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Ritsumeikan University and Ritsumeikan Affiliated Schools Harassment Prevention Guidelines

Ritsumeikan University and Ritsumeikan Affiliated Schools

Harassment Prevention Committee

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I Preventing Harassment

— Ritsumeikan University and Ritsumeikan Affiliated Schools strive to create a safe and welcoming environment for study, teaching and learning, research or work, predicated on the principles of respecting all individuals and honoring diversity —

1. Purpose of These Guidelines

Ritsumeikan University and Ritsumeikan Affiliated Schools (comprising of primary schools, junior high schools and senior high schools operated by the Ritsumeikan Trust) are committed to the principles of respecting the individual and honoring diversity as a way to ensure that students of all ages, from primary school to university level, as well as faculty and staff, are provided with a safe and welcoming environment in which to study, teach, pursue research or work, in order to fully support the personal learning and growth of students, faculty and staff. Harassment represents a major violation of human rights that fails to respect the principles of individuality and diversity. Ritsumeikan University and Ritsumeikan Affiliated Schools have put in place a range of programs and initiatives designed to prevent harassment, as well as measures to be taken in response to a suspected incidence of harassment.

These guidelines are designed to help prevent harassment by setting out definitions of what constitutes harassment and describing procedures for dealing with a suspected incidence of harassment.

2. Ritsumeikan University and Ritsumeikan Affiliated Schools' General Stance and Resolve Regarding Harassment

As teaching and research institutions, Ritsumeikan University and Ritsumeikan Affiliated Schools are required to demonstrate respect for, and are forbidden from committing any transgression of, fundamental human rights as set out in the Constitution of Japan. This constitutes the general stance that informs our commitment to providing a harassment-free environment for the pursuit of study, teaching and learning, research and administrative work at Ritsumeikan University and Ritsumeikan Affiliated Schools, predicated on the understanding and cooperation of all students, faculty and staff.

3. Efforts Being Made by Ritsumeikan University and Ritsumeikan Affiliated Schools

The Ritsumeikan University and Ritsumeikan Affiliated Schools Harassment Prevention Guidelines document ("the Guidelines," this document) has been issued in conjunction with the Harassment Prevention Regulations for Ritsumeikan University and Elementary Schools, Junior High Schools and Senior High Schools Operated by the Ritsumeikan Trust ("the Regulations") in order to provide a clear and simple explanation of the Regulations. Ritsumeikan University and Ritsumeikan Affiliated Schools have also put in place a range of programs and initiatives designed to prevent harassment, including but not limited to training programs, in line with the provisions of the Regulations and the Guidelines.

The Ritsumeikan Charter and Ritsumeikan University Action Guidelines for Faculty and Staff also represent significant documents on prevention of harassment that explicitly set out our stance regarding respect for human rights.

4. Definitions Used in the Regulations (Excluding the Definition of Harassment)

(1) Faculty and Staff (Regulations, Article 2-1, Paragraph 3)

The term "faculty and staff" refers to faculty members and administrative staff members at Ritsumeikan University and Ritsumeikan Affiliated Schools as well as administrative staff at the Ritsumeikan Trust. The distinction between faculty members and staff members is described below.

① Faculty Members

The term “faculty members” encompasses all teaching staff employed directly by Ritsumeikan University and Ritsumeikan Affiliated Schools in teaching roles, whether with or without fixed-term employment or with limited-term employment, including specially appointed faculty members (*tokumei kyoin*), specially invited faculty members (*tokubetsu shohei kyoin*), specially employed faculty (*tokubetsu ninyo*), extended tenure faculty members, senior (*sennin)* lecturers, specially appointed assistant professors (*tokunin jokyo*), assistants, full-time lecturers, *shokutaku* lecturers and part-time lecturers (*jugyo tanto koshi/hijokin koshi*), as well as visiting faculty members.

② Staff Members

The term “staff” refers to administrative personnel employed directly by Ritsumeikan University and Ritsumeikan Affiliated Schools, either with no fixed employment term or under extended tenure, including professional staff with specific duties (*tokutei gyomu senmon shokuin*), contract staff, assistants (*jimu hojo shokuin*), senior researchers and research assistants, as well as personnel from temporary staffing agencies and managers and coaches working on a contracted basis.

(2) Students (Regulations, Article 2-1, Paragraph 4)

The general term “students” encompasses undergraduate and graduate students enrolled at Ritsumeikan University and Ritsumeikan Affiliated Schools as well as primary, junior high and high school students enrolled at Ritsumeikan Affiliated Schools. The more specific term “university students” refers to students at tertiary level including non-degree students, auditing students, trainees, research students and special auditing students.

(3) Guardians (Regulations, Article 2-1, Paragraph 5)

The term “guardian” includes parents and legal guardians of students as well as any person who pays the tuition for the student to attend school, or a person who is responsible for the student and their financial situation.

(4) Relevant Parties (Regulations, Article 2-1, Paragraph 6)

The term “relevant parties” refers to people who have a significant level of involvement with Ritsumeikan University and/or Ritsumeikan Affiliated Schools, but are not considered to be faculty, staff, students or guardians as defined above. This includes, but is not limited to: visiting faculty members; employees of contractors that provide cleaning and security services to Ritsumeikan University and Ritsumeikan Affiliated Schools; employees of Ritsumeikan University Co-operative; researchers with no employment relationship; suppliers of equipment and consumables; equipment repair and maintenance personnel; and members of alumni and graduates' associations.

(5) Supervisors (Regulations, Article 2-1, Paragraph 7)

The term “supervisors” encompasses college and graduate school deans, senior executive directors and acting senior executive directors, school principals, managing directors (whether responsible for faculty members or administrative staff), and deputy managing directors and administrative managers (excepting those on extended tenure).

