

KYOTO UNIVERSITY OF FOREIGN STUDIES GUIDELINES REGARDING HARRASSMENT

(Enacted March 5, 2008)

FOREWORD

This guide consists of two parts. Part 1 details how harassment is addressed at the university, and Part 2 clarifies the duties and responsibilities of the university with regard to harassment.

PART 1

ABSTRACT

1. Kyoto University of Foreign Studies (hereinafter referred to as “the university”) created these guidelines in order to help ensure a comfortable education and research environment, whilst respecting the values of our founders and incorporating relevant tenets of the Universal Declaration of Human Rights, the Japanese Constitution, the Fundamental Law of Education, the Labor Standards Act, the Equal Employment Opportunity Act for Men and Women, the Act on Comprehensive Promotion of Labor Policies (AKA the Power Harassment Prevention Act), the Child Care and Family Care Leave Act in pursuit of gender and human equality.

PURPOSE OF THESE GUIDELINES

2. The aim of these guidelines is to institute measures to prevent harassment, and, in the event that harassment is discovered, to ensure that measures are in place to ensure that situation is resolved appropriately, in addition to setting out all necessary statutes therein. Any member of the university community who feels that he/she is a victim of harassment may file a complaint by following the procedures presented in these guidelines.

DEFINITION OF HARASSMENT

3. Harassment is an act that causes discomfort, disadvantages, or serves as a threat to another person, or injures their dignity, regardless of the person's intentions. Therefore, if a person's words or actions are perceived as "offensive" or "unfair," they may constitute harassment. That said, people's values and feelings are diverse, and as such it is necessary to carefully determine whether or not a word or action constitutes harassment.

Sexual Harassment

(1) Sexual harassment is hereby defined as one or more of the following: sexual harassment encompasses unwelcome sexual comments and/or behavior, be it intentional and/or unintentional, that can be both discomforting and humiliating, creating an undesirable education, research and work environment for the victim. Sexual harassment can manifest itself in one or more of the following ways:

- a. Unpromoted or unwelcome sexual comments and/or behavior that are discomforting and humiliating for the victim and/or results in humiliation and/or defames the character of the victim.
- b. Explicitly or implicitly suggesting rewards/punishments for the acceptance/refusal of sexual favors.
- c. Requesting sexual favors and then suggesting rewards/punishments for the acceptance/refusal of

sexual favors based on the victim's reaction to said harassment (submission, agreement, reluctance, refusal, etc).

- d. Presenting sexually explicit and/or discriminatory materials (pictures, literature, etc.) that are said to damage the academic or work environment and creates an unpleasant and unprofessional atmosphere, causing discomfort leading to emotional distress suffered by members of the university community such as students, faculty and staff.
- e. Insulting or negative language or actions toward LGBTQ+ (lesbian, gay, bisexual, transgender, questioning queer) or other sexual minorities.

Academic Harassment

(2) Academic Harassment can result from any intentional and/or unintentional verbal or physical conduct and is perpetrated by a person in a position of power, who by taking advantage of their position in a vertically-oriented hierarchy, creates an undesirable environment and violates the rights of an individual to study or perform research within the university community. Academic harassment can manifest itself in one or more of the following ways:

- a. In an educational field, academic harassment can take the form of a refusal to instruct, verbal abuse, or the passing of hostile and premature judgment. Victims may perceive a loss of personal independence, or the insinuation of failure to receive credits/degrees, ultimately limiting the scope of their research and even jeopardizing their professional opportunities.
- b. Harassment can have serious repercussions for academic research, including the denial or forced acceptance of research topics. Academic harassment also includes the unwarranted denial of research funding, access to research equipment, or the opportunity for research-related travel. Academic harassment also includes the plagiarism of another's research results or any other conduct that interferes with or jeopardizes the dissertation process.

