

(Regarding these regulations, the Japanese text is the original and the English text is for reference purposes.)

Number 1

1. Introduction

In accordance with Article 15 of the National University Corporation Kanazawa University Regulations Concerning Prevention, etc. of Harassment (hereinafter referred to as “the Regulations”), these Guidelines provide for matters that are necessary for preventing and taking countermeasures against harassment in the National School Corporation Kanazawa University (hereinafter referred to as “the University”) and apply to its constituent members and others in relation to engaging in work, study, education and research (hereinafter referred to as “engaging in work, study, etc.”) at the University.

2. Responsibilities and duties of the University and its constituent members and others

(1) Responsibilities and duties of the President and Trustees designated by the President

In accordance with the provisions of Article 3, Paragraphs 1 and 2 of the Regulations, the President and Trustees designated by the President shall endeavor to provide training sessions and seminars, conduct public relations and awareness-raising activities and take other necessary measures, to ensure that the constituent members and others shall not commit harassment, deepen their interest and understanding of problems caused by harassment (hereinafter referred to as “harassment problems”) and pay attention to their own language and behavior used towards other constituent members and others.

In addition, the President and Trustees designated by the President shall endeavor to deepen their own interest and understanding of harassment problems and pay attention to their own language and behavior used towards other constituent members and others.

(2) Responsibilities and duties of the heads of divisions and departments

In accordance with the provision of Article 3, Paragraph 3 of the Regulations, the heads of divisions and departments shall take measures to prevent harassment, implement measures when harassment occurs, and formulate measures to prevent a reoccurrence in their respective divisions and departments.

Moreover, when the head of a division or a department finds a fact that harassment was committed by one of the constituent members and others in the division or department, the head may not ignore the facts.

(3) Responsibilities and duties of constituent members and others

In accordance with the provisions of Article 4 of the Regulations, the constituent members and others shall deepen their interest and understanding of harassment problems, pay attention to their own language and behavior used towards other constituent members and others and be fully aware of the matters provided for in each of the Items below:

(i) Paying due respect to the character of the constituent members and others and recognizing them as valued partners, while eliminating perceptions of gender-based role and prejudice against them;

(ii) How the other person feels is important in determining whether one’s language and behavior falls under harassment;

(iii) In the event that the other person refuses or feels uncomfortable about one's language and behavior, the same language and behavior should never be repeated;

(iv) The other person does not always show their feelings regarding whether one's language and behavior falls under harassment.

This is particularly so, and often the case that the victim cannot show their intention to refuse when the perpetrator is a supervisor, a supervising instructor, a superior or other. One should not misunderstand it as the other person's agreement or consent with the act of harassment.

3. Scope of application

(1) Matters and persons subject to these Guidelines

(i) These Guidelines shall apply to harassment problems that occur between a constituent members and others in relation to engaging in work, study, etc., as stipulated in Article 2, Paragraph 1 of the Regulations.

(ii) "Constituent members and others" shall include anyone engaging in work, study, etc. at the University as well as dispatched workers.

(iii) Not only the constituent members and others but other employers or the workers and others employed by the employer could be a perpetrator when a sexual harassment occurs in the workplace.

In that case, the employer may be requested to cooperate in confirming the facts of the situation, as necessary.

(2) Workplace

"Workplace" shall mean any place in which the constituent members and others perform work, including any place other than the regular place of work where the constituent members and others normally perform work.

4. Definitions of harassment and specific examples

(1) Sexual harassment

(I) Quid pro quo sexual harassment

"Quid pro quo sexual harassment" shall mean any disadvantage in terms of the work or study, etc. caused by non-consensual language and behavior of a sexual nature used by one of the constituent members and others, depending on how the victim responds to the language and behavior.