5. Scope of Application of the Regulations

The Regulations apply in all cases where at least one party to harassment is a student or a member of the faculty or staff member. Where the harassment has been perpetrated on a student or faculty or staff member by a person who is not a student or faculty or staff member, an effort will be made to explain the Regulations and/or Guidelines to the perpetrator and, contingent on their understanding, to report the situation to their employer or organization and request that steps be taken to investigate and/or prevent the harassment behavior.

II Definition of Harassment

1. Introduction—Key Concepts

Article 2, Paragraph 1 of the Regulations defines the three basic types of harassment—sexual harassment (Article 2-1, Paragraph 1, Item 1), academic harassment (Item 2) and power harassment (Item 3)—along with other harassment (Item 4), which covers all other forms of harassment. While each of these four harassment categories involves different assumptions and prerequisites, they share a common structure made up of the following aspects.

The first step is to consider the problematic behavior with respect to (a) where it occurred (the education or research setting) and (b) (c) the context in terms of the activities involved. The next step is to consider (d) the specific speech or behavior exhibited by the perpetrator. Finally, we look at (e) the causal relationship between the speech or behavior and (f) the resulting impact or damage sustained.

Note that the first three categories of harassment defined above (corresponding to Article 2-1, Paragraph 1, Items 1 – 3) also provide for (g) mitigating or exceptional circumstances where harassment is not considered to be applicable. In the event of circumstances as defined in (g), harassment is deemed not to have occurred even where requirements (a) through (f) are satisfied.

The table below summarizes the above prerequisite conditions for harassment (a) through (f) along with exceptions (g).

Table 1. Harassment—Prerequisite Conditions and Exceptions

	ⓐ Teaching or Research Setting	ⓑⓒ Context	ⓓⓔ Type of Speech or Behavior	ⓕ Impact/Damage	ⓖ Mitigating or Exceptional Circumstances
Sexual Harassment (Article 2-1, Paragraph 1, Item 1)	Ritsumeikan University and Ritsumeikan Affiliated Schools	All workplace activities	Sexual in nature	Disadvantaged in terms of treatment Negative impact on working environment	Constitutes an appropriate exercise of authority
Academic Harassment (Article 2-1, Paragraph 1, Item 2)	Ritsumeikan University	Education and/or research	Based on position of superiority in education or research setting	Disadvantaged in terms of education/research work Negative impact on learning or research environment	Considered necessary and proportionate to the relevant teaching or research activity
Power Harassment (Article 2-1, Paragraph 1, Item 3 (a) and (b))	(a) Ritsumeikan University and Ritsumeikan Affiliated Schools	Administrative duties	Based on position of superiority in workplace setting	Disadvantaged in terms of ability to perform work Negative impact on workplace environment	Considered necessary and proportionate to the relevant administrative duties
	(b) Ritsumeikan University	Student activities	Based on position of superiority in student setting	Disadvantaged in terms of student activities Negative impact on student environment	Considered necessary and proportionate to the relevant student activities
Other Harassment (Article 2-1, Paragraph 1, Item 4) Note: Forms of harassment other than the above	Ritsumeikan University and Ritsumeikan Affiliated Schools	All workplace activities	Unwelcome or inappropriate	Disadvantaged in terms of treatment Negative impact on immediate environment	

Of the prerequisite conditions for harassment outlined above, (c) requires that the behavior alleged to be harassment has (b) a connection to the operations of Ritsumeikan University and/or Ritsumeikan Affiliated Schools. Where the problematic behavior is a purely personal matter with no connection whatsoever to the operations of Ritsumeikan University or Ritsumeikan Affiliated Schools, it does not constitute harassment under the Guidelines. If, however, a connection can be established (even where the problematic behavior is not directly related to the operations of Ritsumeikan University and/or Ritsumeikan Affiliated Schools per se) then this would constitute harassment under the Guidelines. Thus, for example, not only could problematic behavior by a lecturer towards a student in class be constituted as harassment, but behavior that takes place at a social gathering after class could constitute harassment.

In column (f), negative impact on the workplace environment or other setting refers to distress or discomfort experienced as a result of specific speech or behavior (d), where such stress or discomfort represents a noticeable or obvious impediment to the victim's ability to continue with work, study or other activity (Regulations, Article 2-2). For example, if a faculty member uses speech or behavior that causes discomfort to a student, to the point where the student feels unable to continue attending lectures, this constitutes a negative impact. Another example is a manager who uses speech or behavior that makes an employee uncomfortable to the point of being unable to continue working.

The criteria for determining what constitutes a negative impact is based on how most people would feel in that situation (except for power harassment, where such determination is made in accordance with the provisions of Ministry of Health, Labour and Welfare Notice No. 5, 2020 (enforced June 1, 2020) *Guidelines for HR Response by an Employer in the event of Problematic Language or Behavior by a Person in a Position of Superiority in the Workplace,* Section 2 (6)). According to this, if an average person (student, employee or equivalent person within the organization), where subjected to the problematic speech or behavior in equivalent circumstances, would be noticeably impeded in their ability to continue work or study, this is deemed to be a negative impact.

2. Sexual Harassment

(1) Definition of Sexual Harassment (Regulations, Article 2-1, Paragraph 1, Item 1)

The Regulations define sexual harassment as "speech or behavior of a sexual nature…that leads to disadvantageous treatment of another person, or negatively impacts the immediate environment of another person, except where considered to be an appropriate exercise of authority." Thus, any speech or behavior of a sexual nature that leads to disadvantageous treatment of another or that has a negative impact on the immediate environment will normally be considered to constitute sexual harassment.

