

○Regulations for the Prevention of Harassment, etc. at the National University Corporation Kobe University

(Established on January 24, 2006)

Revised on: February 16, 2007,
March 20, 2007, May 31, 2007,
March 28, 2008, March 18, 2009,
March 24, 2010, April 20, 2010,
June 22, 2010, March 31, 2011,
March 21, 2012, March 27, 2013,
June 25, 2013, September 27, 2013,
and March 27, 2014

(Purpose)

Article 1 These regulations shall specify matters concerning the prevention of sexual harassment, academic harassment, and other forms of harassment at the National University Corporation Kobe University (hereinafter referred to as the “University”), with the aim of maintaining an appropriate environment for work and study in which the dignity of every staff member, infant, child, pupil, student, research student, etc. (hereinafter referred to as “student(s), etc.”) is respected.

(Definition)

Article 2 In these regulations, the term listed in each of the following items shall have the meaning defined in each of those items.

(1) Harassment refers to any conduct that falls under any of the following categories (a) to (c).

(a) Sexual harassment: Any unwanted verbal, visual, or physical conduct of a sexual nature by a staff member or student, etc. toward another staff member or student, etc. that takes advantage of the work, study, educational, or research relationship between the two, or any conduct associated with or resulting from such conduct that puts the other staff member or student, etc. at an advantage or disadvantage in the workplace or in his or her study, or degrades his or her work, study, educational or research environment (hereinafter referred to as “educational and research environment, etc.”).

(b) Academic harassment: Any inappropriate remarks and behavior by a staff member or student, etc. directed toward another staff member or student, etc. taking advantage of or extending beyond his or her superior or authoritative position, which may, as a consequence, significantly impede or degrade the motivation for work or study of the other staff member or student, etc. who is under his or her direction or guidance

(c) Other forms of harassment: Any inappropriate remarks and behavior of a staff member or student, etc. that may result in the violation of the human rights of another staff member or student, etc., such as forcing the other staff member or student, etc. to drink alcohol, defaming or slandering him or her, spreading rumors about him or her, etc.

(2) Complainant refers to a staff member or student, etc. who alleges harm from harassment, including a staff member or student, etc. who alleges harm arising from a false harassment complaint against him or her.

(3) Respondent refers to a staff member or student, etc. against whom a harassment complaint is made by a complainant.

(4) Departments refer to the University's institutes, School of Medicine, Graduate School of Humanities, Graduate School of Intercultural Studies, Graduate School of Human Development and Environment, Graduate School of Law, Graduate School of Economics, Graduate School of Business Administration, Graduate School of Science, Graduate School of Medicine, Graduate School of Health Sciences, Graduate School of Engineering, Graduate School of System Informatics, Graduate School of Agricultural Science, Graduate School of Maritime Sciences, Graduate School of International Cooperation Studies, Organization of Advanced Science and Technology, Research Institute for Economics and Business Administration, university library system, University Hospital attached to the School of Medicine, Attached Schools' Department, Interfaculty Initiative in the Social Sciences, Integrated Research Center of Kobe University, Center for EU-Japan Collaborative Education, Food Resources Education and Research Center attached to the Graduate School of Agricultural Science, Information Science and Technology Center, Center for Collaborative Research and Technology Development, International Student Center, School of Languages and Communication, Center for Supports to Research and Education Activities, Center for Environmental Management, Education Center on Computational Science and Engineering, Medical Center for Student Health, Career Center, and other offices and secretariats (including the Auditing Office, and Compliance Office) established under the provisions of paragraph 1 of Article 18 of the Rules of the National University Corporation Kobe University (established on April 1, 2004)

(Harassment Prevention Committee)

Article 3 In order to discuss measures for preventing harassment, and to implement and promote such measures, the University shall have a Harassment Prevention Committee (hereinafter referred to as the "Prevention Committee").

2. The Prevention Committee shall be composed of the members listed in each of the following items. The president shall so arrange the Prevention Committee that it will be composed of both male and female members.

