

The Max Stern Yezreel Valley College

Regulations for the Prevention of Sexual Harassment and Bullying¹

The Jezreel Valley Academic College strictly maintains a fair, respectable and respectful academic environment and takes all measures available to it to eradicate sexual harassment and bullying, which are illegal conducts under the Prevention of Sexual Harassment Law, 5758-1998 and its regulations. These conducts are injurious to human dignity, human freedom, human privacy and equality between the sexes, and are contrary to law, as well as contrary to the policy and principles of the college.

Part A: What are Sexual Harassment and Bullying?

1. According to the Prevention of Sexual Harassment Law, 5758-1998 (hereinafter: the "**Law**"), **sexual harassment** is one of the following:
 - 1.1. Using threats to blackmail a person to perform an action of a sexual nature;
For example: an employer who threatens to dismiss an employee if she refuses to have sex with him;
 - 1.2. An indecent act;
For example: an employee who touches another employee to achieve sexual stimulation or who exposes herself to him, without his consent, or the doing of acts of this kind in an employee subordinate to her in exploitation of a relationship of authority in the labor or academic relationship;
 - 1.3. Repeated propositions of a sexual nature, despite the person to whom the propositions are directed having demonstrated to the harasser that they were not interested in such propositions; however, "disinterest" need not be demonstrated in the cases set forth in Section 1.7 below for such conduct to be deemed sexual harassment;
 - 1.4. Repeated reference focusing on a person's sex or sexuality, despite the person to whom the conduct is directed having demonstrated that it was unwanted;
For example: repeated conduct pertaining to the sexual aspect of a person's appearance, despite their clarifications that this was bothering them; however, "disinterest" need not be demonstrated in the cases set forth in Section 1.7 below for such conduct to be deemed sexual harassment;
 - 1.5. Demeaning or humiliating reference to a person's sex or sexuality, including to a person's sexual orientation, whether or not they have demonstrated this was bothering them;
 - 1.6. Publication of a photograph, video or recording of a person focusing on their sexuality, in circumstances where the publication might humiliate or demean the person, and consent was not granted to the publication; however, in a criminal or civil proceeding under this paragraph, the publishing party shall have good defense if they have shown that the publication was made in good faith or for a legitimate purpose or a truthful publication which is of interest to the public and has not exceeded what is reasonable for achieving its purpose;

¹ The language of the Prevention of Sexual Harassment Law, 5758-1998 and the regulations thereunder is the prevailing factor.

Any use of the female gender also refers to the male gender and vice versa.

In this regard, it is clarified that a "photograph, video or recording" – also include the editing or combination of a photograph, video or recording in a manner allowing an identification of the person; for example:

- 1.6.1. Distribution, on websites open to the public, of a video recording sexual intercourse, this being without the consent of all those recorded on the video, and in a situation where the defenses set forth are not met;
 - 1.6.2. Publication of a graphic editing showing the head of an identified person in combination with any nude photo without the consent of the identified person in a manner which might humiliate or demean them, and in a situation where the defenses set forth are not met;
 - 1.7. If the acts listed in Sections 1.3-1.4: repeated propositions of a sexual nature and repeated references focusing on the sex or sexuality of a person, are directed at a minor or helpless person, patient or in the event of the exploitation of a relationship of authority or subordination at work and/or school, these acts constitute sexual harassment even without that person having demonstrated that they were not interested.
Disinterest is demonstrated either verbally or by conduct making it clear to the person behaving thus that their proposition is unwanted.
2. **Bullying** is injury of any kind whatsoever originating in sexual harassment, or in a complaint or action filed for sexual harassment or bullying as aforesaid; for example:
- 2.1. Injury originating in sexual harassment – an employer who dismisses or prevents the promotion of an employee or an academic or administrative entity who is harming the academic progression of a student due to her refusal of repeated propositions of a sexual nature by an employee or an academic or administrative entity;
 - 2.2. Injury originating in a complaint or action of sexual harassment or bullying – an employer or anyone on their behalf who harms the work conditions of an employee or an academic or administrative entity who harms the grades of a student – who complained about conduct that was demeaning or humiliating of their sexuality;
 - 2.3. Injury originating in assisting an employee or student in connection with a complaint or action of sexual harassment or bullying. For example: an employee or student has testified in connection with harassment toward another employee or student, and the employer or anyone on their behalf or an academic or administrative entity are harming her for that reason.
3. Sexual harassment and/or bullying **as part of a labor and/or academic relationship** takes place when the incident occurs in one or more of the following places:
- 3.1. The college's facilities and anywhere else where activity on its behalf is taking place, including activity for the community and/or social involvement and/or practical experience and other activity on behalf of the college, even if such activity is not entailed in the studies and/or work, as well as travel for purposes of the work and/or studies;
 - 3.2. During work or studies;
 - 3.3. And regarding sexual harassment and/or bullying done in exploitation of a relationship of authority in a labor or academic relationship, anywhere whatsoever (including outside the college).

