

Nagoya University Harassment Prevention Measures Guideline

Established on April 1, 2015

Revised on December 6, 2016

1. Purpose

The purpose of this guideline, in compliance with the "Nagoya University Declaration on the Prevention of Harassment" and the "Nagoya University Regulations on Preventive Measures against Harassment", is to make it easier to understand Nagoya University's (hereafter "the University") basic position regarding Harassment and Retaliatory Harassment behaviors (hereafter "Harassment") towards the University's members, as well as the procedures for undergoing counseling or conflict resolution.

By widely disseminating this information, we aim to encourage the promotion of Harassment prevention.

2. The University's Basic Position

- (1) While striving to prevent Harassment from happening in order to allow the University's members to engage in educational, research, and employment activities in an environment of respect and no violation of individual rights from various forms of harassment, we will also take any necessary measures to respond quickly and appropriately should any cases of Harassment occur in order to restore the victim's individual rights.
- (2) Training sessions and publicity activities regarding Harassment are planned and carried out.
- (3) A system in which anyone can feel safe to seek consultation about Harassment has been established, while another system for implementing Harassment prevention and damage relief was put in place as well. Investigations are adequately conducted for the early detection and timely resolution of harmful situations, and depending on the results of those investigations, strict measures are taken if necessary.

① Harassment Consultation Center

A Harassment Consultation Center (hereafter "Center") has been established for the purpose of accepting requests for Harassment related consultations or relief. Counselors capable of specializing in Harassment related matters have been assigned to the Center. The Center accepts Harassment related consultations, and provides appropriate advice, counseling services, and any support required to provide victim relief.

② Harassment Prevention Committee

The Nagoya University Harassment Prevention Committee (hereafter Prevention Committee) has been established to organize a system for preventing Harassment and accepting requests for relief. The Prevention Committee seeks to implement appropriate response measures by devising measures to prevent Harassment and provide relief, overseeing the system for receiving requests for relief, and pursuing cooperative relationships with related departments and

specialized institutes. The Prevention Measure Steering Committee (hereafter "Steering Committee") has also been established within the Prevention Committee so that appropriate measures are carried out adequately and in a timely fashion.

3. Responsibilities of the University and its Members

- (1) The president is responsible for overseeing the entire University's efforts for Harassment Prevention.
- (2) The Director of each department is responsible for carrying out specific measures for Harassment Prevention.
- (3) Members must treat each other as equals, respect each other's freedoms and rights, and help to create a non-threatening environment free from Harassment. Should Harassment occur, everyone is responsible for helping to resolve the issue in an appropriate and timely manner. When having engaged in behavior that can be considered as Harassment, the offending member must immediately apologize to the offende and make sincere efforts to restore their relationship.
- (4) If any member of the University should receive, witness, or become concerned about the possibility of Harassment, they are encouraged to consult with the Center and discuss matters such as response measures. It is essential to respond to such situations as promptly as possible.

4. Scope of Application

- (1) This guideline applies to Harassment between University Members, or between University Members and University-Related Persons.
- (2) When used in this guideline, "Members" refers to "University Members" and "University-Related Persons." "University Members" refers to "Executives, Faculty, Students, Researchers, Professors Emeriti, and any other persons engaged in Education, Research, Administration, and Academics within the University." "University-Related Persons" refers to "Guardians of Students, or Personnel of Businesses working with the University".
- (3) This guideline also applies to cases in which Members who left the University due to graduation, employment, and other reasons (hereafter "Former Members") received Harassment from current Members while they were at the University. However, as a rule in such cases, requests for relief by Former Members must be submitted within 1 year of the day of their departure from the University.
- (4) Should Harassment between Members occur, the offende or witnesses may seek consultation even if the incident(s) occurred outside of class or work hours. This also applies to Harassment received during Educational • Research Activities such as Internships, Off-Campus Practicum or Academic Activities.

5. Definitions and Types of Harassment

When used in this guideline, "Harassment" includes "Sexual Harassment", "Academic Harassment", "Power Harassment" and any other similar behaviors.

(1) "Sexual Harassment"

(A) Definition

"Sexual Harassment" refers to when "One party engages in speech or behavior of sexual nature unwanted by another party that causes bodily or psychological pain, or negatively affects the offender's education, research, employment, and academics."

