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University of Tokyo Council

## Guidelines on the Ethics and Structure for the Prevention of Harassment at the University of Tokyo

The University of Tokyo hereby sets forth these Guidelines on sexual harassment, academic harassment and other forms of harassment (referred to collectively below as “harassment”) with the aim of clearly establishing the appropriate ethics at the University as a place of education and research, and developing a system within the University to prevent and redress harassment.

### I Ethics needed to prevent harassment

#### 1. Ethics needed to prevent sexual harassment

##### (1) Basic philosophy

A university is an academic community composed principally of students, faculty, staff and employees. The University of Tokyo affirms that all members belonging to this community have the right to be respected as individuals and the right to autonomous activity. In order to maintain a positive educational and research environment, it is essential that we prevent sexual harassment, which damages these rights, and guarantee fair redress for any damage caused.

In order to fulfil their social mission as seats of learning, universities guarantee considerable freedom and autonomy for their members, including their faculty. At the same time, this freedom and autonomy gives rise to power relationships between the members of a university that differ from those seen in the rest of society. For example, the relationship between a faculty member and student is one of a person who provides education, instruction and assessment and a person who receives these things. If faculty abuse the influence they have over the students, who were assigned to them for the purposes of education, not only does it betray the trust of the students in the faculty member but it also destroys the socially established foundation for freedom and autonomy in education and research at universities. All members of universities involved in education and research must fully recognize that guaranteeing the freedom of a university brings with it the obligation for self-discipline. In other words, all members of the University of Tokyo’s academic community must possess a powerful awareness that not only are they in the fortunate position of benefitting from an environment that is suitable for education, research and employment, but also that they have a role to play in maintaining and improving that environment. Furthermore, it is important to remember that the tangible and intangible environment for education and research at the University of Tokyo has developed in a male-oriented way since the establishment of the University. However, there is a need for us to work actively to ensure an environment for education and research that allows all members of the University to work comfortably, irrespective of gender.

##### (2) Definition of sexual harassment and basic approach

Sexual harassment is defined as “sexual language or behavior that makes others feel uncomfortable.” This can take many forms, including physical contact, leering, or making

comments of a sexual nature. In addition to language or behavior based on sexual interest or desire, “sexual language or behavior” also includes language or behavior that is rooted in the division of gender roles. Essentially, all cases in which the recipient of “sexual language or behavior” feels uncomfortable are deemed to be sexual harassment. Sexual harassment that severely impedes respect for the individual represents an infringement of human rights.

Sexual harassment is classified into the following two categories. Firstly, there is the “abuse-of-position” type of sexual harassment (or “quid-pro-quo” type) whereby a person in the position to confer advantages and disadvantages on others through education, research, instruction, advice, recruitment or employment, particularly faculty and workplace bosses, abuses this position to seek a sexual response from others. Secondly, there is the “hostile environment” type of sexual harassment, through which the education, research or workplace environment is damaged as a result of “offensive sexual language or behavior.” This includes cases where people other than the target of the sexual language or behavior feel uncomfortable, and also cases when the sexual language or behavior is not targeted at a specific individual (for example, the presentation or display of sexual images or literature).

The University of Tokyo shall establish a system for ensuring the thorough prevention of sexual harassment in its many forms. We shall also develop a system to respond quickly and appropriately to any damage caused by sexual harassment and to any disadvantage in terms of education or work that is deemed to have arisen as a result. In some cases of sexual harassment, it may be possible for the problem to be resolved by declaring that the victim feels uncomfortable. However, because of differences in the sensitivities of individuals it is also expected that there will be many cases where it is not possible to resolve the problem between the involved parties, including cases where the offending party does not accept that the victim feels uncomfortable. For such cases, the University of Tokyo shall prepare a system of consultation and complaint procedures that allows it to deal flexibly with the individual circumstances.

## 2. Ethics needed to prevent academic harassment

### (1) Basic philosophy

The Preface to the Charter of the University of Tokyo states: “A university originates from the fundamental character of academic pursuits that are conducive to intellectual growth and open to the infinite development of human possibilities. This requires freedom and autonomy.” The University has a strong awareness that freedom and autonomy have important roles in fulfilling the academic community’s social mission of enhancing and promoting education and research. In other words, this freedom and autonomy is built on the freedom and autonomy of each and every member of the University’s academic community, and the University possesses a variety of systems to guarantee this freedom and autonomy.

