

Reference Materials for Academic Harassment and Power Harassment Guidelines

What behavior can be considered harassment?

Academic harassment and power harassment are different from sexual harassment in that the victim's feeling of discomfort is not always the criteria for whether harassment exists. There are not many judicial precedents for academic harassment and power harassment and it is difficult to form a concrete image of what kind of behavior might fall under the categories of academic harassment and power harassment.

With the aim of providing more concrete images of “**behavior that should not be conducted**” (or, from the viewpoint of the victim, “**undesirable or unjustified behavior**”), examples of behavior that might fall under the categories of academic harassment and power harassment are listed below.

The behaviors listed, however, are no more than examples. There is no doubt that other behaviors not listed could fall under the category of harassment. In some cases, a behavior that may seem too insignificant to be harassment may be deemed harassment when such behavior continuously recurs or is prolonged.

On the other hand, the examples listed here may not automatically constitute harassment. For example, even when a student feels unsatisfied or mentally depressed because of a faculty member's behavior conducted as a part of guidance and instruction, the behavior may be considered a justifiable educational activity from an objective standpoint. The determination of whether a behavior falls under the category of inappropriate and unjustifiable behavior shall be made based not only on the behavior itself, but by taking various other factors into consideration.

A person who is in a position to instruct or supervise others shall continuously reexamine one's own behavior in light of the following examples and make efforts to maintain a good environment, so as not to lose sight of the true purpose of research, education, or occupation.

It is not uncommon for a victim of harassment to develop a physical illness or suffer significant psychological damage. Be fully aware that harassment can damage the physical or mental health of the victim and can even threaten the victim's life.

I. Examples of academic harassment

1) Infringement on the right to engage in research, education and study in a good environment

Faculty members, staff and students have the right to engage in research, education and study in a good environment. However, this right may be infringed upon by academic harassment.

- Neglecting to provide instruction and guidance for research and education without justifiable reason
- Coercing a person to adopt a plan or theme of study or research without adequate explanation and against the person's wishes
- Interfering with research activities by prohibiting the use of literature, books or research instruments, etc., without a justifiable reason
- Interfering with experiments by disposing of experimental equipment and reagents without notice and without a justifiable reason
- Interfering with a business trip or the purchase of goods by refusing to approve a necessary request for a business trip or the purchase of goods without a justifiable reason
- Prohibiting access to research or data facilities without a justifiable reason
- Prohibiting consultation with others concerning research activities without a justifiable reason
- Forcing a person to conduct research activities on holidays or to receive guidance late at night even though it is not necessary
- Unfairly having students, etc., bear the costs of experiments, which should be paid from research expenses
- Coercing a person to engage in a wrongful act for monetary gain such as the fabrication of a fictional part-time job or fictional reward (having a student, etc., prepare a document on a fictional part-time job in order to illegally obtain research expenses)
- Coercing someone to fabricate or falsify research data
- Submitting a research paper without providing explanation to a coauthor about the contents, the order of listing of authors, etc. or without the approval of a coauthor
- A supervisor using the contents of an unpublished research paper of a student, etc., without permission
- Forcing a person to accompany you on a private activity or to arrange pick-ups and drop-offs

2) Unjustifiable evaluation or treatment

The promotion or personnel transfers of a faculty member or staff or the credit earning or advancement of a student should be decided on the basis of fair evaluation of the research or educational activities of each member, staff or student. For the retirement or personnel transfers of a faculty member or the advancement or recruitment of a student, the freedom of choice of the member or student must be respected. If retirement, personnel transfers, advancement or

recruitment is impeded due to an unfair evaluation or reason, or if the freedom of choice of a future career is denied, it will constitute harassment.

- Refusing to indicate a reason of failure to earn a credit
- Forcing a person to repeat a year by arbitrarily changing the determining criteria for graduation or completion
- Refusing to write a letter of recommendation necessary for employment or advancement to another university, without a justifiable reason
- Prohibiting job-hunting activities without a justifiable reason
- Forcing someone to choose between marriage and an academic career, by making a comment such as “Once married, you will never be able to become a researcher”
- Forcing a person to retire against his or her wishes or to unfairly transfer him or her to another research and educational institution

3) Physical or psychological infringement

Of course, actual violent behavior is out of the question and physically or psychologically threatening behavior should also never be conducted. It is inappropriate to conduct behavior that only hurts a student or junior staff, regardless of whether the student or junior staff is present. Making an excuse by saying that the behavior was conducted in order to rouse the person to action will never be accepted. A behavior that stains the honor or infringes on the privacy of a student or junior staff will deeply hurt the victim or make the victim feel discomfort. Do not attempt to learn the details of the private life of a person inappropriately and do not attempt to intrude on the private affairs of a person.

- Insulting a student by tearing up the student’s research paper manuscript or throwing it away in a trash bin in front of the student
- Scolding a person in a loud voice for a minor mistake or in front of others
- Refusing an interview or other direct communication without a justifiable reason
- Refusing to give instruction or guidance or use insulting behavior or words to a specific student on the basis of personal feelings
- Conducting an act that unfairly demeans a person’s personality or position, such as the circulation of a false rumor or anonymous documents about him or her
- Unfairly spreading the personal information of faculty and staff or students obtained in the course of duties among other faculty and staff or students
- Persistently asking about private affairs or giving unwanted advice in a self-centered manner

II. Examples of power harassment

1) Infringement on the right to work in a good environment

Faculty members and staff have the right to work in a good environment. However, this right may be infringed upon by power harassment.

- Refusing to give instruction or guidance without a justifiable reason
- Refusing to assign duties without a justifiable reason
- Prohibiting the use of materials or equipment necessary for the performance of duties without a justifiable reason or disposing of materials or equipment without notice
- Prohibiting a person from consulting with others with respect to duties, without a justifiable reason
- Forcing a person to work on holidays or to work overtime, without a justifiable reason
- Refusing to accept a request for a leave, without a justifiable reason
- Coercing someone to conduct an illegal act such as bid-rigging
- Giving instruction to prepare a false document or the fabrication of a document

2) Infringement on future plans

There are many turning points in people's lives. A person will choose one way from a number of alternatives or will be promoted or transferred on the basis of fair evaluation. However, if a person's freedom of choice is violated or promotion or personnel transfer is hindered without a justifiable reason, the future plans of the person will be ruined.

- Conducting unfair performance reviews
- Forcing a person to retire or change careers
- Forcing someone to choose between marriage and the continuance of work
- Disapproving retirement even though the person wishes to retire

3) Physical or psychological infringement

Of course, actual violent behavior is out of the question and physically or psychologically threatening behavior should also never be conducted. It is inappropriate to conduct behavior that only hurts a junior staff or colleague, regardless of whether the junior staff or colleague is present. Making an excuse by saying that the behavior was conducted in order to rouse the person to action will never be accepted. A behavior and word that stains the honor or infringes on the privacy of a junior staff or colleague will deeply hurt the victim or make the victim feel discomfort. Do not attempt to learn the details of the private life of a person inappropriately and do not attempt to intrude on the private affairs of a person.

- Refusing an interview or other direct communication without a justifiable reason
- Conducting a behavior and using words beyond the scope of duties that slanders the personality of the person or violate his or her human rights

- Circulating a false rumor or anonymous documents
- Ignoring junior staff or using insulting behavior or words
- Unfairly spreading the personal information of junior staff or colleagues obtained in the course of duties among other faculty members or staff
- Persistently asking about private affairs or giving unwanted advice in a self-centered manner