Here, speech or behavior of a sexual nature refers to all forms of speech and behavior that can be seen as pertaining to sex or gender. Thus, for example, speech or behavior aligned with fixed notions of the allocation of gender roles could be seen as sexual harassment.

It should be noted that "speech or behavior of a sexual nature that leads to disadvantageous treatment of another" is taken to include both direct cases, where the speech or behavior directly causes disadvantageous treatment, and indirect cases, where the speech or behavior provokes a reaction that in turn results in disadvantageous treatment. An example of a direct case is a male manager directing his female employee to make the tea on the grounds that it's "a job for a woman." An indirect case would be a manager putting undue pressure on an employee to date them and then, when rebuffed, retaliating by taking the employee off an important project.

Note also that where speech or behavior of a sexual nature that leads to disadvantageous treatment of another or that has a negative impact on the immediate environment is deemed to be an appropriate exercise of authority, this does not constitute sexual harassment. For example, suppose that a faculty member is describing sexual violence against women as part of a class, and a student feels so uncomfortable that they do not want to remain in the class. Provided that the class material has been chosen and presented in an appropriate manner, this scenario would not be construed as sexual harassment. While a determination such

as this may be complex and difficult, the key issue is whether it represents an appropriate exercise of authority.

(2) Types of Sexual Harassment

The non-exhaustive list below presents a number of common forms of sexual harassment.

① Unwanted Sexual Proposition or Bodily Contact

This includes persistent or coercive propositions pertaining to sexual activity, bodily contact deemed unnecessary or without good reason, and stalking.

② Quid Pro Quo Sexual Harassment

This is defined as a situation where a person is subject to speech or behavior of a sexual nature, reacts negatively (with refusal or resistance), and is then subject to retaliation that results in disadvantageous treatment. An example is a manager who unduly pressures a subordinate to date them and then, when rebuffed, retaliates by taking the employee off an important project.

③ Hostile Environment Sexual Harassment

This refers to speech or behavior of a sexual nature that fosters a hostile environment in which another person is noticeably impeded in their performance of education, research, study or work activities.

④ Speech and Behavior Intending to Discriminate on the Basis of Gender

More information about forms of speech and behavior that intentionally discriminate on the basis of gender is provided on p.24, *Examples of Speech and Behavior That May Constitute Sexual Harassment*.

(3) Sexual Harassment in the Context of Sexual Orientation and Gender Identity Diversity

Sexual harassment is not confined to members of the opposite sex; same-sex sexual harassment also exists. This means that forms of stress or discomfort caused by sexual harassment (Regulations, Article 2-1, Paragraph 2) can vary widely depending on a person's sexual orientation[1] or gender identity.[2] (Article 2-3 of the Regulations addresses the issue of respect for diversity of sexual orientation and gender identity.)

Thus, sexual harassment in the modern world can take myriad different forms with respect to both the relationship between the parties involved and the type of damage that results. (See also Ministry of Health, Labour and Welfare Notice No. 615, 2012 (enforced June 1, 2020) *Guidelines Concerning Measures to be Taken by Employers in Terms of Employment Management with Regard to Problems Caused by Sexual Harassment in the Workplace*, Section 2 (1)).

In light of the above, it becomes obvious that sexual harassment can also be taken to include instances of insulting language directed towards sexual minorities such as LGBTQ individuals (lesbian, gay, bisexual, transgender and questioning/queer) as well as overtly negative speech or actions regarding the character, performance or behavior of a person on the basis of their membership in a sexual minority group.

Examples of sexual harassment towards sexual minorities can be found on p.22, *Speech and Behavior Against Sexual Minorities (LGBTQ)*.

[1] Sexual Orientation: the gender or genders to which a person is sexually or emotionally attracted

[2] Gender Identity: a person's concept or sense of their own gender as male, female, or something else

■ Forced Consent Due to Power Imbalance or Equivalent Circumstances

Speech or behavior of a sexual nature that goes against the wishes of another person constitutes sexual harassment. The hierarchical relationship between faculty members and students in particular represents a major power imbalance, with faculty members in a position of seniority and therefore superiority. Due to the power imbalance, a student who is subjected to

problematic speech or language by a faculty member is likely to simply accept or go along with it. In this scenario, even where the student has technically not refused, they cannot be said to have given willing consent.

■ **Sexual Harassment of Young Children and School-Age Students**

Sexual harassment of school-age and younger students is inexcusable. It can have a major impact on their dignity and personal character; it can also affect their desire to engage in learning, with potentially severe consequences for subsequent growth and development. Given that our schools exist and operate with the understanding and support of parents, guardians and local communities, an incidence of sexual harassment at a school would significantly damage the reputation of the school and Ritsumeikan Academy as a whole, potentially threatening the future viability of the school.

Sexual harassment of a school-age or younger student may be punishable under the Penal Code, the Child Welfare Act or local government ordinances (in Kyoto, the Ordinance on Healthy Youth Development), depending on the nature of the harassment. An alleged perpetrator will be held criminally responsible and, if found guilty of harassment, will be subject to proceedings under Work Regulations for Teaching Staff and Other Staff including disciplinary punishment (Article 60 onwards) and dismissal (Article 22).

(4) Gender Harassment

Gender harassment refers to sexual harassment in the form of speech and behavior motivated by fixed stereotypes about the gender roles of men and women. Examples in a workplace environment would be always getting a woman to make the tea or always getting a man to perform heavy lifting work, or being critical of speech or behavior that is seen to deviate from stereotyped notions of masculinity and femininity. If we are to show respect for diversity of ideas and value systems then we cannot allow this form of harassment.

