

## Procedure of Grievance Relevant to Harassment

Decision of the Chairperson of the Harassment Prevention Committee on March 29, 2024

Last amended on August 1, 2024

Based on the Kyushu University Rules on the Harassment Prevention Committee (Kyushu University Rule No. 26 of 2021), the procedure of grievance relevant to harassment (hereinafter referred to as the "grievance procedure") is provided as below in order to contribute to smooth resolution of problems.

### I. Submission and acceptance of a harassment grievance petition (hereinafter referred to as a "grievance petition") (Attached Form 1)

#### 1. Submission of a grievance petition

A harassment grievance (hereinafter referred to as a "grievance") may be filed within either of the following periods, whichever comes earlier, in principle.

Meanwhile, a grievance may not be filed anonymously.

(i) Within three years from the occurrence of the case for which the grievance is filed

(For a case involving continuous conduct, within three years from the time when the relevant conduct ends)

(ii) Within one year after the petitioner retires from, graduates from, completes a course at, or withdraws from the University

#### 2. Acceptance of a grievance petition

The date of acceptance of a grievance petition is the day on which the petition reaches the Chairperson of the Harassment Prevention Committee (hereinafter referred to as the "Chairperson").

If the petitioner wishes to withdraw a grievance at their own will, the petitioner may withdraw the grievance petition by submitting a written withdrawal of a harassment grievance (Attached Form 2).

### II. Investigation Subcommittee

#### 1. Establishment of an Investigation Subcommittee and notice thereof

After accepting a grievance petition, the Chairperson holds a Harassment Prevention Committee meeting to deliberate on whether an investigation is needed. If the Committee determines, as a result of the deliberation, that an investigation is necessary, it establishes an Investigation Subcommittee. When an Investigation Subcommittee is established, a few members of the Investigation Subcommittee participate as members of the Investigation Subcommittee for the case, and the chairperson of the Investigation Subcommittee is selected from among these members.

If an Investigation Subcommittee is established, the petitioner is notified of the fact that an Investigation Subcommittee has been established and that it will conduct an investigation, etc. of the case.

#### 2. Contents of the investigation

The Investigation Subcommittee sorts out the contents of the petition stated in the grievance petition, interviews the parties (meaning the petitioner and the respondent; the same applies hereinafter) and related persons, and prepares a report of the investigation results.

#### 3. Implementation method of the investigation

##### (1) Interviews

The Investigation Subcommittee conducts interviews with the parties, any related persons stated in the grievance petition, and any other related persons with whom interviews are considered to be necessary.

##### (2) Questions to be asked in the interviews

In the interviews, the Investigation Subcommittee asks questions to check the facts mainly regarding the

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contents of the petition stated in the grievance petition.

(3) Prior notice to the respondent

When interviewing the respondent, the Investigation Subcommittee notifies the respondent of the fact that the respondent is the other party in a grievance and the name of the petitioner by 14 days prior to the date of the interview.

(4) Matters to be noted, etc.

Before conducting an interview, the Investigation Subcommittee explains the following matters to the interviewee and obtains their consent:

(i) Purpose of the interview

(ii) The contents of the interview will be sound-recorded and kept as material.

(iii) The interviewee is prohibited from recording the sound or video or taking photographs.

Meanwhile, if the interviewee's consent cannot be obtained, the Investigation Subcommittee may stop the interview.

(iv) The interviewee must not leak the contents of the interview to others without reasonable grounds.

(5) Investigation through checking related documents

Prior to the interview, the Investigation Subcommittee may inquire to the relevant division about the contents of the petition, etc., and if related materials need to be collected, it may request the relevant division to submit materials.

4. Determination on whether or not there was harassment and notice thereof

The Harassment Prevention Committee deliberates on whether or not there was harassment based on the results of the investigation by the Investigation Subcommittee, and reports its investigation results to the President. The President notifies the parties of the investigation results. In addition, if necessary, the President notifies the supervisors of the parties of the investigation results.

### III. Appeal

1. Submission of a harassment appeal petition (hereinafter referred to as an "appeal petition")

A party who receives notice of investigation results from the Harassment Prevention Committee may file an appeal by submitting a harassment appeal petition (Attached Form 3) within 14 days from the day of receiving the notice.

If the appellant wishes to withdraw an appeal at their own will, the appellant may withdraw the appeal petition by submitting a written withdrawal of an appeal (Attached Form 4).

2. Appeal Examination Board

(1) The Harassment Prevention Committee establishes a Harassment Appeal Examination Board (hereinafter referred to as an "Appeal Examination Board") to deliberate on whether or not a reinvestigation is required for the case, based on the following requirements:

(i) If a serious procedural defect is found in the investigation of facts

(ii) If new evidence that could not be submitted in the investigation of facts is found and that evidence clearly affects the investigation results

(iii) If it is proved that evidence that has clearly affected the investigation results was false evidence that was forged, altered, etc.

