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Regulations for the Prevention of Sexual Harassment

1. General:

Sexual harassment and sexual intimidation harm human dignity, freedom, privacy and equality between the genders. Sexual harassment is a criminal offense, a civil wrong and a serious disciplinary offence. The Technological College - Beer Sheva Kadima Mada is committed to creating an environment where there are relationships of mutual respect and fairness towards its employees, students and anyone who is in contact with it in the work framework. Sexual harassment and intimidation harms work and study relationships and are against the College's policy.

The College takes very seriously any behavior of sexual harassment and will do everything in its power to prevent this behavior.

2. The Objective:

The objective of these regulations is to ensure that the Technological College Beer Sheva - Kadima Mada (registered non-profit association), will serve as a workplace and study environment, where there is no sexual harassment or sexual intimidation.

Everything stated in these regulations in the male or female gender applies to all genders.

3. Definitions:

The "**Institution**" The Technological College Beer Sheva - Kadima Mada (non-profit association).

The "**Law**" The Law on the Prevention of Sexual Harassment, 5758-1998 (the "**Law**") (see Appendix no. 1) and the Equal Opportunities at Work Law, 5748-1988 (see Appendix no. 2).

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The **“Regulations:** The Regulations for the Prevention of Sexual Harassment (Employer Duties), 5758- 1998 (see Appendix no. 3).

“Sexual Harassment” As defined in section 3 (a) of the Law on Prevention of Sexual Harassment and as defined in section 7 of the Equal Opportunities at Work Law (attached to this procedure as an Appendix), by a faculty member, employee or student towards one of them in the framework of the **workplace or study environment.**

“Intimidation” as defined in section 3 (b) of the Law on the Prevention of Sexual Harassment, and as defined in section 7 of the Equal Opportunities at Work Law by a faculty member, employee or student towards one of them **in the framework of the of the workplace or study environment.**

“Framework of the Workplace A. In the College.

or the Study Environment” B. Another place where an activity is conducted on behalf of the Technological College (for example: a hall where the center and its employees present an exhibition of the center's products; a training or further education institute where a course is held on behalf of the College; a restaurant where a party is held on behalf of the College for its employees; a study tour/employee tour on behalf of the College); C. While working or studying (for example: a trip made while working in the framework of the work, such as for a work meeting outside the workplace);

D. While taking advantage of authority in work or study relationships, in any place whatsoever.

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- “Victim”** A faculty member, employee or student, who has been subjected to sexual harassment and/or intimidation, as defined by law.
- “Defendant”** A person who, on the day of the incident and on the day the complaint is submitted, is a faculty member, employee or student and a complaint has been filed against him for sexual harassment and/or intimidation as defined by law.
- “Person in Charge”** The person in charge of preventing sexual harassment.
- “Substitute”** The substitute of the person in charge of preventing sexual harassment.
- “Academic Relationship of Authority”** Direct teaching (including: practice, laboratory, project guidance), awarding scholarships, study awards and/or other benefits, membership in committees where the students’ issues are discussed, and taking part in any action that involves any decision regarding the student's and/or faculty member's issues.
- “Faculty Member”** Whoever on the day of the event, is one of the academic faculty members of the Technological College Beer Sheva - Kadima Mada and an employment relationship existed between him and the College.
- “Employee”** A person who on the date of the incident had an employment relationship with the Technological College Beer Sheva - Kadima Mada, including a temporary employee, permanent employee, employment under a personal contract and anyone acting on behalf of the Technological College Beer Sheva-Kadima Mada and in its name as part of the regular internal

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system including an employee of a manpower contractor/
services contractor.

“Student”

Whoever on the day of the incident is one of each of the
following:

- A. Registered for studies at the Technological College Beer Sheva - Kadima Mada and was accepted by it as a student including studies in preparatory schools, in special study frameworks and extracurricular studies, from the time of his registration and as long as he is registered as a student, including during study holidays, according to the student calendar.
- B. Submitted his application to be accepted as a student and his application was rejected, from the time he registered until he received a rejection notice.
- C. Graduated but has not yet received a diploma.

The **“Disciplinary Regulations”** The disciplinary regulations apply to the defendant for sexual harassment or intimidation according to his affiliation.

The **“Disciplinary Committee”** as defined in the College.

4. Sexual Harassment and Intimidation- Disciplinary Offences:

Sexual harassment or intimidation are prohibited and illegal acts and constitute a disciplinary offense for the purpose of the disciplinary regulations.

