

III Basic Attitude to Avoid Harassing Others

1. General

Under Article 3 of the Regulations, all faculty, staff and students have an obligation to ensure that their actions do not constitute harassment as set out in the Regulations and Guidelines (this document).

In order to avoid harassing others, nothing is more important than standing for respect of fundamental human rights. It can be difficult sometimes to analyze one's own behavior and work out whether it might be construed as harassment. At these times, it may be helpful to put yourself or a close friend or family member in the other person's position, and ask yourself how it would feel. For instance, if you're worried that your behavior might constitute sexual harassment, try and imagine how you would feel if that same behavior were directed towards your partner or child. If that makes you feel uncomfortable, then there is a high likelihood that your behavior does indeed constitute sexual harassment. In the case of behavior that could constitute academic or power harassment, simply imagine yourself on the receiving end of that behavior. How would you feel? If you feel unfairly treated or less enthusiastic and committed to your job as a result, there's a high likelihood that it is indeed a case of academic or power harassment.

The following points are also important to bear in mind.

2. The Direct Impacts of Harassment on Others

One of the criteria for harassment is whether it results in a negative impact on the immediate environment, as we saw earlier. Our yardstick for determining what constitutes a negative impact is "how most people would feel in that situation" (see page 4). But this does not mean that the feelings of the actual person or persons involved are excluded from consideration. Particularly in the case of speech or behavior of a sexual nature, different people will react in different ways depending on their personality and character as well as sexual orientation and gender identity. So, although we use the abstract concept of how "most people" would feel as our yardstick, we must also take into account the actual reaction of the person or persons involved. The very act of making a judgment about whether the environment has been negatively impacted can be viewed to some extent in the context of other forms of harassment.

Speech or behavior intended to express friendship or familiarity can often have the unintended consequence of causing discomfort, thereby having a negative impact on the workplace or learning environment. A common example is Person A making a remark to Person B imagining that the remark "was probably a bit harsh but I'm sure they won't take it the wrong way"—only to discover that Person B in fact found the remark deeply hurtful. Harassment often results from an inability to consider things from another person's perspective.

3. Do Not Repeat the Same Speech and Behavior

If you realize that your speech and behavior is rejected or disliked by the other person, you must not repeat such speech and behavior.

4. The Impacts of Harassment May Not Be Obvious

Problematic speech and behavior can often have impacts on others in ways that are not immediately noticeable (such as obvious discomfort or distress). This is particularly true in the case of academic and power harassment, where the existence of a power balance makes people less likely to outwardly display their discomfort or annoyance for fear of being put in a disadvantageous position. The lack of a noticeable reaction, however, does not in any way make the speech or behavior acceptable. Any person in a position of relative superiority needs to be constantly monitoring their speech and behavior and thinking about how it comes across to others. Anything that could be considered inappropriate—even if it doesn't generate a reaction—should be followed up with an apology.

5. Harassment Can Occur After-Hours or Away From the Workplace/ Classroom

Article 2-1, Paragraph 1 of the Regulations stipulates that an inappropriate act occurring outside of work hours or away from the workplace can still constitute harassment if it occurs in the context of the activities or operations of Ritsumeikan University and Ritsumeikan Affiliated Schools. Regardless of the setting, such as a social gathering after work or after class, any act that satisfies the provisions of Article 2-1, Paragraph 1 can be considered harassment.

■ Romantic Relationships Between Faculty Members and Students

1. Faculty Members Enjoy a Position of Absolute Superiority

Faculty members and students do not have equal status. The university environment often gives the impression of equality, particularly when teaching staff and students are seen to be engaging one another in spirited debate and discussion. However, the reality is that faculty members are responsible for assessing student performance and as such enjoy a position of absolute superiority over their students.

Faculty advisors at graduate schools have even more power over their students. The faculty advisor is the person who grades the dissertation, and as such has enormous influence over the student under their supervision. It is incumbent on teaching staff therefore to be fully aware of their position of superiority and carefully monitor their speech and behavior to ensure that it cannot be construed as harassment.

Intimate relationships between students and faculty members can pose a major problem in terms of potential harassment if and when the relationship finally breaks down. In particular, sexual harassment towards school-age and younger students can have a very serious impact on their subsequent growth and development. Faculty members are expected to exercise due prudence and caution.

2. Toward Maintaining a Wholesome Environment for Education and Research

Faculty members should be constantly cognizant of their position of absolute superiority relative to students and exercise due caution to prevent inappropriate relationships with students. A faculty member who enters into an intimate relationship with one of their students, or with a student whose work they are responsible for grading, must report the relationship to the supervisor of the relevant faculty, graduate school, educational institution or Ritsumeikan Affiliated School (as per Regulations, Article 2-1, Paragraph 7), in order to preserve the sanctity of the learning or research environment of the relevant student and to ensure procedural fairness and equity in the assessment process. The supervisor will then institute appropriate measures with respect to the student's learning or research work.