

Note: The document below is an English translation of the Sexual Harassment Guidelines at Osaka University; the original document is in Japanese. This English version has been provided merely as a reference. Please note that only the Japanese version represents the University's official position.

## Sexual Harassment Guidelines at Osaka University

Approved by the President on March 31, 2004

Partially revised on June 23, 2008

Partially revised on July 21, 2010

Partially revised on March 27, 2015

### **1) Purpose**

These Guidelines are established pursuant to the Anti-Harassment Policy at Osaka University and Regulations for the Prevention of Harassment at Osaka University, and are designed to clearly explain measures taken by Osaka University (hereafter referred to as "the University") for the purpose of preventing sexual harassment, providing protection and redress to victims of sexual harassment, and bringing such measures to the knowledge of people both inside and outside the University in order to eliminate sexual harassment on campus.

### **2) Applicable Persons and Cases**

(i) These Guidelines apply to all members of the University. The members of the University include faculty and staff of the University (whether full-time or part-time), students (including graduate students, undergraduate students, international students, research students, and non-degree students of the University and any other persons who are studying at the University; hereinafter referred to as the "Students"), part-time lecturers, visiting scholars, part-time workers, etc.

(ii) These Guidelines apply in all cases involving sexual harassment between members of the University, even when such cases occur outside the University premises and outside regular office hours, classes and extracurricular activities.

(iii) The University will also apply these Guidelines *mutatis mutandis* to cases involving sexual harassment between members and non-members of the University.

(iv) The verification of facts regarding sexual harassment become increasingly difficult with the passage of time after a person leaves the University. It is thus desirable to

consult the University as soon as possible.

### **3) Basic attitude towards the prevention of sexual harassment**

- (i) It is important to keep the following in mind in order to prevent sexual harassment.
  - (1) Respect the individuality of others.
  - (2) Keep in mind that all members of the University are mutually important partners.
  - (3) Make conscious efforts not to look at others as objects of sexual interest.
  - (4) Make conscious efforts not to look at differences between genders in terms of superiority and inferiority.
  - (5) Understand the authority of your position at the University and always pay attention to gender discrimination that exists in society.
- (ii) It is important to be aware that each person interprets sexual comments or behavior differently, depending on his or her personality, gender, and position, as well as social, cultural, religious, and generational background.
- (iii) Do not repeat the same comment or behavior that you know the other person has rejected or does not want.
- (iv) Remember that the other person may not necessarily clearly express whether he or she thinks a particular comment or behavior is sexual harassment. It is a serious mistake to make an unwarranted assumption that the other person is willing to receive a particular comment or behavior just because he or she does not object to it.
- (v) Even a relationship is based on mutual consent may sometimes cause disadvantage or damage to people around them. In particular, faculty and staff must be mindful of their professional positions in dealing with individuals.

### **4) Basic attitude if you are a victim of sexual harassment**

- (i) Remember that it is not your fault. It is the offender who has committed the wrongdoing. Victims tend to blame themselves, but there is no reason for you to do so.
- (ii) Do not suffer in silence. Seek help from people you trust and consult counseling organizations within and outside the University.
- (iii) Keep a record of what happened, such as “when, where, who, and what.” If someone witnessed the incident, ask him or her to testify.

### **5) Basic attitude if you witness sexual harassment**

- (i) Keep in mind that sexual 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 sexual harassment by thinking that it is a personal matter between the parties (i.e. the alleged victim and offender; the same will apply hereinafter).

(ii) Remember that the perception and attitude of people around the victim and offender are important factors in stopping and preventing sexual harassment.

(iii) If you see a victim of sexual harassment, have the courage to help. Talk to the offender, testify for the victim, and accompany the victim to see a counselor.

(iv) If a victim confides in you, offer sincere support. It is important not to blame him or her for imprudence or take any rash action without his or her consent.

## **6) Consultation system**

Please feel free to ask for consultation. Counselors are available to help you in any way they can.

(i) The University has established sexual harassment counseling offices to handle consultations concerning sexual harassment. Counselors at the offices (hereinafter referred to as “Counseling Office”) are available to talk to you. Faculty/staff counselors at Counseling Offices (i.e. faculty and staff appointed from various departments) are available to give consultations to all members of the University (counselors and faculty/staff counselors shall hereinafter be referred to collectively as “the Counselors”). 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 your friends 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 sexual harassment, talk to the Counselors.