(1) Executive vice presidents designated by the president

(2) One professor or associate professor selected from the Graduate School of Humanities, Graduate School of Intercultural Studies, Graduate School of Human Development and Environment, Graduate School of Law, Graduate School of Economics, Graduate School of Business Administration, Graduate School of Science, Graduate School of Medicine, Graduate School of Health Sciences, Graduate School of Engineering, Graduate School of System Informatics, Graduate School of Agricultural Science, Graduate School of Maritime Sciences, Graduate School of International Cooperation Studies, Organization of Advanced Science and Technology, and Research Institute for Economics and Business Administration.

(3) Director-General

(4) Director of Medical Center for Student Health

(5) A certain number of administrative staff members as specified by the Director-General

(6) Other persons deemed necessary by the president

3. The Prevention Committee shall deal with the following matters.

(1) Matters concerning planning and implementing training/educational activities for harassment prevention

(2) Matters concerning responses to consultation on harassment

(3) Other matters concerning the prevention of harassment

4. Committee members set forth in items (2), (5) and (6) of paragraph 2 shall be appointed by the president.
5. Committee members set forth in items (2), (5) and (6) of paragraph 2 shall serve a 2-year term, and may be reappointed, provided, however, that a member appointed to fill a vacancy shall serve the remaining term of his or her predecessor.
6. The Prevention Committee shall have a chairperson, and the executive vice president designated by the president shall fill the chairperson's post.
7. The chairperson shall convene a meeting of the Prevention Committee, and chair the meeting.
8. When the chairperson is unable to carry out his/her duties, a member designated by the chairperson in advance shall perform the duties of the chairperson on his/her behalf.
9. In dealing with harassment consultation cases, the Prevention Committee shall respect the human rights of the persons involved, including the right to privacy, and the right of the persons involved to have their reputations protected, and shall be heedful of maintaining the confidentiality of the details of consultation.
10. In addition to the provisions of this Article, necessary matters concerning the operation of the Prevention Committee shall be determined by the Prevention Committee.

(Responses to Harassment Consultation Cases)

Article 4 The Prevention Committee shall, when it finds it necessary as a result of its consideration of any harassment consultation case, request the president to establish a Harassment Investigation Committee, or give the department heads concerned instructions on how to respond.

2. The department heads who have received instructions on how to respond from the Prevention Committee pursuant to the provisions of the preceding paragraph shall take appropriate action, and report the results to the chairperson of the Prevention Committee.

(Consultation Desk)

Article 5 The Consultation Desk shall have consultants who provide advice on harassment, and the persons listed in each of the following items shall be assigned to serve as consultants.

- (1) Department heads and university senators selected from departments
- (2) Persons specified in Article 2 of the Kobe University Student Support Council Regulations (enforced on April 1, 2004).
- (3) Staff members designated by department heads
- (4) Healthcare doctors at the Medical Center for Student Health, and counsellors for "Mental Health Consultation"

2. The number of consultants designated by each department under item (3) of the preceding paragraph shall be determined by the Prevention Committee, and department heads shall give consideration to the selection of female consultants.

3. Consultants shall be responsible for the following tasks.

- (1) Giving advice on harassment, and providing assistance toward voluntary resolution
- (2) Respecting the human rights of the persons involved, including the right to privacy, and the right of the persons involved to have their reputations protected, and maintaining the confidentiality of the details of consultation
- (3) When being asked for advice on harassment, confirming a complainant's wishes, and reporting to the chairperson of the Advisory Board as set forth in the following Article

(4) Reporting as appropriate to a complainant on the measures determined by and informed from the Advisory Board

4. Consultants shall be appointed by the president.

5. Information on the departments to which consultants belong, their names, and contact information shall be clearly specified each year.

6. Notwithstanding the provisions of paragraph 1, a complainant may seek harassment consultation from any staff member other than the consultants. In this case, the staff member consulted shall confirm the complainant's wishes, and report to the chairperson of the Advisory Board, taking care to keep the details of consultation confidential.