(i) Reflecting a person's obedience to or refusal of personal sexual demands from the perpetrator in determining personnel affairs and terms and conditions for work or directions related to the performance of work

(ii) Reflecting a student's obedience to or refusal of personal sexual demands from the perpetrator in instructions related to education or research, or evaluation or academic record and so forth of the student

(iii) Making sexual advances on the condition of exercising authority over personnel issues or authority over the direction of performance of work, providing instructions or evaluation related to education or research, or providing or not providing advantages or disadvantages and so forth

(iv) Suggesting sexual interest on another person in work performance with the person

(II) Hostile environment sexual harassment

"Hostile environment sexual harassment" shall mean that non-consensual language and behavior of a sexual nature used by one of the constituent members and others cause harm in the environment in which the other person engages in work, study, etc.

(III) Language and behavior of a sexual nature

"Language and behavior of a sexual nature" shall mean comments and conduct of a sexual nature. Irrespective of the victim's gender identity and sexual orientation, any language and behavior of a sexual nature towards any person

is to be included.

- (i) Unnecessary questions and comments on sexual and physical matters
- (ii) Spreading information (rumors) of a sexual nature
- (iii) Jokes and teasing of a sexual nature
- (iv) Persistent invitations to meals or dates
- (v) Unnecessarily accompanying a person on a business trip, etc. or coercing them to invite the perpetrator into the person's private room
- (vi) Coercing a person to have a relationship or a sexual relationship with the perpetrator
- (vii) Viewing, distributing or posting obscene images
- (viii) Unnecessary physical contact and inappropriate eye contact
- (ix) Indecent assault and forcible rape
- (x) Discriminatory language and behavior toward a specific gender
- (xi) Language and behavior that lack consideration of gender diversity or discriminatory language and behavior concerning a person's gender identity or sexual orientation
- (xii) Spreading information (rumors) of a sexual nature regarding a specific individual or a group and revealing that information to others without obtaining permission from the specific individual or the group
- (xiii) Other language and behavior of a sexual nature that diminishes a person's motivation to engage in work or study and that hinders from exercising of the person's abilities

(2) Academic harassment

"Academic harassment" shall mean any disadvantage or harm in terms of the work or study, etc., or the condition of thereof, caused by improper language and behavior used by one of the constituent members and others through the abuse of the perpetrator's position or authority related to education and research. Those disadvantages and harms include mental distress and psychological harms.

- (I) Infringement and obstruction of a student's rights to study, which is committed by a teacher
 - (i) Negative comments, defamation and mocking laughter that deny a student's abilities and integrity as a human
 - (ii) Reprimands by unreasonably loud voice or the ones repeated, and intimidating behavior such as striking the desk
 - (iii) Rendering or suggesting that a student should repeat another school year or be expelled from school without reasonable grounds
 - (iv) Unjust grading and unjust treatment of research outcome
 - (v) Coercing a student to achieve a task that is clearly unachievable
 - (vi) Coercing a student to perform a specific research task against the student's will
 - (vii) Imposing an excessive financial burden on a student in the course of a research
 - (viii) Failing to give instructions and advice that are necessary in education and research without reasonable grounds
 - (ix) Not allowing a student to use equipment, facilities, etc. for experiments or research without reasonable grounds
 - (x) Unjustly limiting, obstructing or coercing publication of research findings
 - (xi) Unauthorized use of a student's idea, research data, etc.
 - (xii) Disapproving a change of supervising instructor without reasonable grounds
 - (xiii) Discriminating against or treating detrimentally certain students in education and research instruction without reasonable grounds
 - (xiv) Excessively or inappropriately intervening in a student's private life, privacy and career choice

(xv) Inflicting physical or psychological harms on a student by binding or forcing a student to engage in experiments or research, lacking consideration for the student as an individual or exceeding the proper scope, or by continuously exerting tangible and intangible pressure on the student

(II) Infringement of rights of a teacher in relation to education and research, which is committed by another teacher

(i) Unjust exclusion of a teacher from research tasks in which the victim should naturally participate

(ii) Unjustly limiting the use of research expenses, equipment, and facilities

(iii) Other unjust infringement of rights related to education and research

(3) Power harassment

“Power harassment” shall mean emotional distress or physical pain, or harms in the environment in which the victim engages in work that are caused by language and behavior used in the workplace by one of the constituent members and others, who are in a superior position, exceeding the necessary and proper scope.