(2) An Appeal Examination Board is organized by the following members, and the Chairperson serves as the chairperson of the Appeal Examination Board:

(i) Chairperson of the Harassment Prevention Committee

(ii) A few persons selected from among the members of the Harassment Prevention Committee prescribed in Article 3, items (i), (vi), and (vii) of the Rules on the Harassment Prevention Committee

(iii) A few persons from outside the University whom the Harassment Prevention Committee determines to be necessary

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### 3. Establishment of a Reinvestigation Subcommittee and notice thereof to the parties

If the Harassment Prevention Committee determines, as a result of the deliberation by the Appeal Examination Board, that a reinvestigation is required, it establishes a Reinvestigation Subcommittee. When a Reinvestigation Subcommittee is established, a few members of the Investigation Subcommittee who are different from those involved in the already conducted investigation participate as members of the Reinvestigation Subcommittee for the case, and the chairperson of the Reinvestigation Subcommittee is selected from among these members.

If a Reinvestigation Subcommittee is established, the petitioner is notified of the fact that a Reinvestigation Subcommittee has been established and that it will conduct a reinvestigation of the case.

If the Harassment Prevention Committee determines, as a result of the deliberation by the Appeal Examination Board, that a reinvestigation is not required, it notifies the appellant that it will not reinvestigate the case.

### 4. Contents of a reinvestigation and the implementation method thereof

The Reinvestigation Subcommittee sorts out the matters to be reinvestigated, conducts a necessary investigation including interviewing the parties and related persons, and prepares a report of the reinvestigation results.

### 5. Results of an appeal and notice thereof

The Harassment Prevention Committee deliberates on whether or not there was harassment based on the results of the reinvestigation by the Reinvestigation Subcommittee, and reports its reinvestigation results to the President. The President notifies the parties of the reinvestigation results. In addition, if necessary, the President notifies the supervisors of the parties of the reinvestigation results.

## IV. Urgent measures

If the Chairperson determines from the contents of a grievance, etc. that it is necessary to implement urgent measures based on the following criteria, the Chairperson may demand that the Director, etc. of the division take prompt and appropriate action:

- (i) If there is determined to be a risk of a party or a related person harming themselves or others
- (ii) If there is determined to be a risk of an illegal act
- (iii) If it is determined that the learning environment of a student, etc. will be harmed and significant hindrance will be caused to their job hunting or advancement to school
- (iv) If it is otherwise determined to be necessary to implement urgent measures, such as that multiple requests for complaint consultation were filed against the same party

## V. Treatment of an act of agency

No act of agency is allowed in a grievance procedure, in principle.

However, this does not apply if the Harassment Prevention Committee finds that an act of agency contributes to a smooth investigation or deliberation.

## VI. Treatment of sound-recorded material

In a grievance procedure, if a party or a related person wishes to submit a sound recording medium, the party or the related person is requested to prepare a sound recording medium, etc. submission form (Attached Form 5) and to submit its transcript.

## VII. Treatment of suspension and termination of a grievance procedure

### 1. Suspension of an investigation

The Harassment Prevention Committee may suspend an investigation by an Investigation Subcommittee in any of the following cases:

- (1) If the petitioner does not respond to an investigation necessary for clarifying the facts, and a reasonable period has elapsed
- (2) If the petitioner cannot be contacted at the contact information stated in the grievance petition, and a

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reasonable period has elapsed

(3) If the petitioner requests suspension of the investigation

## 2. Termination of a grievance

In any of the following cases, the Harassment Prevention Committee may, after a deliberation, terminate the investigation by the Investigation Subcommittee, and terminate the grievance:

(1) If a reasonable period has elapsed after suspension of the investigation

(2) If the petitioner requests withdrawal of the grievance petition

## VIII. Treatment of suspension and termination of an appeal

### 1. Suspension of a reinvestigation

In any of the following cases, the Harassment Prevention Committee may suspend a reinvestigation by a Reinvestigation Subcommittee:

(1) If the appellant does not respond to a reinvestigation necessary for clarifying the facts, and a reasonable period has elapsed

(2) If the appellant cannot be contacted at the contact information stated in the appeal petition, and a reasonable period has elapsed

(3) If the appellant requests suspension of the reinvestigation.

### 2. Termination of an appeal

In any of the following cases, the Harassment Prevention Committee may, after a deliberation, terminate the reinvestigation by the Reinvestigation Subcommittee, and terminate the appeal:

(1) If a reasonable period has elapsed after suspension of the reinvestigation

(2) If the appellant requests withdrawal of the appeal petition

#### Notes

1. This "Procedure of Grievance Relevant to Harassment" comes into effect as of April 1, 2024.

2. The "Procedure of Harassment Grievance (Decision of the Anti-Harassment Committee on October 6, 2010)" is repealed.

#### Notes

1. This "Procedure of Grievance Relevant to Harassment" comes into effect as of May 10, 2024.

2. If a grievance procedure is ongoing as of the effective date, and the prior notice to the respondent cannot be given by 14 days prior to the date of the interview, the notice is to be given promptly.

#### Notes

1. This "Procedure of Grievance Relevant to Harassment" comes into effect as of August 1, 2024.