

Regulations on the Prevention of Sexual Harassment at the ‘Shaarey Mishpat’ Academic Center

Anything in this Regulations said in the masculine applies to both sexes.

1. Object

This procedure aims to guarantee that the Center shall serve as a workplace and academic environment, free of sexual harassment or maltreatment arising from sexual harassment.

2. Definitions

“Sexual harassment”	As defined in the Sexual Harassment Prevention Law, 5758-1998 and as defined in the Equal Opportunity in the Workplace Law, 5747-1988, by an academic or an administrative employee or a student, toward anyone of them or any third party, in the workplace or in the place of education.
“Maltreatment”	As defined in the Sexual Harassment Prevention Law and as defined in the Equal Opportunity in the Workplace Law, by an academic or an administrative employee or a student, toward anyone of them or toward another person, in the workplace or in the place of education.
The “workplace or place of education”	a) The Academic Center b) Another place where activity on the Center’s behalf takes place c) Anywhere else while working or studying or taking advantage of one’s authority in work or academic relations.
“Victim”	A person who claims he was the victim of sexual harassment and/or maltreatment in the workplace or place of education, as defined in the law.
“Defendant”	A person who, on the date of the event and on the date of filing the complaint, is an: academic employee, administrative employee, including a temporary employee or a student, and against whom a complaint of sexual harassment and/or maltreatment was filed.
“Commissioner of Complaints”	The Commissioner of Sexual Harassment Complaints.
“Officer”	Dean, Vice-Dean.

“Academic employee”	A member of the academic staff who had labor relations with the Center as of the date of the incident.
“Administrative employee”	A person who had labor relations with the Center on the date of the event who is not an academic employee, and anyone acting on behalf of and in the name of the Center, as part of the regular internal system, including temporary employees.
“Complainer / claimant”	The complainer or claimant in accordance with the Disciplinary Regulations that apply to students and employees of the Center, as applicable.
“Student”	Anyone who was one of the following on the day of the event: <ul style="list-style-type: none"> a) Applied to study at the Center and was admitted as a student, including in special academic programs, from the moment of submitting the application to the Center and as long as he is registered as a student, including during academic breaks. b) Applied as a candidate student and was denied, from the moment of submitting the application to receiving the rejection letter. c) Graduated, but did not yet receive his diploma.
“Disciplinary Regulations”	The Disciplinary Regulations appearing on the Center’s website and detailed in the information booklet by the ‘Shaarey Mishpat’ Academic Center.

3. Appointment of the Commissioner of Complaints

3.1 The Commissioner of Complaints shall be appointed for a period of 3 years by the President of the Academic Center. The President shall appoint a woman for this position, to the extent possible.

The Commissioner of Complaints shall be a permanent academic or administrative employee of the Center.

3.2 Appointment of the Commissioner of Student Complaints:

The Dean of Students shall serve as the Commissioner of Student Complaints when both the victim and the defendant are students.

4. The Commissioner's Roles

- 4.1 To be an advising factor on preventing and treating sexual harassment at the Center.
- 4.2 To receive complaints and reports on sexual harassment and maltreatment.
- 4.3 To clarify and handle all complaints.
- 4.4 To start disciplinary measures regarding the complaint, if appropriate grounds were found.
- 4.5 To order interim reliefs as said in section 8 to this procedure.
- 4.6 To refer the victim to medical or psychological help, as necessary.

5. Treatment of Complaints

5.1 Filing the complaint:

- 5.1.1 Complaints or reports of suspicions of sexual harassment or maltreatment at the Center must be addressed to the Commissioner.

Any Officer who learned that sexual harassment or maltreatment was committed in any way will transfer the case to the Commissioner for clarification.

- 5.1.2 The complaint may be filed orally or in writing by the victim himself or anyone on his behalf. If a complaint was filed orally, the Commissioner will write its content, and the complainer will sign the record to verify its content. The Commissioner's records are internal and shall not be transferred to others.

5.2 Clarifying the complaint:

- 5.2.1 The Commissioner shall notify the complainer of ways to treat the sexual harassment or the maltreatment in accordance with the law and inform the complainer that sexual harassment is a criminal offence and a civil tort, and that regardless of the disciplinary proceeding, he can file a complaint to the police and/or a civil lawsuit.

- 5.2.2 The Commissioner who received a report of suspicion of sexual harassment or maltreatment or who received a complaint of sexual harassment or maltreatment shall open proceedings to clarify the complaint.

- 5.2.3 Within the investigation into the complaint, the Commissioner will summon the defendant, present the details of the complaint to him, and ask him to respond.

- 5.2.4 To study the complaint, the Commissioner may summon any employee, student, or anyone else to provide information and/or document that pertains to the complaint or that may pertain to it. Refusal to abide the Commissioner's request as said shall be a disciplinary offence.
- 5.2.5 The Commissioner will carry out the investigation until it is completed, consistently, effectively and without delay, while protecting the privacy and dignity of the victim, the complainer, the defendant and the witnesses as much as possible.
- 5.2.6 The Commissioner may avail himself to any factor at the Center, including the Center's legal advisor, to sort out the complaint. Before making the decision to start disciplinary proceedings regarding the complaint, the Commissioner will consult with the relevant complainer / claimant and hear his position.