(I) Language and behavior that are used in the context of the one’s superior position

The language and behavior shall refer to those used in the context of one’s superior position by which would make unable for the victim to resist or refuse the perpetrator while the victim engages in work, including the following examples:

(i) Language and behavior used by a person whose job position is higher than that of the victim;

(ii) Language and behavior used by a colleague or a subordinate who has necessary knowledge for work and extended experience and whose cooperation is necessary for smooth performance of work;

(iii) Acts conducted by a group of colleagues or subordinates that are difficult for the victim to resist or refuse.

(II) Language and behavior exceeding the necessary and proper scope of work

The language and behavior shall be those that are clearly unnecessary for work or those that are used in an unreasonable manner in light of socially accepted norms, including the following examples:

(i) Language and behavior that are clearly unnecessary for work;

(ii) Language and behavior that significantly deviate from the purpose of the work;

(iii) Language and behavior that are inappropriate as a means to perform work;

(iv) Language and behavior that are exceeding the proper scope in light of socially accepted norms, in terms of the frequency of use thereof, the number of perpetrators and other modes and means therein.

(III) Judgment regarding relevance to power harassment

Proper instructions and supervision provided within the necessary and proper scope of work, as seen from an objective perspective, do not fall under power harassment as provided in the Regulations and these Guidelines.

In judging individual cases regarding relevance to power harassment, judgment shall be made on the comprehensive consideration of a variety of factors and the extent of emotional distress or physical pain of the victim caused by the perpetrator. Those factors include the purpose of use of the language and behavior; the background and situation in which the language and behavior are used, including whether there was a fault of the alleged victim in any way; industry and business at issues; content and characteristics of work; mode, frequency and continuity of the language and behavior; personal attributes or physical and mental condition of the victim; the victim’s relationship with the perpetrator.

(IV) Examples considered to fall under the representative six types of language and behavior used in power harassment (but not limited to the list below; depending on circumstances of individual cases, they may be judged differently)

(i) Physical aggression (battery and assaults)

1) Hitting and kicking the victim

2) Throwing objects at the victim

(ii) Psychological aggression (threat, defamation, insult, verbal abuse)

1) Using language and behavior that deny a person's integrity (including insulting language and behavior regarding the victim's sexual orientation and gender identity)

2) Repeatedly reprimanding a person with harsh words over an unnecessarily long period of time

3) Repeatedly reprimanding a person in a loud voice and in a coercive manner in front of other constituents

4) Sending abusive emails that negate a person's abilities to several constituent members and others, including the victim

(iii) Relational aggression (seclusion, treating as an outcast, ignoring)

1) Excluding a person from work without reasonable grounds, separating a person in another room over a long period of time or making a person stay at home for training

2) A group of colleagues ignoring one of the constituent members and others, thereby leaving the victim isolated from others in the workplace

(iv) Excessive demands (demanding a task that is clearly unnecessary for work or is unachievable, or interfering with a person's work)

1) Ordering a person to engage in a task indirectly related to the person's work over a long period of time under a harsh environment, thereby causing physical pain on the victim

2) Setting a too much demanding goal in job performance for a new employee, without providing necessary education, and reprimanding the victim with harsh words for not having achieved the goal

(v) Demeaning demands (demanding a task that is far below the person's abilities and experience, without reasonable grounds, or not assigning any task at all)

1) Having one of the constituent members and others in a managerial position perform a task that can be performed by any person, in order to expel the victim

2) Not giving any work to one of the constituent members and others whom the perpetrator dislikes to harass the victim

(vi) Individual intrusion (unreasonably intruding into private affairs)

1) Continuously monitoring one of the constituent members and others outside the workplace or taking photographs of the victim's personal belongings

2) Revealing the sexual orientation or gender identity, medical history, fertility treatment or other sensitive personal information of one of the constituent members and others without the consent of the victim to other constituents

(4) Harassment regarding childcare leave, etc.

