

Akita University Guidelines for Harassment Prevention and Countermeasures

Akita University Human Rights and Ethics Committee

May 14, 2009

1. Purpose of These Guidelines

These Guidelines prescribe necessary matters to prevent and deal with harassment to ensure that the basic human rights as individuals of all faculty and staff, students, and persons connected with the university who constitute Akita University (hereinafter referred to as the “University”) are respected, and to ensure a congenial teaching, research, and working environment, free from harassment.

2. Scope of Application of Guidelines

These Guidelines apply to all persons who constitute the University. In other words, these Guidelines apply to all officers, faculty and staff (regardless of whether full-time, part-time, dispatched, or contracted) who work at the University, and students (undergraduates, graduates, study-abroad students, researchers, auditors, credited auditors, etc.) who study at the University, as well as persons connected to the University (guardians of students, related business operators, patients, etc.).

Consultations regarding harassment subjected to while working or studying at the University are accepted even after leaving the University such as after University members separate from service or graduate, etc. Furthermore, the same applies even if the perpetrator has already left the University.

If harassment becomes an issue among members of the University, these Guidelines shall apply regardless of the location or time at which such incident occurred.

3. Basic Stance Regarding Harassment

Harassment damages the teaching, research, and working environments by damaging the other person’s character and dignity, causing discomfort to the other person, or causing educational, research, medical, or employment disadvantages, etc. due to inappropriate language and behavior that goes against the will of the other person, in matters relating to a wide range of traits such as race, nationality, gender, place of birth, religion, ideologies, principles, age, occupation, existence of disabilities, and physical features.

The University works to prevent harassment, and if harassment occurs the University will work to assist the victim and take prompt and tough action against the perpetrator.

4. Definition of Harassment

While there are a variety of forms of harassment, the following types of harassment are considered to be typical examples of harassment that may become an issue at the University. However, if the person subjected to such treatment feels uncomfortable, even when harassment does not correspond to these forms and regardless of the intentions of the perpetrator, such treatment may be considered harassment.

(1) Sexual Harassment

Sexual harassment means acts that cause the other person discomfort or disadvantages or cause teaching, research, or working environments to deteriorate as a result of sexual language or behavior that goes against the will of the other person. Furthermore, language and behavior based on stereotypes relating to gender, discriminatory beliefs, or assumptions of superiority are also considered to be sexual harassment.

No distinction is made regarding the gender of the perpetrator and victim involved, and incidents between members of the same sex are also treated as sexual harassment. Moreover, no distinction is made regarding the difference in status between the perpetrator and victim, and incidents by students towards faculty and staff are also treated as sexual harassment incidents.

(2) Academic Harassment

Academic harassment means acts in which the perpetrator uses their superior status or authority to cause disadvantages to other person's academic or research activities, or inflict personal slander or provocation, work or education harassment or disadvantageous treatment, as a result of inappropriate and unjust language or behavior that goes against the will of the other person.

(3) Power Harassment

Power harassment means acts in which a person in a superior position in the workplace uses their position and authority to cause their subordinates' or colleagues' desire to work and working environment to deteriorate significantly, and engages in employment harassment and disadvantageous treatment, as a result of inappropriate and unjust language or behavior that goes against the will of the other person.

(4) Maternity and Childbirth, etc. Related Harassment

Maternity and childbirth, etc. related harassment means acts by a superior or colleague that cause working environments to deteriorate significantly and cause employment harassment and disadvantageous treatment as a result of language or behavior with respect to situations concerning pregnancy and childbirth, etc. by female faculty and staff.

(5) Child Care and Nursing Care Leave, etc. Related Harassment

Child care and nursing care leave, etc. related harassment means acts by a superior or colleague that cause working environments to deteriorate significantly and cause employment harassment and disadvantageous treatment as a result of language or behavior towards another person who is using child care and nursing care leave, etc. systems.

* Refer to the attached “Examples of Harassment.”

5. Responsibilities of members

(1) Responsibility of the President and Heads of Departments, etc.

The president assumes overall responsibility for countermeasures, etc. for preventing and dealing with harassment. Heads of departments and persons in a position that oversees staff and students, etc. (hereinafter referred to as “Heads of Departments, etc.”) assume the responsibility of providing guidance, etc. as part of their everyday work and teaching to ensure a pleasant harassment-free environment, deepen awareness of harassment, and dealing with incidents promptly and appropriately if issues arise due to harassment.

