

Mapping Policies on Sexual and Gender Based Harassment and Assault:

Toolkit for Universities in Turkey



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Gender Based Harassment and Assault
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INTRODUCTION

Sexual and gender-based harassment and assault (SGHA) is a pervasive worldwide problem. It interferes with the rights of individuals to enjoy a humane society, workplace and educational environment. Sexual harassment has been framed as an issue interfering with human rights in that those who experience it often suffer damaging physical and psychological effects, which prevent these individuals from achieving their rightful place in employment and educational settings.¹ Sexual harassment is not limited to women, or those perceived to be woman-like, however, women are the majority of those targeted by sexual harassment, wherever it occurs. In this respect, sexual harassment can be considered a serious aspect of the gender based violence which is too often the norm in Turkey.

Following the murder of university student Özgecan Aslan in 2015, the issue of SGHA occupied much of the Turkish public for months. Despite widespread media coverage of the Özgecan Aslan murder, SGHA continues unabated in Turkey. In 2016 alone, at least 260 women were murdered, 75 women were raped, 120 women were sexually harassed, 417 girls were sexually abused and 329 women were subject to gender-based violence.² These numbers only demonstrate the incidents that warranted media coverage. Incidents of sexual harassment, rape and sexual assault are often unreported; therefore, these numbers present only a partial picture at best, especially in a country where violence against women is all too common. 41% percent of women in Turkey reported to have experienced physical or sexual violence at least once in their life³ and 93% of people (mostly woman) in Turkey have experienced some form of SGHA.⁴

Turkey is a signatory country in numerous international agreements including The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW, 1979) and was the first signatory country for the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). In addition, equality before the law is enshrined in the article X in the Turkish Constitution.⁵ Article 102 and 105 of the Turkish Penal Code prohibit SGHA and punishes such crimes with incarceration.⁶ Yet, violence against women and LGBTI+ individuals remains widespread.

¹ Janet Sigal, "International Sexual Harassment," NYAS Annals of the New York Academy of Sciences 1087, no. 1 (2006): 356–69.

² Çiçek Tahaoğlu, "Erkekler Aralık'ta 19 Kadın Öldürdü," Bianet - Bağımsız İletişim Ağı, accessed April 10, 2017, <http://www.bianet.org/bianet/toplumsal-cinsiyet/182554-erkekler-aralik-ta-19-kadin-oldurdu>.

³ "Domestic Violence against Women in Turkey" (Hacettepe University Institute of Population Studies, 2014), http://www.hips.hacettepe.edu.tr/ING_SUMMARY_REPORT_VAW_2014.pdf.

⁴ "Hollaback! Istanbul Research Results – Istanbul Hollaback!," accessed April 11, 2017, <https://istanbul-en.ihollaback.org/2011/12/27/results-of-hollaback-istanbuls-research-on-street-harassment/>.

⁵ The Constitution of the Republic of Turkey, Part I, Article 10.

⁶ Turkish Penal Code, Chapter XI, Article 102 and 102, No. 5237.

Recognizing the important role that universities can and should play in efforts to prevent violence against women and in creating a culture of gender equality, the Council of Higher Education (COHE) held a meeting of university gender and women's studies centers directors, academics and representatives of civil society and unions on May 7, 2015. The meeting produced a list of recommendations. Those that focus on SGHA include:

- 1) Educational training should be carried out to raise awareness in higher education institutions on SGHA.
- 2) The training should be intended for faculty members, students, administrative staff, sub-employers, security officers and employees working in other institutions from which the university receives services.
- 3) Higher education institutions should benefit from the training provided by the leading universities working in the field of combatting sexual and gender based harassment.
- 4) University campuses and classrooms should be designed specifically for the security of female students, they should be illuminated properly, and enable communication.⁷

SGHA, including sexual violence, are forms of sexual discrimination in the sense that they deny or limit an individual's ability to participate in or benefit from University programs or activities.⁸ Higher education institutions are one of the spaces where SGHA often occurs. However, there is a lack of institutional and/or legal support in Turkey to adequately address this problem, and many incidents go unreported. For example, according to a study in the U.S., 80% of sexual harassment goes unreported, and in 89% of the cases, assailants are not held responsible.⁹ A survey conducted at Atılım University in 2015 found that 76% of the university's community in which this study conducted has not had training on issues of gender equality.¹⁰ Similarly, a survey amongst Kadir Has University students in 2016 revealed that 67.9% of them who have experienced or witnessed SGHA have preferred not to report such incidents because they believed that no institutional action would be taken.¹¹

⁷ See p.13 of the Report for all recommendations.

⁸ "Sexual and Gender-Based Harassment Policy. Policy Statement," accessed April 10, 2017, http://titleix.harvard.edu/files/title-ix/files/harvard_sexual_harassment_policy.pdf?m=1461104544.

⁹ Laura Buchholz, "The Role of University Health Centers in Intervention and Prevention of Campus Sexual Assault," *JAMA* 314, no. 5 (2015): 438–40.

¹⁰ Damla Songur, Erhan Küçük, and Aslı Şimşek, "Atılım Üniversitesi - Kadın Sorunları Araştırma ve Uygulama Merkezi - Toplumsal Cinsiyet Eşitliğine Duyarlı Üniversite Ve Kadın Dostu Kampüs Projesi Bilimsel Posterimiz," accessed April 10, 2017, <http://kasaum.atilim.edu.tr/bilimsel-posterimiz>.

¹¹ Rebecca Verwijs, "Sexual Harassment: Coping Strategies of Students from Kadir Has University" (Kadir Has University Gender and Women Studies Research Center, January 2017).



The “**Mapping Policies on Sexual and Gender Based Harassment and Assault: Toolkit for Universities in Turkey**” aims to assist universities in their efforts to create a campus community free of abuse, harassment, and other forms of sexual and gender based violence so that the university communities enjoy equitable, nonviolent relationships.

The tool kit consists of:

Report on Sexual and Gender Based Harassment Policies at Universities in Turkey aims to map the current state of anti-harassment policies in Turkish universities. It includes the information on which institutions have created policies on SGHA by providing an analysis of conceptual and practical issues regarding the policies.

A Self-Assessment Checklist provides practical guidance to support institutions in creating their own regulations and units for fighting harassment.

Sexual Harassment? A Practical Guidebook to Your University’s Policy is a template guidebook to be adapted by each university based on their institutional policies on sexual harassment. It has been prepared to inform the university community about the definition of sexual harassment, the reporting procedure of a sexual harassment incident, and after care process whilst providing a glossary of important concepts and definitions of sexual harassment.

Mapping Policies on Sexual and Gender Based Harassment and Assault:

Toolkit for Universities in Turkey

Report



KEY FINDINGS

- 18/176 universities have established specific mechanisms to ensure the protection of university community members against SGHA or have stated their commitment against SGHA.
- 14/176 universities have policies against SGHA.
- There are 7 directives, 4 policy documents, 3 guides, 2 ethical principles document, 1 regulation, and 1 support principles document.
- A further 4 universities include SGHA in their ethical principles document.
- 46% of university students in Turkey attend schools with no institutional mechanism against sexual and gender-based harassment and assault other than those offered in the regulations of the Council of Higher Education and the Turkish Criminal Code.
- While all the universities with SGHA policies recognize gender-based discrimination, none of the universities addresses forms of harassments that target LGBTI+ people in their policies on sexual harassment and assault.
- 1/18 universities with a SGHA policy explicitly addresses online harassment.
- 9/18 universities consider retaliation, a form of revenge directed against someone who have filed or have intended to file a case of SGHA, as a form of SGHA.

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INTRODUCTION AND APPROACH

This report has been prepared to foreground the challenges and difficulties that surround the institutional mechanisms on SGHA at universities in Turkey. It also aims to encourage knowledge and experience sharing between universities on this issue. It includes the hope that the findings and suggestions of this report will benefit not only universities that have already started their processes in creating policies and mechanisms, but also universities that would like to embark on developing policies and mechanisms to combat SGHA.