Part B: The Consequences of Sexual Harassment and Bullying

4. Sexual harassment and bullying are illegal and constitute (1) **a criminal offense** entailing punishment and regarding which a complaint may be filed with the police; (2) **a civil tort** regarding which one may file an action with the court (normally – with the Regional Court of Labor) in which one may sue for monetary damages and other reliefs, either permanent or temporary, from the harasser, the bully, and in certain cases – from their employer; (3) **A serious disciplinary offense**.

The victim can choose to file a complaint with the police and/or to file an action with the court and/or to file a complaint with the Commissioner for the Prevention of Sexual Harassment at the college as set forth in Sections 11-13 below. The victim may choose one of the options, all or some of them, concurrently or subsequently at their option.

Part C: The College's Policy and its Responsibility to Prevent Sexual Harassment and Bullying

5. The college must take reasonable measures, of three types, to prevent sexual harassment and bullying in the labor and/or academic relationship as follows:
 - 5.1. Prevention of sexual harassment and/or bullying as set forth in this section;
 - 5.2. Efficient handling of sexual harassment and/or bullying of which the college was aware (see Part D below);
 - 5.3. Curing the injury due to sexual harassment or bullying, or due to the filing of a complaint or action regarding them (see Part D below).
6. According to the Law, if the college has not taken measures as abovesaid, it shall be liable for sexual harassment and/or bullying committed in the labor and/or academic relationship, and may be sued in a civil action therefor.
7. The college requires one to avoid committing acts which constitute sexual harassment and/or bullying in the labor and academic relationship and to do everything possible to prevent such actions, all so as to create, along with the college, a work and study environment which is free of sexual harassments and bullying.
8. The college shall conduct advocacy and training activities, wherein participation shall be mandatory, regarding the prohibition on, and prevention of, sexual harassment and bullying. Alternatively, the college shall allow participation in, and shall cooperate in the holding of, such advocacy and training activities during the work and/or study hours, at reasonable intervals, which shall be organized by other entities, provided that this shall not harm the proper course of the work and/or studies.
9. The labor organizations at the college which are relevant in this regard: the Administrative Staff Employee Committee, the Junior Academic Staff Committee and the Senior Academic Staff Committee.
10. The college shall publish this document (Regulations for the Prevention of Sexual Harassment and Bullying at the College) in prominent locations around the campus and shall allow perusal of the regulations, the provisions of the Law and the Sexual Harassment Prevention (Employer's Duties) Regulations, 5758-1998 (hereinafter: the "**Regulations**") and receipt of copies thereof, and shall also allow perusal of the college's procedure for prevention of sexual harassment and the receipt of information on advocacy and training activities of the college regarding the

prohibition on sexual harassment and bullying and the prevention thereof at the college's human resources department and with the sexual harassment prevention commissioners at the college.

Part D: A Complaint Proceeding at the College and Processing at the College's Responsibility

11. Who can file a complaint and under what circumstances?

- 11.1. One who alleges having been sexually harassed or bullied by another as part of a labor and/or academic relationship;
- 11.2. A person on behalf of one who alleges having been harassed or bullied.

It is clarified that for the purpose of filing a complaint, a "student" is: anyone who has applied to study at the college, including in the preacademic unit and/or at the Goren Graphic Design School and in external studies and was admitted by it as a student, from the time of their enrollment and as long as they are enrolled as a student, including during school holidays; if they have applied to study at the college as aforesaid, have completed their studies and have not yet been granted a degree / awarded a certificate; if they have applied to study and their application has been rejected, from the time of their enrollment until the notice of rejection is received; if their studies have been suspended for any reason whatsoever, and despite the suspension they have been granted permission to take an examination / to submit a paper; one whose application to study has been rejected, or who has stopped or terminated their studies, in connection with acts they did or were done toward them while they were an applicant for admission to study at the college or a student thereat.

12. To whom does one complain?

- 12.1. A complaint must be filed with one of the sexual harassment and bullying prevention commissioners at the college, whose names and contact information are set forth below.
- 12.2. If the commissioner with whom the complaint has been filed is unable to process the complaint due to a conflict of interests, the processing of the complaint shall be relayed to another commissioner at the college.
- 12.3. If the defendant is a contractor's worker engaged as a laborer at the college, the complaint shall be filed with a commissioner on behalf of the college or with a supervisor on behalf of the contractor who may relay the processing of the complaint to a commissioner (and if they chose to do so, they shall notify the complainant to that effect).

