner is independent in her actions, and she shall operate in accordance with the Law, the Regulations and these Regulations, for the purpose of realizing the aims of these Regulations.
- 3.5 Termination of the tenure of a Commission prior to the end of the period of tenure shall be effected by the President with the approval of the Board of Managers and subject to a hearing being held.
- 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 Deputy-Commissioners will have the powers delegated to them by the Commissioners, excluding judicial powers under these Regulations.
- 3.8 Shortly after her appointment or the extension of her tenure, 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.
- 3.9 The Commissioners will appoint a “team of assistants” from amongst University employees and students.
 - 3.9.1 Members of this team will undergo suitable training for assisting victims of sexual harassment at the University.
 - 3.9.2 An assistant will accompany the victim, at the victim’s request, throughout the investigation of the complaint; she will support the victim and is permitted to participate in any process pertaining to the complaint.
 - 3.9.3 An assistant will act, with the help of the Commissioners, to ensure appropriate academic assistance for the victim.
 - 3.9.4 A victim is entitled to choose an assistant who is not a member of the assisting team.
 - 3.9.5 The provisions of section 19 below regarding confidentiality will also apply to the assistant.

3A. EXCLUSIVE POWERS OF THE COMMISSIONER AND PREVENTION OF CONFLICT OF INTERESTS

- 3A1. The Commissioner shall have exclusive power to handle complaints and reports of sexual harassment and intimidation at the University. University functionaries, managers, or office bearers, excluding the officers responsible for disciplinary proceedings and the disciplinary tribunals, will not themselves handle cases of suspicions of sexual harassment or intimidation, and they will act in accordance with the provisions of sec. 6 below.
- 3A2. A Commissioner will not be involved in the investigation of a complaint or a report of sexual harassment or intimidation in any case in which there is a real suspicion of conflict of interests or bias, and the authority in the matter will be transferred to the other Commissioner. In the event that both Commissioners are prevented from dealing with the investigation of the complaint or the report for the said reason, the matter will be transferred to one of the Deputy-Commissioners, as decided by the President.

4. COMMISSIONER'S FUNCTIONS

- 4.1 To receive each complaint and investigate it efficiently in accordance with the provisions of the Law, the regulations and these Regulations.
- 4.2 To deal with complaints and reports of sexual harassment and intimidation within the framework of University activities, in accordance with the provisions of these Regulations.
- 4.3 To serve as an address for any matter involving or pertaining to sexual harassment or intimidation at the University
- 4.4 To advise the University authorities and its officers on the subject of prevention and treatment of sexual harassment and intimidation at the University.
- 4.5 To provide training, guidance and counselling on matters of sexual harassment and intimidation for people turning to them and for any other person at the University
- 4.6 To initiate and conduct informational and training activities at least once a year on the subject of prevention of sexual harassment and intimidation, including the distribution of the Regulations, in conjunction with the Department of Human Resources and the Office of the Dean of Students.
- 4.7 To order that interim steps be taken, as specified in section 12 below.
- 4.8 To refer the victim for medical, psychological, academic or other assistance, as necessary.
- 4.9 To prepare and submit reports, as specified in section 20 below.

5. PROSECUTOR FOR MATTERS OF PREVENTION OF SEXUAL HARASSMENT

- 5.1 The Board of Managers will appoint, at the President's recommendation, two prosecutors for sexual harassment offenses.
- 5.2 The Prosecutors will be appointed for a period of three years, which may be extended for one additional period.
- 5.3 One Prosecutor will be a lawyer who is not a University employee (hereinafter: "External Prosecutor"), who will be responsible for decisions regarding the initiation of disciplinary proceedings for sexual harassment and intimidation involving a defendant who is a member of the academic staff or the administrative staff.
- 11.5 The second Prosecutor will have a legal education and will be a member of the academic staff, including a pensioner (hereinafter: "Internal Prosecutor"), who will be responsible for decisions regarding the initiation of disciplinary proceedings for sexual harassment and intimidation involving a defendant who is a student.
- 5.5 A Prosecutor will not be involved in decisions in any case in which a real concern about conflict of interests or bias exists, and the authority regarding this matter will be transferred to the other Prosecutor, or to a temporary deputy who will be appointed by the President of the University for the purpose of investigating or deciding the matter.
- 5.6 A Prosecutor will be permitted to seek assistance from others for the purpose of clarification and investigation and in order to conduct the process before the disciplinary tribunal.