Working with the database provided by the Student Selection and Placement Center (Öğrenci Seçme ve Yerleştirme Merkezi-ÖSYM), a list of Turkish universities was compiled. As of January 2017, there are 176 universities in Turkey. Working with this list, each university's website was checked to determine whether they had a policy, directive, or any other related documents that address SGHA. To further ensure the accuracy of the number of universities that have SGHA policies, we contacted members of the sexual harassment network. This network consists of other university gender and women's centers, academics and activists who specialize in this issue. This search found 18 universities that have an official policy of some kind related to SGHA.

Each of the policy documents was then assessed based on a questionnaire prepared by the Center. The questionnaire was developed after a broad review of the academic literature on SGHA.¹ To evaluate SGHA policies, six major categories were identified. The report examines university policies based on *the definition and subject, jurisdiction, reporting, retaliation, organization and prevention* of SGHA.

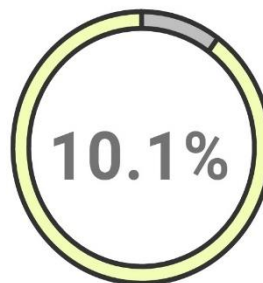
¹ Laura Bennett, "Review Best Practices for Sexual Assault Prevention, Response," DAP Dean and Provost 16, no. 9 (2015): 7; Laura Buchholz, "The Role of University Health Centers in Intervention and Prevention of Campus Sexual Assault," JAMA 314, no. 5 (2015): 438–40; S. M. Burn, "A Situational Model of Sexual Assault Prevention through Bystander Intervention," SEX ROLES 60, no. 11–12 (2009): 779–92; Janet Napolitano, "'Only Yes Means Yes': An Essay on University Policies Regarding Sexual Violence and Sexual Assault," Yale Law & Policy Review 33, no. 2 (2015): 387–402.; Lisa A. Paul and Matt J. Gray, "Sexual Assault Programming on College Campuses: Using Social Psychological Belief and Behaviour Change Principles to Improve Outcomes," Trauma, Violence and Abuse 12, no. 2 (2011): 99–109; Tara K. Streng and Akiko Kamimura, "Sexual Assault Prevention and Reporting on College Campuses in the US: A Review of Policies and Recommendations," Journal of Education and Practice 6, no. 3 (2015): 65–71.

GENERAL OVERVIEW

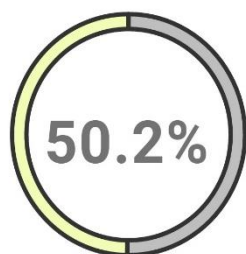
In Turkey, there are currently 6,689,185 students attending 176 universities of which 112 public and 64 private.² Of the 176 universities, 18 (10.11%) have explicit regulations, policies and/or directives on SGHA. That is to say that 50.2% of all university students are protected by SGHA documents in addition to the directives of the Council of Higher Education and Turkish law. However, this number drops dramatically to 6.8% when Anadolu University, which has 2,896,762 students, is excluded from the research. Of the

18 universities, thirteen are public and five are private. Most institutions with SGHA policies are in Istanbul and Ankara. Universities located in other provinces such as Muğla, Izmir, and Hatay also have policies against SGHA. It is important that all members of university communities, no matter where they are located, have the fullest protection against SGHA. Therefore, all efforts in other parts of Turkey to address this issue need to be supported.

To aid in furthering gender equality in higher education, the Commission of Women Studies and Problems, established under the auspices of Council of Higher Education (COHE), released several recommendations including those related to SGHA. The recommendations include training and education on SGHA but not the enactment of specific policies that seek to prohibit SGHA. This is an issue that gender and women's studies centers and groups on university campuses have taken upon themselves in recognition of the severity of the problem.



■ The percentage of universities that have SGHA policies
■ The percentage of universities that do not have SGHA policies



■ The percentage of students protected by an SGHA policy
■ The percentage of students unprotected by an SGHA policy

A part of the problem is that the current disciplinary regulations for students and university personnel are not sufficient in this area. All students at Turkish higher education institutions are bound by the Student Discipline Regulation proffered by COHE. The regulation states that those who commit sexual harassment are to be suspended for two academic semesters. ([Article 8, Clause E](#))

² The data is retrieved from the Higher Education Information Management System (Yükseköğretim Bilgi Yönetim Sistemi) - "Yükseköğretim Bilgi Yönetim Sistemi," accessed April 13, 2017, <https://istatistik.yok.gov.tr/>.



In cases of sexual assault, the same regulation stipulates that those who commit sexual assault are expelled from the institutions. Faculty and staff in higher education institutions are bound by the Higher Education Discipline Regulation for Managers, Instructors, and Officers of COHE. According to this regulation, those who are charged with a rape crime are dismissed from their positions. ([Article 11, Clause B](#)) However, no disciplinary regulation specifies what actions and behaviors can constitute such offenses and crimes. Beyond this, the regulation for faculty and staff does not actually mention sexual harassment but only focuses on sexual assault.

The lack of individual institutional mechanisms against SGHA leaves many students, faculty members and administration staff without the kind of protection against SGHA that they might need.

The prohibitions on harassment that have been enacted by various institutions take a variety of forms from directives to policies, guides and principles. There are seven directives, four policy documents, three guides, two ethic principles document, one regulation, and one support principles document.

The importance is in the binding nature of the document. Although all attempts to fight SGHA must be supported, only regulations and directives are legally binding. Policies and principles are important statements of the values of an academic community and their willingness to begin to address harassment; however, regulations and directives offer more substantive protection in that they offer a complaint mechanism and the institution is bound to enforce its own regulation.

Geographic Distribution of Universities That Have SGHA Policies



The cities in which universities with SGHA policies are located are shown with green color

DEFINITIONS OF SEXUAL AND GENDER BASED HARASSMENT & ASSAULT

Generally, harassment is defined as repeated or persistent treatment that pressures, provokes, frightens, intimidates, humiliates, or demeans a person. A critical component of harassment is power. Power in this context is relative control over outcomes through the capacity to withdraw rewards or introduce punishments. Harassment requires a difference in actual or perceived power between the harasser and the target of harassment that leaves the target little recourse for self-defense or retaliation.³

Defining sexual harassment is a difficult task and definitions have varied widely over the years to include behaviors ranging from flirting and staring to touching, grabbing, brushing up against someone.⁴ Others have described sexual harassment as “any unwanted sexual action”, which might take the form of verbal, physical, and gazing.⁵ One of the most common denominators of all sexual harassment definitions is the absence of *consent* to the interaction.

UN Women defines sexual harassment as follows:

“Sexual harassment is any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another.”

The International Labor Organization (ILO) in its working paper on sexual harassment at workplace broadens the definition of sexual harassment by adding non-sexual actions and behaviors. The ILO considers repeated social invitations, paternalistic remarks, and discrimination based on age as sexual harassment.⁶

The definition of sexual harassment used in Turkish universities is based on articles 102, 103, and 105 in Turkish Criminal Code (Law No 5237). According to the definition, sexual harassment is divided into three stages based on its severity: ordinary harassment, continuous harassment, and severe harassment. While ordinary harassment refers to

³ Jennifer L. Berdahl, “Harassment Based On Sex: Protecting Social Status In the Context Of Gender Hierarchy,” *Academy of Management Review* 32, no. 2 (2007): 641–658.

⁴ Gary N. Powell, “Definition of Sexual Harassment and Sexual Attention Experienced,” *Journal of Psychology* 113, no. 1 (1983): 113–17.

⁵ Patricia M. Hanrahan, “‘How Do I Know If I’m Being Harassed or If This Is Part of My Job?’ Nurses and Definitions of Sexual Harassment,” *NWSA Journal* 9, no. 2 (1997): 43–63.

