

# Ritsumeikan University Harassment Prevention Guidelines

Revised on September 20, 2013

## **I. Basic position on harassment prevention**

**To create a university where all the members respect the dignity and diversity of each person's character and grows with each other**

### **(1) Ideals of the Ritsumeikan Charter**

Ritsumeikan University's founding spirit is "freedom and innovation," while its educational philosophy is "peace and democracy." According to this spirit and philosophy, the university is committed to promoting education & research and to internationalizing its education for world peace and the sustainable development of humankind through cooperation among multiple ethnic groups. In order to realize these ideals, the Ritsumeikan Academy formulated the "Ritsumeikan Charter" in 2006 and presented the basic guidelines for the future.

As stipulated in the ideals of the Ritsumeikan Charter, Ritsumeikan University will pursue the creation of universal values based on academic freedom and will search for solutions to the pressing issues facing humankind, in order to help open the door to the future of the human race. To this end, it is important for all members of the university to respect each other and mutually accept universal rights and human rights as human beings, regardless of ideology, faith, race, citizenship, and origin. As the university is a place for growth and development, as well as for the free pursuit for truth, nothing is more important than respecting each other's character and freely interacting with each other.

### **(2) Action Guidelines for Teaching Staff and Other Staff**

Ritsumeikan University established the "Action Guidelines for Teaching Staff and Other Staff" to accomplish the purposes of the Ritsumeikan Charter. The action guidelines state that teaching staff and other staff at Ritsumeikan University should: be conscious of the social responsibility borne by those who are engaged in higher education & research, respect fundamental human rights, fulfill their duties with integrity and justice, live up to high morality and public decency, and place emphasis on legal compliance. Accordingly, teaching staff and other staff at the university are required to respect fundamental human rights and the character, values, and privacy of undergraduate and graduate students, along with all the other people working at the university. In addition, the action guidelines demand that teaching staff and other staff do not commit any acts of harassment, taking strict action against such acts, in order to create an environment in which everyone can engage in education & research activities or work without anxiety.

### **(3) Responsibilities of teaching staff & other staff and students**

As a university is an educational institution aimed at fostering human resources, acts involving harassment or speech or behavior that constitutes violence or violations of human rights must not occur. All staff members must be deeply aware that relationships based on a hierarchy are likely to be built at a university, which could cause harassment.

Each member is required to be familiar with these guidelines and to actively refer to them, and this should reinforce the awareness that one should not tolerate harassment nor be a perpetrator of such, along with properly responding to harassment if such exists.

### **(4) Role of the guidelines**

The guidelines are meant to provide guiding principles for harassment prevention, along with the “Ritsumeikan University Harassment Prevention Regulations.”

These regulations clearly state in Article 3 that teaching staff & other staff and students shall not commit sexual harassment, academic harassment, or power harassment as according to their responsibilities, in accordance with these regulations and guidelines.

## **II. What is Harassment?**

### **(1) Definition of harassment**

The university defines harassment as speech or behavior as perpetrated by teaching staff and other staff that inflicts disadvantage or discomfort on other teaching staff & other staff, students, or relevant parties, thereby violating their human rights. Or, it refers to speech or behavior by students or relevant parties that inflicts disadvantage or discomfort on other students or teaching staff and other staff, thereby violating their human rights.

### **(2) Sexual harassment**

**Sexual acts on others against their wishes constitutes sexual harassment.**

Sexual harassment consists of sexual speech or behavior that inflicts disadvantage or discomfort on others against their wishes, thereby violating their human rights.

- 1) Sexual (in a broad sense) speech or behavior that brings with it a sense of humiliation or that inflicts psychological pain or discomfort on others
- 2) Sexual speech or behavior (e.g., putting up posters of a sexual nature) that hinders the education or research of other or that negates the work environment (“environmental type” sexual harassment)
- 3) Sexual speech or behavior that requires others to act against their wishes and, if refused, makes them upset by threatening or placing any disadvantage on personal evaluations, academic results, or other aspects in a situation of work, education, or research (“authority abuse-type” or “compensation-type” sexual harassment)

In addition, speech or behavior that has not been seen as problematic may constitute sexual harassment. It is important to act with the following points in mind to correctly understand sexual harassment.

