

Regulations Concerning the Prevention of and Countermeasures Against Harassment

Regulation 953

Partially revised December 17, 2008; April 1, 2010
December 8, 2010; April 1, 2016
April 1, 2018; April 1, 2019
October 1, 2020

Chapter 1: General Provisions

(Purpose)

Article 1. Hosei University (including attached schools; hereinafter, “the University”) shall establish these regulations with the aim of securing an environment where the members of the University, including students, junior and senior high school students, and teaching staff prescribed in Article 3 (hereinafter, “the members of the University”) can educate, research, study, and work comfortably by prescribing measures for preventing and eliminating harassment at the University and dealing with the matters necessary for appropriately responding to harassment in conformity with the respect of basic human rights under the Constitution of Japan, the Fundamental Law of Education, the Labour Standards Law, Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment, the Basic Act for Gender Equal Society, etc., as well as the spirit of equality under law.

(Definitions)

Article 2

1. Under these regulations, harassment shall be defined as follows:

(1) Sexual harassment: Violation of personal rights where a member(s) of the University puts another member(s) of the University in a disadvantageous position or causes discomfort in education, research, study, or work by saying or doing inappropriate and unfair things of a sexual nature in an educational, research, study, or work environment, thereby causing them mental or physical damage.

(2) Academic harassment: Violation of personal rights where a member of the University leverages dominative relationships with another member in education, research or study to disadvantage the latter beyond the scope necessary and appropriate for education, research or study, thereby causing mental or physical damage that potentially hinders the latter’s education, research or study.

(3) Power harassment: Violation of personal rights where a member of the University leverages dominative relationships with another member at work to disadvantage the latter beyond the scope necessary and appropriate for work, thereby causing mental or physical damage that potentially hinders the latter’s work.

(4) Harassment related to pregnancy, childbirth, etc.

Violation of personal rights where a member of the University inflicts physical or emotional suffering on another member, either verbally or via actions, in relation to pregnancy or childbirth or in relation to the latter’s utilization of or application for work systems or measures relevant to pregnancy, childbirth, etc.

(5) Harassment related to childcare leave, family-care leave, etc.

Violation of personal rights where a member of the University inflicts physical or emotional suffering on another member, either verbally or via actions, in relation to the latter’s utilization of or application for work systems or measures relevant to childcare leave, family-care leave, etc.

2. The preceding paragraph shall be notified to the members of the University by including specific examples in the guidelines prescribed in Article 4.

(Scope of Application)

Article 3

1. These regulations, whether on or off the campus of the University and whether inside or outside the time of extracurricular or other activities, shall apply to the following harassment cases between the members of the University:

(1) Students (all people who study at the University including undergraduate students, postgraduate students, correspondence students, credited auditors, special auditors, and international exchange students; hereinafter, “the students”)

(2) Junior high and senior high school students (students of Hosei University Junior and Senior High School, Hosei Daini Junior and Senior High School, and Hosei University Kokusai High School; hereinafter, “the junior and senior high school students”)

(3) Faculty members (in all positions irrespective of full-time or part-time status; hereinafter referred to as “Faculty Members”)

(4) People who carry out tasks for the University, including contractors and worker dispatch agencies

2. Junior and senior high school students may appoint their guardians as representatives.

3. Students and junior and senior high school students who lost their enrolment at the University through completion, graduation, withdrawal, or other reasons within the past year, and faculty members, contractors, worker dispatch agencies, and others who left job within the past year may be considered under the ambit of these regulations, provided the incidences concerned occurred during their enrolment or while in office.

(Responsibilities of the University)

Article 4

1. To attain the purpose of preventing harassment as prescribed in Article 1, the University shall continue educating the members of the University and, if a case of harassment involving a member(s) of the University (hereinafter, “the case”) has occurred, form a team necessary for taking prompt and appropriate measures and allocate personnel.

2. The University shall take a stringent stand against the violation of personal rights including harassment and, if an alleged case of harassment has been confirmed and improvement of educational, research, or work environment is deemed necessary, shall take necessary measures promptly.

3. To achieve the purposes listed in Paragraphs 1 and 2 of this Article, the University shall permanently establish the Harassment Prevention and Countermeasure Committee and the Harassment Consultation Office. The Harassment Prevention and Countermeasure Committee shall establish the Harassment Review Committee as necessary.

4. Harassment prevention and countermeasure guidelines shall be provided elsewhere.

(Responsibilities of the Heads of Departments, etc. and the Members of the University)

Article 5

1. The heads of Faculties, Graduate Schools, Attached Schools, Research Institutes, Administrative Offices, etc. of the University (hereinafter, “the Heads of Departments, etc.”) shall make efforts for preventing harassment at the organizations they oversee and must respond to any cooperation requests from the Harassment Prevention and Countermeasures Committee under Article 6.