You can also consult the Counselors about collateral damage. If someone has alleged that you have committed sexual 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 sexual 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 protect your reputation and privacy. You can consult anonymously as well.

## **7) Responding to problems**

The University will have due regard to the wishes of the consulter in resolving problems 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 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, a 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 will immediately review the allegations and will recommend or request the Relevant Department to promptly take measures to prevent the spread of damage, etc. and any necessary temporary measures.

The Council will also review the case as soon as possible and, if an investigation of facts is deemed to be warranted, will request an investigation to the Harassment Investigation Committee (hereinafter referred to as “the Investigation Committee”).

(vi) The Relevant Department will report to the Council on the measures to prevent the spread of damage, etc. that have been implemented pursuant to the recommendation or request.

The Council will decide on the future action plan and report to the Director on the action plan as well as the measures to prevent the spread of damage, etc. implemented by the Relevant Department. The Counselors will explain to the victim the measures to prevent the spread of damage, etc. implemented by the Relevant Department.

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

(vii) The Case Investigation Committee will conduct the investigation of facts in a fair and impartial manner and will conduct a fair interview of the parties and other relevant persons. (The Counselors are asked to be present if necessary when interviewing the victim.) Making a false claim during an investigation is prohibited.

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 will be notified on this date by the Counseling Office. If an investigation is unlikely to be completed within two months, the Case Investigation Committee will notify the chairperson of the Investigation Committee and the victim of the reasons for the delay. In conducting an investigation, due attention will be 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 will be reported in writing directly by the Investigation Committee to the parties (the victim will be notified by the Counselors if necessary) as well as to the chairperson of the Council. The parties may file an objection in writing directly with the chairperson of the Investigation Committee (and with the victim through the Counselors if necessary) within two weeks from the day following the day on which the results of the investigation are received.

(ix) If an objection is filed, the Investigation Committee will examine the merit of such an 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 will be 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 Investigation Committee will notify the parties as well as the chairperson of the Council, of the delay and reasons for the delay.

(x) If the Council determines that the relevant case requires certain measures or disciplinary actions, etc., on the grounds of sexual harassment, the Council then will recommend or request the head of the Relevant Department to take necessary measures or actions, etc.

(xi) The head of the Relevant Department will report on the progress of the measures recommended or the request to the chairperson of the Council, take appropriate actions, and reports the results of such actions directly to the victim or through the Counselors. (If a person who has made a 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 cases in which the person who has made the claim 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 completely with the Case Investigation Committee regarding interviews, etc.

#### **8) Disciplinary actions and measures for sexual harassment**

(i) The University will endeavor to provide redress to victims of sexual harassment in the best possible way 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 the head of the Relevant Department to provide redress, etc. No person should suffer disadvantages on the grounds that he or she had a consultation about sexual harassment and if it is found that any disadvantage has arisen, appropriate measures will be taken.

(ii) If sexual harassment is committed by any member of faculty and staff, he or she may be subject to disciplinary action under the Work Regulations. If sexual harassment is committed by Students, they may be expelled, suspended, reprimanded, etc. in accordance with the Osaka University Undergraduate School Regulations, Osaka University Graduate School Regulations, etc.

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

(iii) No person should suffer disadvantages on the grounds that he or she has undertaken consultation, testified, or otherwise been involved in resolving the problems, and if it is found that any disadvantage has arisen, appropriate measures will be taken.

(iv) Measures necessary to prevent recurrence or collateral damage may be taken including the suspension from classes, replacement of instructors, granting of substitute credits, suspension of seminars and extracurricular activities, implementation of measures to improve the work environment, etc. and the provision of special education to offenders.

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

#### **9) Other activities for the prevention of sexual harassment**

(i) The University will create leaflets and posters to raise the awareness of sexual

harassment issues.

(ii) The University will provide opportunities to enhance awareness for the prevention of sexual harassment to faculty, staff and the Students through lectures and seminars, etc.

#### **10) Revision**

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