- 1) Respecting others' character
- 2) Having a consciousness of others being an important partner in education
- 3) Not regarding the opposite-sex as inferior

From this perspective, sexual harassment against those of the same sex, or discriminatory speech or behavior based on a gender stereotype, is also deemed as sexual harassment.

### **Understanding forced agreements and relationships**

Sexual speech or behavior that goes against the wishes of others constitutes sexual harassment. In such a hierarchical relationship as that exists between teaching staff and students, victims may have no choice but to accept or tolerate such speech or behavior. Therefore, giving no definitive refusal should not be easily regarded as "agreement."

### **(3) Academic harassment**

Academic harassment consists of speech or behavior that, through the abuse of an advantageous position of power or through master-subordinate relation in a situation of education & research, harms the advantages or rights relating to the education, research, and study of others. It does not necessarily involve sexual speech or behavior. Classification and examples of academic harassment are listed as follows.

#### 1) Educational harassment

- (i) Refusing to provide or neglecting necessary educational guidance for no sound reason
- (ii) Imposing excessive assignments
- (iii) Giving unfair treatment such as undeserved evaluation in conferral of academic degrees or credits
- (iv) Violating or threatening freedom of choice for career

#### 2) Research harassment

- (i) Refusing to provide a research theme, prohibiting the use of equipment or facilities, or unfairly restricting opportunities to publicize research (this type is known as "research marginalization")
- (ii) Exploiting others' research achievements or personal ideas (this type is known as "research exploitation")

### **(4) Power harassment**

Power harassment consists of speech or behavior that harms the advantages, rights, character, or dignity of others in a work situation or elsewhere, or speech or behavior that deteriorates the environment of a workplace or other situations. It is an abuse of authority in a working position or of advantageous position in human relations or other areas that oversteps the bounds of appropriate guidance or admonition, thereby inflicting psychological or physical

pain on others in subordinate positions. Classification and examples of power harassment are listed as follows.

- 1) Speech or behavior constituting harassment even if undertaken only once
  - (i) Physical violence or intimidation/defamation of character, etc., and any other form of attack that comes under criminal law
- 2) Speech or behavior constituting harassment if undertaken repeatedly
  - (i) Insults or abusive language constituting a psychological attack upon others
  - (ii) Isolating, ostracizing, ignoring others, or in other ways denying normal human interaction
  - (iii) Compelling others to undertake tasks that are clearly unnecessary or clearly impossible to accomplish; obstructing their normal work activity or other functions by imposing irrationally excessive demands
  - (iv) Without rational purpose, compelling others to engage in low-level work that is far removed from capability or experience, or assigning no work or too little work
  - (v) Violating privacy by intruding beyond reason upon private matters

These acts described above are deemed as power harassment, irrespective of the situation where these acts are undertaken—these acts are not limited to workplaces only. Even in a situation of extra-curricular activities among students, the acts undertaken on the basis of status or advantageous position constitute power harassment.

In addition, the following acts are deemed as harassment:

- Forceful alcohol drinking  
Forcing alcohol drinking or binge drinking; intentionally drinking others down; lacking consideration for those who cannot drink; and any other alcohol-related act that makes others upset such as through annoying conduct by a drunken person
- Sexual discrimination  
Discriminatory speech or behavior based on a gender stereotype that ignores the skill or characteristics of an individual (e.g., making a female serve tea or clean because of her gender)
- Control over a romantic relationship (dating DV)  
Physical, verbal, or behavioral “violence” between lovers (e.g., punching and kicking; shouting; denying the other’s character; checking received calls or e-mails on the other’s cell phone; restricting behavior, clothes, or circle of contacts; and forced sexual contact)

