

\* The Japanese version is the authoritative version, and this English translation is intended for reference purposes only. Should any discrepancies or doubts arise between the two versions, the Japanese version will prevail.

## **Harassment Prevention Guidelines for Tokyo University of Foreign Studies**

( March 31, 2009  
Regulation No. 36 )

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### 1 Purpose

The Tokyo University of Foreign Studies (hereinafter referred to as the "University") established the Harassment Prevention Guidelines for Tokyo University of Foreign Studies (hereinafter referred to as the "Guidelines") so that all members of the University (hereinafter referred to as the "members of the University") can attend school or work in a sound environment where they are respected as individuals and which does not infringe on human rights such as sexual harassment, academic harassment, power harassment, and harassment related to pregnancy, childbirth, childcare leave, caregiving leave, etc.

### 2 Purposes

These Guidelines set forth the basic policy for preventing sexual harassment, academic harassment, power harassment, and harassment that violates human rights such as those related to pregnancy, childbirth, childcare leave, caregiving leave, etc. (hereinafter referred to as "harassment") and provide for necessary matters such as the definition of harassment, applicable persons and scope of these Guidelines, the system for preventing harassment and resolving problems, and the measures to be taken by the University against harassment.

### 3 Basic policy

- (1) In order to realize a campus free from harassment, the University shall establish a system to prevent such harassment from occurring.
- (2) In the event that harassment arises, the University shall promptly and properly take appropriate measures including the punishment of the wrongdoer and shall endeavor to save the victims, restore a sound environment for school attendance and work, and prevent recurrence of similar situations.
- (3) The University shall establish the Tokyo University of Foreign Studies Harassment Prevention Committee (hereinafter referred to as the "Prevention Committee") and the Tokyo University of Foreign Studies Harassment Consultation Office (hereinafter referred to as the "Consultation Office") to prevent harassment and solve problems.
- (4) The University shall take appropriate measures so that any person who consulted about or alleged harassment or any member of the University who was involved in solving the problem will not be adversely affected thereby.

- (5) The members of the University must endeavor to create a sound educational and work environment free from harassment and discrimination in which all persons are respected as individuals. In particular, those who have authority or superior positions in education, research, and university management must take sufficient care not to abuse such authority or superior position and cause harassment.
- (6) The President shall have control over the University with respect to each of the above matters.

#### 4 Definition

##### (1) Harassment

Harassment in these Guidelines means sexual harassment, academic harassment, power harassment, and harassment related to pregnancy, childbirth, childcare leave, caregiving leave, etc., as well as any infringement of human rights resulting in disadvantages in attendance at school or work or serious adverse effects on the mind of the other party due to grossly inappropriate words or deeds contrary to the other party's wishes concerning gender, social status, race, ethnicity, nationality, religion, creed, age, sexual orientation, or mental or physical disability.

##### (2) Sexual harassment

The term "sexual harassment" as used in these Guidelines means any sexually explicit language or behavior which makes the other party uncomfortable, puts the other party at an disadvantage in attending school or work, or has an extremely adverse effect on the other party's mind.

In addition to language and behavior toward the opposite sex, language and behavior toward the same sex also apply. In addition, regardless of the sexual orientation or gender identity of the other party, the above words and actions toward such other party shall also be applicable. Such words and actions includes the following.

- (i) To inquire about sexual facts; to seek sexual relations; to engage in sexual conversations, jokes, actions, etc.; to circulate sexual rumors; to openly place, transmit, or deliver obscene documents, photographs, or other information of a sexual nature; and to make unnecessary body contact.
- (ii) Any sexually explicit language or behavior which has an adverse effect on an individual's ability to exercise his/her full potential or which compromises an individual's dignity by making his/her school attendance and working environment uncomfortable.
- (iii) To cause disadvantages onto others for their response in dealing with sexual speech and behavior.
- (iv) To make sexual orientation and gender identity the subject of teasing and making others uncomfortable.

##### (3) Academic harassment

The term "academic harassment" as used in these Guidelines means any language or behavior which compromises the character and dignity of the other party and causes disadvantages or annoyance to the other party based on their position and relationship in education and research. Such words and actions include the following.

- (i) To engage in any language or behavior which unreasonably offends one's character and dignity; is contrary to the fact, may cause considerable anxiety; or is substantially inappropriate in relation to advancement, selection, evaluation of results and research, guidance for writing papers, employment,

and advancement in education, or in connection with any other education or research-related matter.

- (ii) To make the environment for education and research uncomfortable by any language or behavior described in (i) above (including any language or behavior similar thereto), bringing about an adverse effect on the demonstration of an individual's ability or harming an individual's dignity.
  - (iii) To impede freedom of education and research with an unfair purpose or to render disadvantages in advancement, selection, evaluation of results and research, guidance for writing papers, employment and advancement in education, or in connection with any other education or research-related matter.
- (4) Power harassment

The term "power harassment" as used in these Guidelines means any language or behavior which compromises the character and dignity of the other party by using one's position and authority in the course of duties, thereby deteriorating the educational and work environment and causing disadvantages or discomfort to the other party. Such words and actions includes the following.