Power Harassment

(3) Power Harassment can be perpetrated by a person in a position of power, who the privilege of his/her position to inflict harmful verbal or physical conduct that may be physically or mentally damaging or demeaning, thus creating an undesirable working environment. Power harassment can manifest itself in one or more of the following ways:

- a. Disparaging or verbally abusing a colleague or subordinate in public, issuing rebukes and reprimands over a long period of time, shouting in anger.
- b. Abusing one's power to make unreasonable demands beyond the boundaries of the victim's job description. This includes withholding information critical to a job or task, or any actual unfair treatment of one university employee by another.
- c. Other types of power harassment include slander, verbal abuse, the public disclosure of a colleague's private information, and/or any other unnecessary conduct that causes mental suffering.
- d. Ordering or forcing someone to undertake conduct that is illegal or infringes on regulations, as well as conduct not related to the execution of professional duties.

(4) Harassment during pregnancy, childbirth, childcare and nursing care leave, etc.

The term "harassment" refers to causing mental or physical distress and harming the working

environment by using inappropriate and unjust words or actions in response to the use of, or offer of use of, systems or measures for employment, and includes the following acts

- a. Supervisors and coworkers preventing employees from requesting consultation and requests for the use of various systems, such as leave related to pregnancy, childbirth, childcare, and nursing care, as well as shortening of working hours and switching to lighter duties.
- b. Continuously saying or doing anything that violates the personality or dignity of the employee with regard to pregnancy, childbirth, fertility treatment, etc., or suggesting disadvantageous treatment, such as dismissal, refusal of guidance, unreasonable obstruction of promotion, or giving an unreasonably low evaluation.
- c. Repeated or continuous harassment against the use of systems related to pregnancy, childbirth, childcare, or nursing care.

(5)Alcohol harassment

This refers to harassment or annoying behavior related to alcohol consumption. This includes forcing a person to drink without regard to the person's physical condition or constitution, chugging, drinking too fast, intentional drunkenness, and verbal abuse, violence, or sexual harassment while intoxicated.

(6)Other discriminatory conduct or speeches

Any discriminatory conduct or speech that, when perpetrated by a person in a position of power, disparages or ridicules gender, physical or mental disability, nationality, race, ethnicity, religion age, physical appearance and medical history. Any conduct of this nature is likely to have an adverse effect on study, research, education and the working environment as a whole.

SCOPE OF GUIDELINES

4. These guidelines apply to all members of the university community including any student (including all undergraduates, students at the Graduate School, audit students and students completing a specific course of study) or member of the teaching faculty or office staff (including full time teaching staff, part-time teaching staff, full time office/clerical staff, part-time office/clerical staff, temporary staff and all part-time workers).

In the event that both parties are members of the university community, these guidelines apply to incidents both on and off university property. *Mutatis mutandis* will be applied to these guidelines in cases where one party is not affiliated with the university.

Furthermore, with regard to students, specifically students that have lost their student status due to completing their studies, graduating or leaving the university, or with regard to teaching faculty and office staff who are no longer in the employ of the university, with regard to any alleged incident of harassment that took place while said student or faculty/staff member was still affiliated with the university, the guidelines shall apply for a year after the date of said incident.

PRIVACY PROTECTION

5. Protection of the victim's privacy will be the university's foremost priority. In any harassment case,

the privacy of both parties - the victim and accused - will be protected and the human rights of all parties will be respected.

HUMAN RIGHTS EDUCATION CONSULTATION HELPDESK and HARASSMENT ADVISORS

6. There is a Harassment Consultation Helpdesk available at the Office of Human Rights Education as well as advisors in each required department standing by to help victims of harassment.

(1) The Harassment Consultation Helpdesk can be found in the Office of Human Rights Education

(2) The advisors are diverse group. The names and contact information for advisors will be made public at the beginning of each academic year.

(3) Complaints of harassment and consultations regarding harassment can be made in person, by phone, e-mail, online, or by letter to the Office of Human Rights Education Consultation Helpdesk or directly to an advisor.

