



**Koç University
Regulation for the Prevention of Sexual Harassment and Assault**

Purpose

ARTICLE 1- (1) The purpose of this directive is to determine and regulate the principles for creating an environment for academic studies, research, education, and work at Koç University that is free from all forms of sexual violence and/or harassment based on gender, sexual orientation, gender identity, or any similar grounds. Through this Directive, Koç University aims to raise awareness on the rights and actions to be taken in cases of sexual violence and/or harassment and proclaims that it is prepared and determined to make every effort to prevent such incidents and situations, to review and investigate allegations and complaints of sexual violence and/or harassment, and states that it is ready and determined to take disciplinary actions or operate other legal mechanisms against responsible parties.

(2) Koç University shall ensure that the utmost care goes into protecting the dignity of the person who experienced or witnessed sexual violence and/or harassment, to ensure that their right to privacy is protected and that all processes are managed in confidentiality. This Directive aims to protect persons defined as “victims” and those who have witnessed sexual violence and/or harassment, so that they can safely report the situations and events that they experience or witness, to encourage them to stop unwanted sexual attitudes and behaviors, to increase the awareness of those covered by the Directive, and to investigate reports and complaints fairly and effectively.

Scope

ARTICLE 2- (1) This Directive covers actions of sexual violence and/or harassment based on gender discrimination and social gender, threats, coercion, or deprivation of liberty, and exposure via mail, electronic mail, social media, or via mobile phone messages, or other means of communication, committed by Koç University academic and administrative staff, subcontractor company representatives and employees and persons in the campuses of the University and in the places and vehicles allocated to the activities of the University, against each other or third parties, with no restriction of time and place. However, the procedural provisions of this Directive shall apply only to academic and administrative staff of the University.

(2) Except for cases where the President shall decide to the contrary and actions of sexual assault and/or harassment that have been finalized by a judicial decision, in cases where durations for initiating an investigation and statute of limitations stipulated in Article 53/C of Law on Higher Education (number 2547) allow it, an investigation is carried out in accordance with the procedures in this Directive before opening a disciplinary investigation against the academic staff of the University. For this purpose, the deans and directors shall inform the President about actions covered by this Directive committed by the academic staff for whom they are the disciplinary supervisor.

(3) Except for cases where the President shall decide to the contrary and actions of sexual assault and/or harassment that have been finalized by a judicial decision, in cases where the immediate termination period in Article 27 of the Labor Law (number 4857) allows it, the administrative staff of the University shall be subject to review through the procedures in this Directive and this shall count as a disciplinary investigation for that administrative staff member. For this purpose, administrative unit supervisors shall inform the President of the acts of the administrative staff under their disciplinary supervision within the scope of this Directive.

(4) For the actions of academic staff of a higher education institution other than Koç University that fall within the scope of this Directive, the President shall notify the relevant higher education institution, and an investigation shall be conducted if the President deems it necessary. For this purpose, deans and directors shall inform the President of the acts of the academic staff within the scope of this Directive committed by the academic staff of another institution of higher learning, who are appointed to or working under contract in their units.

(5) Supervisors of academic and administrative units shall inform Human Resources Directorate of the actions of representatives of the subcontractor firm and their employees covered by this Directive to be forwarded to the subcontractor.

Basis and Implementation

ARTICLE 3- (1) This Directive has been prepared based on international human rights conventions and the international human rights acquis on the prevention of violence against women to which Türkiye is a party, the Law on the Protection of Family and Prevention of Violence Against Women (number 6284), Law on Higher Education (number 2547), Labor Law (number 4857), Koç University Administrative Staff Regulation, and Koç University Code of Ethics and Implementation Principles.

(2) This Directive shall be implemented in accordance with the legislation specified in the first paragraph.

Definition of Terms

ARTICLE 4- (1) For the implementation of this Directive, the following definitions shall apply:

a) **Academic staff:** This shall refer to faculty members, lecturers, and research assistants who work full-time or part-time at the University, except for the teaching staff of a higher education institution other than Koç University.

b) **Consultant:** This shall refer to employees who work in the academic units of Koç University or in administrative units such as the Office of the Dean of Students and Human Resources Directorate, who are appointed by the President as a consultant under this Directive and who provide counseling services to employees who are exposed to or witness sexual violence and/or harassment.

c) **Administrative Staff:** This shall refer to employees who fall outside the definition of academic employees, and who have an employment relationship with the University, except for the teaching staff of a higher education institution other than Koç University.