(B) Perspective

Individual responses to sexual behavior can vary greatly, depending on many factors such as their personality, their gender, or their position within the organization. Whether they feel uncomfortable, accepting, or are able to say no varies greatly as well. Whether a behavior is considered to be Sexual Harassment or not strongly depends on the perspective of the other party.

(C) Types and Examples of Sexual Harassment

1) Sexual advances or forced sexual behavior against the will of the other party

- ① Persistent and forceful demands for a relationship or sexual behavior
(i.e. A faculty member persistently attempts to give a student a ride home.)
- ② Persistent and forceful attempts at bodily contact or sexual behavior
(i.e. A superior repeatedly touches the shoulder of a person of lower position at the work place.)
- ③ Stalking behavior
(i.e. Persistently calling and messaging someone, under a one-sided assumption that they are in a relationship.)

2) Giving advantages or disadvantages to the other party depending on their responses to the sexual speech or behavior of the offending party in relation to their Education, Research, Employment or Academics, or forcing the other party to engage in speech or behavior of a sexual nature against their will using their superiority over the offender. (Quid pro quo Sexual Harassment)

- ① Reflecting whether someone accepted or denied a sexual request on their academic grades, teaching curriculum, employment evaluations • assignments.
(i.e. Expressing affection to a student you are fond of, and giving them favorable treatment.)
- ② A person of advantageous position engages in speech of sexual nature, or demands certain behaviors and attire based on sexual interest.
(i.e. An academic supervisor implies that "if you refuse to have a relationship with me, I will no longer supervise you.")

3) When speech or behavior of sexual nature taking place within a place of education, research, or work, and as a result the educational/research/work environment of a specific or non-specific person or group of people is

harmed (Hostile Environment Sexual Harassment).

- ① Spreading sexual rumors
(i.e. A faculty member persistently spreads gossip about the sexual relationships of another faculty member.)
 - ② Displaying obscene images on research lab or office computers.
 - ③ Engaging in obscene speech or behavior in the workplace, research lab or classroom.
 - ④ Engaging in indecent acts at social gatherings etc.
- 4) Engaging in sexually discriminatory speech or behavior based on a preconceived notion of predetermined gender roles.
- ① Discriminating in the distribution of educational, research, or work assignments based on gender.
(i.e. Only women are tasked with cleaning up after meals.)
 - ② Engaging in speech emphasizing gender.
(i.e. Making comments such as "You don't have guts even though you are a man", "Women are useless", "Homosexuals have a problem" etc.)

(2) “Academic Harassment”

(A) Definition

"Academic Harassment" refers to "When a party with an advantageous rank or position in education or research abuses their authority to engage in inappropriate speech or behavior against another party of lower rank or position, and as a result inflicts physical and psychological pain and suffering, or causes impediments or damage to their education, research, work or academics."

(B) Circumstantial Considerations

In the case of Academic Harassment, an objective ruling is emphasized, as opposed to the subjective opinion of the party in a supervisory position in educational or research activities.

(C) Types and examples of Academic Harassment

- 1) Infringements of the a student’s right to study by faculty
- ① Making remarks that may deny a student’s ability and individuality.
 - ② Making arbitrary and improper grade assessments.
 - ③ Demanding the achievement of impossible assignments from a commonsense point of view.
 - ④ Failure to provide essential educational guidance without reasonable grounds.
 - ⑤ Physically abusing students in venues such as seminars and drinking parties, coercing students into drinking alcohol at drinking parties, etc.
 - ⑥ Excessive intervention in the personal life and privacy of students.
 - ⑦ Favorable or unfavorable treatment of certain students without reasonable grounds in research guidance.
- 2) Impediments to the advancement (academic advancement, graduation,