(2) Responsibilities of Members

All members of the University must be fully aware of respecting the personality of individuals and ensure that harassment that damages the dignity of others does not occur. Members must assume the obligation to endeavor to prevent such harassment, and must take into consideration the following matters to prevent teaching, research, and working environments from deteriorating due to harassment:

- 1) It is essential to be aware that even nonchalant acts can put major pressure on the other person depending on the situation and context, and members should ensure they use language and behavior appropriate to their status, position, and authority.
- 2) When certain conduct makes a person feel uncomfortable, regardless of the perception or intention of the perpetrator, such conduct may be considered harassment. Therefore, members should be fully aware that such insentience on the part of the perpetrator will result in harassment damage or ignoring harassment.
- 3) It is important to be considerate to others and to take necessary action without treating members who raise problems relating to harassment as trouble makers and without concluding that problems relating to harassment are personal issues between the parties concerned.

6. System of Measures to Prevent Harassment

The University has established a Human Rights and Ethics Committee and a Harassment Prevention Office for taking appropriate action to prevent and mitigate harassment.

The Human Rights and Ethics Committee takes necessary measures such as having facts investigated by an investigation committee to counteract and resolve issues if issues arise due to harassment and with respect to harassment related complaints and consultations. In other words, depending on the situation, requests or reports will be made to the president or the Heads of Departments, etc. to set up a mediation committee, assist victims, take measures against perpetrators, and make improvements to the teaching, research, and working environments, etc. The investigation committee may interview the parties concerned or related parties as necessary, and members are obliged to cooperate with such investigations.

The Harassment Prevention Office works closely with the Human Rights and Ethics Committee and harassment counselors and endeavors to prevent and deal with harassment by accepting consultations and giving advice relating to harassment, conducting initial investigations and responding if harassment issues arise, engaging in educational and PR activities on preventing harassment, etc., and providing training to harassment counselors, etc.

7. Assignment of Harassment Counselors

In addition to regularly accepting consultations at the Harassment Prevention Office, the University assigns harassment counselors (hereinafter referred to as “Counselors”) to each department to handle complaints and consultations relating to harassment (hereinafter referred to as “Consultations”).

Consultations may be conducted by any Counselor, regardless of the department to which the person consulting is affiliated. Furthermore, Consultations are accepted not only from the person harassed but also from their representatives and third parties who witnessed harassment.

Consultations are generally interviews with Counselors, however, Consultations may also take place by telephone, email, or post. As a general rule, two or more Counselors are present at interviews (of which at least one is the same gender as the person consulting), however, if the person consulting so wishes, interviews may be conducted by one Counselor. As well as accepting Consultations by putting themselves in the position of the person consulting, Counselors shall, having obtained consent from the person consulting, record the details of the Consultation in writing and, having obtained the confirmation and understanding of the person consulting, shall submit such report to the Harassment Prevention Office (Human Rights and Ethics Committee). Furthermore, Counselors shall continue to provide support to the person consulting and the person subjected to harassment as necessary thereafter and shall explain the process post-Consultation to the person consulting.

8. Dealing with Harassment

If you feel uncomfortable or that you have been subjected to “disadvantageous treatment” as a

result of the language or behavior of another person, please clearly inform that person that you refuse to accept their language and behavior. The situation will not improve if you merely ignore or accept it. It is important to be brave and put forward your objection regardless of the other person's status and to clearly inform them of your wishes. Even if you are unable to say "No" to the other person, that is not your responsibility, so you should not blame yourself and you should not worry alone but consult with a person you can trust such as a friend or colleague. It is important not to put up with the situation on your own but to first consult with someone close to you.

If you are subjected to harassment it can be extremely difficult to solve the problem on your own. The University's Counselors and Harassment Prevention Office first and foremost respect the wishes of the victim in order to solve harassment issues and are here to help you so you should feel safe when using this service. You may be accompanied by a friend or colleague, etc. if you do not want to attend a Consultation on your own.

Some kind of proof of harassment is not always necessary when consulting, however if possible, please keep a record of when, where, who was involved, what happened and what was said, etc. with regard to language and behavior subjected to so as to facilitate investigations that take place after the consultation. If someone has agreed to be a witness, you will need to confirm that such person will testify for you later.

If someone around you is being harassed, have the courage to help that person. Warn the perpetrator, testify on behalf of the victim, and advise the victim. Encourage the victim to consult with a Counselor and accompany them to a consultation if necessary.

