

VII. Guidelines for Prevention of Harassment

Guidelines for Harassment Prevention

Ritsumeikan Asia Pacific University (the University) holds “liberty, peace and humanity,” “international mutual understanding,” and “creation of the future of the Asia Pacific” as its basic ideals. On July 21, 2006 the Ritsumeikan Charter was established to present the guiding principles in founding an academy of multiculturalism through international mutual understanding and to strive for developing human resources playing active roles as global citizens that uphold justice and ethics.

In order for humankind to attain freedom in the true sense, there is a need for attaining and maintaining a situation free of conflict. Freedom can get bloomed only when the spirit of humanism seeking for dignity and mutual understanding prevails.

Faculty, staff and students of diverse positions interact with each other at the University. They come together to the University from diverse countries and regions, which are diverse in national, religious and cultural backgrounds, to engage in various activities including education and research. In such an environment mutual understanding of diverse views and values is critically important.

From the viewpoints of protecting the University’s autonomy and academic freedom of its members, we hereby declare that we shall not tolerate discrimination, prejudice, vexation and any other form of harassment based on, but not limited to gender, race, language, nationality and religion.

The University is determined to prevent harassment with emphasis on the following principles.

1. The guidelines shall be founded upon the basic ideals of the University.
2. The guidelines shall aim to ensure students’ rights to study and an environment where they can study and grow (while all University members must be aware that students are on an equal footing as human being and in the process of their growth). The guidelines shall also contribute to creating a working environment that doesn’t evoke an incident of harassment.
3. Harassment prevention shall be positioned as part of daily duties at the University for protecting and developing freedom, peace and humanity.
4. The guidelines shall defend the interests of all University members from a neutral and fair position and must have efficacy for bringing about a responsible resolution for harassment in light of the University’s autonomy.

The University urges all of its members to strive for preventing harassment based on the basic ideals and the above principles of the guidelines.

<Harassment Prevention>

Based upon the basic ideals and the principles, the University will formulate “Guidelines for Harassment Prevention” with the following purposes:

1. The University shall not tolerate discrimination, prejudice, vexation and any other form of harassment based on, but not limited to gender, race, language and nationality. The University shall promote activities to educate its members and raise their awareness to prevent harassment.
2. The University is purposed that it shall prevent its members from harassing anyone since maintaining a harassment-free environment is of utmost importance.
3. Should harassing conduct (or conduct suspected of being harassing) occur, the University shall

provide the parties to this incident with assistance for deepening mutual understanding and improving the aggrieved situation.

4. The University shall seek for a solution in light of its basic ideals and the aforementioned principles, if the parties are unable to resolve the problems by themselves.

The University shall establish the Harassment Prevention Committee (“the Prevention Committee”) and other organizations necessary for attaining the above purposes.

<Definitions of Terms on Harassment>

(1) Harassment

There is no appropriate translation of the term, harassment, in Japanese. In Japanese society and universities harassment-related terms, such as “sexual harassment, academic harassment, campus harassment or power harassment,” are being used without clear definitions.

At the University “harassment” is defined as discrimination, prejudice, or vexation based on, but not limited to gender, race, language, nationality, social background, religion, thought, creeds, occupation, or disability status. The term is also applicable to conduct or comment, which has adverse influence on individuals or causes them emotional distress, when faculty members, staff members, students or relative individuals direct it at other faculty and staff, or students and relative individuals, or when students and relative individuals direct it at other faculty members, staff members, students or relative individuals.

(2) Sexual Harassment

Sexual harassment is comment or conduct directed at individuals that is of a sexual nature, violates human rights and creates discomfort to them.

This type of harassment includes, but is not necessarily limited to:

- 1) Comment or conduct of a sexual nature (in a broad meaning), which causes a sense of humiliation, emotional distress or discomfort to individuals;
- 2) Comment or conduct of a sexual nature, such as display of sexually explicit posters and other propositions of a sexual nature, which interferes with individuals’ education and research, or a working environment (referred as sexual harassment of an abusive environment”); and
- 3) Making an unwelcome request for sexual favors; and when it is rejected, implying retaliatory actions, such as unfair treatment in employment or grade, or taking these actions in a working or learning environment (referred as sexual harassment based on a quid pro quo).