### **III. Scope of Application and Target of the Guidelines**

These guidelines target all members of the university. These “members” refer to teaching staff (regardless of whether full-time or part-time), non-teaching staff (including administrators, fixed-term employees [*keiyaku shokuin*], part-timers, dispatched staff, contract-based staff, and any other individual who works at the university), and undergraduate students and graduate students (including international students, research students, non-degree students, and any other student who studies at the university), as well as researchers, TAs (teaching assistants), RAs

(research assistants), and any other individual who engages in education & research at the university.

These guidelines apply to speech or behavior that has a significant influence on study, education & research, and work at the university, regardless of the fact that it is undertaken during curricular activities or working hours, or on campus or not (Note 1).

In the meantime, teaching staff & other staff and students can seek counseling or make a complaint about any harassment suffered during the time they worked or studied at the university, even after retirement, graduation, or withdrawal. In addition, these guidelines apply if either the victim or perpetrator is a member of the university (Note 2).

(Note 1)

In case teaching staff affiliated with Ritsumeikan University commit harassment at another university as a part-time lecturer or under another status, such harassment should be regarded as an act during work outside his/her normal duties under the permission for dual employment and should be treated as an act in private life. In principle, such act is subject to reprimand at the university where he/she committed harassment. However, if such act of dishonesty has the possibility to seriously damage the honor and credibility of our university, it should be understandably subject to disciplinary action or any other reprimand imposed by our university.

(Note 2)

In case a complainant\*<sup>1</sup> or victim is a member of Ritsumeikan University and if the respondent (the other party\*<sup>2</sup>) or perpetrator is not a member of the university, the university will provide explanation and seek an understanding of the intent of these guidelines with the other party or perpetrator, and will notify or make contact with the institution/organization where the other party is affiliated to ask for the prevention of recurrence or for an investigation into the case.

\*<sup>1</sup> Complainant: If an individual who had used counseling for harassment made a complaint to request for investigation or adjustment, the counselee will be referred to as the “complainant.”

\*<sup>2</sup> The other party: The individual who was accused of committing harassment by a counselee or complainant shall be referred to as “the other party.”

#### **IV. Basic attitude not to commit harassment**

In order not to commit harassment, nothing is more important than respecting fundamental human rights.

People tend to think that harassment is difficult to be assessed because of differences in reactions from each individual or position. Therefore, it may be a good idea to look at it from the other persons' perspective.

Taking sexual harassment as an example, suppose the case in which your speech or behavior is directed at your

spouse, children, lover, or any other person who is very close to you. If you have a sense of discomfort, such speech or behavior is likely to constitute harassment.

In case of academic harassment or power harassment as well, suppose the case in which you are treated in the same way. If you have a sense of unfairness or feel discouraged, it is likely to constitute harassment. It is also necessary to be fully aware of the following points.

**(1) Harassment is assessed on the basis of how the person who received it takes it.**

Speech or behavior, in particular, that which is sexual in nature, is taken differently by each individual, gender, position, or viewpoint. It should be kept in mind that whether speech or behavior constitutes harassment or not is mainly assessed on the basis of how the person who received it takes it. Even if you intend to express a sense of intimacy, it may make that the person receiving it is uncomfortable despite your intention. Thinking that “speech or behavior of this level will be acceptable to that person” or that “I have a close relationship with that person” may be an incorrect assumption and may lead to harassment.

**(2) Do not repeat the same speech or behavior.**

If you realize that your speech or behavior is refused or unwanted, you must not repeat such speech or behavior.

**(3) The person receiving harassment doesn't always express how he/she feels.**

A person that has received harassment doesn't always indicate that such speech or behavior is uncomfortable. There are many cases where those suffering harassment cannot refuse it because the perpetrator is their teacher or superior. Not expressing refusal should not be taken as “agreement.”

