

ÜSKÜDAR UNIVERSITY

DIRECTIVE ON PREVENTION OF HARASSMENT AND DISCRIMINATION

Introduction:

Harassment experience in the university environment affects adversely individuals' working and education lives in various forms and levels. In institutional environments where hierarchical relations are dominant, the harassment often tends to be made invisible due to the difficulties experienced in expressing it by those who are harassed and this situation harms both the individual and the institutional environment. Although it is apparent that gender-based discrimination is seen more against women, it is also possible that sexual harassment and abuse can be seen against men or among individuals of the same sex. For this reason, contemporary higher education institutions take the necessary measures regarding this matter, aim to create a free and peaceful environment and show zero tolerance for sexual harassment, psychological coercion and discrimination.

I. Objective

ARTICLE 1- (1) The objective of this directive is to enlighten the academic, administrative and contracted personnel, students working full and part time at Üsküdar University and its affiliated units about sexual harassment, psychological coercion and discrimination and to prevent possible victimization. With this directive, Üsküdar University aims to raise awareness about the rights and actions to be taken in cases of sexual harassment, psychological coercion and discrimination and it declares that it is ready and determined to make every effort to prevent such events and situations, to assess and investigate allegations and complaints of sexual harassment, psychological coercion and discrimination; to take disciplinary actions or other lawful mechanisms against those responsible.

(2) Üsküdar University ensures that the utmost care is taken to protect the human dignity of persons who are parties or witnesses in all kinds of sexual harassment, psychological coercion and discrimination, and to ensure the privacy arising from the right of privacy, and that all processes are managed within the principle of confidentiality.

(3) This Directive aims to provide for the protection of individuals defined as "victim" and individuals who have witnessed all kinds of sexual harassment, psychological coercion and discrimination; individuals to report safely situations and incidents that they have experienced or witnessed; to ensure that they are encouraged to stop undesirable approaches towards them or others; to increase the awareness of everyone included within the scope and it also aim to prevent unjust treatment arising from unsupported slander and false accusations.

(4) The University undertakes to raise awareness by creating awareness on sexual harassment, psychological coercion and discrimination, to inform its stakeholders on disciplinary measures regarding sexual harassment, to follow up cases of sexual

harassment and to provide support mechanisms for individuals exposed to sexual harassment. For this purpose, it establishes a new unit called the Commission for the Prevention of Sexual Harassment, Psychological Coercion and Discrimination within the university, and assigns administrative, academic and educational duties and authority to this unit and it improves by the immediate handling of complaints and support mechanisms for victims.

II. Scope

ARTICLE 2- (1) The scope that is covered within this Directive are as follows:

- a) Sexual behaviors against each other and third parties by academic and administrative personnel, subcontractor company representatives and its personnel, and those in the places and vehicles allocated for university campuses and university services,
- b) Threatening, coercion or deprivation of liberty based on gender discrimination and social gender,
- c) Receiving/giving gifts by/to the instructors; posting intimate photos taken with/by instructors on social media; sexual harassment and similar approaches through disclosure via mail, e-mail and social media platforms or via mobile phone messages or other means of communication without limitation of time and place.

III. Grounds

ARTICLE 3- (1) This Directive was prepared based on the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence which our country signed in 2011, No. 6284 Law on Protection of Family and Prevention of Violence Against Women, No. 2547 Law on Higher Education, Guidelines on Psychological Harassment (Mobbing) at Workplaces by the Ministry of Labour and Social Security, Labor Law No. 4857, the Position Paper on Gender Equality within Higher Education Institutions issued by the Council of Higher Education on 09.11.2015, Üsküdar University Administrative Personnel Regulations.

IV. Definitions

ARTICLE 4- (1) Within this Directive;

- a) **University:** Üsküdar University,
- b) **President:** The President of Üsküdar University,
- c) **Senate:** The Senate of Üsküdar University,
- d) **Commission:** The Commission for the Prevention of Sexual Harassment, Psychological Coercion and Discrimination within Üsküdar University,
- e) **University Units:** Institutes, faculties, vocational school, conservatory, research and application centers and its units, administrative and social units, culture and sports centers within Üsküdar University,
- f) **University Members:** Refers to the academic, administrative and support personnel and students working full and part time at Üsküdar University and its affiliated units.
- g) **Sexual Harassment:** It includes all kinds of sexual words, attitudes or other forms of behavior that are not based on the consent of the addressee, cause discomfort and

confusion on the other party. The main factor that determines harassment is not the intent, but the effect that has on the other person. The basic criterion is that the perpetrator does not touch the victim's body under any circumstances. Primary examples of sexual harassment are as follows: catcalling, making sexual jokes; engaging in unusually persistent behavior in order to flirt; disturbing with pornographic material; asking questions or rumoring about the person's sexual life; making discriminatory remarks or performing actions on gender or sexual orientation or gender identity; stalking, threatening, frequently harassing over the phone or via electronic medium; expressing or implying that that person will face the consequence if they do not accept the sexually explicit offer and they will be granted with privileges if they do; violating one's physical integrity by non-consensual sexual behaviors; behaviors such as hug, caress, touch, etc. that cause physical and psychological discomfort on the other party.