ç) **Review Committee:** This shall refer to the committee appointed by the President to identify incidents and to examine the reports and complaints made regarding these issues.

d) **President:** This shall refer to the President of Koç University.

e) **Witness:** This shall refer to a person who is not the perpetrator or victim of an incident that may constitute sexual violence but learns about the incident in question through at least one of the senses. For the implementation of this Directive, third parties who are aware of an incident that allegedly constitutes sexual violence and/or harassment are also included in the definition of witnesses.

f) **University:** This shall refer to Koç University.

Unacceptable Actions

ARTICLE 5- (1) Prevention of the unacceptable actions regulated in this article are indispensable requirements of the workplace, the work itself and work peace, business environment as well as the operation, unity, environment, and activity in the University. Without prejudice to the definitions specially made in this Directive, unacceptable actions are non-consensual actions that involve sexual

content, purpose, motive, humiliation, or aggression, or that may cause discomfort, fear, anxiety, or feelings in the recipient.

(2) The actions listed below are unacceptable for the University and employees must avoid, make every effort to prevent, and report them to their unit supervisors if witnessed:

a) **Sexual assault:** According to the Turkish Penal Code (number 5237) sexual assault involves attitudes and behaviors that constitute sexual abuse and assault; however, in order to determine sexual violence and/or harassment, judicial authorities shall not be required to determine whether the act constitutes a crime in accordance with the Turkish Penal Code. Sexual assault and/or harassment involves words, attitudes, or other forms of behavior of a sexual nature that the recipient has not consented to with their free will, regardless of whether the perpetrator has bodily contact with the victim. The following criteria shall also be considered when evaluating whether sexual violence and/or harassment has occurred:

(i) Criteria related to the nature of the attitude and behavior:

(i.1) The behavior towards the victim does not need to be persistent or continuous.

(i.2) What is important in terms of behaviors involving bodily contact is not that the perpetrator acts with a sexual motive, but that their behavior can be objectively described as sexual.

(i.3) In terms of actions involving bodily contact, for these to be considered sexual violence and/or harassment, the perpetrator does not necessarily have to have used their genitals or the behavior does not necessarily have to have been directed towards the victim's genitals.

(i.4) In terms of attitudes and behaviors that do not involve bodily contact, it is important whether the behavior is objectively capable of causing sexual discomfort, considering the nature of the relationship between the perpetrator and the victim and all other conditions, not whether the victim is uncomfortable with them.

(ii) Criteria concerning the consent of the victim:

(ii.1) The consent shown by the person who is the recipient of a sexual attitude and behavior should be based on free will. The consent is invalid if it was obtained through coercion, threats, extortion, deception, taking advantage of the helplessness or vulnerability of the victim, or by taking advantage of any other situation that significantly weakens the will of the victim.

(ii.2) Depending on the particulars of the situation, it is not necessary the victim has verbally opposed the attitude and behavior, and it shall be sufficient that the victim has stated implicitly that they do not consent, or that this matter is understandable from the circumstances of the case.

(ii.3) To accept that there is no consent, the victim does not need to physically resist the attitude and behavior.

(ii.4) The victim has not provided valid consent if there is a situation such as desperation, fear, and superior-subordinate relationship that effectively prevent the victim from opposing the attitude and behavior with which they are dealing.

(ii.5) The consent provided by a person who is unable to perceive and exercise their will for any reason at the moment they are dealing with the action shall not be legally valid, even if this is through their own fault—such as a condition of lack of volitional awareness caused by substance use, such as alcohol, narcotics, drugs, and the like.

(ii.6) Behaviors that go beyond the consent of the victim and exceed the limits of the consented attitudes and behaviors shall be deemed to have been performed without consent. If the consent given to the attitude and behavior is withdrawn, the attitudes and behaviors after the withdrawal shall be deemed to have taken place without consent.

(ii.7) The fact that the victim has previously consented to similar attitudes and behaviors shall not, by itself, show that they consent to subsequent attitudes and behaviors. Whether

there is consent for each activity shall be evaluated within the framework of all the circumstances of the case.

(ii.8) The consent shall be valid only if it was shown before the attitude and behavior. The consent of the victim to the act after it is committed is not a substitute for consent.

(ii.9) The fact that the victim has not filed a complaint or the actual date the complaint has been filed cannot be interpreted to mean that the victim is consenting to the attitude and the action.

b) Humiliation based on sex, gender, gender identity, sexual orientation: Uttering sexually degrading words and committing sexually degrading actions (including the sexual life of the person being addressed); uttering words, displaying attitudes, committing behavior offending the recipient's body, sex, sexual identity, gender, sexual orientation regardless of whether they are humor or jokes. The following criteria shall also be considered when evaluating whether an attitude and behavior count:

(i) To speak of humiliation, it shall not be necessary that the perpetrator acted with the motive or purpose of humiliation.

