

Ritsumeikan Asia Pacific University Harassment Prevention Regulations

May, 27, 2009

Regulation Number 812

Article 1 (Purpose)

The purpose of these regulations is to specify the required measures for preventing harassment at Ritsumeikan Asia Pacific University (hereinafter “the University”) and to properly respond to issues arising from harassment, thereby ensuring the fairness of education, research, study and work at the University and protecting the interests of students, faculty and staff.

Article 2 (Definition)

1. For the purposes of these regulations, the term “harassment” refers to any of the acts corresponding to the requirements established in each of the following items according to the categories set forth in those items.

- (1) “Sexual Harassment”

Sexual harassment is speech or behavior of a sexual nature occurring in connection with the operations of the University 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.

- (2) “Academic harassment”

Academic harassment is speech or behavior by a person who enjoys a position of superiority within the context of teaching or research work at the University (excluding speech or behavior of a sexual nature) that leads to disadvantageous treatment of another person in their 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.

- (3) “Power Harassment”

Power harassment refers to conduct that falls under either of the following cases:

- (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 the University 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.
 - (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 the 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.

(4) “Other Harassment”

Separate from the forms of harassment covered by Items (1) through (3), other harassment is defined as inappropriate speech or behavior occurring in connection with the operations of the University that leads to disadvantageous treatment of another person, or negatively impacts the immediate environment of another person.

2. The term “negatively impacts the immediate environment” specified under each item in the preceding paragraph refers to distress or discomfort inflicted on a person through the speech or behavior outlined under each item in the preceding paragraph as well as any noticeable or obvious impediment to a person’s ability to continue with their work, studies or other activity.
3. For the purpose of these regulations, the term “faculty and staff” refers to faculty members and administrative staff members of the University
4. For the purpose of these regulations, the term “students” refers to all students who are enrolled at the University.
5. For the purpose of these regulations, the term “guardians” refers to persons specified in the following items:
 - (1) Those with parental authority over students, or guardians of minor students; or
 - (2) Those who pay the tuition for students to attend school, or a person who is responsible for the student and their financial situation.
6. For the purpose of these regulations, the term “relevant parties” refers to people who have a significant level of direct operational or other involvement with the University but are not considered to be faculty and staff, students or guardians as defined in Paragraphs 3 through 5 above.
7. For the purpose of these regulations, the term “supervisor” refers to all deans (college), deans (graduate school), center directors, deans (including both those of teaching staff and those of non-teaching staff), administrative directors and administrative managers, except for deans, and administrative directors and administrative managers who supervise a specific duty.

Article 3 (Scope)

These regulations shall apply to cases where both parties or either party involved in an issue arising from harassment are students or faculty and staff; except that the provisions of Articles 19 through 21 and Article 27 shall not apply to cases where a person who is

accused of harassment is a guardian or relevant party.

Article 4 (Respect for Diversity of Sexual Orientation and Gender Identity)

The provisions of Article 2-1, Paragraphs 1 and 2 must be interpreted in the context of diversity of sexual orientation and gender identity.

Article 5 (Responsibilities of Faculty, Staff and Students)

Faculty, staff and students must not engage in any act of harassment as outlined in these regulations and the guidelines established by the Harassment Prevention Committee in accordance with Article 8 of these regulations.

Article 6 (Responsibilities of the President)

1. The President must endeavor to prevent any harassment from occurring by continuously providing faculty and staff with training regarding the prevention of harassment in accordance with these regulations and the guidelines pursuant to the preceding article.
2. The President must endeavor to prevent any harassment from occurring by continuously providing students with training regarding the prevention of harassment in accordance with these regulations and the guidelines pursuant to the preceding article.

Article 7 (Responsibilities of Supervisors)

Supervisors, as a role model for faculty and staff, shall endeavor to prevent any harassment from occurring and, if any issue arises from harassment, must take prompt and appropriate actions.

Article 8 (Establishment of the Harassment Prevention Committee)

The Ritsumeikan Asia Pacific University Harassment Prevention Committee (hereinafter referred to as “the Committee”) works to prevent harassment and to respond appropriately to problems and issues associated with harassment.

Article 9 (Duties of the Committee)

1. The Committee shall be responsible for matters specified in the following items to achieve the aim expressed in the preceding article:
 - (1) Dissemination of knowledge, awareness-raising, training, and training support regarding preventing harassment;
 - (2) Investigations into cases of harassment;
 - (3) Matters concerning settlement of issues arising from harassment and

- recommendations for measures;
- (4) Guidance for preventing the recurrence of harassment;
 - (5) Completion of reports on the University's efforts for harassment prevention and the publication of such reports;
 - (6) Establishment of guidelines;
 - (7) Matters concerning advisors pursuant to Article 22; and
 - (8) Any other matters deemed necessary for the prevention of harassment other than those set forth in the preceding Items (1) through (7).
2. The Committee may set up an Investigative Committee if it is necessary to investigate the facts concerning any issue arising from harassment.
 3. The Investigative Committee set forth in the preceding paragraph must be composed of those outside the reporting line of, or those having no interest in, the parties involved in such harassment in order to ensure the credibility, fairness and appropriateness of its investigations.