h) Psychological Harassment (Mobbing): "Mobbing", which is characterized as continuous and systematic behaviors and attitudes, is also a type of harassment that adversely affects personality, honor and social reputation of students, academic and administrative personnel; threatens family and social life; reduces the creativity and work performance of the person; is effective on deprivation of psychological and physical health.

i) Discrimination: Discrimination can occur in the form of direct or indirect discrimination.

j) Direct Discrimination: it is the less favorable treatment due to the treatment rising due to race, gender, ethnicity, lifestyle and regionalism based on the group to which the individual belongs when compared to other member of the comparable group might see, experience or be exposed to.

k) Indirect Discrimination: It is situations that might put a group of individuals at a disadvantage when it is compared to other group of individuals unless it is demonstrated that an apparently neutral provision, criterion or practice is objectively justified by a legitimate aim and that the means to achieve that aim are appropriate and necessary.

V. Commission for the Prevention of Sexual Harassment, Psychological Coercion and Discrimination

(1) It is essential that academic staff, administrative staff and other persons covered by this Directive primarily show respect to each other within the framework of Üsküdar University Detective on Code of Ethics and Implementation Principles. In addition, Prevention, Examination and Investigation Commission regarding prevention of sexual harassment, psychological coercion and discrimination at the University, is established by the Presidency on condition that it consists of minimum 3 people for every different incident, which will inform the personnel regarding the topic and victims can apply to.

(2) In this commission, one person fulfills duty as the Commission Coordinator. The commission coordinator is assigned by the President to ensure that the works and procedures to be carried out within the scope of this directive are carried out without delay.

(3) It is provided that people assigned receive education and training program on administrative procedures regarding sexual harassment, psychological coercion and discrimination when necessary.

(4) Commission members are assigned among the academic personnel deemed appropriate by the President, depending on the nature of each tangible case. An administrative personnel member may be assigned by the President upon the recommendation of the unit to carry out the work and procedures related to the subject.

(5) An expert support is obtained from the Legal Counsel at every stage when necessary within the scope of this directive

(6) The Commission investigates by rapidly evaluating the complaints and submits a report to the Presidency, based on the assignment given to it by the Presidency, in accordance with the legal grounds specified in the third article of this Directive and the relevant articles of the Higher Education Institution Student Disciplinary Regulation and the Higher Education Law No. 2547

(7) The unit cooperates with the lawful authorities of the University to take urgent administrative measures regarding the application.

(8) The Commission organizes and publishes education and training programs, promotion and similar activities to raise awareness and sensitivity on prevention of sexual harassment, psychological coercion and discrimination at the University.

VI. Prevention and Investigation Processes

(1) Upon receiving the complaint of the employee who has been victimized or has witnessed the incident/event in situations that can be considered as sexual harassment, psychological coercion and discrimination, the President immediately instructs to form a commission consisting minimum 3 people in order to start investigation immediately.

(2) Üsküdar University takes the written and verbal complaints seriously regarding situations that can be considered as sexual harassment, psychological coercion and discrimination; It acts rapidly with appropriate procedures that consider the nature and severity of the situation that is reported to be enlightened. The aforementioned procedures include the initiation of examination and investigation, measures to ensure their well-being, and disciplinary sanctions to be applied as a result of the investigation.

(3) The Commission investigates by considering the articles within the Higher Education Law No. 2547 on Disciplinary and Penal Procedures. The Commission has the authority to collect information and documents related to the investigation, to take statements, to listen to witnesses, to make discoveries, to make examinations and to correspond with the relevant authorities considering the written complaints of the parties and the written defense of the complainee. The information and documents requested by the commission within the scope of the assignment are given without delay.

(4) The Commission may decide in two ways as a result of the investigation:

If the commission obtains sufficient evidence indicating the existence of mobbing as a result of the investigation, it results the investigation in saying "There are acts of mobbing that are considered within the scope of this directive and continue

systematically" and the commission presents the punishment that it will propose to the Presidency with a report prepared with justification.

