

Procedures of Request for Complaint Consultation and Grievance Relevant to Harassment

Decision of the Executive Vice President in charge of harassment prevention on April 1, 2023

Last amended on April 1, 2024

Based on the National University Corporation Kyushu University Rules for Prevention of Harassment (Kyushu University Employment Regulation No. 30 of 2004), procedures of a request for complaint consultation and a grievance relevant to harassment and other related matters are provided as below for the purpose of widely informing the members of the University of these matters.

1. If you witness harassment

- (1) If possible, warn the person whose language or behavior is suspected of constituting harassment.
- (2) Talk to the person being harassed and listen carefully to what they say.
- (3) It is important that you do not simplistically criticize the person who has been harassed, such as by saying, "You are also in the wrong," and that you do not go ahead and act without their consent.
- (4) Please encourage the person who has been harassed to talk to a trusted person or to seek consultation with the Office for Harassment Prevention and Counseling. If the person wants to know about harassment, it is also recommendable to show this "Procedures of Request for Complaint Consultation and Grievance Relevant to Harassment " or the leaflet of the Office for Harassment Prevention and Counseling.
- (5) If you witness language or behavior that is suspected of constituting harassment and are unsure of what to do, please consult with the Office for Harassment Prevention and Counseling. The Office also receives requests for consultation from persons who are not the parties to harassment.

2. If you have been harassed

- (1) There is no need to blame yourself.
- (2) It is also important to express any uncomfortable feelings. However, even if you keep silent, you will not be regarded as being at fault.
- (3) Do not suffer alone. Talk to a trusted friend around you or a faculty member. Harassment is not solely your problem.
- (4) Keep records of harassment as specifically as possible (such as "who" did "what" "where," "when," and "how"). If someone is willing to be a witness, it is a good idea to ask them to give testimony.
- (5) Also, if there is nobody around to talk to about harassment, please consult with the Office for Harassment Prevention and Counseling.

3. Procedure of a request for complaint consultation relevant to harassment

(1) Complaint consultation

Members of the University and related persons may request complaint consultation.

The specific persons who may request complaint consultation are as follows:

- (i) The victim who experienced language or behavior that is suspected of constituting harassment
- (ii) A person who has been pointed out for their language or behavior that is suspected of constituting harassment
- (iii) A person who felt uncomfortable witnessing language or behavior that is suspected of constituting harassment

In case of conflict between the guidelines translated into English and Japanese original, the latter shall prevail.

- (iv) A person with whom the victim consulted about harassment
- (v) A former member of the University who is the victim who experienced language or behavior that is suspected of constituting harassment while working or studying at the University (however, a grievance relevant to harassment may be filed only **within one year** after the petitioner retires from, graduates from, completes a course at, or withdraws from the University)

(2) Organs that respond to complaint consultation

(i) Consultation function of the Office for Harassment Prevention and Counseling

The Office for Harassment Prevention and Counseling ensures smooth and appropriate implementation of consultation operations concerning harassment by assigning counselors that have the qualification of clinical psychologists to perform the operations.

A. Consultation operations

The counselor provides support for solving the problem facing the counselee by, for example, offering advice and counseling that empathize with the counselee's position and proposing solutions that could be selected in the future.

B. Counselor's duty of confidentiality

As the counselor has a duty of confidentiality, the privacy of the counselee is strictly observed, so please feel reassured in requesting consultation.

C. Application for consultation

An application for consultation with the Office for Harassment Prevention and Counseling may be filed by telephone, facsimile, email, or an application form on the website of the Office for Harassment Prevention and Counseling (<https://ohpc.kyushu-u.ac.jp/>) (only for use within the University). It is also possible to directly visit the Office and file an application.

An interview is conducted after making a reservation of the date. The interview may also be conducted online. For details of the consultation procedure, please see the poster, card, leaflet, and website of the Office for Harassment Prevention and Counseling. The card and leaflet are also available at the Student Affairs Section, etc. of each district.