In many cases the mass media features incidents of sexual harassment only in the context highlighting indecent behaviors, entangled relationships and criminal offences. Consequently, it is not rare that the definitions of the terms are misunderstood or understood in a significantly narrow sense. However, in fact, not only vicious behaviors of a sexual nature, but also the behaviors, which used to be perceived as unproblematic, can be viewed as harassing. Thus, it is important to accurately recognize which comment or conduct is sexually harassing in light of the following points:

- ① Respect another individual's personality with each other.
- ② Be aware and conscious that another individual is an important partner.
- ③ Shed a concept of looking another individual only as an object of sexual interest.
- ④ Never consider individuals of the opposite sex as inferior.

Given such points, sexual harassment between the same sex and discriminatory conduct and comment based on gender stereotypes are also seen as violation of these guidelines.

(3) Academic Harassment

Academic harassment (harassing conduct in an academic setting) refers to conduct or comment that is not necessarily of a sexual nature, but creates discomfort to individuals, interferes with their academic or work performance, or infringe on their rights in research, education or employment, when persons improperly exercise their higher position in an academic hierarchy or dominant position in an academic setting.

Typical harassing conduct in an academic setting is presented below.

- 1) Academic harassment in an educational setting is defined to include, but not limited to:
 - ① To refuse to provide required educational instruction to students, or leave them without offering such instruction;
 - ② To force excessive assignments to students;
 - ③ To treat students unfairly such as making an unreasonable academic decision on degree conferral or a course grade; and
 - ④ To disturb students in making a free choice of an academic or career path, or threaten them to make it.

- 2) Academic harassment in a research setting is defined to include, but not limited to:
 - ① To deprive students or subordinates of a research theme, keep them from using a research equipment or a facility, or unreasonably limit opportunities to present research findings (referred as academic harassment of research interference); and
 - ② To misuse their research findings/analyses and research ideas (referred as academic harassment of exploitation).

(4) Power Harassment

Power harassment is defined as improper conduct or comment made by faculty or staff against other faculty or staff through abusing their position or authority in a working environment.

This type of harassment includes, but is not necessarily limited to:

- ① Causing such an offensive working environment that it keeps individuals from concentrating on their duties; and
- ② Unfair treatment in employment decisions such as promotion and transfer, or in salary decisions, such as a higher position and salary raise.

<Applicability and Scope of the Guidelines>

The University's Guidelines for Harassment Prevention apply to all members of the University. These members include tenured and non-tenured faculty and staff (including permanent and contracted staff, part-timers, dispatched workers and employees of commissioned businesses) ("faculty, staff and other personnel"), and graduate and undergraduate students (including exchange students, research fellows, part-time students and other students studying at the University) ("all students"). The guidelines are also applicable to TA, RA and other individuals who engage in support duties in education and research activities at the University.

With regard to comment or conduct that has significantly adverse influence on academic performance, education, research, or a working environment of an individual, these guidelines will apply to or be used *mutatis mutandis* to all of such incidents regardless of when and where an incident of harassment including during a curriculum course, in working hours, or on campus.

Furthermore, if faculty members, staff members or students harass another member of the University or are harassed by another member while he/she is working or studying at the University, these guidelines will continue to be applied to the offenders or victims even after they left the University due to retirement, graduation, withdrawal or dismissal. Moreover, if a member of the University is either the offender or victim, these guidelines will also apply or be used *mutatis mutandis*.

<Basic Attitude toward Harassment Prevention>

The principle of preventing harassment is to respect basic human rights.