(5) Sexual Harassment of Students Looking for Work

Students engaged in work experience, internship or equivalent programs in the private sector should not be subjected to sexual harassment by other workers. The government has stipulated that company guidelines on sexual harassment in the workplace should also extend to students present in the workplace. The government also requires any complaint or inquiry from a student regarding sexual harassment to be dealt with appropriately in keeping with the company's existing sexual harassment policies and procedures (Ministry of Health, Labour and Welfare Notice No. 615, 2012 *Guidelines Concerning Measures to be Taken by Employers in terms of Employment Management with Regard to Problems Caused by Sexual Harassment in the Workplace*, Sections 4 and 7).

Any student who finds themselves subject to sexual harassment during a work experience or internship assignment is advised to report it to the relevant department of the company. The university's support service may also step in where necessary to support students in consulting with the company.

3. Academic Harassment

(1) Definition of Academic Harassment (Regulations, Article 2-1, Paragraph 1, Item 2)

Under the Regulations, academic harassment is defined as "speech or behavior by a person who enjoys a position of superiority in the context of teaching or research work at Ritsumeikan University (excluding speech or behavior of a sexual nature) that leads to disadvantageous treatment of another person in their performance of teaching or research work, or negatively impacts the learning or research environment of another person, except where deemed both necessary and reasonable for teaching or research purposes."

It follows under this definition that speech or behavior deemed necessary and reasonable for teaching or research purposes does not constitute academic harassment. For example, if a lecturer assigns a particular assignment to a particular group of students during a class then technically speaking, it could be argued that those students have been subjected to disadvantageous treatment in the context of the learning environment. But where the act of assigning that assignment to that group of students can be considered both necessary and reasonable for teaching purposes, it would not constitute academic harassment.

(2) Types of Academic Harassment

Common forms of academic harassment are described below.

1) Educational Harassment

① Making scornful comments; shouting at someone in a loud voice; being excessively critical over an extended period; making negative comments about individual character.
② Refusing to provide the required educational instruction without good reason
③ Imposing excessive assignments
④ Threatening or implying a threat to deliver an unreasonable assessment in relation to an academic degree, unit or credit; dispensing unfair treatment in relation to an academic degree, unit or credit; or refusing to recognize an academic degree, unit or credit without good reason
⑤ Obstructing or impeding a student's freedom of preferred career or study trajectory

2) Research Harassment

① Obstructing or hindering research work, such as by refusing to allocate research topics, preventing access to equipment or facilities, or unreasonably restricting access to opportunities to present research findings
② Exploiting the work of a researcher, such as by unfairly appropriating their research findings, proposals or ideas

3) Other

① Demanding to be invited into a particular academic society or other grouping
② Asking a student to perform personal tasks or administrative work
③ Displaying coercive speech or behavior over an extended period with a significant negative impact on the learning or research environment
④ Violating privacy provisions, for example by eliciting personal information without good reason or releasing personal information into the public domain without consent

4. Power Harassment

(1) Definition of Power Harassment (Regulations, Article 2-1, Paragraph 1, Item 3)

The Regulations note that power harassment can occur in the workplace or in a student setting, and provides separate definitions as follows.

① Power Harassment in the Workplace (Regulations, Article 2-1, Paragraph 1, Item 3 (a))

"Speech or behavior (excluding speech or behavior of a sexual nature) from a person who enjoys a position of superiority within the course of operations of Ritsumeikan University or a Ritsumeikan Affiliated School that leads to disadvantageous treatment of another person in their workplace, or negatively impacts the immediate workplace environment of another person, except where deemed both necessary and reasonable in the workplace context."

② Power Harassment in a Student Setting (Regulations, Article 2-1, Paragraph 1, Item 3 (b))
"Speech or behavior (excluding speech or behavior of a sexual nature) from a person who enjoys a position of superiority within a student setting at Ritsumeikan University that leads to disadvantageous treatment of another person in their student setting, or negatively impacts the immediate environment of another person, except where deemed both necessary and reasonable in the context of student activities."

The use of the term "superior position" in these definitions is not meant to imply that superiority based on rank, job description or seniority is problematic in and of itself. It is worth noting that superiority can also be derived from a higher level of knowledge or technical prowess. Thus, speech or behavior by a highly knowledgeable or technically capable employee towards their less credentialed manager could also constitute speech or behavior that takes advantage of a superior position in certain situations.
Note that both definitions above are subject to the caveat that power harassment does not apply where the speech or behavior is considered necessary and appropriate in workplace or student settings. Thus, for example, a manager ordering a particular worker to perform a particular task could, technically speaking, be construed as the worker being subjected to disadvantageous treatment in the context of the workplace environment, which corresponds to "power harassment in the workplace" as defined above. But if the act of assigning that task to that worker is considered both reasonable and necessary to the operations of the organization, it does not constitute power harassment.

(2) Types of Power Harassment

Common forms of power harassment are described below.