D. Coordination with other consultation desks

Depending on the content of the consultation, the Office for Harassment Prevention and Counseling endeavors to respond to the problem discussed in the consultation in coordination and cooperation with the University's other appropriate consultation desks (the Center for Health Sciences and Counseling, the One-Stop Consultation Service, and the International Student Center).

(ii) Consultation function of the harassment desk counselors at each district

In addition, harassment desk counselors (division faculty and staff) are assigned at each district. Depending on the content of the consultation, the Office for Harassment Prevention and Counseling and harassment desk counselors at each district work in coordination and cooperation with each other.

For details, please see the information on the University's web page below.

<https://www.kyushu-u.ac.jp/ja/university/publication/harassment/>

4. Procedures for environment improvement in response to complaint consultation relevant to harassment

(1) Consultation plus procedure

If, upon complaint consultation relevant to harassment, the Director of the Office for Harassment Prevention and Counseling determines that it is necessary to prevent aggravation of the situation and to promptly remedy the working or learning environment of the counselee, the Director may seek cooperation of the supervisor, etc. of the relevant division.

This system is called "consultation plus."

In the consultation plus procedure, the facts concerning the language or behavior of the other party in the request for complaint consultation are not investigated, and whether the language or behavior constitutes harassment is not determined.

As a result of requesting the supervisor, etc. of the relevant division, through the consultation plus procedure, to take action for improving the environment of the counselee, action such as the following is expected to be taken at the division according to the specific case:

- (i) Reminder, warning, guidance, etc. to the other party in the request for complaint consultation [notification]
- (ii) Restoration of the relationship between the counselee and the other party, etc. [mediation]
- (iii) Measures for relief of damage or restoration of rights and interests of the counselee, etc. [adjustment]

When the consultation plus procedure is implemented, a report to that effect is made to the Executive Vice President in charge of harassment prevention.

(2) Urgent measure procedure

If, upon complaint consultation relevant to harassment, the Director of the Office for Harassment Prevention and Counseling determines that it is necessary to urgently protect the counselee or a related person, such as where there is a risk of the counselee or the related person harming themselves or others, the Executive Vice President in charge of harassment prevention may demand that the supervisor, etc. of the relevant division take prompt and appropriate action. This system is called "urgent measures."

When the urgent measure procedure is implemented, a report to that effect is made to the Executive Vice President in charge of harassment prevention.

5. Procedure of grievance (investigation) relevant to harassment

(1) Submission of "harassment grievance petition"

- (i) If the problem is not solved through complaint consultation relevant to harassment or a procedure for environment improvement, and the counselee who is the victim who experienced language or behavior that is suspected of constituting harassment seeks to file a harassment grievance, they may file a grievance with the Harassment Prevention Committee through the counselor. A grievance may not be filed anonymously. However, a grievance may not be filed when **three years** have elapsed from the time of the conduct.
- (ii) When the counselee files a grievance, the person is to submit a "harassment grievance petition" to the Harassment Prevention Committee through the counselor of the Office for Harassment Prevention and Counseling or the harassment desk counselor at each district. The form of the petition can be obtained from the counselor. However, the person who may file a grievance is limited to the victim who directly experienced language or behavior that is suspected of constituting harassment, in principle.
- (iii) Even if a petitioner files a grievance, the petitioner may subsequently request complaint consultation with the Office for Harassment Prevention and Counseling or the harassment desk counselors at each district.

- (iv) If the petitioner wishes to withdraw a grievance at their own will, the petitioner submits a "written withdrawal of a harassment grievance" to the Harassment Prevention Committee, and the withdrawal of the grievance will be approved after a deliberation by the Harassment Prevention Committee.

