

# Nagoya University Harassment Prevention Measures Guideline

Established on April 1, 2015

Revised on June 7, 2016

Revised on December 6, 2016

Revised on February 6, 2018

Revised on April 1, 2022

## 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.
- ( 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. There are no risks of receiving disadvantageous treatment by reasons such as consultation with the Center, or the use of procedures for problem resolution as stipulated below.

### 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", "Harassment Related to Pregnancy, Childbirth, Childcare Leave, Family Care Leave, etc." 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, and thereby inflicts physical or psychological pain upon the other party, or causes disadvantage or damage to the other party's education, research, work, and academics."

#### (B) Perspective

How an individual will feel or react to others' speech and behaviors regarding sex and sexuality, including gender identity and sexual orientation, can vary greatly, depending on many factors such as an individual's personal beliefs or their position.

Whether or not someone feels uncomfortable, considers it acceptable, or is able to reject unwanted actions varies greatly from person to person. In determining whether speech or behavior constitutes Sexual Harassment or not, weight will be given to judgments on the general and objective meaning of the speech or behavior in question and how the other party interprets it, regardless of the subjective intent of the person engaging in speech or behavior in question.

#### (C) Types and Examples of Sexual Harassment

- 1) Sexual advances or forced sexual behavior against the will of the other party
  - ① Persistently and forcefully demanding a romantic relationship or sexual behavior, such as persistent attempts to give a student a ride home.
  - ② Persistently and forcefully engaging in sexual contact or sexual behavior, such as invitations to meals or dates under the claim of "personal guidance" or unnecessary physical contact under the claim of "practical instruction".
  - ③ Engaging in stalking behavior such as persistent calls and messages to a person of romantic interest.
  - ④ Sending messages on social media that are sexual in nature, or coercing someone to send such messages.
- 2) Giving advantages or disadvantages to the other party in relation to their education, research, employment or academics depending on their responses to the sexual speech or behavior of the offending party, or forcing the other party to engage in speech or behavior of sexual nature against their will using the offending party's authority over them. (Quid pro quo Sexual Harassment)
  - ① Expressing affection to a specific student, faculty or staff member and giving them favorable treatment in academic grades and employment evaluations.
  - ② An academic supervisor insinuates that "if you refuse to have a relationship

with me, I will no longer supervise you," etc.

- 3) Due to speech or behavior of sexual nature taking place within a place of education, research, work, or academics, a specific or non-specific person's educational, research, work, or academic environment is damaged, and as a result their ability to perform is adversely affected (Hostile Environment Sexual Harassment).
  - ① Spreading sexual rumors about an individual.
  - ② Displaying obscene images on computers in a research lab or office.
  - ③ Joking or teasing sexually, such as making comments about physical characteristics including physique and appearance.
  - ④ Engaging in indecent acts, such as stripping at social gatherings, etc.
- 4) Engaging in sexually discriminatory speech or behavior based on a preconceived notion of predetermined gender roles, or sexually discriminatory speech or behavior related to gender identity and sexual orientation.
  - ① Discriminating in the distribution of educational, research, or work assignments based on gender, such as tasking only women with serving coffee or tea, and cleaning up after meals or assigning roles of responsibility only to men, etc.
  - ② Making sexist comments, such as "Don't be a sissy, act like a real man", and "women are incompetent".
  - ③ Making comments such as "homosexuals have problems", calling others discriminatory names, such as "homo", "dyke", or "queer".

## ( 2 ) "Academic Harassment"

### ( A ) Definition

"Academic Harassment" refers to when "One party in a superior position in education or research abuses their position or authority to engage in inappropriate speech or behavior against another party, and thereby inflicts physical or psychological pain upon the other party, or causes disadvantage or damage to the other party's education, research, work, and academics."

### ( B ) Perspective

In the case of Academic Harassment, weight will be given to objective judgements, regardless of the subjective intent of the person in a superior position in educational or research activities. Appropriate direction and guidance, etc. that is objectively understood to be appropriate and necessary for education or research purposes does not constitute Academic Harassment.

