



**REPUBLIC OF TURKEY  
YAŞAR UNIVERSITY**

**DIRECTIVE ON PREVENTION OF GENDER-BASED DISCRIMINATION, VIOLENCE  
AND SEXUAL HARASSMENT**

**CHAPTER ONE**

**Purpose, Scope, Basis, and Definitions**

**Purpose**

**ARTICLE 1–** (1) The purpose of this Directive is to regulate the structure, mission and operating principles of Yaşar University Support Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment established as per Yaşar University Policy Statement on Prevention of Gender-based Discrimination, Violence and Sexual Harassment, which was adopted by the Yaşar University Senate to facilitate an academic setting for research, teaching and studying that is free of all forms of inequalities caused by gender-based discrimination and the violence and sexual harassment resulting from such inequalities. The unit has been founded to raise awareness of gender inequalities, violence and sexual assaults and to conduct activities by means of prevention and support mechanisms.

**Scope**

**ARTICLE 2–** (1) The Directive shall cover all members of Yaşar University, including the academic and administrative staff and students. The Directive shall cover all sorts of actions involving gender-based discrimination, violence and sexual assault that occurs between any member of Yaşar University and other parties and affects the academic setting within the university. The Directive shall also regulate the structure, mission and operating principles of Yaşar University Support Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment. This Directive shall cover topics related to the application and evaluation processes.

**Basis**

**ARTICLE 3 –** (1) The Directive has been issued on the basis of the international agreements that the Republic of Turkey ratified to secure gender equality, to prevent all forms of gender-based violence, and to combat violence; the Universal Declaration of Human Rights; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Constitution of the Republic of Turkey; the Law No. 6284 dated 8/3/2012 on Protection of Family and Prevention of Violence Against Women; Article 417 of the Turkish Law of Obligations; the relevant provisions of the Turkish Criminal Law and of the Turkish Labor Law; the relevant provisions of the Disciplinary Regulation for Administrators, Academics and Non-Academic Staff at Higher Education Institutions; the Position Paper on Gender Equality issued by the Council of Higher Education on 09.11.2015, and Yaşar University's Policy Statement on Prevention of Gender-based Discrimination, Violence and Sexual Harassment.

## **Definitions**

**ARTICLE 4** – For the implementation of the present directive, the terms below shall have the ascribed meanings:

- a) Rector: Yaşar University Rector,
  - b) Unit: Yaşar University's Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment,
  - c) Commission: the Commission consisting of the 4 academic members under the Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment at Yaşar University,
  - d) Coordinator: the Coordinator of the Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment at Yaşar University,
  - e) Applicant: the person applying to Yaşar University Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment by claiming that s/he has been subjected to gender-based violence, sexual harassment or assault or witnessed such incident,
  - f) Sexual assault: Continuous or non-continuous violation of a person's physical integrity through sexual behaviors without getting the person's consent,
  - g) Sexual harassment: Continuous or non-continuous sexual statements, attitudes or other forms of behaviors that are exhibited verbally and behaviorally without any physical contact and without the person's consent,
  - h) Stalking: Any sexual attitude and behavior that is exhibited actually, verbally, in written form or using any means of communication and that physically or psychologically inflicts fear and despair in and suppress a person in a way that causes the person to feel insecure,
  - i) Retaliation: Making a person's education or work life difficulty covertly or overtly for revenging a sexual or romantic behavior or proposal rejected by the person or the person's opting for making a complaint about the situation or the complaint made accordingly; or the person's opting for making a complaint about an incident of sexual harassment or assault that the person witnessed or the complaint made accordingly.
  - j) Promise of reward: Any promise made to reward a person with gains (promotion, points etc.) that s/he does not deserve provided that the sexual or romantic behavior or proposal is accepted,
- University Units: Graduate schools, faculties, schools, vocational schools, research and application centers and administrative units, as well as social, cultural, sports centers and the residence,
- k) University members: The academic and administrative staff, employees of all contracted individuals and businesses, and students,
  - l) Witness: Any person not involved in but informed about the incident potentially involving gender-based discrimination, violence, sexual harassment or sexual assault,
  - m) Expert: Full-time or part-time staff to be assigned by the Rector, upon the proposal of the Commission and in accordance with Article 13 of the Law No. 2547 on Higher Education, in cases where there is a need for legal, psychological or academic expertise that cannot be met by the University units to ensure that the Commission executes and fulfills its duties,
  - n) Emergency: Likelihood of risking or detriment to the protection of an applicant's life safety or rights and liberties or loss of evidence if immediate action or measures are not taken.

