

# Ritsumeikan Asia Pacific University Harassment Prevention Regulations

May, 27, 2009

Regulation Number 812

## (Purpose)

**Article 1** These regulations specify the required measures for preventing and eliminating harassment at the University and for appropriately resolving problems originating from harassment, when it occurs. Thereby, these 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.

## (Definition)

**Article 2** The terms used in these regulations shall be defined in the following items.

(1) “Sexual harassment” refers to unwanted words and actions of a sexual nature that cause a disadvantage to the learning or working conditions of the individual to whom they are directed when said individual refuses or resists them, or unwanted words and actions of a sexual nature that inflict discomfort or emotional distress on an individual and cause harm to the learning or working environment .

(2) “Academic harassment” refers to words or actions that are not necessarily sexual in nature, but cause emotional distress to individuals when the offender improperly exercises his/her dominant relationship or superior position in an educational or research setting, and thereby causes the individual to suffer disadvantages in terms of education, research, work performance, or learning, or harms their education, research, working, or learning environment.

(3) “Power harassment” refers to a faculty and staff member using his or her dominant position in the workplace or a relationship to cause another faculty or staff member to suffer psychological or physical pain, or to cause a deterioration of the workplace environment, by providing guidance or admonition beyond the appropriate scope of duties.

(4) “Harassment” refers to the cases indicated in the preceding three items and similar cases. It includes words or actions originating from discrimination or prejudice 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 put other faculty, staff, students, or relevant individuals at a disadvantage or harm their working or learning environment.

2 In these regulations, “problems originating from harassment” refer to 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.

3 In these regulations, “harassment-caused disruption of education, research, a working environment incurred to faculty and staff, or interference with the learning environment of students” refers to severe harassment-caused disruption of a working or learning environment that impedes the aggrieved individuals from concentrating on their duties or studies.

4 In these regulations, “adverse influence” in the case of faculty and staff refers to demotion, salary reduction, censure, suspension, or other disciplinary action, ordering someone to remain at home, discrimination based on salary, coercion to resign, making someone focus solely on menial tasks,

reducing or seizing the retirement allowance, transfer, or another work-related procedures. In the case of students, it refers to grade repetition, revocation of permission for enrollment, revocation of graduation assessment, censure, suspension, or other disciplinary action, probation, ordering someone to remain at home, or making someone take classes in a separate room.

5 In these regulations, “faculty and staff” refer to faculty members or staff members in an employment relationship or a paid or unpaid commission or other contractual relationship with the Ritsumeikan Trust (hereinafter “ the Trust”), Trustees and Auditors of the Trust, and workers providing services to the Trust based on a dispatch contract with a third party.

6 In these regulations, “students” refers to students enrolled in any of the Trust’s universities, high schools, junior high schools, or the elementary school.

7 In these regulations “Supervisors” refers to College Deans, Graduate School Deans, Center Directors, Deans or Directors of Divisions (including both faculty and staff Deans or Directors), Deputy Directors, and Office Managers; however, this does not include Deans, Directors, Deputy Directors, and Managers in charge of specific duties.

8 In these regulations, “relevant individuals” refers to individuals or corporations or other organizations in a legally binding relationship with the Trust by way of a contract for purchasing, subcontracting, leasing, or other paid or unpaid contract.

9 In these regulations, “guardians” refer to individuals who fall under any of the following items:

- (1) A parent of a student or a guardian of a minor student;
- (2) An individual responsible for paying a student’s tuition or guaranteeing his or her status in accordance with an enrollment agreement entered into with said student;
- (3) An individual whose livelihood is bound with that of a student and who supports said student as a dependent or has custodianship over said student.

#### **(Guidelines)**

**Article 3** Details regarding awareness-raising to prevent and eliminate harassment, the application and interpretation of these regulations, harassment consultations, claims, investigations, and recommendations shall be stipulated in guidelines (hereinafter “the Guidelines”) formulated by the Ritsumeikan Asia Pacific University Harassment Prevention Committee set forth in Article 8.

#### **(Notification)**

**Article 3-2** The Ritsumeikan Asia Pacific University Harassment Prevention Committee stipulated in Article 8 shall use information and communications technology and other means to sufficiently and consistently notify the faculty, staff, students, guardians, and relevant individuals about the University's efforts to prevent and eliminate harassment, these regulations, and the Guidelines, and it will also release this information to the general public.

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

**Article 4** The President must provide training for newly hired faculty and staff to ensure they understand the fundamental principles of the prevention of harassment.

2 The President must provide training for individuals in supervisory positions over newly hired faculty and staff (hereinafter “supervisors”) to ensure they understand the roles they are expected to fulfill with regard to the prevention of harassment.

### **(Responsibilities of Supervisors)**

#### **Article 5**

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.

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

#### **Article 6**

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.

### **(Consultation)**

**Article 7** The faculty, staff, and students of the University and relevant individuals and guardians (hereinafter "constituents of the University"), in accordance these regulations and the Guidelines, may consult with harassment counselors stipulated in Article 16 of about problems originating from harassment.

2 Individuals seeking a consultation in the preceding paragraph may choose the harassment counselor they wish to talk to.

### **(Filing a Complaint)**

**Article 7-2** To resolve problems originating from harassment, a constituent of the University who is currently being harassed by a faculty member, staff member, or student can file a complaint according to one of the three categories stipulated in the Guidelines: Notification, Coordination, or Investigation.