2. Members of the University must not engage in acts of harassment with the recognition that harassment is a violation of personal rights. They must also cooperate in the creation and maintenance of educational, research, study, and work environment without harassment and in the protection and support of people who have sought advice (hereinafter, “the consultee”) and people who have applied for a formal procedure (hereinafter, “the claimant”).

3. University members, as well as those who have already completed courses, graduated, withdrawn or left employment if he/she is a party of the relevant case, shall be bound to collaborate in the University’s investigation.

Chapter 2. The Harassment Prevention and Countermeasure Committee

(Establishment)

Article 6. To prevent and eliminate behaviors that constitute harassment and to appropriately respond to any incidences of harassment that have occurred, the University shall establish the Harassment Prevention and Countermeasure Committee (hereinafter, “the Prevention and Countermeasure Committee”) as a permanent committee.

(Duties and Authority)

Article 7

1. The Prevention and Countermeasure Committee shall deal with the following matters:

- (1) Matters related to the planning and implementation of policies related to the prevention of and measures against harassment overall;
- (2) Matters related to the education and training for preventing harassment;
- (3) Matters related to the Harassment Consultation Office;
- (4) Matters related to the Harassment Review Committee;
- (5) Matters related to the University’s initiatives related to harassment and the publication of their outlines;
- (6) Other matters deemed important for preventing harassment.

2. The Prevention and Countermeasure Committee shall have the authority to prepare a review report that contains recommendation of emergency or tentative measures, resolution through talks, and actions. However, in regard to emergency and tentative measures and the resolution through talks, the Prevention and Countermeasure Committee may delegate its authority to the Harassment Review Committee.

(Composition and Term)

Article 8

1. The Prevention and Countermeasure Committee shall consist of the following members who are appointed by the President:

- (1) Executive Trustee nominated by the President One person
- (2) Full-time faculty members nominated by the President Two persons
- (3) Vice President in charge of Graduate Schools or Vice Chair of the Graduate School Council
One person
- (4) Individuals elected from among Faculty Deans Two persons
- (5) Director of the Student Affairs Center
- (6) Chair of the Student Counselling and Support Administrative Committee
- (7) Full-time faculty members elected from each Faculty (e.g., Manager of the Faculty Council)
Fifteen persons
- (8) Corporate Executive Director, Executive Director for Educational Support, Executive Director for Student Support, Director of the Human Resources Division, and Director of the Student Affairs Center Administration Division
- (9) A person elected from among the Principals of the Affiliated Junior and Senior High Schools One person
- (10) Teachers of the Affiliated Junior and Senior High Schools (Curriculum Coordinator, etc.) One or more persons
- (11) A lawyer One person

2. The Prevention and Countermeasure Committee may request faculty members of the University, medical doctors from outside the University, and others to attend its meetings to deliberate on certain technical matters.

3. The term of the members other than those referred to in Paragraph 2 shall be two years; however, that they may be reappointed.

4. If a member has been replaced during his/her term, the term of the successor shall be the remaining term of the predecessor.

5. The parties concerned cannot participate in the Prevention and Countermeasure Committee’s deliberation and resolution processes in relation to the case.

(Chair, etc.)

Article 9

1. The Prevention and Countermeasure Committee shall appoint a Chair who presides at its meetings.
2. The Chair and Vice Chair shall be nominated by the President from among the people specified in Article 8.1(2).
3. The Vice Chair shall assist the Chair and act on behalf of the Chair should the Chair be unable to fulfill his/her chairmanship due to incapacity.

(Meetings)

Article 10

1. Unless otherwise stipulated, attendance of a majority of the total membership of the Prevention and Countermeasure Committee shall constitute a quorum for its meetings, and resolutions shall be passed by two-thirds of attendance at the meetings.
2. The Prevention and Countermeasure Committee meetings shall be held twice a year; however, that the meetings may be held when deemed necessary by the Chair of the Committee.
3. The Prevention and Countermeasure Committee, where the President deems it necessary and approval of the claimant has been obtained, shall publish the summary of the case within and outside the University.

Chapter 3 Harassment Consultation Office

(Establishment)

Article 11

1. To respond to requests for consultation for harassment-related matters, the University shall establish the Harassment Consultation Office (hereinafter, “the Consultation Office”). The Consultation Office shall employ harassment consultants and be made accessible to all members of the University by publishing its contact details.
2. The Consultation Office shall be open to those individuals that fall under the ambit of Article 3.3.

(Duties)

Article 12. Based on the policies of the Prevention and Countermeasure Committee, the Consultation Office shall deal with the following matters:

- (1) Matters related to harassment consultation;
- (2) Matters related to the hearing of details and the reception of the application for resolution of a harassment case;
- (3) Matters related to the reporting of any case referred to the Prevention and Countermeasure Committee and requiring support for the resolution of the case;
- (4) Matters related to the planning and implementation of harassment prevention education, training, etc.;
- (5) Other matters related to consultation, prevention, and education related to harassment/
- (6) Matters related to the administration of the Prevention and Countermeasure Committee.