6. DUTY TO REPORT SEXUAL HARASSMENT

- 6.1 A University employee or student who suspects that sexual harassment or intimidation has been perpetrated in the framework of University activities will immediately report this to the Commissioner or to one of her deputies (hereinafter: "report of harassment"), unless the victim asked him not to submit such a report.
- 6.2 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 Commissioner with any assistance required in order to deal with the information.

7. LODGING A COMPLAINT OR REPORT WITH THE COMMISSIONER

- 7.1 A complaint or report of harassment will be lodged in writing or orally with the Commissioner or with one of her deputies. The Deputy Commissioner will inform the Commissioner immediately about the complaint or report, and will act according to her instructions. If a complaint is lodged orally, the Commissioner will transcribe the contents of the complaint. The complainant will be asked to sign the document in order to confirm its contents, and the Commissioner will provide him with a copy of the signed document.
- 7.2 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.
- 7.3 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, lodge a complaint with the police and file a civil claim.
- 7.4 The Commissioner will, if necessary, suggest to the victim that he receive psychological assistance in the framework of the University's counselling services and that he receive help from an assistant, as stated in section 3.9 above. The Commissioner will provide suitable academic assistance for the victim if necessary.
- 7.5 The Commissioner will also deal, insofar as possible, with anonymous complaints, and with reports of harassment even if the victim refuses to lodge a complaint or to cooperate in investigating the report.
- 7.6 The Commissioner with whom the complaint or report about harassment has been lodged will update the other Commissioner on the matter, to prevent simultaneous investigations of the same matter by the two Commissioners.

8. INVESTIGATING THE COMPLAINT

- 8.1 The Commissioner with whom a complaint on sexual harassment or intimidation was lodged, or to whom a report was made, whether or not a complaint was lodged, 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.
- 8.2 The Commissioner is authorized to investigate complaints of sexual harassment or intimidation only. Insofar as suspicions or claims arise, in the framework of investigation of a complaint or a suspicion of sexual

harassment or intimidation, concerning matters that are not sexual harassment or intimidation, the Commissioner will pass on the details concerning these claims or suspicions to the authorized body at the University for investigation.

- 8.3 The Commissioner will hear, *inter alia*, the complainant, the victim, the defendant and witnesses if such exist, and will examine all information received concerning the complaint. The Commissioner may approach any other body in order to conduct a full and effective investigation.
- 8.4 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:
 - 8.4.1 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.
 - 8.4.2 No action will be taken against a defendant and no decisions made or conclusions drawn against a defendant without him first being given an opportunity to respond to the complaint.
- 8.5 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.
- 8.6 In circumstances in which 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.
- 8.7 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.
- 8.8 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. A refusal to cooperate or to hand over to the Commissioner material or a document, which the appropriate disciplinary authority has determined to be unjustified in the circumstances, is liable to constitute a disciplinary offense.

- 8.9 The Commissioner may request the assistance of any University body, including the Student Counseling Services and the Office of the Legal Adviser for the purpose of investigating the complaint.