### ( C ) Types and Examples of Academic Harassment

- 1) Infringements of a student's right to study and impediments to their career path (academic advancement, graduation, job searching)
  - ① Making arbitrary grade assessments not based on appropriate standards and rules, such as awarding credits to a specific student even if they have not met the credit acquisition conditions.
  - ② Not providing necessary educational guidance, such as not reviewing a draft for a paper for several months after receiving it from a student.

- ③ Treating certain students favorably or unfavorably without reasonable grounds in terms of research guidance.
- ④ Attempting to interfere, without reasonable grounds, with a student's freedom to make a decision regarding their academic advancement or job search after completing undergraduate or graduate school.
- ⑤ Refusing to provide a recommendation letter necessary for a student's application for a scholarship, Japan Society for the Promotion of Science Research Fellowship, etc. without reasonable grounds.
- ⑥ Threatening students, for example saying to them such as "I will not allow you graduate" even if the student has met the graduation requirements.

2) Impediments to research

- ① Demanding research progress that is unrealistic or impossible to achieve.
- ② Unduly restricting research and presentation activities (publication of research papers, presentations at academic conferences, etc.) or excluding a student from a research group which they should naturally join, without reasonable grounds.
- ③ Unduly restricting the use of research funds, or making unreasonable distribution of them. Also, forcing someone to take on a great deal of the financial responsibilities during the research process
- ④ Barring access to equipment and facilities for experiments and research without good reason.
- ⑤ Coercing a student to choose a specific research topic.
- ⑥ Deleting or adding names of paper's authors or changing the order of the authors without reasonable grounds.

3) Interference with other faculty members' educational activities

- ① Excluding a faculty member from teaching courses without reasonable grounds, or assigning them to educational activities unrelated to their field of expertise without their consent.
- ② Persistently demanding the resignation of a faculty member.

4) Other points that violate safety consideration obligations

- ① Forcing faculty or students to stay in a laboratory from early morning to late night or to stay there overnight to conduct experiments, as well as never allowing them to take day offs.
- ② Concentrating the responsibility of miscellaneous chores in a laboratory, such as cleaning, on one particular person.
- ③ Making remarks in relation to education and research that may significantly damage a student, faculty, or staff member's ability and individuality.
- ④ Committing acts of physical violence or demanding alcohol consumption or party stunts at research lab parties.
- 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 "Speech or behavior occurring in the workplace in the context of a superior-subordinate relationship that exceeds the bounds of what is appropriate and necessary for work purposes, and thereby negatively affects the work environment".

#### ( B ) Perspective

In determining whether speech or behavior constitutes Power Harassment, weight will be given to objective judgements, regardless of the subjective intent of the person in a superior position in the performance of work duties. Appropriate direction and guidance, etc. that is objectively understood to be appropriate and necessary for work purposes does not constitute Power Harassment.

- "A superior-subordinate relationship" includes not only speech and behavior by people in a superior position or rank in employment, but also those of equivalent or lower position or rank, where the person engaging in the speech or behavior in question possesses knowledge and/or abundant experience necessary to carry out the work duties and it is difficult to conduct business smoothly without that person's cooperation, or where people of equivalent or lower position or rank engage in the act as a group and it is difficult to fight against or reject it.
- "Speech and behavior that exceeds the bounds of what is appropriate and necessary for work purposes" refers to those that based on social norms, clearly has no business necessity or are unreasonable in manner.
- "Negatively affects the work environment" refers to when that speech or behavior causes a person physical or psychological pain and creates a hostile workplace environment, thus creating substantial difficulties in that person's execution of work duties such as a significant negative impact on their ability to exercise their skills.

#### ( C ) Types and Examples of Power Harassment

##### 1) Physical attacks and harassment

- ① Punching, kicking.
- ② Throwing objects at others.
- ③ Demanding alcohol consumption.

##### 2) Psychological attacks and harassment

- ① Making remarks that deny someone's character, such as "You are incompetent", "Idiot", "Stupid", "Just quit already", etc..
- ② Yelling "You can be replaced easily. Leave immediately!"
- ③ Severe scolding for an unnecessarily long amount of time, or loudly reprimanding someone in public.
- ④ Intentionally blocking information that is essential to carrying out one's work duties.
- ⑤ Ignoring the person's greetings deliberately by turning away, or continuously neglecting the approaches of a person seeking instructions.
- ⑥ Sending emails to multiple employees that deny the ability of and abuse

an individual.