(Advisory Board)

Article 6 The University shall have an Advisory Board (hereinafter referred to as the "Board") that works on harassment consultation cases.

2. The Board shall be composed of the following members.

(1) Executive vice presidents as stipulated in item (1) of paragraph 2 of Article 3

(2) Director-General

(3) Director of Medical Center for Student Health

(4) Other persons deemed necessary by the president

3. The Board shall have a chairperson, and the chairperson of the Prevention Committee shall chair the Board.

4. In response to a report on a harassment consultation from a consultant, etc., the Board shall confirm a complainant's wishes, decide on response measures depending on the details of the consultation, and request that the Prevention Committee be convened, or give appropriate instructions, etc. to department heads.

5. The department heads who have received the Board's instructions, etc. shall take appropriate action, and report the results to the chairperson of the Board.

6. The Board shall report the measures determined by the Prevention Committee to the consultant who has submitted the consultation report, etc. as needed.

(Harassment Investigation Committee)

Article 7 The president shall establish a Harassment Investigation Committee (hereinafter referred to as the "Investigation Committee") at the request of the chairperson of the Prevention Committee.

2. The Investigation Committee shall comprise two members from the Prevention Committee, and three or more staff members designated by the president, taking into consideration the circumstances under which the alleged harassment took place.

3. The chairperson shall be designated by the president.

4. The Investigation Committee shall investigate the facts pertaining to the alleged harassment, and report the results of its investigations to the president promptly.

5. With regard to the implementation of its investigations, the Investigation Committee shall seek the opinions of external experts separately designated by the president, if appropriate.

6. When conducting investigations, the Investigation Committee shall ensure that a complainant, respondent, and other persons involved all receive a fair hearing, respect their human rights including the right to privacy and the right to have their reputations protected, and be heedful of maintaining the confidentiality of the matters revealed at hearing, etc.

7. Prior to conducting the investigations set forth in the preceding paragraph, the Investigation Committee shall notify a respondent to that effect, and provide him or her with an opportunity to defend himself or herself either verbally or in writing.

8. When defending himself or herself, a respondent may submit pertinent evidence, make a request that the persons involved, etc. be questioned, designate an advisor, and ask for advice from the advisor.

9. If a respondent is, despite being given the opportunity to defend himself or herself, absent from a hearing, or fails to submit a statement of explanation without reasonable grounds, the respondent shall be deemed by the Investigation Committee to have waived his or her right to self-defense.

10. Other necessary matters concerning the Investigation Committee shall be separately prescribed.

(Response to Investigation Results)

Article 8 When alleged facts are verified by the results of investigations conducted by the Investigation Committee, the president shall impose appropriate disciplinary sanctions on a person who has committed an act of harassment pursuant to the provisions of the National University Corporation Kobe University Rules on Conditions of Employment for Staff Members (enforced on April 1, 2004), etc.

2. The president shall notify a complainant and a respondent of the results of investigations by the Investigation Committee.

3. The president shall notify the department heads concerned of the results of investigations by the Investigation Committee as needed, and following such notification, the department heads shall take appropriate action.

(Handling of Investigation Results, Etc.)

Article 9 Unless there are special circumstances, materials obtained through investigations and the results of investigations by the Investigation Committee shall not be disclosed.

(Prohibition of Unfair Treatment)

Article 10 Consultants, etc. and other persons who deal with harassment cases shall be prohibited from unfairly treating in the workplace or at school any staff member or student, etc. on the basis that he or she sought consultation on harassment, or cooperated with or otherwise participated in investigations pertaining to harassment consultation except in cases where he or she made a false allegation.

(Administrative Procedures)

Article 11 Administrative procedures pertaining to harassment prevention, responses, etc. shall be taken at the General Affairs Department's Personnel and Labor Division, or the Student Affairs Department's Student Support Division.

(Miscellaneous Provisions)

Article 12 In addition to the provisions of these regulations, necessary matters concerning the implementation of these regulations shall be prescribed separately.

