

Academic Harassment and Power Harassment Guidelines at Osaka University

Approved by the President on December 21, 2010

1) Purpose of these Guidelines

These Guidelines are established pursuant to the Anti-Harassment Policy at Osaka University and the Regulations for the Prevention of Harassment at Osaka University and are designed to clearly explain the prevention of the abuse of human rights through academic harassment and power harassment (hereinafter collectively referred to as “harassment”) at Osaka University (hereinafter referred to as “the University”) and measures to be taken if harassment has been committed.

These Guidelines aim to maintain a good educational, research and labor environment in the University, protect the interests of the faculty and staff and the students of the University and eliminate harassment on campus.

2) Persons and cases to which these Guidelines apply

- (i) These Guidelines apply to all members of the University. Members of the University include faculty and staff of the University (whether full-time or part-time), students (meaning graduate students, undergraduate students, international students, research students and credited auditors of the University and any other persons who are studying at the University; hereinafter referred to as the “Students”), part-time lecturers, visiting instructors and part-time workers, etc.
- (ii) These Guidelines apply in all cases involving harassment between members of the University, even when such cases occur outside the University premises and outside regular office hours, classes or extracurricular activities.
- (iii) The University will also apply these Guidelines *mutatis mutandis* to cases involving harassment between members and non-members of the University.
- (iv) The verification of facts regarding harassment will become increasingly difficult with the passage of time after a person leaves the University. It is thus desirable to consult with the University as soon as possible.

3) Basic stance towards the prevention of harassment

Keep in mind that harassment can occur in a campus where, by its nature, some people can be placed in a vulnerable position for their work, research, study or extracurricular activities. Do not dismiss an incident of harassment by thinking that it is a personal matter between the

parties (meaning the alleged victim and offender; the same will apply hereinafter).

Be aware that the perception and attitude of people around the victim and offender are important factors in stopping and preventing harassment.

It is important to keep the following in mind in order to prevent harassment:

- (1) Respect the personalities of others and understand that the basic principle for the protection of human rights is to hold respect for the individual.
- (2) Keep in mind that all members of the University are mutually important partners.
- (3) A person who is in a position of power, either academically or officially, must be aware of the impact of one's behavior and shall always be considerate of others.
- (4) A person who is in a position to give instructions must be aware that harassment is an act violating human rights, such as the right to study, the right to receive an education and the right to work in a good environment, and shall always give due consideration so as not to lose sight of the true purpose of research and education.
- (5) Be mindful of always maintaining good communication and trusting relationships with others to ensure that one's words and actions are not misunderstood.

4) Resolving problems

- (i) Do not suffer in silence when you become a victim of harassment. Consult with people you trust such as friends, family members and colleagues.
- (ii) The University has established counseling offices for harassment problems, as described in item 5). Counselors (meaning professional counselors and campus-wide counselors; hereinafter collectively referred to as "Counselors") will listen sincerely.
- (iii) If anyone around you is suffering harassment, have the courage to help the person such as by taking the actions noted below:
 - Give the offender a warning such as "Such behavior can be considered harassment."
 - Be a witness of harassment and accompany the victim when he or she consults with the Counselors.

5) Consultation system

The Counselors are there to help you in any way they can.

- (i) The University has established academic harassment and power harassment, etc., counseling offices (hereinafter referred to as "the Academic/Power Harassment Counseling Office") to handle consultations and allegations concerning academic harassment and power harassment, etc. Professional counselors of the Academic/Power Harassment Counseling Office will be available to talk to you. Campus-wide counselors of the Harassment Counseling Office will also be available to receive consultations from all members of the University. You can find

their contact information, etc., in leaflets and on the University website.

If you find it difficult to go to the Counselors by yourself, ask a friend to go with you or ask them to talk to the Counselors on your behalf. Even in cases where you are not a direct victim, if you have or think you may have witnessed harassment, talk to the Counselors.

You can also consult with the Counselors about collateral damage. If someone has alleged that you have committed harassment and you dispute the allegation, you can consult with the Counselors as well. The Counselors are available to talk to anyone who is troubled by harassment problems.

- (ii) The Counselors will listen to you, give advice as necessary and try to resolve the problems appropriately and swiftly. The Counselors may take necessary actions for you if you so request. If you are not satisfied with the response of any Counselor, you can consult another Counselor.
- (iii) The Counselors will strictly protect your reputation and privacy. You can consult anonymously as well.

6) Responding to problems

The University will have due regard to the wishes of the consulter in resolving a problem and take actions in the following order:

- (i) The Counselors interview the parties and relevant persons, etc. and try to resolve the problem.
- (ii) If a consulter wishes to resolve the problem by talking to the other party, the Counselors will provide the support necessary to facilitate smooth discussions between the parties. It is up to the parties to decide how to settle the problem and whether to terminate the discussions.
- (iii) The Counseling Office may, with the consent of the consulter, coordinate discussions with the department, etc., to which the offender belongs (hereinafter referred to as “the Relevant Department”) in order to resolve the problem.
- (iv) If it is determined that the Counseling Office cannot resolve the problem or that measures need to be taken to provide redress to the victim or prevent the recurrence of the problem, the Director of the Counseling Office (hereinafter referred to as “the Director”) may, with the consent of the consulter, report the case to the Anti-Harassment Council (hereinafter referred to as “the Council”).