⁶ Deirdre McCann, *Sexual Harassment at Work: National and International Responses*. (Geneva: International Labour Office, 2005): 10.



discontinuous unwanted verbal and non-verbal behaviors with sexual or emotional intentions, continuous harassment is the repetition of such behaviors. Severe harassment, the most serious form, includes the intent of the perpetrator to control the behavior of the survivor.

Emphasizing the dignity of the survivor, Istanbul Convention offers the **most comprehensive definition of sexual harassment:**

*“**Sexual harassment** is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose of effect of violating the dignity of a person, in particular when creating an intimating, hostile, degrading, humiliating or offensive environment.”*

Another aspect of this issue is gender based harassment which usually aims to create a hostile environment. Gender-based harassment is “any behavior that polices and reinforces traditional heterosexual gender norms” Gender based harassment often targets members of the LGBTI+ community to ridicule and intimidate individuals.

Harvard University’s sexual and gender-based harassment policy defines gender-based harassment as follows:

*“**Gender-based harassment** is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person’s ability to participate in or benefit from the University’s education or work programs or activities.”*

Since the modern communication tools such as phones and computers have entered our lives, cyber/online harassment have become quite prevalent as well. Harassment in cyberspace tends to take two forms: sending unsolicited sexual materials to a person or posting sexual materials of a person online. 17% of married Turkish women report that men have used social media to follow them, locate their home or place of work and in some cases to stalk them.

Similarly, the definition of sexual assault and actions that constitute such offenses vary. For example, other than the violation of bodily integrity with sexual intentions, the World Health Organization's (WHO) definition of sexual violence includes acts such as the denial of the right to use contraception or to adopt other measures to protect against sexually transmitted diseases, forced abortion, female genital mutilation, and inspections for virginity. Including not only acts with sexual intends but also acts that violate the sexuality of a person, WHO defines sexual violence as follows:

“Sexual violence is defined as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.”

For offenses related to sexual assault, the Turkish Criminal Code forms the basis for the definitions employed in SGHA policies. The Turkish Criminal Code divides sexual assault into two parts: violation of the bodily integrity of a person without penetration (either by an organ or instrument) and violation of bodily integrity of a person with penetration (either by an organ or instrument).⁷

FINDINGS

The policies of 13 universities clearly state the type of sexual harassment actions and behaviors such as unwanted touching and sexually suggestive comments. The policies of five universities do not specify what actions and behaviors might constitute sexual harassment. One recurring issue with the documents is that they often do not address harassment that is directed at an individual’s significant other (spouses, partners, girl or boy friend). Similarly, stalking is also not commonly listed as a form of sexual harassment by the policies.

At this time, only one university includes a prohibition of online harassment in its policy, which it defines as repeated, unsolicited, and threatening behavior by a person or group using cell phone or internet technology with the intent to bully, harass, and intimidate an individual.

Although all the policies against SGHA that have thus far been enacted forbid discrimination based on gender, none of them specifically mentions forms of harassment that attempt to create a hostile environment for LGBT+ individuals. The harassment of this type might take the form of deliberate usage of the wrong name or pronoun,

⁷ Turkish Penal Code, Chapter XI, Article 102 and 102, No. 5237.



excluding, ostracizing or withholding information from a person because of their actual or perceived gender, gender identity or expression, and sexual orientation.

An important aspect of SGHA is the fact it often occurs between people who are in hierarchical structures. Sexual harassment at universities often takes this form. Five of 18 SGHA documents mention harassment that may be perpetrated by the abuse of one's institutional power to gain sexual or emotional advantage.

BEST PRACTICES AND RECOMMENDATIONS

Clear definitions of sexual harassment, gender-based harassment, and sexual assault are important for the protection of the university community. We recommend use of the definition provided by the Istanbul Convention.

Online harassment with sexual and emotional intent is a form of SGHA and it may frequently occur among a university population. Therefore, it is important to recognize online harassment explicitly in SGHA policies.

Binding documents such as directives or regulations, instead of policy and ethic principle documents and guides offer the best legal protection.

POLICY SCOPE AND JURISDICTION OF SGHA

Scope and jurisdiction are important components of SGHA policies as they delineate the authority of the institution in terms of subject, space, and time. Here, scope and jurisdiction refers to where, when, and to whom the rules and regulations of the various SGHA documents apply.

FINDINGS

The policies of 13 universities use a variety of classifications as to who might be subject to the policies. Jurisdiction in these documents covers students, academics, administrative staff, personnel and people who provide services at the premises belonging to the university. However, there is no consensus amongst the documents: some documents distinguish between academic and administrative staff; some others prefer using the word personnel for both academic and administrative staff. The policies of five universities do not state to whom the rules and regulations of SHGA policy are applicable.

Third parties providing or receiving services at campuses and other premises belonging to any given university are, under normal circumstances, also subject to the rules and regulations of the school, and this includes regulations against SGHA. In addition, invitees and guests who spend time on university campuses may also be subject to the rules and regulations alike. At present, there are two policies that specify that on-campus invitees and guests are also subject to the regulations of SGHA policies.

In terms of the location aspect of jurisdiction, there is growing agreement amongst the universities. Eight institutions stipulate that rules and regulations are applicable in all units that are within university's property, including dormitories. Likewise, the same documents consider incidents that have occurred outside of school property to be within the purview of relevant rules and regulations if the incident is related to a university activity or at one of the people involved in the incident is a member of university.

The policies of Istanbul Bilgi University and Koç University also include locations such as cars and buses that are assigned to institution's special utilization within the jurisdiction of their SGHA policies.

As a third aspect of jurisdiction, *time* also needs be taken into consideration. Most SGHA policies analyzed in this report do not set specific time limitations other than stating incidents will be handled in an expeditious manner. Only the policy of Koç University puts a specific time limit for the launch of an investigation report. The policy stipulates that upon receiving a notification for defense, if an accused does not make his/her defense either in verbal or written form within 7 days, then the investigation process will be launched.

BEST PRACTICES AND RECOMMENDATIONS

To eliminate the confusion of the jurisdiction of SGHA policies, where and to whom SGHA policies are applicable is vital.

SGHA incidents should be resolved in a timely manner.

REPORTING

In cases of an incident of SGHA, a transparent reporting process is vital. The method and process of reporting a SGHA complaints must be clear. Providing clarity about reporting procedures will help ensure that individuals are better able to access the appropriate process. It is important to ensure services relate to clear referral pathways in a model where "every door is the right door" regardless of which service the complainant chooses



to access. Some of those who have experienced harassment shared that they, or their friends, had traumatic experiences reporting their assaults because of confusing procedures and the feeling of being “shuffled” from service to service.⁸

All aspects of the process need to be clear and consider the needs and rights of both complainant and accused. The subject or witness of an SGHA incident may avoid reporting it if they are not sure whether their privacy will be protected by the university. Therefore, maintaining the confidentiality of all those involved, the reporting process and all documents to the extent permitted by law and by university policy and procedures is extremely important. All documents of a SGHA incident should only be accessible to those who oversee the investigation and they should not be distributed or reproduced in any way to ensure the confidentiality of all parties.

Many who experience sexual and/or assault are reluctant to pursue a formal complaint due to possible repercussions. University administrators should assure their university communities that any SGHA charge will be investigated diligently and fairly to encourage people to report such incidents.

To carry out investigation process and support services is a complex task as SGHA incidents have legal, psychological, gender aspects. Therefore, to increase the efficiency of the reporting and investigation process, the committee or body responsible from carrying out such procedures is recommended to be composed of women, men, and members who have legal and psychological expertise. The institution also should ensure that most the committee/body has a solid background in gender and/or women’s studies.