If the Commission does not obtain sufficient evidence pointing to the existence of mobbing as a result of the investigation, it results the investigation in saying that "No mobbing action has been found within the scope of this Directive, which continues systematically." and submits its report with justification stating that there is no need to impose a penalty. The President makes the final decision on the investigation themselves by considering the report of the Commission. The Presidency notifies the perpetrator and the victim of the decision it has taken in person.

(5) Confidentiality of the investigation is essential. Even the members of the commission to be established by the President cannot publish, disclose, publicize, multiply, copy and file the documents produced during the investigation on the subject/incident to third parties cannot distribute in line with the principle of confidentiality. All records are kept in an absolute manner accordance with the principle of confidentiality.

(6) The commission may invite, at any stage, the parties to arrive at a friendly settlement of their dispute and may carry out necessary procedures to end the current dispute amicably within the scope of this Directive.

(7) The Commission Coordinator may present their remark and opinion on the subject to the Presidency in written or verbal form in a preliminary report before submitting the incident related to the complaint within the scope of the investigation to the members of the commission.

VII. Right of Defense

ARTICLE 5- (1) An investigation report cannot be issued without a defense. Those who do not make a defense in written form or verbally on a specified date within the period given by the established commission, not less than seven business days, or who do not present their valid justification in a documented form within this period, will be considered that they have renounced their right of defense. In the invitation letter sent to the person being investigated, it is stated that what the testified act consists of, and they will be considered to renounced from their defense provided that they did not make their defense for the testified act within the specified time.

VIII. Timeout and Duration

ARTICLE 6- (1) All the issues related to the time-out clause of the section titled Disciplinary and Penal Procedures in the Higher Education Law No. 2547 will also be applied within the scope of this Directive. Against the decision as a result of the investigation made within the scope of this Directive, the person may appeal to the Disciplinary Board within 7 days from the notification of the decision. The authority for the complaints may accept or reject the appeal.

IX. Ensuring Confidentiality

ARTICLE 7- (1) Üsküdar University comply with the principle of confidentiality regarding perpetrator and victim of sexual harassment, complainant and witnesses at all stages in the handling of allegations of sexual harassment, psychological coercion and discrimination.

Members of the Commission and all individuals responsible for the implementation of this Directive shall have the utmost respect for confidentiality and the privacy of individuals reporting or accused of sexual harassment. At every stage of the implementation of this Directive, it is essential to ensure the confidentiality of the parties and witnesses against other individuals and to prevent their safety from being compromised.

(2) Disciplinary sanction is applied in accordance with the relevant legislation in cases where it is definitely understood beyond a reasonable doubt that claimant has slandered intentionally, lied and made a false statement during the procedures after the application to the Presidency. This directive warns all components of the university not to engage in emotional and other personal confrontations over allegations of sexual harassment.

X. Education & Training and Awareness

ARTICLE 8- (1) All new personnel who starts to work at Üsküdar University are provided with education and training programs on Sexual Harassment, Psychological Coercion and Discrimination, which includes the relevant application procedures in the current Directive and raises awareness, as part of the compliance program since the beginning of their employment. (2) Üsküdar University academic and administrative personnel, subcontractor company representatives and its employees are required to attend an awareness-raising program on Sexual Harassment, Psychological Coercion and Discrimination for a minimum of two hours, once every two years.

XI. Notification / Notice

ARTICLE 9- (1) Situations that are accepted as sexual harassment are determined by the Üsküdar University Presidency through the victim or witness informing the University, requesting assistance or directly reporting to the Presidency regarding the relevant issue.

(2) It is notified to the judicial authorities that the person who makes the complaint has the right of arbitrariness for application.

(3) A disciplinary investigation can be opened against a person who occupies the Administration with baseless allegations or who attributes to an unfounded, groundless and intentional accusation, or they can be referred to the judicial authorities for defamation within the scope of the Turkish Criminal Law No.5237. Within the framework of the Labour Act No. 4857, all forms of rights including termination that the University may apply in terms of employment contracts for both parties are reserved. It is assumed that the person who alleges has notified their allegations by considering that all the issues in this article is within their knowledge and has accepted the sanctions to be exposed as a result of unfounded applications within the scope of this Directive.

XII. Enforcement

ARTICLE 10- (1) This Directive entered into force on 26.01.2017. It is published on the Üsküdar University website in a way that everyone can access.

XIII. Execution

ARTICLE 11- (1) The provisions of the directive are executed by the President.

Senate Decision Publishing the Directive	
Date	Issue
26.01.2017	2017/04
Senate Decision Amending the Directive	
Date	Issue
22.03.2018	2018/10
Senate Decision Amending the Directive	
Date	Issue
23.01.2020	2020/04