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5. **Reference and Documentation:**

- A. These regulations rely on the laws and regulations hereafter, and are subject to them:
1. The Law on the Prevention of Sexual Harassment, 5758- 1988.
 2. The Regulations for the Prevention of Sexual Harassment (Employer Duties), 5758- 1998.
 3. The Equal Opportunities Law, 5748- 1988.
- B. If there is a contradiction between the provisions of these regulations and the provisions of the "Disciplinary Regulations", the provisions of this procedure will prevail.
- C. These regulations are intended to add to the provisions of the law and not to derogate from them.

6. **Appointing a Person in Charge of Preventing Sexual Harassment.**

- a. The Person Charge of Administrative Staff and Academic Staff:
 Mrs. Yulia Levin - Head of Human Resources
Deputy person in charge - employee of the Human Resources Department
 Mrs. Ortal Cohen Algrisi
- b. Person in charge of students:
 Mrs. Liron Zino - Dean of the Students
Deputy person in charge - Student Deanship Department
 Mrs. Efrat Holtzman

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- c. The person in charge will act according to the provisions of the law and according to these regulations.
- d. The person in charge and the person in charge of the substitute will serve as the complaints manager and the deputy complaints manager, respectively.
- e. The person in charge will undergo appropriate training to prevent sexual harassment in the workplace.
- f. The appointment will be approved by the Executive Committee of the Technological College of Beer Sheva - Kadima Mada, and it may terminate the appointment of the person in charge and his/her deputy by decision, which will be delivered in writing to the person whose appointment will be terminated.

7. Duties and Powers of the Person in Charge:

- a. To serve as an advisor regarding the prevention of phenomena of sexual harassment and/or intimidation at the Technological College Beer Sheva and their treatment.
 - b. To receive complaints and reports regarding sexual harassment or intimidation within the College and to respond in accordance with the regulations for the prevention of sexual harassment.
 - c. To receive any complaint received and investigate it according to these regulations [Section 9]
 - d. The person in charge must advise to continue handling the complaint and, if necessary, transfer the complaint to a disciplinary procedure, if there was and is an appropriate basis for this.
- 7.5 To initiate training, explanatory and familiarization activities regarding sexual harassment and intimidation at the Technological College in Beer Sheva.

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7.6. To give information, guidance, direction and advice to those who apply to him/her. To take steps in appropriate cases, to prevent the recurrence of sexual harassment or intimidation.

7.7 To order the taking of interim remedies as stated in section 9.1 of this procedure.

7.8 To refer to the victim - if necessary, for medical, academic or other assistance if necessary.

7.9 To dismiss the complaint, after an appropriate investigation, if he believes that there is no truth in it.

7.10 It is in the authority of the person in charge of the prevention of sexual harassment to exhaust the manner of treating the incident if it is found according to the criteria that the harassment in question is harassment at the lowest level and thus to close the complaint.

8. Duty to Report Sexual Harassment:

An employee or student who suspects sexual harassment and/or intimidation, will report it immediately to the relevant persons in charge in accordance with his affiliation with the Technological College Beer Sheva. Accordingly, he/she must assist the person in charge with the information that will be required to investigate the complaint in the best possible way.

9. The Complaint Procedure:

9.1 Submission of the Complaint and its Investigation:

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- a. A complaint about a suspicion of sexual harassment or intimidation of the Technological College at Beer Sheva - Kadima Mada (hereinafter: the "Complaint") must be directed to the relevant person in charge or to the person acting in his/her place in his/her absence. A complaint must be submitted to the person in charge within no more than seven years from the date of the harassment or intimidation incident, and if it is a continuing incident, from the time the acts constituting harassment or intimidation ceased.
- b. The complaint will be submitted in writing or orally. If the complaint was submitted orally, its content will be written by the person in charge, and the complainant will sign it to verify its content. **The person in charge will give the complainant a copy of the written record.**
- c. The complaint will include the description of the case, including:
 - Details of the identity of those involved in the case and witnesses, if any;
 - Location of the event;
 - In the event that it is alleged that an act of sexual harassment was committed - one of these:
 - Did the harassed show the harasser that the behavior bothers him;
 - Is there a relationship of dependence, authority, etc. between the harasser and the person harassed?
- d. The person in charge will inform the complainant about the methods of handling sexual harassment or intimidation according to the law.