FINDINGS

The SGHA policies of some universities (Ankara University, Hacettepe University) give the right to report an SGHA incident only to the person who experiences harassment. Some other policy documents (Anadolu University and Bilgi University) also extend this right to a witness of an incident. Only Middle East Technical University’s (METU) policy allows for anonymous reporting.

The policies of three universities offer guidelines for those reporting a SGHA incident. Both Istanbul Bilgi University and Sabancı University address the procedural options and the rights of the complainant such as the confidentiality of identity. While recognizing the needs and right of the complainant, Koç University’s policy, in addition, specifically

⁸ Presidential and Provostial Committee on Prevention and Response to Sexual Violence, “Final Report on Prevention and Response to Sexual Violence” (University of Toronto, February 2016), <http://community.iaclca.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=87574d44-ba15-834a-1fd8-b0543e20e6a9>.

protects the rights of the accused, stating that an investigation report cannot be prepared before the formal defense of the accused. (The accused should make a defense within 7 days after the committee's notification.)

BEST PRACTICES AND RECOMMENDATIONS

Policies that provide clear procedures and guidelines such as the type of information needed for those who want to report an SGHA incident are recommended.

For complainants who are not proficient in Turkish, the services could be provided with their preferred language to the extent that is possible.

Availability of the updated contact information of the office or people who are in charge of receiving complaints is vital to ensure the direct contact with the university.

RETALIATION

Retaliation is a form of revenge directed against someone who has rejected a behavior or invitation with emotional/sexual purposes and is also a form of harassment. Retaliation is perpetrated against someone who wants to file or has filed a charge concerning SGHA. Actions directed against a witness who wants to report an SGHA incident are also considered retaliation. The inclusion of retaliation in policies and creating mechanisms against retaliation that will provide security for those who choose to file a formal complaint is important.

Retaliation may take various forms based on those involved. If an SGHA incident has occurred between a student and an academic, giving lower grades and more difficult assignments in comparison to peers, failing grades, ignoring study-related questions, and making difficult for the student to access reference letters, and fellowships might be considered as retaliation. If a SGHA incident has occurred between an academic or administrative staff members, retaliation might take the form including but not limited to demotion, prevention of promotion, a sudden increase in the workload, unjustified poor performance evaluations or physical threats.

FINDINGS

The policies of 9 universities include retaliation in their SGHA documents. These universities are Ankara University, Boğaziçi University, Eastern Mediterranean University, Dokuz Eylül University, Istanbul Bilgi University, Istanbul Technical University, Kadir Has University, Middle East Technical University, and Sabancı University. Specifically, Ankara University, Doğu Eastern Mediterranean, Dokuz Eylül, Kadir Has University, Middle East



Technical University, and Sabancı University consider acts of retaliation a form of harassment and a violation of their policy.

BEST PRACTICES AND RECOMMENDATIONS

SGHA incidents often happen between individuals who are in hierarchically unequal positions.

SGHA policies should ensure that a safe environment for the complainant is provided by the institution against any retaliatory action. Therefore, it is essential to consider retaliatory actions as part of the violation of SGHA policy.

ORGANIZATION

The existence of standing units and women's and gender studies research centers play a pivotal role in developing SGHA policies. However, the creation of units dedicated specifically to deal with SGHA cases is vital for an effective application of any policy. The responsibilities these standing units may undertake can include receiving, investigating complaints, providing coordination between different offices at the university, developing communication materials such as flyers and brochures, and developing awareness-raising activities, ensuring that the survivor receives whatever care and follow-up are needed, establishing procedures for classifying and counting incidents and providing comprehensive and accurate reporting. Given the complex and sensitive nature of SGHA, the composition of units that deal with SGHA is extremely important.

FINDINGS

11 of 18 universities have designated bodies responsible for addressing issues related to SGHA. Eight of those universities have a clear procedure for the selection and role of individuals serving in units or investigation committee.

Their responsibilities range from coordinating the process of receiving and responding to complaints about SGHA, efforts to prevent SGHA by organizing awareness raising campaigns, consulting with those who seek advice, and researching the best practices against SGHA. Eight policy documents give detailed information regarding the composition of the investigation committee.

These units are listed below:

- Ankara University-**Unit for Supporting against Sexual Harassment and Sexual Assault**
- Eastern Mediterranean University-**Unit for Supporting against Sexual Harassment and Sexual Assault**
- Istanbul Bilgi University-**Sexual Harassment and Assault Prevention Unit**
- Istanbul Technical University-**Sexual Harassment and Discrimination Prevention Board**
- Muğla University-**The Committee on the Prevention of Sexual Harassment and Sexual Assault**
- Middle East Technical University-**Support for Gender Equality and Sexual Abuse Prevention Unit**
- Sabancı University-**Committee on Prevention and Support for Sexual Abuse Studies**

6 out of 18 universities have ethics committees that deal with SGHA incidents. These universities are listed below:

- Boğaziçi University-**Ethics Committee for University Life**
- Hacettepe University- **Academic Ethics Board**
- Izmir Economy University-**Ethics Committee**
- Mimar Sinan University-**Ethics Committee against Sexual Abuse**
- Üsküdar University-**Board of Discipline**
- Mustafa Kemal University-**Ethics Board**

BEST PRACTICES AND RECOMMENDATIONS

Ideally, there should be standing units/committees that coordinate the reporting, investigation, prevention strategies and training required for effective SGHA policies.

The unit or committee responsible for handling SGHA policy complaints should preferably be composed of most individuals with a background in gender and/or women's studies. This can include research, classes taught and/or education. Units/committees should also include those who have psychological and legal expertise.



PREVENTION

To combat and prevent SGHA, universities with policies in Turkey have developed various prevention strategies. Some of these strategies include organizing activities to increase awareness for SGHA, distributing flyers, a website specifically for the prevention of SGHA, providing information sessions for students and academic and administrative staff, and collaborating with the local authorities for safe transportation especially at late hours.

The **Council of Higher Education (COHE)** from its **2015 “Workshop for Gender Equality Sensitive Universities”** offered the following recommendations to the universities in Turkey to bolster their efforts against SGHA.

Council of Higher Education

“Workshop for Gender Equality Sensitive Universities”

Recommendations

1. In accordance with the decision taken in higher educational programs by the authorized committees of our universities, “Gender Equality” courses with the same or a different name in this conceptual field should be launched in the form of a compulsory/elective course or a scientific activity each semester.
 - a. If this course is included in the program, the views of the students as well as the instructors should be taken into consideration during the formation of the content of the course.
 - b. If there is no teaching staff in this field in the implementation of this course, the course can be taught as an e-course based on distance education within the scope of formal education.
2. In cooperation with Gender and Women Studies Centers, the structure of the Heads of Health, Culture and Sport Departments located within higher institutions should be empowered against sexual harassment and assault based on the principles of accessibility, confidentiality, and trust making them to be able to provide medical and psychological support.
3. Educational activities should be carried out to raise awareness in higher education institutions on sexual harassment and assault.
 - a. Trainings should be intended for faculty members, students, administrative staff, sub-employers, security officers and employees working in other institutions from which the university receives services.
 - b. Higher education institutions should benefit from the trainings provided by the leading universities working in these fields.

4. University campuses and classrooms should be designed specifically for the security of female students, should be illuminated properly, and enable communication.
5. To ensure safe access to university campuses, university rectorates in cooperation with local administrations should take the necessary precautions.
6. The working style and functionality of the Women's Issues Research and Application Centers in our universities should be strengthened and new centers should be opened in universities in this process.
7. Gender sensitive studies in graduate programs should be encouraged.
8. A study should be launched to make new arrangements for behaviors such as sexual harassment, sexual assault and mobbing in the Disciplinary Regulations of the Higher Education Institutions Administrators, Instructors and Officers and the Student Disciplinary Regulations of the Higher Education Institutions.
9. It is recommended that on the issue of dormitories that will be constructed for especially girl students to be either within the university campus or its vicinity, universities should cooperate with the Loan and Dormitory Institution the Ministry of Youth and Sports.
10. To improve gender equality perception, common activities (public spots, logos, etc.) towards universities and society with other public institutions and organizations should be carried out.
11. In the Council of Higher Education, in addition to on the evaluation of incidents such as violence, mobbing and harassment for woman scholars taking place in universities, strengthening the statues of these scholars and measures to be taken against the difficulties they encounter, to create a channel through which the mobbing offices, women academicians, girls students and women workers convey their problems directly, it has been decided to create a "Women's Studies and Problems Department in the Academia" under the chairmanship of a female faculty member who has been a senior manager at our universities.