Each individual has different perception about conduct or comment that can be harassing. The perception is also different, depending on his/her position. This is why people tend to believe that it is not easy to determine whether someone's conduct or comment is harassing. When it is difficult, you can imagine how you would feel if your conduct or comment were directed at your family members (or boyfriend or girlfriend). If it creates discomfort, it is highly likely that the conduct or comment is harassing.

As for an incident of academic harassment or power harassment, you can switch your position to another person's and imagine how you would feel if certain conduct or comment was directed at you. If you feel that it is unfair or if it dampens your motivation, there is a high possibility that it is harassing.

Given these, the following points should be fully aware of.

- ① Perception of comment or conduct of a sexual nature is different between individuals, sexes and social positions. The perception depends primarily on how another person feels about a particular incident. (Even if you intend to express friendliness, your comment or conduct can evoke discomfort to another person, irrespective of your intention; never make a selfish conjecture that comment or conduct to certain extent can be tolerable to another person; never be convinced that you are developing a good relationship with that person).
- ② If you become aware that another person rejects or dislikes your comment or conduct, don't repeat it.
- ③ Be mindful that another person doesn't always show how he/she feels about your behaviors. (In many cases, those persons who have been harassed consider a personal relationship with the

offender such as a faculty member, teacher or supervisor, and thus, are unable to reject him/her. Therefore, even if they don't express rejection, don't take it as an agreement or consent).

- ④ It is not enough to pay attention to harassment only during the office hours and in the work place. (For instance, it is also important to be attentive to harassment prevention at events, small parties and banquets where personal relationships at the work place or in the classroom are maintained).

<When you have been harassed>

An incident of harassment doesn't occur because of your fault. Without blaming yourself or before the situation is worsened, you should have the courage to take an action for resolving the problem.

(1) Harassment cases you can solve by yourself

In some cases another person is not aware that his/her words and/or actions are harassing. If the relationship between you and that person is not offensive, you should tell that his/her behaviors harassing and create discomfort, verbally or in writing.

(2) Harassment cases that are difficult to solve by yourself

The University assigns harassment counselors at each office under the Prevention Committee in order to address consultation about harassment. Please consult with him/her immediately after harassment occurs. The counselors' phone numbers are notified separately. A consultation appointment can be made via telephone or e-mail. A private, in-person counseling service is also available. Because harassment counselors and all personnel involved in harassment prevention and the resolution procedure are obliged to maintain confidentiality, information of the consultation will not be leaked to third parties without your consent. You can contact any counselor who is the most accessible.

In some incidents of harassment it can be hard for anybody except the involved parties to understand what actually happened. When you have been harassed, or when you believe you have been harassed, make sure to take accurate records of who has harassed you in which way and other necessary information. Such information will be helpful for examining an incident of harassment objectively, and thereby, will contribute to resolving the problem.

All persons who have been consulted about harassment should seek for advice to a harassment counselor immediately.

(3) Urgent Cases

Urgent cases refer to a condition where an incident of harassment can inflict physical harm to the individual who has been harassed. In such a case, he/she should call for help to people around him/her or nearby office, or depending on the seriousness, contact police immediately.

(4) For Resolving the Problem

If harassment continues to occur for a long period of time and consultation cannot solve the problem, it is possible to ask the University to take a responsible resolution procedure. If you wish to initiate this procedure, please inform to a harassment counselor. The Prevention Committee, when necessary, will urge the Harassment Investigation Committee to undertake investigation immediately

after receiving the complainant.

The Investigation Committee will hold a hearing to relative bodies or persons, or take other necessary measures.

If the Prevention Committee Chairperson reached a conclusion that the alleged harassing conduct was intentional or malicious based on a report by the Investigation Committee, the Prevention Committee will deal with an alleged harassment case for resolution, while consulting with relative bodies as need arises.

<Procedure for Harassment Complaint Resolution>

A counselee may file a complaint for initiating problem resolution measures. This is called a “procedure for harassment complaint resolution.”

The “procedure for harassment complaint resolution” has the following types and phases with an aim to bring about a resolution suitable to a university conducting education and research.

