



REPUBLIC OF TÜRKİYE
YAŞAR UNIVERSITY
DIRECTIVE ON PREVENTION OF GENDER-BASED
DISCRIMINATION, VIOLENCE AND SEXUAL HARASSMENT

SECTION ONE
Objective, Scope, Basis and Definitions

Objective

ARTICLE 1– (1) The purpose of this Directive is to regulate the structure, mission and operating principles of the Yaşar University Support Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment, established as per the 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 covers all members of Yaşar University, including the academic and administrative staff and students. The Directive covers all sorts of actions involving gender-based discrimination, violence and sexual assault that occurs between any member of Yaşar University and other parties, and which affects the academic setting within the university. The Directive also regulates the structure, mission and operating principles of the Yaşar University Support Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment. This Directive covers 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 has 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; Law No. 6284 dated 8/3/2012 on Protection of the Family and Prevention of Violence Against Women; Article 417 of the Turkish law of obligations; the relevant provisions of Turkish criminal law and of 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 have the ascribed meanings:

- a) Rector: Yaşar University's Rector.
- b) Unit: Yaşar University's Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment.
- c) Commission: The Commission consisting of the four academic members under the Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment at Yaşar University.
- ç) Coordinator: The Coordinator of the Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment at Yaşar University.
- d) 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 an incident.
- e) Sexual assault: Continuous or non-continuous violation of a person's physical integrity through sexual behaviors without getting the person's consent.
- f) 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.
- g) 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, or oppresses a person in a way that causes the person to feel insecure.
- ğ) Retaliation: Making a person's education or work life difficult, covertly or overtly, for the purpose of revenging a sexual or romantic behavior or proposal rejected by the person, or due to the person's opting to make a complaint about the situation, or due to the complaint itself, or due to the person's opting for making a complaint about an incident of sexual harassment or assault that he/she witnessed, or due to the complaint itself.
- h) 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,
- ı) University Units: Graduate schools, faculties, schools, vocational schools, research and application centers and administrative units, as well as social centers, cultural centers, sports centers and the residence hall.
- ı) Members of the University: The academic and administrative staff, employees of all contracted individuals and businesses, and students.
- j) Witness: Any person not involved in but informed about an incident potentially involving gender-based discrimination, violence, sexual harassment or sexual assault.
- k) 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 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, in order to ensure that the Commission executes and fulfills its duties.
- l) Emergency: Likelihood of risk or detriment to an applicant's life or safety, or to their rights and liberties, or of loss of evidence if immediate action or measures are not taken.

SECTION TWO

Purpose and Field of Activity of the 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 assessing complaints filed regarding any form of sexual harassment and sexual assault.

(2) Within this framework, the Unit intends 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, inform University units and University members about these issues and organize training events, activities, and projects,
- c) 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,
- ç) engage in and follow up on disciplinary processes concerning gender-based violence, sexual harassment and sexual assault,
- d) execute support, education and prevention procedures to combat all forms of gender-based violence.

Activities

ARTICLE 6– (1) To meet the goals listed above, the Unit will carry out the following activities:

- a) Organize a diversity of training activities and projects to raise awareness of gender-based violence, sexual harassment and sexual assault.
- b) Conduct research, 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) Assess the applications submitted to the Commission and issue reports, while also identifying each applicant’s needs and collaborating with internal Units accordingly.
- ç) Ensure that necessary administrative measures are in place and follow up their execution in cases of emergency.
- d) Identify the University’s needs in relation to preventing gender-based violence, sexual harassment and sexual assault, and submit proposals to the university administration.

SECTION THREE

Authorized Bodies of the Department and their Duties

Bodies of the Unit

ARTICLE 7– (1) The Unit has two bodies:

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

The Coordinator

ARTICLE 8– (1) The Coordinator is selected among female staff members of the University who are experienced in combating cases of sexual harassment and sexual assault, and is assigned to serve for two years.

(2) After completing the given term of office, the Coordinator may be re-assigned following the same procedure.

(3) One member of the Commission acts as the deputy Coordinator when the Coordinator is not on duty. Should this deputy remain in place for more than six months, a new coordinator/Ombudsman is assigned following the same procedure.

Duties of the Coordinator

ARTICLE 9– (1) The duties of the Coordinator are to

- 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,
- ç) remain in contact and in collaboration with the other units of the University to achieve the purposes of the Commission,
- d) keep records of all applications submitted to the Commission in accordance with the principle of confidentiality,
- e) 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,
- f) keep records of the administrative measures taken and follow up the process in cases of emergency,
- g) inform applicants about their rights and the mechanisms they can consult for legal remedies and support,
- ğ) deliver the reports written about applications to the Rector’s Office in a way ensuring the confidentiality of the reports (in sealed envelope, stamped “confidential” and delivered by hand),
- h) keep an archive of the documents regarding the duties and activities of the Commission.