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- e. The person in charge, to whom a suspicion of sexual harassment or intimidation has been reported or to whom a complaint about sexual harassment or intimidation has been submitted, is required to start the **investigation procedures of the complaint**.
- f. During the investigation of the complaint, the person in charge will summon the suspect of sexual harassment or intimidation, present him with the details of the complaint and ask for his response. If the complaint was submitted by a complainant who is not the victim, the consent of the victim will be required **before the person in charge turns to the defendant**.
- g. For the purpose of investigating the complaint, the person in charge will summons any faculty member, employee or student to provide information and/or documents that relate or may relate to the complaint. Failure to appear to the investigation and/or failure to disclose information and/or providing false information and/or failure to provide assistance to the person in charge is a disciplinary offense.
- h. The person in charge will carry out the investigation efficiently and continuously until its completion, as far as possible.

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- i. The investigation of the complaint will be done while protecting the dignity and privacy of the complainant, the victim, the defendant and any other person. Inter alia, the person in charge will not reveal information that reached him during the investigation of the complaint unless there is an obligation to do so for the sake of the investigation itself or according to the law; the person in charge will not ask questions about the sexual past of a complainant that is not related to the defendant, and will not refer to information about the sexual past of the complainant as mentioned; the provisions in this paragraph shall not apply if the person in charge believes that if he does not ask questions or relates to the above as stated, irreparable injustice will be caused to defendant.
- j. During the investigation, the privacy of all involved will be safeguarded, as much as possible. In addition, no measures will be taken against the defendant and no decisions will be made without him having been given the opportunity to voice his claims in response to the complaint against him.
- k. If the person in charge believes that the circumstances of the case require assistance, he will be entitled to use a person such as a psychologist, social worker, lawyer, retired judge, etc., in order to investigate the case that is the subject of the complaint and submit his findings to the person in charge.
- l. The person in charge will not handle the investigation of a complaint if it has a personal interest (an actual conflict of interests with the subject of the complaint or those involved in it).
- m. The person in charge may - and under the circumstances stated in the previous section **he must** assign the investigation to his substitute.

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- n. If the person in charge and his substitute are prevented from investigating the complaint for any reason whatsoever, including circumstances as stated in section 9.1.l and 9.1.m above, the complaint will be brought to the CEO of the College. The CEO will be entitled to investigate the complaint himself or assign the investigation to another, including someone who is not an employee.
- o. The CEO and the person tasked with investigating the complaint as stated in section 9.1.e above will have all the powers granted to the person in charge and all the duties applicable to the person in charge will apply to him.
- p. If the defendant was an employee of a manpower contractor actually employed in the College or uses the College services through an external service provider - the complaint will be submitted to the person in charge on behalf of the contractor/provider or to the person in charge on behalf of the College.
- q. If the complaint was submitted to the person in charge on behalf of the contractor/provider, that person in charge may transfer the handling of the investigation of the complaint to the person in charge on behalf of the College, and if the handling of the investigation was transferred as mentioned - the person in charge on behalf of the contractor/provider will inform the complainant of this.

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r. If the College becomes aware of a case of sexual harassment or intimidation in the framework of a work relationship, and no complaint has been filed or the complainant has withdrawn his complaint, he will forward the case to the person in charge for investigation; If such a case has been referred to the person in charge for investigation or the person in charge has been made aware of such a case, the person in charge shall, as far as possible, conduct an investigation into the case according to this section, mutatis mutandis, and if the complainant withdraws his complaint, he will also clarify the reason for withdrawing the complaint.

9.2 At the end of the investigation, the person in charge will submit to the CEO a written summary of the investigation of the complaint and will detail his recommendations regarding the continuation of its handling. If the defendant is an employee of a personnel contractor/provider who is actually employed/purchases service at the College, the person in charge will also submit his summary to the contractor's/provider's person in charge.

9.3 At the end of the investigation, the person in charge will decide to act in one of the following ways:

a. Dismissing the Complaint:

- Where the person in charge believes that there is no merit in the complaint, he may order the complaint to be dismissed.
- Where, as a result of or during the investigation, the complainant or victim is convinced that there is no basis for his complaint and he will cancel it.
- If the person in charge believes that a complaint was filed in bad faith, he may recommend that the complainant be prosecuted.