9. Resolution Procedures

(1) Resolution Through Instructions and Advice

The Human Rights and Ethics Committee shall respond as follows, taking into consideration requests from the victim, to cases acknowledged as being harassment based on reports and opinions from Counselors, investigation committees, and other consultation desks (student counselor's desk, health center, etc.):

- 1) If a request is made by a victim and the perpetrator agrees, instructions and advice will be given to the parties concerned to resolve the matter through discussion.
- 2) Requests will be made to the Heads of Departments, etc. who are in a position to supervise the perpetrator of the harassment, to give instructions and advice on making amends, etc. to the perpetrator. In such cases, requests will also be made to protect the victim, and to give adequate consideration to the human rights and privacy of the parties concerned.

(2) Temporary Measures

If even before conduct is recognized as harassment, it is acknowledged that conduct suspected of being harassment is continuing and the situation is serious and urgent, the Human Rights and Ethics Committee shall, with the approval of the person being harassed, take temporary measures with respect to the person being harassed, the perpetrator, and related Heads of Departments, etc.

(3) Resolution Through Measures such as Disciplinary Action

If reports are received from the investigation committee and the case concerned is recognized as being harassment, and measures, including disciplinary action, are deemed necessary, the Human Rights and Ethics Committees shall make a recommendation to the president and the relevant Heads of Departments, etc.

Action to be recommended to the president or Heads of Departments, etc. and measures such as sanctions and remedies to be taken by the president or Heads of Departments, etc. in association with the recommendations include:

- 1) Necessary measures according to the extent of the harm caused, including disciplinary dismissal and expulsion if acts are heinous;
- 2) Remedies and assistance including psychological care for the victim;
- 3) Measures to prevent reoccurrence such as suspension from class, change of faculty or staff, measures for alternative compulsory credits, suspension from participation in seminars and clubs, orders to improve the workplace, etc. environment, etc.

The president shall inform the victim of the University's response and shall announce the case internally and externally giving adequate consideration to the privacy of the parties concerned.

10. Protection of Privacy and Duty of Confidentiality

All those involved such as Counselors who take part in consultations and Human Rights and Ethics Committee members must respect the privacy, reputation, and other human rights of those concerned, including the consulting party. Moreover, leaking confidential matters parties become aware of through Consultations is strictly forbidden.

11. Prohibition of and Protection from Disadvantageous Treatment

Retaliation and disadvantageous treatment of those involved, including consulting parties, on the grounds of consulting, necessary improvements or remedial action, etc., is strictly forbidden. If acts take place in which secrets involving those concerned are leaked or privacy or reputations are damaged, or retaliation or disadvantageous treatment takes place, the Human Rights and Ethics Committee shall immediately conduct necessary investigations and recommend to the president or Heads of Departments, etc. that proper measures (such as disciplinary action) be taken.

Furthermore, false accusations or testimonies relating to harassment are not allowed. The Human Rights and Ethics Committee shall recommend to the president or Heads of Departments, etc. that proper measures (such as disciplinary action) be taken if false accusations or testimonies are acknowledged.

12. Guideline Reviews

These Guidelines shall be appropriately reviewed and revised as necessary.

Supplementary Provisions

These Guidelines shall be effective from May 14, 2009.

Supplementary Provisions

These Guidelines shall be effective from January 1, 2017.

Examples of Harassment

1. Sexual Harassment

While sexual harassment is most commonly perpetrated by men towards women, partly due to Japan's social and employment situations, harassment by women towards men and between people of the same gender is also an issue.

Examples of sexual harassment at the University include cases in general work-related hierarchical relationships such as harassment between superiors and subordinates as well as in hierarchical relationships between faculty and students.

For example, in general, faculty have substantial decision making authority over the grades awarded to their students, etc. and in the case of tutors and students, given that the specialist field of study is the same, such evaluations may have a major influence on students' future career path and employment, etc. after graduation. Due to this kind of structural power relationship between faculty and students, it tends to be easy to force sexual language and behavior that goes against the will of the other person, even if such force is not overt. Sexual language and behavior means language and behavior based on sexual interest or desires, and includes language and behavior based on an awareness that roles should be assigned according to gender or bias relating to sexual orientation or gender identity.

It should be noted that whether certain language or behavior constitutes sexual harassment depends solely on the way in which it is perceived by the other person (whether it makes them feel uncomfortable) and is not something that is judged according to the feelings of the person making such comments or engaging in such behavior.

