

## **V Counseling Services and Complaint Procedures**

### **1. Harassment Counseling**

#### **(1) Harassment Advisors**

- ① In order to respond to harassment consultations, there are “Harassment Advisors” ((Regulations, Article 14) stationed on Ritsumeikan University’s four campuses: Kinugasa, BKC, Suzaku, and OIC. These individuals were selected from among the faculty members of each college and graduate school, and from among the administrative staff of each college administrative office, the Office of Student Affairs, the Medical Service Center (Office of Medical Services), the Office of Payroll and Employee Benefits, etc. Faculty and staff advisors are stationed at each Ritsumeikan Affiliated School.
- ② Harassment advisors receive two training sessions per year in advice and counseling techniques.
- ③ Harassment advisors provide advice and counseling in relation to a person’s experience of harassment. Where a complaint is lodged (see Section 2 below), the advisor forwards this promptly to the Administrative Office of the Harassment Prevention Committee.

#### **(2) Applying for and Receiving Counseling**

- ① In addition to students, faculty, and staff, who feel they have been harmed by harassment, counseling can also be provided to those who felt uncomfortable seeing and/or hearing someone else being harassed, those who were warned by someone else that they were harassing others, supervisors and relevant parties who have received harassment consultations, and guardians of young children or school-age students of Ritsumeikan Affiliated Schools.
- ② Counseling sessions can be scheduled via email or over the phone.
- ③ Generally, counseling is provided face-to-face at a facility or location with reliable privacy protection.
- ④ Individuals who wish to receive counseling can select the advisor with whom they are familiar and feel most at ease talking to, regardless of their campus, college, graduate school, or school. In addition, if there is a good reason, the counselee may request to change advisors during the counseling process.
- ⑤ The services of a professional counselor or other specialist institution within or outside the university can also be arranged upon request and/or where deemed necessary.
- ⑥ Advisors have a duty of confidentiality. Without the consent of the counselees, the details of counseling will not be communicated to anyone other than members of the Harassment Prevention Committee.
- ⑦ A person other than a harassment advisor who is asked for advice about harassment issues should make every effort to help as best as possible. Given that an urgent response is most likely required in order to resolve the situation, the recommended course of action is to put them in touch with a harassment advisor.

#### **(3) Record of Harassment Details**

Sometimes the details of a harassment incident are known only to the parties to the incident and difficult for others to understand. If you have experienced harassment, note down as many details as you can, including who did it, when and where, what happened, and whether anyone else saw or heard it.

### **2. Complaint Procedures**

#### **(1) General**

A person who feels they have experienced harassment may choose to resolve the situation themselves, based on advice from and/or with the support of a harassment advisor, or they may decide to lodge a complaint with the Harassment Prevention Committee.

## (2) Lodging a Complaint

A complaint submitted to the Harassment Prevention Committee must nominate a preferred response option from the three listed below (Regulations, Article 11-1, Paragraph 1, main text only). The person submitting the complaint is referred to as the “complainant” while the other party to the harassment incident is referred to as the “other party.” For the purpose of this document, the collective term for the complainant and other party is “both parties.”

### 1) Notification (Regulations, Article 11-1, Paragraph 1, Item 1)

- ① The Harassment Prevention Committee attempts to resolve the issue by notifying the other party that a complaint has been received. The notification provides details of the problematic speech or behavior and asks the other party to desist. The complainant may be named or may be kept anonymous.
- ② The Committee interviews the complainant to determine details of the incident for inclusion in the notification, then notifies the other party that a complaint has been received and provides details.
- ③ The Committee informs the complainant that the notification has been issued.
- ④ In issuing the notification, the Committee makes no ruling on whether or not the alleged incident constitutes harassment.