Mapping Policies on Sexual and Gender Based Harassment and Assault

Toolkit for Universities in Turkey

Self-Assessment Checklist



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SELF-ASSESSMENT CHECKLIST

The purpose of this self-assessment checklist is twofold: to generate discussion about conceptual and practical issues surrounding sexual and gender-based harassment at (and beyond) universities and to provide practical guidance to university officials responsible for policy development processes by pointing out important issues that should be taken into consideration. At the same time, we recognize the specific circumstances of Turkish higher education and the need of the policies, including sexual and gender-based harassment policies, to be in line with the directives of the Council for Higher Education (COHE).



DEFINITIONS

Who is considered as a potential subject of sexual and gender-based harassment (SGBH)?

- Women
- LGBTQI+ individuals
- Men

Who can file a complaint about incidents of SGBH?

- The subject of harassment
- The witness of harassment
- Anonymous

What forms of sexual harassment are considered in the policy?

- | | |
|---|---|
| <input type="checkbox"/> Offering favors of employment benefits such as promotion, favorable performance evaluation, favorable assigned duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors | <input type="checkbox"/> Demanding sexual favors accompanied by implied or overt threats concerning one's job, grades, or letters of recommendation |
| <input type="checkbox"/> Observing, photographing, videotaping or other recording of sexual activity or nudity without the knowledge and consent of all parties | <input type="checkbox"/> Leering, ogling or other gestures with suggestive overtones |
| <input type="checkbox"/> Visual displays of sexual images perceived to be degrading or offensive | <input type="checkbox"/> Acts of vengeance motivated by rejected sexual attentions |
| <input type="checkbox"/> Sexually suggestive comments, jokes or innuendos | <input type="checkbox"/> Unwelcome touching and groping |

- | | |
|---|---|
| <input type="checkbox"/> Repeated requests for dates or contact information | <input type="checkbox"/> Verbal abuse or threats of a sexual nature |
| <input type="checkbox"/> Unwelcome sexual invitations or requests | <input type="checkbox"/> Relationship violence |
| <input type="checkbox"/> Sexual assault and rape | <input type="checkbox"/> Stalking |

What forms of gender-based harassment are considered?

- | | |
|--|---|
| <input type="checkbox"/> Giving employees or students more difficult assignments and/or being more critical of their work based on their actual or perceived gender, gender identity or expression, marital status, sexual orientation or appearance | <input type="checkbox"/> Humiliating, intimidating, and/or demeaning comments (about one's actual or perceived gender, gender identity or expression, marital status, sexual orientation or appearance) |
| <input type="checkbox"/> Excluding, ostracizing or withholding information from a person because of their actual or perceived gender, gender identity or expression, marital status, sexual orientation or appearance | <input type="checkbox"/> Deliberate usage of the wrong name or pronoun in relation to a transgender, transsexual or intersex person, or persistently referring to their gender identity history |
| <input type="checkbox"/> Threats of or disclosure of someone's sexual orientation or identity without consent | |

Is online form of SGBH considered by the policy?

Does the policy contain clear definition of what is understood as unwelcome conduct or consent?

Does the policy adequately address and set rules for the consensual relationships between individuals in inherently unequal positions, e.g. teacher and student or supervisor and employee, or refer to any other policy that sufficiently covers the issue?



JURISDICTION

To whom is the policy applicable?

- Students, faculty, and staff
- Subcontracted third parties providing services at the campus/university property including dormitories

Where is the policy applicable?

- On the university property, including dormitories
- Off the university property if:
 - The conduct was in connection with a university or university-recognized program or activity
 - The conduct may have the effect of creating a hostile environment for a member of the university community

ORGANIZATION

Is there a unit, rather than a single person, in charge of overseeing and coordinating many duties associated with receiving and responding to complaints about SGBH?

Do the officials of the unit have appropriate experience, established authority, and sufficient resources to carry out their duties effectively?

Are the duties of the unit clearly defined and sufficient in their extent to effectively address complaints of SGBH?

- Receiving and responding to incident reports and official complaints
- Ensuring that the victim receives whatever immediate care and follow-up are needed (see *Immediate/interim measures and remedies* section)
- Disseminating information to the campus through materials, education and training sessions

- Coordinating communication and record keeping within the university as well as with external partners
- Collecting and reporting data and information in accordance with local legislation

Is there a survivor-focused communication and referral process ensured?

Has the unit developed partnerships with external organizations that support and serve people who have experienced SGBH, especially sexual violence?

External organizations' knowledge and expertise are important in building internal capacity to prevent and respond to SGBH and, at the same time, external partners can serve as potential service providers. It is also important to consult and coordinate procedures with the police, health-care providers and community service providers experienced in dealing with sexual violence.

Are the services available 24 hours?

Is there a possibility of confidential/anonymous consultations?

A confidential university resource is an individual who is exempted from the obligation to report an allegation of SGBH, including sexual assault, to the university reporting office and law enforcement (unless the alleged victim is a minor or there is a belief that there is an imminent threat of harm to self or other). This person can provide emotional support and present all reporting options and possible outcomes to the individual subjected to SGBH.



REPORTING

Does the policy establish clear reporting guidelines and reporting options for subjects of SGBH?

- All reporting options for both, students and employees including the level of their confidentiality (names, titles and contact information are necessary)
- What information should an official complaint include should be provided
- Obligation to report incidents that are reported and/or witnessed by all university faculty and staff (except for designated confidential resources)
- Prompt reporting should be encouraged without establishing a specific time limit

Are the procedural options and the rights of both reporting parties clearly defined?

Depending on the circumstances and the nature of the incident following procedural options can be considered:

- Direct communication between parties with the help of an adviser/counsellor
- Third party intervention (indirect or direct mediation that could establish explicit agreements about future conduct, changes in workplace assignments or other relief, where appropriate)
- Targeted preventive educational and training programs
- Referral for disciplinary action

These options may be especially useful when a report is made by a third party or anonymously; both parties prefer an informal process; or a case involves less serious violations. The complainant should have the right to request a formal investigation at any time.

Formal investigation conducted by impartial and trained personnel within a reasonable timeframe (e.g. 60 days) and with the attitude that it is more likely than not that the reported allegations are true, followed by formal grievance, appeal and disciplinary processes. If the complainant requests that no investigation is launched, the university shall determine whether the allegations nonetheless require an investigation to mitigate a potential risk to the university community.

- Both reporting parties should be notified of how the complaint is being responded to, resolved and when appeal can be made
- Both parties have the right to participate in the investigation, including identifying Witnesses and identifying and/or providing relevant information to the investigation
- Both reporting parties should have the right to support and help in the form of an advisor or a counsellor
- Both parties and witnesses have the right to be protected from retaliation and intimidation
- The right not to be disciplined for drug and alcohol violations (relating to voluntary ingestion)
- In case of formal investigation, both parties have the right to be informed how to obtain a copy of the investigation report

Is the privacy of the reporting parties ensured to the extent that immediate/interim measures and the local law permit?

Are the rules regarding incidents of sexual assault, their investigation and reporting in line with local legislation?

IMMEDIATE/INTERIM MEASURES AND REMEDIES

Immediate assessment concerning the health and safety of the complainant and the university community should be made upon receiving a report/complaint about SGBH.