13. **Manner of filing the complaint** – in writing or orally. If the complaint was filed orally, the commissioner shall write down the content of the complaint and, as much as possible, shall specify the identity of those involved with the case and whether they have a relationship of dependence, authority and the like, as well as the identity of witnesses, if any; the location of the incident; the date of the incident; a description of the occurrence, including whether the harassed party demonstrated to the harasser that the conduct was bothering them. The victim, or the one filing the complaint on the victim's behalf, shall sign upon the record made by the commissioner so as to certify the content, and the commissioner shall provide the victim with a copy of the signed record.

14. Inquiry into the complaint

- 14.1. The commissioner shall notify the victim as to the manners of handling of sexual harassment or bullying under the Law (see the above Section 4) and shall act to inquire into the complaint, and for this purpose shall, among other things, hear the victim, the defendant and the witnesses, if any, and shall examine any information received by it regarding the complaint.
 - 14.2. If the commissioner with whom the complaint was filed is unable to process the complaint due to a conflict of interests, the processing of the complaint shall be relayed to another commissioner at the college.
 - 14.3. The inquiry into the complaint shall be made efficiently and without delay.
 - 14.4. The inquiry into the complaint shall be made in maximal protection of the dignity and privacy of the victim, the complainant and other witnesses, and among other things –
 - 14.4.1. The commissioner shall not disclose information received by her in the course of the inquiry into the complaint, unless she is required to do so for the purpose of the inquiry itself or under law;
 - 14.4.2. The commissioner shall not ask questions in connection with the victim's sexual history which is unrelated to the defendant, and shall not take into account information regarding such sexual history of the victim; the provision of this paragraph shall not apply if the commissioner believes that if she does not ask such questions or take such information into account, an irreparable wrong shall be caused to the defendant;
 - 14.4.3. The commissioner shall instruct all those involved in the inquiry into the complaint to protect the dignity and privacy of all parties and not to disclose any information they receive in the course of the inquiry into the complaint, except under law.
 - 14.5. The commissioner may, if necessary and according to the circumstances, during the inquiry and after it has ended, avail herself of expert professional entities in order to inquire into the complaint.
 - 14.6. The college shall protect the victim during the inquiry into the complaint, against injury in work and/or academic matters and shall exercise, as it deems necessary, such interim reliefs as set forth in Section 15 below.
 - 14.7. If the college learns of a case of sexual harassment or bullying in the workplace or at the academic institution, and no complaint has been filed or the victim has withdrawn their complaint, the case shall be relayed to a commissioner for inquiry; in this regard, the college requires that any information of sexual harassment and/or bullying be relayed to one of the commissioners if such information becomes known; if such a case is relayed to a commissioner for inquiry or if a commissioner becomes aware of such a case, the commissioner shall, as much as possible, conduct an inquiry regarding the case according to all the provisions of this section, and if the victim has withdrawn their complaint, she shall also inquire into the reason for the complaint's withdrawal.
15. The commissioner, in coordination with the competent entities at the college, is authorized to order, if necessary, the exercise of interim reliefs intended to protect the victim, during the inquiry into the complaint, from injury to work matters or academic matters as a result of the filing of the complaint, from injury which could disrupt the inquiry into the complaint, or from other injury as part of a labor or

academic relationship, as well as in order to prevent additional incidents of sexual harassment and/or bullying on the defendant's part.

16. Summary of the inquiry

- 16.1. At the end of the inquiry, the commissioner shall prepare, without delay, a written summary of the inquiry into the complaint, which shall include a detailed summary of the details and findings of the inquiry, as well as reasoned recommendations for the continued handling thereof, including regarding each of the matters set forth in Sections 17.1-17.4 below. Possible recommendations (not a closed list): Non-taking of actions, instigation of disciplinary proceedings if disciplinary regulations apply to the defendant, a hearing, recommendations to keep the defendant away from the complainant and guidelines on a proper code of conduct at the college and/or the workplace, and more.
- 16.2. The abovesaid summary shall be provided by the commissioner to one of the two: (1) to the President's Assistant on Academic Matters, if the complaint refers to a member of the academic staff or to a student, or (2) to the college's CEO, if the complaint refers to a member of the administrative staff or an employee (hereinafter: the "**Deciding Entity**").
If a complaint has been filed against the Deciding Entity, the President of the college shall be the Deciding Entity on their matter.
- 16.3. If the victim was a contractor's worker actually employed at the college, the college and the contractor shall agree on the identity of the Deciding Entity according to the circumstances.
- 16.4. If the commissioner believes that the complaint was filed in bad faith, she may recommend the taking of action (including summons to a hearing) against the complainant.