## CHAPTER TWO

### Purpose and Field of Activity of Yaşar University Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment

#### Purposes

**ARTICLE 5–** (1) This Unit has been founded to help facilitate a safe academic setting for research, teaching and studying that is free of gender-based discrimination and violence, to raise awareness of gender inequalities, and to take preventive actions by evaluating complaints filed regarding any form of sexual harassment and sexual assault.

(2) Within this framework, the Unit shall intend to:

- a) Propose various policies and practices preventing gender-based inequality and all forms of gender-based discrimination and violence to the upper management,
- b) Raise awareness in respect of preventing gender-based inequality and all forms of gender-based discrimination and violence within the university,
- c) Inform the University units and the University members about these issues and organize training events, activities, and projects,
- d) Create an effective application and support mechanism prioritizing the principle of confidentiality of the complaints made to report gender-based violence, sexual harassment and sexual assault incidents,
- e) Engage in and follow up the disciplinary processes concerning gender-based violence, sexual harassment and sexual assault,
- f) Execute support, education and prevention processes against all forms of gender-based violence.

#### Activities

**ARTICLE 6–** (1) To meet the purposes listed above, the Unit shall:

- a) Organize a diversity of training activities and works to raise awareness of gender-based violence, sexual harassment and sexual assault;
- b) Conduct researches, projects and publishing activities about gender-based violence in collaboration with other organizations, institutions and individuals that operate within the university, nationally and internationally to promote gender-based equality;
- c) Evaluate the applications submitted to the Commission and issue a report, while also identifying the applicant's needs and collaborating with the internal Units accordingly;
- d) Ensure that necessary administrative measures are in place and follow up their execution in cases of emergency;
- e) Identify the University's needs to prevent gender-based violence, sexual harassment and sexual assault and submit proposals to the university administration.

## CHAPTER

## THREE

### Bodies of the Unit and Their Duties

#### Bodies of the Unit

**ARTICLE 7–** (1) The Unit shall have two bodies:

- a) Coordinator,
- b) Commission: The commission made up of three academic members and one administrative member from the University.

#### Coordinator

**ARTICLE 8–** (1) The Coordinator shall be selected among female staff members of the

University who have experience in combating cases of sexual harassment and sexual assault, and be assigned to serve for two years. After completing the given term of office, the Coordinator may be re-assigned following the same procedure.

(2) One member of the Commission shall stand proxy for the Coordinator when the Coordinator is not on duty. Should this proxy remain in place for more than six months, a new coordinator/Ombudsman shall be assigned following the same procedure.

### **Duties of the Coordinator**

**ARTICLE 9–** (1) The duties of the Coordinator shall be:

- a) Ensure the coordination needed for the Commission to fulfill its duties and operate smoothly,
- b) Prepare the agendas for the Commission and call the Commission to attend meetings and make sure that minutes of the meetings are recorded,
- c) Execute the administrative and financial affairs concerning the annual budget of the Commission,
- d) Remain in contact and in collaboration with the other units of the University to achieve the purposes of the Commission,
- e) Keep record of all applications submitted to the Commission in accordance with the principle of confidentiality,
- f) Ensure confidentiality of all the information and documents on each application in accordance with the principle of confidentiality, without prejudice to the obligations to notify arising from the legislation and other legal obligations.
- g) Keep record of the administrative measures taken and follow up the process in cases of emergency,
- h) Inform applicants about their rights and the mechanisms they can consult for legal remedies and support.
- i) Deliver the reports written about applications to the Rector's Office in a way ensuring the confidentiality of the reports (in sealed envelope stamped as confidential delivered by hand),
- j) Keep an archive of the documents regarding the duties and activities of the Commission.

