



REPUBLIC OF TURKEY

YAŞAR UNIVERSITY POLICY STATEMENT ON PREVENTION OF GENDER BASED DISCRIMINATION, VIOLENCE AND SEXUAL HARASSMENT

Purpose and Scope

The purpose of this policy statement is to secure the principle of gender equality in all activities and practices of Yaşar University. Yaşar University is committed to creating a university environment that is free from gender-based inequality and all forms of discrimination, violence, sexual harassment and assault originating from this inequality, and where the principles of equality, freedom and justice are observed. Accordingly, our University guarantees that sexual harassment and assault will not be overlooked in any way, and that such acts will not be tolerated individually or institutionally. The University agrees to create a gender-sensitive working environment for all its academic and administrative units, to ensure the effective functioning of the mechanisms to combat violence and discrimination, and to implement the necessary measures and sanctions against any form of gender-based discrimination and harassment. Yaşar University encourages and supports people who think that they have been exposed to or witnessed gender-based violence and sexual harassment, to take the necessary steps to apply to the relevant authorities.

In line with *the Policy Statement on Prevention of Gender-Based Discrimination, Violence and Sexual Harassment* and the principles set as per this document, Yaşar University aims to create an academic and professional environment with zero incidents of sexual harassment and assault. This statement and the principles herein serve to guarantee raising awareness about gender-based inequality and sexual harassment; creating an environment where victims or witnesses of sexual harassment or assault can express themselves; facilitating measures and support mechanisms for all stakeholders of the university within the context of sexual harassment; empowering individuals against sexual harassment and assault; and following up the cases of sexual harassment with the preventive and deterrent tools and support mechanisms developed.

Yaşar University accepts gender equality as the equal participation, empowerment and visibility of women and men in all areas of life, and sees gender inequality arising from the failure to ensure this equality as a social problem with multidimensional consequences in all areas of life. The University undertakes the responsibility to increase awareness on the principle of gender equality, to make any action that creates and reproduces inequality visible, and to take the necessary measures. These responsibilities include providing the university members with necessary information, raising awareness inside and outside the institution, and taking measures to transform negative practices and approaches, as well as carrying out various educational activities, researches, projects and publications, and awareness-raising organizations. In this regard, it is aimed to update and diversify such activities according to the needs arising each day.

This statement is based on the international agreements that the Republic of Turkey ratified to combat violence and to prevent all forms of gender-based violence caused by the failure to secure gender equality; *the Universal Declaration of Human Rights*; *the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*; the relevant articles of the Constitution of the Republic of Turkey; and *the Position Paper on Gender Equality at Higher Education Institutions* issued by the Council of Higher Education on 09.11.2015.

In this context, Yaşar University has founded *the Support Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment* to raise the awareness of gender equality among its stakeholders, to inform them about gender-based harassment, sexual harassment and assaults, to take the necessary measures to facilitate a healthy academic environment free from these problems, to seek solutions to conflicts arising from these problems, and to provide legal and psychological support. The principles and practices contained in this policy statement concern all university members, university students, academic and administrative staff, all persons contracted for exchange of services, and business employees. With this statement, the University undertakes to evaluate all claims of sexual harassment and assault in the relations of these individuals, both within the university and outside the university, and to take immediate measures in accordance with the relevant legislation.

In the event that undesirable sexual attitudes and approaches arising from gender inequality occur in the presence of power asymmetry between the involved individuals, *the Support Unit for Prevention of Gender-based Discrimination, Violence and Sexual Harassment* is obliged to take all kinds of measures to ensure that the reporting victims do not experience any adverse effects in their academic and professional life and in their education life.

This statement, together with *the Directive of the Support Unit for Prevention of Gender-Based Discrimination, Violence and Sexual Harassment*, contains the definitions and principles on which the Unit's activities will be based.

Definitions and Principles Regarding Gender Inequality and Gender-Based Discrimination

Definitions

Gender

As included in the relevant articles of international conventions, gender is defined as roles, behaviors, actions and qualities that are socially constructed and deemed appropriate for men and women by a particular society. According to *the Council of Europe Strategy for Gender Equality*, gender equality means equal visibility, empowerment, responsibility and participation in all areas of the public and private life for women and men, and any obstacle to this equality nurtures gender inequality and gender-based discrimination and hinders social development.