Procedure Type	Summary of the Procedure	Responsible Committee	Examples of Remedial Measures
“Conciliation”	Claims from both sides (petitioner and respondent) will be coordinated by a fair viewpoint for the resolution of problems.	The Prevention Committee	Restore a good learning or working environment. Resolve the problem. Retrieve the disadvantages incurred to persons having been harassed and relieve them. Recommend for launching discussion on a disciplinary action.
“Notification”	The Harassment Prevention Committee will notify the individual engaging in harassment that a harassment complaint has been made.		
“Investigation”	Take rigorous measures based on fair factual investigation		

Filing a harassment complaint shall be done through reporting the incident to a harassment counselor. The complaint report must be submitted in writing in the standard form in order for a harassment counselor to accurately understand content of the complaint. Immediately after the complaint is filed, the Prevention Committee will be notified. In response, the Committee will undertake a mediation procedure while respecting the complainant’s intent. When necessary, it will establish the Harassment Investigation Committee promptly to hold a hearing to all persons involved in the incident. If necessity arises, an off-campus expert, such a lawyer, can be appointed as an expert Committee member.

If the complaint doesn’t wish to make a report to his/her division or the director of the division, or if the complaint wishes for anonymity, the director will be informed only of the facts and the remedial result.

<Measures by the Prevention Committee>

When the Prevention Committee sees a need for urgent measures, depending on the content of an

alleged harassment case, it may urge relative bodies to take necessary “measures.” An example educational measure is change of seminar or class as an educational measure. Another example is that use of the respondent’s e-mail account may be temporarily stopped. If the Investigation Committee determined that the alleged harassment case was intentional or malicious after examining the investigation result, the Prevention Committee will make proposal for resolution based on the investigation report. The Prevention Committee will also call for stringent punishment to be taken while consulting with relative bodies as need arises.

If a faculty or staff member conducts sexually harassing behaviors or other types of harassing behaviors at the workplace and other settings, they will be subject to disciplinary measures based on the working regulations. Likewise, students who conduct any types of harassing behaviors will be subject to disciplinary measures in accordance with the Ritsumeikan Asia Pacific University Regulations for Awards and Disciplinary Measures for Students. The Prevention Committee will make a proposal for a disciplinary measure. Even after the harassment-related problem was solved during the process of mediation and investigation, the Prevention Committee will make a proposal for such a measure if it was confirmed that harassing behavior occurred. The final decision on a “disciplinary measure” is not made by the Prevention Committee. Instead, it shall be made in accordance with the “Disciplinary Measure Procedure for Faculty and Staff” (or the “Awards and Disciplinary Measures for Students” when the respondents are students). It should be noted that the decision about any disciplinary measures and relative actions must be made fairly. Therefore, before a decision is made, the respondents will be given an opportunity for defense in order to secure fairness during the procedure.

<Harassment Consultation and Complaint, and Prohibition of Adverse Influence>

It is prohibited for the respondents to retaliate against individuals who have sought for advice to a harassment counselor or filed a complaint to him/her, to annoy them, or to treat them unfairly. If a retaliatory action is taken, the University will respond to it strictly, including a disciplinary measure.

<Privacy Protection and Announcement of Disciplinary Measures>

Harassment counselors, the Prevention Committee Members, the Investigation Committee Members and any other individuals who have been involved in harassment consultation, complaint initiation, or resolution procedure shall be obliged to maintain confidentiality in order to protect privacy of the persons who consulted with a harassment counselor or who filed a complaint. With regard to disciplinary measures, in principle, these measures will be announced while respecting the intention of those who have been harassed as much as possible.

<Activities for Awareness Development>

The University, with the Prevention Committee served as the core body, is determined to collect and offer information on preventing various forms of harassment; to improve instruction and support to harassment counselors; to implement education and awareness development activities for harassment prevention to all University members; and to take other necessary measures.

The University will continue efforts to develop an environment where any type of harassment doesn’t occur.

<Harassment Counselors>

Please refer to the Campus Terminal for the updated information.