### 2) Conciliation (Regulations, Article 11-1, Paragraph 1, Item 2)

- ① The conciliation option involves the Harassment Prevention Committee interviewing one or both of the parties to the incident, then meeting with either the other party or their supervisor as appropriate (Regulations, Article 2-1, Paragraph 7) to work out an agreed solution with respect to the problematic speech or behavior that was experienced as harassment by the complainant. The Committee advises the other party or their supervisor to resolve the situation via the agreed solution.
- ② After interviewing the parties to the incident, the Committee meets with the other party and/or their supervisor to agree on an appropriate solution.
- ③ The Committee informs the complainant of the agreed solution.
- ④ In providing a conciliation service, the Committee makes no ruling on whether or not the alleged incident constitutes harassment.

### 3) Investigation (Regulations, Article 11-1, Paragraph 1, Item 3)

- ① The investigation option involves the Harassment Prevention Committee conducting a fair and impartial and proper investigation to find out the relevant facts, and determining whether the other party’s speech or behavior described in the complaint constitutes harassment or not. The findings of the investigation are notified to both parties. The Committee may also deem it necessary to advise the other party and/or their supervisor to implement specific remedial measures designed to resolve the problem associated with the harassment.
- ② Investigations are normally only carried out when requested by the complainant, but may also be launched in cases where conciliation has proven unsuccessful in resolving the situation. (See also Article 11-1, Paragraph 4 of the Regulations regarding change of response option.)
- ③ Investigations are performed by a dedicated investigation committee that normally comprises the Vice Chairperson and members of the Harassment Prevention Committee along with the Director and members of the Administrative Office. To ensure the impartiality, neutrality and integrity of the committee, members must be outside the reporting line of and have no vested interest in either of the parties (Regulations, Article 7, Paragraph 3). The investigation committee establishes the facts of the incident by interviewing both parties in the complaint along with other relevant parties and analyzing the supplied documentation, then issues a determination on whether harassment has occurred.

- ④ The Harassment Prevention Committee approves the findings of the investigation committee then notifies both parties of the outcome (namely, whether it was found to be harassment).
- ⑤ Where harassment is found to have occurred and is deemed to have been of a serious enough nature to warrant disciplinary action, the Committee will make a recommendation of disciplinary action to the dean of the relevant college or graduate school or principal of the relevant Ritsumeikan Affiliated School (where the complainant is a student) or to the Chairperson of the Board of Trustees (where the complainant is a member of faculty or staff), as per Article 12 of the Regulations.
- ⑥ When the Committee makes a recommendation of disciplinary action as per the previous paragraph, the other party has the right to submit an opinion statement and the Committee is obliged to forward the opinion statement together with the recommendation (Regulations, Article 13-1).
- ⑦ Investigations are normally completed within six months, although this period may be extended in the case of highly complex matters (Regulations, Article 11-5).

(3) Time Limit on Lodging Complaints

Under Article 11-1, Paragraph 2 of the Regulations, a complaint can be submitted no later than three years from the date of the alleged incident (or, where the pattern speech or behavior extends over multiple days, the date of the first alleged incident), although Article 11-1, Paragraph 3 allows for exceptions to be made in extenuating circumstances.

(4) Other

- ① A complaint may only be lodged by the person who has experienced the alleged harassment, except where that person is a minor, in which case the complaint may be lodged by a guardian on their behalf.
- ② The complaint must be lodged directly with a harassment advisor.
- ③ The harassment advisor informs the Harassment Prevention Committee immediately when a complaint has been lodged. Where the available information (including the details contained in the complaint and supplied documentation) is not considered sufficient to make a ruling on the integrity of the complaint or the most effective approach to resolution, a preliminary investigation may be carried out prior to designing a concrete response.
- ④ Where the response option chosen by the complainant (notification, conciliation or investigation) is deemed an unsuitable approach to resolution, the Committee may encourage the complainant to nominate a different response option (Regulations, Article 11-1, Paragraph 4). If the complainant agrees, the new option shall be deemed to be the option chosen at the time of the original complaint.