(1) Compensation Sexual Harassment

Making sexual demands using a teaching, research, or employment status or on the condition of granting advantages or disadvantages and, based on the outcome, providing the other person with advantages or disadvantages relating to education, employment, teaching or research, or extracurricular activities, is considered to be compensation sexual harassment. To be specific, it refers to cases where the language and behavior exemplified as environmental sexual harassment in (2) occurs as follows:

- (a) Sexual pressure on the condition of teaching or research supervision or evaluations, giving or plundering advantages, or exercising authority over personnel matters or work guidance, etc.;
- (b) Reflecting obedience or denial of personal sexual demands in teaching or research guidance or evaluations or academic grades, etc.;
- (c) Reflecting obedience or denial of personal sexual demands in decisions on personnel

or working terms and conditions or work supervision; and

(d) Mixing expressions of sexual interest towards the other person into job performance.

(2) Environmental Sexual Harassment

Allowing the environment to deteriorate such as obstructing the execution of education, work, teaching and research, and extracurricular activities, etc. through language and behavior such as that exemplified below is considered to be sexual harassment:

(a) Making sexual remarks

- Discussing physical characteristics such as asking about vital statistics;
- Making unspeakable obscene jokes;
- Asking questions about sexual experience and sex life;
- Spreading sexual rumors or making sexual banter;
- Making comments to females who look unwell asking if they are menstruating or have reached menopause;
- Making phone calls or sending letters or emails, etc. that are sexual in nature;

(b) Sexual behavior

- Putting up nude posters in research laboratories, workplaces, etc.;
- Purposely showing or reading obscene photos or articles from magazines, etc.;
- Display obscene images on computer displays in research laboratories, workplaces, etc.;
- Persistently staring at or following the other person's body with their eyes;
- Persistently inviting another person out for a meal or date;
- Intentionally touching part of another person's body (shoulder, back, waist, cheek, hair, etc.)
- Unnecessarily giving personal guidance to others;
- Force sexual relations;
- Demanding the wearing of *yukata* at dinner parties during seminar or work trips;
- Demanding to be accompanied on business trips and summoning the other person to a room at the destination unnecessarily; or
- Demanding to pick up or take home others or following others back to their home.

(3) Gender Harassment

Gender means socially constructed differences between the sexes, and gender harassment refers to harassment based on stereotypes or discrimination relating to gender, etc. The following specific examples are gender harassment due to evaluating a person's character or abilities and making decisions based solely on the grounds of whether that person is male or female.

(a) Making comments that it is not possible to trust work to women, that women should merely be for display in the workplace, or that someone has no guts despite being male;

(b) Demanding tea-making, cleaning, or assistance with personal business, etc. solely due to being female;

- (c) Referring to people in a manner that does not acknowledge them as a person such as boys, girls, old men or old women;
- (d) Demanding the singing of duets at karaoke; or
- (e) Assigning seats next to superiors or tutors, etc. at social gatherings or demanding the serving of sake or cheek-to-cheek dancing, etc. (such acts may constitute environmental or compensation sexual harassment).

2. Academic Harassment

Academic harassment is objectively unwarranted harassment or discrimination using higher status or authority in academic or research situations. Causing the other person physical or mental distress or strain or extreme discomfort as a result of violent language or behavior, etc. used in educational guidance or research activities, regardless of gender, is a serious abuse of human rights. Members should be aware that such acts that prevent academic or research at the university or result in the deterioration of teaching and research environments will lead to loss of profit for the university. The following examples that may be deemed to be academic harassment may not actually constitute harassment, even if similar language and behavior takes place, depending on the situation and various factors, etc. The following examples are not exhaustive, and members should take care when using other language or behavior.

(1) Research Activity Related Harassment

- (a) Purposely not providing appropriate research guidance, etc.;
- (b) Hindering research by not approving use of equipment or not distributing necessary research fees or business travel expenses;
- (c) Obstructing research presentations or paper writing, etc.;
- (d) Willfully disposing of research specimens or articles;
- (e) Not permitting a specific individual to purchase items essential to their research; or
- (f) Otherwise obstructing legitimate research activities or using language or engaging in behavior that negates thinking or autonomy with regard to research activities despite a lack of reasonable grounds for such language or behavior.

(2) Educational Guidance Related Harassment

- (a) Not giving instruction;
- (b) Responding unjustly or unfairly when awarding degrees or credits;
- (c) Encouraging or suggesting someone withdraws from the university despite there being no reasonable grounds for withdrawing;
- (d) Obstructing or interfering with career paths that lacks academic consideration;
- (e) Not granting of credits based on personal subjective criteria despite good grades;
- (f) Severely reproofing someone in excess of the scope of commonsensical educational guidance;

- (g) Forcing illogical or unscientific punitive training to “improve oneself,” etc.; or
- (h) Otherwise neglecting necessary educational guidance or engaging in language or behavior that strongly denies dignity as a human being in educational guidance situations.