A written explanation of rights, reporting options (including the right to make reports to the police), confidentiality matters and the range of possible outcomes, and of available university and community resources should be provided to the Complainant.

Implementation of measures to minimize the impact and burden on the involved parties consistent with protecting the well-being of the involved parties and the community should be considered, such as;

- Housing accommodations
- No contact directives, stay away letters, or campus bans



- | | |
|---|--|
| <input type="checkbox"/> Academic accommodations | <input type="checkbox"/> Escorts |
| <input type="checkbox"/> Counselling and other health care measures | <input type="checkbox"/> Limitations on extracurricular or athletic activities |
| <input type="checkbox"/> Legal or family planning assistance | <input type="checkbox"/> Removal from university community |

DISCIPLINARY ACTION

Does the policy establish any potential penalties for the policy violation?

Are the penalties differentiated and specified in terms of different levels of severity of sexual and gender-based harassment?

- | | |
|---|--|
| <input type="checkbox"/> Expulsion/Dismissal (in cases of sexual assault) | <input type="checkbox"/> Probation with a suspended suspension |
| <input type="checkbox"/> Suspension up to one academic year | <input type="checkbox"/> Probation |
| <input type="checkbox"/> Warning | |

If a complainant is deemed to have known or to have reasonably been expected to know that a complaint was unfounded, the allegation of harassment may be judged to be malicious, and disciplinary action may be taken against them. No action will be taken if a complaint which proves to be unfounded is judged to have been made in good faith.

RETALIATION

Does the policy include explicit prohibition of retaliation against individuals who report incidents of harassment?

Does the policy specify disciplinary actions that will follow threats and attempts to retaliate?

COMMUNICATION

Is the policy readily accessible to all members of the university community?

- University's official website
- University's campus including dormitories
- Specific website dedicated to the SGBH policy, guidelines and reporting

Does the publicized information contain all essential information about the policy for potential victims and harassers, such as operational definitions of SGBH including sexual assault, explaining why these actions violate acceptable standards of conduct and, in some cases, constitute criminal offences, contact information, complaint procedures and penalties?

Are the communications materials developed in consultation with students, staff and faculty, and with community partners with expertise that are both internal and external to the university?

Is there an easy-to-understand procedural document accompanying any policy/guideline/ protocol that addresses SGBH?

Do the communication and awareness strategies target all, students, staff and faculty, to ensure understanding of current and new policies, and reporting processes?

Has the policy been continually publicized using multiple modes of delivery such as press releases, brochures, posters, radio and video spots, and web- based messages?

All such messages should contain the name and contact information of reporting officers and contact persons, campus and appropriate off- campus law- enforcement officials, and online resources.

Some campuses post stickers with emergency information on the doors of all campus buildings.



PREVENTION

Does the policy establish any prevention measures, such as education and training, and awareness raising campaigns etc.?

It is critical to have university-wide education and training programs that cover following topics in several formats, both online and in-person;

- | | |
|---|---|
| <input type="checkbox"/> Explaining the elements of consent, gender-based expectations and culturally-based norms that can normalize SGBH | <input type="checkbox"/> Identifying services and resources to assist all involved parties |
| <input type="checkbox"/> Defining various aspects of SGBH, including sexual assault | <input type="checkbox"/> Bystander intervention training |
| <input type="checkbox"/> Defining rights and options about reporting SGBH | <input type="checkbox"/> How to respond to sexual violence using methods that acknowledge the impact of violence and trauma on survivors' lives |
| <input type="checkbox"/> Explaining issues of confidentiality, disclosures, and reporting obligations | <input type="checkbox"/> Explaining potential disciplinary action in cases of SGBH |

It is also desirable to have education and training programs targeting men and all- male university groups. Such programs explore what men can do, individually and collectively, to prevent SGBH. All university students and employees should be required to complete education and training annually with separate and specifically tailored modules for student and employees.

Survivors of sexual violence that are concerned about being triggered by training should receive an alternative training without providing details about their experience.

MISCELLANEOUS

Does the policy undergo regular review to ensure that it is reflective of the needs of the university community?

The review should include consultations with students, staff and faculty, including those who have experienced sexual violence to ensure that representative and marginalized voices are captured during the review.

Are gender-conscious teaching methods in all university study programs implemented?

Do students/doctoral students have the unconditional right to change their tutor or supervisor?

Is an open discussion climate where employees and students are free to express opinions about their work/study environment promoted?

Mapping Policies on Sexual and Gender Based Harassment and Assault:

Toolkit for Universities in Turkey

Sexual Harassment?

**A Practical Guidebook of Your
University's Policy**



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INTRODUCTION

We live in a world where sexual harassment is a universal problem, and by no means does this exclude Turkey. According to a study by Hollaback! Istanbul in 2012¹, 93% of the participants faced sexual harassment at some point in their life.

The following guide provides information on the definition of sexual harassment, the reporting procedure of a sexual harassment incident, and contact and resources whilst providing a glossary of important concepts and definitions. This guidebook can also be used to complement the sexual harassment policy applied by this university.

Want to know your universities policy? Please go to: **(Adjust according to your university)**

¹“Hollaback! Istanbul Research Results – Istanbul Hollaback!,” accessed April 11, 2017, <https://istanbul-en.ihollaback.org/2011/12/27/results-of-hollaback-istanbuls-research-on-street-harassment/>



WHAT IS SEXUAL HARASSMENT?

Sexual harassment is a form of sexual violence. Sexual harassment is not about sex, but about power, more specifically about the abuse of **power**.

Sexual Harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction. (*Istanbul convention. Article*

Sexual harassment is not limited to women, or those perceived to be woman-like, however, women are the majority of those targeted by sexual harassment, wherever it occurs. In this respect, sexual harassment can be considered a serious aspect of the gender based violence which is too often the norm in Turkey.

WHAT?

Sexual harassment can take a number of forms. Some examples of sexual harassment include, but are not limited to:

- Unwelcome sexual invitations or requests
- Offering favors of employment benefits such as promotion, favorable performance evaluation, favorable assigned duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors
- Repeated requests for dates or contact information
- Verbal abuse or threats of a sexual nature
- Sexually suggestive comments, jokes or innuendos
- Stalking
- Leering, ogling or other gestures with suggestive overtones
- Unwelcome touching and groping
- Visual displays of sexual images perceived to be degrading or offensive
- Acts of vengeance motivated by rejected sexual attentions
- Observing, photographing, videotaping or other recording of sexual activity or nudity without the knowledge and consent of all parties
- Demanding sexual favors accompanied by implied or overt threats concerning one's job, grades, or letters of recommendation

WHO?

At this University, people work together in harmony regardless of their differences in terms of sex, gender identity, sexual orientation. Any form of harassment by an academic, administrator, consultant, guest, student, visitor or goods and service provider, including those coming from outside of the university, will not be tolerated.

Anyone who interacts in the campus environment can be involved in sexual harassment. For example:

- Faculty Member / Faculty Member
- Faculty Member / Student
- Faculty Member / Staff Member
- Teaching Assistant / Student
- Student / Student
- Staff Member / Staff Member
- Staff Member / Student
- Administrator / Faculty Member
- Administrator / Staff Member
- Administrator / Student
- Supervisor / Employee
- Service provider/Employee
- Service provider/Student

LGBTQI+ STATEMENT

This University strives to promote the safety and well-being of all students and employees. The information in this guide is applicable to students and employees regardless of their sex, sexual orientation, gender identity, or gender expression. Indeed, sexual harassment may occur between persons of the opposite or same sex. Both males and females can be either the victims or the harassers.

WHERE?

During their activities, employees and students must respect everyone and their differences in accordance with their rights and obligations arising from the law. Behavior constituting or supporting discrimination either directly or indirectly are prohibited.