**3. Important Points Regarding Harassment Counseling and Complaints**

(1) Confidentiality (Regulations, Article 16-1, Paragraphs 1 and 2)

Harassment advisors and members of the Harassment Prevention Committee (the Chairperson, Vice Chairperson, Committee members and Director of the Administrative Office) have a duty of confidentiality that forbids them from divulging any confidential information acquired in the performance of their duties. The duty of confidentiality applies even after their period of employment ends. Here, “confidential information” includes the name of a person seeking counseling, the parties named in a complaint, details of counseling sessions and complaints, and even the fact that a counseling session or complaint has occurred. Any violation of the duty of confidentiality resulting in the release of confidential information may result in disciplinary action as set out the Work Regulations. Note however that the release of confidential information may be permitted where deemed necessary due to extenuating circumstances, for example if an urgent response is requested by the Chairperson of the Harassment Prevention Committee.

- (2) Respect for Privacy (Regulations, Article 16-2, Paragraphs 1 and 2)  
The parties to a complaint and all third parties engaged in the response procedure (notification, conciliation or investigation) must not divulge any information obtained in the course of processing the complaint—including the fact of a report being issued by the Harassment Prevention Committee—to any other person without permission. It is forbidden to share details of a Committee report on social media or in conversation with friends or acquaintances. However, the parties to a complaint are permitted to use such information to exercise their rights under law, such as pursuing legal action for damages.
- (3) Prohibition of Disadvantageous Treatment (Regulations, Articles 17-1 and 17-2)  
Supervisors (Regulations, Article 2-1 Paragraph 7) must not harass or impose disadvantageous treatment (such as limiting work duties to menial or routine tasks) on any person who seeks advice or counseling, complainant or other party to a complaint or third party engaged in a response procedure (notification, conciliation or investigation) on the grounds of their involvement in a counseling, complaint or response procedure.  
Such behavior by a supervisor may itself constitute harassment (as per Article 2-1, Paragraph 1, Item 3 of the Regulations, and elsewhere) and may result in the Harassment Prevention Committee making a recommendation of disciplinary action to the Chairperson of the Board of Trustees (Regulations, Article 17-2, Paragraph 1).
- (4) Retaliatory Action (Regulations, Article 16-3)  
No student, faculty or staff member, guardian (Regulations, Article 2-1, Paragraph 5) or relevant party (Regulations, Article 2-1, Paragraph 6) may take retaliatory action against or harass another person for having sought advice or counseling in relation to harassment, or having made a complaint, or having been involved in a response (notification, mediation or investigation). Such retaliatory action or harassment may itself constitute harassment.
- (5) Cooperation with the Harassment Prevention Committee (Regulations, Article 11-2)  
Students, faculty and staff and guardians (Regulations, Article 2-1, Paragraph 4) and relevant parties (Regulations, Article 2-1, Paragraph 5) are obliged to cooperate in good faith with the Harassment Prevention Committee, and cannot refuse to be interviewed without good reason or provide false testimony. Where an investigation is conducted, the parties to a complaint cannot refuse to acknowledge the findings of the investigation.  
Third parties are expected to cooperate with any request in relation to a response (notification, conciliation or investigation) with the objective of uncovering the truth and formulating a resolution. Harassment advisors and members of the Harassment Prevention Committee (the Chairperson, Vice Chairperson, Committee members and Director the Administrative Office) are bound by a duty of confidentiality as noted in Section 1 above. This means that giving testimony in an investigation carries no risk of a privacy infringement or other negative repercussions. It is therefore expected that any person requested to cooperate with an investigation will do so in good faith in order to expedite prompt resolution.
- (6) Withdrawal of a Complaint by a Complainant (Regulations, Article 11-4, Paragraph 1)  
A complainant may withdraw their complaint provided that the Harassment Prevention Committee has not yet issued a notification to the other party (for a notification response), or not yet requested the supervisor or the other party to implement an agreed solution (for a conciliation response), or not yet delivered its findings on whether harassment has occurred (for an investigation response). A complaint cannot be withdrawn after these points.