Gender-Based Harassment and Assault

It is expressed as all kinds of words, behaviors and actions directed at a person due to his/her gender, sexual orientation or gender identity in a way reinforcing the unequal nature of gender roles, even if they do not necessarily contain explicit sexual words or behaviors. Any verbal, physical and sexual approach, contact, proposal or touching acts etc. that is not approved by the other party. are considered sexual harassment. Although continuity is not a prerequisite here, sexual harassment by non-consensual and sexually explicit words, attitudes or other forms of behavior can be considered as persistently repeated acts or a single act, depending on the setting and context. Harassing by sending sexual messages or requests using electronic means including social networks and communication tools such as phone, e-mail etc.; stalking; exhibiting oppressive behaviors to gain control and power in all forms of relationships, including romantic relationships, between two individuals or sharing records of sexually explicit images, sounds, etc. related to the private life of the person without his/her consent or spreading gossip are also considered harassment. Harassment is grouped into three types by intensity and quality: simple harassment (acts that are not threatening, blackmailing or insulting, but offensive); persistent harassment (continuing form of simple harassment), and severe harassment (acts to control the behavior of the person along with threatening, blackmailing or insulting).

Sexual Assault

It is violation of a person's physical integrity through sexual behaviors without getting the person's consent. It refers to exposing a person to sexually-explicit physical behavior using physical or psychological force, threat, terror, oppression, intimidation, coercion, cheating and deception.

Other common forms of harassment are mobbing, retaliation, stalking, and promise of rewards.

Mobbing

It is defined as unwarranted accusation, humiliation, harassment and emotional abuse perpetrated by a group rather than an individual and committed against a particular person. However, there are also cases where mobbing is applied to a group of people by a powerful individual (for example, the form of mobbing perpetrated by a manager to his/her employees).

Retaliation

It is to make a person's education or work life difficulty covertly or overtly for revenging a sexual or romantic proposal rejected by the person or the person's complaint or attempt to make a complaint about the abuse s/he has been exposed. Similarly, retaliation against the witness to revenge the sexual harassment s/he witnessed is considered a violation of the harassment policy that the University has adopted; and therefore, necessary action is taken accordingly. Similarly, any form of privilege or reward promised if the person accepts sexual or romantic attempts and proposals is also considered a form of harassment.

Stalking

It is all forms of sexual attitudes and behaviors that keep the person under pressure by physically or psychologically inflicting a sense of fear and helplessness against the person's consent. Actions such as following and monitoring the person, waiting in front of his/her home, school, workplace, disturbing the person by constantly showing up unannounced, communicating with his/her social environment and causing discomfort, investigating his/her personal information, details of his/her social life and harassing this information are considered stalking.

Consent

It is defined as the person's express consent to the attitude or behavior in question. Approval obtained through the use of physical or psychological force, threat, fear, pressure, intimidation and deception exploiting one's title or position cannot be accepted as consent. In addition, the silence of those who are exposed to such acts for any reason cannot be accepted as consent. It is accepted that continuity constitutes the essence of consent and any consent given can always be withdrawn.

Sex-Based Discrimination

It refers to victimization of a person or a group of people by means of arbitrary and unequal treatment against them due to their gender identity or sexual orientation.

Promise of Reward

They are explicit or implied expressions and actions that contain any promise made to reward a person with gains (promotion, points etc.) that s/he does not deserve provided that the sexual or romantic behavior or proposal is accepted.

Inappropriate Situations

It is inappropriate for Yaşar University staff (academic and administrative staff) to have romantic and/or sexual relations with students over whom they have academic or professional authority, even if it is based on consent. The main responsibility for the occurrence of such sexual attitudes and approaches is on those who are in a higher position in the hierarchical order and who are obliged to undertake a preventive role in this regard. In cases where two persons have had a relationship based on consent prior to the creation of the authority relationship between them, the person in a higher position in the hierarchical order must end the authority relationship.