SEXUAL HARASSMENT IN CONTEXT

There is no such thing as a typical harasser. Harassers often seek to gain power over an individual and use that power in a negative way to help themselves feel "in control". Such harassment can take place not only in the environment of a supervisor and/or subordinate, but also inside classrooms, or student groups.

On a more concrete level, we can list some examples of sexual harassment by dividing them in three categories: verbal, non-verbal and physical.



Table 1. Categories of Sexual Harassment²

Verbal	Non-verbal	Physical
Referring to an adult as a girl, hunk, doll, babe, or honey	Looking a person up and down (Elevator eyes)	Giving a massage around the neck or shoulders
Whistling at someone, cat calls	Staring at someone	Touching the person's clothing, hair, or body
Making sexual comments about a person's body	Blocking a person's path	Hugging, kissing, patting, or stroking
Making sexual comments about a person's clothing, anatomy, or looks	Following the person	Touching or rubbing oneself sexually around another person
Repeatedly asking out a person who is not interested	Giving personal gifts	Standing close or brushing up against another person
Telling sexual jokes or stories	Displaying sexually suggestive visuals	
Asking about sexual life, fantasies, or history	Making sexual gestures with hands or through body movements	
Making kissing sounds, howling, and smacking lips	Making facial expressions such as winking, throwing kisses, or licking lips	
Making sexual comments or innuendos		
Turning work discussions to sexual topics		
Telling lies or spreading rumors about a person's personal sex life		
Purposely calling someone by the wrong or non-preferred pronoun (he/she, him/her)		

² "What Is Sexual Harassment" (UN Women Watch, 2017), <http://www.un.org/womenwatch/osagi/pdf/whatish.pdf>.

WHEN IT HAPPENS

When someone harasses you, be firm. Get out of the situation without hesitation. If you feel the need to respond, be clear and concise. “Well, I don’t like this” is not a strong refusal. In Turkish, women abruptly say, “Get Away.” Don’t be afraid to make yourself clear.

Table 2. Responding to Sexual Harassment

What to say	What to do
I want you to stop...	Be assertive—remain calm, but be direct.
I feel very uncomfortable when you...	Walk away (calmly, assertively).
I am offended when you...	Tell the harasser what you want him or her to stop doing and why.
I don’t think that’s funny because...	Have a safety plan in place.
I’m going to get help.	Report severe, persistent or pervasive sexual harassment incidents.

LEGAL RIGHTS

If you have experienced sexual harassment, you have a number of rights. You can complain within your university but you may also complain to the police. If you choose to go to the police it is your right that this complaint is documented and that you receive a copy of the police report.

The following are crimes under the Turkish criminal code:

ART. 102: SEXUAL ASSAULT

Any person who violates the physical integrity of another person, by means of sexual conduct, shall be sentenced to a penalty of imprisonment for a term of five to ten years, upon the complaint of the victim.

ART. 105: SEXUAL HARASSMENT

Any person who sexually harasses another person, shall be sentenced to a penalty of imprisonment of three months to two years or a judicial fine upon complaint of the victim.



ART. 106: THREAT

Any person who threatens another individual by stating that he will attack the individual's or his/her relative's life or physical or sexual immunity shall be subject to a penalty of imprisonment for a term of six months to two years. Where the threat relates to causing extensive loss of economic assets or other related harms, there shall be a penalty of imprisonment for a term of up to six months or a judicial fine, upon the complaint of the victim.

***Sexual Assault or rape:** due to the nature and legal repercussions of sexual assault and/or rape, we highly recommend that you call the emergency numbers 155 or 183, and go directly to a hospital's emergency room to ensure your own health and safety as well as to allow for the collection of any possible evidence. A doctor will perform a medical examination, collect any evidence and document the results in an official report, of which you should insist receiving a copy of it. If the examination shows any evidence of assault or rape, and this has been documented in the report, the police are obliged to investigate.*

REPORTING SEXUAL HARASSMENT

(We recognize that each university has its own policies and procedures. This section is designed to be adapted to the needs of your institution.)

Reporting an occurrence of sexual harassment is a serious matter and reporting such misconduct can be confusing and intimidating. However, you do have options. For instance, you can find support with either a teacher or colleague you trust, they can then go with you to the designated office at the university, or to the police station.

Since harassment can take place in many different settings we want to make clear what is considered within the university setting. The university setting includes the university campus and properties including dormitories and campus events sponsored by the university whether on campus or not and includes university transportation.

Places where you can file an official complaint of sexual harassment:

UNIVERSITY SETTING:

(Adjust according to your university)

OUTSIDE SETTING:

- Police station
- Online platform where the sexual harassment took place (i.e. Facebook)

WAYS OF FILLING A COMPLAINT:

- In writing
- In person

Within the university, you can file a complaint concerning sexual harassment. You can do so by filling in the form on the website or by arranging an appointment with the designated office for sexual harassment in this university.

PROCEDURE

1. Any member or visitor of the university who believes they have experienced sexual harassment can make a complaint to any of the designated offices mentioned above.
2. The office should inform the complainant at each phase of the procedure, also of the grounds on which acceptance or dismissal of the complaint has been given. Complainants should make sure they receive a record that their complaint has been received.
3. The office will take the initial steps they deem to find appropriate.
4. The complaint will be reviewed by the designated committee and an inquiry might follow when deemed appropriate

CONFIDENTIALITY

All records and discussions related to any complaint will be kept confidential.



RETALIATION

No employee, applicant for employment, student, or member of the public shall be subject to restraints, interference, coercion or reprisal for the action of seeking advice concerning a sexual harassment matter, to file a sexual harassment grievance, or to serve as a witness or a panel member in the investigation of a sexual harassment grievance. Acts showing retaliation are a violation of this policy and will be investigated and adjudicated accordingly.

MALICIOUS AND FALSE ACCUSATIONS

A grievant whose allegations are found to be both false and brought with malicious intent will be subject to disciplinary action in accordance with law number 2547, the Higher Education Disciplinary Regulation concerning Administrators, Instructors and Staff, and the Higher Education Disciplinary Regulation concerning Students.

AFTER CARE

Sexual harassment can negatively influence an individual, even after the event has taken place. And whether you have filed a complaint, there are different things you can do.

SUPPORT GROUPS

There are especially online support groups for women and men who have been sexually harassed. Look for forums where you can share your experiences with others and where there is a platform for you to be heard.

INFORMATION WEBSITES

There are plenty of websites out there which can help you to find a coping mechanism which is right for you. Please check out the websites on the contacts and resources page.

UNIVERSITY BASED HELP

(Adjust according to your university)

This university has a psychologist available for students and this service is free of charge. Information shared between you and the psychologist is completely confidential and will not be shared with any third partners, including anybody else within the university.

CONTACTS & RESOURCES


Counseling services at this University:


(Adjust according to your university)

Gender and Women's Studies Research Center

(Adjust according to your university)

Mor Çatı Women's Shelter Foundation


 <https://www.morcati.org.tr/en/>


 +90 (0212) 292 52 31


+90 (0212) 292 52 32

 morcati@morcati.org.tr


Women's for Women's Human's Rights – New Ways


 <http://www.wwhr.org/>

 +90 (212) 251 00 29

 newways@wwhr.org


Association for Struggle Against Sexual Violence

 <http://cinselsiddetlemucadele.org/>

 +90 542 5853990

 info@cinselsiddetlemucadele.org

Hollaback Istanbul

 <https://istanbul-en.ihollaback.org/>



Istanbul Bar Association

<http://www.istanbulbarosu.org.tr/Home.aspx>

+90 (212) 251 63 25

information@istanbulbarosu.org.tr

Istanbul Bar Association, Center of Women Rights

+90 (212) 444 26 18

Onar; A voice of women

<http://www.onaristanbul.com/>

nardernek@gmail.com

KAHDEM Association for Legal Support to Women

<http://www.kahdem.org.tr/>

kahdem@gmail.com

Foundation of Women Solidarity

<https://www.kadindayanismavakfi.org.tr/english>

+90 312 430 40 05

+90 312 432 07 82

kadindv@yahoo.com.tr

Legal Aid Against Sexual Harassment and Escalation in Custody

+90 212 245 45 93

Q&A

1. Does sexual harassment have to involve sex?

No. Conduct that is sexual in nature but does not include any sexual activity is still sexual harassment. Behavior that is "sexual in nature" includes the following: sexual advances, repeated requests for dates, lewd remarks, pornographic pictures, or sexual jokes. Harassment does not have to involve any physical contact at all -- words alone may be enough.³