① Physical aggression (engaging in violence with potential to cause injury)
② Psychological aggression (engaging in intimidation or verbal abuse)
③ Separation from interpersonal relationships (isolating a person; excluding them from a group; refusing to acknowledge their presence)
④ Unreasonable demands (assigning tasks that are clearly unnecessary and/or impossible to achieve)
⑤ Belittling demands (assigning menial tasks that have no discernible objective and/or are clearly well below a person's capabilities or experience, or refusing to assign tasks for no discernible reason)
⑥ Infringing on personal matters (intruding to an excessive degree into the personal affairs of another person)

(3) Power Harassment in a Student Setting

Power harassment is not limited to employment settings; it can arise between students of Ritsumeikan University and Ritsumeikan Affiliated Schools in the course of normal day-to-day activities. This point is clearly articulated in Article 2-1, Paragraph 1, Item 3 (b) of the Regulations. Examples of power harassment at extracurricular activities include: junior students being expected to display unquestioning obedience to orders from senior students or risk exclusion from training; a senior student putting sustained and undue pressure on a junior student to go out drinking together; and specific members of a club being subject to disadvantageous treatment.
Note that problematic speech or behavior by a member of faculty or staff towards a student would be classified as academic harassment rather than power harassment. Since it takes place in a student setting, the problematic speech or behavior is deemed to have come from a person "in a position of superiority with respect to teaching."

5. Other Harassment

(1) General

Because there are some types of harassment that do not fit the categories of sexual, academic or power harassment, the Regulations provides for a fourth category of other harassment. Article 2-1, Paragraph 1, Item 4 defines other harassment as inappropriate speech or behavior occurring in the context of the activities or operations of Ritsumeikan University and/or Ritsumeikan Affiliated Schools that leads to disadvantageous treatment of another person, or negatively impacts the immediate environment of another person.

Unlike the first three harassment categories, the definition of other harassment does not include a caveat that allows for exceptions to the rule. Instead, the definition uses the term "inappropriate" to qualify the speech or behavior. This means that the threshold for whether harassment has occurred rests on the interpretation of what constitutes inappropriate speech or behavior.

The "other harassment" category is intended to capture egregious violations of human rights that do not fit into any of the other three categories. At the same time, it is also designed to accommodate new and as yet unknown forms of harassment that may arise in the future. Items (2) through (4) below describe four common forms of harassment that are classified as other harassment at the present point in time.

(2) Harassment in Connection with Pregnancy, Childbirth or Childcare Leave

1) General

Inappropriate speech or behavior in regards to pregnancy, childbirth and/or childcare leave that leads to disadvantageous treatment of another person or negatively impacts the workplace environment of another person constitutes harassment. (Note that under the *Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment* Article 11-3 and the *Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members* Article 25, the employer must take all necessary steps to ensure that such speech and/or behavior does not negatively impact on the immediate workplace environment of the employee.) In the same way, inappropriate speech or behavior in regards to pregnancy or childbirth that subjects a student to disadvantageous treatment or that has a negative impact on their learning environment also constitutes harassment. The term "harassment in connection with pregnancy, childbirth or childcare leave" refers to any and all of the above.

The determination of whether harassment in connection with pregnancy, childbirth or childcare leave has occurred rests on the interpretation of whether the speech or behavior in question is considered inappropriate in context. If, on an objective reading, the speech or behavior can be viewed as necessary and reasonable for reasons of safety or equitable allocation of work duties (in a workplace setting) or learning tasks (in a student setting), then it is not inappropriate and does not constitute harassment.

2) Forms of Harassment in Connection with Pregnancy, Childbirth or Childcare Leave

Harassment in connection with pregnancy, childbirth or childcare leave can be divided into two categories as described below.

① Harassment of Those Making Use of Systems, Etc.

This refers to speech or behavior regarding a person's decision to make use of one or more of the systems, schemes and measures listed below (collectively "systems") that has a negative impact on the workplace or learning environment.

- Health and well-being measures during pregnancy and after giving birth
- Employment restrictions on hazardous work
- Maternity leave prior to childbirth
- Switching to light work
- Restricting overtime work, late-night work and work on holidays
- Childcare breaks

・Leave of absence from school

This category of harassment is further divided into the following three sub-categories.

ⓐ Anything Suggestive of Dismissal or Other Disadvantageous Treatment

Where a suggestion or implication of disadvantageous treatment such as dismissal or refusal to provide guidance is made to a faculty or staff member or student in connection with their decision to take childcare leave or equivalent

ⓑ Anything Hindering Requests to Use or the Actual Use of Systems, Etc.

Where a manager, colleague, faculty advisor or friend advises a faculty or staff member or student not to use the systems available to them in response to their inquiry

ⓒ Anything That Harasses Others for Having Used Systems, Etc.

Where a manager, colleague, faculty advisor or friend harasses a faculty or staff member or student who has made use of the systems by, for example, using unpleasant speech or behavior, withholding or obstructing access to work, or limiting their duties to menial or routine tasks

② Situational Harassment

This refers to speech or behavior in relation to any of the following situations (collectively "pregnancy-related situations") that has a negative impact on the workplace or learning environment.

・Having gotten pregnant
・Having given birth
・Being unable or having been unable to engage in work due to restrictions on hazardous work
・Being unable to work due to postpartum work restrictions, or taking maternity leave
・Being unable or having been unable to provide services related to work for reasons stemming from pregnancy or childbirth (e.g., morning sickness, hyperemesis gravidarum, danger of miscarriage, failure to recover from childbirth, etc.) or that productivity has decreased

This category of harassment is further divided into the following two sub-categories.

ⓐ Anything Suggestive of Dismissal or Other Disadvantageous Treatment

Where a manager, faculty advisor or equivalent makes a suggestion or implication to a faculty or staff member or student of disadvantageous treatment such as dismissal or refusal to provide guidance

ⓑ Harassment of Women for Having Gotten Pregnant, Etc.

Where a manager, colleague, faculty advisor or friend harasses a faculty or staff member or student in a pregnancy-related situation by, for example, using unpleasant speech or behavior, withholding or obstructing access to work, or limiting their duties to menial or routine tasks

3) Other

Further examples are given on page 27, *Examples of Speech and Behavior That May Constitute Harassment in Connection With Pregnancy, Childbirth or Childcare Leave*.