Article 10 (Composition and Operation of the Committee)

1. The Committee shall be composed of the number of members provided for in the following items according to the categories set forth in the items:
 - (1) Chairperson: One (1) person
 - (2) Vice Chairperson: One (1) person
 - (3) Other Committee Members: Several persons
 - (4) Chief Administrative Officer: One (1) person
2. The Chairperson shall represent the Committee and control its operations.
3. The Vice Chairperson shall assist the Chairperson. In case the Chairperson has difficulty fulfilling their duties, the Vice Chairperson designated by the Chairperson shall act for the Chairperson.
4. Notwithstanding Paragraph 1, the Chairperson may request the expert members specified in Paragraph 5 of the following article to attend a meeting of the Committee.
5. The Committee may hold a meeting with the attendance of a majority of those specified in the items of Paragraph 1 hereof.

Article 11 (Selection of 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 Vice President of the University (responsible for Academic Affairs) shall serve as the Vice Chairperson of the Committee

3. The other Committee members and Chief Administrative Officer shall be appointed by the Chairperson.
4. The Chairperson, Vice Chairperson, other Committee members and Chief Administrative Officer shall hold their office for one year and may be reappointed.
5. The Chairperson may appoint internal or external professionals as expert members of the Committee as necessary.

Article 12 (Counseling)

Students, faculty and staff, guardians and relevant parties may seek counseling from advisors as provided in Article 22 regarding issues arising from harassment.

Article 13 (Making a Complaint)

1. A harassment complaint (hereinafter referred to as “complaint”) shall be filed with the Committee by selecting an action from those provided for in the following items according to the categories set forth in the items:
 - (1) “Notification”

Facilitates the settlement of an issue through the Committee notifying the other party that is the subject of the complaint (hereinafter referred to as the “other party”) of the existence and description of the complaint, either revealing the name of a person filing the complaint (hereinafter referred to as the “Complainant”) or ensuring anonymity, and encouraging the other party to stop the speech or behavior related to the complaint
 - (2) “Conciliation”

Facilitates the settlement of an issue through the Committee interviewing the Complainant and/or the other party on relevant facts, holding a discussion with the other party or the individual’s supervisor as necessary, and developing measures to settle the issue in question arising from such harassment along with encouraging the other party or the individual’s 6 supervisor to take such measures
 - (3) “Investigation”

Facilitates the settlement of an issue through the Committee conducting an impartial and proper investigation to find out the relevant facts, determining whether the other party’s speech or behavior constitutes harassment or not, and then notifying the Complainant and the other party of the result of the investigation along with requesting the other party or the individual’s supervisor to take measures to settle the issue in question arising from such harassment as necessary

2. A complaint shall not be filed after three years have elapsed since the day on which the relevant act took place (or the day on which it started for an act lasting two days or longer).
3. Notwithstanding the preceding paragraph, a complaint may be filed after the period specified in the preceding paragraph has elapsed if there are extenuating circumstances.
4. The Chairperson may require the Complainant to change actions if the action that the Complainant has selected is deemed inappropriate as a method to settle the issue in question. In such a case, the action replaced by the Complainant shall be deemed to have been selected at the time of filing the complaint with the Committee.

Article 14 (Requirement for Cooperation with the Duties of the Committee)

Students, faculty, staff, guardians and relevant parties must cooperate with the duties of the Committee in good faith, including interviews therewith that the Committee may conduct in order to decide how to deal with a complaint received.

Article 15 (Non-Acceptance of Complaints)

The Committee may decide not to accept a complaint filed in any of the cases described in the following items:

- (1) If such complaint is filed on the basis of the same facts as those concerning a previously filed complaint (excluding those withdrawn pursuant to the provision of Paragraph 1 in the following Article);
- (2) If there is deemed to be a more appropriate method to settle the issue in question arising from harassment in relation to the complaint other than the actions set forth in the items of Article 13, Paragraph 1;
- (3) If the intended purpose of the complaint is beyond the scope of the Committee's duties; or
- (4) If the Committee deems it appropriate not to accept the complaint for any reason, in addition to the cases set forth in the preceding Items (1) through (3).

Article 16 (Withdrawal of Complaints)

1. The Complainant may withdraw a complaint filed with the Committee; except after the Committee has notified the other party when selecting notification as an action, after the Committee has encouraged the other party or the individual's supervisor to take measures when selecting conciliation as an action, or after the Committee has determined whether the issue in question constitutes harassment or not when selecting investigation as an action
2. If the Committee has requested the Complainant for any necessary matters to settle the

issue arising from harassment, including an interview on facts concerning the complaint, but the Complainant has not responded thereto with no justifiable reason, the Committee may treat such complaint as having been withdrawn by the Complainant.

Article 17 (Investigation Period)

When conducting an investigation by the Committee, the investigation period shall be up to six months; except that this period may be extended by the Chairperson when there is a justifiable reason.