9. THE COMMISSIONER'S RECOMMENDATION TO CONDUCT A DISCIPLINARY HEARING

- 9.1 Upon completion of the investigation of the complaint or report of harassment, the Commissioner will submit to the Prosecutor her recommendations concerning holding a disciplinary hearing as specified below:
- 9.1.1 In cases in which the defendant is a member of the academic or the administrative staff of the University – to the External Prosecutor.
 - 9.1.2 In cases in which the defendant is a student – to the Internal Prosecutor.
 - 9.1.3 In cases in which both the defendant and the victim are students, the Commissioner has the authority to decide whether to hold a disciplinary hearing. The Commissioner will submit to the Internal Prosecutor a report of her decision, together with the material specified in section 9.2.
- 9.2 The following material shall be attached to the recommendation or report of the Commissioner:
- 9.2.1 The complaint and its appendices (if lodged in writing) and if lodged orally – a summary of the complaint.
 - 9.2.2 The defendant's response.
 - 9.2.3 Details of the testimony, if taken.
 - 9.2.4 Details of interim measures adopted, if adopted.
 - 9.2.5 Any other relevant information.
- 9.3 In cases in which 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 dealing with the service provider and, if needed, she will order that authority to demand from the service provider to take disciplinary action and to report to the University on this action.
- 9.4 In the event that the Commissioner is of the opinion that the complaint or report are false, the Commissioner will make her recommendation on disciplinary proceedings to the Prosecutor, including her recommendation as to whether disciplinary action should be taken against the plaintiff or the informant. The Commissioner will attach to

her recommendations the relevant information upon which her recommendation is based.

10. WRITTEN SUMMARY OF THE INVESTIGATION OF THE COMPLAINT AND REPORT TO THE AUTHORIZED FUNCTIONARY

- 10.1 Upon completion of the investigation of the complaint or report, and subsequent to the Prosecutor's decision where the Prosecutor's decision as to prosecution is required, the Commissioner will submit a report to the authorized University functionary.
- 10.2 The report will contain the following:
- A written summary of the investigation of the complaint;
 - The recommendation of the Commissioner and the decision of the Prosecutor with respect to the complaint or the report;
 - The decision of the Commissioner in cases in which she is authorized to decide;
 - Recommendations with regard to issuing instructions to those involved;
 - Recommendations regarding measures to prevent a recurrence of the incident or to repair the harm caused to the complainant or to the victim.
- 10.3 The authorized functionaries for the purpose of this section are:
- 10.3.1 A defendant who is an administrative employee – the Director General of the University.
- 10.3.2 A defendant who is an academic employee – the Rector.
- 10.3.3 A defendant who is a student – Dean of Students (a copy shall be sent to the Rector for his information).
- 10.3.4 A defendant who is a service provider or an employee of a service provider – the service provider and the University body responsible for him.
- 10.4 The Commissioner will send a copy of all summaries to the Office of the Legal Adviser.
- 10.5 In the event that the Commissioner made recommendations concerning the issuing of instructions or adoption of measures, the authorized functionary will study the Commissioner's recommendations and decide whether to adopt them. The authorized functionary will report to the Commissioner of his decision within 15 days, and will instruct those involved at the University as to the execution of the decisions that were taken and provide assistance to the Office of the Commissioner as required.

- 10.6 Upon receiving the decision of the authorized functionary, the Commissioner will report to the defendant and the victim on the decision, and will allow them to study her summary and recommendations. For special reasons that shall be recorded, the Commission is permitted, in coordination with the suitable University functionary, not to report to the defendant her decision not to lodge a complaint against him and not to adopt disciplinary measures against him.

11. SPECIAL POWERS OF THE COMMISSIONER'S IN RELATION TO DISCIPLINARY PROCEEDINGS

- 11.1 The Commissioner is authorized to propose to the victim and the defendant that the matter be submitted to mediation, before her or another mediator. If it is decided to submit the matter to mediation, the Commissioner will notify the Prosecutor thereof. The Prosecutor is authorized to defer the decision on commencing disciplinary proceedings until the completion of the mediation process. The Prosecutor will be notified of the results of the mediation process, and as a rule, he will adopt the arrangement that was concluded in the framework of the process, if concluded, unless he found a special reason, which will be recorded, for not doing so.
- 11.2 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 decide 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:
- 11.2.1 The disciplinary process before the Commissioner will be conducted without the presence of lawyers representing the parties.
- 11.2.2 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.
- 11.2.3 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.

