

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.