The Commission

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

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

(2) The term of office is 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 convenes by absolute majority of the members upon the Coordinator’s invitation at least once every two months and immediately in cases of emergency. Decisions are 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 enters 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 in this Directive while the individual is still a member to the Commission, his/her membership is suspended and – if a decision is made to take disciplinary action – terminated. In cases of suspension of a membership, the Rector assigns one of the associate members temporarily.

(6) For the positions of those who quit their positions as members or whose membership terminates, new members are appointed following the same procedure. A new member remains 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 are to

- 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 duties relating to the activities performed by the Commission,
- ç) prepare the annual activity report and the annual report addressing the applications submitted to the Commission and submit these reports to the Rector for his/her information,
- d) prepare the annual budget proposal of the Commission and submit the proposal for the Rector's approval,
- e) assess applications claiming incidents of gender-based violence, sexual harassment and sexual assault and inform the applicant about the mechanisms for legal remedies and support,
- f) carry out activities to raise awareness of the prevention of gender-based violence, sexual harassment and sexual assault within the university,
- g) collaborate with the relevant authorities to create legal, psychological, social, and medical support mechanisms,
- h) provide information and express opinions regarding the steps to be taken to achieve the objectives that were set as per the Yaşar University Policy Statement on Prevention of Gender-based Discrimination, Violence and Sexual Harassment and the Yaşar University Support Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment Directive.

SECTION 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 may 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 are obliged to inform the applicant about the Commission, and if the applicant gives consent, to submit the application in question to the Coordinator. The powers of the discipline supervisors listed in the legislation are reserved.

(2) Applications may be made personally or electronically via the e-mail address of the Commission. Anonymous applications are not valid.

- (3) There is no time limitation for applications to be made. In cases where the disciplinary proceeding cannot be initiated due to a statute of limitations, applicants may benefit from support and empowerment mechanisms in reference to their registered applications.
- (4) A registration form is to 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 must be preserved in the application file and the procedures are performed using the registration number provided. Only the application date and subject matter and the applicant's requests may 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 affect the neutrality and objectivity of the member, the concerned member of the Commission is not allowed to get involved in the application process. If such relationship is understood to have been present from the beginning, the member is 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 listens to the details of the incident, obtains information about the applicant's needs and requests, and informs 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 applications submitted electronically via e-mail, the applicant is encouraged to have a face-to-face dialog. If the applicant is not willing to have a face-to-face dialog, the applicant should be asked about his/her needs and requested to provide 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 is referred to the Psychological Counseling and Guidance Unit within the University.
- (10) After reviewing the application, the Coordinator brings up the subject matter to be addressed by the Commission and the Commission issues a report where it states its opinions regarding the subject matter. As per the principle of confidentiality, the reports written about applications are delivered to the Rector's Office in a way ensuring the confidentiality of the reports (in a sealed envelope stamped "confidential" and delivered by hand).
- (11) Disciplinary proceedings to investigate the actions addressed in this Directive are initiated by the relevant disciplinary director as per the legislation in effect; the Commission makes proposals to the concerned disciplinary director to follow in assigning the investigator and creating the investigation commission; meanwhile, the Rector is updated about all stages of the investigation.
- (12) To execute the disciplinary investigation, investigators and the members of the investigation commission follow the rules, principles and procedures stated in the 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 are allowed to access the documents in relation to any application, and these documents may 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 not Turkish and the applicant is of foreign nationality, the application process proceeds 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 are obliged to cooperate with the Commission in taking and implementing administrative measures in cases of emergency within the Rector's knowledge.

Principles governing the operation of the Commission

ARTICLE 14– (1) All of the duties covered herein 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 non-discrimination, diligent conduct, confidentiality, reliability, as well as the principle that the applicant's statement constitutes the basis and the principles of consent obtained, that of judgment-free support, and of notice of all potential risks and precautions.

SECTION FIVE

Final Provisions

Budget, logistics, and staff

ARTICLE 15– (1) The logistical and administrative expenses of the Commission are 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 are met by the staff appointed by the Rector in accordance with Article 13 of Law No. 2547 on Higher Education.

Validity

ARTICLE 16– (1) This Directive takes effect as of the date of its approval by the Board of Trustees.

Execution

ARTICLE 17– (1) The provisions of this Directive are executed by the Rector of Yaşar University.

[Approved by the decision no. 05 made by the Board of Trustees on 07/07/2021.](#)