17. Decisions of the Deciding Entity

- 17.1. If the Deciding Entity accepts the commissioner's summary and recommendations, it shall decide, without delay, and within a period which shall not exceed 7 workdays, on the exercise of the powers it holds regarding each of the following:
 - 17.1.1. The issuing of instructions to those involved in the case, including regarding a proper code of conduct in a labor and/or academic relationship; keeping the defendant away from the victim; and the taking of steps necessary in order to prevent the recurrence of the sexual harassment act or bullying act or in order to cure the injury caused to the victim due to the harassment or bullying;
 - 17.1.2. The instigation of proceedings, including disciplinary proceedings pursuant to the provisions of the relevant disciplinary regulations, if any applies to the defendant, and/or a hearing under law;
 - 17.1.3. After it shall explain that no steps should be taken on the matter – the shelving of the complaint and not taking any step whatsoever.
- 17.2. The Deciding Entity shall act without delay to implement its decision as abovesaid and shall provide the victim, the defendant and the commissioner with a reasoned notice of its decision, and shall allow the victim and the defendant to peruse the commissioner's summary and recommendations.
- 17.3. The Deciding Entity may, due to a change in the circumstances, modify its

decision or delay the implementation thereof, provided that they give detailed notice thereof, in writing, to the victim, the defendant and the commissioner.

- 17.4. The Deciding Entity may postpone its decision, delay the implementation thereof or modify it due to proceedings (including disciplinary or legal or investigative proceedings by a competent authority) pertaining to the case which is the subject of the decision. If the Deciding Entity has done so –
 - 17.4.1. It shall provide the victim, the defendant and the commissioner with reasoned notice thereof in writing;
 - 17.4.2. As long as such proceedings have not ended, the Deciding Entity shall follow the provisions of the above Section 14.6;
 - 17.4.3. At the end of such proceedings, the Deciding Entity shall decide according to the above Section 17.1.
- 17.5. If the defendant is a contractor's worker who is actually employed at the college, the college and the contractor shall agree, according to the circumstances, which of them shall implement the provisions of the above Sections 17.1-17.4.
- 17.6. If the Deciding Entity believes that the inquiry was not exhausted by the commissioner, they may return the inquiry into the matter to the commissioner to have it supplemented. In any event, the duration of the inquiry's supplementation shall not exceed three calendar months.

Part E: The Principal Provisions Customary at the College for Processing a Case of Sexual Harassment and Bullying

18. The college shall handle sexual harassment and/or bullying offenses in a disciplinary proceeding pursuant to the disciplinary regulations applying to the defendant, if any, or in a hearing.
19. Sexual harassment and bullying constitute severe disciplinary offenses which could even bring about the termination of employment subject to a hearing, and could also be criminal offenses.
20. Once the relevant proceeding is opened, the power to order the taking of interim proceedings as set forth herein, to modify them, to restrict them and to add to them belongs to the panel hearing the case.
21. **False complaints and assistance to false complaints**
 - 21.1. The filing of false complaints, the provision of false information in support of false complaints or other assistance to false complaints constitute a serious disciplinary offense, and could even constitute a criminal offense.
In this regard, a "false complaint" – a complaint which is found to have been filed in bad faith and in knowing that the complaint in question is false.
22. **Protection of privacy**
 - 22.1. The college shall respect the privacy of all the relevant parties, including the victims and the defendants, as much as possible and in taking heed of the requirements of the Law and of the need to protect the other relevant interests, such as the college's duty to inquire into cases of sexual harassment and bullying and to take measures against those liable therefor and the

college's duty to exercise collective and preventive measures in order to eradicate sexual harassment as a whole.

Part F: Miscellaneous

23. A contractor's worker actually employed at the college

23.1. According to the Law and the Regulations, in the event that a contractor's worker is actually employed at the college; the college bears the same liability borne by an ordinary employer (see the above Section 6) for sexual harassment and bullying committed by a contractor's worker employed by such employer. Special provisions are specified in Sections 12.3, 16.3 and 17.5 hereof.

24. Application and effect

24.1. These regulations shall apply to the entire public of the college's employees and students, as well as to contractor's workers actually employed at the college.

24.2. These regulations are effective as from May 14, 2019.

24.3. These regulations are in addition to the provisions of the Law and the Regulations, and do not derogate therefrom, and in a matter not expressly regulated herein, the relevant laws under the Law and the Regulations shall apply.

Names and contact information of the commissioners:

1. Prof. Ilana Lavi – telephone: 04-6423520, email: ilanal@yvc.ac.il
2. Ms. Hadas Br on – telephone: 04-6423426, email: hadasb@yvc.ac.il
3. Dr. Oriana Abboud Armaly – telephone: 04-6423560, email: orianaa@yvc.ac.il