

# Ritsumeikan Asia Pacific University Harassment Prevention Regulations

May, 27, 2009

Regulation Number 812

## Article 1 (Purpose)

The Harassment Prevention Regulations specify the required measures for preventing and eliminating harassment at Ritsumeikan Asia Pacific University (hereinafter “the University”) and for appropriately resolving problems originated from harassment, when it occurs. Thereby, the regulations shall contribute to securing fairness and appropriateness in education, research, academic performance and employment at the University and to protecting the interests of students, faculty and staff.

## Article 2 (Definition)

1. The terms used in these regulations shall be defined in the following items.
  - (1) Sexual harassment: conduct or comment that is of a sexual nature and inflicts emotional distress when directed at individuals.
  - (2) Academic harassment: conduct or comment that is not necessarily sexual, but causes emotional distress to individuals when the offender improperly exercises his/her superior power or dominant position against the individuals in an educational or research setting; and thereby, infringes on their interests and rights in education, research, work performance and academic performance.
  - (3) Power harassment: inappropriate conduct or comment by faculty or staff through improper exercise of their power or authority against other faculty or staff members.
  - (4) Harassment: conduct or comment that is defined in the above three (3) items and similar conduct or comment. It includes discrimination, prejudice or vexation based on, but not limited to gender, race, language, nationality, social background, religion, thought, creed, occupation, or disability status. The definition of the term is also applicable when faculty, staff, students or relevant individuals direct comment or conduct, which asserts adverse influence or causes emotional distress, at other faculty, staff, students, or relevant individuals.
  - (5) Problems originated from harassment: harassment-caused disruption of education, research, or a working environment incurred to faculty and staff, interference with a learning environment of students, or adverse influence of harassment-related incidents on faculty, staff or students.
  - (6) Harassment-caused disruption of education, research, a working environment incurred to faculty and staff, or interference with a learning environment of students: severe harassment-caused disruption of a working or learning environment that impedes the aggrieved individuals from concentrating on their duties or studies.
  - (7) Adverse influence: reception of unfair treatment in regard to employment status such as promotion, transfer, salary determination at the time of promotion, or raise in remuneration, or reception of unfair treatment at the time of advancement to higher education and higher study year, or academic evaluation and research instruction. The terms are also applicable to defamation and other de-facto unfair treatment.
  - (8) Faculty and staff members: both tenured and non-tenured faculty and staff members under all types of employment. They include dispatched workers and commissioned workers.

- (9) Students: undergraduate students, graduate students, and other individuals studying at the University.
- (10) Relevant individuals: parents or guardians of the University students, business partners and their employees, and other individuals or organizations having working relations with the University.

### **Article 3 (Harassment Prevention Guidelines)**

The President of the University (hereinafter “the President”) shall establish the “Guidelines for Harassment Prevention” (hereinafter “the Guidelines”), separately from these Regulations and strive to prevent harassment through ensuring to keep all faculty, staff, students, and relevant individuals informed of the Guidelines.

### **Article 4 (Responsibilities of the President)**

1. The President must ensure to inform all faculty and staff of these Harassment Prevention Regulations.
2. The President must provide training with new faculty and staff members in order to develop their understanding of fundamental principles of harassment prevention.
3. The President must provide training with staff members who have been promoted to supervise other members (hereinafter “supervisors”) in order to develop understanding of their roles required for harassment prevention.

### **Article 5 (Responsibilities of Supervisors)**

1. Supervisors must strive to prevent and preclude harassment while being mindful of the following points in supervising their subordinates and students, and take prompt and appropriate actions when harassment occurs.
  - (1) Supervisors must promote subordinates’ or students’ awareness of harassment and deepen their understanding of this issue.
  - (2) Supervisors must give due consideration to their conduct and comment in order to prevent harassment or problems originated from harassment.

### **Article 6 (Responsibilities of Faculty, Staff and Students)**

1. Faculty, staff and students shall not conduct harassment stipulated in these Regulations and the Guidelines.
2. Faculty, staff and students and other members of the University must adhere to these Regulations and the Guidelines, and follow their supervisors’ guidance and instruction. They must also cooperate with supervisors in an effort to prevent and eliminate harassment, and assist the Harassment Prevention Committee in the investigation of an alleged harassment case as provided under Article 8.

### **Article 7 (Harassment Consultation and Complaint)**

1. All members of the University may consult with harassment counselors stipulated under Article 16 about an incident of harassment, file a harassment complaint, or seek remedial measures for the incident (hereinafter “harassment consultation or complaint”).
2. Individuals seeking harassment consultation or complaint specified in the preceding paragraph

may choose a harassment counselor they wish to talk to.

3. In order for harassment counselors to accurately understand what has happened, harassment complaints shall be submitted in writing in the standard form prepared by the Prevention Committee.

#### **Article 8 (Establishment of Committee)**

With the purpose to prevent harassment in the University and to appropriately address problems originated from harassment when they occur, the Ritsumeikan Asia Pacific University Harassment Prevention Committee (hereinafter “the Committee”) shall be established.

#### **Article 9 (Duties of the Committee)**

1. The Committee executes duties described in the following items in order to fulfill the aforementioned purpose. The Committee shall:
  - (1) Provide education and training on prevention of harassment;
  - (2) Coordinate alleged harassment cases;
  - (3) Investigate alleged harassment cases;
  - (4) Propose resolution measures;
  - (5) Summarize the University’s approaches to harassment prevention and publicize them; and
  - (6) Conduct other necessary measures for preventing harassment.