**(4) Pay attention to the extended situation of work or education.**

It is not sufficient to be careful about harassment only during working hours or in the workplace. Specifically, you need to pay attention to harassment in other situations where a relationship in work or education is maintained, such as at training camps, parties, social functions, or any other event.

**(5) Romantic relationships between teaching staff and undergraduate/graduate students**

**Teaching staff are in a position higher than students. (The balance of power between teaching staff and undergraduate/graduate students is inherently on the side of teaching staff.)**

Teaching staff and undergraduate/graduate students cannot be in a 50/50 or collegial relationship. They appear to be in a 50/50 or collegial relationship since they exchange views and debate with each other. However, university teaching staff are authorized to assess the academic achievements of undergraduate/graduate students, and thus teaching staff are in a position that is higher than their students.

Especially in graduate schools, the authority of teaching staff becomes even stronger. Teaching staff at graduate schools has conclusive influence on their students, in terms of guiding research or reviewing papers to confer

academic degrees. Teaching staff should be conscious of their advantageous position, as it could easily lead to harassment.

For the reasons above, a romantic relationship between teaching staff and undergraduate/graduate students are likely to lead to serious sexual harassment or academic harassment, once such a relationship is broken down.

### **Toward maintaining a sound educational/research environment**

Teaching staff should be always conscious of their special position regarding relationships with undergraduate/graduate students and should pay particular attention not to enter into inappropriate relations with them. Should teaching staff form a romantic relationship with their undergraduate/graduate students (over whom teaching staff have authority when giving out academic evaluation), the teaching staff must inform the Dean of such to maintain the fairness of academic evaluation and a sound educational/research environment. The Dean, after being informed, then takes necessary actions in education & research as the responsibility of a supervisor, to avoid the situation where a private relationship and teacher-student relationship coexist.

## **V. If you suffer harassment...**

### **The victim is not to blame.**

You as a victim are not responsible for harassment. Take action toward settlement before the situation gets worse. Do not blame yourself or tolerate the situation.

There are cases where the perpetrator doesn't realize that his/her speech or behavior constitutes harassment at all. You can thus settle harassment for yourself by directly notifying the perpetrator verbally or in writing that his/her speech or behavior is harassment and uncomfortable—if you are not in a hostile relationship with the perpetrator.

In an emergency case where you are in imminent danger, make contact with people around you or with the administrative offices for help, or contact police if necessary. When you go to the police, you will be accompanied by a harassment counselor or by teaching staff and other staff.

On the website of the Harassment Prevention Committee, you can find ways to respond to harassment, emergency contact numbers, and information about external counseling offices. You can also refer to the leaflet "Harassment Prevention Handbook," which is available at the administrative offices of each college or at other places.

## **VI. Toward settlement**

### **(1) Harassment counseling**

In response to harassment counseling, the university is staffed by more than 80 Harassment advisors, including those who were selected from the teaching staff of each college or graduate school. The Harassment Advisors

are stationed at the administrative offices of each college, offices of student affairs, offices of human resources, and at other places at Kinugasa Campus, the BKC, and Suzaku Campus. They receive training twice a year to properly offer harassment counseling.

Counseling requests are accepted via telephone, FAX, or e-mail. Counseling is provided face-to-face, in principle, at an office or place where privacy is fully protected. When you receive counseling, you can select any harassment counselor with whom you feel at ease talking to, regardless of the campus, college, or graduate school where you study. Needless to say, you can change Harassment Advisors in the process of counseling.

If you are not a harassment counselor and are consulted as to harassment, encourage the person suffering harassment to visit a harassment counselor, and listen to his/her story. It is necessary to take immediate action for the relief of the victim and the settlement of the issue. The counselee can also seek support from an outside professional counselor when desired or necessary.

Harassment advisors have the duty of confidentiality. Without the consent of the counselees, the details of counseling or the names of counselees are never be revealed to those other than the Harassment Advisors in charge or the members of the Harassment Prevention Committee.