11.2.4 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 commences, pursuant to the provisions of sections 268-272 of the Penal Law.

11.2.5 At any stage prior to handing down her decision, the Commissioner is authorized to transfer the ongoing handling of the case to the Prosecutor.

11.2.6 The Commissioner's decision in the disciplinary process can be appealed before a special disciplinary appeals tribunal, as provided in Section 15 below.

11.3 The Commissioner is authorized to take any additional measures required for fulfilling her function.

12. INTERIM MEASURES

12.1 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.

12.2 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.

12.3 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, are authorized to order an extension of the duration of interim measures as decided by the Commissioner, if they deem this necessary to protect the victim or to prevent any harm to other people.

12.4 The authorized bodies as stated 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.

- 10.5 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 necessary for the protection of the victim from intimidation or fear of intimidation.
- 12.6 The authority of the Commissioner and of the other bodies specified above to decide on interim measures applies for the period as of the date of lodging of the complaint until the handing down of another decision by the disciplinary tribunal.
- 12.7 Before taking these interim measures, the Commissioner will give the defendant and the victim an opportunity to state their arguments. In special cases, where necessary to protect the victim or other people, the Commissioner may order that immediate measures be taken even prior to the defendant having been given an opportunity to make his position heard, on condition that the defendant be given an opportunity to do so at the earliest time possible in the given circumstances.
- 12.8 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.

13. DECISION REGARDING THE COMMENCEMENT OF DISCIPLINARY PROCEEDINGS

- 13.1 The Prosecutor, after having studied the Commissioner's recommendation, will decide whether to lodge a disciplinary complaint.
- 13.2 The Prosecutor is authorized to lodge a complaint even if the Commissioner recommended not to do so.
- 13.3 The Prosecutor is authorized to lodge a complaint for other offenses under these Regulations even if they differ from those which the Commissioner recommended, and for cases of harassment or intimation other than those with which the Commissioner dealt provided that the defendant was given an opportunity to respond to them.
- 13.4 The Prosecutor is permitted, although not obliged, to conduct investigations in addition to those conducted by the Commissioner, and he is authorized to instruct the Commission to take additional investigative action, prior to deciding whether to lodge a disciplinary complaint.
- 13.5 Every University employee or student is obliged to hand over to the

Prosecutor, upon 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.

- 13.6 In his actions the Prosecutor will preserve the dignity and privacy of all concerned.
- 13.7 The Prosecutor's decision regarding commencement of disciplinary proceedings will be made efficiently, and without delay. As a rule, the Prosecutor's decision will be made within 30 days from the date of the Commissioner's recommendation, unless special circumstances necessitate 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.
- 13.8 The Prosecutor will report his decision to the Commissioner and the Office of the Legal Adviser without delay.
- 13.9 The Commission will report the Prosecutor's decision to the defendant and the victim.
- 13.10 For special reasons which shall be recorded, and in coordination with the functionary, the Commissioner is authorized not to report to the defendant on the Prosecutor's decision not to lodge a complaint against him.
- 13.11 The Office of the Legal Adviser will notify the Attorney General prior to the commencement of the disciplinary process, pursuant to the provisions of sections 268-272 of the Penal Law.
- 13.12 In the event that the Prosecutor is considering concluding a plea bargain with the defendant, he will do so only after consulting with the Commissioner, and only after notifying the victim of his decision to conclude a plea bargain and allowing him to make his position on this matter heard.