6. The Commissioner's Decision

At the end of the investigation, the Commissioner will make a decision in accordance with the following alternatives:

6.1 Transferring the Treatment of the Complaint to a Disciplinary Proceeding

- 6.1.1 Should the Commissioner decide to transfer treatment to a disciplinary proceeding, the Commissioner shall forward all relevant material to the relevant complainer/claimant, including:

The complaint and its appendixes (if it was filed in writing) and the complaint's record if it was filed orally.

The defendant's response.

Notes the Commissioner of Complaints prepared during the investigation

and his recommendations for treatment.

Specification of interim measures taken - if any.

- 6.1.2 The complainer/claimant shall start disciplinary proceedings within 30 days of receiving the Commissioner's decision.
- 6.1.3 The Commissioner will help the complainer prepare the case, as necessary.

6.2 Shelving the Complaint

- 6.2.1 Should the Commissioner find the complaint to be baseless, he will order to shelve it.

- 6.2.2 In the event that the complainer or victim will decide that his complaint is unjustified as a result of the investigation or during the investigation, he will notify the Commissioner of it and the Commissioner will order that the complaint be shelved.
- 6.2.3 Should the Commissioner believe that a complaint was filed in bad faith out of wrongful motivations, he may recommend that the complainer be subject to a disciplinary hearing.
- 6.2.4 The victim and complainer will be sent a written notice of the Commissioner's decision to shelve the complaint.
- 6.2.5 If the defendant is an administrative employee, a notice as said in section 4.2.6 shall also be sent to the General Manager of the Center, and if the defendant is an academic employee or a student, a notice as sent shall also be sent to the President of the Center.
- 6.2.6 The complainer and the victim may appeal against the Commissioner's decision to shelve the complaint within 30 days.

If the defendant is an administrative employee, the appeal will be submitted to the General Manager of the Center, and if the defendant is an academic employee or a student, the appeal will be field to the President of the Center.

- 6.2.7 In the event of shelving the complaint, the Commissioner will order to transfer all documents to a confidential file that will be kept in the general archive.

No record will be kept in the defendant's personal record, unless the Commissioner will decide otherwise, for reasons that will be noted.

A decision as said in this section shall be delivered to the defendant and he may appeal against it before the General Manager or President, as applicable.

The General Manager's or the President's decision in the appeal shall be final.

6.3 Recommendation to the President to Give Orders

The advise the President to give orders to the involved parties and take measures to prevent the incident from recurring or to ameliorate the harm caused to the complainer or victim.

The Commissioner will notify the complainer, victim, and the defendant of his decision and allow them to review his summaries and conclusions.

7. The Disciplinary Proceeding

- 7.1 When starting the disciplinary proceeding against the defendant, the proceeding shall be administered in accordance with the applicable Disciplinary Regulations, provided only that the proceeding shall take place before a panel.
- 7.2 The panel that will discuss the sexual harassment or maltreatment proceeding shall be composed to represent the defendant's and the victim's gender, to the extent possible.
- 7.3 Discussions in the disciplinary proceeding will be held in camera. No identifying detail that was revealed within the disciplinary proceeding shall be published, including the verdict, unless the Court will order otherwise.
- 7.4 Should the defendant be convicted with sexual harassment and/or maltreatment, a punishment among the punishments in the Disciplinary Regulations shall be decided.

8. Interim Reliefs

- 8.1 The Commissioner, in coordination with competent authorities at the Center, may order that interim reliefs be taken to separate the defendant and the victim, to protect the victim on the one hand, and not jeopardize work and/or academic relations at the Center on the other.

The Commissioner's authority applies to the period between the complaint's submission and until it is transferred to the disciplinary tribunal.

- 8.2 After starting the disciplinary proceeding, the authority to order interim proceedings is awarded to the judge.
- 8.3 In complaints of severe harassment cases, the Commissioner may recommend that competent authorities at the Center suspend the defendant from work or transfer him to another position or unit - when an employee is concerned, or suspend him from school - when a student is concerned.

9. Educational and Publicity Activities

The Center will perform publicity activities to provide information on sexual harassment and its prevention.

Moreover, the Center will publish the identity of the Commissioner of Student Complaints and the ways to contact him in the campus and in ads geared at students.

10. Protection of Confidentiality

The Center will respect the privacy of complainers, victims and defendants to the extent possible and note the demands of the law, while protecting other relevant interests, such as: the Center's duty to investigate cases of sexual harassment and maltreatment and taking measures against responsible parties.

11. Storing Archived Materials

The Commissioner will gather and concentrate data on complaints that reached him during his work and prepare an annual report that will be submitted to the General Manager and to the President of the Center, regarding the scope of sexual harassment and maltreatment at the Center.

Investigation materials kept by the Commissioner of Complaints shall be stored as judgments by disciplinary tribunals are stored.

12. Validity and Applicability

This procedure shall come into effect upon its approval.

13. Observance of the Law

If there is a contradiction between the provisions of this procedure and those of the "Disciplinary Regulations", the provisions of this procedure shall prevail.

This regulations intends to add upon the provisions of any law, not derogate from them.