Principles

Discrimination Prohibited

The policies set forth in this Statement apply to persons without any discrimination on the grounds of sex, gender, marital status, pregnancy, race, color, ethnic origin, religion, belief, disability, age and education, status or other factors.

Diligent Conduct

The University conducts the process by actively investigating the claims of sexual harassment and sexual assault, taking necessary action against those who do not act for or who try to cover up the truths, and showing the necessary attention and care to those who have been subjected to harassment or violence.

Confidentiality

The University acts in a way that protects the privacy of the applicant and the complained person at all stages of the process regarding the claims of gender-based harassment, sexual harassment and assault. Persons involved in the reporting and/or reviewing of the complaint are obliged to maintain confidentiality and handle the complaint with respect to the dignity of all persons involved.

Reliability

The University abides by the principles of confidentiality and diligence, and acts in a way that does not impair the confidence that the parties have towards the University. The applicant is informed about all support mechanisms, the rights of the complaining party, the means of complaint, the procedures to be applied against abuse, and the process is proceeded with the approval of the applicant.

Immediate Action

The University takes immediate action against claims of sexual harassment and sexual assault. Particularly in cases where the harassment and assault occurs in the presence of hierarchical relations of power or power asymmetry between the involved individuals; Yaşar University acts promptly and actively if the education, academic or administrative career, employment status of the abused person is adversely affected, or when inappropriate sexual approaches are used as a means of reward or retaliation and revenge.

Applicant's Statement Constitutes the Basis

Since acts of sexual harassment and sexual assault mostly occur between two people and are therefore difficult to prove in some instances, they might lead the victims to hesitate and even remain silent about seeking their rights. Due to these difficulties, the principle of "the applicant's statement constitutes the basis" is used in the process of investigating claims of sexual harassment or sexual assault. This principle refers to initiating the investigation and review process without the need for any further evidence to investigate the incident. The principle of 'the statement constitutes the basis' is a first step for the collection of evidence, if any, by considering the event as a whole, but it does not mean reaching definite judgments. Although there is no direct transition from the statement to the judiciary, maximum sensitivity is shown towards the person making the statement, taking into account the difficulties and traumatic effects that the disadvantaged individuals (women, LGBT+ individuals, marginalized due to their identities and orientations) may have encountered in the first stage of their statements to publicize the harassment they suffered by accepting the social consequences of their statement. Since making a statement on a subject means putting the burden of proof on the person against whom the complaint is made, it is also possible to consider the counter-statement of this person as the subject of investigations and examinations; in other words, the statements of the parties are reviewed and examined mutually. Therefore, arguing that the execution of the principle of statement is not wrongful and will be an appropriate first step to be taken in the interest of justice, Yaşar University demands the upmost sensitivity be decisively shown in taking the statements as the basis.

Deliberate False and Misleading Statements

Disciplinary action will be taken if it is established "conclusively and beyond any doubt" that a statement has been deliberately made for false, distorting or misleading purposes. Yaşar University warns those who made the statement and those who made the counter statement not to make the principle of statement meaningless or distort or use it as an instrument, as this principle is extremely important in preventing harassment. They will otherwise be subjected to an investigation within the framework of the Law No. 2547 and the Disciplinary Regulation for Administrators, Academic Staff and Officers of Higher Education Institutions and the Disciplinary Regulation for Students of Higher Education Institutions.

Judgment-Free Support

It is essential to provide psychological, medical and legal support to the applicant who reports that s/he has been subjected to harassment or sexist violence and mobbing, at every stage of the process and in line with his/her own request or approval.

All units of the University remain non-judgmental and give support to those who state that they have been exposed to gender-based harassment, sexual harassment or sexual assault behaviors. And those who do not know about such support mechanism are informed about how to benefit from these supports.

Risks and Measures Notified

At the stage of providing support, *the Support Unit for Prevention of Gender-Based Discrimination, Violence and Sexual Harassment* is responsible for explaining the legal and other forms of solutions to be chosen, the processes followed, as well as the risks pertaining to each solution and the precautions to be taken in this regard, to the person who has made a complaint or application. The application process and the mechanism chosen are based on the decision of the applicant and on a voluntary basis, and no action is taken without his/her approval.