### **Commission**

**ARTICLE 10–** (1) The Commission shall consist of five individuals that include the Coordinator and four members. The aforementioned four members of the Commission shall be selected among Yaşar University's academic and administrative staff and assigned by the Rector. The following principles shall apply to the selection of the members:

- a) The members shall include at least one academician from the Law Faculty and at least one academician from the Department of Psychology of the Faculty of Humanities and Social Sciences.
- b) Male members cannot outnumber female members.
- c) Academic staff members with publications and/or active engagement in gender studies are prioritized.
- d) Directors and vice directors of the administrative units within the university (Rector, deans, directors of schools and graduate schools, department heads, directors of research centers, secretary general) cannot be assigned as a member to the Commission.
- e) Those against whom a disciplinary action was previously taken because of their involvement in any action covered herein this Directive cannot be selected as a member to the Commission.
- f) Two associate members that meet the criteria sought in regular members are also selected simultaneously with the regular members by following the same procedure.
- g) To ensure regularity and continuity in the exchange of knowledge and experiences within the Commission, at least one of the members whose terms of office have terminated is re-assigned for another term.

(2) The term of office shall be two years for the members of the Commission. After completing the

given term of office, members may be re-appointed following the same procedure.

(3) The Commission shall gather by absolute majority of the members upon the Coordinator's invitation at least once every two months and immediately in cases of emergency. Decisions shall be made by absolute majority of the attendees.

(4) A commission member shall be removed from the Commission if the relevant member does not attend three meetings in a row in one calendar year without any permission and justification. The removal from the Commission shall come into force upon the notification of the approval of the Rector's Office to the concerned individual.

(5) In cases of an individual against whom an application is submitted and/or a disciplinary proceeding is initiated in relation to an action addressed herein this Directive while the individual is still a member to the Commission, his/her membership shall be suspended and – if a disciplinary action is decided to be taken – terminated. In cases of suspension of a membership, the Rector shall assign one of the associate members temporarily.

(6) For the positions of those who quit their positions as members or whose membership terminates, new members shall be appointed following the same procedure. A new member shall remain in office until the end of the regular term of office that applied to the previous member who served in the relevant position.

#### **Duties of the Commission**

**ARTICLE 11–** (1) The duties of the Commission shall be:

- a) Make decisions by absolute majority concerning the activities of the Commission in line with the purposes of the Commission,
- b) Support the Coordinator in the duties that the Coordinator executes,
- c) Distribute the duties for the Commission to perform its duties,
- d) Prepare the annual activity report and the annual report addressing the applications submitted to the Commission and submit these reports for the Rector's information,
- e) Prepare the annual budget proposal of the Commission and submit the proposal for the Rector's approval,
- f) Evaluate applications claiming incidents of gender-based violence, sexual harassment and sexual assault and inform the applicant about the mechanisms for legal remedies and support,
- g) Carry out activities to raise awareness of the prevention of gender-based violence, sexual harassment and sexual assault within the university,
- h) Collaborate with the relevant authorities to create the legal, psychological, social, medical support mechanisms,
- i) Provide information and express opinion regarding the steps to be taken to achieve the objectives that were set as per Yaşar University Policy Statement on Prevention of Gender-based Discrimination, Violence and Sexual Harassment and Yaşar University Support Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment Directive.

## **CHAPTER FOUR**

### **Operating Procedures and Principles of the Unit**

#### **Application Process**

**ARTICLE 12–** (1) Those claiming that they have been exposed to or witnessed gender-based discrimination, violence, sexual harassment or sexual assault can apply to the Coordinator and the Commission personally if they are of full legal age or through their parents or guardians if they are not of full legal age. In cases of applications submitted to any unit of the University, the relevant unit and the individuals therein shall be obliged to inform the applicant about the

Commission, and if the applicant gives consent, submit the application in question to the Coordinator. The authorities granted to the disciplinary directors listed in the legislation shall be reserved. Applications can be made personally or electronically via the e-mail address of the Commission. Anonymous applications shall not proceed.

(3) There shall be no time limitation for applications to be made. In cases where the disciplinary proceeding cannot be initiated due to statute of limitations, applicants can benefit from support and reinforcement mechanisms in reference to their registered applications.

(4) A registration form shall be issued for each application along with a registration number by the Commission. Confidentiality of the identity information of the parties and witnesses of the incident shall be preserved in the application file and the procedures shall be performed using the registration number provided. Only the application date and subject matter and the applicant's requests shall be included in the registration form, unless the applicant gives consent for inclusion of other information in the registration form.