2. Is it possible to be sexually harassed by someone who is the same sex as I am?

Yes. Males can sexually harass males, and females can sexually harass females, although most cases involve a man harassing a woman. The key question the law asks is whether the conduct itself would have occurred if the victim had been of a different sex. If this has happened to you, report the misconduct to someone in a position of authority.⁴

3. Can I compliment one of my students or coworkers?

Yes, if your compliments are free from sexual undertones. Compliments such as "Nice legs" or "You look really sexy in that outfit" can make your coworker or student feel uncomfortable or threatened. Even if the person you're complimenting isn't bothered by the comments, others might be.⁵

4. How about asking for a date? Do I have to take "no" for an answer?

You may want to get together socially with someone, from work or from your class, whom you find attractive. This is perfectly acceptable if you make sure the desire and attraction are mutual. If you are turned down for a date, you might want to ask the person if a request would be welcome at another time. Be aware, though, that some people don't feel comfortable saying no to that type of question for fear of offending you or provoking some type of retaliation. If the person says no more than once, or is uncomfortable or evasive when you ask, don't use pressure. Accept the answer and move on.⁶

³ "Workplace Justice: Frequently Asked Questions About Sexual Harassment In The Workplace" (National Women's Law Center, November 2016), <https://nwlc.org/wp-content/uploads/2016/11/Sexual-Harassment-FAQ.pdf>.

⁴ Ibid.

⁵ "Sexual Harassment Policy" (Life Chiropractic College West), accessed April 13, 2017, http://lifewest.edu/wp-content/documents/LCCW_Sexual_Harassment_Policy.pdf.

⁶ Ibid.



5. What's wrong with hanging sexy pictures in my own office or work area?

Sexually oriented objects and visuals, such as pinups, centerfolds from sex magazines and calendars portray people as sexual objects in demeaning circumstances. They can contribute to an offensive, intimidating and hostile work or academic environment and create the potential for a sexual harassment complaint.⁷

6. Can I be accused of harassing someone if we are both the same gender?

Yes. Harassment is not limited to conduct directed towards a different gender. Harassment of someone because of actual or perceived sexual orientation or gender identity is prohibited.⁸

⁷ Ibid.

⁸ Ibid.

GLOSSARY

SEXUAL HARASSMENT is a behavior. It is defined as unwelcome behavior of a sexual nature.

For example, a man whistles at a woman when she walks by. Or a woman looks a man up and down when he walks towards her.

SUBTLE SEXUAL HARASSMENT is a behavior but not a legal term. It is unwelcome behavior of a sexual nature that if allowed to continue could create a QUID PRO QUO and/or a Hostile Work Environment for the recipient.

For example, unwelcome sexual comments, jokes, and innuendoes.

GENDER BASED HARASSMENT is generally not motivated by sexual interest or intent. It is often based on hostility and its purpose is to make the target feel unwelcome or ridiculed.

For example, deliberate usage of the wrong name or pronoun in relation to a transgender, transsexual or intersex person.

QUID PRO HARASSMENT occurs when employment and/or employment decisions for an employee is based on that employee acceptance or rejection of unwelcome sexual behavior.

For example, a supervisor fires an employee because that employee will not go out with him or her.

SEXISM is an attitude. It is an attitude of a person of one sex that he or she is superior to a person of the other sex.

For example, a man thinks that women are too emotional. Or a woman thinks that men are chauvinists.

SEX DISCRIMINATION is a behavior. It occurs when employment decisions are based on an employee sex or when an employee is treated differently because of his or her sex.

For example, a female supervisor always asks the male employees, in a coed workplace, to move the boxes of computer paper. Or, a male supervisor always asks the female employees, in a coed workplace to plan office parties.

VICTIM: A victim is a person who alleges direct harm because of the commission of a sexual assault. It is important to note that the term “victim” is subjective and must be carefully used, especially to the victims themselves. There comes a point in the recovery of a victim where they may refer to themselves as “survivors.”

CONSENT: Consent is the voluntary agreement to engage in the sexual activity in question.



HOSTILE WORK ENVIRONMENT: a work environment created by unwelcome sexual behavior or behavior directed at an employee because of that employee's sex that is offensive, hostile and/or intimidating and that adversely affects that employee's ability to do his or her job.

For example, pervasive unwelcome sexual comments or jokes that continues even though the recipient has indicated that those behaviors are unwelcome.

POST-TRAUMATIC STRESS DISORDER: a mental disorder in which symptoms develop after exposure to an extreme traumatic stressor (including sexual victimization). Symptoms include extreme fear, helplessness, or horror; recurrent flashbacks, memories and nightmares; difficulties concentrating and falling or staying asleep; hyper vigilance, irritability, and outbursts of anger; markedly diminished interest in activities; and loneliness or feelings of isolation.

HEALTHY SEXUALITY: acceptance of and respect for one's own and others' gender, body, sexual orientation and feelings; practicing ways to express sexuality that are self-affirming and pleasurable, and that deepen intimacy with others (without causing harm).

INCEST: sexual abuse that is committed by one family member against another. Also, called familial sexual abuse, incest can be committed by a parent, step-parent, guardian, sibling, other family member, or an unrelated person living with, or treated as part of the family.

RAPE: unwanted, coerced, and/or forced oral, anal, and vaginal sexual penetration.

SEXUAL VIOLATION: use of sexual behaviors involving contact that are unwanted by and/or harmful to another person, but do not involve penetration.

SEXUAL ASSAULT: any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. Sexual assault is characterized by a broad range of behaviors that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to sexual intercourse.

SEXUAL VIOLENCE: describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual abuse, sexual assault, rape, incest, childhood sexual abuse and rape during armed conflict. It also includes sexual harassment, stalking, indecent or sexualized exposure, degrading sexual imagery, voyeurism, cyber harassment, human trafficking and sexual exploitation.

CYBER HARASSMENT (OR ONLINE HARASSMENT): repeated, unsolicited, threatening behavior by a person or group using cell phone or Internet technology with the intent to bully, harass, and intimidate a victim. The harassment can take place in any electronic environment where communication with others is possible, such as on social networking sites, on message boards, in chat rooms, through text messages, or through email.

DATE RAPE (OR ACQUAINTANCE SEXUAL ASSAULT): a sexual contact that is forced, manipulated, or coerced by a partner, friend or acquaintance.

SEX: refers to the biological and physiological reality of being males or females.

GENDER: a social and cultural construct, which distinguishes differences in the attributes of men and women, girls and boys, and accordingly refers to the roles and responsibilities of men and women. Gender-based roles and other attributes, therefore, change over time and vary with different cultural contexts. The concept of gender includes the expectations held about the characteristics, aptitudes and likely behaviors of both women and men (femininity and masculinity). This concept is also useful in analyzing how commonly shared practices legitimize discrepancies between sexes.

GENDER-BASED VIOLENCE (GBV): GBV is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (gender) differences between females and males. The nature and extent of specific types of GBV vary across cultures, countries and regions. Examples include sexual violence, including sexual exploitation/abuse and forced prostitution; domestic violence; trafficking; forced/early marriage; harmful traditional practices such as female genital mutilation; honor killings; and widow inheritance.

REPORT: a formal report is made to authorities such as police or campus security.



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