employment) of students, etc. by supervisors

- ① Attempting to interfere, without reasonable grounds, with a student's freedom to make a decision regarding their academic advancement or employment after completing college or graduate school.
 - ② Failure to provide a recommendation letter as required on the basis of personal feelings for a student's application for a scholarship, Japan Society for the Promotion of Science Research Fellowship, etc.
 - ③ Attempting to prevent a student from applying to another laboratory or graduate school even though the student desires to do so.
 - ④ Discrimination against a student who shows outstanding aptitude in their advancement or employment without reasonable grounds
- 3) Obstruction of student's research, etc. by supervisors
- ① Failure to provide research guidance to students who seek it without reasonable grounds.
 - ② Failure to permit the change of supervisors, when a student requests the change on reasonable grounds and the change is possible as a matter of institutional rules.
 - ③ Demanding research progress that is impossible to achieve considering the time constraints and the student's abilities.
 - ④ Barring a student's access to equipment and facilities for experiments and research without reason.
 - ⑤ Making arbitrary and unfair assessments regarding a student's research.
 - ⑥ Coercing a student to choose a specific research topic.
 - ⑦ Improper restriction on a student's efforts to publish research (publication of research papers, presentations at academic conferences, etc.)
 - ⑧ Taking a student's unpublished original research ideas without their consent and letting a 3rd party carry out the research project instead.
 - ⑨ Forcing a student to bear an excessive economic burden in the process of carrying out research.
- 4) Interferences in the research of faculty by other faculty.
- ① Exclusion of faculty, without reasonable grounds, from a research team in which the faculty member should naturally be included.
 - ② Making arbitrary and unfair assessments regarding promotions and performance assessments of a faculty member.
 - ③ Deleting, adding, or changing of the order of author names on papers without reasonable grounds.
 - ④ Improper restrictions on the use of research funds, or unreasonable distribution.
 - ⑤ Persistently demanding the resignation of a faculty member.
- 5) Obstructions of the teaching of faculty by other faculty
- ① Exclusion of a faculty member from teaching without reasonable grounds.
 - ② Assigning faculty to educational activities that are unrelated to their field of

expertise without their consent.

③ Arbitrary and unfair assessments of a faculty member's teaching.

6) Other

① Forcing faculty or students to conduct experiments from early morning to late night, or overnight, and not providing a single day off.

② Sole assignment of miscellaneous chores in a lab, such as cleaning, etc. to a particular person.

③ Asking students, etc. or faculty to take care of personal affairs, such as helping with moving, in situations that make it difficult to say no.

④ Making remarks in relation to education and research that may significantly damage a person's reputation and individuality.

⑤ Coercing students, etc. to engage in misconduct such as fabricating a fictional part-time job or compensation and keeping that fact a secret.

(3) "Power Harassment"

(A) Definition

"Power Harassment" refers to "When a party with an advantageous rank or position in conducting business abuses their authority to engage in inappropriate speech or behavior against another party of lower rank or position, and as a result inflicts physical and psychological pain and suffering, or causes impediments or damage to their work." Furthermore, regardless of the rank or position in conducting business, such behavior by the colleagues, etc. against the party deemed to be at the lower rank or position from the perspective of utilizing the systems and measures regarding maternity, child-care, family-care, etc., is also considered as Power Harassment.

(B) Circumstantial Considerations

In the case of Power Harassment, an objective ruling is emphasized, as opposed to the subjective opinion of the party in an advantageous position in conducting business.

(C) Types and examples of Power Harassment

1) Verbal Abuse and Harassment

① Making remarks denying the individuality of a person, such as "You are incompetent", "Idiot", "Stupid", "Just quit already", etc.

② Criticizing a person for a small mistake by grossly over-emphasizing that mistake.

③ Loudly scolding someone in public.

④ Intentionally blocking information that is essential to carrying out one's official duties.

⑤ Ignoring the person's greetings deliberately by turning away, or continuously neglecting the approaches of a person seeking instructions.

⑥ Giving work instructions by e-mail in face-to-face situations, sending repeated emails to pressure someone to hurry up and handle a particular

task.

- ⑦ Spreading rumors and personal information learned through work to the people around them.
- ⑧ Intentionally withholding information from superiors or colleagues who are still new.