Supplementary Provisions

1. These regulations shall come into effect on January 24, 2006.

2. The Regulations for the Prevention of Sexual Harassment, etc. at the National University Corporation Kobe University (established on April 1, 2004, hereinafter referred to as the "former regulations") shall be abolished.

3. Members of the Sexual Harassment Prevention Committee appointed under Article 3 of the former regulations and still in office at the time of enforcement of these regulations shall be deemed to be members of the Prevention Committee appointed under the provisions of Article 3 of these regulations, and notwithstanding the provisions of paragraph 5 of the same Article, their term of office shall end on October 31, 2006 in the case of those from the Faculty of Letters, Faculty of Human Development, Faculty of Science, Faculty of Engineering, Faculty of Marine Sciences, Graduate School of Economics, Graduate School of Science and Technology, and Graduate School of International Cooperation Studies, and on October 31, 2007 in the case of those from the Faculty of Intercultural Studies, Faculty of Agriculture, Research Institute for Economics and Business Administration, Graduate School of Law, Graduate School of Business Administration, and Graduate School of Medical Science.

4. Consultants appointed under Article 4 of the former regulations and still in office at the time of enforcement of these regulations shall be deemed to be consultants appointed under Article 5 of these regulations.

Supplementary Provisions (February 16, 2007)

These regulations shall come into effect on February 16, 2007.

Supplementary Provisions (March 20, 2007)

1. These regulations shall come into effect on April 1, 2007.

2. Among the members of the Prevention Committee still in office at the time of enforcement of these regulations, those from the Faculty of Letters, Faculty of Intercultural Studies, Faculty of Human Development, Faculty of Science, Faculty of Engineering, Faculty of Agriculture, and Faculty of Marine Sciences (hereinafter referred to as "former members") shall be respectively deemed to be members selected from the Graduate School of Humanities, Graduate School of Intercultural Studies, Graduate School of Human Development and Environment, Graduate School of Science, Graduate School of Engineering, Graduate School of Agricultural Science, and Graduate School of Maritime Sciences under the provisions of item (2) of paragraph 2 of Article 3 as amended, and notwithstanding the provisions of paragraph 5 of the same Article, their term of office shall be their remaining term of office as former members.

Supplementary Provisions (May 31, 2007)

These regulations shall come into effect on June 1, 2007.

Supplementary Provisions (March 28, 2008)

1. These regulations shall come into effect on April 1, 2008.

2. Members appointed under the provisions of item (3) of paragraph 2 of Article 3 prior to their amendment and still in office at the time of enforcement of these regulations, and members from the School of Medicine appointed under the provisions of item (6) (hereinafter referred to as "former members") shall be respectively deemed to be members selected from the Graduate School of Medicine, and Graduate School of Health Sciences pursuant to the provisions of item (2) of paragraph 2 of Article 3, and notwithstanding the provisions of paragraph 5 of the same Article, their term of office shall be their remaining term of office as former members.

Supplementary Provisions (March 18, 2009)

These regulations shall come into effect on April 1, 2009.

Supplementary Provisions

These regulations shall come into effect on October 1, 2009.

Supplementary Provisions (March 24, 2010)

These regulations shall come into effect on April 1, 2010.

Supplementary Provisions (April 20, 2010)

These regulations shall come into effect on April 20, 2010, and the provisions of the Regulations for the Prevention of Harassment, etc. at National University Corporation Kobe University as amended shall be effective from April 1, 2010.

Supplementary Provisions (June 22, 2010)

These regulations shall come into effect on July 1, 2010.

Supplementary Provisions (March 31, 2011)

These regulations shall come into effect on April 1, 2011.

Supplementary Provisions (March 21, 2012)

These regulations shall come into effect on April 1, 2012.

Supplementary Provisions (March 27, 2013)

These regulations shall come into effect on April 1, 2013.

Supplementary Provisions (June 25, 2013)

These regulations shall come into effect on July 1, 2013.

Supplementary Provisions (September 27, 2013)

These regulations shall come into effect on October 1, 2013.

Supplementary Provisions (March 27, 2014)

These regulations shall come into effect on April 1, 2014.