## **(2) Records of the details of the harassment**

The actual circumstances of harassment may not be immediately obvious to those not involved. If you feel you are suffering harassment, try to record the details correctly as much as possible, including when, where, from whom, and how you suffered harassment.

It may be a good idea to ask a bystander, if any, to serve as a witness. A witness can help settle the issue by contributing to assess the situation objectively.

## **(3) Duty of confidentiality**

Harassment advisors, members of the Harassment Prevention Committee and Investigative Committee, and any other person who is involved in counseling or in the processes of making a complaint about harassment have the duty of confidentiality to preserve the privacy of counselees and others concerned. This duty is imposed not only for the sake of counselees, complainants, and the other party, but also to preserve the privacy of those who cooperate in the investigation as bystanders. Harassment Advisors and committee members are not to divulge the names of those concerned, the details of counseling or complaints, or any other confidential information that may have come to their knowledge, even if staff have resigned from office.

## **(4) Specific methods of settlement**

### 1) Classification of complaint and response

Counselees can make a complaint for settlement with the university. Complaints are classified as follows, and



counselees choose a method of settlement.

Classification	Details	Response
Notification	Seeking a settlement by notifying the other party that harassment counseling has been provided regarding a particular act, with the anonymity of the counselee preserved according to his/her wishes	The members of the Harassment Prevention Committee and staff at the Secretariat notify the other party of the details of the complaint.
Adjustment	Seeking a settlement by adjusting the differences in the claims from a harassment counselee and the other party from a fair point of view	The Chairperson of the Harassment Prevention Committee and an individual who is responsible for supervising the other party (e.g., the Dean, Administrative Manager) discuss the appropriate measures to be taken.
Investigation	Seeking a settlement by fairly investigating the facts, and when judged to correspond to harassment, taking strict action against the other party, including possible disciplinary action	The Investigative Committee is established under the Harassment Prevention Committee.

2) Efforts for settlement

You can “make a complaint” by informing a harassment counselor of your intention to do so in writing. This is done so that the harassment counselor can accurately grasp the details of the complaint.

Once a complaint is made, the Harassment Prevention Committee will be immediately notified and will determine the most effective way for settlement with the wishes of the complainant and the details of the complaint taken into account.

The Investigative Committee, which is established upon request for an investigation, is composed of members of the Harassment Prevention Committee and the staff of its Secretariat. The members of the Investigative Committee are selected from the viewpoint of securing the neutrality and fairness of investigations. (Harassment advisors do not engage in adjustment or investigation on their own.)

In the meantime, if the Chairperson of the Harassment Prevention Committee assesses that emergency countermeasures are necessary when the Secretariat received the “Record of Harassment Consultation” (prepared by a counselor) from the secretariat of the Committee, certain actions such as an educational measure may be taken before a written complaint is submitted or before the Harassment Prevention Committee holds a

meeting.

In addition, the university may appoint an expert committee member to the committee from professionals outside the university, such as lawyers, if necessary. If a counselee and the other party are affiliated with the same department, a system for adjustment may be established in such a way that members of the department would play a key role in adjustment. In that case, the Harassment Prevention Committee will provide advice or support from a broader point of view, from the perspective of the university, to ensure the fairness and justice of the measures to be taken. All the information on responses taken by each college, division, or office will be forwarded to and managed by the Harassment Prevention Committee, which enables the collaborative settlement with the committee.

#### **(5) Prohibition of false statements and cooperation in investigations**

Making a false complaint or a false statement in an investigation of the facts is prohibited. This applies not only to complainants and the other parties, but also to those who are asked to give testimony as a witness. Such false acts may be subject to disciplinary actions.

Complainants and the other parties cannot refuse the investigations of the harassment case in which they are involved. If you are asked for cooperation as a witness, please accept it as much as you can. Your cooperation is important for the confirmation of the facts and for the settlement of the issue. As previously stated, the duty of confidentiality is strictly imposed on those who are dealing with investigations; therefore, you never have to have your privacy violated or suffer disadvantage due to your testimony.