(ii) It is sufficient that the attitude and behavior are humiliating, and that the perpetrator knows this or at least is aware of this possibility but still engaged in this attitude and behavior.

c) Digital assault and/or harassment: Regardless of the nature of the relationship between the parties and whether this is special, this involves the perpetrator's use of the Internet, social media, and any technological tool to humiliate, control, or punish the recipient. This includes tracking the person via smartphone applications, secretly recording them, disclosing mutual correspondence, threatening to share inappropriate photos, insulting them on social media, sharing or threatening to share their personal information, and any similar behavior.

ç) Dating Violence and/or harassment: This is an act of physical, psychological, or sexual violence and/or harassment by one of the parties in an emotional or sexual relationship with an intent to control and exert power over the other. Psychological violence and/or harassment include but are not limited to the following: constantly telling the other party what to do, blaming or humiliating the other party for what they did or did not do, trying to control their use of social media accounts, their clothing, where they go or how they talk with their social environment, and similar behaviors.

d) Stalking: These are attitudes and behaviors that damage the person's sense of trust or cause anxiety, that are repeated intentionally, make them uncomfortable, and create a feeling of insecurity. The following criteria are also considered when evaluating whether a violating action has taken place in this context:

(i) To be able to talk about stalking, attitudes and behavior must have a certain continuity. However, these attitudes and behaviors do not necessarily have to be spread over a long period of time.

(ii) The person who is the recipient of these attitudes and behaviors should not have consented.

(iii) The motive or purpose of the perpetrator, for example, the fact that they love the victim, miss them, only want to talk to them, want to make up, or act on similar grounds does not stop the act from being stalking. It is sufficient that the perpetrator knows that they persist in these attitudes and behaviors although the victim does not consent, and the victim may feel uncomfortable.

(iv) Actions such as physically following the victim, constantly calling them, insisting to meet them, sending persistent messages, attempting to communicate with them through various social media channels, and sending gifts despite being told that these are unwanted count as such.

(v) Persistent and unwelcome attempts to contact the victim's social circle to reach the victim are also included in the definition of stalking.

(vi) Persistent and unwelcome attempts by the perpetrator to reach the victim by using their own social environment despite the victim's unwillingness to do so shall also be included in the definition of stalking.

(3) Depending on its nature, manner of execution, duration, density, and weight, the action or behavior can form more than one of the unacceptable actions defined in the first paragraph.

A Work, Academic, and Research Environment Free of Unacceptable Actions

ARTICLE 6- (1) University shall be required to establish a work, education, and academic research environment that is free from unacceptable acts. It is essential that academic and administrative staff and other persons covered by this Directive comply with the Koç University Code of Ethics and Implementation Principles and the provisions of this Directive, and that they show respect for each other.

(2) An environment for work, education, and academic research that is free of unacceptable actions is one of the indispensable requirements of the workplace, work and work peace, business environment and functioning of the university, unity, environment, and activity.

Duties and Responsibilities

ARTICLE 7- (1) Seeking the advice of Koç University Center for Gender Studies, the President shall designate and appoint full-time academic and administrative staff at the University to serve as Consultants, ensuring that there is a sufficient number of Consultants.

(2) Reserving the powers of disciplinary investigation regarding the academic and administrative staff of the university in case there is reasonable suspicion that university employees have been exposed to situations that can be considered sexual violence and/or harassment or a complaint is made, the President shall be responsible for starting an investigation, determining the Review Committee to be formed to investigate this situation, and calling the relevant individuals to duty.

(3) Human Resources Directorate shall ensure that all parties covered herein are aware of possible conflicts that situations that can be considered unacceptable actions can create, and the rights of the victim in such cases. Human Resources Directorate shall contribute to raising awareness throughout the university and shall develop and organize training programs for this purpose.

(4) Human Resources Directorate shall develop training programs on the psychological and legal dimensions of the unacceptable actions and the consequences for the parties and the university and shall ensure that the Consultants receive this training.

(5) Consultants shall handle a report or complaint communicated to them by victims, witnesses, or third parties in accordance with the legislation and within the framework of the principles of confidentiality outlined in this Directive and shall inform the persons who sent the notice or complaint by consulting within the limits set in the Directive. If the Consultant is certain that there is a situation requiring an investigation or a disciplinary investigation, they shall inform the employee who submitted the complaint about their rights and recourse options.