Article 18 (Request for Urgent Measures)

If the Chairperson finds it necessary to take urgent measures in relation to counseling or a complaint, the Chairperson may, with the consent from either the person who received counseling or the Complainant, require a supervisor to take appropriate measures.

Article 19 (Recommendation of Disciplinary Actions)

When a complaint is identified as constituting harassment as a result of an investigation and the Committee finds it serious enough to warrant disciplinary actions in light of the “Guidelines for Disciplinary Actions (October 17, 2012, Executive Board of Trustees)” or the regulations regarding disciplinary actions against students of Ritsumeikan Asia Pacific University, the Committee shall make a recommendation to persons with the authority to take disciplinary actions against the other party that procedures for disciplinary actions should be considered (hereinafter referred to as “recommendation of disciplinary actions”).

Article 20 (Acceptance of Opinions Prior to Recommendation of Disciplinary Actions)

1. When making a recommendation of disciplinary actions, the Committee shall give the other party subject to such recommendation of disciplinary actions (hereinafter referred to as “the other party subject to disciplinary actions”) an opportunity to express the individual’s opinion in writing in advance within a reasonable time limit set by the Committee.
2. A recommendation of disciplinary actions shall be accompanied by a written opinion thereon submitted by the other party subject to disciplinary actions; except that this shall not apply to cases where the other party subject to disciplinary actions fails to submit a written opinion within the time limit specified in the preceding paragraph or waives the opportunity to express an opinion.

Article 21 (Recommendation of Measures)

The Committee may recommend to the President necessary measures to settle or prevent issues arising from harassment.

Article 22 (Advisors)

1. The Committee shall have advisors in place thereunder to respond to counseling and complaints about issues arising from harassment.
2. Advisors shall be appointed by the Chairperson.
3. Advisors shall perform their duties in accordance with these regulations and the guidelines specified in Article 3.
4. When counseling is sought about an issue arising from harassment, advisors shall promptly notify the Chairperson thereof
5. Advisors shall include at least 1 staff member from each administrative office as well as at least one faculty member from each College (including Graduate Schools) and each Center.

Article 23 (Confidentiality)

1. Those specified in the items of Article 10, Paragraph 1, advisors and interpreters (hereinafter referred to as the "Committee Members") shall not divulge any confidential information that may have come to their knowledge in the course of their duties to anyone other than the Committee Members. The same shall apply after they have left the position.
2. Notwithstanding the preceding paragraph, the Committee Members may disclose the confidential information specified in the preceding paragraph to a party other than the Committee Members in the cases listed in the following items:
 - (1) If it is deemed necessary to perform their duties; or
 - (2) If it is impossible to handle school administrative work relating to the request from the party unless the secret specified in the preceding paragraph is disclosed.

Article 24 (Respect for Privacy)

1. The Complainant, the other party and any third parties involved in the response to the complaint as per Article 13, Paragraph 1 (hereinafter referred to as "third parties") must not divulge any information obtained in the course of the complaint being processed, including the fact of a complaint being investigated, to any other person.
2. The provision of the preceding paragraph shall not prevent the Complainant or the other party from using the information specified in the preceding paragraph for the purpose of exercising the individual's rights under law

Article 25 (Prohibition of Retaliatory Action)

No student, faculty or staff member, guardian, or relevant party may take retaliatory action against or harass another person for having sought advice or counseling in relation to harassment as per Article 12, or having made a complaint, or having been involved in a response as per Article 13, Paragraph 1.

Article 26 (Prohibition of Disadvantageous Treatment)

1. Supervisors shall not disadvantageously treat or harass a person who has sought counseling pursuant to Article 12 on account of the individual seeking counseling.
2. Supervisors shall not disadvantageously treat or harass the Complainant on account of the individual filing a complaint.
3. Supervisors shall not disadvantageously treat or harass the other party on account of the individual being the subject of a complaint
4. Supervisors shall not subject any third party to disadvantageous treatment or harassment for having been involved in a response as per Article 13, Paragraph 1.

Article 27 (Recommendation of Disciplinary Actions Related to Disadvantageous Treatment)

1. If any supervisor conducts an act in violation of the provisions of the preceding article, the Committee shall make a recommendation to the President that procedures for disciplinary actions should be considered (hereinafter referred to as “recommendation of disciplinary actions related to disadvantageous treatment”).
2. The provisions of Article 20 shall apply, mutatis mutandis, to a recommendation of disciplinary actions related to disadvantageous treatment. In such case, the terms “recommendation of disciplinary actions” and the “other party” in that article shall be replaced with the terms “recommendation of disciplinary actions related to disadvantageous treatment” and “supervisor,” respectively.

Article 28 (Interpreting and Recording)

1. If either the Complainant or other party 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 other party shall be recorded upon consent of both parties and kept as official records.

Article 29 (Revision and Abolition)

The University Senate shall be responsible for the revision or abolition of these regulations.

Supplementary Provisions

Complete revision on March 26, 2024 pursuant to revisions including definitions of harassment, clarification of period during which a harassment complaint may be made, changes to rights on decision for non-acceptance of complaints and additions including of recommendations of disciplinary actions.

These regulations shall come into force on April 1, 2024.

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.