2) Inappropriate Work Orders and Excessive Educational Guidance

- ① In response to a report of finding illegal practice by a person, ordering the discoverer to alter the records and data
- ② Yelling "You can be replaced easily. Quit right now! " with even the smallest problem.
- ③ Setting an impossible goal for someone, and then severely scolding them in front of everyone for not achieving that goal.
- ④ Assigning no work to a person without proper reason.
- ⑤ Forcing a person to work long hours or weekends unnecessarily.
- ⑥ Arbitrary and unfair work performance assessments
- ⑦ Insinuating that a disadvantage will arise with respect to their career when a person declines an invitation to join a private group

(4) Other Definitions

- 1) "Retaliatory Harassment" refers to "Engaging in retaliatory, hostile, or other behavior that causes undue detriment or harm in relation to Education, Research, Employment or Academics in response to a Member's utilization of the University's Harassment Counseling Services or Harassment Relief Application System, or their cooperation in another Member's involvement with the above services.
- 2) "Damages" refers to the "Physical and/or psychological pain, and/or undue detriment or harm incurred from Harassment in relation to Education, Research, Employment, or Academics." "Other Problems" refers to any situations in which Harassment is suspected but not yet confirmed, and consideration should be given to the Member's Rights, Education, Research, and Employment, Academics and Academic Environment.

6. Counseling

(1) The Center accepts consultations from the following Members of the University:

- ① Offendees who suffered harm due to Harassment, etc.;
- ② Persons who have seen other persons being subjected to Harassment, etc. and feel discomfort;
- ③ Persons who have been consulted by other persons about Harassment, etc.;
- ④ Persons who have been advised by other persons that they are committing Harassment, etc. ; or
- ⑤ Individuals who are former members of the University and suffered from Harassment, etc. while they were employees, students, or related personnel. In this case, the period during which a petition can be filed should be, as a general rule, within 1 year following the resignation, graduation, or withdrawal from school.

(2) Handling of the Center

1) Consultation Registration

- ① The Center protects the privacy of individuals, and provides advice from the client's perspective and counseling services to support the restoration of individual rights.
- ② The Center will appoint counselors who are able to provide a professional response to harassment and to deal with consultations.
- ③ Consultation requests to the Center are accepted by telephone, facsimile, e-mail, post, or in person. Interviews can be arranged by reservation.
- ④ Faculty or other employees assigned to each department's reception desk may accept requests for consultations, but only the Center may carry out consultation sessions.

Example:

"I'd like to know if a problem I'm experiencing is considered Harassment."

"I want to improve my current situation, which is troubled because of Harassment."

"My friend is suffering because of Harassment, and I would like to receive some consultation about it."

2) Support towards Problem Resolution

- ① The Center, when necessary, will introduce the client to institutes both inside and outside of the University and communicate with the institutes.
- ② The Center, with the client's consent, following the Center Director's decision, may ask Members for their cooperation involving environmental reform measures to improve working, education, and research environments, or interpersonal relationships.
- ③ The Center will provide the Harassment Prevention Committee Chairman with advice regarding methods of relief for satisfactory conflict resolution.
- ④ The Center acts as a window of communication when making a request for damage relief as part of the process of mediation or recommending relief based on fact-finding investigations.
- ⑤ The Center continues to provide support and assistance to the client even during when the mediation/fact-finding investigation is underway.

7. Resolution Process

For the resolution of problematic situations in which damages have been incurred due to Harassment, in addition to attempting to resolve the situation by oneself after receiving advice from the Center, there are multiple courses of action that may be taken as well, as shown below. Which actions are to be taken depends greatly on the intentions and wishes of the offendees themselves. The utmost care and consideration will be taken to protect the privacy of the people taking part in consultations or problem resolutions.

(1) Notification

The Harassment Prevention Committee Chair, with advice from the Center, in situations where the action has been deemed necessary for reasons such as having received multiple consultations and complaints regarding a particular Member,

may notify Members that Harassment Complaints have been filed against them.

(2) Environment Modification

The Center, regardless of whether before or after a mediation/relief request has been submitted to the Harassment Prevention Committee, with permission from the principal offender who claims to have been directly harmed by the Harassment (hereafter "Principle"), under the judgement of the Center's director, may engage in the reform of the Principal's Workplace, Education, and Research environment, or request cooperation from other Members in improving the Principal's interpersonal relationships.