2 Notwithstanding the provisions of the preceding paragraph, the Chairperson of the Ritsumeikan Asia Pacific University Harassment Prevention Committee stipulated in Article 8 (hereinafter "Chairperson) can accept complaints filed under the category "Investigation," which applies to cases where the damage from harassment is deemed severe, even if the harassment has stopped.

### **(Acceptance of Complaints)**

**Article 7-3** The Chairperson shall accept a complaint when he or she deems that there is a possibility that all or part of the complaint constitutes a harassment.

2 The Chairperson will not accept a complaint when he or she deems that there is no possibility that the complaint in its entirety constitutes harassment, or when the purpose of the complaint is extremely unclear.

3 In the preceding two paragraphs, the Chairperson can request clarification from the petitioner if necessary for making a decision on whether to accept the complaint.

**(Changing the Category of Complaint)**

**Article 7-4** If the Chairperson determines that the problems originating from harassment cannot be resolved, or would be difficult to resolve, due to the category under which the petitioner's complaint was filed, or if the Chairperson determines that the category is not appropriate in terms of the methods of resolution, he or she may use their discretion to change the category of the complaint to one that he or she deems suitable.

**(Establishment of Committee)**

**Article 8** 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.

**(Duties of the Committee)**

**Article 9** 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 complaints;
- (3) Investigate alleged harassment complaints;
- (4) Recommend measures to be taken concerning harassment complaints;
- (5) Summarize the University's initiatives for harassment prevention and publicize them;
- (6) Conduct other necessary measures for preventing harassment.

**(The Committee Members)**

**Article 10**

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.

**(Appointment of the Committee Members)**

**Article 11** The Chairperson shall be appointed by the President.

2. The Chairperson shall appoint the Vice Chairperson, Members and Secretary-General.
3. The period of appointment of the Chairperson, Vice Chairperson, committee members, and Secretary-General shall be 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.

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

**Article 12** 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 as well as individuals who are involved in the investigation and resolution of alleged harassment cases.

### **(Harassment Investigation Committee)**

#### **Article 13**

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.

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

**Article 14** 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.

### **(Interpreters and Recording)**

**Article 15** If either the complainant or respondent of an alleged harassment case requests or needs an interpreter, he/she may have one.

2. 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.

### **(Harassment Counselors)**

**Article 16** 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.

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

**Article 17** The counselors must follow the “Guidelines for Harassment Prevention” when addressing consultation and complaint from individuals.

2 The counselors must promptly report all alleged harassment cases about which they have been consulted and all harassment complaints filed to the Chairperson.

### **(Confidentiality)**

**Article 18** All members of the Committee, members of the Secretariat, and counselors (hereinafter “Committee-related personnel”) must not divulge the details of consultations, the details of complaints (e.g., personal information of the parties involved, the timing, circumstances, and degree of severity of the alleged act of harassment, and the details of arguments and evidence pertaining to the harassment case), and any information gained in the process of coordination and investigation to anyone outside of the Committee.

However, this shall not apply in cases where, in the process of handling internal duties pertaining to the claims of the parties involved, administration pertaining to the case in question cannot be performed without disclosing some of the confidential details and the Committee has recommended such measures or disciplinary action to be taken.

2 In cases falling under the proviso of the preceding paragraph, Committee-related personnel must not act in such a way that risks infringing on the privacy or honor of the parties involved or other relevant individuals.

3 Committee-related personnel are bound to adhere to the provisions of the preceding two paragraphs even after they have concluded their duties as Committee-related personnel.

4 The provisions of the preceding three paragraphs shall apply accordingly in the Coordination and Investigation processes to individuals asked by the Committee to cooperate with providing evidence and individuals who cooperated at the behest of the Committee.

**(Respect for Privacy)**

**Article 18-2** The petitioner and the defendant must not disclose or divulge to a third party any of the information reported to them by the Committee.

2 To enable the parties involved to seek compensation for damages and exercise their legitimate right to defense recognized by the law, the provisions of the preceding paragraph do not preclude the use of documents provided by the Committee to the parties involved.

**(Prohibition of Adverse Influence)**

**Article 19** If the individuals who request harassment consultations, file complaints, or cooperate with Coordination or Investigation procedures led by the Chairperson (hereinafter “Petitioners etc.”) are faculty or staff members, the Chairman of the Board of Trustees may not force them to resign or assert any other kind of adverse influence illustrated in Article 2, Paragraph 4 for requesting a consultation, filing a complaint, or cooperating with Coordination or Investigation procedures (hereinafter “filing a complaint etc.”).

2 If the Petitioner etc. is a student who is enrolled in the University, the President may not force said student to withdraw or assert any other kind of adverse influence illustrated in Article 2, Paragraph 4 for filing a complaint etc.

3 No one may assert any kind of adverse influence, commit harassment, or otherwise abuse a Petitioner etc. for filing a complaint etc.

**(Revisions and Abolition of Regulations)**

**Article 20** 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.
3. The Ritsumeikan Asia Pacific University Harassment Prevention Committee Regulations (March 18, 2003: Regulation Number 548) shall be abolished.

**Supplementary Provision** (March 17,2020: Partial revisions in line with changes and additions to definitions and adjustments to the consultation and complaint procedures)

These regulations shall take effect from March 17, 2020.

*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.*