Responsibility for Swift Action

ARTICLE 8- (1) The University shall take reports of situations that may be deemed unacceptable under this Directive seriously and shall take swift action to clarify the matter, with appropriate procedures considering the nature and gravity of the reported situation. These procedures shall include the initiation of the review and disciplinary investigation and the measures to ensure their well-being, and the disciplinary sanctions to be implemented as a result of the investigation.

Review Committee

ARTICLE 9- (1) Reserving cases in which the President shall decide to the contrary, and actions of sexual violence and/or harassment that have been finalized by a judicial decision, upon receipt of the complaint of the victim or witness of the event/situation, in cases where an unacceptable intolerable act may be considered under this Directive, the President shall appoint the Review

Committee without delay if the perpetrator is the President's own employee. The President shall consult the Center for Gender Studies at Koç University when determining the Committee members.

(2) The Review Committee shall consist of three members, but if the number of victims or persons under investigation is high, the president may increase the total number of the President's Review Committee members provided that it is an odd number. If the person who is being investigated or the victim is an academic staff, the members of the Investigative Committee must have the same academic title or higher as the victim and the one about whom the investigation was initiated. Without prejudice to the rule regarding the victim being a lecturer; If the person whose investigation is initiated is an administrative employee, the Investigation Committee is established based on title, provided that at least one of the members is a faculty member. In reviews involving managers, equality, or superiority in the title of manager is sought. Equality or superiority of title is not sought for those who participate in the work of the Review Committee as a "Reporter" or "Secretary." The Reporter cannot participate in the deliberations for which the Review Committee will determine its opinion and cannot vote on the Committee's decisions. A Secretary shall assist committee work. In writing, the President shall notify the members of the Review Committee about the establishment of the Committee to initiate the review. Without prejudice to the powers and procedures related to disciplinary investigations, the Committee shall collect evidence and listens to the witnesses, if any, and the Consultant shall be heard in cases where the Consultant is the first person to whom the complaint was first forwarded.

(3) Once the Review Committee completes its review, it shall submit to the President a written Review Report, including its opinion along with justification. Considering the opinion of the Committee, the President shall decide on the investigation and personally notify the defendant, and plaintiff, if any, about the decision.

(4) In accordance with the principle of confidentiality, files produced during the review of the issue/incident may not be illegally reproduced, copied, or distributed even by Review Committee members. All records shall be kept strictly confidential.

Review Procedure

ARTICLE 10- (1) The Review Committee shall conduct the necessary investigations related to the act that is the subject of the examination, shall hear witnesses, conduct exploration, collect evidence, and take other actions it deems necessary to clarify the matter. Persons covered by this Directive shall provide all information, files, and documents that the Review Committee deems necessary for the review without delay and provide the requested assistance. Reviews of academic staff shall be conducted in accordance with the principles stipulated in Law on Higher Education (number 2547) while the review of administrative staff shall be conducted according to the principles stipulated in Labor Law (number 4857).

(2) The Review Committee shall conduct (2) complete its review, and this shall be limited to the persons and actions about which the review has been initiated. If during the review, the Committee discovers that other actions requiring disciplinary or judicial action have been committed other than the act under review, or that other persons should be included in the scope of the review, the Committee shall immediately notify the President of the situation.

Right to Make a Statement

ARTICLE 11- (1) The person who is under review shall be provided the right to make an oral or written statement, and the Review Report cannot be prepared without this. Those who do not present a written statement before the specified period or an oral statement on the date determined by the Review Committee, which shall be no less than seven days, or who do not present their valid excuse in a documented manner within this period shall be deemed to have waived their right to make a statement. The notification sent to the person under review shall identify the action that is the subject of the review and shall state that if they do not make the explanation within the specified time, they

will be deemed to have waived their right to make a statement. The Review Committee shall, if it deems it necessary, provide additional time to the person being reviewed for preparing a statement.

(2) For administrative staff, the right to make an explanation stipulated in this article shall count as a right of defense.

Statute of Limitations and Deadlines for Reviews

ARTICLE 12- (1) Concerning academic staff, a review can be started even after the expiration of the statute of limitation stipulated in Article 53/C of the Law on Higher Education (number 2547); however, a disciplinary investigation cannot be initiated. For time-limited appointments, for the renewal of time-bound contracts or extensions, and requests for appointment to other institutions of higher education, review results and disciplinary punishments and judicial punishments concerning unacceptable actions shall be considered if they exist.