(2) "Investigation" procedure

(i) Deliberation by the Harassment Prevention Committee

- A. The Harassment Prevention Committee has been established as an organization that conducts the relevant investigation and deliberation in the case where a grievance is filed.
- B. A "harassment grievance petition" is accepted by the Chairperson of the Harassment Prevention Committee via the counselor of the Office for Harassment Prevention and Counseling or the harassment desk counselor at each district, after which the Harassment Prevention Committee examines the contents of the petition. Any subsequent affairs, including giving notices, etc. to the petitioner, the other party in the grievance, and related persons, are conducted by the Harassment Prevention Committee until the grievance procedure ends.
- C. If the Harassment Prevention Committee determines that it is necessary to urgently relieve the petitioner, the Committee takes necessary measures in cooperation with the supervisor, etc. of the relevant division.
- D. If the Harassment Prevention Committee determines that an investigation of the facts is necessary, the Committee establishes a case-specific Investigation Subcommittee each time to conduct the investigation. The Investigation Subcommittee ascertains and investigates the facts by interviewing the petitioner, the other party in the grievance, and related persons about the circumstances, etc.
- E. In order to ensure its neutrality and fairness, the Investigation Subcommittee will not include a person who has an interest in the petitioner or the other party in the grievance as its member. The members will be selected in consideration of their affiliated divisions and the male-female ratio.

(ii) Finding of harassment and subsequent measures

- A. If the University finds that the conduct constitutes harassment, it will take reasonable measures, such as a disciplinary action, against the other party in the grievance as needed, after taking steps to develop an appropriate environment and following prescribed procedures.
- B. If it is found necessary to improve the working or learning environment for preventing recurrence, the University will take necessary measures.
- C. The Harassment Prevention Committee deliberates on whether or not there was conduct that constitutes harassment based on the results of the investigation by the Investigation Subcommittee, and reports its investigation results to the President. The President notifies the petitioner and the other party in the grievance of the investigation results. In addition, if necessary, the President notifies the supervisor of the petitioner and the supervisor of the other party in the grievance of the investigation results.

(iii) Provision of an opportunity for filing an appeal against harassment investigation results

- A. If the petitioner or the other party in the grievance is dissatisfied with the investigation results, they may file an appeal in writing within 14 days from the day of receiving the notice of the results.
- B. The Harassment Prevention Committee establishes a case-specific Harassment Appeal Examination Board for the appeal referred to in A. above. to deliberate on whether or not a reinvestigation is required for the case.
- C. If it is determined that a reinvestigation is required as a result of the deliberation referred to in B. above, the Harassment Prevention Committee establishes a Reinvestigation Subcommittee with all members different from those involved in the already conducted investigation to conduct the reinvestigation.

- D. If a Reinvestigation Subcommittee is established, the petitioner and the other party in the grievance are notified that a reinvestigation of the case will be conducted.
- E. If it is determined that a reinvestigation is not required as a result of the deliberation referred to in B. above, the Harassment Prevention Committee notifies the appellant that a reinvestigation of the case will not be conducted.
- F. The Harassment Prevention Committee deliberates on whether or not there was harassment based on the results of the investigation by the Reinvestigation Subcommittee, and reports its reinvestigation results to the President. The President notifies the petitioner and the other party in the grievance of the reinvestigation results. In addition, if necessary, the President notifies the supervisor of the petitioner and the supervisor of the other party in the grievance of the reinvestigation results.
- G. If the appellant wishes to withdraw an appeal at their own will, the appellant submits a "written withdrawal of an appeal" to the Harassment Prevention Committee, and the withdrawal of the appeal will be approved after a deliberation by the Harassment Prevention Committee.

6. Protection of privacy, etc.

All people involved in the procedures of a request for complaint consultation and a grievance relevant to harassment (hereinafter referred to as a "request for complaint consultation, etc."), including counselors of the Office for Harassment Prevention and Counseling, harassment desk counselors at each district, and members of the Harassment Prevention Committee take actions prudently so as not to violate the privacy, reputation, etc. of the persons related to the request for complaint consultation, etc. In addition, they will not leak any secrets learned in the course of their duties to others without **reasonable grounds**^(Note).

(Note) The grounds are limited to such cases as where the University is sued for a case of harassment, and the University needs to prove the facts concerning the case.