- (i) To give unfair disadvantages in treatment for appointment such as promotion, transfer, etc. and treatment for salary such as rise in salary and work allowance, etc.
  - (ii) To make the educational and work environments unpleasant and adversely affect the demonstration of an individual's ability or damage an individual's character and dignity.
- (5) Harassment regarding pregnancy, childbirth, childcare leave, caregiving leave, etc.

The term "harassment regarding pregnancy, childbirth, childcare leave, caregiving leave, etc." as used in these Guidelines means any language or behavior which interferes with the other party's use of any of the systems or measures relating to pregnancy, childbirth, childcare, or caregiving and any harassment resulting from the use of such measures, thereby causing physical or mental suffering or disadvantages to the other party or aggravating the educational, research, or work environment.

## 5 Applicable persons and scope of these Guidelines

### (1) Applicable persons

The members of the University covered by these Guidelines shall mean all persons who attend or work at the University, including students; research students; non-degree students; auditors; students and participants of open lectures, etc. sponsored by the University; teachers; clerical workers; part-time lecturers; part-time employees; temporary employees; contract employees; researchers both in Japan and abroad who are enrolled in the University; and fellows.

### (2) Scope of application

These Guidelines shall apply wherever and whenever harassment occurs among members of the University.

### (3) Application mutatis mutandis

In the event that harassment arises between any member of the University and a person other than a member of the University, the procedures for consultation and allegation set forth in these Guidelines and related regulations shall apply mutatis mutandis as long as the education and research activities and performance of duties of the University are involved.

## 6 Methods for consultation and problem-solving regarding harassment (1) Consultation and allegation procedures

- (i) A person who considers that he/she has been harassed or a person who has seen or heard words or actions which are considered harassment (hereinafter collectively referred to as "consulting party") may contact the Consultation Office.
- (ii) Any person who considers that he/she has been harassed may file a claim for damages with the Prevention Committee. (The person who files the claim shall be hereinafter referred to as the "Petitioner" and the person who is alleged to have committed the harassment shall be hereinafter referred to as the "Respondent".)
- (iii) The Petitioner may withdraw the claim at any stage.

(2) Prevention Committee

- (i) When the Prevention Committee receives an allegation, it proceeds with procedures for either investigation, conciliation, or adjustment. An Investigation Committee shall be established for investigation and a Conciliation Committee shall be established for conciliation. If necessary, emergency measures shall be taken.
- (ii) The Prevention Committee shall receive a report and certify whether or not any harassment has occurred.
- (iii) The Prevention Committee shall report the results of fact-finding to the President.
- (iv) When the Prevention Committee finds any harassment, it shall submit to the President its opinions on disciplinary punishment or any other punishment (hereinafter referred to as "punishment") and various measures for environmental improvement, etc.

(3) Consultation Office

The Consultation Office shall be established under the Prevention Committee and shall have counseling employees in order to provide counseling regarding harassment.

(4) Confidentiality obligation

Any member of the Prevention Committee, the Investigation Committee, the Conciliation Committee, the counseling employees, or any other person who has come to know any of the related information in the course of his/her duties must strictly keep secret and confidential such information (including personal information) and protect the privacy and honor of the Petitioner, the Respondent, and all persons concerned.

7 Punishment and measures for harassment

- (1) Based on the report of the Prevention Committee and respecting its opinions on the punishment and measures, the President shall impose punishment on any harassment violators.
- (2) The President shall make public in a proper manner any punishment that is imposed.
- (3) The President shall impose, in addition to the punishment, the obligation of training, etc. on the harassment violator as necessary to prevent any recurrence.
- (4) When any harassment is found, the President shall promptly take steps such as environmental improvement to prevent recurrence of such harassment.
- (5) Even before any harassment is recognized, the President shall take emergency measures to maintain a sound educational and work environment if deemed necessary.

8 Obligations of members of the University

- (1) No member of the University shall circulate groundless rumors about or harass, denounce, or discriminate

any persons concerned with any harassing matter.

- (2) No member of the University shall abuse any of the systems under these Guidelines or give any false consultation, allegation, or testimony.

9 Measures to prevent harassment

- (1) The University shall actively and continuously conduct enlightenment activities, training, and education in order to prevent harassment.
- (2) The University shall endeavor to reflect in its curriculum the contents of education which contribute to the prevention of harassment.

10 Detailed regulations

In addition to what is provided for in these Guidelines, matters regarding the Prevention Committee and the Consultation Office as well as other matters regarding the prevention of harassment and problem solving shall be separately determined by the President.

11 Revision of Guidelines, etc.

When it becomes necessary to revise these Guidelines and the related Regulations, the President shall promptly revise these Guidelines and the related Regulations on the basis of opinions regarding the revision offered by the Prevention Committee.

Supplementary provisions

- 1 These Guidelines shall be effective as of April 1, 2009.
- 2 Guidelines for Prevention of Harassment Related to Human Rights Infringement Such as Sexual Harassment and Academic Harassment at Tokyo University of Foreign Studies (Regulation No. 42 of 2007) shall be repealed.

Supplementary provisions

These Guidelines shall be effective as of January 1, 2017.