(5) The applicant shall be kept updated about the stages and outcomes of any procedures that have been undertaken within the scope of the application.

(6) In cases where any of the parties involved in the incident addressed within the scope of the application is personally related to a member of the Commission in a way that might potentially obscure the neutrality and objectivity of the member, the concerned member of the Commission shall not be allowed to get involved in this application process. If such relationship is understood to have been present from the beginning, the member shall then be excluded from the application process and replaced with one of the associate members temporarily assigned by the Rector.

(7) For applications delivered directly or referred indirectly to the Unit, the Coordinator shall listen to the details of the incident, obtain information about the applicant's needs and requests, and inform the applicant about legal mechanisms and other solution mechanisms, potential risks and measures to be taken, as well as the support mechanisms offered by the University and the University's obligations to notify arising from the legislation.

(8) For the applications submitted electronically via e-mail, the applicant shall be encouraged to have a face-to-face dialogue. If the applicant is not willing to have a face-to-face dialogue, the applicant shall be asked about his/her needs and requests to obtain the necessary information via e-mail and then informed as required using the same means.

(9) To prevent further psychological damage caused by sexual harassment or assault, subject to his/her consent, the applicant shall be referred to the Psychological Counseling and Guidance Unit within the University.

(10) After reviewing the application, the Coordinator shall bring up the subject matter to be addressed by the Commission and the Commission shall issue a report where it states its opinions regarding the subject matter. As per the principle of confidentiality, the reports written about applications shall be delivered to the Rector's Office in a way ensuring the confidentiality of the reports (in sealed envelope stamped as confidential delivered by hand).

(11) Disciplinary proceedings to investigate the actions addressed herein this Directive shall be initiated by the relevant disciplinary director as per the legislation in effect; the Commission shall propose to the concerned disciplinary director in assigning the investigator and creating the investigation commission; and meanwhile the Rector shall be provided with update in all stages of the investigation.

(12) To execute the disciplinary investigation, investigators and the members of the investigation commission shall follow the rules, principles and procedures stated on Yaşar University Policy Statement on Prevention of Gender-based Discrimination, Violence and Sexual Harassment, as well as the procedures and principles stipulated by the relevant legislation.

(13) Only the assigned and future members of the Commission shall be allowed to access the documents in relation to any application, and these documents shall not be shared with or copied for any individual or authority, except for the cases where the obligations to notify and other legal obligations arising from the legislation apply.

(14) In cases where the applicant's mother tongue is non-Turkish and the applicant is of foreign nationality, the application process shall proceed in the language that the applicant prefers to the greatest extent possible, and the Unit may opt for outsourcing the expertise needed.

#### **Emergency**

**ARTICLE 13–** (1) The University units and the members therein shall be obliged to cooperate with the Commission in taking and implementing administrative measures in cases of emergency within the Rector's knowledge.

#### **Principles applying to the operation of the Commission**

**ARTICLE 14–** (1) All of the duties covered herein this Directive shall be performed by the Commission and other units of the University, as well as the University members, in full conformity with the principles that are elaborated in Yaşar University Policy Statement on Prevention of Gender-based Discrimination, Violence and Sexual Harassment, i.e. the principles of discrimination prohibited, diligent conduct, confidentiality, reliability, as well as the principle of applicant's statement constitutes the basis and the principles of consent obtained, judgment-free support, and risks and measures notified.

## **CHAPTER FIVE Final Provisions**

#### **Budget, logistics, and staff**

**ARTICLE 15–** (1) The logistical and administrative expenses of the Commission shall be prepared by the Commission and covered upon the Rector's proposal by the Rector's Office within the framework of the annual budget approved by the Board of Trustees.

(2) The technical, administrative and academic staff needs of the Commission shall be met by the staff appointed by the Rector in accordance with Article 13 of the Law No. 2547 on Higher Education.

#### **Effective Date**

**ARTICLE 16–** (1) This Directive shall be effective as of the date of its approval by the Board of Trustees.

#### **Execution**

**ARTICLE 17 –** (1) The provisions of this Directive shall be executed by Yaşar University Rector.

*Approved by the decision no. 05 made by the Board of Trustees on  
07/07/2021.*