7. Prohibition of disadvantageous treatment and implementation of measures

- (1) The other party in a request for complaint consultation, etc. and other members of the University are prohibited from giving disadvantageous treatment (abuse, discriminatory treatment, and retaliation (including language or behavior suggesting retaliation)) to a person who has made a request for complaint consultation, etc. or a member who has cooperated in an investigation related to a request for complaint consultation, etc. or has otherwise justly responded to harassment, because of such action.
- (2) Members of the University are prohibited from committing abuse, retaliation, etc. against counselors of the Office for Harassment Prevention and Counseling, harassment desk counselors at each district, and members of the Harassment Prevention Committee, etc.
- (3) If a member is suspected of violating (1) or (2) above, the President takes necessary measures after conducting an investigation. In addition, if the President finds it necessary, the President may have the Harassment Prevention Committee conduct an investigation.

8. Prohibition of a false petition

If a person has filed a false petition or made a false testimony concerning harassment, the Harassment Prevention Committee requires that person to reflect on their conduct, and reports the contents, etc. thereof to the President. The President takes strict measures, etc. based on the Kyushu University Regulations and the General Regulations of Employment, etc. according to the false contents, etc.

9. Others

- (1) For reference, case examples that constitute "sexual harassment," "power harassment and academic harassment," and "harassment based on pregnancy, fertility treatment, childbirth, childcare leave, nursing care leave, etc." are shown in Attachment 1.
- (2) It is also important to be careful on a daily basis so as not to become a harassment perpetrator without noticing. As a reference for this, "Self-Check for Not Becoming a Harassment Perpetrator" is shown in Attachment 2.

Attachment 1

Case Examples of Sexual Harassment, Power Harassment, Academic Harassment, and Harassment Based on Pregnancy, Fertility Treatment, Childbirth, Childcare Leave, Nursing Care Leave, etc.

1. Sexual harassment

(1) Quid pro quo sexual harassment

Conduct of providing an advantage or disadvantage to the other party according to the party's response (acceptance or rejection) to the forcing of dating or a sexual relationship or to sexual language or behavior that takes advantage of a hierarchical relationship or one's position

- Forcing dating in exchange for approving credits or giving a job promotion, and if rejected, giving unjust treatment in academic or job assessment
- Making unnecessary physical contact, and if rejected, getting angry or abusive
- Demanding dating or to go out for dinner, and if rejected, ordering dismissal or an unjust transfer to another section
- Forcing a sexual relationship with language that could be taken as a threat

(2) Hostile environment sexual harassment

(i) Conduct of deteriorating the working or learning environment by using sexual language or behavior or presenting a sexual image

- Keeping a sexual image, etc. in a state where others can see
- Forcing the other party to talk about their sexual experiences despite the other party's discomfort
- Repeating obscene words on the phone or in emails
- Continuing language or behavior that troubles the other party due to one-sided affection, such as persistently asking for a date or coming to the other party's home without being invited
- Spreading sex-related rumors about an individual

(ii) Discriminatory or abusive conduct based on fixed ideas about gender or awareness of role-sharing based on gender

- Demanding sexual appeal in dress and behavior
- Making stereotyped statements regarding gender, such as "women are ..." or "men should ..."
- Always prioritizing men over women (or women over men) in providing guidance in research or work

(iii) Conduct of using discriminatory language or behavior due to a lack of understanding about sex

- Saying that a person who has a sexual orientation or gender identity different from other people is mentally disturbed or has some kind of problem
- Giving discriminatory treatment to gay people or people with gender dysphoria

2 Power harassment

(1) Verbal violence or abuse

- Yelling at or behaving violently against the other party for an unnecessarily long time
- Repeating statements that deny the other party's personality, such as "idiot," "incompetent," "useless," etc.
- Condemning the other party for a minor mistake in front of other people in an exaggerated manner
- Singling out a person and treating that person coldly or insulting that person in front of other people

(2) Unjust work order or assessment

- Intentionally withholding information needed for executing a task or delaying instructions in a way that hinders a task
- Ignoring when instructions are sought
- Setting an unachievable deadline
- Forcing a person to work extremely long hours or to work on days off
- Arbitrarily making an unjust assessment for a person one does not like
- Not allowing to work or obstructing work without reasonable grounds
- Exposing a person's delicate personal information, such as sexual orientation, gender identity, medical history, or fertility treatment, without the consent of that person