If, however, the person requesting a consultation is not the victim, the consent of the victim is required in reporting the case to the Council.

- (v) The Council immediately reviews the allegations and recommends or requests that the Relevant Department promptly take measures to prevent further damage, etc. (hereinafter referred to as “the Damage Control Measures”).

The Council also reviews the case as soon as possible and, if an investigation of facts is deemed to be necessary, requests that the Harassment Investigation Committee (hereinafter referred to as “the Investigation Committee”) conduct an investigation.

- (vi) The Relevant Department reports to the Council on the Damage Control Measures that have been implemented pursuant to its recommendation or request.

The Council decides on the future action plan and reports to the Director on such action plan, along with the Damage Control Measures implemented by the Relevant Department. The Counselors shall give an explanation to the victim about such Damage Control Measures implemented by the Relevant Department.

If the Council requests that the Investigation Committee conduct an investigation, the chairperson of the Investigation Committee immediately sets up a harassment case investigation committee (hereinafter referred to as “the Case Investigation Committee”) that investigates the individual case.

- (vii) The Case Investigation Committee conducts the investigation of facts in a fair and impartial manner and conducts a fair interview of the parties and other relevant persons. Making a false claim during an investigation is prohibited. The victim may ask the Counselors to be present during his or her interview if needed.

In order to ease the burden on the victim, each investigation is, in principle, completed within two months from the day following the day on which a request for an investigation is made by the Council. The victim is notified of this initial date of calculation by the Counseling Office. If an investigation is unlikely to be completed within two months, the chairperson of the Investigation Committee and the victim are notified of that fact and the reasons for the delay. In conducting an investigation, due attention is paid to the reputation, human rights and privacy of the persons interviewed. The Case Investigation Committee may ask for the cooperation of non-Committee members if necessary.

- (viii) The results of the investigation are reported in writing directly by the Investigation Committee to the parties, as well as to the chairperson of the Council. (The victim is notified through the Counselors as necessary.) The parties may file an objection in writing directly with the chairperson of the Investigation Committee within two weeks from the day following the day on which the results of the investigation are received. (The victim shall file an objection through the Counselors if needed.)

- (ix) If an objection is filed, the Investigation Committee examines such objection, including whether to re-open the investigation, and report the final results of the investigation to the parties and the chairperson of the Council. The investigation is in principle closed within one month from the day following the last day of the aforementioned period of objection. If the investigation is unlikely to be completed within one month, the Counseling Office notifies the

parties, as well as the chairperson of the Council, of that fact and the reasons for the delay.

- (x) If the Council determines that the relevant case requires certain measures or disciplinary action, etc., on the grounds of harassment, the Council then recommends or requests that the head of the Relevant Department take necessary measures or actions, etc.
- (xi) The head of the Relevant Department reports on the progress of the measures recommended or requested to the chairperson of the Council, takes appropriate actions, and reports the results of such actions directly to the victim or through the Counselors. If the person who has made the claim in the relevant case is not the victim, such person will be notified as necessary, taking into consideration the wishes of the victim.
- (xii) The victim (including the person who has made the claim who is not the victim and has obtained the consent of the victim) may, through the Counselors, inquire about the progress of the case and receive a progress report as needed.
- (xiii) All relevant persons are requested to cooperate to their utmost extent with the Case Investigation Committee regarding interviews, etc.

7) Disciplinary action and measures for harassment

- (i) The University will endeavor to provide redress to victims of harassment in the best possible way even while consultations and investigations are still ongoing. In urgent cases, the Director will coordinate efforts with the Council and the Investigation Committee and take measures such as requesting that the head of the Relevant Department provide redress, etc. No one should suffer disadvantages on the grounds that he or she has made a claim of harassment and if it is found that any disadvantage has arisen, appropriate measures will be taken.
- (ii) If, as a result of the investigation, it is found that harassment has been committed and that the offender is a member of the faculty or staff, he or she may be subject to disciplinary action under the Work Regulations. If harassment has been committed by a Student, he or she may be subject to disciplinary action in accordance with the Regulations of Osaka University Undergraduate Schools, the Regulations of Osaka University Graduate Schools, etc.

Disciplinary action, etc., may be publicly announced, but the University will give full consideration to the protection of the privacy of the individuals.

- (iii) Neither the victim nor any person involved in resolving problems should suffer disadvantages on the grounds that he or she has undertaken consultation, testified or otherwise taken the right actions and if it is found that any disadvantage has arisen, appropriate measures will be taken.
- (iv) If a victim finds that the measures, etc., are not fully implemented, he or she may, directly or through the Counselors, file a claim with the Director for failure to implement the

measures. The Director will report the claim to the Council and the chairperson of the Council will order the relevant persons to implement the measures as necessary.

8) Other activities for the prevention of harassment

- (i) The University will create leaflets and posters to raise the awareness of harassment issues.
- (ii) The University will provide opportunities to enhance awareness for the prevention of harassment to faculty, staff and the Students through lectures and seminars, etc.

9) Revision

These Guidelines will be revised in accordance with any revisions to the Anti-Harassment Policy at Osaka University, the Regulations for the Prevention of Harassment at Osaka University, etc.