(Composition)

Article 13. The Consultation Office shall be established at the Ichigaya Campus and shall consist of the following members:

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| (1) Director of the Consultation Office | One person |
| (2) Vice Director of the Consultation Office | One person |
| (3) Officers | One or more persons |
| (4) Professional consultants (people who have qualifications, such as clinical psychologists, and conduct the first interview) | One or more persons |

(5) A lawyer One person

(Director of the Consultation Office, etc.)

Article 14

1. The Director and the Vice Director of the Consultation Office shall concurrently serve as the Chair and the Vice Chair of the Prevention and Countermeasure Committee, respectively, prescribed in Article 9 and appointed by the President.
2. The term of the Director and Vice Director of the Consultation Office shall be the same as the term of the Chair and the Vice Chair, respectively, of the Prevention and Countermeasure Committee.

(Consultation, Response, etc.)

Article 15

1. Professional Consultants shall offer consultations face-to-face and through other means.
2. Should the case have taken place on the campuses other than the Ichigaya Campus or at the affiliated schools, Professional Consultants may visit such campuses or schools as deemed necessary to offer consultations.
3. The Director of the Consultation Office, if he/she believes the consultee needs medical attention or professional counselling, may refer the claimant to an external specialized agency in collaboration with the Student Consultation Office or other organizations.

Chapter 4. Harassment Review Committee

(Establishment)

Article 16

1. The Prevention and Countermeasure Committee shall establish the Harassment Review Committee (hereinafter, “the Review Committee”) in any of the following cases:
 - (1) The consultee (the person himself/herself) has made application in writing;
 - (2) The Prevention and Countermeasure Committee believes that the situation is serious and an emergent response is necessary, even in the absence of application by the consultee (the person himself/herself), provided, however, that the will of the consultee (the person himself/herself) shall be considered in establishing the Review Committee.
2. The Prevention and Countermeasure Committee may, in principle, delegate its authority to the Review Committee in determining emergent and tentative measures or seeking resolution through talks.
3. Upon the establishment of the Review Committee, the Prevention and Countermeasure Committee shall notify both the claimant of the case and the other party to this effect (hereinafter, “the parties”) and contact the Heads of the Departments the parties belong to or other appropriate persons.

(Duties)

Article 17

1. The Review Committee shall deal with the following matters:
 - (1) Matters related to investigation of the facts concerning the case;
 - (2) Matters related to emergency and tentative measures;
 - (3) Matters related to resolution through talks;
 - (4) Matters related to the preparation of the draft review report
2. Where the application is deemed not appropriate in light of the purpose prescribed in Article 1, the Review Committee shall not accept the concerned application with approval of the Prevention and Countermeasure Committee and promptly report to the claimant to this effect.

(Composition and Term)

Article 18

1. The Review Committee shall consist of the following members who are appointed by the President:

(1) Among The people prescribed in Article 8.1.2 or 8.1.11, those selected by the Prevention and Countermeasure Committee in consideration of the status, job, affiliation, gender, and other attributes of the parties (provided, however, that the parties may not become the members of the Review Committee concerning the case)

One or more persons

(2) Where deemed necessary by the Prevention and Countermeasure Committee, one or more faculty members of the University may be appointed as the members of the Review Committee.

(3) A lawyer One person

2. The term of the members of the Review Committee shall extend until the duties concerning the case end.

3. People shall not be precluded from concurrently serving for multiple committees working on multiple cases.

(Chair)

Article 19

1. The Review Committee shall appoint the Chair who presides at its meetings.

2. The Chair of the Review Committee shall be elected from among the members of the Prevention and Countermeasure Committee who are the members of the Review Committee (provided, however, that Article 18.1.3 shall be excluded).

3. The Chair of the Review Committee may, with approval of the Review Committee, request a person(s) other than the Committee members to attend its meetings when deemed necessary.

(Emergency and Tentative Measures)

Article 20

1. The Review Board shall take immediate emergency or provisional measures under Paragraph 2, Article 16 herein upon identifying a situation deemed serious enough to warrant such action. If the relevant rights have not yet been delegated to the Review Board, the Prevention and Countermeasure Committee shall decide on appropriate emergency or provisional measures.

2. The Review Committee (or the Prevention and Countermeasure Committee if the authority is not delegated) shall give the other party an opportunity to express its opinions verbally or in writing before determining emergency or tentative measures.

3. The Review Committee (or the Prevention and Countermeasure Committee if the authority is not delegated) shall advise the Heads of the Departments the parties belong to to implement emergency or tentative measures. These Heads of the Departments must endeavor to implement these emergency or tentative measures.