14. SPECIAL TRIBUNAL FOR THE PREVENTION OF SEXUAL HARASSMENT

- 14.1 The Special Tribunal for the Prevention of Sexual Harassment (hereinafter: "the Tribunal") will have sole jurisdiction to decide on disciplinary complaints for acts of sexual harassment and intimidation. Alongside accusations relating to sexual harassment or intimidation, the Tribunal will also have jurisdiction regarding additional disciplinary offenses stemming from those acts.
- 14.2 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 sex in each list:

- 14.2.1 List of public representatives: Professional jurists proposed by the President of the University.
 - 14.2.2 List of the academic staff: Members of the academic staff, proposed by the Standing Committee.
 - 14.2.3 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.
 - 14.2.4 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.
- 14.3 The Board of Managers will appoint a person from the list of public representatives to serve as President of the Tribunal.
- 14.4 The members of the Tribunal will participate in a training course, including a session in electronic media, dealing with the nature of the position, familiarization with the Prevention of Sexual Harassment Law, means of prevention and handling of complaints.
- 14.5 The Panel of the Tribunal:
The Tribunal, in which there will be representation of both sexes, will sit as a three-judge panel in the following cases:
- 14.5.1 The defendant is a member of the academic or administrative staff and the victim (or one of the victims) is a student.
 - 14.5.2 The defendant is a member of the academic staff and the victim is a member of the administrative staff.
 - 14.5.3 The Tribunal consist of a single judge:

When the defendant is a student or when the defendant and the victim are both members of the same staff. In the event that the defendant and the victim are both members of the same staff, the judge sitting as a "single judge" will be selected from the list of public representatives.
- 14.6 The President of the Tribunal will determine the panel of judges, according to the following rules:
- 14.6.1 A single judge:
 - A person from the list of public representatives
 - or from the list of the academic staff.

- If the defendant is represented by a lawyer, a person with a legal education will be appointed as a single judge.

14.6.2 A three-judge panel:

14.6.2.1 The presiding judge will be from the list of public representatives

14.6.3 In cases in which the defendant is a member of the academic staff:

14.6.3.1 If the victim is a student, the panel of judges will include a member of the academic staff and a member of the Student Council;

14.6.3.2 If the victim is a member of the administrative staff, the panel of judges will include a member of the academic staff and a member of the administrative staff;

14.6.3.3 In other cases, the panel of judges will include a person from the list of public representatives and a member of the academic staff, in addition to the presiding judge.

14.6.4 In cases in which the defendant is a member of the administrative staff:

14.6.4.1 If the victim is a student, the panel of judges will include a member of the administrative staff and a member of the Student Council.

14.6.4.2 If the victim is not a student, the panel of judges will include a person from the list of public representatives or a member of the academic staff, as well as a member of the administrative staff.

15. APPEALS TRIBUNAL

15.1 Appeals against Tribunal decisions will be heard by an appeals panel appointed by the President of the Tribunal from amongst the members of the Special Tribunal for the Prevention of Sexual Harassment (hereinafter: “the Appeals Tribunal”).

15.2 Members of the Appeals Tribunal will participate in a training course, including a session in electronic media, dealing with the nature of the position, familiarization with the Prevention of Sexual Harassment Law,

means of prevention and of handling complaints.

16. AUTHORITY OF THE TRIBUNAL AND THE APPEALS TRIBUNAL

- 16.1 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*.
- 16.2 In any case of discrepancy between the abovementioned disciplinary regulations and these Regulations, the provisions of these Regulations regarding complaints of sexual harassment and intimidation will apply.
- 16.3 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 12 above will apply in this event, *mutatis mutandis*.
- 16.4 In special cases, for reasons which will be recorded, the Tribunal is authorized to order that the victim's testimony be heard without the defendant being present in the room, provided that the defendant is able to follow the testimony from another room.
- 16.5 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 (linked to the Cost of Living Index) if the defendant is a student.
- 16.6 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 or some University premises, from activity connected with the University, from events connected with the University, for a period of time to be determined.

17. PUBLISHING THE TRIBUNAL'S RULINGS

- 17.1 Peremptory decisions of the Tribunal and the Appeals Tribunal in the cases of complaints of sexual harassment and intimidation, as well as decisions of the Commissioner, will be published in accordance with the provisions of this section, on the Commissioner's website, soon after the date on which the Tribunal's decisions become final.
- 17.2 The Tribunal's rulings will be published excluding details that might lead

to identification of the victim.