3. Power Harassment

Power harassment is bullying or harassment that takes place in workplace relationships of authority in employment situations that do not directly relate to teaching or training. For example, language and behavior by superiors to their subordinates or seniors to juniors that exceeds work related instructions, such as persistent and repeated slandering of their appearance or personality, shouting in an unnecessarily loud voice, and severely reprimanding trivial mistakes, is considered to be power harassment. The problem here is that acts involving bullying or harassment seldom come to the surface due to being hidden in instructions or work related orders during the routine performance of duties.

The following examples that may be deemed to be power harassment may not constitute harassment, even if similar language and behavior takes place, depending on the situation and various other factors, etc. The following examples are not exhaustive, and members should also take care when using other language or behavior.

- (a) Violent language or behavior, language or behavior that damages someone’s character, abuse or slander, or spreading details relating to privacy;
- (b) Encouraging or suggesting someone separates from the university despite there being no reasonable grounds for separation;
- (c) Reprimanding trivial mistakes in a loud voice or repeatedly and persistently using abusive language;
- (d) Spreading negative rumors with the aim of trapping the other person or telling unfounded tales;
- (e) Unjustly recommending someone work at another university or research institute or giving them recruitment information;
- (f) Pressing someone to take on work that cannot be finished in time;
- (g) Frequently assigning tasks that are difficult to get used to or forcing someone to do meaningless tasks;
- (h) Making unreasonable requests to fixed-term employees on the condition of renewing employment contracts; or
- (i) Engaging in other language or behavior that causes the working environment to unjustly deteriorate or that causes disadvantages in relation to employment despite there being no reasonable grounds.

4. Pregnancy and Child Birth, etc. Related Harassment in the Workplace and Child Care and

Nursing Care Leave, etc. Harassment

Pregnancy and child birth, etc. related harassment in the workplace and child care and nursing care leave, etc. harassment include the following harassment by superiors or colleagues.

(1) Harassment Relating to Pregnancy and Child Birth, etc.

(a) Superiors making suggestions to female faculty or staff that they may be dismissed or otherwise treated disadvantageously or telling them that they should not make requests or should withdraw requests, etc. when their labor efficiency falls, etc. or they are unable to work due to work restrictions in relation to being pregnant, having given birth, or suffering from morning sickness, etc. (hereinafter referred to as “Fall in Labor Efficiency due to Pregnancy, etc.”), (cases in which objectively speaking, female faculty and staff subjected to harassment are prevented from requesting or using systems, etc.) and repeated or continuous harassment, etc. (Cases in which objectively speaking, impediments occur that cannot be overlooked in employment such as situations in which female faculty and staff subjected to harassment are unable to demonstrate their abilities or continue to work due to its grave negative impact.)

(b) Repeated or continuous harassment, etc. by colleagues due to a Fall in Labor Efficiency due to Pregnancy, etc. among female faculty and staff. (Cases in which objectively speaking, impediments occur that cannot be overlooked by female faculty and staff in employment such as situations in which female faculty and staff subjected to harassment are unable to demonstrate their abilities or continue to work due to its grave negative impact.)

(2) Use of Child Care and Nursing Care Leave (Systems, etc.)

* “Systems, etc.” means maternity health care measures, maternity leave, reassignment to light duties, child care leave, nursing care leave, leave to care for a sick child, leave to care for a sick or injured family member, restrictions on work outside prescribed hours, restrictions on overtime work, restrictions on late-night work, early and late shifts, short-time working for child care, time for child care, and time for nursing care.

(a) Superiors making suggestions to the relevant faculty or staff that they may be dismissed or otherwise treated disadvantageously or telling them that they should not make requests or should withdraw requests, etc. as a result of consulting with a superior when wishing to use systems etc. or having applied to use or using systems, etc. (cases in which objectively speaking, faculty and staff subjected to harassment are prevented from requesting or using systems, etc.) and repeated or continuous harassment, etc. (Cases in which objectively speaking, impediments occur that cannot be overlooked in employment such as situations in which faculty and staff subjected to harassment are unable to demonstrate their abilities or continue to work due to its grave negative impact.)

(b) Colleagues telling the relevant faculty or staff that they should not make requests or

should withdraw requests, etc. as a result of informing colleagues of wishing to use systems etc. or having applied to use or using systems, etc. (cases in which objectively speaking, faculty and staff subjected to harassment are prevented from requesting or using systems, etc.) and repeated or continuous harassment, etc. (Cases in which objectively speaking, impediments occur that cannot be overlooked in employment such as situations in which faculty and staff subjected to harassment are unable to demonstrate their abilities or continue to work due to its grave negative impact.)