However, with such generous guarantees of freedom and autonomy at universities, power relationships that are not seen in the rest of society, arise between members of universities. Taking the example of faculty and students, or people in an equivalent position, an unequal power relationship exists between the person providing education, instruction or assessment and the person receiving these things. Faculty have huge influence over their students. It goes without saying that this authority is granted to faculty with the aim of achieving the objective of education. Education requires strictness. However, the precondition is that students are accepted as equal individuals and that their individuality is respected. The education, instruction and assessment given by faculty to students must only ever be impartial, neutral, fair and just.

Wherever there is power, there is the risk of the abuse of power. This applies particularly at universities, which are guaranteed great freedom and autonomy for the purposes of education and research. Paragraph 19 of the Charter of the University of Tokyo states: “The University will strive to provide a fair education, research, and working environment where all its members can adequately manifest their individuality and abilities.” In order to achieve this goal, there must be a system in place to prevent the abuse of power.

#### (2) Definition of academic harassment and basic approach

Academic harassment is a violation of personal rights by a University member abusing his or her authority in an educational and research setting and speaking or acting improperly and unfairly to another member of the University. Consequently, this disadvantages the recipient of harassment in studying, receiving education, conducting research, or performing their duties, or it causes mental and physical suffering that will inevitably hinder him or her from studying, receiving education, conducting research, or performing their duties. Such behavior is included among the infringements upon basic human rights referred to under Paragraph 19 of the Charter of the University of Tokyo. Inflicting and incurring damage through academic harassment does not only happen in the narrow and prescribed sense of a personal relationship between a faculty member and student. It is important to remember that a broad range of language and behavior can be deemed to be academic harassment, including language and behavior that abuse authority and damage or remove the “fair education, research, and working environment where all its members can adequately manifest their individuality and abilities” (which is guaranteed for all members of the University of Tokyo) within asymmetrical power relationships.

In order to prevent and resolve academic harassment, the most important thing is to strive to take actions and improve the environment in a way that suits the educational and research situation at each organization of the University. In addition to establishing a university-wide system for preventing academic harassment, there is also a pressing need for each organization to take responsibility for developing its own systems for preventing and resolving academic harassment. Together with each individual organization, the University of Tokyo is determined to collectively prevent and resolve academic harassment.

#### 3. Ethics needed to prevent other forms of harassment

In addition to sexual harassment and academic harassment, other types of harassment can include “power harassment” and harassment away from the place of study, education, research or work (such as forced alcohol consumption, demands for inappropriate behavior, or involvement with religion or ideologies).

The University of Tokyo will seek to prevent and resolve forms of harassment that are not classified as sexual harassment or academic harassment, by using similar systems to those used to handle sexual and academic harassment.

### II System and procedures for redress and the prevention of harassment

The University of Tokyo shall establish the Harassment Prevention Committee with the aim of preventing harassment, and the Harassment Counseling Center to handle complaints and offer counseling. In this way, prompt and appropriate measures can be taken to deal with any cases of harassment and any consequent disadvantages suffered by the victim in terms of study or work.

#### 1. Harassment counseling

If one suffers harassment or is placed in a disadvantageous position as a result of harassment, rather than blaming him or herself or worrying about the problem alone, it is better to seek a resolution to the problem by consulting an organization such as the University's Harassment Counseling Center. The Harassment Counseling Center has highly-experienced experts available to offer counseling from the complainant's point of view. You may also consult the Student Counseling Center, the Division for Health Service Promotion or the advice centers that have been set up at each organization.

Consultations can be made in person, in writing, by telephone, fax or e-mail. It goes without saying that maximum protection will be given to the privacy of anyone who consults the University. The aim of counselling is to help resolve problems and prevent any damage from becoming worse, and receiving counselling can inform the consulting party of potential ways to resolve a problem. Advice on the procedures that can be implemented to resolve problems can also be received.

## 2. Filing a complaint to the Harassment Prevention Committee (Procedures for filing a complaint)

In addition to carrying out awareness-raising activities and providing training for members of the University, the Harassment Prevention Committee is responsible for implementing measures in response to complaints filed when harassment has been suffered. There are three specific measures to be made either at the level of the organization or at a University-wide level: (1) notification; (2) arbitration; and (3) recommendations for remedial measures based on a fact-finding investigation of a fact-finding team. The choice of which procedure to use can be left to the judgment of the complainant.