ROLES AND RESPONSIBILITIES OF THE OFFICE OF HUMAN RIGHTS EDUCATION CONSULTATION HELPDESK (hereafter "HELPDESK STAFF") and HARASSMENT ADVISORS

7. Helpdesk Staff and Harassment Advisors shall have the following roles and responsibilities:

(1) In order for Helpdesk Staff and Harassment Advisors to be properly able to undertake the duties and responsibilities of their position, they shall be given the opportunity to attend training sessions to build up their specialized knowledge of issues and matters pertaining to harassment. Advisors are also expected to make their own efforts to hone their knowledge and remain up to date on issues related to harassment.

(2) Helpdesk Staff and Harassment Advisors will sincerely listen to all complaints and thoroughly discuss pertinent options for resolution.

(3) Helpdesk Staff and Harassment Advisors will respect and protect the privacy and confidentiality of all parties.

(4) Helpdesk Staff may disclose information about the details of the consultation to a third party designated by the victim, only if the victim himself/herself requests it and to the extent that the victim agrees.

(5) The Harassment Advisor may report and pass on the details of the consultation to the Office of Human Rights Education with the consent of the victim.

SETTLEMENT

9. If the event that an advisor is unable to successfully resolve a matter, the victim can make an appeal to the Human Rights Committee in one of two ways:

(1) **Mediation** - A mediation committee will hear from all involved parties and reach a resolution.

(2) **Formal Complaint** – If the victim seeks some legal or punitive action, he/she can make a formal complaint.

HUMAN RIGHTS COMMITTEE

10. The Human Rights Committee will create either a Mediation Committee or an Investigative Committee depending and after adjudging which is more appropriate to the situation at hand, taking into account the preference of the victim.

- (1) The Mediation Committee or the Investigative Committee will be comprised of members of the Human Rights Committee as well as advisors and other faculty and staff members with knowledge or experience relevant to the case under review. In each case, the male-to-female ratio of the committee will be taken into account. To ensure objectivity and neutrality, lawyers and/or members of the educational profession may be called in to monitor the review process.
- (2) The initial advisor for a case is not eligible to become a member of the Mediation or Investigative Committee.
- (3) All committee members will avoid defamation at all costs and will treat the human rights of all involved parties as a top priority.

MEDIATION COMMITTEE

11. The Mediation Committee shall undertake the following procedures with a view to settling the matter at hand.

- (1) The Mediation Committee's top priority will be a prompt and appropriate resolution to the case.
- (2) The committee will determine the schedule and location of the mediation and notify all involved parties by letter or phone.
- (3) The committee will oversee the mediation process to ensure that the parties can reach an agreeable resolution. The committee will never pressure or force any party into an undesired resolution. If it is in the best interest of the victim, the committee can act as mediator so that a direct meeting between the parties is not necessary.
- (4) During the mediatory process, the parties involved can bring one person each to act as an advocate. It is not mandatory that the advocate be associated with the university provided that he/she is an adult. In special cases, legal counsel may represent the parties in question.
- (5) The victim may stop the mediatory process at any time for any reason; the Mediation Committee may end the mediation should the duration of the process become unreasonable.
- (6) In the event that a mutually agreeable resolution cannot be reached, the victim can file a formal complaint.
- (7) The Mediation Committee will report in writing to the Human Rights Committee each case for which a resolution cannot be reached.
- (8) The Mediation Committee will record any successful resolution in writing, and a copy of this document will be provided to all involved parties. The Mediation Committee will also provide the Human Rights Committee with a summary of the mediatory process and resolution.

INVESTIGATIVE COMMITTEE

12. The Investigative Committee shall seek a resolution by undertaking the following procedures:

- (1) The Investigative Committee will hear from the parties directly involved as well as other third

parties when necessary.

- (2) During the Investigative Committee hearing, the parties involved can bring one person each to act as an advocate. It is not mandatory that the advocate be associated with the university provided that he/she is an adult. In special cases, legal counsel may represent the parties in question.
- (3) The Investigative Committee will promptly and thoroughly verify the allegations and provide the Human Rights Committee with a document summarizing its findings.
- (4) The Human Rights Committee will use the Investigative Committee report to determine the legitimacy of the allegations. The Human Rights Committee may request additional testimony from the involved parties if needed.
- (5) The Human Rights Committee will report its findings to the party that filed the complaint and the university president.
- (6) If the Human Rights Committee determines that harassment did occur, it will report this information to the university administration and to other relevant research and department heads so that the situation can be handled appropriately.