(3) Emergency Response

The Harassment Prevention Committee Chair, after the Center has received a consultation request, regardless of whether the Committee has received a mediation/relief request, following the advice from the Center, with permission from the Principal, may engage in Emergency Response Measures such as requesting the cooperation of the Directors of related departments and Internal or External experts or specialized institutes, if it is deemed necessary to provide immediate response measures for the protection of the Principal.

(4) Mediation or Recommended Relief Measures based on Fact-Finding Investigations

Persons who claim to have been harmed by Harassment may, through the Center, request the Harassment Prevention Committee to establish a Harassment Mediation Committee or a Specialized Harassment Investigative Committee.

Mediation is when a member of the Harassment Mediation Committee, established upon request from the Harassment Prevention Committee, intervenes between the Principal (hereafter refers to both the Principal or anyone petitioning on behalf of the Principal) and the accused to listen to the explanations from both sides and attempt to pursue a resolution to the situation.

Recommended Relief Measures based on Fact-Finding Investigations are provided to the President or the Directors of relevant Departments when the Specialized Harassment Investigative Committee established by the Harassment Prevention Committee conducts an investigation in a matter which was brought to their attention through a petition and as a result concluded that relief measures such as Environmental Reform are necessary. As a consequence, the accused may sometimes be subject to disciplinary action.

- ① The Center will forward petitions for mediation or fact-finding investigations to the Harassment Prevention Committee through the Steering Committee. In this case, petitioners are limited to the individual Principals directly subjected to acts of Harassment. However, a person other than the Principal may make a petition on their behalf if consent has been obtained. Additionally, if the Principal wishes to do so, they may continue to receive support from the Center. Mediation and fact-finding investigations may be terminated at any time pursuant to the wishes of the individual who made

the petition.

- ② The Steering Committee will undertake investigations to determine whether to approve the petitions for mediation and fact-finding investigation. From this point, communications to the Principals shall be provided by the Harassment Prevention Committee via the Center until the complaint process has been completed.
- ③ The Harassment Prevention Committee may choose not to process a petition if the complaint is made regarding events that occurred over 3 years prior. Exceptions to this rule will be made if it is determined that there was a justifiable reason the complaint could not be made within the 3 year period.
- ④ The Harassment Prevention Committee will inform the directors of the departments involved of the commencement of investigations. Those directors must maintain confidentiality, fully cooperate with investigations, and prevent Retaliatory Harassment.
- ⑤ In the event that, based on the results of the investigation, redress measures such as environmental reform become necessary, the Harassment Prevention Committee must make recommendations to the President and directors of the departments involved. When the Harassment Prevention Committee decides that measures such as disciplinary actions, reprimands or strong letters of warning are required, the Harassment Committee must make recommendations to the President and give notice of its recommendations to the directors of the departments involved. Directors of the departments involved who receive recommendations regarding redress measures must then provide the President with a report concerning the implementation of concrete measures. Upon receiving these reports, the President must provide the Harassment Prevention Committee with a notice regarding the measures implemented by the Directors of the departments involved, which the Committee must then forward to the petitioner.

(5) When Harassment significantly infringes on the rights of others or damages the reputation of the University, disciplinary action may follow.

(6) Measures to Handle Retaliatory Harassment

The Harassment Prevention Committee shall recommend to the President the implementation of disciplinary measures against persons who engage in the following retaliatory actions after receiving a consultation or mediation/relief request.

- ① Direct acts or insinuations of retaliation, slander, etc. against the petitioner, the accused, or anyone else cooperating with fact-finding investigations.
- ② Acts of that violate the individual rights of petitioners, the accused, or anyone else cooperating with fact-finding investigations by spreading rumors to harm their reputation or invade their privacy.
- ③ Harassing counselors or members of the Harassment Prevention Committee, etc.

(7) Persons who submit false petitions in bad faith may be subject to disciplinary measure. However, even if a petition is not substantiated as a result of fact-finding investigations, it will not be immediately assumed that the petition was in bad faith, and the petitioner will not necessarily suffer any penalties as a result of such conclusions.

8. Review of the Guideline

The Harassment Prevention Committee will monitor the administrative results of this guideline and review and/or make changes to its content if deemed necessary.