#### **(6) Harassment Prevention Committee**

##### 1) Responsibilities of the Harassment Prevention Committee

The Harassment Prevention Committee is responsible primarily for the investigation and settlement of harassment cases, as well as the recommendation of necessary measures and disciplinary actions. For this purpose, the committee needs to have a certain authority. The Chairperson is designated by the President, and one of the Vice Chairperson positions is assumed by the Executive Trustee of General Affairs. In the meantime, the Committee has a system for the remaining Vice Chairpersons and the Chief Administrative Officer to flexibly respond to a specific case. In such case, the Chairperson is responsible for the final judgment.

##### 2) Measures by the Harassment Prevention Committee

If the Chairperson assesses that emergency countermeasures are necessary, he/she may require the relevant organizations to take “measures.” Such measures include a change of seminars or classes as an educational measure and the suspension of the other party’s Rainbow account. In addition, the Chairperson may require that the Dean or another supervisor remove the teaching staff as the other party from being in charge of the relevant class or prevent the teaching staff from studying abroad, based on the decision of the Faculty Council. If the speech or behavior is assessed as harassment or not from the results of investigations by the Investigative Committee, the Harassment

Prevention Committee will take responsibility for seeking a settlement by proposing methods of settlement, discussing with the relevant organizations as necessary, or demanding to take strict actions or give appropriate guidance.

### 3) Disciplinary action

Any teaching staff or other staff who has committed harassment in his/her workplace or any other situation is subject to disciplinary action based on the Work Regulations. In the same way, any students who have committed harassment are subject to disciplinary action based on the “the regulations on student discipline”.

The Harassment Prevention Committee is responsible for “recommending” disciplinary action to the President. Even if an issue is settled through notification, adjustment, or investigation, the Committee will recommend disciplinary action for any case in which harassment was assessed as obvious.

The final judgment on “disciplinary action” is not made by the Harassment Prevention Committee, but on the basis of the “Regulations Regarding Procedures for Disciplinary Action against Teaching Staff and Other Staff” (or, the “The regulations on student discipline,” in the case of students). The judgment on disciplinary action or other actions should be made fairly by comprehensively examining the specific conditions of the harassment (such as time, place, details, and degree), the relationship between the complainant and the other party, the reactions or feelings of a complainant, and other factors. If assessed as harassment, the other party is given an opportunity for explanation before the recommendation is made so that the fairness can be fully guaranteed.

### 4) Prevention of recurrence and victim support

Following the assessment as harassment, the perpetrator will receive support and guidance that make him/her review the matter and become aware of his/her own speech or behavior. Such support and guidance include training for a good understanding of harassment and to ensure that they do not re-offend.

The support offered to a victim includes the creation of an environment in which he/she continues to study or work without anxiety.

### 5) Prohibition of retaliatory actions and disadvantageous treatment

Against those who sought counseling or made a complaint as to harassment, the other party must not take retaliatory actions or give disadvantageous treatments. Should such actions be confirmed, the university will take strict action, including disciplinary action.

### 6) Announcement of disciplinary action

Disciplinary action due to harassment is publicly announced according to the “Guidelines Regarding the Announcement, etc., of Disciplinary Action” and the “The regulations on student discipline.”

## **VII. Awareness-raising, education, and training**

The Harassment Prevention Committee engages in information collection & provision and public relations (e.g., leaflets or through a website) as to harassment prevention, as well as in the training and development of support skills for “Harassment advisors.” It is also responsible for awareness-raising, education, and training for the members of the university as to fundamental human rights. Through these efforts, the university will continuously strive to create a campus environment in which no harassment occurs.

## **VIII. Miscellaneous**

These guidelines come into effect on July 1, 2007. They will be revised or amended as necessary, depending on the circumstances of the actual operation.