4. The Review Committee (or the Prevention and Countermeasure Committee if the authority is not delegated) may request report from the Heads of the Departments concerning Paragraph 3.

5. The Review Committee shall report to the Prevention and Countermeasure Committee concerning recommended emergency or tentative measures and other matters.

(Resolution Through Talks)

Article 21

1. The Review Committee, where the claimant has requested resolution through talks between the parties, shall carry out the following tasks in accordance with Article 16.2, provided, however, that if the authority is not delegated to the Review Committee, the Prevention and Countermeasure Committee shall carry out these items.

(1) Provide support as necessary so that talks between the parties progress smoothly;

(2) Propose solutions based on the investigation into and review of the facts, provided both the parties wish for it.

2. Agreements reached by the parties hereto shall be recorded in summary, and the Review Board shall report the details of the record to the Prevention and Countermeasure Committee.

(Preparation and Report of the Draft Review Report)

Article 22

1. The Review Committee shall, where it deems necessary, propose to the Prevention and Countermeasure Committee the preparation of a draft review report.
2. The Prevention and Countermeasure Committee shall, where it deems necessary, instruct the Review Committee to prepare a draft review report.
3. The Review Committee shall prepare the draft review report in accordance with Paragraph 2 and submit it to the Prevention and Countermeasure Committee.
4. The Review Committee shall give the other party an opportunity to express its opinions verbally or in writing before preparing the draft review report.

(End and Dissolution of Review)

Article 23

1. The Review Committee shall end and dissolve the review when any of the following items apply:
 - (1) Have made recommendations under Article 20;
 - (2) Have reached an agreement under Article 21;
 - (3) Have submitted the draft review report under Article 22 to the Prevention and Countermeasure Committee;
 - (4) The claimant has requested to cancel the review, provided, however, that this shall not apply if the Review Committee believes the cancellation to be inappropriate;
 - (5) Other cases where the Center Director deems it necessary.
2. Where the conclusion has been reached based on the review by the Review Committee that the case does not constitute harassment, the Review Committee shall report to the Prevention and Countermeasure Committee to the effect, and the Review Committee shall, with approval of the Prevention and Countermeasure Committee, end and dissolve the review.
3. The Prevention and Countermeasure Committee shall inform the parties and the Heads of the Departments to which the parties belong to of the end of the case.

(Action Taken by the University)

Article 24

1. The Prevention and Countermeasure Committee shall consider the draft review report, prepare a review report that contains recommended actions, and submit it to the President.
2. The President shall, when he/she has been reported on the review report containing actions recommended by the Prevention and Countermeasure Committee, promptly apply the University regulations and take appropriate measures after following prescribed procedures.
3. The Harassment Prevention and Countermeasure Committee shall be reported on the details of the measures taken.

Chapter 5 Points to Note

(Duty of Confidentiality)

Article 25. All individuals involved in the case must act carefully so as not to violate the personal rights, including honor and privacy, of the parties and other interested parties. The members of the Prevention and Countermeasure Committee and the Review Committee, among other people, both during and after their terms, must not reveal information, including personal information, obtained in the course of their duties to the third parties or use for unjust purposes.

(Prohibition of Disadvantageous Treatment)

Article 26. The members of the University and all individuals involved in the case must not obstruct consultations related to the harassment concerned or the claimant and must not disadvantageously treat the claimant or others who have cooperated with the review concerned or have responded fairly to the harassment concerned.

(Prohibition of False Claims, etc.)

Article 27. The members of the University and all individuals involved in the case must not make false claims or statements during consultations, examinations, interviews, etc. related to the harassment concerned.

(Measures)

Article 28. The President shall apply the University regulations and take appropriate measures against people who have violated Articles 25 and 27.

Chapter 6 Secretariat, etc.

(Secretariat, Etc.)

Article 29

1. The Secretariat dealing with the prevention of and measures against harassment shall be the Harassment Consultation Office.
2. The Secretariat may request support from the Review Committee in close collaboration with the General Administration Division, the Human Resources Division, and departments related to education and research, among others.

(Detailed Regulations)

Article 30. In addition to these provisions, matters related to the prevention of and measures against harassment shall be prescribed elsewhere.

Supplementary Provisions

1. These regulations shall be enforced from April 1, 2008.
2. With these regulations enforced, Regulations Concerning Sexual Harassment Prevention and Relief (Regulation 644) shall be abolished on March 31, 2008.
3. These regulations shall be enforced from December 17, 2008, after partial revision.
4. These regulations shall be enforced from April 1, 2010, after partial revision.
5. These regulations shall be enforced from December 8, 2010, after partial revision.
6. These regulations shall be enforced from April 1, 2016, after partial revision.
7. This regulations shall be enforced from April 1, 2018, after partial revision.
8. This regulations shall be enforced from April 1, 2019, after partial revision.

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