(3) Alcohol Harassment

Alcohol harassment is essentially any form of harassment in relation to alcohol. Notwithstanding that encouraging or forcing a student under 20 years of age to drink alcohol is a criminal offense, it is important to remember that excessive consumption of alcohol can lead to acute alcohol poisoning. Forcing someone

to drink alcohol is thus a very serious act with potentially life-threatening consequences. Extreme prudence is required in the following situations.

- Forcing others to drink alcohol with no regard for their physical constitution, condition, etc.
- Making others chug alcohol
- Intentionally causing another person to become excessively inebriated
- Preventing a person from going home after a drinking session and/or forcing them to attend subsequent drinking sessions

It is important to show consideration to those who may not drink alcohol, for example by providing access to non-alcoholic beverages.

(4) Racial Harassment

Racial harassment refers to improper discriminatory speech and/or behavior in connection with differences in race, nationality or ethnicity. The Ritsumeikan University Charter calls for the "creation of universal values based on academic freedom and search for solutions to the pressing issues facing humankind." To this end, it is vitally important that all faculty, staff and students of Ritsumeikan University and Ritsumeikan Affiliated Schools demonstrate respect for the fundamental human rights of each other regardless of differences in race, nationality and ethnicity.

More information is provided on page 27, *Examples of Speech and Behavior That May Constitute Racial Harassment*.

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 relatively 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.

IV What to Do If You Experience Harassment ——The Victim is Not Responsible ——

Be assured that if you are the victim of harassment, it is not your fault in any way. You should not blame yourself for what has happened, and nor should you attempt to ignore the incident. The important thing is to take action so that a solution can be worked out before the situation deteriorates further. Remember that sometimes the other party simply has no idea that their actions constitute harassment. Unless the relationship between yourself and the other party is openly hostile, the best course of action is to point out to them directly, either verbally or in writing, that their actions constitute harassment and are causing you discomfort. Where direct communication is not possible, you should contact the supervisor of the relevant faculty, graduate school, educational institution or Ritsumeikan Affiliated School (as per Regulations, Article 2-1, Paragraph 7).

If you feel physically threatened, seek help from a friend or colleague or go to the nearest office. If necessary, call the police. Contact the office if you would like a faculty of staff member to accompany you to the police station.

The official website of the Harassment Prevention Committee of Ritsumeikan University and Ritsumeikan Affiliated Schools has plenty of advice on what to do if you experience harassment, including emergency contacts and an external counseling service. Key information can also be found in the Stop Harassment leaflet produced by the Committee, which is available at all faculty offices and reproduced on the website.

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, medication 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.