3. Academic harassment

(1) Violation of rights related to learning and education

- Singling out a person and not providing research guidance to that person or providing extremely strict guidance to that person
- Repeating unreasonable instructions when providing research guidance
- Repeating intimidating language or behavior when providing guidance, such as yelling at the person or hitting objects
- Forcing a person to accomplish a task that is impossible to accomplish based on common sense

(2) Obstruction of the future path (advancement to school, graduation, or job hunting)

- Disapproving credits without reasonable grounds
- Arbitrarily changing the standards for determining graduation or completion of a course
- Forcing voluntary termination of employment or withdrawal from school against the person's will
- Refusing to write a letter of recommendation that is necessary for applying for a job, admission to school, or scholarship, due to personal feelings
- Inhibiting a person who wishes to advance to another graduate school from taking the entrance examination for that school
- Not allowing a change of academic advisor even if the request for the change is based on reasonable grounds and the change is institutionally possible

(3) Violation of rights related to research

- Changing the names of the authors on an academic paper or excluding a person from a research team without reasonable grounds
- Unjustly restricting use of experimental equipment, reagents, etc., or research resources, and obstructing the research activity, without reasonable grounds
- Forcing a person to perform research by extreme control over the person even late at night and on days off for a long period of time
- Poaching research results without the consent of the originator, through threat or the like
- Forcing an unjust restriction or unreasonable distribution regarding the use of research funds
- Restricting research presentation activities without reasonable grounds

- Requiring research activities that disregard health or economic burdens

4. Harassment based on pregnancy, fertility treatment, childbirth, childcare leave, nursing care leave, etc.

(1) Abuse against use of a system, etc.

(i) Suggesting dismissal or other disadvantageous treatment

- When a person talks to the superior about taking maternity leave before childbirth, the superior makes a statement such as "if you are going to take leave, you will have to quit."

(ii) Interfering with the use of a system, etc. or with the filing of a request therefor

- When a person talks to the superior about taking childcare leave, the superior makes a statement such as "a man should not be taking childcare leave," and the person has to give up taking the leave
- When a person talks about taking nursing care leave, the other person repeatedly makes statements such as "I would not file a request for leave; you shouldn't either."

(iii) Abuse due to having used a system, etc.

- Making statements against a person using the shortened work hours system, such as "you are not thinking about the people around you; you are causing trouble."

(2) Abuse against a situation, such as becoming pregnant or having given birth

(i) Suggesting dismissal or other disadvantageous treatment

- Making statements against a person who has reported their pregnancy, such as "I will hire someone else, so you have to quit."

(ii) Abuse due to becoming pregnant, etc.

- Not allowing a pregnant person to work, by making statements such as "we cannot assign you any work, because pregnant women may take time off work unexpectedly."
- Unjustly not giving work due to pregnancy
- Repeatedly making statements such as "if you were going to become pregnant, you should have avoided a busy time of year."

Attachment 2

Self-Check for Not Becoming a Harassment Perpetrator

- ☐ Are you persistently approaching someone despite their discomfort?
- ☐ Do you force someone to drink alcohol?
- ☐ Do you talk about sexual topics or make sexual jokes that would make someone feel uncomfortable?
- ☐ Are you abusing or ignoring any specific person?
- ☐ Do you come physically closer than necessary to someone or make more than necessary physical contact with someone without noticing that person's feelings?
- ☐ Do you emotionally yell at someone, hit the desk, or close the door loudly?
- ☐ When you provide guidance or make assessments, do you give sufficient explanations?
- ☐ Do you repeatedly lecture someone about one failure they made, or use language that denies someone's personality?
- ☐ Do you force your ideas on someone without hearing their ideas at all?
- ☐ Does what you say change from time to time?
- ☐ Do you make unreasonable demand based on your personal feelings, by taking advantage of your position?
- ☐ Do you act emotionally against people around you from frustration?
- ☐ Do you criticize someone's appearance or family or interfere with someone's private life?
- ☐ Are people around you worried about your moods? Do you feel that there is nobody who disagrees with you?
- ☐ Is there anyone around you who tends to take time off work or become ill?