(I) Any disadvantage or harm in terms of the work or study, etc. caused by non-consensual, improper language and behavior used by one of the constituent members and others regarding pregnancy, childbirth, childcare leave and nursing care leave or regarding raising a child or nursing care of a family member.

(i) Dismissing or otherwise treating detrimentally one of the constituent members and others, on the grounds that the person has requested or applied for the benefits mentioned above (hereinafter referred to as "the benefits, etc.")

(ii) Dismissing or otherwise treating detrimentally one of the constituent members and others, on the grounds that the person has had the benefits, etc.

(II) Any harm on the environment of the work, study, education, research or extracurricular activities, caused by non-consensual language and behavior used by one of the constituent members and others regarding pregnancy, childbirth, childcare leave and nursing care leave or regarding raising a child or nursing care of a family member.

(i) Harassing due to the use of the benefits, etc.

- 1) Suggesting dismissal or other detrimental treatment of the person
- 2) Preventing a person from requesting or applying for the use of the benefits, etc. or from having the benefits, etc.
- 3) Harassing a person on the ground that the person has had the benefits, etc.
 - (ii) Harassing a person who is pregnant or has given birth to a child
- 1) Suggesting dismissal or other detrimental treatment of the person
- 2) Harassing a person on the grounds that the person is pregnant or has given birth to a child
 - (iii) Negative language and behavior regarding pregnancy, childbirth, etc.
- 1) Language and behavior that could impeach the pregnancy or childbirth of one of the constituent members and others, including negative language and behavior regarding fertility treatment (excluding simple statement of one's own feeling)
- 2) Forging an atmosphere in which anyone would feel uncomfortable in using or demanding the use of the benefits, etc.
- (5) Other harassments
 - (I) Discriminating or excluding a person regarding opportunities for engaging in work or study, terms and conditions of work or study, evaluation and so forth, on the basis of age, nationality, physical disabilities or mental disorders, illness, personal appearance, character or other personal attributes
 - (II) Acts that are similar to harassment described in (1) to (4)

5. Disciplinary action and so forth

In the case where a harassment is found, uncompromising actions shall be taken against the perpetrator, such as disciplinary action or other proper measures, in accordance with the regulations of the University regarding employment, the Regulations, these Guidelines and other relevant regulations.

6. Protection of privacy, etc. and confidentiality obligation

In recognition of the fact that the information of the victim of a harassment, the perpetrator and others are parts of their privacy, all the constituent members and others involved in consultations regarding the harassment or other process after the incident shall take necessary steps to protect the privacy of the victim, the perpetrator and others. The privacy information of the victim, the perpetrator and others shall include their sexual orientation, gender identity, medical history, fertility treatment or other sensitive personal information.

7. Prohibition of detrimental treatment

The constituent members and others shall not treat detrimentally other constituents on the grounds that they had consultation regarding harassment, or had provided cooperation in confirming the facts of the case and other process.

Prohibition of detrimental treatment shall apply to all the constituent members and others, including dispatched workers. A dispatched worker shall not be treated detrimentally on the grounds that the dispatched worker had consultation regarding harassment in the workplace. Decline of the dispatching service shall be included in the examples of detrimental if it is triggered by the involvement of the dispatched worker.

Supplementary Provisions

These Guidelines shall be enforced as of April 1, 2004.

Supplementary Provisions

These Guidelines shall be enforced as of October 1, 2010.

Supplementary Provisions

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

Supplementary Provisions

These Guidelines shall be enforced as of July 27, 2017.

Supplementary Provisions

These Guidelines shall be enforced as of June 1, 2020.