- 17.3 The body that handed down the decision may rule 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 revocation of the decision of confidentiality due to a change in circumstances. The decision will not be revoked until the defendant or another person who might be harmed by the publication have been given an opportunity to express their arguments on this matter.
- 17.4 The President or the Rector are authorized to announce the carrying out of a disciplinary process, including the lodging of a complaint, and the decision concerning suspension or interim measures, without providing identifying particulars.

18. THE VICTIM'S RIGHTS

- 18.1 The victim is entitled to protection from the defendant or anyone on his behalf, insofar as possible and as necessary.
- 18.2 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.
- 18.3 The victim is entitled to see the disciplinary complaint if one is lodged, and to be present at disciplinary hearings pertaining to the case brought before the Tribunal and the Appeals Tribunal, and at the hearing before the Commissioner under sections 12.1 and 12.2 above.
- 18.4 The Prosecutor will update the victim, through the Commissioner, of the stages of investigation in the disciplinary process and enable him to state his position before making a decision to close the case or agree to a plea bargain or open compromise proceedings, insofar as these are to occur.
- 18.5 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.
- 18.6 The investigation will be conducted with meticulous adherence to preservation of the victim's dignity and privacy.
- 18.7 The victim is entitled to have a person accompany him during investigations by the Commissioner and during the disciplinary process.

- 18.8 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.

19. MAINTAINING CONFIDENTIALITY

- 19.1 The Commissioner and any other functionary will keep all information regarding submissions to the Commissioner or her deputies fully confidential, 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 and under any law, or where disclosure is necessary for the purpose of executing a function they fulfill pursuant to these Regulations.
- 19.2 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 state his arguments in this matter, the tribunal conducting the disciplinary hearing may order that the proceedings be public, having regard to all relevant circumstances.

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 lodged and the manner of dealing with them, without identifying particulars.
- 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 Managers and Standing Committee will hold an annual discussion 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 the Advancement of the Status of Women and the Committee on 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 retain the documents in her possession, in the same manner that judgments from disciplinary tribunals are retained.

21. INFORMATION ACTIVITY

- 21.1 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 carried out by the Department of Human Resources regarding employees, and the Dean of Students regarding students, in coordination with the Commissioner.
- 21.2 The Department of Human Resources is responsible, in conjunction with the Commissioner, for initiating informational and educational activities, including seminars and the distribution of information on the subject of sexual harassment including the educational software on preventing sexual harassment, and these Regulations, amongst University employees. These activities will be conducted at least once a year.
- 21.3 The Dean of Students is responsible, in conjunction with the Commissioners, for initiating informational and educational activities, including seminars and the distribution of information on the subject of sexual harassment including the education software on preventing sexual harassment, and these Regulations, amongst students at the University.
- 21.4 The Dean of Students, in conjunction with the Commissioners, will publish the identity of the Commissioners and their deputies, and their contact information, on the website and on noticeboards on the campuses. The Department will also notify senior staff, employees and students of the prohibition against sexual harassment and intimidation and of the employer's statutory obligations to prevent sexual harassment. These actions will be taken at least once a year.
- 21.5 The Commissioner will ensure that these Regulations are distributed at least once a year by the University to employees of all service providers.
- 21.6 University employees and students must complete a training program using targeted educational software on preventing sexual harassment. Students must participate in these sessions in the course of the first semester of 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.
- 21.7 The University administration will set a budget annually for the informational and training activities of the Commissioner.

21.8 Informational and training activities will be conducted insofar as possible in cooperation with the workers' committees at the University.

21.9 These Regulations will be published on the University's website.

22. MISCELLANEOUS PROVISIONS

22.1 Proceedings by virtue of these Regulations, of a duration of up to one year, will not be taken into account for purposes of the limitation periods prescribed in the various disciplinary regulations.

22.2 These Regulations are additional to all laws, regulations or University regulations and do not detract from them.

22.3 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. No disciplinary action will be taken against a defendant under more than one set of Regulations in relation to the same set of facts/for the same offense.