Notification involves notifying (based on the wishes of the applicant) the offending party or the head of the organization with which the offending party is affiliated of the fact that a complaint has been filed and thereafter seeking to achieve a resolution or prevent recurrence. When an application is made for notification, the Harassment Prevention Committee shall examine whether or not it is appropriate to give notification for the purposes of resolving any harassment suffered or preventing future recurrence, and notification shall be given when the Committee deems it appropriate to do so, along with advice on the measures required to achieve a resolution and prevent recurrence. After notification procedures have been implemented, the applicant may still request arbitration or the installation of a fact-finding team. Arbitration is when talks are held between the involved parties to find a method of resolution. When arbitration is carried out (based on the wishes of the applicant), a preliminary investigation shall be carried out and an arbitration team shall be established by the Harassment Prevention Committee. The arbitration team will respect the wishes of the applicant, and will not force solutions. After selecting arbitration proceedings, the applicant may discontinue arbitration proceedings at any time, and may also choose to move on to a fact-finding investigation carried out by a fact-finding team.

When a complaint is received along with a request for remedial measures, the Harassment Prevention Committee shall establish a fact-finding team after first carrying out a preliminary investigation. The fact-finding team shall possess the investigatory authority required to investigate the facts, and as a general rule shall report back to the Harassment Prevention Committee on the results of the investigation within a period of six months. The Harassment Prevention Committee shall receive this report, promptly come up with a proposal for the measures needed to achieve a redress or prevent recurrence, and submit recommendations to the President.

Decisions of the Harassment Prevention Committee shall be made publicly available. In such cases, the type of damage suffered and the measures deemed to be necessary to resolve the situation or

prevent recurrence shall be publicized (materials may be distributed to press organizations affiliated to the University's reporters' club, or a press conference may be held). However, maximum respect must be given to the privacy of the involved parties, and this includes withholding the names of the involved parties and any other information that may be used to identify the involved parties.

However, when disciplinary proceedings are to follow, any disclosures made shall depend on the nature of the disciplinary proceedings. Moreover, details that make it possible to identify the involved parties in a particular case may or may not be disclosed in consideration of the nature of the case, the intentions of the involved parties, whether or not the involved party is a current or retired member of the University, and other considerations. In the latter two cases, the Chairperson must report the situation to the Harassment Prevention Committee.

### 3. Other

#### (1) Prevention of retaliation and cover-ups

Retaliation in respect to anyone who makes a consultation or files a request for remedial measures, anyone who cooperates with a fact-finding investigation, or any other person involved in proceedings, will not be tolerated. Making any suggestion of retaliation whatsoever, even if this is not obvious retaliation, shall not be tolerated. Attempts to cover up an incident after it has been discovered shall not be tolerated. Disadvantageous treatment by the offending party, any involved party, or any third party directed to a person who makes a consultation or application shall not be tolerated. If such a situation is identified, the scope of these Guidelines shall be applied to such behavior, and the case shall be handled in the strictest possible manner based on University rules.

#### (2) Confidentiality obligations for counselors

Harassment counselors have an obligation to maintain confidentiality. Counselors involved in a consultation or an application for remedial measures must respect privacy and refrain from leaking confidential information pertaining to any directly or indirectly involved parties, including information obtained through consultations.

#### (3) Prohibition of false statements

Knowingly false consultations or applications for remedial measures must not be made. Moreover, false testimony must not be made during fact-finding investigations, nor must testimony be made by claiming that something is true when there are no sufficient grounds for such claims. Conversely, just because you are unable to prove that something you have seen, heard or experienced is true, it does not mean that you will be accused of not being able to back up what you have claimed.

### III Scope of applicability of these Guidelines

These Guidelines shall be applied broadly to all students (including trainees and non-degree students), faculty, staff, and employees (including part-time lecturers and employees) affiliated with the University, irrespective of location (on or off campus) or time. Even in cases where the victim is no longer a member of the University, this alone is not enough for the victim to be denied use of the University systems set out under these Guidelines. In the case of harassment between a member of the University of Tokyo and a non-member of the University who comes into contact with members of the University in the course of education, research or work activities carried out at the University of Tokyo ("a person involved with the University of Tokyo"), these Guidelines shall apply in the case that the offending party is a member of the University of Tokyo and the harassment arose in relation to educational, research or work activities. Even in the case that the offending party is a person involved with the University of Tokyo, when the victim is a member of the University of

Tokyo these Guidelines shall be applied and appropriate measures shall be pursued in the spirit of these Guidelines. In either case, the victim may make use of harassment counseling services or procedures for filing a complaint.