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- The person in charge will send a reasoned written notice to the victim and/or the complainant regarding a decision regarding the filing of the complaint.
The victim and/or the complainant may appeal this decision to the management of the College within 15 days from the date of the decision.
- b. Making a recommendation to transfer the complaint to a disciplinary procedure:
If the person in charge decides to recommend transferring the complaint to be handled in a disciplinary procedure, the person in charge will forward to the chairman of the disciplinary committee all the relevant material for the complaint, including:
 - The complaint and its appendices (if submitted in writing) and if submitted orally - the summary of the complaint.
 - The response of the defendant.
 - A record made by the person in charge during the investigation.
 - Details of the interim measures taken - if taken.
 - In addition, the person in charge will assist the chairman of the disciplinary committee in preparing the file, if necessary.
- c. It is within the authority of the person in charge in preventing sexual harassment to take disciplinary measures against the defendant as set forth hereafter (all or part of them) in accordance with the circumstances of the offense and its nature, and this after defendant has been given an opportunity to explain his behavior orally or in writing:
 - A written reprimand, which will be recorded in the defendant's personal file, a copy of which will be sent to the personal file/workers' committee.

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- A written warning, which will be recorded in the defendant's personal file, a copy of which will be sent to the personal file/workers committee.
- Referral for training on the prevention of sexual harassment.

The victim and/or the complainant may appeal this decision to the management of the College within 15 days from the date of the decision.

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9.4 At the end of the investigation of the complaint, the person in charge will deliver to the management of the College a written summary report of the investigation of the complaint accompanied by his recommendations for correcting the harm caused to the complainant or the victim due to the harassment or intimidation, if such harm was caused.

10 Interim Remedies:

10.1 The person in charge, in coordination with the authorized authorities at the Technological College Beer Sheva- Kadima Mada, is authorized to order the taking of interim remedies aimed at protecting the victim and/or the complainant during the investigation of the complaint, to protect against harm in matters of work and/or studies at the Technological College Beer Sheva as a result of submitting the complaint, from harm that could disrupt the investigation of the complaint, or against other harm in the framework of work relations or study relations; inter alia, the person in charge may, in coordination as mentioned above, keep the defendant away from the complainant and/or the victim, to the extent possible and as he deems appropriate under the circumstances of the matter.

10.2 The authority of the person in charge covers the period from the date of the investigation is opened until the transfer of the complaint to the College management or to the disciplinary committee. In the case of opening a disciplinary proceeding, the chairman of the disciplinary committee has authority to order the taking of interim proceedings.

11 The Disiplinary Proceeding:

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11.1 After receiving the summary and recommendations of the person in charge, as mentioned in section 9.3.b above, the College management (CEO and deputy) will decide without delay and within a period that does not exceed 7 working days, on the exercise of the powers it has with regard to each of the following:

- i. Giving instructions to the faculty involved in the case, including regarding proper rules of conduct in the framework of working relationships and distancing the defendant from the complainant, as well as taking steps in work matters, all to prevent the recurrence of the act of sexual harassment or intimidation, or to repair the harm caused to the complainant due to the harassment or intimidation;
- ii. The initiation of disciplinary proceedings according to the provisions of the disciplinary regulations and/or according to the regulations of the relevant collective agreement that apply in the College regarding sexual harassment or intimidation;
- iii. Failure to take any action.

11.2 The College will act without delay to implement its decision according to section 11.1 above and it will give a reasoned written notice of its decision to the complainant, to the defendant and to the person in charge; The College will also allow the complainant and the person in charge to review the summary of the person in charge and his recommendations.

11.3 The College may, due to a change in circumstances, change its decision according to section 11.1 above or delay its execution and a reasoned written notice of this will be given to the complainant, to the defendant and to the person in charge.

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11.4 Notwithstanding what is stated in section 11.1, the institution may postpone its decision, delay its execution or change it, due to disciplinary or legal proceedings concerning the case that is the subject of the decision. If the College management so decided it is responsible:

1. To give a reasoned written notice of this will to the complainant, to the defendant and to the person in charge.
2. As long as the aforementioned proceedings have not ended, the College will operate according to the provisions of section 10.1 above;
3. At the end of the proceedings, the institution will make a decision according to section 11.1 above.

11.5 Upon the opening of the disciplinary proceeding against the Defendant, the proceeding will be conducted in accordance with the regulations of the Disciplinary Committee, applicable to the defendant.

11.6 The committee discussing the proceeding of sexual harassment or intimidation will be composed in such a way that, to the extent possible, representation is given to the gender of the defendant and the victim.

11.7 If the disciplinary proceeding against the defendant has been opened - the chairman of the committee is granted authority to order the taking of interim measures as mentioned in section 10 above, and he will be entitled to cancel the interim measures that the person in charge has ordered, to change them, qualify them, add to them or establish other measures in their place.