- 3) Isolation from interpersonal relationships
  - ① Excluding or collectively ignoring a specific employee and isolating them at the workplace.
  - ② Intentionally excluding an employee from meetings and appointments without reasonable grounds.
- 4) Excessive or insufficient demands
  - ① Setting an impossible goal for somebody, and forcing them to achieve it.
  - ② Forcing a person to work long hours or weekends unnecessarily.
  - ③ Assigning only simple duties to an employee instead of ones that reflect their ability, or not assigning any duties to them at all, without reasonable grounds.
- 5) Personal infringement
  - ① Continuously monitoring an employee outside of the workplace, including on SNS, or making comments that suspect such monitoring.
  - ② Revealing an employee's private personal information to others without their consent.
- 6) Other inappropriate work orders
  - ① Ordering a person who has discovered deceptive or improper practices and reported them to alter the records and data.
  - ② Making arbitrary performance evaluations and work performance assessments not based on appropriate standards and rules.
  - ③ Regarding the terms, period, and other matters of employment, requiring the employee to agree to extra conditions beyond the contents explicitly expressed within the employment contract, whether verbally or in writing. Furthermore, engaging in disadvantageous treatment such as refusing to hire the candidate or extend the contract of the employee if they do not pledge to these extra conditions.

( 4 ) “Harassment Related to Pregnancy, Childbirth, Childcare Leave, Family Care Leave, etc.”

( A ) Definition

“Harassment Related to Pregnancy, Childbirth, Childcare Leave, Family Care Leave, etc.” refers to when “One party engages in speech or behavior regarding pregnancy or childbirth, or the use of childcare leave or family care leave, and thereby negatively affects the educational, research, work, and academic environment of another party who is pregnant or gave birth, or who applied for or took childcare leave or family care leave”.

( B ) Perspective

In determining whether speech or behavior constitutes Harassment Related to Pregnancy, Childbirth, Childcare Leave, Family Care Leave, etc., weight will be given to objective judgements, regardless of the subjective intent of the party engaging in the speech or behavior in question. Also, any harassing behavior with a causal relation to pregnancy status, use of leave, etc. may constitute this harassment. From the perspective of work roles, safety considerations, etc., speech or behavior that is objectively understood to be based on business necessity does not constitute Harassment Related to Pregnancy, Childbirth, Childcare

Leave, Family Care Leave, etc.

( C ) Types and Examples of Harassment Related to Pregnancy, Childbirth, Childcare Leave, Family Care Leave, etc.

- 1) Inappropriate speech and behavior towards an individual using system related to pregnancy, childbirth, childcare, family care, etc. (harassment towards those using the leave systems, etc.)
  - ① Implying dismissal or other disadvantageous treatment towards a person who requested to use systems related to pregnancy and childbirth, or systems related to childcare and family care, for example saying “if you take leave, you will have to quit”.
  - ② Harassing a person for using systems related to pregnancy and childbirth, or systems related to childcare and family care, such as only assigning miscellaneous tasks because “there are no jobs I can assign to somebody working reduced hours”.
- 2) Inappropriate speech and behavior regarding the pregnancy, childbirth, childcare, family care (harassment towards a condition)
  - ① Repeatedly making snide remarks to the pregnant person, such as “it’s ridiculous that you became pregnant at such a busy time”.
  - ② Not assigning important tasks to an employee with a young child because sudden absences may take place at any time, without confirming the intent of the employee.
  - ③ Implying dismissal or other disadvantageous treatment in response to speech or behavior related to pregnancy and childbirth, such as stating “you will not be renewed next time”, even though employment has been renewed numerous times in the past.

( 5 ) Other definitions

- 1) "Retaliatory Harassment" refers to "Engaging in retaliatory or harassing behavior against a Member who has used the University's harassment counseling services or harassment relief request system or cooperated with another Member using these services or systems, or causing disadvantage or damage to such Member's educational, research, work, and academic environment.”.
- 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."

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 request a consultation, although I am not sure whether or not 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 "Principal"), 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 when there are exceptional circumstances preventing the Principal from making the petition themselves and if their 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.