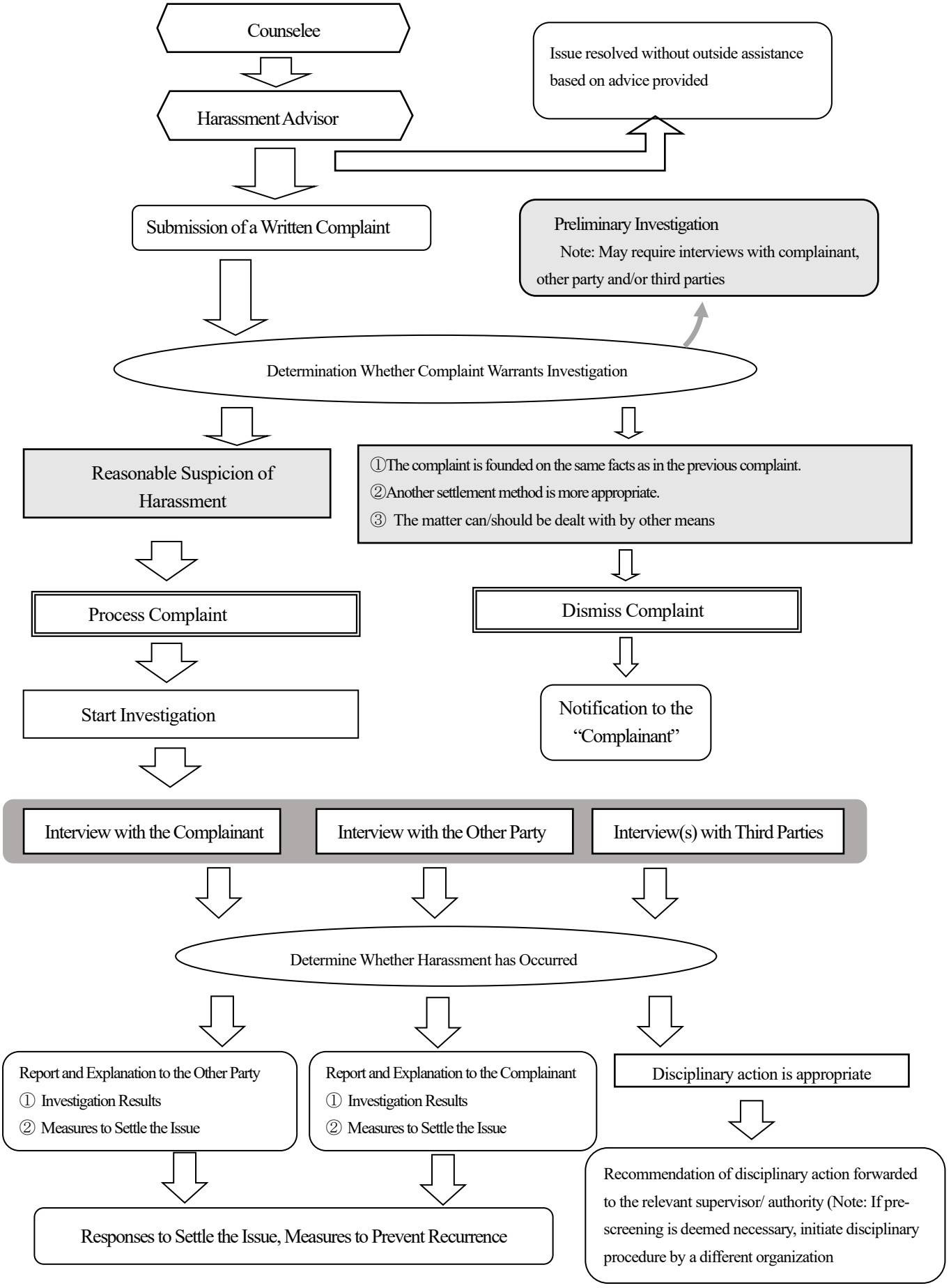
(5) Recurrence Prevention and Support

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)



VI Examples of Speech and Behavior That May Constitute Harassment

■ Examples of Speech and Behavior That May Constitute Sexual Harassment

1. Sexual Speech (speech based on sexual interest or desire)

① Asking someone about their bust-hip-weight measurements or talking about their physical characteristics (e.g., "*Chotto futottan jyanai*" ("You gained a little weight"), "*Chotto yasetan jyanai*" ("You lost a little weight"), etc.).
② Telling obscene jokes.
③ Asking a woman who seems not to be feeling well, "*Kyo wa seiribi ka*" ("Are you on your period?"), "*Mo konenki ka*" ("Are you already in menopause?"), etc.
④ Asking someone about their sexual experiences or sex life.
⑤ Making someone an object of sexual gossip or sexual teasing.
⑥ Talking about one's personal sexual experiences.

2. **Sexual Behavior**

(1) Speech based on sexual interest or desire

① Coercing someone into a sexual relationship.
② Touching someone's body unnecessarily.
③ Persistently asking someone out to eat or out on a date
④ Constantly looking at someone's body.
⑤ Making phone calls of a sexual nature, or sending letters, emails or SNS communications with sexual content.
⑥ Deliberately showing someone obscene photographs or reading obscene articles from magazines, etc.
⑦ Using obscene photos, etc., as PC desktop backgrounds.

(2) Speech and Behavior Intended to Discriminate on the Basis of Gender

① Forcing someone to sing a duet at karaoke.
② Making someone sit next to the boss, serve sake.
③ Saying things like, "*Otoko no kuse ni konjo ga nai*" ("For a man, you have no guts"), "*Onna ni wa shigoto wo makaserarenai*" ("You can't trust a woman with work").
④ Addressing people in a way that shows unacceptance of their identity with the intention to discriminate on the basis of gender, such as by using the terms *otoko no ko* (boy), *onna no ko* (girl), *boku* (casual form of "I" used by Japanese men), *boya* (boy), *ojosan* (young lady), *ojisan* (old man), *obasan* (old woman), etc.
⑤ Forcing women or younger in the office to serve tea, clean, and help with personal matters just because they are women and younger.

3. **Speech and Behavior Against Sexual Minorities (LGBTQ)**

① Teasing someone or making someone a target of bullying in regards to their sexual orientation or gender identity.
② Harassing someone who has come out and disclosed their LGBTQ identity.
③ Calling someone names that show unacceptance of their identity (e.g., *homo* (homo), lesbian, etc.
④ Speech and behavior that expresses disgust (e.g., "*Homo wa sawaruna*" ("Don't touch me, you homo"), "*Rezu wa kimochiwarui*" ("Lesbians give me the creeps"), etc.

⑤ Saying, "*Eh, kimi kocchi nano*" ("Oh, you're like this?") while placing the back of the hand against the face in a gesture used in Japan to connote homosexuality.
⑥ Saying, "*Doseiai toka seidoitsuseishogai toka no hitotte, koko ni wa inai yone*" ("No one here is a gay or has a gender identity disorder, right?"
⑦ Saying, "*~ santte, otoko? Onna? Docchida ka wakaranai yone*" ("Is ~ a man? Woman? I don't know which") when referring to an LGBTQ person.

■ Examples of Speech and Behavior That May Constitute Power Harassment

1. Physical Aggression (assault or violence)

① Punching or kicking a person
② Throwing objects at a person

2. Psychological Aggression (intimidation, slander, insulting or abusive language)

① Speech or behavior that invalidates a person's character
② Prolonged, repetitive, excessive and/or unwarranted levels of criticism
③ Repeated overbearing criticism delivered in a loud voice in front of others
④ Email or other message delivered to multiple recipients containing concerted criticism of the skills or capacities of a particular person to the point of vilification

Note: Stern criticism may be warranted (and would not constitute harassment) in situations such as: an employee who repeatedly violates social norms (such as arriving late for work) in spite of multiple warnings; or an employee whose speech or behavior is problematic in the context of the type of work or the expectations of a teaching or research institution.

3. Isolation (separating an employee from others, excluding them from a group, or refusing to acknowledge their presence)

① Deliberately removing an employee from their work duties, isolating them in a separate room for a prolonged period or ordering them to remain at home as retribution for a disagreement of opinion
② Ordering employees to ignore a certain individual or isolate them in the workplace

Note: Asking new recruits to undergo a short intensive induction training in a separate room, or ordering an employee who has been disciplined in line with disciplinary regulations to complete a training session in a separate room before returning to their normal duties, does not constitute harassment.