11.8 The discussion of the disciplinary procedure will be held behind closed doors. Any identifying information that was revealed in the framework of the disciplinary proceeding, including a decision, will not be published, unless the chairman of the disciplinary committee orders otherwise.

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11.9 If the defendant is an employee of a manpower contractor/service provider at the College, the College and the contractor/service provider may agree on the question of which of them will carry out the provisions of this section, all or in part.

11.10 Decisions:

- a. If the defendant was convicted of committing an offense of sexual harassment and/or intimidation:

He will be sentenced to the punishment stipulated in the Disciplinary Committee's regulations and/or the following punishments: a warning (written or oral), a letter of reprimand which will be placed in the personal file, payment of financial compensation to the victim, suspension from work/studies for a fixed period, dismissal with/without compensation, with/without an allowance , with/without a grant.

- b. **If the defendant was not convicted** of committing an offense of sexual harassment and/or intimidation:

The case will be closed and the relevant parties will be informed.

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12 Frivolous complaint and assistance for a frivolous complaint:

Filing an frivolous complaint, providing false information in support of a frivolous complaint or other assistance to a frivolous complaint constitutes a serious disciplinary offense in terms of the disciplinary regulations, and whoever is convicted of such an offense in the disciplinary procedure shall be punished by the penalty stipulated in the disciplinary regulations and/or the penalties as stated in section 11.7 of this procedure.

13 **Providing Information and Educational Activities:**

The technological College at in Beer Sheva - Kadima Mada will hold information and educational activities and distribute information sheets on the treatment of the phenomenon of sexual harassment, in general and in the workplace or study environment in particular, and the ways to prevent it. It is the responsibility of the person in charge to ensure that this procedure is published on the various notice boards of the College and in its various media.

14 **Confidentiality:**

The Technological College Beer Sheva - Kadima Mada will respect the privacy of the complainants, the victims, the defendants as much as possible, paying attention to the requirements of the law and the need to protect other interests related to the matter, such as: the duty of the Technological College Beer Sheva - Kadima Mada to investigate cases of sexual harassment and intimidation and to take measures against those responsible for them, the obligation to use collective and preventive measures in order to eradicate the phenomenon of sexual harassment.

15 **Saving Archival Material and Reporting:**

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15.1 The person in charge will collect and compile data on complaints that have reached him in the framework of his work and he will prepare an annual report which will be submitted to the members of the limited management.

15.2 The investigation material in the hands of the person in charge will be kept in accordance with the accepted practice at Technological College Beer Sheva - Kadima Mada and the person in charge will ensure its confidentiality.

16 Appeal:

16.1 The decisions of the person in charge and his deputy according to these regulations, including decisions according to section 7 and decisions regarding the dismissal of the complaint, can be appealed within 15 days to the CEO of the College.

16.2 The appeal shall be submitted in writing and it shall include reasons.

16.3 A decision regarding the appeal will be given as far as possible, within 15 days.

17 General:

The commencement of this procedure is on the day of its approval.

18 If there is a contradiction between the provisions of this procedure and the provisions of the "Disciplinary Regulations", **the provisions of this procedure will prevail.**

19 This procedure is intended to add to the provisions of the law and the regulations and not to derogate from them.

20 The Appendices to the Procedure:

20.1 The Law on the Prevention of Sexual Harassment, 5758- 1988.

https://www.nevo.co.il/law_html/law00/72507.htm

20.2 The Equal Opportunities Law, 5748- 1988.

https://www.nevo.co.il/law_html/law01/p214m1_001.htm

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20.3 The Regulations on the Prevention of Sexual Harassment (Employer Duties), 5758- 1998.

https://www.nevo.co.il/law_html/law00/72508.htm

Any complaint about sexual harassment or intimidation should be brought as soon as possible so that it can be dealt with efficiently.

Person in charge of administrative staff and lecturers - Mrs. Yulia Levin
08-6462210, Yulial@tcb.ac.il

Person in Charge of the Students - Mrs. Efrat Holtzman
08-6462280 efrath@tcb.ac.il

Deputy person in charge of students - Mrs. Sveta Rabinovich
08-6462233 sveta@tcb.ac.il

Mrs. Rachela Kropro - representative of the workers committee and the company in the committee
08-6462276, rachelk@tcb.ac.il

The law prohibits to the same extent sexual harassment and intimidation towards men and women.