- (7) **Withdrawal of A Complaint Due to an Uncooperative Complainant (Regulations, Article 11-4, Paragraph 2)**  
In the event that the complainant refuses to engage with the solution proposed by the Harassment Prevention Committee without good reason, the Committee reserves the right to treat the complaint as having been withdrawn by the complainant.
- (8) **Non-Acceptance of Complaints (Regulations, Article 11-3)**  
The Harassment Prevention Committee may decide not to accept a complaint where it is found to be based on the same facts or circumstances as a previous complaint or to be beyond the Committee's authority, or where the matter would be better dealt with by other means, or for any other reason as deemed appropriate. Examples include a complainant lodging a complaint about a previous matter that has already been found not to constitute harassment; a complainant or other party requesting a transfer to another department (a decision that is beyond the authority of the Committee); a matter that the Committee considers could and should be addressed by the complainant's college, workplace or department; or a situation where the complainant is not seen to have a legitimate interest in lodging the complaint.

#### **4. Harassment Prevention Committee**

(1) **General**

The Harassment Prevention Committee is empowered to investigate harassment cases, encourage resolution and provide recommendations around responses and/or disciplinary actions. In this sense it can be said to have considerable authority within the Ritsumeikan Trust. Accordingly, the Regulations stipulate that the Chairperson of the Committee must be appointed by the Chancellor (Article 9, Paragraph 1) while one of the five Vice Chairpersons must be the Executive Trustee of General Affairs (Article 9, Paragraph 3). At the same time, the Committee has been structured to allow the remaining Vice Chairpersons and the Chief Administrative Officer considerable flexibility in responding to specific matters, and this is the basis on which decisions are taken by the Harassment Prevention Committee and/or the Chairperson.

(2) **Recommendations (Regulations, Article 13-2)**

The Harassment Prevention Committee can make recommendations to the Chancellor in relation to measures for the resolution and prevention of harassment issues. Where the Committee makes a recommendation, the Chancellor then requests the relevant supervisor (as per Regulations, Article 2-1, Paragraph 7) to implement the measures stipulated therein.

(3) **Request for Urgent Measures (Regulations, Article 11-6)**

Where an urgent response is required in relation to a counseling request or complaint, the Chairperson of the Harassment Prevention Committee can direct the relevant supervisor (Regulations, Article 2-1, Paragraph 7) to implement one or more urgent measures. An example of an urgent request is asking the dean or principal (the supervisor) to protect the student (the complainant) by transferring them to a different class or by removing their tutor or lecturer (the other party) from that class. Where the matter pertains to an extracurricular activity, the request may be forwarded to the relevant advisor or equivalent via the supervisor.

(4) **Disciplinary Action (Regulations, Articles 12 and 13)**

Where an incidence of harassment deemed worthy of investigation is found to be serious enough to warrant disciplinary action in accordance with *Guidelines on Disciplinary Action* (Executive Board of Trustees, October 17, 2012), *Ritsumeikan University Student Disciplinary Regulations* and disciplinary standards issued by Ritsumeikan Affiliated Schools, the Harassment Prevention Committee will make a recommendation of disciplinary action to the person who has authority to discipline the other party (where the other party is a student, dean of the relevant college or graduate school or principal of the relevant

Ritsumeikan Affiliated School; where the other party is a faculty or staff member, the Chairperson of the Board of Trustees). Before making a recommendation of disciplinary action, the Committee is obliged to give the other party an opportunity to submit a written opinion statement within a reasonable time limit.

(5) Recurrence Prevention and Support

In the event of an acknowledged instance of harassment, the Harassment Prevention Committee may provide an appropriate level of advice and/or guidance to the other party designed to promote their understanding of harassment and encourage better awareness of and reflection on their actions with the aim of preventing a recurrence in future. For example, the Committee may advise the other party to attend a suitable training program. The Committee may also ask the relevant supervisor to ensure that the learning, teaching, research or workplace environment provides a safe space for the complainant.

(6) To Create an Environment Where Harassment Does Not Occur (Regulations, Article 4, Paragraphs 1 and 2)

The Harassment Prevention Committee strives to stay up to date on harassment issues and developments and to promote an environment that discourages harassment through a range of initiatives such as producing promotional materials on harassment prevention, conducting awareness campaigns, and running training and educational programs on harassment.

## Investigation Process (When Nominated by Complainant as Preferred Response Option)