4. Unreasonable Demands (assigning tasks that are clearly unnecessary or impossible, or obstructing the work of an employee)

① Ordering an employee to perform unnecessary or unrelated tasks for extended periods under unpleasant conditions that cause physical pain
② Subjecting new recruits to targets or objectives that are clearly unachievable without providing the relevant training then criticizing them for failing to achieve
③ Forcing an employee to perform personal duties unrelated to the work of the organization
④ Forcing an employee to work evenings, weekends or holidays

Note: Assigning an employee a task that is more demanding than their current duties as a capacity building exercise, or assigning more work to an employee during a particularly busy period for the organization, does not constitute harassment.

5. Menial Demands (assigning menial tasks that are well below the abilities or experience of an employee, or refusing to assign tasks for no discernible reason)

① Ordering an employee to perform menial or degrading work in a deliberate attempt to force them out of the organization

② Refusing to assign duties to an employee in a deliberate attempt to upset them due to a personality clash

Note: Reducing the scope or nature of an employee's workload in a manner commensurate with their abilities and experience does not constitute harassment.

6. Personal Infringement (excessive and/or unwanted intrusion into personal affairs)

① Constantly checking on or monitoring an employee outside the workplace or photographing their personal effects

② Divulging private information about an employee such as sexual orientation, gender identity, medical history or infertility treatment, without their express consent

Note: Asking a student with a disability about their family situation in the context of accommodating their needs, or passing on information about a person's sexual orientation, gender identity, medical history or infertility treatment to an HR officer in the context of seeking special consideration and with their consent, does not constitute harassment.

■ Examples of Speech and Behavior That May Constitute Harassment in Connection With Pregnancy, Childbirth or Childcare Leave

1. Harassment of Those Making Use of Systems, Etc.

① When a student, faculty member or staff member consults her boss about taking time off from work for a prenatal checkup and the boss tells her "*Byoin wa yasumi no hi ni iku mono da*" ("Going to the hospital is something done on the weekend or holidays") or the like, and does not offer assistance.

② Saying, "S*ankyu, ikukyu wa mitomenai*" ("Maternity leave and childcare leave will not be approved"), or "*Mo konakuteii kara taishoku todoke (taigaku todoke) wo kakinasai*" ("You do not need to come [to work or school] anymore, so write a letter of resignation [withdrawal]").

③ Saying, "*Shushokushita bakari nano ni ninshin shite, sankyu, ikukyu toru nante zuzushii*" ("You've just started working here! You have a lot of nerve taking maternity and childcare leave")

④ When a coworker says to a female student, faculty member or staff member taking time off for childcare, "*Anata ga hayaku kaeru sei de mawari no hito wa shigoto ga fue, meiwaku shiteiru*" ("You're causing trouble by going home early and making more work for everyone else").

2. Situational Harassment

① Telling a student, faculty member or staff member who has announced that she is pregnant, "*Tsugi no keiyaku koshin wa shinai*" ("I won't renew your contract next time"), "*Hoka no hito wo yatou node hayameni yamete hoshi*" ("I'm going to hire someone else, so I want you to quit soon"), or "*Taigaku [kyugaku] shinasai*" ("Just withdraw [take a leave of absense] from school").

② Telling a member who has been hospitalized owing to the danger of miscarriage that she should no longer bother coming to work or school and should just write her letter of resignation.
③ When a faculty advisor tells a researcher, who has announced that she is pregnant, "*Kodomo wo toru ka, kenkyu wo toru ka docchi ka ni shiro*" ("You have to choose between having children or doing research")
④ When a faculty advisor tells a student, who has been absent from school due to severe morning sickness, "*Gakugyo ni sennen dekinai nara daigaku wo yameteshimae*" ("If you can't focus on your education, you should just drop out").
⑤ Saying things like "*Ookina onaka de urouro suruna*" ("Don't just hang around with that big belly of yours"), "*Mezawari*" ("You're an eyesore"), or "*Meiwaku*" ("You're a nuisance").
⑥ When a boss says to a faculty member or staff member who has requested childcare leave, "*Otoko ga ikukyu wo toru nante arien*" ("I can't believe a man would take childcare leave"), etc.
⑦ When a coworker says to a faculty member or staff member who has requested childcare leave, "*Omae ga yasumi wo toru sei de mawari no hito wa shigoto ga fue, meiwaku shiteiru*" ("You're causing trouble by taking leave and making more work for everyone else").

■ Examples of Speech and Behavior That May Constitute Racial Harassment

① Harassing people or subjecting them to unfair treatment because of one's prejudices against people from a specific country or of a certain race or ethnicity, or because of their nationality.
② Unfair discriminatory speech and behavior from a teacher during class against a specific country, race or ethnicity with no relation to the theme of the class.
③ Ignoring international students' cultural backgrounds and forcing them to act according to the same standards as Japanese people.
④ Routinely telling jokes that make fun of a specific country, race or ethnicity.
⑤ Using racial slurs as a form of bullying in class, during extracurricular activities, or in the workplace.

■ Examples of Speech and Behavior That May Constitute Other Forms of Harassment

① *ojisan* (old man), *obasan* (old woman), *ji-jii* (older man), *ba-baa* (older woman)
② *boku* (casual form of "I" used by Japanese men but can indicate that speaker views the listener as inferior or immature when used as "you"), ojosan (young lady)
③ *debu* (fatty), *busu* (ugly woman), *busaiku* (ugly), *hage* (baldy)
④ *baka* (stupid), *muno* (incompetent)
⑤ *~shogai* (disabled)

Note: The terms listed above may sometimes be employed in the context of light-hearted banter between people who enjoy a close friendship. It must be remembered however that in the wrong context these words can be interpreted as harassment.