#### **Article 10 (The Committee Members)**

1. The Committee shall consist of members listed in the following items.
  - (1) Chairperson: One (1) person
  - (2) Vice Chairperson: One (1) person
  - (3) Members: Several persons
  - (4) Secretary-General: One (1) person
2. The Chairperson shall represent the Committee and supervise the duties of the Committee.
3. The Vice Chairperson shall assist the Chairperson and serve as the acting Chairperson when the Chairperson cannot fulfill the responsibilities.

#### **Article 11 (Appointment of the Committee Members)**

1. The Vice President of the University (responsible for General and Financial Affairs) shall serve as the Chairperson of the Committee.
2. The Chairperson shall appoint the Vice Chairperson, Members and Secretary-General.
3. The period of appointment of the Vice Chairperson, Members and Secretary-General is one (1) year. However, reappointment shall be possible.
4. The Chairperson may commission external specialists to be expert members of the Committee when necessary. The expert committee members may attend a Committee meeting with permission of the Chairperson.

#### **Article 12 (Duties of the Chairperson)**

1. The Chairperson shall convene a Committee meeting when he/she concludes that resolution measures are needed for an alleged harassment case reported by a harassment counselor.

2. The Chairperson may urge the relevant supervisor to take urgent safeguard measures for protecting an individual who has consulted with a harassment counselor about an incident of harassment, if he/she judges that the alleged harassment case is serious and that such measures are necessary.
3. The Chairperson must conduct training for harassment counselors and all individuals who are involved in the investigation and resolution of alleged harassment cases.

#### **Article 13 (Harassment Investigation Committee)**

1. The Harassment Investigation Committee shall be established under the Prevention Committee to investigate an alleged harassment case.
2. Members of the Investigation Committee are appointed by the Chairperson of the Prevention Committee and the period of the appointment shall be one (1) year. However, reappointment shall be possible.
3. The Chairperson may appoint additional members of the Investigation Committee, depending on an alleged harassment case.
4. The Investigation Committee may ask lawyers and outside experts for advice with regard to investigation methods and assessment of investigation results, if the Chairperson deems necessary.

#### **Article 14 (Duties of the Harassment Investigation Committee)**

1. The Harassment Investigation Committee executes duties described in the following items. The Investigation Committee shall:
  - (1) Clarify relations between facts in regard to an alleged harassment case;
  - (2) Conduct hearings with the parties involved and the relevant individuals; and
  - (3) Execute other duties in order to clarify all the facts regarding the alleged harassment case.
2. The Investigation Committee must report the result of investigation to the Prevention Committee within two (2) months after it is established. However, if the investigation is not completed within that time frame due to unavoidable reasons, the time frame shall be extended by a reasonable period.

#### **Article 15 (Interpreters and Recording)**

1. If either the complainant or respondent of an alleged harassment case requests or needs an interpreter, he/she may have one.
2. In principle, staff members at the University serve as interpreters; however, if either the complainant or respondent requests an interpreter outside the University (hereinafter an “external interpreter”) and if the Chairperson deems reasonable, the University will accommodate such a request and arrange the external interpreter.
3. Fees of the external interpreter will be allocated from the University’s funds.
4. In principle, hearings by the Investigation Committee and meetings for proposing resolution measures to the complainant and respondent shall be recorded upon consent of both parties and kept as official records.

#### **Article 16 (Harassment Counselors)**

1. Harassment counselors (hereinafter “the counselors”) are placed under the supervision of the

Committee in order to respond to harassment consultation requested by faculty, staff or students, or complaint made by them.

2. A male member and a female member of each office and each College (including Graduate schools) shall be appointed as the counselors.
3. The counselors are appointed by the Chairperson.
4. The counselors may receive cooperation from experts when necessary.
5. Harassment consultation and complaint are not limited only to those from the individuals who have been allegedly harassed. They include the complaint and consultation from the third parties as described below:
  - (1) Complaint filed by an individual who has seen someone harassed;
  - (2) Consultation by an individual who has been told that he/she harassed others; and
  - (3) Consultation by a supervisor who has been asked for advice about harassment.

#### **Article 17 (Duties of Harassment Counselors)**

1. The counselors must follow the “Guidelines for Harassment Prevention” when addressing consultation and complaint from individuals.
2. The counselors must report all alleged harassment cases about which they have been consulted and all harassment complaints filed for remedial measures, to the Chairperson without delay.

#### **Article 18 (Confidentiality)**

1. The counselors shall respect privacy, dignity and human rights of the individuals who seek advice for harassment or file a harassment complaint when they handle the cases. They shall not divulge confidential information that they have learned while they are engaged in the duties. This provision shall also apply after the counselors leave the duties.
2. All individuals who have been involved in consultation, complaint, investigation or other phases of a harassment resolution process are subject to the preceding paragraph.

#### **Article 19 (Prohibition of Unfair Treatment)**

Supervisors shall not treat faculty members or staff members unfairly due to the fact that they have responded to an incident of harassment justly through consultation, complaint initiation or cooperation in the investigation.

#### **Article 20 (Revisions and Abolition of Regulations)**

The President shall undertake a revision of these regulations upon deliberation by the Committee and the University Senate.

#### **Supplementary Provision**

1. These regulations shall take effect from May 27, 2009 and apply from April 1, 2009.
2. The Ritsumeikan Asia Pacific University Harassment Advisory Office Regulations (March 18, 2003: Regulation Number 547) shall be abolished.

*This English document is a translation of the original Japanese document and is for reference only. If any differences between the Japanese text and the English translation may appear, the Japanese text shall prevail in all aspects.*