WHEN HARASSMENT IS PROVEN

13. If it is determined that harassment has taken place, the university will take the following actions:
 - (1) The university will provide psychological care for the victim and compensate the victim for any damages.
 - (2) The university will take disciplinary action against the perpetrator, taking into account the severity of the offence.
 - (3) The university will make a formal disclosure of the incident, taking into consideration the privacy of the involved parties. If it is determined that sexual harassment has occurred, the university will follow the guidelines stated in the “Rules and Regulations for the prevention of sexual harassment at Kyoto University of Foreign Studies.”

PREVENTION OF FALLACIOUS TESTIMONY

14. Any party discovered to have given false or misleading testimony will be punished according to university regulations. Any testimony sought by a committee to confirm or verify facts is mandatory except in cases with extenuating circumstances.

LIABILITY

15. A person will not be penalized in any way for making a valid appeal for mediation, filing a formal complaint, or for cooperating with or giving testimony as part of an investigation.

PREVENTION OF SECONDARY VICTIMIZATION

16. If during the process of addressing harassment charges it is discovered that one or more of the following has occurred, the university will take any necessary action(s) including but not limited to legal action(s):

- (1) An individual involved in any way with advising the victim or with the mediation process is discovered to have harassed or caused discomfort for the victim.
- (2) An individual named in mediation or a formal complaint seeks retaliation against his/her accuser.
- (3) The victim's physical or mental well-being is jeopardized by a third party.

PART 2

THE DUTIES OF THE UNIVERSITY

1. In order to prevent harassment and in its role as supervisor to the faculty and staff, the university has implemented the following:
 - (1) The university president takes final and complete responsibility for the implementation of the university's policies for the prevention of harassment.
 - (2) The head of each department, research unit and school must work to prevent harassment and provide a harassment-free setting so that members of the university community may study, research, and work in a pleasant environment. When there is suspicion or proof of harassment, the department heads are required to promptly follow the mandate of the Human Rights Committee in an appropriate manner.
 - (3) Department heads must work to improve an environment in which harassment is customary or in which harassment may easily occur.

EDIFICATION AND TRAINING SESSIONS

2. The Human Rights Committee will direct the university in an attempt to prevent harassment by implementing the following:
 - (1) These guidelines have been created to introduce and familiarize the university community with issues surrounding harassment.
 - (2) Through additional documents and by other means, the university will seek to educate all members of the university community about harassment.
 - (3) The university will attempt to improve students' understanding of harassment through orientations, lectures, seminars, and training sessions.
 - (4) The university will also periodically hold seminars and training sessions regarding harassment for the education of faculty and staff members.
 - (5) There will be special training sessions for faculty and staff members in administrative positions so that they have a clear understanding of their responsibilities and can act appropriately to prevent harassment.
 - (6) Faculty and staff members assigned to positions related to the university's harassment policies will go through training sessions to increase their level of expertise in the field.
 - (7) If a faculty or staff member is found guilty of harassment but remains employed by the university, he/she will be required to go through special training sessions to improve his/her understanding of human rights with an emphasis on the prevention of harassment.
 - (8) Faculty or staff members who fail to complete their responsibilities related to the prevention of

harassment will be required to attend special training sessions provided by the university for their reeducation.

REVISIONS TO THE GUIDELINES

3. The Human Rights Committee will periodically make any necessary adjustments and improvements to these guidelines.

SUPPLEMENTAL PROVISIONS

1. These guidelines are effective as of April 1st, 2008
2. With the effectuation of these guidelines, the guidelines for sexual harassment (instituted March 31st, 2000) and the guidelines for academic harassment (instituted February 13th, 2006), are no longer applicable.

SUPPLEMENTAL PROVISIONS

These guidelines are effective as of April 1st, 2021 (Revised January 22nd, 2021)

SUPPLEMENTAL PROVISIONS

These guidelines are effective as of April 1st, 2022 (Revised December 3rd, 2021)