(2) Concerning administrative staff, after the statute of limitations or immediate termination duration stipulated in Labor Law (number 4857) expire, a review can be initiated and depending on its content, nature, duration, intensity, the unacceptable can be considered as valid grounds for termination. For the renewal or extension of time-limited contracts review results and disciplinary punishments and judicial actions concerning unacceptable behavior shall be considered if they exist.

(3) For reviews focusing on academic staff, the periods determined for disciplinary investigations in Law on Higher Education (number 2547) shall apply. In the reviews focusing on administrative staff, the necessity of acting within the periods stipulated in the Labor Law (number 4857) shall be observed and these periods shall apply by analogy in the procedural transactions.

Ensuring Confidentiality

ARTICLE 13- (1) Without prejudice to the Law on Access to Information (number 4982), administrative regulations based on the aforementioned law and binding for the University, and the provisions of the legislation on the right to defense:

(a) In the evaluation and examination of the allegations of unacceptable actions, the University shall comply with the confidentiality policy concerning the alleged perpetrator, the recipient or the victim of the action that is under scrutiny, the person who makes the denunciation, or the complaint, and the witnesses.

(b) It is essential to ensure the confidentiality of the parties and witnesses and not to compromise their safety at all stages of the implementation of this Directive.

(c) Consultants and the persons who are responsible for the implementation of the Directive shall maintain strict confidentiality and strictly respect the privacy of persons who report, who allegedly committed, who were subjected to or witnessed the allegedly unacceptable act.

Training and Awareness Raising

ARTICLE 14- (1) All staff members who begin employment at the University in whatever form, shall receive awareness training concerning unacceptable actions and application procedures contained in this Directive. This training is an indispensable requirement for the establishment and maintenance of an employment relationship no matter how it is established or maintained.

(2) The representatives of the University's subcontractor and their tenants and tenants' employees shall be required to get awareness training concerning unacceptable actions and this shall constitute an essential component of the contract with the subcontractor or a tenant.

Consultancy

ARTICLE 15- (1) Consultants shall be selected among academic and administrative staff working full-time at the University. However, even if they are not full-time academic or administrative staff,

those who are employed in an assignment or other employment relationship may be appointed as a Consultant if they accept, or a contract may be made with experts to act as Consultants.

(2) The Consultants shall be assigned by the President, and academic and administrative employees working full-time at the University, and even if they are not full-time academic or administrative staff, those who are employed in an assignment or other employment relationship if they accept, shall be notified with a letter of assignment. The appointment of a Consultant under this paragraph may be made on a definite or indefinite basis, but in any case, it shall end with the termination of the employment relationship with the University.

(3) The President shall determine whether persons who are appointed or will be appointed as Consultants shall get the training concerning unacceptable actions and relevant rules and procedures, and if training is deemed necessary, the President shall determine the content of the training by seeking the opinion of Koç University's Center for Gender Studies.

(4) There shall be enough consultants to serve all academic and administrative staff, and reductions that occur for any reason shall be resolved by the President. Human Resources Directorate shall publish the names and current contact information of the persons working as Consultants on the *my.KU* internet portal (<http://my.ku.edu.tr/>) and shall make this information easily available to all employees.

(5) The duty of the Consultants is to conduct preliminary examination of the complaints and denunciation. The Consultant shall hear the details of the incident from the applicant (the person making the complaint, denunciation, or the notification), evaluate the evidence presented, try to understand at what level they are affected by this situation, and shall inform the applicant about how the process shall operate to resolve the issue.

(6) Except where the legislation stipulates the obligation for notification and where there is concrete evidence, the Consultant shall be under no obligation to forward the application to the President and shall inform the applicant about how the process will operate for resolving the issue.

(7) In situations where the Consultant does not forward an application made to them to the President or there is a legislative provision for notification, the opinion of the Consultant shall not be binding for the President.

Validity

ARTICLE 16- (1) This Directive shall enter into force on the date of its publication on the official website of the University, but it shall apply to actions committed or alleged to have been committed before the date of entry into force, provided that no action has been taken or no disciplinary investigation was initiated.

(2) Within one month following its publication on the University's official website, this Directive shall be e-mailed to all academic and administrative staff and to anyone who is in direct or indirect employment and subcontract relationship with the University. Failure of the subcontractor to provide the necessary information to its employees shall not remove or postpone the subcontractor's obligations to comply with this Directive.

Execution

ARTICLE 17- (1) The President shall execute the provisions of this Directive.